

# TOWN PLANNING BOARD

TPB PAPER NO. 10682  
FOR CONSIDERATION BY  
THE TOWN PLANNING BOARD  
ON 16.10.2020

REVIEW OF APPLICATION NO. A/SK-PK/254  
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

Proposed Redevelopment of House (New Territories Exempted House (NTEH))  
Lot 110 in D.D. 219, Kei Pik Shan, Tai Chung Hau  
Sai Kung, New Territories

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**1. Background**

- 1.1 On 3.9.2019, the applicant, Master Art Limited, represented by Man Chi Consultants and Construction Limited, sought planning permission to redevelop one New Territories Exempted House (NTEH) 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 “Conservation Area” (“CA”) on the approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11.
- 1.2 On 15.5.2020, 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 “CA” zone which is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. The applicant fails to provide strong justification in the submission for a departure from the planning intention; and
  - (b) the applicant fails to demonstrate a house had been erected on the Site and that the development intensity of the proposed house will not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the gazette of the notice of the interim development permission area plan.
- 1.3 The application is for redevelopment of a two-storey NTEH with site area of 67.8m<sup>2</sup>, a total gross floor area (GFA) of 120m<sup>2</sup> and a building height not exceeding 6.4m. According to the Remarks of the “CA” zone, no redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the interim development permission area (IDPA) plan. With reference to the aerial photo of the Lands Department, the Site was partly vegetated and vacant when the Pak Kong IDPA Plan No. IDPA/SK-PK/1 was gazetted on 12.10.1990 (**Plan R-3a**) and no structure was found in existence.
- 1.4 For Members’ reference, the following documents are attached:

- (a) RNTPC Paper No. A/SK-PK/254 (Annex A)
- (b) Extract of minutes of the RNTPC Meeting held on 15.5.2020 (Annex B)
- (c) Secretary of the Board's letter dated 29.5.2020 (Annex C)

## 2. Application for Review

On 2.6.2020, 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 24.7.2020 and 29.9.2020, the applicant submitted written representations in support of the review application (**Annexes E and F**).

## 3. Justifications from the Applicant

The justifications put forth by the applicant in support of the review application is detailed in the written representations at **Annexes E and F** and summarized as follows:

### Contrary to the Planning Intention of the "CA" Zone

- (a) the Site is an Old Schedule House Lot under Block Crown Lease issued in 1905 with a total registered area of 0.02 acres (about 80.93m<sup>2</sup>) with a general description for "house" purpose with no development restriction stipulated therein. On 21.8.1979, the Lands Department (LandsD) approved a previous rebuilding application to allow a 3-storey house to be built at the Site. The current application for the proposed use will enable the applicant to legitimately execute the right of the already established building status within the Site;
- (b) notwithstanding the fact that the Site falls within "CA" zone, the landscape and ecological value of the Site are not significant compared to other parts of the "CA" zone as there is currently no tree and vegetation within the Site. Besides, the Site does not fall within the area under other related environmental conservation ordinance, and has remained its site characteristics for more than 50 years. The proposed use with small scale in nature (i.e. one 2-storey block of NTEH) would not affect the landscape and ecological values at the Site and the surrounding environment;
- (c) since the Site has long been formed for more than 50 years, it is impracticable and uneconomic to reinstate the land to the condition immediately before the first gazettal of the Interim Development Permission Area (IDPA) plan. The rejection of the current application would not lead to a site rehabilitation for "CA" use as it has long been formed, the Site would remain idle, perpetuating land wastage with no benefits to either the society or the economy. Alternatively, should the planning application be approved, the proposed use will take full advantage of the location and physical state of the Site, to optimize the land resource to redevelop one NTEH with housing entitlement to the applicant;
- (d) no undesirable precedent would be set by approving the proposed use of its site history, scale and unique nature i.e. being granted housing entitlement before the gazettal of the IDPA plan. Instead, approval of the application would allow the Board and other government departments concerned to legitimately and perpetually

regularise the existing site conditions, by imposing proper planning controls or other relevant requirements over the Site thereafter;

#### Demonstration of a Long Established Housing Entitlement

- (e) structures or ruins of the original house could be identified on the aerial photos taken in 1956, 1963 and 1976 (**Drawings R-1 to R-3**) and a survey sheet from LandsD in February 1963 (**Drawing R-4**). An aerial photo taken in 1990 also showed that the Site was a piece of formed land without any tree and vegetation immediately before the gazette of the IDPA plan. The Site's characteristic has continued since it came into existence;

#### Net Reduction in Site Intensity

- (f) the Site is under Block Crown Lease issued in 1905 with a class of "house" of 0.02 acre (about 80.93m<sup>2</sup>) in size. In comparing with the previously rejected planning application No. A/SK-PK/44 submitted by another applicant in 1997, the current application involves about 120m<sup>2</sup> of the GFA which is far less than that of the previous application and the issued Block Crown Lease. The already low and further decreased redevelopment intensity of the proposed house development compared to the previous application would not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the gazette of the notice of the IDPA plan; and

#### No Objection / No Adverse Comment from Consulted Government Departments

- (g) all consulted government departments have no objection/no adverse comment on the current application except Chief Town Planner/Urban Design and Landscape, Planning Department has reservation concerning the degradation of the landscape character of the area. In terms of the small scale in nature and a long history of establishment of the Site, it is expected there would be no degradation to the landscape character of the area.

### **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 7 of **Annex A** and recapitulated below. There has been no material change of the situation since then.

- (a) The Site is:
  - (i) located on a flat and formed platform with the subject lot fenced;
  - (ii) accessible by a footpath leading from the south of the Site; and
  - (iii) falls within the water gathering ground (WGG) which covers a large part of Kei Pik Shan.
- (b) The surrounding area has the following characteristics:

- (iv) to its north, west and south are dense woodland. To its further north and west is Ma On Shan Country Park;
- (v) to its east is a private lot (Lot 111 in D.D. 219) which is fenced off with brick walls with several structures and gardens inside (subject of planning enforcement action for unauthorized development involving storage use); and
- (vi) to its south is a natural stream and a footbridge providing access to the Site and Lot 111 in D.D. 219. Across the stream to the south is dense woodland, vegetation and slopes which remain in a relatively natural state.

#### Planning Intention

- 4.2 There has been no change in planning intention of the “CA” zone, which is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

#### Previous Application

- 4.3 The relevant previous application at the time of the consideration of the s.16 application is mentioned in paragraph 5 of **Annex A**.

#### Similar Application

- 4.4 There is no similar application within the same “CA” zone.

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

- 5.1 Comments on the s.16 application made by relevant government departments are stated in paragraph 9 of **Annex A**.
- 5.2 For the review application, the following government departments have been further consulted and their updated comments are summarised as follows:

#### **Environment**

##### 5.2.1 Comments of the Director of Environmental Protection (DEP):

- (a) the Site is located within upper indirect WGG. The Site is accessible only by a footpath and the applicant has confirmed in the Further Information (FI) dated 10.10.2019 (**Appendix Ib** of **Annex A**) that the building materials will be delivered to the Site manually using the existing footpath and construction of an access road is not required. The use of septic tank and soakaway system is proposed for treating the

wastewater from the redevelopment of NTEH with a small population of five persons;

- (b) he notes Water Supplies Department's (WSD) view that the proposed septic tank and soakaway system located within the upper indirect WGG is still acceptable for an isolated development and does not object to the application;
- (c) in view that WSD is the controlling authority for developments within the WGG and water resources in Hong Kong and the key pollution concern being sewage discharge, he concurs with WSD's view and has no objection to the application;
- (d) the applicant is reminded to design and construct the septic tank and soakaway system in accordance with the ProPECC PN5/93, in particular the 30m minimum clearance from the nearby watercourse. Hence, the following advisory clause is suggested to be incorporated:

*“Note the Director of Environmental Protection’s advice 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 (AP).”*; and

- (e) should the application be approved, the following approval condition previously proposed in the s.16 stage is not required:

*“The provision of a septic tank and soakaway pit system for foul effluent disposal to the satisfaction of Director of Environmental Protection or of the Town Planning Board.”*

- 5.3 The following government departments maintain their previous comments on the s.16 application as stated in paragraph 9 of **Annex A**, which are recapitulated below:

#### **Land Administration**

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

- (a) the Site is an Old Schedule House Lot under Block Government Lease and it has an area of 0.02ac (about 80.93m<sup>2</sup>) and class of “House” with an annual rent of \$0.50;
- (b) there was a rebuilding application submitted from the previous landowner in 1979. The Site was approved to redevelop one building by way of Approval Letter issued on 21.8.1979 which allows to build a 3-storey building with 700 sq.ft (i.e. 65.04m<sup>2</sup>) in built-over area and 7.62m in height but its balconies/canopy are not allowed to project over government land. However, the Site was not redeveloped and the approval for rebuilding of the Site was withdrawn on 31.5.1982 because

of the change of land ownership. No rebuilding application has been received thereafter and there is no record of the current use of the Site; and

- (c) from land administration point of view, he has no objection to the planning application. The rebuilding proposal of NTEH would be processed by way of Approval Letter if a rebuilding application is received and valid planning permission has been obtained. He will post notices and seek comments from relevant departments. However, there is no guarantee that the rebuilding proposal will be approved.

### **Water Supply**

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

- (a) the Site is located within the upper indirect WGG;
- (b) no objection to the application subject to the following conditions:
  - (i) a septic tank and soakaway pit system shall be used for foul effluent disposal. Any such permitted septic tank and soakaway pit system shall be designed and maintained in accordance with the Environmental Protection Department's ProPECC Practice Note No. 5/93;
  - (ii) the septic tank and soakaway pit system shall be located at a distance of not less than 30m from any water course and shall be properly maintained and desludged at a regular frequency. All sludge thus generated shall be carried away and disposed of outside the gathering grounds;
  - (iii) the whole of foul effluent from the Site shall be conveyed through cast iron pipes or other approved material with sealed joints and hatch boxes;
  - (iv) the house should be located as far away from the water course as possible; and
  - (v) the drainage facilities should be designed and provided to the satisfaction of the Director of Water Supplies or of the Board; and
- (c) for provision of water supply to the development, the applicant may need to extend his/her 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.

### **Landscape**

#### 5.3.3 Comments of the Chief Town Planner/Urban Design and Landscape,

Planning Department (CTP/UD&L, PlanD):

- (a) she has reservations on the application from landscape planning perspective;
- (b) with reference to the aerial photo of 2018, the Site is located at the heart of the “CA” zone and surrounded by extensive native woodlands. It is also sitting at the door-step (less than 300m) of Ma On Shan Country Park. The Site is situated in an area of upland and hillside landscape character predominated by dense woodlands and small quantity of structures / houses. The proposed development is not entirely compatible with the surrounding environment;
- (c) when comparing the series of aerial photos from 1990 to 2018, the Site and its surrounding area was originally covered with vegetation, but it had been cleared and formed since 1998. The Site is currently vacant without vegetation and surrounded by chain link fence along the site boundary. No existing tree and planting of high-valued conservation is found within the Site;
- (d) having reviewed the drainage layout plan and block plan submitted by the applicant in its FI dated 16.1.2020 (**Drawing A-5 of Annex A**), there is insufficient information to demonstrate the existing vegetation along the footpath/proposed u-channel and catchpit would not be affected by the proposed development during construction stage;
- (e) although no further adverse landscape impact arising from the proposed development is anticipated, approving the application would set an undesirable precedent for similar site modification within the “CA” zone prior to approval. The cumulative effect of which would result in a general degradation of the landscape character of the area and undermine the intactness of the “CA” zone; and
- (f) in view of limited space within the Site and the Site is not facing any public frontage, implementation of effective landscape treatment to enhance the public realm seems not practicable. It is considered not necessary to impose any landscape-related condition should the application be approved by the Board.

**Drainage**

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

- (a) no in-principle objection to the application from a drainage maintenance viewpoint provided that necessary stormwater drainage collection and disposal facilities would be provided in connection with the proposed use to deal with the surface runoff of the Site or the same on to the Site from the adjacent areas without causing any adverse drainage impact to the areas or nuisance to the adjoining areas; and



- (b) according to DSD's records, the Site is within an area where neither stormwater nor sewerage connections maintained by DSD is available in the vicinity at present.

### **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 referred to (b) above.

### **Nature Conservation**

- 5.3.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):
- (a) no comment on the application;
  - (b) the proposed redevelopment site is within a private lot located in a piece of barren government land and is not adjoining to the surrounding natural vegetation. The area of barren land mentioned above has been vacant for decades according to available records of aerial photos. The Site is more than 40m from a nearby natural stream. Nevertheless, the Site is accessible only by a footpath bordered by natural vegetation;
  - (c) it is noted from the applicant's FI submission dated 17.1.2020 (**Drawing A-5 of Annex A**) that the revised drainage plan will not encroach onto any natural vegetation in the "CA" zone. The applicant has also undertaken to use the existing footpath to deliver the concrete and building material manually in order to minimise the impact to natural vegetation in the "CA" zone; and
  - (d) the applicant should be reminded to implement necessary measures for protection of trees along the footpath as recommended in the "Guidelines on Tree Preservation during Development" promulgated by Greening Landscape and Tree Management Section of Development Bureau in April 2015 with the aim to minimise any damage to trees on government land in the "CA" zone.

### **Fire Safety**

- 5.3.7 Comments of the Director of Fire Services (D of FS):
- (a) no specific comment on the application; and

- (b) the applicant is advised to observe “New Territories Exempted Houses – A Guide to fire safety Requirements” published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.

5.4 The following government departments maintain their previous views of having no objection to or comment on the review application:

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

## **6. Public Comments Received During Statutory Publication Period**

6.1 On 12.6.2020 and 31.7.2020, the review application and written representation submitted on 24.7.2020 were published for public inspection. During the first three weeks of the statutory public inspection periods, which ended on 3.7.2020 and 21.8.2020 respectively, two comments were received from Kadoorie Farm and Botanic Garden and an individual of the public (**Annex G**). The commenters object to the application mainly on grounds that the proposed development is not in line with the planning intention of the “CA” zone and the applicant fails to provide strong justification in the submission for a departure from the planning intention; the Site is located next to a hiking trail; setting of an undesirable precedent for similar applications within the “CA” zone; infrastructural impacts are anticipated given the isolated location of the Site; and approval of the planning application is not in the public interest.

6.2 Four public comments, three objecting to the application on grounds similar to the above and one commenting on the application, received at the s.16 application stage are set out in paragraph 10 of the RNTPC Paper in **Annex A**.

## **7. Planning Considerations and Assessments**

7.1 The applicant applies for review of the RNTPC’s decision on 15.5.2020 to reject the application for proposed redevelopment of one house (NTEH) at the Site. The application was rejected mainly on the grounds that the proposed redevelopment is not in line with the planning intention of the “CA” zone, the applicant fails to demonstrate a house had been erected on the Site and that the development intensity of the proposed house will not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the gazette of the notice of the IDPA plan. There has been no change in planning circumstances since the rejection of this application.

7.2 The Site falls entirely within an area zoned “CA” on the approved Pak Kong and Sha Kok Mei OZP. The planning intention of the “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for

conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted. The proposed development is not in line with the planning intention of the “CA” zone and there is no strong justification for a departure from the planning intention of the “CA” zone.

- 7.3 The applicant argues in the review submission that notwithstanding the Site falls within the “CA” zone, its landscape and ecological value is not significant as there is no trees and vegetation within the Site; and since the Site has long been formed for more than 50 years, it is impracticable and uneconomic to reinstate the land to the condition immediately before the first gazettal of the IDPA plan. The Site is located in the heart of the “CA” zone and surrounded by extensive native woodlands. It is also less than 300m of Ma On Shan Country Park. The Site is situated in an area of upland and hillside landscape character predominated by dense woodlands and small quantity of structures/houses. CTP/UD&L, PlanD considers that the proposed redevelopment is not entirely compatible with the surrounding environment. Furthermore, according to CTP/UD&L, comparing the series of aerial photos from 1990 to 2018, the Site and its surrounding area were originally covered with vegetation, but the Site has been cleared and formed since 1998 (**Plan R-3b**). The Site is currently vacant without vegetation and surrounded by fence along the Site boundary. Although no existing tree and planting of high-valued conservation is found within the Site and no further landscape impact arising from the proposed development is anticipated, CTP/UD&L maintains her views that she has reservation on the application from landscape planning perspective.
- 7.4 The applicant also claims that a previous rebuilding application to allow a 3-storey house to be built at the Site was approved. The current application will enable the applicant to legitimately execute the right of the already established building status within the Site. According to DLO/SK, approval was granted to the previous landowner to redevelop one building by way of Approval Letter issued on 21.8.1979. However, the Site was not redeveloped and the approval for rebuilding of the Site was withdrawn on 31.5.1982 because of the change of land ownership. On structures or ruins of the original house as shown on the aerial photos taken in 1956, 1963 and 1976 and a survey sheet from LandsD in 1963 (**Drawings R-1 to R-4**) provided by the applicant, it should be noted that according to the Remarks of the Notes of the “CA” zone, no redevelopment, including alteration and /or modification, of an existing house shall result in a total redevelopment in excess of the plat ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the IDPA plan. With reference to the aerial photo of LandsD, the Site was partly vegetated and vacant when the Pak Kong IDPA Plan No. IDPA/SK-PK/1 was gazetted on 12.10.1990 (**Plan R-3a**) and no structure was found in existence. The applicant states in the review submission that the current application involves less GFA (120m<sup>2</sup>) than the previous scheme (195m<sup>2</sup>) and the low and further decreased redevelopment intensity of the proposed house development compared to the previous application would not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the gazette of the notice of the IDPA plan. However, there is neither information provided in the written representation to demonstrate a house had been erected on the Site, nor is there

sufficient proof that the proposed reduction of the development intensity of the current application as compared to the previous application would not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication of the IDPA plan.

- 7.5 Relevant government departments have no objection to or no comment on the application on technical aspects. The applicant has submitted a drainage proposal in the s.16 stage to support the proposed redevelopment (**Drawing A-5 of Annex A**). However, it is noted that the drainage proposal falls outside the Site and involves both the adjacent private lot (i.e. Lot 111 in D.D. 219) and government land in the “CA” zone. The applicant has not provided any information regarding any excavation or land filling works required for the proposed drainage works and to demonstrate the existing vegetation along the footpath/proposed u-channel and catchpit would not be affected by the proposed works.
- 7.6 The Site is the subject of a previous application (No. A/SK-PK/44) for House (Redevelopment) submitted by a different applicant and was rejected by the Committee on 2.5.1997 and the Board on 26.9.1997 upon review mainly on the grounds of not in line with the planning intention of the “CA” zone; the existing track leading to the Site is substandard and is inadequate to serve the proposed development; approval of the proposed redevelopment will set an undesirable precedent for similar applications which cumulatively will lead to adverse impacts on the natural character of the area and cause adverse effects on the environment and infrastructural provisions in the area; and there is no information in the submission to demonstrate that there would not be any increase in plot ratio, site coverage and building height in the proposed redevelopment scheme as compared to the alleged previously existing house on the Site, a comparison required to meet the stipulation in the Notes for the “CA” zone. The applicant lodged an appeal to the Town Planning Appeal Board and the appeal was subsequently dismissed on 9.12.1998 mainly on planning intention, access track and development intensity grounds. It is noted that the Site and its surrounding area originally covered with vegetation had been cleared and formed since 1998 i.e. after the rejection of the previous application. The applicant fails to demonstrate that the proposed house redevelopment would not result in a general degradation of the landscape character of the area. Approval of the application will set an undesirable precedent for other similar applications within the “CA” zone and the cumulative effect of approving such applications will result in a general degradation of the landscape character of the area.
- 7.7 Regarding the public comments objecting to the application, the assessments in paragraphs 7.2 to 7.6 above are relevant.

## **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, the Planning Department maintains its previous view of not supporting the review application for the following reasons:
- (a) the proposed development is not in line with the planning intention of the “CA” zone which is to protect and retain the existing natural landscape,

ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. The applicant fails to provide strong justification in the submission for a departure from the planning intention; and

- (b) the applicant fails to demonstrate a house had been erected on the Site and that the development intensity of the proposed house will not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the IDPA plan.

8.2 Alternatively, should the Board decide to approve the application on review, it is suggested that the permission shall be valid until **16.10.2024**, 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 provision of septic tank, as proposed by the applicant, at a location to the satisfaction of Director of Lands or of the Town Planning Board; and
- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Water Supplies or the Town Planning Board.

#### Advisory Clauses

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

### **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 reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 9.3 Alternatively, should the Board decide to approve the review application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.

### **10. Attachments**

<b>Drawings R-1 to R-3</b>	Extracts of aerial photos submitted by the applicant
<b>Drawing R-4</b>	Extract of survey sheet submitted by the applicant
<b>Plan R-1</b>	Location plan
<b>Plan R-2</b>	Site plan

<b>Plans R-3a to R-3c</b>	Aerial photos
<b>Plans R-4a and R-4b</b>	Site Photos
<b>Annex A</b>	RNTPC Paper No. A/SK-PK/254
<b>Annex B</b>	Extract of Minutes of the RNTPC Meeting on 15.5.2020
<b>Annex C</b>	Secretary of the Board's letter dated 29.5.2020
<b>Annex D</b>	Letter from the applicant's representative dated 2.6.2020 applying for a review of the RNTPC's decision
<b>Annex E</b>	Letter from the applicant's representative dated 24.7.2020 with submission supporting the s.17 review
<b>Annex F</b>	Letter from the applicant's representative dated 29.9.2020
<b>Annex G</b>	Public Comments
<b>Annex H</b>	Recommended Advisory Clauses

**PLANNING DEPARTMENT  
OCTOBER 2020**