

RNTPC Paper No. A/SK-TMT/57A
 For Consideration by the Rural and
 New Town Planning Committee
 on 12.5.2017

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-TMT/57

- Applicant** : Cheung Chun Wa represented by Wong Sun Wo
- Site** : Lot 33 RP in D.D. 256, Tai Po Tsai Village, Tai Mong Tsai, Sai Kung, New Territories
- Site Area** : 267.1m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan (OZP) No. S/SK-TMT/4
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed House (New Territories Exempted House (NTEH) – Small House)

1. The Proposal

- 1.1 The applicant, indigenous villager of Tai Po Tsai Village, seeks planning permission for development of one NTEH (Small House) at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, within the “GB” zone, ‘House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board).
- 1.2 The planning parameters of the proposed Small House are as follows:
- | | |
|------------------|----------------------|
| Site Area: | 267.1m ² |
| Covered Area: | 65.03m ² |
| Total GFA: | 195.09m ² |
| No. of Storey: | 3 |
| Building Height: | 8.23m |
- 1.3 The applicant indicates in the submitted landscape proposal that 62 trees will be planted at the northern part of the Site (**Drawing A-2**). The plans submitted by the applicant are shown at **Drawings A-1 to A-3**.
- 1.4 The Site is the subject of a previous application rejected by the Rural and New Town Planning Committee (the Committee) on 10.6.2016. There is no change in the development

proposal under the current application except that the applicant has submitted a new Geotechnical Planning Review Report to support the application under the current scheme.

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application form and attachments dated 2.11.2016 (Appendix I)
- (b) Further Information (FI) dated 8.12.2016 providing responses (Appendix Ia) to departmental comments (exempted from the publication and recounting requirements)
- (c) FI dated 12.12.2016 and 19.12.2016 providing a revised (Appendix Ib) Geotechnical Planning Review Report (not exempted from the publication and recounting requirements)
- (d) FI dated 16.1.2017 providing responses to departmental (Appendix Ic) comments (exempted from the publication and recounting requirements)
- (e) FI dated 15.3.2017 providing responses to departmental (Appendix Id) comments (exempted from the publication and recounting requirements)
- (f) FI dated 14.4.2017 providing responses to departmental (Appendix Ie) comments (exempted from the publication and recounting requirements)

1.6 On 3.2.2017, the Committee agreed to defer making a decision on the application for 2 months, as requested by the applicant, to allow time for preparation of FI to address the comments of relevant government departments. On 15.3.2017, the applicant submitted FI. 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 Part 9 of the application form at Appendix I. They can be summarized as follows:

The applicant intends to apply for Small House development on the government land within the "Village Type Development" (V") zone on the OZP. However, the Village Representative has advised that vacant government land in the "V" zone is densely vegetated. The development of Small House on government land would involve extensive clearance of vegetation, which would not be acceptable by the local villagers. As advised by the Village Representative, the Site would be more suitable for Small House development and no villager would object to the application.

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 Consideration of Application for NTEH/Small House in 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. On 23.8.2002, criterion (i) which requires that the application site, if located within water gathering grounds (WGG), should be able to be connected to the existing or planned sewerage system in the area was incorporated. The latest set of Interim Criteria with criterion (i) remained unchanged was promulgated on 7.9.2007 and 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 this application (**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 of 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 Application

The Site is the subject of a previous planning application (Application No. A/SK-TMT/53) for the development of one Small House submitted by the same applicant. The previous application was rejected by the Committee on 10.6.2016 on the grounds that the proposed development was not in line with the planning intention of "GB" zone; not in line with the Interim Criteria; not in line with the TPB PG-No. 10 in that the Site falls within Lower Indirect Water Gathering Ground (WGG) and there is no public sewerage connection available in the vicinity; the applicant fails to demonstrate that the proposed development would not cause adverse landscape impact on "GB"

zone; slope stability; and setting an undesirable precedent for other similar applications within the “GB” zone.

7. Similar Application

7.1 There is one similar application (Application No. A/SK-TMT/31) for 4 proposed NTEHs (Small Houses) in the vicinity on OZP (Plans A-1 and A-2a). The application was rejected by the Board on 23.12.2011 on grounds of not in line with the planning intention of “GB” zone; general incompliance with the Interim Criteria and possible adverse impacts on the water quality of the area.

7.2 Details of the similar application are summarized at **Appendix IV** and its location is shown on **Plans A-1 and A-2a**.

8. The Site and Its Surrounding Areas (Plans A-1 and A-2a and photos on Plans A-3 and A-4)

8.1 The Site is:

- (a) within a vegetated slope and covered with herbs and shrubs;
- (b) within the ‘Village Environs’ (‘VE’) of Tai Po Tsai Village; and
- (c) within the Lower Indirect WGG.

8.2 The surrounding areas have the following characteristics:

- (a) to the north and east are densely vegetated land with mature trees;
- (b) two existing village houses built before the gazette of the Development Permission Area plan are found to the northeast and southeast of the Site; and
- (c) to the west is the “V” zone of Tai Po Tsai Village.

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. Comments from Relevant Government Departments

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

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone? -Footprint of the NTEH/Small House		100%	Within the “GB” zone.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	-Application site		100%	
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 2.475 ha (or equivalent to 99 Small House sites). The outstanding Small House applications are 12 while the 10-year Small House demand forecast is 87. • Land available to meet Small House demand: about 2.04 ha (or equivalent to 81 Small House sites)
4.	Compatible with the planning intention of "GB" zone?		✓	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.
5.	Compatible with surrounding area/ development?	✓		The surrounding areas are rural in character with mature trees and clusters of village houses (Plan A-3).
6.	Within Water Gathering Ground?	✓		CE/Construction, WSD objects to the application as the Site is within the Lower Indirect WGG, there is high risk of pollution to the WGG. The applicant proposes in his submission on the use of sand as sewerage absorbent with concrete barrier to address the problem of spillage during the sewerage tankering operation. However, the applicant has not demonstrated the effectiveness of the measures in

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				<p>containing the spillage e.g. quantity being absorbed, possible seepage through the concrete base, etc. Furthermore, it is not shown in the drawing whether the loading bay will be covered and enclosed to prevent washing away of the sand during downpour.</p> <p>Besides, the applicant has still not yet addressed his concern on the risk of pollution to the water course due to possible overflow/leakage from the proposed septic tank and holding tank. Without strict adherence to the inspection and maintenance programme, malfunctioning of septic tank and holding tank systems are not uncommon, this will seriously limit their effectiveness and pose a pollution risk.</p> <p>Regarding the FI submitted by the applicant on 14.4.2017 (Appendix Ie), WSD considers that the risk of pollution to the water course is not fully addressed. In anticipating large quantity of sewage to be stored at Site, the risk of pollution to our water source due to overflow/leakage/spillage/ malfunctioning of the system is high.</p> <p>Director of Environmental Protection (DEP) objects to the application from water quality perspective. DEP advises that as the Site is located within WGG, based on the Hong Kong Planning Standards and Guidelines, use of septic and soakaway system is not allowed. Even though the applicant proposes to add storage tank to the system, there could still be potential overflow problem from the septic tank and storage tank facilities which could pollute the potable water quality in the WGG.</p>

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				Regarding the FI submitted by the applicant on 14.4.2017 (Appendix Ie), EPD considers that the applicant's mitigations, including large scale storage tanks, cannot fully address the potential risk of sewage contamination to the water gathering ground due to sewage leakage/overflow, spillage or malfunctioning of the system.
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	Director of Fire Services (D of FS) has no in-principle objection to the application. The applicant is reminded to observe the '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 applications referred by Lands Department.
9.	Traffic Impact?	✓		Commissioner for Transport (C for T) has reservation on the application. Such type of 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. As the application only involves one Small House, C for T considers that the application can be tolerated unless it is rejected on other grounds.
10.	Drainage Impact?		✓	Chief Engineer/Mainland South, Drainage Services Department

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				(CE/MS, DSD) advises that the proposed house is located in very close proximity of an existing streamcourse which is a key drainage to convey stormwater runoff from the upstream catchment. He has no objection to the application on condition that the applicant can submit satisfactory stormwater drainage and site formation proposals to demonstrate that there would be adequate measures provided at the resources of the applicant to avoid the proposed site from being eroded and flooded, and to ensure the capacity of streamcourse and flooding susceptibility of the adjoining areas would not be adversely affected by the proposed development.
11.	Landscaping Impact?	✓		Chief Town Planner/ Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advises that with reference to the aerial photographs in 2010 to 2014 and recent site visit, trees and vegetation originally within the Site were found removed. In addition, the trees at the adjacent area outside the site boundary connected to Yan Yee Road are replaced by extensive asphalt. Landscape impact on existing landscape resources in the Site and its vicinity has taken place. He has reservation on the application from landscape planning perspective as the proposed Small House and septic tank located at vegetated slope may require construction of retaining wall/extensive slope work which may cause adverse impact on the existing trees and vegetation adjacent to the Site. Although the applicant proposed to plant some new trees near the northern boundary, the proposed trees location will be in conflict with existing trees. As there is no

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				<p>information on the treatment of existing trees, the landscape impact arising from the proposed development cannot be ascertained. Besides, the proposed planting of 62 trees within the Site and along the site boundary is not realistic.</p> <p>He further advises that approval of the applicant would set an undesirable precedent attracting other similar applications resulting in encroachment into the "GB", encouraging unauthorized vegetation clearance and site modification prior to obtaining planning approval. The landscape quality of "GB" zone will therefore be undermined.</p> <p>Should the Committee approve the application, an approval condition requiring the applicant to submit and implement a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board is recommended.</p>
12.	Geotechnical Impact?		✓	<p>Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) has no comments on the revised Geotechnical Planning Review Report. CEDD considers that should the application be approved, the applicant is required to submit a Natural Terrain Hazard Study and implement the mitigation measures recommended therein to his satisfaction.</p>
13.	Local objection conveyed by District Officer/Sai Kung (DO/SK, HAD)?		✓	<p>DO/SK, HAD has no comment on the application.</p>

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

- (a) C for T;
- (b) CBS/NTE2 & Rail, BD
- (c) DEP;
- (d) D of FS;
- (e) CE/MS, DSD;
- (f) CE/Construction, WSD;
- (g) CTP/UD&L;
- (h) District Land Officer/Sai Kung (DLO/SK); and
- (i) H(GEO), CEDD.

10.3 The following government departments have no comment on the application:

- (a) Chief Engineer (Works), Home Affairs Department (CE(Works), HAD);
- (b) District Officer /Sai Kung, HAD;
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) Project Manager (New Territories East), CEDD (PM(NTE), CEDD); and
- (e) Chief Highway Engineer/New Territories East, Highways Department (CHE/NT East, HyD).

11. Public Comments Received During Statutory Publication Period

The application and the further information received on 2.11.2016 and 12.12.2016 were published for public inspection on 11.11.2016 and 16.12.2016 respectively. During the first three weeks of the statutory public inspection periods, which ended on 2.12.2016 and 6.1.2017 respectively, a total of three public comments objecting to the application were received from Kadoorie Farm & Botanic Garden Corporation (**Appendix VIa**), World Wide Fund For Nature Hong Kong (**Appendix VIb**) and an individual (**Appendix VIc**). The commenters object to the application because the proposed development is not in line with the planning intention of the "GB" zoning and there will be adverse impacts on its surroundings, including the nearby mature trees, secondary woodland, seasonal stream and natural habitat.

12. Planning Considerations and Assessments

12.1 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 the "GB" zone. No strong planning grounds have been provided in the submission for a departure from the planning intention.

12.2 According to DLO/SK, the Site falls within the 'VE' of Tai Po Tsai Village. There are 12 outstanding Small House applications within the village and the 10-year Small House demand forecast is 87. It is estimated that about 2.04 ha of land are available in the "V" zone of Tai Po Tsai Village for the development of about 81 Small Houses. Therefore, there is still land available within the "V" zone to meet the outstanding demand of 12 Small Houses, although it cannot fully meet the future Small House demand for 87 Small House sites in the

long run. The applicant claims that government land within the "V" zone is not suitable for development of Small House as it would involve extensive clearance of vegetation. The possible development area has been estimated by deducting the land occupied by or served mainly for existing village houses, roads, slopes, tree clusters especially Fung Shui woodland and approved NTEH cases. 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 infrastructure and services.

- 12.3 The application does not comply with the Interim Criteria as the Site falls within the Lower Indirect WGG where no public sewer is available. The applicant proposes to use sand as sewerage absorbent (**Drawing A-3**) but the proposal is considered not an effective measure in containing the spillage as advised by CE/Construction, WSD. There is also concern from CE/Construction, WSD on possible overflow/leakage from the proposed septic tank and holding tank which will pose risk of pollution to the water course. Both CE/Construction of WSD and DEP object to the application on grounds that adverse impacts related to water quality deterioration within the WGG and water contamination are anticipated.
- 12.4 The Site is located on a vegetated slope surrounded by dense mature trees (**Plan A-2a** and photos on **Plans A-3 and A-4**). With reference to the aerial photograph 2010-2014 and recent site visit, trees and vegetation originally within the Site were found removed. The trees at the adjacent area outside the site boundary connected to Yan Yee Road are replaced by extensive asphalt, landscape impact on existing landscape resources in the Site and its vicinity has taken place. According to the revised GPRR submitted by the applicant at **Appendix Ib**, the proposed development would involve site formation work with construction of building platform above the existing ground level. The proposal may cause adverse impact on the existing trees and vegetation adjacent to the Site. The applicant proposes to plant 62 new trees near the northern boundary of the Site in the landscape proposal but the proposed tree locations are in conflict with the existing trees. The proposed planting of 62 trees within such small area is also not realistic. As no treatment of existing trees has been provided, the landscape impact cannot be ascertained. As such, CTP/UD&L has reservation on the application. The proposed development is not in line with TPB-PG No. 10 in that it would involve vegetation clearance and adverse landscape impact is anticipated. The applicant fails to demonstrate that the proposed development would have no adverse landscape impact on the Site and surrounding areas.
- 12.5 The Site is the subject of a previous application for the same use rejected by the Committee on 10.6.2016 mainly on grounds that the proposed development was not in line with the planning intention of "GB" zone and not in line with the Interim Criteria and TPB PG-No. 10. Since the rejection of the previous application, there is no change in planning circumstances. The approval of the application will set an undesirable precedent for other similar applications in this "GB" zone in the future. The cumulative effect of approving such application will result in a general degradation of the environment and bring about adverse landscape impact and impact on water quality in the area.
- 12.6 The public comments objecting to the application are noted. 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 having taking into account the public comments mentioned in paragraph 11, the Planning Department does not support the 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 Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House development in the New Territories in that the Site falls within Lower Indirect Water Gathering Ground and there is no public sewerage connection available in the vicinity. The applicant fails to demonstrate that the proposed development located within WGG would not have adverse impact on water quality in the area;
- (c) the proposed development is not in line with TPB-PG No. 10 in that it would involve vegetation clearance and adverse landscape impact is anticipated. The applicant fails to demonstrate that the proposed development would have no adverse landscape impact on the Site and surrounding areas; and
- (d) approval of the application will set an undesirable precedent for other similar applications within the "GB" zone. The cumulative effect of approving such applications will result in a general degradation of the environment and bring about cumulative adverse impact on the water quality and landscape of the area.

13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 12.5.2021, 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 condition and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission and implementation of a landscaping and tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) 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
- (d) the submission of a Natural Terrain Hazard Study and implementation of the mitigation measures recommended therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department 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 the permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

15. Attachments

Appendix I	Application forms dated on 2.11.2016
Appendix Ia	Letter dated 8.12.2016 providing FI
Appendix Ib	Letters dated 12.12.2016 and 19.12.2016 providing FI
Appendix Ic	Letter dated 13.1.2017 providing FI
Appendix Id	Letter dated 15.3.2017 providing FI
Appendix Ie	Letter dated 14.4.2017 providing FI
Appendix II	Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Town Planning Board Guidelines for Application for Development within "Green Belt" Zone (TPB PG-No. 10)
Appendix IV	Table showing similar application for Small House
Appendix V	Government departments' detailed comments
Appendix VIa to VIc	Public comments
Appendix VII	Advisory Clauses
Drawing A-1	Site Plan submitted by the applicant
Drawing A-2	Tree Compensation Plan submitted by the applicant
Drawing A-3	Proposed septic tank design submitted by the applicant
Plan A-1	Location Plan
Plans A-2a & 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.

(Revised on 7th September 2007)

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 Application for Small House

(Since the 'Interim Criteria for Consideration of Applications for NTEH/Small House in New Territories' promulgated on 7.9.2007)

Application No.	Location	Date of Consideration	Decision of the RNTPC	Approval Conditions/ Reasons for Rejection
A/SK-TMT/31	Lots 32 S.A ss.4, 32 S.A ss.5, 32 S.B ss.3, 32 S.C RP, 32 S.A ss.7, 32 S.A RP, 32 S.B ss.5, 32 S.B RP, 32 S.A ss.6, 32 S.A ss.8, 32 S.B ss.4, 32 S.B ss.6, 32 S.A ss.2, 32 S.A ss.3, 32 S.B ss.2 and 32 S.C ss.1 in D.D.256, Tai Mong Tsai, Tai Po Tsai Village, Sai Kung, New Territories	18.3.2011	Rejected	(a), (b), (c) and (d)

Approval Conditions:

- (a) Not in line with the planning intension of the "Green Belt" zone
- (b) Not in line with compliance with the 'Interim Criteria for Assessment Planning Applications for NTEH/Small House'
- (c) No information in the submission to demonstrate the proposed Small House development would not impose adverse impacts on the water quality of the area
- (d) Setting undesirable precedent for similar applications within the 'Green Belt' zone

Comments from Relevant Government Departments

1. Land Administration

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

- (a) the subject lot is held under Block Government Lease (demised for agricultural use);
- (b) 10-year Small House Demand Forecast for Tai Po Tsai Village is 87 and the outstanding Small House Application for Tai Po Tsai Village is 12. The figure of 10-year Small House demand was provided by the Indigenous Inhabitant Representative of Tai Po Tsai Village in response to his enquiry. DLO/SK is not in a position to verify the forecast;
- (c) the applicant is an Indigenous Villager of Tai Po Tsai Village;
- (d) the Site falls entirely within the Village Environs of Tai Po Tsai Village; and
- (e) no objection to the application.

2. Drainage

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

- (a) the proposed house is located in very close proximity of an existing streamcourse which is a key drainage to convey stormwater runoff from upstream catchment; and
- (b) he has no objection to the application on the condition that satisfactory stormwater drainage and site formation proposals are submitted to demonstrate that there would be adequate measures provided at the resources of the applicant to avoid the proposed site from being eroded and flooded, and to ensure the capacity of streamcourse and flooding susceptibility of the adjoining areas would not be adversely affected by the proposed development.

3. Landscape

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

- (a) with reference to the aerial photos in 2010 to 2014 and a recent site visit on 11.11.2016, it is observed that the site is located on a platform of gentle sloping ground, some residential developments with dense vegetation and mature trees are found near to the Site. There is a stream nearby to west of the Site which has been dried up in winter and covered by dense vegetation. Weed is found within the Site and mature trees of good forms were found along the perimeter of the Site. Trees and vegetations originally within the Site were found removed. In addition, the trees at the adjacent area outside the site boundary connected to Yan Yee Road are replaced by extensive asphalt. Landscape impact on existing landscape resources in the Site and its vicinity has taken place;

(b) has some reservations on the application from the landscape planning perspective with the following reasons:

(i) the proposed Small House and septic tank located at vegetated slope may require construction of retaining wall/ extensive slope work which may cause adverse impact on the existing trees and vegetation adjacent to the application site. Although the applicant proposes to plant some new trees near the northern boundary, the proposed trees location will be in conflict with existing trees. As there is no information on the treatment of existing trees, the landscape impact arising from the proposed development cannot be ascertained. Besides, the proposed planting of 62 trees within the Site and along the Site boundary is not realistic; and

(ii) approval of the application would set an undesirable precedent attracting other similar applications resulting in encroachment into the "GB", encouraging unauthorized vegetation clearance and site modification prior to obtaining planning approval. The landscape quality of "GB" zone will therefore be undermined.

(c) should the application be approved, a planning condition requiring the applicant to submit and implement a landscaping and tree preservation proposal to the satisfaction of the Director of Planning or of the Board is recommended.

4. Traffic

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

(a) has reservation on the application;

(b) such type of development should be confined within the "Village Type Development" ("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; and

(c) as the application only involves one Small House, he considers that the application can be tolerated unless it is rejected on other grounds.

5. Water Supply

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

(a) objections to the application;

(b) the application site is located within the Lower Indirect Water Gathering Ground (LIWGG). There is high risk of pollution to the Water Gathering Ground;

(c) the applicant proposed in his submission on the use of sand as sewerage absorbent with concrete barrier to address the problem of spillage during the sewerage tankering operation.

However, the applicant has not demonstrated the effectiveness of the measures in containing the spillage, e.g., quantity being absorbed, possible seepage through the concrete base, etc. Furthermore, it is not shown in the drawing whether the loading bay will be covered and enclosed to prevent washing away of the sand during downpour; and

- (d) besides, the applicant has still not yet addressed his concern on the risk of pollution to the water course due to possible overflow/leakage from the proposed septic tank and holding tank. Without strict adherence to the inspection and maintenance programme, malfunctioning of septic tank and holding tank systems are not uncommon, this will seriously limit their effectiveness and pose a pollution risk; and
- (e) regarding the FI submitted by the applicant on 14.4.2017 (Appendix Ie), WSD considers that the risk of pollution to the water course is not fully addressed. In anticipating large quantity of sewage to be stored at Site, the risk of pollution to water source due to overflow/leakage/spillage/malfunction of the system is high.

6. 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.

7. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) as the proposed Site is in WGG, based on the Hong Kong Planning Standards and Guidelines, use of septic and soakaway system is not allowed. Even though the applicant proposes to add storage tank to the system, there could still be potential overflow problem from the septic tank and storage tank facilities which could pollute the potable water quality in the WGG. DEP maintains his objection to proposal from water quality's perspective; and
- (b) regarding the FI submitted by the applicant on 14.4.2017 (Appendix Ie), he advises that the applicant's mitigations, including large scale storage tanks, cannot fully address the potential risk of sewage contamination to the water gathering ground due to sewage leakage/overflow, spillage or malfunctioning of the system.

8. Building Matters

Comments of the Chief Building Surveyor/ NTE2 & Rail, Building Department (CBS/NTE2 & Rail, BD):

- (a) no comment on the application; and

- (b) the applicant should be reminded 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 aforesaid site formation and communal drainage works.

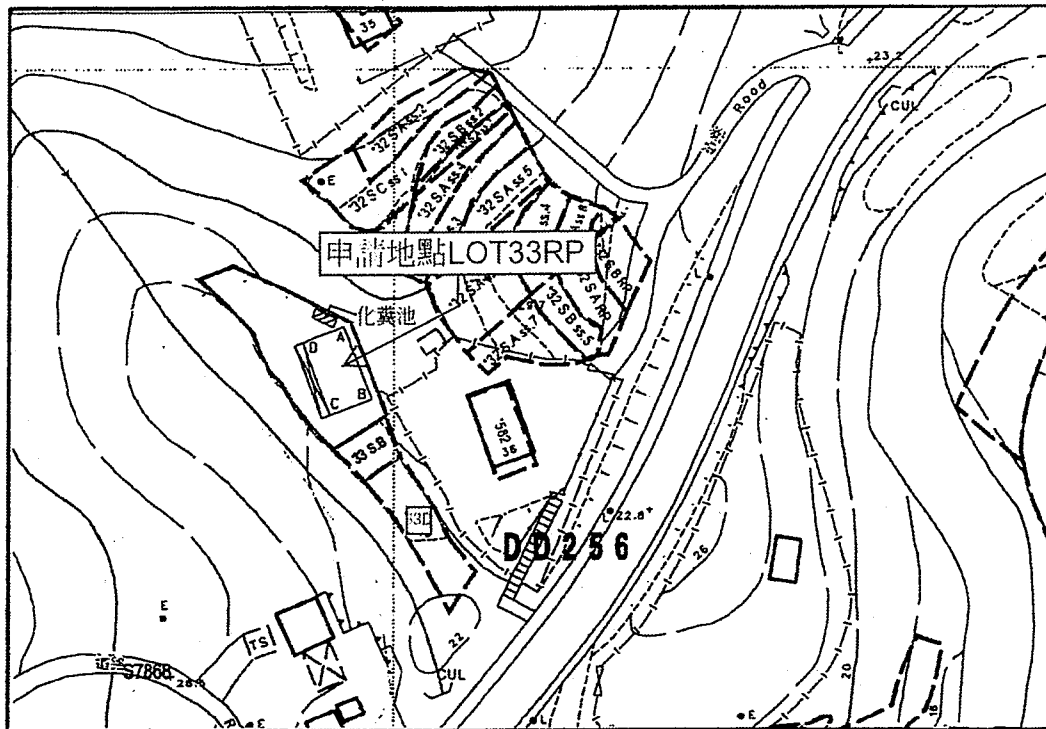
9. Geotechnical Aspect

Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) has no comments on the revised Geotechnical Planning Review Report. CEDD considers that should the application be approved, the applicant is required to submit a Natural Terrain Hazard Study and implement the mitigation measures recommended therein to his satisfaction.

10. Demand and Supply of Small House Sites

According to DLO/SK, the outstanding Small House applications for Tai Po Tsai Village is about 12 while the 10-year Small House Demand Forecast for Tai Po Tsai Village is 87. According to the latest estimate by PlanD, it is estimated that about 2.04 ha of land (equivalent to about 81 Small House sites) is available within the "V" zone of Tai Po Tsai Village. There is still land currently available within the "V" zone to meet the outstanding demand of 12 Small Houses but cannot fully meet the current and future Small House demand.

PROPOSED SMALL HOUSE
LOT 33 RP IN D.D.256



Height of 3-storey small house : 8.230m

Proposed balcony (dimension: 1.220 x 10.668)

Proposed location of Septic Tank

Area of proposed small house : 65.0 sq.m. (about)

Side	Bearing	Distance	Northing	Easting	Point
A-B	159°04'20"	10.668	828564.894	848793.103	A
B-C	249°04'20"	6.096	828554.929	848796.913	B
C-D	339°04'20"	10.668	828552.752	848791.219	C
D-A	69°04'20"	6.096	828562.716	848787.409	D

Survey District: Sai Kung	Survey Sheet No.: B-SW-8A/B
Ref. Plan: ---	Plan No.: SK/256/33RP/PSH-1
Ref. SRP No.: SRP/SK/058/1138/D1	Date: 15 Jan 2015

Rocky Fung Surveying Company

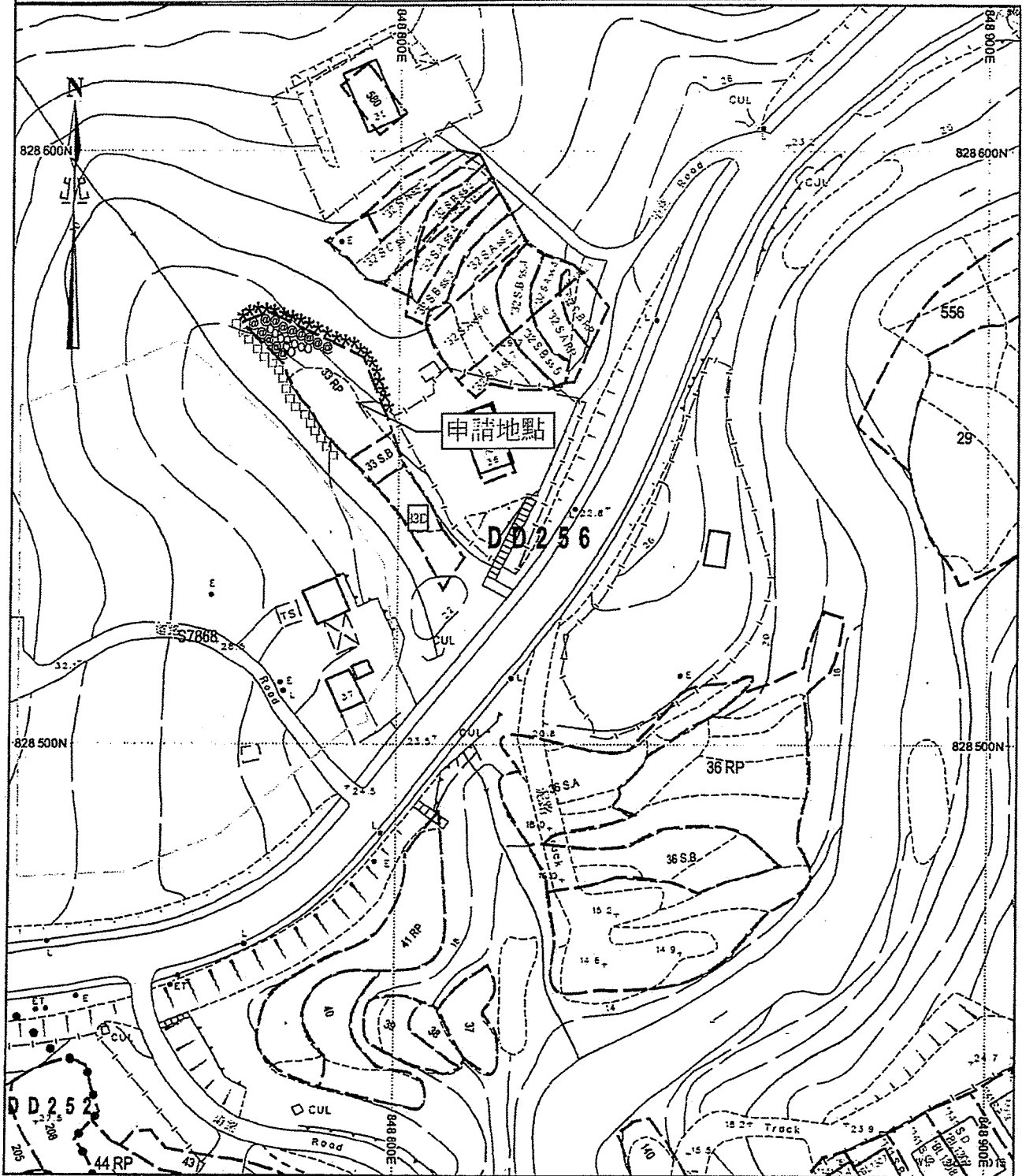
P.O.Box 406, Fanling Post Office, N.T.
Tel.: 67570416 Fax.: 26463803

(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-TMT/57

繪圖
DRAWING
A-1

覆核許可申請
 TPB/A/SK-TMT/53
 綠化環境建議圖



地政總署測繪處 Survey and Mapping Office, Lands Department

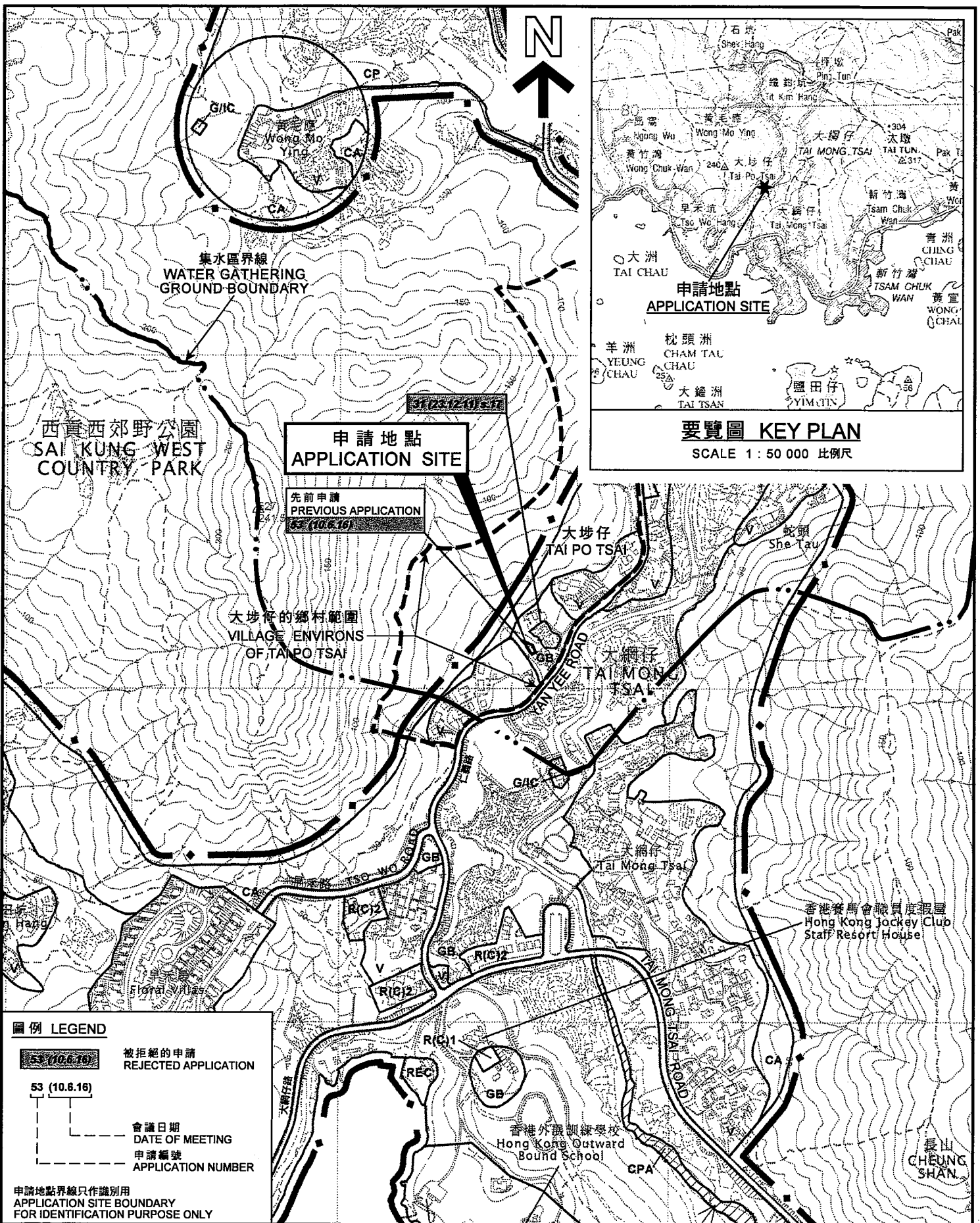
是次申請我等將會種植62棵樹木，以便能盡量與綠化地帶環境相近

- * = 細葉榕 X 22棵
- @ = 龍眼樹 X 13棵
- O = 荔枝樹 X 10 棵
- = 百千層 X 17棵

(資料來源：由申請人提供的樹木補償圖)
 (Source: Tree Compensation Plan supplied by the Applicant)

參考編號
 REFERENCE No.
 A/SK-TMT/57

繪圖
 DRAWING
 A-2

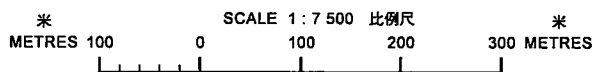


圖例 LEGEND

	被拒絕的申請 REJECTED APPLICATION
	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	

位置圖 LOCATION PLAN

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
西貢大網仔大坳仔村丈量約份第 2 5 6 約地段第 3 3 號餘段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 33 RP IN D.D. 256,
TAI PO TSAI VILLAGE, TAI MONG TSAI, SAI KUNG



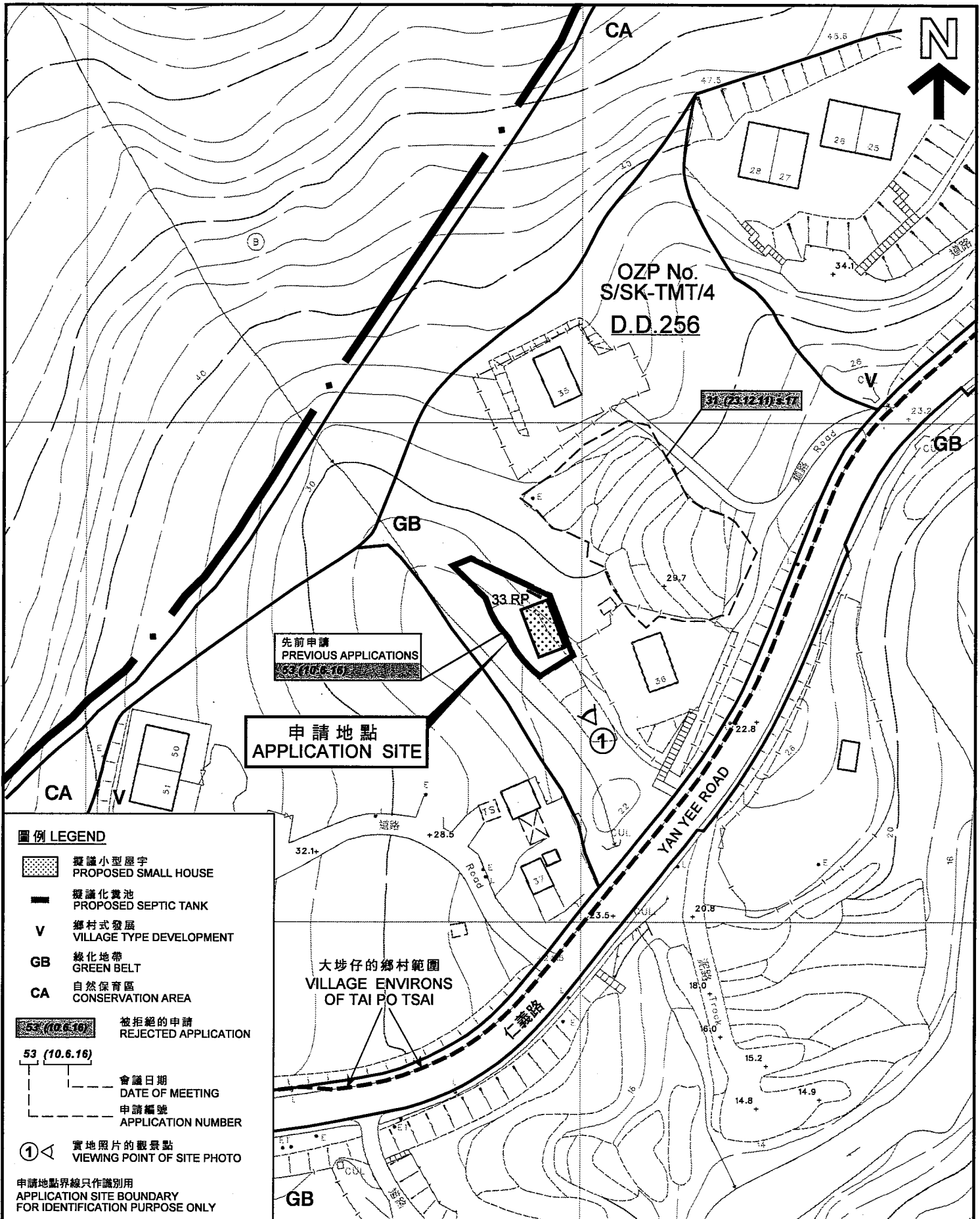
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/SK-TMT/57

圖 PLAN
A-1

本摘要圖於2017年5月4日擬備，
所根據的資料為於2008年3月11日
核准的分區計劃大綱圖編號S/SK-TMT/4
EXTRACT PLAN PREPARED ON 4.5.2017
BASED ON OUTLINE ZONING PLAN
No. S/SK-TMT/4 APPROVED ON 11.3.2008



圖例 LEGEND

- 擬議小型屋宇
PROPOSED SMALL HOUSE
- 擬議化糞池
PROPOSED SEPTIC TANK
- 鄉村式發展
VILLAGE TYPE DEVELOPMENT
- 綠化地帶
GREEN BELT
- 自然保育區
CONSERVATION AREA
- 被拒絕的申請
REJECTED APPLICATION
- 53 (10.6.16)
會議日期
DATE OF MEETING
- 申請編號
APPLICATION NUMBER
- 實地照片的觀景點
VIEWING POINT OF SITE PHOTO

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

平面圖 SITE PLAN

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
西貢大網仔大沙仔村丈量約份第256約地段第33號餘段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 33 RP IN D.D. 256,
TAI PO TSAI VILLAGE, TAI MONG TSAI, SAI KUNG

米 20 0 20 40 米
METRES SCALE 1:1,000 比例尺

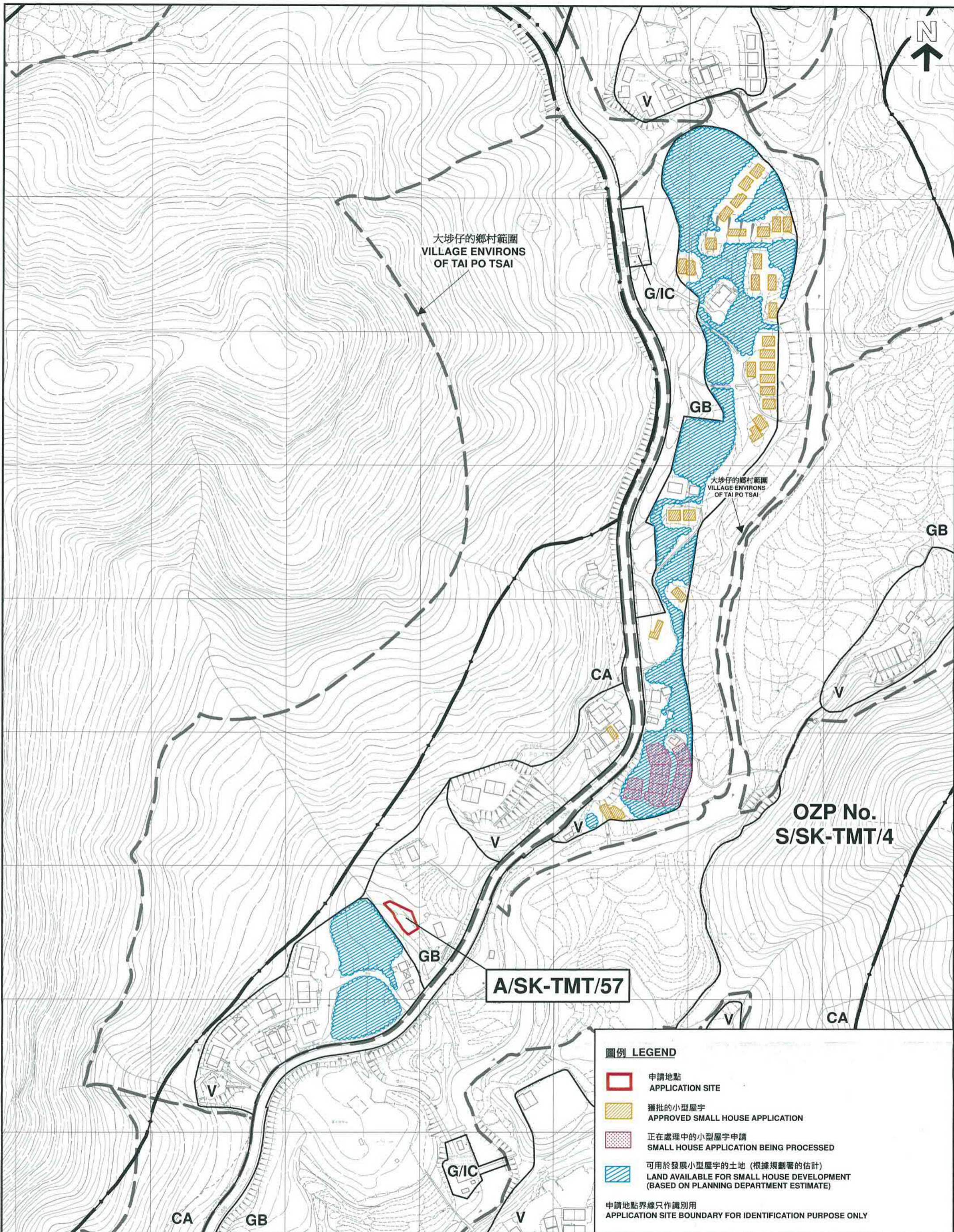
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/SK-TMT/57

圖 PLAN
A-2a

本摘要圖於2017年5月4日擬備，
所根據的資料為測量圖編號
8-SW-8A和B
EXTRACT PLAN PREPARED ON 4.5.2017
BASED ON SURVEY SHEETS No.
8-SW-8A & B



大坳仔的鄉村範圍
VILLAGE ENVIRONS
OF TAI PO TSAI

大坳仔的鄉村範圍
VILLAGE ENVIRONS
OF TAI PO TSAI

OZP No.
S/SK-TMT/4

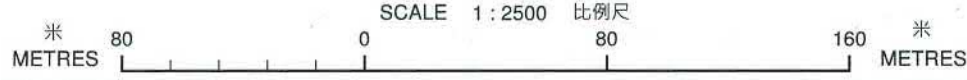
A/SK-TMT/57

圖例 LEGEND

- 申請地點
APPLICATION SITE
 - 獲批的小型屋宇
APPROVED SMALL HOUSE APPLICATION
 - 正在處理中的小型屋宇申請
SMALL HOUSE APPLICATION BEING PROCESSED
 - 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)
- 申請地點界線只作識別用
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

平面圖 SITE PLAN

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
西貢大坳仔大坳仔村丈量約份第 2 5 6 約地段第 3 3 號餘段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 33 RP IN D.D. 256, TAI PO TSAI VILLAGE, TAI MONG TSAI, SAI KUNG



本摘要圖於2017年5月4日擬備。
所根據的資料為測量圖編號
8-SW-3C、3D、8A和8B
EXTRACT PLAN PREPARED ON 4.5.2017
BASED ON SURVEY SHEETS No.
8-SW-3C, 3D, 8A & 8B

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/SK-TMT/57

圖 PLAN
A - 2b



大埗仔
TAI PO TSAI

申請地點
APPLICATION SITE

仁義路
YAN YEE ROAD

倚松小築

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5月4日擬備，所根據的資料為地政總署於2016年1月25日拍得的航攝照片編號CS63367
EXTRACT PLAN PREPARED ON 4.5.2017
BASED ON AERIAL PHOTO No.
CS63367 TAKEN ON 25.1.2016
BY LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
西貢大網仔大埗仔村丈量約份第 2 5 6 約地段第 3 3 號餘段
PROPOSED HOUSE
(NEW TERRORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 33 RP IN D.D. 256,
TAI PO TSAI VILLAGE, TAI MONG TSAI, SAI KUNG

規 劃 署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/SK-TMT/57

圖 PLAN
A-3

1



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

實地照片 SITE PHOTO

本圖於2017年5月4日擬備，所根據的資料為攝於2016年11月11日的實地照片
PLAN PREPARED ON 4.5.2017 BASED ON SITE PHOTO TAKEN ON 11.11.2016

擬議屋宇（新界豁免管制屋宇-小型屋宇）
西貢大網仔大埗仔村丈量約份第 2 5 6 約地段第 3 3 號餘段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 33 RP IN D.D. 256,
TAI PO TSAI VILLAGE, TAI MONG TSAI, SAI KUNG

規 劃 署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/SK-TMT/57

圖 PLAN
A-4

Extract minutes of the 579th RNTPC on 12.5.2017

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/57 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" Zone, Lot 33 RP in D.D. 256, Tai Po Tsai Village, Tai
Mong Tsai, Sai Kung, New Territories
(RNTPC Paper No. A/SK-TMT/57A)

Presentation and Question Sessions

43. 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 Director of Environmental Protection (DEP) and the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) objected to the application on the grounds that adverse impacts related to water quality deterioration within the Lower Indirect Water Gathering Grounds (WGG) and water contamination were anticipated. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application as the proposed development might require construction of retaining wall/extensive slope work which might cause adverse impact on existing trees and vegetation adjacent to the site. Moreover, there was no information on the treatment of existing trees and the landscape impact arising from the proposed development could not be ascertained. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and an individual all raising objection to the application. The major grounds of objection 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 Small House development was not in line the planning intention of the "Green Belt" ("GB") zone and there was a general presumption against development within "GB" zone. The application did not comply with Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" Zone under Section 16 of the Town Planning Ordinance' in that the proposed development would involve vegetation clearance and cause adverse landscape impact. It also did not

comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the site fell within the Lower Indirect WGG where no public sewer was available and CE/C, WSD and DEP objected to the application. Moreover, land was still available within the "Village Type Development" ("V") zone of Tai Po Tsai Village to meet the outstanding Small House applications and it was considered more appropriate to concentrate the proposed Small House development within the "V" zone for orderly development pattern, efficient use of land and provision of infrastructures and services. The previous application for the same use on the site was rejected by the Committee on similar grounds and there was no change in planning circumstances since that rejection. Approval of the application would set an undesirable precedent for other similar applications in the "GB" zone in future. Regarding the adverse public comments, the planning assessments above were relevant.

44. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed Small House 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 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 Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the site falls within Lower Indirect Water Gathering Ground (WGG) and there is no public sewerage connection

available in the vicinity. The applicant fails to demonstrate that the proposed development located within WGG would not have adverse impact on water quality in the area;

- (c) the proposed development is not in line with the Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" Zone under Section 16 of the Town Planning Ordinance' in that it would involve vegetation clearance and adverse landscape impact is anticipated. The applicant fails to demonstrate that the proposed development would have no adverse landscape impact on the site and surrounding areas; and
- (d) approval of the application will set an undesirable precedent for other similar applications within the "GB" zone. The cumulative effect of approving such applications will result in a general degradation of the environment and bring about cumulative adverse impact on the water quality and landscape of the area."

4PB
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

Annex C of TPB

Paper No. 10393

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳真 Fax: 2877 0245 / 2522 8426

By Registered Post & Fax (3007 2447)

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-TMT/57

26 May 2017

Wong Sun Wo
P.O. Box No. 344
Kam Tin Post Office
Yuen Long, New Territories

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House)
in "Green Belt" Zone, Lot 33 RP in D.D. 256, Tai Po Tsai Village,
Tai Mong Tsai, Sai Kung**

I refer to my letter to you dated 21.4.2017.

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

- (a) the proposed Small House 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 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 Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the site falls within Lower Indirect Water Gathering Ground (WGG) and there is no public sewerage connection available in the vicinity. You fail to demonstrate that the proposed development located within WGG would not have adverse impact on water quality in the area;
- (c) the proposed development is not in line with the TPB Guidelines No. 10 for 'Application for Development within "GB" Zone under Section 16 of the Town Planning Ordinance' in that it would involve vegetation clearance and adverse landscape impact is anticipated. You fail to demonstrate that the proposed development would have no adverse landscape impact on the site and surrounding areas; and

- (d) approval of the application will set an undesirable precedent for other similar applications within the "GB" zone. The cumulative effect of approving such applications will result in a general degradation of the environment and bring about cumulative adverse impact on the water quality and landscape 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 12.5.2017, in both English and Chinese, 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 16.6.2017). 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

(With Chinese Translation)

Advisory Clauses

- (a) to note the comments of the Director of Fire Services 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
- (b) to note the comments of the Chief Building Surveyor/ NTE2 & Rail, Buildings Department 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 aforesaid site formation and communal drainage works.