

TOWN PLANNING BOARD

TPB Paper No. 10639

For Consideration by
the Town Planning Board on 13.3.2020

REVIEW OF APPLICATION NO. A/SK-CWBN/49
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

Proposed House and the associated Excavation of Land
in “Green Belt” Zone and ‘Road’

Lots 330, 331 RP(Part), 332 s.B, and 333 s.B in D.D. 225,
Pak To Avenue, Clear Water Bay, Sai Kung, New Territories

REVIEW APPLICATION NO. A/SK-CWBN/49
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

(for 2nd Deferment)

- Applicants** : Mr. Lau Siu Hung and Mr. Steven Philip Beaver represented by Thomas Tsang Surveyors Limited
- Site** : Lots 330, 331 RP(Part), 332 s.B, and 333 s.B in D.D. 225, Pak To Avenue, Clear Water Bay, Sai Kung, New Territories
- Site Area** : 646 m²
- Land Status** : Demised for agricultural use under Block Government Lease of D.D. 225
- Plan** : Approved Clear Water Bay Peninsula North Outline Zoning Plan (“OZP”) No. S/SK-CWBN/6
- Zonings** : “Green Belt” (“GB”) (about 602 m² or 93%)
‘Road’ (about 44 m² or 7%)
- Application** : Proposed House and the associated Excavation of Land
- RNTPC’s decision** : Rejected on 2.8.2019
- Subject of Review** : To review the Rural and New Town Planning Committee (RNTPC)’s decision to reject the application

1. Background

- 1.1 On 25.7.2018, the applicants, LAU Siu Hung and Steven Philip BEAVER represented by Thomas Tsang Surveyors Limited, sought planning permission for a house and associated excavation of land at the application site (the Site) under s.16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area mainly zoned “Green Belt” (“GB”) with a minor portion within area shown as ‘Road’ on the Approved Clear Water Bay Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/6. (**Plan R-1**). On 2.8.2019, the RNTPC of the Town Planning Board (the Board) rejected the application.
- 1.2 On 3.9.2019, the applicants’ representative applied, under section 17(1) of the Ordinance, for a review of the RNTPC’s decision to reject the application.

1.3 On 22.11.2019, the Board agreed to defer a decision on the review application for two months, as requested by the applicants, to allow time to consult relevant departments and for preparation of further information in support of the application.

2. Request for Deferment

2.1 On 14.2.2020, the applicants' representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for another three months in order to allow time to consult relevant departments and for preparation of further information to address departmental comments on traffic and landscape impacts (**Annex A**).

2.2 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 28.2.2020 for consideration of the review application has been rescheduled, and the Board has agreed to adjourn consideration of the application. The review application is now scheduled for consideration by the Board at this meeting.

3. Planning Department's Views

3.1 The application has been deferred once for two months at the request of the applicants to allow more time to address departmental comments. The applicants need more time for preparation of further information to address departmental comments.

3.2 The Planning Department has no objection to the request for deferment as the justifications for deferment meet the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that the applicants need more time to address the comments from relevant government departments, the deferment period is not indefinite and the deferment would not affect the interests of other relevant parties. Notwithstanding the above, as set out in TPB PG-No. 33, normally the applicant would be given two months for preparation of submission of FI. In this regard, if the applicants' request for deferment is acceded to, a deferment period of two months instead of three months, should be allowed and the applicants may apply for further deferment if necessary at that time.

3.3 Should the Board agree to defer making a decision on the review application, the application will be submitted to the Board for consideration within three months upon receipt of further information from the applicants. If the further information submitted by the applicants is not substantial and can be processed within a shorter time, the application could be submitted to an earlier meeting for the Board's consideration. Since it is the second deferment of the application, the applicants should be advised that the Board has allowed a total of four months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

4. Decision Sought

The Board is invited to consider whether or not to accede to the applicants' request for deferment. If the request is not acceded to, the application will be submitted to the Board for consideration at the next meeting.

5. Attachments

**Annex A
Plan R-1**

Letter dated 14.2.2020 from the applicants' representative
Location Plan

**PLANNING DEPARTMENT
MARCH 2020**