

Application Site: Lot 83 RP in D.D. 21, San Uk Ka, Tai Po, N.T.

#### Justifications

(i) Background Information:

The Application is with the same proposal of planning application No. A/TP/571 for proposed house (New Territories Exempted House) development, which was approved by the Rural and New Town Planning Committee on 13.3.2015 with approval conditions and validity till 13.3.2019. Despite the planning permission was granted, District Lands Office/Tai Po of Lands Department could not issue the formal basic terms offer to the applicant before the expiry date. Hence, the applicant submitted S.16A application No. A/TP/571-1 for an extension of time for commencement of the proposed New Territories Exempted House development and the application was approved by TPB on 30.1.2019 with the same approval conditions till 13.3.2022. However, District Lands Office/Tai Po still could not issue the approval basic terms offer to the applicant before the expiry date, the applicant needed to submit application no. A/TP/571-2 for further extension of time for commencement of the proposed development till 13.3.2023 and was approved by the TPB on 2.3.2022. While the application site involved a Building License, District Lands Office/Tai Po needed to consult Legal Advisory and Conveyancing Office for legal advices on the legal documentation procedures before issuance of the basic terms offer to the applicant but unexpectedly it cannot be concluded upon or before the expiry date of final extension of time for commencement of the proposed NTEH development.

(ii) Justifications:

Apart from the background information given above, the justifications for substantiate the application are as follows:

- a) The applicant is an indigenous villager of a recognized village of Tai Po District, and was also the applicant of the same application site under Application No. A/TP/571 previously approved with conditions by RNTPC on 13.3.2015;

- b) There hasn't been any material change in planning circumstances since the original permission was granted (13.3.2015) in terms of the planning policy/land-use zoning of the application site;
- c) According to the "Notes" of Approved Tai Po Outline Zoning Plan No. A/TP/30 (Gazetted on 8.7.2022), it is unlikely any adverse planning implications on the previous approval with conditions to the proposed development;
- d) The site is flat and not covered by mature trees thus significant impact by the proposed development on the existing landscape resources is not anticipated;
- e) The application site is flat land would not encroach onto the existing cut slope;
- f) The commencement of development is delayed due to Lands Department had adopted more cautious approach in examination on the indigenous villager status of the applicant and land administration procedures in legal advisory on the land status of the application site;
- g) The delay of commencement of development is beyond the control of the applicant, the applicant had submitted the application with all requisite documents & plans to meet the requirements of District Lands Office/Tai Po of Lands Department; the application site is located in the "Village Environs" (VE) of San Uk Ka and is an in-fill site to the village proper to form a new village cluster with the adjoining New Territories Exempted Houses; and
- h) There was a structure covered by a Building License No. 103 and a house ruin could be traced on the application site and no significant trees were found on the site from the aerial photos of 2010 and 2013.