

Relevant Revised Interim Criteria for Consideration of
Application for NTEH/Small House in New Territories
(promulgated on 7.9.2007)

- (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) 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.

**Previous s.16 Applications
For Proposed House (New Territories Exempted House - Small House)
at the Application Site**

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/375	Proposed House (New Territories Exempted House – Small House)	10/10/2008	A1- A5
A/NE-KLH/450	Proposed House (New Territories Exempted House – Small House)	25/1/2013	A1- A4

Approval Conditions

- A1. The provision/submission and implementation of drainage facilities/proposal
- A2. The submission and implementation of landscaping and/or tree preservation proposals
- A3. The connection of the foul water drainage system to public sewers
- A4. The provision of protection measures to ensure no pollution or siltation occurs to the water gathering grounds (WGG)
- A5. The provision of fire service installations/fire fighting access/water supplies

**Similar Applications
in the vicinity of the Site within the same “Agriculture” Zone
on the Kau Lung Hang Outline Zoning Plan**

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/245	Proposed House (New Territories Exempted House – Small House)	22/12/2000	A1, A4, A7
A/NE-KLH/259	Proposed House (New Territories Exempted House – Small House)	02/02/2001	A1 – A4
A/NE-KLH/273	Proposed House (New Territories Exempted House - Small House)	04/05/2001	A1 – A4, A7
A/NE-KLH/277	Proposed House (New Territories Exempted House - Small House)	21/09/2001	A1 – A4, A7
A/NE-KLH/279	Proposed House (New Territories Exempted House - Small House)	21/09/2001	A1 – A4, A7
A/NE-KLH/281	Proposed House (New Territories Exempted House - Small House)	07/12/2001	A1 – A3
A/NE-KLH/283	Proposed House (New Territories Exempted House – Small House)	15/03/2002	A1 – A4
A/NE-KLH/284	Proposed House (New Territories Exempted House – Small House)	15/03/2002	A1 – A4
A/NE-KLH/304	Proposed House (New Territories Exempted House - Small House)	21/10/2003	A1, A4 – A6
A/NE-KLH/310	Proposed House (New Territories Exempted House – Small House)	30/05/2003	A1, A4 – A7
A/NE-KLH/311	Proposed House (New Territories Exempted House – Small House)	30/05/2003	A1, A4 – A7

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/328	Proposed House (New Territories Exempted House – Small House)	17/12/2004	A1 – A3, A7
A/NE-KLH/339	Proposed House (New Territories Exempted House – Small House)	29/07/2005	A1, A4 – A6
A/NE-KLH/341	Proposed House (New Territories Exempted House – Small House)	14/10/2005	A1, A4 – A6, A10
A/NE-KLH/343	Proposed House (New Territories Exempted House – Small House)	14/07/2006 (Review) *	A1, A4 – A6
A/NE-KLH/344	Proposed House (New Territories Exempted House – Small House)	14/07/2006 (Review) *	A1, A4 – A6
A/NE-KLH/345	Proposed House (New Territories Exempted House – Small House)	23/12/2005	A1, A5 – A6
A/NE-KLH/346	Proposed House (New Territories Exempted House - Small House)	17/02/2006	A1, A5 – A7
A/NE-KLH/347	Proposed House (New Territories Exempted House - Small House)	03/03/2006	A1, A4 – A6
A/NE-KLH/351	Proposed House (New Territories Exempted House – Small House)	18/08/2006	A1, A4 – A6
A/NE-KLH/352	Proposed House (New Territories Exempted House – Small House)	18/08/2006	A1, A4 – A6
A/NE-KLH/358	Proposed Four Houses (New Territories Exempted Houses – Small Houses)	23/03/2007 (Partially)	A1, A4 – A7
A/NE-KLH/368	Proposed House (New Territories Exempted House – Small House)	17/02/2006	A1, A4 – A7
A/NE-KLH/370	Proposed House (New Territories Exempted House – Small House)	18/07/2008	A1, A4 – A7
A/NE-KLH/372	Proposed House (New Territories Exempted House – Small House)	01/08/2008	A1, A4 – A7

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/378	Proposed House (New Territories Exempted House – Small House)	19/12/2008	A1, A4 – A7
A/NE-KLH/379	Proposed House (New Territories Exempted House – Small House)	19/12/2008	A1, A4 – A7
A/NE-KLH/397	Proposed Three Houses (New Territories Exempted Houses – Small Houses)	23/04/2010	A1, A4 – A7
A/NE-KLH/400	Proposed House (New Territories Exempted House – Small House)	09/04/2010	A1, A4 – A7
A/NE-KLH/403	Proposed House (New Territories Exempted House – Small House)	28/05/2010	A1, A4 – A7
A/NE-KLH/406	Proposed House (New Territories Exempted House – Small House)	11/06/2010	A1, A4 – A7
A/NE-KLH/407	Proposed House (New Territories Exempted House – Small House)	11/06/2010	A1, A4 – A7
A/NE-KLH/409	Proposed House (New Territories Exempted House – Small House)	30/07/2010	A1, A4 – A7
A/NE-KLH/410	Proposed House (New Territories Exempted House – Small House)	30/07/2010	A1, A4 – A7
A/NE-KLH/415	Proposed House (New Territories Exempted House – Small House)	15/10/2010	A1, A4 – A7
A/NE-KLH/416	Proposed House (New Territories Exempted House – Small House)	15/10/2010	A1, A4 – A7
A/NE-KLH/417	Proposed House (New Territories Exempted House – Small House)	15/10/2010	A1, A4 – A7
A/NE-KLH/426	Proposed House (New Territories Exempted House – Small House)	28/01/2011	A1, A4 – A7
A/NE-KLH/432	Proposed House (New Territories Exempted House – Small House)	23/09/2011	A1, A4 – A7

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/433	Proposed House (New Territories Exempted House – Small House)	23/09/2011	A1, A4 – A7
A/NE-KLH/438	Proposed House (New Territories Exempted House – Small House)	01/06/2012	A1, A4 – A6, A9
A/NE-KLH/442	Proposed House (New Territories Exempted House-Small House)	19/10/2012	A1, A4 – A7
A/NE-KLH/459	Proposed House (New Territories Exempted House – Small House)	17/01/2014	A1, A4 – A6
A/NE-KLH/467	Proposed House (New Territories Exempted House – Small House)	23/05/2014	A1, A4 – A6, A8
A/NE-KLH/469	Proposed House (New Territories Exempted House – Small House)	24/10/2014 (Review)	A1, A4 – A6
A/NE-KLH/470	Proposed House (New Territories Exempted House – Small House)	24/10/2014 (Review)	A1, A4 – A6
A/NE-KLH/471	Proposed House (New Territories Exempted House – Small House)	11/07/2014	A1, A4 – A6
A/NE-KLH/472	Proposed House (New Territories Exempted House – Small House)	11/07/2014	A1, A4 – A6
A/NE-KLH/473	Proposed House (New Territories Exempted House – Small House)	11/07/2014	A1, A4 – A6
A/NE-KLH/481	Proposed House (New Territories Exempted House – Small House)	22/08/2014	A1, A4 – A6, A8
A/NE-KLH/487	Proposed House (New Territories Exempted House – Small House)	27/03/2015	A1, A4 – A6
A/NE-KLH/488	Proposed House (New Territories Exempted House – Small House)	27/03/2015	A1, A4 – A6
A/NE-KLH/491	Proposed House (New Territories Exempted House – Small House)	22/05/2015	A1, A4 – A6

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/494	Proposed 2 House (New Territories Exempted Houses – Small Houses)	21/08/2015	A1, A4 – A6
A/NE-KLH/503	Proposed House (New Territories Exempted House – Small House)	22/04/2016	A1, A4 – A6
A/NE-KLH/504	Proposed House (New Territories Exempted House – Small House)	22/04/2016	A1, A4 – A6
A/NE-KLH/519	Proposed House (New Territories Exempted House – Small House)	26/08/2016	A1, A4 – A6
A/NE-KLH/523	Proposed House (New Territories Exempted House – Small House)	09/12/2016	A1, A4 – A6
A/NE-KLH/527	Proposed House (New Territories Exempted House – Small House)	12/05/2017	A1, A4 – A6
A/NE-KLH/529	Proposed House (New Territories Exempted House – Small House)	23/06/2017	A1, A4 – A6
A/NE-KLH/530	Proposed House (New Territories Exempted House – Small House)	23/06/2017	A1, A4 – A6
A/NE-KLH/531	Proposed House (New Territories Exempted House – Small House)	23/06/2017	A1, A4 – A6
A/NE-KLH/533	Proposed House (New Territories Exempted House – Small House)	11/08/2017	A1, A5 – A6
A/NE-KLH/535	Proposed House (New Territories Exempted House – Small House)	13/10/2017	A1, A4 – A6
A/NE-KLH/540	Proposed House (New Territories Exempted House – Small House)	22/12/2017	A1, A5 – A6
A/NE-KLH/542	Proposed House (New Territories Exempted House – Small House)	16/03/2018	A1, A4 – A6

* Appeal dismissed on 14/07/2006

Approval Conditions

- A1. The provision/submission and implementation of drainage facilities/proposal
- A2. The disposal of spoils during the site formation and construction period
- A3. The provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses
- A4. The submission and implementation of landscaping and/or tree preservation proposals
- A5. The connection of the foul water drainage system to public sewers
- A6. The provision of protection measures to ensure no pollution or siltation occurs to the water gathering grounds (WGGs)
- A7. The provision of fire service installations/firefighting access/water supplies
- A8. The provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board
- A9. The submission and implementation of a tree preservation and replanting proposal
- A10. The provision of adequate space for the existing footpath to pass over the application site for public access purpose

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/300	Proposed New Territories Exempted House (NTEH) (Small House)	11/10/2002	R1
A/NE-KLH/303	Proposed New Territories Exempted House (NTEH) (Small House)	07/02/2003	R1
A/NE-KLH/312	Proposed New Territories Exempted House (NTEH) (Small House)	30/05/2003	R1
A/NE-KLH/314	Proposed House (New Territories Exempted House – Small House)	25/07/2003	R3, R10, R13
A/NE-KLH/315	Proposed House (New Territories Exempted House – Small House)	25/07/2003	R3, R10, R13

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/333	Proposed House (New Territories Exempted House – Small House)	15/07/2005	R11, R13
A/NE-KLH/334	Proposed House (New Territories Exempted House – Small House)	15/07/2005	R11, R13
A/NE-KLH/358	Proposed Four Houses (New Territories Exempted Houses – Small Houses)	23/03/2007 (Partially)	R2, R11
A/NE-KLH/361	Proposed House (New Territories Exempted House – Small House)	13/04/2007	R2, R3
A/NE-KLH/380	Proposed New Territories Exempted House (NTEH) (Small House)	13/03/2009	R3 – R5
A/NE-KLH/430	Proposed New Territories Exempted House (NTEH) (Small House)	08/07/2011	R7, R9
A/NE-KLH/439	Proposed New Territories Exempted House (NTEH) (Small House)	24/08/2012	R6
A/NE-KLH/440	Proposed House (New Territories Exempted House – Small House)	01/02/2013 (Review)	R6, R12
A/NE-KLH/441	Proposed House (New Territories Exempted House – Small House)	01/02/2013 (Review)	R6, R12
A/NE-KLH/443	Proposed New Territories Exempted House (NTEH) (Small House)	19/10/2012	R7, R9
A/NE-KLH/444	Proposed House (New Territories Exempted House – Small House)	22/02/2013 (Review)	R6
A/NE-KLH/455	Proposed House (New Territories Exempted House – Small House)	13/12/2013	R6

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/478	Proposed House (New Territories Exempted House – Small House)	08/08/2014	R6 – R7
A/NE-KLH/479	Proposed House (New Territories Exempted House – Small House)	08/08/2014	R6 – R7
A/NE-KLH/483	Proposed House (New Territories Exempted House – Small House)	01/09/2016 (Appeal) #	R6 – R7
A/NE-KLH/484	Proposed House (New Territories Exempted House – Small House)	31/10/2014	R6
A/NE-KLH/521	Proposed House (New Territories Exempted House – Small House)	03/02/2017	R3, R8
A/NE-KLH/526	Proposed 6 Houses (New Territories Exempted Houses – Small Houses)	18/08/2017	R6 – R8
A/NE-KLH/537	Proposed House (New Territories Exempted House – Small House)	22/12/2017	R3, R8
A/NE-KLH/538	Proposed House (New Territories Exempted House – Small House)	22/12/2017	R3, R8
A/NE-KLH/544	Proposed House (New Territories Exempted House – Small House)	16/03/2018	R3, R6 – R8, R14
A/NE-KLH/546	Proposed House (New Territories Exempted House – Small House)	4/5/2018	R3, R8, R15

Appeal dismissed on 1.9.2016

Rejection Reasons

- R1. The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House (NTEH)/Small House in the New Territories (Interim Criteria) in that it was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development, which was located within water gathering grounds, would not cause adverse impact on water quality in the area

- R2. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed NTEH/Small House development fell within Water Supplies Department's upper indirect water gathering ground (WGG) and was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area
- R3. The application was not in line with the planning intention of the "Agriculture" zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention
- R4. The proposed development did not comply with the Interim Criteria in that the proposed house with more than 50% of the footprint outside both the village environs and the "V" zone of recognised villages
- R5. The proposed development fell within the upper indirect water gathering grounds (WGGs) and was not able to be connected to the existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area
- R6. The proposed development did not comply with the Interim Criteria in that the proposed Small House located within the WGGs would not be able to be connected to the existing/planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture
- R7. The applicant failed to demonstrate that the proposed development located within the water gathering ground would not cause adverse impact on the water quality in the area
- R8. Land was still available within the "Village Type Development" ("V") zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang which is primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services
- R9. The proposed development did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' in that more than 50% of the footprint of the proposed Small House fell outside both the "Village Type Development" zone and the village 'environs' of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai, and it was uncertain whether the proposed Small House located within the Water Gathering Ground (WGG) could be connected to the planned sewerage system in the area
- R10. There was no information in the submission to demonstrate that the existing trees within the application site which should be preserved as far as possible, would not be affected by the proposed development

- R11. The approval of the proposed development would set an undesirable precedent for other similar applications in the area
- R12. There was no information in the submission to demonstrate that the proposed development would have no adverse drainage and sewerage disposal impacts on the surrounding areas
- R13. The proposed Small House did not comply with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories in that the proposed Small House was not able to be connected to the existing or planned sewerage system in the area. There was no / insufficient information in the submission to demonstrate that the proposed development located within the water gathering grounds (WGGs) would not cause adverse impact on water quality in the area
- R14. The Proposed development would be subject to adverse noise impact generated by the East Rail nearby, and there is no information in the submission to demonstrate that the proposed development will be in compliance with the Noise Control Ordinance (Cap. 400)
- R15. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicant failed to demonstrate that the proposed development located within the water gathering ground would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area

Detailed Comments from Relevant Government Departments

1. Land Administration

Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the applicant is an indigenous villager of Yuen Leng Village, Tai Po as confirmed by the Indigenous Inhabitant Representative (IIR) of the concerned village;
- (c) the number of outstanding Small House applications and the number of 10-year Small House demand for the villages concerned are as follows:

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand *</u>
Yuen Leng	84	257
Kau Lung Hang	44	100

(* The figure of 10-year Small House demand is provided by the IIR of concerned villages respectively and the information so obtained is not verified by LandsD);

- (d) the subject lot is held under Block Government Lease demised for agricultural use;
- (e) the Site is not covered by any Modification of Tenancy or building licence;
- (f) the Small House application at the subject lot was approved by LandsD on 10.7.2015 with the offer letter issued subject to terms and conditions imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto;
- (g) the Site falls entirely within the village ‘environs’ (‘VE’) of Yuen Leng and Kau Lung Hang Villages; and
- (h) Drainage Services Department should be consulted on the proposal of connecting to public sewers for waste disposal.

2. Traffic

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

- (a) no in-principle objection to the application from traffic engineering point of view; and

- (b) the existing footpath near the Site is not under Transport Department's management. It is suggested that the land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes.

3. **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) the Site falls within "AGR" and "V" zones, and is within WGG. The planned public sewer to serve the subject lot is part of the Yuen Leng village sewerage scheme, which was degazetted in October 2010 due to conflicting views among some of the land owners over the extent of proposed land resumption. Currently there is no fixed timetable for implementing the said sewerage scheme. Instead, the applicant proposed in the further information to connect the proposed Small House to the public sewer at Kau Lung Hang San Wai. The public sewer manhole is at about 20m away from the Site. As the public sewer has sufficient capacity to accommodate the discharge from the proposed Small House, and there is sufficient level drop in between, he has no adverse comment on the applicant's proposed connection to the public sewer;
- (b) he has no objection to the application on the conditions that:
 - (i) the proposed house shall be connected to the public sewer for sewage disposal;
 - (ii) written consents can be obtained from the adjacent lot owners for laying and maintaining sewage pipes, if necessary;
 - (iii) adequate land space within the Site will be reserved for connection of the proposed house to the public sewer; and
 - (iv) the cost of sewer connection will be borne by the applicant;
- (c) although no insurmountable technical difficulties are envisaged for the sewer connection, the applicant is advised to pay attention to avoiding potential conflict with other underground utilities when making the sewer connection. The actual alignment and number of intermediate private manholes will depend on site conditions and the applicant is required to submit plans showing the actual connection works to the Drainage Services Department (DSD) in association with its future technical audit under the prevailing mechanism. The applicant could check with DSD and the Development Bureau's Practitioners Guidelines on "Arrangement for Private Developers to employ their own Contractors to carry out Drainage Connections" regarding the procedures to be followed and the maintenance responsibility of the connection works.

4. **Landscape**

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

- (a) no objection to the application from the landscape planning perspective;
- (b) Small Houses are found concentrated within the “V” zone at the east, south and west, with some vacant land at the north. The Site is connected with Tai Wo Service Road East from the west;
- (c) the Site is situated in an area of rural landscape character comprising of scattered tree groups, village houses and vacant land. The proposed use is not incompatible with the surrounding environment;
- (d) the Site is cleared and hard paved. Four young trees are found within the Site. Two *Platycladus orientalis* (側柏) are in fair condition and heavily entwined with climbers. One *Litchi sinensis* (荔枝) and one *Dimocarpus longan* (龍眼) are in good condition. According to the submitted layout plan, these trees will not be in conflict with the building footprint. Adverse impact on landscape resources from the proposed development is not anticipated; and
- (e) should the application be approved by the Board, an approval condition on the submission and implementation of tree preservation proposal is recommended.

5. **Drainage and Sewerage**

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

- (a) no in-principle objection to the proposed Small House from public drainage viewpoint;
- (b) if the application is approved by the Board, a condition should be included to request the applicant to submit and implement the drainage proposal for the Site to the satisfaction of Director of Drainage Services or the Board to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) there is no public drain maintained by DSD in the vicinity of the Site. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site. The Site is located on unpaved ground and on slope. The proposed development will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant is also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems; and

- (d) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. DSD would not assist the lot owner/developer on the drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicant should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected. In particular, a minimum clearance of 3m should be maintained between the proposed development and the top of the embankment of existing stream courses/ponds/rivers.

6. Agriculture

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

- (a) the Site is vacant and is the front yard of a domestic house. The potential for agricultural rehabilitation is considered low. As such, he has no strong view on the application from the agricultural development point of view; and
- (b) the Site is in close proximity to the Kau Lung Hang Ecologically Important Stream (EIS) which is located to the northeast of the Site. Should the application be approved, the applicant should be advised to implement necessary precautionary measures making reference to the Buildings Department's Practice Note for Authorised Persons and Registered Structural Engineers ADV-27 (Appendix C) to minimise impacts on the EIS.

7. 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 the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.

8. Water Supply

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

- (a) he has no objection to the application;
- (b) the Site is located within upper indirect WGG and is less than 30m from the nearest stream. The footprint of the proposed house is more than 40% within "V" zone and is within the 'VE';
- (c) DEP indicates that the Site is able to be connected to the public sewerage system in the area and has no objection to the application. Therefore,

compliance of the application with item B(i) of the Interim Criteria can be reasonably established;

- (d) DEP states that the applicant shall connect the proposed house with public sewer for sewage disposal. He supports DEP's view by imposing the following conditions:
 - (i) the foul water drainage system of the proposed Small House can be connected to the public sewerage system in the area and the applicant shall connect the whole of the foul water drainage system to the public sewerage system;
 - (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the WGG;
 - (iii) the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed Small House to the sewerage system via relevant private lot;
 - (iv) since the proposed house itself is less than 30m from the nearest watercourse, it should be located as far away from the watercourse as possible;
 - (v) the whole of foul effluent shall be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes; and
- (e) for provision of water supply to the development, the applicant may need to extend the 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.

9. Electricity Supply

Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) has no particular comment on the application from electricity supply safety aspect; and
- (b) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

10. Demand and Supply of Small House Sites

According to the DLO/TP, LandsD's record, the total number of outstanding Small House applications for Yuen Leng and Kau Lung Hang is 128 while the 10-year Small House demand forecast for the same villages is 357. Based on the latest estimate by the Planning Department, about 6.75 ha (equivalent to about 270 Small House sites) of land are available within the "V" zone of Yuen Leng and Kau Lung Hang. Therefore, the land available cannot fully meet the future Small House demand of about 12.13 ha (equivalent to about 485 Small House sites).

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that there is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto;
- (b) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) written consents should be obtained from the adjacent lot owners for laying and maintaining sewage pipes, if necessary;
 - (ii) adequate land space within the Site should be reserved for connection of the proposed house to the public sewer;
 - (iii) the cost of sewer connection should be borne by the applicant; and
 - (iv) although no insurmountable technical difficulties are envisaged for the sewer connection, the applicant should pay attention to avoiding potential conflict with other underground utilities when making the sewer connection. The actual alignment and number of intermediate private manholes will depend on site conditions and the applicant is required to submit plans showing the actual connection works to the Drainage Services Department (DSD) in association with its future technical audit under the prevailing mechanism. The applicant could check with DSD and the Development Bureau's Practitioners Guidelines on "Arrangement for Private Developers to employ their own Contractors to carry out Drainage Connections" regarding the procedures to be followed and the maintenance responsibility of the connection works;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) there is no public drain maintained by DSD in the vicinity of the Site. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site. The Site is located on unpaved ground and on slope. The proposed development will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant is also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems; and
 - (ii) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. DSD would not assist the lot owner/developer on the drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicant should make sure no adverse impact will be caused to the area due to

the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected. In particular, a minimum clearance of 3m should be maintained between the proposed development and the top of the embankment of existing stream courses/ponds/streams.

- (d) to note the comments of the Director of Fire Services (D of FS) that the applicant should 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;
- (e) to note the following comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed Small House to the sewerage system via relevant private lot;
 - (ii) since the proposed house itself is less than 30m from the nearest watercourse, it should be located as far away from the watercourse as possible;
 - (iii) the whole of foul effluent shall be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes; and
 - (iv) for provision of water supply to the development, the applicant may need to extend the 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;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the Site is in close proximity to the Kau Lung Hang Ecologically Important Stream (EIS). The applicant should implement necessary precautionary measures making reference to the Buildings Department's Practice Note for Authorised Persons and Registered Structural Engineers ADV-27 (Appendix C) to minimise impacts on the EIS;
- (g) to note the comments of the Commissioner for Transport (C for T) that the existing footpath near the Site is not under Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified by the applicant with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (h) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site; and

- (i) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.