

**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 Applications covering the Application Site  
on the Kau Lung Hang Outline Zoning Plan**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/54	Proposed House (New Territories Exempted House – Small House)	06/10/1995	A1, A2
A/NE-KLH/163	Proposed House (New Territories Exempted House – Small House)	03/07/1998	A2 – A5

**Approval Conditions**

- A1. The provision of landscape treatment to the satisfaction of the Director of Planning or of the Town Planning Board
- A2. The provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board
- A3. The submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board
- A4. The disposal of spoils during the site formation and construction period to the satisfaction of the Director of Water Supplies or of the Town Planning Board
- A5. 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 water-course to the satisfaction of the Director of Water Supplies or of the Town Planning Board

**Similar Applications within the same “Agricultural” Zone  
on the Kau Lung Hang Outline Zoning Plan**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
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

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
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

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/375	Proposed House (New Territories Exempted House – Small House)	10/10/2008	A1, A4 – A7
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

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/432	Proposed House (New Territories Exempted House – Small House)	23/09/2011	A1, A4 – A7
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/450	Proposed House (New Territories Exempted House – Small House)	25/01/2013	A1, A4 – A6
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

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
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
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



<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
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 to the satisfaction of the Director of Drainage Services or of the Town Planning Board
- A2. The disposal of spoils during the site formation and construction period to the satisfaction of the Director of Water Supplies or of the Town Planning Board
- 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 to the satisfaction of the Director of Water Supplies or of the Town Planning Board
- A4. The submission and implementation of landscaping and/or tree preservation proposals to the satisfaction of the Director of Planning or of the Town Planning Board
- A5. The connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board
- A6. The provision of protection measures to ensure no pollution or siltation occurs to the water gathering grounds (WGGs) to the satisfaction of the Director of Water Supplies or of the Town Planning Board
- A7. The provision of fire service installations/firefighting access/water supplies to the satisfaction of the Director of Fire Services or of the Town Planning Board
- 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 to the satisfaction of the Director of Planning or of the Town Planning Board
- A10. The provision of adequate space for the existing footpath to pass over the application site for public access purpose to the satisfaction of the Director of Lands or of the Town Planning Board

**Rejected Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
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
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

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
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
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

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-KLH/544	Proposed House (New Territories Exempted House – Small House)	16/03/2018	R3, R6 – R8, R14

# 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)

**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 Shek Kwu Lung of Tai Po as confirmed by the Indigenous Inhabitant Representative. However, his eligibility of Small House grant has yet to be ascertained;
- (c) the subject lots are held under Block Government Lease for agricultural use;
- (d) the Site is not covered by any Modification of Tenancy or Building Licence;
- (e) the Site falls entirely within the village ‘environs’ of Yuen Leng and Kau Lung Hang;
- (f) the number of outstanding Small House applications and the number of 10-year Small House demand for the village 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 Indigenous Inhabitant Representative of concerned villages and the information so obtained is not verified by LandsD); and
- (g) if and after planning approval has been given by the Board, LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be 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.

**2. Traffic**

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

- (a) in general, he has reservation on the application. 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;

- (b) notwithstanding the above, he considers that the application only involving development of one Small House can be tolerated unless it is rejected on other grounds; and
- (c) the existing access near the Site is not under TD's management. 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" zone, and is within the WGG. The planned public sewer to serve the subject lot is part of the Yuen Leng village sewerage, 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. The applicant's proposed use of a septic tank and soakaway system for treating wastewater is unacceptable inside water gathering ground (WGG) according to the Hong Kong Planning Standards and Guidelines Chapter 9;
- (b) he does not support the application as the Site falls completely outside "V" zone and within WGG, and no public sewerage will be available to serve the proposed Small House in the near future; and
- (c) the Site is located at about 100m and 180m from the East Rail Line and Fanling Highway respectively and is substantially shielded from the railway/highway by the existing houses nearby. Besides, trackside barrier has been implemented along the rail line and roadside barriers are being constructed along the highway under its widening project. Considering the above, adverse railway and traffic noise impacts are not anticipated.

### **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) the Site is surrounded by existing village houses in close proximity within the "AGR" zone while majority of the village houses are concentrated within the "V" zone adjacent to the Site. It is connected to Tai Wo Service Road East via driveway at the south;
- (c) based on the latest aerial photo, the Site is situated in an area of rural landscape character comprising of scattered tree groups, village houses and vacant lands. Although the proposed development is not in line with the planning intention of "AGR" zone, it is not incompatible with the surrounding environment;

- (d) according to site inspection, the Site is hard paved and in operation as car park. One mature tree *Bischofia javanica* (秋楓) in good condition and one dead tree are spotted within the Site. With reference to the applicant's submission, no existing trees will be felled, and hence adverse impact on existing landscape resources arising from the proposed development is not anticipated;
- (e) should the application be approved by the Board, an approval condition on the submission and implementation of tree preservation and landscape proposal is recommended;
- (f) a minimum 3 meters clearance should be maintained between existing trees and proposed building structure; and
- (g) as the existing planter wall is in conflict with the proposed building footprint, protection measures should be proposed to guard any potential damage to the tree roots arising from the demolition/construction works.

## 5. Agriculture

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

- the Site is surrounded by domestic structures. The potential for agricultural rehabilitation is considered low. He has no strong view on the application.

## 6. Drainage and Sewerage

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) if the application is approved, a condition should be included to request the applicant to submit and implement the drainage proposal for the Site to the satisfaction of the Director of Drainage Services to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) there is no existing DSD maintained public storm drains available for connection in this area. 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, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. An approval condition to ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas should be considered. The applicant/lot owner is required to maintain the drainage system properly and rectify the system if it is found to be inadequate or ineffective during operation. The applicant/lot owner shall also be liable for and shall indemnify claims and



demands arising out of damage or nuisance caused by failure of the drainage system;

- (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. He 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 streamcourses/ponds/rivers;
- (e) DEP should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the provision of septic tank; and
- (f) for works to be undertaken outside the lots boundaries, prior consent and agreement from LandsD and/or relevant lot owners should be sought.

6.2 Comments of the Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD):

- (a) according to the proposed sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng Village, public sewerage connection point will be provided in the vicinity of the Site. However, since this sewerage scheme was degazetted on 29.10.2010, there is no fixed programme at this juncture for the implementation of the concerned sewerage works; and
- (b) notwithstanding the above, the proposed sewerage scheme might be fine-tuned in the course of finalizing the design. The applicant is suggested to pay continuing attention to the latest development of the proposed sewerage scheme. DSD will keep all relevant village representatives posted in this regard. It is understood that, subject to actual construction of the public sewerage being in sufficient proximity to the boundary of a land lot, DEP may require the lot owners at his/her own cost to make proper sewer connection from his/her premises to the public sewerage and to decommission the private sewer, septic tank and soakaway pit.

## 7. Water Supply

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

- (a) he objects to the application; and
- (b) the Site is located within the upper indirect WGG. There is no programme for the construction of planned public sewers to serve Yuen Leng Village as advised by DEP. Sewer connectivity is thus in question and it is considered that compliance with item (i) of the "Interim Criteria for Consideration of Applications for NTEH/Small House in New Territories" cannot be established. The applicant proposed to adopt a septic tank system for foul water disposal and the wastewater

generated from the proposed house will have potential to cause water pollution to the WGG.

## **8. 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 LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.

## **9. Electricity Safety**

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

- (a) no comment on the application from electricity supply safety aspect; and
- (b) in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising 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 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 DLO/TP, LandsD's record, the total number of outstanding Small House applications for Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai is 128 while the 10-year Small House demand forecast for the same villages is 357. Based on the latest estimate by PlanD, about 6.75 ha (or 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 Small House demand of about 12.13 ha (or equivalent to about 485 Small House sites).

**Recommended Advisory Clauses**

- (a) to note the comments of District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that if the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be 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;
- (b) to note the comments of the Commissioner for Transport (C for T) that the existing access 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;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the planned public sewer to serve the subject lot is part of the Yuen Leng village sewerage, 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. The proposed use of a septic tank and soakaway system for treating wastewater is unacceptable inside water gathering ground (WGG) according to the Hong Kong Planning Standards and Guidelines Chapter 9;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that:
  - (i) a minimum 3 meter clearance should be maintained between existing trees and proposed building structure; and
  - (ii) as the existing planter wall is in conflict with the proposed building footprint, protection measures should be proposed to guard any potential damage to the tree roots arising from the demolition/construction works;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
  - (i) there is no existing DSD maintained public storm drains available for connection in this area. 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. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant/lot owner is required to maintain the drainage system properly and rectify the system if it is found to be inadequate or ineffective during operation. The applicant/lot owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the drainage system;

- (ii) the applicant should design the drainage proposal based on the actual site condition 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 that no adverse impact will be caused to the area due to the proposed works. The existing natural stream, village drains, ditches and the adjacent areas should not be adversely affected. In particular, a minimum clearance of 3 meters should be maintained between the proposed development and the top of the embankment of existing stream courses/ponds/rivers; and
  - (iii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant lot owner should be sought;
- (f) to note the comments of the Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD) that:
- (i) according to the proposed sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng Village, public sewerage connection point will be provided in the vicinity of the Site. However, since this sewerage scheme was degazetted on 29.10.2010, there is no fixed programme at this juncture for the implementation of the concerned sewerage works; and
  - (ii) the proposed sewerage scheme might be fine-tuned in the course of finalizing the design. The applicant is suggested to pay continuing attention to the latest development of the proposed sewerage scheme. DSD will keep all relevant village representatives posted in this regard. It is understood that, subject to actual construction of the public sewerage being in sufficient proximity to the boundary of a land lot, DEP may require the lot owners at his/her own cost to make proper sewer connection from his/her premises to the public sewerage and to decommission the private sewer, septic tank and soakaway pit;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that there is no programme for the construction of planned public sewers to serve Yuen Leng Village;
- (h) to note the comments of the Director of Fire Services 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;
- (i) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that the parties concerned with planning, designing, organising 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 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; and

- (j) 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.