

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 at the Application Site

Approval Application

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/402	Proposed House (New Territories Exempted House - Small House)	28.5.2010	A1 – A5

Approval Conditions

- A1. The submission and implementation of a tree preservation and replanting proposal
- A2. The provision of drainage facilities
- A3. The connection of the foul water drainage system to the public sewers
- A4. The provision of protective measures to ensure no pollution or siltation occur to the water gathering grounds
- A5. The provision of fire fighting access, water supplies and fire service installations

Rejected Application

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/374	Proposed House (New Territories Exempted House - Small House)	16.1.2009 on review	R1 – R2

Rejection Reason

- R1. The application was not in line with the planning intention of the "AGR" 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 purpose. No strong justifications had been provided in the submission for a departure from the planning intention; and
- R2. The proposed development, which affected the mature trees and an ecologically important stream, was not supported from nature conservation point of view.

**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)	22.12.2000	A1 – A3
A/NE-KLH/271	Proposed House (New Territories Exempted House)	30.3.2001	A1, A2, A5, A6
A/NE-KLH/272	Proposed House (New Territories Exempted House)	20.4.2001	A1, A2, A5, A6
A/NE-KLH/273	Proposed House (New Territories Exempted House - Small House)	4.5.2001	A1 – A3, A5, A6
A/NE-KLH/275	Proposed House (New Territories Exempted House - Small House)	21.9.2001	A1, A5, A6
A/NE-KLH/277	Proposed House (New Territories Exempted House - Small House)	21.9.2001	A1 – A3, A5, A6
A/NE-KLH/279	Proposed House (New Territories Exempted House - Small House)	21.9.2001	A1 – A3, A5, A6
A/NE-KLH/281	Proposed House (New Territories Exempted House - Small House)	7.12.2001	A1, A5, A6
A/NE-KLH/304	Proposed House (New Territories Exempted House - Small House)	21.2.2003	A1, A3, A7, A8

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, A2, A5, A6
A/NE-KLH/339	Proposed House (New Territories Exempted House – Small House)	29.7.2005	A1, A3, A7, A8
A/NE-KLH/341	Proposed House (New Territories Exempted House – Small House)	14.10.2005	A1, A3, A7, A8, A12
A/NE-KLH/345	Proposed House (New Territories Exempted House – Small House)	23.12.2005	A1, A7, A8
A/NE-KLH/346	Proposed House (New Territories Exempted House - Small House)	17.2.2006	A1, A3, A7, A8
A/NE-KLH/368	Proposed House (New Territories Exempted House – Small House)	18.4.2008	A1, A3, A7, A8, A9
A/NE-KLH/378	Proposed House (New Territories Exempted House – Small House)	19.12.2008	A1, A3, A7, A8, A9
A/NE-KLH/379	Proposed House (New Territories Exempted House – Small House)	19.12.2008	A1, A3, A7, A8, A9
A/NE-KLH/391	Proposed House (New Territories Exempted House – Small House)	23.4.2010	A1, A7 – A10
A/NE-KLH/392	Proposed House (New Territories Exempted House – Small House)	23.4.2010	A1, A3, A7, A8, A9
A/NE-KLH/403	Proposed House (New Territories Exempted House – Small House)	28.5.2010	A1, A3, A7, A8, A9
A/NE-KLH/409	Proposed House (New Territories Exempted House – Small House)	30.7.2010	A1, A3, A7, A8, A9

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/410	Proposed House (New Territories Exempted House – Small House)	30.7.2010	A1, A3, A7, A8, A9
A/NE-KLH/438	Proposed House (New Territories Exempted House – Small House)	1.6.2012	A1, A3, A7, A8, A9
A/NE-KLH/459	Proposed House (New Territories Exempted House – Small House)	17.1.2014	A1, A3, A7, A8
A/NE-KLH/467	Proposed House (New Territories Exempted House – Small House)	23.5.2014	A1, A3, A4, A7, A8
A/NE-KLH/482	Proposed House (New Territories Exempted House – Small House)	26.9.2014	A1, A3, A7, A8
A/NE-KLH/487	Proposed House (New Territories Exempted House – Small House)	27.3.2015	A1, A3, A7, A8
A/NE-KLH/488	Proposed House (New Territories Exempted House – Small House)	27.3.2015	A1, A3, A7, A8
A/NE-KLH/491	Proposed House (New Territories Exempted House – Small House)	22.5.2015	A1, A3, A7, A8

Approval Conditions

- A1. The submission/provision of drainage facilities
- A2. The provision of fire services installations
- A3. The submission and implementation of landscape proposal
- A4. The provision septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board.
- A5. The disposal of spoils during the site formation and construction period
- A6. 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

- A7. The connection of the foul water drainage system to the public sewers
- A8. The provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds
- A9. The provision of fire fighting access, water supplies and fire service installations
- A10. The submission and implementation of landscape and tree preservation proposal
- A11. The submission and implementation of a tree preservation and replanting proposal
- A12. 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/299	Proposed New Territories Exempted House (NTEH) (Small House)	14.2.2003 on review	R1 – R2
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)	7.2.2003	R1
A/NE-KLH/312	Proposed New Territories Exempted House (NTEH) (Small House)	30.5.2003	R1
A/NE-KLH/321	Proposed New Territories Exempted House (NTEH) (Small House)	16.1.2004 on review	R1
A/NE-KLH/360	Proposed New Territories Exempted House (NTEH) (Small House)	23.3.2007	R3, R4, R5
A/NE-KLH/362	Proposed New Territories Exempted House (NTEH) (Small House)	22.6.2007	R3
A/NE-KLH/380	Proposed New Territories Exempted House (NTEH) (Small House)	13.3.2009	R4, R7, R8

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/404	Proposed New Territories Exempted House (NTEH) (Small House)	11.6.2010	R4, R12 – R15
A/NE-KLH/430	Proposed New Territories Exempted House (NTEH) (Small House)	8.7.2011	R10, R16
A/NE-KLH/439	Proposed New Territories Exempted House (NTEH) (Small House)	24.8.2012	R9
A/NE-KLH/443	Proposed New Territories Exempted House (NTEH) (Small House)	19.10.2012	R10, R16
A/NE-KLH/444	Proposed House (New Territories Exempted House – Small House)	22.2.2013 on review	R9
A/NE-KLH/445	Proposed New Territories Exempted House (NTEH) (Small House)	22.2.2013 on review	R9
A/NE-KLH/455	Proposed House (New Territories Exempted House – Small House)	13.12.2013	R9
A/NE-KLH/478	Proposed House (New Territories Exempted House – Small House)	8.8.2014	R9, R10
A/NE-KLH/479	Proposed House (New Territories Exempted House – Small House)	8.8.2014	R9, R10
A/NE-KLH/483 ¹	Proposed House (New Territories Exempted House – Small House)	29.5.2015 on review	R9, R10
A/NE-KLH/484	Proposed House (New Territories Exempted House – Small House)	31.10.2014	R9

¹ subject of Town Planning Appeal No. 8 of 2015 which was dismissed by the Town Planning Appeal Board on 1.9.2016.

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/526	Proposed 6 Houses (New Territories Exempted Houses – Small Houses)	18.8.2017	R9 – R11
A/NE-KLH/543	Proposed House (New Territories Exempted House - Small House)	16.3.2018	R4, R11
A/NE-KLH/544	Proposed House (New Territories Exempted House - Small House)	16.3.2018	R4, R9-R11, R17

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. There was no information in the submission to demonstrate that land for NTEH/Small House development was not available within the “Village Type Development” (“V”) zones of the applicants own village and other recognized villages in Tai Po.
- R3. 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.
- R4. 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.
- R5. The proposed development which required felling of mature trees, was not supported from nature conservation and landscape planning point of view.
- R6. The proposed development, which affected the mature trees and an ecologically important stream, was not supported from nature conservation point of view.

- R7. 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.
- R8. 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.
- R9. 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.
- R10. 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.
- R11. Land was still available within the “Village Type Development” (“V”) zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai 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.
- R12. The proposed development would affect the existing trees on the application site. The applicant failed to demonstrate in the submission that the proposed development would not have adverse impact on the existing trees located within the site.
- R13. The proposed development was located within the water gathering ground and was close to a stream course. The applicant failed to demonstrate in the submission that the proposed development 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
- R15. Approval of the application would set an undesirable precedent for similar applications within the "AGR" zone, the cumulative effect of which would result in adverse impact on the traffic and rural landscape of the area.
- R16. 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.
- R17. 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 Site falls entirely within the 'VE' of Tai Wo Village;
- (c) the applicant is an indigenous villager of Tai Wo Village of Tai Po as confirmed by the respective Indigenous Inhabitant Representative (IIR). However, his eligibility of Small House grant has yet to be ascertained;
- (d) 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	87	257
Kau Lung Hang	43	100
Tai Wo	66	189

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

- (e) the Site is unleased and unallocated Government land, not covered by any Modification of Tenancy/ Building Licence, but overlaps with the adjacent Government Land Licence (GLL) No. T4668 which permits the use of Government land for cultivation only for a term of 2 years. The concerned GLL is renewed automatically every year subject to payment of permit fee. Cancellation of the licence may be required under the following circumstances:
 - (i) where the land is needed for its permanent use;
 - (ii) where a breach of the licence conditions has occurred; or
 - (iii) where Government has discovered that part of the land under the licence encroaches onto private land;
- (f) the Small House application has been received by his office;
- (g) the Site falls within 30m from a resumption limit under North District Sewerage, Stage 2 Phase 1 – Village Sewerage works for Yuen Leng Village though it was degazetted on 29.10.2010, and within 3m from a local public works road. Hence, the Site is within "Prohibited Area"; the Small House application could only be further proceeded if the concerned departments had no objection to relax the restriction of "Prohibited Area";
- (h) 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 proposed Small House or approval of the emergency vehicular access thereto; and

- (i) the dimensions of the proposed Small House shown in the submission are erroneous. The applicant has to clarify that no balconies/canopy would be equipped.

2. Traffic

Comments 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 “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 “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 a Small House can be tolerated unless it is rejected on other grounds; and
- (c) the existing village access on and near the Site is not under Transport Department’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) does not support the application as the Site falls completely outside “V” zone, within WGG, and no public sewerage will be available to serve the proposed Small House in the near future;
- (b) the Site falls within “AGR” zone, and is within WGG. Due to topographical constraints, the Site could not be served by the sewerage scheme for Tai Wo. The public sewer to which the applicant proposed to connect is part of the proposed sewerage scheme for Yuen Leng, which was degazetted in October 2010 due to conflicting views among some of the land owners over the extent of proposed land resumption. Although the sewerage scheme for Yuen Leng is still included under the village sewerage programme, and EPD would continue to collaborate with DSD to resolve the persistent disagreements among the concerned land owners, there is currently no fixed timetable for implementing the Yuen Leng sewerage scheme;
- (c) the Site is located at about 110m and 140m from the East Rail Line and Fanling Highway respectively and is 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) has some reservations on the application from the landscape planning perspective;
- (b) the Site is situated in an area of rural landscape character comprising scattered tree groups, active farmland and Small Houses. Although the proposed development is not in line with the planning intention of “AGR” zone, it is not incompatible with the surrounding environment;
- (c) the Site is vacant with five existing mature trees in fair to good condition along the eastern boundary. A group of young fruit trees are spotted along the western boundary. Since the proposed Small House footprint covers the entire Site, all existing trees within the site boundary will likely be felled. Adverse impact on significant landscape resources arising from the proposed development is anticipated while no mitigation measures can be adopted. Approval of the application would encourage similar applications further encroaching onto the “AGR” zone. The cumulative effect of approving similar applications would result in degradation of landscape character and cause adverse landscape impact to the area; and
- (d) since the footprint of the proposed Small House covers the entire Site, there is no space for landscaping within the Site. Should the application be approved by the Board, standard condition on submission and implementation of landscape proposal is not recommended.

5. Drainage and Sewerage

5.1 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 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 existing DSD maintained public storm drain available for connection in this area. The development should have its own stormwater collection and discharge systems 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. A 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 lot boundary, prior consent and agreement from LandsD and/or relevant lot owners should be sought;

5.2 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. Nevertheless, 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 therefore 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, EPD 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.

6. Agriculture

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

- (a) has reservation on the application from agricultural and tree preservation points of view;
- (b) there are active agricultural activities in the vicinity of the Site and agricultural infrastructure such as water supply and road access is available. The Site possess potential for agricultural rehabilitation;
- (c) there are approximately 10 trees along the road side both within and in the vicinity of the Site. Contrary to the information in the application form, the proposed Small House should imply felling of these trees;
- (d) the Kau Lung Hang Ecologically Important Stream (EIS) is located approximately 40m to the southwest of the Site. Should the application be approved, the applicant should be advised to implement necessary precautionary measures making reference to Buildings Department's Practice Note for Authorised Persons and Registered Structural Engineers No. ADV-27 (Appendix C) to minimise impacts on the EIS; and
- (e) suspected unauthorised tree felling was observed at the Site in 2016. The attention of the Board should be drawn to consider whether the application would constitute "destroy first, build later".

7. Water Supply

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

- (a) 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 criterion (i) of the "Interim Criteria for Consideration of Applications for NTEH/Small House in New Territories" cannot be established.

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

9. 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, Kau Lung Hang and Tai Wo Villages is 196 while the 10-year Small House demand forecast for the same villages is 546. Based on the latest estimate by the Planning Department, about 10.20 ha (or equivalent to about 408 Small House sites) of land are available within the "V" zone of Yuen Leng, Kau Lung Hang and Tai Wo Villages. Therefore, the land available cannot fully meet the future Small House demand of about 18.55 ha (or equivalent to about 742 Small House sites).

Recommended Advisory Clauses

- (a) the construction of the Small House should not commence before the completion of the planned sewerage system in the area;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
 - (i) 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 proposed Small House or approval of the emergency vehicular access thereto;
 - (ii) 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 proposed Small House or approval of the emergency vehicular access thereto; and
 - (iii) the dimensions of the proposed Small House shown in the submission are erroneous. The applicant has to clarify that no balconies/canopy would be equipped;
- (c) to note the comments of the Commissioner for Transport (C for T) that the existing village access on and 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;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the public sewer to which the applicant proposed to connect to is part of the proposed sewerage scheme for Yuen Leng, which was degazetted in October 2010 due to conflicting views among some of the land owners over the extent of proposed land resumption. Although the said sewerage scheme for Yuen Leng is still included under the village sewerage programme, and Environmental Protection Department would continue to collaborate with DSD to resolve the persistent disagreements among the concerned land owners, there is currently no fixed timetable for implementing the Yuen Leng sewerage scheme;
- (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 Agricultural, Fisheries and Conservation (DAFC) that the Kau Lung Hang Ecologically Important Stream (EIS) is located approximately 40m to the southwest of the Site. The applicant should implement necessary precautionary measures making reference to Buildings Department's Practice Note for Authorised Persons and Registered Structural Engineers No. ADV-

27 (Appendix C) to minimise impacts on the EIS;

- (i) 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; 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.