

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
- (c) "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;
- (d) 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);
- (e) 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;
- (f) an application site involves more than one NTEH/Small House, application of the above criteria would be on individual NTEH/Small House basis;
- (g) the proposed development should not frustrate the planning intention of the particular zone in which the application site is located;
- (h) the proposed development should be compatible in terms of land use, scale, design and layout, with the surrounding area/development;
- (i) 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;
- (j) 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^);

- (k) 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
 - (l) 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

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/310*	Proposed House (New Territories Exempted House – Small House)	30/05/2003	A1 – A5
A/NE-KLH/311#	Proposed House (New Territories Exempted House – Small House)	30/05/2003	A1 – A5

* Previous Case for A/NE-KLH/563

Previous Case for A/NE-KLH/564

Approval Conditions

- A1. The submission and implementation of landscaping proposals
- A2. The provision of drainage facilities
- 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

Appendix IV of RNTPC
Paper No. A/NE-KLH/563 and 564

Similar Applications within the same “Agricultural” 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)	2/2/2001	A1 – A4
A/NE-KLH/273	Proposed House (New Territories Exempted House – Small House)	4/5/2001	A1 – A4, A7
A/NE-KLH/277	Proposed House (New Territories Exempted House – Small House)	21/9/2001	A1 – A4, A7
A/NE-KLH/279	Proposed House (New Territories Exempted House – Small House)	21/9/2001	A1 – A4, A7
A/NE-KLH/281	Proposed House (New Territories Exempted House – Small House)	7/12/2001	A1 – A3
A/NE-KLH/283	Proposed House (New Territories Exempted House – Small House)	15/3/2002	A1 – A4
A/NE-KLH/284	Proposed House (New Territories Exempted House – Small House)	15/3/2002	A1 – A4
A/NE-KLH/304	Proposed House (New Territories Exempted House – Small House)	21/2/2003	A1, A4 – A6
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)	29/7/2005	A1, A4 – A6

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/341	Proposed House (New Territories Exempted House – Small House)	14/10/2005	A1, A4 – A6, A9
A/NE-KLH/343	Proposed House (New Territories Exempted House – Small House)	14/7/2006 (Review) *	A1, A4 – A6
A/NE-KLH/344	Proposed House (New Territories Exempted House – Small House)	14/7/2006 (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)	17/2/2006	A1, A4 – A6
A/NE-KLH/347	Proposed House (New Territories Exempted House - Small House)	3/3/2006	A1, A4 – A6
A/NE-KLH/351	Proposed House (New Territories Exempted House – Small House)	18/8/2006	A1, A4 – A6
A/NE-KLH/352	Proposed House (New Territories Exempted House – Small House)	18/8/2006	A1, A4 – A6
A/NE-KLH/358	Proposed Four Houses (New Territories Exempted Houses – Small Houses)	23/3/2007 (Partially)	A1, A4 – A7
A/NE-KLH/368	Proposed House (New Territories Exempted House – Small House)	18/4/2008	A1, A4 – A7
A/NE-KLH/370	Proposed House (New Territories Exempted House – Small House)	18/7/2008	A1, A4 – A7
A/NE-KLH/372	Proposed House (New Territories Exempted House – Small House)	1/8/2008	A1, A4 – A7
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

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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 House – Small House)	23/4/2010	A1, A4 – A7
A/NE-KLH/400	Proposed House (New Territories Exempted House – Small House)	09/4/2010	A1, A4 – A7
A/NE-KLH/403	Proposed House (New Territories Exempted House – Small House)	28/5/2010	A1, A4 – A7
A/NE-KLH/406	Proposed House (New Territories Exempted House – Small House)	11/6/2010	A1, A4 – A7
A/NE-KLH/407	Proposed House (New Territories Exempted House – Small House)	11/6/2010	A1, A4 – A7
A/NE-KLH/409	Proposed House (New Territories Exempted House – Small House)	30/7/2010	A1, A4 – A7
A/NE-KLH/410	Proposed House (New Territories Exempted House – Small House)	30/7/2010	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)	28/1/2011	A1, A4 – A7
A/NE-KLH/432	Proposed House (New Territories Exempted House – Small House)	23/9/2011	A1, A4 – A7
A/NE-KLH/433	Proposed House (New Territories Exempted House – Small House)	23/9/2011	A1, A4 – A7

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/438	Proposed House (New Territories Exempted House – Small House)	1/6/2012	A1, A4 – A7
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)	25/1/2013	A1, A4 – A6
A/NE-KLH/459	Proposed House (New Territories Exempted House – Small House)	17/1/2014	A1, A4 – A6
A/NE-KLH/467	Proposed House (New Territories Exempted House – Small House)	23/5/2014	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)	11/7/2014	A1, A4 – A6
A/NE-KLH/472	Proposed House (New Territories Exempted House – Small House)	11/7/2014	A1, A4 – A6
A/NE-KLH/473	Proposed House (New Territories Exempted House – Small House)	11/7/2014	A1, A4 – A6
A/NE-KLH/481	Proposed House (New Territories Exempted House – Small House)	22/8/2014	A1, A4 – A6, A8
A/NE-KLH/482	Proposed House (New Territories Exempted House – Small House)	26/9/2014	A1, A4 – A6
A/NE-KLH/487	Proposed House (New Territories Exempted House – Small House)	27/3/2015	A1, A4 – A6
A/NE-KLH/488	Proposed House (New Territories Exempted House – Small House)	27/3/2015	A1, A4 – A6

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/491	Proposed House (New Territories Exempted House – Small House)	22/5/2015	A1, A4 – A6
A/NE-KLH/494	Proposed 2 House (New Territories Exempted Houses – Small Houses)	21/8/2015	A1, A4 – A6
A/NE-KLH/503	Proposed House (New Territories Exempted House – Small House)	22/4/2016	A1, A4 – A6
A/NE-KLH/504	Proposed House (New Territories Exempted House – Small House)	22/4/2016	A1, A4 – A6
A/NE-KLH/519	Proposed House (New Territories Exempted House – Small House)	26/8/2016	A1, A4 – A6
A/NE-KLH/523	Proposed House (New Territories Exempted House – Small House)	9/12/2016	A1, A4 – A6
A/NE-KLH/527	Proposed House (New Territories Exempted House – Small House)	12/5/2017	A1, A4 – A6
A/NE-KLH/529	Proposed House (New Territories Exempted House – Small House)	23/6/2017	A1, A4 – A6
A/NE-KLH/530	Proposed House (New Territories Exempted House – Small House)	23/6/2017	A1, A4 – A6
A/NE-KLH/531	Proposed House (New Territories Exempted House – Small House)	23/6/2017	A1, A4 – A6
A/NE-KLH/533	Proposed House (New Territories Exempted House – Small House)	11/8/2017	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/541	Proposed House (New Territories Exempted House – Small House)	18/5/2018	A1, A4 – A6

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/542	Proposed House (New Territories Exempted House – Small House)	16/3/2018	A1, A4 – A6
A/NE-KLH/553	Proposed House (New Territories Exempted House – Small House)	21/9/2018	A4 – A6
A/NE-KLH/554	Proposed House (New Territories Exempted House – Small House)	21/9/2018	A4 – A6
A/NE-KLH/555	Proposed House (New Territories Exempted House – Small House)	21/9/2018	A4 – A6

* Appeal dismissed by Town Planning Appeal Board on 2/8/2007

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 (WGG)
- 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 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 House (New Territories Exempted House – Small House)	11/10/2002	R1
A/NE-KLH/303	Proposed House (New Territories Exempted House – Small House)	7/2/2003	R1
A/NE-KLH/312	Proposed House (New Territories Exempted House – Small House)	30/5/2003	R1
A/NE-KLH/314	Proposed House (New Territories Exempted House – Small House)	25/7/2003	R1, R3, R10
A/NE-KLH/315	Proposed House (New Territories Exempted House – Small House)	25/7/2003	R1, R3, R10
A/NE-KLH/333	Proposed House (New Territories Exempted House – Small House)	15/7/2005	R1, R11
A/NE-KLH/334	Proposed House (New Territories Exempted House – Small House)	15/7/2005	R1, R11
A/NE-KLH/361	Proposed House (New Territories Exempted House – Small House)	13/4/2007	R2, R3
A/NE-KLH/380	Proposed House (New Territories Exempted House – Small House)	13/3/2009	R3 – R5
A/NE-KLH/430	Proposed House (New Territories Exempted House – Small House)	8/7/2011	R7, R9
A/NE-KLH/439	Proposed House (New Territories Exempted House – Small House)	24/8/2012	R6
A/NE-KLH/440	Proposed House (New Territories Exempted House – Small House)	1/2/2013 (Review)	R6, R12

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/441	Proposed House (New Territories Exempted House – Small House)	1/2/2013 (Review)	R6, R12
A/NE-KLH/443	Proposed House (New Territories Exempted House – Small House)	19/10/2012	R7, R9
A/NE-KLH/444	Proposed House (New Territories Exempted House – Small House)	22/2/2013 (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)	8/8/2014	R6 – R7
A/NE-KLH/479	Proposed House (New Territories Exempted House – Small House)	8/8/2014	R6 – R7
A/NE-KLH/483	Proposed House (New Territories Exempted House – Small House)	1/9/2016 (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)	3/2/2017	R3, R8
A/NE-KLH/526	Proposed 6 Houses (New Territories Exempted Houses – Small Houses)	18/8/2017 (Review)	R6 – R8
A/NE-KLH/537	Proposed House (New Territories Exempted House – Small House)	8/6/2018 (Review)	R3, R8
A/NE-KLH/538	Proposed House (New Territories Exempted House – Small House)	8/6/2018 (Review)	R3, R8

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/544	Proposed House (New Territories Exempted House – Small House)	12/10/2018 (Review)	R3, R6 – R8, R13
A/NE-KLH/546	Proposed House (New Territories Exempted House – Small House)	4/5/2018	R3, R6 – R8
A/NE-KLH/549	Proposed House (New Territories Exempted House – Small House)	7/9/2018	R3, R8

Appeal dismissed by Town Planning Appeal Board on 1.9.2016

Rejection Reasons

- R1. The proposed development did not comply with the Interim Criteria for consideration of/ accessing 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 no/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 grounds (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" ("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 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 WGG 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 WGG 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 WGG 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 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 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 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)
- R14. 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
- R15. 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
- R16. The proposed development would be subject to adverse noise impact generated by the East Rail nearby
- R17. 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

Detailed Comments from Relevant Government Departments

1. Land Administration

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

- (a) no objection to the applications;
- (b) the applicants are indigenous villagers of Pak Sha O as confirmed by the respective Indigenous Inhabitant Representative (IIR). However, their eligibility of Small House grant have yet to be ascertained;
- (c) the subject lots are held under Block Government Lease demised for agricultural use;
- (d) the application sites (the Sites) are not covered by any Modification of Tenancy or Building Licence;
- (e) the Sites fall entirely within the village 'environs' of Yuen Leng and Kau Lung Hang; and
- (f) 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>
Kau Lung Hang	45	100
Yuen Leng	82	257

- (* 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)
- (g) if and after planning approval has been given by the Town Planning Board (the Board), LandsD will process the Small House applications. However, there is no guarantee at this stage that the Small house application would be approved. If the Small House applications are 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 Houses concerned or approval of the Emergency Vehicular Access thereto;
- (h) without valid planning permission, the Small House applications received in 2002 (Application No. A/NE-KLH/563) and 2000 (Application No. A/NE-KLH/564) from the same applicants were rejected in 2017 and in 2016 respectively. There is no valid Small House application for the Sites being processed by DLO/TP at the moment.

2. Traffic

Comments of Commissioner for Transport (C for T):

- (a) no in-principle objection to the applications from traffic engineering point of view; and
- (b) the road/footpath next to the Sites is not under Transport Department's management. The land status, management and maintenance responsibilities of the road and footpath should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes.

3. Environment

Comments of Director of Environmental Protection (DEP):

- (a) the Sites fall within "AGR" and "V" zones and are within the water gathering grounds (WGG). The applicants have proposed to connect the proposed Small Houses to the public sewerage to the immediate west of the Sites. There is sufficient level drop between the lots and the public sewer, and the public sewerage has sufficient capacity to accommodate discharge from the Small Houses. Therefore, he has no objection to the applications on the conditions that:
 - (i) the proposed houses will be connected to the public sewer;
 - (ii) adequate land space within the Sites will be reserved for connection of the proposed houses to the public sewer;
 - (iii) written consent(s) can be obtained from the relevant lot owner(s) and/or LandsD for laying and maintaining sewage pipes across the adjacent lots; and
 - (iv) the cost of sewer connection will be borne by the applicants; and
- (b) Kau Lung Hang Ecologically Important Stream (EIS) is at the immediate south of the Sites. The applicants should be advised to make reference to Environmental Protection Department's Practice Note for Professional Persons (ProPECC PN) 1/94 "Construction Site Drainage" and adopt good site practices and mitigation measures to avoid water quality impact during construction.

4. Landscape

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

- (a) no objection to the applications from the landscape planning perspective;
- (b) existing village houses are concentrated within "V" zone to the further north and south of the Sites. The Sites are connected to the nearby pedestrian path which is leading to Tai Wo Service Road East;

- (c) the Sites are situated in an area of rural landscape character comprising of scattered tree groups, abandoned farmlands and village houses. Given similar Small Houses are found in close proximity to the Sites, the proposed developments are not incompatible to the surrounding environment;
- (d) the Sites are vacant and covered with groundcovers and weeds. No existing tree is found within the Sites. Adverse impact arising from the proposed developments on significant landscape resources within the Sites is not anticipated;
- (e) since there is no adequate space for meaningful landscaping within the Sites to benefit the public realm, should the applications be approved by the Board, the condition on the submission and implementation of landscape proposal is not recommended; and
- (f) the Site of planning application No. A/NE-KLH/563 locates on an existing track. The applicant is reminded to seek comments from relevant administrative party for potential impact on the right-of-way.

5. Drainage and Sewerage

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

- (a) the proposed Small Houses will have at least 3m horizontal clear distance from the top of the embankment of existing streamcourse. As such, he has no in-principle objection to the applications from public drainage viewpoint;
- (b) if the applications are approved by the Board, an approval condition on submission and implementation of drainage proposal for the Sites is recommended to ensure that they will not cause adverse drainage impact to the adjacent areas. The applicants should be reminded that if the as-constructed footprints of the Small Houses cannot maintain at least 3m horizontal clearance from the top of embankment of existing streamcourse, DSD will reserve not to recommend the issue of certificates of compliance in due course;
- (c) there is no existing DSD maintained public drain available for connection in the area. The applicants should have their own stormwater collection and discharge system to cater for the runoff generated within the Sites and overland flow from surrounding of the Sites, e.g. surface channel of sufficient size along the perimeter of the Sites; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Sites if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicants should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicants are required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicants shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (d) there are DSD's public sewers in the vicinity of the proposed developments, with stud pipes reserved for the subject lots; and
- (e) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought.

5.2 Comments of Chief Engineer/Consultant Management, Drainage Services Department (CE/CM, DSD):

- (a) no comment on the applications; and
- (b) the village sewerage network for Kau Lung Hang Village has been completed.

6. **Agriculture and Nature Conservation**

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

- (a) the Sites are overgrown with weeds. Nevertheless, there are active agricultural activities in the vicinity and agricultural infrastructure such as water source and footpath is available. The Sites possess potential for agricultural rehabilitation. As such, the applications are not supported from agricultural development point of view; and
- (b) the section of Kau Lung Hang EIS to the south of the proposed Small Houses is channelized. The proposed Small Houses are to be connected to the existing public sewerage system. The applicants should be advised to implement necessary precautionary measures making reference to Buildings Department's Practice Note for Authorized Persons and Registered Structural Engineers ADV-27 Appendix C to minimize construction impacts on the EIS.

7. **Water Supply**

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

- (a) the Sites are located within upper indirect WGG and are less than 30m away from the nearest water course. The footprints of the proposed houses are 100% within the 'VE' of Yuen Leng, Kau Lung Hang San Wai and Lo Wai. Thus, compliance of the applications with item B(a) of the Interim Criteria can be reasonably established;
- (b) DEP advises that the Sites are able to be connected to the public sewerage system in the area. Therefore, compliance of the applications with item B(i) of the Interim Criteria can be reasonably established;
- (c) he notes that DEP has no objection to the applications provided that the applicants shall connect the houses 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 Houses can be connected to the public sewerage system in the area and the applicants shall connect the whole of the foul water drainage system to the public sewerage system; and
- (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the WGG;
- (d) the applicants should also be advised on the followings:
 - (i) the applicants 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 Houses to the public sewerage system via relevant private lot;
 - (ii) since the proposed house itself is less than 30m from the nearest water course, it should be located as far away from the water course as possible; and
 - (iii) 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 proposed developments, the applicants may need to extend the inside services to the nearest suitable government water mains for connection. The applicants 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.

8. Fire Safety

Comments of Director of Fire Services (D of FS):

- (a) no in-principle objection to the applications; and
- (b) the applicants are 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. District Officer's Comment

Comments of District Officer (Tai Po), Home Affairs Department (DO(TP), HAD):

- for application No. A/NE-KLH563, the Site covers a section of the existing footpath built by locals. The applicant is advised to maintain the aforementioned section of footpath open to the nearby villagers or provide an alternative one to connect the existing access.

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 127 while the 10-year Small House demand forecast for the same villages is 357. Based on the latest estimate by PlanD, about 6.41 ha (or equivalent to about 256 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 12.16 ha (or equivalent to about 484 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 Director of Environmental Protection (DEP) that:
 - (i) the proposed house should be connected to the public sewer for sewage disposal;
 - (ii) adequate land space within the Site should be reserved for connection of the proposed house to the public sewer;
 - (iii) written consent(s) should be obtained from the relevant lot owner(s) and/or LandsD for laying and maintaining sewage pipes across the adjacent lots;
 - (iv) the cost of sewer connection should be borne by the applicant; and
 - (v) Kau Lung Hang Ecologically Important Stream (EIS) is at the immediate south of the Site. The applicant should make reference to Environmental Protection Department's Practice Note for Professional Persons (ProPECC PN) 1/94 "Construction Site Drainage" and adopt good site practices and mitigation measures to avoid water quality impact during construction;
- (c) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) if the as-constructed footprint of the Small House cannot maintain at least 3m horizontal clearance from the top of embankment of existing streamcourse, DSD will reserve not to recommend the issue of certificate of compliance in due course;
 - (ii) there is no existing DSD maintained public drain available for connection in the area. The applicant 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. The applicant should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (iii) there are DSD's public sewers in the vicinity of the proposed development, with stud pipes reserved for the subject lots; and
 - (iv) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;
- (d) to note the comments of Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should implement necessary precautionary measures making reference to Buildings Department's Practice Note for Authorized Persons and Registered Structural Engineers ADV-27 Appendix C to minimize construction impacts on the Kau Lung Hang EIS;
- (e) to note the comments of 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 public 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 proposed 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 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; and
- (g) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the Site locates on an existing track. The applicant is reminded to seek comments from relevant administrative party for potential impact on the right-of-way (for Application No. A/NE-KLH/563 only);
- (h) to note the comments of District Officer (Tai Po), Home Affairs Department (DO(TP), HAD) that the Site covers a section of the existing footpath built by locals. The applicant is advised to maintain the aforementioned section of footpath open to the nearby villagers or provide an alternative one to connect the existing access (for Application No. A/NE-KLH/563 only); 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.

