

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

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/352	Proposed House (New Territories Exempted House – Small House)	18.8.2006	A1 - A4
A/NE-KLH/433	Proposed House (New Territories Exempted House – Small House)	23.9.2011	A1 - A5
A/NE-KLH/503	Proposed House (New Territories Exempted House - Small House)	22.4.2016	A1 - A4

Approval Conditions

- A1. The submission and implementation of landscaping proposals
- A2. The submission/provision of drainage facilities
- A3. The connection of the foul water drainage system to public sewers
- A4. The provision of protective measures to ensure no siltation occurred or no pollution to the water gathering grounds
- A5. The provision of fire-fighting access, water supplies and fire service installations

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

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/245	Proposed House (New Territories Exempted House – Small House)	22.12.2000	A1 – A3
A/NE-KLH/259	Proposed House (New Territories Exempted House – Small House)	2.2.2001	A1, A3, A5, A6
A/NE-KLH/273	Proposed House (New Territories Exempted House – Small House)	4.5.2001	A1 – A3, 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/283	Proposed House (New Territories Exempted House – Small House)	15.3.2002	A1, A3, A5, A6
A/NE-KLH/284	Proposed House (New Territories Exempted House – Small House)	15.3.2002	A1, A3, A5, A6
A/NE-KLH/304	Proposed House (New Territories Exempted House – Small House)	21.2.2003	A1, A3, A7, A8
A/NE-KLH/310	Proposed House (New Territories Exempted House – Small House)	30.5.2003	A1 –A3, A7, A8
A/NE-KLH/311	Proposed House (New Territories Exempted House – Small House)	30.5.2003	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/343	Proposed House (New Territories Exempted House – Small House)	14.7.2006 on review*	A1, A3, A7, A8
A/NE-KLH/344	Proposed House (New Territories Exempted House – Small House)	14.7.2006 on review*	A1, A3, A7, A8
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/347	Proposed House (New Territories Exempted House - Small House)	3.3.2006	A1, A3, A7, A8
A/NE-KLH/351	Proposed House (New Territories Exempted House – Small House)	18.8.2006	A1, A3, A7, A8
A/NE-KLH/358	Proposed Four Houses (New Territories Exempted Houses – Small Houses)	23.3.2007 (Partially)	A1, A3, A7 – A9
A/NE-KLH/368	Proposed House (New Territories Exempted House – Small House)	18.4.2008	A1, A3, A7 – A9
A/NE-KLH/370	Proposed House (New Territories Exempted House – Small House)	18.7.2008	A1, A3, A7 – A9
A/NE-KLH/372	Proposed House (New Territories Exempted House – Small House)	1.8.2008	A1, A3, A7 – A9

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/375	Proposed House (New Territories Exempted House – Small House)	10.10.2008	A1, A3, A7 – A9
A/NE-KLH/378	Proposed House (New Territories Exempted House – Small House)	19.12.2008	A1, A3, A7 – A9
A/NE-KLH/379	Proposed House (New Territories Exempted House – Small House)	19.12.2008	A1, A3, A7 – A9
A/NE-KLH/397	Proposed Three Houses (New Territories Exempted House – Small House)	23.4.2010	A1, A3, A7 – A9
A/NE-KLH/400	Proposed House (New Territories Exempted House – Small House)	9.4.2010	A1, A3, A7 – A9
A/NE-KLH/403	Proposed House (New Territories Exempted House – Small House)	28.5.2010	A1, A3, A7 – A9
A/NE-KLH/406	Proposed House (New Territories Exempted House – Small House)	11.6.2010	A1, A3, A7 – A9
A/NE-KLH/407	Proposed House (New Territories Exempted House – Small House)	11.6.2010	A1, A3, A7 – A9
A/NE-KLH/409	Proposed House (New Territories Exempted House – Small House)	30.7.2010	A1, A3, A7 – A9
A/NE-KLH/410	Proposed House (New Territories Exempted House – Small House)	30.7.2010	A1, A3, A7 – A9
A/NE-KLH/415	Proposed House (New Territories Exempted House – Small House)	15.10.2010	A1, A3, A7 – A9
A/NE-KLH/416	Proposed House (New Territories Exempted House – Small House)	15.10.2010	A1, A3, A7 – A9
A/NE-KLH/417	Proposed House (New Territories Exempted House – Small House)	15.10.2010	A1, A3, A7 – A9
A/NE-KLH/426	Proposed House (New Territories Exempted House – Small House)	28.1.2011	A1, A3, A7 – A9

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/432	Proposed House (New Territories Exempted House – Small House)	23.9.2011	A1, A7 – A10
A/NE-KLH/438	Proposed House (New Territories Exempted House – Small House)	1.6.2012	A1, A3, A7 – A9
A/NE-KLH/442	Proposed House (New Territories Exempted House-Small House)	19.10.2012	A1, A7 – A10
A/NE-KLH/450	Proposed House (New Territories Exempted House – Small House)	25.1.2013	A1, A3, A7, A8
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, A8, A13
A/NE-KLH/469	Proposed House (New Territories Exempted House – Small House)	24.10.2014 on review	A1, A3, A7, A8
A/NE-KLH/470	Proposed House (New Territories Exempted House – Small House)	24.10.2014 on review	A1, A3, A7, A8
A/NE-KLH/471	Proposed House (New Territories Exempted House – Small House)	11.7.2014	A1, A3, A7, A8
A/NE-KLH/472	Proposed House (New Territories Exempted House – Small House)	11.7.2014	A1, A3, A7, A8
A/NE-KLH/473	Proposed House (New Territories Exempted House – Small House)	11.7.2014	A1, A3, A7, A8
A/NE-KLH/481	Proposed House (New Territories Exempted House – Small House)	22.8.2014	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

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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
A/NE-KLH/494	Proposed 2 House (New Territories Exempted Houses – Small Houses)	21.8.2015	A1, A3, A7, A8
A/NE-KLH/504	Proposed House (New Territories Exempted House – Small House)	22.4.2016	A1, A7, A8, A10
A/NE-KLH/519	Proposed House (New Territories Exempted House – Small House)	26.8.2016	A1, A3, A7, A8
A/NE-KLH/523	Proposed House (New Territories Exempted House – Small House)	9.12.2016	A1, A3, A7, A8
A/NE-KLH/527	Proposed House (New Territories Exempted House – Small House)	12.5.2017	A1, A3, A7, A8
A/NE-KLH/529	Proposed House (New Territories Exempted House – Small House)	23.6.2017	A1, A3, A7, A8
A/NE-KLH/530	Proposed House (New Territories Exempted House – Small House)	23.6.2017	A1, A3, A7, A8
A/NE-KLH/531	Proposed House (New Territories Exempted House – Small House)	23.6.2017	A1, A3, A7, A8
A/NE-KLH/533	Proposed House (New Territories Exempted House – Small House)	11.8.2017	A1, A7, A8
A/NE-KLH/535	Proposed House (New Territories Exempted House – Small House)	13.10.2017	A1, A3, A7, A8
A/NE-KLH/540	Proposed House (New Territories Exempted House – Small House)	22.12.2017	A1, A7, A8

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/541	Proposed House (New Territories Exempted House – Small House)	18.5.2018	A1, A7, A8, A11
A/NE-KLH/542	Proposed House (New Territories Exempted House – Small House)	16.3.2018	A1, A3, A7, A8
A/NE-KLH/553	Proposed House (New Territories Exempted House – Small House)	21.9.2018	A3, A7, A8
A/NE-KLH/554	Proposed House (New Territories Exempted House – Small House)	21.9.2018	A3, A7, A8
A/NE-KLH/555	Proposed House (New Territories Exempted House – Small House)	21.9.2018	A3, A7, A8
A/NE-KLH/563	Proposed House (New Territories Exempted House – Small House)	22.3.2019	A1, A7, A8
A/NE-KLH/564	Proposed House (New Territories Exempted House – Small House)	22.3.2019	A1, A7, A8
A/NE-KLH/572	Proposed House (New Territories Exempted House - Small House)	6.9.2019	A1, A7, A8

* Appeal against an advisory clause was dismissed by Town Planning Appeal Board on 2.8.2007

Approval Conditions

- A1. The submission/provision of drainage facilities
- A2. The provision of fire services installations (FSIs)
- A3. The submission and implementation of landscape proposal
- A4. 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
- A5. The disposal of spoils during the site formation and construction period
- A6. The connection/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 water gathering ground (WGG)

- A9. The provision of fire fighting access, water supplies and FSIs
- 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
- A13. The connection of the foul water drainage system to the planned public sewerage system in the area and the whole of the foul water drainage system to the planned public sewerage system upon its completion

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, R2, R3
A/NE-KLH/315	Proposed House (New Territories Exempted House – Small House)	25.7.2003	R1, R2, R3
A/NE-KLH/333	Proposed House (New Territories Exempted House – Small House)	15.7.2005	R1, R4
A/NE-KLH/334	Proposed House (New Territories Exempted House – Small House)	15.7.2005	R1, R4
A/NE-KLH/358	Proposed Four Houses (New Territories Exempted Houses – Small Houses)	23.3.2007 (Partially)	R1, R4

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/361	Proposed House (New Territories Exempted House – Small House)	13.4.2007	R1, R3
A/NE-KLH/380	Proposed House (New Territories Exempted House – Small House)	13.3.2009	R1, R3, R5
A/NE-KLH/430	Proposed House (New Territories Exempted House – Small House)	8.7.2011	R1, R6
A/NE-KLH/439	Proposed House (New Territories Exempted House – Small House)	24.8.2012	R7
A/NE-KLH/440	Proposed House (New Territories Exempted House – Small House)	1.2.2013 on review	R7, R8
A/NE-KLH/441	Proposed House (New Territories Exempted House – Small House)	1.2.2013 on review	R7, R8
A/NE-KLH/443	Proposed House (New Territories Exempted House – Small House)	19.10.2012	R1, R6
A/NE-KLH/444	Proposed House (New Territories Exempted House – Small House)	22.2.2013 on review	R7
A/NE-KLH/455	Proposed House (New Territories Exempted House – Small House)	13.12.2013	R7
A/NE-KLH/478	Proposed House (New Territories Exempted House – Small House)	8.8.2014	R1, R7
A/NE-KLH/479	Proposed House (New Territories Exempted House – Small House)	8.8.2014	R1, R7
A/NE-KLH/483	Proposed House (New Territories Exempted House – Small House)	1.9.2016 (Appeal dismissed) [#]	R1, R7

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/484	Proposed House (New Territories Exempted House – Small House)	31.10.2014	R7
A/NE-KLH/521	Proposed House (New Territories Exempted House – Small House)	3.2.2017	R3, R9
A/NE-KLH/526	Proposed 6 Houses (New Territories Exempted Houses – Small Houses)	18.8.2017 on review	R1, R7, R9
A/NE-KLH/537	Proposed House (New Territories Exempted House – Small House)	8.6.2018 on review	R3, R9
A/NE-KLH/538	Proposed House (New Territories Exempted House – Small House)	8.6.2018 on review	R3, R9
A/NE-KLH/544	Proposed House (New Territories Exempted House – Small House)	12.10.2018 on review	R1, R3, R7, R9, R10
A/NE-KLH/546	Proposed House (New Territories Exempted House – Small House)	4.5.2018	R1, R3, R9
A/NE-KLH/549	Proposed House (New Territories Exempted House – Small House)	7.9.2018	R3, R9
A/NE-KLH/558	Proposed House (New Territories Exempted House – Small House)	22.3.2019	R3, R9
A/NE-KLH/559	Proposed House (New Territories Exempted House – Small House)	22.3.2019	R3, R9
A/NE-KLH/573	Proposed House (New Territories Exempted House – Small House)	10.1.2020 on review	R3, R9
A/NE-KLH/577	Proposed House (New Territories Exempted House – Small House)	15.11.2019	R1, R3, R9

Appeal dismissed by Town Planning Appeal Board on 1.9.2016 on the same rejection reasons by TPB on review

Rejection Reasons

- R1. The proposed development did not comply with the 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 WGG, would not cause adverse impact on water quality in the area.
- R2. 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.
- 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 approval of the proposed development would set an undesirable precedent for other similar applications within WGG in the New Territories and would lead to irreversible damage to the water quality of the WGGs in Kau Lung Hang and other areas in the New Territories.
- R5. 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 “Village Type Development” (“V”) zone of recognised villages.
- R6. 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 “V” 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.
- R7. 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.
- R8. 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.
- R9. Land was still available within the “V” zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai which was 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.
- R10. The proposed development would be subject to adverse noise impact generated by the East Rail nearby, and there was no information in the submission to demonstrate that the proposed development would be in compliance with the Noise Control Ordinance (Cap. 400).

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 application;
- (b) the applicant is an indigenous villager of Kau Lung Hang of Tai Po as confirmed by the respective Indigenous Inhabitant Representative (IIR). However, his eligibility of Small House grant has yet to be ascertained. Small House application was received from the applicant in January 2019 and is being processed;
- (c) the subject Lot is held under Block Government Lease demised for agricultural use, and is not covered by any Modification of Tenancy or Building Licence;
- (d) the application site (the Site) falls entirely within the village ‘environs’ (‘VE’) of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai;
- (e) 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	48	464
Yuen Leng	81	261

(* The figures of 10-year Small House demand were estimated and provided by the IIR of concerned villages and the information so obtained is not verified in any way by LandsD.)

- (f) if and after planning permission has been given by the Town Planning Board (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 (EVA) thereto.

2. Traffic

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

- no in-principle objection to the application from the traffic engineering point of view.

3. **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) the Site falls partly within the “Agriculture” (“AGR”) zone and partly within the “Village Type Development” (“V”) zone, and is inside water gathering grounds (WGG);
- (b) the applicant has proposed to connect the proposed Small House to the existing public sewer in the vicinity of the Site. The public sewerage in the area should have sufficient capacity to accommodate discharge from the proposed Small House. Therefore, he has no objection to the application on the conditions that:
 - (i) the proposed house will be connected to public sewer;
 - (ii) adequate land space within the Site will be reserved for connection of the proposed house 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; and
 - (iv) the cost of sewer connection and maintenance will be borne by the applicant; and
- (c) the Site is located at about 60m from the East Rail Line and is partially shielded by existing village houses and temporary structures from the railway. There is no noise complaint records in the vicinity of the Site in the past ten years. While short track-side barriers are erected along the concerned section of railway, the applicant is advised that the railway noise could be mitigated through adoption of self-protective designs to avoid open windows of noise sensitive uses (e.g. bedrooms and living rooms) facing the railway, using acoustic windows and balconies where appropriate and acoustic insulation as last resort etc.

4. **Landscape**

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

- (a) no objection to the application from the landscape planning point of view;
- (b) the Site is situated in an area of settled valleys landscape character surrounded by village houses and vegetated areas. The Site is vacant with patches of vegetation, no significant sensitive landscape resources is observed within the Site. Hence, significant adverse impact on existing landscape resources arising from the proposed development is not anticipated; and
- (c) Application No. A/NE-KLH/504 in close proximity adjoining the northwestern boundary of the Site for the same use within the same “V” and “AGR” zones was approved by the Board in 2016. The proposed Small

House under the current application is considered not entirely incompatible with the landscape character surrounding the Site.

5. Drainage and Sewerage

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

- (a) no in-principle objection to the application from public drainage point of view;
- (b) if the application is approved, an approval condition on submission and implementation of drainage proposal for the Site is recommended to ensure that it will not cause adverse drainage impact to the adjacent areas;
- (c) while there are DSD's public stormwater drains 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 boundary wall/fence is to be erected. 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 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;
- (d) there is existing public sewers in the vicinity of the Site. Based on the applicant's submission, the proposed sewerage connection is considered technically feasible from drainage viewpoint; 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.

6. Agriculture

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

- the Site is currently a piece of abandoned land that is partly paved and partly vegetated. There are active agricultural activities in the vicinity, and agricultural infrastructure such as footpath and water source are available. The Site possesses potential for agricultural rehabilitation. As such, the application is not supported from the agricultural development point of view.

7. Fire Safety

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

- (a) no in-principle objection to the application; and
- (b) the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.

8. Water Supply

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

- (a) no objection to the application;
- (b) the Site is located within lower indirect WGG and is less than 30 away from the nearest water course;
- (c) noting that DEP has no objection to the application provided that the applicant shall connect the proposed Small House to public sewer for sewage disposal. He supports DEP's view by imposing the following conditions:
 - (i) the foul water drainage system of the proposed Small House can be connected to the public sewerage system in the area and the applicant shall connect the whole of the foul water drainage system to the public sewerage system; and
 - (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the WGG;
- (d) 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;
- (e) the whole of foul effluent from the proposed Small House shall be conveyed through cast iron pipes with sealed joints and hatchboxes; and
- (f) as the Site falls within lower indirect WGG, there are risks of contamination to the lower indirect WGG due to the construction activities, traffic generation, sewage discharge and domestic activities. Thus, the following additional approval condition is proposed:
 - (i) the submission of a water pollution risk and impact assessment report to prove and demonstrate that there is no material increase in pollution effect resulting from the proposed development to WSD's satisfaction.

9. Geotechnical

Comments of Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) no adverse geotechnical comment on the application; and
- (b) the applicant is reminded to make necessary submission to LandsD to verify if the Site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicant shall submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance.

10. Demand and Supply of Small House Site

According to DLO/TP of LandsD's records, the total number of outstanding Small House applications for Yuen Leng and Kau Lung Hang is 129 while the 10-year Small House demand forecast for the same villages is 725. Based on the latest estimate by the PlanD, about 6.15 ha of land (equivalent to about 245 Small House sites) are available within the "V" zone of concerned villages. Therefore, the land available cannot fully meet the future demand of 854 Small Houses (equivalent to about 21.35 ha of land)

Recommended Advisory Clauses

- (a) to note the comments of the 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 (EVA) thereto;
- (b) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) while there are DSD's public stormwater drains in this area, the proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the application site (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 boundary wall/fence is to be erected. 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 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; and
 - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;
- (c) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) the proposed house should be connected to public sewer;
 - (ii) adequate land space within the Site should be reserved for connection of the proposed Small 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;
 - (iv) the cost of sewer connection and maintenance should be borne by the applicant; and
 - (v) railway noise could be mitigated through adoption of self-protective designs to avoid open windows of noise sensitive uses (e.g. bedrooms and living rooms) facing the railway, using acoustic windows and balconies where appropriate and acoustic insulation as last resort etc.

- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) 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; and
 - (ii) the whole of foul effluent from the proposed Small House shall be conveyed through cast iron pipes with sealed joints and hatchboxes;
- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (f) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant should make necessary submission to LandsD to verify if the Site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicant shall submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (g) 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.