

Previous applications for Small House developments at the Site

Rejected Applications

| Application No. | Proposed Development | Date of Consideration | Rejection Reasons |
|------------------------|--|------------------------------|--------------------------|
| A/NE-LT/530 | Proposed House (New Territories Exempted House – Small House) | 10.7.2015 (on Review) | R1, R2 |
| A/NE-LT/616 | Proposed House (New Territories Exempted House – Small House) | 8.9.2017 | R1, R2 |

Rejection Reasons

- R1. The proposed development was not in line with the planning intention of the “AGR” zone for the area 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. There was no strong planning justification provided in the submission to justify a departure from the planning intention;
- R2. Land was still available within the “V” zone of the concerned villages which was primarily intended for Small House development. It was considered more appropriate to concentrate Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services.

Approved Applications

Nil

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that no structure shall be erected on the aforesaid lots without prior approval from LandsD and there is no guarantee to the grant of a right of way to the temporary private car park;
- (c) to note the comments of the Commissioner for Transport (C for T) that the existing village access 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;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that if the proposed site access routes through private lots, the applicant should secure the access right by his own;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that there are two numbers of mature trees (*Bischofia javanica* (秋楓)) in close proximity to the northern boundary of the Site. Tree protection measures, e.g. kerb/wheel stopper/bollard, should be installed at minimum distance of 1m from the tree to guard against potential damage of vehicular movements;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN,DSD) that:
 - (i) the Site is within an area where connections to existing sewerage networks are available in the vicinity. Should the applicant choose to connect his proposed drainage systems to DSD's networks, he shall furnish his connection proposals for DSD's agreement; and
 - (ii) the applicant should rectify/modify the drainage/sewerage systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify Government against claims and demands arising out of damage or nuisance caused by failure of the system.
- (h) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) in **Appendix V**;

- (i) to note the Director of Electrical and Mechanical Services (DEMS)'s comments that:
- (i) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation (the Regulation) and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines;
 - (ii) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the Site. For any development that will result in a significant increase in population in the vicinity of the above gas installation, a risk assessment would be required from the applicant to assess the potential risks associated with the gas installation, having considered the proposed development;
 - (iii) the applicant/consultant/works contractor should liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development; and
 - (iv) the applicant/consultant/works contractor is required to observe the requirements of the EMSD's 'Code of Practice on Avoiding Danger from Gas Pipes' for reference; and
- (j) to note the comment of the Commissioner of Police (C of P) that no obstruction/danger should be caused to road users and members of the public.

**Advisory comments of the Chief Engineer/Construction,
Water Supplies Department (CE/C, WSD)**

- (a) site formation, construction and drainage plans shall be submitted to WSD for approval;
- (b) besides car parking, other activities such as car maintenance, repairing or washing activities shall not be allowed within the Site;
- (c) no effluent or foul water shall be discharged directly or indirectly into any watercourses without the prior written permission of WSD;
- (d) all solid waste and sludge arising from the operation of the private car park shall be disposed of properly outside the WGG;
- (e) the applied use shall be surrounded by kerbs and drains on all sides to avoid polluting the nearby watercourses during heavy rainfall;
- (f) fencing shall be erected on the sides facing the nearest stream course to trap all wind-blown debris within the car park;
- (g) no chemicals including fertilizers shall be used without the prior approval from WSD;
- (h) provision of toilet facilities shall not be permitted in the car park without the prior approval from WSD;
- (i) drainage traps such as grease traps, petrol interceptors shall be installed at each of the drainage outlets and shall be under proper maintenance. All such drainage traps shall have sufficient capacity to ensure the proper collection and disposal of fuel and lubricants. All effluent/pollutants arising from the private car park shall be disposed of properly outside the WGG;
- (j) no oil leakage or spillage in the water gathering grounds is allowed;
- (k) the storage and discharge of pesticide or toxicant, flammable or toxic solvents, petroleum oil or tar and other toxic substances are strictly prohibited within the WGG;
- (l) oil and grease decontamination kit such as absorbent pads shall be made available by the car park owner to decontaminate any oil leakage or spillage in the course of operation; and
- (m) should pollution be detected due to the private car park, it shall immediately be closed pending implementation of remedial measures by the applicant to the satisfaction of WSD; and

- (n) existing water mains at the Site will be affected. The applicant should either divert or protect the water mains found on the Site. If diversion is required, existing water mains within the Site are needed to be diverted outside the site boundary of the development to lie in Government land. A strip of land of minimum 1.5 metres in width should be provided for the diversion of the existing water main(s). The cost of diversion of existing water main(s) upon request will have to borne by the applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence. If diversion is not required, the applicant should be advised that:
- (i) existing water main(s) at the Site are affected and no development which requires resiting of water main(s) will be allowed;
 - (ii) details of site formation works shall be submitted to WSD for approval prior to commencement of works;
 - (iii) no structures shall be built or materials stored within 1.5 metres from the central line(s) of water main(s). Free access shall be made available at all times for WSD's staff or his contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (iv) no trees or shrubs with penetrating roots should be planted in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of WSD. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5 metres or less, and the barrier must extend below the invert level of the pipe;
 - (v) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 metres around the cover of any valve or within a distance of 1 metre from any hydrant outlet; and
 - (vi) tree planting may be prohibited in the event that the there is any likelihood of damage being caused to water main(s).