

**Relevant Revised Interim Criteria for Consideration of Application for
NTEH/Small House in the 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 application at the Site

Rejected Application

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-LT/639	Proposed House (New Territories Exempted House – Small House)	3.8.2018	R1,R2

Rejection Reasons

- R1 The proposed development 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. There was no strong planning justification in the current submission for a departure from the planning intention.
- R2 Land was still available within the “Village Type Development” (“V”) zones of Lam Tsuen San Tsuen and San Tsuen Lo Wai which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

**Similar s.16 Applications in the vicinity of the Site and within the same “AGR” zone
on the Lam Tsuen Outline Zoning Plan**

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-LT/273	Proposed House (New Territories Exempted House – Small House)	10.5.2002	A1-A4
A/NE-LT/328	Proposed House (New Territories Exempted House – Small House)	17.12.2004	A1,A2,A5,A6
A/NE-LT/329	Proposed House (New Territories Exempted House – Small House)	17.12.2004	A1,A2,A5,A6
A/NE-LT/334	Proposed House (New Territories Exempted House – Small House)	15.4.2005	A1,A2,A5-A7
A/NE-LT/355	Proposed House (New Territories Exempted House – Small House)	7.4.2006	A1,A2,A5-A7
A/NE-LT/364	Proposed House (New Territories Exempted House – Small House)	29.9.2006	A1,A2,A5,A6,A8
A/NE-LT/408	Proposed House (New Territories Exempted House – Small House)	23.12.2010	A1,A2,A5,A6,A8
A/NE-LT/452	Proposed House (New Territories Exempted House – Small House)	20.7.2012	A2,A5,A6,A8,A9
A/NE-LT/456	Proposed House (New Territories Exempted House – Small House)	6.7.2012	A1,A2,A5,A6,A8
A/NE-LT/459	Proposed Two Houses (New Territories Exempted House – Small Houses)	19.10.2012 (Partially Approved)	A2,A5,A6,A8,A9
A/NE-LT/464	Proposed House (New Territories Exempted House – Small House)	7.12.2012	A1,A2,A5,A6

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-LT/467	Proposed Two Houses (New Territories Exempted House – Small Houses)	11.1.2013	A1,A2,A5,A6
A/NE-LT/475	Proposed House (New Territories Exempted House – Small House)	5.7.2013	A2,A5,A6,A9
A/NE-LT/593	Proposed House (New Territories Exempted House – Small House)	11.11.2016	A2, A5,A6
A/NE-LT/624	Proposed House (New Territories Exempted House – Small House)	22.12.2017	A2,A5,A6

Approval Conditions

- A1 The submission and implementation of landscaping proposals.
- A2 The provision/submission and implementation of drainage facilities.
- A3 The disposal of spoils during the site formation and construction period.
- A4 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.
- A5 The connection of the foul water drainage system to the public sewers.
- A6 The provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds.
- A7 The provision of an emergency vehicular access and/with street fire hydrant or the incorporation of residential sprinkler system.
- A8 The provision of a fire fighting access, water supplies and fire service installations .
- A9 The submission and implementation of landscape and tree preservation proposal.

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejected Reason(s)
A/NE-LT/281	Proposed House (New Territories Exempted House – Small House)	20.6.2003 (Review)	R1
A/NE-LT/282	Proposed House (New Territories Exempted House – Small House)	20.6.2003 (Review)	R1
A/NE-LT/283	Proposed House (New Territories Exempted House – Small House)	20.6.2003 (Review)	R1
A/NE-LT/284	Proposed House (New Territories Exempted House – Small House)	20.6.2003 (Review)	R1
A/NE-LT/285	Proposed House (New Territories Exempted House – Small House)	20.6.2003 (Review)	R1
A/NE-LT/302	Proposed House (New Territories Exempted House – Small House)	19.3.2004 (Review)	R1
A/NE-LT/303	Proposed House (New Territories Exempted House – Small House)	19.3.2004 (Review)	R1
A/NE-LT/304	Proposed House (New Territories Exempted House – Small House)	19.3.2004 (Review)	R1
A/NE-LT/305	Proposed House (New Territories Exempted House – Small House)	19.3.2004 (Review)	R1
A/NE-LT/306	Proposed House (New Territories Exempted House – Small House)	19.3.2004 (Review)	R1
A/NE-LT/319	Proposed House (New Territories Exempted House – Small House)	19.11.2004	R1
A/NE-LT/320	Proposed House (New Territories Exempted House – Small House)	19.11.2004	R1
A/NE-LT/321	Proposed House (New Territories Exempted House – Small House)	19.11.2004	R1

Application No.	Proposed Development	Date of Consideration	Rejected Reason(s)
A/NE-LT/322	Proposed House (New Territories Exempted House – Small House)	19.11.2004	R1
A/NE-LT/323	Proposed House (New Territories Exempted House – Small House)	19.11.2004	R1
A/NE-LT/324	Proposed House (New Territories Exempted House – Small House)	19.11.2004	R1
A/NE-LT/325	Proposed House (New Territories Exempted House – Small House)	19.11.2004	R1
A/NE-LT/326	Proposed House (New Territories Exempted House – Small House)	19.11.2004	R1
A/NE-LT/327	Proposed House (New Territories Exempted House – Small House)	19.11.2004	R1
A/NE-LT/337	Proposed Nine Houses (New Territories Exempted Houses – Small Houses)	21.10.2005 (Review)	R1
A/NE-LT/435	Proposed Two Houses (New Territories Exempted Houses – Small Houses)	22.7.2011	R2-R4
A/NE-LT/459	Proposed Two Houses (New Territories Exempted Houses – Small Houses)	19.10.2012 (Partially Rejected)	R5,R6
A/NE-LT/488	Proposed House (New Territories Exempted House – Small House)	22.11.2013	R6-R8
A/NE-LT/491	Proposed House (New Territories Exempted House – Small House)	21.2.2014	R6-R8
A/NE-LT/496	Proposed House (New Territories Exempted House – Small House)	17.1.2014	R6-R8
A/NE-LT/500	Proposed House (New Territories Exempted House – Small House)	21.2.2014	R6-R8

Application No.	Proposed Development	Date of Consideration	Rejected Reason(s)
A/NE-LT/509	Proposed Two Houses (New Territories Exempted Houses – Small Houses)	25.7.2014	R5,R7,R10
A/NE-LT/552	Proposed House (New Territories Exempted House – Small House)	15.4.2016 (Review)	R6-R8
A/NE-LT/563	Proposed House (New Territories Exempted House – Small House)	20.5.2016 (Review)	R7-R10
A/NE-LT/566	Proposed Two Houses (New Territories Exempted Houses – Small Houses)	4.3.2016	R7-R10
A/NE-LT/567	Proposed House (New Territories Exempted House – Small House)	4.3.2016	R7-R10
A/NE-LT/589	Proposed 5 Houses (New Territories Exempted Houses – Small Houses)	23.12.2016	R7, R9, R10
A/NE-LT/590	Proposed House (New Territories Exempted House – Small House)	10.2.2017 (Review)	R7, R10
A/NE-LT/591	Proposed House (New Territories Exempted House – Small House)	10.02.2017 (Review)	R7, R10
A/NE-LT/602	Proposed 5 Houses (New Territories Exempted Houses – Small Houses)	17.3.2017	R7-R9
A/NE-LT/612	Proposed House (New Territories Exempted House – Small House)	14.7.2017	R7,R10,R11
A/NE-LT/613	Proposed House (New Territories Exempted House – Small House)	14.7.2017	R7,R10,R11
A/NE-LT/638	Proposed House (New Territories Exempted House – Small House)	3.8.2018	R7,R10,R12
A/NE-LT/663	Proposed House (New Territories Exempted House – Small House)	3.5.2019	R7,R10

Rejection Reasons

- R1 The proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development in the New Territories in that the application site was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submissions to demonstrate that the proposed development located within the 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 Consideration of Application for NTEH/Small House in New Territories' in that there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Lam Tsuen San Tsuen and the proposed houses might not be able to be connected to the planned public sewers in the area.
- R3 The proposed Small Houses fell within the upper indirect water gathering ground (WGG). The applicants failed to demonstrate in the submission that the proposed development would be able to be connected to the existing or planned sewerage system in the area and not have the potential to cause water pollution to the WGG.
- R4 Small Houses should be developed within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructures and services.
- R5 The proposed Small House development was not in line with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that over 50% of its footprint fell outside the “V” zone and there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Lam Tsuen San Tsuen.
- R6 There was land available within the “V” zone for Small House development. The applicant failed to demonstrate in the submission why suitable site within areas zoned “V” could not be made available for the proposed development.
- R7 The proposed development 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. The “AGR” zone 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 in the current submission for a departure from the planning intention.
- R8 The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New

Territories in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone.

- R9 The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the applicant failed to demonstrate that the proposed development located within water gathering grounds would not cause adverse impact on the water quality in the area.
- R10 Land was still available within the “V” zone of the concerned village(s) 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.
- R11 The proposed developments did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that it would cause adverse landscape impact on the surrounding areas.
- R12 The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that more than 50% of the footprint of the proposed Small House fell outside the “V” zone and the village ‘environs’ of concerned village(s).

Detailed Comments from Relevant Government Departments

1. Land Administration

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

- (a) no objection to the application;
- (b) the applicant claims himself as an indigenous villager (IV) of Lam Tsuen San Tsuen. However, his eligibility of Small House grant has yet to be ascertained;
- (c) the Site is an old schedule lot held under Block Government Lease (demised for agricultural use). The applicant is the registered owner of the subject lot. The Small House application has been received by LandsD;
- (d) more than 50% of the Site and the footprint of proposed Small House fall within the village 'environs' ('VE') of San Tsuen Lo Wai and Lam Tsuen San Tsuen. It is not covered by any Modification of Tenancy or Building Licence;
- (e) the number of outstanding Small House applications and the number of 10-year Small House demand for the village concerned are as follows;

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand*</u>
Lam Tsuen San Tsuen & San Tsuen Lo Wai	42	100

(*The figure of 10-year Small House Demand was provided by the Indigenous Inhabitant Representative (IIR) of Lam Tsuen San Tsuen in 2017 and the information so obtained is not verified by LandsD)

- (f) if and after planning approval has been granted by the Board, LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access thereto; and
- (g) the proposed sewerage connection will be considered when the Small House application is due for processing..
- (h) there are structures erected on the lot concerned without prior approval from LandsD. The aforesaid structures are not acceptable under the concerned lease

and LandsD reserves the right to take lease enforcement actions against the irregularities.

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 “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the “V” zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and
- (b) notwithstanding the above, he considers that the application only involves development of a Small House can be tolerated on traffic grounds.

3. **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) the Site falls within “Agriculture” (“AGR”) zone and is within water gathering grounds (WGG). The applicant has proposed to connect the Small House to the public sewer. Sewer connection is feasible and capacity is available;
- (b) he has no objection to the application on the conditions that:
 - (i) the proposed Small House will be connected to the public sewer for sewage disposal;
 - (ii) adequate land space within the Site will be reserved for connection of the proposed Small House to the public sewer; and
 - (iii) the cost of sewer connection will be borne by the applicant; and
- (c) the Site is close to the consultation zone of Tai Po Tau Water Treatment Works. Based on the information provided, he has no objection from chlorine risk point of view; and
- (d) the manhole number of the proposed public sewer manhole for connection should be FMH1052763 instead of FMH1052736.

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, abandoned farmland and village houses. It is not entirely incompatible with the surrounding environment;
- (c) the Site is vacant and paved with gravels. No existing tree is found within the Site. Adverse impact to significant landscape resources is not anticipated. In comparing the past aerial photos, it is apparent that vegetation has been cleared within the Site since 2015 prior to the submission of application. Approval of this application would set an undesirable precedent to encourage removal of vegetation. The cumulative effect would result in degradation of landscape character and cause adverse impact on landscape resources; and
- (d) since the footprint of proposed Small House covers most of the Site, there is inadequate space for meaningful landscape to benefit public realm. Should the application be approved by the Board, it is considered unnecessary to impose any condition for submission and implementation of landscaping proposal.

5. Drainage and Sewerage

Comments of the Chief Engineer/Mainland North (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 area;
- (c) the Site has been provided with reserved sewerage tapping pipe up to the lot boundary under a recently completed Sewerage Master Plan project;
- (d) there is no public drain maintained by DSD in the vicinity of the Site. The proposed Small House should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and overland flow from other areas surrounding of the Site. The proposed development is located on unpaved ground and will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant/owner is also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of

damage or nuisance caused by failure of the systems;

- (e) the applicant should design the drainage proposal based on actual site condition for DSD's comment/agreement. DSD would not assist 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 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; and
- (f) the applicant is required to 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.

6. Agriculture

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

- the Site is largely vacant. Nevertheless, there are active agricultural activities in the vicinity and agricultural infrastructure such as road access is available. The Site possesses potential for agricultural rehabilitation. As such, the application is not supported from agricultural development point of view.

7. Fire Safety

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

- (a) no comment on the application; and
- (b) the applicant is advised 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 the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) no objection to the application;
- (b) the Site is located within upper indirect WGG and is more than 30m away from the nearest water course. More than 50% of the proposed Small House footprint is within the 'VE' of Lam Tsuen San Tsuen. DEP has advised that the Site is able to be connected to the public sewerage system in the area. Therefore, compliance with item B(i) of the Interim Criteria can be reasonably

established;

- (c) it is noted that DEP has no objection to the application provided that the applicant shall connect the proposed Small House 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 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;
 - (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the WGG; and
 - (iii) an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass shall be submitted 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;
- (d) existing water mains inside the lot (**Plan A-2a**) will be affected. The applicant should note the advisory comments on diversion/protection of water mains at **Appendix VIII**; and
- (e) 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.

9. Electricity Supply Safety

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

- (a) no comment on the application from electricity supply safety aspect; and
- (b) 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 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.

10. Demand and Supply of Small House Sites

According to DLO/TP, LandsD's records, the total number of outstanding Small House applications for Lam Tsuen San Tsuen and San Tsuen Lo Wai is 42 while 10-year Small House demand forecast is 100. Based on the latest estimate by Planning Department, about 2.5 ha of land (equivalent to about 100 Small House sites) are available within the "V" zone of the concerned villages. Therefore, the land available cannot fully meet the future Small House demand of 142 Small Houses (equivalent to about 3.55 ha of land).

Recommended Advisory Clauses

- (a) 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 Small House concerned or approval of the Emergency Vehicular Access thereto;
 - (ii) the proposed sewerage connection will be considered when the Small House application is due for processing; and
 - (iii) there are structures erected on the lot concerned without prior approval from LandsD. The aforesaid structures are not acceptable under the concerned lease and LandsD reserves the right to take lease enforcement actions against the irregularities;
- (b) to note the comments of the Director of Environmental Protection (DEP) that:
- (i) the proposed Small 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 Small House to the public sewer;
 - (iii) the cost of sewer connection should be borne by the applicant; and
 - (iv) the manhole number of the proposed public sewer manhole for connection should be FMH1052763 instead of FMH1052736;
- (c) to note the comments of the Chief Engineer/Mainland North (CE/MN), DSD that:
- (i) the Site has been provided with reserved sewerage tapping pipe up to the lot boundary under a recently completed Sewerage Master Plan project;
 - (ii) there is no public drain maintained by DSD in the vicinity of the Site. The proposed Small House should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and overland flow from other areas surrounding the Site. The proposed development is located on unpaved ground and will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant/owner is also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (iii) the applicant should design the drainage proposal based on actual site condition for DSD's comment/agreement. DSD would not assist 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 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; and
 - (iv) the applicant is required to 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;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
- (i) an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass shall be submitted 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; and
 - (ii) existing water mains inside the lot will be affected. The applicant should note the advisory comments on diversion/protection of water mains at **Appendix VIII**;
 - (iii) 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;
- (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 the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (f) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with the 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 Site. The applicant should 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; and

- (g) to note that the permission is only given to the development under the 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.

**Advisory comments of the Chief Engineer/Construction,
Water Supplies Department on diversion/protection of water mains**

- (a) existing water mains inside the lot may be affected. The applicant is required to either divert or protect the water mains found on site;
- (b) if diversion is required, existing water mains inside the proposed lot are needed to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the grantee/applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence; and
- (c) if diversion is not required, the following conditions shall apply:
 - (i) existing water mains are affected and no development which requires resiting of water mains will be allowed;
 - (ii) details of site formation works shall be submitted to the Director of Water Supplies for approval prior to commencement of works;
 - (iii) no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water main(s). Free access shall be made available at all times for staff of WSD or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (iv) no trees or shrubs with penetrating roots may be planted within the Water Works Reserve or 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 the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m 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 Director of Water Supplies considers that there is any likelihood of damage being caused to water mains.