

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/NE-TKL/587 to 589

- Applicants** : Mr. TO Tat Choi (Application No. A/NE-TKL/587)
Mr. LAM Lai Kin (Application No. A/NE-TKL/588)
Mr. LAM Sui Kuen (Application No. A/NE-TKL/589)
all represented by Ms YU Tsz Shan
- Sites** : Lot 310 S.H (Application No. A/NE-TKL/587)
Lot 310 S.I (Application No. A/NE-TKL/588)
Lot 310 S.G (Application No. A/NE-TKL/589)
in D.D.77, Ping Che Kat Tin, Ta Kwu Ling, New Territories
- Site Areas** : 101.5 m² (about) (Applications No. A/NE-TKL/587 to 589)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
- Zonings** : Application No. A/NE-TKL/587
“Village Type Development” (“V”) (about 10.6% of the Site) and
“Agriculture” (“AGR”) (about 89.4% of the Site)
- Application No. A/NE-TKL/588
“V” (about 47.9% of the Site) and “AGR” (about 52.1% of the Site)
- Application No. A/NE-TKL/589
“AGR”
- Applications** : Proposed House (New Territories Exempted House (NTEH) - Small House)

1. The Proposals

- 1.1 The applicants, who claimed to be indigenous villagers¹, seek planning permissions to build a proposed NTEH (Small House) on each of the application sites (the Sites) in Ping Che Kat Tin, Ta Kwu Ling (**Plans A-1 and A-2a**). The Sites of applications No. A/NE-TKL/587 and 588 fall within an area partly zoned “AGR” and “V” whereas the Site of application No. A/NE-TKL/589 falls within an area entirely zoned “AGR” on

¹ As advised by District Lands Officer/North, Lands Department (DLO/N, LandsD), the applicant of application No. A/NE-TKL/587 claimed himself to be an indigenous villager of Muk Wu of Ta Kwu Ling Heung whereas the applicants of applications No. A/NE-TKL/588 and 589 claimed themselves to be indigenous villagers of Shan Kai Wat of Ta Kwu Ling Heung. Their eligibility for Small House concessionary grants has yet to be ascertained.

the approved Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/14. According to the Notes of the OZP, 'House (NTEH only)' is a use always permitted within the "V" zone while 'House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)' within "AGR" zone is a Column 2 use, which requires planning permission from the Town Planning Board (the Board).

1.2 Details of each of the three proposed NTEHs (Small Houses) are as follows:

Total Floor Area	:	195.09 m ²
Number of Storeys	:	3
Building Height	:	8.23 m
Roofed Over Area	:	65.03 m ²

1.3 The applicants indicate that the uncovered areas of each of the Sites would be used as garden of the proposed Small Houses. Layouts of the three proposed Small Houses and the proposed sewerage connection for the Sites, are shown on **Drawings A-1 to A-3 and A-4** respectively.

1.4 Each of the Sites is involved in three previous planning applications. The last previous applications (No. A/NE-TKL/521 to 523) on each of the Sites for a proposed Small House submitted by the same applicants were rejected by the Committee on 20.11.2015. Compared with the last previous applications, the site areas, major development parameters and the dispositions of the proposed Small Houses generally remain the same.

1.5 In support of the applications, the applicants have submitted the following documents:

- (a) Application forms with attachment received on 7.3.2018 (**Appendices Ia to Ic**)
- (b) Further information received on 20.3.2018 and (**Appendix Id**)
22.3.2018

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the applications are detailed in part 9 of the Application Forms in **Appendices Ia to Ic** respectively. They can be summarised as follows:

- (a) the applicants are indigenous villagers and entitled for Small House grants under the Small House Policy. The proposed Small Houses are located within the village 'environs' ('VE') of Ping Che Kat Tin;
- (b) the Sites are next to a village road and the proposed Small House developments would form part of a cluster of village houses on the other side of the road. Hence the proposed developments are not incompatible with the surrounding area; and
- (c) part of the sites of applications No. A/NE-TKL/587 and 588 fall within "V" zone of Ping Che Kat Tin.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicants are the sole “current land owner” of their respective lots. Detailed information would be deposited at the meeting for Members’ inspection.

4. Assessment Criteria

The set of Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories (the Interim Criteria) was first promulgated on 24.11.2000 and had been amended four times on 30.3.2001, 23.8.2002, 21.3.2003 and 7.9.2007. The latest set of Interim Criteria, which was promulgated on 7.9.2007, is at **Appendix II**.

5. Previous Applications

- 5.1 Each of the Sites is involved in three previous planning applications. The first application (No. A/NE-TKL/114), including the three application sites, for 11 proposed Small Houses on a larger site was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 11.6.1999, before the promulgation of the Interim Criteria in 2000, mainly on the considerations that the site fell within the ‘VE’ of Ping Che Kat Tin; there was a general shortage of land in meeting the demand for Small House development in the “V” zones of Ping Che Village; and the proposed development was generally compatible with the surrounding areas and would unlikely have significant adverse impacts on the surrounding areas. Applications for extension of the validity period of the planning permission were approved three times in 2002, 2004 and 2006, for a total of nine years, until 11.6.2008. As the proposed development had not been commenced by the given date, the planning permission lapsed on 12.6.2008.
- 5.2 The second application (No. A/NE-TKL/335), including the three application sites, for 11 proposed Small Houses on a larger site was rejected by the Committee on 11.6.2010 mainly on the grounds that the proposed development did not comply with the Interim Criteria in that the proposed development was considered not compatible with the “Industrial (Group D)” zone. There was no information or assessment in the submission to address potential industrial/residential interface issue associated with the proposed development.
- 5.3 The other previous applications (No. A/NE-TKL/521 to 523) on each of the Sites for a proposed Small House submitted by the same applicants were rejected by the Committee on 20.11.2015 mainly on the grounds that the proposed developments were not in line with the planning intention of “AGR” zone; the proposed developments did not comply with the Interim Criteria in that the proposed developments were considered not compatible with the adjoining “Industrial (Group D)” (“I(D)”) zone; the applicants failed to demonstrate in the submissions that the potential industrial/residential interface issue would be mitigated and no adverse sewerage impact on the surrounding areas; land was still available in “V” zones of Ping Che Village; and approval of the applications would set undesirable precedents for similar applications in the area.
- 5.4 Compared with the last previous applications, the site areas, major development parameters and the dispositions of the proposed Small Houses generally remain the same.

5.5 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

6. Similar Applications

6.1 There are six similar applications for Small House development within / partly within the “AGR” zone in the vicinity of the Sites in the Ping Che and Ta Kwu Ling area (**Plan A-1**) since the first promulgation of the Interim Criteria on 24.11.2000.

6.2 Two applications (No. A/NE-TKL/168 and 186), located to the west of Ping Che Kat Tin, were approved with conditions by the Committee between June and December 2001 respectively mainly on the considerations that the proposed developments were in close proximity to the village cluster and within the ‘VE’ of Ping Che Kat Tin; there was a general shortage of land in meeting the demand for Small House development in the “V” zones of Ping Che Village at the time of consideration; the proposed developments were considered compatible with the surrounding rural and village environment and would unlikely have significant adverse environmental and traffic impacts on the surrounding areas.

6.3 The other four applications (No. A/NE-TKL/520, 521/522/523 and 586) adjoining to the Sites were rejected by the Committee on 20.11.2015 and 20.4.2018 respectively mainly on the grounds as stated in paragraph 5.3 above.

6.4 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

7. The Sites and Their Surrounding Areas (Plans A-1, A-2a and A-2b, A-3 and A-4)

7.1 The Sites are:

- (a) currently vacant, flat and covered by wild vegetation with a few young trees and palms;
- (b) located to the south of the existing village cluster of Ping Che Kat Tin, separated by a village road, a pond and some vacant land (**Plan A-2a**); and
- (c) not served by any vehicular access.

7.2 The surrounding areas have the following characteristics:

- (a) predominantly rural in character where village houses, active / fallow agricultural land, vacant land, car repair workshop and warehouse uses, and scattered tree groups are found;
- (b) to the north is a pond and a village road, across which are village houses within “V” zone of Ping Che Kat Tin;
- (c) to the west is active/fallow agricultural land, and to further southwest are warehouses and a car repairing workshop within an area zoned “I(D)” on the OZP;
- (d) to the south is vacant land and Ping Yuen River; and

- (e) to further east are some Small Houses on land zoned “V” and fallow agricultural land.

8. Planning Intentions

- 8.1 The planning intention of the “AGR” zone in Ping Che and Ta Kwu Ling area is to primarily retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 8.2 The planning intention of the “V” zone in the Ping Che and Ta Kwu Ling area is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

9. Comments from Relevant Government Departments

- 9.1 The applications have been assessed against the assessment criteria in **Appendix II**. The assessment is summarised in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	<p>Within “V” zone?</p> <ul style="list-style-type: none"> - The Sites (Application No. A/NE- TKL/587) (Application No. A/NE- TKL/588) (Application No. A/NE- TKL/589) - Footprints of the proposed Small Houses (Application No. A/NE- TKL/587) (Application No. A/NE- TKL/588) (Application No. A/NE- TKL/589) 	<p>10.6%</p> <p>47.9%</p> <p>-</p> <p>1.3%</p> <p>47.0%</p> <p>-</p>	<p>89.4%</p> <p>52.1%</p> <p>100%</p> <p>98.7%</p> <p>53.0%</p> <p>100%</p>	<ul style="list-style-type: none"> - The Sites of applications No. A/NE-TKL/587 and 588 fall within an area partly zoned “AGR” and partly “V” whereas the Site of application No. A/NE-TKL/589 falls within an area entirely zoned “AGR”. - The footprints of the proposed Small Houses under applications No. A/NE-TKL/587 and 589 are mostly and entirely fall within “AGR” zone respectively whereas the footprint of the proposed Small House under application No. A/NE-TKL/588 falls partly within “V” and “AGR” zones.
2.	<p>Within ‘VE’?</p> <ul style="list-style-type: none"> - The Sites - Footprints of the 	<p>100%</p>	<p>-</p>	<p>DLO/N, LandsD advises that the Sites fall entirely within the ‘VE’ of Ping Che Kat Tin.</p>

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	proposed Small Houses	100%	-	
3.	Sufficient land in “V” zone to satisfy outstanding Small House application and 10-year Small House demand?		✓	<p>- Land required to meet the Small House demand in Ping Che Village (including Ping Che, Ping Che Kat Tin and Ping Che Yuen Ha): about 5.33 ha (equivalent to 213 Small House sites)². The outstanding Small House applications for Ping Che Village are 53 while the 10-year Small House demand forecast for the same village is 160.</p> <p>- Land available to meet the Small House demand within the “V” zones of Ping Che Village: about 4.22 ha (equivalent to 177 Small House sites) (Plans A-2b to A-2d)</p>
4.	Compatible with the planning intention of “AGR” zone?		✓	Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications from the agriculture point of view as the Sites are on a piece of vacant land overgrown with grass. Active agricultural activities can be found in the vicinity, thus the Sites possess high potential for agricultural rehabilitation.
5.	Compatible with surrounding area/ development?		✓	While the proposed developments are not incompatible with the environment dominated by village houses, fallow agricultural land, vacant land and scattered tree groups, there are warehouses/car repair workshop about 60m to the southwest of the Sites (Plan A-2a).
6.	Within Water Gathering Grounds (WGGs)?		✓	
7.	Encroachment onto planned road networks and public works boundaries?		✓	

² Among the 53 outstanding Small House applications, there are 12 Small House applications straddling or outside the “V” zones that have already obtained planning approval from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	The Director of Fire Services (D of FS) has no in-principle objection to the applications. The applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD.
9.	Traffic impact?	✓		<ul style="list-style-type: none"> - The Commissioner for Transport (C for T) has reservation on the applications and advises that Small House developments should be confined within the "V" zone as far as possible. Although additional traffic generated by the proposed developments are not expected to be significant, such type of developments outside the "V" zone, if permitted, will set undesirable precedent cases for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. - Notwithstanding the above, each of the applications involves construction of one Small House. He considers that the applications can be tolerated unless they are rejected on other grounds.
10.	Drainage impact?	✓		The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the applications and advises that an approval condition on the submission and implementation of drainage proposal is required.
11.	Environmental impact?	✓		Director of Environmental Protection (DEP) does not support the applications. There is an "I(D)" zone (with the closest distance of about 60m) to the west of the Sites. Hence, there are potential industrial/residential interface issues associated with the applications. However, there is no information/assessment in the applications to address this concern.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
12.	Sewerage impact?	✓		<ul style="list-style-type: none"> - DEP does not support the applications due to insufficient information provided by the applicants on the sewage discharged of the proposed Small Houses. - There is an existing sewerage in Ping Che Kat Tin and the applicants propose sewer connection for the sewage disposal of the proposed Small Houses (Drawing A-4). However, the level drop in between is marginal. To ensure no insurmountable problem for sewage disposal to public sewer by gravity means, the applicants should provide further details (including sewer size, manhole cover level, manhole incoming and outgoing levels) with due regard to the local topography. - CE/MN, DSD has no objection to the applications and a sewerage proposal should be submitted for approval if sewer connection to public sewerage is required. His detailed comments on the sewerage proposal are appended in Appendix V. - DAFC and CTP/UD&L of PlanD advised that the proposed routing of the sewer connection would encroach upon the tree protection zones of a row of trees located on Government land, with a number of the trees being large and mature. Any impacts on the trees, in particular the large and mature trees, should be avoided as far as possible. - DLO/N, LandsD advises that subject to no adverse comments from CE/MN, DSD and DEP on the sewerage proposal and no site constraints, he has no objection to the sewers passing through the Government land. Prior consent

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				for excavation works to be conducted on Government land is required from his office and the applicants are required to take up the maintenance responsibilities of the sewers concerned.
13.	Landscaping impact?	✓		<ul style="list-style-type: none"> - Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has some reservations on the applications from the landscape planning point of view. - The Sites are located in an area of rural landscape character comprising open storages, warehouses, village clusters, scattered woodland patches, tree clusters and farmland (mostly fallow). The Sites are located close to Ping Che Kat Tin and within a fallow farmland; with some trees of common species to its north and south. The Sites are covered by wild vegetation with a few young fruit trees and palms of low amenity value. The proposed Small Houses are not incompatible with the surrounding environment. Nonetheless, the alignment of sewerage proposal will likely encroach onto the tree protection zone of some mature trees located to the north of the Sites. The associated excavation and trenching works will damage tree roots, tree health/stability will be undermined and will lead to potential tree hazard to public safety. - Should the applications be approved by the Board, landscape condition is not recommended as the footprint of each Small House occupies almost the entire site leaving inadequate planting space for landscape works within the Sites.
14.	Local objections conveyed by DO?		✓	The District Officer (North) (DO(N)) advises that the Vice-chairman of Ta Kwu Ling District Rural Committee,

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				the incumbent North District Council (NDC) member of the subject constituency, the Indigenous Inhabitant Representative and the Resident Representative of Ping Che have no comment on the applications.

9.2 Comments from the following Government departments have been incorporated in paragraph 9.1 above. Details of comments from Government departments are at **Appendix V**.

- (a) District Lands Officer/North, Lands Department;
- (b) Chief Engineer/Mainland North, Drainage Services Department;
- (c) Director of Environmental Protection;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Commissioner for Transport;
- (f) Director of Agriculture, Fisheries and Conservation;
- (g) Chief Town Planner/Urban Design and Landscape, Planning Department;
- (h) Director of Fire Services; and
- (i) District Officer (North), Home Affairs Department.

9.3 The following Government departments have no comment on the applications:

- (a) Chief Highway Engineer/New Territories East, Highways Department; and
- (b) Project Manager (North), North Development Office, Civil Engineering and Development Department.

10. Public Comments Received During Statutory Publication Period

On 16.3.2018, the applications were published for public inspection. During the first three weeks of the statutory public inspection period, five public comments on each of the applications were received (**Appendix VI**). A NDC member supports all of the applications as they provide convenience to the villagers whereas the Chairman of Sheung Shui District Rural Committee indicates no comment on the applications. The other three public comments, submitted by Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited, and an individual, object to the applications mainly on the grounds that the proposed developments are not in line with the planning intention of “AGR” zone; the rejection reasons of the previous applications and similar applications of the subject applications are still valid; and approval of the application would set undesirable precedents for similar applications in the area.

11. Planning Considerations and Assessments

11.1 The Sites of applications No. A/NE-TKL/587 and 588 fall within an area partly zoned “AGR” and partly zoned “V” whereas the Site of application No. A/NE-TKL/589 falls within an area entirely zoned “AGR” on the OZP. The proposed Small Houses are not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is

also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the applications from the agriculture point of view as the Sites possess high potential for agricultural rehabilitation.

- 11.2 The applications are cross-village Small House applications. Based on DLO/N, LandsD's records, the total number of outstanding Small House applications for Ping Che Village (including Ping Che, Ping Che Kat Tin and Ping Che Yuen Ha) is 53 while the 10-year Small House demand forecast for the same Village is 160. According to the latest estimate by PlanD, about 4.22 ha (equivalent to 177 Small House sites) of land are available in the "V" zones of Ping Che Village for Small House development (**Plans A-2b to A-2d**). The footprints of the proposed Small Houses fall entirely within the 'VE' of Ping Che Kat Tin.
- 11.3 The Sites are currently vacant, flat and covered by wild vegetation with a few young trees and palms (**Plan A-2a**). The proposed Small Houses are located in an area of rural landscape character comprising open storage, warehouses, village clusters, scattered woodland patches, tree clusters and mostly fallow agricultural land (**Plan A-2a**). Nonetheless, as advised by DAFC, the proposed routing of the sewer connection would encroach upon the tree protection zones of a row of trees located on Government land. The associated excavation and trenching works will damage tree roots, tree health/stability will be undermined and will lead to potential tree hazard to public safety. In this regard, CTP/UD&L, PlanD has some reservations on the applications from the landscape planning point of view.
- 11.4 DEP does not support the applications as the Sites are located at some 60m to the east of an area zoned "I(D)" at present partly occupied by a vehicle repairing workshop and warehouses (**Plans A-2a and A-3**) and thus there would be potential industrial/residential interface problems. The applicants fail to demonstrate that such interface problem could be mitigated. Regarding the sewage discharge of the proposed Small Houses, the applicants propose to use sewer connection for sewage discharge of the proposed Small Houses but fail to provide detailed information and demonstrate the feasibility of the sewerage proposal. C for T has reservation on the applications and considers that Small House developments should be confined within the "V" zone as far as possible but given that each of the applications involving one Small House only, it could be tolerated. Other Government departments consulted, including D of FS, CE/C of WSD and CE/MN of DSD, have no adverse comment on or no objection to the applications.
- 11.5 Regarding the Interim Criteria (**Appendix II**), more than 50% of the footprints of the proposed Small Houses fall within the 'VE' of Ping Che Kat Tin (**Plan A-2a**). While land available within the "V" zones of Ping Che Village is insufficient to fully meet the future Small House demand, it is noted that land (about 4.22 ha or equivalent to 177 Small House sites) is still available within the "V" zones to meet the outstanding 53 Small House applications. It should be noted that the Board has adopted a more cautious approach in approving applications for Small House development in recent years. Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD and special consideration would be given to sites with previous planning approvals for Small House development. As such, it is considered more appropriate to concentrate the proposed Small House developments within the "V" zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Besides, the proposed developments are

considered not complying with the Interim Criteria in that the proposed development is susceptible to environmental impacts of the industrial uses in the nearby “Industrial (Group D)” zone. The applicant fails to demonstrate in the submission that the potential industrial/residential interface issue would be mitigated.

- 11.6 Each of the Sites is the subject of three previous applications for Small House development. The first application (No. A/NE-TKL/114) for 11 proposed Small Houses on a larger site was approved by the Committee in 1999 before the promulgation of the Interim Criteria. The other applications (No. A/NE-TKL/335 and 521/522/523) were rejected by the Committee in 2010 and 2015 respectively mainly on the grounds of not complying with the Interim Criteria, no mitigation measure provided for the potential industrial/residential interface issue, adverse sewerage impact on the surrounding areas, land available in “V” zones of Ping Che Village and setting of undesirable precedent cases. There is no significant change in planning circumstances since the two previous applications were rejected.
- 11.7 There are six similar applications for Small House development with/partly within the “AGR” zone in the vicinity of the Sites and two applications (No. A/NE-TKL/168 and 186), located to the west of Ping Che Kat Tin, were approved with conditions by the Committee in 2001 mainly on the grounds of located in close proximity to the village cluster and within the ‘VE’ of Ping Che Kat Tin; general shortage of land in meeting the demand for Small House development in the “V” zones of Ping Che Village at the time of consideration; compatible with the surrounding rural and village environment and no significant adverse environmental and traffic impacts on the surrounding areas. The other four applications (No. A/NE-TKL/520, 521 to 523 and 586), which are located to the south of the Ping Che Kat Tin separated by a road, adjoining to the Sites were rejected by the Committee on 20.11.2015 and 20.4.2018 respectively mainly on the grounds of being not in line with the planning intention of “AGR” zone, not comply with the Interim Criteria, no mitigation measure provided for the potential industrial/residential interface issue, adverse sewerage impact, land still available in “V” zones of Ping Che Village, and setting of undesirable precedents. The circumstances of the current applications are similar to those rejected applications.
- 11.8 Regarding the adverse public comments mainly on the planning intention of “AGR” zone, the rejection reasons of the previous application and similar applications of the subject applications are still valid, and the setting of undesirable precedents for similar applications in the area, Government departments’ comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the applications for the following reasons:
- (a) the proposed development is not in line with the planning intention of the “AGR” zone in the Ping Che and Ta Kwu Ling area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;

- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories in that the proposed development is susceptible to environmental impacts of the industrial uses in the nearby “Industrial (Group D)” zone. The applicant fails to demonstrate in the submission that the potential industrial/residential interface issue would be mitigated;
- (c) the applicant fails to demonstrate in the submission that the proposed development would not have adverse sewerage impact on the surrounding area; and
- (d) land is still available within the “V” zones of Ping Che Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.

12.2 Alternatively, should the Committee decide to approve the applications, it is suggested that the permission shall be valid until 4.5.2022, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Condition

The submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix VII**.

13. Decision Sought

- 13.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant the permissions.
- 13.2 Should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permissions, and the date when the validity of the permissions should expire.
- 13.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicants.

14. Attachments

Appendices Ia to Ic	Application Forms with Attachment received on 7.3.2018
Appendix Id	Further Information received on 20.3.2018 and 22.3.2018
Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous s.16 Applications
Appendix IV	Similar s.16 Applications for Proposed House (NTEH – Small

	House) within/partly within the “Agriculture” zone in the Ping Che and Ta Kwu Ling Area
Appendix V	Comments from Relevant Government Departments
Appendix VI	Public Comments
Appendix VII	Recommended Advisory Clauses
Drawings A-1 to A3	Layout Plans
Drawing A-4	Sewerage Proposal
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b to A-2d	Estimated Amount of Land Available within the “V” zones of Ping Che Village for Small House Development
Plan A-3	Aerial Photo
Plan A-4	Site Photo

**PLANNING DEPARTMENT
MAY 2018**