

**RNTPC Paper No. 2/18**

**For Consideration by  
the Rural and New Town Planning Committee on 17.8.2018**

**Deletion of Approval Condition (f) of the Planning Permission for  
the Approved Houses (New Territories Exempted Houses - Small Houses)  
at Hang Ha Po, Lam Tsuen, Tai Po under Application No. A/NE-LT/212-2**

**Deletion of Approval Condition (f) of the Planning Permission for  
the Approved Houses (New Territories Exempted Houses (NTEH) - Small Houses)  
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**1. Purpose**

This Paper is to invite Members to consider the deletion of approval condition (f) of the planning permission under Application No. A/NE-LT/212-2.

**2. Background**

2.1 In view of a recent request by the applicant under Application No. A/NE-KLH/459 for a review of the approval condition (c) in relation to connection to public sewers, the Planning Department has undertaken a review and a case (Application No. A/NE-LT/212-2) in Lam Tsuen, which is also within the upper indirect water gathering grounds (WGG), is identified with similar circumstances.

2.2 The proposed Small House developments at Lots 1203 S.A RP, 1203 S.B RP, 1203 S.C RP, 1203 S.D RP, 1203 S.E RP, 1203 S.F RP and 1203 S.G in D.D. 7 (the Site), falling within an area zoned “Agriculture” (“AGR”) on the Lam Tsuen Outline Zoning Plan (OZP), was first approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 8.10.1999 before the first promulgation of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in 2000. The location plan and site plan are shown at **Plans 1** and **2** and the approval letter is attached at **Appendix I**. Amongst other approval conditions, the following approval condition (c) related to sewage disposal arrangement was imposed :

Approval Condition (c)

- the provision of septic tank and soakaway pits for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies (DWS) or of the Board

2.3 On 28.10.2005, the application for an extension of time (EOT) for commencement of the development (Application No. A/NE-LT/212-1) was approved and the approval letter is at **Appendix II**. Taking into account the comments from the Water Supplies Department (WSD) that the proposed

developments should be connected to public sewers when they became available, the following additional approval condition (f) was imposed:

Approval Condition (f)

- the connection of the foul water drainage system to public sewers to the satisfaction of the DWS or of the Board
- 2.4 On 18.1.2008, the application (No. A/NE-LT/212-2) for minor adjustment of site boundary and change in disposition of one of the Small Houses was approved with the same set of approval conditions of Application No. A/NE-LT/212-1 and the approval letter is attached at **Appendix III**.
- 2.5 Subsequently, five Small Houses were built with the septic tank and soakaway pits in place. Although approval condition (c) on the provision of septic tank and soakaway pits had been complied with, compliance with the other approval condition (f) is still outstanding as there is no existing/planned public sewerage system in the vicinity of the Site for connection.
- 2.6 According to Section 46 of the Interpretation and General Clauses Ordinance (Cap. 1), the Committee has the power to amend the permission granted.

**3. Comments from Relevant Government Departments**

3.1 The following relevant Government departments have been consulted and their comments are summarised as follows:

3.1.1 Comments of the Chief Engineer/New Territories East (CE/NTE), WSD:

- (a) since the applicants have not connected the proposed Small Houses to any public sewerage system, the approval condition (f) as stipulated in the latest approval letter of the Board dated 4.2.2008 requiring connection to public sewers has not been complied with;
- (b) the proposed Small Houses have been built with septic tank and soakaway system and considered acceptable by WSD; and
- (c) as there is no existing/planned public sewerage system in the vicinity of the Site for connection, it is also not practicable nor reasonable for the applicants to fulfil approval condition (f). He has no comment to delete approval condition (f) on the connection of the foul water drainage system to public sewers.

3.1.2 Comments of the DEP:

- (a) the septic tank and soakaway system for the five Small Houses has been constructed and considered acceptable by WSD; and

- (b) he notes that the approval condition (f) to require the connection of foul water drainage system to the public sewers and approval condition (c) for the provision of septic tank and soakaway system are contradictory. He has no comment on the proposed deletion of approval condition (f).

3.2 Other Government departments consulted including the District Lands Officer/Tai Po of Lands Department and the Chief Engineer/Mainland North of Drainage Services Department have no comments on the proposal.

#### **4. Planning Department's Views**

As stated in para. 2.5 above, there is no existing/planned public sewerage system in the vicinity of the Site for connection. The Environmental Protection Department (EPD) also advises that the public sewerage scheme in Lam Tsuen has been substantially completed and there is currently no plan to further expand the sewerage network in the area. In this regard, it is considered not practicable to request the applicants to fulfil the approval condition (f) on sewerage connection. Relevant departments consulted, including EPD and WSD, have no comment on/no objection to deletion of the approval condition (f). WSD also advised that the approval condition (c) on provision of septic tank and soakaway system had been complied with.

#### **5. Decision Sought**

The Committee is invited to agree with the proposed deletion of approval condition (f).

#### **6. Attachments**

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| Appendix I   | Approval letter for Application No. A/NE-LT/212 dated 22.10.1999   |
| Appendix II  | Approval letter for Application No. A/NE-LT/212-1 dated 11.11.2005 |
| Appendix III | Approval letter for Application No. A/NE-LT/212-2 dated 4.2.2008   |
| Plan 1       | Location plan  |
| Plan 2       | Site plan  |

**PLANNING DEPARTMENT  
AUGUST 2018**