

RNTPC Paper Nos. A/YL-KTS/759-761
For Consideration by
the Rural and New Town
Planning Committee
on 22.12.2017

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/YL-KTS/759 to 761

Applicant : Mr. TSANG Wo Ping (Application No. A/YL-KTS/759)
Mr. TSANG Siu Ping (Application No. A/YL-KTS/760)
Mr. TSANG Wai Man (Application No. A/YL-KTS/761)

All represented by Cheery Consultants Limited

Site : Lot 191 S.B ss.2 & Lot 192 S.E ss.1 (Application No. A/YL-KTS/759)
Lot 191 S.B ss.3 (Application No. A/YL-KTS/760)
Lot 191 S.B ss.4 & Lot 191 S.C ss.1 (Application No. A/YL-KTS/761)

All in D.D. 113, Cheung Po, Kam Tin, Yuen Long

Site Area : About 121.7 m² (Application No. A/YL-KTS/759)
About 126.1 m² (Application No. A/YL-KTS/760)
About 128.6 m² (Application No. A/YL-KTS/761)

Lease : Block Government Lease (demised for agricultural use)

Plan : Draft Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/14
[Approved Kam Tin South OZP No. S/YL-KTS/13 at the time of
submission of the application]

Zoning : "Agriculture" ("AGR")
[Same zoning and development restrictions on the approved Kam Tin South
OZP No. S/YL-KTS/13 and the draft Kam Tin South OZP No.
S/YL-KTS/14]

Application : Proposed House (New Territories Exempted House (NTEH) - Small House)

1. The Proposal

- 1.1 The applicants, who claimed to be indigenous villagers of Cheung Po¹, seek planning permission for the development of one house (NTEH - Small House) at each of the three application sites (the Sites). The Sites fall within an area zoned "AGR" on the draft Kam Tin South OZP No. S/YL-KTS/14 (**Plan A-1a**). The Sites are currently vacant and covered with vegetation (**Plan A-4**).
- 1.2 According to the Notes of the OZP, 'House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)' is a Column 2 use within the "AGR" zone, which requires planning permission from the Town Planning Board (the Board).

- 1.3 The major planning parameters of each of the proposed NTEH are as follows:

Covered Area	: 65.03 m ²
Total Domestic Gross Floor Area	: 195.09 m ²
No. of Block	: 1
No. of Storeys	: 3
Building Height	: 8.23 m

The applicants have indicated that the uncovered area of each of the Sites is used as pleasure garden for each house.

- 1.4 In support of the application, the applicants have submitted the following documents:

- (a) Application form and attachments of Application (**Appendix I**)
No. A/YL-KTS/759
- (b) Application form and attachments of Application (**Appendix Ia**)
No. A/YL-KTS/760
- (c) Application form and attachments of Application (**Appendix Ib**)
No. A/YL-KTS/761
- (d) Further Information received on 13.12.2017 (**Appendix Ic**)
clarifying the emergency vehicular access (E.V.A.)

- 1.5 The proposed layout plans for the three sites and the proposed E.V.A. submitted by the applicants are at **Drawing A-1 to A-4**.

2. Justifications from the Applicant

The justifications put forth by the applicants in support of the application are detailed in Part 9 of the Application Form at **Appendices I to Ib**. They can be summarized as follows:

¹ District Lands Officer/Yuen Long of Lands Department (DLO/YL, LandsD) advised that the indigenous villager's status and eligibility of the applicants are not yet verified.

- (a) Majority of land within the "Village Type Development" ("V") zone in the nearby Yuen Kong San Tsuen and Cheung Po have been reserved for large scale development and was scarcely sold to the indigenous villagers. The rest of the land is either unsuitable for house development or of inconvenient accessibility.
- (b) The asking price of the available land within the "V" zone is unaffordable to the applicants.
- (c) The Board had suggested reviewing the existing "V" zone boundary for Cheung Po and Tai Wo at the Board meeting on 12.12.2008 in relation to the Small House applications No. A/YL-KTS/428 to 436.
- (d) The applications of the Small House Grant would soon be proceed by the District Land Office/Yuen Long, Lands Department (DLO/YL, LandsD).

3. Compliance with the "Owner's Consent/Notification" Requirements

Each of the applicants is the sole "current land owner" of the respective lot. Detailed information would be deposited at the meeting for Member's inspection.

4. Assessment Criteria

The Interim Criteria for Consideration of Application for 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 respectively. The latest set of Interim Criteria, promulgated on 7.9.2007, is at Appendix II.

5. Background

The Sites are not the subject of any active enforcement case and there is currently no enforcement action against them.

6. Previous Applications

- 6.1 Each of the three sites was involved in 2 previous applications for a proposed NTEH submitted by the same applicants under the current applications, i.e. No. A/YL-KTS/372 and 430 for A/YL-KTS/759, No. A/YL-KTS/373 and 429 for A/YL-KTS/760, and A/YL-KTS/374 and 428 for A/YL-KTS/761. Details of the applications are summarized in Appendix III and its location is shown on Plan A-1b.
- 6.2 Applications No. A/YL-KTS/372 to 374 and No. A/YL-KTS/428 to 430 were rejected by the Board on review on 27.10.2006 and 12.12.2008 respectively. The applicants have subsequently lodged appeals for Applications No. A/YL-KTS/372 to 374 against the Board's decisions but were not accepted by the Town Planning Appeal board as it was out of time.
- 6.3 All previous applications were rejected on the grounds that the proposed development were not in line with the planning intention of the "AGR" zone and the proposed

developments did not comply with the interim criteria for assessing planning applications for NTEH/Small House development in that there was no shortage of land within the "V" zone of Cheung Po and Tai Wo to meet the demand forecast for Small House development. Besides, there was insufficient information in the submission to demonstrate why suitable sites within the areas zoned "V" could not be made available for the proposed developments.

- 6.4 In considering the review applications No. A/YL-KTS/428 to 430, alongside with No. A/YL-KTS/431 to 436 for other sites covered by the same Town Planning Board (the Board) paper, the Board requested Planning Department (PlanD) to carry out a review of the "V" zone for Cheung Po and Tai Wo in consultation with the concerned parties. However, it would be inappropriate to carry out a comprehensive review on the "V" zone before the completion of Small House Policy Review by the Development Bureau.

7. Similar Applications

- 7.1 There are 43 similar applications within the same "AGR" zones on the Kam Tin South OZP since the first promulgation of the Interim Criteria on 24.11.2000. 10 applications (No. A/YL-KTS/232, 280, 285, 325, 337, 346, 370, 476, 477 and 668) were approved/partially approved with conditions by the Rural and New Town Planning Committee (the Committee) or the Board on review and the other 33 applications (No. A/YL-KTS/238, 261, 348, 350, 375 to 378, 380, 381, 431 to 436, 565, 583, 626, 627, 654, 656, 658, 666, 673, 674, 686, 691, 692, 703, 716, 727 and 744) were rejected by the Committee or the Board on review. Details of these applications are summarized in Appendix IV and their locations are shown on Plan A-1a.
- 7.2 Applications No. A/YL-KTS/232² and 285 entirely on "AGR" zone and No. A/YL-KTS/280, 325, 337, 346, 370, 476, 477 and 668 (all straddled "AGR" and "V" zones) each for one NTEH were approved by the Committee or the Board on review on 23.2.2001, 22.11.2002, 2.5.2003, 3.12.2004, 4.3.2005, 13.5.2005, 16.6.2006, 20.11.2009 (for both Applications No. A/YL-KTS/476 and 477) and 3.7.2015 respectively mainly on the considerations that the proposed developments were in line with the Interim Criteria as they fell entirely within the village 'environs' ('VE') of Yuen Kong San Tsuen/Yuen Kong Tsuen and/or with not less than 50% of the proposed NTEH footprint falls within the "V" zone; the proposed developments were compatible with the surrounding village settlements; there was a shortage of land within the "V" zone to meet the Small House demand; and relevant Government departments had no adverse comment.
- 7.3 The remaining 33 applications (No. A/YL-KTS/238, 261, 348, 350, 375 to 378, 380, 381, 431 to 436, 565, 583, 626, 627, 654, 656, 658, 666, 673, 674, 686, 691, 692, 703, 716, 727, 744) for proposed NTEH(s) were rejected by the Committee or the Board on review on 22.12.2000, 11.1.2002, 27.5.2005, 10.6.2005, 27.10.2006 (for Applications No. A/YL-KTS/375, 376, 377, 378, 380, 381), 12.12.2008 (for Applications No. A/YL-KTS/431 to 436), 14.9.2012, 22.3.2013; 7.2.2014 (for both Applications No.

² Application No. A/YL-KTS/232 was for the redevelopment of an existing two-storey house to a three-storey NTEH. Sympathetic consideration was given despite the site falls outside the 'VE' of the concerned village and the respective 'V' zone.

A/YL-KTS/626 and 627), 2.1.2015 (for both Applications No. A/YL-KTS/654 and 656), 6.2.2015, 5.6.2015, 4.9.2015 (for both Applications No. A/YL-KTS/673 and 674), 8.1.2016, 19.2.2016, 4.3.2016, 27.5.2016, 14.10.2016, 3.2.2017 and 28.7.2017 respectively mainly on the grounds that the proposed developments did not comply with the Interim Criteria in that there was no shortage of land within the concerned "V" zones or the proposed developments fell outside the "V" zones or outside/largely outside the 'VE'; the proposed developments were not in line with the planning intention of the "AGR" zone; the proposed developments were incompatible with the surrounding area and would cause adverse impacts; the proposed developments were environmentally unacceptable and subject to risk hazard; and approval of the applications would set undesirable precedent.

8. The Sites and their Surrounding Areas (Plans A-1a to A-4)

8.1 The Sites:

- (a) are currently vacant and are fallow agricultural land covered with vegetation (Plan A-4);
- (b) are accessible to Kam Po Road via the residential development, Tourmaline Villa, located to the north (Plan A-2); and
- (c) fall within the 'VE' of Cheung Po village (Plan A-1a).

8.2 The surrounding areas have the following characteristics:

- (a) Tourmaline Villa comprises 10 Small House developments (approved under Applications No. DPA/YL-KTS/43, A/YL-KTS/1 to 3, 5 to 10 from 1993 to 1995 respectively) are located to the immediate north of the site;
- (b) to the immediate east are residential dwelling;
- (c) to the northwest across Kam Po Road is West Rail Pat Heung Maintenance Depot; and
- (d) to the immediate southwest of the site are fallow agriculture land.

9. Planning Intention

The planning intention of the "AGR" zone is 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.

10. Comments from Relevant Government Departments

10.1 The three applications have been assessed against the assessment criteria in Appendix II. The assessments are summarized in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within "V" zone? - Application site - Footprint of the NTEH/Small House	-- --	0% 0%	- The Sites fall entirely within the "AGR" zone. - The footprint of the proposed Small Houses fall entirely within the "AGR" zone.
2.	Within 'VE'? - Application site - Footprint of the NTEH/Small House	100% 100%	-- --	- According to the information provided by DLO/YL, LandsD, the Sites and the proposed Small House footprints fall within the 'VE' of Cheung Po.
3.	Sufficient land in "V" zone to satisfy outstanding Small House applications and 10-year Small House demand?	--	✓	<u>Land required</u> - Land required to meet outstanding Small House applications and 10-year forecast for Small House demand for Cheung Po and Tai Wo: about 19.975 ha (equivalent to 799 Small House sites) - The total number of outstanding Small House applications for Cheung Po and Tai Wo: 124 (i.e. 3.1 ha). - The 10-year Small House demand forecast for Cheung Po and Tai Wo: 675 (i.e. 16.875 ha). <u>Land available</u> - Land available to meet both the 10-year Small House demand and outstanding Small House applications within the "V" zone of Cheung Po and Tai Wo: about 14.01 ha (equivalent to about 560 Small House sites).

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
4.	Compatible with the planning intention of "AGR" zone?	✓	--	The Director of Agriculture, Fisheries and Conservation (DAFC) has no strong view on the applications from agriculture and nature conservation point of view.
5.	Compatible with surrounding area/development?	--	✓	<p>- The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) has some reservations on the applications from the landscape planning perspective. The surrounding area is predominantly rural in character, comprising of agricultural land, scattered tree groups and village houses.</p> <p>- A young tree in fair condition (<i>Celtis sinensis</i>) is found at the east corner of application No. A/YL-KTS/759. With reference to the layout plan, the proposed Small House is in direct conflict with the existing tree and tree felling is necessary. However, the applicant mentioned no tree felling will be involved in the development and there is no provision for landscape mitigation within the Sites.</p> <p>- Given that there is a modified watercourse running along the eastern boundary of the Sites, potential land filling due to the proposed developments is necessary and adverse landscape impact arising from the proposed land filling is expected.</p>
6.	Within Water Gathering Grounds?	--	✓	
7.	Encroachment onto planned road networks and public works boundaries?	--	✓	
8.	Need for provision of fire service installations and emergency vehicular	--	✓	- Director of Fire Services (D of FS) has no specific comment on the applications.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	access (EVA)?			The applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD.
9.	Local objection received from DO?	--	✓	The District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) has received no comment from local in respect of the applications.
10.	Others	✓	--	Detailed comments of Government departments are at Appendix V.

10.2 Comments from the following Government departments have been incorporated in paragraphs 5 and 10.1 above. Detailed comments are at Appendix V.

- (a) District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD);
- (b) Commissioner for Transport (C for T);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (e) Director of Environmental Protection (DEP);
- (f) Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD);
- (g) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (h) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (i) District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD);
- (j) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (k) Director of Fire Services (D of FS).

10.3 The following departments have no comment on the application:

- (a) Director of Electrical and Mechanical Services (DEMS)
- (b) Commissioner of Police (C of P); and
- (c) Project Manager/New Territories West, Civil Engineering and Development Department (PM/NTW, CEDD).

11. Public Comments Received During Statutory Publication Period

On 3.11.2017, the applications were published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 24.11.2017, 6 public comments for each application were received from Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited, Green Sense and three individuals (Appendices VI-1 to VI-6). All of them object to the application mainly on the grounds of incompatibility with the planning intention of the "AGR" zone; no strong planning

justification to support the application; there was no shortage of land within the nearby "V" zone; preserving agricultural land due to increasing local support on local agricultural produce and promulgation of Government's agricultural policy; adverse Fung Shui impact to the village; risk of flooding in the village during rainy season should be tackled before approving the applications; setting of undesirable precedent of encouraging encroachment on "AGR" zone and the proposed development would result in degradation of rural environment.

12. Planning Considerations and Assessments

Planning Intention

- 12.1 The Sites fall entirely within "AGR" zone (Plan A-1a). The proposed Small House developments are not in line with the planning intention of "AGR" zone which is 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 of the "AGR" zone.

Demand and Supply of Land for Small House Development

- 12.2 Based on the DLO/YL, LandsD's latest records, the total number of outstanding Small House applications for Cheung Po and Tai Wo is 124 (i.e. about 3.1 ha) while the 10-year Small House demand forecast for Cheung Po and Tai Wo is 675 (i.e. about 16.875 ha). According to the latest estimation by PlanD, about 14.01 ha (i.e. equivalent to about 560 Small Houses sites) of land are available within the "V" zone of Cheung Po and Tai Wo which is sufficient to meet the 124 outstanding Small House applications, but it cannot fully meet the 10-year Small House demand forecast in the long run.

Land Planning Context

- 12.3 The Sites are currently vacant and are fallow agricultural land covered with vegetation. There is a modified watercourse running along the eastern boundary of the Sites. CTP/UD&L, PlanD has reservations on the application from landscape planning perspective. Although the proposed use is not incompatible with surrounding environment, potential land filling due to the proposed development is necessary and there would be adverse landscape impact arising from the proposed land filling. In addition, the proposed development for application No. A/YL-KTS/759 is in direct conflict with the existing tree and tree felling is necessary. Other government departments consulted, including CE/MN of DSD and D of FS, have no adverse comment on or no objection to the application.

Interim Criteria

- 12.4 The Sites fall entirely within the 'VE' of Cheung Po. Although land available within the "V" zone is insufficient to meet the future Small House demand, it is noted that land (about 14.01 ha or equivalent to 560 Small House sites) is available within the "V" zone of Cheung Po and Tai Wo and is capable to meet the

outstanding 124 Small House applications. It is considered more appropriate to concentrate Small House development within the "V" zone for orderly development pattern, efficient use of land and provision of infrastructures and services.

Previous Applications

- 12.5 Previous applications No. A/YL-KTS/372 to 374 and 428 to 430 were rejected by the Board on review on 27.10.2006 and 12.12.2008 respectively on the grounds that the proposed development were not in line with the planning intention of the "AGR" zone and the proposed developments did not comply with the interim criteria for assessing planning applications for NTEH/Small House development in that there was no shortage of land within the "V" zone of Cheung Po and Tai Wo to meet the demand forecast for Small House development. Besides, there was insufficient information in the submission to demonstrate why suitable sites within the areas zoned "V" could not be made available for the proposed developments. There is no significant change in planning circumstances in the area to warrant a departure from the Board's previous decision.

Similar Applications

- 12.6 There were 10 similar applications (No. A/YL-KTS/232, 280, 285, 325, 337, 346, 370, 476, 477 and 668) approved with conditions by the Committee or the Board on review between 2001 and 2015 mainly on the consideration that the proposed developments were in line with the Interim Criteria as they fell entirely within the 'VE' of Yuen Kong San Tsuen/Yuen Kong Tsuen and/or with not less than 50% of the proposed NTEH footprint falls within the "V" zone (Plan A-1a).
- 12.7 There were 33 similar applications (No. A/YL-KTS/238, 261, 348, 350, 375 to 378, 380, 381, 431 to 436, 565, 583, 626, 627, 654, 656, 658, 666, 673, 674, 686, 691, 692, 703, 716, 727, 744) for Small House development rejected by the Committee or the Board on review (Plan A-1a). These Sites did not comply with the Interim Criteria mainly in that there was no shortage of land within the concerned "V" zones or the proposed developments fell outside the "V" zones or outside/largely outside the 'VE'.
- 12.8 Notwithstanding this, the Board has adopted a prudent approach in considering Small House application in recent years and considered more appropriate to concentrate the Small House development close to the village cluster/"V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. For the concerned applications, there is still land available in the "V" zone for Small House development. The approval of the application would result in further proliferation of Small House development in the "AGR" zone.

Public Comments

- 12.9 6 public comments were received from Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited, Green Sense and three individuals (Appendices VI-1 to VI-6). All of them object to the application mainly on the grounds stated at para. 11 above. In this regard, relevant Government departments' comments and planning assessments as stated above are relevant. There is no local objection as conveyed by DO(YL), HAD.

13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11 above, the Planning Department does not support the applications for the following reasons:

- (a) the proposed Small House developments are not in line with the planning intention of the "AGR" zone which is to retain and safeguard good quality agricultural land for agricultural purposes. It is also intended 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; and
- (b) land is still available within the "Village Type Development" zone of Cheung Wo and Tai Wo which 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 more orderly development pattern, efficient use of land and provision of infrastructures and services.

13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 22.12.2021, 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 Conditions

- (a) 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; and
- (b) 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**.

14. Decision Sought

- 14.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant the permission.
- 14.2 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 permission, and the date when the validity of the permission should expire.
- 14.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for the rejection should be given to the applicants.

15. Attachments

Appendix I	Application Form with attachments received on 24.10.2017 (A/YL-KTS/759)
Appendix Ia	Application Form with attachments received on 24.10.2017 (A/YL-KTS/760)
Appendix Ib	Application Form with attachments received on 24.10.2017 (A/YL-KTS/761)
Appendix Ic	Further Information received on 13.12.2017
Appendix II	Relevant Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories
Appendix III	Previous applications covering the application sites
Appendix IV	Similar applications for proposed house (NTEH - Small House) within the same "AGR" zones on the Kam Tin South OZP
Appendix V	Detailed comments from relevant Government departments
Appendices VI-1 to VI-6	Public comments received during the statutory publication period
Appendix VII	Advisory Clauses
Drawings A-1 to A-3	Layout Plans
Drawing A-4	Proposed EVA Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

Relevant Revised Interim Criteria for Assessing Planning Applications for
NTEH/Small House Development in the New Territories
(Revised 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 at the Sites

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Rejection Reasons</u>
1.	A/YL-KTS/372	One New Territories Exempted House (NTEH) / Small House	27.10.2006 (on review)	(a), (b)
2.	A/YL-KTS/373	One NTEH / Small House	27.10.2006 (on review)	(a), (b)
3.	A/YL-KTS/374	One NTEH / Small House	27.10.2006 (on review)	(a), (b)
4.	A/YL-KTS/428	One NTEH / Small House	12.12.2008 (on review)	(a), (b)
5.	A/YL-KTS/429	One NTEH / Small House	12.12.2008 (on review)	(a), (b)
6.	A/YL-KTS/430	One NTEH / Small House	12.12.2008 (on review)	(a), (b)

Rejection Reasons

- (a) The proposed development was not in line with the planning intention of the "AGR" zone. No strong justification has been provided in the submission for a departure from such planning intention.
- (b) The proposed development did not comply with the interim criteria for assessing planning applications for NTEH/Small House development in that there was no shortage of land within the "V" zone of Cheung Po and Tai Wo to meet the demand forecast for Small House development. There was insufficient information in the submission to demonstrate why suitable sites within the areas zoned "V" could not be made available for the proposed development.

Similar Applications for New Territories Exempted House (NTEH)/Small House
within the Same "AGR" Zone on Kam Tin South Outline Zoning Plan
(after the first promulgation of the Interim Criteria in 24.11.2000)

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-KTS/232	One NTEH / Small House	23.2.2001 (on review)	(a), (b), (e)
2.	A/YL-KTS/280*	Ten NTEHs / Small Houses	2.5.2003 (Partially approved on review)	(a), (b), (c), (e)
3.	A/YL-KTS/285	One NTEH / Small House	22.11.2002	(a), (b), (e)
4.	A/YL-KTS/325*	One NTEH / Small House	3.12.2004	(a), (b), (e)
5.	A/YL-KTS/337*	One NTEH / Small House	4.3.2005	(b), (e)
6.	A/YL-KTS/346*	One NTEH / Small House	13.5.2005	(b), (e)
7.	A/YL-KTS/370*	One NTEH / Small House	16.6.2006	(b)
8.	A/YL-KTS/476*	One NTEH / Small House	20.11.2009	(a), (b)
9.	A/YL-KTS/477*	One NTEH / Small House	20.11.2009	(a), (b)
10.	A/YL-KTS/668*	One NTEH / Small House	3.7.2015	(a), (b), (d)

* Straddled both "AGR" and "V" zones

Approval Conditions

- The design / provision / submission / implementation of drainage / stormwater facilities / proposal.
- The submission / implementation of landscape treatment/proposal.
- The provision of emergency vehicle access and fire service installations.
- 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 Boards.
- The permission shall cease to have effect on a specified date unless prior to the said date either the development hereby permitted is commenced or the permission is renewed.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1.	A/YL-KTS/238*	Seven NTEHs / Small Houses	22.12.2000	(a), (b), (c)
2.	A/YL-KTS/261*	Ten NTEHs / Small Houses	11.1.2002	(a), (b), (c)
3.	A/YL-KTS/348*	Six NTEHs / Small Houses	27.5.2005	(a), (d)
4.	A/YL-KTS/350	One NTEH / Small House	10.6.2005	(e)
5.	A/YL-KTS/375	One NTEH / Small House	27.10.2006 (On review)	(a), (d)
6.	A/YL-KTS/376	One NTEH / Small House	27.10.2006 (On review)	(a), (d)
7.	A/YL-KTS/377	One NTEH / Small House	27.10.2006 (On review)	(a), (d)
8.	A/YL-KTS/378	One NTEH / Small House	27.10.2006 (On review)	(a), (d)
9.	A/YL-KTS/380	One NTEH / Small House	27.10.2006 (On review)	(a), (d)
10.	A/YL-KTS/381	One NTEH / Small House	27.10.2006 (On review)	(a), (d)
11.	A/YL-KTS/431	One NTEH / Small House	12.12.2008 (On review)	(a), (d)
12.	A/YL-KTS/432	One NTEH / Small House	12.12.2008 (On review)	(a), (d)
13.	A/YL-KTS/433	One NTEH / Small House	12.12.2008 (On review)	(a), (d)
14.	A/YL-KTS/434	One NTEH / Small House	12.12.2008 (On review)	(d)
15.	A/YL-KTS/435	One NTEH / Small House	12.12.2008 (On review)	(d)
16.	A/YL-KTS/436	One NTEH / Small House	12.12.2008 (On review)	(d)
17.	A/YL-KTS/565	Two NTEHs / Small Houses	14.9.2012 (On review)	(a), (d)
18.	A/YL-KTS/583	One NTEH / Small House	22.3.2013 (On review)	(a), (f)
19.	A/YL-KTS/626*	One NTEH / Small House	7.2.2014	(a), (d), (g)
20.	A/YL-KTS/627*	One NTEH / Small House	7.2.2014	(a), (d), (g)
21.	A/YL-KTS/654	One NTEH / Small House	2.1.2015	(a), (f)
22.	A/YL-KTS/656	One NTEH / Small House	2.1.2015	(a), (f)

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
23.	A/YL-KTS/658	One NTEH / Small House	6.2.2015	(a), (f)
24.	A/YL-KTS/666	Eight NTEHs / Small Houses	5.6.2015	(a), (h), (i)
25.	A/YL-KTS/673*	One NTEH / Small House	4.9.2015	(a), (h)
26.	A/YL-KTS/674*	One NTEH / Small House	4.9.2015	(a), (h)
27.	A/YL-KTS/686*	One NTEH / Small House	8.1.2016	(a), (h)
28.	A/YL-KTS/691	One NTEH / Small House	19.2.2016	(a), (f)
29.	A/YL-KTS/692	One NTEH / Small House	4.3.2016	(a), (f), (j)
30.	A/YL-KTS/703	One NTEH / Small House	27.5.2016	(a), (f), (g), (k)
31.	A/YL-KTS/716	One NTEH / Small House	14.10.2016	(a), (f)
32.	A/YL-KTS/727	One NTEH / Small House	3.2.2017	(a), (e), (h), (g)
33.	A/YL-KTS/744	One NTEH / Small House	28.7.2017	(a), (e), (h), (g)

* Straddled both "AGR" and "V" zones

Rejection Reasons

- (a) The proposed development is not in line with the planning intention of the "Agriculture" ("AGR") zone for the area which is to retain and safeguard good agricultural land for agricultural purpose and to retain fallow arable land with good potential for rehabilitation. No strong justification has been given in the submission for a departure from such planning intention.
- (b) The application site is located away from the village cluster of concerned village. Village house development should be sited on land zoned "Village Type Development" ("V") to ensure orderly development and provision of infrastructural facilities.
- (c) There is insufficient information in the submission to demonstrate why land within "V" zones cannot be made available for the proposed development.
- (d) The proposed development does not comply with the interim criteria for assessing planning applications for NTEH/Small House development in that there was no shortage of land within the "V" zone of the concerned village to meet the demand forecast for Small House development. There was insufficient information in the submission to demonstrate that suitable sites within the areas zoned "V" could not be made available for the proposed development.

- (e) The proposed development did not comply with the interim criteria in that the proposed Small House fell outside the "V" zone and largely outside the village 'environs' of the concerned village.
- (f) The proposed development does not comply with the interim criteria for assessing planning applications for NTEH/Small House development in that the site and the proposed NTEH/Small House footprint fell entirely outside the village 'environs' for the concerned village and the "V" zone. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. There is no exceptional circumstance to justify approval of the application.
- (g) Approval of the application which does not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories would set an undesirable precedent for other similar applications in the "AGR" zone.
- (h) Land is still available within the "V" zone of the concerned 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 infrastructure and services.
- (i) The applicant has failed to demonstrate that the proposed development is environmentally acceptable and not subject to risk hazard.
- (j) Approval of the application would set an undesirable precedent for similar applications within the "AGR" zone. The cumulative effect of approving such applications would lead to degradation of the rural character and environment in the area.
- (k) The applicant fails to demonstrate that the proposed development is environmentally acceptable and would not have adverse impact on the existing trees

Detailed Comments from the Relevant Government Departments

Land Administration

1. Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, Lands D):
 - (a) The Sites are Old Schedule agricultural lot held under the Block Government Lease.
 - (b) The Sites fall within the village environs boundary (VEB) for Cheung Po.
 - (c) According to his records, the Sites are not under any Small House applications. Therefore, the indigenous villager's status and eligibility of the applicant would only be verified upon the receipt of the Small House application as well as when the application is due for processing.
 - (d) According to his records, the Sites are not covered by any Modification of Tenancy or Building Licence.
 - (e) The Sites fall within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures will not exceed the relevant airfield height limit within SKAHRA.
 - (f) The number of outstanding Small House applications of Cheung Po and Tai Wo are 67 and 57 respectively.
 - (g) The 10-year forecast of Small House demand for Cheung Po is 180; for Tai Wo is 495. The 10-year forecast is provided by the Indigenous Inhabitant Representative of Cheung Po and Tai Wo and DLO/YL is unable to verify such information.
 - (h) If a proposed Small House site is outside or more than 50% of it is outside the VEB of a recognized village and the "V" zone which encircles the recognized village, the concerned Small House application will be rejected under the New Territories (NT) Small House Policy even though the applicant is an indigenous villager who has successfully sought planning permission.
 - (i) Should planning approval be given to the subject planning application, the registered lot owner should inform DLO/YL, LandsD. DLO/YL, LandsD will consider the Small House application (if apply) acting in the capacity as the landlord at its sole discretion in accordance with the NT Small House Policy when the application is due for processing. There is no guarantee that such application would be approved. Should the registered owners of the lots, after obtained planning approval, submit lease modification / land exchange application, DLO/YL, LandsD will consider his application acting in the capacity as the landlord and there is also no guarantee that such application would be approved. Besides, in general, application for NTEH

development other than under Small House Policy will not be entertained. Any applications, if approved, would be subject to such terms and conditions, including, among others, the payment of premium and/or administrative fee, as may be imposed by the LandsD.

Agriculture and Nature Conservation

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

The Sites are fallow land which fall within the "AGR" zone. Having said that, the Sites are close to existing village house. As such, he has no strong view against the applications from agricultural and nature conservation points of view.

Environment

3. Comments of the Director of Environmental Protection (DEP):

In view of the small population and nature of the proposed development, septic tank and soakaway system is considered a suitable treatment system provided that its design and operation follows the requirements in EPD's Practice Note for Professional Person (ProPECC) PN 5/93 'Drainage Plans subject to Comment by the Environmental Protection Department', including percolation test and certification by Authorised Person.

Landscape

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

- (a) He has some reservations to the application from the landscape planning point of view;
- (b) The Sites fall within an area zoned "AGR" on the draft Kam Tin South OZP No. S/YL-KTS/14. The landscape surrounding the Site is predominantly rural in character, comprising of agricultural land, scattered tree groups and village houses. The proposed use is considered not incompatible with the surrounding landscape environment.
- (c) According to their site inspection photos taken on 9 November 2017, the Sites are currently vacant covered with wild grass. A young tree in fair condition (*Celtis sinensis*) is found at the east corner of application no. A/YL-KTS/759. With reference to the layout plan, the proposed Small House is in direct conflict with the existing tree and tree felling is necessary. However, the applicant mentioned no tree felling will be involved in the development and there is no provision for landscape mitigation within the Sites.
- (d) There is a canal running along the eastern boundary of the Sites. Potential land filling due to the proposed Small House is necessary and adverse landscape impact arising from the proposed land filling is expected.
- (e) Should the application be approved, in view that available space for quality landscape within the Sites are very limited, a landscape condition does not

seem to be practical and is therefore not recommended.

Drainage

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

- (a) He has no in-principle objection to the proposed development from the public drainage point of view.
- (b) The applicants are reminded to maintain all drainage facilities on site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc..
- (c) Should the Town Planning Board consider that the application is acceptable from the planning point of view, conditions should be stipulated in the approval letter requiring the applicant to submit a drainage proposal and to implement the drainage proposal for the development to the satisfaction the Director of Drainage Services or of the Town Planning Board.

Water Supply

6. Comment of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) For provision of water supply to the development, the applicants may need to extend his/her 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 standard.

Traffic

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

Considering there is no parking provision nor vehicular access to the lot, the induced traffic is minimal and he has no comment on the application.

8. Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

- (a) He has no comment from highways maintenance point of view and noted from the applications that no run-in/out and direct vehicular access to the Sites is proposed.
- (b) From Northern link's perspective, the Sites fall within the Area of Influence ("AOI") for the proposed Northern Link ("NOL"). Although the programme and the alignment of the proposed NOL are still under review, those areas

within the AOI might be subject to railway noise impact of the proposed NOL. Provided that the applicants are satisfied with the surrounding condition in respect of railway noise taking into account future operation of NOL, he has no in-principle objection to the applications from the development point of view of NOL.

- (c) From West Rail Line's perspective, the applicants shall address the rail noise impact arising from the West Rail taking into account its existing and future operations, and provide necessary noise mitigation measures for the subject development at the applicant's own cost.

Fire Safety

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

- (a) He has no objection to the proposal.
- (b) The applicant is reminded to follow the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by LandsD.

Building Matters

10. Comments of the Chief Building Surveyor/NTW, Buildings Department (CBS/NTW, BD):

- (a) Noting that the building to be erected on the Site will be NTEH under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121), DLO/YL should be in a better position to comment on the application.
- (b) In case DLO/YL decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the NTEH development, such works will require prior approval and consent under the Building Ordinance. In the circumstance, an Authorised Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL or seek AP's advice for details.

District Officer's Comments

11. Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

He has not received any comment from locals upon close of consultation and he has no particular comment on the application.

Demand and Supply of Small House Sites

- 12. According to the DLO/YL's latest records, the total number of outstanding Small House applications of Cheung Po and Tai Wo is 124 (i.e. equivalent to 3.1 ha) while the 10-year Small House demand forecast for Cheung Po and Tai Wo is 675 (i.e. equivalent to 16.875 ha). According to the latest estimate by PlanD, about 14.01 ha (equivalent to about 560 Small House sites) of land is available within the "V" zone of Cheung Po and Tai Wo to meet the demand of Small Houses.

Advisory clauses

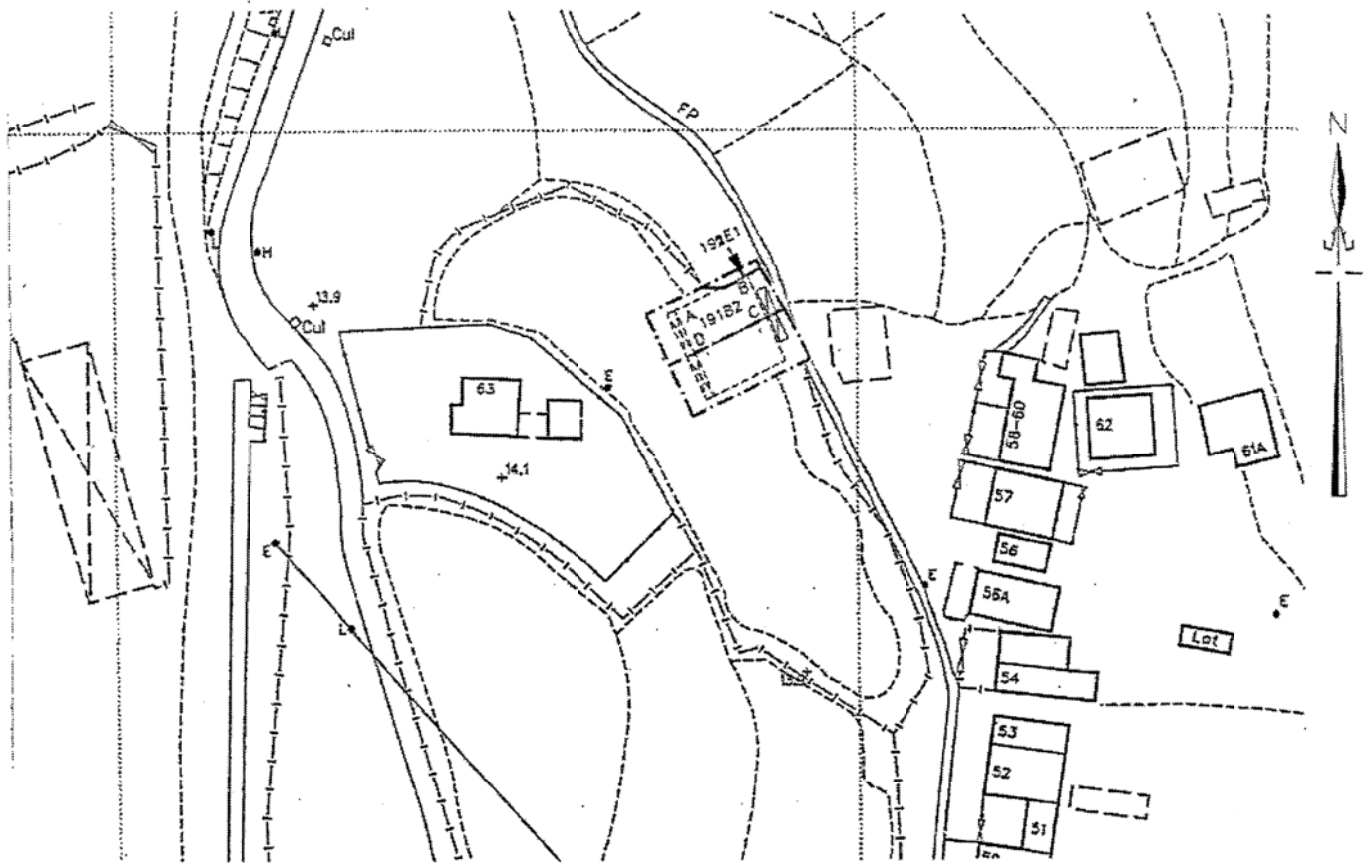
- (a) note DLO/YL, LandsD's comments that Sites are Old Schedule agricultural lot. The Sites fall within the village environs boundary (VEB) for Cheung Po. According to his records, the Sites are not covered by any Modification of Tenancy or Building Licence. According to his records, the Sites are not under any Small House (SH) applications. Therefore, the indigenous villager's status and eligibility of the applicants would only be verified upon the receipt of the SH applications as well as when the applications are due for processing. Should planning approval be given to the subject planning applications, the registered lot owners should inform DLO/YL, LandsD. DLO/YL, LandsD will consider the SH applications acting in the capacity as the landlord at its sole discretion in accordance with the New Territories Small House Policy when the applications are due for processing. There is no guarantee that such applications would be approved. Should the registered lot owners, after obtained planning approval, submit lease modification / land exchange applications, DLO/YL, LandsD will consider their applications acting in the capacity as the landlord and there is also no guarantee that such applications would be approved. Besides, in general, application for NTEH development other than under Small House Policy will not be entertained. Any applications, if approved, would be subject to such terms and conditions, including, among others, the payment of premium and/or administrative fee, as may be imposed by LandsD;
- (b) note D of FS's comments that the applicants should follow the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by LandsD;
- (c) note DEP's comments that in view of the small population and nature of the proposed development, septic tank and soakaway system is considered a suitable treatment system provided that its design and operation follows the requirements in EPD's Practice Note for Professional Person (ProPECC) PN 5/93 'Drainage Plans subject to Comment by the Environmental Protection Department', including percolation test and certification by Authorised Person (AP);
- (d) note CBS/NTW, BD's comments that the building to be erected on the site will be NTEH under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121). In case DLO/YL decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the NTEH development, such works will require prior approval and consent under the Building Ordinance. In the circumstance, an AP should be appointed as the coordinator for the proposed works. The applicants may approach DLO/YL or seek AP's advice for details;
- (e) note CHE/NTW, HyD's comments that rail noise impact arising from the West Rail Line taking into account its existing and future operations should be addressed, and

necessary noise mitigation measures for the subject development should be provided at the applicant's own cost;

- (f) note CE/C, WSD's comments that the applicants 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;
- (g) note CE/MN, DSD's comments that all drainage facilities should be maintained on site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and
- (h) 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 applicants 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.

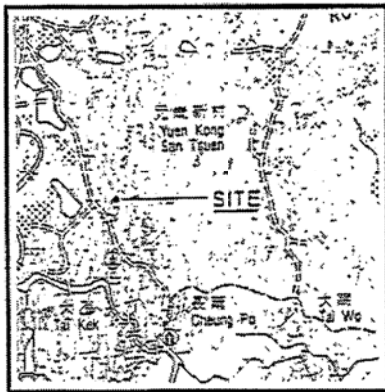
PROPOSED BUILDING LICENCE PLAN

LOT Nos. 191 S.B ss.2 & 192 S.E ss.1 IN D.D.113



SCALE 1:1000

LOCATION PLAN



SCALE 1:20,000

COLOURED PINK AREA : 65.03 SQUARE METRES (ABOUT)

Line	Bearing	Distance(M)	Northing	Easting	Pt.
A-B	64° 53' 51"	10.667	831 076.465	825 375.424	A
B-C	154° 53' 51"	6.096	831 080.990	825 385.084	B
C-D	244° 53' 51"	10.667	831 075.470	825 387.670	C
D-A	334° 53' 51"	6.096	831 070.945	825 378.010	D

Legends:

Survey Sheet No. : 6-NE-22B

Septic Tank (4' x 12')

Balcony (6.096m x 1.219m)

Plan No: TCYL7310/01

Date : April 2004

陳達榮測量師行有限公司

TED CHAN & ASSOCIATES LIMITED

Authorized Land Surveyors



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(摘錄自申請人於 24.10.2017 呈交的申請書)
(Extract from Applicant's
Submission of 24.10.2017)

參考編號

REFERENCE No.

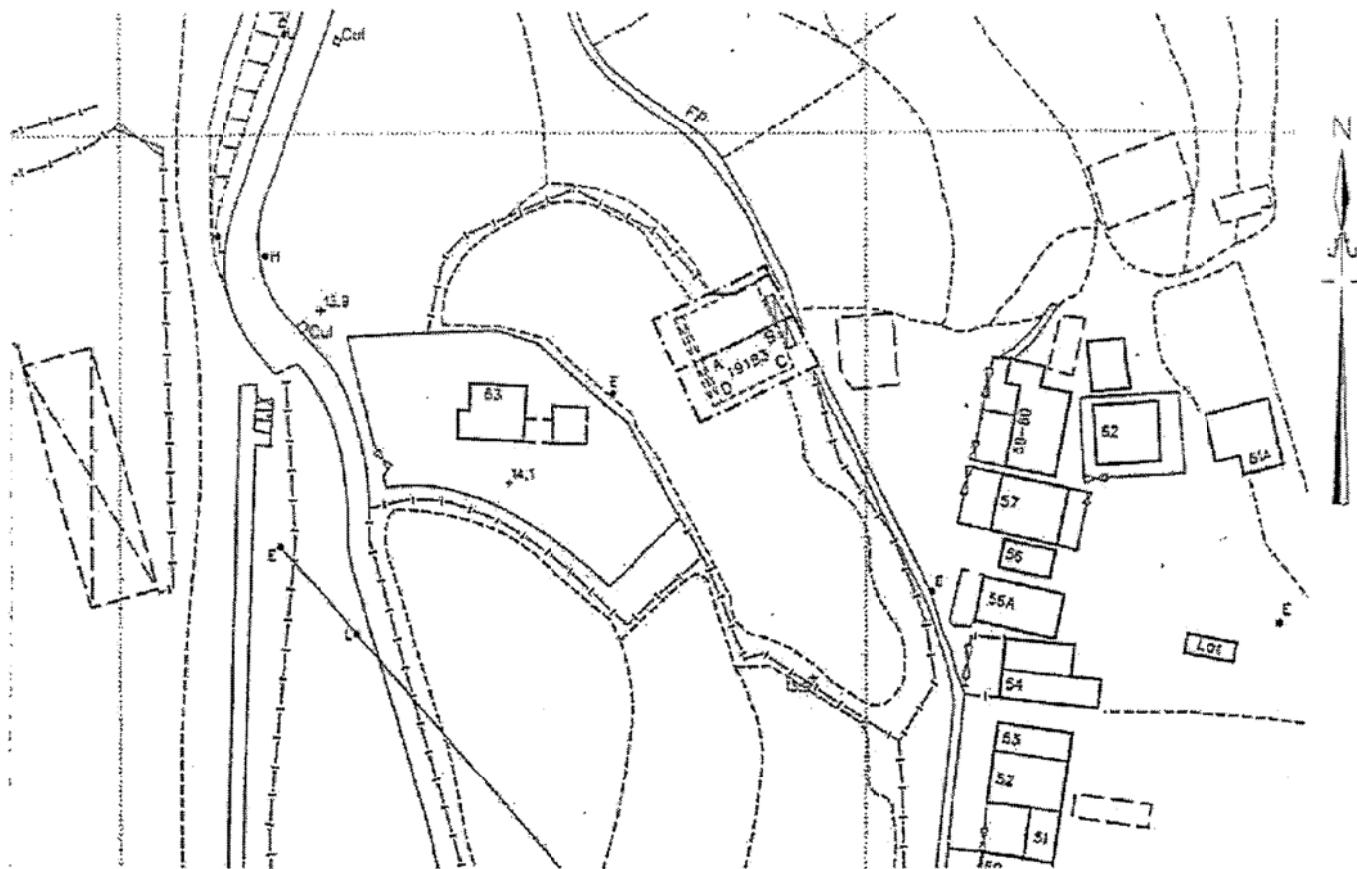
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繪圖 DRAWING

A-1

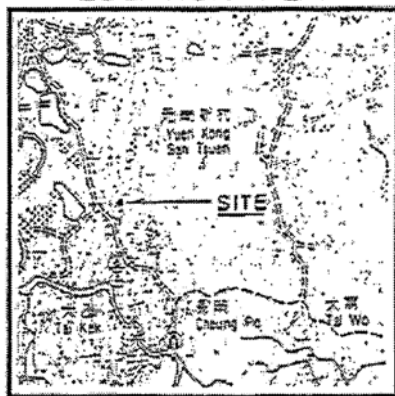
PROPOSED BUILDING LICENCE PLAN

LOT No. 191 S.B ss.3 IN D.D.113



SCALE 1:1000

LOCATION PLAN



SCALE 1:20,000

COLOURED PINK AREA : 65.03 SQUARE METRES (ABOUT)

Line	Bearing	Distance(M)	Northing	Easting	Pt.
A-B	64° 53' 51"	10.667	831 070.945	825 378.010	A
B-C	154° 53' 51"	6.096	831 075.470	825 387.670	B
C-D	244° 53' 51"	10.667	831 069.950	825 390.256	C
D-A	334° 53' 51"	6.096	831 065.425	825 380.597	D

Legends:

Survey Sheet No. : 6-NE-22B

Septic Tank (4' x 12')

Balcony (6.096m x 1.219m)

Plan No: TCYL7310/01

Date : April 2004

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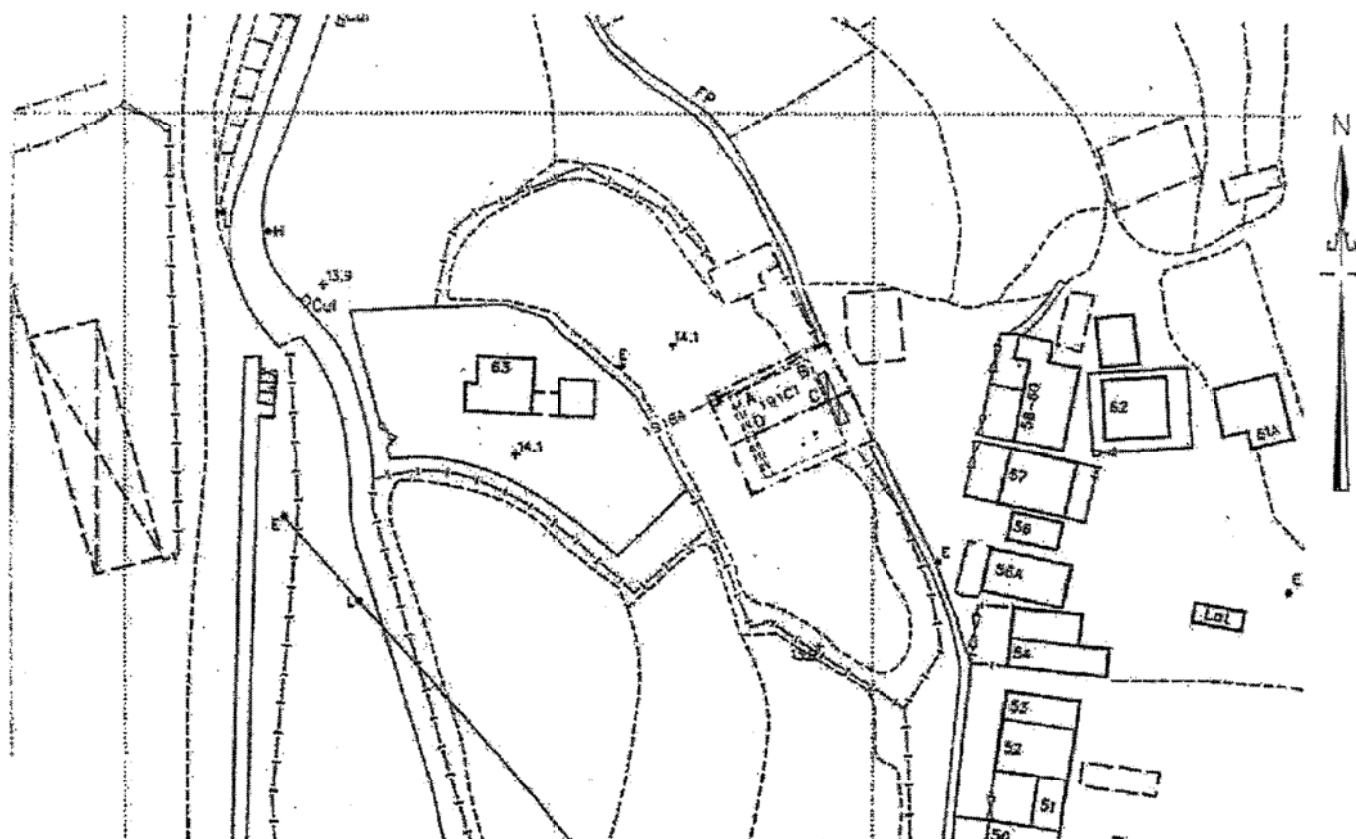
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繪圖 DRAWING

A-2

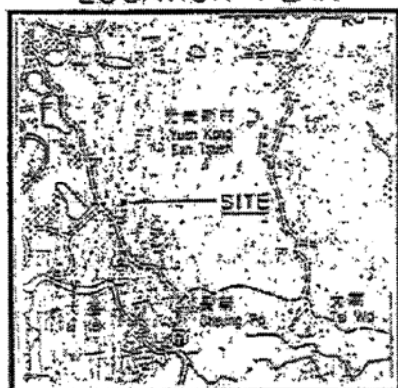
PROPOSED BUILDING LICENCE PLAN

LOT Nos. 191 S.B ss.4 & 191 S.C ss.1 IN D.D.113



SCALE 1:1000

LOCATION PLAN



SCALE 1 : 20 000

COLOURED PINK AREA : 65.03 SQUARE METRES (ABOUT)

Line	Bearing	Distance(M)	Northing	Easting	Pt.
A-B	64° 53' 51"	10.667	831 063.251	825 381.615	A
B-C	154° 53' 51"	6.096	831 067.777	825 391.274	B
C-D	244° 53' 51"	10.667	831 062.256	825 393.860	C
D-A	334° 53' 51"	6.096	831 057.731	825 384.201	D

Legends:

Survey Sheet No. : 6-NE-22B

Septic Tank (4' x 12')

Balcony (6.098m x 1.219m)

Plan No: TCYL7310/01

Date : April 2004

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TED CHAN & ASSOCIATES LIMITED

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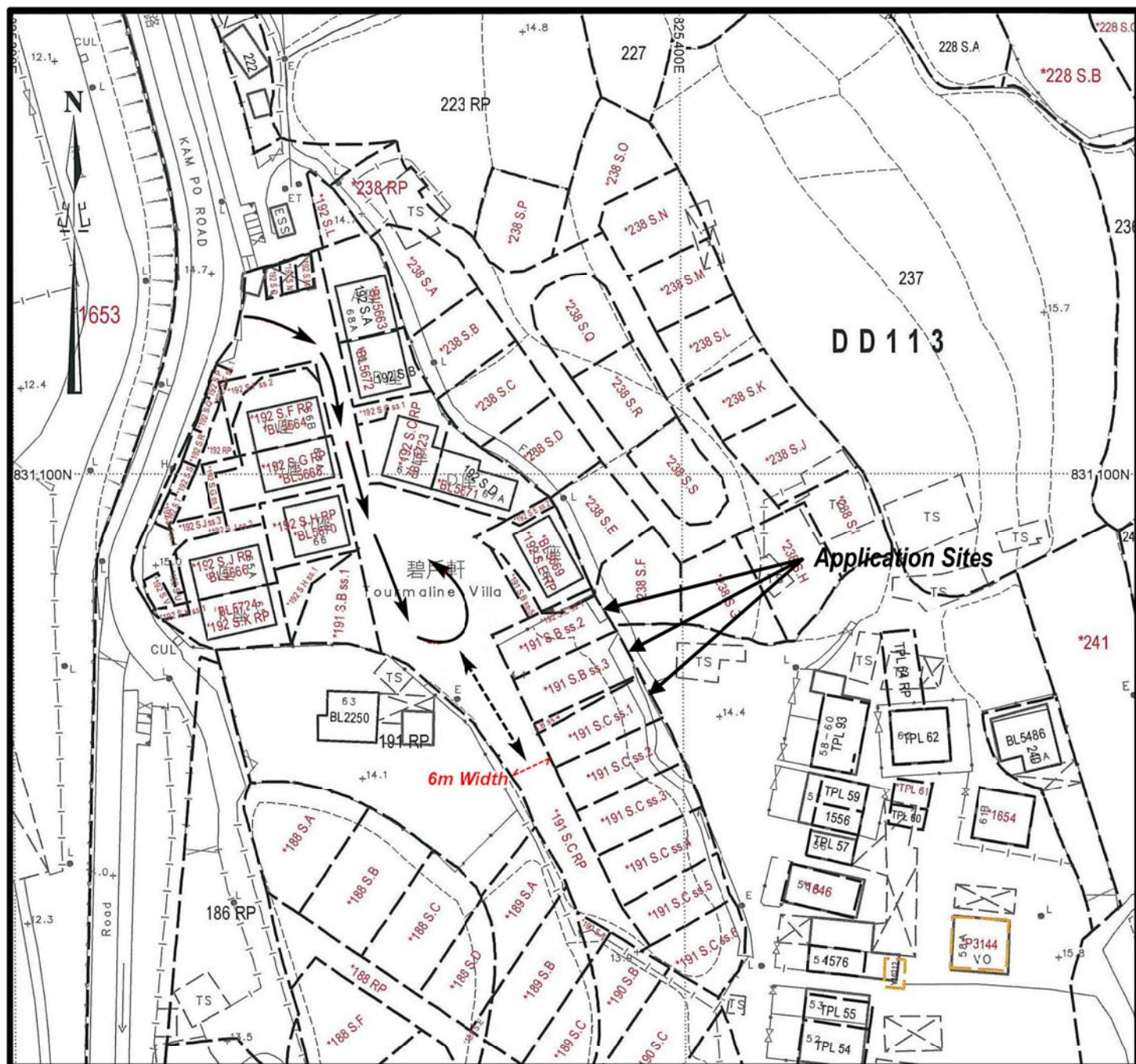
Tel: 2967-8862 Fax: 2967-1812
Tel: 2478-6308 Fax: 2478-6428

(摘錄自申請人於 24.10.2017 呈交的申請書)
(Extract from Applicant's
Submission of 24.10.2017)

參考編號
REFERENCE No.
A/YL-KTS/759-761

繪圖 DRAWING
A-3

Proposed Emergency Vehicular Access



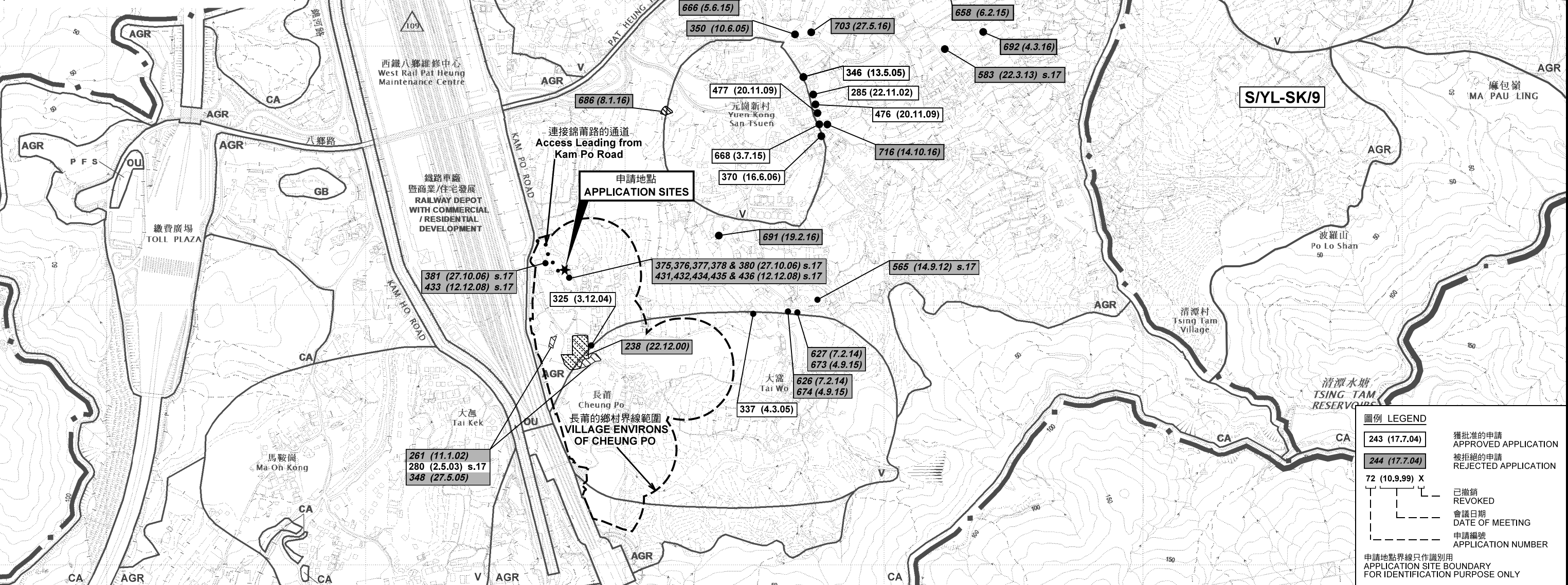
(摘錄自申請人於11. 12. 2017呈交的進一步資料)
(Extract from Applicant's Further
Information Submitted on 11.12.2017)

參考編號
REFERENCE No.
A/YL-KTS/759-761

繪圖 DRAWING
A-4



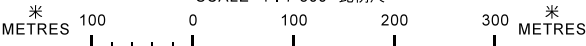
要覽圖 KEY PLAN
SCALE 1: 50 000 比例尺



位置圖及同類申請 LOCATION PLAN WITH SIMILAR APPLICATIONS

本摘要圖於2017年12月8日擬備，
所根據的資料為於2017年11月3日
展示的分區計劃大綱圖編號 S/YL-KTS/14
EXTRACT PLAN PREPARED ON 8.12.2017
BASED ON OUTLINE ZONING PLAN NO.
S/YL-KTS/14 EXHIBITED ON 3.11.2017

擬議屋宇（新界豁免管制屋宇-小型屋宇）
元朗錦田長莆丈量約份第113約地段
第191號B分段第2小分段、第192號E分段第1小分段、
第191號B分段第3小分段、第191號B分段第4小分段及第191號C分段第1小分段
PROPOSED HOUSES
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 191 S.B ss.2, 192 S.E ss.1, 191 S.B ss.3, 191 S.B ss.4 AND
191 S.C ss.1 IN D.D. 113, CHEUNG PO, KAM TIN, YUEN LONG
SCALE 1: 7 500 比例尺

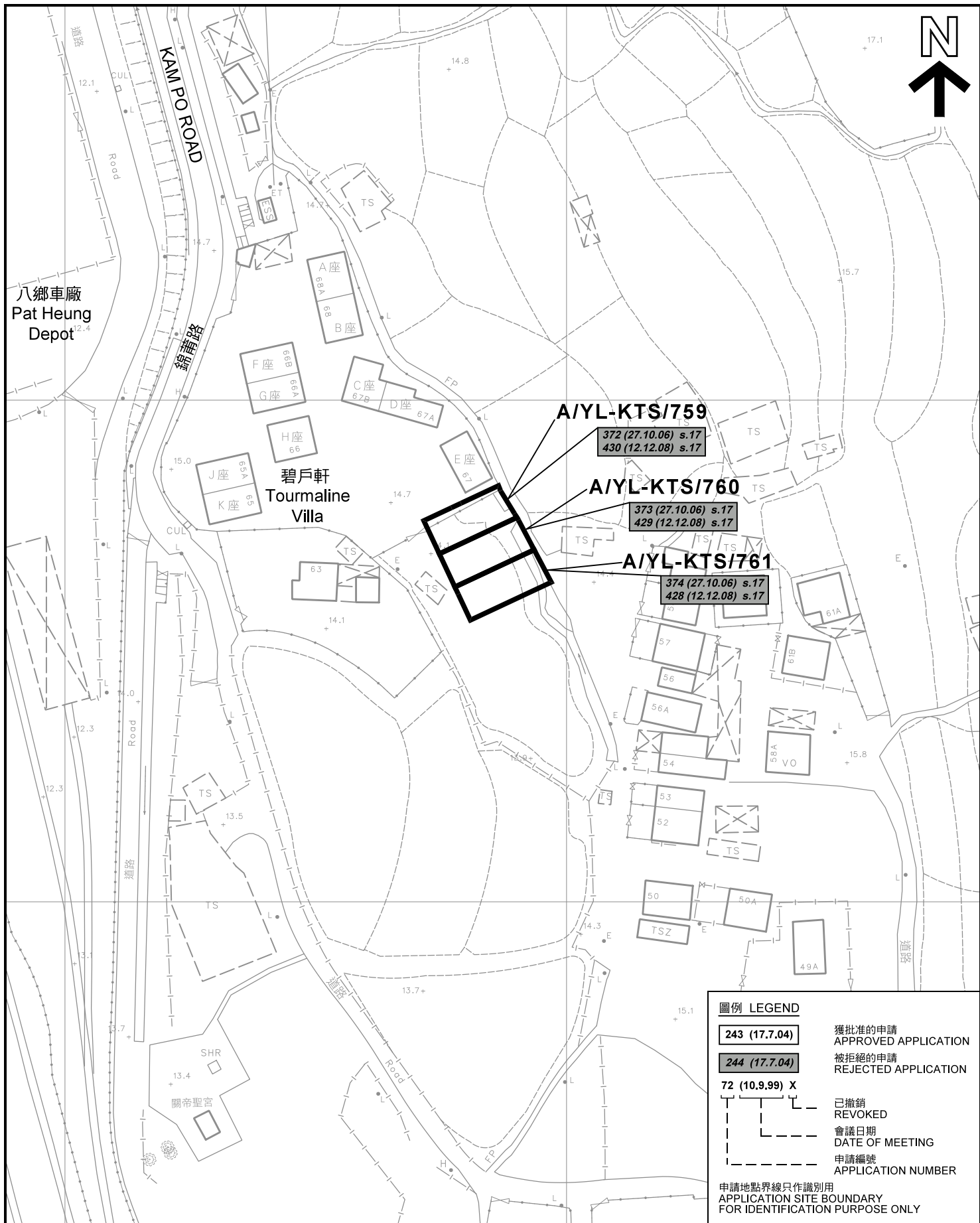


規劃署
PLANNING DEPARTMENT



參考編號 REFERENCE No.
A/YL-KTS/759-761

圖 PLAN
A-1a



先前申請圖 PREVIOUS APPLICATION PLAN

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
元朗錦田長莆丈量約份第113約地段
第191號B分段第2小分段、第192號E分段第1小分段、
第191號B分段第3小分段、第191號B分段第4小分段及第191號C分段第1小分段
PROPOSED HOUSES
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 191 S.B ss.2, 192 S.E ss.1, 191 S.B ss.3, 191 S.B ss.4 AND
191 S.C ss.1 IN D.D. 113, CHEUNG PO, KAM TIN, YUEN LONG
SCALE 1 : 1 000 比例尺

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PLANNING
DEPARTMENT

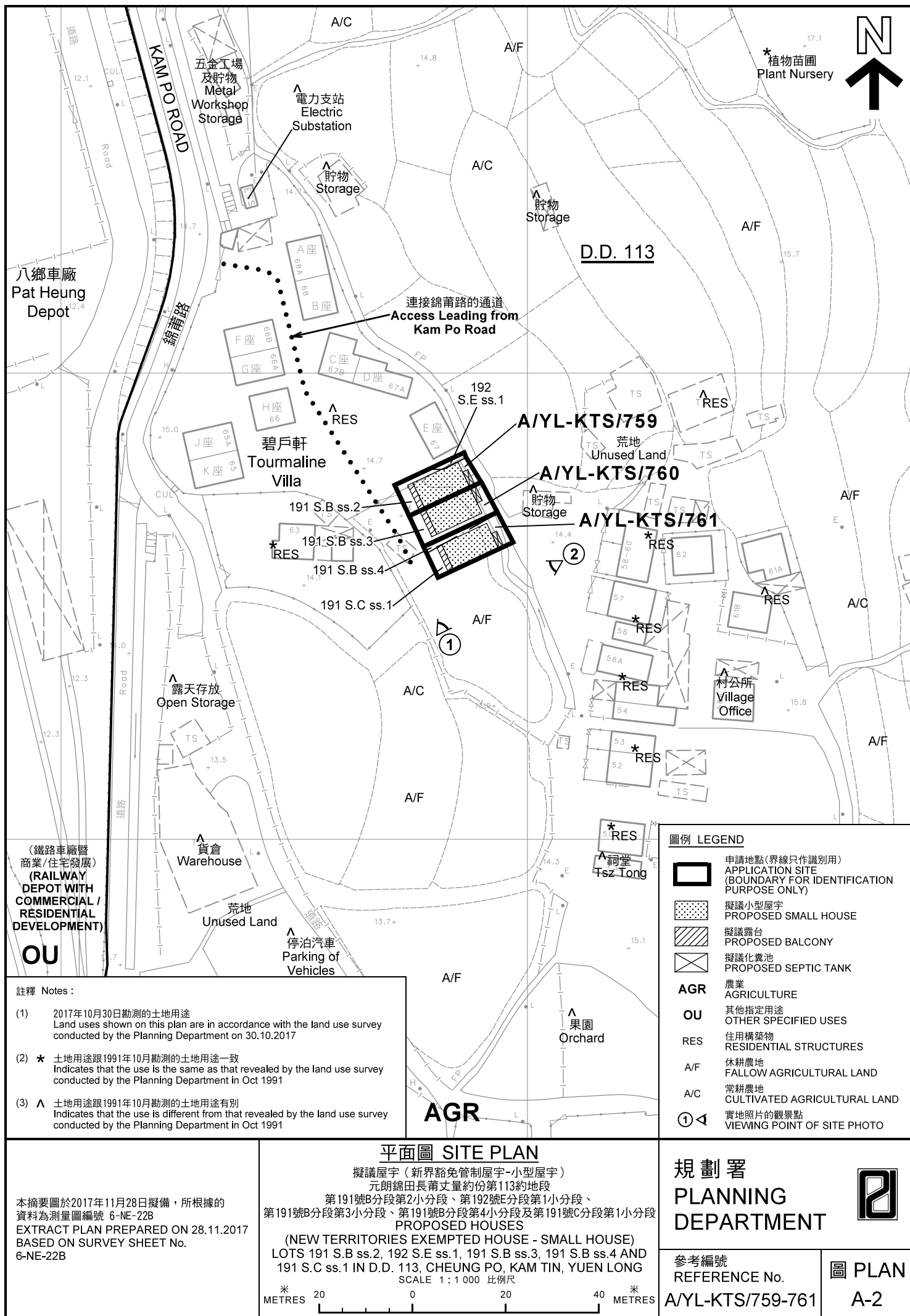


參考編號
REFERENCE No.

A/YL-KTS/759-761

圖 PLAN
A-1b

本摘要圖於2017年12月8日擬備，所根據的
資料為測量圖編號 6-NE-22B
EXTRACT PLAN PREPARED ON 8.12.2017
BASED ON SURVEY SHEET No.
6-NE-22B





圖例 LEGEND



申請地點(界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)

本摘要圖於2017年11月28日擬備，所根據的資料為地政總署於2017年4月2日拍得的航攝照片編號 E017042C
EXTRACT PLAN PREPARED ON 28.11.2017
BASED ON AERIAL PHOTO No.
E017042C TAKEN ON 2.4.2017
BY LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
元朗錦田長莆丈量約份第113約地段
第191號B分段第2小分段、第192號E分段第1小分段、
第191號B分段第3小分段、第191號B分段第4小分段及第191號C分段第1小分段
PROPOSED HOUSES
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 191 S.B ss.2, 192 S.E ss.1, 191 S.B ss.3, 191 S.B ss.4 AND
191 S.C ss.1 IN D.D. 113, CHEUNG PO, KAM TIN, YUEN LONG

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-KTS/759-761

圖 PLAN
A-3

1



2



申請地點界線只作識別用 APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTOS

擬議屋宇 (新界豁免管制屋宇-小型屋宇)

元朗錦田長莆丈量約份第113約地段

第191號B分段第2小分段、第192號E分段第1小分段、
第191號B分段第3小分段、第191號B分段第4小分段及第191號C分段第1小分段
PROPOSED HOUSES

(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)

LOTS 191 S.B ss.2, 192 S.E ss.1, 191 S.B ss.3, 191 S.B ss.4 AND
191 S.C ss.1 IN D.D. 113, CHEUNG PO, KAM TIN, YUEN LONG

本圖於2017年11月28日擬備，所根據的
資料為攝於2017年11月3日的實地照片
PLAN PREPARED ON 28.11.2017
BASED ON SITE PHOTOS
TAKEN ON 3.11.2017

規 劃 署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.

A/YL-KTS/759-761

圖 PLAN
A-4

A/CL-K77/260

TOWN PLANNING BOARD

Minutes of 594th Meeting of the
Rural and New Town Planning Committee held at 2:00 p.m. on 22.12.2017

Present

Director of Planning

Chairman

Mr Raymond K. W. Lee

Professor K.C. Chau

Mr H.F. Leung

Dr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr C.H. Hau

Miss Winnie W.M. Ng

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Patrick K.H. Ho

Chief Engineer (Works), Home Affairs Department
Mr Martin W.C. Kwan

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Raymond W.M. Wong

Agenda Items 58 to 60

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/759 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" Zone, Lots 191 S.B ss.2 and 192 S.E ss.1 in D.D. 113,
Cheung Po, Kam Tin, Yuen Long.

A/YL-KTS/760 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" Zone, Lot 191 S.B ss.3 in D.D. 113, Cheung Po, Kam
Tin, Yuen Long

A/YL-KTS/761 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" Zone, Lots 191 S.B ss.4 and 191 S.C ss.1 in D.D. 113,
Cheung Po, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/759 to 761)

193. The Secretary reported that the sites were located at Kam Tin South. Ms Janice W.M. Lai had declared an interest on the items as her family member owned a house at Cheung Po Tsuen, Kam Tin South.

194. The Committee noted that Ms Janice W.M. Lai had tendered an apology for being unable to attend the meeting.

195. The Committee noted that the three section 16 applications for proposed house (New Territories Exempted House - Small House) were similar in nature and the sites were located in close proximity to one another and within the same "Agriculture" ("AGR") zone, and agreed that they could be considered together.

Presentation and Question Sessions

196. Ms Ivy C.W. Wong, STP/FSYLE, presented the applications and covered the following aspects as detailed in the Paper:

- (a) background to the applications;

- (b) the proposed house (New Territories Exempted House - Small House) at each of the sites;
 - (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the applications. Given that there was a modified watercourse running along the eastern boundary of the sites, potential land filling due to the proposed developments was necessary and adverse landscape impact arising from the proposed land filling was expected. The proposed house for application No. A/YL-KTS/759 was in direct conflict with the existing tree and tree felling was necessary. Other concerned government departments had no objection to or no adverse comments on the applications;
-
- (d) during the first three weeks of the statutory publication period, six public comments for each application were received from Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited, Green Sense and individuals objecting to the applications. Major objection grounds were set out in paragraph 11 of the Paper; and
 - (e) PlanD's views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Paper. The proposed Small House developments were not in line with the planning intention of the "AGR" zone and no strong justifications had been given in the submission for the proposed Small House developments in the "AGR" zone. CTP/UD&L, PlanD had reservations on the applications as potential land filling due to the proposed developments were necessary and there would be adverse landscape impact arising from the proposed land filling. Although there was insufficient land in the "Village Type Development" ("V") zone of Cheung Po and Tai Wo to fully meet the total demand of Small Houses in the long run, there was still land available within the subject "V" zone to meet the outstanding Small House demand. It was considered more appropriate to concentrate Small House developments

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/YL-KTS/759

By Registered Post & Fax, _____

12 January 2018

Cheery Consultants Ltd.

Yuen Long, New Territories
(Attn.: Ben Yuen)

Dear Sir/Madam,

Proposed House (New Territories Exempted House - Small House) in "Agriculture" Zone, Lots 191 S.B ss.2 and 192 S.E ss.1 in D.D. 113, Cheung Po, Kam Tin, Yuen Long

I refer to my letter to you dated 19.12.2017.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the proposed Small House developments are not in line with the planning intention of the "Agriculture" zone which is to retain and safeguard good quality agricultural land for agricultural purposes. It is also intended 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; and
- (b) land is still available within the "Village Type Development" zone of Cheung Po and Tai Wo which 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 more orderly development pattern, efficient use of land and provision of infrastructures and services.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 22.12.2017 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 2.2.2018). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Ivy Wong of Fanling, Sheung Shui & Yuen Long East District Planning Office at 2158 6297.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

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覆函請註明本會檔號

In reply please quote this ref.: TPB/A/YL-KTS/760

By Registered Post & Fax

12 January 2018

Cheery Consultants Ltd.

Yuen Long, New Territories
(Attn.: Ben Yuen)

Dear Sir/Madam,

Proposed House (New Territories Exempted House - Small House)
in "Agriculture" Zone, Lot 191 S.B ss.3 in D.D. 113, Cheung Po, Kam Tin, Yuen Long

I refer to my letter to you dated 19.12.2017.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the proposed Small House developments are not in line with the planning intention of the "Agriculture" zone which is to retain and safeguard good quality agricultural land for agricultural purposes. It is also intended 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; and
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Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

城市規劃委員會

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In reply please quote this ref.: TPB/A/YL-KTS/761

12 January 2018

Cheery Consultants Ltd.

Yuen Long, New Territories
(Attn.: Ben Yuen)

Dear Sir/Madam,

Proposed House (New Territories Exempted House - Small House) in "Agriculture" Zone, Lots 191 S.B ss.4 and 191 S.C ss.1 in D.D. 113, Cheung Po, Kam Tin, Yuen Long

I refer to my letter to you dated 19.12.2017.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the proposed Small House developments are not in line with the planning intention of the "Agriculture" zone which is to retain and safeguard good quality agricultural land for agricultural purposes. It is also intended 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; and
- (b) land is still available within the "Village Type Development" zone of Cheung Po and Tai Wo which 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 more orderly development pattern, efficient use of land and provision of infrastructures and services.

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If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Ivy Wong of Fanling, Sheung Shui & Yuen Long East District Planning Office at 2158 6297.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

**Similar Applications for New Territories Exempted House (NTEH)/Small House
within the Same “AGR” Zone on Kam Tin South Outline Zoning Plan
(after the first promulgation of the Interim Criteria in 24.11.2000)**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-KTS/232	One NTEH / Small House	23.2.2001 (on review)	(a), (b), (e)
2.	A/YL-KTS/280*	Ten NTEHs / Small Houses	2.5.2003 (Partially approved on review)	(a), (b), (c), (e)
3.	A/YL-KTS/285	One NTEH / Small House	22.11.2002	(a), (b), (e)
4.	A/YL-KTS/325*	One NTEH / Small House	3.12.2004	(a), (b), (e)
5.	A/YL-KTS/337*	One NTEH / Small House	4.3.2005	(b), (e)
6.	A/YL-KTS/346*	One NTEH / Small House	13.5.2005	(b), (e)
7.	A/YL-KTS/370*	One NTEH / Small House	16.6.2006	(b)
8.	A/YL-KTS/476*	One NTEH / Small House	20.11.2009	(a), (b)
9.	A/YL-KTS/477*	One NTEH / Small House	20.11.2009	(a), (b)
10.	A/YL-KTS/668*	One NTEH / Small House	3.7.2015	(a), (b), (d)

* Straddled both “AGR” and “V” zones

Approval Conditions

- (a) The design / provision / submission / implementation of drainage / stormwater facilities / proposal.
- (b) The submission / implementation of landscape treatment/proposal.
- (c) The provision of emergency vehicle access and fire service installations.
- (d) 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 Boards.
- (e) The permission shall cease to have effect on a specified date unless prior to the said date either the development hereby permitted is commenced or the permission is renewed.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1.	A/YL-KTS/238*	Seven NTEHs / Small Houses	22.12.2000	(a), (b), (c)
2.	A/YL-KTS/261*	Ten NTEHs / Small Houses	11.1.2002	(a), (b), (c)
3.	A/YL-KTS/348*	Six NTEHs / Small Houses	27.5.2005	(a), (d)
4.	A/YL-KTS/350	One NTEH / Small House	10.6.2005	(e)
5.	A/YL-KTS/375	One NTEH / Small House	27.10.2006 (On review)	(a), (d)
6.	A/YL-KTS/376	One NTEH / Small House	27.10.2006 (On review)	(a), (d)
7.	A/YL-KTS/377	One NTEH / Small House	27.10.2006 (On review)	(a), (d)
8.	A/YL-KTS/378	One NTEH / Small House	27.10.2006 (On review)	(a), (d)
9.	A/YL-KTS/380	One NTEH / Small House	27.10.2006 (On review)	(a), (d)
10.	A/YL-KTS/381	One NTEH / Small House	27.10.2006 (On review)	(a), (d)
11.	A/YL-KTS/431	One NTEH / Small House	12.12.2008 (On review)	(a), (d)
12.	A/YL-KTS/432	One NTEH / Small House	12.12.2008 (On review)	(a), (d)
13.	A/YL-KTS/433	One NTEH / Small House	12.12.2008 (On review)	(a), (d)
14.	A/YL-KTS/434	One NTEH / Small House	12.12.2008 (On review)	(d)
15.	A/YL-KTS/435	One NTEH / Small House	12.12.2008 (On review)	(d)
16.	A/YL-KTS/436	One NTEH / Small House	12.12.2008 (On review)	(d)
17.	A/YL-KTS/565	Two NTEHs / Small Houses	14.9.2012 (On review)	(a), (d)
18.	A/YL-KTS/583	One NTEH / Small House	22.3.2013 (On review)	(a), (f)
19.	A/YL-KTS/626*	One NTEH / Small House	7.2.2014	(a), (d), (g)
20.	A/YL-KTS/627*	One NTEH / Small House	7.2.2014	(a), (d), (g)
21.	A/YL-KTS/654	One NTEH / Small House	2.1.2015	(a), (f)
22.	A/YL-KTS/656	One NTEH / Small House	2.1.2015	(a), (f)

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
23.	A/YL-KTS/658	One NTEH / Small House	6.2.2015	(a), (f)
24.	A/YL-KTS/666	Eight NTEHs / Small Houses	5.6.2015	(a), (h), (i)
25.	A/YL-KTS/673*	One NTEH / Small House	4.9.2015	(a), (h)
26.	A/YL-KTS/674*	One NTEH / Small House	4.9.2015	(a), (h)
27.	A/YL-KTS/686*	One NTEH / Small House	8.1.2016	(a), (h)
28.	A/YL-KTS/691	One NTEH / Small House	19.2.2016	(a), (f)
29.	A/YL-KTS/692	One NTEH / Small House	4.3.2016	(a), (f), (j)
30.	A/YL-KTS/703	One NTEH / Small House	27.5.2016	(a), (f), (g), (k)
31.	A/YL-KTS/716	One NTEH / Small House	14.10.2016	(a), (f)
32.	A/YL-KTS/727	One NTEH / Small House	3.2.2017	(a), (e), (h), (g)
33.	A/YL-KTS/744	One NTEH / Small House	28.7.2017	(a), (e), (h), (g)
34.	A/YL-KTS/765	One NTEH / Small House	26.1.2018	(a), (c), (d)
35.	A/YL-KTS/766	One NTEH / Small House	26.1.2018	(a), (c), (d)
36.	A/YL-KTS/767	One NTEH / Small House	26.1.2018	(a), (c), (d)
37.	A/YL-KTS/768	One NTEH / Small House	26.1.2018	(a), (c), (d)
38.	A/YL-KTS/769	One NTEH / Small House	26.1.2018	(a), (c), (d)
39.	A/YL-KTS/770	One NTEH / Small House	26.1.2018	(a), (c), (d)
40.	A/YL-KTS/771	One NTEH / Small House	26.1.2018	(a), (c), (d)
41.	A/YL-KTS/772	One NTEH / Small House	26.1.2018	(a), (c), (d)
42.	A/YL-KTS/773	One NTEH / Small House	26.1.2018	(a), (c), (d)
43.	A/YL-KTS/774	One NTEH / Small House	26.1.2018	(a), (c), (d)
44.	A/YL-KTS/775	One NTEH / Small House	26.1.2018	(a), (c), (d)

* Straddled both "AGR" and "V" zones

Rejection Reasons

- (a) The proposed development is not in line with the planning intention of the "Agriculture" ("AGR") zone for the area which is to retain and safeguard good agricultural land for agricultural purpose and to retain fallow arable land with good potential for rehabilitation. No strong justification has been given in the submission for a departure from such planning intention.
- (b) The application site is located away from the village cluster of concerned village. Village house development should be sited on land zoned "Village Type Development" ("V") to ensure orderly development and provision of infrastructural facilities.
- (c) There is insufficient information in the submission to demonstrate why land within "V" zones cannot be made available for the proposed development.
- (d) The proposed development does not comply with the interim criteria for assessing planning applications for NTEH/Small House development in that there was no shortage of land within the "V" zone of the concerned village to meet the demand forecast for Small House development. There was insufficient information in the submission to demonstrate that suitable sites within the areas zoned "V" could not be made available for the proposed development.
- (e) The proposed development did not comply with the interim criteria in that the proposed Small House fell outside the "V" zone and largely outside the village 'environs' of the concerned village.
- (f) The proposed development does not comply with the interim criteria for assessing planning applications for NTEH/Small House development in that the site and the proposed NTEH/Small House footprint fell entirely outside the village 'environs' for the concerned village and the "V" zone. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. There is no exceptional circumstance to justify approval of the application.
- (g) Approval of the application which does not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories would set an undesirable precedent for other similar applications in the "AGR" zone.
- (h) Land is still available within the "V" zone of the concerned 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 infrastructure and services.
- (i) The applicant has failed to demonstrate that the proposed development is environmentally acceptable and not subject to risk hazard.
- (j) Approval of the application would set an undesirable precedent for similar applications within the "AGR" zone. The cumulative effect of approving such applications would lead

to degradation of the rural character and environment in the area.

- (k) The applicant fails to demonstrate that the proposed development is environmentally acceptable and would not have adverse impact on the existing trees

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that Sites are Old Schedule agricultural lot. The Sites fall within the village environs boundary (VEB) for Cheung Po. According to his records, the Sites are not covered by any Modification of Tenancy or Building Licence. According to his records, the Sites are not under any Small House (SH) applications. Therefore, the indigenous villager's status and eligibility of the applicants would only be verified upon the receipt of the SH applications as well as when the applications are due for processing. Should planning approval be given to the subject planning applications, the registered lot owners should inform DLO/YL, LandsD. DLO/YL, LandsD will consider the SH applications acting in the capacity as the landlord at its sole discretion in accordance with the New Territories Small House Policy when the applications are due for processing. There is no guarantee that such applications would be approved. Should the registered lot owners, after obtained planning approval, submit lease modification / land exchange applications, DLO/YL, LandsD will consider their applications acting in the capacity as the landlord and there is also no guarantee that such applications would be approved. Besides, in general, application for NTEH development other than under Small House Policy will not be entertained. Any applications, if approved, would be subject to such terms and conditions, including, among others, the payment of premium and/or administrative fee, as may be imposed by LandsD;
- (b) note D of FS's comments that the applicants should follow the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by LandsD;
- (c) note DEP's comments that in view of the small population and nature of the proposed development, septic tank and soakaway system is considered a suitable treatment system provided that its design and operation follows the requirements in EPD's Practice Note for Professional Person (ProPECC) PN 5/93 'Drainage Plans subject to Comment by the Environmental Protection Department', including percolation test and certification by Authorised Person (AP);
- (d) note CBS/NTW, BD's comments that the building to be erected on the site will be NTEH under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121). In case DLO/YL decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the NTEH development, such works will require prior approval and consent under the Building Ordinance. In the circumstance, an AP should be appointed as the coordinator for the proposed works. The applicants may approach DLO/YL or seek AP's advice for details;
- (e) note CHE/NTW, HyD's comments that rail noise impact arising from the West Rail Line taking into account its existing and future operations should be addressed, and

necessary noise mitigation measures for the subject development should be provided at the applicant's own cost;

- (f) note CE/C, WSD's comments that the applicants 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;
- (g) note CE/MN, DSD's comments that all drainage facilities should be maintained on site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and
- (h) 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 applicants 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.