

RNTPC Paper No. A/NE-KLH/537 and 538
 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/NE-KLH/537 and 538

<u>Applicants</u>	Mr. LEE Yiu Cho Mr. LEE Chi Fai All represented by T.H. & Associates Limited	(Application No. A/NE-KLH/537) (Application No. A/NE-KLH/538)
<u>Sites</u>	Lots 312 S.B ss1, S.C RP and S.K Lots 312 S.C ss1, S.D RP and S.J All in D.D.9, Kau Lung Hang, Tai Po, New Territories	(Application No. A/NE-KLH/537) (Application No. A/NE-KLH/538)
<u>Site Areas</u>	About 151.8m ² About 174 m ²	(Application No. A/NE-KLH/537) (Application No. A/NE-KLH/538)
<u>Lease</u>	Block Government Lease (demised for agricultural use)	
<u>Plan</u>	Approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11	
<u>Zoning</u>	“Agriculture” (“AGR”)	
<u>Application</u>	Proposed House (New Territories Exempted House (NTEH) - Small House) at each of the application sites	

1. The Proposals

1.1 The applicants, who claim to be the indigenous villagers¹ of Kau Lung Hang, seek planning permission to build a NTEH (Small House) on each of the application sites (the Sites). The Sites fall within an area zoned “AGR” on the approved Kau Lung Hang OZP No. S/NE-KLH/11 (**Plan A-1**). According to the Notes of the OZP, ‘House (NTEH only)’ within the “AGR” zone requires planning permission from the Town Planning Board (the Board).

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

Total floor area	:	195.09m ²
No. of storeys	:	3
Building height	:	8.23m
Roofed over area	:	65.03m ²

¹ As advised by DLO/TP, LandsD, the indigenous villager status of the applicants have yet to be ascertained.

Layouts of the proposed developments including the sewerage connection proposal are shown on **Drawings A-1** and **A-2**.

- 1.3 In support of the applications, the applicants have submitted the following respective documents:
- (a) application forms and attachments (Appendices Ia and Ib)
 - (b) Further information received on 1.11.2017 (Appendices Ic and Id) indicating the sewerage connection for the proposed houses (accepted but not exempted from publication and recounting requirements)
 - (c) Further information received on 14.11.2017 (Appendices Ie and If) enclosing the consent letters (accepted and exempted from publication and recounting requirements)

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the applications as mentioned in Part 9 of the respective application form at **Appendices Ia** and **Ib** are summarized as follows:

- (a) the applicants are indigenous villagers;
- (b) the Sites entirely fall within the “AGR” zone and ‘VE’ of Yuen Leng and Kau Lung Hang Lo Wai/ San Wai. The proposed Small Houses are about 35m away from the “V” zone boundary;
- (c) land supply within the “V” zone in Yuen Leng and Kau Lung Hang is limited and there is high demand of Small Houses. Therefore, it is nearly impossible to purchase land such that the footprints of the proposed Small House completely fall inside the “V” zone;
- (d) the proposed Small Houses are considered compatible with adjoining rural environment and will be visually non-intrusive to the surroundings;
- (e) no tree felling is required in the proposed Small House developments;
- (f) there is no ditch or stream course within 30m of the Sites;
- (g) there is no vehicular access leading to the Sites at present. They can only be accessed by foot. Therefore, the proposed developments would not cause any adverse traffic impact to the surroundings;
- (h) foul water from the proposed Small Houses will be discharged to the public sewerage at the southern side and would not cause any pollution to the vicinity; and

- (i) similar applications for Small House development within the “AGR” zone of Yuen Leng and Kau Lung Hang were approved by the Board in the past.

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

The applicants are the sole “current land owners” 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 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. On 23.8.2002, criterion (i) which requires that the application sites, if located within water gathering grounds (WGG), should be able to be connected to the existing or planned sewerage system in the area was incorporated. The latest set of Interim Criteria with criterion (i) remained unchanged was promulgated on 7.9.2007 and is at **Appendix II**.

5. Background

- 5.1 Part of the Sites is the subject of a previous enforcement action against unauthorized development for filling of land taken by the Planning Authority under the Town Planning Ordinance, including issuance of Enforcement Notice (EN) on 8.12.2011 for unauthorised land filling works. Subsequently, Compliance Notice for the EN was issued on 24.10.2012.
- 5.2 The Sites are at present not involved in any of the active enforcement action/cases.

6. Previous Application

There is no previous application at the Sites.

7. Similar Applications

- 7.1 There are 51 similar applications covering 32 sites for Small House development within the same “AGR” zone in the vicinity of the Sites since the first promulgation of the Interim Criteria on 24.11.2000. Among them, three applications (No. A/NE-KLH/259, 283 and 284) were approved with conditions by the Rural and New Town Planning Committee (the Committee) before criterion (i) of the Interim Criteria came into effect on 23.8.2002.
- 7.2 After that, 39 similar applications (No. A/NE-KLH/310, 311, 343, 344, 347, 351, 352, 370, 372, 375, 397, 400, 406, 407, 415 - 417, 426, 432, 433, 442, 450, 469 - 473, 481, 494, 503, 504, 519, 523, 527, 529 – 531, 533 and 535) were approved with conditions by the Committee/the Board on review

between 2003 and 2017 mainly on the considerations of being generally in line with the Interim Criteria in that more than 50% of the Small House footprint was located within the 'VE'; there was a general shortage of land in meeting the demand for Small House development in the "V" zone at the times of consideration; and the proposed developments were able to be connected to the planned sewerage system and not incompatible with the surrounding environment; and/or the application site was the subject of a previously approved application.

- 7.3 The other eight applications (No. A/NE-KLH/314, 315, 333, 334, 361, 440, 441 and 521) were rejected by the Committee/the Board on review between 2003 and 2017. Among them, Applications No. A/NE-KLH/314, 315, 333, 334, 361, 440 and 441 were rejected mainly on the grounds of not being able to be connected to the planned sewerage system in the area and Applications No. A/NE-KLH/440 and 441 were also rejected on the grounds that there was no fixed programme for implementation of such system at that juncture and the applicant failed to demonstrate that the proposed development would have no adverse drainage and sewerage impacts on the surrounding areas. For Application No. A/NE-KLH/521, it was rejected by the Committee on 3.2.2017 mainly for reasons of being not in line with the planning intention of "AGR" zone and land was still available within "V" zone for Small House development at the time of consideration.
- 7.4 Another application (No. A/NE-KLH/358) for four proposed Small Houses was partially approved with conditions by the Committee on 23.3.2007 while two proposed Small Houses were approved for being in compliance with the Interim Criteria in that more than 50% of the Small House footprint locating within the 'VE'; there was a general shortage of land in meeting the demand for Small House development in the "V" zone; and being able to be connected to the planned sewerage system, the other two houses were rejected mainly because they were not able to be connected to the existing or planned sewerage system in the area.
- 7.5 Details of the similar applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1**.
- 7.6 Another new similar application No. A/NE-KLH/540 will be considered by the Committee at the same meeting.

8. The Sites and their Surrounding Areas (Plans A-1, A-2a and photos on Plans A-3 and A-4)

- 8.1 The Sites are:
 - (a) vacant and partly covered by weeds;
 - (b) located at a distance away from the village clusters of Kau Lung Hang Lo Wai and Kau Lung Hang San Wai to the north and south respectively; and

(c) not accessible by footpath and local track.

8.2 The surrounding area is predominantly rural in character with abandoned/fallow agricultural land and tree groups. Clusters of village houses are found to the further south and north of the Sites (**Plan A-2a**). A stream course is about 30m to the south.

9. Planning Intention

The planning intention of the “AGR” zone 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.

10. Comments from Relevant Government Departments

10.1 The applications have been assessed against the assessment criteria in **Appendix II**. The assessment is summarized in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone ? - Footprint of the Small Houses - Application sites	- -	100% 100%	- The Sites and the footprint of the Small Houses fall entirely within the “AGR” zone.
2.	Within ‘VE’? - Footprint of the Small Houses - Application sites	100% 100%	- -	- The Sites and the footprint of the Small Houses fall entirely within ‘VE’. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) has no objection to the applications.
3.	Sufficient land in “V” zone to satisfy outstanding Small House applications and 10-year Small House demand?		✓	- Land required to meet Small House demand : about 12.13 ha (equivalent to 485 Small House sites). The outstanding Small House applications are 128 while the 10-year Small House demand forecast for the same villages is 357. - Land available to meet Small House demand within the “V” zone of the villages concerned :

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				about 6.78 ha (equivalent to 270 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of "AGR" zone?		✓	- The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications from agricultural development point of view as the Sites possess high potential for agricultural rehabilitation.
5.	Compatible with surrounding area/ development?	✓		- The surrounding areas are predominantly rural in character with abandoned/ fallow agricultural land and tree groups. Clusters of village houses are located distant to the north and south of the Sites respectively.
6.	Within Water Gathering Ground (WGG)?	✓		- The Sites fall within the upper indirect WGG and are less than 30m away from the nearest watercourse. Both the Director of Environmental Protection (DEP) and Chief Engineer/ Construction, Water Supplies Department (CE/C, WSD) have no objection to the applications provided that the applicants shall connect the proposed houses with public sewer for sewage disposal and the construction of the proposed houses cannot be commenced before the completion of the public sewerage system.
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire services installations and emergency vehicular access (EVA)?		✓	- The Director of Fire Services (D of FS) has no in-principle objection to the application.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
9.	Traffic impact?	✓		<ul style="list-style-type: none"> - The Commissioner for Transport (C for T) has reservation on the applications as such type of development should be confined within the "V" zone as far as possible.
10.	Drainage impacts?	✓		<ul style="list-style-type: none"> - The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the proposed Small Houses from public drainage viewpoint. - Approval condition on submission and implementation of drainage proposal is recommended.
11.	Sewerage impacts?		✓	<ul style="list-style-type: none"> - The Chief Engineer / Consultant Management, Drainage Services Department (CE/CM, DSD) advises that the sewer laying works in the vicinity of the Sites have been completed. - The Director of Environmental Protection (DEP) has no objection to the applications. The proposed Small Houses are about 20-30m away from the planned public sewer manhole. Sewer connection is feasible and capacity is available.
12.	Landscape impact?	✓		<ul style="list-style-type: none"> - The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the applications from the landscape planning point of view as significant adverse landscape impact arising from the developments is not anticipated. - Should the application be approved, approval condition on submission and implementation of landscape proposal is

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				recommended.
13.	Geotechnical impact	✓		- The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advises that the Sites have been modified by unauthorised land filling works, the applicants are required to make site formation submission covering the investigation of stability of any slopes/retaining walls within or near the proposed developments to the Building Authority and/or LandsD for approval as required under the provisions of the Buildings Ordinance.
14.	Local objections conveyed by DO?		✓	

10.2 Comments from the following Government departments have been incorporated in paragraph 9.1 above. Other detailed comments are at **Appendix IV**.

- (a) District Lands Officer/Tai Po, Lands Department;
- (b) Commissioner for Transport;
- (c) Director of Environmental Protection;
- (d) Chief Town Planner/Urban Design and Landscape, Planning Department;
- (e) Chief Engineer/Mainland North, Drainage Services Department;
- (f) Chief Engineer/Consultants Management, Drainage Services Department;
- (g) Director of Agriculture, Fisheries and Conservation;
- (h) Director of Fire Services;
- (i) Chief Engineer/Construction, Water Supplies Department;
- (j) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (k) Director of Electrical and Mechanical Services.

10.3 The following Government departments have no comment on / no objection to the applications:

- (a) Chief Highway Engineer/New Territories East, Highways Department;
- (b) District Officer/Tai Po, Home Affairs Department; and
- (c) Project Manager/New Territories East, Civil Engineering and Development Department.

11. Public Comments Received During Statutory Publication Period

Planning Application No. A/NE-KLH/537

- 11.1 On 20.10.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 10.11.2017, four public comments were received from Designing Hong Kong Limited, the Hong Kong Bird Watching Society and two individuals objecting to the application mainly for reasons of being not in line with the planning intention of “AGR” zone; similar application rejected; adverse impacts on adjacent conservation zones; land still available within “V” zone; setting of undesirable precedent and adverse traffic impact (**Appendix Va**).
- 11.2 On 10.11.2017, the further information was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 1.12.2017, no public comment was received.

Planning Application No. A/NE-KLH/538

- 11.3 On 20.10.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 10.11.2017, three public comments were received from Designing Hong Kong Limited, the Hong Kong Bird Watching Society and an individual objecting to the application mainly for reasons of being not in line with the planning intention of “AGR” zone; similar application rejected; adverse impacts on adjacent conservation zones; land still available within “V” zone and setting of undesirable precedent (**Appendix Vb**).
- 11.4 On 10.11.2017, the further information was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 1.12.2017, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The Sites fall within an area zoned “AGR”. The proposed Small House developments are not in line with the planning intention of “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 agricultural development point of view as the Sites possess high potential of agricultural rehabilitation.
- 12.2 According to DLO/TP, LandsD’s records, the total number of outstanding Small House applications for Yuen Leng, Kau Lung Hang San Wai and Lo Wai Villages is 128 while the 10-year Small House demand forecast is 357. Based on the latest estimate by the Planning Department, about 6.78 ha (equivalent to about 270 Small House sites) of land are available within the

“V” zones of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai. As the proposed Small House footprints fall entirely within the ‘VE’ of the concerned villages, DLO/TP has no objection to the application.

- 12.3 The Sites surrounded by abandoned/fallow agricultural land is located to the north of Kau Lung Hang San Wai and at a distance away from the existing village clusters. They are currently vacant and partly covered by weeds (**Plans A-1 and A-4**). The proposed developments are not incompatible with the surrounding area which is predominantly rural in character where abandoned/fallow agricultural land and tree groups are found (**Plans A-2a and A-3**). CTP/UD&L, PlanD has no objection to the applications from the landscape planning perspective as significant impact on existing landscape resources is not expected.
- 12.4 The Sites are within the upper indirect WGG. According to CE/CM of DSD, public sewerage connection point is about 20-40m away from the Sites to the south (**Plan A-2a**) and the proposed Small Houses would be able to be connected to the public sewerage system in the area. In this connection, the applicants have submitted sewerage proposals for connection to the public sewerage system together with the owner’s consent of affected private lots (**Appendices Ic to If**). DEP and CE/C of WSD have no objection to the applications on conditions that the proposed Small House would be connected to public sewer and no actual construction would commence before the completion of the planned public sewerage system. C for T considers that such development should be confined within “V” zone as far as possible. H(GEO) of CEDD advises that the Sites have been modified by unauthorised land filling works, the applicants are therefore required to make site formation submission covering the investigation of stability of any slopes/retaining walls within or near the proposed developments to the relevant Government departments. Other Government departments consulted including CE/MN of DSD, D of FS and CHE/NTE of HyD have no objection to/adverse comment on the applications.
- 12.5 Regarding the Interim Criteria (**Appendix II**), more than 50% of the proposed Small House footprints fall within the ‘VE’ of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai (**Plan A-1**) and the proposed developments would be able to be connected to public sewerage system (**Plan A-2a**). Nevertheless, while land available within the “V” zones (about 6.78 ha or equivalent to about 270 Small House sites) is insufficient to fully meet the future Small House demand, it is capable to meet the outstanding 128 Small House applications (**Plan A-2b**). 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. In this regard, 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.

- 12.6 For those similar applications approved in the vicinity of the Sites (**Plan A-2a**) five of them (Applications No. A/NE-KLH/471 to 473, 523 and 527) were approved by the Committee between 2014 and 2017 on sympathetic consideration in that they were the subject of previous applications². Another application No. A/NE-KLH/519 was also approved by the Committee on 26.8.2016 on sympathetic consideration mainly having regard that three Small House applications (No. A/NE-KLH/471 to 473) at sites adjoining its eastern boundary and several Small House developments in the vicinity were also approved³. Thus, their circumstances are different from the current application which is surrounded by abandoned/fallow agricultural land and at a distance away from the existing village clusters (**Plans A-2a** and **A-3**) and the Site is not the subject of previously approved case. Application No. A/NE-KLH/521 to the immediate northwest of the Sites was rejected by the Committee on 3.2.2017 mainly for the reason of land is still available within the "V" zone based on a more cautious approach adopted by the Board in approving applications for Small House development in recent years. The circumstances of the current applications are similar to that rejected case.
- 12.7 There are four public comments for Application No. A/NE-KLH/537 and three public comments for Application No. A/NE-KLH/538 objecting to the applications mainly on the grounds of being not in line with the planning intention of "AGR" zone; land still available within "V" zone; setting of undesirable precedent and adverse traffic/ecological impacts. In this regard, Government departments' comments and the planning assessments and considerations above are relevant.

13 **Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, 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, 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. 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" ("V") zone

² Applications No. A/NE-KLH/471 to 473 are the subject of previous application No. A/NE-KLH/397 approved by the Committee in 2010, Application No. A/NE-KLH/523 is the subject of two previous applications No. A/NE-KLH/372 and 442 approved by the Committee in 2008 and 2012 respectively, and Application No. A/NE-KLH/527 is the subject of a previous application No. A/NE-KLH/358 partially approved by the Committee in 2007.

³ It was considered at the Committee meeting that even application No. A/NE-KLH/519 was approved, the prudent approach should be adopted in the area unless there were special circumstances which warranted a different consideration.

of Yuen Leng and Kau Lung Hang which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

- 13.2 Alternatively, should the Committee decide to approve the applications, it is suggested that each of the permissions 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 for each of the permissions are also suggested for Members’ reference:

Approval Conditions

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (d) the provision of protection measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

Advisory Clauses

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

14. Decision Sought

- 14.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the applications, Members are invited to consider the approval conditions and advisory clauses 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 rejection should be given to the applicants.

15. Attachments

Appendices Ia & Ib	Application forms and attachments
Appendices Ic & Id	Further information submitted by the applicants received on 1.11.2017
Appendices Ie & If	Further information submitted by the applicants received on 14.11.2017
Appendix II	Interim Criteria
Appendix III	Similar planning applications
Appendix IV	Detailed comments from relevant Government departments
Appendices Va & Vb	Public Comments
Appendix VI	Recommended advisory clauses
Drawings A-1 & A-2	Site plans including sewerage connection submitted by the applicants
Plan A-1	Location plan
Plan A-2a	Site plan
Plan A-2b	Estimated amount of land available for Small House development within "V" zone
Plan A-3	Aerial photo
Plan A-4	Site photo

**PLANNING DEPARTMENT
DECEMBER 2017**

Relevant Revised Interim Criteria for Consideration of
Application for NTEH/Small House in New Territories
(promulgated on 7.9.2007)

- (a) sympathetic consideration may be given if not less than 50% of the proposed NTEH/Small House footprint falls within the village 'environs' ('VE') of a recognized village and there is a general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of the village;
- (b) if more than 50% of the proposed NTEH/Small House footprint is located outside the 'VE', favourable consideration could be given if not less than 50% of the proposed NTEH/Small House footprint falls within the "V" zone, provided that there is a general shortage of land in meeting the demand for Small House development in the "V" zone and the other criteria can be satisfied;
- (c) development of NTEH/Small House with more than 50% of the footprint outside both the 'VE' and the "V" zone would normally not be approved unless under very exceptional circumstances (e.g. the application site has a building status under the lease, or approving the application could help achieve certain planning objectives such as phasing out of obnoxious but legal existing uses);
- (d) application for NTEH/Small House with previous planning permission lapsed will be considered on its own merits. In general, proposed development which is not in line with the criteria would normally not be allowed. However, sympathetic consideration may be given if there are specific circumstances to justify the cases, such as the site is an infill site among existing NTEHs/Small Houses, the processing of the Small House grant is already at an advance stage;
- (e) an application site involves more than one NTEH/Small House, application of the above criteria would be on individual NTEH/Small House basis;
- (f) the proposed development should not frustrate the planning intention of the particular zone in which the application site is located;
- (g) the proposed development should be compatible in terms of land use, scale, design and layout, with the surrounding area/development;
- (h) the proposed development should not encroach onto the planned road network and should not cause adverse traffic, environmental, landscape, drainage, sewerage and geotechnical impacts on the surrounding areas. Any such potential impacts should be mitigated to the satisfaction of relevant Government departments;
- (i) the proposed development, if located within water gathering grounds, should be able to be connected to existing or planned sewerage system in the area except under very special circumstances (e.g. the application site has a building status under the lease or the applicant can demonstrate that the water quality within water gathering grounds will not be affected by the proposed development^);

- (j) the provision of fire service installations and emergency vehicular access, if required, should be appropriate with the scale of the development and in compliance with relevant standards; and
 - (k) all other statutory or non-statutory requirements of relevant Government departments must be met. Depending on the specific land use zoning of the application site, other Town Planning Board guidelines should be observed, as appropriate.
- ^i.e. the applicant can demonstrate that effluent discharge from the proposed development will be in compliance with the effluent standards as stipulated in the Water Pollution Control Ordinance Technical Memorandum.

Appendix III of RNTPC
Paper No. /NE-KLH/537 and 538

Similar Applications
in the vicinity of the Site within the same “Agriculture” zone
on the Kau Lung Hang Outline Zoning Plan

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/259	Proposed House (New Territories Exempted House – Small House)	2/2/2001	A1 – A4
A/NE-KLH/283	Proposed House (New Territories Exempted House – Small House)	15/3/2002	A1 – A4
A/NE-KLH/284	Proposed House (New Territories Exempted House – Small House)	15/3/2002	A1 – A4
A/NE-KLH/310	Proposed House (New Territories Exempted House – Small House)	30/5/2003	A1, A4 – A7
A/NE-KLH/311	Proposed House (New Territories Exempted House – Small House)	30/5/2003	A1, A4 – A7
A/NE-KLH/343	Proposed House (New Territories Exempted House – Small House)	14/7/2006 (Review)	A1, A4 – A6
A/NE-KLH/344	Proposed House (New Territories Exempted House – Small House)	14/7/2006 (Review)	A1, A4 – A6
A/NE-KLH/347	Proposed House (New Territories Exempted House – Small House)	3/3/2006	A1, A4 – A6
A/NE-KLH/351	Proposed House (New Territories Exempted House – Small House)	18/8/2006	A1, A4 – A6
A/NE-KLH/352	Proposed House (New Territories Exempted House – Small House)	18/8/2006	A1, A4 – A6

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/358	Proposed Four Houses (New Territories Exempted Houses – Small Houses)	23/3/2007 (Partially)	A1, A4 – A7
A/NE-KLH/370	Proposed House (New Territories Exempted House – Small House)	18/7/2008	A1, A4 – A7
A/NE-KLH/372	Proposed House (New Territories Exempted House – Small House)	1/8/2008	A1, A4 – A7
A/NE-KLH/375	Proposed House (New Territories Exempted House – Small House)	10/10/2008	A1, A4 – A7
A/NE-KLH/397	Proposed Three Houses (New Territories Exempted Houses – Small Houses)	23/4/2010	A1, A4 – A7
A/NE-KLH/400	Proposed House (New Territories Exempted Houses – Small Houses)	9/4/2010	A1, A4 – A7
A/NE-KLH/406	Proposed House (New Territories Exempted House – Small House)	11/6/2010	A1, A4 – A7
A/NE-KLH/407	Proposed House (New Territories Exempted House – Small House)	11/6/2010	A1, A4 – A7
A/NE-KLH/415	Proposed House (New Territories Exempted House – Small House)	15/10/2010	A1, A4 – A7
A/NE-KLH/416	Proposed House (New Territories Exempted House – Small House)	15/10/2010	A1, A4 – A7
A/NE-KLH/417	Proposed House (New Territories Exempted House – Small House)	15/10/2010	A1, A4 – A7
A/NE-KLH/426	Proposed House (New Territories Exempted House – Small House)	28/1/2011	A1, A4 – A7
A/NE-KLH/432	Proposed House (New Territories Exempted House – Small House)	23/9/2011	A1, A4 – A7
A/NE-KLH/433	Proposed House (New Territories Exempted House – Small House)	23/9/2011	A1, A4 – A7

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/442	Proposed House (New Territories Exempted House – Small House)	19/10/2012	A1, A4 – A7
A/NE-KLH/450	Proposed House (New Territories Exempted House – Small House)	25/1/2013	A1, A4 – A6
A/NE-KLH/469	Proposed House (New Territories Exempted House – Small House)	24/10/2014 (Review)	A1, A4 – A6
A/NE-KLH/470	Proposed House (New Territories Exempted House – Small House)	24/10/2014 (Review)	A1, A4 – A6
A/NE-KLH/471	Proposed House (New Territories Exempted House – Small House)	11/7/2014	A1, A4 – A6
A/NE-KLH/472	Proposed House (New Territories Exempted House – Small House)	11/7/2014	A1, A4 – A6
A/NE-KLH/473	Proposed House (New Territories Exempted House – Small House)	11/7/2014	A1, A4 – A6
A/NE-KLH/481	Proposed House (New Territories Exempted House – Small House)	22/8/2014	A1, A4 – A6, A8
A/NE-KLH/494	Proposed 2 House (New Territories Exempted Houses – Small Houses)	21/8/2015	A1, A4 – A6
A/NE-KLH/503	Proposed House (New Territories Exempted House – Small House)	22/4/2016	A1, A4 – A6
A/NE-KLH/504	Proposed House (New Territories Exempted House – Small House)	22/4/2016	A1, A4 – A6
A/NE-KLH/519	Proposed House (New Territories Exempted House – Small House)	26/8/2016	A1, A4 – A6
A/NE-KLH/523	Proposed House (New Territories Exempted House – Small House)	09/12/2016	A1, A4 – A6
A/NE-KLH/527	Proposed House (New Territories Exempted House – Small House)	12/05/2017	A1, A4 – A6

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/529	Proposed House (New Territories Exempted House – Small House)	23/06/2017	A1, A4 – A6
A/NE-KLH/530	Proposed House (New Territories Exempted House – Small House)	23/06/2017	A1, A4 – A6
A/NE-KLH/531	Proposed House (New Territories Exempted House – Small House)	23/06/2017	A1, A4 – A6
A/NE-KLH/533	Proposed House (New Territories Exempted House – Small House)	11/08/2017	A1, A5 – A6
A/NE-KLH/535	Proposed House (New Territories Exempted House - Small House)	13/10/2017	A1, A4-A6

Approval Conditions

- A1. The provision/submission and implementation of drainage facilities/proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board
- A2. The disposal of spoils during the site formation and construction period to the satisfaction of the Director of Water Supplies or of the Town Planning Board
- A3. The provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the Town Planning Board
- A4. The submission and implementation of landscaping and/or tree preservation proposals to the satisfaction of the Director of Planning or of the Town Planning Board
- A5. The connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board
- A6. The provision of protection measures to ensure no pollution or siltation occurs to the water gathering grounds (WGG) to the satisfaction of the Director of Water Supplies or of the Town Planning Board
- A7. The provision of fire service installations/fire fighting access/water supplies to the satisfaction of the Director of Fire Services or of the Town Planning Board
- A8. 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

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/314	Proposed House (New Territories Exempted House – Small House)	25/7/2003	R1 to R3
A/NE-KLH/315	Proposed House (New Territories Exempted House – Small House)	25/7/2003	R1 to R3
A/NE-KLH/333	Proposed House (New Territories Exempted House – Small House)	15/7/2005	R2 & R4
A/NE-KLH/334	Proposed House (New Territories Exempted House – Small House)	15/7/2005	R2 & R4
A/NE-KLH/358	Proposed Four Houses (New Territories Exempted Houses – Small Houses)	23/3/2007 (Partially)	R2 & R4
A/NE-KLH/361	Proposed House (New Territories Exempted House – Small House)	13/4/2007	R1 & R2
A/NE-KLH/440	Proposed House (New Territories Exempted House – Small House)	1/2/2013 (Review)	R5 & R6
A/NE-KLH/441	Proposed House (New Territories Exempted House – Small House)	1/2/2013 (Review)	R5 & R6
A/NE-KLH/521	Proposed House (New Territories Exempted House – Small House)	03/02/2017	R1, R7

Rejection Reasons

- R1. The application was not in line with the planning intention of the “Agriculture” zone which was to retain and safeguard good agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation
- R2. The proposed Small House did not comply with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories in that the proposed Small House was not able to be connected to the existing or planned sewerage system in the area. There was no / insufficient information in the submission to demonstrate that the proposed development located within the water gathering grounds (WGG) would not cause adverse impact on water quality in the area

- R3. There was no information in the submission to demonstrate that the existing trees within the application site which should be preserved as far as possible, would not be affected by the proposed development
- R4. The approval of the proposed development would set an undesirable precedent for other similar applications in the area
- R5. The proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed Small House located within the WGG would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture
- R6. There was no information in the submission to demonstrate that the proposed development would have no adverse drainage and sewerage disposal impacts on the surrounding areas
- R7. Land is still available within the "Village Type Development" ("V") zone of Yuen Leng and Kau Lung Hang which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services

Detailed Comments from Relevant Government Departments

1. Land Administration

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

- (a) no objection to the applications;
- (b) the applicants are indigenous villagers of Kau Lung Hang as confirmed by the Indigenous Inhabitant Representative (IIR) of the concerned village. However, their eligibility of Small House grant has yet to be ascertained;
- (c) the number of outstanding Small House applications and the number of 10-year Small House demand for the villages concerned are as follows:

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand *</u>
Yuen Leng	84	257
Kau Lung Hang	44	100

(* The figures are estimated and provided by the IIR of concerned villages. The information so obtained is not verified in any way by his Office);

- (d) the subject lots are held under Block Government Lease demised for agricultural use;
- (e) the Sites are not covered by any Modification of Tenancy or Building Licence;
- (f) if and after planning approval has been given by the Board, LandsD will process the Small House applications. However, there is no guarantee at this stage that the Small House applications would be approved. If the Small House applications are approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small Houses concerned or approval of the Emergency Vehicular Access thereto; and
- (g) the Sites fall entirely within the village 'environs' ('VE') of Yuen Leng and Kau Lung Hang Villages.

2. Traffic

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

In general, he has reservation on the applications. Such type of developments should be confined within the "V" zone as far as possible. Although additional traffic

generated by the proposed developments is not expected to be significant, such type of development outside “V” zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial.

3. Sewerage

Comments of the Director of Environmental Protection (DEP):

- the Sites fall within the “AGR” zone and are within water gathering grounds (WGG). The applicants have proposed to connect the proposed Small Houses to the planned public sewerage system at Kau Lung Hang San Wai, which is under construction for completion in 2018. The Sites are about 20-30m away from the planned public sewer manhole (**Plan A-2a**). Sewer connection is feasible and capacity is available. Therefore, he has no objection to the applications on the conditions that:
 - (i) the proposed houses will be connected to the public sewer for sewage disposal;
 - (ii) no actual construction of the proposed houses until the public sewerage has been completed;
 - (iii) written consents can be obtained from the adjacent lot owners for laying and maintaining sewage pipes;
 - (iv) adequate land space within the Sites will be reserved for connection of the proposed houses to the public sewer; and
 - (v) the cost of sewer connection will be borne by the applicants.

4. Drainage

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

- (a) no in-principle objection to the proposed Small Houses from public drainage viewpoint;
- (b) there is no existing DSD maintained public drains available for connection in this area. The proposed developments should have their own stormwater collection and discharge system to cater for the runoff generated within the Sites and overland flow from surrounding of the Sites, e.g. surface channel of sufficient size along the perimeter of the Sites; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Sites if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. An approval condition should be included to ensure the proposed developments would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicants/lot owners are required to maintain the drainage systems properly and rectify the

systems if they are found to be inadequate or ineffective during operation. The applicants/lot owners shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the drainage system;

- (c) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;
- (d) public sewerage connection is planned in the vicinity of the Sites; and
- (e) the applicants should take all precautionary measures to prevent any disturbance, damage and pollution from the developments to any parts of the existing drainage facilities in the vicinity of the lots. In the event of any damage to the existing drainage facilities, the applicants would be held responsible for the cost of all necessary repair works, compensation and any other consequences arising therefrom.

5.2 Comments of the Chief Engineer/Consultants Management (CE/CM), DSD:

The proposed Small Houses are located in close proximity to the works limit of Contract No. DC/2012/04 – Sewerage in Kau Lung Hang San Wai, Kau Lung Hang Lo Wai and Tai Hang, which commenced in 2012 for completion by 2018. The sewer laying works in the vicinity have been completed.

5. **Water Supply**

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

- (a) no objection to the applications;
- (b) the Sites are located within upper indirect WGG and are less than 30m away from the nearest water course. The proposed Small House footprints are 100% within the 'VE' of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai. DEP indicated that the Sites are able to be connected to the planned public sewerage system in the area. Thus, compliance of the applications with items B(a) and B(i) of the Interim Criteria can be reasonably established.
- (c) He notes that DEP has no objection to the applications provided that the applicants shall connect the houses to the future public sewer and the construction of the houses shall not be commenced before the completion of the planned sewerage system. He supports DEP's view by imposing the following conditions:
 - (i) the foul water drainage system of the proposed NTEHs/Small Houses can be connected to the planned public sewerage system in the area and the applicants shall connect the whole of the foul water drainage system to the planned public sewerage system upon its completion;
 - (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the WGG;

- (iii) no actual construction of the proposed NTEHs/Small Houses until the public sewerage network has been completed;
 - (iv) the applicants shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed NTEHs/Small Houses to the planned sewerage system via the relevant private lots;
 - (v) since the proposed houses themselves are less than 30m from the nearest water course, they should be located as far away from the water course as possible;
 - (vi) the whole of foul effluent shall be conveyed through cast iron pipes or other approved material with sealed joints and hatch boxes; and
- (d) for provision of water supply to the proposed developments, the applicants may need to extend the inside services to the nearest suitable Government water mains for connection. 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.

6. **Landscape**

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

- (a) no objection to the applications from the landscape planning perspective;
- (b) the Sites are situated in an area of rural landscape character comprising village houses and tree groups. Village houses were found concentrated to the north and south of the site boundaries within "V" zone. The proposed developments are considered not incompatible with the surrounding environment;
- (c) the vegetation of the Sites is largely cleared and the Sites are partly covered by weeds. No significant landscape resources were found within the Sites. Significant adverse landscape impact arising from the proposed developments is not anticipated; and
- (d) should the applications be approved by the Committee, the approval condition on submission and implementation of landscape proposal is recommended.

7. **Agriculture**

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

The Sites are vacant. Nevertheless, the Sites possess high potential for agricultural rehabilitation. As such, the applications are not supported from agricultural development point of view.

8. **Fire Safety**

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

- (a) no in-principle objection to the applications; and
- (b) the applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.

9. **Electricity Supply**

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

- (a) no comment on the applications from electricity supply safety aspect; and
- (b) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the applications should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Sites. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation (the Regulation) and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

10. **Geotechnical**

Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (Head(GEO), CEDD):

- (a) based on GEO's record, unauthorised land filling works at the Sites and their adjacent area were reported in 2011; and
- (b) it is noted that the Compliance Notice for the unauthorised land filling works on the Sites was issued by the Planning Authority on 24.10.2012. In this connection, should the application be approved by the Board, the following comments are recommended to be included as a reminder to the applicants:

- It is noted that the site(s) has been modified by unauthorised land filling works. The applicants are required to make site formation submission covering the investigation of stability of any slopes/retaining walls within or near the proposed developments to the Building Authority and/or Lands Department for approval as required under the provisions of the Buildings Ordinance. Any necessary stabilisation works should be carried out and paid for as part of the developments.

11. Demand and Supply of Small House Sites

According to the DLO/TP, LandsD's record, the total number of outstanding Small House applications for Yuen Leng and Kau Lung Hang is 128 while the 10-year Small House demand forecast for the same villages is 357. Based on the latest estimate by the Planning Department, about 6.78 ha (equivalent to about 270 Small House sites) of land are available within the "V" zone of Yuen Leng and Kau Lung Hang. Therefore, the land available cannot fully meet the future Small House demand of about 12.13 ha (equivalent to about 485 Small House sites).

Recommended Advisory Clauses

- (a) to note the comments of District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that if the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto;
- (b) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) the proposed house should be connected to the public sewer for sewage disposal;
 - (ii) no actual construction of the proposed houses until the public sewerage has been completed;
 - (iii) written consents should be obtained from the adjacent lot owners for laying and maintaining sewage pipes;
 - (iv) adequate land space within the Site should be reserved for connection of the proposed house to the public sewer;
 - (v) the cost of sewer connection will be borne by the applicant;
- (c) to note the comments of Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Chief Engineer/Consultants Management of Drainage Services Department (CE/CM, DSD) that:
 - (i) there is no existing DSD maintained public drains available for connection in this area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant/lot owner is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/lot owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the drainage system;
 - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;
 - (iii) there is currently planned public sewerage in the vicinity of the Site;
 - (iv) the applicant should take all precautionary measures to prevent any

disturbance, damage and pollution from the development to any parts of the existing drainage facilities in the vicinity of the lots. In the event of any damage to the existing drainage facilities, the applicant would be held responsible for the cost of all necessary repair works, compensation and any other consequences arising therefrom;

- (d) to note the comments of the Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD) that he proposed Small House is located in close proximity to the works limit of Contract No. DC/2012/04 – Sewerage in Kau Lung Hang San Wai, Kau Lung Hang Lo Wai and Tai Hang, which commenced in 2012 for completion by 2018. The sewer laying works in the vicinity have been completed;
- (e) to note the following comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) no actual construction of the proposed NTEH/Small House until the public sewerage network has been completed;
 - (ii) the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed NTEHs/Small Houses to the planned sewerage system via the relevant private lots;
 - (iii) since the proposed house itself is less than 30m from the nearest watercourse, it should be located as far away from the water course as possible;
 - (iv) the whole of foul effluent shall be conveyed from the proposed house to the public sewers through cast iron pipes or other approved material with sealed joints and hatch boxes;
 - (v) for provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (f) to note the comments of the Director of Fire Services (D of FS) that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (g) to note the comments of Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the site(s) has been modified by unauthorised land filling works. The applicant is required to make site formation submission covering the investigation of stability of any slopes/retaining walls within or near the proposed development to the Building Authority and/or Lands Department for approval as required under the provisions of the Buildings Ordinance. Any necessary stabilisation works should be carried out and paid for as part of the development; and

- (h) to 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 applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.

Lots 312 S.B ss.1, 312 S.C RP & 312 S.K in D.D. 9



- Public Manhole
 ■ Manhole (Private)
 — Pipeline

繪圖 DRAWING A-1

(SOURCE : APPLICANT'S SUBMISSION PLAN)

Lots 312 S.C ss.1, 312 S.D RP & 312 S.J in D.D. 9



REFERENCE No.

A/NE-KLH/538

繪圖 DRAWING A-2

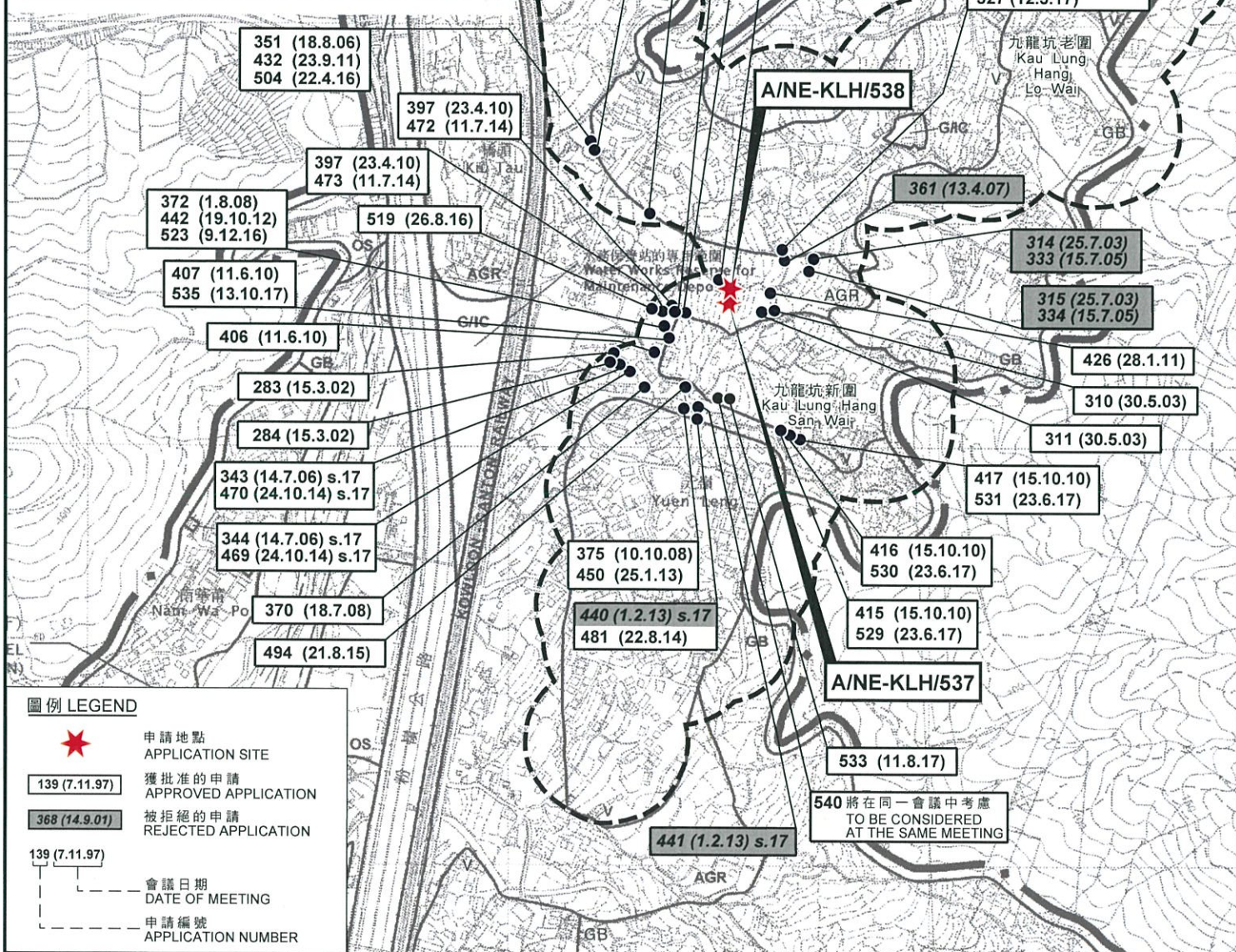
(來源：申請人建議書)

(SOURCE : APPLICANT'S SUBMISSION PLAN)



要覽圖 KEY PLAN

SCALE 1 : 50 000 比例尺



圖例 LEGEND

- 申請地點 APPLICATION SITE
- 獲批准的申請 APPROVED APPLICATION
- 被拒絕的申請 REJECTED APPLICATION
- 會議日期 DATE OF MEETING
- 申請編號 APPLICATION NUMBER

位置圖 LOCATION PLAN

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)

新界大埔九龍坑丈量約份第9約地段第312號B分段第1小分段、第312號C分段第1小分段、第312號C分段餘段、第312號D分段餘段、312號J分段及第312號K分段

PROPOSED HOUSE

(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)

LOTS 312 S.B SS.1, 312 S.C SS.1, 312 S.C RP, 312 S.D RP, 312 S. J AND 312 S.K IN D.D. 9, KAU LUNG HANG, TAI PO, NEW TERRITORIES

SCALE 1 : 7 500 比例尺

米 100 0 100 200 300 米
METRES

規劃署

PLANNING

DEPARTMENT



參考編號

REFERENCE No.

A/NE-KLH/537&538

圖 PLAN

A-1

本摘要圖於2017年11月21日擬備，
所根據的資料為於2006年10月17日核准的
分區計劃大綱圖編號S/NE-KLH/11
EXTRACT PLAN PREPARED ON 21.11.2017
BASED ON OUTLINE ZONING PLAN
No. S/NE-KLH/11 APPROVED ON 17.10.2006

圖例 LEGEND

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

擬議屋宇
PROPOSED HOUSE

擬議露台
PROPOSED BALCONY

V 鄉村式發展
VILLAGE TYPE DEVELOPMENT

AGR 農業
AGRICULTURE

獲批准的小型屋宇批地申請
APPROVED SMALL HOUSE GRANT
APPLICATION

正在處理中的小型屋宇批地申請
SMALL HOUSE GRANT APPLICATION
BEING PROCESSED

① 實地照片的觀景點
VIEWING POINT OF SITE PHOTO

WIP 工程在進行中
WORK IN PROGRESS

A/C 常耕農地
ACTIVE AGRICULTURAL LAND

A/F 休耕農地
FALLOW AGRICULTURAL LAND

DOM 住用構築物
DOMESTIC STRUCTURE

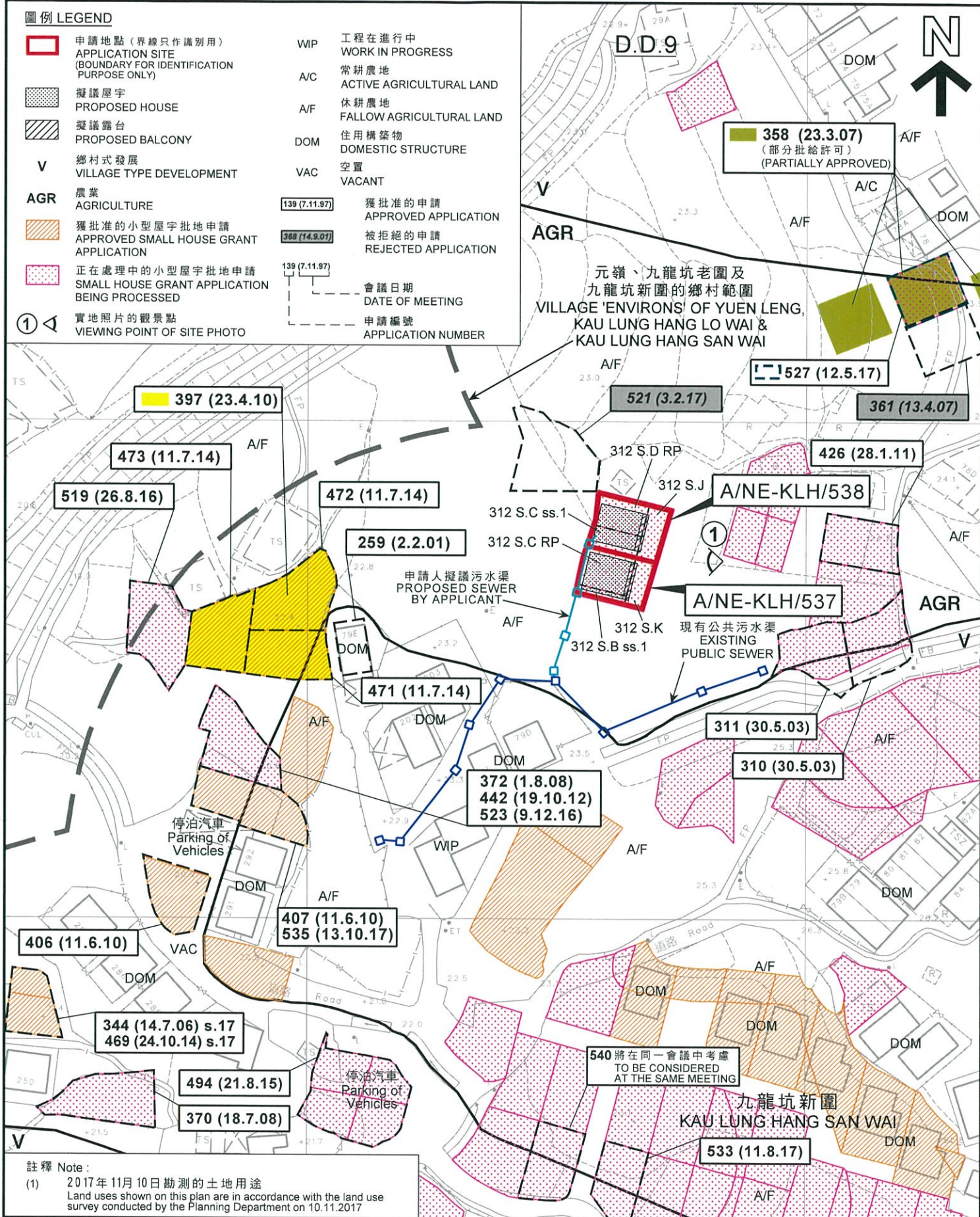
VAC 空置
VACANT

139 (7.11.97) 獲批准的申請
APPROVED APPLICATION

368 (14.9.07) 被拒絕的申請
REJECTED APPLICATION

139 (7.11.97) 會議日期
DATE OF MEETING

申請編號
APPLICATION NUMBER



註釋 Note:

- (1) 2017年11月10日勘測的土地用途
Land uses shown on this plan are in accordance with the land use
survey conducted by the Planning Department on 10.11.2017

平面圖 SITE PLAN

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)
新界大埔九龍坑丈量約份第9約地段第312號B分段第1小分段、
第312號C分段第1小分段、第312號C分段餘段、第312號D分段餘段、
312號J分段及第312號K分段

PROPOSED HOUSE

(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)

LOTS 312 S.B SS.1, 312 S.C SS.1, 312 S.C RP, 312 S.D RP, 312 S.J AND

312 S.K IN D.D. 9, KAU LUNG HANG, TAI PO, NEW TERRITORIES

SCALE 1:1 000 比例尺

米 20 0 20 40 米
METRES

本摘要圖於2017年12月6日擬備，
所根據的資料為測量圖編號3-SW-18D
EXTRACT PLAN PREPARED ON 6.12.2017
BASED ON SURVEY SHEET No. 3-SW-18D

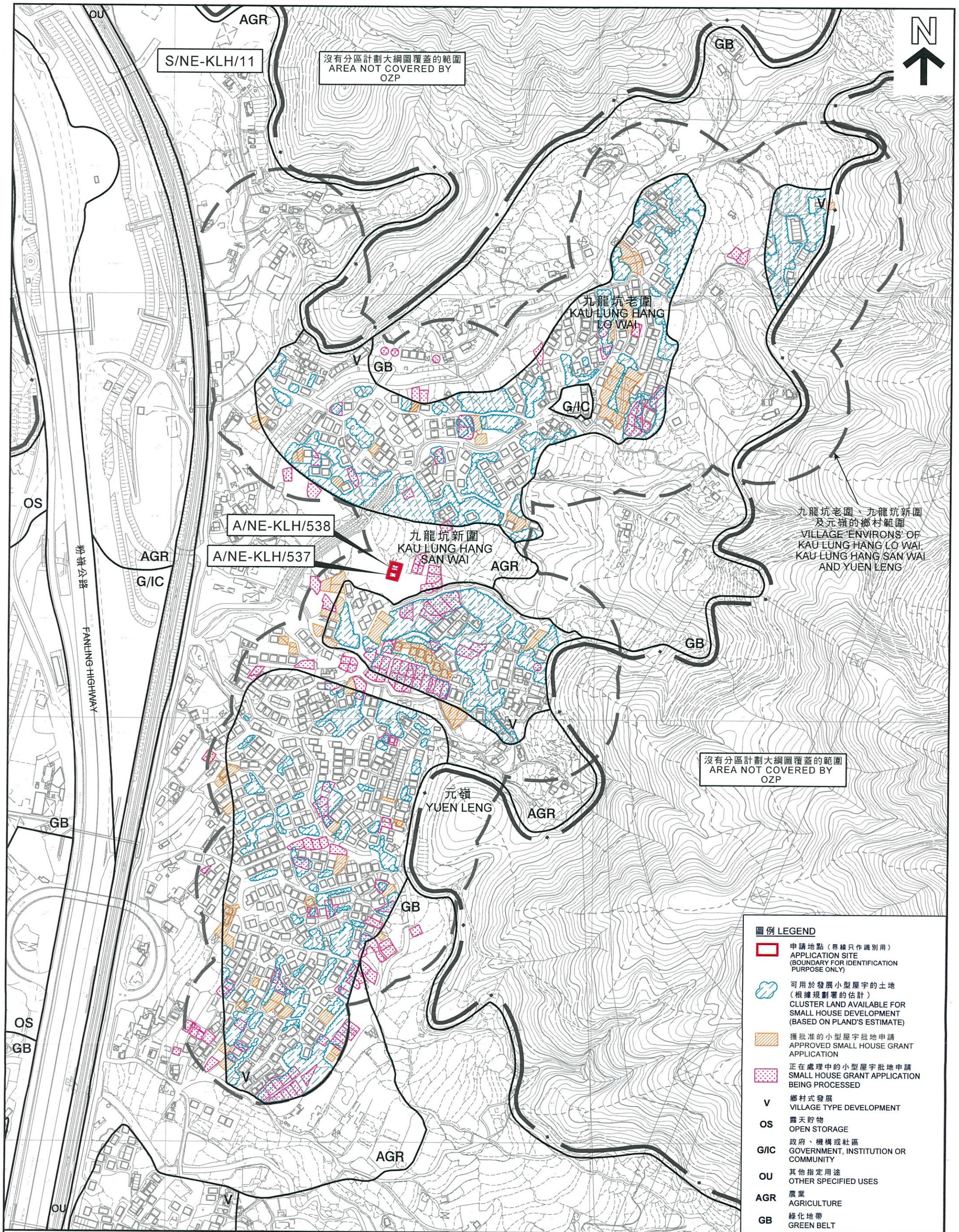
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.

A/NE-KLH/537&538

圖 PLAN
A-2a



本摘要圖於2017年12月6日擬備，
所根據的資料為測量圖編號
3-SW-18B、18D、19A、19C、23B及24A
EXTRACT PLAN PREPARED ON 6.12.2017
BASED ON SURVEY SHEETS No.
3-SW-18B, 18D, 19A, 19C, 23B & 24A

在「鄉村式發展」地帶內預計可供發展小型屋宇的土地數量
ESTIMATED AMOUNT OF LAND AVAILABLE FOR
SMALL HOUSE DEVELOPMENT WITHIN THE "V" ZONE

擬議屋宇(新界豁免管制屋宇—小型屋宇)
新界大埔九龍坑丈量約份第9約地段第312號B分段第1小分段、第312號C分段第1小分段、
第312號C分段餘段、第312號D分段餘段、312號J分段及第312號K分段
PROPOSED HOUSE (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 312 S.B SS.1, 312 S.C SS.1, 312 S.C RP, 312 S.D RP, 312 S. J AND
312 S.K IN D.D. 9, KAU LUNG HANG, TAI PO, NEW TERRITORIES

SCALE 1: 4 000 比例尺

米 100 0 100 200 300 米
METRES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/537&538

圖 PLAN
A-2b



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21日擬備，
所根據的資料為地政總署
於2017年4月4日拍得的航攝照片
編號E020232C

EXTRACT PLAN PREPARED ON 21.11.2017
BASED ON AERIAL PHOTO No. E020232C
TAKEN ON 4.4.2017 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)
新界大埔九龍坑丈量約份第9約地段第312號B分段第1小分段、
第312號C分段第1小分段、第312號C分段餘段、第312號D分段餘段、
312號J分段及第312號K分段
PROPOSED HOUSE

(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 312 S.B SS.1, 312 S.C SS.1, 312 S.C RP, 312 S.D RP, 312 S. J AND
312 S.K IN D.D. 9, KAU LUNG HANG, TAI PO, NEW TERRITORIES

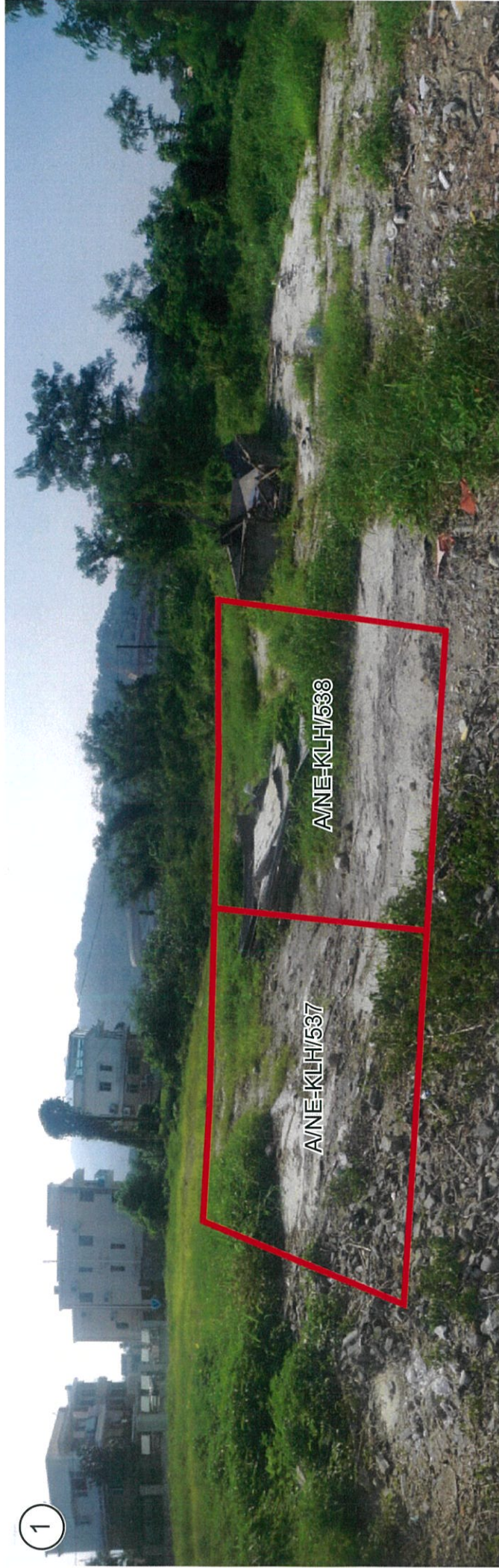
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/537&538

圖 PLAN
A-3

1



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

本圖於2017年11月21日擬備，所根據的資料為攝於2017年10月24日的實地照片
PLAN PREPARED ON 21.11.2017 BASED ON SITE PHOTO TAKEN ON 24.10.2017

實地照片 SITE PHOTO

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)
新界大埔九龍坑丈量約份第9約地段第312號B分段第1小分段、第312號C分段第1小分段、第312號C分段餘段、第312號D分段餘段、第312號J分段及第312號K分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 312 S B SS.1, 312 S C SS.1, 312 S C RP, 312 S D RP, 312 S, J AND 312 S K IN D.D. 9, KAU LUNG HANG, TAI PO, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/537&538

圖 PLAN
A-4

Extract of minutes of the 594th Rural and New Town Planning Committee meeting held on 22.12.2017

Agenda Items 29 and 30

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/537 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lots 312 S.B ss.1, 312 S.C RP and 312 S.K in
D.D. 9, Kau Lung Hang, Tai Po

A/NE-KLH/538 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lots 312 S.C ss.1, 312 S.D RP and 312 S. J in
D.D. 9, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/537 and 538)

96. The Committee noted that the two section 16 applications for proposed house (New Territories Exempted House (NTEH) – Small House) were similar in nature and the sites were located in close proximity to each other and within the same “Agriculture” (“AGR”) zone, and agreed that they could be considered together.

Presentation and Question Sessions

97. Ms Kathy C.L. Chan, STP/STN, presented the applications and covered the following aspects as detailed in the Paper:

- (a) background to the applications;
- (b) the proposed house (NTEH – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the applications as the sites possessed high potential for agricultural rehabilitation. The Commissioner for Transport had reservation on the applications as such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. 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 periods, four public comments were received from Designing Hong Kong Limited, Hong Kong Bird Watching Society and two individuals objecting to application No. A/NE-KLH/537, and three public comments were received from Designing Hong Kong Limited, Hong Kong Bird Watching Society and an individual objecting to application No. A/NE-KLH/538. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (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. Although land available within the “V” zone was insufficient to fully meet the future Small House demand, it was capable to meet the outstanding Small House applications. For those similar applications approved in the vicinity of the sites, their circumstances were different from the current applications which were surrounded by abandoned/fallow agricultural land and at a distance away from the existing village clusters, and the sites were not the subject of previously approved applications. Regarding the adverse public comments, the comments of government departments and planning

assessments above were relevant.

98. Members had no question on the applications.

Deliberation Session

99. After deliberation, the Committee decided to reject the applications. The reasons for each of the applications were:

- “(a) the proposed Small House development is not in line with the planning intention of the “Agriculture” 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. 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” (“V”) zone of Yuen Leng and Kau Lung Hang which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

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

By Registered Post & Fax (2658 8757)

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/NE-KLH/537

12 January 2018

T.H. & Associates Ltd.
G/F
37 Po Yick Street
Tai Po, New Territories
(Attn.: Chan Tak Hing)

Dear Sir/Madam,

Proposed House
(New Territories Exempted House - Small House) in "Agriculture" Zone,
Lots 312 S.B ss.1, 312 S.C RP and 312 S.K in D.D. 9, Kau Lung Hang, Tai Po

I refer to my letter to you dated 21.11.2017.

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 development is not in line with the planning intention of the "Agriculture" 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. 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" ("V") zone of Yuen Leng and Kau Lung Hang which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

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. Kathy Chan of Sha Tin, Tai Po & North District Planning Office at 2158 6242.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Raymond Kan', written in a cursive style.

(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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In reply please quote this ref.: TPB/A/NE-KLH/538

By Registered Post & Fax (2658 8757)

12 January 2018

T.H. & Associates Ltd.
G/F
37 Po Yick Street
Tai Po, New Territories
(Attn.: Chan Tak Hing)

Dear Sir/Madam,

**Proposed House
(New Territories Exempted House - Small House) in "Agriculture" Zone,
Lots 312 S.C ss.1, 312 S.D RP and 312 S. J in D.D. 9, Kau Lung Hang, Tai Po**

I refer to my letter to you dated 21.11.2017.

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 development is not in line with the planning intention of the "Agriculture" 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. 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" ("V") zone of Yuen Leng and Kau Lung Hang which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

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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. Kathy Chan of Sha Tin, Tai Po & North District Planning Office at 2158 6242.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

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

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/259	Proposed House (New Territories Exempted House – Small House)	2/2/2001	A1 – A4
A/NE-KLH/283	Proposed House (New Territories Exempted House – Small House)	15/3/2002	A1 – A4
A/NE-KLH/284	Proposed House (New Territories Exempted House – Small House)	15/3/2002	A1 – A4
A/NE-KLH/310	Proposed House (New Territories Exempted House – Small House)	30/5/2003	A1, A4 – A7
A/NE-KLH/311	Proposed House (New Territories Exempted House – Small House)	30/5/2003	A1, A4 – A7
A/NE-KLH/343	Proposed House (New Territories Exempted House – Small House)	14/7/2006 (Review)	A1, A4 – A6
A/NE-KLH/344	Proposed House (New Territories Exempted House – Small House)	14/7/2006 (Review)	A1, A4 – A6
A/NE-KLH/347	Proposed House (New Territories Exempted House – Small House)	3/3/2006	A1, A4 – A6
A/NE-KLH/351	Proposed House (New Territories Exempted House – Small House)	18/8/2006	A1, A4 – A6
A/NE-KLH/352	Proposed House (New Territories Exempted House – Small House)	18/8/2006	A1, A4 – A6
A/NE-KLH/358	Proposed Four Houses (New Territories Exempted Houses – Small Houses)	23/3/2007 (Partially)	A1, A4 – A7

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/370	Proposed House (New Territories Exempted House – Small House)	18/7/2008	A1, A4 – A7
A/NE-KLH/372	Proposed House (New Territories Exempted House- Small House)	1/8/2008	A1, A4 – A7
A/NE-KLH/375	Proposed House (New Territories Exempted House – Small House)	10/10/2008	A1, A4 – A7
A/NE-KLH/397	Proposed Three Houses (New Territories Exempted Houses – Small Houses)	23/4/2010	A1, A4 – A7
A/NE-KLH/400	Proposed House (New Territories Exempted Houses – Small Houses)	9/4/2010	A1, A4 – A7
A/NE-KLH/406	Proposed House (New Territories Exempted House – Small House)	11/6/2010	A1, A4 – A7
A/NE-KLH/407	Proposed House (New Territories Exempted House – Small House)	11/6/2010	A1, A4 – A7
A/NE-KLH/415	Proposed House (New Territories Exempted House – Small House)	15/10/2010	A1, A4 – A7
A/NE-KLH/416	Proposed House (New Territories Exempted House – Small House)	15/10/2010	A1, A4 – A7
A/NE-KLH/417	Proposed House (New Territories Exempted House – Small House)	15/10/2010	A1, A4 – A7
A/NE-KLH/426	Proposed House (New Territories Exempted House – Small House)	28/1/2011	A1, A4 – A7
A/NE-KLH/432	Proposed House (New Territories Exempted House – Small House)	23/9/2011	A1, A4 – A7
A/NE-KLH/433	Proposed House (New Territories Exempted House – Small House)	23/9/2011	A1, A4 – A7

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/442	Proposed House (New Territories Exempted House- Small House)	19/10/2012	A1, A4 – A7
A/NE-KLH/450	Proposed House (New Territories Exempted House – Small House)	25/1/2013	A1, A4 – A6
A/NE-KLH/469	Proposed House (New Territories Exempted House – Small House)	24/10/2014 (Review)	A1, A4 – A6
A/NE-KLH/470	Proposed House (New Territories Exempted House – Small House)	24/10/2014 (Review)	A1, A4 – A6
A/NE-KLH/471	Proposed House (New Territories Exempted House – Small House)	11/7/2014	A1, A4 – A6
A/NE-KLH/472	Proposed House (New Territories Exempted House – Small House)	11/7/2014	A1, A4 – A6
A/NE-KLH/473	Proposed House (New Territories Exempted House – Small House)	11/7/2014	A1, A4 – A6
A/NE-KLH/481	Proposed House (New Territories Exempted House – Small House)	22/8/2014	A1, A4 – A6, A8
A/NE-KLH/494	Proposed 2 House (New Territories Exempted Houses – Small Houses)	21/8/2015	A1, A4 – A6
A/NE-KLH/503	Proposed House (New Territories Exempted House – Small House)	22/4/2016	A1, A4 – A6
A/NE-KLH/504	Proposed House (New Territories Exempted House – Small House)	22/4/2016	A1, A4 – A6
A/NE-KLH/519	Proposed House (New Territories Exempted House – Small House)	26/8/2016	A1, A4 – A6
A/NE-KLH/523	Proposed House (New Territories Exempted House – Small House)	09/12/2016	A1, A4 – A6

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/527	Proposed House (New Territories Exempted House – Small House)	12/05/2017	A1, A4 – A6
A/NE-KLH/529	Proposed House (New Territories Exempted House – Small House)	23/06/2017	A1, A4 – A6
A/NE-KLH/530	Proposed House (New Territories Exempted House – Small House)	23/06/2017	A1, A4 – A6
A/NE-KLH/531	Proposed House (New Territories Exempted House – Small House)	23/06/2017	A1, A4 – A6
A/NE-KLH/533	Proposed House (New Territories Exempted House – Small House)	11/08/2017	A1, A5 – A6
A/NE-KLH/535	Proposed House (New Territories Exempted House - Small House)	13/10/2017	A1, A4 – A6
A/NE-KLH/540	Proposed House (New Territories Exempted House - Small House)	22/12/2017	A1, A5 – A6
A/NE-KLH/542	Proposed House (New Territories Exempted House - Small House)	16/03/2018	A1, A4 – A6

Approval Conditions

- A1. The provision/submission and implementation of drainage facilities/proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board
- A2. The disposal of spoils during the site formation and construction period to the satisfaction of the Director of Water Supplies or of the Town Planning Board
- A3. The provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the Town Planning Board
- A4. The submission and implementation of landscaping and/or tree preservation proposals to the satisfaction of the Director of Planning or of the Town Planning Board
- A5. The connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board

- A6. The provision of protection measures to ensure no pollution or siltation occurs to the water gathering grounds (WGG) to the satisfaction of the Director of Water Supplies or of the Town Planning Board
- A7. The provision of fire service installations/fire fighting access/water supplies to the satisfaction of the Director of Fire Services or of the Town Planning Board
- A8. 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

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/314	Proposed House (New Territories Exempted House – Small House)	25/7/2003	R1 to R3
A/NE-KLH/315	Proposed House (New Territories Exempted House – Small House)	25/7/2003	R1 to R3
A/NE-KLH/333	Proposed House (New Territories Exempted House – Small House)	15/7/2005	R2 & R4
A/NE-KLH/334	Proposed House (New Territories Exempted House – Small House)	15/7/2005	R2 & R4
A/NE-KLH/358	Proposed Four Houses (New Territories Exempted Houses – Small Houses)	23/3/2007 (Partially)	R2 & R4
A/NE-KLH/361	Proposed House (New Territories Exempted House – Small House)	13/4/2007	R1 & R2
A/NE-KLH/440	Proposed House (New Territories Exempted House – Small House)	1/2/2013 (Review)	R5 & R6
A/NE-KLH/441	Proposed House (New Territories Exempted House – Small House)	1/2/2013 (Review)	R5 & R6
A/NE-KLH/521	Proposed House (New Territories Exempted House – Small House)	03/02/2017	R1, R7
A/NE-KLH/546	Proposed House (New Territories Exempted House – Small House)	04/05/2018	R1, R2, R7

Rejection Reasons

- R1. The application was not in line with the planning intention of the “Agriculture” zone which was to retain and safeguard good agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation
- R2. The proposed Small House did not comply with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories in that the proposed Small House was not able to be connected to the existing or planned sewerage system in the area. There was no / insufficient information in the submission to demonstrate that the proposed development located within the water gathering grounds (WGG) would not cause adverse impact on water quality in the area
- R3. There was no information in the submission to demonstrate that the existing trees within the application site which should be preserved as far as possible, would not be affected by the proposed development
- R4. The approval of the proposed development would set an undesirable precedent for other similar applications in the area
- R5. The proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed Small House located within the WGG would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture
- R6. There was no information in the submission to demonstrate that the proposed development would have no adverse drainage and sewerage disposal impacts on the surrounding areas
- R7. Land is still available within the “Village Type Development” (“V”) zone of Yuen Leng and Kau Lung Hang which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services

Recommended Advisory Clauses

- (a) to note the comments of District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that if the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto;
- (b) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) the proposed house should be connected to the public sewer for sewage disposal;
 - (ii) no actual construction of the proposed houses until the public sewerage has been completed;
 - (iii) written consents should be obtained from the adjacent lot owners for laying and maintaining sewage pipes;
 - (iv) adequate land space within the Site should be reserved for connection of the proposed house to the public sewer;
 - (v) the cost of sewer connection will be borne by the applicant;
- (c) to note the comments of Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Chief Engineer/Consultants Management of Drainage Services Department (CE/CM, DSD) that:
 - (i) there is no existing DSD maintained public drains available for connection in this area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant/lot owner is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/lot owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the drainage system;
 - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;
 - (iii) there is currently planned public sewerage in the vicinity of the Site;
 - (iv) the applicant should take all precautionary measures to prevent any

disturbance, damage and pollution from the development to any parts of the existing drainage facilities in the vicinity of the lots. In the event of any damage to the existing drainage facilities, the applicant would be held responsible for the cost of all necessary repair works, compensation and any other consequences arising therefrom;

- (d) to note the comments of the Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD) that he proposed Small House is located in close proximity to the works limit of Contract No. DC/2012/04 – Sewerage in Kau Lung Hang San Wai, Kau Lung Hang Lo Wai and Tai Hang, which commenced in 2012 for completion by 2018. The sewer laying works in the vicinity have been completed;
- (e) to note the following comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) no actual construction of the proposed NTEH/Small House until the public sewerage network has been completed;
 - (ii) the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed NTEHs/Small Houses to the planned sewerage system via the relevant private lots;
 - (iii) since the proposed house itself is less than 30m from the nearest watercourse, it should be located as far away from the water course as possible;
 - (iv) the whole of foul effluent shall be conveyed from the proposed house to the public sewers through cast iron pipes or other approved material with sealed joints and hatch boxes;
 - (v) for provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (f) to note the comments of the Director of Fire Services (D of FS) that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (g) to note the comments of Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the site(s) has been modified by unauthorised land filling works. The applicant is required to make site formation submission covering the investigation of stability of any slopes/retaining walls within or near the proposed development to the Building Authority and/or Lands Department for approval as required under the provisions of the Buildings Ordinance. Any necessary stabilisation works should be carried out and paid for as part of the development; and

- (h) to 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 applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.