

RNTPC Paper No. A/NE-KLH/543  
For Consideration by the  
Rural and New Town Planning  
Committee on 16.3.2018

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-KLH/543**

<b><u>Applicant</u></b>	Mr. Chan Wah Kwong represented by Rocky Fung Surveying Company
<b><u>Site</u></b>	Lot 857 RP in D.D. 9, Tai Wo Village, Tai Po, New Territories
<b><u>Site Area</u></b>	About 149.4m <sup>2</sup>
<b><u>Lease</u></b>	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	Approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11
<b><u>Zoning</u></b>	“Agriculture” (“AGR”)
<b><u>Application</u></b>	Proposed House (New Territories Exempted House (NTEH) - Small House)

**1. The Proposal**

1.1 The applicant, an indigenous villager of Tai Wo Village<sup>1</sup> as confirmed by the Indigenous Inhabitant Representative (IIR), seeks planning permission to build an NTEH (Small House) on the application site (the Site)(**Plan A-1**). 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)’ within “AGR” zone requires planning permission from the Town Planning Board (the Board).

1.2 Details of the proposed NTEH (Small House) are as follows:

Total floor area	:	195.09m <sup>2</sup>
Number of storeys	:	3
Building height	:	8.23m
Roofed over area	:	65.03m <sup>2</sup>

1.3 Layout of the proposed Small House including sewer connection proposal is shown on **Drawing A-1**.

1.4 In support of the application, the applicant has submitted the following documents:

- |   |                    |
|---|--------------------|
| (a) Application form and attachments  | <b>Appendix I</b>  |
| (b) Further information on owners’ consent on sewer connection submitted on 21.2.2018 | <b>Appendix Ia</b> |

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<sup>1</sup> The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) advises that the eligibility of Small House grant has yet to be ascertained.

**2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the applications are detailed in Part 9 of the application form at **Appendix I**. They can be summarized as follows:

- (a) the applicant is an indigenous villager of Tai Wo Village;
- (b) the proposed Small House footprint falls within the village 'environs' ('VE') and the proposed development is compatible with other Small House developments in the surroundings; and
- (c) the proposed Small House is able to be connected to the existing public sewerage system as shown on the submitted sewer plan (**Drawing A-2**).

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

The applicant is the sole "current land owner". 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 site, if located within 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**

The application was subject to a previous enforcement action against parking of vehicles (Ref. E/NE-KLH/65). Enforcement Notice was issued on 4.10.2010 and Compliance Notice was issued on 7.3.2011 upon discontinuance of the parking of vehicles. No active enforcement is being taken at this stage.

**6. Previous Applications**

- 6.1 The Site is the subject of two previous planning applications (No. A/NE-KLH/275 and 445). The former application (No. A/NE-KLH/275) submitted by a different applicant before criterion (i) of the Interim Criteria came into effect on 23.8.2002 was approved with conditions by the Committee on 21.9.2001 mainly on the grounds that the site fell within the 'VE' and there was a general shortage of land in meeting the Small House demand at the time of consideration.

- 6.2 The latter application (No. A/NE-KLH/445) submitted by the same applicant was rejected by the Board on review on 22.2.2013 for the reason that the proposed development did not comply with the Interim Criteria 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 that juncture.
- 6.3 Details of the previous applications are summarized at **Appendix III** and the location is shown on **Plan A-1**.

## **7. Similar Applications**

- 7.1 There are 49 similar applications for Small House development within the same “AGR” zone since the first promulgation of the Interim Criteria on 24.11.2000 (**Plan A-1**). Among those applications located in close vicinity of the Site, 16 were approved with conditions and 13 were rejected by the Rural and New Town Planning Committee (the Committee)/Board on review (**Plan A-2a**).
- 7.2 Six similar applications (No. A/NE-KLH/271, 272, 273, 277, 279 and 281) was approved with conditions by the Committee before criterion (i) of the Interim Criteria came into effect on 23.8.2002. Other ten similar applications (No. A/NE-KLH/328, 341, 345, 346, 391, 392, 402, 409, 438 and 491) covering eight sites were approved with conditions by the Committee between 2004 and 2015 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.
- 7.3 Six similar applications (No. A/NE-KLH/299, 321, 360, 362, 374 and 380) were rejected by the Committee or the Board on review between 2003 and 2009 mainly on the grounds that the proposed developments did not comply with the Interim Criteria in that there was insufficient information in the submission to demonstrate that the proposed developments located within WGG would not cause adverse impact on water quality in the area; and/or they were not in line with the planning intention of the “AGR” zone.
- 7.4 Another seven similar applications (No. A/NE-KLH/303, 444, 455, 478, 479, 484 and 526) were rejected by the Committee or the Board on review between 2003 and 2017 mainly on the grounds that the proposed Small Houses 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 and/or the applicants failed to demonstrate that the water quality in the area would not be adversely affected. An additional rejection reason for Application No. A/NE-KLH/526 was that land was still available within the concerned “V” zone for Small House development.

- 7.5 Details of the similar applications are summarized at **Appendix IV** and their locations are shown on **Plans A-1** and **A-2a**.
- 7.6 Another two new similar applications No. A/NE-KLH/542 and 544 will be considered by the Committee at the same meeting.\

**8. The Site and Its Surrounding Areas (Plans A-1, A-2a and photos on Plans A-3 and A-4)**

8.1 The Site is:

- (a) hard paved and partly fenced off;
- (b) a piece of residual land bounded by footpaths and local tracks; and
- (c) accessible by a local track.

8.2 The surrounding areas are predominantly rural in character occupied by village houses, temporary domestic structures and abandoned agricultural fields.

**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 application has 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 Site falls entirely within “AGR” zone.
2.	Within ‘VE’? - Footprint of the Small Houses - Application sites	100% 100%		- The Site and footprint of the proposed Small House fall entirely within ‘VE’. The District Lands Officer/ Tai Po, Lands Department (DLO/TP, LandsD) has no objection to the application.



	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
3.	Sufficient land in “V” zone to satisfy outstanding Small House applications and 10-year Small House demand?		✓	<ul style="list-style-type: none"> <li>- Land required to meet Small House demand in Yuen Leng, Kau Lung Hang Lo Wai and San Wai and Tai Wo Village: about 18.58 ha (or equivalent to 743 Small House sites). The outstanding Small House applications are 197<sup>2</sup> while the 10-year Small House demand forecast is 546.</li> <li>- Land available to meet Small House demand within the “V” zone of the villages concerned: about 10.19 ha (or equivalent to 407 Small House sites).</li> </ul>
4.	Compatible with the planning intention of “AGR” zone?		✓	<ul style="list-style-type: none"> <li>- The Director of Agriculture, Fisheries and Conservation (DAFC) has no strong view on the application as the Site is surrounded by domestic structures and the potential for agricultural rehabilitation is considered low.</li> </ul>
5.	Compatible with surrounding area/ development?	✓		<ul style="list-style-type: none"> <li>- The surrounding areas are predominantly rural in character comprising village houses and fallow agricultural land.</li> </ul>
6.	Within WGG?	✓		<ul style="list-style-type: none"> <li>- The Chief Engineer/Construction of Water Supplies Department (CE/C, WSD) has no objection to the application subject to the proposed house would be able to be connected to the planned sewerage system (<b>Plan A-2a</b>).</li> </ul>
7.	Encroachment onto planned road networks and public works boundaries?		✓	

<sup>2</sup> Among the 197 outstanding Small House applications, there are 41 Small House applications straddling or outside the “V” zone that have already obtained valid planning approval from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
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.
9.	Traffic impact?	✓		- The Commissioner for Transport (C for T), in general, has reservation on the application but considers that the application only involving development of a Small House can be tolerated unless it is rejected on other grounds.
10.	Drainage impact?	✓		The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application and advises that an approval condition on drainage proposal is required.
11.	Sewerage impact?		✓	<ul style="list-style-type: none"> <li>- The Chief Engineer / Consultant Management, Drainage Services Department (CE/CM, DSD) advises that according to the proposed sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng Village, public sewerage connection point will be provided adjacent to the Site. Nevertheless, since this sewerage scheme was degazetted on 29.10.2010, there is no fixed programme at this juncture for the implementation of the concerned sewerage works.</li> <li>- The applicant proposed to connect the Small House to a recently completed public sewer manhole at a distance of about 200m from the Site. Sewer connection is feasible and capacity is available. Provided that consent from adjacent lot owner(s) could be obtained, Director of Environmental</li> </ul>

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				Protection (DEP) has no objection to the application subject to connection of the proposed house to public sewers.
12.	Landscape impact?		✓	- The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the application from the landscape planning perspective as adverse impact on landscape resources due to the proposed development is not anticipated.
13.	Geotechnical impact?		✓	
14.	Local objections conveyed by DO?		✓	

10.2 Comments from the following government departments have been incorporated in paragraph 10.1 above. Other detailed comments are at **Appendix V**.

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

10.3 The following government departments have no objection to/no comment on the application:

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

**11. Public Comments Received During Statutory Publication Period**

On 6.2.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received. MTR Corporation Limited raises concern that the proposed development would be subject to potential noise impact from the East Rail Line (EAL). An individual objects to the application mainly for reason of non-compliance with the Interim Criteria in that the proposed Small House would not be able to be connected to the planned sewerage system in the area as there is no fixed programme for implementation of such system at this juncture (**Appendix VI**).

**12. Planning Considerations and Assessments**

- 12.1 The Site falls entirely within “AGR” zone. The proposed Small House development is 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. Nevertheless, DAFC has no strong view on the application as the Site is surrounded by domestic structures and the potential for agricultural rehabilitation is considered low.
- 12.2 According to DLO/TP, LandsD’s record, the total number of outstanding Small House applications for Yuen Leng, Kau Lung Hang San Wai and Lo Wai and Tai Wo Villages is 197 while the 10-year Small House demand forecast is 546. Based on the latest estimate by the Planning Department, about 10.19 ha (or equivalent to about 407 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 footprint of the proposed Small House falls entirely within the ‘VE’ of the concerned village, DLO/TP has no objection to the application.
- 12.3 The Site is located at the southern fringe of Yuen Leng surrounded by active/fallow agricultural land and existing village houses mainly to the north (**Plan A-2a**). At present, it is vacant and hard paved (**Plans A-2a and A-4**). The proposed development is not incompatible with the surrounding area which is predominantly rural in character with active/fallow agricultural land and village houses (**Plans A-2a and A-3**). CTP/UD&L of PlanD has no objection to the application from the landscape planning perspective as there is no trees within the and adverse impact on landscape resources due to the proposed development is not anticipated.

- 12.4 The Site is located within the upper indirect WGG. CE/CM of DSD advises that the sewerage scheme planned for Yuen Leng Village was degazetted on 29.10.2010 and there is no fixed programme at this juncture for the concerned public sewerage works (**Plan A-2a**). Nevertheless DEP advises that the applicant proposed to connect the proposed Small House to a recently completed public sewer at about 200m to the west. As advised by DEP, provided that the applicant can obtain consent from the adjacent lot owner(s) for laying and maintaining sewer pipes, sewer connection is feasible and capacity is available. Hence, both DEP and CE/C of WSD have no objection to the application. Other Government departments consulted including C for T, CE/MN of DSD, D of FS, CHE/NTE of HyD and H(GEO) of CEDD have no objection to/adverse comment on the application.
- 12.5 Regarding the Interim Criteria (**Appendix II**), more than 50% of the footprint of the proposed Small House falls within the 'VE' of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai and Tai Wo (**Plan A-1**) and the proposed development would be able to be connected to public sewerage system (**Plan A-2a**). While land available (about 10.19 ha or equivalent to about 407 Small House sites) within the "V" zones is insufficient to fully meet the future Small House demand, it is capable to meet the outstanding 197 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 development within the "V" zone for orderly development pattern, efficient use of land and provision of infrastructures and services.
- 12.6 The Site is the subject of two previous applications (No. A/NE-KLH/275 and 445). Whilst Application No. A/NE-KLH/275 was approved before criterion (i) was in place, A/NE-KLH/445 was rejected because it would not be able to be connected to the planned sewerage system in the area. Under the current application, the applicant proposes to connect the proposed house to public sewer 200m to the west and obtained owners' consent from affected lots, and relevant Government departments including EPD and WSD have raised no objection to the application.

- 12.7 There are 29 similar applications in close vicinity of the Site within the same “AGR” zone. Six of them (No. A/NE-KLH/271, 272, 273, 277, 279 and 281) were approved by the Committee before criterion (i) of the Interim Criteria came into effect on 23.8.2002. The other ten approved applications ((No. A/NE-KLH/328, 341, 345, 346, 391, 392, 402, 409, 438 and 491) covering eight sites were approved with conditions by the Committee between 2004 and 2015 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. The latest similar application (No. A/TP/526) in the vicinity of the Site was rejected by the Committee on 18.8.2017 and one of the rejection reasons was that land was still available within the “V” zone of Yuen Leng and Kau Lung Hang which was primarily intended for Small House development. Small House development should concentrate within the “V” zone and special consideration cannot be given to the application having regard to the cautious approach.
- 12.8 Regarding the public comments that the proposed development would be subject to potential noise impact from EAL and the proposed Small House would not be able to be connected to the planned sewerage system in the area, the comments from relevant Government departments and planning assessments as mentioned in above paragraphs are relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department does not support the application 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 “V” zone of Yuen Leng, Kau Lung Hang and Tai Wo 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 application, it is suggested that the permission shall be valid until 16.3.2022, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) 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
- (c) the provision of protective 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 VII**.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, 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 application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**15. Attachments**

Appendix I	Application form and attachments received on 30.1.2018
Appendix Ia	Further information submitted by the applicant
Appendix II	Interim Criteria for Consideration of application for NTEH/Small House in New Territories
Appendix III	Previous applications
Appendix IV	Similar applications
Appendix V	Government departments' detailed comments
Appendix VI	Public comments
Appendix VII	Recommended advisory clauses

Drawing A-1	Layout plan submitted by the applicant
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  
MARCH 2018**



**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. A/NE-KLH/543**

**Previous s. 16 Applications at the Application Site**

**Approval Application**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/275	Proposed House (New Territories Exempted House - Small House)	21.9.2001	A1-A3

**Approval Conditions**

- A1. The provision of drainage facilities 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.

**Rejected Application**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-KLH/445	Proposed New Territories Exempted House (NTEH) (Small House)	22.2.2013 on review	R1

**Rejection Reason**

- R1 The proposed development did not comply with the Interim Criteria in that the proposed Small House located within the water gathering ground could 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.

**Appendix IV of RNTPC**  
**Paper No. A/NE-KLH/543**

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

**Approved Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/245	Proposed House (New Territories Exempted House)	22.12.2000	A1 – A3
A/NE-KLH/271	Proposed House (New Territories Exempted House)	30.3.2001	A1, A2, A5, A6
A/NE-KLH/272	Proposed House (New Territories Exempted House)	20.4.2001	A1, A2, A5, A6
A/NE-KLH/273	Proposed House (New Territories Exempted House - Small House)	4.5.2001	A1 – A3, A5, A6
A/NE-KLH/277	Proposed House (New Territories Exempted House - Small House)	21.9.2001	A1 – A3, A5, A6
A/NE-KLH/279	Proposed House (New Territories Exempted House - Small House)	21.9.2001	A1 – A3, A5, A6
A/NE-KLH/281	Proposed House (New Territories Exempted House - Small House)	7.12.2001	A1, A5, A6
A/NE-KLH/304	Proposed House (New Territories Exempted House - Small House)	21.10.2003	A1, A3, A7, A8
A/NE-KLH/328	Proposed House (New Territories Exempted House – Small House)	17.12.2004	A1, A2, A5, A6
A/NE-KLH/339	Proposed House (New Territories Exempted House – Small House)	29.7.2005	A1, A3, A7, A8
A/NE-KLH/341	Proposed House (New Territories Exempted House – Small House)	14.10.2005	A1, A3, A7, A8, A12
A/NE-KLH/345	Proposed House (New Territories Exempted House – Small House)	23.12.2005	A1, A7, A8

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/346	Proposed House (New Territories Exempted House - Small House)	17.2.2006	A1, A3, A7, A8
A/NE-KLH/368	Proposed House (New Territories Exempted House - Small House)	17.2.2006	A1, A3, A7, A8, A9
A/NE-KLH/378	Proposed House (New Territories Exempted House - Small House)	19.12.2008	A1, A3, A7, A8, A9
A/NE-KLH/379	Proposed House (New Territories Exempted House - Small House)	19.12.2008	A1, A3, A7, A8, A9
A/NE-KLH/391	Proposed House (New Territories Exempted House - Small House)	23.4.2010	A1, A7 - A10
A/NE-KLH/392	Proposed House (New Territories Exempted House - Small House)	23.4.2010	A1, A3, A7, A8, A9
A/NE-KLH/402	Proposed House (New Territories Exempted House - Small House)	28.5.2010	A1, A7, A8, A9, A11
A/NE-KLH/403	Proposed House (New Territories Exempted House - Small House)	28.5.2010	A1, A3, A7, A8, A9
A/NE-KLH/409	Proposed House (New Territories Exempted House - Small House)	30.7.2010	A1, A3, A7, A8, A9
A/NE-KLH/410	Proposed House (New Territories Exempted House - Small House)	30.7.2010	A1, A3, A7, A8, A9
A/NE-KLH/438	Proposed House (New Territories Exempted House - Small House)	1.6.2012	A1, A3, A7, A8, A9
A/NE-KLH/459	Proposed House (New Territories Exempted House - Small House)	17.1.2014	A1, A3, A7, A8
A/NE-KLH/467	Proposed House (New Territories Exempted House - Small House)	23.5.2014	A1, A3, A4, A7, A8

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/482	Proposed House (New Territories Exempted House – Small House)	26.9.2014	A1, A3, A7, A8
A/NE-KLH/487	Proposed House (New Territories Exempted House – Small House)	27.3.2015	A1, A3, A7, A8
A/NE-KLH/488	Proposed House (New Territories Exempted House – Small House)	27.3.2015	A1, A3, A7, A8
A/NE-KLH/491	Proposed House (New Territories Exempted House – Small House)	22.5.2015	A1, A3, A7, A8

#### Approval Conditions

- A1. The submission/provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.
- A2. The provision of fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- A3. The submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.
- A4. The provision septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board.
- A5. 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.
- A6. 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.
- A7. 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.
- A8. The provision of protective 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.
- A9. The provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

- A10. The submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board.
- A11. The submission and implementation of a tree preservation and replanting proposal to the satisfaction of the Director of Planning or of the Town Planning Board.
- A12. The provision of adequate space for the existing footpath to pass over the application site for public access purpose 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/299	Proposed New Territories Exempted House (NTEH) (Small House)	14.2.2003 on review	R1 – R2
A/NE-KLH/300	Proposed New Territories Exempted House (NTEH) (Small House)	11.10.2002	R1
A/NE-KLH/303	Proposed New Territories Exempted House (NTEH) (Small House)	7.2.2003	R1
A/NE-KLH/312	Proposed New Territories Exempted House (NTEH) (Small House)	30.5.2003	R1
A/NE-KLH/321	Proposed New Territories Exempted House (NTEH) (Small House)	16.1.2004 on review	R1
A/NE-KLH/360	Proposed New Territories Exempted House (NTEH) (Small House)	23.3.2007	R3, R4, R5
A/NE-KLH/362	Proposed New Territories Exempted House (NTEH) (Small House)	22.6.2007	R3
A/NE-KLH/374	Proposed New Territories Exempted House (NTEH) (Small House)	16.1.2009 on review	R4, R6
A/NE-KLH/380	Proposed New Territories Exempted House (NTEH) (Small House)	13.3.2009	R4, R7, R8

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-KLH/404	Proposed New Territories Exempted House (NTEH) (Small House)	10.6.2010	R4, R12 – R15
A/NE-KLH/430	Proposed New Territories Exempted House (NTEH) (Small House)	8.7.2011	R10, R16
A/NE-KLH/439	Proposed New Territories Exempted House (NTEH) (Small House)	24.8.2012	R9
A/NE-KLH/443	Proposed New Territories Exempted House (NTEH) (Small House)	19.10.2012	R10, R16,
A/NE-KLH/444	Proposed House (New Territories Exempted House – Small House)	22.2.2013 on review	R9
A/NE-KLH/455	Proposed House (New Territories Exempted House – Small House)	13.12.2013	R9
A/NE-KLH/478	Proposed House (New Territories Exempted House – Small House)	8.8.2014	R9, R10
A/NE-KLH/479	Proposed House (New Territories Exempted House – Small House)	8.8.2014	R9, R10
A/NE-KLH/483 <sup>3</sup>	Proposed House (New Territories Exempted House – Small House)	29.5.2015 on review	R9, R10
A/NE-KLH/484	Proposed House (New Territories Exempted House – Small House)	31.10.2014	R9
A/NE-KLH/526	Proposed 6 Houses (New Territories Exempted Houses – Small Houses)	18.8.2017	R9 – R11

<sup>3</sup> subject of Town Planning Appeal No. 8 of 2015 which was dismissed by the Town Planning Appeal Board on 1.9.2016.



Rejection Reasons

- R1. The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House (NTEH)/Small House in the New Territories (Interim Criteria) in that it was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development, which was located within water gathering grounds, would not cause adverse impact on water quality in the area.
- R2. There was no information in the submission to demonstrate that land for NTEH/Small House development was not available within the "Village Type Development" ("V") zones of the applicants own village and other recognized villages in Tai Po.
- R3. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed NTEH/Small House development fell within Water Supplies Department's upper indirect water gathering ground (WGG) and was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area.
- R4. The application was not in line with the planning intention of the "Agriculture" zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention.
- R5. The proposed development which required felling of mature trees, was not supported from nature conservation and landscape planning point of view.
- R6. The proposed development, which affected the mature trees and an ecologically important stream, was not supported from nature conservation point of view.
- R7. The proposed development did not comply with the Interim Criteria in that the proposed house with more than 50% of the footprint outside both the village environs and the "V" zone of recognised villages.
- R8. The proposed development fell within the upper indirect water gathering grounds (WGGs) and was not able to be connected to the existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area.
- R9. The proposed development did not comply with the Interim Criteria in that the proposed Small House located within the WGGs would not be able to be connected to the existing/planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture.
- R10. The applicant failed to demonstrate that the proposed development located within the water gathering ground would not cause adverse impact on the water quality in the area.

- R11. Land was still available within the "Village Type Development" ("V") zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang which is primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.
- R12. The proposed development would affect the existing trees on the application site. The applicant failed to demonstrate in the submission that the proposed development would not have adverse impact on the existing trees located within the site.
- R13. The proposed development was located within the water gathering ground and was close to a stream course. The applicant failed to demonstrate in the submission that the proposed development would not cause adverse impact on water quality in the area.
- R14. The proposed development would be subject to adverse noise impact generated by the East Rail nearby
- R15. Approval of the application would set an undesirable precedent for similar applications within the "AGR" zone, the cumulative effect of which would result in adverse impact on the traffic and rural landscape of the area.
- R16. The proposed development did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' in that more than 50% of the footprint of the proposed Small House fell outside both the "Village Type Development" zone and the village 'environs' of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai, and it was uncertain whether the proposed Small House located within the Water Gathering Ground (WGG) could be connected to the planned sewerage system in the area.

**Detailed Comments from Relevant Government Departments**

**1. Land Administration**

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

- (a) no objection to the application;
- (b) the Site falls within the 'VE' of Tai Wo Village;
- (c) the applicant is an indigenous villager of Tai Wo Village of Tai Po as confirmed by the respective Indigenous Inhabitant Representative (IIR). However, his eligibility of Small House grant has yet to be ascertained;
- (d) 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
Tai Wo	69	189

(\* The figure of 10-year Small House demand is provided by the IIR of concerned villages and the information so obtained is not verified by LandsD);

- (e) the subject lot is held under Block Government Lease demised for agricultural use. The applicant is the registered owner of the subject lot and his Small House application has been received by his office;
- (f) the Site is not covered by any Modification of Tenancy or Building Licence; and
- (g) if and after planning approval has been given by the Board, LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the proposed Small House or approval of the emergency vehicular access thereto.

**2. Traffic**

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

- (a) in general, he has reservation on the application. Such type of development should be confined within the "V" zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside "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;
- (b) notwithstanding the above, he considers that the application only involving development of a Small House can be tolerated unless it is rejected on other grounds; and
- (c) the existing footpath on and near the Site is not under Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes.

### 3. **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) the proposed Small House is located some 110 m and 140 m from East Rail Line (EAL) and Fanling Highway respectively. It is partially shielded from the EAL and the highway by other Small Houses. Trackside noise barriers has been erected along the EAL and roadside noise barriers at concerned section of the highway are being constructed under the Widening Project of Tolo Highway/Fanling Highway between Island House Interchange and Fanling to protect those village developments closer to the road. As such, no insurmountable railway and traffic noise impact is anticipated;
- (b) the Site falls within "AGR" zone and is within water gathering grounds (WGG). The planned public sewer to serve the subject lot is part of the Yuen Leng village sewerage scheme, which was degazetted in October 2010 due to conflicting views among some of the land owners over the extent of proposed land resumption. Currently there is no fixed timetable for implementing the said sewerage scheme. Instead, the applicant proposed to connect the proposed small house to a recently completed public sewer at a considerable distance of about 200 m to the west of the site, which also comprise four intermediate private manholes. As the public sewer has sufficient capacity to accommodate the discharge from the proposed Small House, and there is sufficient level drop in between, he has no adverse comment on the applicant's proposed connection to the public sewer. The applicant should obtain consent from the adjacent lot owner(s) for construction and maintenance of the proposed intermediate private manholes and sewer pipes. He has no objection to the application on the conditions that:
  - (i) the proposed house will be connected to the public sewer for sewage disposal;
  - (ii) written consent(s) can be obtained from the adjacent lot owner(s) for the construction and maintenance of the sewage pipes and intermediate private manholes across adjacent lot(s);

- (iii) adequate land space within the Site will be reserved for connection of the proposed house to the public sewer; and
- (iv) the cost of construction of private sewerage, intermediate private manholes and sewer connection will be borne by the applicant.
- (c) although no insurmountable technical difficulties are envisaged for the sewer connection, the following advisory clause is applicable:

the applicant is advised to pay attention to avoiding potential conflict with other underground utilities when making the sewer connection. The actual alignment and number of intermediate private manholes will depend on site conditions and the applicant is required to submit plans showing the actual connection works to DSD in association with its future technical audit under the prevailing mechanism. The applicant could check DSD and DEVB's Practitioners Guidelines on "Arrangement for Private Developers to employ their own Contractors to carry out Drainage Connections" regarding the procedures to be followed and the maintenance responsibility of the connection works.

#### **4. Landscape**

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

- (a) no objection to the application from the landscape planning perspective;
- (b) the Site is connected with Tai Wo Service Road East from the west and village houses are found within the "AGR" and "V" zones at the immediate north and east of the Site;
- (c) based on recent aerial photo, the Site is situated in an area of rural landscape character comprising scattered tree groups, village houses, car parks and vacant land. Although the proposed development is not in line with the planning intention of "AGR" zone, it is not incompatible with the surrounding environment;
- (d) referring to recent site photos, the Site is cleared and hard paved. No trees are found within the Site. Adverse impact on landscape resources due to the proposed development is not anticipated. A number of similar applications adjacent to the Site had been approved; and
- (e) since the footprint of the proposed house covers most of the Site, there is very limited space for landscaping within the Site. Should the application be approved by the Board, standard condition on submission and implementation of landscape proposal is not recommended.

#### **5. Drainage and Sewerage**

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) if the application is approved, a condition should be included to request the applicant to submit and implement the drainage proposal for the Site to the satisfaction of Director of Drainage Services or the Board to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) there is no public drain maintained by DSD in the vicinity of the Site. The proposed house should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and overland flow from surrounding of the Site. The proposed development will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant/owner is also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (d) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. DSD would not assist the lot owner/developer on the drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. He should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected. In particular, a minimum clearance of 3m should be maintained between the proposed development and the top of the embankment of existing streamcourses/ ponds/rivers.

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

- (a) according to the proposed sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng Village, public sewerage connection point will be provided adjacent to the Site. Nevertheless, since this sewerage scheme was degazetted on 29.10.2010, there is no fixed programme at this juncture for the implementation of the concerned sewerage works; and
- (b) notwithstanding the above, the proposed sewerage scheme might be fine-tuned in the course of finalizing the design. The applicant is therefore suggested to pay continuing attention to the latest development of the proposed sewerage scheme. DSD will keep all relevant village representatives posted in this regard. It is understood that, subject to actual construction of the public sewerage being in sufficient proximity to the boundary of a land lot, EPD may require the lot owners at his/her own cost to make proper sewer connection from

his/her premises to the public sewerage and to decommission the private sewer, septic tank and soakaway pit.

6. **Agriculture**

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

the Site is surrounded by domestic structures. As the potential for agricultural rehabilitation is considered low, he has no strong view on the application.

7. **Fire Safety**

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

- (a) no in-principle objection to the application; and
- (b) the applicant is 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.

8. **Water Supply**

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

- (a) no objection to the application;
- (b) the Site is located within upper indirect WGG and is more than 30m away from the nearest water course. It is able to be connected to the public sewerage system in the area. Thus, compliance of the application with the Interim Criteria (i) can be reasonably established;
- (c) it is noted that EPD has no objection to the application provided that the applicant shall connect the house with public sewer for sewage disposal. He supports EPD's views by imposing the following conditions:
  - (i) the foul water drainage system of the proposed NTEH/Small House can be connected to the public sewerage system in the area and the applicant shall connect the whole of the foul water drainage system to the public sewerage system;
  - (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the water gathering grounds; and
  - (iii) 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 NTEH/Small House to the planned sewerage system via relevant private lot.

9. **Electricity Supply and Safety**

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

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

10. **Demand and Supply of Small House Sites**

According to the DLO/TP, LandsD's record, the total number of outstanding Small House applications for Yuen Leng, Kau Lung Hang Lo Wai and San Wai and Tai Wo Villages is 197 while the 10-year Small House demand forecast for the same villages is 546. Based on the latest estimate by the Planning Department, about 10.19 ha (or equivalent to about 407 Small House sites) of land are available within the "V" zone of Yuen Leng, Kau Lung Hang Lo Wai and San Wai and Tai Wo Villages. Therefore, the land available cannot fully meet the future Small House demand of about 18.58 ha (or equivalent to about 743 Small House sites).

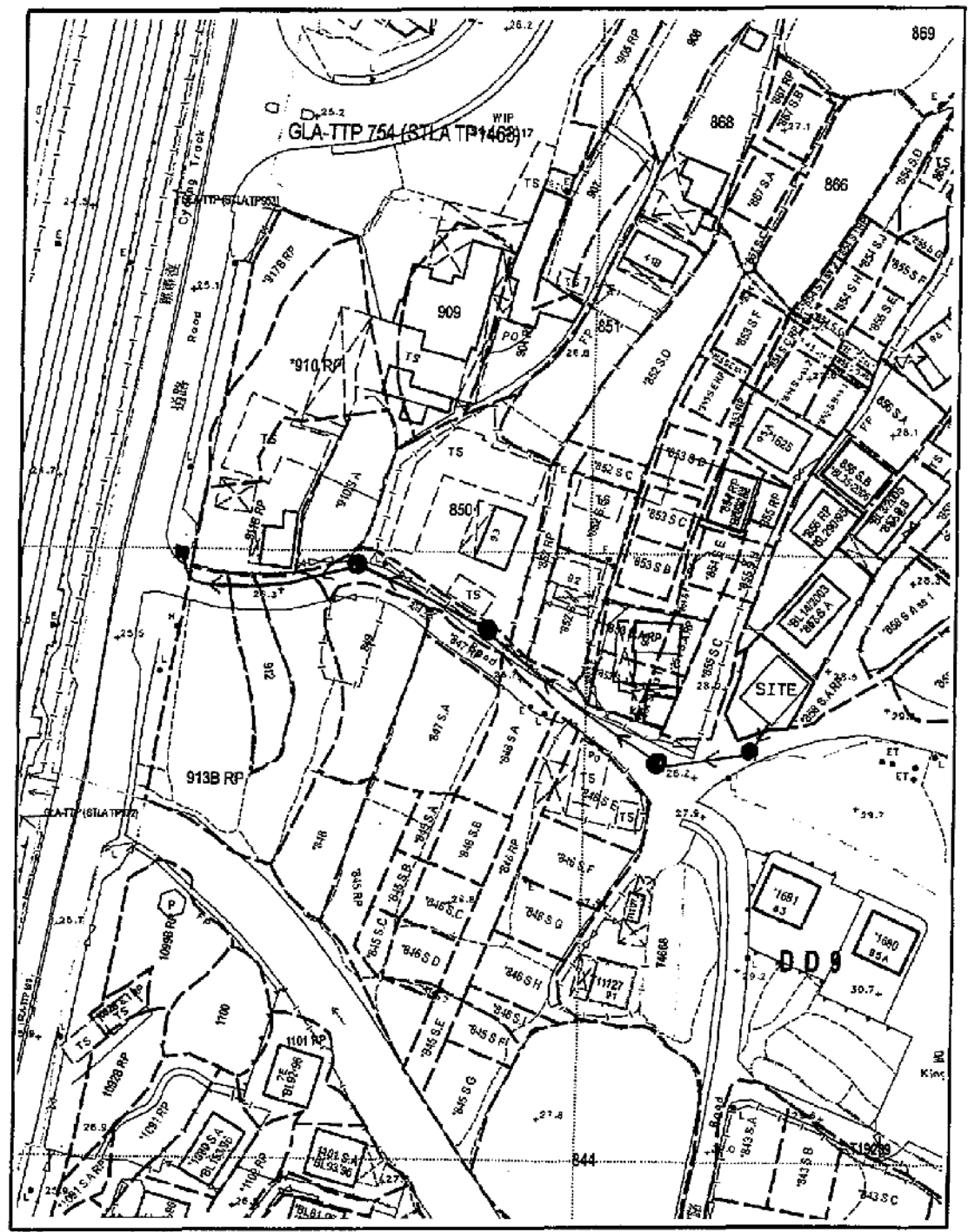


**Recommended Advisory Clauses**

- (a) the construction of the Small House should not commence before connection to the public sewer;
- (b) to note the comments of the 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 proposed Small House or approval of the emergency vehicular access thereto;
- (c) to note the comments of the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) that:
  - (i) there is no public drain maintained by DSD in the vicinity of the Site. The proposed house should have its own stormwater collection and discharge systems to cater for the runoff generated within the site and overland flow from surrounding of the Site. The proposed development will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant/owner is also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
  - (ii) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. DSD would not assist the lot owner/developer to his drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. He should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected. In particular, a minimum clearance of 3m should be maintained between the proposed development and the top of the embankment of existing streamcourses/ ponds/rivers.
- (d) to note the comments of the Director of Environmental Protection that the applicant is advised to pay attention to avoiding potential conflict with other underground utilities when making the sewer connection. The actual alignment and number of intermediate private manholes will depend on site conditions and the applicant is required to submit plans showing the actual connection works to DSD in association with its future technical audit under the prevailing mechanism. The applicant could check DSD and DEVB's Practitioners Guidelines on "Arrangement for Private Developers to employ their own Contractors to carry out Drainage Connections" regarding the procedures to be followed and the maintenance responsibility of the connection works;

- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that 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 NTEH/Small House to the planned sewerage system via relevant private lot;
- (f) to note the comments of the Commissioner for Transport that the existing footpath on and near the Site is not under Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (g) to note the comments of the Director of Fire Services 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 during land grant stage;
- (h) to note the comments of the Director of Electrical and Mechanical Services that the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines; and
- (i) 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.

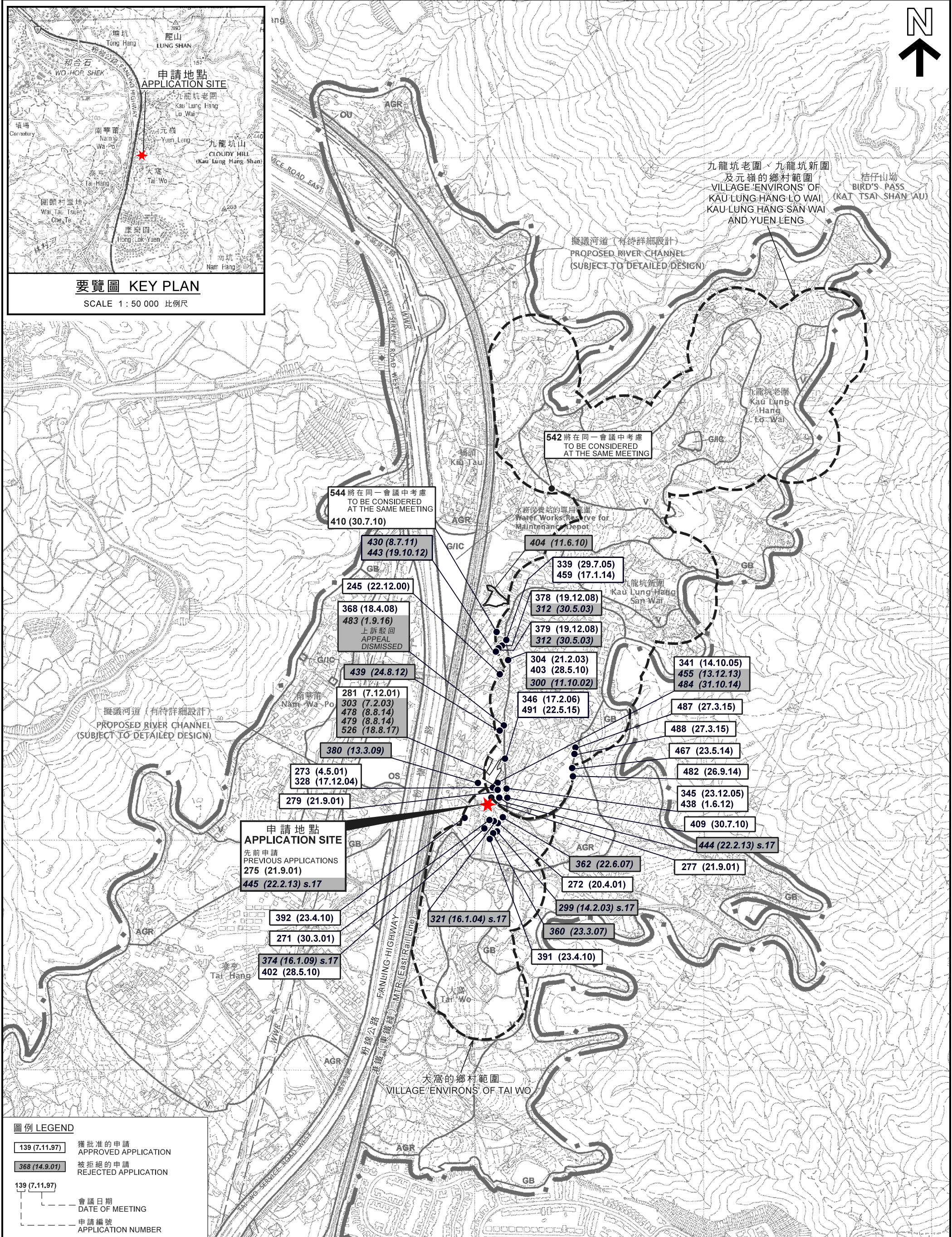
# PROPOSED SEWER PLAN



Scale

- Proposed Foul Man-hole
- Existing Foul Man-hole
- ← Proposed Sewage Pipe

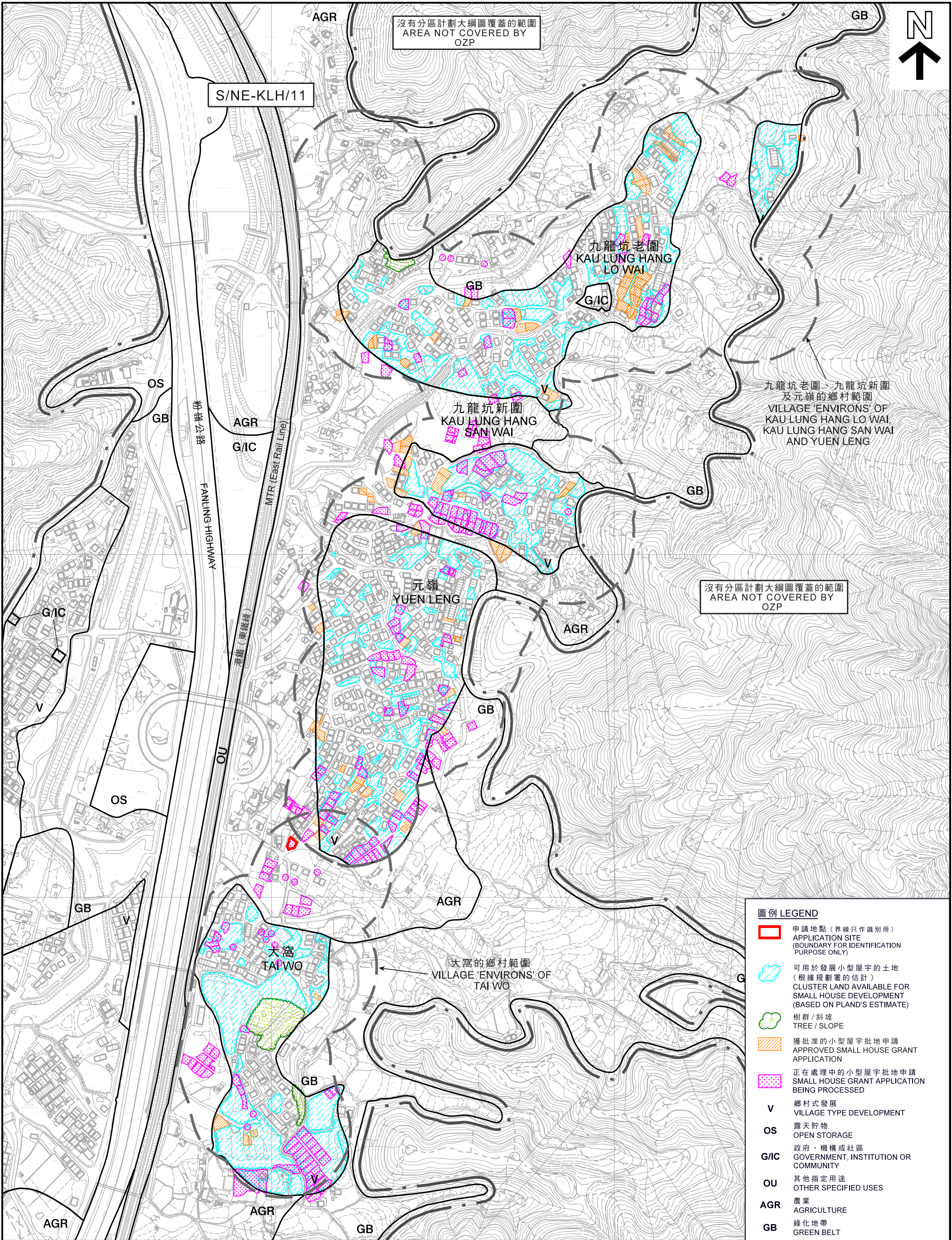












圖例 LEGEND

- 申請地點 (界線只作識別用)  
APPLICATION SITE  
(BOUNDARY FOR IDENTIFICATION  
PURPOSE ONLY)
- 可用於發展小型屋宇的土地  
(根據規劃署的估計)  
CLUSTER LAND AVAILABLE FOR  
SMALL HOUSE DEVELOPMENT  
(BASED ON PLAND'S ESTIMATE)
- 樹群 / 斜坡  
TREE / SLOPE
- 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
- V  
鄉村式發展  
VILLAGE TYPE DEVELOPMENT
- OS  
露天貯物  
OPEN STORAGE
- G/IC  
政府、機構或社區  
GOVERNMENT, INSTITUTION OR  
COMMUNITY
- OU  
其他指定用途  
OTHER SPECIFIED USES
- AGR  
農業  
AGRICULTURE
- GB  
綠化地帶  
GREEN BELT

本摘要圖於2018年3月9日擬備，  
所根據的資料為測量圖編號  
3-SW-18A、B、C、D、19A、C、  
23A、B、C、D、及24A、C  
EXTRACT PLAN PREPARED ON 9.3.2018  
BASED ON SURVEY SHEETS No.  
3-SW-18A,B,C,D 18D,19A,C,  
23A,B,C,D & 24A,C

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)  
PROPOSED HOUSE (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
LOT 857 RP IN D.D. 9, TAI WO VILLAGE,  
KAU LUNG HANG, TAI PO, NEW TERRITORIES

SCALE 1:4 000 比例尺  
METRES 100 0 100 200 300 METRES

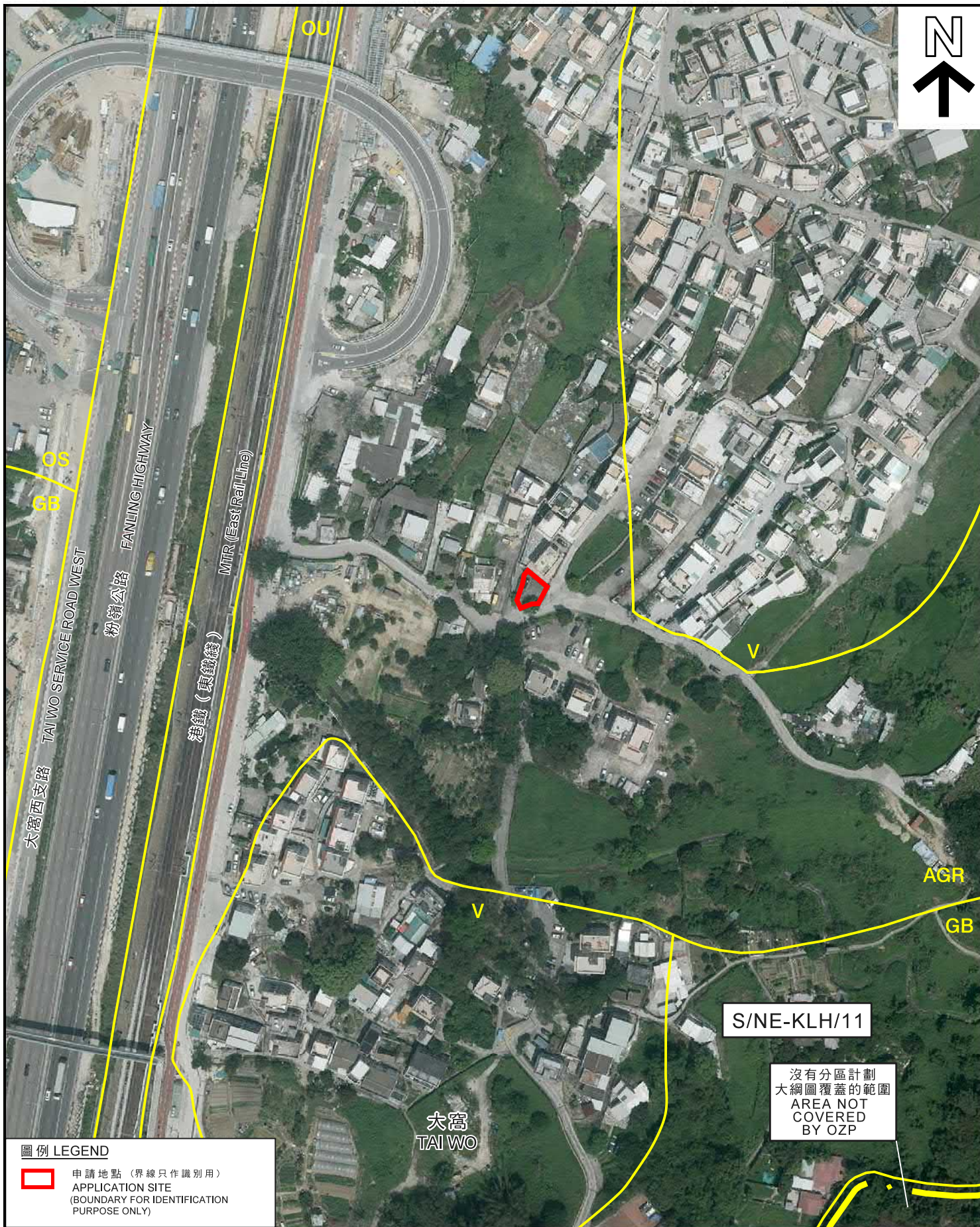
規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/NE-KLH/543

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2018年2月27日擬備，  
所根據的資料為地政總署  
於2017年4月17日拍得的航攝照片  
編號E021588C  
EXTRACT PLAN PREPARED ON 27.2.2018  
BASED ON AERIAL PHOTO No. E021588C  
TAKEN ON 17.4.2017 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)  
新界大埔九龍坑大窩村丈量約份第9約地段第857號餘段  
PROPOSED HOUSE  
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
LOT 857 RP IN D.D. 9, TAI WO VILLAGE,  
KAU LUNG HANG, TAI PO, NEW TERRITORIES

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/NE-KLH/543

圖 PLAN  
A-3



①

申請地點  
APPLICATION SITE



實地照片 SITE PHOTO

本圖於2018年2月27日擬備，所根據的資料為攝於2018年2月6日的實地照片  
PLAN PREPARED ON 27.2.2018 BASED ON SITE PHOTO TAKEN ON 6.2.2018

擬議屋宇(新界豁免管制屋宇－小型屋宇)  
新界大埔九龍坑大窩村丈量約份第9約地段第857號餘段  
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PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/NE-KLH/543

圖 PLAN  
A-4



**Extract of minutes of the 599th Rural and New Town Planning Committee meeting held on 16.3.2018**

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/543      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 857 RP in D.D. 9, Tai Wo Village, Tai Po  
(RNTPC Paper No. A/NE-KLH/543)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c)    departmental comments – departmental comments were set out in paragraph 10 and Appendix II of the Paper. The Commissioner for

Transport (C for T) had reservation on the application but considered that the application only involved development of one Small House could be tolerated. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received from MTR Corporation Limited and an individual, raising concerns on and objection to the application respectively. Major views were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of “Agriculture” zone. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai and Tai Wo and land was still available within the “Village Type Development” (“V”) zone to meet the outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Besides, a similar application No. A/NE-KLH/526 located to the north of the site was rejected by the Committee on 18.8.2017 on similar considerations. Regarding the concerns of the public comments, the comments of concerned departments and the planning assessments above were relevant.

87. Members had no question on the application.

#### Deliberation Session

88. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the proposed 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, Kau Lung Hang and Tai Wo 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

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/543

By Registered Post

6 April 2018

Rocky Fung Surveying Co.

(Attn: Fung Ho Kee)

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House)  
in "Agriculture" Zone, Lot 857 RP in D.D. 9, Tai Wo Village, Tai Po**

I refer to my letter to you dated 6.3.2018.

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

- (a) the proposed 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, Kau Lung Hang and Tai Wo 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 16.3.2018 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 27.4.2018). 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,



( 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**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/245	Proposed New Territories Exempted House (NTEH) (Small House)	22.12.2000	A1 – A3
A/NE-KLH/271	Proposed New Territories Exempted House (NTEH) (Small House)	30.3.2001	A1, A2, A5, A6
A/NE-KLH/272	Proposed New Territories Exempted House (NTEH) (Small House)	20.4.2001	A1, A2, A5, A6
A/NE-KLH/273	Proposed New Territories Exempted House (NTEH) (Small House)	4.5.2001	A1 – A3, A5, A6
A/NE-KLH/277	Proposed New Territories Exempted House (NTEH) (Small House)	21.9.2001	A1 – A3, A5, A6
A/NE-KLH/279	Proposed New Territories Exempted House (NTEH) (Small House)	21.9.2001	A1 – A3, A5, A6
A/NE-KLH/281	Proposed New Territories Exempted House (NTEH) (Small House)	7.12.2001	A1, A5, A6
A/NE-KLH/304	Proposed New Territories Exempted House (NTEH) (Small House)	21.2.2003	A1, A3, A7, A8
A/NE-KLH/328	Proposed House (New Territories Exempted House)	17.12.2004	A1, A2, A5, A6

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
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A/NE-KLH/341	Proposed New Territories Exempted House (Small House) (NTEH)	14.10.2005	A1, A3, A7, A8, A12
A/NE-KLH/345	Proposed House (New Territories Exempted House) (NTEH) (Small House)	23.12.2005	A1, A7, A8
A/NE-KLH/346	Proposed House (New Territories Exempted House) (NTEH) (Small House)	17.2.2006	A1, A3, A7, A8
A/NE-KLH/368	Proposed House (New Territories Exempted House – Small House)	18.4.2008	A1, A3, A7, A8, A9
A/NE-KLH/378	Proposed House (New Territories Exempted House – Small House)	19.12.2008	A1, A3, A7, A8, A9
A/NE-KLH/379	Proposed House (New Territories Exempted House – Small House)	19.12.2008	A1, A3, A7, A8, A9
A/NE-KLH/391	Proposed Two Houses (New Territories Exempted Houses – Small Houses)	23.4.2010	A1, A7 – A10
A/NE-KLH/392	Proposed Two Houses (New Territories Exempted Houses – Small Houses)	23.4.2010	A1, A3, A7, A8, A9
A/NE-KLH/402	Proposed House (New Territories Exempted House – Small House)	28.5.2010	A1, A7, A8, A9, A11
A/NE-KLH/403	Proposed House (New Territories Exempted House – Small House)	28.5.2010	A1, A3, A7, A8, A9

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/409	Proposed House (New Territories Exempted House – Small House)	30.7.2010	A1, A3, A7, A8, A9
A/NE-KLH/410	Proposed House (New Territories Exempted House – Small House)	30.7.2010	A1, A3, A7, A8, A9
A/NE-KLH/438	Proposed House (New Territories Exempted House – Small House)	1.6.2012	A1, A3, A7, A8, A9
A/NE-KLH/459	Proposed House (New Territories Exempted House – Small House)	17.1.2014	A1, A3, A7, A8
A/NE-KLH/467	Proposed House (New Territories Exempted House – Small House)	23.5.2014	A1, A3, A4, A8, A13
A/NE-KLH/482	Proposed House (New Territories Exempted House – Small House)	26.9.2014	A1, A3, A7, A8
A/NE-KLH/487	Proposed House (New Territories Exempted House – Small House)	27.3.2015	A1, A3, A7, A8
A/NE-KLH/488	Proposed House (New Territories Exempted House – Small House)	27.3.2015	A1, A3, A7, A8
A/NE-KLH/491	Proposed House (New Territories Exempted House – Small House)	22.5.2015	A1, A3, A7, A8

#### Approval Conditions

- A1. The submission/provision of drainage facilities
- A2. The provision of fire services installations
- A3. The submission and implementation of landscape proposal



- A4. The provision septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board.
- A5. The disposal of spoils during the site formation and construction period
- A6. The connection/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
- A7. The connection of the foul water drainage system to the public sewers
- A8. The provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds
- A9. The provision of fire fighting access, water supplies and fire service installations
- A10. The submission and implementation of landscape and tree preservation proposal
- A11. The submission and implementation of a tree preservation and replanting proposal
- A12. The provision of adequate space for the existing footpath to pass over the application site for public access purpose
- A13. The connection of the foul water drainage system to the planned public sewerage system in the area and the whole of the foul water drainage system to the planned public sewerage system upon its completion

### Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/299	Proposed New Territories Exempted House (NTEH) (Small House)	14.2.2003 on review	R1 – R2
A/NE-KLH/300	Proposed New Territories Exempted House (NTEH) (Small House)	11.10.2002	R1
A/NE-KLH/303	Proposed New Territories Exempted House (NTEH) (Small House)	7.2.2003	R1
A/NE-KLH/312	Proposed New Territories Exempted House (NTEH) (Small House)	30.5.2003	R1

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-KLH/321	Proposed New Territories Exempted House (NTEH) (Small House)	16.1.2004 on review	R16
A/NE-KLH/360	Proposed House (New Territories Exempted House (NTEH) - Small House)	23.3.2007	R3, R4, R5
A/NE-KLH/362	Proposed House (New Territories Exempted House (NTEH) - Small House)	22.6.2007	R3
A/NE-KLH/374	Proposed House (New Territories Exempted House - Small House)	16.1.2009 on review	R4, R6
A/NE-KLH/380	Proposed House (New Territories Exempted House - Small House)	13.3.2009	R4, R7, R8
A/NE-KLH/430	Proposed House (New Territories Exempted House (NTEH) - Small House)	8.7.2011	R10, R12
A/NE-KLH/439	Proposed House (New Territories Exempted House - Small House)	24.8.2012	R9
A/NE-KLH/443	Proposed New Territories Exempted House (NTEH) (Small House)	19.10.2012	R10, R12
A/NE-KLH/444	Proposed House (New Territories Exempted House – Small House)	22.2.2013 on review	R9
A/NE-KLH/445	Proposed House (New Territories Exempted House – Small House)	22.2.2013 on review	R9
A/NE-KLH/455	Proposed House (New Territories Exempted House – Small House)	13.12.2013	R9

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-KLH/478	Proposed House (New Territories Exempted House – Small House)	8.8.2014	R9, R10
A/NE-KLH/479	Proposed House (New Territories Exempted House – Small House)	8.8.2014	R9, R10
A/NE-KLH/483	Proposed House (New Territories Exempted House – Small House)	1.9.2016 Dismissed by the Town Planning Appeal Board	R9, R10
A/NE-KLH/484	Proposed House (New Territories Exempted House – Small House)	31.10.2014	R9
A/NE-KLH/526	Proposed 6 Houses (New Territories Exempted Houses – Small Houses)	18.8.2017 on review	R9 – R11
A/NE-KLH/544	Proposed House (New Territories Exempted House - Small House)	12.10.2018 On review	R4, R9-R11, R13
A/NE-KLH/548	Proposed House (New Territories Exempted House - Small House)	1.6.2018	R4, R14, R15

#### Rejection Reasons

- R1. The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House (NTEH)/Small House in the New Territories (Interim Criteria) in that it was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development, which was located within water gathering grounds, would not cause adverse impact on water quality in the area.
- R2. There was no information in the submission to demonstrate that land for NTEH/Small House development was not available within the “Village Type Development” (“V”) zones of the applicants own village and other recognized villages in Tai Po.
- R3. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed NTEH/Small House development fell within Water Supplies Department's upper indirect water gathering ground (WGG) and was not able to be connected to existing or planned sewerage system in the area.

There was insufficient information in the submission to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area.

- R4. The application was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention.
- R5. The proposed development which required felling of mature trees, was not supported from nature conservation and landscape planning point of view.
- R6. The proposed development, which affected the mature trees and an ecologically important stream, was not supported from nature conservation point of view.
- R7. The proposed development did not comply with the Interim Criteria in that the proposed house with more than 50% of the footprint outside both the village environs and the “V” zone of recognised villages.
- R8. The proposed development fell within the upper indirect water gathering grounds (WGGs) and was not able to be connected to the existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area.
- R9. The proposed development did not comply with the Interim Criteria in that the proposed Small House located within the WGGs would not be able to be connected to the existing/planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture.
- R10. The applicant failed to demonstrate that the proposed development located within the water gathering ground would not cause adverse impact on the water quality in the area.
- R11. Land was still available within the “Village Type Development” (“V”) zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai which is primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.
- R12. The proposed development did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' in that more than 50% of the footprint of the proposed Small House fell outside both the "Village Type Development" zone and the village 'environs' of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai, and it was uncertain whether the proposed Small House located within the Water Gathering Ground (WGG) could be connected to the planned sewerage system in the area.
- R13. The proposed development would be subject to adverse noise impact generated by the East Rail nearby, and there is no information in the submission to demonstrate that the proposed development will be in compliance with the Noise Control Ordinance (Cap. 400).

- R14 The proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/ Small House in New Territories in that the proposed Small House located within the WGGs would not be able to be connected to the existing/planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture, and would not cause adverse landscape impact on the surrounding areas.
- R15 Land was still available within the “V” zone of Yuen Leng, Kau Lung Hang and Tai Wo which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.
- R16 The proposed Small House did not comply with the Interim Criteria for assessing Planning Application for New Territories Exempted House/Small House Development in the New Territories in that the proposed development was not able to be connected to the existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed septic tank system was technically feasible and the proposed development located within the water gathering grounds would not cause adverse impact on water quality in the area.

**Recommended Advisory Clauses**

- (a) to note the comments of the 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 proposed Small House or approval of the emergency vehicular access thereto;
- (b) to note the comments of the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) that:
  - (i) there is no public drain maintained by DSD in the vicinity of the Site. The proposed house should have its own stormwater collection and discharge systems to cater for the runoff generated within the site and overland flow from surrounding of the Site. The proposed development will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant/owner is also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
  - (ii) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. DSD would not assist the lot owner/developer to his drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. He should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected. In particular, a minimum clearance of 3m should be maintained between the proposed development and the top of the embankment of existing streamcourses/ ponds/rivers.
- (c) to note the comments of the Director of Environmental Protection that the applicant is advised to pay attention to avoiding potential conflict with other underground utilities when making the sewer connection. The actual alignment and number of intermediate private manholes will depend on site conditions and the applicant is required to submit plans showing the actual connection works to DSD in association with its future technical audit under the prevailing mechanism. The applicant could check DSD and DEVB's Practitioners Guidelines on "Arrangement for Private Developers to employ their own Contractors to carry out Drainage Connections" regarding the procedures to be followed and the maintenance responsibility of the connection works;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that 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 NTEH/Small House to the planned sewerage system via relevant

private lot;

- (e) to note the comments of the Commissioner for Transport that the existing footpath on and near the Site is not under Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (f) to note the comments of the Director of Fire Services 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 during land grant stage;
- (g) to note the comments of the Director of Electrical and Mechanical Services that the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines; and
- (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.

**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**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/245	Proposed New Territories Exempted House (NTEH) (Small House)	22.12.2000	A1 – A3
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A/NE-KLH/328	Proposed House (New Territories Exempted House)	17.12.2004	A1, A2, A5, A6



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A/NE-KLH/346	Proposed House (New Territories Exempted House) (NTEH) (Small House)	17.2.2006	A1, A3, A7, A8
A/NE-KLH/368	Proposed House (New Territories Exempted House – Small House)	18.4.2008	A1, A3, A7, A8, A9
A/NE-KLH/378	Proposed House (New Territories Exempted House – Small House)	19.12.2008	A1, A3, A7, A8, A9
A/NE-KLH/379	Proposed House (New Territories Exempted House – Small House)	19.12.2008	A1, A3, A7, A8, A9
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A/NE-KLH/392	Proposed Two Houses (New Territories Exempted Houses – Small Houses)	23.4.2010	A1, A3, A7, A8, A9
A/NE-KLH/402	Proposed House (New Territories Exempted House – Small House)	28.5.2010	A1, A7, A8, A9, A11
A/NE-KLH/403	Proposed House (New Territories Exempted House – Small House)	28.5.2010	A1, A3, A7, A8, A9

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/409	Proposed House (New Territories Exempted House – Small House)	30.7.2010	A1, A3, A7, A8, A9
A/NE-KLH/410	Proposed House (New Territories Exempted House – Small House)	30.7.2010	A1, A3, A7, A8, A9
A/NE-KLH/438	Proposed House (New Territories Exempted House – Small House)	1.6.2012	A1, A3, A7, A8, A9
A/NE-KLH/459	Proposed House (New Territories Exempted House – Small House)	17.1.2014	A1, A3, A7, A8
A/NE-KLH/467	Proposed House (New Territories Exempted House – Small House)	23.5.2014	A1, A3, A4, A8, A13
A/NE-KLH/482	Proposed House (New Territories Exempted House – Small House)	26.9.2014	A1, A3, A7, A8
A/NE-KLH/487	Proposed House (New Territories Exempted House – Small House)	27.3.2015	A1, A3, A7, A8
A/NE-KLH/488	Proposed House (New Territories Exempted House – Small House)	27.3.2015	A1, A3, A7, A8
A/NE-KLH/491	Proposed House (New Territories Exempted House – Small House)	22.5.2015	A1, A3, A7, A8

#### Approval Conditions

- A1. The submission/provision of drainage facilities
- A2. The provision of fire services installations
- A3. The submission and implementation of landscape proposal

- A4. The provision septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board.
- A5. The disposal of spoils during the site formation and construction period
- A6. The connection/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
- A7. The connection of the foul water drainage system to the public sewers
- A8. The provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds
- A9. The provision of fire fighting access, water supplies and fire service installations
- A10. The submission and implementation of landscape and tree preservation proposal
- A11. The submission and implementation of a tree preservation and replanting proposal
- A12. The provision of adequate space for the existing footpath to pass over the application site for public access purpose
- A13. The connection of the foul water drainage system to the planned public sewerage system in the area and the whole of the foul water drainage system to the planned public sewerage system upon its completion

### Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/299	Proposed New Territories Exempted House (NTEH) (Small House)	14.2.2003 on review	R1 – R2
A/NE-KLH/300	Proposed New Territories Exempted House (NTEH) (Small House)	11.10.2002	R1
A/NE-KLH/303	Proposed New Territories Exempted House (NTEH) (Small House)	7.2.2003	R1
A/NE-KLH/312	Proposed New Territories Exempted House (NTEH) (Small House)	30.5.2003	R1

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-KLH/321	Proposed New Territories Exempted House (NTEH) (Small House)	16.1.2004 on review	R16
A/NE-KLH/360	Proposed House (New Territories Exempted House (NTEH) - Small House)	23.3.2007	R3, R4, R5
A/NE-KLH/362	Proposed House (New Territories Exempted House (NTEH) - Small House)	22.6.2007	R3
A/NE-KLH/374	Proposed House (New Territories Exempted House - Small House)	16.1.2009 on review	R4, R6
A/NE-KLH/380	Proposed House (New Territories Exempted House - Small House)	13.3.2009	R4, R7, R8
A/NE-KLH/430	Proposed House (New Territories Exempted House (NTEH) - Small House)	8.7.2011	R10, R12
A/NE-KLH/439	Proposed House (New Territories Exempted House - Small House)	24.8.2012	R9
A/NE-KLH/443	Proposed New Territories Exempted House (NTEH) (Small House)	19.10.2012	R10, R12
A/NE-KLH/444	Proposed House (New Territories Exempted House – Small House)	22.2.2013 on review	R9
A/NE-KLH/445	Proposed House (New Territories Exempted House – Small House)	22.2.2013 on review	R9
A/NE-KLH/455	Proposed House (New Territories Exempted House – Small House)	13.12.2013	R9

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-KLH/478	Proposed House (New Territories Exempted House – Small House)	8.8.2014	R9, R10
A/NE-KLH/479	Proposed House (New Territories Exempted House – Small House)	8.8.2014	R9, R10
A/NE-KLH/483	Proposed House (New Territories Exempted House – Small House)	1.9.2016 Dismissed by the Town Planning Appeal Board	R9, R10
A/NE-KLH/484	Proposed House (New Territories Exempted House – Small House)	31.10.2014	R9
A/NE-KLH/526	Proposed 6 Houses (New Territories Exempted Houses – Small Houses)	18.8.2017 on review	R9 – R11
A/NE-KLH/544	Proposed House (New Territories Exempted House - Small House)	12.10.2018 On review	R4, R9-R11, R13
A/NE-KLH/548	Proposed House (New Territories Exempted House - Small House)	1.6.2018	R4, R14, R15

#### Rejection Reasons

- R1. The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House (NTEH)/Small House in the New Territories (Interim Criteria) in that it was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development, which was located within water gathering grounds, would not cause adverse impact on water quality in the area.
- R2. There was no information in the submission to demonstrate that land for NTEH/Small House development was not available within the “Village Type Development” (“V”) zones of the applicants own village and other recognized villages in Tai Po.
- R3. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed NTEH/Small House development fell within Water Supplies Department's upper indirect water gathering ground (WGG) and was not able to be connected to existing or planned sewerage system in the area.

There was insufficient information in the submission to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area.

- R4. The application was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention.
- R5. The proposed development which required felling of mature trees, was not supported from nature conservation and landscape planning point of view.
- R6. The proposed development, which affected the mature trees and an ecologically important stream, was not supported from nature conservation point of view.
- R7. The proposed development did not comply with the Interim Criteria in that the proposed house with more than 50% of the footprint outside both the village environs and the “V” zone of recognised villages.
- R8. The proposed development fell within the upper indirect water gathering grounds (WGGs) and was not able to be connected to the existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area.
- R9. The proposed development did not comply with the Interim Criteria in that the proposed Small House located within the WGGs would not be able to be connected to the existing/planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture.
- R10. The applicant failed to demonstrate that the proposed development located within the water gathering ground would not cause adverse impact on the water quality in the area.
- R11. Land was still available within the “Village Type Development” (“V”) zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai which is primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.
- R12. The proposed development did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' in that more than 50% of the footprint of the proposed Small House fell outside both the "Village Type Development" zone and the village 'environs' of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai, and it was uncertain whether the proposed Small House located within the Water Gathering Ground (WGG) could be connected to the planned sewerage system in the area.
- R13. The proposed development would be subject to adverse noise impact generated by the East Rail nearby, and there is no information in the submission to demonstrate that the proposed development will be in compliance with the Noise Control Ordinance (Cap. 400).

- R14 The proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/ Small House in New Territories in that the proposed Small House located within the WGGs would not be able to be connected to the existing/planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture, and would not cause adverse landscape impact on the surrounding areas.
- R15 Land was still available within the “V” zone of Yuen Leng, Kau Lung Hang and Tai Wo which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.
- R16 The proposed Small House did not comply with the Interim Criteria for assessing Planning Application for New Territories Exempted House/Small House Development in the New Territories in that the proposed development was not able to be connected to the existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed septic tank system was technically feasible and the proposed development located within the water gathering grounds would not cause adverse impact on water quality in the area.

**Recommended Advisory Clauses**

- (a) to note the comments of the 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 proposed Small House or approval of the emergency vehicular access thereto;
- (b) to note the comments of the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) that:
  - (i) there is no public drain maintained by DSD in the vicinity of the Site. The proposed house should have its own stormwater collection and discharge systems to cater for the runoff generated within the site and overland flow from surrounding of the Site. The proposed development will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant/owner is also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
  - (ii) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. DSD would not assist the lot owner/developer to his drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. He should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected. In particular, a minimum clearance of 3m should be maintained between the proposed development and the top of the embankment of existing streamcourses/ ponds/rivers.
- (c) to note the comments of the Director of Environmental Protection that the applicant is advised to pay attention to avoiding potential conflict with other underground utilities when making the sewer connection. The actual alignment and number of intermediate private manholes will depend on site conditions and the applicant is required to submit plans showing the actual connection works to DSD in association with its future technical audit under the prevailing mechanism. The applicant could check DSD and DEVB's Practitioners Guidelines on "Arrangement for Private Developers to employ their own Contractors to carry out Drainage Connections" regarding the procedures to be followed and the maintenance responsibility of the connection works;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that 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 NTEH/Small House to the planned sewerage system via relevant



private lot;

- (e) to note the comments of the Commissioner for Transport that the existing footpath on and near the Site is not under Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (f) to note the comments of the Director of Fire Services 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 during land grant stage;
- (g) to note the comments of the Director of Electrical and Mechanical Services that the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines; and
- (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.