

RNTPC Paper No. A/NE-KLH/562A
For Consideration by the
Rural and New Town Planning
Committee on 31.5.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KLH/562

<u>Applicant</u>	Mr. Isaac LAM represented by Euro Asia Construction Engineering Limited
<u>Site</u>	Lot 981 S.D in D.D. 9, Nam Wa Po, Tai Po, New Territories
<u>Site Area</u>	About 181.7 m ²
<u>Lease</u>	Block Government Lease (demised for agricultural use)
<u>Plan</u>	Approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11
<u>Zonings</u>	“Village Type Development” (“V”) (about 47m ² or 26% of the Site) and “Green Belt” (“GB”) (about 135m ² or 74% of the Site)
<u>Application</u>	Proposed House (New Territories Exempted House (NTEH) – Small House)

1. The Proposal

1.1 The applicant, an indigenous villager (IV) of Nam Wa Po, Tai Po confirmed by the Indigenous Inhabitant Representative (IIR)¹, 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, whilst ‘House (NTEH only)’ use is always permitted within the “V” zone, ‘House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ within the “GB” zone requires planning permission from the Town Planning Board (the Board).

1.2 Details of the proposed Small House development are as follows:

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

1.3 Layout of the proposed Small House and the sewerage connection proposal are shown on Drawings A-1 and A-2.

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

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

- (a) application form with attachments on 25.1.2019 (Appendix I)
- (b) further information received on 3.4.2019 and 9.4.2019 providing sewerage connection proposal and owners' consent (*accepted and exempted from publication and recounting requirements*) (Appendices Ia and Ib)
- (c) further information received on 22.5.2019 providing responses to departmental comments (*accepted and exempted from publication and recounting requirements*) (Appendix Ic)

1.5 At the request of the applicant, the Rural and New Town Planning Committee (the Committee) agreed on 22.3.2019 to defer the consideration of the application for one month to allow time for the applicant to prepare further information to support the application. The applicant submitted further information on 3.4.2019, 9.4.2019 and 22.5.2019. The application is scheduled for consideration on 31.5.2019.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application stated in Part 9 of the application form at Appendix I are summarized as follows:

- (a) the applicant is an indigenous villager of Nam Wa Po, Tai Po. The Site falls within "V" and "GB" zones, and the proposed Small House footprint falls entirely within the village 'environs' ('VE') of Nam Wa Po (Drawing A-1). Therefore, the application is in line with the Small House Policy;
- (b) he has submitted a Small House application to LandsD on 8.10.2018;
- (c) there are a number of similar applications in the vicinity of the Site approved by the Board. The nearest one is application No. A/NE-KLH/463;
- (d) the Site is the only land resource for the applicant to accommodate his need for Small House development;
- (e) the Site is vacant. The proposed development will bring a new house and landscaping features which will improve visual and environmental qualities; and
- (f) the Site will comprise one Small House only and will not have direct link with local track. As it will mostly rely on public transport and pedestrian facilities, the proposed development will have insignificant traffic impact.

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 water gathering grounds (WGG), should be able to be connected to the existing or planned sewerage system in the area was incorporated. The latest Interim Criteria with criterion (i) remained unchanged was promulgated on 7.9.2007 and is at **Appendix II**.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance' is relevant to this application. The relevant assessment criteria are summarised as follows:

- (a) there is a general presumption against development in the "GB" zone;
- (b) applications for new development in "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning ground. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas;
- (c) applications for NTEH with satisfactory sewage disposal facilities and access arrangements may be approved if the application sites are in close proximity to existing villages and in keeping with the surrounding uses, and where the development is to meet the demand from indigenous villagers;
- (d) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (f) the proposed development should not overstrain the overall provision of Government, institution and community facilities in the general area; and
- (g) any proposed development on a slope or hillside should not adversely affect slope stability.

6. Previous Application

There is no previous application at the Site.

7. Similar Applications

- 7.1 There are two similar applications (No. A/NE-KLH/330 and 463) for Small House development within the same "GB" zone in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000. Both applications covering the same site were approved by the Committee in 2005 and 2014 respectively mainly for the reasons of complying with the Interim Criteria in that there was general shortage of land in the concerned "V" zone to meet the demand for Small House development at the time of consideration; more than 50% of the proposed Small House footprint fell within the 'VE' of the concerned village; and the proposed development was able to be connected to the planned sewerage system in the area. Application No. A/NE-KLH/463 was also approved on sympathetic consideration as the application site was the subject of a previously approved case.
- 7.2 Details of the above similar applications are summarized at Appendix III and their locations are shown on Plans A-1 and A-2a.

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) vacant with groundcovers;
 - (b) located at the eastern fringe of Nam Wa Po;
 - (c) entirely within the 'VE' of Nam Wa Po; and
 - (d) accessible by a local track and in proximity to a paved driveway in the east.
- 8.2 The surrounding areas are predominantly rural in character comprising scattered tree groups and village houses. Village clusters are mainly found to the west of the Site.

9. Planning Intentions

- 9.1 The planning intention of the "V" zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 9.2 The planning intention of the "GB" zone is primarily for defining the limit of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

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 House - Application site	10% 26%	90% 74%	- The remaining portions of the Site and Small House footprint fall within the "GB" zone.
2.	Within 'VE'? - Footprint of the Small House - Application site	100% 100%	- -	- The Site and the Small House footprint fall entirely within the 'VE' of Nam Wa Po (Plan A-1). - DLO/TP, LandsD has no objection to the application.
3.	Sufficient land in "V" zone to meet Small House demand (outstanding Small House application plus 10-year Small House demand)?		✓	- Land required to meet Small House demand in Nam Wa Po: about 5.08 ha (equivalent to 203 Small House sites). The outstanding Small House applications are 18 ² while the 10-year Small House demand forecast for the same village is 185.
	Sufficient land in "V" zone to meet outstanding Small House applications?	✓		- Land available to meet Small House demand within the "V" zone of Nam Wa Po: about 2.32 ha (equivalent to 92 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of "GB" zone?		✓	- There is general presumption against development within the "GB" zone. - Director of Agriculture, Fisheries and Conservation (DAFC) has no strong view on the application from nature conservation point of view as the proposed development may only affect some plants of common species.
5.	Compatible with surrounding area/development?	✓		- The surrounding areas are predominantly rural in character mainly comprising scattered tree

² Among the 18 outstanding Small House applications, 14 of them fall within the "V" zone and 4 straddle or outside the "V" zone. For those 4 applications straddling or being outside the "V" zone, 1 of them has obtained valid planning approval from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				groups and village houses.
6.	Within Water Gathering Ground (WGG)?	✓		<ul style="list-style-type: none"> - The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application as the proposed Small House is able to be connected to the public sewerage system in the area. - Approval conditions on connection to public sewers and provision of protective measures to WGG are required.
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire service installations and Emergency Vehicular Access (EVA)?		✓	<ul style="list-style-type: none"> - The Director of Fire Services (D of FS) has no comment on the application.
9.	Traffic impact?		✓	<ul style="list-style-type: none"> - The Commissioner for Transport (C for T) has no in-principle objection to the application.
10.	Drainage impact?	✓		<ul style="list-style-type: none"> - The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application from public drainage viewpoint. - Approval condition on submission and implementation of drainage proposal is required.
11.	Sewerage impact?	✓		<ul style="list-style-type: none"> - The Director of Environmental Protection (DEP) has no objection to the application as the applicant has proposed to connect the Small House to the public sewer (Plan A-2a) and the public sewerage system has sufficient capacity to accommodate discharge from the proposed Small House. - The Chief Engineer/ Consultant Management, Drainage Services Department (CE/CM, DSD) advises that the public village sewerage

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				works at Nam Wa Po have been completed.
12.	Landscape impact?		✓	- Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the application from the landscape planning point of view. Although the proposed layout is in direct conflict with existing trees, given the affected trees are common species and can be easily found in local market, adverse landscape impact arising from the proposed development can be tolerated. - should the application be approved, given that adverse visual impact due to the proposed development is not anticipated and there is inadequate space for quality landscape to benefit the public realm, landscape condition is not recommended.
13.	Geotechnical impact?		✓	
14.	Local objections conveyed by DO?		✓	

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

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

10.3 The following Government departments have no objection to or no comment on the application:

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

- (d) Director of Electrical and Mechanical Services; and
- (e) District Officer/Tai Po, Home Affairs Department.

11. Public Comments Received During Statutory Publication Period (Appendix V)

On 1.2.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from the Hong Kong Bird Watching Society and an individual objecting to the application mainly on the grounds of being not in line with the planning intention of "GB" zone; being "destroy first, build later"; setting undesirable precedent; and causing adverse environmental and ecological impacts.

12. Planning Considerations and Assessments

- 12.1 The Site falls within an area mainly zoned "GB" (about 74%) and partly zoned "V" (about 26%). The proposed Small House development is not in line with the planning intention of the "GB" zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. DAFC has no strong view on the application from nature conservation point of view as the proposed development may only affect some plants of common species.
- 12.2 According to DLO/TP, LandsD's records, the total number of outstanding Small House applications for Nam Wa Po is 18 while the 10-year Small House demand forecast for the same village is 185. Based on the latest estimate by PlanD, about 2.32 ha of land (equivalent to about 92 Small House sites) are available within the "V" zone of Nam Wa Po (Plan A-2b). As the Site falls entirely within the 'VE' of Nam Wa Po, DLO/TP of LandsD has no objection to the application.
- 12.3 The Site, located at the eastern fringe of Nam Wa Po (Plan A-2a), is vacant with groundcovers (Plan A-4). The proposed development is not incompatible with the surrounding areas which are predominantly rural in character comprising scattered tree groups and village houses (Plans A-2a and A-3). CTP/UD&L of PlanD has no objection to the application from landscape planning perspective. Although the proposed layout is in direct conflict with existing trees, given the affected trees are common species and can be easily found in local market, adverse landscape impact arising from the proposed development can be tolerated. Should the application be approved, given that adverse visual impact due to the proposed development is not anticipated and there is inadequate space for quality landscape to benefit the public realm, landscape condition is not recommended.
- 12.4 The Site falls within the upper indirect WGG. According to CE/CM of DSD and DEP, the construction works of the public sewerage at Nam Wa Po has been completed and would be ready for connection within 2019. The applicant has proposed to connect the proposed Small House to the public sewerage system at Nam Wa Po (Plan A-2a) with consents obtained from affected lot owners. Both DEP and CE/C of WSD have no objection to the application provided that the applicant shall connect the proposed Small House to the public sewer at his own cost when the public sewerage system is available for connection and adequate space within the Site will be reserved for connection. Other relevant Government departments

including C for T, CE/MN of DSD, CHE/NTE of HyD, H(GEO) of CEDD and D of FS have no objection to or adverse comment on the application. In view of the above, the proposed development is generally in compliance with the TPB-PG No. 10 for development within "GB" zone.

- 12.5 Regarding the Interim Criteria (Appendix II), more than 50% of the footprint of the proposed Small House falls within the 'VE' of Nam Wa Po and the proposed development located within WGG would be able to be connected to the public sewerage system (Plan A-2a). While land available within the "V" zone (about 2.32 ha or equivalent to about 92 Small House sites) is insufficient to fully meet the future Small House demand, it is capable to meet the 18 outstanding 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 since August 2015. 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 more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 12.6 There are two similar applications (No. A/NE-KLH/330 and 463) for Small House development within the same "GB" zone in the vicinity of the Site (Plans A-1 and A-2a). Both applications covering the same site were approved in 2005 and 2014 respectively before the Board's adoption of a more cautious approach in August 2015. They were approved mainly for the reasons of generally complying with the Interim Criteria in that there was general shortage of land in the concerned "V" zone to meet the demand for Small House development at the time of consideration; more than 50% of the proposed Small House footprint fell within the 'VE' of the concerned village; and the proposed development was able to be connected to the planned sewerage system in the area. Application No. A/NE-KLH/463 was also approved on sympathetic consideration as the application site was the subject of a previously approved case. The circumstances of the current application are not similar to the above approved applications.
- 12.7 Regarding the public comments raising objection to the application on the grounds as detailed in paragraph 11 above, Government departments' comments and the planning assessments in above paragraphs are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department does not support the application for the following reasons:
- (a) the proposed development is not in line with the planning intention of the "Green Belt" ("GB") zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from this planning intention; and

- (b) land is still available within the "V" zone of Nam Wa Po 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 a more orderly development pattern, efficient use of land and provision of infrastructures and services.

13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 31.5.2023, 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 the Town Planning Board.

Advisory Clauses

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

14. Decision Sought

- 14.1 The Committee is invited to consider the 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 25.1.2019
Appendix Ia	further information received on 3.4.2019
Appendix Ib	further information received on 9.4.2019
Appendix Ic	further information received on 22.5.2019
Appendix II	Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Similar applications
Appendix IV	Detailed comments from relevant Government departments

Appendix V
Appendix VI

Drawing A-1
Drawing A-2
Drawing A-3

Plan A-1
Plan A-2a
Plan A-2b

Plan A-3
Plan A-4

Public comments
Recommended advisory clauses

Site plan submitted by the applicant
Sewerage connection proposal submitted by the applicant
Proposed sewerage invert levels design plan submitted by the applicant
Location plan
Site plan
Estimated amount of land available for Small House development within the "V" Zone
Aerial photo
Site photo

**PLANNING DEPARTMENT
MAY 2019**

**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
- (c) "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;
- (d) 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);
- (e) 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;
- (f) an application site involves more than one NTEH/Small House, application of the above criteria would be on individual NTEH/Small House basis;
- (g) the proposed development should not frustrate the planning intention of the particular zone in which the application site is located;
- (h) the proposed development should be compatible in terms of land use, scale, design and layout, with the surrounding area/development;
- (i) 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;
- (j) 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^);

- (k) 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
- (l) 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.

Similar Applications within the same "Green Belt" Zone
on the Kau Lung Hang Outline Zoning Plan

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/330	Proposed New Territories Exempted House (NTEH) (Small House)	28/01/2005	A1 – A4
A/NE-KLH/463	Proposed House (New Territories Exempted House - Small House)	21/03/2014	A1 – A4

Approval Conditions

- A1. The submission and implementation of a landscape proposal
- A2. The provision of drainage facilities
- A3. The connection of the foul water drainage system to public sewers
- A4. The provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds

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 applicant is an indigenous villager of Nam Wa Po, Tai Po, as confirmed by the respective Indigenous Inhabitant Representative (IIR). However, his eligibility of Small House grant has yet to be ascertained. His Small House application for the Site has been received by LandsD;
- (c) the Site is held under Block Government Lease demised for agricultural use;
- (d) the Site is not covered by any Modification of Tenancy or Building Licence;
- (e) if and after planning approval has been given by the Town Planning Board (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 Small House concerned or approval of the emergency vehicular access (EVA) thereto;
- (f) the Site falls within the village 'environs' ('VE') of Nam Wa Po; and
- (g) the number of outstanding Small House applications and the number of 10-year Small House demand for the village concerned are as follows:

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand *</u>
Nam Wa Po	18	185

(* The figure of 10-year Small House demand is provided by the IIR of the concerned village in-2014 and the information so obtained is not verified by LandsD)

2. Traffic

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

- (a) no in-principle objection to the application from traffic engineering point of view; and
- (b) the road/footpath next to the Site is not under Transport Department (TD)'s management. The land status, management and maintenance responsibilities of the road and footpath 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 Site falls within "GB" and "V" zones, and is within the Water Gathering Ground (WGG). The applicant proposed to connect the proposed Small House to the newly constructed public sewer at about 20m to the east of the Site. The public sewerage system should be ready for connection within 2019. There is sufficient level drop between the Site and the public sewer, and the public sewerage system has sufficient capacity to accommodate discharge from the proposed Small House; and
- (b) he has no objection to the application on the conditions that:
 - (i) the proposed Small House will be connected to the public sewer;
 - (ii) no actual construction of the proposed Small House until the public sewerage system is available for connection;
 - (iii) adequate land space within the Site will be reserved for connection of the proposed Small House to the public sewer;
 - (iv) written consent(s) can be obtained from the relevant lot owner(s) and/or LandsD for laying and maintaining sewage pipes across the adjacent lots; and
 - (v) the cost of sewer connection will be borne by the applicant.

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 situated in an area of rural landscape character comprising scattered tree groups and village houses. A paved driveway is in proximity to the east of the Site. The proposed development is not incompatible with the surrounding environment;
- (c) the Site is vacant and cover with groundcovers. Two young common fruit trees including *Dimocarpus longan* (荔枝) and *Psidium guajava* (番石榴) in fair condition and numbers of existing trees that are heavily pruned or topped are found within the Site. Although the proposed layout is in direct conflict with existing trees, given the affected trees are common species and can be easily found in local market, adverse landscape impact arising from the proposed development can be tolerated; and
- (d) should the application be approved by the Board, given that adverse visual impact due to the proposed development is not anticipated and there is inadequate space for quality landscape to benefit the public realm, landscape condition 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, an approval condition on submission and implementation of drainage proposal for the Site is recommended to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) there is no existing DSD maintained public drains available for connection in the area. The applicant should have his own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (d) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought; and
- (e) regarding the further information submitted by the applicant (Appendices Ia to Ic), sewerage connection from the proposed Small House to the existing public sewerage system is feasible from drainage point of view.

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

- (a) no objection to the application from project interfacing point of view; and
- (b) the construction of public village sewerage at Nam Wa Po has been completed.

6. Nature Conservation

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

- (a) no strong view on the application from nature conservation point of view; and
- (b) the proposed development may affect some plants of common species.

7. Fire Safety

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

- (a) no comment on the application; and
- (b) the applicant is advised to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published 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. The proposed Small House footprint falls entirely within the 'VE' of Nam Wa Po and DEP has advised that the Site is able to be connected to the public sewerage system in the area which should be ready for connection within 2019. Therefore, compliance with items B(a) and (i) of the Interim Criteria can be reasonably established;
- (c) it is noted that DEP has no objection to the application provided that the applicant shall connect the proposed Small House to public sewer for sewage disposal. He supports DEP's view by imposing the following conditions:
 - (i) the foul water drainage system of the proposed 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 WGG; 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 Small House to the public sewerage system via relevant private lot; and
- (d) for the provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

9. Demand and Supply of Small House Sites

According to DLO/TP, LandsD's records, the total number of outstanding Small House applications for Nam Wa Po is 18 while the 10-year Small House demand forecast is 185. Based on the latest estimate by Planning Department, about 2.32 ha (equivalent to

about 92 Small House sites) of land are available within the "V" zone of Nam Wa Po. Therefore, the land available cannot fully meet the demand of 203 Small Houses (equivalent to about 5.08 ha of land).

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 Small House concerned or approval of the emergency vehicular access (EVA) thereto;
- (b) to note the comments of the Commissioner for Transport (C for T) that the road/footpath next to the Site is not under Transport Department (TD)'s management. The land status, management and maintenance responsibilities of the road and footpath should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (c) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) the proposed Small House should be connected to the public sewer;
 - (ii) no actual construction of the proposed Small House until the public sewerage system is available for connection;
 - (iii) adequate land space within the Site should be reserved for connection of the proposed Small House to the public sewer;
 - (iv) written consent(s) should be obtained from the relevant lot owner(s) and/or LandsD for laying and maintaining sewage pipes across the adjacent lots; and
 - (v) the cost of sewer connection should be borne by the applicant;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) there is no existing DSD maintained public drains available for connection in the area. The applicant should have his own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems; and
 - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;

- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant should observe 'New Territories Exempted Houses – a Guide to Fire Safety Requirements' published by LandsD;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) the applicant shall submit an 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 Small House to the public sewerage system via relevant private lot; and
 - (ii) for the provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (g) 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 Layout Plan Lot 981D in D.D.9








Scale

Location

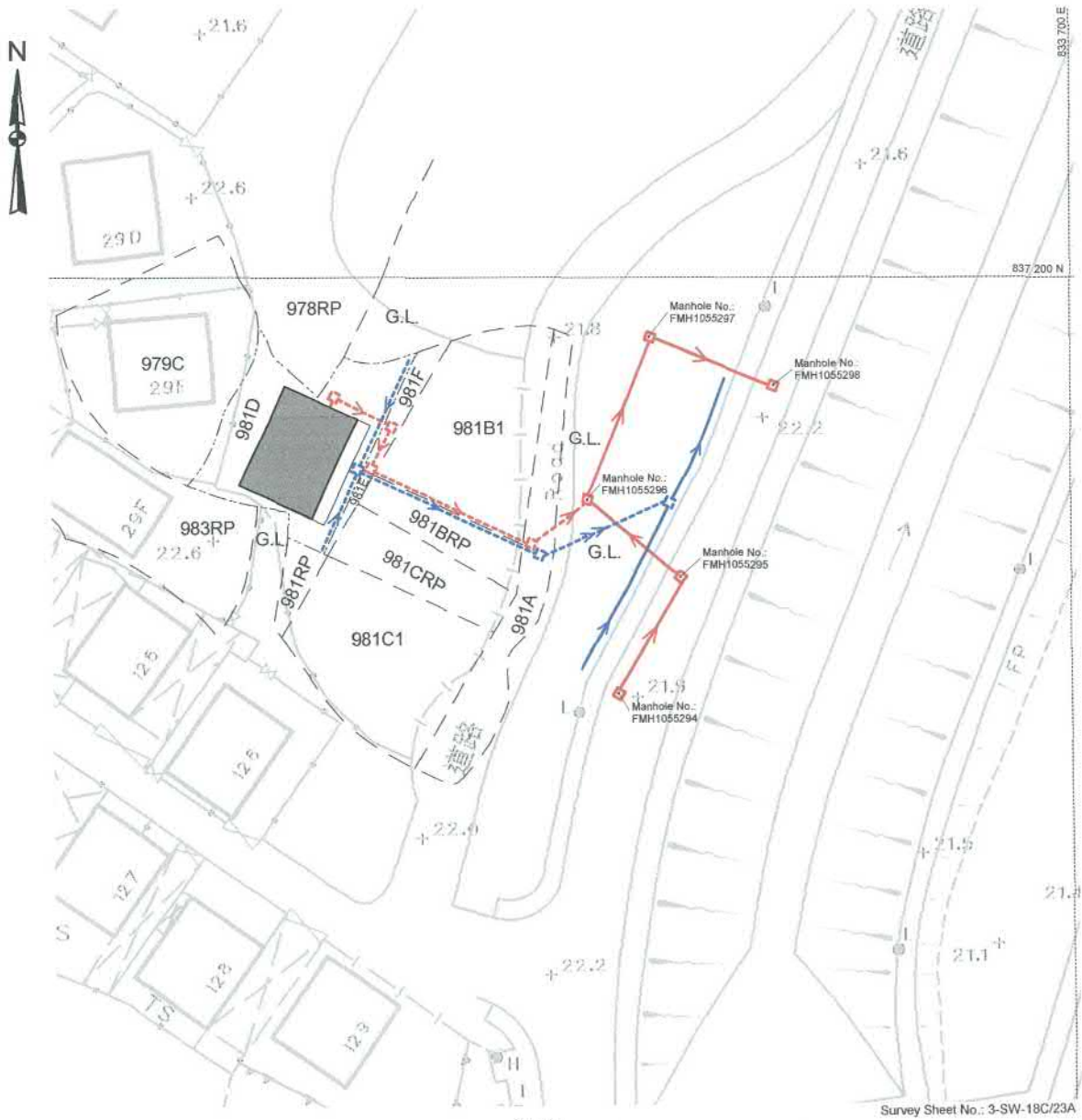


Scale

Legend

-  Proposed NTEH
-  Proposed Balcony
-  Subject Lot Boundary
-  Adjacent Lot Boundary
-  Government Land

Proposed Sewerage Layout Plan Lot 981S.D in D.D.9



Legend

- | | |
|---|---|
|  Proposed Small House |  Proposed Catch pit |
|  Existing D.S.D. Sewer Manhole |  Existing U-channel |
|  Proposed Sewer Manhole |  Proposed U-channel |
|  Existing Sewer |  Proposed Storm Water Pipe |
|  Proposed Sewer | |

Gilbert P. H. Wu



Authorized Person Signature

Date: 18/3/2019

AP Registration No.: AP(A)2061/63

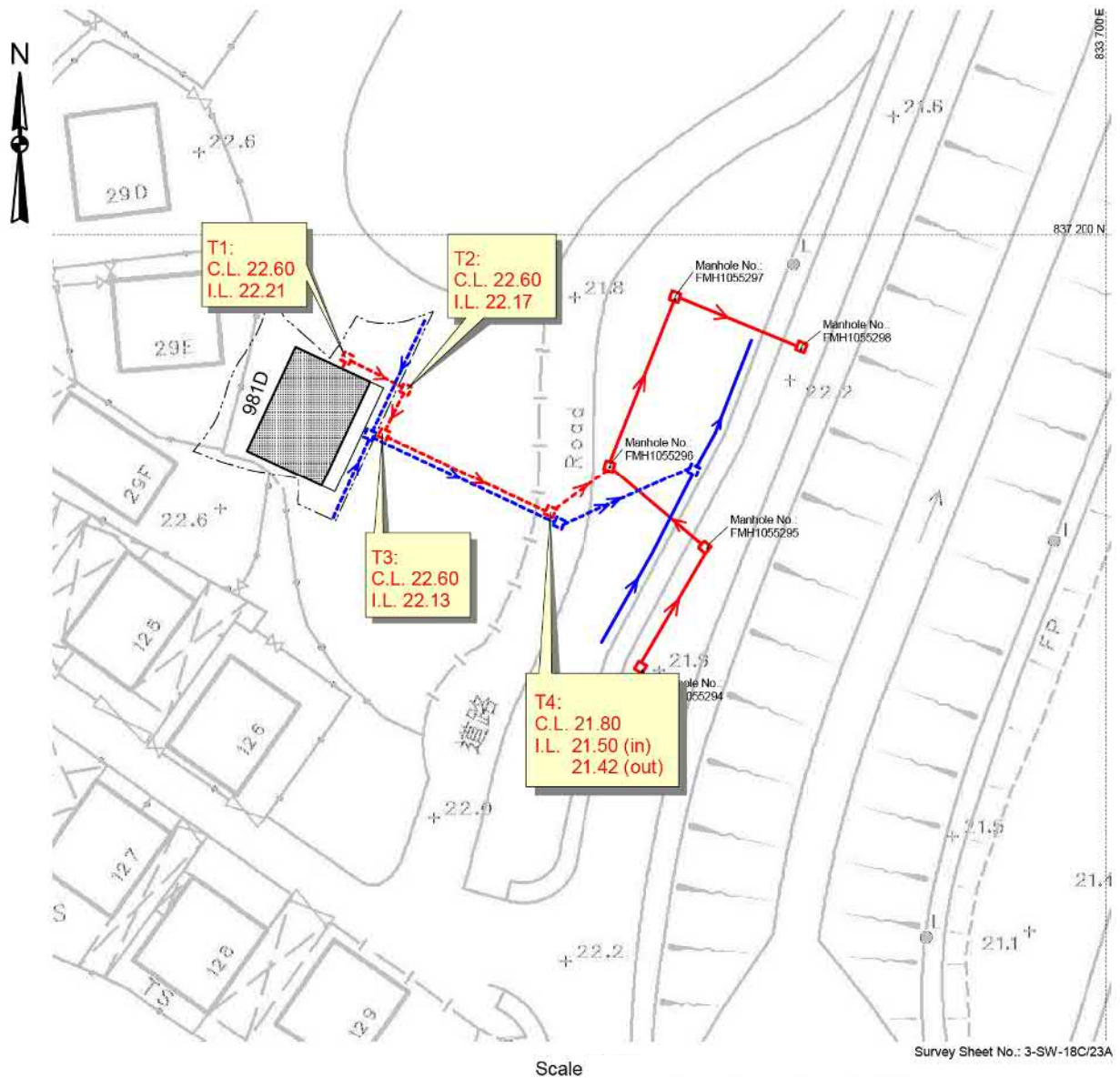
參考編號
REFERENCE No.

A/NE-KLH/562

繪圖 DRAWING A-2

(來源 : 申請人建議書)
(SOURCE : APPLICANT'S SUBMISSION PLAN)

Proposed Sewerage Invert Levels Design Plan Lot 981S.D in D.D.9



Proposed sewerage invert levels design information:

Proposed Sewer Manhole no.	Pipe material	Pipe diameter	Cover level (mPD)	Invert level (mPD)
T1	uPVC	150mm	22.60	22.21
T2	uPVC	150mm	22.60	22.17
T3	uPVC	150mm	22.60	22.13
T4	uPVC	150mm	21.90	21.50(inlet), 21.42(outlet)
DSD manhole no. FMH1055296	uPVC	150mm		21.12(inlet)

Legend:

- Proposed Small House
- Existing D.S.D. Sewer Manhole
- Proposed Sewer Manhole
- Existing Sewer
- Proposed Sewer
- Proposed Catch pit
- Existing U-channel
- Proposed U-channel
- Proposed Storm Water Pipe
- C.L. Cover Level
- I.L. Invert Level

Date: 22/5/2019

參考編號
REFERENCE No. A/NE-KLH/562

繪圖 DRAWING A-3

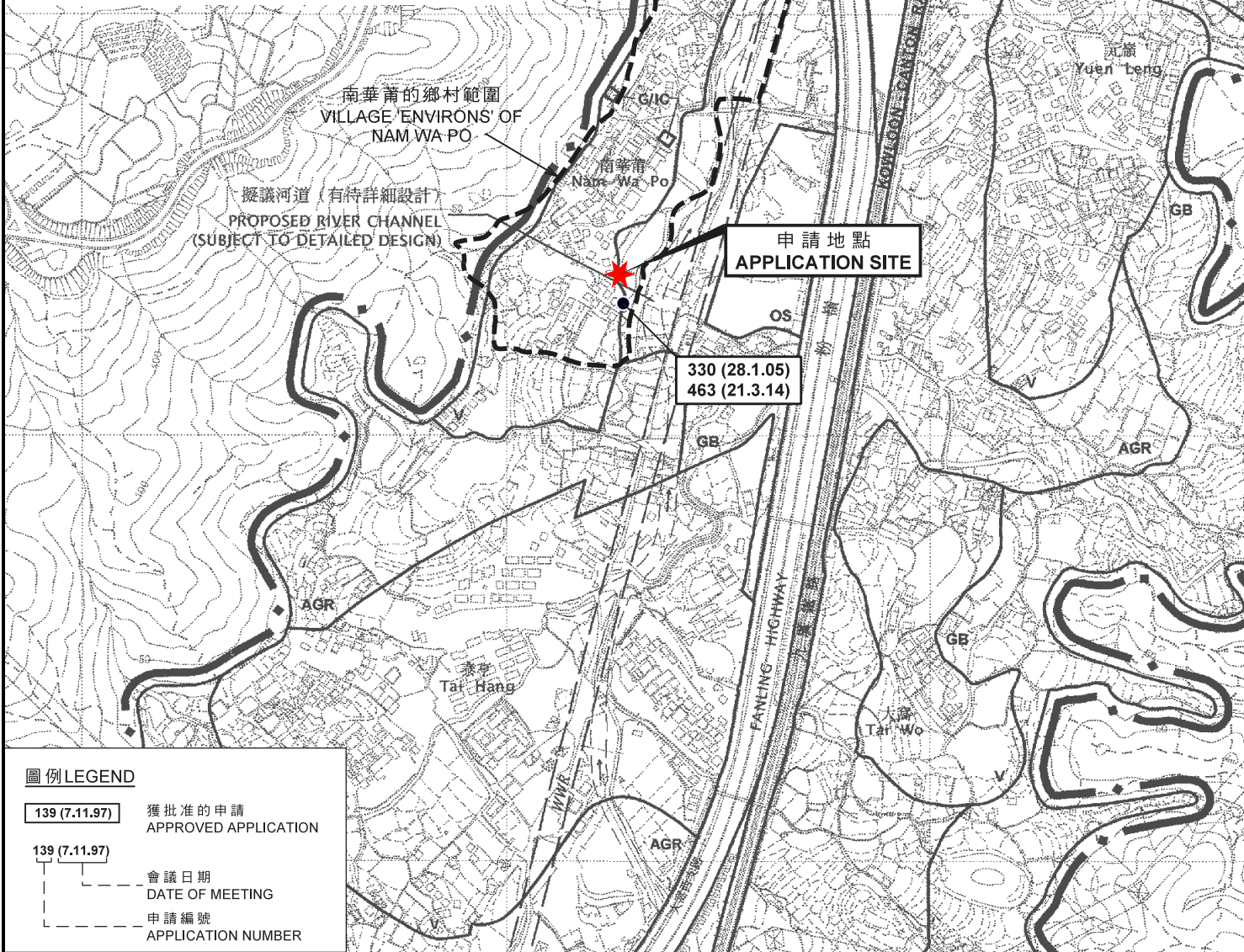
(來源 : 申請人建議書)
(SOURCE : APPLICANT'S SUBMISSION PLAN)



申請地點
APPLICATION SITE

要覽圖 KEY PLAN

SCALE 1 : 50 000 比例尺



南華莆的鄉村範圍
VILLAGE ENVIRONS OF
NAM WA PO

擬議河道 (有待詳細設計)
PROPOSED RIVER CHANNEL
(SUBJECT TO DETAILED DESIGN)

申請地點
APPLICATION SITE

330 (28.1.05)
463 (21.3.14)

圖例 LEGEND

- 139 (7.11.97) 獲批准的申請
APPROVED APPLICATION
- 139 (7.11.97) 會議日期
DATE OF MEETING
- 139 (7.11.97) 申請編號
APPLICATION NUMBER

位置圖 LOCATION PLAN

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)
新界大埔南華莆丈量約份第9約地段第981號D分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 981 S.D IN D.D. 9, NAM WA PO,
TAI PO, NEW TERRITORIES

SCALE 1 : 7 500 比例尺
米 100 0 100 200 300 米
METRES

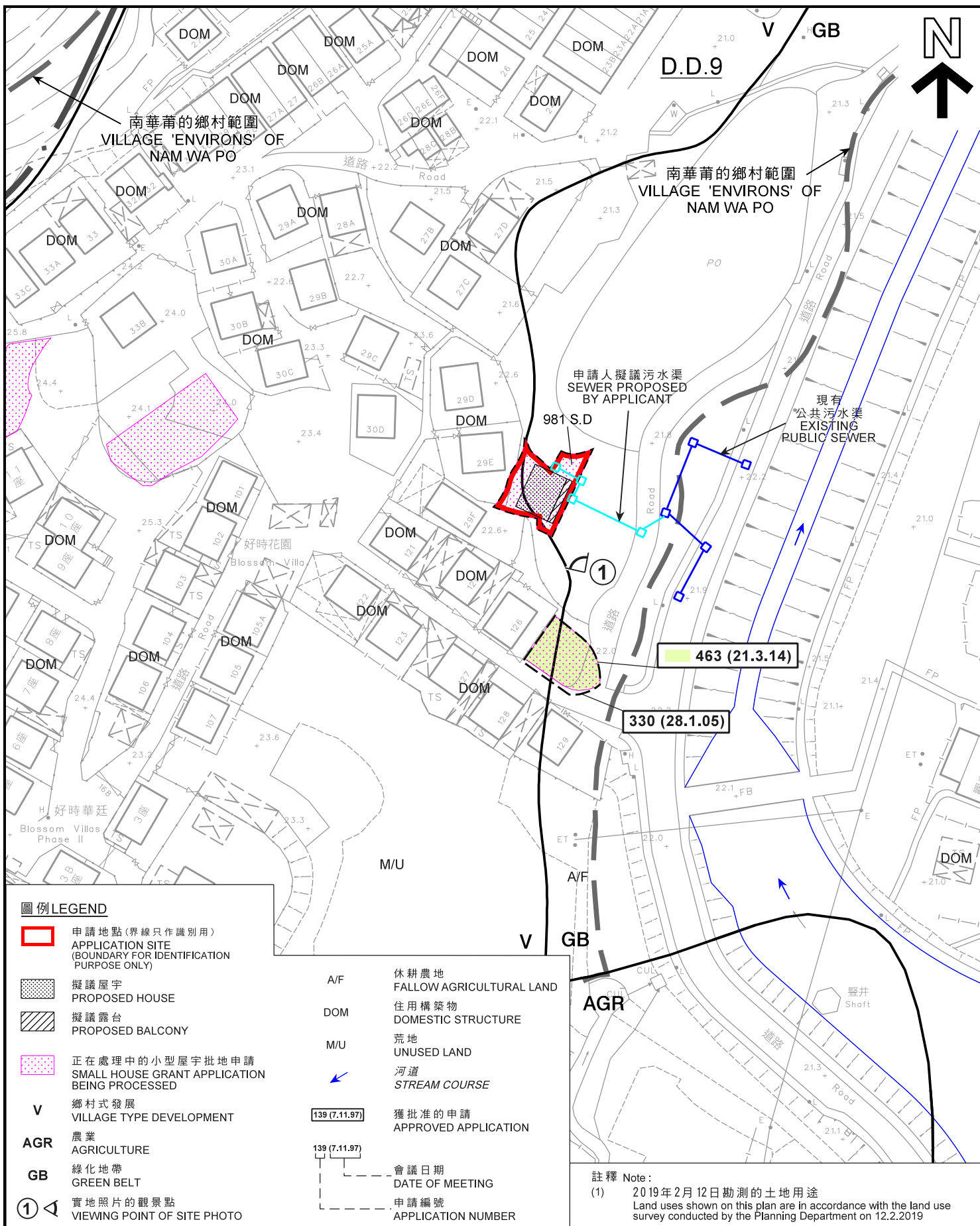
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/562

圖 PLAN
A-1

本摘要圖於2019年5月21日擬備，
所根據的資料為於2006年10月17日核准的
分區計劃大綱圖編號S/NE-KLH/11
EXTRACT PLAN PREPARED ON 21.5.2019
BASED ON OUTLINE ZONING PLAN
No. S/NE-KLH/11 APPROVED ON 17.10.2006



圖例 LEGEND

- 申請地點(界線只作識別用)
APPLICATION SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
- 擬議屋宇
PROPOSED HOUSE
- 擬議露台
PROPOSED BALCONY
- 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
- AGR** 農業
AGRICULTURE
- GB** 綠化地帶
GREEN BELT
- ①** 實地照片的觀景點
VIEWING POINT OF SITE PHOTO

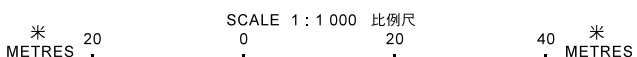
- A/F** 休耕農地
FALLOW AGRICULTURAL LAND
- DOM** 住用構築物
DOMESTIC STRUCTURE
- M/U** 荒地
UNUSED LAND
- ← 河道
STREAM COURSE
- 139 (7.11.97) 獲批准的申請
APPROVED APPLICATION
- 139 (7.11.97) 會議日期
DATE OF MEETING
- 139 (7.11.97) 申請編號
APPLICATION NUMBER

註釋 Note:
(1) 2019年2月12日勘测的土地用途
Land uses shown on this plan are in accordance with the land use survey conducted by the Planning Department on 12.2.2019

平面圖 SITE PLAN

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)
新界大埔南華莆丈量約份第9約地段第981號D分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 981 S.D IN D.D. 9,
NAM WA PO, TAI PO, NEW TERRITORIES

本摘要圖於2019年5月21日擬備，
所根據的資料為測量圖編號
3-SW-18C及23A
EXTRACT PLAN PREPARED ON 21.5.2019
BASED ON SURVEY SHEETS No.
3-SE-18C & 23A



規劃署
PLANNING
DEPARTMENT

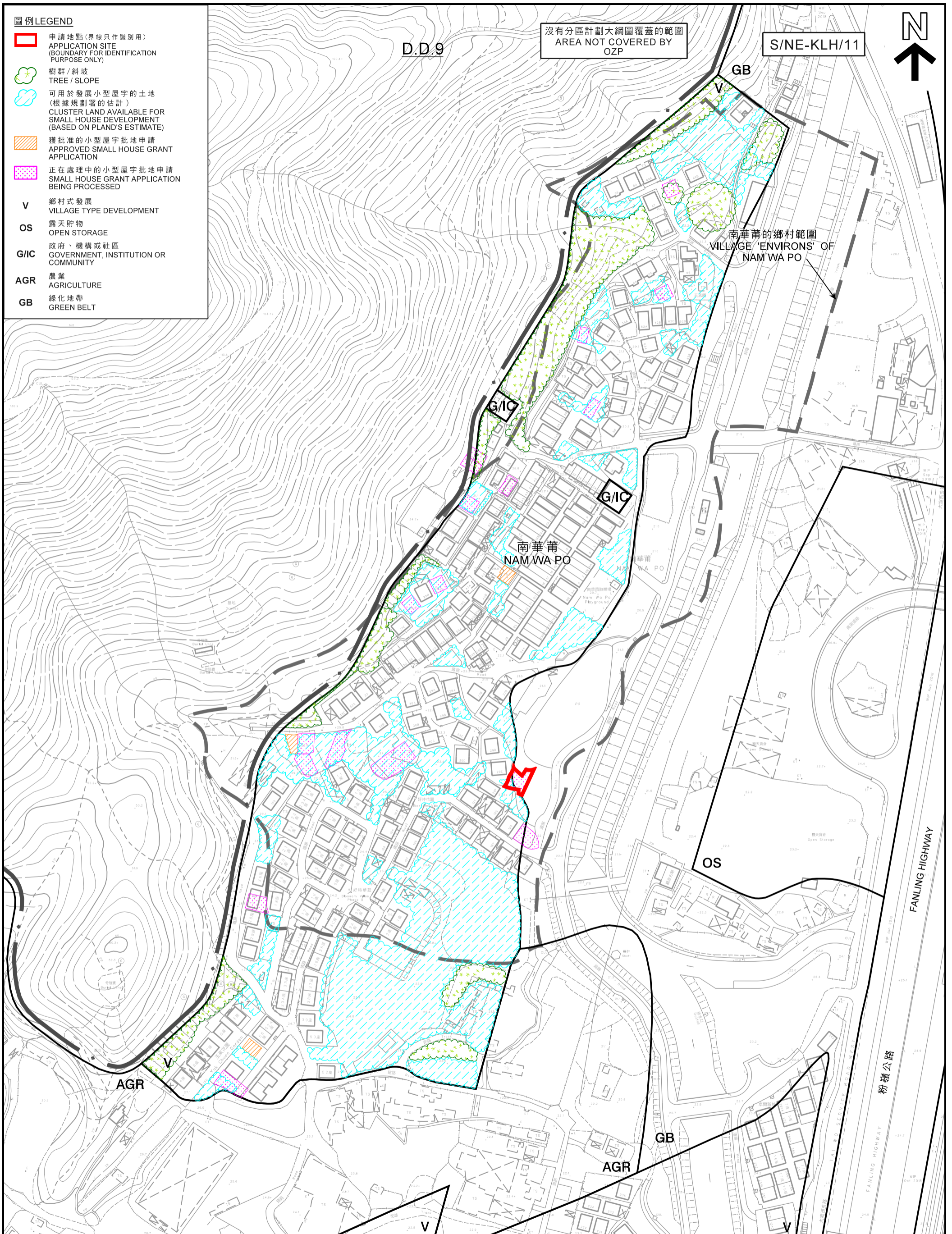


參考編號
REFERENCE No.
A/NE-KLH/562

圖 PLAN
A-2a

圖例 LEGEND

- 申請地點(界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)
- ✪ 樹群/斜坡
TREE / SLOPE
- 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)
- 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
- AGR** 農業
AGRICULTURE
- GB** 綠化地帶
GREEN BELT



沒有分區計劃大綱圖覆蓋的範圍
AREA NOT COVERED BY
OZP

S/NE-KLH/11



南華莆
NAM WA PO

南華莆的鄉村範圍
VILLAGE 'ENVIRONS' OF
NAM WA PO

AGR

OS

AGR

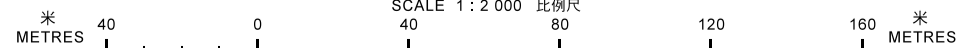
GB

FANLING HIGHWAY

粉嶺公路

本摘要圖於2019年5月23日擬備，
所根據的資料為測量圖編號
3-SW-18C、18D、23A及23B
EXTRACT PLAN PREPARED ON 23.5.2019
BASED ON SURVEY SHEETS
No. 3-SW-18C, 18D, 23A & 23B

在「鄉村式發展」地帶內預計可供發展小型屋宇的土地數量
ESTIMATED AMOUNT OF LAND AVAILABLE FOR
SMALL HOUSE DEVELOPMENT WITHIN THE "V" ZONE
擬議屋宇(新界豁免管制屋宇-小型屋宇)
新界大埔南華莆丈量約份第9約地段第981號D分段
PROPOSED HOUSE (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 981 S.D IN D.D. 9,
NAM WA PO, TAI PO, NEW TERRITORIES



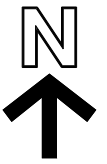
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/562

圖 PLAN
A-2b

沒有分區計劃
大綱圖覆蓋的範圍
AREA NOT
COVERED
BY OZP



S/NE-KLH/11

南華莆
NAM WA PO

G/C

G/C

OS

GB

AGR

圖例 LEGEND

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

航攝照片 AERIAL PHOTO

本摘要圖於2019年5月21日擬備，
所根據的資料為地政總署
於2018年3月12日拍得的航攝照片
編號E034622C
EXTRACT PLAN PREPARED ON 21.5.2019
BASED ON AERIAL PHOTO No. E034622C
TAKEN ON 12.3.2018 BY
LANDS DEPARTMENT

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)
新界大埔南華莆丈量約份第9約地段第981號D分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 981 S.D IN D.D. 9,
NAM WA PO, TAI PO, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/562

圖 PLAN
A-3

1



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

實地照片 SITE PHOTO

擬議屋宇(新界豁免管制屋宇－小型屋宇)
新界大埔南華莆丈量約份第9約地段第981號D分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 981 S.D IN D.D. 9, NAM WA PO,
TAI PO, NEW TERRITORIES

本圖於2019年2月15日擬備，所根據
的資料為攝於2019年2月1日的實地照片
PLAN PREPARED ON 15.2.2019 BASED ON
SITE PHOTO TAKEN ON 1.2.2019

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/562

圖 PLAN
A-4

**Extract of the Minutes of the
Rural and New Town Planning Committee Meeting held on 31.5.2019**

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/562 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" and "Village Type Development" Zones, Lot 981 S.D in
D.D. 9, Nam Wa Po, Tai Po
(RNTPC Paper No. A/NE-KLH/562A)

47. The Committee noted that a replacement page (P.1 of Appendix IV) rectifying an editorial error in paragraph 1(g) of Appendix IV had been dispatched to Members before the meeting.

Presentation and Question Sessions

48. 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) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Concerned government 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 objecting to the application were received from the Hong Kong Bird Watching Society and an individual. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views –PlanD did not support the 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 the “Green Belt” (“GB”) 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 Nam Wa Po and the proposed development located within water gathering grounds would be able to be connected to the public sewerage system. While land available within the “Village Type Development” (“V”) zone was insufficient to fully meet the future Small House demand, it was capable to meet the 18 outstanding Small House applications. A more cautious approach in approving applications for Small House development had been adopted and more weighting had been put on the number of outstanding Small House applications provided by the Lands Department. In this regard, 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 infrastructures and services. The planning circumstances of the current application were not similar to the approved similar applications within the same “GB” zone. Regarding the

adverse public comments, the comments of government departments and planning assessments above were relevant.

49. Members had no question on the application.

Deliberation Session

50. 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 “Green Belt” zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from this planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Nam Wa Po 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 a more orderly development pattern, efficient use of land and provision of infrastructures 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

Annex C

TOWN PLANNING BOARD

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

傳 真 Fax: 2877 0245 / 2522 8426

By Post & Fax

電 話 Tel: 2231 4810

來函編號 Your Reference:

覆函請註明本會編號

In reply please quote this ref.: TPB/A/NE-KLH/562

21 June 2019

Euro Asia Construction Engineering Ltd.

(Attn.: Lau Yuen Ping)

Dear Sir/Madam,

Proposed House (New Territories Exempted House - Small House) in "Green Belt" and "Village Type Development" Zones, Lot 981 S.D in D.D. 9, Nam Wa Po, Tai Po

I refer to my letter to you dated 27.5.2019.

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 "Green Belt" zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from this planning intention; and
- (b) land is still available within the "Village Type Development" ("V") zone of Nam Wa Po 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 a more orderly development pattern, efficient use of land and provision of infrastructures and services.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 31.5.2019 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 12.7.2019). 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

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 Small House concerned or approval of the emergency vehicular access thereto;
- (b) to note the comments of the Commissioner for Transport (C for T) that the road/footpath next to the application site (the Site) is not under Transport Department (TD)'s management. The land status, management and maintenance responsibilities of the road and footpath should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (c) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) the proposed Small House should be connected to the public sewer;
 - (ii) no actual construction of the proposed Small House until the public sewerage system is available for connection;
 - (iii) adequate land space within the Site should be reserved for connection of the proposed Small House to the public sewer;
 - (iv) written consent(s) should be obtained from the relevant lot owner(s) and/or LandsD for laying and maintaining sewage pipes across the adjacent lots; and
 - (v) the cost of sewer connection should be borne by the applicant;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) there is no existing DSD maintained public drains available for connection in the area. The applicant should have his own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems; and
 - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;

- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant should observe 'New Territories Exempted Houses – a Guide to Fire Safety Requirements' published by LandsD;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) the foul water drainage system of the proposed 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) 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 Small House to the public sewerage system via relevant private lot; and
 - (iii) for the provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (g) 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.