

RNTPC Paper No. A/NE-KLH/573
For Consideration by the
Rural and New Town Planning
Committee on 6.9.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KLH/573

<u>Applicant</u>	Mr. LEE Ka Wai represented by Rocky Fung Surveying Company
<u>Site</u>	Lot 310 S.C in D.D.9, Kau Lung Hang Village, Kau Lung Hang, Tai Po, N.T.
<u>Site Area</u>	About 167.8m 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>Zoning</u>	“Agriculture” (“AGR”)
<u>Application</u>	Proposed House (New Territories Exempted House (NTEH) - Small House)

1. The Proposal

1.1 The applicant, an indigenous villager of Yuen Leng Village, Tai Po as confirmed by the respective 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, ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ use in the “AGR” 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
Number of storeys	:	3
Building height	:	8.23m
Roofed over area	:	65.03m ²

1.3 The applicant proposes to use the uncovered area of the Site as garden. Layout of the proposed Small House and the proposed sewerage connection are shown on **Drawings A-1** and **A-2** respectively.

1.4 In support of the application, the applicant has submitted an application form with attachment on 10.7.2019 (**Appendix I**).

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.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 8 of the application form at **Appendix I**. They can be summarized as follows:

- (a) the land owner is an indigenous villager of Yuen Leng Village;
- (b) there is a shortage of land in the “Village Type Development” (“V”) zone, and the Site is the only land available to the applicant for Small House development;
- (c) the Site falls within the village ‘environs’ (‘VE’) of Yuen Leng and Kau Lung Hang Villages; and
- (d) the proposed Small House can be connected to the existing public sewerage system and the applicant has prepared a sewerage connection plan .

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

The applicant is the sole “current land owner” of the Site. 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 set of Interim Criteria with criterion (i) remained unchanged was promulgated on 7.9.2007 and is at **Appendix II**.

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

- 6.1 There are 104 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 them, eight applications (No. A/NE-KLH/245, 259, 273, 277, 279, 281, 283 and 284) were approved before criterion (i) of the Interim Criteria came into effect on 23.8.2002. Since then, 66 applications were approved, 29 applications were rejected and one application was partially approved and partially rejected.
- 6.2 A total of 48 applications (No. A/NE-KLH/304, 310, 311, 328, 339, 341, 343 – 347, 351, 352, 368, 370, 372, 375, 378, 379, 397, 400, 403, 406, 407,

409, 410, 415 – 417, 426, 432, 433, 438, 442, 450, 459, 467, 469 – 473, 481, 482, 487, 488, 491 and 494) were approved by the Committee or the Board upon review between 2003 and 2015 before the adoption of a more cautious approach by the Board. These applications were approved 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" zones at the time of consideration; the proposed development was able to be connected to the planned sewerage system; the application site was the subject of a previously approved case; and/or the proposed house was considered as an infill development.

- 6.3 After the Board's adoption of a more cautious approach, there are 17 applications (No. A/NE-KLH/503, 504, 519, 523, 529 – 531, 533, 535, 540 – 542, 553 – 555, 563 and 564) approved with conditions by the Committee between 2016 and 2019. While land was still available within the "V" zones to meet the outstanding Small House applications being processed by LandsD, applications No. A/NE-KLH/503, 504, 523, 529, 530, 531, 535, 541, 542, 553 – 555, 563 and 564 were approved mainly because there was previous approval whereas applications No. A/NE-KLH/519, 533 and 540 were approved mainly because the proposed house was considered as an infill development.
- 6.4 Application No. A/NE-KLH/358 for four Small Houses was partially approved with conditions by the Committee on 23.3.2007. Two proposed Small Houses were approved for being in compliance with the Interim Criteria in that more than 50% of the proposed Small House footprints locating within the 'VE'; there was a general shortage of land in meeting the demand for Small House development in the "V" zone at the time of consideration; and being able to be connected to the planned sewerage system. The other two proposed Small Houses were rejected mainly because they were not able to be connected to the existing or planned sewerage system in the area. Subsequently, application No. A/NE-KLH/527, being the subject of the approved portion of application No. A/NE-KLH/358, was approved by the Committee on 12.5.2017 mainly on sympathetic consideration as there was previous approval from the same applicant.
- 6.5 The remaining 29 applications (No. A/NE-KLH/300, 303, 312, 314, 315, 333, 334, 361, 380, 430, 439 – 441, 443, 444, 455, 478, 479, 483², 484, 521, 526, 537, 538, 544, 546, 549, 558 and 559) were rejected by the Committee or the Board on review between 2002 and 2019 mainly on the grounds of not being 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. Applications No. A/NE-KLH/440 and 441 were also rejected on the grounds that the applicant failed to demonstrate that the proposed development would have no adverse drainage and sewerage impacts on the surrounding areas. For applications No. A/NE-KLH/521, 526, 537, 538, 544, 546, 549, 558 and 559 rejected between 2017 and 2019, one of the rejection reasons was that land was

² Application No. A/NE-KLH/483 is the subject of Town Planning Appeal No. 8 of 2015, which was dismissed by the Town Planning Appeal Board on 1.9.2016 mainly on the same rejection reasons of the application by the Board on review.

still available within “V” zone for Small House development and it was considered more appropriate to concentrate the proposed Small House within “V” zone.

- 6.6 Details of the similar applications are summarized at **Appendix III** and their locations are shown on **Plans A-1** and **A-2a**.

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

7.1 The Site is:

- (a) located on flat land with groundcovers and weeds;
- (b) entirely within the ‘VE’ of Yuen Leng, Kau Lung Hang San Wai and Lo Wai; and
- (c) accessible via a local access.

- 7.2 The surrounding areas are predominantly rural in character comprising scattered tree groups, village houses and active/abandoned farmland. Village clusters are mainly found to the south and north of the Site. A streamcourse flowing from east to west is less than 20m to the south of the Site.

8. **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.

9. **Comments from Relevant Government Departments**

- 9.1 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	- -	100% 100%	- The Site and the proposed Small House footprint fall entirely within the “AGR” zone.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
2.	<p>Within 'VE'?</p> <ul style="list-style-type: none"> - Footprint of the Small House - Application site 	<p>100%</p> <p>100%</p>	<p>-</p> <p>-</p>	<ul style="list-style-type: none"> - The Site and the proposed Small House footprint fall entirely within the 'VE' of Yuen Leng, Kau Lung Hang San Wai and Lo Wai. - District Lands Officer/ Tai Po, Lands Department (DLO/TP, LandsD) has no objection to the application.
3.	<p>Sufficient land in "V" zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?</p>		✓	<p><u>Land Required</u></p> <ul style="list-style-type: none"> - Land required to meet Small House demand: about 12.35 ha (equivalent to 494 Small House sites). The outstanding Small House applications are 133³ while the 10-year Small House demand forecast is 361.
	<p>Sufficient land in "V" zone to meet outstanding Small House applications?</p>	✓		<p><u>Land Available</u></p> <ul style="list-style-type: none"> - Land available within the "V" zone to meet Small House demand: about 6.43 ha (equivalent to about 256 Small House sites) (Plan A-2b).
4.	<p>Compatible with the planning intention of "AGR" zone?</p>		✓	<ul style="list-style-type: none"> - Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural development point of view as there are active agricultural activities in the vicinity; agricultural infrastructure such as water source and footpath is available; and the Site possesses potential for agricultural rehabilitation.
5.	<p>Compatible with surrounding area/ development?</p>	✓		<ul style="list-style-type: none"> - The surrounding areas are predominantly rural in character comprising scattered tree groups, village houses and active/abandoned farmland.
6.	<p>Within WGG?</p>	✓		<ul style="list-style-type: none"> - The Chief Engineer/Construction, Water Supplies Department (CE/C,

³ Among the 133 outstanding Small House applications, 80 of them fall within the "V" zone and 53 straddle or outside the "V" zone. For those 53 applications straddling or being outside the "V" zone, 16 of them have obtained valid planning approval from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				<p>WSD) has no objection to the application as the proposed Small House is able to be connected to public sewerage system.</p> <p>- Approval conditions on connection to public sewers and provision of protective measures to WGG are required.</p>
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire services installations and emergency vehicular access (EVA)?		✓	- 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 the development of a Small House can be tolerated on traffic grounds.
10.	Drainage impact?	✓		<p>- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application from public drainage viewpoint.</p> <p>- Approval condition on drainage proposal is required.</p>
11.	Sewerage impact?	✓		- The Director of Environmental Protection (DEP) has no objection to the application as the applicant has proposed to connect the Small House to existing public sewer (Plan A-2a), which has sufficient capacity to accommodate the discharge from the proposed Small House and there is sufficient level drop in between the connection.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
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 no tree is found within the Site and significant adverse impact on landscape resources is not anticipated.
13.	Geotechnical impact?		✓	
14.	Local objections conveyed by DO?		✓	

9.2 Comments from the following Government departments have been incorporated in paragraph 9.1 above. Detailed comments from Government departments 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/Consultant Management, Drainage Services Department;
- (g) Director of Agriculture, Fisheries and Conservation;
- (h) Director of Fire Services; and
- (i) Chief Engineer/Construction, Water Supplies Department.

9.3 The following Government departments have 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 the Geotechnical Engineering Office, Civil Engineering and Development Department;
- (d) Director of Electrical and Mechanical Services; and
- (e) District Officer (Tai Po), Home Affairs Department.

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

On 19.7.2019, the application was published for public inspection. During the statutory public inspection period, four public comments were received from World Wide Fund For Nature Hong Kong, Designing Hong Kong Limited, 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 “AGR” zone; land being available within the “V” zone for Small House development; setting undesirable precedent; and causing adverse environmental and ecological impacts.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed Small House development at the Site zoned “AGR” on the OZP. 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, and also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from the agricultural development point of view as there are active agricultural activities in the vicinity; agricultural infrastructure such as water source and road access are available; and the Site possesses potential for agricultural rehabilitation.
- 11.2 According to DLO/TP, LandsD’s record, the total number of outstanding Small House applications for Yuen Leng and Kau Lung Hang is 133 while the 10-year Small House demand forecast for the same villages is 361. Based on the latest estimate by the PlanD, about 6.43 ha of land (equivalent to about 256 Small House sites) are available within the “V” zones of Yuen Leng and Kau Lung Hang (**Plan A-2b**). As the proposed Small House footprint falls entirely within the ‘VE’ of the concerned villages, DLO/TP of LandsD has no objection to the application.
- 11.3 The Site is located on flat land with groundcovers and weeds. The proposed development is not incompatible with the surrounding area which is predominantly rural in character comprising scattered tree groups, village houses and active/abandoned farmland (**Plans A-2a and A-3**). CTP/UD&L of PlanD has no objection to the application from landscape planning perspective as no tree is found within the Site and significant adverse impact on landscape resources arising from the proposed development is not anticipated.
- 11.4 The Site falls within the upper indirect WGG and the applicant has proposed to connect the proposed Small House to existing public sewer (**Plan A-2a**). 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 and adequate space within the Site will be reserved for connection. Besides, C for T has general reservation on the application but considers that the application only involving the development of a Small House can be tolerated on traffic grounds. Other relevant Government departments including CE/CM and CE/MN of DSD, CHE/NTE of HyD, H(GEO) and PM/N of CEDD and D of FS have no objection to or no adverse comment on the application.
- 11.5 Regarding the Interim Criteria (**Appendix II**), more than 50% of the proposed Small House footprint falls within the ‘VE’ of Yuen Leng, Kau Lung Hang San Wai and Lo Wai and the proposed development within WGG would be able to be connected to the public sewerage system (**Plan A-2a**). While land available

within the “V” zones (about 6.43 ha or equivalent to about 256 Small House sites) (**Plan A-2b**) is insufficient to fully meet the future Small House demand, it is capable to meet the 133 outstanding Small House applications. It should be noted that the Board has adopted a more cautious approach in approving applications for Small House development in 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. Nevertheless, the Site is sandwiched by two approved applications for Small House developments to its immediate south (No. A/NE-KLH/563 and 564), which were approved by the Committee in March 2019, and an approved application (No. A/NE-KLH/426) to its immediate north. While the planning permission for application No. A/NE-KLH/426 lapsed on 29.1.2015, the same applicant has submitted a new application (No. A/NE-KLH/572) which will be considered by the Committee at this same meeting. Should application No. A/NE-KLH/572 be approved by the Committee as the site is the subject of a previous approval, the proposed Small House could be considered as an infill development, hence, sympathetic consideration might be given to the current application.

- 11.6 According to **Plan A-2a**, there are 19 similar applications for Small House development in close proximity to the Site. Application No. A/NE-KLH/259 was approved before criterion (i) of the Interim Criteria came into effect on 3.8.2002; and four applications (No. A/NE-KLH/310, 311, 358⁴ and 426) were approved between 2003 and 2011 before the Board’s adoption of the cautious approach in August 2015. After that, three applications (No. A/NE-KLH/527, 563 and 564) were approved in 2017 and 2019 mainly on sympathetic consideration as the application sites were the subject of previously approved cases (No. A/NE-KLH/310, 311 and 358). The remaining 11 applications were rejected between 2003 and 2019. Applications No. A/NE-KLH/314, 315, 333, 334 and 361 were rejected between 2003 and 2007 mainly on the grounds of not being able to be connected to the planned sewerage system in the area while applications No. A/NE-KLH/521, 537, 538, 549, 558 and 559 were rejected between 2017 and 2019 mainly because land was still available within the concerned “V” zones to meet the outstanding Small House applications received by LandsD. The planning circumstances of the current application are different from the above similar applications.
- 11.7 Regarding the public comments raising objection to the application on the grounds as detailed in paragraph 10 above, Government departments’ comments and the planning assessments in above paragraphs are relevant.

⁴ Application No. A/NE-KLH/358 was for four Small Houses. Two proposed Small Houses were approved whereas the other two proposed Small Houses were rejected on 23.3.2007

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 6.9.2023, 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**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
- (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" zones of Yuen Leng and Kau Lung Hang which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

- 13.2 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.
- 13.3 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.

14. Attachments

Appendix I	Application form and attachments received on 10.7.2019
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	Public comments
Appendix VI	Recommended advisory clauses
Drawing A-1	Layout plan submitted by the applicant
Drawing A-2	Sewerage connection proposal 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" zones
Plan A-3	Aerial photo
Plans A-4a to 4b	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 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 "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/573

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

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/245	Proposed House (New Territories Exempted House – Small House)	22.12.2000	A1 – A3
A/NE-KLH/259	Proposed House (New Territories Exempted House – Small House)	2.2.2001	A1, A3, 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/283	Proposed House (New Territories Exempted House – Small House)	15.3.2002	A1, A3, A5, A6
A/NE-KLH/284	Proposed House (New Territories Exempted House – Small House)	15.3.2002	A1, A3, A5, A6
A/NE-KLH/304	Proposed House (New Territories Exempted House – Small House)	21.2.2003	A1, A3, A7, A8
A/NE-KLH/310	Proposed House (New Territories Exempted House – Small House)	30.5.2003	A1 –A3, A7, A8
A/NE-KLH/311	Proposed House (New Territories Exempted House – Small House)	30.5.2003	A1 –A3, A7, A8
A/NE-KLH/328	Proposed House (New Territories Exempted House – Small House)	17.12.2004	A1, A2, A5, A6

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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/343	Proposed House (New Territories Exempted House – Small House)	14.7.2006 on review*	A1, A3, A7, A8
A/NE-KLH/344	Proposed House (New Territories Exempted House – Small House)	14.7.2006 on review*	A1, A3, A7, A8
A/NE-KLH/345	Proposed House (New Territories Exempted House – Small House)	23.12.2005	A1, A7, A8
A/NE-KLH/346	Proposed House (New Territories Exempted House - Small House)	17.2.2006	A1, A3, A7, A8
A/NE-KLH/347	Proposed House (New Territories Exempted House - Small House)	3.3.2006	A1, A3, A7, A8
A/NE-KLH/351	Proposed House (New Territories Exempted House – Small House)	18.8.2006	A1, A3, A7, A8
A/NE-KLH/352	Proposed House (New Territories Exempted House – Small House)	18.8.2006	A1, A3, A7, A8
A/NE-KLH/358	Proposed Four Houses (New Territories Exempted Houses – Small Houses)	23.3.2007 (Partially)	A1, A3, A7 – A9
A/NE-KLH/368	Proposed House (New Territories Exempted House – Small House)	18.4.2008	A1, A3, A7 – A9
A/NE-KLH/370	Proposed House (New Territories Exempted House – Small House)	18.7.2008	A1, A3, A7 – A9
A/NE-KLH/372	Proposed House (New Territories Exempted House – Small House)	1.8.2008	A1, A3, A7 – A9
A/NE-KLH/375	Proposed House (New Territories Exempted House – Small House)	10.10.2008	A1, A3, A7 – A9

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/378	Proposed House (New Territories Exempted House – Small House)	19.12.2008	A1, A3, A7 – A9
A/NE-KLH/379	Proposed House (New Territories Exempted House – Small House)	19.12.2008	A1, A3, A7 – A9
A/NE-KLH/397	Proposed Three Houses (New Territories Exempted House – Small House)	23.4.2010	A1, A3, A7 – A9
A/NE-KLH/400	Proposed House (New Territories Exempted House – Small House)	9.4.2010	A1, A3, A7 – A9
A/NE-KLH/403	Proposed House (New Territories Exempted House – Small House)	28.5.2010	A1, A3, A7 – A9
A/NE-KLH/406	Proposed House (New Territories Exempted House – Small House)	11.6.2010	A1, A3, A7 – A9
A/NE-KLH/407	Proposed House (New Territories Exempted House – Small House)	11.6.2010	A1, A3, A7 – A9
A/NE-KLH/409	Proposed House (New Territories Exempted House – Small House)	30.7.2010	A1, A3, A7 – A9
A/NE-KLH/410	Proposed House (New Territories Exempted House – Small House)	30.7.2010	A1, A3, A7 – A9
A/NE-KLH/415	Proposed House (New Territories Exempted House – Small House)	15.10.2010	A1, A3, A7 – A9
A/NE-KLH/416	Proposed House (New Territories Exempted House – Small House)	15.10.2010	A1, A3, A7 – A9
A/NE-KLH/417	Proposed House (New Territories Exempted House – Small House)	15.10.2010	A1, A3, A7 – A9
A/NE-KLH/426	Proposed House (New Territories Exempted House – Small House)	28.1.2011	A1, A3, A7 – A9
A/NE-KLH/432	Proposed House (New Territories Exempted House – Small House)	23.9.2011	A1, A7 – A10

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/433	Proposed House (New Territories Exempted House – Small House)	23.9.2011	A1, A7 – A10
A/NE-KLH/438	Proposed House (New Territories Exempted House – Small House)	1.6.2012	A1, A3, A7 – A9
A/NE-KLH/442	Proposed House (New Territories Exempted House-Small House)	19.10.2012	A1, A7 – A10
A/NE-KLH/450	Proposed House (New Territories Exempted House – Small House)	25.1.2013	A1, A3, A7, A8
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/469	Proposed House (New Territories Exempted House – Small House)	24.10.2014 on review	A1, A3, A7, A8
A/NE-KLH/470	Proposed House (New Territories Exempted House – Small House)	24.10.2014 on review	A1, A3, A7, A8
A/NE-KLH/471	Proposed House (New Territories Exempted House – Small House)	11.7.2014	A1, A3, A7, A8
A/NE-KLH/472	Proposed House (New Territories Exempted House – Small House)	11.7.2014	A1, A3, A7, A8
A/NE-KLH/473	Proposed House (New Territories Exempted House – Small House)	11.7.2014	A1, A3, A7, A8
A/NE-KLH/481	Proposed House (New Territories Exempted House – Small House)	22.8.2014	A1, A3, A4, A7, A8
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

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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
A/NE-KLH/494	Proposed 2 House (New Territories Exempted Houses – Small Houses)	21.8.2015	A1, A3, A7, A8
A/NE-KLH/503	Proposed House (New Territories Exempted House – Small House)	22.4.2016	A1, A7, A8, A10
A/NE-KLH/504	Proposed House (New Territories Exempted House – Small House)	22.4.2016	A1, A7, A8, A10
A/NE-KLH/519	Proposed House (New Territories Exempted House – Small House)	26.8.2016	A1, A3, A7, A8
A/NE-KLH/523	Proposed House (New Territories Exempted House – Small House)	9.12.2016	A1, A3, A7, A8
A/NE-KLH/527	Proposed House (New Territories Exempted House – Small House)	12.5.2017	A1, A3, A7, A8
A/NE-KLH/529	Proposed House (New Territories Exempted House – Small House)	23.6.2017	A1, A3, A7, A8
A/NE-KLH/530	Proposed House (New Territories Exempted House – Small House)	23.6.2017	A1, A3, A7, A8
A/NE-KLH/531	Proposed House (New Territories Exempted House – Small House)	23.6.2017	A1, A3, A7, A8
A/NE-KLH/533	Proposed House (New Territories Exempted House – Small House)	11.8.2017	A1, A7, A8
A/NE-KLH/535	Proposed House (New Territories Exempted House – Small House)	13.10.2017	A1, A3, A7, A8
A/NE-KLH/540	Proposed House (New Territories Exempted House – Small House)	22.12.2017	A1, A7, A8

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/541	Proposed House (New Territories Exempted House – Small House)	18.5.2018	A1, A7, A8, A11
A/NE-KLH/542	Proposed House (New Territories Exempted House – Small House)	16.3.2018	A1, A3, A7, A8
A/NE-KLH/553	Proposed House (New Territories Exempted House – Small House)	21.9.2018	A3, A7, A8
A/NE-KLH/554	Proposed House (New Territories Exempted House – Small House)	21.9.2018	A3, A7, A8
A/NE-KLH/555	Proposed House (New Territories Exempted House – Small House)	21.9.2018	A3, A7, A8
A/NE-KLH/563	Proposed House (New Territories Exempted House – Small House)	22.3.2019	A1, A7, A8
A/NE-KLH/564	Proposed House (New Territories Exempted House – Small House)	22.3.2019	A1, A7, A8

* * Appeal dismissed by Town Planning Appeal Board on 2.8.2007

Approval Conditions

- A1. The submission/provision of drainage facilities
- A2. The provision of fire services installations (FSIs)
- 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 water gathering ground (WGG)
- A9. The provision of fire fighting access, water supplies and FSIs
- 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/300	Proposed House (New Territories Exempted House – Small House)	11.10.2002	R1
A/NE-KLH/303	Proposed House (New Territories Exempted House – Small House)	7.2.2003	R1
A/NE-KLH/312	Proposed House (New Territories Exempted House – Small House)	30.5.2003	R1
A/NE-KLH/314	Proposed House (New Territories Exempted House – Small House)	25.7.2003	R1, R2, R3
A/NE-KLH/315	Proposed House (New Territories Exempted House – Small House)	25.7.2003	R1, R2, R3
A/NE-KLH/333	Proposed House (New Territories Exempted House – Small House)	15.7.2005	R1, R4
A/NE-KLH/334	Proposed House (New Territories Exempted House – Small House)	15.7.2005	R1, R4
A/NE-KLH/358	Proposed Four Houses (New Territories Exempted Houses – Small Houses)	23.3.2007 (Partially)	R1, R4
A/NE-KLH/361	Proposed House (New Territories Exempted House – Small House)	13.4.2007	R1, R3
A/NE-KLH/380	Proposed House (New Territories Exempted House – Small House)	13.3.2009	R1, R3, R5
A/NE-KLH/430	Proposed House (New Territories Exempted House – Small House)	8.7.2011	R1, R6
A/NE-KLH/439	Proposed House (New Territories Exempted House – Small House)	24.8.2012	R7

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/440	Proposed House (New Territories Exempted House – Small House)	1.2.2013 on review	R7, R8
A/NE-KLH/441	Proposed House (New Territories Exempted House – Small House)	1.2.2013 on review	R7, R8
A/NE-KLH/443	Proposed House (New Territories Exempted House – Small House)	19.10.2012	R1, R6
A/NE-KLH/444	Proposed House (New Territories Exempted House – Small House)	22.2.2013 on review	R7
A/NE-KLH/455	Proposed House (New Territories Exempted House – Small House)	13.12.2013	R7
A/NE-KLH/478	Proposed House (New Territories Exempted House – Small House)	8.8.2014	R1, R7
A/NE-KLH/479	Proposed House (New Territories Exempted House – Small House)	8.8.2014	R1, R7
A/NE-KLH/483	Proposed House (New Territories Exempted House – Small House)	1.9.2016 (Appeal dismissed) [#]	R1, R7
A/NE-KLH/484	Proposed House (New Territories Exempted House – Small House)	31.10.2014	R7
A/NE-KLH/521	Proposed House (New Territories Exempted House – Small House)	3.2.2017	R3, R9
A/NE-KLH/526	Proposed 6 Houses (New Territories Exempted Houses – Small Houses)	18.8.2017 on review	R1, R7, R9
A/NE-KLH/537	Proposed House (New Territories Exempted House – Small House)	8.6.2018 on review	R3, R9

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/538	Proposed House (New Territories Exempted House – Small House)	8.6.2018 on review	R3, R9
A/NE-KLH/544	Proposed House (New Territories Exempted House – Small House)	12.10.2018 on review	R1, R3, R7, R9, R10
A/NE-KLH/546	Proposed House (New Territories Exempted House – Small House)	4.5.2018	R1, R3, R9
A/NE-KLH/549	Proposed House (New Territories Exempted House – Small House)	7.9.2018	R3, R9
A/NE-KLH/558	Proposed House (New Territories Exempted House – Small House)	22.3.2019	R3, R9
A/NE-KLH/559	Proposed House (New Territories Exempted House – Small House)	22.3.2019	R3, R9

Appeal dismissed by Town Planning Appeal Board on 1.9.2016

Rejection Reasons

- R1. The proposed development did not comply with the 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 WGG, would not cause adverse impact on water quality in the area.
- R2. There was no information in the submission to demonstrate that the existing trees within the application site which should be preserved as far as possible, would not be affected by the proposed development.
- R3. The application was not in line with the planning intention of the “Agriculture” (“AGR”) 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.
- R4. The approval of the proposed development would set an undesirable precedent for other similar applications within WGG in the New Territories and would lead to irreversible damage to the water quality of the WGGs in Kau Lung Hang and other areas in the New Territories.

- R5. 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 "Village Type Development" ("V") zone of recognised villages.
- R6. The proposed development did not comply with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell outside both the "V" 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 WGG could be connected to the planned sewerage system in the area.
- R7. 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 existing/planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture.
- R8. There was no information in the submission to demonstrate that the proposed development would have no adverse drainage and sewerage disposal impacts on the surrounding areas.
- R9. Land was still available within the "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.
- R10. 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).

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 Yuen Leng 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;
- (c) the Site is held under Block Government Lease demised for agricultural use. The Small House application submitted by the applicant for the Site is still under processing;
- (d) the Site is not covered by any Modification of Tenancy or Building Licence;
- (e) the Site falls within the village 'environs' ('VE') of Yuen Leng and Kau Lung Hang;
- (f) the number of outstanding Small House applications and the number of 10-year Small House demand for the villages concerned are as follow:

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand *</u>
Kau Lung Hang	50	100
Yuen Leng	83	261

(* The figures of 10-year Small House demand were estimated and provided by the IIR of concerned villages and the information so obtained is not verified in any way by LandsD); and

- (g) if and after planning permission 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.

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 "Village Type Development" ("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 the “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; and

- (b) notwithstanding the above, he considers that the application only involving the development of a Small House can be tolerated on traffic grounds.

3. **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) the Site falls within “Agriculture” (“AGR”) zone, and is within the Water Gathering Ground (WGG). The applicant has proposed to connect the proposed Small House to an existing public sewer manhole at 130m to the southwest of the Site. The public sewer has sufficient capacity to accommodate the discharge from the proposed Small House and there is sufficient level drop in between the connection. However, the alignment of the proposed connection appears to lay on a stream/man-made channel;
- (b) there are also public sewer manholes at about 30m to the south of the Site. The applicant may explore the technical feasibility of this alternative connection to avoid the long distance of sewer connection as currently proposed. Drainage Services Department (DSD)’s views on the technical feasibility of the sewer connection proposal should be sought. Consent from the concerned lot owner(s) and LandsD should be obtained for the construction and maintenance of any intermediate private manholes and sewer pipes; and
- (c) no objection to the application on conditions that:
 - (i) the proposed Small 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 construction and maintenance of the sewerage pipes and intermediate private manholes across the adjacent lot(s);
 - (iii) adequate land space within the Site will be reserved for connection of the proposed Small 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.

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, village houses and abandoned farmland. The proposed development is not incompatible with the surrounding landscape character;
- (c) the Site is vacant and covered with grasses. No tree is found within the Site. Significant adverse impact on landscape resources due to the proposed development is not anticipated; and
- (d) in view that approved Small House applications are found in close proximity and the Site is not abutting prominent public frontage, significant adverse landscape and visual impact due to the proposed development is not anticipated. Should the Board approve the application, approval condition on 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, 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 areas;
- (c) there is no existing DSD maintained public drain 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 the 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) public sewers are available for connection in the vicinity of the Site. The applicant should follow the established procedures and requirements for connecting sewers from the Site to the public sewerage system. A connection proposal should be submitted for approval beforehand. Moreover, the sewerage connection will be subject to DSD's technical audit, for which an audit fee will be charged; and
- (e) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought.

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

- (a) the public sewerage works in the area of Kau Lung Hang have been completed under Public Works Projects (PWP) Item No. 4386DS/A (North District Sewerage Stage 2 Phase 1); and
- (b) the existing public sewerage works would have adequate capacity to meet the demand arising from the proposed development.

6. **Agriculture**

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

- the Site is overgrown with weeds. Nevertheless, there are active agricultural activities in the vicinity and agricultural infrastructure such as water source and footpath is available. The Site possesses potential for agricultural rehabilitation. As such, the application is not supported from agricultural development point of view.

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 less than 30m away from the nearest stream. Since the proposed Small House footprint falls entirely within the 'VE' of Yuen Leng, Kau Lung Hang San Wai and Lo Wai, and the proposed Small House should be able to be connected to public sewerage system as advised by DEP, it meets items B(a) and B(i) of the Interim Criteria;
- (c) he notes that DEP has no objection to the application provided that the applicant shall connect the proposed Small House to the 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; and
- (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the WGG; and
- (d) the applicant should also be advised on the followings:
 - (i) the whole of foul effluent from the proposed Small House shall be conveyed through cast iron pipes with sealed joints and hatchboxes;
 - (ii) since the proposed Small House itself is less than 30m from the nearest watercourse, it should be located as far away from the watercourse as possible; 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.

9. Demand and Supply of Small House Sites

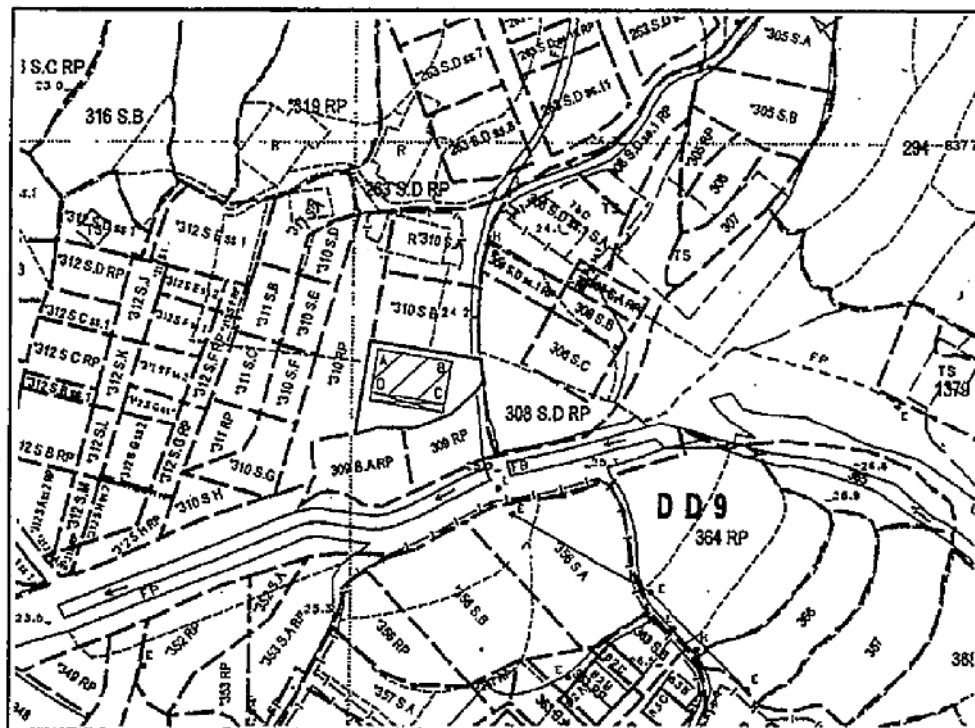
According to the DLO/TP, LandsD's record, the total number of outstanding Small House applications for Yuen Leng and Kau Lung Hang is 133 while the 10-year Small House demand forecast for the same villages is 361. Based on the latest estimate by the PlanD, about 6.43 ha of land (equivalent to about 256 Small House sites) are available within the "V" zone of Yuen Leng and Kau Lung Hang. Therefore, the land available cannot fully meet the future Small House demand of 494 Small Houses (equivalent to about 12.35 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 Director of Environmental Protection (DEP) that:
 - (i) the proposed Small House should be connected to the public sewer;
 - (ii) written consent(s) should be obtained from the adjacent lot owner(s) for construction and maintenance of the sewerage pipes and intermediate private manholes across the adjacent lot(s);
 - (iii) adequate land space within the Site should be reserved for connection of the proposed Small House to the public sewer;
 - (iv) the cost of construction of private sewerage, intermediate private manholes and sewer connection should be borne by the applicant; and
 - (v) there are also public sewer manholes at about 30m to the south of the Site. The applicant may explore the technical feasibility of this alternative connection to avoid the long distance of sewer connection as currently proposed. Drainage Services Department (DSD)'s view on the technical feasibility of the sewer connection proposal should be sought. Consent from the concerned lot owner(s) and LandsD should be obtained for the construction and maintenance of any intermediate private manholes and sewer pipes;
- (c) 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 drain 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 the 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;


- (ii) public sewers are available for connection in the vicinity of the Site. The applicant should follow the established procedures and requirements for connecting sewers from the Site to the public sewerage system. A connection proposal should be submitted for approval beforehand. Moreover, the sewerage connection will be subject to DSD's technical audit, for which an audit fee will be charged; and
- (iii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;
- (d) to note the comments of the Director of Fire Services that the applicant should observe 'New Territories Exempted Houses – a Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) the whole of foul effluent from the proposed Small House shall be conveyed through cast iron pipes with sealed joints and hatchboxes;
 - (ii) since the proposed Small House itself is less than 30m from the nearest watercourse, it should be located as far away from the watercourse as possible; 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
- (f) 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 SMALL HOUSE
LOT 310 S.C IN D.D.9



Height of 3-storey small house : 8.230m

 Proposed balcony (dimension: 1.220 X 10.668)

 Area of proposed small house : 65.03 sq.m. (about)

Side	Bearing	Distance	Northing	Easting	Point
A-B	99°27'59"	10.668	837671.089	834303.867	A
B-C	189°27'59"	6.096	837669.334	834314.390	B
C-D	279°27'59"	10.668	837663.321	834313.387	C
D-A	09°27'59"	6.096	837665.076	834302.854	D

Survey District: Tai Po	Survey Sheet No.: 3-SW-18D
Ref. Plan: ---	Plan No.: TP/9/310C-PSH1
Ref. SRP No.: SRP/TP/008/8072/01	Date: 14 June 2019

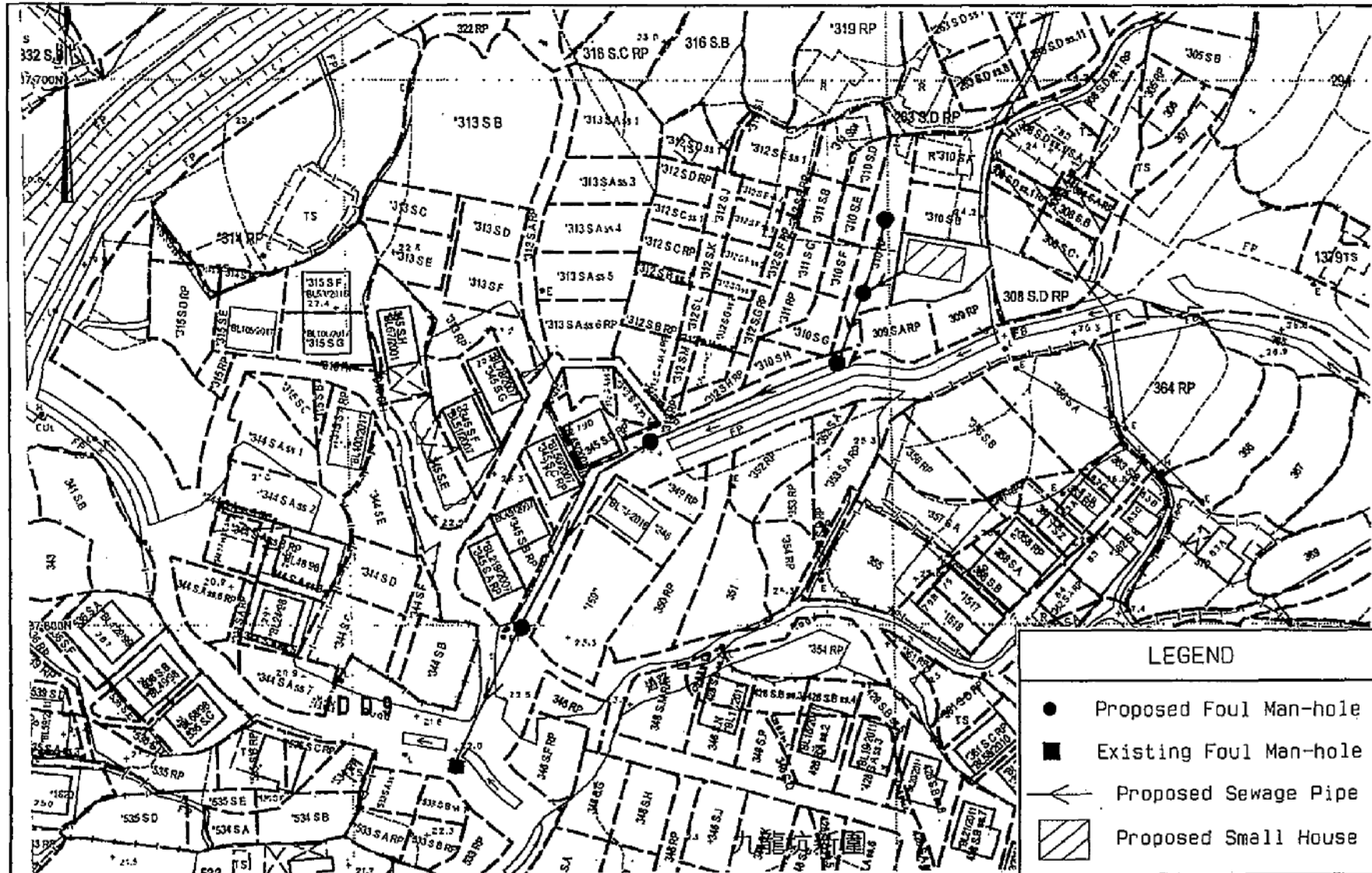
Rocky Fung Surveying Company
P.O BOX 406, FANLING POST OFFICE, N.T.

參考編號
REFERENCE No.

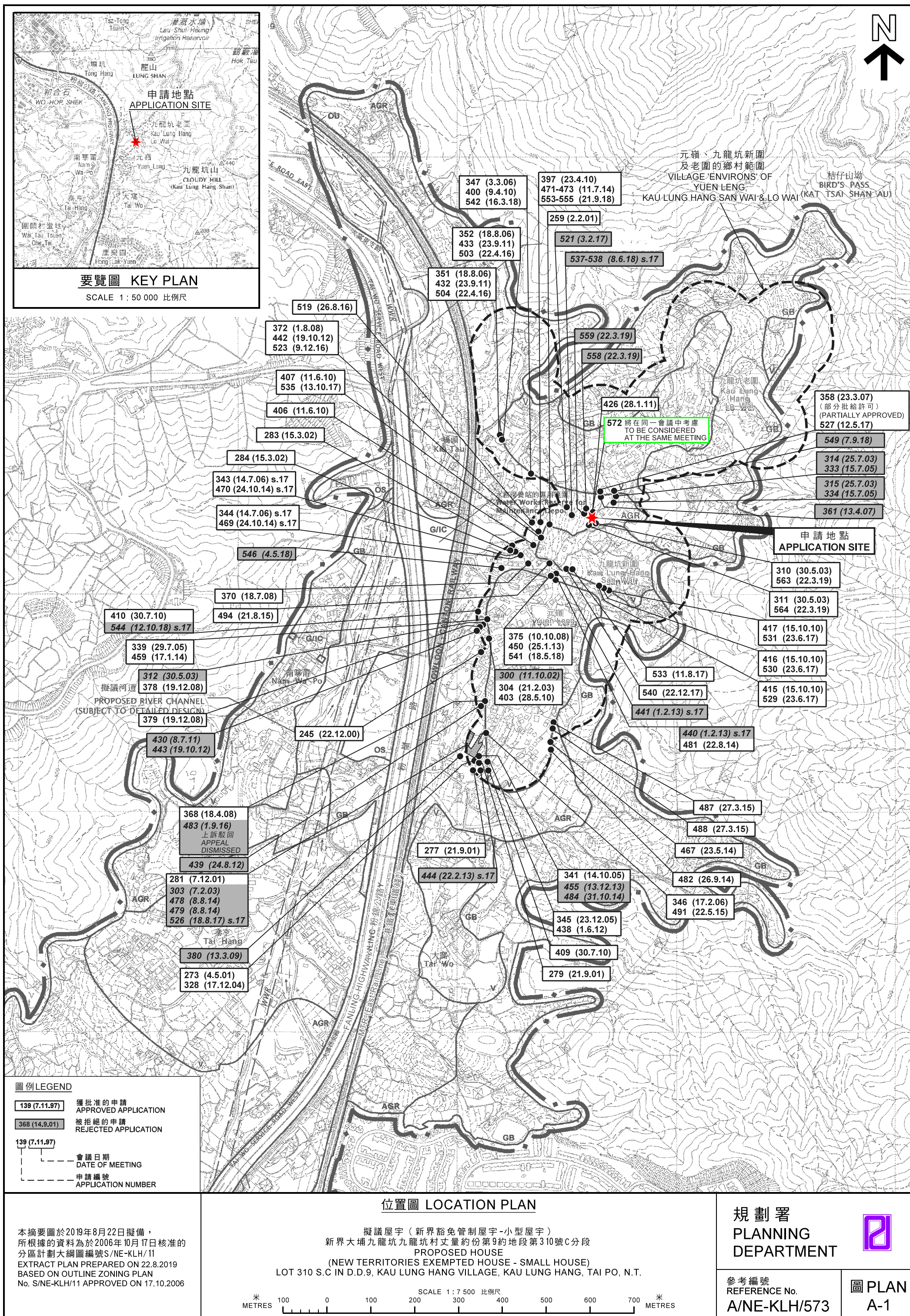
A/NE-KLH/573

繪圖 DRAWING A-1

PROPOSED SEWER PLAN OF LOT 310 S.C IN D.D.9



Appendix... 5



(1) 2019年7月19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 19.7.2019



本摘要圖於2019年8月29日擬備，
所根據的資料為測量圖編號
3-SW-18D
EXTRACT PLAN PREPARED ON 29.8.2019
BASED ON SURVEY SHEET No.
3-SW-18D

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
新界大埔九龍坑九龍坑村丈量約份第9約地段第310號C分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 310 S.C IN D.D.9,
KAU LUNG HANG VILLAGE, KAU LUNG HANG, TAI PO, N.T.

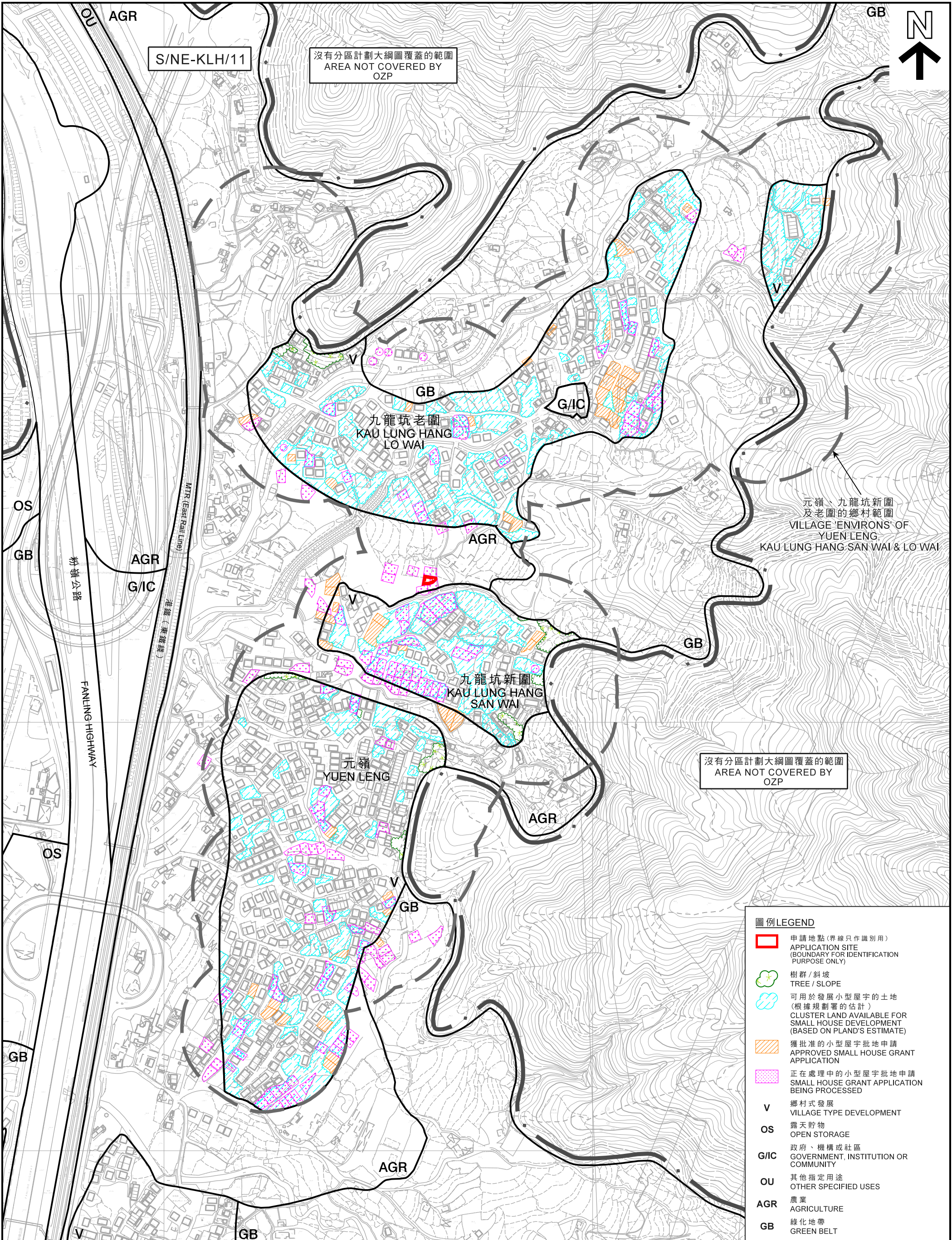
米 20 METRES 0 20 40 米 METRES
SCALE 1 : 1 000 比例尺

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/573

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

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2019年9月3日擬備，所根據的資料為測量圖編號
3SW-18B、18D、19A、19C、23B及24A
EXTRACT PLAN PREPARED ON 3.9.2019
BASED ON SURVEY SHEETS No.
3-SW-18B, 18D, 19A, 19C, 23B & 24A

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

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
PROPOSED HOUSE (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 310 S.C IN D.D.9,
KAU LUNG HANG VILLAGE, KAU LUNG HANG, TAI PO, N.T.

SCALE 1:4 000 比例尺

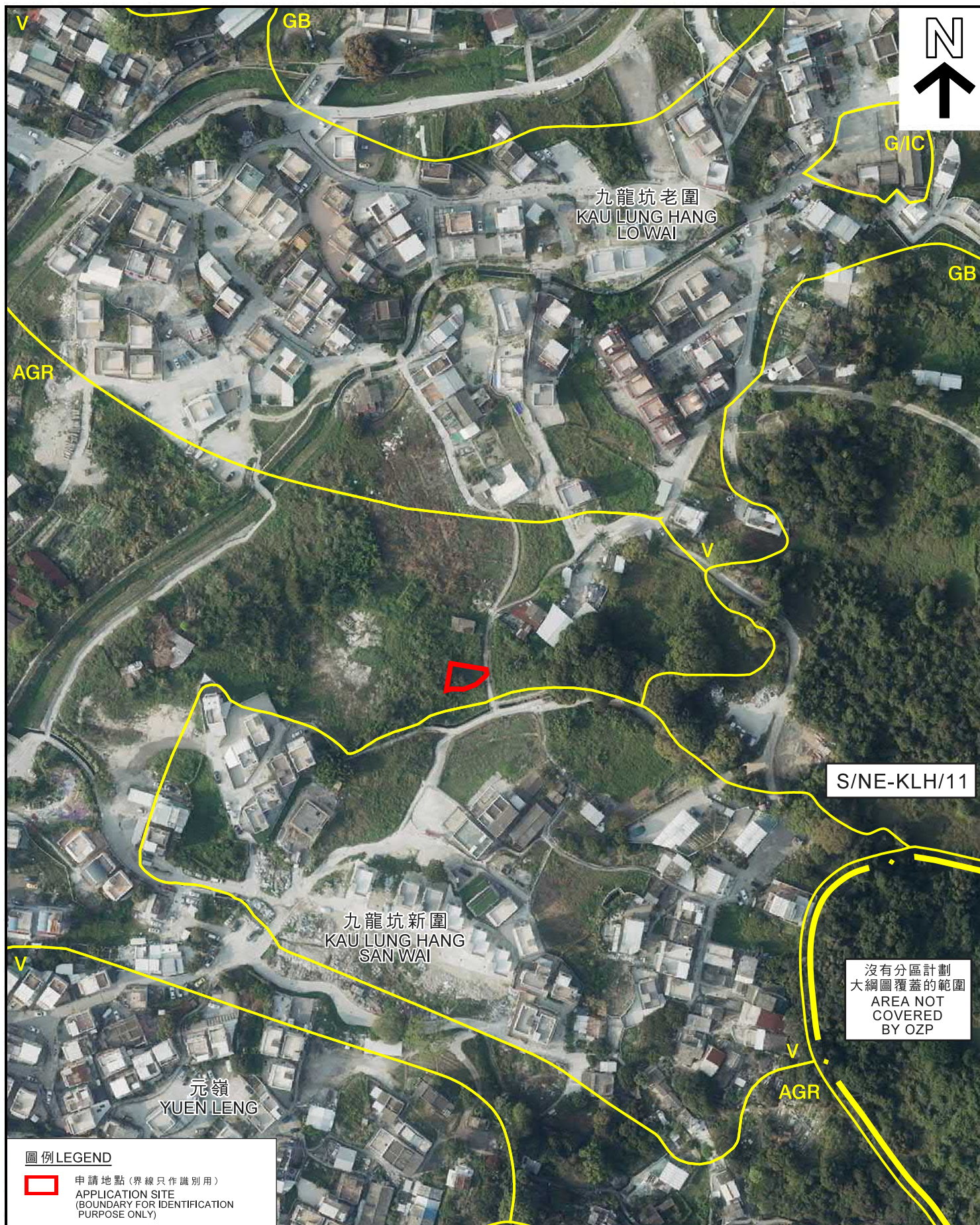
米 100 0 100 200 300 米

METRES

規劃署
PLANNING
DEPARTMENT

參考編號
REFERENCE No.
A/NE-KLH/573

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2019年8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E034566C
EXTRACT PLAN PREPARED ON 21.8.2019
BASED ON AERIAL PHOTO No. E034566C
TAKEN ON 12.3.2018 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)
新界大埔九龍坑九龍坑村丈量約份第9約地段第310號C分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 310 S.C IN D.D.9,
KAU LUNG HANG VILLAGE, KAU LUNG HANG, TAI PO, N.T.

規 劃 署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/573

圖 PLAN
A-3

1



2



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

實地照片 SITE PHOTOS

本圖於2019年8月23日擬備，所根據的資料為攝於2019年7月19日的實地照片
PLAN PREPARED ON 23.8.2019 BASED ON SITE PHOTOS TAKEN ON 19.7.2019

擬議屋宇（新界豁免管制屋宇-小型屋宇）
新界大埔九龍坑九龍坑村丈量約份第9約地段第310號C分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 310 S.C. IN D.D.9,
KAU LUNG HANG VILLAGE, KAU LUNG HANG, TAI PO, N.T.

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/573

圖 PLAN
A-4a

3



4



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

實地照片 SITE PHOTOS

本圖於2019年8月22日擬備，所根據的資料為攝於2019年7月19日的實地照片
PLAN PREPARED ON 22.8.2019 BASED ON SITE PHOTOS TAKEN ON 19.7.2019

擬議屋宇（新界豁免管制屋宇-小型屋宇）
新界大埔九龍坑九龍坑村丈量約份第9約地段第310號C分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 310 S.C IN D.D.9,
KAU LUNG HANG VILLAGE, KAU LUNG HANG, TAI PO, N.T.

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/573

圖 PLAN
A-4b

**Extract of the Minutes of the
Rural and New Town Planning Committee Meeting held on 6.9.2019**

Agenda Items 7 and 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/572 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” Zone, Lot 310 S.B in D.D.9, Kau Lung Hang Village,
 Kau Lung Hang, Tai Po
 (RNTPC Paper No. A/NE-KLH/572)

A/NE-KLH/573 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” Zone, Lot 310 S.C in D.D.9, Kau Lung Hang Village,
 Kau Lung Hang, Tai Po
 (RNTPC Paper No. A/NE-KLH/573)

32. The Committee noted that the two section 16 applications for New Territories Exempted Houses (NTEH) – Small Houses were similar in nature and the application sites (the Sites) were abutting each other and falling within the same “Agriculture” (“AGR”) zone, and agreed that they could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;

- (b) the proposed houses (NTEHs - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V (for application No. A/NE-KLH/572), as well as paragraph 9 and Appendix IV (for application No. A/NE-KLH/573) of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the Sites possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications but considered the applications involving the development of one Small House each could be tolerated. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, three and four public comments were received on application No. A/NE-KLH/572 and application No. A/NE-KLH/573 respectively. All the seven comments from the World Wild Fund for Nature Hong Kong, Designing Hong Kong Limited, the Hong Kong Bird Watching Society and an individual objected to applications. Major objection grounds were set out in paragraph 10 of the Papers; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Papers. Although the proposed developments were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications, the proposed developments were not incompatible with the surrounding rural setting. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, more than 50% of the footprint of each of the proposed Small Houses fell within the village ‘environ’ (‘VE’) of Yuen Leng, Kau Lung Hang San Wai and Lo Wai. Although 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 133 outstanding Small House applications. It should

be noted that the Committee had adopted a more cautious approach in approving applications for Small House development in recent years and it was considered more appropriate to concentrate the proposed Small House developments within the “V” zone. Nevertheless, for application No. A/NE-KLH/572, the Site was the subject of a previous approved application from the same applicant and the processing of the Small House grant was on-going. For application No. A/NE-KLH/573, the Site was sandwiched by three approved applications (one of which was the previous application for application No. A/NE-KLH/572). Should application No. A/NE-KLH/572 be approved by the Committee, the proposed Small House could be considered as an infill development. Hence, sympathetic considerations might be given to the two current applications. There were similar applications for Small House developments in the close proximity to the Sites. Regarding the adverse public comments, the comments of government departments and the planning assessments above were relevant.

34. In response to some Members’ enquiries, Ms Kathy C.L. Chan, STP/STN, said that PlanD’s recommended approval of the two applications was based on site specific considerations and the approval of the two applications would not set an undesirable precedent. In addition, the area was not wetland and according to the information submitted by the applicants, no land filling was required for the proposed Small Houses developments.

Deliberation Session

Application No. A/NE-KLH/572

35. Members noted that the application was the subject of a previous approved planning application for Small House but the permission had lapsed since 2015 while the relevant Small House grant application was still being processed by Lands Department (LandsD). A Member considered it was undesirable to approve both applications (No. A/NE-KLH/572 and A/NE-KLH/573) as there were no existing developments around the Sites and DAFC did not support the applications as the Sites had possessed potential for agricultural rehabilitation. While a Member considered that the length of time after the

be noted that the Committee had adopted a more cautious approach in approving applications for Small House development in recent years and it was considered more appropriate to concentrate the proposed Small House developments within the “V” zone. Nevertheless, for application No. A/NE-KLH/572, the Site was the subject of a previous approved application from the same applicant and the processing of the Small House grant was on-going. For application No. A/NE-KLH/573, the Site was sandwiched by three approved applications (one of which was the previous application for application No. A/NE-KLH/572). Should application No. A/NE-KLH/572 be approved by the Committee, the proposed Small House could be considered as an infill development. Hence, sympathetic considerations might be given to the two current applications. There were similar applications for Small House developments in the close proximity to the Sites. Regarding the adverse public comments, the comments of government departments and the planning assessments above were relevant.

34. In response to some Members’ enquiries, Ms Kathy C.L. Chan, STP/STN, said that PlanD’s recommended approval of the two applications was based on site specific considerations and the approval of the two applications would not set an undesirable precedent. In addition, the area was not wetland and according to the information submitted by the applicants, no land filling was required for the proposed Small Houses developments.

Deliberation Session

Application No. A/NE-KLH/572

35. Members noted that the application was the subject of a previous approved planning application for Small House but the permission had lapsed since 2015 while the relevant Small House grant application was still being processed by Lands Department (LandsD). A Member considered it was undesirable to approve both applications (No. A/NE-KLH/572 and A/NE-KLH/573) as there were no existing developments around the Sites and DAFC did not support the applications as the Sites had possessed potential for agricultural rehabilitation. While a Member considered that the length of time after the

expiry of previous planning permission should also be taken into account as one of the considerations, another Member opined that giving sympathetic consideration to the application was in line with the previous decisions of the Committee.

36. A Member enquired and Mr Simon S.W. Wang, Assistant Director/Regional 1, (AD/R1), LandsD replied that for sites requiring planning permissions, LandsD would not approve a Small House grant without a valid planning permission and the processing of Small House grant might take some time. Members agreed that consideration on the applications should be in line with the cautious approach in approving applications for Small House developments recently adopted by the Committee. However, Members discussed and generally agreed that although land available within the “V” zone was capable to meet the outstanding Small House applications, sympathetic consideration could be given on the current application since the Site was the subject of a previous approved planning application and the Small House grant for the Site was still under processing.

Application No. A/NE-KLH/573

37. Some Members agreed with PlanD’s recommendation that if application No. A/NE-KLH/572 was to be approved by the Committee, sympathetic consideration could be given to application No. A/NE-KLH/573 as it was an infill development. It would not set an undesirable precedent to encourage the spreading of Small Houses into the “AGR” zone given the specific site conditions. However, some Members noted that the Site was different from other infill sites in that it was not completely surrounded by developments as other than the Site of application No. A/NE-KLH/572 to its north and two other previously approved applications to its south, the surrounding areas were predominantly rural in character and covered by vegetation. Given the above, those Members generally considered that the current application should not be approved even if the approval of application No. A/NE-KLH/572 was granted on consideration that a more cautious approach had been adopted by the Committee in approving applications for Small House development and that there was no previous planning approval for Small House at the subject Site.

38. A Member remarked that regular site inspection by relevant authorities should be conducted for the surrounding areas of the application sites as the natural landscape of the area might be subject to potential vandalism.

For Application No. A/NE-KLH/572

39. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.9.2023, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (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 TPB; 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 TPB.”

40. The Committee also agreed to advise the applicant to note the advisory clauses as set out at Appendix VII of the Paper.

For Application No. A/NE-KLH/573

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

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

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

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/573

By Post

20 September 2019

Rocky Fung Surveying Co.

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House)
in "Agriculture" Zone, Lot 310 S.C in D.D.9, Kau Lung Hang Village,
Kau Lung Hang, Tai Po**

I refer to my letter to you dated 18.7.2019.

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

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 6.9.2019 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 11.10.2019). I will then contact you to arrange a hearing before the TPB which you and/or

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,
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傳 真 Fax: 2877 0245 / 2522 8426

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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/573

By Post

20 September 2019

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I refer to my letter to you dated 18.7.2019.

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

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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 11.10.2019). 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

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

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/245	Proposed House (New Territories Exempted House – Small House)	22.12.2000	A1 – A3
A/NE-KLH/259	Proposed House (New Territories Exempted House – Small House)	2.2.2001	A1, A3, 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/283	Proposed House (New Territories Exempted House – Small House)	15.3.2002	A1, A3, A5, A6
A/NE-KLH/284	Proposed House (New Territories Exempted House – Small House)	15.3.2002	A1, A3, A5, A6
A/NE-KLH/304	Proposed House (New Territories Exempted House – Small House)	21.2.2003	A1, A3, A7, A8
A/NE-KLH/310	Proposed House (New Territories Exempted House – Small House)	30.5.2003	A1 –A3, A7, A8
A/NE-KLH/311	Proposed House (New Territories Exempted House – Small House)	30.5.2003	A1 –A3, A7, A8
A/NE-KLH/328	Proposed House (New Territories Exempted House – Small House)	17.12.2004	A1, A2, A5, A6

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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/343	Proposed House (New Territories Exempted House – Small House)	14.7.2006 on review*	A1, A3, A7, A8
A/NE-KLH/344	Proposed House (New Territories Exempted House – Small House)	14.7.2006 on review*	A1, A3, A7, A8
A/NE-KLH/345	Proposed House (New Territories Exempted House – Small House)	23.12.2005	A1, A7, A8
A/NE-KLH/346	Proposed House (New Territories Exempted House - Small House)	17.2.2006	A1, A3, A7, A8
A/NE-KLH/347	Proposed House (New Territories Exempted House - Small House)	3.3.2006	A1, A3, A7, A8
A/NE-KLH/351	Proposed House (New Territories Exempted House – Small House)	18.8.2006	A1, A3, A7, A8
A/NE-KLH/352	Proposed House (New Territories Exempted House – Small House)	18.8.2006	A1, A3, A7, A8
A/NE-KLH/358	Proposed Four Houses (New Territories Exempted Houses – Small Houses)	23.3.2007 (Partially)	A1, A3, A7 – A9
A/NE-KLH/368	Proposed House (New Territories Exempted House – Small House)	18.4.2008	A1, A3, A7 – A9
A/NE-KLH/370	Proposed House (New Territories Exempted House – Small House)	18.7.2008	A1, A3, A7 – A9
A/NE-KLH/372	Proposed House (New Territories Exempted House – Small House)	1.8.2008	A1, A3, A7 – A9
A/NE-KLH/375	Proposed House (New Territories Exempted House – Small House)	10.10.2008	A1, A3, A7 – A9

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/378	Proposed House (New Territories Exempted House – Small House)	19.12.2008	A1, A3, A7 – A9
A/NE-KLH/379	Proposed House (New Territories Exempted House – Small House)	19.12.2008	A1, A3, A7 – A9
A/NE-KLH/397	Proposed Three Houses (New Territories Exempted House – Small House)	23.4.2010	A1, A3, A7 – A9
A/NE-KLH/400	Proposed House (New Territories Exempted House – Small House)	9.4.2010	A1, A3, A7 – A9
A/NE-KLH/403	Proposed House (New Territories Exempted House – Small House)	28.5.2010	A1, A3, A7 – A9
A/NE-KLH/406	Proposed House (New Territories Exempted House – Small House)	11.6.2010	A1, A3, A7 – A9
A/NE-KLH/407	Proposed House (New Territories Exempted House – Small House)	11.6.2010	A1, A3, A7 – A9
A/NE-KLH/409	Proposed House (New Territories Exempted House – Small House)	30.7.2010	A1, A3, A7 – A9
A/NE-KLH/410	Proposed House (New Territories Exempted House – Small House)	30.7.2010	A1, A3, A7 – A9
A/NE-KLH/415	Proposed House (New Territories Exempted House – Small House)	15.10.2010	A1, A3, A7 – A9
A/NE-KLH/416	Proposed House (New Territories Exempted House – Small House)	15.10.2010	A1, A3, A7 – A9
A/NE-KLH/417	Proposed House (New Territories Exempted House – Small House)	15.10.2010	A1, A3, A7 – A9
A/NE-KLH/426	Proposed House (New Territories Exempted House – Small House)	28.1.2011	A1, A3, A7 – A9
A/NE-KLH/432	Proposed House (New Territories Exempted House – Small House)	23.9.2011	A1, A7 – A10

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/433	Proposed House (New Territories Exempted House – Small House)	23.9.2011	A1, A7 – A10
A/NE-KLH/438	Proposed House (New Territories Exempted House – Small House)	1.6.2012	A1, A3, A7 – A9
A/NE-KLH/442	Proposed House (New Territories Exempted House-Small House)	19.10.2012	A1, A7 – A10
A/NE-KLH/450	Proposed House (New Territories Exempted House – Small House)	25.1.2013	A1, A3, A7, A8
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/469	Proposed House (New Territories Exempted House – Small House)	24.10.2014 on review	A1, A3, A7, A8
A/NE-KLH/470	Proposed House (New Territories Exempted House – Small House)	24.10.2014 on review	A1, A3, A7, A8
A/NE-KLH/471	Proposed House (New Territories Exempted House – Small House)	11.7.2014	A1, A3, A7, A8
A/NE-KLH/472	Proposed House (New Territories Exempted House – Small House)	11.7.2014	A1, A3, A7, A8
A/NE-KLH/473	Proposed House (New Territories Exempted House – Small House)	11.7.2014	A1, A3, A7, A8
A/NE-KLH/481	Proposed House (New Territories Exempted House – Small House)	22.8.2014	A1, A3, A4, A7, A8
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

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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
A/NE-KLH/494	Proposed 2 House (New Territories Exempted Houses – Small Houses)	21.8.2015	A1, A3, A7, A8
A/NE-KLH/503	Proposed House (New Territories Exempted House – Small House)	22.4.2016	A1, A7, A8, A10
A/NE-KLH/504	Proposed House (New Territories Exempted House – Small House)	22.4.2016	A1, A7, A8, A10
A/NE-KLH/519	Proposed House (New Territories Exempted House – Small House)	26.8.2016	A1, A3, A7, A8
A/NE-KLH/523	Proposed House (New Territories Exempted House – Small House)	9.12.2016	A1, A3, A7, A8
A/NE-KLH/527	Proposed House (New Territories Exempted House – Small House)	12.5.2017	A1, A3, A7, A8
A/NE-KLH/529	Proposed House (New Territories Exempted House – Small House)	23.6.2017	A1, A3, A7, A8
A/NE-KLH/530	Proposed House (New Territories Exempted House – Small House)	23.6.2017	A1, A3, A7, A8
A/NE-KLH/531	Proposed House (New Territories Exempted House – Small House)	23.6.2017	A1, A3, A7, A8
A/NE-KLH/533	Proposed House (New Territories Exempted House – Small House)	11.8.2017	A1, A7, A8
A/NE-KLH/535	Proposed House (New Territories Exempted House – Small House)	13.10.2017	A1, A3, A7, A8
A/NE-KLH/540	Proposed House (New Territories Exempted House – Small House)	22.12.2017	A1, A7, A8

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/541	Proposed House (New Territories Exempted House – Small House)	18.5.2018	A1, A7, A8, A11
A/NE-KLH/542	Proposed House (New Territories Exempted House – Small House)	16.3.2018	A1, A3, A7, A8
A/NE-KLH/553	Proposed House (New Territories Exempted House – Small House)	21.9.2018	A3, A7, A8
A/NE-KLH/554	Proposed House (New Territories Exempted House – Small House)	21.9.2018	A3, A7, A8
A/NE-KLH/555	Proposed House (New Territories Exempted House – Small House)	21.9.2018	A3, A7, A8
A/NE-KLH/563	Proposed House (New Territories Exempted House – Small House)	22.3.2019	A1, A7, A8
A/NE-KLH/564	Proposed House (New Territories Exempted House – Small House)	22.3.2019	A1, A7, A8
A/NE-KLH/572	Proposed House (New Territories Exempted House – Small House)	6.9.2019	A1, A7, A8

* ^ Appeal (against an advisory clause) dismissed by Town Planning Appeal Board on 2.8.2007

Approval Conditions

- A1. The submission/provision/implementation of drainage facilities
- A2. The provision of fire services installations (FSIs)
- 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 water gathering ground (WGG)

- A9. The provision of fire fighting access, water supplies and FSIs
- 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/300	Proposed House (New Territories Exempted House – Small House)	11.10.2002	R1
A/NE-KLH/303	Proposed House (New Territories Exempted House – Small House)	7.2.2003	R1
A/NE-KLH/312	Proposed House (New Territories Exempted House – Small House)	30.5.2003	R1
A/NE-KLH/314	Proposed House (New Territories Exempted House – Small House)	25.7.2003	R1, R2, R3
A/NE-KLH/315	Proposed House (New Territories Exempted House – Small House)	25.7.2003	R1, R2, R3
A/NE-KLH/333	Proposed House (New Territories Exempted House – Small House)	15.7.2005	R1, R4
A/NE-KLH/334	Proposed House (New Territories Exempted House – Small House)	15.7.2005	R1, R4
A/NE-KLH/358	Proposed Four Houses (New Territories Exempted Houses – Small Houses)	23.3.2007 (Partially)	R1, R4

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/361	Proposed House (New Territories Exempted House – Small House)	13.4.2007	R1, R3
A/NE-KLH/380	Proposed House (New Territories Exempted House – Small House)	13.3.2009	R1, R3, R5
A/NE-KLH/430	Proposed House (New Territories Exempted House – Small House)	8.7.2011	R1, R6
A/NE-KLH/439	Proposed House (New Territories Exempted House – Small House)	24.8.2012	R7
A/NE-KLH/440	Proposed House (New Territories Exempted House – Small House)	1.2.2013 on review	R7, R8
A/NE-KLH/441	Proposed House (New Territories Exempted House – Small House)	1.2.2013 on review	R7, R8
A/NE-KLH/443	Proposed House (New Territories Exempted House – Small House)	19.10.2012	R1, R6
A/NE-KLH/444	Proposed House (New Territories Exempted House – Small House)	22.2.2013 on review	R7
A/NE-KLH/455	Proposed House (New Territories Exempted House – Small House)	13.12.2013	R7
A/NE-KLH/478	Proposed House (New Territories Exempted House – Small House)	8.8.2014	R1, R7
A/NE-KLH/479	Proposed House (New Territories Exempted House – Small House)	8.8.2014	R1, R7
A/NE-KLH/483	Proposed House (New Territories Exempted House – Small House)	1.9.2016 (Appeal dismissed) [#]	R1, R7

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/484	Proposed House (New Territories Exempted House – Small House)	31.10.2014	R7
A/NE-KLH/521	Proposed House (New Territories Exempted House – Small House)	3.2.2017	R3, R9
A/NE-KLH/526	Proposed 6 Houses (New Territories Exempted Houses – Small Houses)	18.8.2017 on review	R1, R7, R9
A/NE-KLH/537	Proposed House (New Territories Exempted House – Small House)	8.6.2018 on review	R3, R9
A/NE-KLH/538	Proposed House (New Territories Exempted House – Small House)	8.6.2018 on review	R3, R9
A/NE-KLH/544	Proposed House (New Territories Exempted House – Small House)	12.10.2018 on review	R1, R3, R7, R9, R10
A/NE-KLH/546	Proposed House (New Territories Exempted House – Small House)	4.5.2018	R1, R3, R9
A/NE-KLH/549	Proposed House (New Territories Exempted House – Small House)	7.9.2018	R3, R9
A/NE-KLH/558	Proposed House (New Territories Exempted House – Small House)	22.3.2019	R3, R9
A/NE-KLH/559	Proposed House (New Territories Exempted House – Small House)	22.3.2019	R3, R9
A/NE-KLH/577	Proposed House (New Territories Exempted House – Small House)	15.11.2019	R1, R3, R9

Appeal dismissed by Town Planning Appeal Board on 1.9.2016

Rejection Reasons

R1. The proposed development did not comply with the 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 WGG, would not cause adverse impact on water quality in the area.

- R2. There was no information in the submission to demonstrate that the existing trees within the application site which should be preserved as far as possible, would not be affected by the proposed development.
- R3. The application was not in line with the planning intention of the “Agriculture” (“AGR”) 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.
- R4. The approval of the proposed development would set an undesirable precedent for other similar applications within WGG in the New Territories and would lead to irreversible damage to the water quality of the WGGs in Kau Lung Hang and other areas in the New Territories.
- R5. 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 “Village Type Development” (“V”) zone of recognised villages.
- R6. The proposed development did not comply with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell outside both the “V” 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 WGG could be connected to the planned sewerage system in the area.
- R7. 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 existing/planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture.
- R8. There was no information in the submission to demonstrate that the proposed development would have no adverse drainage and sewerage disposal impacts on the surrounding areas.
- R9. Land was still available within the “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.
- R10. 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).

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 Director of Environmental Protection (DEP) that:
 - (i) the proposed Small House should be connected to the public sewer;
 - (ii) written consent(s) should be obtained from the adjacent lot owner(s) for construction and maintenance of the sewerage pipes and intermediate private manholes across the adjacent lot(s);
 - (iii) adequate land space within the application site (the Site) should be reserved for connection of the proposed Small House to the public sewer;
 - (iv) the cost of construction of private sewerage, intermediate private manholes and sewer connection should be borne by the applicant; and
 - (v) there are also public sewer manholes at about 30m to the south of the Site. The applicant may explore the technical feasibility of this alternative connection to avoid the long distance of sewer connection as currently proposed. Drainage Services Department (DSD)'s view on the technical feasibility of the sewer connection proposal should be sought. Consent from the concerned lot owner(s) and LandsD should be obtained for the construction and maintenance of any intermediate private manholes and sewer pipes;
- (c) 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 drain 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 the 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;
 - (ii) public sewers are available for connection in the vicinity of the Site. The applicant should follow the established procedures and requirements for connecting sewers from the Site to the public sewerage system. A connection proposal should be submitted for approval beforehand. Moreover, the sewerage

connection will be subject to DSD's technical audit, for which an audit fee will be charged; and

- (iii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;
- (d) to note the comments of the Director of Fire Services that the applicant should observe 'New Territories Exempted Houses – a Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) the whole of foul effluent from the proposed Small House shall be conveyed through cast iron pipes with sealed joints and hatchboxes;
 - (ii) since the proposed Small House itself is less than 30m from the nearest watercourse, it should be located as far away from the watercourse as possible; 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
- (f) 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.