

RNTPC Paper No. A/NE-LT/623
 For Consideration by the
 Rural and New Town Planning
 Committee on 22.12.2017

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/623

<u>Applicant</u>	Mr. CHUNG Cheuk Nang represented by Mr. CHUNG Wai Wing
<u>Site</u>	Lot 1525 RP in D.D. 19, Tin Liu Ha, Lam Tsuen, Tai Po, New Territories
<u>Site Area</u>	About 143.2 m ²
<u>Lease</u>	Block Government Lease (demised for agricultural use)
<u>Plan</u>	Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/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, claiming as an indigenous villager of Tin Liu Ha¹, 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)' 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 |
| No. of storeys | : | 3 |
| Building height | : | 8.23m |
| Roofed over area | : | 65.03m ² |
- 1.3 Layout of the proposed Small House development and the proposed sewerage connection are shown on **Drawing A-1**.
- 1.4 In support of the application, the applicant has submitted application form and attachments on 30.10.2017 (**Appendix I**).

2. Justifications from the Applicant

No justification has been provided by the applicant.

¹ The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) advises that the indigenous villager status of the applicant has not yet been ascertained.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Assessment Criteria**

The set of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) was first promulgated on 24.11.2000 and had been amended four times on 30.3.2001, 23.8.2002, 21.3.2003 and 7.9.2007. On 23.8.2002, criterion (i) which requires that the application site, if located within water gathering grounds (WGG), should be able to be connected to the existing or planned sewerage system in the area was incorporated. The latest 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 nine similar applications involving seven sites for Small House development in the vicinity of the Site and within the same “AGR” zone since the first promulgation of the Interim Criteria on 24.11.2000 (**Plans A-1 and A-2a**).

6.2 Four applications (No. A/NE-LT/344, 345, 346 and 489) were approved with conditions by the Committee between 2005 and 2013 mainly on the grounds that the applications were in line with the Interim Criteria in that most of the footprint of the Small Houses was within the ‘VE’; there was a general shortage of land to meet the demand for Small House development in the concerned “V” zone at the times of consideration; and the proposed development was able to be connected to the planned sewerage system in the area. Application No. A/NE-LT/489 was also approved by the Committee in 2013 on the grounds of being the subject of a previously approved application (No. A/NE-LT/344) and there had been no major change in planning circumstances.

6.3 For the five rejected cases (No. A/NE-LT/413, 570, 571, 578 and 618), they were rejected by the Committee/the Board on review between 2011 and 2017 mainly on the grounds of not complying with the planning intention of “AGR” zone and the Interim Criteria in that there was no general shortage of land² in meeting the demand for Small House development in “V” zone at the times of consideration. Both Applications No. A/NE-LT/570 and 578 were also rejected for the reasons of not being able to be connected to the existing or planned sewerage system and land being still available within the “V” zone of concerned villages for Small House development. In addition, Application No. A/NE-LT/578 was rejected on the ground that the proposed development would cause adverse landscape impact to the surroundings.

² When applications No. A/NE-LT/344, 345 and 346 were considered, a uniform rate of 30 Small Houses was assumed per ha of land within “V” zone. Starting from 2010, the assumption was revised and a uniform rate of 40 Small Houses was assumed in considering applications No. A/NE-LT/413, 489, 570, 571, 578 and 618.

6.4 Details of the above 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 Area (Plans A-1, A-2a and photos on Plans A-3 and A-4)

7.1 The Site is:

- (a) flat, currently vacant and largely hard-paved;
- (b) located on the northern fringe of Sheung Tin Liu Ha; and
- (c) accessible via a local track.

7.2 The surrounding areas are predominantly rural in character with a mix of village houses, active and fallow agricultural land and tree groups. A village house³ is found to the immediate west of the Site and the village cluster of Sheung Tin Liu Ha is situated about 80m to the south.

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 footprint of the proposed Small House fall entirely within the "AGR" zone.
2.	Within 'VE'? - Footprint of the proposed Small House - Application site	100% 100%		- The Site and the footprint of the proposed Small House fall entirely within 'VE'. District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) has no objection to the application.

³ The Small House was approved on 27.11.1998 under Application No. A/NE-LT/179 before promulgation of the Interim Criteria.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
3.	Sufficient land in "V" zone to satisfy outstanding Small House applications and 10-year Small House demand?	✓		<ul style="list-style-type: none"> - Land required to meet Small House demand in Tin Liu Ha and Ko Tin Hom is about 3.5 ha (or equivalent to 140 Small House sites). The outstanding Small House applications are 10 while the 10-year Small House demand forecast for the same village is 130. - Land available to meet Small House demand within the "V" zone of the villages concerned: about 3.6 ha (or equivalent to 144 Small House sites) (Plan A2-b).
4.	Compatible with the planning intention of "AGR" zone?		✓	<ul style="list-style-type: none"> - The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural development point of view as agricultural infrastructure such as road access and water supply is available and the Site possesses potential for agricultural rehabilitation.
5.	Compatible with surrounding area/development?	✓		<ul style="list-style-type: none"> - The proposed Small House is not incompatible with the surrounding area which is rural in character occupied by active and fallow agricultural land, tree groups and village houses. Village houses are found in the vicinity of the Site.
6.	Within Water Gathering Ground (WGG)?	✓		<ul style="list-style-type: none"> - The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application as the Site is able to be connected to the public sewerage system in the area. - Approval conditions on connection to public sewers and provision of protective measures to WGG are required.
7.	Encroachment onto planned road networks and public works boundaries?		✓	

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
8.	Need for provision of fire services installations and emergency vehicular access (EVA)?		✓	- The Director of Fire Services (D of FS) has no in-principle objection to the application.
9.	Traffic impact?	✓		- The Commissioner for Transport (C for T) has reservation on the application but considers that the application can be tolerated unless it is rejected on other grounds.
10.	Drainage impact?	✓		- The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application from public drainage viewpoint. - Approval condition on submission and implementation of drainage proposal is required.
11.	Sewerage impact?		✓	- The Director of Environmental Protection (DEP) has no objection to the application. The Site is adjacent to the public sewer manhole and the applicant has proposed to connect the proposed Small House to the existing public sewerage at Tin Liu Ha. Sewer connection is feasible and capacity is available for the proposed Small House development. - The Chief Engineer/Project Management, Drainage Services Department (CE/PM, DSD) has no comment on the application since DSD's project 4332DS - Lam Tsuen Valley Sewerage was substantially completed.
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 point of view. The Site is vacant, hard paved and without tree and adverse impact on landscape resources is not anticipated.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
13.	Geotechnical impact		✓	- The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO) of CEDD) has no comment on the application.
14.	Local objections conveyed by DO?		✓	

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

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

9.3 The following Government departments have no comment on / no objection to the application:

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

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

On 7.11.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 28.11.2017, three public comments from Designing Hong Kong Limited, Hong Kong Bird Watching Society and an individual were received raising objection to the application mainly on the grounds of being not in line with the planning intention of "AGR" zones; not complying with the Interim Criteria in that there is no general shortage of land in meeting the demand for Small House development in the concerned "V" zone; land being still available within "V" zone for Small House development; and setting of undesirable precedent.

11. Planning Considerations and Assessments

- 11.1 The Site falls within an area zoned "AGR" (**Plan A-2a**). 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. DAFC does not support the application from the agricultural development point of view as agricultural infrastructure such as road access and water supply is available and the Site possesses potential for agricultural rehabilitation.
- 11.2 According to the DLO/TP, LandsD's records, the total number of outstanding Small House applications for Tin Liu Ha and Ko Tin Hom is 10 while the 10-year Small House demand forecast is 130. Based on the latest estimate by the Planning Department, about 3.6 ha (or equivalent to about 144 Small House sites) of land are available within the "V" zone of the concerned villages. As the footprint of the Small House falls entirely within the 'VE' of the concerned village, DLO/TP, LandsD has no objection to the application.
- 11.3 The Site located on the northern fringe of Sheung Tin Liu Ha (**Plans A-2a and A-3**) is currently vacant and largely hard-paved. There is a village house to the immediate west of the Site. The village cluster of Sheung Tin Liu Ha is located about 80m to the south. The proposed development is not incompatible with the existing landscape setting which is rural in character occupied by active and fallow agricultural land, tree groups and village houses. CTP/UD&L of PlanD has no objection to the application from landscape planning point of view as adverse impact on landscape resources is not anticipated.
- 11.4 The Site falls within the upper indirect WGG. CE/PM of DSD has no comment on the application since DSD's project 4332DS - Lam Tsuen Valley Sewerage was substantially completed. The applicant has proposed to connect the proposed Small House to the existing public sewerage at Tin Liu Ha (**Drawing A-1 and 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 the connection. C for T has reservation on the application but considers that the application can be tolerated unless it is rejected on other grounds. Other relevant Government departments including CE/MN of DSD, CHE/NTE of HyD, H(GEO) and PM/NTE of CEDD and D of FS have no objection to or adverse comment on the application.
- 11.5 Regarding the Interim Criteria (**Appendix II**), more than 50% of the footprint of the proposed Small House falls within the 'VE' of Sheung Tin Liu Ha and the proposed development within WGG would be able to be connected to the public sewerage system (**Plan A-2a**). However, as there is sufficient land within the "V" zone (about 3.6 ha or equivalent to about 144 Small House sites) (**Plan A-2b**) to fully meet the future Small House demand (about 3.5 ha or equivalent to about 140 Small Houses), the proposed development does not comply with the Interim Criteria in that there is no general shortage of land in meeting the demand for Small House development in the concerned "V" zone.

- 11.6 There are nine similar applications in the vicinity of the Site (**Plan A-1**). Four of them (applications No. A/NE-LT/344, 345, 346 and 489) were approved by the Committee between 2005 and 2013 mainly on the grounds of complying with the Interim Criteria in that there was a general shortage of land to meet the demand for Small House development in the concerned "V" zone at the times of consideration; and the proposed development was able to be connected to the planned sewerage system in the area. For the five rejected applications (No. A/NE-LT/413, 570, 571, 578 and 618), they were rejected by the Committee/the Board on review between 2011 and 2017 mainly on the grounds of being not in line with the planning intention of the "AGR" zone and the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in "V" zone. The circumstances of these rejected applications are similar to the current application.
- 11.7 Regarding the public comments objecting to the application mainly on the grounds of being not in line with the planning intention of "AGR" zone, not complying with the Interim Criteria in that there is no general shortage of land in meeting the demand for Small House development in the concerned "V" zone, land being still available within "V" zone for Small House development, and setting of undesirable precedent, Government departments' comments and the planning assessments and considerations above are relevant.

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 does not support the application for the following reasons:
- (a) the proposed development is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention;
 - (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the "V" zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom; and
 - (c) land is still available within the "V" zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom 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.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until **22.12.2021**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

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

Advisory Clauses

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

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 attachment received on 30.10.2017
Appendix II	Interim Criteria
Appendix III	Similar applications
Appendix IV	Detailed comments from relevant Government departments
Appendix V	Public comments
Appendix VI	Recommended advisory clauses
Drawings A-1 and A-2	Site plans submitted by the applicant
Plan A-1	Location plan
Plan A-2a	Site plan

Plan A-2b	Estimated amount of land available for Small House development within "V" zone
Plan A-3	Aerial photo
Plan A-4	Site photo

PLANNING DEPARTMENT
DECEMBER 2017

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

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

- (j) the provision of fire service installations and emergency vehicular access, if required, should be appropriate with the scale of the development and in compliance with relevant standards; and
- (k) all other statutory or non-statutory requirements of relevant Government departments must be met. Depending on the specific land use zoning of the application site, other Town Planning Board guidelines should be observed, as appropriate.

^i.e. the applicant can demonstrate that effluent discharge from the proposed development will be in compliance with the effluent standards as stipulated in the Water Pollution Control Ordinance Technical Memorandum.

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

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-LT/344	Proposed House (New Territories Exempted House - Small House)	25.11.2005	A1-A4
A/NE-LT/345	Proposed House (New Territories Exempted House - Small House)	25.11.2005	A1-A4
A/NE-LT/346	Proposed House (New Territories Exempted House - Small House)	17.3.2006	A1,A2,A4,A5
A/NE-LT/489	Proposed House (New Territories Exempted House - Small House)	13.12.2013	A1,A3,A4,A6

Approval Conditions

- A1. The submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board.
- A2. The submission and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.
- A3. The connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board.
- A4. The provision of protective measures to ensure no siltation occurred or no pollution to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.
- A5. The design, construction and maintenance of the sewerage facilities and the future connection of the sewerage system to public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board.
- A6. The provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-LT/413	New Territories Exempted House (Small House)	9.9.2011 (Review)	R1-R3
A/NE-LT/570	New Territories Exempted House (Small House)	27.5.2016	R3- R5
A/NE-LT/571	Proposed House (New Territories Exempted House - Small House)	24.6.2016	R1-R3
A/NE-LT/578	New Territories Exempted House (Small House)	24.6.2016	R3, R5, R6
A/NE-LT/618	New Territories Exempted House (Small House)	13.10.2017	R1, R3, R5

Rejection Reasons

- R1. The proposed development did not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” in that there was no shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Sheung Tin Liu Ha, Ha Tin Liu Ha and Ko Tin Hom.
- R2. Small Houses should be developed within the “V” zone so as to concentrate village type development for a more orderly development pattern, efficient use of land and provision of infrastructures and services.
- R3. The proposed development 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. The “AGR” zone was also intended to retain fallow arable land with good potential for rehabilitation, cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention.
- R4. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom and the applicant failed to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the planned sewerage system and would not cause adverse impact on the water quality in the area.
- R5. Land was still available within the “V” zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

- R6 The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the "V" zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom. The proposed development would cause adverse landscape impact on the surrounding area and the applicant failed to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the planned sewerage system and would not adversely affect the water quality in the area.

Detailed Comments from Relevant Government Departments

1. Land Administration

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

- (a) no objection to the application;
- (b) the applicant claimed himself as an indigenous villager (IV) of Tin Liu Ha. However, his eligibility of Small House grant has yet to be ascertained;
- (c) the Site is an Old Schedule Lot held under Block Government Lease (demised for agricultural use). The applicant is the registered owner of the subject lot and the Small House application has been received by LandsD;
- (d) the Site falls within the village 'environs' ('VE') of Sheung Tin Liu Ha and is not covered by any Modification of Tenancy or Building Licence;
- (e) the number of outstanding Small House applications and the number of 10-year Small House demand for the villages concerned are as follows:

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand</u>
Tin Liu Ha	8	130*
Ko Tin Hom	2	-

(*The figure of 10-year Small House demand was provided by the IIR of Tin Liu Ha in 2015 and the information so obtained is not verified by LandsD.)

- (f) should the application be approved 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 thereto; and
- (g) the proposed sewerage connection will be considered when the application is due for processing. Taking into consideration that the Site falls within the Water Gathering Ground (WGG), the applicant may be advised to connect the sewerage system to the proposed Government sewer under Drainage Services Department (DSD)'s project – Lam Tsuen Valley Sewerage.

2. Traffic

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

- (a) in general, he has reservation on the application. Such type of development should be confined within the "V" zone as far as possible.

Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside 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;

- (b) notwithstanding the above, the application only involving development of a Small House could be tolerated unless it is rejected on other grounds; and
- (c) the existing footpath on and near the Site is not under Transport Department’s management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid land disputes.

3. Environment

Comments of the Director of Environmental Protection (DEP):

the Site falls within “AGR” zone, and is within WGG. The applicant has proposed to connect the proposed Small House to the public sewer at Tin Liu Ha. The Site is adjacent to the public sewer manhole. Sewer connection is feasible and capacity is available. Therefore, he has no objection to the application on the conditions that:

- (a) the proposed Small House will be connected to the public sewer for sewage disposal;
- (b) adequate land space within the Site will be reserved for connection of the proposed Small House to the public sewer; and
- (c) the cost of sewer connection will be borne by the applicant.

4. Landscape

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

- (a) the Site is located at Tin Liu Ha and village houses are concentrated at the east and south, while vacant land and active farmland are found at the west and north of the Site. The Site is connected to Lam Kam Road and She Shan Road by footpaths from the west and north respectively;
- (b) the Site is situated in an area of rural landscape character comprising of scattered tree groups, Small Houses and vacant land. Although the proposed development is not in line with the planning intention of “AGR” zone, it is not incompatible with the surrounding environment;

- (c) the Site is now vacant and paved with asphalt and concrete. No tree is found within the Site. Adverse impact on landscape resources from the proposed development is not anticipated. It is noted that there is Government project under construction next to the Site and vegetation has been cleared within and adjacent to the Site prior to the submission of the current application. In view of the above, he has no objection to the application from the landscape planning perspective; and
- (d) since the footprint of the proposed Small House covers most of the Site, there is very limited space for landscaping within the Site. Should the application be approved, the standard condition for submission and implementation of landscaping proposal is not recommended.

5. Drainage and Sewerage

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) the Site is within an area where public stormwater drains are not available. If the application is approved, a condition should be included to request the applicant to submit and implement the drainage proposal for the Site to the satisfaction of the Director of Drainage Services or the Board to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) the Site is within an area where connections to existing sewerage networks are available in the vicinity. Should the applicant choose to connect his proposed drainage systems to DSD's networks, he shall furnish DSD with his connection proposal for agreement. Should the applicant choose to dispose of sewage of the proposed development through other means, views and comments from Environmental Protection Department should be sought;
- (d) the applicant is required to rectify/modify the drainage/sewerage systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify Government against claims and demands arising out of damage or nuisance caused by failure of the systems;
- (e) the applicant should be reminded to minimize the possible adverse environmental impacts on the existing stream course in his design and during construction. DEP and Director of Agriculture, Fisheries and Conservation should be consulted on possible environmental and/or ecological impacts of the proposed development; and
- (f) for works to be undertaken outside the lot boundary, the applicant should consult DLO/TP and seek consent from relevant private lot owners before commencement of the drainage works.

Comments of the Chief Engineer/Project Management, Drainage Services Department (CE/PM, DSD):

- since DSD's project 4332DS - Lam Tsuen Valley Sewerage was substantially completed, he has no comment on the application from project interface point of view.

6. Nature Conservation

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

- does not support the application from the agricultural development point of view as agricultural infrastructure such as road access and water supply is available and the Site possesses potential for agricultural rehabilitation.

7. Fire Safety

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

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

8. Water Supply

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

- (a) No objection to the application;
- (b) the Site is located within upper indirect WGG and is more than 30m away from the nearest stream. The proposed Small House footprint is entirely within the 'VE' of Sheung Tin Liu Ha. According to DEP, the Site is able to be connected to the public sewerage system in the area. Thus, compliance of the application with B(i) of the 'Interim Criteria for Consideration of Applications for NTEH/Small House in New Territories' can be reasonably established;
- (c) it is noted that DEP requires that the proposed Small House shall be connected to the sewerage system 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;

- (d) existing water mains inside the lot (**Plan A-2a**) will be affected. The applicant is required to either divert or protect the water mains found on site. If diversion is required, existing water mains inside the proposed lot are needed to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the grantee/applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence;
- (e) If diversion is not required, the following conditions shall apply:
 - (i) existing water mains are affected and no development which requires resiting of water mains will be allowed;
 - (ii) details of site formation works shall be submitted to the Director of Water Supplies for approval prior to commencement of works;
 - (iii) no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water main(s). Free access shall be made available at all times for staff of WSD or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (iv) no trees or shrubs with penetrating roots may be planted in the vicinity of the water main(s). No change of existing site condition may be undertaken within the area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
 - (v) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 metres around the cover of any valve or within a distance of 1 metre from any hydrant outlet; and
 - (vi) tree planting may be prohibited in the event that the Director of Water Supplies considers that there is any likelihood of damage being caused to water mains.

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 Tin Liu Ha and Ko Tin Hom is 10 while the 10-year Small House demand forecast for the same villages is 130. Based on the latest estimate by the Planning Department, about 3.6 ha (or equivalent to about 144 Small House sites) of land are available within the "V" zone of concerned villages. Therefore, there is no general shortage of land within "V" zone to meet the future Small House demand (about 3.5 ha or equivalent to about 140 Small House sites).

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Office/Tai Po, Lands Department (DLO/TP, LandsD) that if the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access thereto;
- (b) to note the comments of the Commissioner for Transport (C for T) that the existing footpath on and near the Site is not under Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid land disputes;
- (c) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) the proposed Small House should be connected to the public sewer for sewage disposal;
 - (ii) adequate land space within the Site should be reserved for connection of the proposed Small House to the public sewer; and
 - (iii) the cost of sewer connection should be borne by the applicant;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) the Site is within an area where connections to existing sewerage networks are available in the vicinity. Should the applicant choose to connect his proposed drainage systems to DSD's networks, he shall furnish DSD with his connection proposal for agreement. Should the applicant choose to dispose of sewage of the proposed development through other means, views and comments from Environmental Protection Department should be sought;
 - (ii) the applicant is required to rectify/modify the drainage/sewerage systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify Government against claims and demands arising out of damage or nuisance caused by failure of the systems;
 - (iii) the applicant should minimize the possible adverse environmental impacts on the existing stream course in his design and during construction. DEP and Director of Agriculture, Fisheries and Conservation should be consulted on possible environmental and/or ecological impacts of the proposed development; and
 - (iv) for works to be undertaken outside the lot boundary, the applicant should consult DLO/TP and seek consent from relevant private lot owners before commencement of the drainage works;

- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
- (i) existing water mains inside the lot will be affected. The applicant is required to either divert or protect the water mains found on site. If diversion is required, existing water mains inside the lot are needed to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the grantee/applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence;
 - (ii) If diversion is not required, the following conditions shall apply:
 - (a) existing water mains are affected and no development which requires resiting of water mains will be allowed;
 - (b) details of site formation works shall be submitted to the Director of Water Supplies for approval prior to commencement of works;
 - (c) no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water main(s). Free access shall be made available at all times for staff of WSD or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (d) no trees or shrubs with penetrating roots may be planted in the vicinity of the water main(s). No change of existing site condition may be undertaken within the area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
 - (e) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 metres around the cover of any valve or within a distance of 1 metre from any hydrant outlet; and
 - (f) tree planting may be prohibited in the event that the Director of Water Supplies considers that there is any likelihood of damage being caused to water mains;
- (f) to note the comments of the Director of Fire Services (D of FS) that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (g) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.

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permission was renewed. The permission was subject to the following conditions:

- “(a) the submission and implementation of a 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 of the TPB.”

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/623 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” Zone, Lot 1525 RP in D.D. 19, Tin Liu Ha Village, Lam
 Tsuen, Tai Po
 (RNTPC Paper No. A/NE-LT/623)

121. The Committee noted that a replacement page (Plan A-2b of the Paper) regarding revision to the cluster of land available for Small House development was dispatched for Members’ reference before the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application as agricultural infrastructure was available and the site possessed potential for agricultural rehabilitation. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, three public comments from Designing Hong Kong Limited, Hong Kong Bird Watching Society and an individual were received objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House was not in line with the planning intention of the “Agriculture” zone. As there was sufficient land within the “Village Type Development” (“V”) zone to meet the future Small House demand, the proposed Small House did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

123. Members had no question on the application.

Deliberation Session

124. After deliberation, the Committee decided to reject the application. The reasons

were:

- “(a) the proposed Small House development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention;
- (b) the proposed Small House development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom; and
- (c) land is still available within the “V” zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

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

傳真 Fax: 2877 0245 / 2522 8426

電話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/NE-LT/623

By Registered Post

12 January 2018

Chung Wai Wing

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House)
in "Agriculture" Zone, Lot 1525 RP in D.D. 19, Tin Liu Ha Village, Lam Tsuen, Tai Po**

I refer to my letter to you dated 6.11.2017.

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

- (a) the proposed Small House development is not in line with the planning intention of the "Agriculture" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention;
- (b) the proposed Small House development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom; and
- (c) land is still available within the "V" zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

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

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

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

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Kathy Chan of Sha Tin, Tai Po & North District Planning Office at 2158 6242.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

(With Chinese Translation)

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

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-LT/344	Proposed House (New Territories Exempted House - Small House)	25.11.2005	A1-A4
A/NE-LT/345	Proposed House (New Territories Exempted House - Small House)	25.11.2005	A1-A4
A/NE-LT/346	Proposed House (New Territories Exempted House - Small House)	17.3.2006	A1,A2,A4,A5
A/NE-LT/489	Proposed House (New Territories Exempted House - Small House)	13.12.2013	A1,A3,A4,A6
A/NE-LT/635	Proposed House (New Territories Exempted House - Small House)	18.5.2018	A1-A4

Approval Conditions

- A1. The submission and implementation of landscaping proposals.
- A2. The submission and provision of drainage facilities.
- A3. The connection of the foul water drainage system to public sewers.
- A4. The provision of protective measures to ensure no siltation occurred or no pollution to the water gathering grounds.
- A5. The design, construction and maintenance of the sewerage facilities and the future connection of the sewerage system to public sewers.
- A6. The provision of drainage facilities.

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-LT/413	Proposed House (New Territories Exempted House - Small House)	9.9.2011 (Review)	R1-R3
A/NE-LT/570	Proposed House (New Territories Exempted House - Small House)	27.5.2016	R3- R5
A/NE-LT/571	Proposed House (New Territories Exempted House - Small House)	24.6.2016	R1-R3
A/NE-LT/578	Proposed House (New Territories Exempted House - Small House)	24.6.2016	R3, R5, R6
A/NE-LT/618	Proposed House (New Territories Exempted House - Small House)	13.10.2017	R1, R3, R5

Rejection Reasons

- R1. The proposed development did not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” in that there was no shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Sheung Tin Liu Ha, Ha Tin Liu Ha and Ko Tin Hom.
- R2. Small Houses should be developed within the “V” zone so as to concentrate village type development for a more orderly development pattern, efficient use of land and provision of infrastructures and services.
- R3. The proposed development 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. The “AGR” zone was also intended to retain fallow arable land with good potential for rehabilitation, cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention.
- R4. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom and the applicant failed to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the planned sewerage system and would not cause adverse impact on the water quality in the area.
- R5. Land was still available within the “V” zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

- R6 The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the "V" zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom. The proposed development would cause adverse landscape impact on the surrounding area and the applicant failed to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the planned sewerage system and would not adversely affect the water quality in the area.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Office/Tai Po, Lands Department (DLO/TP, LandsD) that if the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access thereto;
- (b) to note the comments of the Commissioner for Transport (C for T) that the existing footpath on and near the Site is not under Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid land disputes;
- (c) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) the proposed Small House should be connected to the public sewer for sewage disposal;
 - (ii) adequate land space within the Site should be reserved for connection of the proposed Small House to the public sewer; and
 - (iii) the cost of sewer connection should be borne by the applicant;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) the Site is within an area where connections to existing sewerage networks are available in the vicinity. Should the applicant choose to connect his proposed drainage systems to DSD's networks, he shall furnish DSD with his connection proposal for agreement. Should the applicant choose to dispose of sewage of the proposed development through other means, views and comments from Environmental Protection Department should be sought;
 - (ii) the applicant is required to rectify/modify the drainage/sewerage systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify Government against claims and demands arising out of damage or nuisance caused by failure of the systems;
 - (iii) the applicant should minimize the possible adverse environmental impacts on the existing stream course in his design and during construction. DEP and Director of Agriculture, Fisheries and Conservation should be consulted on possible environmental and/or ecological impacts of the proposed development; and
 - (iv) for works to be undertaken outside the lot boundary, the applicant should consult LandsD and seek consent from relevant private lot owners before commencement of the drainage works;

- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) existing water mains inside the lot will be affected. The applicant is required to either divert or protect the water mains found on site. If diversion is required, existing water mains inside the lot are needed to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the grantee/applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence;
 - (ii) if diversion is not required, the following conditions shall apply:
 - (a) existing water mains are affected and no development which requires resulting of water mains will be allowed;
 - (b) details of site formation works shall be submitted to the Director of Water Supplies for approval prior to commencement of works;
 - (c) no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water main(s). Free access shall be made available at all times for staff of WSD or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (d) no trees or shrubs with penetrating roots may be planted in the vicinity of the water main(s). No change of existing site condition may be undertaken within the area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
 - (e) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 metres around the cover of any valve or within a distance of 1 metre from any hydrant outlet; and
 - (f) tree planting may be prohibited in the event that the Director of Water Supplies considers that there is any likelihood of damage being caused to water mains;
- (f) to note the comments of the Director of Fire Services (D of FS) that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (g) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines

(Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines; and

- (h) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.