

**TPB Paper No. 10429**

**For Consideration by  
the Town Planning Board on 8.6.2018**

**REVIEW OF APPLICATION NO. A/NE-LT/623  
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” zone**

**Lot 1525 RP in D.D. 19, Tin Liu Ha, Lam Tsuen, Tai Po, New Territories**

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**1. Background**

- 1.1 On 30.10.2017, the applicant, Mr. CHUNG Cheuk Nang, represented by Mr. CHUNG Wai Wing, sought planning permission to build a house (New Territories Exempted House (NTEH) - Small House) at the application site (the Site) under s.16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area zoned "Agriculture" ("AGR") on the approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11 (**Plan R-1**).
- 1.2 On 22.12.2017, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
- "(a) the proposed Small House 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 Small House 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."
- 1.3 For Members' reference, the following documents are attached:
- (a) RNTPC Paper No. A/NE-LT/623 (Annex A)
  - (b) Extract of minutes of the RNTPC meeting held on 22.12.2017 (Annex B)
  - (c) Secretary of Town Planning Board's letter dated 12.1.2018 (Annex C)

## 2. **Application for Review**

On 29.1.2018, the applicant applied under section 17(1) of the Ordinance for review of the RNTPC's decision to reject the application (**Annex D**). In support of the review, the applicant provided further information on 13.3.2018 (**Annex E**).

## 3. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the review application are detailed in the letter at **Annex E**. They can be summarized as follows:

- (a) the area is lacking of water supply for agricultural activities due to the village development in the past 30 years. Most of the agricultural land has been abandoned for many years, including the Site (**Plans R-2a, R-3 and R-4**);
- (b) should the application be approved by the Board, the applicant will launch agricultural rehabilitation at the adjacent lot (i.e. Lot 1525 S.A) with an area of about 140m<sup>2</sup>, which is in line with the planning intention of "AGR" zone; and
- (c) there is an existing Small House located adjacent to the Site (Lot 1853)<sup>1</sup>, which also falls within the village environs ('VE') of Sheung Tin Liu Ha. The 'VE' forms the limit of the village type development and approval of the application would not set an undesirable precedent.

## 4. **The Section 16 Application**

### *The Site and its Surrounding Areas* (**Plans R-1 to R-4**)

- 4.1 The situation of the Site and the surrounding areas at the time of the consideration of the s.16 application by the RNTPC were described in paragraphs 7.1 and 7.2 of **Annex A**. There has been no material change of the situation since then.
- 4.2 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.
- 4.3 The surrounding areas are predominantly rural in character with a mix of village houses, active and fallow agricultural land and tree groups. A village house 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.

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<sup>1</sup> The Small House application at Lot 1853 in D.D.19 was approved on 27.11.1998 under Application No. A/NE-LT/179 before the first promulgation of the Interim Criteria on 24.11.2000.

### Planning Intention

- 4.4 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.

### Assessment Criteria

- 4.5 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 of **Annex A**.

### Previous Application

- 4.6 There is no previous application at the Site.

### Similar Applications

- 4.7 When the s.16 application was considered by the RNTPC on 22.12.2017, there were nine similar applications 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 (**Plan R-1 and R-2a**). Since then, there is an additional similar application (No. A/NE-LT/635).
- 4.8 Three applications (No. A/NE-LT/344, 345 and 346) were approved with conditions by the Committee between 2005 and 2006 mainly on the grounds of being in line with the Interim Criteria in that most of the footprint of the Small Houses was within the ‘VE’ and 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 being able to be connected to the planned sewerage system in the area. Applications No. A/NE-LT/489 and 635 were approved by the Committee in 2013 and 2018 respectively on the grounds of being the subject of a previously approved application (No. A/NE-LT/344 and 345).
- 4.9 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 land 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 of causing adverse

landscape impact to the surroundings.

- 4.10 Details of the above similar applications are summarized in **Annex F** and their locations are shown on **Plan R-1**.

## 5. **Comments from Relevant Government Departments**

- 5.1 Comments on the s.16 application made by relevant Government departments are stated in paragraph 9 and Appendix IV of **Annex A**.
- 5.2 For the review application, the relevant Government departments have been further consulted and their views on the review application are summarized as follows:

### Land Administration

- 5.2.1 The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) has no further comment on the review application and maintains his previous views on the s.16 application as stated in paragraph 1 of the Appendix IV in **Annex A**, and recapitulated below:

- (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 '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 Tin Liu Ha and Ko Tin Hom are 10 and 130 respectively (the figure of 10-year Small House demand was provided by the Indigenous Inhabitant Representative of Tin Liu Ha in 2015 and the information so obtained is not verified in any way by LandsD);
- (f) should the application be approved by the Board, LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the 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.

### Traffic

- 5.2.2 The Commissioner for Transport (C for T) has no further comment on the review application and maintains his previous views on the s.16 application as stated in paragraph 2 of the Appendix IV in **Annex A** and recapitulated below:
- (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.

### Landscape

- 5.2.3 The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no further comment on the review application and maintains his previous views on the s.16 application as stated in paragraph 4 of the Appendix IV in **Annex A** and recapitulated below:
- (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.

#### Sewerage

5.2.4 The Director of Environmental Protection (DEP) has no further comment on the review application and maintains his previous views on the s.16 application as stated in paragraph 3 of the Appendix IV in **Annex A** and recapitulated below:

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.

#### Drainage

5.2.5 The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no further comment on the review application and maintains his previous views on the s.16 application as stated in paragraph 5 of the Appendix IV in **Annex A** and recapitulated below:

- (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 LandsD and seek consent from relevant private lot owners before commencement of the drainage works.

5.2.6 The Chief Engineer/Project Management (CE/PM, DSD) has the following comments on the review application:

no active drainage or sewerage project is under the control of the CE/PM, DSD in Tin Liu Ha, Lam Tsuen.

#### Nature Conservation

5.2.7 The Director of Agriculture, Fisheries & Conservation (DAFC) has no further comment on the review application and maintains his previous views on the s.16 application as stated in paragraph 6 of the Appendix IV in **Annex A** and recapitulated below:

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.

#### Fire Safety

5.2.8 The Director of Fire Services (D of FS) has no further comment on the review application and maintains his previous views on the s.16 application as stated in paragraph 7 of the Appendix IV in **Annex A** and recapitulated below:

- (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 LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.



Water Supply

5.2.9 The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no further comment on the review application and maintains his previous views on the s.16 application as stated in paragraph 8 of the Appendix IV in **Annex A** and recapitulated below:

- (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 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 R-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 under 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.

#### Electricity Supply and Safety

5.2.10 The Director of Electrical and Mechanical Services (DEMS) has the following comments on the review application:

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

5.3 The following Government departments have been further consulted and maintain their previous views of having no comment on the review application:

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

## **6. Public Comments on the Review Application Received During Statutory Publication Period (Annex G)**

6.1 On 9.2.2018, the review application was published for public inspection. During the

first three weeks of the statutory public inspection period, two public comments were received from an individual and Designing Hong Kong objecting to the application mainly on the grounds of being not in line with the planning intention of “AGR” zone; there was no general shortage of land in “V” zone of Tin Liu Ha and Ko Tin Hom; land is still available within the “V” zone of Tin Liu Ha and Ko Tin Hom; setting of undesirable precedent for similar applications within the “AGR” zone; and no material changes since the s.16 application was rejected by the Board.

- 6.2 On 23.3.2018, the further information was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from Designing Hong Kong was received objecting to the application mainly on the similar grounds mentioned in paragraph 6.1 above.

## 7. Planning Considerations and Assessments

- 7.1 The subject application for Small House development was rejected by the RNTPC on 22.12.2017 mainly on the grounds of being not in line with the planning intention of the “AGR” zone; not complying with the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone; and land was still available within the “V” zone of Tin Liu Ha and Ko Tin Hom for Small House development.
- 7.2 To support the review application, the applicant puts forward justifications that the area has low potential for rehabilitation of agricultural activities due to lack of water supply; village house was found in close vicinity of the Site and approval of the application would not set an undesirable precedent. Should the application be approved by the Board on review, the applicant proposes to use the adjacent lot for agricultural rehabilitation.
- 7.3 The Site falls entirely within an area zoned “AGR”. 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. DAFC maintains his view of not supporting 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.
- 7.4 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 (**Plan R-2b**). As the footprint of the Small House falls entirely within the ‘VE’ of the concerned village, DLO/TP, LandsD maintains his view of having no objection to the review application.
- 7.5 The Site located on the northern fringe of Sheung Tin Liu Ha (**Plans R-2a and R-3**) is currently vacant and largely hard-paved. There is a village house to the immediate west of the Site, which was the subject of a planning Application No. A/NE-LT/179

approved by the Committee on 27.11.1998 before the first promulgation of the Interim Criteria on 24.11.2000. 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 maintains his view of having no objection to the review application from landscape planning point of view as adverse impact on landscape resources is not anticipated.

- 7.6 The Site falls within the upper indirect WGG. CE/PM of DSD advises that DSD's project 4332DS - Lam Tsuen Valley Sewerage was substantially completed and the applicant has proposed to connect the proposed Small House to the existing public sewerage at Tin Liu Ha (**Plan R-2a**). Both DEP and CE/C of WSD maintain their views of having 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 maintains his view of having general 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/N of CEDD and D of FS have no objection to or adverse comment on the review application.
- 7.7 Regarding the Interim Criteria (Appendix II of **Annex A**), 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 R-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.
- 7.8 There are ten similar applications in the vicinity of the Site (**Plan R-1**). Three of them (Applications No. A/NE-LT/344, 345 and 346) were approved by the Committee between 2005 and 2006 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 being able to be connected to the planned sewerage system in the area. The other two applications (No. A/NE-LT/489 and 635) approved in 2013 and 2018 respectively were mainly on the grounds that the application sites were the subject of previous planning approvals. 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; not complying with the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in "V" zone; and/or having adverse landscape impact to the surrounding area. The circumstances of A/NE-LT/570, 571 and 618 are similar to the current application. As there has been no major change in planning circumstances since the rejection of the application, the previous assessments as stated in paragraph 11 of **Annex A** are still valid and there is no strong planning justification to warrant a departure from RNTPC's rejection of the application.
- 7.9 Regarding the public comments objecting to the review application mainly on the

grounds of being not in line with the planning intention of “AGR” zone; there was no general shortage of land in “V” zone of the concerned villages; land was still available within the “V” zone of the concerned villages; and setting of undesirable precedent, Government departments’ comments and the planning assessments and considerations above are relevant.

## 8. **Planning Department’s Views**

8.1 Based on the assessment made in paragraph 7, having taken into account the public comments mentioned in paragraph 6 and given that there is no change in the planning circumstances since the consideration of the subject application by the RNTPC, the Planning Department maintains its previous view of not supporting the review application for the following reasons:

- (a) the proposed Small House 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 Small House 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.

8.2 Alternatively, should the Board decide to approve the review application, it is suggested that the permission shall be valid until **8.6.2022**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### **Approval Conditions**

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

Supplies or of the Town Planning Board.

### Advisory Clauses

8.3 The recommended advisory clauses are attached at **Annex H**.

## **9. Decision Sought**

- 9.1 The Board is invited to consider the application for a review of the RNTPC's decision and decide whether to accede to the application.
- 9.2 Should the Board decide to approve the review application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 9.3 Alternatively, should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

## **10. Attachments**

<b>Drawing R-1</b>	Agricultural rehabilitation plan submitted by the applicant
<b>Plan R-1</b>	Location plan
<b>Plan R-2a</b>	Site plan
<b>Plan R-2b</b>	Estimated amount of land available for Small House development within "V" zone
<b>Plan R-3</b>	Aerial photo
<b>Plan R-4</b>	Site photo
<b>Annex A</b>	RNTPC Paper No. A/NE-LT/623
<b>Annex B</b>	Extract of minutes of the RNTPC meeting held on 22.12.2017
<b>Annex C</b>	Secretary of the Town Planning Board's letters dated 12.1.2018
<b>Annex D</b>	Letter dated 29.1.2018 from the applicant applying for a review of the RNTPC's decision
<b>Annex E</b>	Further information submitted by the applicant on 13.3.2018
<b>Annex F</b>	Similar applications
<b>Annex G</b>	Public comments
<b>Annex H</b>	Recommended advisory clauses

**PLANNING DEPARTMENT  
JUNE 2018**