

RNTPC Paper No. A/NE-LT/637  
For Consideration by the  
Rural and New Town Planning  
Committee on 15.6.2018

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

**APPLICATION NO. A/NE-LT/637**

<b><u>Applicant</u></b>	Mr. Wan Siu Han represented by Ms. WAN Wai-sum
<b><u>Site</u></b>	Lot 1328RP in D.D. 19, Lam Tsuen, Tai Po, New Territories
<b><u>Site Area</u></b>	About 142.3m <sup>2</sup>
<b><u>Lease</u></b>	Block Government Lease (demised for agricultural purpose)
<b><u>Plan</u></b>	Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
<b><u>Zoning</u></b>	“Agriculture” (“AGR”)
<b><u>Application</u></b>	Proposed House (New Territories Exempted House (NTEH) - Small House)

**1. The Proposal**

1.1 The applicant, who claims to be an indigenous villager (IV) of Lung A Pai<sup>1</sup>, seeks planning permission to build an NTEH (Small House) on the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ use within 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 <sup>2</sup>
Number of storeys	:	3
Building height	:	8.23m
Roofed over area	:	65.03m <sup>2</sup>

1.3 Layout of the proposed Small House and the proposed sewerage connection are shown on **Drawing A-1**.

1.4 In support of the application, the applicant has submitted an application form dated 18.4.2018 with the attachment (**Appendix I**) and supplementary information dated 25.4.2018 (**Appendix Ia**).

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<sup>1</sup> According to Lands Department’s record, the applicant claims himself as an IV of Lung A Pai. However, his eligibility of Small house grant has not yet been ascertained.

## **2. Justifications from the Applicant**

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

- (a) the applicant is the indigenous villager of Lung A Pai and is eligible for Small House grant under the prevailing Small House policy;
- (b) the subject lot is the only site situated within the village ‘environs’ (‘VE’) owned by the applicant. There is no other alternative site for Small House development;
- (c) the applicant has an urgent housing need to build a Small House in this village for settlement with his family;
- (d) there are similar applications approved by the Board in the vicinity (i.e. Lots 1326 RP and 1326 S.A RP in D.D. 19);
- (e) the basic infrastructures including water supplies, electricity and broadband services are available at the subject lot. A strip of land with a width of about 1.5m along the northern boundary of the Site would be reserved for pedestrian walkway (**Drawing A-1**); and
- (f) the applicant will ensure the proposed development would not induce adverse impacts on the environment and daily life of the locals. Greening will also be provided in the proposed development.

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

As the Site involves Government land only, the “owner’s consent/ notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) is not applicable to the application.

## **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 13 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 (**Plans A-1 and A-2a**).
- 6.2 Five applications (No. A/NE-LT/253, 254, 264, 430 and 622) were approved with conditions by the Committee between 2001 and 2017. Applications No. A/NE-LT/253, 254, 264 and 430 were approved mainly for reasons of being generally in line with the Interim Criteria in that more than 50% of the proposed Small House footprint was within ‘VE’/“V” zone; and there was a general shortage of land within the concerned “V” zone to meet the future Small House demand at the time of consideration. Application No. A/NE-LT/430 was also approved on consideration of being able to be connected to the public sewerage system after incorporation of criterion (i) of the Interim Criteria requiring proposed Small House within WGG to be connected to the existing or planned sewerage system. Although application No. A/NE-LT/622 does not fully 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, sympathetic consideration was given to the application as about 84% of the proposed Small House footprint falls within the “V” zone and the application site is situated to the immediate northwest of the village cluster of Chuen Shui Tseng.
- 6.3 Regarding the eight rejected cases (No. A/NE-LT/309, 315, 512, 546, 572, 573, 625 and 626), they were rejected by the Committee/the Board on review between 2003 and 2018 mainly on the grounds of being not in line with the planning intention of “AGR” zone; and/or not able to be connected to the existing or planned sewerage system. Applications No. A/NE-LT/315, 512 and 546 were also rejected on the grounds that more than 50% of the footprint of the proposed Small House fell outside the ‘VE’/“V” zone. Moreover, Applications No. A/NE-LT/546, 572, 573, 625 and 626 did not comply with the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in “V” zone of the concerned village(s) and land was still available within the “V” zone for Small House development.
- 5.4 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 Areas (Plans A-1, A-2a and Photos on Plans A-3b and A-4)**

- 7.1 The Site is:
- (a) generally flat, partly covered with grasses and partly hard-paved and used for parking of vehicles; and
  - (b) situated to the southwestern fringe of Chuen Shui Tseng and located to the immediate northwest of a row of trees; and

(c) abutted a village access leading to Lam Kam Road.

7.2 The surrounding areas are predominantly rural in character with a mix of village houses, fallow agricultural land and scattered tree groups. A row of trees are found within and adjoining the southern boundary of the Site. A cluster of village houses are found to the north of the Site and the village cluster of Chuen Shui Tseng is situated about 60m to the east of the Site.

## 8. **Planning Intention**

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

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

9.1 The application have been assessed against the assessment criteria in **Appendix II**. The assessment is summarized in the following table:

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
1.	Within “V” zone ? - Footprint of the proposed 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 the ‘VE’ of Chuen Shui Tseng ( <b>Plan A-2a</b> ). District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) has no objection to the application.
3.	Sufficient land in “V” zone to satisfy outstanding Small House applications and 10-year Small House demand?	✓		- Land required to meet Small House demand in Chuen Shui Tseng: about 0.25 ha (or equivalent to 10 Small House sites). The outstanding Small House applications are 10 while there is no information on the 10-year Small House demand forecast of the village concerned <sup>2</sup> .

<sup>2</sup> The figure of 10-year Small House demand has not been provided by the IIR of Chuen Shui Tseng.

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
				- Land available to meet Small House demand within the “V” zone of the village concerned: about 0.84 ha (or equivalent to 33 Small House sites) ( <b>Plan A-2b</b> ).
4.	Compatible with the planning intention of “AGR” zone?		✓	- The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from the agricultural development point of view as there are active agricultural activities in the vicinity and the Site possesses potential for agricultural rehabilitation.
5.	Compatible with surrounding area/ development?	✓		- The proposed Small House is not incompatible with the surrounding areas which are predominantly rural in character mainly occupied with village houses, agricultural land and tree groups.
6.	Within WGG?	✓		- The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application as the proposed Small House is able to be connected to the existing public sewerage system in the area.  - Approval conditions on connection to public sewers and provision of protective measures to WGG are required.
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire 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

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				for T) has general reservation on the application but considers the application only involving development of a Small House can be tolerated unless it is rejected on other grounds.
10.	Drainage impact?	✓		<ul style="list-style-type: none"> <li>- The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application from public drainage viewpoint.</li> <li>- Approval condition on submission and implementation of drainage proposal is required.</li> </ul>
11.	Sewerage impact?	✓		<ul style="list-style-type: none"> <li>- The Director of Environmental Protection (DEP) has no objection to the application as the applicant has proposed to connect the Small House to the existing public sewerage at Chuen Shui Tseng Village (<b>Plan A-2a</b>) and sewer connection is feasible and capacity is available for the proposed Small House development.</li> </ul>
12.	Landscape impact?	✓		<ul style="list-style-type: none"> <li>- The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&amp;L, PlanD) has some reservations on the application from landscape planning point of view as the proposed development is likely in conflict with four existing trees located within and adjoining the southern boundary of the Site (<b>Plan A-2a</b>) and adverse impact to landscape resources is anticipated. Furthermore, there has been vegetation clearance within the Site and approval of the application would set an undesirable precedent to encourage such unauthorized removal of vegetation.</li> </ul>

	<u><b>Criteria</b></u>	<u><b>Yes</b></u>	<u><b>No</b></u>	<u><b>Remarks</b></u>
				- Should the application be approved, approval condition on submission and implementation of tree preservation and landscape proposal is required.
13.	Geotechnical impact?		✓	
14.	Local objection received from DO?		✓	

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

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

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

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

## **10. Public Comments Received During Statutory Publication Period**

On 27.4.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from Designing Hong Kong and an individual (**Appendix V**) objecting to the application mainly on the grounds of being not in line with the planning intention of “AGR” zone; land being still available within the “V” zone at Chuen Shui Tseng for Small House development; and setting of undesirable precedent.

## **11. Planning Considerations and Assessments**

- 11.1 The Site falls entirely within the “AGR” zone (**Plan A-2a**). The proposed Small House is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also 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 there are active agricultural activities in the vicinity and the Site possesses potential for agricultural rehabilitation.
- 11.2 According to DLO/TP, LandsD’s record, the total number of outstanding Small House applications for Chuen Shui Tseng is 10 while no information on 10-year Small House demand forecast has been provided by the IIR. Based on the latest estimate by the Planning Department, about 0.84 ha (or equivalent to about 33 Small House sites) of land is available within the “V” zone concerned (**Plan A-2b**). As the footprint of the proposed Small House falls entirely within the ‘VE’ of Chuen Shui Tseng, DLO/TP of LandsD has no objection to the application.
- 11.3 The Site is partly covered with grasses and partly hard-paved and used for parking of vehicles (**Plan A-4**). The village cluster of Chuen Shui Tseng is situated about 60m to the east of the Site. The proposed development is not incompatible with the surrounding area which is predominantly rural in character with a mix of village houses, agricultural land and tree groups. CTP/UD&L of PlanD has some reservations on the application from landscape planning point of view as the proposed development is likely in conflict with root zones and the tree crowns of four existing trees located within and adjoining the southern boundary of the Site and adverse impact to landscape resources is anticipated. Furthermore, there has been clearance of vegetation within the Site (**Plan A-3a** and **A-3b**), approval of the application will set an undesirable precedent to encourage such unauthorized removal of vegetation and the cumulative effect would lead to degradation of landscape character and cause adverse landscape impact to the area.
- 11.4 The Site falls within the upper indirect WGG. The applicant has proposed to connect the proposed Small House to the existing public sewerage system at Chuen Shui Tseng Village, which is about 34m away (**Plan A-2a**). Both DEP and CE/C of WSD have no objection to the application provided that the applicant shall connect the proposed Small House to the public sewer at his own cost and adequate space within the Site will be reserved for connection. Besides, C for T has general reservation on the application but considers the application only involving the development of a Small House can be tolerated. Other relevant Government departments including CE/MN and CE/PM of DSD, CHE/NTE of HyD, H(GEO) of CEDD and D of FS have no objection to or adverse comment on the application.
- 11.5 Regarding the Interim Criteria (**Appendix II**), while more than 50% of the footprint of the proposed Small House falls within the ‘VE’ of Chuen Shui Tseng and the proposed development within WGG would be able to be



connected to the public sewerage system (**Plan A-2a**), there is sufficient land within the “V” zone (about 0.84 ha or equivalent to about 33 Small House sites) (**Plan A-2b**) to fully meet the future Small House demand (about 0.25 ha or equivalent to about 10 Small Houses). As such, 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. It is therefore considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Besides, it would also cause adverse landscape impact to the area.

- 11.6 There are 13 similar applications in the vicinity of the Site (**Plans A-1 and A-2a**). Five of them (Applications No. A/NE-LT/253, 254, 264, 430 and 622) were approved with conditions by the Committee mainly for reasons of being generally in line with the Interim Criteria in that more than 50% of the proposed Small House footprint was within ‘VE’/“V” zone; there was a general shortage of land within the concerned “V” zone to meet the future Small House demand at the time of consideration; and being able to be connected to the public sewerage system<sup>3</sup>. The other eight applications (Nos. A/NE-LT/309, 315, 512, 546, 572, 573, 625 and 626) were rejected by the Committee/the Board on review between 2003 and 2018 mainly on the grounds of not being in line with the planning intention of “AGR” zone; not being able to be connected to the existing or planned sewerage system; and/or more than 50% of the footprint of the proposed Small House fell outside the ‘VE’/“V” zone. Applications No. A/NE-LT/546, 572, 573, 625 and 626 were also rejected on the grounds of 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 land was still available within the “V” zone for Small House development. The planning circumstances of the current application are similar to the rejected applications (No. A/NE-LT/546, 572, 573, 625 and 626).
- 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, land being still available within the “V” zone at Chuen Shui Tseng for Small House development and setting of undesirable precedent, Government departments’ comments and the planning assessments 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:

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<sup>3</sup> Except Applications No. A/NE-LT/253, 254 and 264 which were approved before the introduction of criterion (i) of the Interim Criteria requiring connection to the existing or planned sewerage system; and sympathetic consideration was given to Application No. A/NE-LT/622 as the application site is situated to the immediate northwest of the village cluster of Chuen Shui Tseng and about 84% of the footprint of the proposed Small House falls within the “V” zone.

- (a) the proposed development is not in line with the planning intention of the “AGR” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that it would cause adverse landscape impact on the surrounding areas and there is no general shortage of land in meeting the demand for Small House development in the “V” zone of Chuen Shui Tseng; and
- (c) land is still available within the “V” zone of Chuen Shui Tseng 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 15.6.2022, 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 tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) 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
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or the Town Planning Board.

#### Advisory Clauses

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

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**14. Attachments**

Appendix I	Application form and attachments received on 18.4.2018
Appendix Ia	Supplementary information received on 25.4.2018
Appendix II	Relevant Revised Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (promulgated on 7.9.2007)
Appendix III	Similar applications
Appendix IV	Detailed comments from relevant Government departments
Appendix V	Public comments
Appendix VI	Recommended advisory clauses
Drawing A-1	Site plan and sewerage connection proposal submitted by the applicant
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available for Small House Development within “V” zone
Plans A-3a and A-3b	Aerial Photos
Plan A-4	Site Photos

**PLANNING DEPARTMENT  
JUNE 2018**

**Relevant Revised Interim Criteria for Consideration of Application for  
NTEH/Small House in the 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**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-LT/253	Proposed House (New Territories Exempted House - Small House)	20/4/2001	A1 - A5
A/NE-LT/254	Proposed House (New Territories Exempted House - Small House)	18/5/2001	A1 - A5
A/NE-LT/264	Proposed House (New Territories Exempted House - Small House)	7/9/2001	A1 - A5
A/NE-LT/430	Proposed House (New Territories Exempted House - Small House)	22/7/2011	A1, A4 - A7
A/NE-LT/622	Proposed House (New Territories Exempted House - Small House)	22/12/2017	A1, A6 - A7

**Approval Conditions**

- A1. The provision of drainage facilities / submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.
- A2. The disposal of spoils during the site formation and construction period to the satisfaction of the Director of Water Supplies or of the Town Planning Board.
- A3. The provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the Town Planning Board.
- A4. The provision of fire-fighting access, water supplies or/and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- A5. The submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board.

- A6. 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.
- A7. The provision of protection measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

### Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-LT/309	Proposed House (New Territories Exempted House - Small House)	19/12/2003	R1, R2
A/NE-LT/315	Proposed House (New Territories Exempted House - Small House)	24/9/2004	R1, R3
A/NE-LT/512	Proposed House (New Territories Exempted House - Small House)	8/8/2014	R2, R4, R5
A/NE-LT/546	Proposed House (New Territories Exempted House – Small House)	15/1/2016 (on review)	R2, R6 – R8
A/NE-LT/572	Proposed House (New Territories Exempted House - Small House)	10/6/2016	R2, R9, R10
A/NE-LT/573	Proposed House (New Territories Exempted House - Small House)	10/6/2016	R2, R9, R10
A/NE-LT/625	Proposed House (New Territories Exempted House - Small House)	16/3/2018	R2, R10, R11
A/NE-LT/626	Proposed House (New Territories Exempted House - Small House)	16/3/2018	R2, R10, R11

### Rejection Reasons

- R1. The proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House (NTEH)/Small House development in the New Territories in that the application site was not able to be connected to existing or planned sewerage system in the area. There was no/insufficient information in the submission to demonstrate that the proposed

development located within the water gathering grounds would not cause adverse impact on water quality in the area.

- R2. 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.
- R3. The application site fell outside both the village 'environs' ('VE') and the "Village Type Development" ("V") zone. Development of NTEH/Small House outside both the 'VE' and the "V" zone would normally not be approved unless under very exceptional circumstances. There was insufficient information in the submission to warrant the approval of this application under exceptional circumstances.
- R4. 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 more than 50% of the footprint of the proposed Small House fell outside both "V" zone and the 'VE' of any recognized village.
- R5. The proposed development was located within the Water Gathering Ground. The applicant failed to demonstrate that the proposed development could be connected to the planned sewerage system and would not create adverse impact on the water quality in the area.
- R6. The proposed development did not comply with the Interim Criteria for consideration of application for NTEH/Small House in the New Territories in that more than 50% of the footprint of the proposed Small House fell outside the "V" zone and the 'VE' of San Tong Village and there is no general shortage of land in meeting the demand for Small House development in the "V" zone of San Tong.
- R7. The proposed development did not comply with the Interim Criteria for consideration of application for NTEH/Small House in New Territories in that the applicant failed to demonstrate that the proposed development located within water gathering grounds would not cause adverse impact on the water quality of the area.
- R8. Land was still available within the "V" zone of San Tong which is primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within "V" zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services.
- R9. The proposed development 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 of Chuen Shui Tseng 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.

- R10. Land was still available within the “V” zone of Chuen Shui Tseng which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services.
- R11. The proposed development 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 of Chuen Shui Tseng;

**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 to be an indigenous villager (IV) of Lung A Pai, Tai Po. 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;
- (d) the Site falls entirely within the village 'environs' ('VE') of Chuen Shui Tseng 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 Chuen Shui Tseng are as follows;

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand*</u>
Chuen Shui Tseng	10	-

(\*The figure of 10-year Small House demand has not been provided by the Indigenous Inhabitant Representative of Chuen Shui Tseng.)

- (f) if and after planning approval has been granted 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 existing government sewer under - 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 “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the “V” zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial;
- (b) notwithstanding the above, he considers that the application only involves development of a Small House can be tolerated unless it is rejected on other grounds; and
- (c) the existing village access on and near the Site is not under Transport Department’s management. It is suggested that the land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes.

3. **Environment**

Comments of the Director of Environmental Protection (DEP):

the Site falls within “Agriculture” (“AGR”) zone and is within WGG. The applicant has proposed to connect the proposed Small House to the existing public sewerage at Chuen Shui Tseng Village. The proposed sewer manhole is at about 34m away from the Site. Provided that the applicant can obtain consent from the adjacent lot owners for laying and maintenance sewer pipes, 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) written consent(s) can be obtained from the adjacent lot owner(s) for laying and maintaining sewage pipes across the adjacent lot(s);
- (c) adequate land space within the Site will be reserved for connection of the proposed Small House to the public sewer; and
- (d) 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) has some reservations on the application from the landscape planning perspective;

- (b) the Site is situated in an area of rural landscape character comprising of scattered tree groups, abandoned farmland and village houses. Existing village houses are found scattered in the “AGR” zone to the north and within the “V” zone to the further east and north. Although the proposed development is not in line with the planning intention of the “AGR” zone, it is not incompatible with the surrounding environment;
- (c) part of the Site is vacant and part is paved and in operation as car park. Four existing trees are found within and adjoining the southern boundary. Referring to the submitted layout plan, root zones and tree crowns of the existing trees are likely in conflict with the proposed Small House. Adverse impact to landscape resources arising from the proposed development is anticipated. Comparing with the past aerial photos, it is apparent that vegetation has been cleared within the Site prior to the submission of application. Approval of this application would set an undesirable precedent to encourage such unauthorized removal of vegetation, and similar developments encroaching onto the “AGR” zone. The cumulative effect of approving similar applications would result in degradation of landscape character and cause adverse landscape impact to the area;
- (d) should the application be approved by the Board, approval condition on submission and implementation of tree preservation and landscape proposal is recommended;
- (e) the applicant is advised to keep a minimum of 3m clearance between the proposed Small House and the adjacent trees along the southern boundary to facilitate healthy growth of trees; and
- (f) the applicant is reminded to adopt tree preservation measures to minimize adverse impact to the adjacent trees during the construction works. Reference should be made to *Tree Care during Construction* (工程期間的樹木管理) promulgated by the Development Bureau.

## 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 point of view;
- (b) if the application is approved, an approval condition on submission and implementation of drainage proposal for the Site is recommended to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) there is no public drain maintained by DSD in the vicinity of the Site. The proposed Small House should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and overland flow from other areas surrounding of the Site. The proposed development is located on unpaved ground and will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus flooding risk in the area. The applicant should take this into

account when preparing the drainage proposal. The applicant/owner is also required to maintain such system properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (d) the applicant should design the drainage proposal based on actual site condition for DSD's comment/agreement. DSD would not assist on the drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicant should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected;
- (e) 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, his connection proposal should be submitted for DSD's agreement; and
- (f) 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 system.

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

- no comment on the application as there is no drainage or sewerage project under DSD's control in Chuen Shui Tseng.

## 6. **Agriculture**

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

- the Site is largely vacant. Nevertheless, there are active agricultural activities in the vicinity and agricultural infrastructure such as road access is available. The Site possesses potential for agricultural rehabilitation. As such, the application is not supported from agricultural development point of view.

## 7. **Fire Safety**

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

- (a) no in-principle objection to the application; and
- (b) the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by 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 within the 'VE' of Chuen Shui Tseng. DEP advised that the Site is able to be connected to the public sewerage system in the area. Thus, compliance of the application with Item B(a) of the "Interim Criteria for Consideration of Applications for New Territories Exempted House/Small House in New Territories" can be reasonably established;
- (c) DEP advised that the Site is able to be connected to the public sewerage system in the area and required the applicant shall connect the proposed Small House with public sewer for sewage disposal. He supports DEP's view by imposing the following conditions:
  - (i) the foul water drainage system of the proposed Small House can be connected to the public sewerage system in the area and the applicant shall connect the whole of the foul water drainage system to the public sewerage system;
  - (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the WGG; and
  - (iii) an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass shall be submitted to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed Small House to the public sewerage system via relevant private lot;
- (d) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

**9. Electricity Supply**

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

- (a) no comment on the application from electricity supply safety aspect; and
- (b) in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising 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 vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

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

According to DLO/TP, LandsD's records, the total number of outstanding Small House applications for Chuen Shui Tseng is 10 while there is no 10-year Small House demand forecast. Based on the latest estimate by Planning Department, about 0.84 ha (or equivalent to about 33 Small House sites) of land are available within the "V" zone concerned. Therefore, there is no general shortage of land within "V" zone to meet the future Small House demand (about 0.25 ha or equivalent to about 10 Small Houses).





**Recommended Advisory Clauses**

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
  - (i) there is no guarantee at this stage that the Small House application would be approved. If 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 also no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto; and
  - (ii) the proposed sewerage connection will be considered when the Small House application is due for processing;
- (b) to note the comments of the Commissioner for Transport (C for T) that the existing village access 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 by the applicant with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that:
  - (i) the applicant should keep a minimum of 3m clearance between the proposed Small House and the adjacent trees along the southern boundary of the Site to facilitate healthy growth of trees; and
  - (ii) the applicant should adopt tree preservation measures to minimize adverse impact to the adjacent trees during the construction works. Reference should be made to *Tree Care during Construction* (工程期間的樹木管理) promulgated by the Development Bureau;
- (d) to note the comments of the Director of Environmental Protection (DEP) that:
  - (i) written consent(s) should be obtained from the adjacent lot owner(s) for laying and maintaining sewage pipes across the adjacent lot(s);
  - (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;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
  - (i) there is no public drain maintained by DSD in the vicinity of the Site. The proposed Small House should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and

overland flow from other areas surrounding of the Site. The proposed development is located on unpaved ground and will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant/owner is also required to maintain such system properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (ii) the applicant should design the drainage proposal based on actual site condition for DSD's comment/agreement. DSD would not assist on the drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicant should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected;
  - (iii) 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, his connection proposal should be submitted for DSD's agreement; and
  - (iv) 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 system;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
- (i) an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass shall be submitted to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed Small House to the public sewerage system via relevant private lot; and
  - (ii) for provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (g) 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;

- (h) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that the parties concerned with planning, designing, organising 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 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
- (i) to note that the permission is only given to the development under the 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.



Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/637          Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" Zone, Lot 1328 RP in D.D. 19, Chuen Shui Tseng, Lam  
Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/637)

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Presentation and Question Sessions

71.          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 at paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as there were active agricultural activities in the vicinity and the site possessed potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from landscape planning point of view as the proposed development was likely in conflict with four existing trees and adverse impact on landscape resources was anticipated. There had been vegetation clearance within the site and approval of the application would set an undesirable precedent to encourage such unauthorized removal of vegetation. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong and an individual 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” (“AGR”) zone and the DAFC did not support the application as the site possessed potential for agricultural rehabilitation. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, while more than 50% of the footprint of the proposed Small House fell within the village ‘environ’ of Chuen Shui Tseng and the proposed development within water gathering ground would be able to be connected to the public sewerage system, there was sufficient land within the “Village Type Development” (“V”) zone to fully meet the future Small House demand. The CTP/UD&L of PlanD had some reservations on the application from landscape planning point of view as the proposed development would likely conflict with four existing trees and adverse impact on landscape resources was anticipated. The planning circumstances of the current application were similar to five of the similar applications rejected by the Committee/the Town Planning Board on review. Regarding the public comments, the comments of government departments and the planning assessments above were relevant.

72. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality

agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;

- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that it would cause adverse landscape impact on the surrounding areas and there is no general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of Chuen Shui Tseng; and
- (c) land is still available within the "V" zone of Chuen Shui Tseng 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."

#### Agenda Item 17

##### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)] .

A/NE-SSH/116      Proposed House (New Territories Exempted House - Small House) in  
"Green Belt" Zone, Government Land in D.D. 209, Kei Ling Ha San  
Wai, Shap Sz Heung, Sai Kung  
(RNTPC Paper No. A/NE-SSH/116)

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##### Presentation and Question Sessions

74.      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;





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/637

By Registered Post

6 July 2018

Wan Wai Sum

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 1328 RP in D.D. 19, Chuen Shui Tseng, Lam Tsuen, Tai Po**

I refer to my letter to you dated 26.4.2018.

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

- (a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that it would cause adverse landscape impact on the surrounding areas and there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Chuen Shui Tseng; and
- (c) land is still available within the “V” zone of Chuen Shui Tseng 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 15.6.2018, 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 27.7.2018). 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,



M. (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**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-LT/253	Proposed House (New Territories Exempted House - Small House)	20.4.2001	A1 - A5
A/NE-LT/254	Proposed House (New Territories Exempted House - Small House)	18.5.2001	A1 - A5
A/NE-LT/264	Proposed House (New Territories Exempted House - Small House)	7.9.2001	A1 - A5
A/NE-LT/430	Proposed House (New Territories Exempted House - Small House)	22.7.2011	A1, A4 - A7
A/NE-LT/622	Proposed House (New Territories Exempted House - Small House)	22.12.2017	A1, A6 - A7

**Approval Conditions**

- A1. The provision of drainage facilities or submission and implementation of drainage proposal.
- A2. The disposal of spoils during the site formation and construction period.
- A3. The provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses.
- A4. The provision of fire-fighting access, water supplies and/or fire service installations.
- A5. The submission and implementation of landscape proposals.
- A6. The connection of the foul water drainage system to the public sewers.
- A7. The provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds.

## Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-LT/309	Proposed House (New Territories Exempted House - Small House)	19.12.2003	R1, R2
A/NE-LT/315	Proposed House (New Territories Exempted House - Small House)	24.9.2004	R1, R3
A/NE-LT/512	Proposed House (New Territories Exempted House - Small House)	8.8.2014	R2,R4, R5
A/NE-LT/546	Proposed House (New Territories Exempted House – Small House)	15.1.2016 (Review)	R2, R6 – R8
A/NE-LT/572	Proposed House (New Territories Exempted House - Small House)	10.6.2016	R2, R9, R10
A/NE-LT/573	Proposed House (New Territories Exempted House - Small House)	10.6.2016	R2, R9, R10
A/NE-LT/625	Proposed House (New Territories Exempted House - Small House)	16.3.2018	R2, R10, R11
A/NE-LT/626	Proposed House (New Territories Exempted House - Small House)	9.11.2018 (Review)	R2, R10
A/NE-LT/651	Proposed House (New Territories Exempted House - Small House)	5.10.2018	R2, R4, R10

### Rejection Reasons

- R1. The proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House (NTEH)/Small House development in the New Territories in that the application site was not able to be connected to existing or planned sewerage system in the area. There was no/insufficient information in the submission to demonstrate that the proposed development located within the water gathering grounds would not cause adverse impact on water quality in the area.
- R2. 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.
- R3. The application site fell outside both the village ‘environs’ (‘VE’) and the “Village Type Development” (“V”) zone. Development of NTEH/Small House outside both the ‘VE’ and

the “V” zone would normally not be approved unless under very exceptional circumstances. There was insufficient information in the submission to warrant the approval of this application under exceptional circumstances.

- R4. 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 more than 50% of the footprint of the proposed Small House fell outside both “V” zone and the ‘VE’ of any recognized village.
- R5. The proposed development was located within the Water Gathering Ground. The applicant failed to demonstrate that the proposed development could be connected to the planned sewerage system and would not create adverse impact on the water quality in the area.
- R6. The proposed development did not comply with the Interim Criteria for consideration of application for NTEH/Small House in the New Territories in that more than 50% of the footprint of the proposed Small House fell outside the “V” zone and the ‘VE’ of San Tong Village and there is no general shortage of land in meeting the demand for Small House development in the “V” zone of San Tong.
- R7. The proposed development did not comply with the Interim Criteria for consideration of application for NTEH/Small House in New Territories in that the applicant failed to demonstrate that the proposed development located within water gathering grounds would not cause adverse impact on the water quality of the area.
- R8. Land was still available within the “V” zone of San Tong which is primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services.
- R9. The proposed development 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 of Chuen Shui Tseng 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.
- R10. Land was still available within the “V” zone of Chuen Shui Tseng which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructure and services.
- R11. The proposed development 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 of Chuen Shui Tseng;



**Recommended Advisory Clauses**

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
  - (i) there is no guarantee at this stage that the Small House application would be approved. If 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 also no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto; and
  - (ii) the proposed sewerage connection will be considered when the Small House application is due for processing;
- (b) to note the comments of the Commissioner for Transport (C for T) that the existing village access 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 by the applicant with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that:
  - (i) the applicant should keep a minimum of 3m clearance between the proposed Small House and the adjacent trees along the southern boundary of the Site to facilitate healthy growth of trees; and
  - (ii) the applicant should adopt tree preservation measures to minimize adverse impact to the adjacent trees during the construction works. Reference should be made to *Tree Care during Construction* (工程期間的樹木管理) promulgated by the Development Bureau;
- (d) to note the comments of the Director of Environmental Protection (DEP) that:
  - (i) written consent(s) should be obtained from the adjacent lot owner(s) for laying and maintaining sewage pipes across the adjacent lot(s);
  - (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;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
  - (i) there is no public drain maintained by DSD in the vicinity of the Site. The proposed Small House should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and

overland flow from other areas surrounding of the Site. The proposed development is located on unpaved ground and will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant/owner is also required to maintain such system properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (ii) the applicant should design the drainage proposal based on actual site condition for DSD's comment/agreement. DSD would not assist on the drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicant should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected;
  - (iii) 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, his connection proposal should be submitted for DSD's agreement; and
  - (iv) 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 system;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
- (i) an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass shall be submitted to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed Small House to the public sewerage system via relevant private lot; and
  - (ii) for provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (g) 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;



- (h) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that the parties concerned with planning, designing, organising 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 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
- (i) to note that the permission is only given to the development under the 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.