

RNTPC Paper No. A/NE-LT/647  
For Consideration by the  
Rural and New Town Planning  
Committee on 21.9.2018

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

**APPLICATION NO. A/NE-LT/647**

<b><u>Applicants</u></b>	Messrs. LEUNG Tsz Ho and LEUNG Tsz Lun represented by Mr. TAI Ngan Chiu
<b><u>Site</u></b>	Lots 913 S.B ss.1 and 913 S.B RP in D.D. 8, Ma Po Mei, Tai Po, New Territories
<b><u>Site Area</u></b>	About 445.2m <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 Two Houses (New Territories Exempted Houses (NTEHs) - Small Houses)

**1. The Proposal**

1.1 The applicants, who claim themselves as indigenous villagers of Ma Po Mei<sup>1</sup>, seek planning permission to build two NTEHs (Small Houses) 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 each of the proposed Small House developments 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 Houses and the proposed septic tanks are shown on **Drawing A-1**.

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

- 1.4 The Site/part of the Site is the subject of several previous applications (No. A/NE-LT/105, 106, 204 and 368). Except for Application No. A/NE-LT/204 approved by the Rural and New Town Planning Committee (the Committee) in 1999, all other applications were rejected. The details of previous applications are given in paragraph 5 below.
- 1.5 In support of the application, the applicants have submitted an application form dated 30.7.2018 with the attachment (**Appendix I**) and further information dated 10.8.2018 providing justifications for provision of septic tank (*accepted and exempted from publication and recounting requirements*) (**Appendix Ia**).

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the application as stated in Part 9 of the application form at **Appendices I and Ia** are summarized as follows:

- (a) the applicants have no other land available within the “Village Type Development” (“V”) zone to apply for construction of Small Houses;
- (b) as the invert level of existing manhole is higher than the site formation level of the Site, septic tanks are proposed for the proposed developments; and
- (c) the septic tanks are located more than 15m from the river course, which is in compliance with the Environmental Protection Department’s requirements on provision of septic tank.

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

The applicants are the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Assessment Criteria**

The set of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) was first promulgated on 24.11.2000 and had been amended four times on 30.3.2001, 23.8.2002, 21.3.2003 and 7.9.2007. On 23.8.2002, criterion (i) which requires that the application site, if located within water gathering grounds (WGG), should be able to be connected to the existing or planned sewerage system in the area was incorporated. The latest set of Interim Criteria with criterion (i) remained unchanged was promulgated on 7.9.2007 and is at **Appendix II**.

## **5. Previous Applications**

- 5.1 The Site/part of the Site is the subject of several previous applications (No. A/NE-LT/105, 106, 204 and 368). As shown on **Plan A-2a**, House 1 at Lot 913 S.B ss.1 is the subject of two previous applications (No. A/NE-LT/105

and 204), whilst House 2 at Lot 913 S.B RP is the subject of three previous applications (No. A/NE-LT/106, 204 and 368).

- 5.2 Applications No. A/NE-LT/105 and 106, each for the development of a Small House, were rejected by the Board on review on 23.1.1998 (before the promulgation of the Interim Criteria) for the reasons of being not in line with the planning intention of the “AGR” zone; land being still available within the “V” zone of concerned villages for Small House development at the time of consideration; having adverse drainage impacts on the surrounding areas; and setting of undesirable precedent.
- 5.3 Subsequently, Application No. A/NE-LT/204 for the development of two Small Houses, which generally covered the same sites of Applications No. A/NE-LT/105 and 106, was approved by the Committee on 13.8.1999 (before the promulgation of the Interim Criteria) on the consideration that the Site fell within the village ‘environs’ (‘VE’) of Ma Po Mei; the proposed Small Houses were compatible with the surrounding area; the proposed developments would not have adverse drainage impact due to the completion of works on Lam Tsuen River Embankment; and there was a general shortage of land to meet the Small House demand in the “V” zone concerned at the time of consideration. Nonetheless, the planning permission lapsed on 14.8.2002.
- 5.4 Application No. A/NE-LT/368, covering the same site of House 2, for a Small House development submitted by one of the applicants under the current application, was rejected by the Committee on 2.2.2007 on the grounds of being not in line with the planning intention of the “AGR” zone; and not complying with the Interim Criteria in that the proposed development was not able to be connected to existing or planned sewerage system in the area.
- 5.5 Details of the applications are summarized at **Appendix III** and their locations are shown on **Plans A-1** and **A-2a**.

## **6. Similar Applications**

- 6.1 There are 22 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**). Fourteen of them were approved with conditions and eight were rejected.
- 6.2 Regarding the 14 approved applications, Application No. A/NE-LT/268 was approved before the incorporation of criterion (i) on sewerage connection requirement into the Interim Criteria in August 2002. Another nine applications (No. A/NE-LT/274, 312, 387, 406, 432 to 434, 465 and 497) were approved with conditions by the Committee between 2001 and 2014 for reasons that the proposed developments were in compliance with the Interim Criteria in that more than 50% of the footprint of the proposed Small Houses fell within the ‘VE’; there was a general shortage of land to meet the Small House demand in the “V” zone of the concerned villages at the time of consideration; and the proposed developments were able to be connected to the planned sewerage system.

- 6.3 After the Board's adoption of a more cautious approach in August 2015, Applications No. A/NE-LT/582 to 584 were approved with conditions by the Committee in 2016 on sympathetic consideration as the sites were the subject of previously approved applications (No. A/NE-LT/432 to 434). Another application (No. A/NE-LT/542) for the development of an NTEH was approved with conditions by the Committee in 2015 mainly on the grounds of having building entitlement.
- 6.4 The other eight applications (No. A/NE-LT/291, 294, 298, 360, 411, 412, 422 and 474) were rejected by the Committee/the Board upon review between 2003 and 2014 mainly for the reasons of being not able to be connected to the existing or planned sewerage system in the area and the applicants failed to demonstrate that the proposed development within the WGG would not cause adverse impact on the water quality in the area. Application No. A/NE-LT/474 was also rejected on the ground of causing adverse impact on landscape resources in the surrounding areas.
- 6.5 Details of the above similar applications are summarized at **Appendix IV** and their locations are shown on **Plans A-1** and **A-2a**.

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

- 7.1 The Site is:
- (a) generally flat, partly covered with weeds and partly occupied by vacant agricultural structures;
  - (b) situated to the immediate east of Lam Tsuen River (an Ecologically Important Stream (EIS)) and sandwiched between existing village houses and some temporary structures; and
  - (c) directly accessible from a footpath leading to Lam Kam Road.
- 7.2 The surrounding areas are predominantly rural in character with a mix of village houses, temporary structures, plant nurseries, agricultural land and tree groups. Lam Kam Road is situated about 40m to the east of the Site. The village clusters of Ma Po Mei and Ping Long are situated to the northwest and southeast of the Site on the other side of Lam Tsuen River and Lam Kam Road respectively.

**8. Planning Intention**

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

## 9. Comments from Relevant Government Departments

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

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone ? - Footprint of the proposed Small Houses - Application site	- -	100% 100%	- The Site and the footprint of the proposed Small Houses fall entirely within the “AGR” zone.
2.	Within ‘VE’? - Footprint of the proposed Small Houses - Application site	100% 100%	- -	- The Site and the footprint of the proposed Small Houses fall entirely within the ‘VE’ of Ma Po Mei ( <b>Plan A-2a</b> ).  - 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 Ma Po Mei and Tai Mong Che: about 7.8 ha (or equivalent to 312 Small House sites). The outstanding Small House applications are 42 <sup>2</sup> while the 10-year Small House demand forecast for the same village is 270.  - Land available to meet Small House demand within the “V” zone of the villages concerned: about 2.3 ha (or equivalent to 92 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

<sup>2</sup> Among the 42 outstanding Small House applications, 13 of them within the “V” zone and 29 straddle or outside the “V” zone. For those applications straddling or being outside the “V” zone, six of them have obtained valid planning approval from the Board.

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
				the vicinity, agricultural infrastructure such as road access and water source is available, and the Site possesses potential for agricultural rehabilitation.
5.	Compatible with surrounding area/development?	✓		- The proposed Small Houses are 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) objects to the application as the connection from the proposed Small Houses to the public sewerage system in the area is considered technically infeasible.
7.	Sewerage impact?	✓		- The Director of Environmental Protection (DEP) does not support the application as the applicants' proposed use of septic tank and soakaway system to treat wastewater is unacceptable within WGG and the connection of public sewer is considered technically infeasible unless the applicants can overcome the level difference.  - The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advises that the connection to existing sewerage networks might not be feasible.
8.	Encroachment onto planned road networks and public works boundaries?		✓	

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
9.	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.
10.	Traffic impact?	✓		- The Commissioner for Transport (C for T) has general reservation on the application but considers the application only involving development of two Small Houses can be tolerated.
11.	Drainage impact?	✓		- CE/MN, DSD has no objection to the application from public drainage viewpoint.  - Approval condition on submission and implementation of drainage proposal is required.
12.	Landscape impact?		✓	- The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the application from landscape planning point of view as no existing tree is found within the Site and adverse impact to significant landscape resources is not anticipated.  - Should the application be approved, an approval condition on the submission and implementation of landscape proposal is recommended.
13.	Geotechnical impact?		✓	
14.	Local objection received from DO?		✓	- The District Officer/Tai Po, Home Affairs Department (DO/TP, HAD) advises that a section of existing footpath built by locals would be affected by the proposed development and the applicants/lot owners concerned are advised to maintain the accessibility of the

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
				footpath or provision of an alternative section of the footpath on the premises during and after the Small Houses construction.

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

- (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;
- (j) Director of Fire Services; and
- (k) District Officer/Tai Po, Home Affairs Department.

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) Project Manager/North, Civil Engineering and Development Department; and
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department.

## **10. Public Comments Received During Statutory Publication Period (Appendix VI)**

On 7.8.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from the Hong Kong Bird Watching Society and an individual objecting to the application mainly on the grounds of being not in line with the planning intention of “AGR” zone; having adverse sewerage and ecological impacts; 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 Houses are 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, agricultural infrastructure such as road access and water source is available, and the Site possesses potential for agricultural rehabilitation.

- 11.2 According to DLO/TP, LandsD's record, the total number of outstanding Small House applications for Ma Po Mei and Tai Mong Che is 42 while the 10-year Small House demand forecast is 270. Based on the latest estimate by the Planning Department, about 2.3 ha (or equivalent to about 92 Small House sites) of land is available within the "V" zone concerned (**Plan A-2b**). As footprint of the proposed Small Houses fall entirely within the 'VE' of Ma Po Mei, DLO/TP of LandsD has no objection to the application.
- 11.3 The Site, located at the east of Ma Po Mei and immediate adjacent to Lam Tsuen River (**Plan A-2a**), is generally flat, partly covered with weeds and partly occupied by vacant agricultural structures (**Plan A-4**). 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 (**Plan A-3**). As there is no existing tree within the Site, CTP/UD&L of PlanD has no objection to the application as adverse impact to significant landscape resources is not anticipated.
- 11.4 The Site falls within the upper indirect WGG. The applicants have proposed the use of septic tank and soakaway system to treat wastewater. DEP advises that use of septic tank is not acceptable. While existing public sewerage system is available in the vicinity, both DEP and CE/C of WSD do not support the application as the connection from the proposed Small Houses to the public sewerage system in the area is considered technically infeasible due to the level difference (**Plan A-2a**) and the proposed developments do not comply with the Interim Criteria. Besides, C for T has general reservation on the application but considers the application only involving the development of two Small Houses 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**), although more than 50% of the proposed Small House footprints fall within the 'VE' of Ma Po Mei (**Plan A-2a**), the proposed Small House developments do not comply with the Interim Criteria in that the applicants failed to demonstrate that the proposed developments located within WGG would be able to be connected to the existing/planned sewerage system and would not cause adverse impact on the water quality in the area. Furthermore, while land available within the "V" zone (about 2.3 ha or equivalent to about 92 Small House sites) is insufficient to fully meet the future Small House demand, it is capable to meet the 42 outstanding Small House applications (**Plan A-2b**). It should be noted that the Board has adopted a more cautious approach in approving applications for Small House development in recent years. Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD. In this regard, it is considered more

appropriate to concentrate the proposed Small House developments within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.

- 11.6 The Site/part of the Site is the subject of four previous applications, and three of them were approved/rejected before the first promulgation of the Interim Criteria in 2000. The last previous application (No. A/NE-LT/368) submitted by one of the applicants of the current application was rejected by the Committee in 2007, mainly for the reason of not complying with the Interim Criteria in that the proposed development was not able to be connected to existing or planned sewerage system in the area. There has been no significant change in the planning circumstances since the last application was rejected.
- 11.7 There are nine similar applications covering four sites in close proximity to the Site (**Plan A-2a**). Two applications (No. A/NE-LT/294 and 298) were rejected by the Board upon review in 2003 mainly for the reason of being not able to be connected to public sewer as there was no plan to extend the public sewerage system in the area concerned at the time of consideration. Subsequently, Applications No. A/NE-LT/432 and 433 (covering the site of Applications No. A/NE-LT/294 and 298 submitted by the same applicants) as well as Application No. A/NE-LT/434 were approved by the Committee for the reasons of generally complying with the Interim Criteria in that more than 50% of the proposed Small House footprints fell within the ‘VE’; there was a general shortage of land to meet the Small House demand in the “V” zone of the concerned villages at the time of consideration; and the proposed developments were able to be connected to the planned sewerage system. Whilst the Board has adopted a more cautious approach in 2015, Applications No. A/NE-LT/582 to 584 were approved with conditions by the Committee in 2016 mainly on sympathetic consideration as the sites were the subject of previously approved applications (No. A/NE-LT/432 to 434). Regarding Application No. A/NE-LT/542 for the development of an NTEH, it was approved by the Committee in 2015 mainly on the grounds of having building entitlement. The planning circumstances of the current application are similar to those rejected cases as they are not able to be connected to the public sewerage system.
- 11.8 Regarding the public comments objecting to the application mainly on the grounds of being not in line with the planning intention of “AGR” zone; having adverse sewerage and ecological impacts; 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:
- (a) the proposed developments are not in line with the planning intention of the “AGR” zone, which is primarily to retain and safeguard good quality

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

- (b) the proposed developments do not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the applicants fail to demonstrate that the proposed developments located within water gathering grounds would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area; and
- (c) land is still available within the “V” zone of Ma Po Mei and Tai Mong Che which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small Houses 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 21.9.2022, 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 a 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 VII**.

**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 applicants.

**14. Attachments**

Appendix I	Application form and attachments received on 30.7.2018
Appendix Ia	Further Information received on 10.8.2018
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	Previous applications
Appendix IV	Similar applications
Appendix V	Detailed comments from relevant Government departments
Appendix VI	Public comments
Appendix VII	Recommended advisory clauses
Drawing A-1	Site plan submitted by the applicants
Plan A-1	Location plan
Plan A-2a	Site plan
Plan A-2b	Estimated amount of land available for Small House development within "V" zone
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT  
SEPTEMBER 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.

**Previous applications at the Sites**

**Approved Application**

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-LT/204	Two New Territories Exempted Houses – Small Houses	13/08/1999	A1-A6

**Approval Conditions**

- A1 The provision of drainage facilities
- A2 The disposal of spoils during the site formation and construction period
- A3 The provision of septic tanks and soakaway pits for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses
- A4 The reprovisioning of the existing footpath
- A5 The provision of fire service installations
- A6 The submission and implementation of landscaping proposals

**Rejected Applications**

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-LT/105	New Territories Exempted House – Small House	23/01/1998 (Review)	R1-R4
A/NE-LT/106	New Territories Exempted House – Small House	23/01/1998 (Review)	R1-R4
A/NE-LT/368	Proposed House (New Territories Exempted House – Small House)	02/02/2007	R5-R6

**Rejection Reasons**

- R1 The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area, which is primarily to retain active and fallow agricultural land with good potential for rehabilitation.

- R2. There was insufficient justification in the submission to demonstrate that land is not available for Small House development within the "Village Type Development" zone in Ng Tung Chai, Ma Po Mei and Tai Mong Che.
- R3. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse drainage impacts on the surrounding areas.
- R4. The approval of the application would set an undesirable precedent for other similar applications in the "AGR" zone, the cumulative effect of which would degrade the environment of the area.
- R5. The application was not in line with the planning intention of the "AGR" zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications have been provided in the submission for a departure from the planning intention.
- R6. The proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House (NTEH)/Small House development in that the proposed NTEH/Small House development fell within Water Supplies Department's upper indirect Water Gathering Grounds (WGG) and was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area.



**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/268	Proposed House (New Territories Exempted House - Small House)	07/12/2001	A1-A4
A/NE-LT/274	Proposed House (New Territories Exempted House - Small House)	23/08/2002	A1, A4-A7
A/NE-LT/312	Proposed House (New Territories Exempted House - Small House)	27/02/2004	A1, A5-A9
A/NE-LT/387	Proposed House (New Territories Exempted House - Small House)	05/09/2008	A6,A8-A12
A/NE-LT/406	Proposed House (New Territories Exempted House - Small House)	15/10/2010	A1,A5,A6,A8,A12
A/NE-LT/432	Proposed House (New Territories Exempted House - Small House)	02/09/2011	A4,A5,A6,A9,A11
A/NE-LT/433	Proposed House (New Territories Exempted House - Small House)	02/09/2011	A4,A5,A6,A11,A12
A/NE-LT/434	Proposed House (New Territories Exempted House - Small House)	02/09/2011	A4,A5,A6,A11,A12
A/NE-LT/465	Proposed House (New Territories Exempted House - Small House)	21/12/2012	A1,A4-A6
A/NE-LT/497	Proposed House (New Territories Exempted House - Small House)	17/01/2014	A5,A6,A8,A9,A11
A/NE-LT/542	Proposed House (New Territories Exempted House)	20/11/2015	A4-A6,A11

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-LT/582	Proposed House (New Territories Exempted House)	14/09/2016	A4-A6,A11
A/NE-LT/583	Proposed House (New Territories Exempted House)	14/09/2016	A4-A6,A11
A/NE-LT/584	Proposed House (New Territories Exempted House)	14/09/2016	A4-A6,A11

Approval Conditions

- A1. The provision of drainage facilities
- 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 submission and implementation of landscaping proposal
- A5. The connection of the foul water drainage system to public sewers
- A6. The provision of protection measures to ensure no pollution or siltation occurred to the water gathering grounds
- A7. The provision of fire service installations
- A8. The submission and implementation of landscape and tree preservation proposals
- A9. The re-provisioning of footpath.
- A10. The proposed development should avoid affecting the existing tree (i.e. Dimocarpus longan), including the canopy and the roots.
- A11. The submission and implementation of drainage facilities/proposal
- A12. The provision of fire fighting access, water supplies and fire service installations

## Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejected Reason(s)
A/NE-LT/291	Proposed House (New Territories Exempted House - Small House)	25/07/2003	R1,R2
A/NE-LT/294	Proposed House (New Territories Exempted House - Small House)	12/12/2003 (on review)	R1,R3
A/NE-LT/298	Proposed House (New Territories Exempted House - Small House)	12/12/2003 (on review)	R1,R3
A/NE-LT/360	Proposed House (New Territories Exempted House - Small House)	21/07/2006	R3,R5
A/NE-LT/411	Proposed House (New Territories Exempted House - Small House)	18/02/2011	R5
A/NE-LT/412	Proposed House (New Territories Exempted House - Small House)	18/02/2011	R5
A/NE-LT/422	Proposed House (New Territories Exempted House - Small House)	03/06/2011	R5
A/NE-LT/474	Proposed House (New Territories Exempted House - Small House)	03/01/2014	R4,R6

### Rejection Reasons

- R1. The application was not in line with the planning intention of the "Agriculture" ("AGR") zone which was to retain and safeguard good agricultural land for agricultural purposes and to retain fallow agricultural land with good potential for rehabilitation.
- R2. 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 it was not able to be connected to existing or planned sewerage system in the area. There was no information in the submission to demonstrate that the proposed development located within the water gathering grounds (WGG) would not cause adverse impact on water quality in the area.
- R3. The proposed Small House did not comply with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories in

that the proposed Small House was not able to be connected to the existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed septic tank system was technically feasible and the proposed development located within the water gathering grounds would not cause adverse impact on water quality in the area.

- R4. The application was not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention.
- R5. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed NTEH/Small House development fell within the Water Supplies Department's upper indirect WGG and was not able to be connected to existing or planned sewerage system in the area. There was insufficient/no information in the submission to demonstrate that the proposed development located within the WGGs would not cause 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 the applicant failed to demonstrate that the proposed development would not cause adverse impact on landscape resources and water quality in the surrounding areas.

**Appendix V of RNTPC  
Paper No. A/NE-LT/647**

**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 applicants claimed to be indigenous villagers (IV) of Ma Po Mei, Tai Po. However, their eligibility of Small House grants have yet to be ascertained;
- (c) the Site is old schedule lots held under Block Government Lease (demised for agricultural use). The applicants are the registered owners of the subject lots. The Small House applications have been received by LandsD;
- (d) the Site falls entirely within the village 'environs' ('VE') of Ma Po Mei and are within the water gathering ground (WGG) of Tai Po Heung. The Site is not covered by any Modification of Tenancy or Building Licence;
- (e) the number of outstanding Small House applications and the number of 10-year Small House demand for the villages concerned are as follows;

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand*</u>
Ma Po Mei	<b>1514</b>	120
Tai Mong Che	28	150

(\*The figure of 10-year Small House Demand was provided by the IIR of Ma Po Mei and Tai Mong Che in 2009 and 2014 respectively and the information so obtained is not verified by LandsD)

- (f) if and after planning approval has been granted by the Board, LandsD will process the Small House applications. However, there is no guarantee at this stage that the Small House applications would be approved. If the Small House applications are 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 Houses concerned or approval of the emergency vehicular access thereto; and
- (g) with respect to the proposed septic tanks, they will be considered when the cases are due for processing.

2. **Traffic**

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

- (a) in general, he has reservation on the application. Such type of development should be confined within the "Village Type Development" ("V") zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the "V" zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and
- (b) notwithstanding the above, he considers that the application only involves development of two Small Houses can be tolerated on traffic grounds.

3. **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) the Site is entirely within "Agriculture" ("AGR") zone and within WGG. There is existing public sewer at Ma Po Mei for connection, yet the ground level of the Site (+52.1mPD) is lower than the outgoing pipe invert level of the nearest manhole (+52.41mPD). The connection of public sewer is considered technically infeasible unless the applicants can overcome the level difference; and
- (b) based on the applicant's further information, they proposed the adoption of septic tanks and soakaway system to treat wastewater. He does not support the application as using a septic tank and soakaway system to treat wastewater is unacceptable inside the WGG according to Chapter 9 of the Hong Kong Planning Standards and Guidelines (HKPSG).

4. **Landscape**

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

- (a) no objection to the application from the landscape planning perspective;
- (b) the Site is connected to Lam Kam Road via paved footpaths at the eastern and western corner of the Site. Village houses are concentrated within the "V" zone to the further south and west of the Site;
- (c) the Site is situated in an area of rural landscape character comprising of scattered tree groups, active and abandoned farmland, temporary structures and village houses. Although the proposed development is not in line with the planning intention of the "AGR" zone, it is not entirely incompatible with the surrounding environment;

- (d) the Site is vacant and covered with grass. No existing tree is found within the Site. Adverse impact to significant landscape resources is not anticipated;
- (e) should the application be approved by the Board, approval condition on submission and implementation of landscape proposal is recommended; and
- (f) it appears that the western boundary of the Site may have conflict with an existing track leading to a potential impact on the right-of-way. The applicants should consult relevant Government departments.

## **5. Drainage and Sewerage**

### **5.1 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):**

- (a) no in-principle objection to the application from public drainage 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 Houses should have their own stormwater collection and discharge systems to cater for the runoff generated within the Site and overland flow from other areas surrounding the Site. The proposed developments are 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 applicants should take this into account when preparing the drainage proposal. The applicants/owners are also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicants/owners 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 applicants 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 applicants should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicants 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. However, connection to existing

sewerage networks might not be feasible; and

- (f) the applicants are required to rectify/modify the drainage/sewerage systems if they are found to be inadequate or ineffective during operation. The applicants 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.

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

- no comment on the application from project interface point of view as there is no active project/contract in Ma Po Mei, Lam Tsuen.

6. **Agriculture**

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

- the Site is vacant. Nevertheless, there are active agricultural activities in the vicinity and agricultural infrastructure such as road access and water source 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 applicants are 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) objects to the application; and
- (b) the Site is located within upper indirect WGG and the proposed Small Houses are situated less than 30m from the nearest stream course. The Site is located in the "AGR" zone on the OZP. As advised by DEP, the connection from the proposed Small Houses to the public sewerage system in the area is considered technically infeasible. It is thus considered that compliance with the Interim Criteria cannot be established.



9. **Town Gas Safety**

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

- (a) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the Site;
- (b) the applicants/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum setback distance away from them during the design and construction stages of development; and
- (c) the applicants/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes".

10. **District Officer's comments**

Comments of the District Officer/Tai Po, Home Affairs Department (DO/TP, HAD):

- (a) no comment on the application; and
- (b) a small portion of Lot 913 ss.1 affects a section of existing footpath built by locals. The applicants/lot owners concerned is advised to maintain the accessibility of the footpath or provision of an alternative section of the footpath on the premises during and after the Small House construction.

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

According to DLO/TP, LandsD's records, the total number of outstanding Small House applications for Ma Po Mei and Tai Mong Che is 42 while 10-year Small House demand forecast is 270. Based on the latest estimate by Planning Department, about 2.3 ha (or equivalent to about 92 Small House sites) of land are available within the "V" zone of the concerned villages. Therefore, the land available cannot fully meet the future Small House demand of about 7.8 ha (or equivalent to about 312 Small House sites).

**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 applications would be approved. If Small House applications are 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 Houses concerned or approval of the Emergency Vehicular Access thereto; and
  - (ii) the proposed septic tanks will be considered when the Small House applications are due for processing; and
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the western boundary of the Site may have conflict with an existing track leading to a potential impact on the right-of-way. The applicants should consult relevant Government departments;
- (c) 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 Houses should have their own stormwater collection and discharge systems to cater for the runoff generated within the Site and overland flow from other areas surrounding the Site. The proposed developments are 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 applicants should take this into account when preparing the drainage proposal. The applicants/owners are also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicants/owners 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 applicants 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 applicants should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicants 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 applicants choose to connect their proposed drainage systems to DSD's networks, their connection proposal should be submitted for DSD's agreement; and

- (iv) the applicants are required to rectify/modify the drainage/sewerage systems if they are found to be inadequate or ineffective during operation. The applicants 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;
- (d) to note the comments of the Director of Fire Services (D of FS) that the applicants 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;
- (e) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that:
  - (i) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the Site;
  - (ii) the applicants should liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum setback distance away from them during the design and construction stages of development; and
  - (iii) the applicants should observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes"; and
- (f) to note the comments of the District Officer/Tai Po, Home Affairs Department (DO/TP, HAD) that a small portion of Lot 913 ss.1 affects a section of existing footpath built by locals. The applicants/lot owners concerned should maintain the accessibility of the footpath or provision of an alternative section of the footpath on the premises during and after the Small House construction; and
- (g) 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 applicants 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.

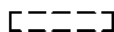


## SITE PLAN

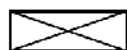
### LEGEND



PROPOSED APPLICATION SITE  
(EXEMPTED SMALL HOUSE)



PROPOSED BALCONY



PROPOSED LOCATION OF SEPTIC TANK

**G-LAND DEVCON LTD.**  
**金田發展建築有限公司**

PROJECT:  
LOT NO. 913 S.B. r.p and 913 S.B. ss1, Ma Po Mei,  
Lam Tsuen, Tai Po, New Territories, Hong Kong

TITLE:  
SEPTIC TANK LOCATION PLAN

SCALE	DATE: 08/08/18
DRAWN BY: MATTHEW TAI	REV.: -
CHECKED BY: HENRY TAI	DWG No.: MPN/TP/913/04
REVIEW & APPROVAL FOR SUBMISSION BY: HENRY TAI	

參考編號

REFERENCE No.

A/NE-LT/647

繪圖

DRAWING A-1

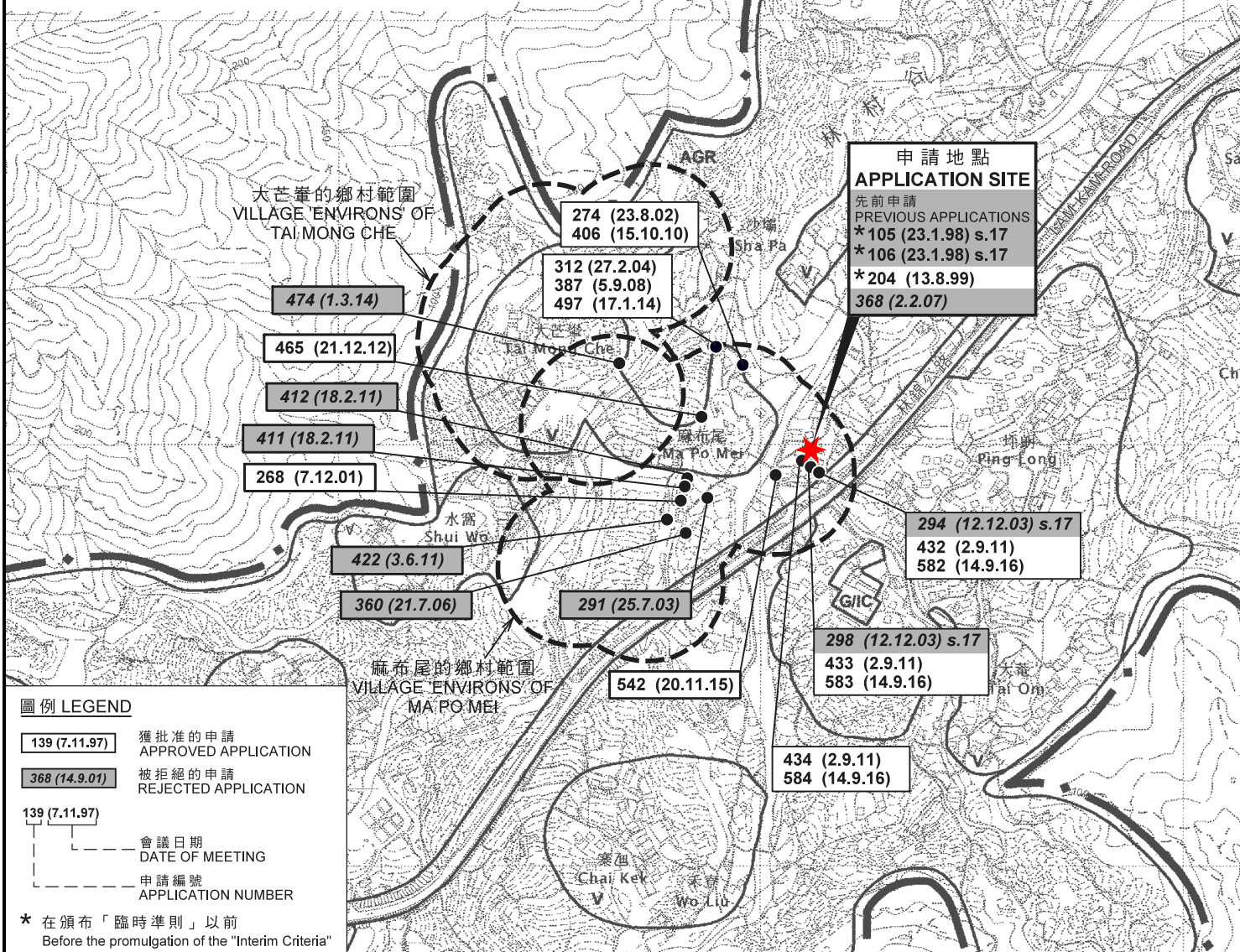
(來源 : 申請人建議書)  
(SOURCE : APPLICANT'S SUBMISSION PLAN)





### 要覽圖 KEY PLAN

SCALE 1 : 50 000 比例尺



### 圖例 LEGEND

- 139 (7.11.97) 獲批准的申請  
APPROVED APPLICATION
- 368 (14.9.01) 被拒絕的申請  
REJECTED APPLICATION
- 139 (7.11.97) 會議日期  
DATE OF MEETING
- 139 (7.11.97) 申請編號  
APPLICATION NUMBER
- \* 在頒布「臨時準則」以前  
Before the promulgation of the "Interim Criteria"

### 位置圖 LOCATION PLAN

擬議 2 幢屋宇 (新界豁免管制屋宇—小型屋宇)  
新界大埔林村麻布尾丈量約份第8約地段  
第913號B分段第1小分段及第913號B分段餘段  
PROPOSED 2 HOUSES  
(NEW TERRITORIES EXEMPTED HOUSES - SMALL HOUSES)  
LOTS 913 S.B ss.1 AND 913 S.B RP IN D.D.8,  
MA PO MEI, LAM TSUEN, TAI PO, NEW TERRITORIES

SCALE 1 : 7 500 比例尺  
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METRES

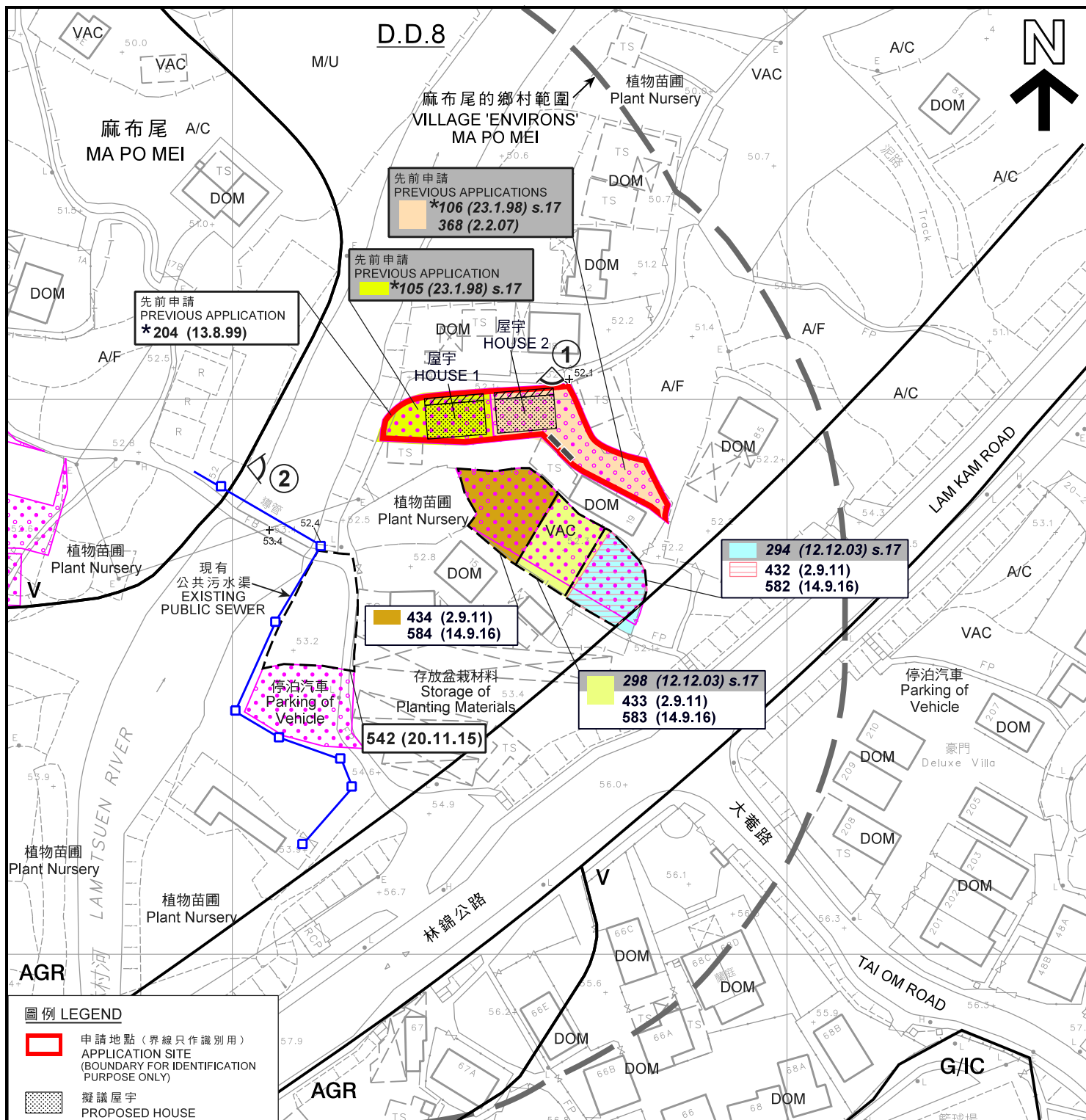
規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/NE-LT/647

圖 PLAN  
A-1

本摘要圖於2018年9月14日擬備，  
所根據的資料為於2006年10月31日核准的  
分區計劃大綱圖編號S/NE-LT/11  
EXTRACT PLAN PREPARED ON 14.9.2018  
BASED ON OUTLINE ZONING PLAN  
No. S/NE-LT/11 APPROVED ON 31.10.2006



#### 圖例 LEGEND

- 申請地點 (界線只作識別用)  
APPLICATION SITE  
(BOUNDARY FOR IDENTIFICATION  
PURPOSE ONLY)
- 擬議屋宇  
PROPOSED HOUSE
- 擬議露台  
PROPOSED BALCONY
- 化糞池  
SEPTIC TANK
- 鄉村式發展  
VILLAGE TYPE DEVELOPMENT
- 農業  
AGRICULTURE
- 政府、機構或社區  
GOVERNMENT, INSTITUTION OR  
COMMUNITY
- 實地照片的觀景點  
VIEWING POINT OF SITE PHOTO

- 正在處理中的小型屋宇批地申請  
SMALL HOUSE GRANT APPLICATION  
BEING PROCESSED
- 常耕農地  
ACTIVE AGRICULTURAL LAND
- 休耕農地  
FALLOW AGRICULTURAL LAND
- 住用構築物  
DOMESTIC STRUCTURE
- 荒地  
UNUSED LAND
- 空置  
VACANT

139 (7.11.97)

368 (14.9.01)

獲批准的申請  
APPROVED APPLICATION

被拒絕的申請  
REJECTED APPLICATION

139 (7.11.97)

會議日期  
DATE OF MEETING

申請編號  
APPLICATION NUMBER

#### 註釋 Notes:

- (1) 2018年8月7日勘測的土地用途  
Land uses shown on this plan are in accordance with the land use survey conducted by the Planning Department on 7.8.2018
- (2) \* 在頒布「臨時準則」以前  
Before the promulgation of the "Interim Criteria"

#### 平面圖 SITE PLAN

擬議2幢屋宇 (新界豁免管制屋宇—小型屋宇)  
新界大埔林村麻布尾丈量約份第8約地段  
第913號B分段第1小分段及第913號B分段餘段  
PROPOSED 2 HOUSES

(NEW TERRITORIES EXEMPTED HOUSES - SMALL HOUSES)  
LOTS 913 S.B ss.1 AND 913 S.B RP IN D.D.8,  
MA PO MEI, LAM TSUEN, TAI PO, NEW TERRITORIES

SCALE 1:1000 比例尺

米 20 0 20 40 米  
METRES

規劃署  
PLANNING  
DEPARTMENT

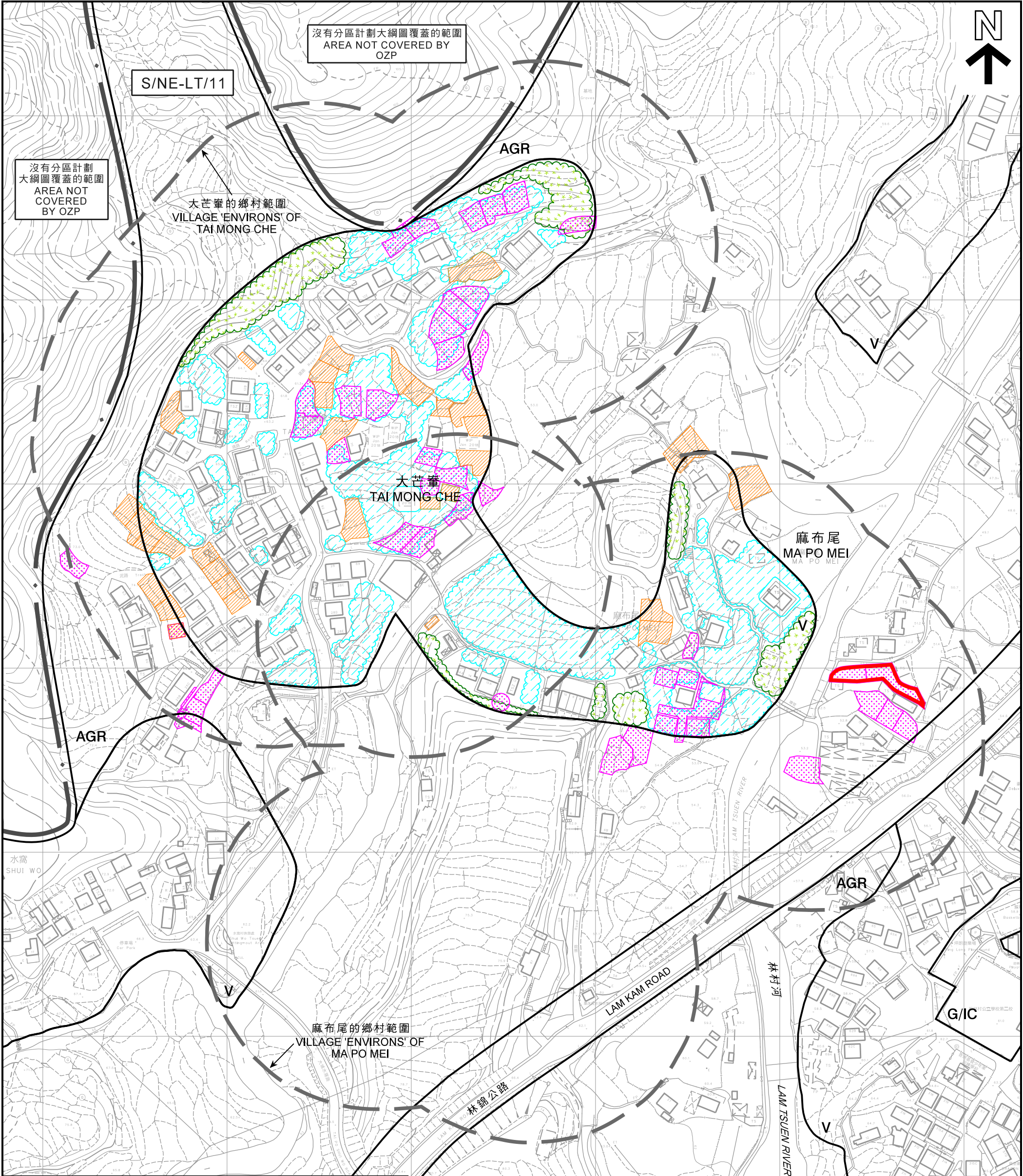


參考編號  
REFERENCE No.  
A/NE-LT/647

圖 PLAN  
A-2a

本摘要圖於2018年9月17日擬備，  
所根據的資料為測量圖編號  
7-NW-6D及7C  
EXTRACT PLAN PREPARED ON 17.9.2018  
BASED ON SURVEY SHEETS No.  
7-NW-6D & 7C





圖例 LEGEND

-  申請地點 (界線只作識別用)  
APPLICATION SITE  
(BOUNDARY FOR IDENTIFICATION  
PURPOSE ONLY)
- V** 鄉村式發展  
VILLAGE TYPE DEVELOPMENT
- G/IC** 政府、機構或社區  
GOVERNMENT, INSTITUTION OR  
COMMUNITY
- AGR** 農業  
AGRICULTURE

-  樹群 / 斜坡  
TREE / SLOPE
-  可用於發展小型屋宇的土地  
(根據規劃署的估計)  
CLUSTER LAND AVAILABLE FOR  
SMALL HOUSE DEVELOPMENT  
(BASED ON PLAND'S ESTIMATE)
-  獲批准的小型屋宇批地申請  
APPROVED SMALL HOUSE GRANT  
APPLICATION
-  正在處理中的小型屋宇批地申請  
SMALL HOUSE GRANT APPLICATION  
BEING PROCESSED

本摘要圖於2018年9月17日擬備，  
所根據的資料為測量圖編號  
7-NW-6B、6D、7A及7C  
EXTRACT PLAN PREPARED ON 17.9.2018  
BASED ON SURVEY SHEETS No.  
7-NW-6B, 6D, 7A & 7C

在「鄉村式發展」地帶內預計可供發展小型屋宇的土地數量  
ESTIMATED AMOUNT OF LAND AVAILABLE FOR  
SMALL HOUSE DEVELOPMENT WITHIN THE "V" ZONE  
擬議2幢屋宇 (新界豁免管制屋宇—小型屋宇)  
新界大埔林村麻布尾丈量約份第8約地段  
第913號B分段第1小分段及第913號B分段餘段  
PROPOSED 2 HOUSES  
(NEW TERRITORIES EXEMPTED HOUSES - SMALL HOUSES)  
LOTS 913 S.B ss.1 AND 913 S.B RP IN D.D.8,  
MA PO MEI, LAM TSUEN, TAI PO, NEW TERRITORIES  
SCALE 1:2 000 比例尺

米 40 0 40 80 120 160 米  
METRES

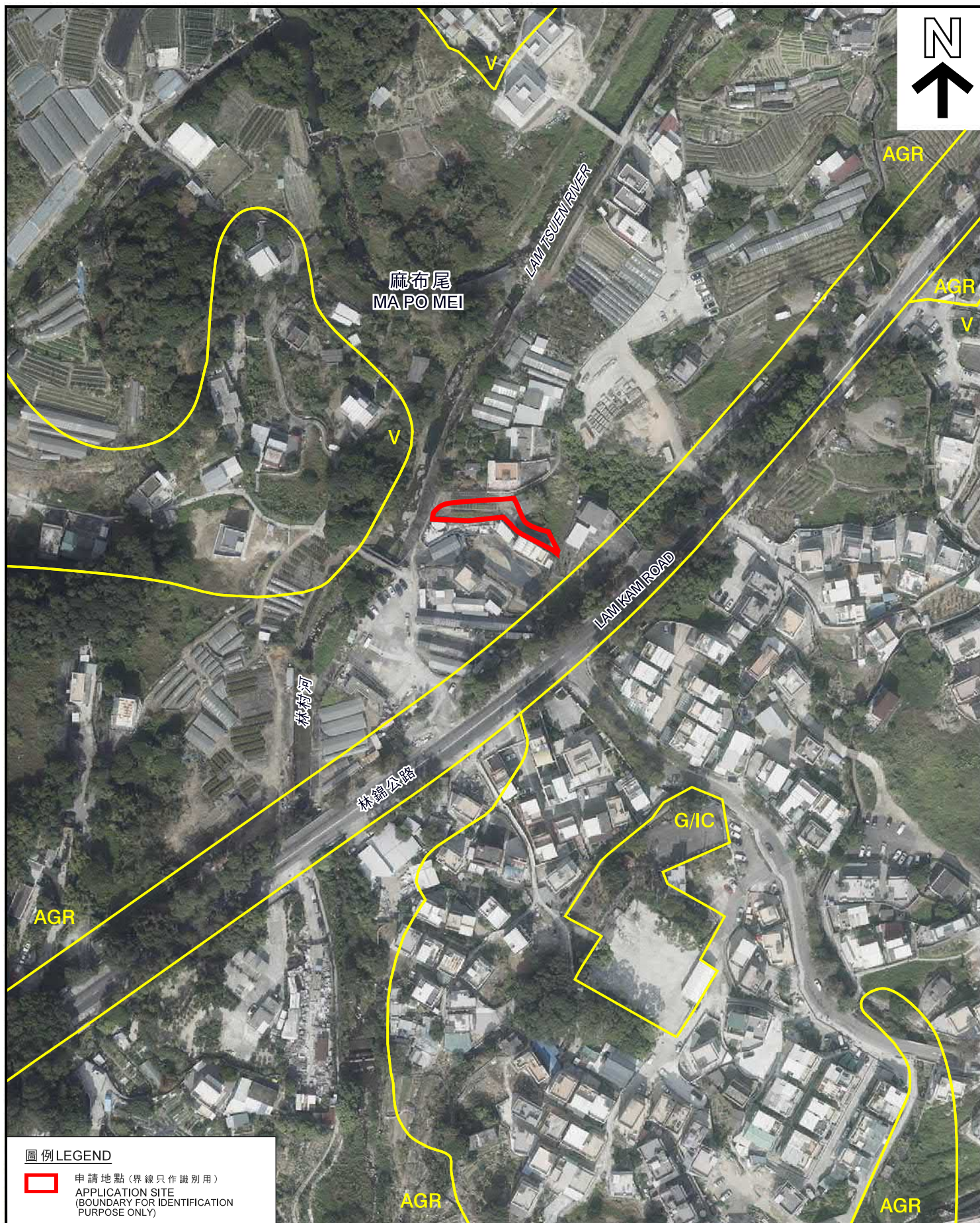
規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/NE-LT/647

圖 PLAN  
A-2b





**圖例 LEGEND**

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

本摘要圖於2018年9月4日擬備，  
所根據的資料為地政總署  
於2018年1月3日拍得的航攝照片  
編號E032456C  
EXTRACT PLAN PREPARED ON 4.9.2018  
BASED ON AERIAL PHOTO No. E032456C  
TAKEN ON 3.1.2018 BY  
LANDS DEPARTMENT

**航攝照片 AERIAL PHOTO**

擬議 2 幢屋宇 (新界豁免管制屋宇—小型屋宇)  
新界大埔林村麻布尾丈量約份第8約地段  
第913號B分段第1小分段及第913號B分段餘段  
PROPOSED 2 HOUSES  
(NEW TERRITORIES EXEMPTED HOUSES - SMALL HOUSES)  
LOTS 913 S.B ss.1 AND 913 S.B RP IN D.D.8,  
MA PO MEI, LAM TSUEN, TAI PO, NEW TERRITORIES

規 劃 署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/NE-LT/647

圖 PLAN  
A-3



1



2



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

### 實地照片 SITE PHOTOS

本圖於2018年9月13日擬備，所根據的資料為攝於2018年9月4日的實地照片  
PLAN PREPARED ON 13.9.2018 BASED ON SITE PHOTOS TAKEN ON 4.9.2018

擬議 2 幢屋宇（新界豁免管制屋宇－小型屋宇）  
新界大埔林村麻布尾丈量約份第8約地段  
第913號B分段第1小分段及第913號B分段餘段  
PROPOSED 2 HOUSES  
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LOTS 913 S.B ss.1 AND 913 S.B RP IN D.D.8,  
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PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/NE-LT/647

圖 PLAN  
A-4

- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (c) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

**Agenda Item 16**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/647          Proposed 2 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 913 S.B ss.1 and 913 S.B RP in D.D. 8, Ma Po Mei, Tai Po  
(RNTPC Paper No. A/NE-LT/647)

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50. The Committee noted that a replacement page (page 1 of Appendix V) of the Paper, rectifying editorial error of the Paper, was tabled at the meeting for Members’ reference.

**Presentation and Question Sessions**

51. 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 two houses (New Territories Exempted Houses (NTEHs) – Small Houses);

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site (the site) possessed potential for agricultural rehabilitation and there were active agricultural activities in the vicinity. The Director of Environmental Protection (DEP) did not support the application as using a septic tank and soakaway system to treat wastewater was unacceptable inside the water gathering ground (WGG) and the connection of public sewer was considered technically infeasible due to the level difference. The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) objected to the application as the site was located less than 30m from the nearest stream course and the connection from the proposed Small Houses to the public sewerage system in the area was considered technically infeasible. The Commissioner for Transport had reservation on the application but considered that application involving construction of two Small Houses could be tolerated. 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 objecting to the application were received from the Hong Kong Bird Watching Society and an individual. 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 developments were not in line with the planning intention of "Agriculture" zone and DAFC did not support the application. DEP and CE/C of WSD also did not support the application. The proposed developments did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the applicants failed to demonstrate that the proposed developments located within WGG would be able to be connected to the existing/planned sewerage system and would not cause adverse impact on the water quality in the area. While more than 50% of the footprints of the proposed Small

Houses fell within the village 'environs' of Ma Po Mei and land available within the "Village Type Development" ("V") zone was insufficient to fully meet the future Small House demand, it was capable to meet the 42 outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House developments within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. There had been no significant change in the planning circumstances since the rejection of the previous application and the planning circumstances of the subject application were similar to those rejected applications in close proximity. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

52. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed developments are 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 developments do not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicants fail to demonstrate that the proposed developments located within water gathering grounds would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area; and

- (c) land is still available within the "Village Type Development" ("V") zone of Ma Po Mei and Tai Mong Che which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small Houses 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-LT/648          Proposed House (New Territories Exempted House - Small House) in "Agriculture" and "Village Type Development" Zones, Lots 9 and 10 in D.D. 25, Tai Om, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/648)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. 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, one public comment objecting to the application was received from the Hong Kong Bird Watching Society. Major objection grounds were set out in paragraph 10 of the Paper; and



城市規劃委員會

香港北角渣華道三百三十三號  
北角政府合署十五樓

TOWN PLANNING BOARD

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333 Java Road, North Point,  
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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/647

By Registered Post

5 October 2018

Tai Ngan Chiu

Dear Sir/Madam,

**Proposed 2 Houses (New Territories Exempted Houses - Small Houses) in  
"Agriculture" Zone, Lots 913 S.B ss.1 and 913 S.B RP in D.D. 8, Ma Po Mei, Tai Po**

I refer to my letter to you dated 27.8.2018.

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

- (a) the proposed developments are 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 developments do not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that you fail to demonstrate that the proposed developments located within water gathering grounds would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area; and
- (c) land is still available within the "Village Type Development" ("V") zone of Ma Po Mei and Tai Mong Che which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small Houses 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 21.9.2018 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 26.10.2018). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

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

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

Yours faithfully,



( Raymond KAN )  
for Secretary, Town Planning Board

**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/268	Proposed House (New Territories Exempted House - Small House)	07/12/2001	A1-A4
A/NE-LT/274	Proposed House (New Territories Exempted House - Small House)	23/08/2002	A1, A4-A7
A/NE-LT/312	Proposed House (New Territories Exempted House - Small House)	27/02/2004	A1, A5-A9
A/NE-LT/387	Proposed House (New Territories Exempted House - Small House)	05/09/2008	A6,A8-A12
A/NE-LT/406	Proposed House (New Territories Exempted House - Small House)	15/10/2010	A1,A5,A6,A8,A12
A/NE-LT/432	Proposed House (New Territories Exempted House - Small House)	02/09/2011	A4-A6,A9,A11
A/NE-LT/433	Proposed House (New Territories Exempted House - Small House)	02/09/2011	A4-A6,A11,A12
A/NE-LT/434	Proposed House (New Territories Exempted House - Small House)	02/09/2011	A4-A6,A11,A12
A/NE-LT/465	Proposed House (New Territories Exempted House - Small House)	21/12/2012	A1,A4-A6
A/NE-LT/497	Proposed House (New Territories Exempted House - Small House)	17/01/2014	A5,A6,A8,A9,A11
A/NE-LT/542	Proposed House (New Territories Exempted House)	20/11/2015	A4-A6,A11
A/NE-LT/582	Proposed House (New Territories Exempted House - Small House)	14/09/2016	A4-A6,A11
A/NE-LT/583	Proposed House (New Territories Exempted House - Small House)	14/09/2016	A4-A6,A11



<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-LT/584	Proposed House (New Territories Exempted House - Small House)	14/09/2016	A4- A6,A11

#### Approval Conditions

- A1. The provision of drainage facilities
- 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 submission and implementation of landscaping proposal
- A5. The connection of the foul water drainage system to public sewers
- A6. The provision of protection measures to ensure no pollution or siltation occurred to the water gathering grounds
- A7. The provision of fire service installations
- A8. The submission and implementation of landscape and tree preservation proposals
- A9. The re-provisioning of footpath.
- A10. The proposed development should avoid affecting the existing tree (i.e. Dimocarpus longan), including the canopy and the roots.
- A11. The submission and implementation of drainage facilities/proposal
- A12. The provision of fire fighting access, water supplies and fire service installations

#### **Rejected Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejected Reason(s)</b>
A/NE-LT/291	Proposed House (New Territories Exempted House - Small House)	25/07/2003	R1,R2
A/NE-LT/294	Proposed House (New Territories Exempted House - Small House)	12/12/2003 (on review)	R1,R3
A/NE-LT/298	Proposed House (New Territories Exempted House - Small House)	12/12/2003 (on review)	R1,R3
A/NE-LT/360	Proposed House (New Territories Exempted House - Small House)	21/07/2006	R3,R5

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejected Reason(s)</b>
A/NE-LT/411	Proposed House (New Territories Exempted House - Small House)	18/02/2011	R5
A/NE-LT/412	Proposed House (New Territories Exempted House - Small House)	18/02/2011	R5
A/NE-LT/422	Proposed House (New Territories Exempted House - Small House)	03/06/2011	R5
A/NE-LT/474	Proposed House (New Territories Exempted House - Small House)	03/01/2014	R4,R6
A/NE-LT/656	Proposed House (New Territories Exempted House - Small House) and Filling of Land	07/12/2018	R4,R7,R8

### Rejection Reasons

- R1. The application was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes and to retain fallow agricultural land with good potential for rehabilitation.
- R2. 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 it was not able to be connected to existing or planned sewerage system in the area. There was no information in the submission to demonstrate that the proposed development located within the water gathering grounds (WGG) would not cause adverse impact on water quality in the area.
- R3. The proposed Small House did not comply with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories in that the proposed Small House was not able to be connected to the existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed septic tank system was technically feasible and the proposed development located within the water gathering grounds would not cause adverse impact on water quality in the area.
- R4. The application was not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention.
- R5. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed NTEH/Small House development fell within the Water Supplies Department's upper indirect WGG and was not able to be connected to existing or planned sewerage system in the area. There was insufficient/no information in the submission to demonstrate that the proposed development located within the WGGs would not cause 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 the applicant failed to demonstrate that the proposed development would not cause adverse impact on landscape resources and water quality in the surrounding areas.
- R7. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there was no information in the submission to demonstrate that the proposed development would not have adverse geotechnical impact on the surrounding area.
- R8. Land was still available within the “Village Type Development” (“V”) zone of Ma Po Mei and Tai Mong Che which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small Houses within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

**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 applications would be approved. If Small House applications are 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 Houses concerned or approval of the Emergency Vehicular Access thereto; and
  - (ii) the proposed septic tanks will be considered when the Small House applications are due for processing; and
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the western boundary of the Site may have conflict with an existing track leading to a potential impact on the right-of-way. The applicants should consult relevant Government departments;
- (c) 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 Houses should have their own stormwater collection and discharge systems to cater for the runoff generated within the Site and overland flow from other areas surrounding the Site. The proposed developments are 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 applicants should take this into account when preparing the drainage proposal. The applicants/owners are also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicants/owners 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 applicants 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 applicants should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicants 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 applicants choose to connect their proposed drainage systems to DSD's networks, their connection proposal should be submitted for DSD's agreement; and

- (iv) the applicants are required to rectify/modify the drainage/sewerage systems if they are found to be inadequate or ineffective during operation. The applicants 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;
- (d) to note the comments of the Director of Fire Services (D of FS) that the applicants 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;
- (e) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that:
  - (i) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the Site;
  - (ii) the applicants should liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum setback distance away from them during the design and construction stages of development; and
  - (iii) the applicants should observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes";
- (f) to note the comments of the District Officer/Tai Po, Home Affairs Department (DO/TP, HAD) that a small portion of Lot 913 ss.1 affects a section of existing footpath built by locals. The applicants/lot owners concerned should maintain the accessibility of the footpath or provision of an alternative section of the footpath on the premises during and after the Small House construction; and
- (g) 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 applicants 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.