

RNTPC Paper No. A/NE-LT/654  
For Consideration by the  
Rural and New Town Planning  
Committee on 2.11.2018

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

**APPLICATION NO. A/NE-LT/654**

- Applicant** : Mr. William WONG represented by Mr. WONG Chee Keung
- Site** : Lot 257 S.B in D.D. 8, Tai Mong Che, Lam Tsuen, Tai Po, N.T.
- Site Area** : About 130.4 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed House (New Territories Exempted House (NTEH) - Small House)

**1. The Proposal**

- 1.1 The applicant, who claims himself an indigenous villager of Tai Mong Che<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 in the “AGR” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 Details of the proposed Small House development are as follows:
- |                  |   |                      |
|------------------|---|----------------------|
| Total Floor Area | : | 195.09m <sup>2</sup> |
| No. of Storeys   | : | 3                    |
| Building Height  | : | 8.23m                |
| Roofed over Area | : | 65.03m <sup>2</sup>  |
- 1.3 According to the applicant, the uncovered area will be used for garden purpose. Layout of the proposed Small House and the sewerage connection proposal are shown on **Drawings A-1 and A-2**.
- 1.4 In support of the application, the applicant has submitted the following documents :

<sup>1</sup> As advised by DLO/TP of LandsD, the applicant’s eligibility of Small house grant has yet to be ascertained.

- |     |  |               |
|-----|--|---------------|
| (a) | application form and attachments received on 11.9.2018                                   | (Appendix I)  |
| (b) | supplementary information providing a sewerage connection proposal received on 12.9.2018 | (Appendix Ia) |
| (c) | supplementary information providing a revised site plan received on 14.9.2018            | (Appendix Ib) |

**2. Justification from the Applicant**

According to Part 9 of the application form at **Appendix I**, the proposed Small House development is for self-occupation.

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

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

**4. Assessment Criteria**

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

**5. Previous Application**

There is no previous planning application at the Site.

**6. Similar Applications**

- 6.1 There are 23 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**). Out of them, 20 applications were approved and 3 were rejected.
- 6.2 Regarding the 20 approved applications, 14 of them (Applications No. A/NE-LT/356, 357, 358, 383, 398, 410, 438, 442, 443, 444, 453, 472, 486 and 506) were approved between 2006 and 2014 before the Board adopted a more cautious approach in approving applications for Small House development in recent years. They were approved mainly for reasons that the application was in line with the Interim Criteria in that more than 50% of the Small House footprint was located within the ‘VE’ of the concerned villages; there was a

general shortage of land in meeting the demand for Small House development in the “V” zone at the time of consideration; the proposed Small House was able to be connected to the planned sewerage system; and the proposed development was not incompatible with the surrounding uses and would unlikely cause any adverse impacts on the surrounding areas.

- 6.3 After that, four applications (No. A/NE-LT/596, 603, 607 and 627) were approved in 2017 and 2018 on special consideration that the sites were the subject of previously approved applications (No. A/NE-LT/442, 443, 438 and 453) and there was no significant change in planning circumstances since the previous approvals were given.
  - 6.4 Two more applications (No. A/NE-LT/600 and 601) were approved by the Board on review in 2017 mainly for reasons that the application sites were infill sites within the existing village settlement and approving the applications would unlikely set an undesirable precedent for similar applications to the east of the sites where existing vegetation and trees would be affected.
  - 6.5 For the three rejected cases (Applications No. A/NE-LT/423, 446 and 619), applications No. A/NE-LT/423 and 446 were rejected mainly for the reason of not complying with Interim Criteria in that the proposed development within WGG was not able to be connected to planned sewerage system in the area. Applications No. A/NE-LT/423 and 619 were also rejected on the ground of causing adverse landscape impact to the surrounding area. Besides, application No. A/NE-LT/446 was rejected for the reason of not complying with the Interim Criteria in that more than 50% of the proposed Small House footprint was located outside the ‘VE’/“V” zone of the concerned villages and it would cause adverse geotechnical impact on the surrounding area. Application No. A/NE-LT/619 was also rejected on the ground of land being still available within the “V” zone of concerned villages for Small House development.
  - 6.6 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 Plan A-3 and A-4)
- 7.1 The site is:
    - (a) located near a natural slope on the west and at the western fringe of Tai Mong Che Village;
    - (b) vacant and overgrown with grasses; and
    - (c) not connected to any proper vehicular and pedestrian access.
  - 7.2 The surrounding areas are predominantly rural in character with village houses, agricultural fields and dense woodland. Village houses are mainly located within the “V” zone on the east of the Site. Dense woodland is found on the west of the Site.

## 8. Planning Intention

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

## 9. Comments from Relevant Government Departments

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

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone ? - Footprint of the proposed Small House  - Application site	-  -	100%  100%	- Both 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	73%  63.5%	27%  36.5%	- More than 50% of the Site and footprint of the proposed Small House fall within the ‘VE’ of Tai Mong Che and Ma Po Mei.  - The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) has no objection to the application.
3.	- Sufficient land in “V” zone to meet Small House demand?		✓	- Land required to meet Small House demand in Tai Mong Che and Ma Po Mei: about 7.83 ha (or equivalent to 313 Small House sites). The outstanding Small House applications are 43 <sup>2</sup> while the 10-year Small House demand forecast for the same villages is 270.
	- Sufficient land in “V” zone to meet outstanding Small House applications?	✓		- Land available to meet Small House demand within the “V” zone of the villages concerned: about 2.22 ha (or equivalent to 88 Small House sites).

<sup>2</sup> Among the 43 outstanding Small House applications, 22 of them fall within the “V” zone and 21 straddle or outside the “V” zone. For those applications straddling or being outside the “V” zone, 5 of them have obtained valid planning approval from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
4.	Compatible with the planning intention of "AGR" zone?		✓	- Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural development point of view as 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 by village houses, farmlands and tree groups.
6.	Within WGGs	✓		- 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.  - 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 for T) in general has reservation on the application but considers that the application only involving the development of a Small House can be tolerated.
10.	Drainage impact?	✓		- The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application from

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				<p>public drainage viewpoint.</p> <ul style="list-style-type: none"> <li>- Approval condition on the 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 Tai Mong Che and sewer connection is feasible and capacity is available.</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 no objection to the application from the landscape planning point of view as no tree is found within the Site and significant adverse impact on existing landscape resources from the proposed development is not anticipated.</li> <li>- Approval condition on submission and implementation of landscape proposal is recommended.</li> </ul>
13.	Geotechnical impact?	✓		<ul style="list-style-type: none"> <li>- The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advises that the Site is overlooked by steep natural hillside and meets the Alert Criteria requiring a Natural Terrain Hazard Study (NTHS). He has in-principle objection to the application unless the applicant is committed to undertake an NTHS and to provide necessary mitigation measures if found necessary as part of the proposed development. However, the applicant has not submitted a Geotechnical Planning Review Report.</li> </ul>

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				- Should the application be approved, an approval condition on the submission of an NTHS and implementation of the mitigation measures recommended therein is required.
14.	Local objections conveyed by 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 IV**.

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

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

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

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

On 21.9.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection periods, three public comments were received from the Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual, objecting to the application mainly on the grounds of being not in line with the planning intention of “AGR” zone; land being still available within “V” zone for Small House development; having adverse environmental impacts; and setting of undesirable precedent.

## 11. Planning Considerations and Assessments

- 11.1 The Site falls entirely within the “AGR” zone, which is primarily intended to retain and safeguard good quality agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from agricultural development point of view as the Site possesses potential for agricultural rehabilitation.
- 11.2 According to DLO/TP, LandsD’s records, the total number of outstanding Small House applications for Tai Mong Che and Ma Po Mei is 43 while 10-year Small House demand forecast for the same villages is 270. Based on the latest estimate by the Planning Department, about 2.22 ha (or equivalent to about 88 Small House sites) of land are available within the “V” zone of Tai Mong Che and Ma Po Mei. As more than 50% of the footprint of the proposed Small House falls within ‘VE’, DLO/TP of LandsD has no objection to the application.
- 11.3 The Site, located on the west of the village proper of Tai Mong Che Village (**Plan A-2a**), is currently vacant and overgrown with grasses (**Plan A-4**). The proposed development is not incompatible with the surrounding areas which are predominantly rural in character with village houses, agricultural land and tree groups (**Plans A-2a and A-3**). CTP/UD&L, PlanD advises that no tree was found within the Site and has no objection to the application from landscape planning point of view as significant adverse impact on existing landscape resources due to the proposed Small House development is not anticipated.
- 11.4 The Site is within the upper indirect WGG. CE/MN, DSD advises that the Site is able to be connected to the public sewerage system in the area (**Plan A-2a**). The applicant has submitted a sewerage connection proposal and a consent letter from owner of the affected private lot (**Drawing A-2 and Appendix Ia**). 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. C for T in general has reservation on the application but considers that the application only involving the development of a Small House can be tolerated. Besides, H(GEO) of CEDD advises that the Site is overlooked by steep natural hillside and meets the Alert Criteria requiring an NTHS. He has in-principle objection to the application unless the applicant is committed to undertake an NTHS and to provide necessary mitigation measures if found necessary as part of the proposed development. However, the applicant has not submitted a GPRR. Other relevant Government departments including CHE/NTE of HyD, DEMS and D of FS have no objection to or adverse comment on the application.



- 11.5 Regarding the Interim Criteria (**Appendix II**), more than 50% of the proposed Small House footprint falls within the 'VE' of Tai Mong Che and Ma Po Mei and the proposed development within WGG would be able to be connected to the public sewerage system (**Plan A-2a**). While land available within the "V" zone (about 2.22 ha or equivalent to about 88 Small House sites) (**Plan A-2b**) is insufficient to fully meet the future Small House demand, it is capable to meet the 43 outstanding Small House applications. It should be noted that the Board has adopted a more cautious approach in approving applications for Small House development in 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 development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 11.6 There are 23 similar applications in the vicinity of the Site and within the same "AGR" zone (**Plan A-2a**). Fourteen of them (Applications No. A/NE-LT/356, 357, 358, 383, 398, 410, 438, 442, 443, 444, 453, 472, 486 and 506) were approved before the Board's adoption of a more cautious approach in approving applications for Small House development. After that, four applications (No. A/NE-LT/596, 603, 607 and 627) were approved mainly on special consideration as the application sites were the subject of previously approved applications, and two applications (No. A/NE-LT/600 and 601) were approved as they were infill sites within existing village settlements. For the three rejected applications, two of them (Applications No. A/NE-LT/446 and 619) were rejected mainly on the grounds of having adverse geotechnical impacts or land being still available within "V" zone of concerned village to meet the outstanding Small House applications respectively. The circumstances of the current application is similar to these two rejected applications.
- 11.7 Regarding the three 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 "V" zone for Small House development; having adverse environmental 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 development is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the

planning intention;

- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that there is no information in the submission to demonstrate that the proposed development would not have adverse geotechnical impact on the surrounding area; and
- (c) land is still available within the “V” zone of Tai Mong Che and Ma Po Mei 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 2.11.2022, 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 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;
- (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 of the Town Planning Board; and
- (e) the submission of a Natural Terrain Hazard Study and implementation of the mitigation measures identified therein to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board.

#### Advisory Clauses

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

### **13. Decision Sought**

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

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

**14. Attachments**

Appendix I	Application form and attachments received on 11.9.2018
Appendix Ia	Supplementary information received on 12.9.2018
Appendix Ib	Supplementary information received on 14.9.2018
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 submitted by the applicant
Drawing A-2	Sewerage connection proposal submitted by the applicant
Plan A-1	Location plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available for Small House Development within "V" zone
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 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 “AGR” zone on the  
Approved Lam Tsuen Outline Zoning Plan No. S/NE-LT/11**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-LT/356	Proposed House (New Territories Exempted House - Small House)	28.4.2006	A1-A6
A/NE-LT/357	Proposed House (New Territories Exempted House - Small House)	28.4.2006	A1-A6
A/NE-LT/358	Proposed House (New Territories Exempted House - Small House)	28.4.2006	A1-A6
A/NE-LT/383	Proposed House (New Territories Exempted House - Small House)	4.7.2008	A1-A4, A7,A8
A/NE-LT/398	Proposed Three Houses (New Territories Exempted Houses - Small Houses)	4.9.2009	A1, A3, A4, A7, A9
A/NE-LT/410	Proposed House (New Territories Exempted House - Small House)	15.4.2011	A1-A4, A7
A/NE-LT/438	Proposed House (New Territories Exempted House - Small House)	24.2.2012	A1-A4, A7, A8
A/NE-LT/442	Proposed House (New Territories Exempted House - Small House)	24.2.2012	A1, A3, A4, A7 - A9
A/NE-LT/443	Proposed House (New Territories Exempted House - Small House)	24.2.2012	A1, A3, A4,A7,A8, A9
A/NE-LT/444	Proposed House (New Territories Exempted House - Small House)	24.2.2012	A1, A3, A4,A7, A8, A9
A/NE-LT/453	Proposed House (New Territories Exempted House - Small House)	15.6.2012	A1, A3, A4, A7, A9, A10

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-LT/472	Proposed House (New Territories Exempted House - Small House)	15.3.2013	A1, A3, A4, A9, A10
A/NE-LT/486	Proposed Three Houses (New Territories Exempted Houses - Small Houses)	8.11.2013	A1, A3, A4, A9
A/NE-LT/506	Proposed House (New Territories Exempted House - Small House)	27.6.2014	A1 – A4
A/NE-LT/596	Proposed House (New Territories Exempted House - Small House)	13.1.2017	A2 – A4
A/NE-LT/600	Proposed House (New Territories Exempted House - Small House)	7.7.2017 (Review)	A2 – A4
A/NE-LT/601	Proposed House (New Territories Exempted House - Small House)	7.7.2017 (Review)	A2 – A4
A/NE-LT/603	Proposed House (New Territories Exempted House - Small House)	26.5.2017	A2 – A4, A8
A/NE-LT/607	Proposed House (New Territories Exempted House - Small House)	12.5.2017	A2 – A4, A8, A11
A/NE-LT/627	Proposed House (New Territories Exempted House - Small House)	6.7.2018	A1-A4, A8

### **Approval Conditions**

- A1 The submission and implementation of landscape proposals.
- A2 The submission and implementation of drainage proposal/ facilities.
- A3 The connection of the foul water drainage system to public sewers.
- A4 The provision of protective measures to ensure no siltation occurred or no pollution to the water gathering grounds.
- A5 The submission of a slope assessment and the implementation of stabilization works identified therein.
- A6 The provision of an emergency vehicular access or the incorporation of residential sprinkler system.



- A7 The provision of firefighting access, water supplies for firefighting and fire service installations.
- A8 The submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein.
- A9. The provision of drainage facilities.
- A10. The submission of a Geotechnical Planning Review Report.
- A11. The submission and implementation of tree preservation and landscape proposal.

### **Rejected Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-LT/423	Proposed House (New Territories Exempted House - Small House)	3.6.2011	R1, R2
A/NE-LT/446	Proposed House (New Territories Exempted House - Small House)	20.1.2012	R1,R3-R5
A/NE-LT/619	Proposed House (New Territories Exempted House - Small House)	26.1.2018	R3, R6, R7

### **Rejection Reasons**

- R1. The proposed development did not comply with the 'Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in the New Territories' (the Interim Criteria) in that the proposed Small House within the upper indirect Water Gathering Ground (WGG) might not be able to be connected to the planned public sewers in the area. The applicant failed to demonstrate in the submission that the proposed development located within the WGG would not cause adverse impact on the water quality in the area.
- R2. The proposed development would affect the existing trees on the application site. The applicant failed to demonstrate in the submission that the proposed development would not have adverse impact on the existing trees located within the site.
- R3. The proposed development was not in line with the planning intention of the "Agriculture" zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention.
- R4. The proposed development did not comply with the Interim Criteria in that the footprint of the proposed Small House fell entirely outside the "Village Type Development" ("V") zone and more than 50% of the proposed Small House footprint was located outside the village 'environs' of Tai Mong Che Village.
- R5. The proposed development did not comply with the Interim Criteria 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.
- R6. The proposed development did 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.

- R7. Land was still available within the “V” zone of Tai Mong Che which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

Detailed Comments from Relevant Government Departments

1. Land Administration

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

- (a) no objection to the application;
- (b) the applicant claimed himself as an indigenous villager (IV) of Tai Mong Che. However, his eligibility of Small House grant has yet to be ascertained;
- (c) the Site is an Old Schedule Lot under Block Government Lease (demised for agricultural use). The applicant is the registered owner of the subject lot and the Small House application has been received;
- (d) the Site is not covered by Modification of Tenancy or Building Licence;
- (e) more than 50% of the Site/footprint of the proposed house fall within the village 'environs' ('VE') of Tai Mong Che;
- (f) 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>
Tai Mong Che	27	150
Ma Po Mei	16	120

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

- (g) should the application be approved by the Town Planning Board (the Board), LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto; and
- (h) the proposed Small House would be connected to public sewerage system. Whether it is acceptable or not will be considered when the case is 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 "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, the application only involves development of a Small House can be tolerated on traffic grounds.

## 3. Environment

Comments of the Director of Environmental Protection (DEP):

- the Site falls within "Agriculture" ("AGR") zone, and is within water gathering ground (WGG). There is an existing public sewer at Tai Mong Che for connection. Sewer connection to existing public sewer manhole FMH 1046403, as suggested by the applicant, is feasible and capacity is available. Therefore, he has no objection to the application on the conditions that:
  - (i) the proposed Small House will be connected to the public sewer as proposed;
  - (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 will be borne by the applicant.

## 4. Landscape

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

- (a) no objection to the application from the landscape planning perspective;
- (b) the Site is not connected to any proper vehicular and pedestrian access. Village houses are concentrated within "V" zone on the east of the Site;
- (c) the Site is situated in an area of rural landscape character comprising of scattered tree groups, abandoned farmlands and village houses. Although the proposed development is not entirely in line with the planning intention of "AGR" zone, it is not incompatible with the surrounding environment;

- (d) the Site is vacant and covered with grasses. No existing tree is recorded within the Site. Significant adverse impact to existing landscape resources is not anticipated; and
- (e) should the application be approved by the Board, an approval condition on the submission and implementation of landscape proposal is recommended.

## 5. Drainage and Sewerage

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

- (a) no objection in principle to the application from public drainage point of view;
- (b) should the application be approved by the Board, an approval condition on submission and implementation of drainage proposal for the Site is required 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 the Site;
- (d) the proposed Small House is located on unpaved ground and will increase the impervious area, resulting in change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant should also maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (e) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. DSD would not assist the lot owner/developer 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;
- (f) 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 sewerage system to DSD's network, he shall furnish DSD with his connection proposal for agreement. After obtaining DSD's agreement, the applicant shall submit a duly completed Form HBP1 with a cross cheque covering the technical audit fee and a

plan showing the details of the proposed drainage connection works to DSD for formal application for the required connection. Upon DSD's acceptance of the connection application, the applicant shall carry out the proposed connection works in accordance with DSD Standard Drawings at the resources of the applicant;

- (g) the connection pipe outside the lot boundaries shall be handed over to DSD for maintenance after satisfactory technical audit by DSD;
- (h) to ensure the sustainability of the public sewerage network, the applicant is required to demonstrate to the satisfaction of DSD in such manner that the runoff within the proposed development will be served by a designated stormwater collection and discharge system and shall not be drained to the public sewerage network and the applicant will be required to submit details of the proposed sewerage connection works and concurrently provide further information on the runoff collection and discharge system;
- (i) should the applicant choose to dispose of sewage of the proposed development through other means, views and comments from the Environmental Protection Department should be sought; and
- (j) the applicant should 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.

#### 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 under the control of CE/PM, DSD in the Site.

### 6. Agriculture

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

- the Site is fallow land covered with weed. Nevertheless, there are active agricultural activities in the vicinity and agricultural infrastructure such as water supply and 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 the upper indirect WGG and is more than 30m away from the nearest water course. More than 50% of the proposed Small House footprint is within 'VE' of Tai Mong Che and the Site is able to be connected to public sewerage system in the area as advised by EPD. Thus, compliance of the application with Items B(a) and B(i) of the "Interim Criteria for Consideration of Application for NTEH/Small House in New Territories" can be reasonably established;
- (c) it is noted that DEP has no objection to the application provided that the applicant shall connect the proposed 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) the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed house to the sewerage system via the relevant private lot; and
- (d) 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.

## 9. **Geotechnical Aspect**

Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):



- (a) the Site is overlooked by steep natural hillside and meets the Alert Criteria for a natural terrain hazard study (NTHS). He has in-principle objection to the application unless the applicant is committed to undertake an NTHS and to provide necessary mitigation measures if found necessary as part of the proposed development. However, the applicant has not submitted a Geotechnical Planning Review Report (GPRR); and
- (b) should the application be approved by the Board, an approval condition on the submission of an NTHS and implementation of the mitigation measures recommended therein is required.

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

According to DLO/TP, LandsD's record, the number of outstanding Small House applications for Tai Mong Che and Ma Po Mei Villages are 27 and 16 respectively while the 10-year Small House demand forecasts for the same villages are 150 and 120 respectively. Based on the latest estimate by Planning Department, about 2.22 ha (or equivalent to about 88 Small House sites) of land are available within the "V" zone of Tai Mong Che and Ma Po Mei Villages. Therefore, the land available cannot fully meet the Small House demand of about 7.83 ha (or equivalent to about 313 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 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;
  - (ii) 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
  - (iii) the proposed Small House would be connected to public sewerage system. Whether it is acceptable or not will be considered when the case is due for processing.
- (b) to note the comments of the Director of Environmental Protection (DEP) that:
  - (i) the proposed Small House should be connected to the public sewer as proposed by the applicant;
  - (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;
- (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 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 the Site;
  - (ii) the proposed Small House is located on unpaved ground and will increase the impervious area, resulting in change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant should maintain the drainage/sewerage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
  - (iii) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. DSD would not assist the lot owner/developer 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

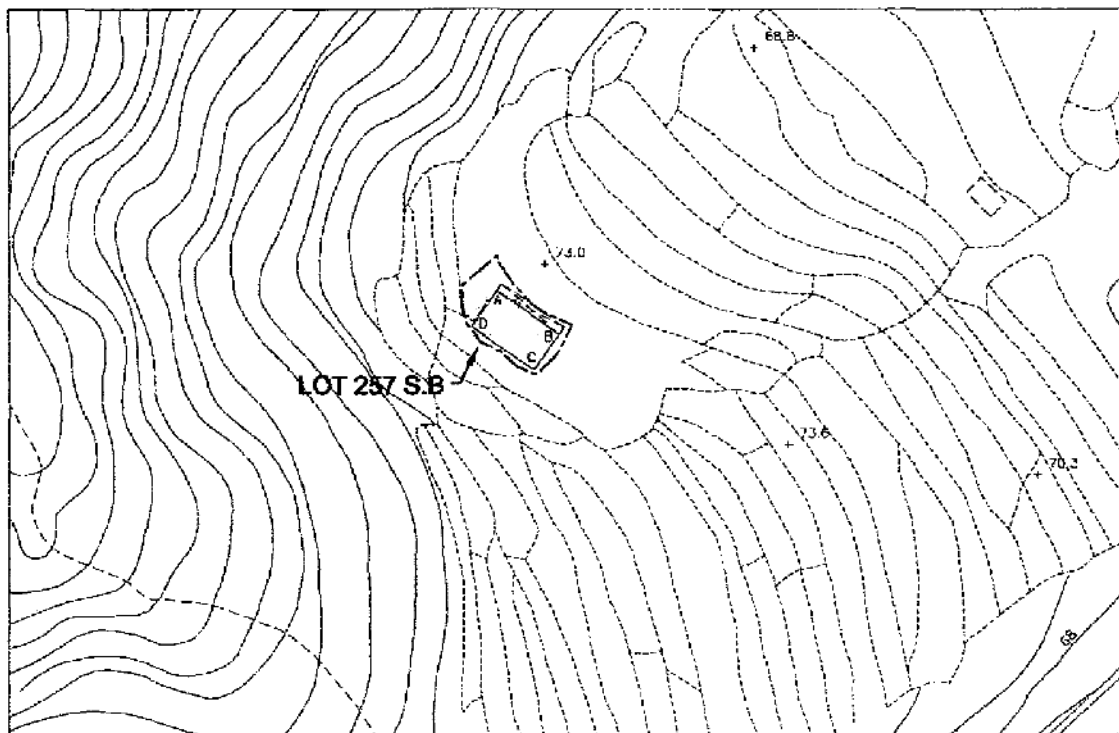
proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected;

- (iv) 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 sewerage system to DSD's network, he shall furnish DSD with his connection proposal for agreement. After obtaining DSD's agreement, the applicant shall submit a duly completed Form HBP1 with a cross cheque covering the technical audit fee and a plan showing the details of the proposed drainage connection works to DSD for formal application for the required connection. Upon DSD's acceptance of the connection application, the applicant shall carry out the proposed connection works in accordance with DSD Standard Drawings at the resources of the applicant;
  - (v) the connection pipe outside the lot boundaries shall be handed over to DSD for maintenance after satisfactory technical audit by DSD;
  - (vi) to ensure the sustainability of the public sewerage network, the applicant is required to demonstrate to the satisfaction of DSD in such manner that the runoff within the proposed development will be served by a designated stormwater collection and discharge system and shall not be drained to the public sewerage network and the applicant will be required to submit details of the proposed sewerage connection works and concurrently provide further information on the runoff collection and discharge system;
  - (vii) should the applicant choose to dispose of sewage of the proposed development through other means, views and comments from the Environmental Protection Department should be sought; and
  - (viii) the applicant should 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.
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
- (i) the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed house to the sewerage system via the 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 inside services within the private lots to WSD's standards;
- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant

should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and

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

# PROPOSED BUILDING LICENCE LOT NO. 257 S.B IN D.D.8



LOCATION PLAN



COLOURED PINK AREA : 65.03 SQUARE METRES (ABOUT)

Line	Bearing	Distance(m)	Northing(m)	Easting(m)	Pt.
A-B	124° 42' 53"	10.668	834060.407	831114.364	A
B-C	214° 42' 53"	6.096	834054.332	831123.133	B
C-D	304° 42' 53"	10.668	834049.321	831119.661	C
D-A	34° 42' 53"	6.096	834055.397	831110.892	D

Dated this 12<sup>th</sup> day of May, 2017.

Legends:

- Balcony (6.096m x 1.220m)

Survey Sheet No.: 7-NW-6D

Date: May 2017

Plan No. : GL1646/BL/03

LEUNG Chi-yan, George  
MIS. Aust. NZIS. MHKIS. MRICS. RPS(LS) ACIArb  
Authorized Land Surveyor

**Gland** Gland Surveying, Planning & GIS Co. Ltd.  
創領測量規劃及地理訊息系統有限公司

1611 Workingbond Commercial Centre, No.162 Prince Edward Road West, Kowloon, Hong Kong  
Telephone : 2544 8939 Facsimile : 2544 1669 E-mail : gland@bzneltvgotar.com

參考編號  
REFERENCE No.

A/NE-LT/654

繪圖 DRAWING A-1

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

更新地契會於2017年5月12日修訂第十六條新地契

排灌渠路線圖

池

This plan is a copy of the lot index plan showing the approximate location of lot boundaries, including the temporary occupation of land under Government Land Allocations, Temporary Government Land Allocations, Short Term Tenancies and Government Land Licences. The temporary occupation of land may be created or terminated at short notice and should be confirmed with the District Lands Officer. The information shown on this plan MUST be verified by field survey. The lot index plan may be revised without prior notification as better or new boundary evidence becomes available.

(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<br>APPROVED APPLICATION |
| 368 (14.9.01) | 被拒絕的申請<br>REJECTED APPLICATION |
| 139 (7.11.97) | 會議日期<br>DATE OF MEETING        |
| 139 (7.11.97) | 申請編號<br>APPLICATION NUMBER     |

### 位置圖 LOCATION PLAN

擬議屋宇 (新界豁免管制屋宇—小型屋宇)  
新界大埔林村大芒壠丈量約份第8約地段第257號B分段  
PROPOSED HOUSE  
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
LOT 257 S.B IN D.D. 8,  
TAI MONG CHE, LAM TSUEN, TAI PO, N.T.

SCALE 1: 7 500 比例尺  
米 100 0 100 200 300 米  
METRES

規劃署  
PLANNING  
DEPARTMENT



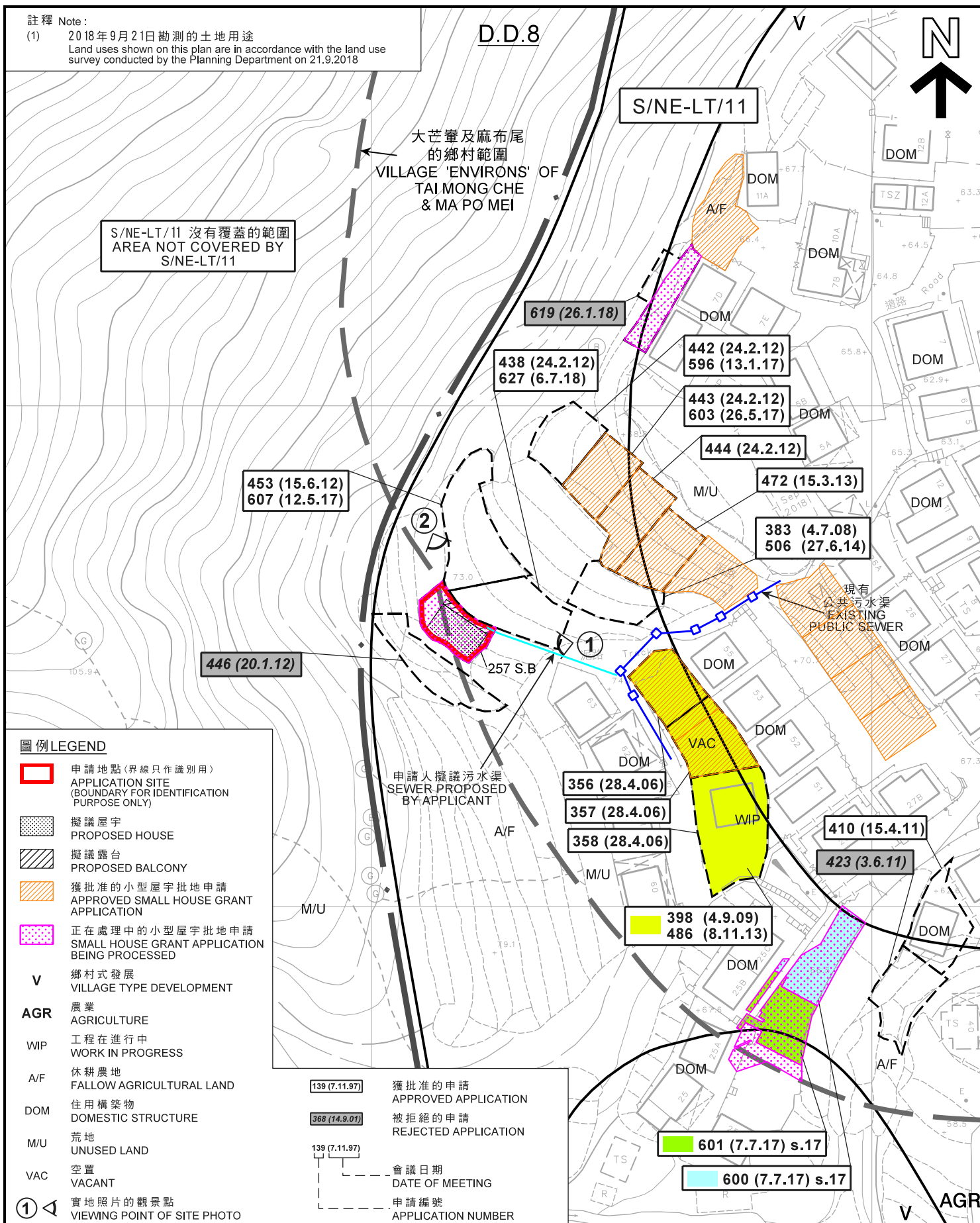
參考編號  
REFERENCE No.  
A/NE-LT/654

圖 PLAN  
A-1

本摘要圖於2018年10月23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 23.10.2018  
BASED ON OUTLINE ZONING PLAN  
No. S/NE-LT/11 APPROVED ON 31.10.2006

註釋 Note:

(1) 2018年9月21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 21.9.2018



## 平面圖 SITE PLAN

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)  
新界大埔林村大芒峯丈量約份第8約地段第257號B分段  
PROPOSED HOUSE  
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
LOT 257 S.B IN D.D. 8,  
TAI MONG CHE, LAM TSUEN, TAI PO, N.T.

本摘要圖於2018年10月29日擬備，  
所根據的資料為測量圖編號  
7-NW-6D  
EXTRACT PLAN PREPARED ON 29.10.2018  
BASED ON SURVEY SHEET No.  
7-NW-6D

SCALE 1:1 000 比例尺  
0 20 40  
METRES

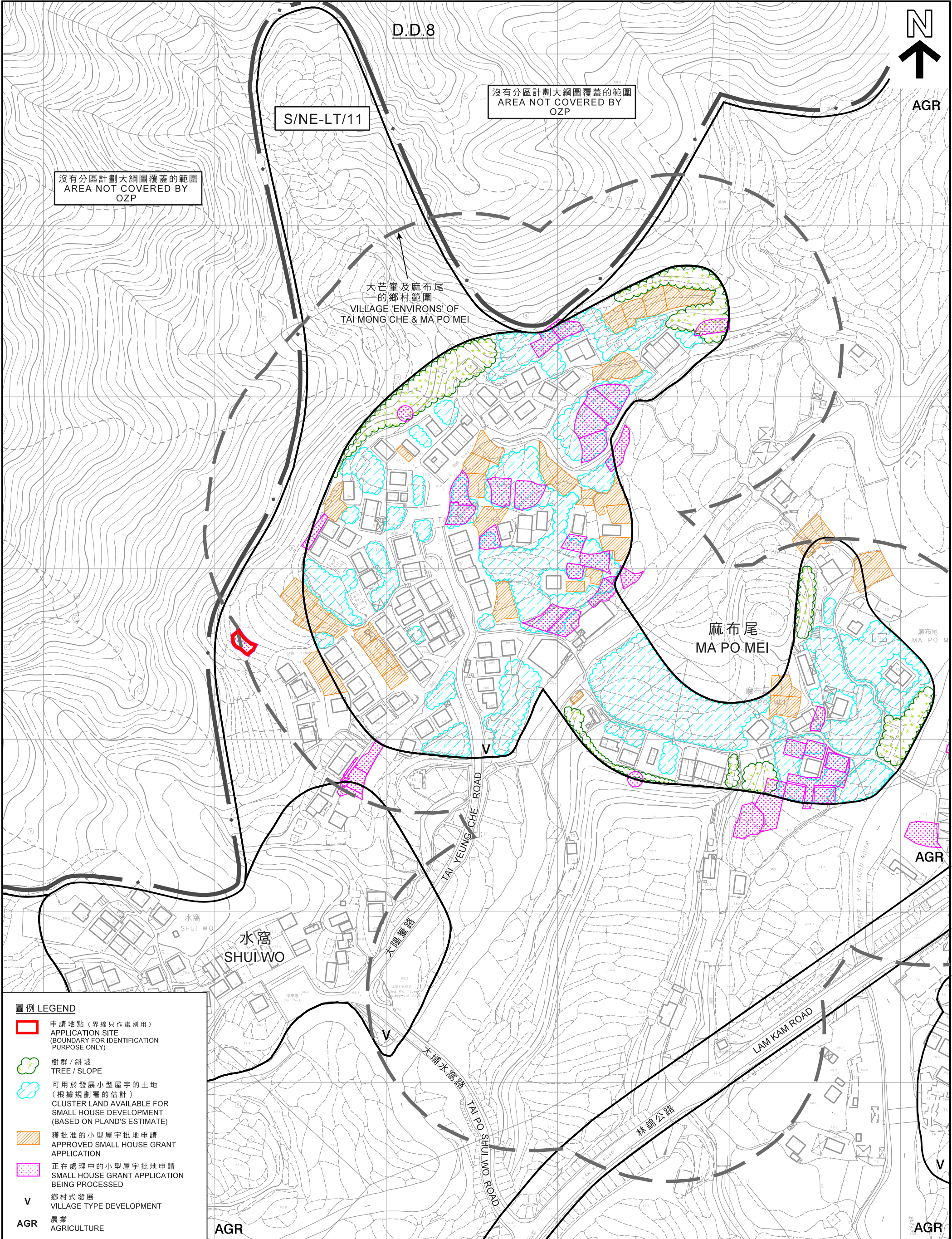
規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/NE-LT/654

圖 PLAN  
A-2a





圖例 LEGEND

- 申請地點 (界線只作識別用)  
APPLICATION SITE  
(BOUNDARY FOR IDENTIFICATION  
PURPOSE ONLY)
- 樹群 / 斜坡  
TREE / SLOPE
- 可用於發展小型屋宇的土地  
(根據規劃署的估計)  
CLUSTER LAND AVAILABLE FOR  
SMALL HOUSE DEVELOPMENT  
(BASED ON PLAND'S ESTIMATE)
- 獲批准的小型屋宇批地申請  
APPROVED SMALL HOUSE GRANT  
APPLICATION
- 正在處理中的小型屋宇批地申請  
SMALL HOUSE GRANT APPLICATION  
BEING PROCESSED
- V 鄉村式發展  
VILLAGE TYPE DEVELOPMENT
- AGR 農業  
AGRICULTURE

本摘要圖於2018年10月30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 30.10.2018  
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

擬議屋宇 (新界豁免管制屋宇—小型屋宇)  
新界大埔林村大芒量丈量約份第8約地段第257號B分段  
PROPOSED HOUSE  
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
LOT 257 S.B IN D.D. 8,  
TAI MONG CHE, LAM TSUEN, TAI PO, N.T.

SCALE 1:2 000 比例尺

米 40 0 40 80 120 160 米  
METRES

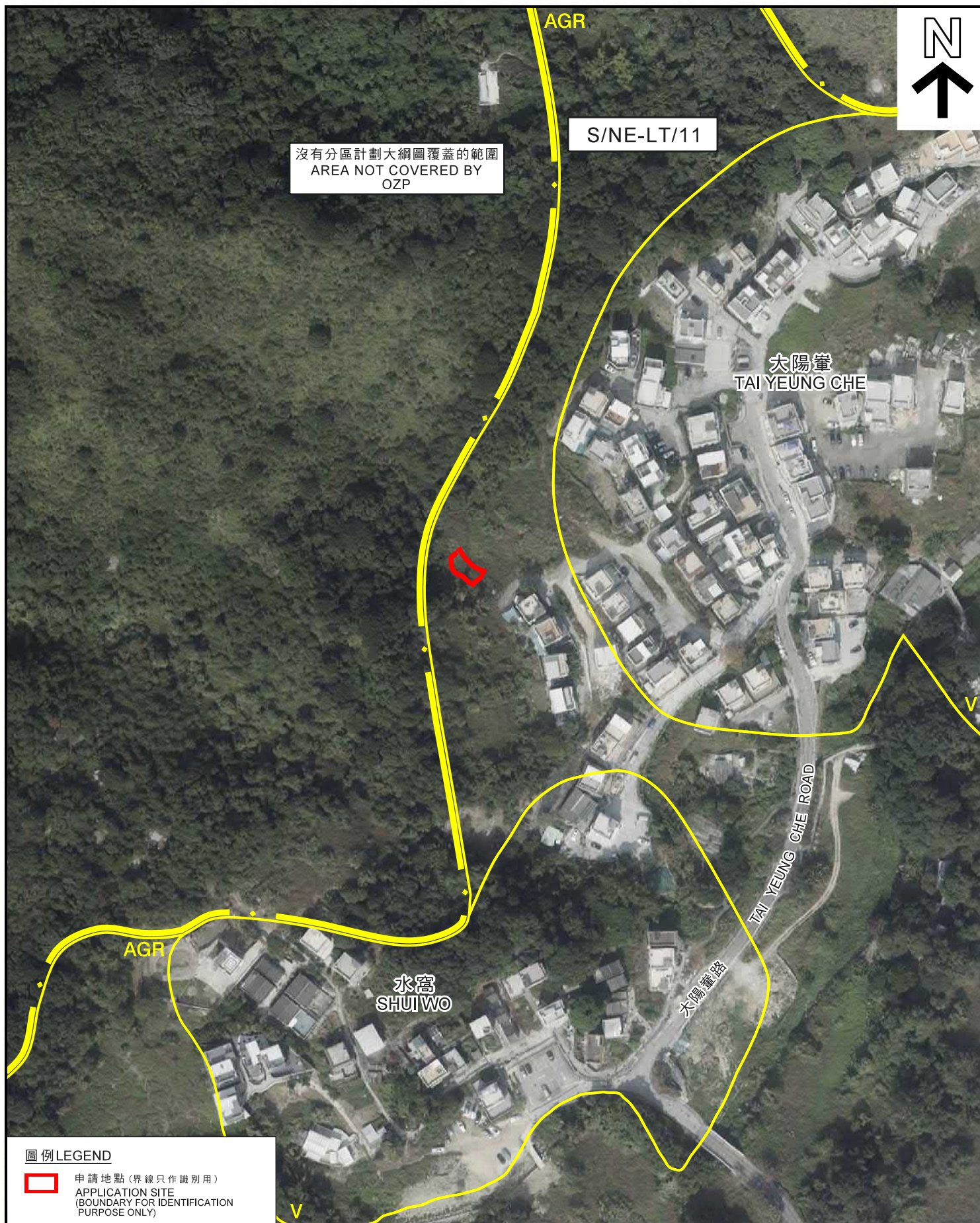
規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/NE-LT/654

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10月3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E032454C  
EXTRACT PLAN PREPARED ON 3.10.2018  
BASED ON AERIAL PHOTO No. E032454C  
TAKEN ON 3.1.2018 BY  
LANDS DEPARTMENT

**航攝照片 AERIAL PHOTO**

擬議屋宇 (新界豁免管制屋宇—小型屋宇)  
新界大埔林村大芒峯丈量約份第8約地段第257號B分段  
PROPOSED HOUSE  
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
LOT 257 S.B IN D.D. 8,  
TAI MONG CHE, LAM TSUEN, TAI PO, N.T.

**規 劃 署**  
**PLANNING**  
**DEPARTMENT**



參考編號  
REFERENCE No.  
**A/NE-LT/654**

圖 **PLAN**  
**A-3**



1

申請地點  
APPLICATION SITE



2

申請地點  
APPLICATION SITE



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10月19日擬備，所根據的資料為攝於2018年9月21日的實地照片  
PLAN PREPARED ON 19.10.2018 BASED ON SITE PHOTO TAKEN ON 21.9.2018

擬議屋宇 (新界豁免管制屋宇－小型屋宇)  
新界大埔林村大芒輦丈量約份第8約地段第257號B分段  
PROPOSED HOUSE  
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
LOT 257 S.B IN D.D. 8,  
TAI MONG CHE, LAM TSUEN, TAI PO, N.T.

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/NE-LT/654

圖 PLAN  
A-4



**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/654                      Proposed House (New Territories Exempted House - Small House) in  
   “Agriculture” Zone, Lot 257 S.B in D.D. 8, Tai Mong Che, Lam Tsuen,  
   Tai Po  
   (RNTPC Paper No. A/NE-LT/654)

---

**Presentation and Question Sessions**

29.            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 II of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) objected to the application unless the applicant was committed to undertake a Natural Terrain Hazard Study (NTHS) and to provide mitigation measures if necessary but no Geotechnical Planning Review Report (GPRP) was submitted in this regard. Other concerned departments had no objection to or no adverse comment on the application;
- (d)    during the first three weeks of the statutory publication period, three objecting public comments were received from The Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual.

Major objecting views 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 development was not in line with the planning intention of the “Agriculture” zone and DAFC did not support the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, land was still available within the “Village Type Development” (“V”) zone of Tai Mong Che and Ma Po Mei to meet the outstanding Small House applications, it was more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. In addition, H(GEO) of CEDD had adverse comment on the application as the site was overlooked by steep natural hillside but no GPRR was submitted. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

30. Noting that some similar applications were approved in the vicinity of the site, a Member asked the differences of those applications in terms of the planning consideration. In response, Ms Kathy C.L. Chan, STP/STN, said that the site of application No. A/NE-LT/607 located to the north was the subject of a previously approved application and application No. A/NE-LT/601 located to the south was approved by the Town Planning Board on review on the consideration that the site was an infill site within existing village settlement and hence sympathetic consideration could be given.

#### Deliberation Session

31. A Member said that although two similar applications in the vicinity were approved in 2017, they had special consideration that was different from the current application. Given that a more cautious approach had been adopted in consideration of Small House application, land was still available within the “V” zone for Small House development and there were adverse departmental comments, Members generally considered that the current application should be rejected.

32. 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 current submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no information in the submission to demonstrate that the proposed development would not have adverse geotechnical impact on the surrounding area; and
- (c) land is still available within the “Village Type Development” (“V”) zone of Tai Mong Che and Ma Po Mei 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.”

[Miss Winnie W.M. Ng arrived to join the meeting at this point.]





城市規劃委員會

香港北角渣華道三百三十三號  
北角政府合署十五樓

TOWN PLANNING BOARD

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

傳 真 Fax: 2877 0245 / 2522 8426

By Post

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/654

16 November 2018

Wong Chee Keung

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House)  
in "Agriculture" Zone, Lot 257 S.B in D.D. 8, Tai Mong Che, Lam Tsuen, Tai Po**

I refer to my letter to you dated 20.9.2018.

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 current submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no information in the submission to demonstrate that the proposed development would not have adverse geotechnical impact on the surrounding area; and
- (c) land is still available within the "Village Type Development" ("V") zone of Tai Mong Che and Ma Po Mei 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 2.11.2018, 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 7.12.2018). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

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

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

Yours faithfully,



( Raymond KAN )  
for Secretary, Town Planning Board

(With Chinese Translation)

**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 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;
  - (ii) 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
  - (iii) the proposed Small House would be connected to public sewerage system. Whether it is acceptable or not will be considered when the case is due for processing.
- (b) to note the comments of the Director of Environmental Protection (DEP) that:
  - (i) the proposed Small House should be connected to the public sewer as proposed by the applicant;
  - (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;
- (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 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 the Site;
  - (ii) the proposed Small House is located on unpaved ground and will increase the impervious area, resulting in change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant should maintain the drainage/sewerage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
  - (iii) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. DSD would not assist the lot owner/developer 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;

- (iv) 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 sewerage system to DSD's network, he shall furnish DSD with his connection proposal for agreement. After obtaining DSD's agreement, the applicant shall submit a duly completed Form HBP1 with a cross cheque covering the technical audit fee and a plan showing the details of the proposed drainage connection works to DSD for formal application for the required connection. Upon DSD's acceptance of the connection application, the applicant shall carry out the proposed connection works in accordance with DSD Standard Drawings at the resources of the applicant;
  - (v) the connection pipe outside the lot boundaries shall be handed over to DSD for maintenance after satisfactory technical audit by DSD;
  - (vi) to ensure the sustainability of the public sewerage network, the applicant is required to demonstrate to the satisfaction of DSD in such manner that the runoff within the proposed development will be served by a designated stormwater collection and discharge system and shall not be drained to the public sewerage network and the applicant will be required to submit details of the proposed sewerage connection works and concurrently provide further information on the runoff collection and discharge system;
  - (vii) should the applicant choose to dispose of sewage of the proposed development through other means, views and comments from the Environmental Protection Department should be sought; and
  - (viii) the applicant should 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.
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
- (i) the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed house to the sewerage system via the 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 inside services within the private lots to WSD's standards;
- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the LandsD. Detailed fire safety requirements will be formulated upon receipt

of formal application referred by LandsD; and

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