

RNTPC Paper No. A/NE-LT/656
For Consideration by the
Rural and New Town Planning
Committee on 7.12.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/656

- Applicant** : Mr. WONG, Jason Ka Ho represented by Mr. HUNG Shu-ping
- Site** : Lots 623 S.A and 623 S.B in D.D. 8, Ma Po Mei, Tai Po, New Territories
- Site Area** : About 246.4m²
- Lease** : Block Government Lease (demised for agricultural purpose)
- 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 as an indigenous villager of Ma Po Mei¹, seeks planning permission to build a 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)’ within the “AGR” zone requires planning permission from the Town Planning Board (the Board).

1.2 Details of the proposed Small House development are as follows:

Total floor area	:	195.09m ²
Number of storeys	:	3
Building height	:	8.23m
Roofed over area:	:	65.03m ²

1.3 Layout of the proposed Small House development and the proposed sewage connection is shown on **Drawing A-1** and **Drawing A-2**.

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application form and attachments received on **(Appendix I)**

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

9.10.2018

- (b) Supplementary information received on 11.10.2018 **(Appendix Ia)**
appointing an authorized agent
- (c) Supplementary information received on 15.10.2018 **(Appendix Ib)**
providing a sewerage connection proposal

2. Justifications from the Applicant

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

- (a) the applicant is an indigenous villager of Ma Po Mei Village;
- (b) the applicant only owns the land under application and cannot acquire more suitable land for Small House application;
- (c) the Site falls within the village ‘environs’ (‘VE’) of Ma Po Mei Village (**Plan A-1**);
- (d) the Site is located on stepped ground and no trees would be affected;
- (e) there are three Small Houses already developed in the same “AGR” zone in the vicinity of the Site;
- (f) the applicant undertakes that he would submit a drainage proposal to the Drainage Services Department (DSD) for the connection to the public sewage system;
- (g) the applicant undertakes that he would appoint an Authorized Person to submit a Geotechnical Report for approval of site formation works; and
- (h) the applicant undertakes that he would not commence any works on site under application until receiving the relevant approval from District Lands Officer, Tai Po (DLO/TP).

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

The applicant is the sole “current land owner” of the concerned lots. The “owner’s consent/ notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) is not applicable. Detailed information would be deposited at the meeting for Members’ inspection.

4. Assessment Criteria

The 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 ground (WGG), should be able to be connected to the existing or planned sewerage system in the area was incorporated. No change has been made to the criterion (i) in the latest set of Interim Criteria promulgated on 7.9.2007 which is at **Appendix II**.

5. Previous Applications

- 5.1 The Site is the subject of two previous applications (No. A/NE-LT/411 and 412) submitted by different applicants for Small House development. The applications were rejected by the Board on 18.2.2011 mainly for the reasons of not complying with the Interim Criteria in that the proposed Small Houses were within the upper indirect water gathering grounds (WGG) and not being able to be connected to existing or planned sewerage system in the area, and there was insufficient 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.
- 5.2 Details of the previous applications are summarised at **Appendix III** and its location is 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 a NTEH (not Small House) was approved with conditions by the Committee in 2015 mainly on the ground that the subject lot has a building status under the lease.

- 6.4 The other eight applications (No. A/NE-LT/291, 294, 298, 360, 368, 422, 474 and 647) were rejected by the Committee/the Board upon review between 2003 and 2018 mainly for the reasons that the sites were 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. Application No. A/NE-LT/647 was also rejected on the ground that land was still available within the “V” zone of concerned village for Small House Development.
- 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-3b and A-4)

- 7.1 The Site is:
- (a) generally flat and vacant covered with grasses;
 - (b) entirely within the ‘VE’ of Ma Po Lei;
 - (c) located on a stepped ground with level difference of about 0.9m with the adjoining agricultural land located to the east; and
 - (d) not accessible via existing vehicular access and is about 150m from a footpath.
- 7.2 The surrounding areas are predominantly rural in character with fallow agricultural land, tree groups, plant nurseries and village houses. The village houses of Ma Po Mei are mainly located to the north of the site in the “V” zone covering both Ma Po Mei and Tai Mong Che Villages. Tree groups are found to the immediate west and northwest 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 summarised 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%	- The Site and the footprint of the proposed Small House fall entirely within the “AGR” zone.
2.	Within ‘VE’? - Footprint of the proposed Small House - Application site	100% 100%	- -	- The Site and the proposed Small House footprint fall entirely within the ‘VE’ of Ma Po Lei. - 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 (outstanding Small House applications plus 10-year Small House demand)?		✓	- Land required to meet Small House demand in Ma Po Mei and Tai Mong Che: about 7.73 ha (or equivalent to 309 Small House sites). The outstanding Small House applications are 39 ² while the 10-year Small House demand forecast for the same village is 270.
	Sufficient land in “V” zone to meet outstanding Small House application?	✓		- Land available to meet Small House demand within the “V” zone of the villages concerned: about 2.18 ha (or equivalent to 87 Small House sites).
4.	Compatible with the planning intention of “AGR” zone?		✓	- The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from the agricultural development point of view as there are active agricultural activities in the vicinity, and agricultural infrastructure such as footpath and water source is available, and the Site possesses potential for agricultural rehabilitation.

² Among the 39 outstanding Small House applications, 20 of them fall within the “V” zone and 19 straddle or outside the “V” zone. For those applications straddling or being outside the “V” zone, three of them have obtained valid planning approval from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
5.	Compatible with surrounding area/development?	✓		- The proposed Small House is not incompatible with the surrounding area which is predominantly rural in character with village houses, natural woodland, and agricultural land.
6.	Within WGG?	✓		- The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application as the proposed Small House is able to be connected to the existing public sewerage system. - 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)?		✓	- Director of Fire Services (D of FS) has no in-principle objection to the application.
9.	Traffic impact?	✓		- Commissioner for Transport (C for T) has reservation in general on the application but considers the application only involving construction of one Small House can be tolerated.
10.	Drainage impact?	✓		- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application from public drainage viewpoint. - Approval condition on submission and implementation of drainage proposal is required.
11.	Sewerage impact?		✓	- The Director of Environmental

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				Protection (DEP) has no objection to the application as the applicant has proposed to connect the Small House to the public sewer and the public sewerage in the area has sufficient capacity to accommodate sewage from the proposed NTEH.
12.	Landscape impact?	✓		<ul style="list-style-type: none"> - Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has some reservations on the application from the landscape planning point of view. - The Site is vacant and covered with groundcovers and no existing tree. Adverse impact arising from the proposed development on significant landscape resources within the Site is not anticipated. - The site is not connected with any existing proper footpath nor vehicular access, and there is no information on the construction access and future access. The potential impact on surrounding landscape resources generated by the construction access and future access cannot be ascertained. - The Site is located on a stepped ground and filling of land not exceeding 0.9m is required. There is no detail information such as level plan or extent of filling and no assessment on the potential impact to the adjacent wooded knoll. The potential impact to the adjacent vegetation cannot be ascertained. - The approval of the application would further attract similar developments into the “AGR” zone, and the cumulative effect of approving similar applications would

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				<p>result in degradation of landscape character and cause adverse landscape impact .</p> <p>- Given the Small House would not have adverse landscape impact within the site and the applicant proposed the open area of the Site as garden, the standard condition for submission and implementation of landscape proposal is not recommended.</p>
13.	Geotechnical impact?	✓		<p>- Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO) of CEDD) advises that the subject site is overlooked by steep natural hillside and meets the alert criteria for a Natural Terrain Hazard Study (NTHS).</p> <p>- He has in-principle objection to the application unless the applicant is prepared to undertake a NTHS and to provide necessary mitigation measures if found necessary as part of the proposed development.</p>
14.	Local objection received from DO?		✓	

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

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

- (h) Director of Agriculture, Fisheries and Conservation;
- (i) Director of Fire Services;
- (j) Director of Electrical and Mechanical Services; and
- (k) Head of Geotechnical Engineering Office, Civil Engineering and Development 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) District Officer(Tai Po), Home Affairs Department; and
- (c) Project Manager(North), Civil Engineering and Development Department.

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

On 19.10.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, three public comments were received from Designing Hong Kong Limited, The Hong Kong Bird Watching Society and an individual (**Appendix VI**) objecting to the application mainly for the reasons that the proposed development was not in line with the planning intention of “AGR” zone, and would have adverse sewerage, landscape and ecological impacts; approving the application would set an undesirable precedent and land was still available within the “V” zone of Ma Po Lei for Small House development.

11. **Planning Considerations and Assessments**

- 11.1 The Site falls entirely within the “AGR” zone (**Plan A-2a**). The proposed Small House is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also 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 footpath and water source is available, and the Site possesses potential for agricultural rehabilitation.
- 11.2 According to DLO/TP’s record, the total number of outstanding Small House applications for Ma Po Mei and Tai Mong Che is 39 while the 10-year Small House demand forecast is 270. Based on the latest estimate by the Planning Department, about 2.18 ha (or equivalent to about 87 Small House sites) of land is available within the “V” zone concerned (**Plan A-2b**). As the footprint of the proposed Small House falls entirely within the ‘VE’ of Ma Po Mei, DLO/TP has no objection to the application.
- 11.3 The Site, located to the south of Ma Po Mei (**Plan A-2a**), is vacant and covered with grass (**Plan A-4**). The proposed development is not incompatible with the surrounding area which is predominantly rural in character with village houses, natural woodland, and agricultural land (**Plan A-2a**). Adverse impact arising from the proposed development on significant

landscape resources within the Site is not anticipated. Nevertheless, approval of the application would further attract similar developments into the “AGR” zone, and the cumulative effect of approving similar applications would result in degradation of landscape character and cause adverse landscape impact. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) therefore has some reservations on the application from the landscape planning point of view.

- 11.4 The Site falls within the upper indirect WGG. The applicant proposed to connect the proposed Small House development to the public sewer manhole to the immediately north of the Site (**Plan A-2a** and **Drawing A-2**). DEP advises that the Site is able to connect to the public sewerage system in the area. 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.
- 11.5 H(GEO) of CEDD advises that the Site is overlooked by steep natural hillside and meets the alert criteria requiring for a NTHS. The applicant has committed to submit a Geotechnical Report upon the approval for the planning application (Part 9 of the application form, **Appendix I**). However, H(GEO) advises that the Geotechnical Report is only for the proposed site formation works. As the applicant has not submitted a Geotechnical Planning Review Report (GPRR), H(GEO) objects in principle to the application unless an approval condition on the submission of a NTHS and the implementation of the mitigation measures identified therein is imposed. 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. Other relevant Government departments including CHE/NTE of HyD, DEMS and D of FS have no objection to or adverse comment on the application.
- 11.6 Regarding the Interim Criteria (**Appendix II**), more than 50% of the proposed Small House footprint falls within the ‘VE’ of Ma Po Mei, and the proposed development within the WGG would be able to be connected to the public sewerage system (**Plan A-2a**). While land available within the “V” zone (about 2.18 ha or equivalent to about 87 Small House sites) (**Plan A-2b**) is insufficient to fully meet the future Small House demand, it is capable to meet the 39 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.
- 11.7 The Site is the subject of two previous applications (No. A/NE-LT/411 and 412) submitted by different applicants for proposed NETH (Small House) development. The applications were rejected by the Board on 18.2.2011 mainly for the reasons of not complying with the Interim Criteria in that the proposed Small Houses are within the upper indirect WGG and not being able

to be connected to the planned public sewers in the area, and there was insufficient 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. In this current application, the applicant undertakes to connect the proposed Small House with the existing public sewerage system. CE/C, WSD has no objection to the application.

- 11.8 There were five similar applications in close proximity to the Site (**Plan A-2a**). Two applications (No. A/NE-LT/268 and 465) were approved on 7.12.2001 and 21.12.2012 for being in compliance with the Interim Criteria in that more than 50% of the footprint of the proposed Small Houses fell within the 'VE' and 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. The remaining three applications (No. A/NE-LT/291, 360 and 422) were rejected on 25.7.2003, 21.7.2006 and 3.6.2011 mainly for being not in line with the planning intention of the "AGR" zone and not in compliance with the Interim Criteria in that the proposed Small Houses were located within the WGGs and were not able to be connected to the existing or planned sewerage system in the area. All the similar applications were considered before the Board's adoption of a more cautious approach in approving applications for Small House development in recent years.
- 11.9 Regarding the public comments, which object to the application mainly for the reasons that the proposed development is not in line with the planning intention of "AGR" zone, will have adverse sewerage, landscape and ecological impacts, and will set of undesirable precedent, and land is available in the "V" zone for Small House Development. 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 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 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 7.12.2022, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (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 the Town Planning Board; and
- (d) 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 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 with attachments received on 9.10.2018
Appendix Ia	Supplementary Information received on 11.10.2018
Appendix Ib	Supplementary Information received on 15.10.2018
Appendix II	Relevant Revised Interim Criteria for Consideration of Application for NTEH/Small House in 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 applicant
Drawing A-2	Proposed sewerage connection
Plan A-1	Location plan
Plan A-2a	Site plan
Plan A-2b	Estimated amount of land available for Small House development within the “V” zone
Plan A-3	Aerial photo
Plan A-4	Site photo

**PLANNING DEPARTMENT
DECEMBER 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

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-LT/411	Proposed House (New Territories Exempted House - Small House)	18/02/2011	R1
A/NE-LT/412	Proposed House (New Territories Exempted House - Small House)	18/02/2011	R1

Rejection Reasons

- R1. 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 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.

Similar s.16 Applications

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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	A5, 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,A11, A12
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
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
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

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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	R2, R4
A/NE-LT/368	Proposed House (New Territories Exempted House - Small House)	02/02/2007	R2, R4
A/NE-LT/422	Proposed House (New Territories Exempted House - Small House)	03/06/2011	R2

A/NE-LT/474	Proposed House (New Territories Exempted House - Small House)	03/01/2014	R4, R5
A/NE-LT/647	Proposed House (New Territories Exempted House - Small House)	21/09/2018	R2, 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 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.
- R6. 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."

Detailed Comments from Relevant Government Departments

1. Land Administration

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

- (a) no objection to the application;
- (b) the applicant claimed to be an indigenous villager (IV) of Ma Po Mei. However, his eligibility of Small House grant has yet to be ascertained;
- (c) the Site is old schedule lots held under Block Government Lease (demised for agricultural use). The applicant is the registered owner of the subject lots. The Small House application has been received by LandsD;
- (d) the Site falls entirely within the village 'environs' ('VE') of Ma Po Mei. 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	13	120
Tai Mong Che	26	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 application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access thereto; and
- (g) the proposed 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 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 involving development of one Small House 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. She notes that the applicant proposed to connect to sewer manhole FMH1055707. The public sewerage in the area should have sufficient capacity to accommodate sewerage arising from the proposed NTEH. She has no objection to the application on the conditions that:
 - (i) the proposed house will be connected to the public sewer;
 - (ii) the application would follow ProPECC PN 1/94 during site formation works in construction phase;
 - (iii) adequate land space within the Site should be reserved for connection of the proposed to the public sewer;
 - (iv) consents should be obtained from the adjacent lot owners for laying and maintaining sewage pipes across the adjacent lots; and
 - (v) the cost of connection and maintenance 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) some reservation on the application from landscaping planning point of view;
- (b) the application site is the subject of two previous applications (No. A/NE-LT/411 and 412) submitted by different applicants for the same use. He had some reservations to the two previous applications from the landscape planning perspective, and both applications were rejected by the TPB on 18.2.2011;

- (c) base on the aerial photo taken on 3.1.2018, the Site is situated in an area of rural landscape character comprising of natural woodland, active and abandoned farmlands and Small Houses. Although the proposed use is not in line with the planning intention of "AGR" zone, it is not incompatible with the surrounding environment;
- (d) according to his site inspection, the Site is vacant and covered with groundcovers. No existing tree is found within the Site. Adverse impact arising from the proposed development on significant landscape resources within the Site is not anticipated;
- (e) the Site is not connected with any existing proper footpath nor vehicle access, and no information on the construction access and future access is provided by the applicant. The potential impact on surrounding landscape resources generated by the construction access and future access cannot be ascertained;
- (f) the Site is located on a stepped ground and filling of land not exceeding 0.9m is required. No detail information such as level plan or extent of filling and no assessment on the potential impact to the adjacent wooded knoll is provided by the applicant. Potential impact to the adjacent vegetation cannot be ascertained;
- (g) approval of the application would further attract similar developments into the "AGR" zone. The cumulative effect of approving similar applications would result in degradation of landscape character and irreversible change to the area; and
- (h) given the Small House would not have adverse landscape impact on the surroundings and the applicant proposed the open area of the Site as garden, the standard condition for submission and implementation of landscape proposal is not recommended.

5. **Drainage**

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

- (a) he has no objection in-principle to the proposed planning application from public drainage viewpoint;
- (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 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 development 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 condition 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. He 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 application site is within an area where connections to existing sewerage networks are available in the vicinity;
- (g) should the applicant choose to connect his proposed sewerage system to DSD's network, he shall furnish DSD with their 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 his Division for formal application for the required connection. Upon his 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. The connection pipe outside the lot boundaries shall be handed over to DSD for maintenance after satisfactory technical audit by DSD. In addition, to ensure the sustainability of the public sewerage network, the applicant/owner is required to demonstrate to the satisfaction of DSD in such manner that the runoff within the subject premise will be served by a designated stormwater collection and discharge system and shall not be drained to the public sewerage network and the applicant/owner will be required to submit details of the proposed sewage connection works and concurrently provide further information on the runoff collection and discharge system; and
- (h) should the applicant choose to dispose of sewage of the proposed development through other means, views and comments from the Environmental Protection Department (EPD) should be sought; and
- (i) the applicant is required to maintain drainage/sewerage systems properly and rectify/modify such systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems.

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

- 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 overgrown with grass and weeds. Nevertheless, there are active agricultural activities in the vicinity and agricultural infrastructure such as footpath 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) has no objection to the application;
- (b) the Site is located within upper indirect WGG and the proposed Small House is situated more than 30m from the nearest stream course;
- (c) DEP indicated that the Site is able to connect to the public sewerage system in the area and he has no objection to the application provided that the applicant shall connect the proposed Small House with public sewer for sewage disposal. He supports DEP's view by imposing the following conditions:
 - (i) the foul water drainage system of the proposed Small House can be connected to the public sewerage system in the area and the applicant shall connect the whole of the foul water drainage system to the public sewerage system;

- (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the WGG; and
- (iii) 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 Small House to the sewerage system via the relevant private lots; and
- (d) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

9. **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 prepared to undertake an NTHS and to provide necessary mitigation measures if found necessary as part of the proposed development;
- (b) if PlanD considers that it is suitable to include an approval condition requiring submission of a NTHS report and implementation of mitigation measures recommended therein, as an alternative to the submission of a GPRR which is a requisite for this planning application, the Geotechnical Engineering Office will note the arrangement without further comment;
- (c) he note that the applicant has committed to submit a Geotechnical Report upon the approval for the planning application. However, the Geotechnical Report is for the proposed site formation works as stated in the planning statement (Part 9), the applicant has not submitted a Geotechnical Planning Review Report (GPRR); and
- (d) 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. **Electricity Safety and Town Gas Safety**

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

- (a) he has no particular comment on the application from electricity supply safety aspect;

- (b) however, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the Site. The applicant should also be reminded to observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines;
- (c) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the Site;
- (d) 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
- (e) 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”.

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 39 while 10-year Small House demand forecast is 270. Based on the latest estimate by Planning Department, about 2.18 ha (or equivalent to about 87 Small House sites) of land are available within the “V” zone of the concerned villages. Therefore, the land available can meet the demand arising from the outstanding applications but it cannot fully meet the future Small House demand of about 7.73 ha (or equivalent to about 309 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;
 - (ii) 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
 - (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. Comments from CE/MB, DSD, DWS and DEP should be sought in relation to the connection to public sewers;
- (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) the applicant should follow ProPECC PN1/94 during site formation works in construction phase;
 - (iii) adequate land space within the Site should be reserved for connection of the proposed house to the public sewer;
 - (iv) consents should be obtained from the adjacent lot owners for laying and maintaining sewage pipes across the adjacent lots; and
 - (v) the cost of connection and maintenance 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 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 development site is located on unpaved ground. The proposed development will increase the impervious area, resulting in a 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

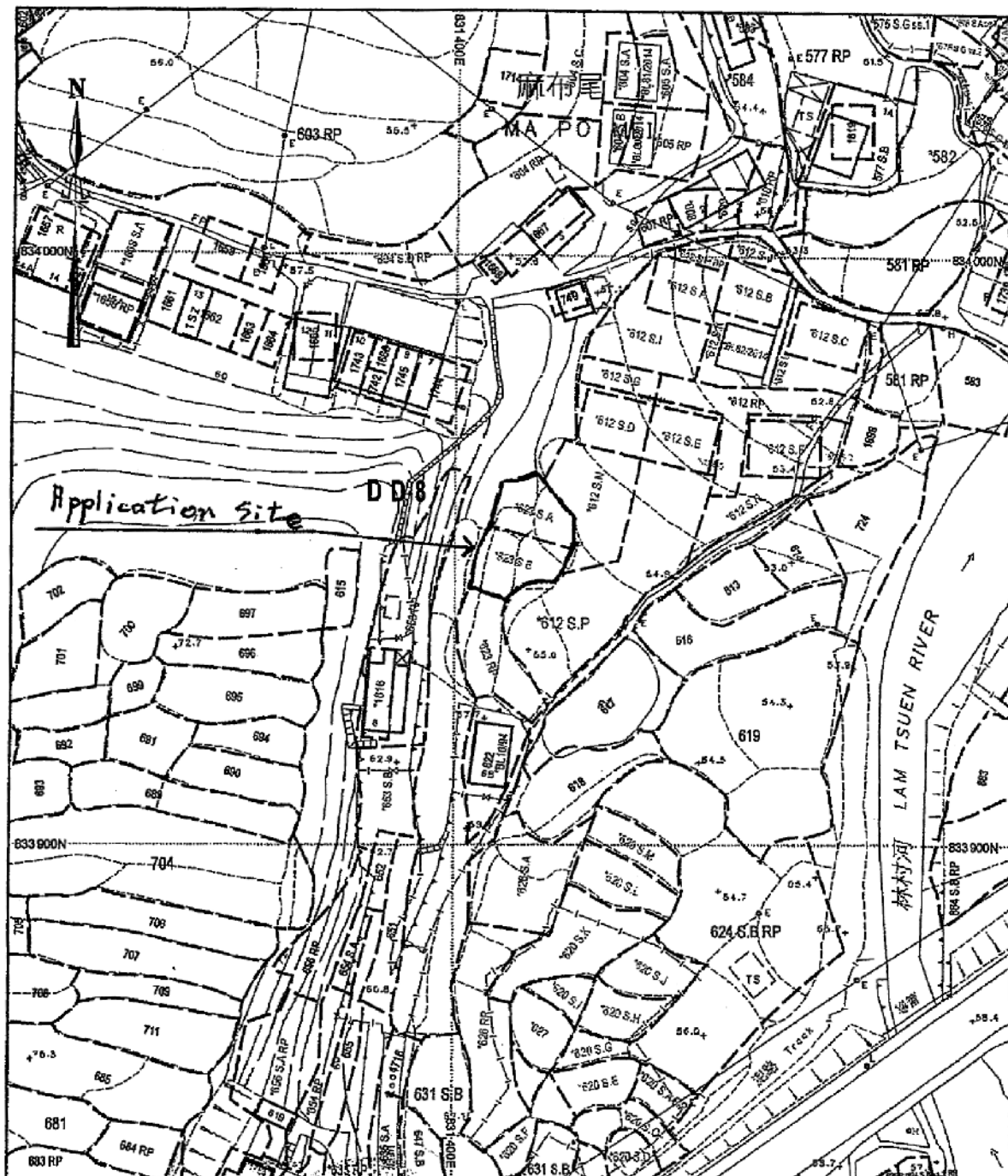
operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (iii) the applicant should design the drainage proposal based on the actual site condition 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. He 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 application site is within an area where connections to existing sewerage networks are available in the vicinity; and
 - (v) should the applicant choose to connect his proposed sewerage system to DSD's network, he shall furnish DSD with their 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 his Division for formal application for the required connection. Upon his 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. The connection pipe outside the lot boundaries shall be handed over to DSD for maintenance after satisfactory technical audit by DSD. In addition, to ensure the sustainability of the public sewerage network, the applicant/owner is required to demonstrate to the satisfaction of DSD in such manner that the runoff within the subject premise will be served by a designated stormwater collection and discharge system and shall not be drained to the public sewerage network and the applicant/owner will be required to submit details of the proposed sewage connection works and concurrently provide further information on the runoff collection and discharge system; and
 - (vi) should the applicant choose to dispose of sewage of the proposed development through other means, views and comments from the Environmental Protection Department (EPD) should be sought; and
 - (vii) the applicant is required to maintain drainage/sewerage systems properly and rectify/modify such systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems.
- (d) 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 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 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;
- (f) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that:
 - (i) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the Site. The applicant should also be reminded to observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines;
 - (ii) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the Site;
 - (iii) 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
 - (iv) the applicants should observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes"; 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.

地段索引圖 LOT INDEX PLAN

附件 III



地政總署測繪處 Survey and Mapping Office, Lands Department



Locality : D.D.8

Lot Index Plan No. : TP0201082018

District Survey Office : Tai Po

Date : 08-Aug-2018

Reference No. : 7-NW-6D

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免責聲明

本圖則乃地段索引圖的複本，顯示地段界線的大概位置，包括根據政府撥地、臨時政府撥地、短期租約及政府土地租用牌照而臨時佔用土地的位置。臨時佔用土地的情況可憑藉短期通知出現或終止，因此應向有關的分區地政專員核實。本圖則所示的資料必須經過實地測量予以核實。當有更佳或新的地界證據時，地段索引圖可能會被修訂而無須事先通知。

Disclaimer

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.

參考編號

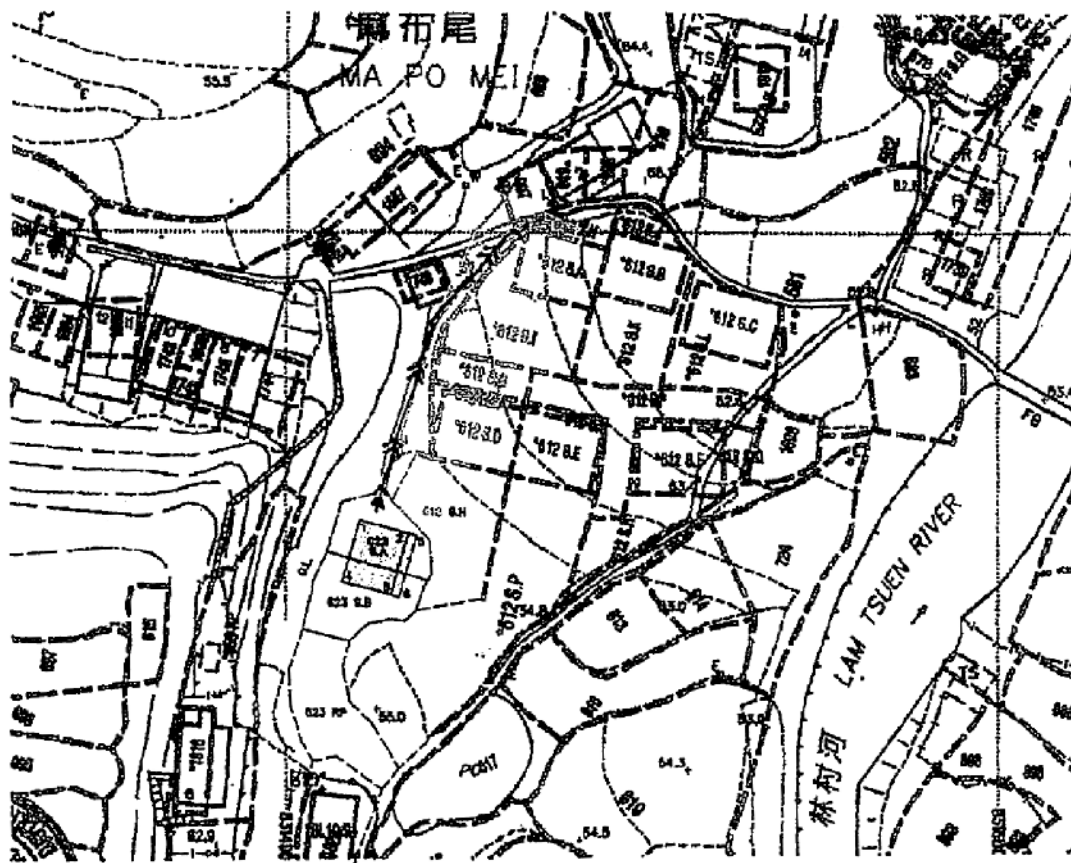
REFERENCE No.

A/NE-LT/656

繪圖 DRAWING A-1

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

Dimension Plan of the Proposed Small House on Lots 623 S.A & 623 S.B in D.D. 8 Tai Po



Coloured Pink Area 85.08 Square Metres (About)

Balcony

to be connected to the Public Sewage

Side	Bearing ° ' "	Distance in Metres	Pt	Co-ordinate Data (1980 Datum)		Remarks
				N	E	
1-2	105 55 50	7.112	1	833959.110	831410.275	
2-3	195 55 50	9.144	2	833957.158	831417.114	
3-4	285 55 50	7.112	3	833948.365	831414.604	
4-1	15 55 50	9.144	4	833950.317	831407.766	
Co-ordinates of the balcony						
2-5	105 55 50	1.220	2	833957.158	831417.114	
5-6	195 55 50	9.144	5	833956.823	831418.287	
6-3	285 55 50	1.220	6	833948.030	831415.778	
3-2	15 55 50	9.144	3	833948.365	831414.604	



T.H. & ASSOCIATES LIMITED
(陳德慶測量有限公司)

Approved By

T.H. CHAN (ALS, MKIS, MRCS, RPS(LS))
Authorized Land Surveyor
Date: 04 - 12 - 2017

Survey Sheet No.: 7-NW-6D

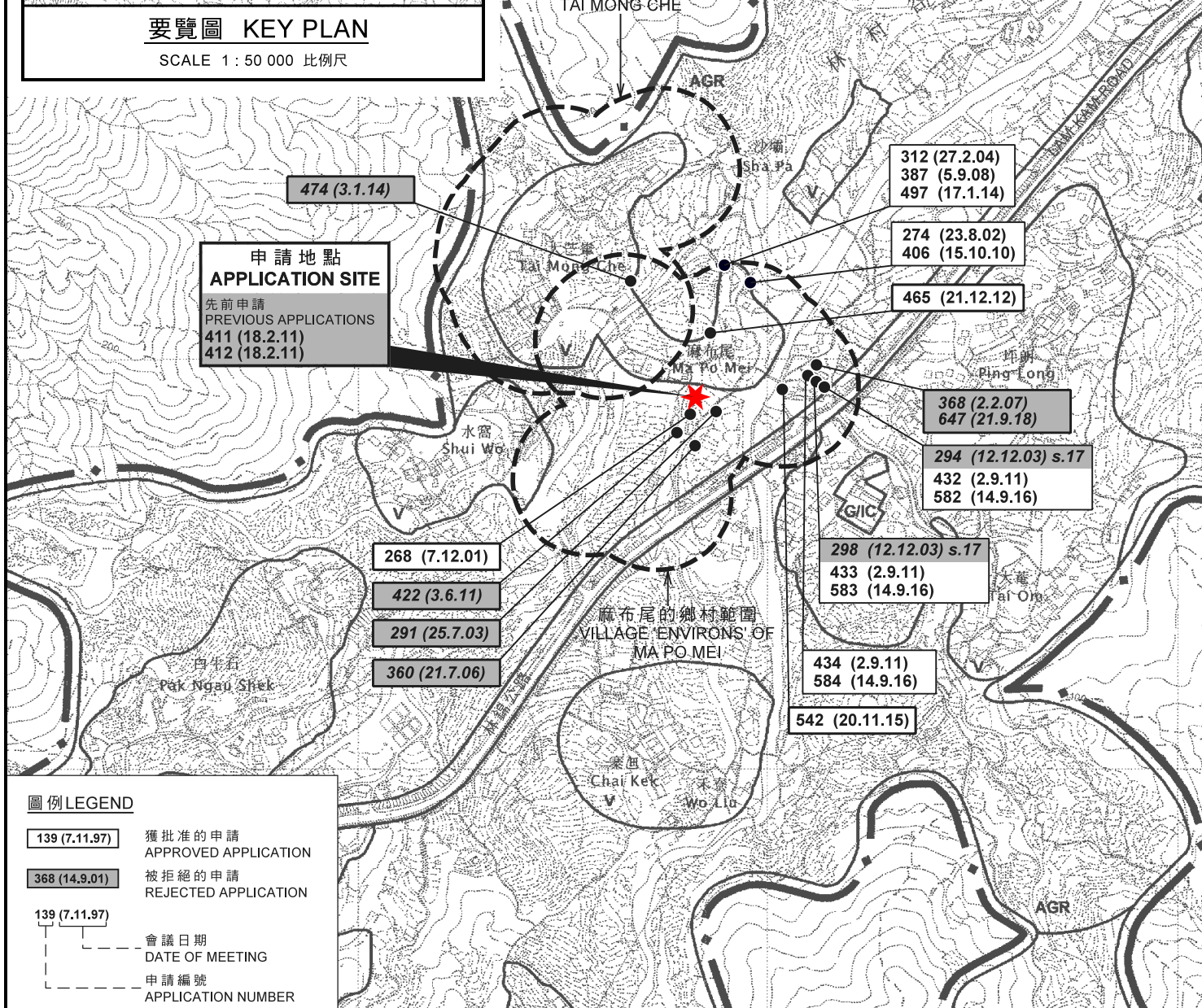
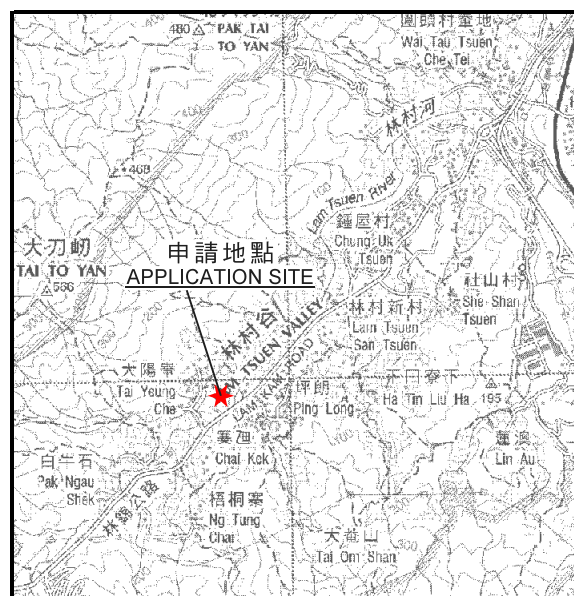
Adopted Plan No.: SRP/TP/016/330/D1(R)

Plan No. TP/A/R29A-CH2

參考編號
REFERENCE No.

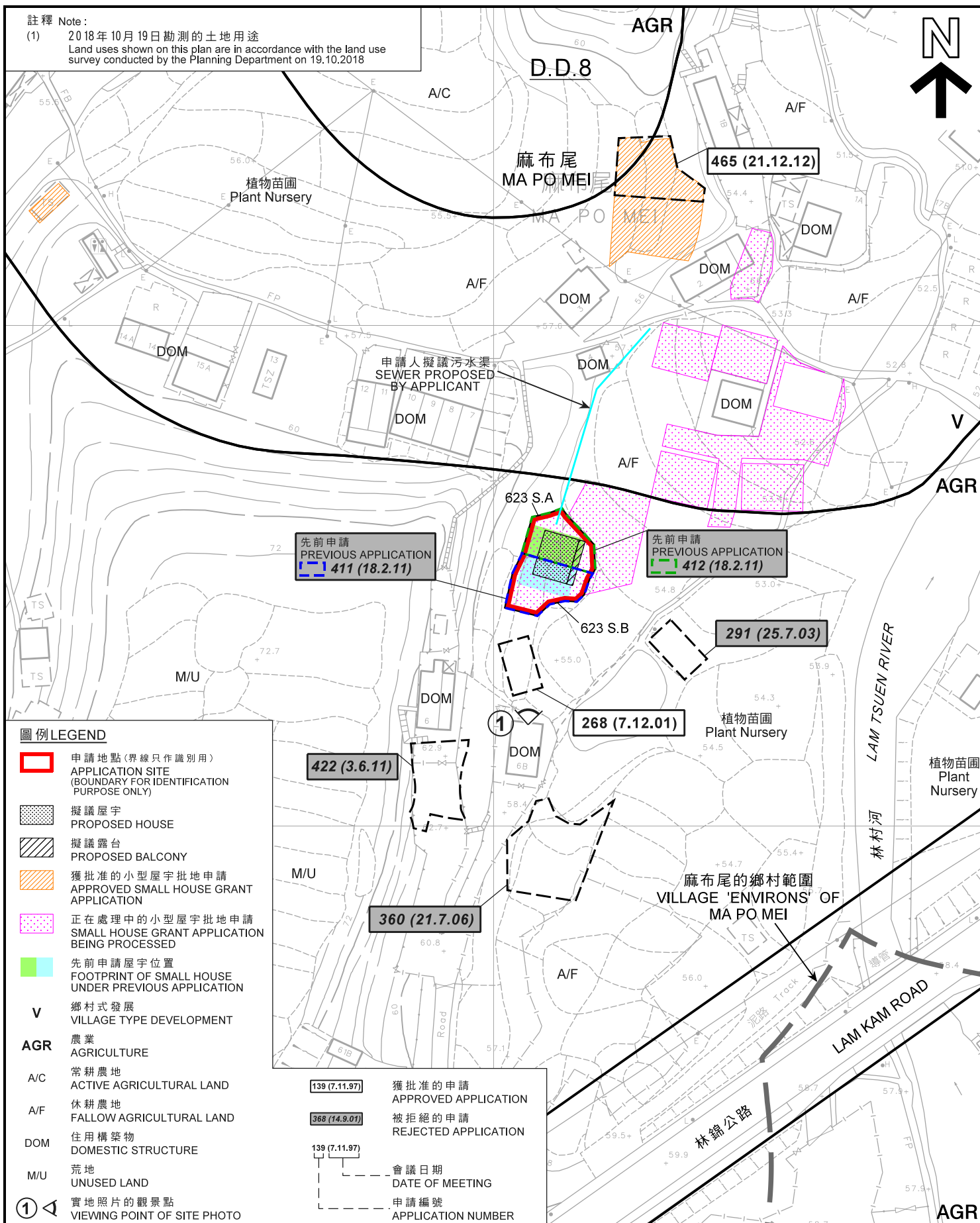
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繪圖 DRAWING A-2



註釋 Note:

(1) 2018年10月19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 19.10.2018



平面圖 SITE PLAN

本摘要圖於2018年11月27日擬備，
所根據的資料為測量圖編號
7-NW-6D
EXTRACT PLAN PREPARED ON 27.11.2018
BASED ON SURVEY SHEET No.
7-NW-6D

擬議屋宇（新界豁免管制屋宇-小型屋宇）及填土工程
新界大埔林村麻布尾丈量約份第8約
地段第623號A分段及第623號B分段
PROPOSED HOUSE (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
AND FILLING OF LAND
LOTS 623 S.A AND 623 S.B IN D.D. 8,
MA PO MEI, LAM TSUEN, TAI PO

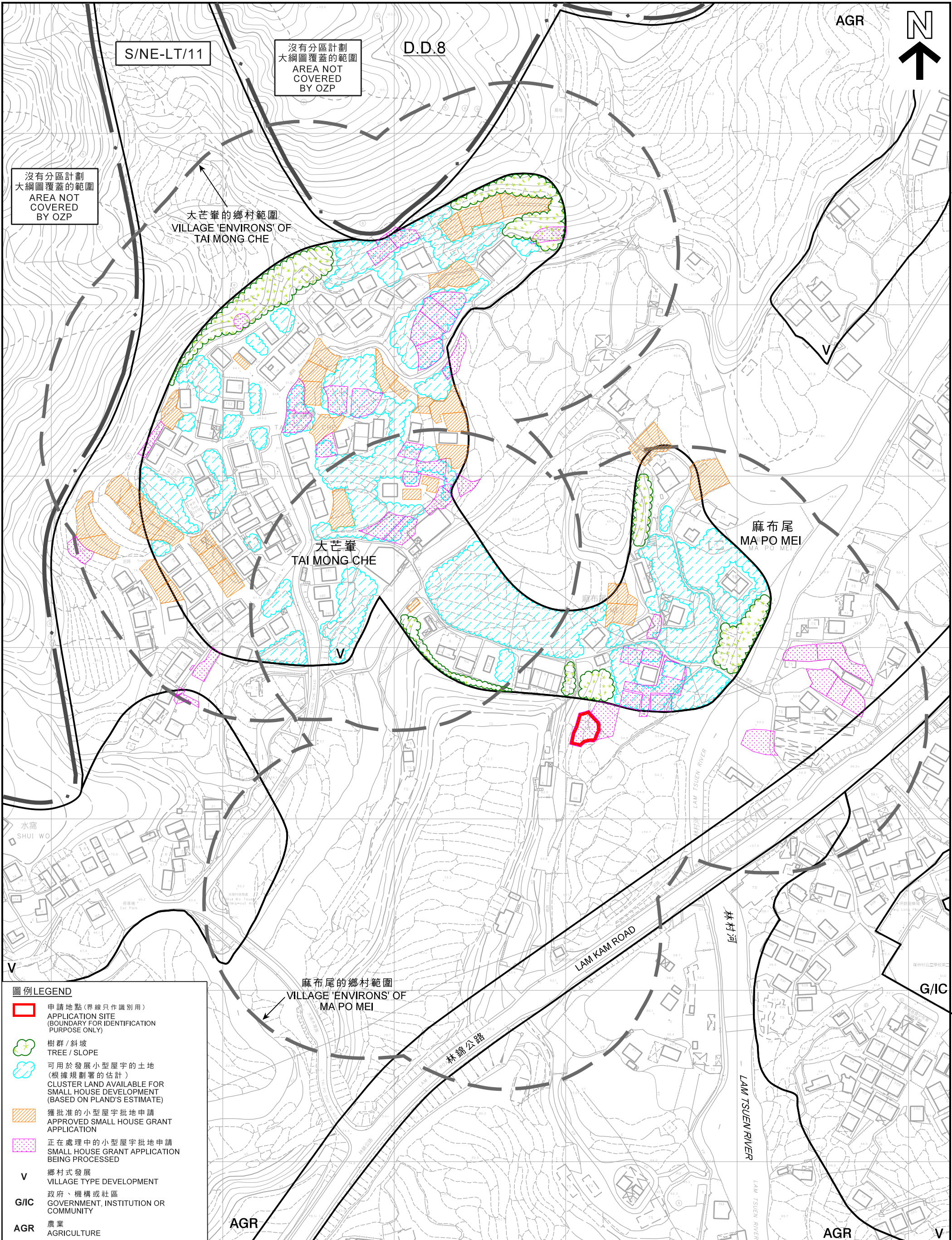
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METRES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-LT/656

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
- G/IC 政府、機構或社區
GOVERNMENT, INSTITUTION OR
COMMUNITY
- AGR 農業
AGRICULTURE

本摘要圖於2018年11月20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 20.11.2018
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) 及填土工程
新界大埔林村麻布尾丈量約份第8約
地段第623號A分段及第623號B分段
PROPOSED HOUSE (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
AND FILLING OF LAND
LOTS 623 S.A AND 623 S.B IN D.D. 8,
MA PO MEI, LAM TSUEN, TAI PO
SCALE 1:2 000 比例尺

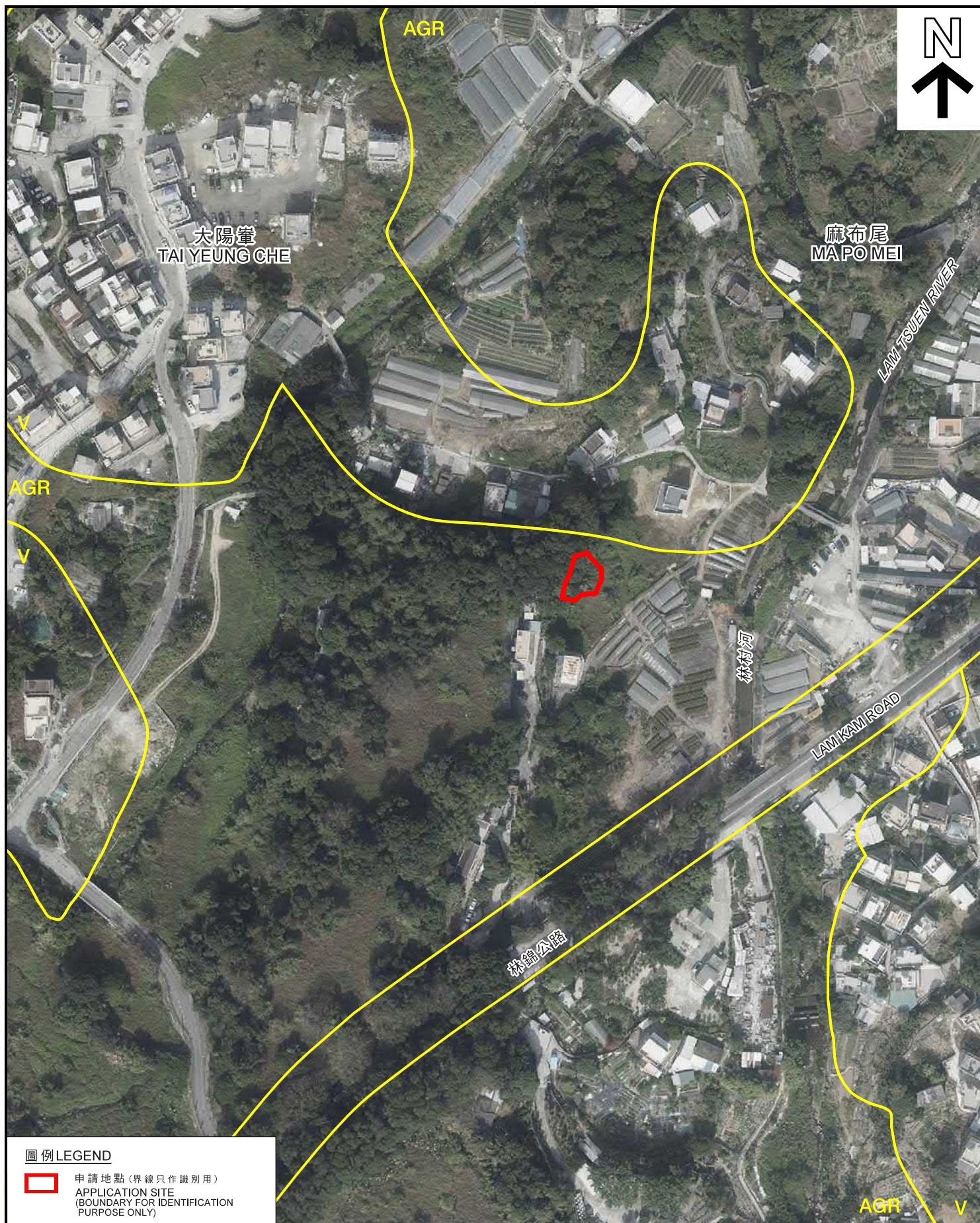
米 40 0 40 80 120 160 米
METRES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-LT/656

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11月1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E032455C
EXTRACT PLAN PREPARED ON 1.11.2018
BASED ON AERIAL PHOTO No. E032455C
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) 及填土工程
新界大埔林村麻布尾丈量約份第8約
地段第623號A分段及第623號B分段
PROPOSED HOUSE
(NEW TERRORIES EXEMPTED HOUSE - SMALL HOUSE)
AND FILLING OF LAND
LOTS 623 S.A AND 623 S.B IN D.D. 8,
MA PO MEI, LAM TSUEN, TAI PO

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-LT/656

圖 PLAN
A-3

1



實地照片 SITE PHOTO

擬議屋宇（新界豁免管制屋宇-小型屋宇）及填土工程
新界大埔林村麻布尾丈量約份第8約
地段第623號A分段及第623號B分段
PROPOSED HOUSE (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
AND FILLING OF LAND
LOTS 623 S.A AND 623 S.B IN D.D. 8,
MA PO MEI, LAM TSUEN, TAI PO

本圖於2018年11月6日擬備，所根據
的資料為攝於2018年10月19日的實地照片
PLAN PREPARED ON 6.11.2018 BASED ON
SITE PHOTO TAKEN ON 19.10.2018

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-LT/656

圖 PLAN
A-4

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/656 Proposed House (New Territories Exempted House - Small House) and
Filling of Land in “Agriculture” Zone, Lots 623 S.A and 623 S.B in
D.D. 8, Ma Po Mei, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/656)

Presentation and Question Sessions

41. Mr Tony Y.C. Wu, 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 V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as the site possessed potential for agricultural rehabilitation and there were active agricultural activity in the vicinity. The Commissioner for Transport had reservation on the application but considered the application involving construction of one Small House could be tolerated. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application as the potential impact to the adjacent vegetation and surrounding landscape resources could not be ascertained and approval of the application would further attract similar developments in the “Agriculture” (“AGR”) zone and the cumulative effect would result in degradation of the landscape character. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department

objected to the application unless the applicant was prepared to undertake a Natural Terrain Hazard Study and provided the necessary mitigation measures. 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, three public comments were received from Designing Hong Kong Limited, the Hong Kong Bird Watching Society and an individual raising objection to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone and DAFC did not support the application. CTP/UD&L, PlanD also had reservation on the application from landscape planning point of view. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (the Interim Criteria), although more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Ma Po Mei and the proposed development within water gathering grounds would be able to be connected to public sewage system, there was sufficient land within the “Village Type Development” (“V”) zone of Ma Po Mei and Tai Mong Che 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. Regarding the adverse public comments, the comments of government departments and the planning assessments above were relevant.

42. In response to a Member's enquiry, Mr Tony Y.C. Wu, STP/STN, explained that the similar application (No. A/NE-LT/268) to the immediate south of the site was approved on 7.12.2001 mainly for being in compliance with the then Interim Criteria in that there was a general shortage of land to meet the Small House demand in the “V” zone of the concerned

village at the time of consideration. Despite the proposed Small House under application No. A/NE-LT/268 was not able to be connected to the sewerage system in the area, there was no criterion on the requirement for connection to existing or planned sewerage system in the Interim Criteria prevalent at that time. The said application had already lapsed and the District Lands Officer/Tai Po, Lands Department advised that no application for Small House grant at that site was received.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that 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 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.”

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

Annex C of TPB

Paper No. 10528

TOWN PLANNING BOARD

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

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/NE-LT/656

By Post

21 December 2018

Wong, Jason Ka Ho
c/o Hung Shu Ping

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House)
and Filling of Land in "Agriculture" Zone,
Lots 623 S.A and 623 S.B in D.D. 8, Ma Po Mei, Lam Tsuen, Tai Po**

I refer to my letter to you dated 18.10.2018.

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

- (a) the proposed development is not in line with the planning intention of the "Agriculture" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that 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 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 7.12.2018 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 11.1.2019). 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

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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	A5, 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,A11,A12
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
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
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

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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	R2, R4
A/NE-LT/368	Proposed House (New Territories Exempted House - Small House)	02/02/2007	R2, R4

A/NE-LT/422	Proposed House (New Territories Exempted House - Small House)	03/06/2011	R2
A/NE-LT/474	Proposed House (New Territories Exempted House - Small House)	03/01/2014	R4, R5
A/NE-LT/647	Proposed House (New Territories Exempted House - Small House)	25/01/2019 (on review)	R2, 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 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.
- R6. 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;
 - (ii) 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
 - (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. Comments from CE/MB, DSD, DWS and DEP should be sought in relation to the connection to public sewers;
- (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) the applicant should follow ProPECC PN1/94 during site formation works in construction phase;
 - (iii) adequate land space within the Site should be reserved for connection of the proposed house to the public sewer;
 - (iv) consents should be obtained from the adjacent lot owners for laying and maintaining sewage pipes across the adjacent lots; and
 - (v) the cost of connection and maintenance 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 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 development site is located on unpaved ground. The proposed development will increase the impervious area, resulting in a 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;

- (iii) the applicant should design the drainage proposal based on the actual site condition 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. He 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 application site is within an area where connections to existing sewerage networks are available in the vicinity; and
 - (v) should the applicant choose to connect his proposed sewerage system to DSD's network, he shall furnish DSD with their 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 his Division for formal application for the required connection. Upon his 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. The connection pipe outside the lot boundaries shall be handed over to DSD for maintenance after satisfactory technical audit by DSD. In addition, to ensure the sustainability of the public sewerage network, the applicant/owner is required to demonstrate to the satisfaction of DSD in such manner that the runoff within the subject premise will be served by a designated stormwater collection and discharge system and shall not be drained to the public sewerage network and the applicant/owner will be required to submit details of the proposed sewage connection works and concurrently provide further information on the runoff collection and discharge system; and
 - (vi) should the applicant choose to dispose of sewage of the proposed development through other means, views and comments from the Environmental Protection Department (EPD) should be sought; and
 - (vii) the applicant is required to maintain drainage/sewerage systems properly and rectify/modify such systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems.
- (d) 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 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 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;
- (f) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that:
- (i) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the Site. The applicant should also be reminded to observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines;
 - (ii) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the Site;
 - (iii) 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
 - (iv) the applicants should observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes"; 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.