

**TPB Paper No. 10564**

**For Consideration by  
the Town Planning Board on 26.7.2019**

**REVIEW OF APPLICATION NO. A/NE-LT/660  
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” and “Village Type Development” zones**

**Lots 348 S.A ss.1 RP, 348 S.A ss.2 RP and 353 RP in D.D. 19, Hang Ha Po, Tai Po, N.T.**

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**1. Background**

1.1 On 4.12.2018, the applicant, Mr. LAM Jin Li Simon represented by Mr. HUI Kwan Yee, sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) at the application site (the Site) under s.16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area partly zoned “Agriculture” (“AGR”) (about 61%) and partly zoned “Village Type Development” (“V”) (about 39%) on the approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11 (**Plan R-1**).

1.2 On 1.2.2019, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:

- “(a) the proposed 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 drainage impact on the surrounding area; and
- (c) land is still available within the “Village Type Development” (“V”) zone of Hang Ha Po, San Uk Pai and Kau Liu Ha which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

1.3 For Members’ reference, the following documents are attached:

- (a) RNTPC Paper No. A/NE-LT/659 and 660 (Annex A)
- (b) Extract of minutes of the RNTPC meeting held on 1.2.2019 (Annex B)
- (c) Secretary of the Board’s letter dated 22.2.2019 (Annex C)

## 2. **Application for Review**

On 13.3.2019, the applicant applied under section 17(1) of the Ordinance for review of the RNTPC's decision to reject the application (**Annex D1**). In support of the review application, the applicant submitted further information (FI) providing written justifications on 3.5.2019 (**Annex D2**).

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

The justifications put forth by the applicant in support of the review application are detailed in the submission at **Annex D2**. They can be summarized as follows:

- (a) the application is well supported by a Tai Po District Councillor and no local objection to the application has been received;
- (b) the applicant is the indigenous villager of Hang Ha Po, and the Site is the only piece of land owned by the applicant for Small House development;
- (c) there are existing village houses and similar approved applications in the vicinity of the Site. Approval of the application would not set an undesirable precedent for other similar applications;
- (d) the applicant has provided a sewerage connection proposal demonstrating that the proposed Small House is able to be connected to the existing public sewerage system;
- (e) the Site is bounded by existing village houses and the potential for agricultural rehabilitation is low. The Site has been left vacant for a long time and significant adverse impact on landscape resources from the proposed development is not anticipated; and
- (f) relevant Government departments including Water Supplies Department, Fire Services Department, Environmental Protection Department, Civil Engineering and Development Department, Transport Department, Lands Department and Tai Po District Office have no objection to this application.

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

*The Site and its Surrounding Areas* (**Plans R-1, R-2a** and Photos on **Plans R-3** and **R-4**)

4.1 The situation of the Site and the surrounding areas at the time of consideration of the s.16 application by the RNTPC were described in paragraphs 7.1 and 7.2 of **Annex A**.

4.2 The Site is:

- (a) generally flat and covered with grass;
- (b) situated at the fringe of village proper and surrounded by existing village houses; and
- (c) accessible by a local track leading to Lam Kam Road.

- 4.3 The surrounding areas are predominantly rural in character with a mix of village houses, agricultural land and tree groups. Water courses are found to the immediate north and about 10m to the east. The Shan River is located about 70m to the further east.

#### Planning Intentions

- 4.4 The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 4.5 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

#### Assessment Criteria

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

#### Previous Application

- 4.7 There is no previous planning application at the Site.

#### Similar Applications

- 4.8 When the s.16 application was considered by the RNTPC on 1.2.2019, there were nine similar applications for Small House development since the first promulgation of the Interim Criteria on 24.11.2000. Since then, there is one additional similar application (No. A/NE-LT/659). Of the ten similar applications covering seven sites, four were approved with conditions and six were rejected (**Plan R-1**).
- 4.9 For the rejected cases, five of them (Applications No. A/NE-LT/265, 277, 293, 351 and 416) were rejected by the Committee/the Board on review between 2001 and 2011. Application No. A/NE-LT/265 was rejected mainly for the reason of not complying with the Interim Criteria in that only a small portion of the proposed development fell within the village ‘environ’ (‘VE’) and the application site fell outside the “V” zone. Applications No. A/NE-LT/277, 293 and 351 were rejected mainly on the ground of not being able to be connected to public sewerage system and there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse impact on the water quality in the area.

Application No. A/NE-LT/351 was also rejected for the reason of being partly encroached upon the works limit for river improvement works. For Application No. A/NE-LT/416, it was rejected mainly on the ground that approval of that application would disintegrate the green buffer separating the agricultural area and village houses area and set an undesirable precedent for similar applications for housing developments within the subject “AGR” zone, the cumulative impact of which would adversely affect the existing pleasant rural landscape quality of the area.

- 4.10 For the latest rejected application (No. A/NE-LT/659) situated to the immediate southwest of the Site, it was rejected by the RTNPC on 1.2.2019 (the same meeting for consideration of current application at s.16 application stage) mainly for the reasons that there was no information in the submission to demonstrate that the proposed development would not have adverse drainage impact on the surrounding area; and land was still available within the concerned “V” zones for Small House development.
- 4.11 The remaining four applications (No. A/NE-LT/359, 367, 447 and 537) were approved with conditions by the Committee between 2006 and 2015 mainly on the grounds of complying with the Interim Criteria in that more than 50% of the Small House footprint was located within the ‘VE’/“V” zone; and the proposed development was able to be connected to the public sewerage system. Applications No. A/NE-LT/359, 367 and 447 were also approved as there was a general shortage of land to meet the demand for Small House development in the concerned “V” zone at the time of consideration. For Application No. A/NE-LT/537, it was approved on sympathetic consideration as the site was surrounded by existing village houses and sandwiched between the boundary of the “V” zone and the ‘VE’ limit of San Uk Pai.
- 4.12 Details of the above similar applications are summarized at **Annex E** and their locations are shown on **Plans R-1** and **R-2a**.

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

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

### **Land Administration**

- 5.2.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):
- (a) the latest number of outstanding Small House applications for Hang Ha Po, San Uk Pai and Kau Liu Ha are 24, 3 and 9 respectively (the figures are 23, 3 and 10 at the s.16 application stage) whilst the 10-year Small House demand remains unchanged at 178;
  - (b) he remains his previous views on the s.16 application which are recapitulated below:

- (i) no objection to the application;
- (ii) the applicant is an indigenous villager of Hang Ha Po as confirmed by the Indigenous Inhabitant Representative (IIR) of the concerned village. However, his eligibility of Small House Grant has not been ascertained;
- (iii) the Site is held under Block Government Lease demised for agricultural use;
- (iv) the Site is not covered by any Modification of Tenancy or Building Licence. The Small House application for the Site was submitted to LandsD on 28.7.2017;
- (v) the Site falls outside the 'VE' of any recognized village; and
- (vi) should the application be approved by the Board, LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto.

### Landscape

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

- (a) it is noted that the Site is now covered with grass, instead of having piles of construction materials as observed during the s.16 application stage;
- (b) he remains his previous views on the s.16 application which are recapitulated below:
  - (i) no objection to the application from the landscape planning perspective;
  - (ii) the Site is situated in an area of rural landscape character comprising of scattered tree groups, village houses and abandoned farmlands. Given similar Small Houses are found in close proximity to the Site, the application is not incompatible with the surrounding environment;
  - (iii) 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; and

- (iv) since there is not adequate space for meaningful landscaping within the Site to benefit the public realm, should the application be approved by the Board, the condition for submission and implementation of landscaping proposal is not recommended.

5.3 The following Government departments have no further comments on the review application and maintain their previous views on the s.16 application in paragraph 9 of the RNTPC Paper in **Annex A**. The main views are recapitulated as follows:

Traffic

5.3.1 Comment of the Commissioner for Transport (C for T):

- (a) no in-principle objection to the application from traffic engineering point of view; and
- (b) the road/footpath next to the Site is not under Transport Department's management. The land status, management and maintenance responsibilities of the road and footpath should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes.

Environment

5.3.2 Comments of the Director of Environmental Protection (DEP):

- (a) the Site is within the "AGR" and "V" zones and within the WGG. The Site falls within the consultation zone of Tai Po and Tai Po Tau Water Treatment Works. Based on the information provided, he has no objection to the application from chlorine risk point of view;
- (b) it is noted that the applicant proposes to connect the proposed Small House to public sewer manhole (FMH1040212). He has no objection to the application on the conditions that:
  - (i) the proposed Small House will be connected to the public sewer for sewage disposal;
  - (ii) adequate land space within the Site should be reserved for connection of the proposed Small House to the public sewer;
  - (iii) written consents should be obtained from the adjacent lot owner(s) for laying and maintaining sewage pipes if needed; and
  - (iv) the cost of sewer connection will be borne by the applicant; and
- (c) the Site is in close proximity to water courses to the north and east. The applicant is reminded to follow *'Professional Persons Environmental Consultative Committee Practice Note (ProPECCPN) 1/94*

*Construction Site Drainage'* to properly handle and dispose of site discharge during construction phase.

*Drainage and Sewerage*

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

- (a) does not support the application from public drainage viewpoint as the proposed Small House, located too close to an existing stream course with the proposed Small House footprint less than 3m from the stream course, might be eroded and flooded. There might be flooding susceptibility of the adjoining areas affected by the proposed development;
- (b) 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 system to cater for the runoff generated within the Site and overland flow from other areas surrounding the Site. The applicant/owner is required to maintain such system properly and rectify the system if it is 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 system;
- (c) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. 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;
- (d) the Site is within an area where connections to existing sewerage networks are available in the vicinity. Should the applicant choose to connect his proposed drainage system to DSD's networks, the applicant shall furnish DSD with his connection proposals for agreement; and
- (e) should the application be approved by the Board, a condition should be included requesting the applicant to submit and implement the drainage proposal for the Site to the satisfaction of Director of Drainage Services or the Board to ensure that it will not cause adverse drainage impact to the adjacent area.

*Agriculture*

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

- (a) no strong view on the application; and



- (b) the Site is covered with some trees and surrounded by existing structures and the potential for agricultural rehabilitation is low.

#### Fire Safety

##### 5.3.5 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.

#### Water Supply

##### 5.3.6 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) no objection to the application;
- (b) the Site is located within upper indirect WGG and is less than 30m away from the nearest watercourse;
- (c) DEP indicated that the Site is able to be connected to the public sewerage system in the area. It is noted that DEP has no objection to the application provided that the applicant shall connect the proposed Small House with public sewer for sewage disposal. Thus, compliance of the application with the "Interim Criteria for Consideration of Application for NTEH/Small House in New Territories" can be reasonably established. 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;
  - (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 relevant private lot;
  - (iv) since the proposed Small House is less than 30m from the nearest watercourse, it should be located as far away from the watercourse as possible; and

- (v) the whole of foul effluent shall be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes; 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 inside services within the private lots to WSD's standards.

#### Electricity Supply and Town Gas Safety

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

#### Electricity Safety

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

#### Town Gas Safety

- (c) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the Site;
- (d) the applicant/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 applicant/consultant/works contractor is required to observe the Electrical and Mechanical Services Department's requirements on the "Avoidance on Damage to Gas Pipes 2<sup>nd</sup> Edition" for reference.
- (f) regarding the public comment on town gas safety received during s.16 application, the proposed development is located about 260m away from the Lam Kam Piggery Station which is out of the hazardous zone of concern. Viewing that the proposed development is small scale

development and would not result in a significant increase in population in the vicinity of the Lam Kam Piggling station, it is considered that the proposed development would not induce significant risk in this case.

5.4 The following Government departments have been further consulted and maintain their previous views of having no adverse comment on/no objection to the review application:

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

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

6.1 On 22.3.2019 and 10.5.2019, the review application and FI were published for public inspection. During the first three weeks of the statutory public inspection periods, eight public comments were received from the Indigenous Inhabitant Representative and Resident Representative of Hang Ha Po, the Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and an individual, objecting to the application mainly on the grounds of not being in line with the planning intention of the “AGR” zone; adverse impacts to the fung shui of Hang Ha Po Tsuen and water quality of the village; no mentioning of mitigation measures during the construction stage; land being still available within the “V” zone for Small House developments; suspected “destroy first, develop later” case and setting of an undesirable precedent.

6.2 One public comment was received at the s.16 application stage and is set out in paragraph 10 of the RNTPC Paper in **Annex A**.

## **7. Planning Considerations and Assessments**

7.1 The subject application for Small House development was rejected by the RNTPC on 1.2.2019 mainly on the grounds of being not in line with the planning intention of the “AGR” zone; not complying with the Interim Criteria in that there was no information in the submission to demonstrate that the proposed development would not have adverse drainage impact on the surrounding area; and land was still available within the “V” zones of Hang Ha Po, San Uk Pai and Kau Liu Ha for Small House development.

7.2 To support the review application, the applicant has put forward justifications that the Site is the only piece of land that he owns for Small House development; it is bounded by existing village houses and has low potential for agricultural rehabilitation; the proposed house is able to be connected to the existing public sewerage system; relevant government departments have no objection to the application; the application is well supported by a Tai Po District Councillor with no local objection received; and

approval of the application would not set an undesirable precedent as existing village houses and similar approved applications are found in the vicinity of the Site.

- 7.3 The Site falls within an area partly zoned “AGR” (about 61%) and partly zoned “V” (about 39%) (**Plan R-2a**). 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. DAFC maintains his previous views of having no strong view on the application as the Site is surrounded by existing structures and the potential for agricultural rehabilitation is low.
- 7.4 The Site is within the upper indirect WGG. The applicant reiterates that the proposed Small House is able to be connected to the existing public sewerage system. Both DEP and CE/C maintain their previous views of having no objection to the application provided that the applicant shall connect the proposed Small House to the existing public sewerage system (**Plan R-2a**). Nevertheless, CE/MN, DSD maintains his previous views of not supporting the application as the proposed development, located too close to an existing stream course with its footprint less than 3m from the stream course (**Plan R-2a**), might be eroded and flooded. As the applicant has not submitted any further information under the review application to address this issue, the proposed development to be affected by the flooding susceptibility of the adjoining areas remains. Therefore, it does not comply with the Interim Criteria in that it would cause adverse drainage impact to the surrounding areas.
- 7.5 The applicant claims that the Site is the only piece of land owned by him for Small House development. In this regard, it should be noted that land ownership is not a material consideration as it could be subject to change. Based on the latest estimate by the Planning Department, about 3.81 ha of land (equivalent to about 152 Small House sites) are available within the “V” zone of the concerned villages (**Plan R-2b**). While land available within “V” zone cannot fully meet the future demand of 214 Small Houses (i.e. 36 outstanding Small House applications plus 178 Small Houses under the 10-year demand forecast), it is still capable to meet the 36<sup>1</sup> outstanding Small House applications. Under the more cautious approach adopted by the Board in August 2015, 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. If land is still available within the “V” zone concerned to meet the outstanding Small House applications, the proposed Small House development should be concentrated within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. Besides, as there is no significant change in planning circumstances since the application was rejected by the RNTPC, there is no strong reason to depart from the RNTPC’s previous decision.
- 7.6 The Site, situated at the fringe of the village proper and surrounded by existing village houses (**Plans R-2a** and **R-4**), is generally flat and covered with grass (**Plan R-3**). The proposed development is not incompatible with the surrounding areas which are predominantly rural in character with village houses, abandoned agricultural land and tree groups (**Plan R-4**). The applicant claims that the Site has been left vacant for a

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<sup>1</sup> Among the 36 outstanding Small House applications, 29 of them fall within the “V” zone and 8 straddle or outside the “V” zone. For those applications straddling or being outside the “V” zone, one of them has obtained valid planning approval from the Board.

long time and hence significant adverse impact on landscape resources is not anticipated. In this regard, CTP/UD&L of PlanD maintains his previous views of having no objection to the application from the landscape planning perspective. Other relevant Government departments including C for T, CHE/NTE of HyD, H(GEO) and PM(N) of CEDD and D of FS have no objection to or adverse comment on the review application.

- 7.7 The applicant argues that similar approved applications for Small House development and existing village houses are found in the vicinity of the Site. As shown on **Plan R-2a**, there are eight similar applications covering five sites in close proximity to the Site. Three of them (Applications No. A/NE-LT/359, 367 and 447) on two sites were approved between 2006 and 2012 before the Board's adoption of a more cautious approach in approving applications for Small House development in 2015, mainly because of general shortage of land and the proposed development was able to be connected to the public sewerage system. . For Applications No. A/NE-LT/277 and 293 covering the same site and submitted by the same applicant, they were rejected in 2002 and 2003 mainly for the reason of not being able to be connected to public sewerage system. Subsequently, Application No. A/NE-LT/537, submitted by a different applicant with a smaller site area to allow sufficient space for the villagers to access the village houses nearby, was approved in October 2015 mainly because the proposed development was able to be connected to the public sewerage system and on sympathetic consideration that the site was surrounded by existing village houses and sandwiched between the boundary of the "V" zone and the 'VE' limit of San Uk Pai. For the remaining two cases, Application No. A/NE-LT/351 was rejected in 2005 mainly because the proposed development partly encroached upon the works limit for river improvement works at She Shan River. Application No. A/NE-LT/659, situated to the immediate southwest of the Site, was rejected in February 2019 mainly for the reasons of having adverse drainage impact on the surrounding area; and land being still available within the concerned "V" zones for Small House development. The planning circumstances of the current application are similar to this latest rejected case.
- 7.8 Regarding the public comments objecting to the review application on the grounds as detailed in paragraph 6.1 above, Government departments' comments and the planning assessments above are relevant.

## **8. Planning Department's Views**

- 8.1 Based on the assessments made in paragraph 7, having taken into account the public comments mentioned in paragraph 6 and given that there is no major change in the planning circumstances since the consideration of the subject application by the RNTPC, the Planning Department maintains its previous view of not supporting the review application for the following reasons:
- (a) the proposed 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 drainage impact on the surrounding area; and
  - (c) land is still available within the “V” zone of Hang Ha Po, San Uk Pai and Kau Liu Ha which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.
- 8.2 Alternatively, should the Committee decide to approve the review application, it is suggested that the permission shall be valid until **26.7.2023**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

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

Advisory Clauses

- 8.3 The recommended advisory clauses are attached at **Annex G**.

**9. Decision Sought**

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

**10. Attachments**

<b>Plan R-1</b>	Location plan
<b>Plan R-2a</b>	Site plan
<b>Plan R-2b</b>	Estimated amount of land available for Small House development within “V” zone
<b>Plan R-3</b>	Aerial photo
<b>Plan R-4</b>	Site photos
<b>Annex A</b>	RNTPC Paper No. A/NE-LT/659 and 660
<b>Annex B</b>	Extract of minutes of the RNTPC meeting held on 1.2.2019
<b>Annex C</b>	Secretary of the Town Planning Board’s letter dated 22.2.2019
<b>Annex D1</b>	Letter received by the Town Planning Board on 13.3.2019 from the applicant applying for a review of the RNTPC’s decision
<b>Annex D2</b>	Further information received on 3.5.2019
<b>Annex E</b>	Similar applications
<b>Annex F</b>	Public comments
<b>Annex G</b>	Recommended advisory clauses

**PLANNING DEPARTMENT  
JULY 2019**