

RNTPC Paper No. A/NE-TKL/591 to 594
for Consideration by the
Rural and New Town Planning
Committee on 6.7.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/NE-TKL/591 to 594

<u>Applicants</u>	: Mr. TSANG Kwok Yin Mr. TSANG Chorp Yin Mr. LAU Woon Shiu Mr. LAM Kowk Kwong all represented by Honest Land Surveys Company	(Application No. A/NE-TKL/591) (Application No. A/NE-TKL/592) (Application No. A/NE-TKL/593) (Application No. A/NE-TKL/594)
<u>Sites</u>	Lot 658 S.A Lot 658 S.B Lot 658 S.C Lot 658 S.D all in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling, New Territories	(Application No. A/NE-TKL/591) (Application No. A/NE-TKL/592) (Application No. A/NE-TKL/593) (Application No. A/NE-TKL/594)
<u>Site Areas</u>	: 114.7 m ² (about) 115.4 m ² (about) 110.1 m ² (about) 141.5 m ² (about)	(Application No. A/NE-TKL/591) (Application No. A/NE-TKL/592) (Application No. A/NE-TKL/593) (Application No. A/NE-TKL/594)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)	
<u>Plan</u>	: Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14	
<u>Zoning</u>	: “Agriculture” (“AGR”)	
<u>Applications</u>	: Proposed House (New Territories Exempted House (NTEH) - Small House)	

1. The Proposals

- 1.1 The applicants, who claimed to be indigenous villagers¹, seek planning permission to build a NTEH (Small House) on each of the application sites (the Sites) in Lei Uk Tsuen, Ta Kwu Ling (**Plans A-1 and A-2a**). The Sites fall within an area zoned “AGR” on the approved Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/14. According to the Notes of the OZP, ‘House (NTEH only, other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes)’ within “AGR” zone is a Column 2 use, which requires planning permission from the Town Planning Board (the Board).

¹ The applicants of applications No. A/NE-TKL/591 and 592, A/NE-TKL/593 and A/NE-TKL/594 claimed themselves to be indigenous villagers of Ping Che, Wo Keng Shan and Shan Kai Wat of Ta Kwu Ling Heung respectively. However, the applicants’ eligibility for Small House concessionary grants has yet to be ascertained.

1.2 Details of each of the proposed NTEHs (Small Houses) are as follows:

Total Floor Area	: 195.09 m ²
Number of Storeys	: 3
Building Height	: 8.23 m
Roofed Over Area	: 65.03 m ²

1.3 The applicants indicate that the uncovered area of the Sites would be used as circulation area for the proposed Small Houses. Layouts of the proposed Small Houses (including septic tanks) under applications No. A/NE-TKL/591 to 594 are shown on **Drawings A-1 to A-4** respectively.

1.4 In support of the applications, the applicants have submitted the Application Forms with attachments (**Appendices Ia to Id**) which were received by the Board on 8.5.2018.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the applications are detailed in part 9 of the Application Forms in **Appendices Ia to Id**. They can be summarised as follows:

- (a) the applicants are indigenous villagers and entitled for Small House grants under the Small House Policy;
- (b) the Sites fall within the 'Village Environ' ('VE') of Lei Uk Tsuen in Ta Kwu Ling;
- (c) the Sites are the only land parcels owned by the applicants for construction of their own Small Houses; and
- (d) the proposed Small Houses are compatible with the surrounding area and there are similar approved Small House applications in the vicinity.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicants are the sole "current land owner" of their respective lots. Detailed information would be deposited at the meeting for Members' inspection.

4. Assessment Criteria

The set of Interim Criteria for Consideration of Application for New Territories Exempted House (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. The latest set of Interim Criteria, which was promulgated on 7.9.2007, is at **Appendix II**.

5. Previous Application

There is no previous application for the Sites.

6. Similar Applications

- 6.1 There are 28 similar applications for Small House development within / partly within the “AGR” zone in the vicinity of the Sites in the Ping Che and Ta Kwu Ling area (**Plan A-1**) since the first promulgation of the Interim Criteria on 24.11.2000.
- 6.2 A total of 12 applications (No. A/NE-TKL/207, 214, 216, 218, 221, 222, 223, 359, 360, 361, 466 and 493) were approved with conditions by the Rural and New Town Planning Committee (the Committee) between June 2002 and December 2014 (i.e. before the cautious approach being adopted by the Board) mainly on the considerations that the applications generally complied with the Interim Criteria in that more than 50% of the footprints of the proposed Small Houses fell within the ‘VE’ and there was a general shortage of land within the “V” zone at the time of consideration; the proposed Small House developments were not incompatible with the surrounding rural and village environment; and the proposed developments were not expected to have significant adverse impacts on the surrounding area.
- 6.3 The other 16 applications (No. A/NE-TKL/406, 407, 414, 415, 416, 420, 421, 457, 458, 467, 468, 471, 495, 496, 541 and 551) involving 5 sites were rejected by the Committee or the Board on review or dismissed by the Town Planning Appeal Board Panel (TPAB) between December 2012 and August 2016. 14 of them were rejected by the Committee or the Board on review or dismissed by the TPAB between December 2012 and July 2015 (i.e. before the cautious approach being adopted by the Board) mainly on the grounds that the proposed Small House developments were not in line with the planning intention of “AGR” zone; the proposed development would involve clearance of existing vegetation and would affect the existing natural landscape on the surrounding environment; land was still available within the “V” zone of Lei Uk Tsuen for Small House development and it was considered more appropriate to concentrate Small House development within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructure and services; and as there were no approved similar applications within that part of “AGR” zone, the approval of the applications would set undesirable precedents for similar applications in the area.
- 6.4 The remaining two applications (No. A/NE-TKL/541 and 551) were rejected by the Committee or the Board on review in August 2016 (i.e. after the cautious approach being adopted by the Board) mainly on the grounds that the proposed Small House developments were not in line with the planning intention of “AGR” zone; and land was still available within the “V” zone of Lei Uk Tsuen for Small House development and it was considered more appropriate to concentrate Small House development within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructure and services. The appeal of the application No. A/NE-TKL/541 was heard by TPAB on 26.9.2017 and the decision is still pending.
- 6.6 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. The Sites and Their Surrounding Area (Plans A-1, A-2a and A-2b, A-3 and A-4)

- 7.1 The Sites are:
 - (a) currently vacant, flat and overgrown with grass;

- (b) located to the east of the “V” zone of Lei Uk Tsuen (**Plans A-2a**); and
- (c) not served by any vehicular access.

7.2 The surrounding area has the following characteristics:

- (a) rural landscape character dominated by village houses, vacant land, fallow agricultural land and scattered tree groups;
- (b) surrounded by vacant / fallow farmland and tree groups;
- (c) to the north is the vacant site of a Small House development approved by the Committee in December 2014 (i.e. application No. A/NE-TKL/493) and the Small House grant application is being processed / approved by DLO/N, LandsD;
- (d) to the further north is Ping Yuen River; and
- (e) to the west are Small House developments approved by the Committee in May 2011 (i.e. applications No. A/NE-TKL/359 to 361) and to the further west is the village cluster within the “V” zone of Lei Uk Tsuen (**Plan A-2a**).

8. **Planning Intention**

The planning intention of the “AGR” zone in Ping Che and Ta Kwu Ling area is to primarily 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 applications have 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? - The Sites - Footprints of the proposed Small Houses	- -	100% 100%	The Sites and footprints of the proposed Small Houses fall entirely within an area zoned “AGR”.
2.	Within ‘VE’? - The Sites (Applications No. A/NE-TKL/591 to 593) (Application No. A/NE-TKL/594)	 100% 94.8%	 - 5.2%	DLO/N, LandsD advises that the footprints of the proposed Small Houses fall entirely within the ‘VE’ of Chow Tin Tsuen, Fung Wong Wu and Lei Uk.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	- Footprints of the proposed Small Houses	100%	-	
3.	Sufficient land in “V” zone to satisfy outstanding Small House applications and 10-year Small House demand?		✓	<p>- Land required to meet the Small House demand in Lei Uk Tsuen: about 13.2 ha (equivalent to 526 Small House sites). The outstanding Small House applications for Lei Uk Tsuen are 76² while the 10-year Small House demand forecast for the same village is 450.</p> <p>- Land available to meet the Small House demand within the “V” zone of Lei Uk Tsuen: about 2.33 ha (equivalent to 93 Small House sites) (Plan A-2b).</p>
4.	Compatible with the planning intention of “AGR” zone?		✓	Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications from the agriculture point of view as the Sites are abandoned land overgrown with grasses. Active agricultural activities can be found in the vicinity. Agricultural infrastructure such as road access, water supply and vegetable marketing cooperative society are available. The Sites possess potential for agricultural rehabilitation.
5.	Compatible with surrounding area/ development?	✓		The proposed Small Houses are not incompatible with the existing rural village environments (Plan A-2b).
6.	Within Water Gathering Grounds (WGGs)?		✓	
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	Director of Fire Services (D of FS) has no in-principle objection to the applications. The applicants are reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by LandsD.

² Among the 76 outstanding Small House applications, 24 of them fall within the “V” zone and 52 straddle or outside the “V” zone. For those 52 applications straddling or being outside the “V” zone, one of them has obtained valid planning approval from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
9.	Traffic impact?	✓		<ul style="list-style-type: none"> - Commissioner for Transport (C for T) has reservation on the applications and advises that Small House developments should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed developments is not expected to be significant, such type of developments 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. - Notwithstanding the above, the applications only involve construction of four Small Houses. She considers that the applications can be tolerated unless they are rejected on other grounds.
10.	Drainage impact?	✓		Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the applications and advises that an approval condition on the submission and implementation of drainage proposal is required for each of the applications.
11.	Sewage impact?		✓	Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed developments, the applications alone are unlikely to cause major pollution.
12.	Landscaping impact?		✓	<ul style="list-style-type: none"> - Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the applications from the landscape planning point of view. - The Sites are located within a large area of abandoned farmland covered within wild grasses. No trees are found within the Sites. Significant adverse impact to the landscape resource arising from the proposed developments is not anticipated. - Should the applications be approved, the approval condition on submission and implementation of landscape proposal is considered impracticable as the footprints of the Small Houses

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				almost occupied the entire Sites leaving inadequate space for landscape works.
13.	Local objection conveyed by DO?		✓	District Officer (North) (DO(N)) advises that the Vice-chairman of Ta Kwu Ling District Rural Committee, the North District Council (NDC) member of the subject constituency, the Indigenous Inhabitant Representative (IIR) and the Resident Representative of Lei Uk have no comment on the applications. The IIR of Lei Uk provided additional comments that the applications are submitted by villagers for Small House developments.

9.2 Comments from the following Government departments have been incorporated in paragraph 9.1 above. Details of comments from Government departments are at **Appendix IV**.

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

9.3 The following Government departments have no comment on the applications:

- (a) Chief Highway Engineer/New Territories East, Highways Department; and
- (b) Project Manager (North), North Development Office, Civil Engineering and Development Department.

10. Public Comments Received During Statutory Publication Period

On 15.5.2018, the applications were published for public inspection. During the first three weeks of the statutory public inspection period, six public comments on each application were received respectively (**Appendix V**). A NDC member supports the applications as they provide convenience to the villagers whereas the Chairman of Sheung Shui District Rural Committee indicates no comment on the applications. Kadoorie Farm and Botanic Garden Corporation, Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual object to the applications mainly on the grounds that the proposed developments are not in line with the planning intention of “AGR” zone; the applications do not comply with the Interim Criteria in that the proposed development would cause adverse landscape impact to the surrounding area; there are similar rejected applications in the Lei Uk Tsuen; there is land available in “V” zone of Lei Uk Tsuen and the setting of undesirable precedents for similar applications in the area.

11. Planning Considerations and Assessments

- 11.1 The Sites fall within an area zoned “AGR” on the Ping Che and Ta Kwu Ling OZP. The proposed Small House developments are not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the applications from the agriculture point of view as the Sites possess potential for agricultural rehabilitation.
- 11.2 Based on DLO/N, LandsD’s records, the total number of outstanding Small House applications for Lei Uk Tsuen is 76 while the 10-year Small House demand forecast for the same village is 450. According to the latest estimate by PlanD, about 2.33 ha (equivalent to 93 Small House sites) of land are available in the “V” zone of Lei Uk Tsuen for Small House development (**Plan A-2b**). The footprints of the proposed Small Houses fall entirely within the ‘VE’ of Chow Tin Tsuen, Fung Wong Wu and Lei Uk.
- 11.3 The Sites are situated in an area of rural village character in proximity to the existing village, and the proposed Small House developments are not incompatible with the surrounding environment (**Plans A-2a** and **A-3**). The proposed Small Houses are not entirely incompatible with the existing rural village environment and no significant landscape resource will be affected arising from the developments. In this regard, CTP/UD&L, PlanD has no objection to the applications from the landscape planning point of view. C for T considers that Small House development should be confined within the “V” zone as far as possible but given that the proposed developments only involve the construction of four Small Houses, the applications could be tolerated. Other Government departments consulted, including D of FS, CE/C of WSD and CE/MN of DSD, have no adverse comment on or no objection to the applications.
- 11.4 Regarding the Interim Criteria (**Appendix II**), more than 50% of the footprints of the proposed Small Houses fall within the ‘VE’ of Chow Tin Tsuen, Fung Wong Wu and Lei Uk (**Plan A-2a**). While land available within the “V” zone is insufficient to fully meet the future Small House demand, it is noted that land (about 2.33 ha or equivalent to 93 Small House sites) is still available within the “V” zone to meet the outstanding 76 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 and special consideration would be given to sites with previous planning approvals for Small House development. As such, it is considered more appropriate to concentrate the proposed Small House developments within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services.
- 11.5 There are 28 similar applications for Small House development with/partly within the “AGR” zone in the vicinity of the Sites and 12 of them were approved by the Committee between 2002 and 2014 (i.e. before the cautious approach being adopted by the Board) (**Plan A-1**) mainly on the considerations that they complied with the Interim Criteria; the proposed Small Houses were not incompatible with the surrounding rural and village environment; and the proposed developments were not expected to have significant adverse impacts on the surrounding area. The other 16 applications involving 5 sites were rejected by the Committee or the Board on review or dismissed

by TPAB on appeal between 2012 and 2016. 14 of them were rejected by the Committee or the Board on review or dismissed by the TPAB between 2012 and 2015 (i.e. before the cautious approach being adopted by the Board) and two applications (No. A/NE-TKL/467 and 468) were dismissed by the TPAB in 2015 as detailed in paragraphs 6.3 above. The remaining two applications (No. A/NE-TKL/541 and 551) were rejected by the Committee or the Board on review in 2016 (i.e. after the cautious approach being adopted by the Board) mainly on the grounds that the proposed Small House developments were not in line with the planning intention of “AGR” zone; and land was still available within the “V” zone of Lei Uk Tsuen for Small House development and it was considered more appropriate to concentrate Small House development within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructure and services. The decision of TPAB on application No. A/NE-TKL/541 is awaiting. The planning circumstances of the current applications are similar to those applications (No. A/NE-TKL/541 and 551) which were rejected after the cautious approach being adopted by the Board.

- 11.6 Regarding the adverse public comment mainly on the considerations that the proposed developments are not in line with the planning intention of “AGR” zone; the applications do not comply with the Interim Criteria in that the proposed development would cause adverse landscape impact to the surrounding area; there is land available in “V” zone of Lei Uk Tsuen and the setting of undesirable precedents for similar applications in the area, Government departments’ comments and 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 applications 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 and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention; and
 - (b) land is still available within the “V” zone of Lei Uk Tsuen where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.
- 12.2 Alternatively, should the Committee decide to approve the applications, it is suggested that the permission shall be valid until 6.7.2022, 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 provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board; and
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

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

13. Decision Sought

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

14. Attachments

Appendices Ia to Id	Application Forms with Attachments received on 8.5.2018
Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Similar s.16 Applications for Proposed House (NTEH – Small House) within/partly within the “Agriculture” zone in the Ping Che and Ta Kwu Ling Area
Appendix IV	Comments from Relevant Government Departments
Appendix V	Public Comments
Appendix VI	Recommended Advisory Clauses
Drawings A-1 to A-4	Layout Plans
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available within the “V” zone of Lei Uk Tsuen for Small House Development
Plan A-3	Aerial Photo
Plan A-4	Site Photo

**Relevant Interim Criteria for Consideration of
Application for NTEH/Small House in 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) if an application site involves more than one NTEH/Small House, application of the above criteria would be on individual NTEH/Small House basis;
- (f) the proposed development should not frustrate the planning intention of the particular zone in which the application site is located;
- (g) the proposed development should be compatible in terms of land use, scale, design and layout, with the surrounding area/development;
- (h) the proposed development should not encroach onto the planned road network and should not cause adverse traffic, environmental, landscape, drainage, sewerage and geotechnical impacts on the surrounding areas. Any such potential impacts should be mitigated to the satisfaction of relevant Government departments;
- (i) the proposed development, if located within water gathering grounds, should be able to be connected to existing or planned sewerage system in the area except under very special circumstances (e.g. the application site has a building status under the lease or the applicant can demonstrate that the water quality within water gathering grounds will not be affected by the proposed development*);

- (j) the provision of fire service installations and emergency vehicular access, if required, should be appropriate with the scale of the development and in compliance with relevant standards; and
- (k) all other statutory or non-statutory requirements of relevant Government departments must be met. Depending on the specific land use zoning of the application site, other Town Planning Board guidelines should be observed, as appropriate.

*i.e. the applicant can demonstrate that effluent discharge from the proposed development will be in compliance with the effluent standards as stipulated in the Water Pollution Control Ordinance Technical Memorandum.

**Similar S.16 Applications for Proposed House (NTEH - Small House)
within / partly within the “Agriculture” zone in the vicinity of the Site
in the Ping Che & Ta Kwu Ling Area**

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-TKL/207	Proposed New Territories Exempted House (NTEH) (Small House)	28.6.2002	A1, A2 & A3
A/NE-TKL/214	Proposed New Territories Exempted House (NTEH) (Small House)	13.9.2002	A1, A2 & A3
A/NE-TKL/216	Proposed New Territories Exempted House (NTEH) (Small House)	27.9.2002	A1, A2 & A3
A/NE-TKL/218	Proposed New Territories Exempted House (NTEH) (Small House)	11.10.2002	A1, A2 & A3
A/NE-TKL/221	Proposed New Territories Exempted House (NTEH) (Small House)	8.11.2002	A1, A2 & A3
A/NE-TKL/222	Proposed New Territories Exempted House (NTEH) (Small House)	8.11.2002	A1, A2 & A3
A/NE-TKL/223	Proposed New Territories Exempted House (NTEH) (Small House)	8.11.2002	A1, A2 & A3
A/NE-TKL/359	Proposed House (New Territories Exempted House (NTEH) - Small House)	20.5.2011	A3, A4, A5 & A6
A/NE-TKL/360	Proposed House (New Territories Exempted House (NTEH) - Small House)	20.5.2011	A3, A4, A5 & A6
A/NE-TKL/361	Proposed House (New Territories Exempted House (NTEH) - Small House)	20.5.2011	A3, A4, A5 & A6
A/NE-TKL/466	Proposed House (New Territories Exempted House - Small House)	4.4.2014	A2, A3 & A4
A/NE-TKL/493	Proposed House (New Territories Exempted House - Small House)	12.12.2014	A2, A3, A4 & A7

Approval Conditions

- A1 The provision of drainage facilities
- A2 The submission and implementation of landscaping proposals
- A3 Commencement clause
- A4 The submission and implementation of drainage proposals
- A5 The provision of firefighting access, water supplies for fire fighting and fire service installations
- A6 The submission and implementation of tree preservation and landscape proposals
- A7 The provision of septic tank

Rejected Applications

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/NE-TKL/406 [^]	Proposed House (New Territories Exempted House - Small House)	7.12.2012	R1 & R2
A/NE-TKL/407 [*]	Proposed House (New Territories Exempted House - Small House)	7.12.2012	R1 & R2
A/NE-TKL/414 [※]	Proposed House (New Territories Exempted House - Small House)	21.12.2012	R1 & R2
A/NE-TKL/415 [※]	Proposed House (New Territories Exempted House - Small House)	21.12.2012	R1 & R2
A/NE-TKL/416 [※]	Proposed House (New Territories Exempted House - Small House)	21.12.2012	R1 & R2
A/NE-TKL/420 [#]	Proposed House (New Territories Exempted House - Small House)	26.4.2013 (on review)	R1 & R2
A/NE-TKL/421 [@]	Proposed House (New Territories Exempted House - Small House)	26.4.2013 (on review)	R1 & R2
A/NE-TKL/457 [*]	Proposed House (New Territories Exempted House - Small House)	13.12.2013	R1 & R2
A/NE-TKL/458 [^]	Proposed House (New Territories Exempted House - Small House)	13.12.2013	R1 & R2
A/NE-TKL/467 [#]	Proposed House (New Territories Exempted House - Small House)	1.8.2014 (on review) 8.7.2015 (appeal dismissed)	R1 & R2
A/NE-TKL/468 [@]	Proposed House (New Territories Exempted House - Small House)	1.8.2014 (on review) 8.7.2015 (appeal dismissed)	R1 & R2
A/NE-TKL/471 [※]	Proposed House (New Territories Exempted House - Small House)	23.5.2014	R1, R2 & R4
A/NE-TKL/495 [@]	Proposed House (New Territories Exempted House - Small House)	10.4.2015 (on review)	R1 & R3
A/NE-TKL/496 [#]	Proposed House (New Territories Exempted House - Small House)	10.4.2015 (on review)	R1 & R3
A/NE-TKL/541 ^{@\$}	Proposed House (New Territories Exempted House - Small House)	19.8.2016 (on review)	R1 & R2
A/NE-TKL/551 [※]	Proposed House (New Territories Exempted House - Small House)	26.8.2016	R1 & R2

Remarks

[@]: The site of applications No. A/NE-TKL/421, 468, 495 and 541 involve the same site

[^]: The site of applications No. A/NE-TKL/406 and 458 involve the same site

^{*}: The site of applications No. A/NE-TKL/407 and 457 involve the same site

[※]: The site of the application No. A/NE-TKL/471 includes the sites of applications No. A/NE-TKL/414, 415, 416 and 551.

[#]: The site of applications No. A/NE-TKL/420, 467 and 496 involve the same site

^{\$}: The appeal of the application No. A/NE-TKL/541 was considered by the Appeal Board on 26.9.2017.

Rejection Reasons

- R1 The proposed development was not in line with the planning intention of the “Agriculture” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention.
- R2 Land was still available within the “Village Type Development” zone of Lei Uk Tsuen where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.
- R3 It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services.
- R4 The proposed development would involve clearance of existing vegetation and would affect the existing natural landscape on the surrounding environment. Approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area

Detailed Comments from Relevant Government Departments

1. Land Administration

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the footprints of the proposed Small Houses fall within the ‘VE’ of Chow Tin Tsuen, Fung Wong Wu and Lei Uk;
- (b) the applicants of applications No. A/NE-TKL/591 and 592 claimed themselves to be indigenous villagers of Ping Che of Ta Kwu Ling Heung. The applicant of application No. A/NE-TKL/593 claimed himself to be an indigenous villager of Wo Keng Shan of Ta Kwu Ling Heung. The applicant of application No. A/NE-TKL/594 claimed himself to be an indigenous villager of Shan Kai Wat of Ta Kwu Ling Heung. However, the applicants’ eligibility for Small House concessionary grants has yet to be ascertained;
- (c) the Sites are not covered by any Modification of Tenancy/Building Licence;
- (d) the number of outstanding Small House applications and the number of 10-year Small House demand forecast (2016 to 2025) for Lei Uk Tsuen are 76 and 450 respectively. The figure of the 10-year Small House demand forecast was provided by the relevant Indigenous Inhabitant Representative without any supporting evidence and his office is not in a position to verify the forecast; and
- (e) the Small House applications of applications No. A/NE-TKL/591 to 593 were made to his office on 2.7.2014 whereas the Small House application of application No. A/NE-TKL/594 was made to his office on 20.1.2015.

2. Traffic

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

- (a) she has reservation on the applications. Such type of developments should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed developments is not expected to be significant, such type of developments outside the “V” zone, if permitted, will set undesirable precedent cases for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and
- (b) notwithstanding the above, the application only involve construction of four Small Houses. She considers that the applications can be tolerated unless they are rejected on other grounds.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) in view of the small scale of the proposed developments, the applications alone are unlikely to cause major pollution; and
- (b) the septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN 5/93 “Drainage Plans subject to Comment by the

Environmental Protection Department” and are duly certified by an Authorized Person.

4. Landscape

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

- (a) she has no objection on the applications from the landscape planning perspective;
- (b) according to the latest aerial photo of 2018, the Sites are situated in an area of rural landscape character comprising of village houses, active and abandoned farmlands, scattered tree groups and open storages at a further distance to the east. The proposed four adjoining Small Houses are near the eastern fringe of Lei Uk Tsuen and they are not incompatible with the surrounding area;
- (c) her site record in May 2018 reveals that the Sites are located within a large area of abandoned farmland covered with wild grasses. No trees are found within the Sites. Significant adverse impact to the landscape resources arising from the proposed developments is not anticipated. Permissions were granted to some Small Houses (currently vacant sites) adjacent to the east and west of the Sites within the “AGR” zone in the last few years; and
- (d) Should the applications be approved, the approval condition on submission and implementation of landscape proposal is considered impracticable as the footprints of the Small Houses almost occupied the entire Sites leaving inadequate space for landscape works.

5. Drainage

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

- (a) he has no objection to the applications from public drainage viewpoint;
- (b) should the applications be approved, a condition should be included to request the applicants to submit and implement a drainage proposal for the Sites to ensure that they will not cause adverse drainage impact to the adjacent area;
- (c) the Sites are in an area where no public sewerage connection is available; and
- (d) the general requirements in the drainage proposal should include:
 - (i) surface channel with grating covers should be provided along the site boundary;
 - (ii) a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections, etc.) of the proposed drain/surface channel, catchpits and discharge structure shall be provided;
 - (iii) the cover levels of proposed channels should be flush with the existing adjoining ground level;
 - (iv) a catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit with covers shall be provided;

- (v) catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catch pit with sand trap should be provided;
- (vi) the applicants should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the site. The applicants should also ensure that the flow from the Sites will not overload the existing drainage system;
- (vii) the applicants are reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Sites to be intercepted by the drainage system of the Sites with details to be agreed by DSD, unless justified not necessary;
- (viii) if the existing drainage facilities to which the applicants proposed to discharge the storm water from the Sites is not maintained by DSD, the applicants should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;
- (ix) the applicants are reminded that all existing flow paths as well as the run-off falling onto and passing through the Sites should be intercepted and disposed of via proper discharge points. The applicants shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Sites any time during or after the works;
- (x) the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained properly by the applicants and rectify the system if it is found to be inadequate or ineffective during operation at their own expense;
- (xi) for works to be undertaken outside the lot boundary, the applicants should obtain prior consent and agreement from DLO/N of LandsD and/or relevant private lot owners;
- (xii) the applicants should make good all the adjacent affected areas upon the completion of the drainage works;
- (xiii) the applicants shall allow all time free access for the Government and its agent to conduct site inspection on their completed drainage works;
- (xiv) the applicant and the successive lot owners shall allow connections from the adjacent lots to the completed drainage works on Government Land when so required; and
- (xv) photos should be submitted clearly showing the current conditions of the areas and the flow paths around the Sites and the proposed/existing drainage from the discharge point(s) within the Sites to the downstream existing watercourses.

6. Fire Safety

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

- (a) he has no in-principle objection to the applications; 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.

7. Water Supply

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

- (a) he has no objection to the applications; and
- (b) for provision of water supply to the development, the applicants may need to extend the inside services to nearest suitable Government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

8. Agriculture

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

- (a) she does not support the applications from the agriculture point of view; and
- (b) the Sites are abandoned land overgrown with grasses. Active agricultural activities can be found in the vicinity. Agricultural infrastructure such as road access, water supply and vegetable marketing cooperative society are available. The Sites possess potential for agricultural rehabilitation.

9. District Officer's Comments

Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The Vice-chairman of Ta Kwu Ling District Rural Committee, the North District Council (NDC) member of the subject constituency, the Indigenous Inhabitant Representative (IIR) and the Resident Representative of Lei Uk have no comment on the applications. The IIR of Lei Uk provided additional comments that the applications are submitted by villagers for Small House developments.

10. Demand and Supply of Small House Site

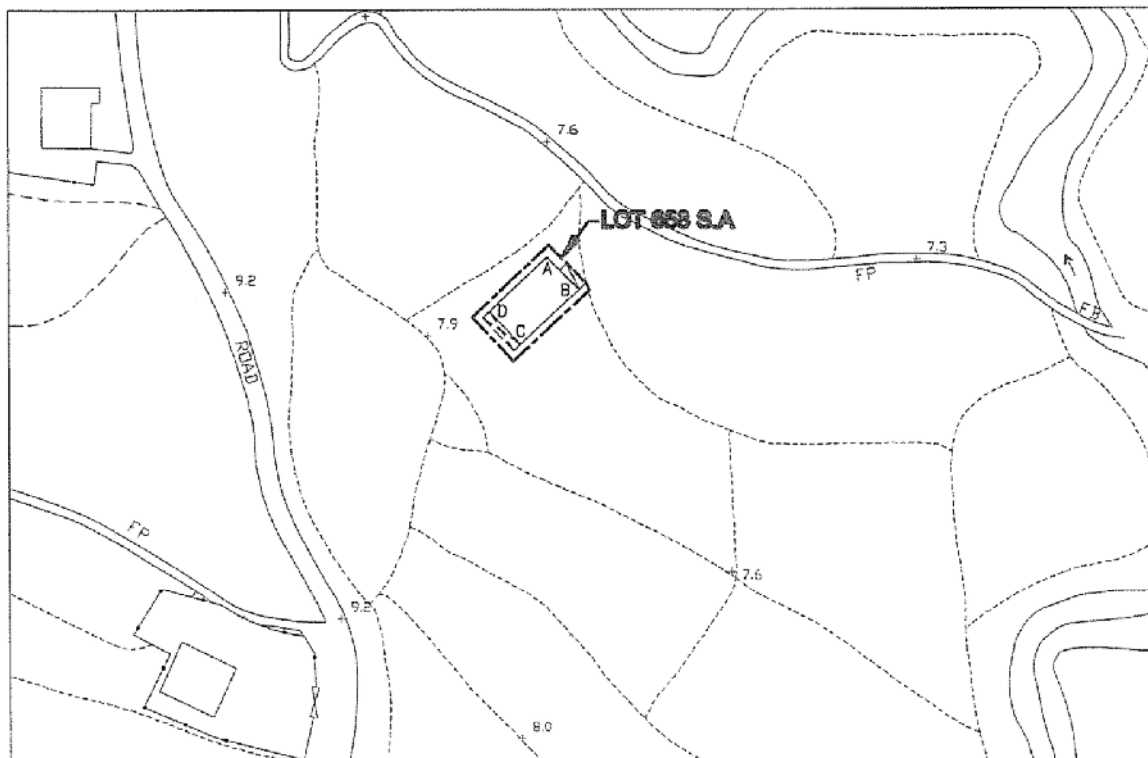
According to DLO/N's records, the total number of outstanding Small House applications for Lei Uk Tsuen is 76 while the 10-year Small House demand forecast for the same village is 450. According to the latest estimate by PlanD, about 2.33 ha (equivalent to about 93 Small House sites) of land are available within the "V" zone of Lei Uk Tsuen. There is insufficient land in the "V" zone of Lei Uk Tsuen to meet the future demand of Small Houses (i.e. about 13.2 ha of land which is equivalent to 526 Small House site).

Recommended Advisory Clauses

- (a) to note the comments of CE/C, WSD that for provision of water supply to the development, the applicants may need to extend the inside services to nearest suitable Government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (b) to note the comments of D of FS that the applicants should 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;
- (c) to note the comments of CE/MN, DSD on the following:
- (i) the Sites are in an area where no public sewerage connection is available; and
 - (ii) the general requirements in the drainage proposal should include:
 - surface channel with grating covers should be provided along the site boundary;
 - a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections, etc.) of the proposed drain/surface channel, catchpits and discharge structure shall be provided;
 -
 - the cover levels of proposed channels should be flush with the existing adjoining ground level;
 - a catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit with covers shall be provided;
 - catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catch pit with sand trap should be provided;
 - the applicants should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the site. The applicants should also ensure that the flow from the Sites will not overload the existing drainage system;
 - the applicants are reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Sites to be intercepted by the drainage system of the Sites with details to be agreed by DSD, unless justified not necessary;
 - if the existing drainage facilities to which the applicants proposed to discharge the storm water from the Sites is not maintained by DSD, the applicants should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;

- the applicants are reminded that all existing flow paths as well as the run-off falling onto and passing through the Sites should be intercepted and disposed of via proper discharge points. The applicants shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Sites any time during or after the works;
 - the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained properly by the applicants and rectify the system if it is found to be inadequate or ineffective during operation at their own expense;
 - for works to be undertaken outside the lot boundary, the applicants should obtain prior consent and agreement from DLO/N of LandsD and/or relevant private lot owners;
 - the applicants should make good all the adjacent affected areas upon the completion of the drainage works;
 - the applicants shall allow all time free access for the Government and its agent to conduct site inspection on their completed drainage works;
 - the applicant and the successive lot owners shall allow connections from the adjacent lots to the completed drainage works on Government Land when so required; and
 - photos should be submitted clearly showing the current conditions of the areas and the flow paths around the Sites and the proposed/existing drainage from the discharge point(s) within the Sites to the downstream existing watercourses;
- (d) to note the advice of DEP that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.

PROPOSED BUILDING LICENCE LOT NO. 658 S.A N D.D.82



LOCATION



COLOURED PINK AREA : 65.03 SQUARE METRES (ABOUT)

Line	Bearing	Distance(m)	Northing(m)	Easting(m)	Pt.
A-B	136° 48' 16"	6.096	843897.724	833470.555	A
B-C	226° 48' 16"	10.667	843893.280	833474.728	B
C-D	316° 48' 16"	6.096	843885.979	833466.951	C
D-A	46° 48' 16"	10.667	843890.423	833462.779	D

Dated this 22nd day of May 2014.

Legends:

- Septic Tank (4' x 12')
- Balcony (6.096m x 1.220m)

Scale 1:1000

Survey Sheet No.: 3-NW-18A

Date: May 2014

.....
LEUNG Chi-yan, George
MIS.Aust MNZIS MHKIS MRICS RPS(LS) ACI Arb
Authorized Land Surveyor

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

88 Kwong On Bank Mongkok Branch Building, Nos. 728-730 Nathan Road, Mongkok, Kowloon, Hong Kong
Telephone : 2544 8938 Facsimile : 2544 1669 E-mail : gland@biznetvigator.com

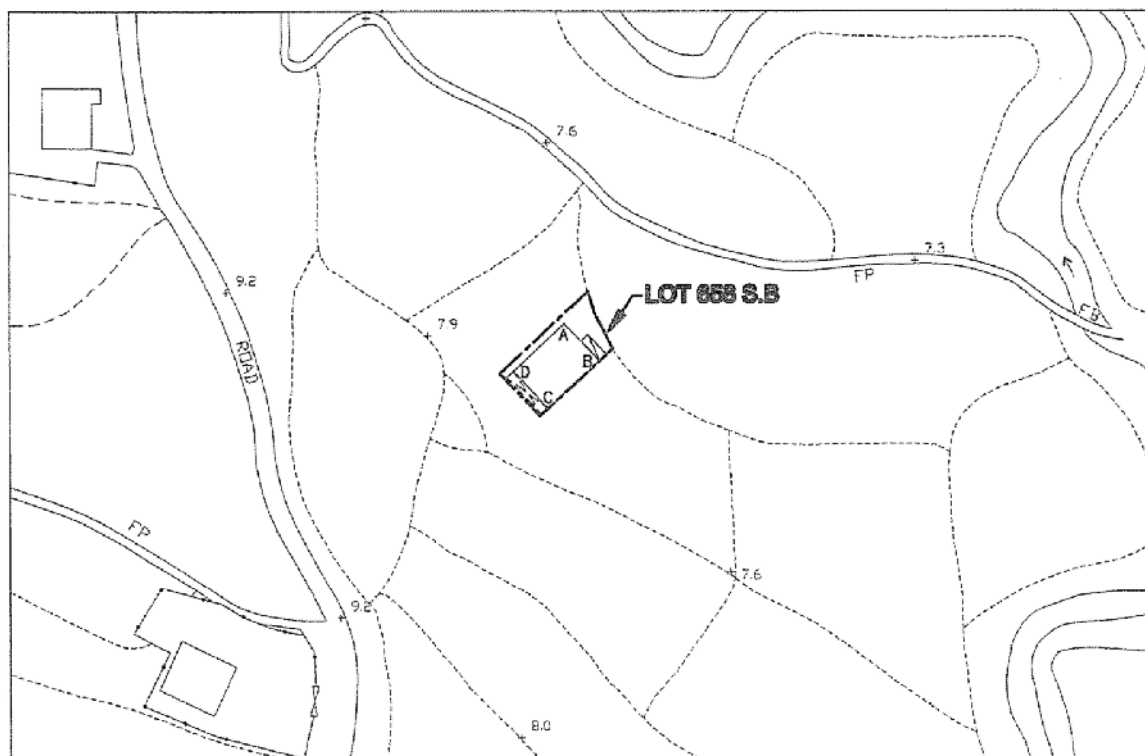
Plan No. : GL1134/BL/02

參考編號 A/NE-TKL/591, 592,
REFERENCE No. 593 & 594

繪圖 DRAWING A-1

(來源 附件 1a)
(Source : Appendix 1a)

PROPOSED BUILDING LICENCE LOT NO. 658 S.B N D.D.82



LOCATION



COLOURED PINK AREA : 65.03 SQUARE METRES (ABOUT)

Line	Bearing	Distance(m)	Northing(m)	Easting(m)	Pt.
A-B	136° 48' 16"	6.895	843888.838	833472.918	A
B-C	226° 48' 16"	9.431	843883.811	833477.638	B
C-D	316° 48' 16"	6.895	843877.356	833470.763	C
D-A	46° 48' 16"	9.431	843882.382	833466.043	D

Dated this 22nd day of May 2014.

Legends:

- Septic Tank (4' x 12')
- Balcony (6.895m x 1.220m)

Scale 1:1000

Survey Sheet No.: 3-NW-18A

Date: May 2014

Plan No. : GL1134/BL/03

LEUNG Chi-yan, George
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Authorized Land Surveyor

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創領測量規劃及地理訊息系統有限公司

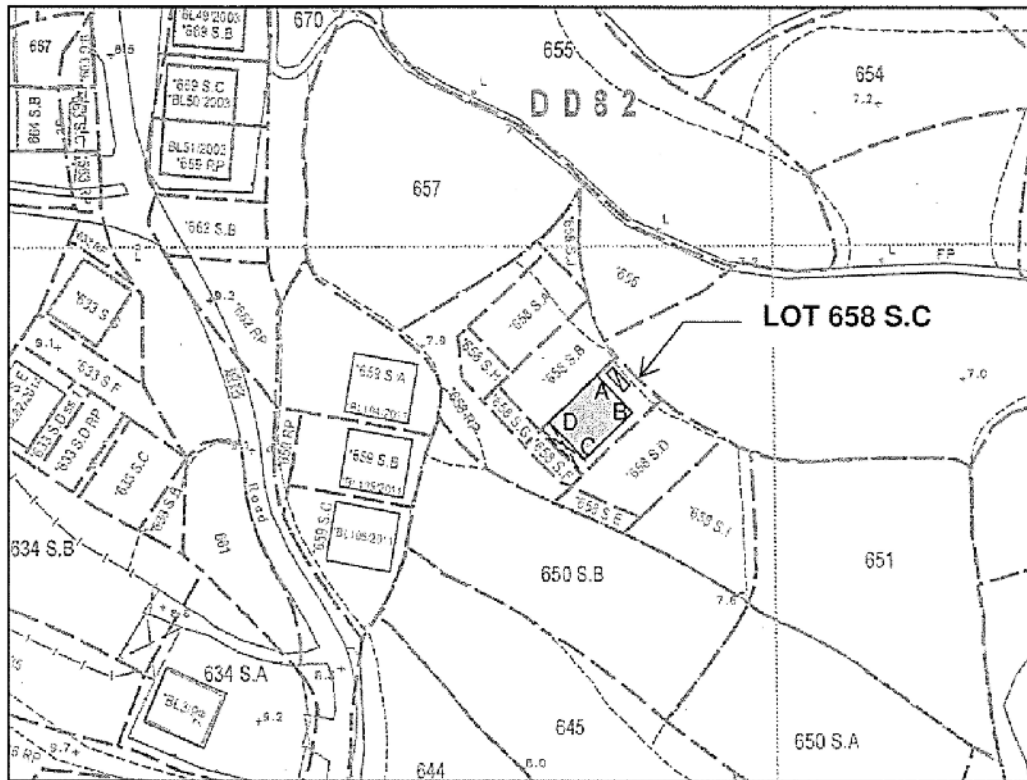
88 Kwong On Bank Mongkok Branch Building, Nos. 72B-730 Nathan Road, Mongkok, Kowloon, Hong Kong
Telephone : 2544 8939 Facsimile : 2544 1669 E-mail : gland@biznetvigator.com

參考編號 A/NE-TKL/591, 592,
REFERENCE No. 593 & 594

繪圖 DRAWING A-2

(來源 附件 1b)
(Source : Appendix 1b)

PROPOSED BUILDING LICENCE LOT NO. 658 S.C N D.D.82



LOCATION



COLOURED PINK AREA : 65.03 SQUARE METRES (ABOUT)

Line	Bearing	Distance(m)	Northing(m)	Easting(m)	Pt.
A-B	136° 48' 16"	6.895	843883.811	833477.638	A
B-C	226° 48' 16"	9.431	843878.785	833482.358	B
C-D	316° 48' 16"	6.895	843872.329	833475.482	C
D-A	46° 48' 16"	9.431	843877.356	833470.763	D

Legends:

- Septic Tank (4' x 12')
- Balcony (6.895m x 1.220m)

Scale 1:1000

Survey Sheet No.: 3-NW-18A

Date : May 2018

Plan No. : GL1134/BL/04/R1

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MISAust MNZIS MHKIS MRICS RPS(LS) ACI/Arb
Authorized Land Surveyor

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創領測量規劃及地理訊息系統有限公司

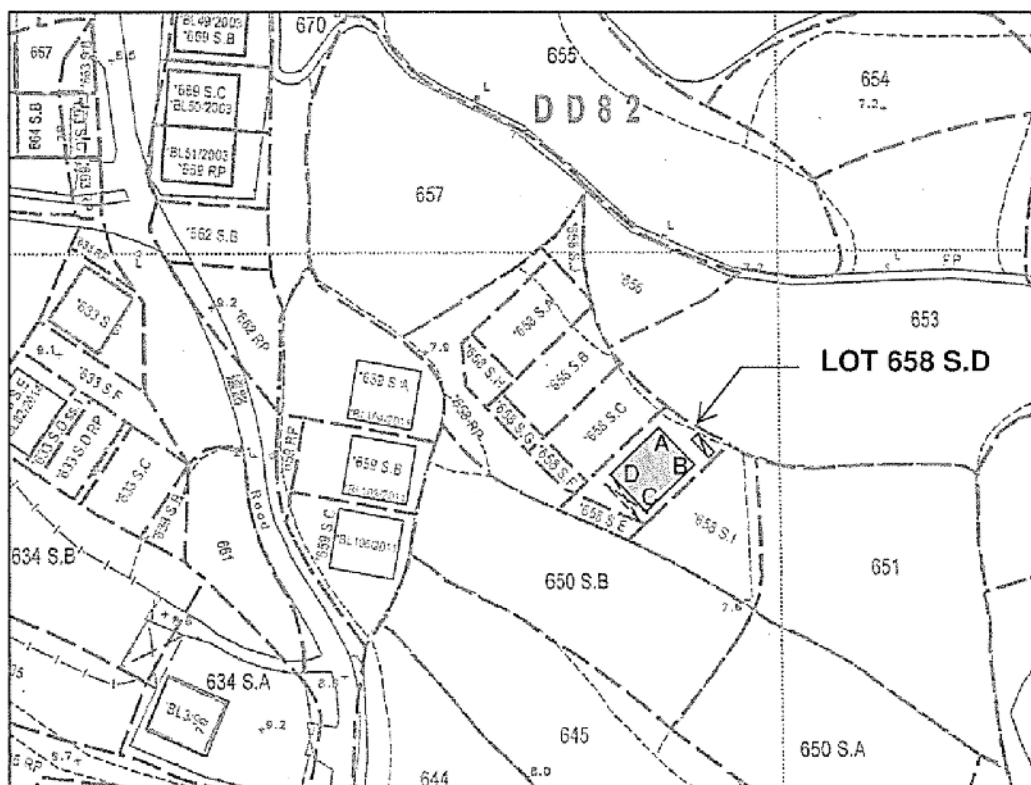
88 Kwong On Bank Mongkok Branch Building, Nos. 728-730 Nathan Road, Mongkok, Kowloon, Hong Kong
Telephone : 2544 8939 Facsimile : 2544 1689 E-mail : gland@biznetvigator.com

參考編號 A/NE-TKL/591, 592,
REFERENCE No. 593 & 594

繪圖 DRAWING A-3

(來源 附件 1c)
(Source : Appendix 1c)

PROPOSED BUILDING LICENCE LOT NO. 658 S.D N D.D.82



LOCATION



COLOURED PINK AREA : 65.03 SQUARE METRES (ABOUT)

Line	Bearing	Distance(m)	Northing(m)	Easting(m)	Pt.
A-B	136° 48' 16"	7.111	843878.031	833484.477	A
B-C	226° 48' 16"	9.144	843872.847	833489.345	B
C-D	316° 48' 16"	7.111	843866.588	833482.678	C
D-A	46° 48' 16"	9.144	843871.772	833477.811	D

Legends:

- Septic Tank (4' x 12')
- Balcony (7.111m x 1.220m)

Scale 1:1000

Survey Sheet No.: 3-NW-18A

Date : May 2018

LEUNG Chi-yan, George
MIS.Aust MNZIS MHRIS MRICS RPS(LS) ACI(Ar)
Authorized Land Surveyor

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

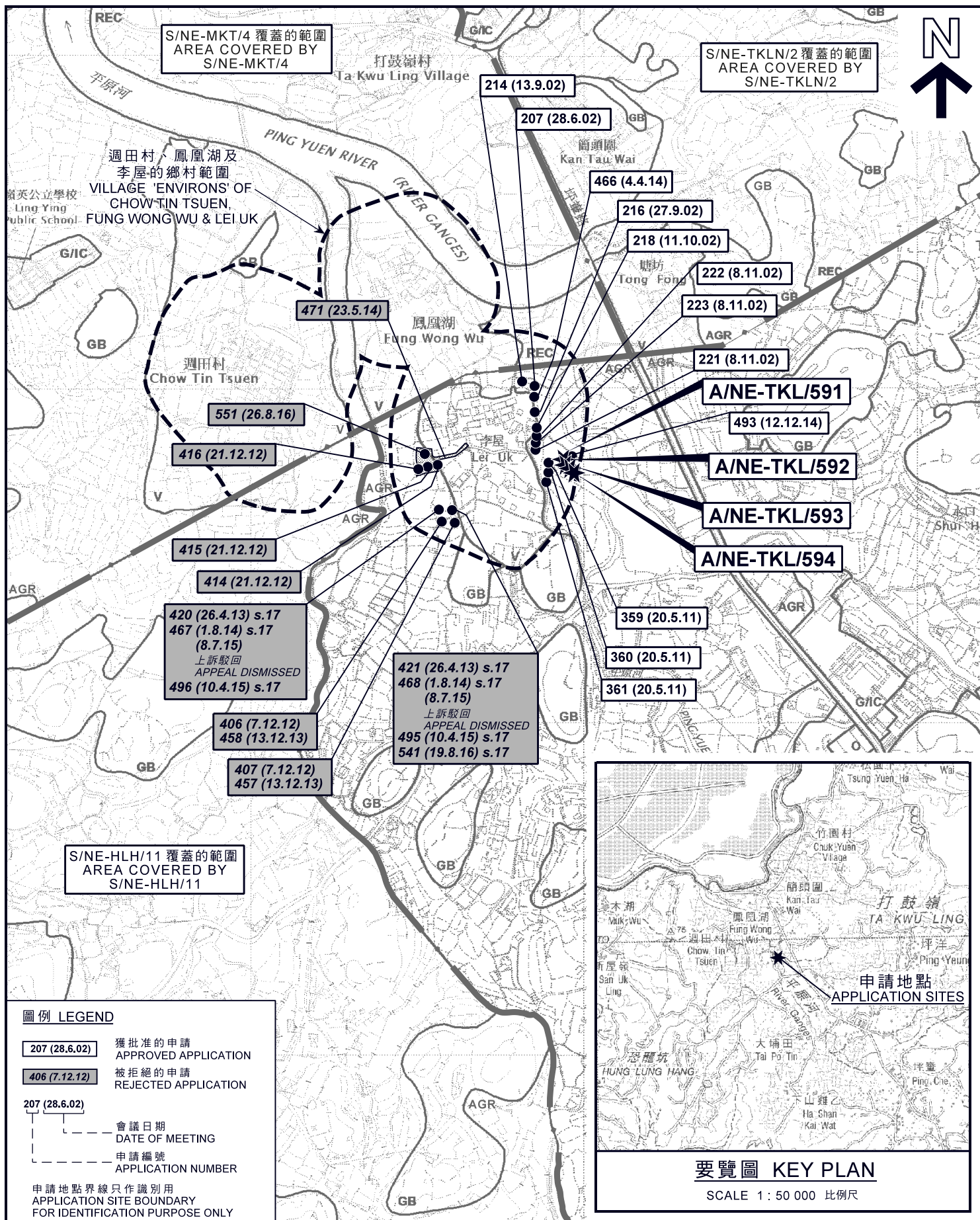
88 Kwong On Bank Mongkok Branch Building, Nos. 728-730 Nathan Road, Mongkok, Kowloon, Hong Kong
Telephone : 2544 8939 Facsimile : 2544 1668 E-mail : gland@biznetvigator.com

Plan No. : GL1134/BL/05/R1

參考編號 A/NE-TKL/591, 592,
REFERENCE No. 593 & 594

繪圖 DRAWING A-4

(來源 附件 Id)
(Source : Appendix Id)



位置圖 LOCATION PLAN

四幢擬議屋宇(新界豁免管制屋宇-小型屋宇)
新界打鼓嶺李屋村丈量約份第82約地段第658號A分段、
第658號B分段、第658號C分段及第658號D分段
FOUR PROPOSED HOUSES
(NEW TERRITORIES EXEMPTED HOUSES - SMALL HOUSES)
LOTS 658 S.A, 658 S.B, 658 S.C AND 658 S.D IN D.D. 82,
LEI UK TSUEN, TA KWU LING, N.T.

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

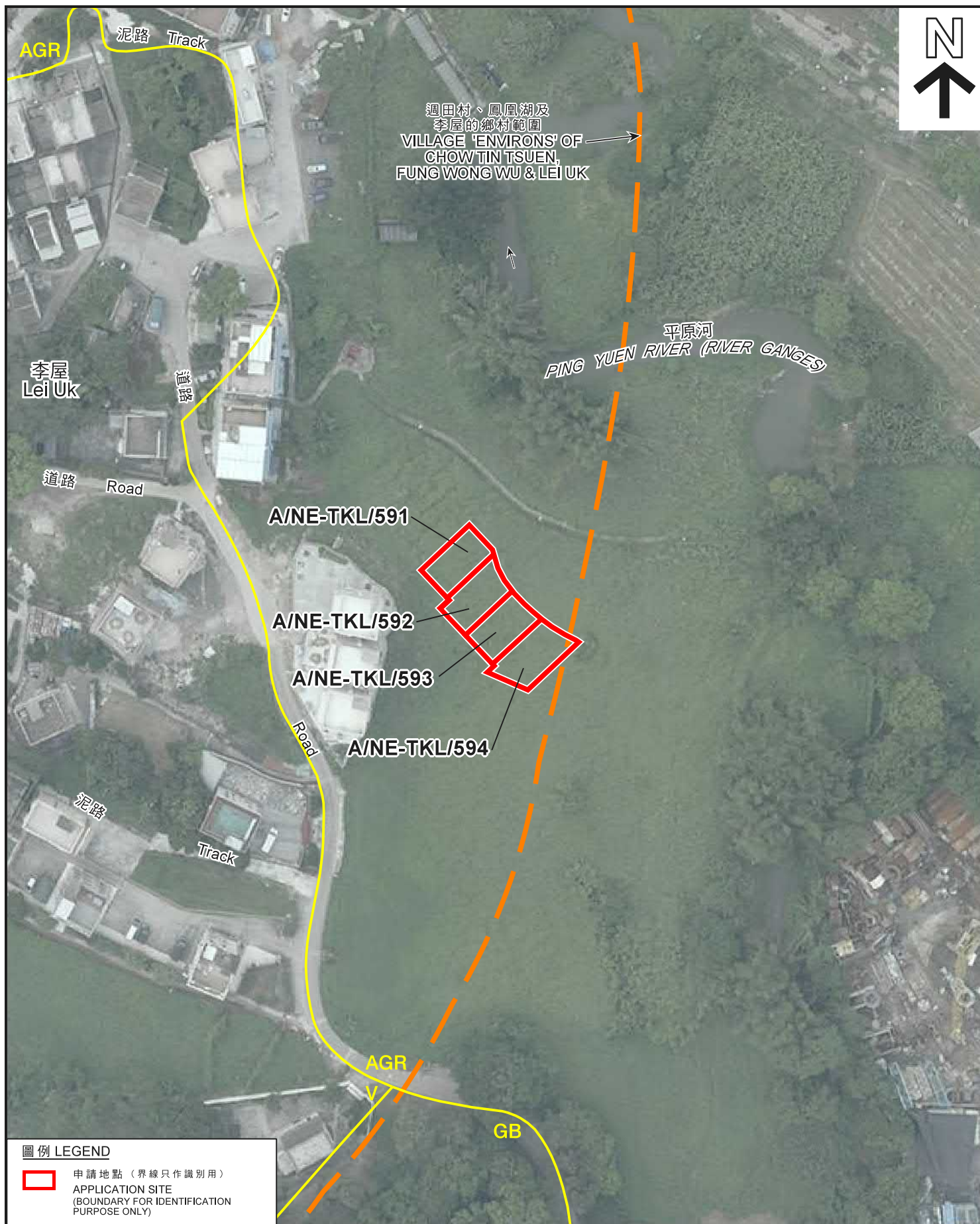
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-TKL/591, 592,
593 & 594

圖 PLAN
A-1

本摘要圖於2018年6月19日擬備，所根據的資料
為於2010年2月2日核准的分區計劃大綱圖
編號S/NE-TKL/14、2016年5月3日核准的
分區計劃大綱圖編號S/NE-TKLN/2、
2017年12月5日核准的分區計劃大綱圖
編號S/NE-MKT/4及2017年12月5日核准的
分區計劃大綱圖編號S/NE-HLH/11
EXTRACT PLAN PREPARED ON 19.6.2018 BASED ON
OUTLINE ZONING PLAN No. S/NE-TKL/14
APPROVED ON 2.2.2010, OUTLINE ZONING PLAN
No. S/NE-TKLN/2 APPROVED ON 3.5.2016,
OUTLINE ZONING PLAN No. S/NE-MKT/4
APPROVED ON 5.12.2017 AND OUTLINE ZONING PLAN
No. S/NE-HLH/11 APPROVED ON 5.12.2017



航攝照片 AERIAL PHOTO

四幢擬議屋宇(新界豁免管制屋宇-小型屋宇)
新界打鼓嶺李屋村丈量約份第82約地段第658號A分段、
第658號B分段、第658號C分段及第658號D分段
FOUR PROPOSED HOUSES
(NEW TERRITORIES EXEMPTED HOUSES - SMALL HOUSES)
LOTS 658 S.A, 658 S.B, 658 S.C AND 658 S.D IN D.D. 82,
LEI UK TSUEN, TA KWU LING, N.T.

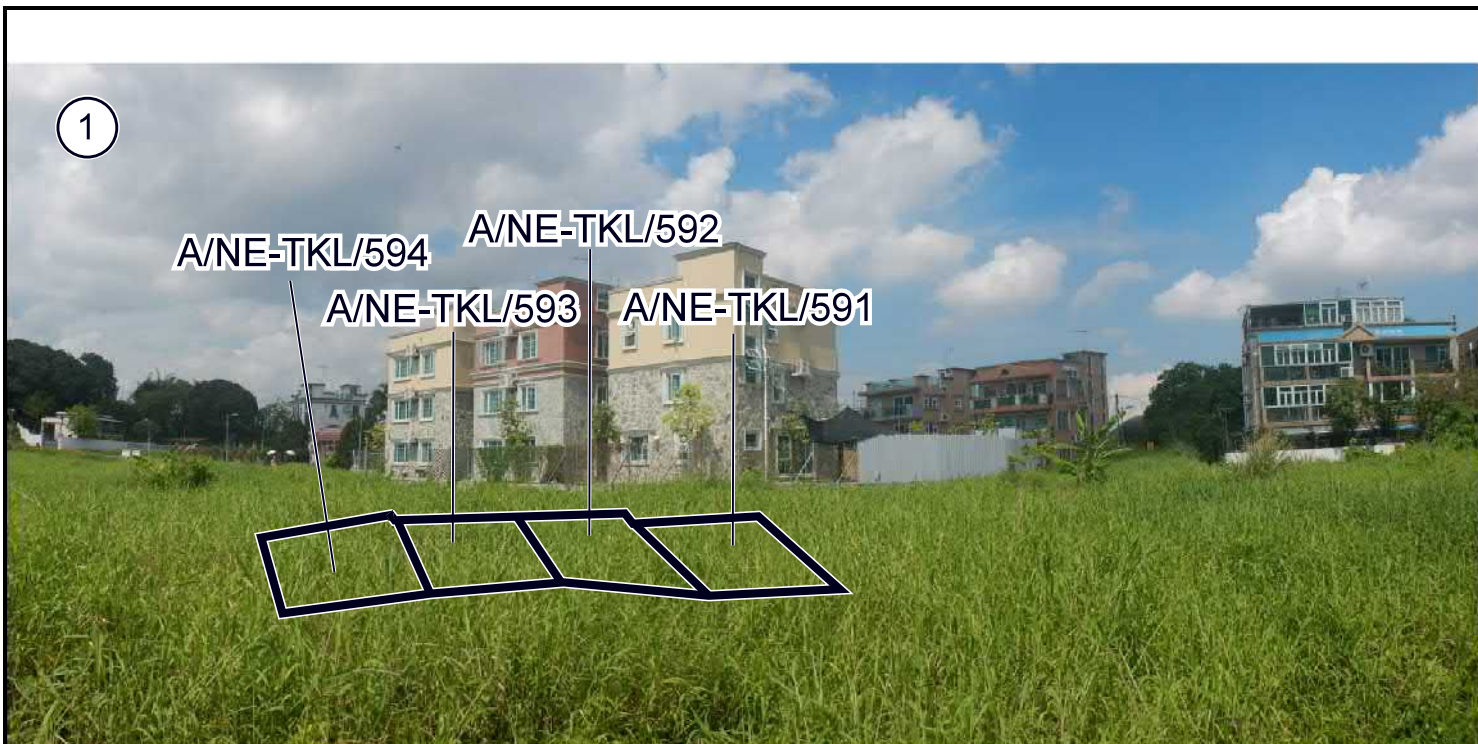
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-TKL/591, 592,
593 & 594

圖 PLAN
A-3

本摘要圖於2018年6月5日擬備，
所根據的資料為地政總署
於2017年4月29日拍得的航攝照片
編號E024169C
EXTRACT PLAN PREPARED ON 5.6.2018
BASED ON AERIAL PHOTO No. E024169C
TAKEN ON 29.4.2017 BY
LANDS DEPARTMENT



攝於2018年5月21日的實地照片
SITE PHOTO TAKEN ON 21.5.2018



攝於2018年6月25日的實地照片
SITE PHOTO TAKEN ON 25.6.2018

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

實地照片 SITE PHOTOS

四幢擬議屋宇(新界豁免管制屋宇-小型屋宇)
新界打鼓嶺李屋村丈量約份第82約地段第658號A分段、
第658號B分段、第658號C分段及第658號D分段
FOUR PROPOSED HOUSES
(NEW TERRITORIES EXEMPTED HOUSES - SMALL HOUSES)
LOTS 658 S.A, 658 S.B, 658 S.C AND 658 S.D IN D.D. 82,
LEI UK TSUEN, TA KWU LING, N.T.

規 劃 署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-TKL/591, 592,
593 & 594

圖 PLAN
A-4

本圖於2018年6月26日擬備，所根據
的資料為攝於2018年5月21日及
2018年6月25日的實地照片
PLAN PREPARED ON 26.6.2018 BASED ON
SITE PHOTOS TAKEN ON 21.5.2018 &
25.6.2018

Agenda Item 18**Section 16 Application**

[Open Meeting]

A/NE-MUP/135 Temporary Vehicle Park for Container Trailers for a Period of 3 Years in “Agriculture” Zone, Lots 171 RP and 174 S.B RP in D.D. 38, Man Uk Pin, Sha Tau Kok
(RNTPC Paper No. A/NE-MUP/135)

76. The Committee noted that the applicant’s representative requested on 19.6.2018/deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. It was the first time that the applicant requested deferment of the application.

77. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Items 19 to 22**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/591 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 658 S.A in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling

A/NE-TKL/592	Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 658 S.B in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling
A/NE-TKL/593	Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 658 S.C in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling
A/NE-TKL/594	Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 658 S.D in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/591 to 594)	

78. The Committee noted that the four section 16 applications were similar in nature and the sites were located in proximity to one another and falling within the same “Agriculture” (“AGR”) zone and agreed that they could be considered together.

Presentation and Question Sessions

79. Mr Tim T.Y. Fung, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites possessed potential for agricultural rehabilitation. Other concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, six public

comments on each of the applications were received from a North District Council (NDC) member, the Chairman of Sheung Shui District Rural Committee (SSDRC), Kadoorie Farm and Botanic Garden Corporation, Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual. The NDC member supported and the Chairman of SSDRC had no comment on the applications, but the remaining commenters objected to the applications. Major views were set out in paragraph 10 of the Paper; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Paper. The proposed Small House developments were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, land available in the “Village Type Development” (“V”) zone of Chow Tin Tsuen, Fung Wong Wu and Lei Uk was still capable to meeting the outstanding Small House applications. It was more appropriate to concentrate the proposed Small House developments within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Since the adoption of the cautious approach, two similar applications were rejected by the Committee or the Town Planning Board on review in 2016. The planning circumstances of the current applications were similar to those rejected similar applications. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

80. In response to a Member's enquiry on Footnote 2 of the Paper, Mr Tim T.Y. Fung, STP/STN, said that the 76 outstanding Small House applications received by the Lands Department also included 52 applications which straddled or fell outside the “V” zone.

Deliberation Session

81. After deliberation, the Committee decided to reject the applications. The

reasons for each of the applications 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 and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” zone of Lei Uk Tsuen where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/595 Renewal of Planning Approval for Temporary Open Storage of Metals and Tools and Containers (for Office and Storage of Tools) for a Period of 3 Years in “Agriculture” Zone, Lot 1403 RP (Part) in D.D. 77, Ping Che, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/595)

Presentation and Question Sessions

82. Mr Tim T.Y. Fung, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of metals and

**Similar S.16 Applications for Proposed House (NTEH - Small House)
within / partly within the “Agriculture” zone in the vicinity of the Site
in the Ping Che & Ta Kwu Ling Area**

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-TKL/207	Proposed New Territories Exempted House (NTEH) (Small House)	28.6.2002	A1, A2 & A3
A/NE-TKL/214	Proposed New Territories Exempted House (NTEH) (Small House)	13.9.2002	A1, A2 & A3
A/NE-TKL/216	Proposed New Territories Exempted House (NTEH) (Small House)	27.9.2002	A1, A2 & A3
A/NE-TKL/218	Proposed New Territories Exempted House (NTEH) (Small House)	11.10.2002	A1, A2 & A3
7A/NE-TKL/221	Proposed New Territories Exempted House (NTEH) (Small House)	8.11.2002	A1, A2 & A3
A/NE-TKL/222	Proposed New Territories Exempted House (NTEH) (Small House)	8.11.2002	A1, A2 & A3
A/NE-TKL/223	Proposed New Territories Exempted House (NTEH) (Small House)	8.11.2002	A1, A2 & A3
A/NE-TKL/359	Proposed House (New Territories Exempted House (NTEH) - Small House)	20.5.2011	A3, A4, A5 & A6
A/NE-TKL/360	Proposed House (New Territories Exempted House (NTEH) - Small House)	20.5.2011	A3, A4, A5 & A6
A/NE-TKL/361	Proposed House (New Territories Exempted House (NTEH) - Small House)	20.5.2011	A3, A4, A5 & A6
A/NE-TKL/466	Proposed House (New Territories Exempted House - Small House)	4.4.2014	A2, A3 & A4
A/NE-TKL/493	Proposed House (New Territories Exempted House - Small House)	12.12.2014	A2, A3, A4 & A7

Approval Conditions

- A1 The provision of drainage facilities
- A2 The submission and implementation of landscaping proposals
- A3 Commencement clause
- A4 The submission and implementation of drainage proposals
- A5 The provision of firefighting access, water supplies for fire fighting and fire service installations
- A6 The submission and implementation of tree preservation and landscape proposals
- A7 The provision of septic tank

Rejected Applications

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/NE-TKL/406 [^]	Proposed House (New Territories Exempted House - Small House)	7.12.2012	R1 & R2
A/NE-TKL/407 [*]	Proposed House (New Territories Exempted House - Small House)	7.12.2012	R1 & R2
A/NE-TKL/414 [※]	Proposed House (New Territories Exempted House - Small House)	21.12.2012	R1 & R2
A/NE-TKL/415 [※]	Proposed House (New Territories Exempted House - Small House)	21.12.2012	R1 & R2
A/NE-TKL/416 [※]	Proposed House (New Territories Exempted House - Small House)	21.12.2012	R1 & R2
A/NE-TKL/420 [#]	Proposed House (New Territories Exempted House - Small House)	26.4.2013 (on review)	R1 & R2
A/NE-TKL/421 [@]	Proposed House (New Territories Exempted House - Small House)	26.4.2013 (on review)	R1 & R2
A/NE-TKL/457 [*]	Proposed House (New Territories Exempted House - Small House)	13.12.2013	R1 & R2
A/NE-TKL/458 [^]	Proposed House (New Territories Exempted House - Small House)	13.12.2013	R1 & R2
A/NE-TKL/467 [#]	Proposed House (New Territories Exempted House - Small House)	1.8.2014 (on review) 8.7.2015 (appeal dismissed)	R1 & R2
A/NE-TKL/468 [@]	Proposed House (New Territories Exempted House - Small House)	1.8.2014 (on review) 8.7.2015 (appeal dismissed)	R1 & R2
A/NE-TKL/471 [※]	Proposed House (New Territories Exempted House - Small House)	23.5.2014	R1, R2 & R4
A/NE-TKL/495 [@]	Proposed House (New Territories Exempted House - Small House)	10.4.2015 (on review)	R1 & R3
A/NE-TKL/496 [#]	Proposed House (New Territories Exempted House - Small House)	10.4.2015 (on review)	R1 & R3
A/NE-TKL/541 [@]	Proposed House (New Territories Exempted House - Small House)	19.8.2016 (on review) 28.6.2018 (appeal dismissed)	R1 & R2
A/NE-TKL/551 [※]	Proposed House (New Territories Exempted House - Small House)	26.8.2016	R1 & R2

Remarks

- [@]: The site of applications No. A/NE-TKL/421, 468, 495 and 541 involve the same site
[^]: The site of applications No. A/NE-TKL/406 and 458 involve the same site
^{*}: The site of applications No. A/NE-TKL/407 and 457 involve the same site
[※]: The site of the application No. A/NE-TKL/471 includes the sites of applications No. A/NE-TKL/414, 415, 416 and 551.

#: The site of applications No. A/NE-TKL/420, 467 and 496 involve the same site

Rejection Reasons

- R1 The proposed development was not in line with the planning intention of the “Agriculture” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention.
- R2 Land was still available within the “Village Type Development” zone of Lei Uk Tsuen where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.
- R3 It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services.
- R4 The proposed development would involve clearance of existing vegetation and would affect the existing natural landscape on the surrounding environment. Approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.

Recommended Advisory Clauses

- (a) to note the comments of CE/C, WSD that for provision of water supply to the development, the applicants may need to extend the inside services to nearest suitable Government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (b) to note the comments of D of FS that the applicants should 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;
- (c) to note the comments of CE/MN, DSD on the following:
- (i) the Sites are in an area where no public sewerage connection is available; and
 - (ii) the general requirements in the drainage proposal should include:
 - surface channel with grating covers should be provided along the site boundary;
 - a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections, etc.) of the proposed drain/surface channel, catchpits and discharge structure shall be provided;
 - the cover levels of proposed channels should be flush with the existing adjoining ground level;
 - a catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit with covers shall be provided;
 - catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catch pit with sand trap should be provided;
 - the applicants should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the site. The applicants should also ensure that the flow from the Sites will not overload the existing drainage system;
 - the applicants are reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Sites to be intercepted by the drainage system of the Sites with details to be agreed by DSD, unless justified not necessary;
 - if the existing drainage facilities to which the applicants proposed to discharge the storm water from the Sites is not maintained by DSD, the applicants should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;

- the applicants are reminded that all existing flow paths as well as the run-off falling onto and passing through the Sites should be intercepted and disposed of via proper discharge points. The applicants shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Sites any time during or after the works;
 - the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained properly by the applicants and rectify the system if it is found to be inadequate or ineffective during operation at their own expense;
 - for works to be undertaken outside the lot boundary, the applicants should obtain prior consent and agreement from DLO/N of LandsD and/or relevant private lot owners;
 - the applicants should make good all the adjacent affected areas upon the completion of the drainage works;
 - the applicants shall allow all time free access for the Government and its agent to conduct site inspection on their completed drainage works;
 - the applicant and the successive lot owners shall allow connections from the adjacent lots to the completed drainage works on Government Land when so required; and
 - photos should be submitted clearly showing the current conditions of the areas and the flow paths around the Sites and the proposed/existing drainage from the discharge point(s) within the Sites to the downstream existing watercourses;
- (d) to note the advice of DEP that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.