

RNTPC Paper No. A/NE-TK/663  
 For Consideration by the  
 Rural and New Town Planning  
 Committee on 22.2.2019

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

**APPLICATION NO. A/NE-TK/663**

<b><u>Applicant</u></b>	Mr. LEE Yuk Ming Michael represented by Ratio Architecture and Planning Company Limited
<b><u>Site</u></b>	Lot 612 S.D in D.D. 28, Tai Mei Tuk, Tai Po, New Territories
<b><u>Site Area</u></b>	About 97.6 m <sup>2</sup>
<b><u>Lease</u></b>	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	Approved Ting Kok Outline Zoning Plan No. S/NE-TK/19
<b><u>Zoning</u></b>	“Green Belt” (“GB”)
<b><u>Application</u></b>	Proposed House (New Territories Exempted House (NTEH) – Small House)

**1. The Proposal**

1.1 The applicant, who claims to be an indigenous villager of Tai Po Mei, Tai Po<sup>1</sup>, seeks planning permission to build an NTEH (Small House) on the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ use within “GB” zone requires planning permission from the Town Planning Board (the Board).

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

Total floor area	: 195.09m <sup>2</sup>
No. of storeys	: 3
Building height	: 8.23m
Roofed over area	: 65.03m <sup>2</sup>

Layout of the proposed development is shown on **Drawing A-1**.

1.3 In support of the application, the applicant has submitted an application form with attachment on 4.1.2019 (**Appendix I**). The applicant has indicated that the proposed development will be connected to public sewer. However, no sewerage connection proposal has been submitted.

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

## **2. Justifications from the Applicant**

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

- (a) the applicant is an indigenous villager of Tai Po Mei of Tai Po Heung and had submitted a Small House application to District Lands Officer/Tai Po, LandsD;
- (b) the application complies with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the Site falls entirely within the village ‘environs’ (‘VE’) and there is general shortage of land in meeting the demand of Small House development in the “Village Type Development” (“V”) zone;
- (c) the proposed Small House is compatible with the existing village character. Village houses of Tai Mei Tuk are located to the immediate west and south of the Site, which is flat, hard-paved and accessible by a local track leading to Ting Kok Road. No major site formation works or tree felling is required. As such, no topographic constraint, no adverse landscape, visual and environmental impacts will be anticipated. The “Report on Existing Ground Situation for Proposed Small House” attached in Appendix I of the application form conducted by Authorized Land Surveyor demonstrates that the Site and the footprint of the proposed Small House will not encroach onto the pond;
- (d) the proposed development would unlikely have adverse drainage and sewerage impacts as stormwater drainage system is proposed to cater for the runoff generated and public sewerage connection is available in the vicinity of the Site; and
- (e) there are similar planning permissions granted for Small House development in the vicinity of the Site within the same “GB” zone.

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

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

## **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ is relevant to this application. The relevant assessment criteria are summarised as follows:

- (a) there is a general presumption against development in the “GB” zone;
- (b) applications for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning ground. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas;
- (c) applications for NTEH with satisfactory sewage disposal facilities and access arrangements may be approved if the application sites are in close proximity to

existing villages and in keeping with the surrounding uses, and where the development is to meet the demand from indigenous villagers;

- (d) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (f) the proposed development should not overstrain the overall provision of Government, institution and community facilities in the general area; and
- (g) any proposed development on a slope or hillside should not adversely affect slope stability.

## 5. Assessment Criteria

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

## 6. Previous Application

There is no previous application at the Site.

## 7. Similar Applications

- 7.1 Within the same “GB” zone, there are 81 similar applications (including 65 within “GB” zone only and 16 straddling on both “GB” and “V” zones) (**Plan A-1**) since the first promulgation of the Interim Criteria on 24.11.2000. Out of the 81 similar applications, 48 cases were approved and 33 were rejected.
- 7.2 Out of the 33 rejected applications, five of them (No. A/NE-TK/258, 263, 273, 274 and 279) were rejected by the Committee or the Board on review in 2009 mainly for reasons of not complying with the Interim Criteria and the TPB PG-No. 10 for development within “GB” zone in that they would likely involve site formation and slope stabilisation works resulting in clearance of natural vegetation and damage of existing landscape of the surrounding area. Subsequently, the concerned Small Houses were approved under applications No. A/NE-TK/327, 328, 344, 392 and 393 between 2010 and 2012 mainly because the applicants had submitted Landscape Impact Assessment Report, Geotechnical Planning Review Report and Natural Terrain Hazard Study Report to demonstrate that no cutting of slopes and no felling

of trees on site or in the adjacent woodland would be required, and thus the proposed development would not cause adverse geotechnical or landscape impacts on the surrounding area.

- 7.3 For the remaining 28 rejected applications (No. A/NE-TK/372, 401, 426, 443, 444, 486 – 493, 519, 520, 524, 555, 557, 558, 559\*, 570\*, 571\*, 577, 578, 598\*, 622, 635 and 660), they were rejected by the Committee/the Board on review between 2011 and 2018 mainly for reasons of being not in line with the planning intention of “GB” zone; and/or not complying with the Interim Criteria and TPB PG-No. 10 in that the applicants failed to demonstrate that the proposed Small House would not cause adverse landscape, sewage, water quality and/or geotechnical impacts on the surrounding areas. Moreover, the proposed Small House footprint under applications No. A/NE-TK/372, 443, 444, 519 and 520 fell outside both the “V” zone and the village ‘environs’ (‘VE’). Applications No. A/NE-TK/555, 557, 558, 559, 570, 571, 577, 578, 598, 622, 635 and 660 were also rejected as land was still available within the “V” zone for Small House development.
- 7.4 There were 36 applications (No. A/NE-TK/140, 177, 179, 192, 204, 211, 213, 217, 226, 243, 259 – 262, 275 – 278, 294, 362, 363, 367, 373, 375, 419, 425, 440, 449, 450, 473, 476, 521, 522, 531, 540 and 545) approved with conditions by the Committee between 2002 and April 2015 before the Board’s adoption of a more cautious approach in approving applications for Small House development in August 2015. These applications were approved mainly on the considerations of generally in compliance with the Interim Criteria in that the proposed Small House footprint fell mostly within the ‘VE’; there was a general shortage of land to meet the demand for Small House development in the “V” zone of the concerned village at the time of consideration; no significant adverse impact on the surrounding areas; and/or being the subject of previously approved application. Although some proposed Small Houses under Application No. A/NE-TK/204 (applied for 37 Small Houses) were not in line with the Interim Criteria in that less than 50% of their footprints fell within the ‘VE’, the application was approved on sympathetic consideration in that planning permission for Small Houses had previously been granted by the Board in 2000 before the first promulgation of the Interim Criteria on 24.11.2000 and the related Small House grant applications had been approved by LandsD in 2001.
- 7.5 After the Board’s adoption of a more cautious approach, six applications (No. A/NE-TK/573, 580, 582, 585, 618 and 654) were approved between 2016 and 2018 on sympathetic considerations in that the site was the subject of previously approved application (No. A/NE-TK/580, 582, 618 and 654); the proposed house was located in close proximity to the existing village cluster (No. A/NE-TK/573, 582 and 585); and the processing of Small House land grants were at an advanced stage (No. A/NE-TK/618 and 654).
- 7.6 For the remaining approved application (No. A/NE-TK/432), it was the subject of a Town Planning Appeal (No. 5/2014) allowed by the Town Planning Appeal Board on 22.10.2015 mainly on considerations of the unique characteristics of the appeal site, i.e. located on agricultural land not covered by dense vegetation; well separated from the edge of the Pat Sin Leng Country Park; close to adjacent Small House

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\* Applications No. A/NE-TK/559, 570, 571 and 598 are the subject of Town Planning Appeals lodged by the respective applicants in 2016 and 2017. The Appeals of applications No. A/NE-TK/559, 570 and 571 were dismissed by the Town Planning Appeal Board on 22.3.2017 and 17.10.2017 respectively. The decision for the Appeal of application No. A/NE-TK/598 is pending.

developments; and being able to be connected to public sewer.

7.7 Details of the above similar applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

**8. The Site and its Surrounding Areas (Plans A-1, A-2a and photos on Plans A-3 and A-4)**

8.1 The Site is:

- (a) vacant and partly hard-paved;
- (b) located at the eastern fringe of Tai Mei Tuk;
- (c) entirely within the ‘VE’ of Tai Mei Tuk and Lung Mei; and
- (d) connected via a paved driveway to Ting Kok Road to the south.

8.2 The surrounding areas are predominantly rural in character comprising of scattered tree groups, woodland patches and village houses. Village clusters are mainly found to the west of the Site (**Plan A-2a**).

**9. Planning Intention**

The planning intention of the “GB” zone is primarily for defining the limit of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

**10. Comments from Relevant Government Departments**

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

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone? - Footprint of the Small House - Application site	- -	100% 100%	- Both the Site and the Small House footprint fall entirely within the “GB” zone.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
2.	<p>Within 'VE'?</p> <ul style="list-style-type: none"> <li>- Footprint of the Small House</li> <li>- Application site</li> </ul>	100%	-	<ul style="list-style-type: none"> <li>- Both the Site and the Small House footprint fall entirely within the 'VE' of Lung Mei and Tai Mei Tuk (<b>Plan A-1</b>).</li> <li>- The District Lands Officer/Tai Po, LandsD (DLO/TP, LandsD) has no objection to the application.</li> </ul>
3.	<p>Sufficient land in "V" zone to meet Small House demand (outstanding Small House application plus 10-year Small House demand)?</p>		✓	<ul style="list-style-type: none"> <li>- Land required to meet Small House demand: about 7.9 ha (equivalent to 316 Small House sites). The outstanding Small House applications are 69<sup>2</sup> while the 10-year Small House demand forecast is 247.</li> </ul>
	<p>Sufficient land in "V" zone to meet outstanding Small House applications?</p>	✓		<ul style="list-style-type: none"> <li>- Land available to meet Small House demand within the "V" zone of the villages concerned: about 1.87 ha (equivalent to about 74 Small House sites) (<b>Plan A-2b</b>).</li> </ul>
4.	<p>Compatible with the planning intention of "GB" zone?</p>		✓	<ul style="list-style-type: none"> <li>- There is general presumption against development within the "GB" zone.</li> <li>- Director of Agriculture, Fisheries and Conservation (DAFC) has no strong view on the application from nature conservation point of view given that the Site is largely paved and the proposed Small House would not encroach upon the adjoining pond.</li> </ul>
5.	<p>Compatible with surrounding area/development?</p>	✓		<ul style="list-style-type: none"> <li>- The proposed Small House is not incompatible with the surrounding areas which are predominantly rural in character comprising of scattered tree groups, woodland patches and village houses.</li> </ul>
6.	<p>Within Water Gathering Ground (WGG)?</p>		✓	
7.	<p>Encroachment onto planned road networks and public works boundaries?</p>		✓	

<sup>2</sup> Among the 69 outstanding Small House applications, 34 of them fall within the "V" zone, 33 straddle or outside the "V" zone and 2 cannot be classified (i.e. Small House plans of 2 sites have not been provided by the applicants and the locations of such Small Houses are yet to be confirmed by LandsD). For those 33 applications straddling or being outside the "V" zone, 8 of them have obtained valid planning approval from the Board.

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
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 application.
9.	Traffic impact?	✓		- The Commissioner for Transport (C for T), in general, has reservation on the application but considers that the application only involves development of a Small House can be tolerated unless it is rejected on other grounds.
10.	Drainage impact?	✓		- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application from public drainage viewpoint. - Approval condition on submission and implementation of drainage proposal is required.
11.	Sewerage impact?	✓		- DEP has no objection to the application provided that the applicant connects the proposed Small House to the public sewer at his own cost and obtains written consents from adjacent lot owners for laying and maintaining sewage pipes.
12.	Landscape impact?	✓		- Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has reservation on the application from the landscape planning point of view as vegetation clearance had been carried out gradually within the Site and its immediate surroundings since 2011. Approval of the application would encourage similar site modification prior to approval and similar developments resulting in further encroachment onto the "GB" zone, and the cumulative effect of approving such applications would result in degradation of landscape character and against the planning intention of "GB" zone. - should the application be approved,

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				in view of that there is no adequate space for meaningful landscaping to benefit the public realm, no landscape condition can be imposed.
13.	Geotechnical impact?		✓	
14.	Local objections conveyed by DO?		✓	

10.2 Comments from the following Government departments have been incorporated in paragraph 10.1 above. Other detailed comments are at **Appendix IV**.

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

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

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

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

On 11.1.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, seven public comments from local groups, the Indigenous Inhabitant Representative (IIR) of Tai Mei Tuk and other individuals were received objecting to the application mainly on the grounds of being incompatible with the surrounding area; polluting the adjoining ponds; setting an undesirable precedent; sufficient land being available within “V” zone; and causing adverse air quality, landscape, ecological, environmental and sewage impacts.

## **12. Planning Considerations and Assessments**

12.1 The Site falls within an area entirely zoned “GB” (**Plan A-2a**). The proposed development is not in line with the planning intention of “GB” zone which is

primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. DAFC has no strong view on the application from nature conservation point of view given that the Site is largely paved and the proposed Small House would not encroach upon the adjoining pond.

- 12.2 According to DLO/TP, LandsD's record, the total number of outstanding Small House applications for Lung Mei and Tai Mei Tuk is 69 while the 10-year Small House demand forecast for the concerned villages is 247. Based on the latest estimate by the PlanD, about 1.87 ha of land (equivalent to about 74 Small House sites) are available within the "V" zone of Lung Mei and Tai Mei Tuk. As the proposed Small House footprint entirely falls within the 'VE' of the concerned villages, DLO/TP, LandsD has no objection to the application.
- 12.3 The Site, located at the eastern fringe of Tai Mei Tuk, is vacant and partly hard-paved. The surrounding areas are predominantly rural in character comprising of scattered tree groups, woodland patches and village houses. Village clusters are mainly found to the west of the Site (**Plan A-2a**). CTP/UD&L, PlanD has reservation on the application from the landscape planning perspective as vegetation clearance had been carried out gradually within the Site and its immediate surroundings since 2011. The proposed development, if approved, would encourage similar site modification prior to approval. In addition, approval of the application would encourage similar developments resulting in further encroachment onto the "GB" zone. The cumulative effect of approving such applications would result in degradation of landscape character and against the planning intention of "GB" zone. C for T in general has reservation on the application but considers that the application only involves development of a Small House can be tolerated unless it is rejected on other grounds.
- 12.4 DEP has no objection to the application provided that the applicant connects the proposed Small House to the public sewer at Tai Mei Tuk Village at his own cost and obtains written consents from adjacent lot owners for laying and maintaining sewage pipes. However, the applicant has not provided any sewerage connection proposal nor owners' consents of the concerned lots. Other relevant Government departments including CE/MN and CE/CM of DSD, CE/C of WSD, PM/N and H(GEO) of CEDD, CHE/NTE of HyD and D of FS have no objection to or adverse comment on the application.
- 12.5 Regarding the Interim Criteria (**Appendix II**), more than 50% of the proposed Small House footprint is located within the 'VE' of Lung Mei and Tai Mei Tuk. Whilst land available within the "V" zone for Small House development (about 1.87 ha or equivalent to 74 Small House sites) (**Plan A-2b**) is insufficient to fully meet the future Small House demand, it is capable to meet the 69 outstanding Small House applications. It should be noted that the Board has adopted a more cautious approach in approving applications for Small House development in recent years. Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD. As such, it is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

- 12.6 As shown on **Plan A-2a**, there are 19 similar applications in close vicinity of the Site. A total of 11 applications (No. A/NE-TK/177, 179, 204, 294, 419, 449, 521, 522, 531, 540 and 545) were approved with conditions between 2004 and April 2015 before a more cautious approach in approving applications for Small House development was adopted by the Board in August 2015. After the adoption of a more cautious approach, four applications (No. A/NE-TK/573, 582, 585 and 654) were approved from 2016 to 2018 mainly on sympathetic considerations in that the proposed houses were located in close proximity to the existing village cluster; no adverse landscape and/or environmental impacts were anticipated (No. A/NE-TK/573 and 654); and the sites of Applications No. A/NE-TK/582 and 654 were the subjects of previous approvals. For the remaining four applications (No. A/NE-TK/401, 577, 622 and 635), they were rejected by the Committee or the Board on review between 2012 and 2018 mainly for the reasons of not being in line with the planning intention of the “GB” zone; not complying with the Interim Criteria and TPB PG-No. 10 in view of adverse landscape and geotechnical impacts on the surrounding areas; and/or land still being available within the “V” zone for Small House development. The current application is similar to the above rejected cases in terms of not being in line with the planning intention of the “GB” zone and land still being available within the “V” zone for Small House development.
- 12.7 Regarding the public comments objecting to the application mainly on the grounds of being incompatible with the surroundings; polluting the adjoining ponds; setting an undesirable precedent; and causing adverse air quality, landscape, ecological, environmental and sewage impacts, the planning assessments and comments of Government departments above are relevant.

### 13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department does not support the application for the following reasons:
- (a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from this planning intention; and
  - (b) land is still available within the “Village Type Development” (“V”) zone of Lung Mei and Tai Mei Tuk which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.
- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 22.2.2023, 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; and
- (b) the submission and implementation of sewerage 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**.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses to be attached to the permission, and the date when the validity of the permission should expire.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**15. Attachments**

Appendix I	Application form and attachments received on 4.1.2019
Appendix II	Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Similar applications
Appendix IV	Detailed comments from relevant Government departments
Appendix V	Public comments
Appendix VI	Recommended advisory clauses
Drawing A-1	Site plan submitted by the applicant
Plan A-1	Location plan
Plan A-2a	Site plan
Plan A-2b	Estimated amount of land available for Small House development within the "V" Zone
Plan A-3	Aerial photo
Plan A-4	Site photo

**Relevant Revised 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) 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 Applications within the same “Green Belt” zone  
on the Ting Kok Outline Zoning Plan**

**Approved Applications**

<b>Application No.</b>	<b>Zoning(s)</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-TK/140	“GB”	Proposed House (NTEH – Small House)	31/5/2002	A1 – A2
A/NE-TK/177	“GB”	Proposed House (NTEH – Small House)	15/10/2004	A2, A3
A/NE-TK/179	“GB”	Proposed Two Houses (NTEH – Small Houses)	17/12/2004	A2, A3, A7
A/NE-TK/192	“GB”	Proposed House (NTEH – Small House)	24/6/2005	A2
A/NE-TK/204	“GB” and “V”	Proposed 37 Houses (NTEH – Small Houses)	7/4/2006	A1 – A3, A8
A/NE-TK/211	“GB”	Proposed House (NTEH – Small House)	4/8/2006	A2, A3
A/NE-TK/213	“GB”	Proposed House (NTEH – Small House)	4/8/2006	A2, A3
A/NE-TK/217	“GB” and “V”	Proposed Two Houses (NTEH – Small Houses)	15/9/2006	A1, A3, A9
A/NE-TK/226	“GB”	Proposed House (NTEH – Small House)	9/3/2007	A1 – A2
A/NE-TK/243	“GB”	Proposed House (NTEH – Small House)	14/12/2007	A1 – A4
A/NE-TK/259	“GB”	Proposed House (NTEH – Small House)	5/9/2008	A1 – A3
A/NE-TK/260	“GB”	Proposed House (NTEH – Small House)	5/9/2008	A1 – A3
A/NE-TK/261	“GB”	Proposed House (NTEH – Small House)	5/9/2008	A1 – A3
A/NE-TK/262	“GB”	Proposed House (NTEH – Small House)	5/9/2008	A1 – A3
A/NE-TK/275	“GB” and “V”	Proposed House (NTEH – Small House)	8/5/2009	A1 – A4
A/NE-TK/276	“GB” and “V”	Proposed House (NTEH – Small House)	8/5/2009	A1 – A4
A/NE-TK/277	“GB” and “V”	Proposed House (NTEH – Small House)	8/5/2009	A1 – A4

<b>Application No.</b>	<b>Zoning(s)</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-TK/278	“GB”	Proposed House (NTEH – Small House)	8/5/2009	A1 – A4
A/NE-TK/294	“GB”	Proposed Two Houses (NTEH – Small Houses)	18/12/2009	A1 – A3
A/NE-TK/327	“GB”	Proposed House (NTEH – Small House)	26/11/2010	A1 – A4
A/NE-TK/328	“GB”	Proposed House (NTEH – Small House)	26/11/2010	A1 – A4
A/NE-TK/344	“GB”	Proposed House (NTEH – Small House)	4/3/2011	A1 – A4
A/NE-TK/362	“GB”	Proposed House (NTEH – Small House)	22/7/2011	A1 – A3
A/NE-TK/363	“GB”	Proposed House (NTEH – Small House)	22/7/2011	A1 – A3
A/NE-TK/367	“GB”	Proposed House (NTEH – Small House)	2/9/2011	A1 – A3
A/NE-TK/373	“GB”	Proposed House (NTEH – Small House)	16/12/2011	A1 – A4
A/NE-TK/375	“GB” and “V”	Proposed House (NTEH – Small House)	6/1/2012	A1 – A3
A/NE-TK/392	“GB”	Proposed House (NTEH – Small House)	19/10/2012	A1 – A3
A/NE-TK/393	“GB”	Proposed House (NTEH – Small House)	19/10/2012	A1 – A3
A/NE-TK/419	“GB”	Proposed House (NTEH – Small House)	21/12/2012	A2, A3
A/NE-TK/425	“GB” and “V”	Proposed House (NTEH – Small House)	25/1/2013	A2
A/NE-TK/432	“GB”	Proposed House (NTEH – Small House)	22/10/2015 (Appeal allowed) *	A2, A3, A10
A/NE-TK/440	“GB”	Proposed House (NTEH – Small House)	3/5/2013	A2, A3
A/NE-TK/449	“GB”	Proposed House (NTEH – Small House)	19/7/2013	A2, A3
A/NE-TK/450	“GB”	Proposed House (NTEH – Small House)	19/7/2013	A2, A3
A/NE-TK/473	“GB” and “V”	Proposed House (NTEH – Small House)	25/10/2013	A2, A3

<b>Application No.</b>	<b>Zoning(s)</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-TK/476	“GB”	Proposed House (NTEH – Small House)	8/11/2013	A2, A3
A/NE-TK/521	“GB” and “V”	Proposed House (NTEH – Small House)	17/10/2014	A2, A3, A5
A/NE-TK/522	“GB” and “V”	Proposed House (NTEH – Small House)	17/10/2014	A2, A3, A5
A/NE-TK/531	“GB”	Proposed House (NTEH – Small House)	16/1/2015	A2 – A6
A/NE-TK/540	“GB”	Proposed House (NTEH – Small House)	27/2/2015	A2 – A6
A/NE-TK/545	“GB” and “V”	Proposed House (NTEH – Small House)	17/4/2015	A2, A5
A/NE-TK/573	“GB”	Proposed House (NTEH – Small House)	19/2/2016	A2, A5
A/NE-TK/580	“GB” and “V”	Proposed House (NTEH – Small House)	15/7/2016	A2, A3, A5
A/NE-TK/582	“GB”	Proposed House (NTEH – Small House)	29/7/2016	A2, A3, A5
A/NE-TK/585	“GB”	Proposed House (NTEH – Small House)	14/9/2016	A2, A5
A/NE-TK/618	“GB”	Proposed House (NTEH – Small House)	11/8/2017	A2, A11
A/NE-TK/654	“GB”	Proposed House (NTEH – Small House)	16/11/2018	A2, A11

\* Appeal allowed by the Town Planning Appeal Board on 22/10/2015

#### Approval Conditions

- A1. The provision of fire fighting access / water supplies for fire fighting / fire service installations and/or emergency vehicular access.
- A2. The submission and implementation/provision of drainage proposal/facilities.
- A3. The submission and implementation of landscape proposal and/or tree preservation proposal.
- A4. The submission of a Natural Terrain Hazard Study/Geotechnical Planning Review Report to assess the natural terrain hazard/geotechnical investigation report and the provision/implementation of mitigation measures/necessary geotechnical remedial works identified therein.
- A5. The connection of the foul water drainage system to the public sewers.

- A6. The diversion of the existing water mains within the site affected by the proposed development.
- A7. The provision of an emergency vehicular access with street fire hydrants or incorporation of residential sprinkler system.
- A8. The submission and provision of the proposed access road and footpath from Ting Kok Road to the proposed development.
- A9. The submission of a drainage impact assessment and implementation of measures to mitigate any adverse effects that might arise.
- A10. The submission and implementation of proposal to blend in the design, layout, color and materials of the proposed Small House with its surrounding environment and adjacent Small Houses.
- A11. 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.

### Rejected Applications

<b>Application No.</b>	<b>Zoning(s)</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-TK/258	“GB”	Proposed House (NTEH – Small House)	2/1/2009 (Review)	R1- R2
A/NE-TK/263	“GB”	Proposed House (NTEH – Small House)	2/1/2009 (Review)	R1- R2
A/NE-TK/273	“GB”	Proposed House (NTEH – Small House)	8/5/2009	R4, R9
A/NE-TK/274	“GB”	Proposed House (NTEH – Small House)	8/5/2009	R4, R9
A/NE-TK/279	“GB”	Proposed House (NTEH – Small House)	8/5/2009	R4, R9
A/NE-TK/372	“GB”	Proposed House (NTEH – Small House)	6/12/2011	R1, R5, R6
A/NE-TK/401	“GB”	Proposed Two Houses (NTEH – Small Houses)	21/9/2012	R7, R8, R10
A/NE-TK/426	“GB” and “V”	Proposed Eight Houses (NTEH – Small Houses)	9/8/2013 (Review)	R1-R3
A/NE-TK/443	“GB”	Proposed House (NTEH – Small House)	7/6/2013	R1, R11, R13

<b>Application No.</b>	<b>Zoning(s)</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-TK/444	“GB”	Proposed House (NTEH – Small House)	7/6/2013	R1, R11, R13
A/NE-TK/486	“GB”	Proposed House (NTEH – Small House)	15/8/2014 (Review)	R1, R2, R12
A/NE-TK/487	“GB”	Proposed House (NTEH – Small House)	15/8/2014 (Review)	R1, R2, R12
A/NE-TK/488	“GB”	Proposed House (NTEH – Small House)	15/8/2014 (Review)	R1, R2, R12
A/NE-TK/489	“GB”	Proposed House (NTEH – Small House)	15/8/2014 (Review)	R1, R2, R12
A/NE-TK/490	“GB”	Proposed House (NTEH – Small House)	15/8/2014 (Review)	R1, R2, R12
A/NE-TK/491	“GB”	Proposed House (NTEH – Small House)	15/8/2014 (Review)	R1, R2, R12
A/NE-TK/492	“GB”	Proposed House (NTEH – Small House)	15/8/2014 (Review)	R1, R2, R12
A/NE-TK/493	“GB” and “V”	Proposed House (NTEH – Small House)	15/8/2014 (Review)	R1, R2, R12
A/NE-TK/519	“GB”	Proposed House (NTEH – Small House)	17/10/2014	R1, R4, R11, R13
A/NE-TK/520	“GB”	Proposed House (NTEH – Small House)	17/10/2014	R1, R4, R11, R13
A/NE-TK/524	“GB”	Proposed House (NTEH – Small House)	31/10/2014	R1, R2, R12
A/NE-TK/555	“GB”	Proposed House (NTEH – Small House)	21/08/2015	R1, R2, R3, R14
A/NE-TK/557	“GB”	Proposed House (NTEH – Small House)	18/09/2015	R1, R2, R3, R14
A/NE-TK/558	“GB”	Proposed House (NTEH – Small House)	18/09/2015	R1, R3, R13, R14
A/NE-TK/559	“GB”	Proposed House (NTEH – Small House)	22/3/2017 (Appeal dismissed)^	R1- R3, R14

<b>Application No.</b>	<b>Zoning(s)</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-TK/570	“GB” and “V”	Proposed House (NTEH – Small House)	17/10/2017 (Appeal dismissed) #	R1,R14,R15
A/NE-TK/571	“GB” and “V”	Proposed House (NTEH – Small House)	17/10/2017 (Appeal dismissed) #	R1,R14,R15
A/NE-TK/577	“GB”	Proposed House (NTEH – Small House)	2/9/2016 (Review)	R1,R7,R10,R14
A/NE-TK/578	“GB”	Proposed House (NTEH – Small House)	13/5/2016	R1, R14, R16, R18
A/NE-TK/598	“GB”	Proposed House (NTEH – Small House)	21/4/2017 (Review)	R1, R2, R3, R14
A/NE-TK/622	“GB”	Proposed House (NTEH – Small House)	13/10/2017	R1, R10, R14, R19
A/NE-TK/635	“GB”	Proposed House (NTEH – Small House)	16/3/2018	R1, R14, R17, R19
A/NE-TK/660	“GB”	Proposed House (NTEH – Small House)	18/1/2019	R1, R14

^ Appeal dismissed by the Town Planning Appeal Board on 22/3/2017

# Appeal dismissed by the Town Planning Appeal Board on 17/10/2017

### Rejection Reasons

- R1. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was insufficient information in the submissions to justify a departure from this planning intention.
- R2. The proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” (“GB”) zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve extensive clearance of existing natural vegetation and affect the existing natural landscape on the surrounding environment. There was insufficient information in the submission to demonstrate that the proposed development would not have any adverse landscape impacts on the surrounding areas.
- R3. The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape

and sewerage impacts on the surrounding areas.

- R4. The approval of the application would set an undesirable precedent for other 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.
- R5. The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House /Small House in New Territories as more than 50% of the footprint of the proposed Small House was outside the “Village Type Development” (“V”) zone and the village ‘environs’ of any recognized villages.
- R6. The approval of the application would set an undesirable precedent for other similar applications in the area.
- R7. The proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” (“GB”) zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape and adversely affect slope stability in the area.
- R8. There was no information in the submission to demonstrate that the proposed development would have no adverse landscape and geotechnical impacts on the surrounding areas.
- R9. The application/proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” (“GB”) zone under section 16 of the Town Planning Ordinance’ in that it would likely involve site formation and slope stabilization works resulting in clearance of natural vegetation and damage of the existing landscape of the surrounding area. There was insufficient information in the submission to demonstrate that the proposed development would not have any adverse landscape impacts on the surrounding areas.
- R10. The proposed development did not comply with the Interim Criteria for Consideration of Application for the New Territories Exempted House /Small House in New Territories in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas.
- R11. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House / Small House in the New Territories in that the site was entirely outside the “Village Type Development” (“V”) zone and the village ‘environs’ of any recognized villages, and the proposed development would cause adverse sewerage and landscape impacts on the surrounding areas.
- R12. The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House /Small House in New Territories in that the proposed development would cause adverse landscape and water quality impacts on the surrounding areas.
- R13. The proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” (“GB”) zone under section 16 of the Town Planning Ordinance’ in that the proposed

development would affect the existing natural landscape on the surrounding environment.

- R14. Land was still available within the “Village Type Development” (“V”) zone of Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.
- R15. The proposed development would have adverse impacts on the existing landscape of the area including the Banyan tree near the sites.
- R16. The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House /Small House in New Territories in that the proposed development would cause adverse landscape, sewerage and geotechnical impacts on the surrounding area.
- R17. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas and be subject to adverse geotechnical impact.
- R18. The proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve clearance of existing natural vegetation affecting the existing natural landscape and adversely affect slope stability in the area.
- R19. The proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve clearance of existing natural vegetation affecting the existing natural landscape, and the applicant failed to demonstrate that the proposed development would have no adverse landscape impact on the surrounding areas and that the stability of the adjacent slope would not be adversely affected.

**Detailed Comments from Relevant Government Departments**

**1. Land Administration**

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

- (a) no objection to the application;
- (b) the applicant, claimed himself as an indigenous villager (IV) of Tai Po Mei. However, his eligibility of Small House grant has yet to be ascertained;
- (c) the application site (the Site) is an Old schedule Lot under Block Government Lease demised for agricultural use. The applicant is the registered owner of the subject lot;
- (d) The Site is not covered by any Modification of Tenancy or Building Licence and an application for Small House grant at the Site has been received;
- (e) the number of outstanding Small House applications and the number of 10-year Small House demand for the concerned villages are as follows:

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand *</u>
Lung Mei	36	97
Tai Mei Tuk	33	150

(\* The figure of 10-year Small House demand was estimated and provided by the IIRs of Lung Mei in 2016 and Tai Mei Tuk in 2017 respectively. The information so obtained is not verified in any way by DLO/TP);

- (f) if and after planning approval has been given 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;
- (g) the Site falls entirely within the village ‘environs’ (‘VE’) of Lung Mei and Tai Mei Tuk;
- (h) the proposed Small House would be connected to public sewerage system. Whether it is acceptable or not will be considered when the case is due for processing; and
- (i) two ponds at the eastern portion of the lot may be affected by the proposed development. As the applicant claimed in the “Report on Existing Ground Situation for Proposed Small House” attached in the Appendix I of the application form that the proposed Small House and its balcony is situated on solid ground, the applicant should clarify this point.

## 2. **Traffic**

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

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

## 3. **Nature Conservation**

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

- (a) no strong view on the application from nature conservation point of view; and
- (b) the Site is largely paved. The applicant claimed that the proposed Small House would not encroach upon the adjoining pond.

## 4. **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) the Site falls within “Green Belt” (“GB”) zone and outside the water gathering grounds (WGG);
- (b) he has no objection to the application provided that the applicant proposed to connect the proposed Small House to the public sewer which is 41m away from the sewer manhole at Tai Mei Tuk Village with sewerage capacity available; and
- (c) Drainage Services Department (DSD)’s advice should be sought on the technical feasibility of sewer connection. Written consents shall be obtained from the adjacent lot owners for laying and maintaining sewage pipes, if required. Adequate land space within the Site shall be reserved for connection of the proposed Small House to the public sewer. The cost of sewer connection shall be borne by the applicant.

## 5. **Water Supply**

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

- (a) no objection to the application;
- (b) if diversion is required, existing water mains inside the lot are needed to be diverted outside the Site boundary of the proposed development to lie in

Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be done by the applicant and the applicant shall submit all relevant proposals to WSD for consideration and agreement before the works commence;

- (c) if diversion is not required, the following conditions shall apply:
  - (i) no development which requires resiting of water mains will be allowed;
  - (ii) details of site formation works shall be submitted to the Water Authority for approval prior to commencement of works;
  - (iii) no structures shall be built or materials stored within 1.5m from the centre lines of water mains. Free access shall be made available at all times for staff of WSD or their contractor to carry out construction, inspection, operation, maintenance and repair works;
  - (iv) no trees or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water mains. No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
  - (v) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
  - (vi) tree planting may be prohibited in the event that the Water Authority considers that there is any likelihood of damage being caused to water mains; and
- (d) for provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

## **6. Drainage**

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) if the application is approved, an approval condition on submission and implementation of drainage proposal for the Site is recommended to ensure that it will not cause adverse drainage impact to the adjacent areas;
- (c) there is no existing DSD maintained public drain available for connection in the

area. The applicant should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (d) public sewers are available for connection in the vicinity of the Site. The applicant should be reminded to follow the established procedures and requirements for connecting sewers from the Site to the public sewerage system. A connection proposal should be submitted for approval beforehand. Moreover, the sewerage connection will be subject to DSD's technical audit, for which an audit fee will be charged; and
- (e) for works to be undertaken outside the lot boundary, prior consent and agreement from DLO/TP, LandsD and/or relevant private lot owners should be sought.

## **7. Landscape**

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

- (a) has reservation on the application from the landscape planning perspective;
- (b) the Site is vacant and hard-paved. No existing tree is found within the Site;
- (c) it is noted that vegetation clearance had been carried out gradually within the Site and its immediate surroundings since 2011. The proposed development, if approved, would encourage similar site modification prior to approval. In addition, approval of the application would encourage similar developments resulting in further encroachment to the "GB" zone. The cumulative effect of approving such applications would result in degradation of landscape character and against the planning intention of "GB" zone; and
- (d) should the application be approved, in view that there is no adequate space for meaningful landscaping to benefit the public realm, no landscape condition can be imposed.

## **8. Fire Safety**

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

- (a) no in-principle objection to the application; and

- (b) the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.

**9. Electricity Supply**

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

- (a) no comment on the application from electricity supply safety aspect; and
- (b) in the interests 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 under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and "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.

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

According to the DLO/TP, LandsD's record, the total number of outstanding Small House applications for Lung Mei and Tai Mei Tuk is 69 while the 10-year Small House demand forecast for the same village is 247. Based on the latest estimate by the PlanD, about 1.87 ha of land (equivalent to about 74 Small House sites) are available within the "V" zone of Lung Mei and Tai Mei Tuk. Therefore, the land available cannot fully meet the future Small House demand of 316 Small Houses (equivalent to about 7.9 ha of land).

**Recommended Advisory Clauses**

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
- (i) if and after planning approval has been given by the Board, LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access thereto; and
  - (ii) the proposed Small House would be connected to public sewerage system. Whether it is acceptable or not will be considered when the case is due for processing;
- (b) to note the comments of the Director of Environmental Protection (DEP) that written consents shall be obtained from the adjacent lot owners for laying and maintaining sewage pipes. Adequate land space within the Site shall be reserved for connection of the proposed Small House to the public sewer. The cost of sewer connection shall be borne by the applicant;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) there is no existing DSD maintained public drain available for connection in the area. The applicant should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
  - (ii) public sewers are available for connection in the vicinity of the Site. The applicant should follow the established procedures and requirements for connecting sewers from the Site to the public sewerage system. A connection proposal should be submitted for approval beforehand. Moreover, the sewerage connection will be subject to DSD's technical audit, for which an audit fee will be charged; and
  - (iii) for works to be undertaken outside the lot boundary, prior consent and agreement from DLO/TP, LandsD and/or relevant private lot owners should be sought;

- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C,WSD) that:
- (i) if diversion is required, existing water mains inside the lot are needed to be diverted outside the Site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be done by the applicant and the applicant shall submit all relevant proposals to WSD for consideration and agreement before the works commence;
  - (ii) if diversion is not required, the following conditions shall apply:
    - (a) no development which requires resiting of water mains will be allowed;
    - (b) details of site formation works shall be submitted to the Water Authority for approval prior to commencement of works;
    - (c) no structures shall be built or materials stored within 1.5m from the centre lines of water mains . Free access shall be made available at all times for staff of WSD or their contractor to carry out construction, inspection, operation, maintenance and repair works;
    - (d) no trees or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water mains . No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
    - (e) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
    - (f) tree planting may be prohibited in the event that the Water Authority considers that there is any likelihood of damage being caused to water mains; and
  - (iii) for provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (f) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that the parties concerned with planning, designing, organizing and supervising any activity near the underground cable under the application should approach the

electricity supplier (i.e. CLP Power) for the requisition of cable plans to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and “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; and

- (g) 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 Town Planning Board where required before carrying out the road works.



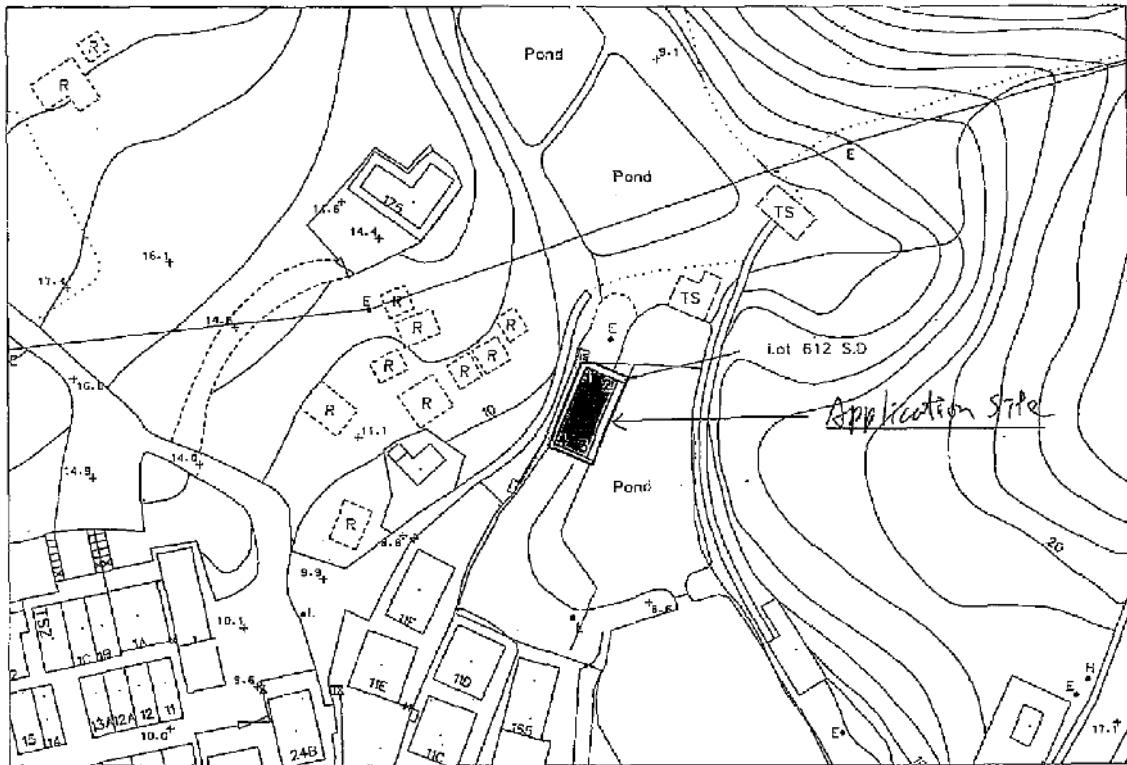
C K LAU SURVEYORS LIMITED

劉志光測量師行有限公司

Authorized Land Surveyors · Professional Surveyors

Land Boundary Surveys · Land Subdivision · Land Planning & Development

Dimension Plan of the Proposed Small House on Lot 612 S.D in D.D.28, Tai Po



Coloured Pink Area 65.03 square metres (About)  
To be connected to the Public Sewerage Scale

Side	Bearing	Distance in Metres	Pt.	Co-ordinate Data (1980 Datum)		Remarks
				Northing (m)	Easting (m)	
1 - 2	113 09 28	5.261	1	837248.666	842309.302	
2 - 3	203 08 28	12.362	2	837246.597	842314.139	
3 - 4	293 09 28	5.261	3	837235.231	842309.277	
4 - 1	23 09 28	12.362	4	837237.300	842304.440	

Certified by:

C. K. LAU MSc. FHKIS MRICS RPS(LS) ALS

Authorized Land Surveyor

Date: 5th October 2018

Survey Sheet No.: 3-SE-19C  
Adopted Plan No.: SRP/TP/058/6103/01  
Plan No.: TP/28/612D/SH

Figure 2 - Site Plan

參考編號  
REFERENCE No.

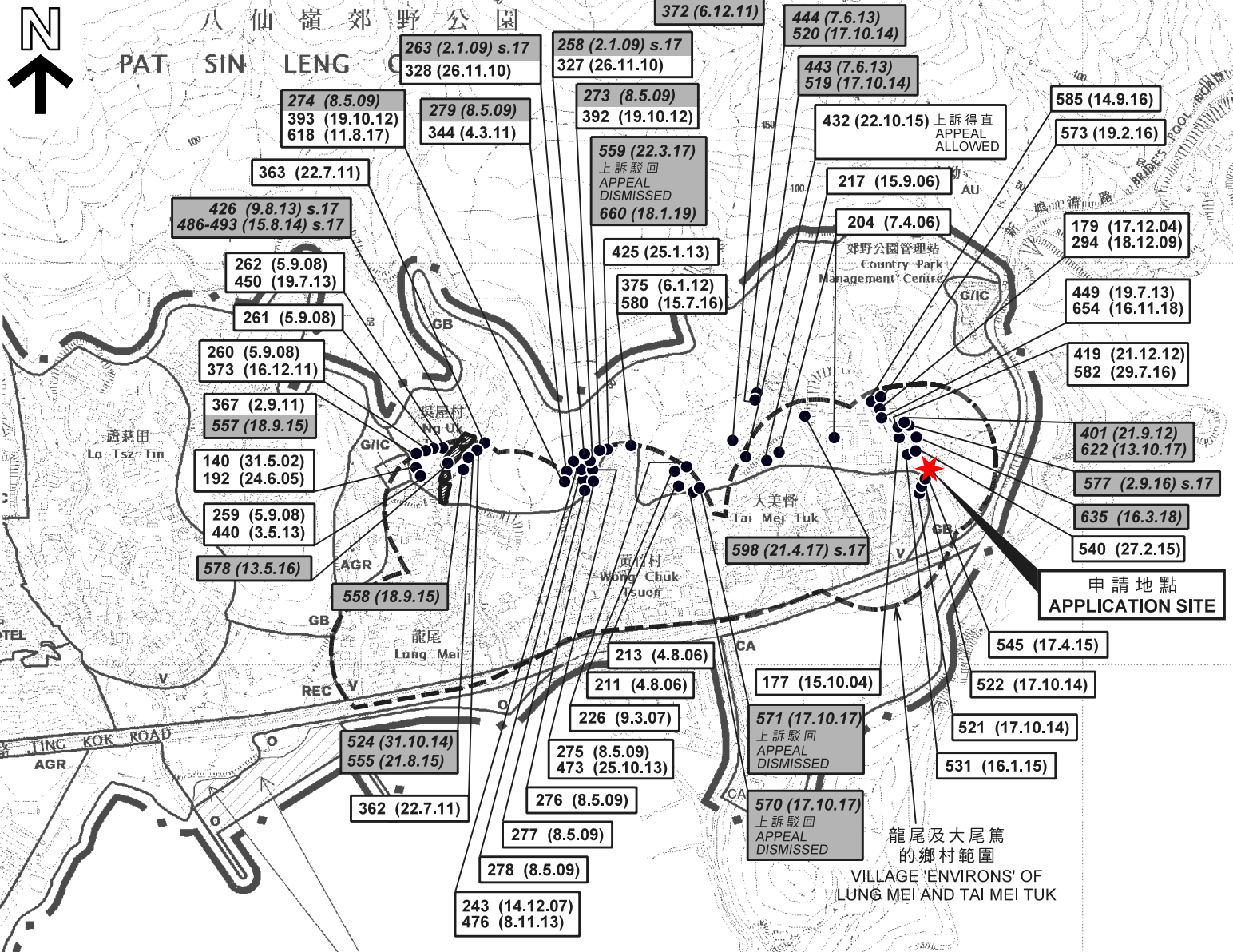
A/NE-TK/663

繪圖 DRAWING A-1



**要覽圖 KEY PLAN**

SCALE 1 : 50 000 比例尺

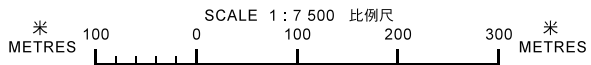


**圖例 LEGEND**

139 (7.11.97)	獲批准的申請 APPROVED APPLICATION
368 (14.9.01)	被拒絕的申請 REJECTED APPLICATION
139 (7.11.97)	會議日期 DATE OF MEETING
	申請編號 APPLICATION NUMBER

**位置圖 LOCATION PLAN**

擬議屋宇 (新界豁免管制屋宇-小型屋宇)  
 新界大埔大美督丈量約份第28約地段第612號D分段  
 PROPOSED HOUSE  
 (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
 LOT 612 S.D IN D.D. 28,  
 TAI MEI TUK, TAI PO, NEW TERRITORIES



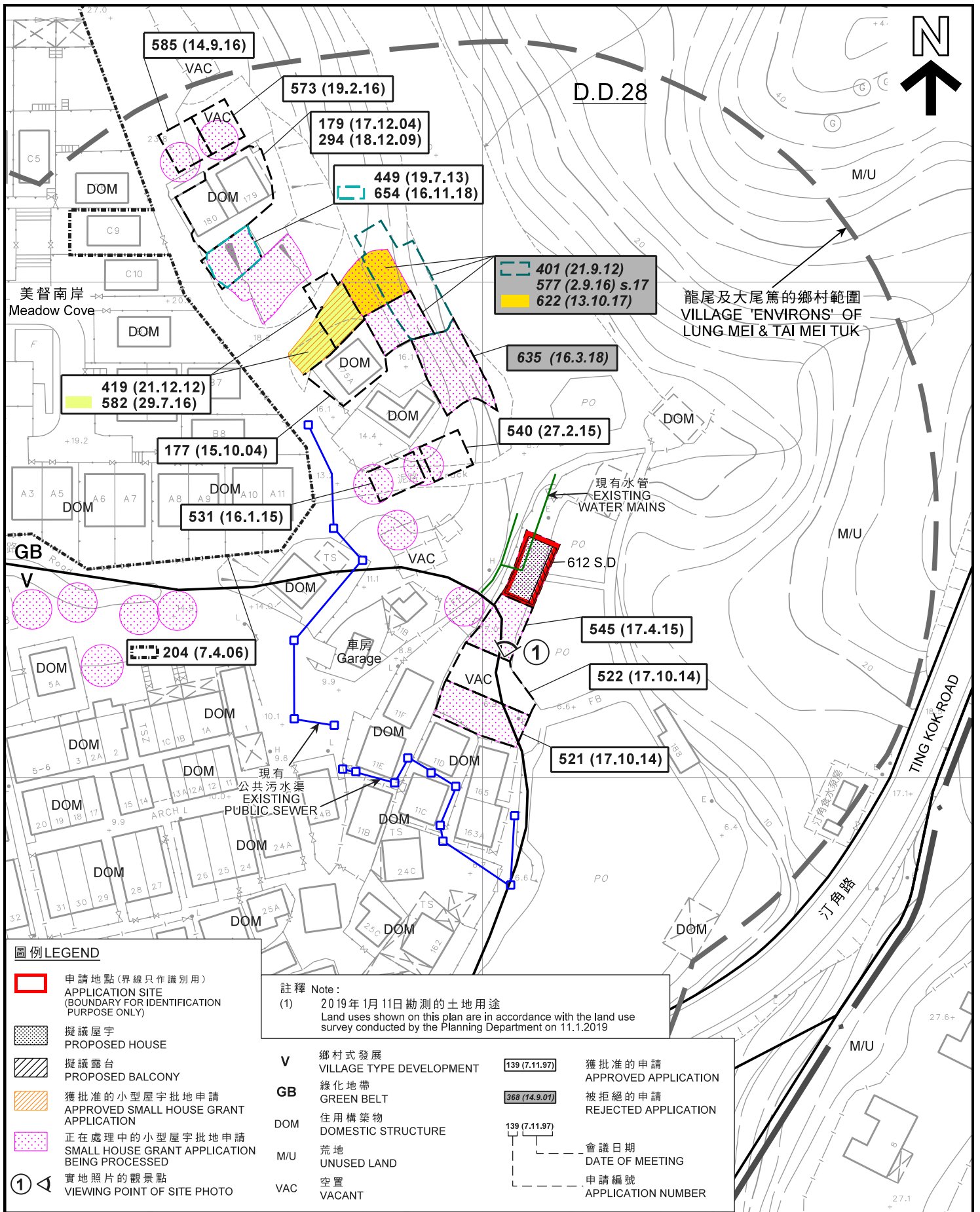
**規劃署  
PLANNING  
DEPARTMENT**



參考編號  
REFERENCE No.  
**A/NE-TK/663**

**圖 PLAN  
A-1**

本摘要圖於2019年2月15日擬備，  
 所根據的資料為於2015年10月27日核准的  
 分區計劃大綱圖編號S/NE-TK/19  
 EXTRACT PLAN PREPARED ON 15.2.2019  
 BASED ON OUTLINE ZONING PLAN  
 No. S/NE-TK/19 APPROVED ON 27.10.2015



**圖例 LEGEND**

- 申請地點(界線只作識別用)  
APPLICATION SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
- 擬議屋宇  
PROPOSED HOUSE
- 擬議露台  
PROPOSED BALCONY
- 獲批准的小型屋宇批地申請  
APPROVED SMALL HOUSE GRANT APPLICATION
- 正在處理中的小型屋宇批地申請  
SMALL HOUSE GRANT APPLICATION BEING PROCESSED
- ① 實地照片的觀景點  
VIEWING POINT OF SITE PHOTO

**註釋 Note:**

(1) 2019年1月11日勘測的土地用途  
Land uses shown on this plan are in accordance with the land use survey conducted by the Planning Department on 11.1.2019

<p><b>V</b> 鄉村式發展 VILLAGE TYPE DEVELOPMENT</p> <p><b>GB</b> 綠化地帶 GREEN BELT</p> <p><b>DOM</b> 住用構築物 DOMESTIC STRUCTURE</p> <p><b>M/U</b> 荒地 UNUSED LAND</p> <p><b>VAC</b> 空置 VACANT</p>	<p><span style="border: 1px solid black; padding: 2px;">139 (7.11.97)</span> 獲批准的申請 APPROVED APPLICATION</p> <p><span style="border: 1px solid black; padding: 2px;">368 (14.9.01)</span> 被拒絕的申請 REJECTED APPLICATION</p> <p><span style="border: 1px dashed black; padding: 2px;">139 (7.11.97)</span> 會議日期 DATE OF MEETING</p> <p><span style="border: 1px dashed black; padding: 2px;">139 (7.11.97)</span> 申請編號 APPLICATION NUMBER</p>
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本摘要圖於2019年2月14日擬備，  
所根據的資料為測量圖編號  
3-SE-19C及24A  
EXTRACT PLAN PREPARED ON 14.2.2019  
BASED ON SURVEY SHEETS No.  
3-SE-19C & 24A

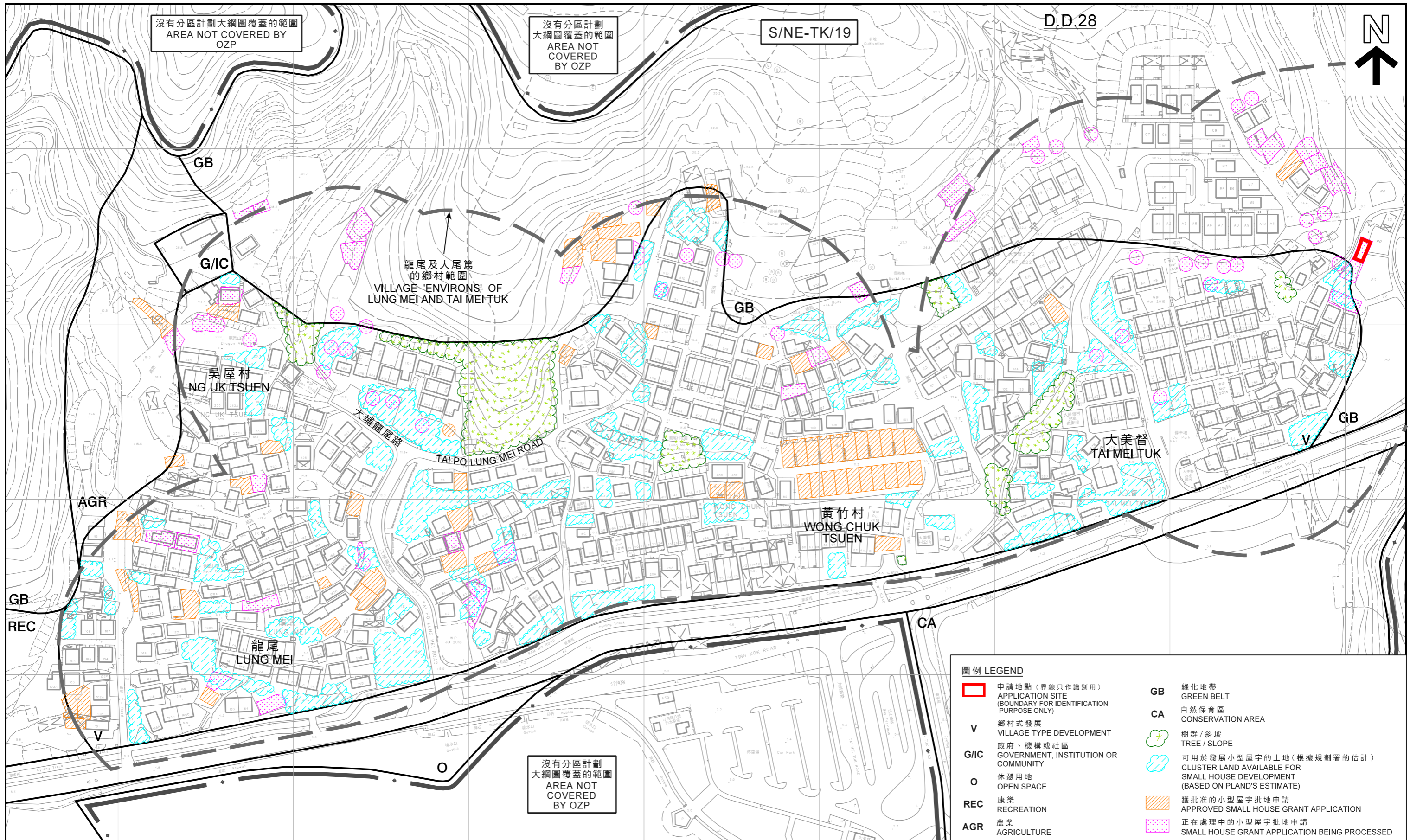
**平面圖 SITE PLAN**

擬議屋宇 (新界豁免管制屋宇-小型屋宇)  
新界大埔大美督村丈量約份第28約地段第612號D分段  
PROPOSED HOUSE  
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
LOT 612 S.D IN D.D. 28,  
TAI MEI TUK VILLAGE, TAI PO, NEW TERRITORIES

SCALE 1:1 000 比例尺  
0 20 40 米 METRES

**規劃署  
PLANNING  
DEPARTMENT**

參考編號 REFERENCE No. <b>A/NE-TK/663</b>	圖 PLAN <b>A-2a</b>
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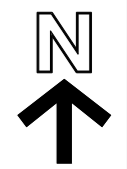


沒有分區計劃大綱圖覆蓋的範圍  
AREA NOT COVERED BY OZP

沒有分區計劃大綱圖覆蓋的範圍  
AREA NOT COVERED BY OZP

S/NE-TK/19

D.D.28



龍尾及大尾篤的鄉村範圍  
VILLAGE 'ENVIRONS' OF LUNG MEI AND TAI MEI TUK

吳屋村  
NG UK TSUEN

大埔龍尾路  
TAI PO LUNG MEI ROAD

黃竹村  
WONG CHUK TSUEN

大美督  
TAI MEI TUK

龍尾  
LUNG MEI

沒有分區計劃大綱圖覆蓋的範圍  
AREA NOT COVERED BY OZP

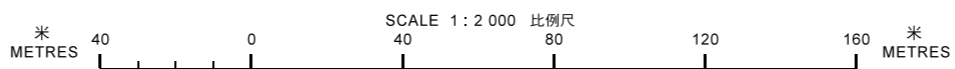
圖例 LEGEND

- 申請地點 (界線只作識別用)  
APPLICATION SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
- V** 鄉村式發展  
VILLAGE TYPE DEVELOPMENT
- G/IC** 政府、機構或社區  
GOVERNMENT, INSTITUTION OR COMMUNITY
- O** 休憩用地  
OPEN SPACE
- REC** 康樂  
RECREATION
- AGR** 農業  
AGRICULTURE
- GB** 綠化地帶  
GREEN BELT
- CA** 自然保育區  
CONSERVATION AREA
- 樹群 / 斜坡  
TREE / SLOPE
- 可用於發展小型屋宇的土地 (根據規劃署的估計)  
CLUSTER LAND AVAILABLE FOR SMALL HOUSE DEVELOPMENT (BASED ON PLAND'S ESTIMATE)
- 獲批准的小型屋宇批地申請  
APPROVED SMALL HOUSE GRANT APPLICATION
- 正在處理中的小型屋宇批地申請  
SMALL HOUSE GRANT APPLICATION BEING PROCESSED

在「鄉村式發展」地帶內預計可供發展小型屋宇的土地數量  
ESTIMATED AMOUNT OF LAND AVAILABLE FOR SMALL HOUSE DEVELOPMENT WITHIN THE "V" ZONE

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)  
PROPOSED HOUSE (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
LOT 612 S.D IN D.D. 28, TAI MEI TUK, TAI PO, NEW TERRITORIES

本摘要圖於2019年2月1日擬備，所根據的資料為測量圖編號3-SE-18D、19C、23B及24A  
EXTRACT PLAN PREPARED ON 1.2.2019  
BASED ON SURVEY SHEETS No. 3-SE-18D, 19C, 23B & 24A



規劃署  
PLANNING DEPARTMENT



參考編號  
REFERENCE No.  
A/NE-TK/663

圖 PLAN  
A-2b



S/NE-TK/19



美督南岸  
Meadow Cove

G/IC

GB

GB

CA

汀角路  
TING KOK ROAD

沒有分區計劃  
大綱圖覆蓋的範圍  
AREA NOT  
COVERED  
BY OZP

**圖例 LEGEND**

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

**航攝照片 AERIAL PHOTO**

擬議屋宇 (新界豁免管制屋宇-小型屋宇)  
新界大埔大美督丈量約份第28約地段第612號D分段  
PROPOSED HOUSE  
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
LOT 612 S.D IN D.D. 28,  
TAI MEI TUK, TAI PO, NEW TERRITORIES

**規劃署  
PLANNING  
DEPARTMENT**



參考編號  
REFERENCE No.  
**A/NE-TK/663**

**圖 PLAN  
A-3**

本摘要圖於2019年2月1日擬備，  
所根據的資料為地政總署  
於2018年1月3日拍得的航攝照片  
編號E032192C  
EXTRACT PLAN PREPARED ON 1.2.2019  
BASED ON AERIAL PHOTO No. E032192C  
TAKEN ON 3.1.2018 BY  
LANDS DEPARTMENT

1



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

實地照片 SITE PHOTO

本圖於2019年2月1日擬備，所根據  
的資料為攝於2019年1月11日的實地照片  
PLAN PREPARED ON 1.2.2019 BASED ON  
SITE PHOTO TAKEN ON 11.1.2019

擬議屋宇（新界豁免管制屋宇-小型屋宇）  
新界大埔大美督丈量約份第28約地段第612號D分段  
PROPOSED HOUSE  
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
LOT 612 S.D IN D.D. 28,  
TAI MEI TUK, TAI PO, NEW TERRITORIES

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/NE-TK/663

圖 PLAN  
A-4



onto the "Green Belt" ("GB") zone, and the cumulative effect of approving such application would result in degradation of landscape character and against the planning intention of "GB" zone. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, seven public comments were received from local groups, the Indigenous Inhabitant Representative of Tai Mei Tuk and other individuals objecting to the application. Major grounds of objection were set out in paragraph 11 of the Paper; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of the "GB" zone. There was a general presumption against development within this zone. CTP/UD&L, PlanD did not support the application and C for T had reservation on the application. The Director of Environmental Protection had no objection to the application provided that the applicant connected the proposed Small House to the public sewer at his own cost and obtained written consents from adjacent lot owners for laying and maintaining sewage pipes. However, the applicant had not provided any sewerage connection proposal nor owners' consent of the concerned lots. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), whilst land available within the "Village Type Development" ("V") zone for Small House development was insufficient to fully meet the future Small House demand, it was capable to meet the 69 outstanding Small House applications. As a more cautious approach in approving applications for Small House had been adopted by the Board in recent years, it was considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. After the adoption of more cautious approach in approving applications for Small House, four applications were approved from 2016 to 2018 mainly on

sympathetic considerations. The remaining four applications were rejected mainly for not being in line with the planning intention of the “GB” zone; not complying with the Interim Criteria and Town Planning Board Guidelines No. 10 in view of adverse landscape and geotechnical impacts on the surrounding areas; and/or land still being available within the “V” zone for Small House development. The current application was similar to those rejected cases. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

21. The Chairman enquired about the approved application (No. A/NE-TK/545) located to the south of the Site. In response, Ms Kathy C.L. Chan, STP/STN, said that part of the application site of application No. A/NE-TK/545 was located in the “V” zone, and the application was considered by the Committee before the adoption of more cautious approach in approving applications for Small House. Since there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the concerned villages at that time and concerned government departments had no adverse comments on the application, the application was approved with conditions by the Committee on 17.4.2015.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from this planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Lung Mei and Tai Mei Tuk which is primarily intended for Small House

development. It is considered more appropriate to concentrate the proposed Small House development within "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services."

**Similar Applications within the same “Green Belt” zone  
on the Ting Kok Outline Zoning Plan**

**Approved Applications**

<b>Application No.</b>	<b>Zoning(s)</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-TK/140	“GB”	Proposed House (NTEH – Small House)	31/5/2002	A1 – A2
A/NE-TK/177	“GB”	Proposed House (NTEH – Small House)	15/10/2004	A2, A3
A/NE-TK/179	“GB”	Proposed Two Houses (NTEH – Small Houses)	17/12/2004	A2, A3, A7
A/NE-TK/192	“GB”	Proposed House (NTEH – Small House)	24/6/2005	A2
A/NE-TK/204	“GB” and “V”	Proposed 37 Houses (NTEH – Small Houses)	7/4/2006	A1 – A3, A8
A/NE-TK/211	“GB”	Proposed House (NTEH – Small House)	4/8/2006	A2, A3
A/NE-TK/213	“GB”	Proposed House (NTEH – Small House)	4/8/2006	A2, A3
A/NE-TK/217	“GB” and “V”	Proposed Two Houses (NTEH – Small Houses)	15/9/2006	A1, A3, A9
A/NE-TK/226	“GB”	Proposed House (NTEH – Small House)	9/3/2007	A1 – A2
A/NE-TK/243	“GB”	Proposed House (NTEH – Small House)	14/12/2007	A1 – A4
A/NE-TK/259	“GB”	Proposed House (NTEH – Small House)	5/9/2008	A1 – A3
A/NE-TK/260	“GB”	Proposed House (NTEH – Small House)	5/9/2008	A1 – A3
A/NE-TK/261	“GB”	Proposed House (NTEH – Small House)	5/9/2008	A1 – A3
A/NE-TK/262	“GB”	Proposed House (NTEH – Small House)	5/9/2008	A1 – A3
A/NE-TK/275	“GB” and “V”	Proposed House (NTEH – Small House)	8/5/2009	A1 – A4
A/NE-TK/276	“GB” and “V”	Proposed House (NTEH – Small House)	8/5/2009	A1 – A4

<b>Application No.</b>	<b>Zoning(s)</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-TK/277	“GB” and “V”	Proposed House (NTEH – Small House)	8/5/2009	A1 – A4
A/NE-TK/278	“GB”	Proposed House (NTEH – Small House)	8/5/2009	A1 – A4
A/NE-TK/294	“GB”	Proposed Two Houses (NTEH – Small Houses)	18/12/2009	A1 – A3
A/NE-TK/327	“GB”	Proposed House (NTEH – Small House)	26/11/2010	A1 – A4
A/NE-TK/328	“GB”	Proposed House (NTEH – Small House)	26/11/2010	A1 – A4
A/NE-TK/344	“GB”	Proposed House (NTEH – Small House)	4/3/2011	A1 – A4
A/NE-TK/362	“GB”	Proposed House (NTEH – Small House)	22/7/2011	A1 – A3
A/NE-TK/363	“GB”	Proposed House (NTEH – Small House)	22/7/2011	A1 – A3
A/NE-TK/367	“GB”	Proposed House (NTEH – Small House)	2/9/2011	A1 – A3
A/NE-TK/373	“GB”	Proposed House (NTEH – Small House)	16/12/2011	A1 – A4
A/NE-TK/375	“GB” and “V”	Proposed House (NTEH – Small House)	6/1/2012	A1 – A3
A/NE-TK/392	“GB”	Proposed House (NTEH – Small House)	19/10/2012	A1 – A3
A/NE-TK/393	“GB”	Proposed House (NTEH – Small House)	19/10/2012	A1 – A3
A/NE-TK/419	“GB”	Proposed House (NTEH – Small House)	21/12/2012	A2, A3
A/NE-TK/425	“GB” and “V”	Proposed House (NTEH – Small House)	25/1/2013	A2
A/NE-TK/432	“GB”	Proposed House (NTEH – Small House)	22/10/2015 (Appeal)	A2, A3, A10
A/NE-TK/440	“GB”	Proposed House (NTEH – Small House)	3/5/2013	A2, A3
A/NE-TK/449	“GB”	Proposed House (NTEH – Small House)	19/7/2013	A2, A3
A/NE-TK/450	“GB”	Proposed House (NTEH – Small House)	19/7/2013	A2, A3

<b>Application No.</b>	<b>Zoning(s)</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-TK/473	“GB” and “V”	Proposed House (NTEH – Small House)	25/10/2013	A2, A3
A/NE-TK/476	“GB”	Proposed House (NTEH – Small House)	8/11/2013	A2, A3
A/NE-TK/521	“GB” and “V”	Proposed House (NTEH – Small House)	17/10/2014	A2, A3, A5
A/NE-TK/522	“GB” and “V”	Proposed House (NTEH – Small House)	17/10/2014	A2, A3, A5
A/NE-TK/531	“GB”	Proposed House (NTEH – Small House)	16/1/2015	A2 – A6
A/NE-TK/540	“GB”	Proposed House (NTEH – Small House)	27/2/2015	A2 – A6
A/NE-TK/545	“GB” and “V”	Proposed House (NTEH – Small House)	17/4/2015	A2, A5
A/NE-TK/573	“GB”	Proposed House (NTEH – Small House)	19/2/2016	A2, A5
A/NE-TK/580	“GB” and “V”	Proposed House (NTEH – Small House)	15/7/2016	A2, A3, A5
A/NE-TK/582	“GB”	Proposed House (NTEH – Small House)	29/7/2016	A2, A3, A5
A/NE-TK/585	“GB”	Proposed House (NTEH – Small House)	14/9/2016	A2, A5
A/NE-TK/618	“GB”	Proposed House (NTEH – Small House)	11/8/2017	A2, A11
A/NE-TK/654	“GB”	Proposed House (NTEH – Small House)	16/11/2018	A2, A11
A/NE-TK/664	“GB”	Proposed House (NTEH – Small House)	22/3/2019	A2, A3, A12

Approval Conditions

- A1. The provision of fire fighting access / water supplies for fire fighting / fire service installations and/or emergency vehicular access.
- A2. The submission and implementation/provision of drainage proposal/facilities.
- A3. The submission and implementation of landscape proposal and/or tree preservation proposal.
- A4. The submission of a Natural Terrain Hazard Study/Geotechnical Planning Review Report

to assess the natural terrain hazard/geotechnical investigation report and the provision/implementation of mitigation measures/necessary geotechnical remedial works identified therein.

- A5. The connection of the foul water drainage system to the public sewers.
- A6. The diversion of the existing water mains within the site affected by the proposed development.
- A7. The provision of an emergency vehicular access with street fire hydrants or incorporation of residential sprinkler system.
- A8. The submission and provision of the proposed access road and footpath from Ting Kok Road to the proposed development.
- A9. The submission of a drainage impact assessment and implementation of measures to mitigate any adverse effects that might arise.
- A10. The submission and implementation of proposal to blend in the design, layout, color and materials of the proposed Small House with its surrounding environment and adjacent Small Houses.
- A11. 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.
- A12. The submission and implementation of sewerage proposal.

**Rejected Applications**

<b>Application No.</b>	<b>Zoning(s)</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-TK/258	“GB”	Proposed House (NTEH – Small House)	2/1/2009 (Review)	R1- R2
A/NE-TK/263	“GB”	Proposed House (NTEH – Small House)	2/1/2009 (Review)	R1- R2
A/NE-TK/273	“GB”	Proposed House (NTEH – Small House)	8/5/2009	R4, R9
A/NE-TK/274	“GB”	Proposed House (NTEH – Small House)	8/5/2009	R4, R9
A/NE-TK/279	“GB”	Proposed House (NTEH – Small House)	8/5/2009	R4, R9
A/NE-TK/372	“GB”	Proposed House (NTEH – Small House)	6/12/2011	R1, R5, R6
A/NE-TK/401	“GB”	Proposed Two Houses (NTEH – Small Houses)	21/9/2012	R7, R8, R10
A/NE-TK/426	“GB” and “V”	Proposed Eight Houses (NTEH – Small Houses)	9/8/2013 (Review)	R1-R3
A/NE-TK/443	“GB”	Proposed House (NTEH – Small House)	7/6/2013	R1, R11, R13
A/NE-TK/444	“GB”	Proposed House (NTEH – Small House)	7/6/2013	R1, R11, R13
A/NE-TK/486	“GB”	Proposed House (NTEH – Small House)	15/8/2014 (Review)	R1, R2, R12
A/NE-TK/487	“GB”	Proposed House (NTEH – Small House)	15/8/2014 (Review)	R1, R2, R12
A/NE-TK/488	“GB”	Proposed House (NTEH – Small House)	15/8/2014 (Review)	R1, R2, R12
A/NE-TK/489	“GB”	Proposed House (NTEH – Small House)	15/8/2014 (Review)	R1, R2, R12
A/NE-TK/490	“GB”	Proposed House (NTEH – Small House)	15/8/2014 (Review)	R1, R2, R12

<b>Application No.</b>	<b>Zoning(s)</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-TK/491	“GB”	Proposed House (NTEH – Small House)	15/8/2014 (Review)	R1, R2, R12
A/NE-TK/492	“GB”	Proposed House (NTEH – Small House)	15/8/2014 (Review)	R1, R2, R12
A/NE-TK/493	“GB” and “V”	Proposed House (NTEH – Small House)	15/8/2014 (Review)	R1, R2, R12
A/NE-TK/519	“GB”	Proposed House (NTEH – Small House)	17/10/2014	R1, R4, R11, R13
A/NE-TK/520	“GB”	Proposed House (NTEH – Small House)	17/10/2014	R1, R4, R11, R13
A/NE-TK/524	“GB”	Proposed House (NTEH – Small House)	31/10/2014	R1, R2, R12
A/NE-TK/555	“GB”	Proposed House (NTEH – Small House)	21/08/2015	R1, R2, R3, R14
A/NE-TK/557	“GB”	Proposed House (NTEH – Small House)	18/09/2015	R1, R2, R3, R14
A/NE-TK/558	“GB”	Proposed House (NTEH – Small House)	18/09/2015	R1, R3, R13,R14
A/NE-TK/559	“GB”	Proposed House (NTEH – Small House)	22/3/2017 (Appeal)	R1- R3, R14
A/NE-TK/570	“GB” and “V”	Proposed House (NTEH – Small House)	17/10/2017 (Appeal)	R1,R14,R15
A/NE-TK/571	“GB” and “V”	Proposed House (NTEH – Small House)	17/10/2017 (Appeal)	R1,R14,R15
A/NE-TK/577	“GB”	Proposed House (NTEH – Small House)	2/9/2016 (Review)	R1,R7,R10,R14
A/NE-TK/578	“GB”	Proposed House (NTEH – Small House)	13/5/2016	R1, R14, R16, R18
A/NE-TK/598	“GB”	Proposed House (NTEH – Small House)	3/4/2019 (Appeal)	R1, R2, R3, R14
A/NE-TK/622	“GB”	Proposed House (NTEH – Small House)	13/10/2017	R1, R10, R14, R19

<b>Application No.</b>	<b>Zoning(s)</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-TK/635	“GB”	Proposed House (NTEH – Small House)	16/3/2018	R1, R14, R17, R19
A/NE-TK/660	“GB”	Proposed House (NTEH – Small House)	18/1/2019	R1, R10, R13, R14

Rejection Reasons

- R1. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was insufficient information in the submissions to justify a departure from this planning intention.
- R2. The proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” (“GB”) zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve extensive clearance of existing natural vegetation and affect the existing natural landscape on the surrounding environment. There was insufficient information in the submission to demonstrate that the proposed development would not have any adverse landscape impacts on the surrounding areas.
- R3. The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape and sewerage impacts on the surrounding areas.
- R4. The approval of the application would set an undesirable precedent for other 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.
- R5. The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House /Small House in New Territories as more than 50% of the footprint of the proposed Small House was outside the “Village Type Development” (“V”) zone and the village ‘environs’ of any recognized villages.
- R6. The approval of the application would set an undesirable precedent for other similar applications in the area.
- R7. The proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” (“GB”) zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape and adversely affect slope stability in the area.
- R8. There was no information in the submission to demonstrate that the proposed development would have no adverse landscape and geotechnical impacts on the surrounding areas.

- R9. The application/proposed development did not comply with the Town Planning Board Guidelines No. 10 for 'Application for Development within "Green Belt" ("GB") zone under section 16 of the Town Planning Ordinance' in that it would likely involve site formation and slope stabilization works resulting in clearance of natural vegetation and damage of the existing landscape of the surrounding area. There was insufficient information in the submission to demonstrate that the proposed development would not have any adverse landscape impacts on the surrounding areas.
- R10. The proposed development did not comply with the Interim Criteria for Consideration of Application for the New Territories Exempted House /Small House in New Territories in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas.
- R11. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House / Small House in the New Territories in that the site was entirely outside the "Village Type Development" ("V") zone and the village 'environs' of any recognized villages, and the proposed development would cause adverse sewerage and landscape impacts on the surrounding areas.
- R12. The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House /Small House in New Territories in that the proposed development would cause adverse landscape and water quality impacts on the surrounding areas.
- R13. The proposed development did not comply with the Town Planning Board Guidelines No. 10 for 'Application for Development within "Green Belt" ("GB") zone under section 16 of the Town Planning Ordinance' in that the proposed development would affect the existing natural vegetation and/or existing natural landscape on the surrounding environment.
- R14. Land was still available within the "Village Type Development" ("V") zone of Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.
- R15. The proposed development would have adverse impacts on the existing landscape of the area including the Banyan tree near the sites.
- R16. The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House /Small House in New Territories in that the proposed development would cause adverse landscape, sewerage and geotechnical impacts on the surrounding area.
- R17. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas and be subject to adverse geotechnical impact.
- R18. The proposed development did not comply with the Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance' in that the proposed development would involve clearance of existing natural vegetation affecting the existing natural landscape and adversely affect slope

stability in the area.

- R19. The proposed development did not comply with the Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance' in that the proposed development would involve clearance of existing natural vegetation affecting the existing natural landscape, and the applicant failed to demonstrate that the proposed development would have no adverse landscape impact on the surrounding areas and that the stability of the adjacent slope would not be adversely affected.

**Recommended Advisory Clauses**

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
- (i) if and after planning approval has been given by the Board, LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access thereto; and
  - (ii) the proposed Small House would be connected to public sewerage system. Whether it is acceptable or not will be considered when the case is due for processing;
- (b) to note the comments of the Director of Environmental Protection (DEP) that written consents shall be obtained from the adjacent lot owners for laying and maintaining sewage pipes. Adequate land space within the Site shall be reserved for connection of the proposed Small House to the public sewer. The cost of sewer connection shall be borne by the applicant;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) there is no existing DSD maintained public drain available for connection in the area. The applicant should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
  - (ii) public sewers are available for connection in the vicinity of the Site. The applicant should follow the established procedures and requirements for connecting sewers from the Site to the public sewerage system. A connection proposal should be submitted for approval beforehand. Moreover, the sewerage connection will be subject to DSD's technical audit, for which an audit fee will be charged; and
  - (iii) for works to be undertaken outside the lot boundary, prior consent and agreement from DLO/TP, LandsD and/or relevant private lot owners should be sought;

- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C,WSD) that:
- (i) if diversion is required, existing water mains inside the lot are needed to be diverted outside the Site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be done by the applicant and the applicant shall submit all relevant proposals to WSD for consideration and agreement before the works commence;
  - (ii) if diversion is not required, the following conditions shall apply:
    - (a) no development which requires resiting of water mains will be allowed;
    - (b) details of site formation works shall be submitted to the Water Authority for approval prior to commencement of works;
    - (c) no structures shall be built or materials stored within 1.5m from the centre lines of water mains . Free access shall be made available at all times for staff of WSD or their contractor to carry out construction, inspection, operation, maintenance and repair works;
    - (d) no trees or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water mains . No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
    - (e) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
    - (f) tree planting may be prohibited in the event that the Water Authority considers that there is any likelihood of damage being caused to water mains; and
  - (iii) for provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (f) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that the parties concerned with planning, designing, organizing and supervising any activity near the underground cable under the application should approach the electricity supplier (i.e. CLP

Power) for the requisition of cable plans to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and “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; and

- (g) 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 Town Planning Board where required before carrying out the road works.