RNTPC Paper No. A/TP/671
For Consideration by the
Rural and New Town Planning
Committee on 26.6.2020

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TP/671

Applicant	:	Mr. MAK Siu Hung represented by Mr. HUNG Shu Ping
Site	:	Lot 80 S.A in D.D.21, San Uk Ka Village, Tai Po, N.T.
Site Area	:	About 108.5m^2
Lease	:	Block Government Lease (demised for agricultural use)
Plan	:	Approved Tai Po Outline Zoning Plan (OZP) No. S/TP/28
Zoning	:	"Green Belt" ("GB")
Application	:	Proposed House (New Territories Exempted House (NTEH) - Small House)

1. The Proposal

1.1 The applicant, an indigenous villager of Pan Chung Village[1] of Tai Po as confirmed by the Indigenous Inhabitant Representative (IIR) of the concerned village, 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 only)' in the "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	:	195.09m²
No. of storeys	:	3
Building height	:	8.23m
Roofed over area	:	65.03m²

1.3 The applicant indicated that the uncovered area of the Site will be for garden use. Layout of the proposed Small House development with a septic tank is shown on **Drawing A-1**.

[1] District Lands Officer/Tai Po of Lands Department advises that the applicant's eligibility of Small House grant has yet to be ascertained.

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

(a)	Application form and attachments received on 8.4.2020	**(Appendix I)**
(b)	Supplementary information to the application form received on 14.4.2020	**(Appendix Ia)**
(c)	Further information (FI) received on 6.5.2020 providing a Geotechnical Planning Review Report (GPRR) (*accepted but not exempted from publication and recounting requirements*)	**(Appendix Ib)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 8 of the application form and FI at **Appendices I** and **Ib**. They can be summarised as follows:

(a) the applicant is an indigenous villager of Pan Chung Village in Tai Po and is unable to acquire suitable land in that village for the proposed Small House development;

(b) the Site is located within the village 'environs' ('VE') of San Uk Ka Village. There are many existing Small Houses in the vicinity of the Site within the same "GB" zone and no more suitable private land for development in the surrounding area;

(c) there is a slope within 10m of the Site and the applicant has submitted a GPRR in support of the application. To minimise the scale of site formation and impact to the existing slope, the platform of the proposed Small House development will be formed at 55 mPD, which is the average level in the area;

(d) the applicant undertakes to submit a drainage proposal for the relevant department's approval. A landscaping proposal will also be submitted if such is required under approval condition; and

(e) the applicant undertakes not to commence any works on the Site prior to obtaining approval letter and relevant Certificates of Exemption from the Lands Department.

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

The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. Assessment Criteria

The set of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) was first promulgated on 24.11.2000. The latest set of Interim Criteria promulgated on 7.9.2007 is at **Appendix II**.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance' is relevant to this application. The relevant assessment criteria are summarised below:

(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 grounds. 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 site is 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 areas. 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, road 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;

(g) any proposed development on a slope or hillside should not adversely affect slope stability.

6. Previous Application

There is no previous application at the Site.

7. Similar Applications

7.1 There are 44 similar applications in the vicinity of the Site and within the same "GB" zone since the first promulgation of the Interim Criteria on 24.11.2000 (**Plan A-1**), of which 41 were approved and three were rejected.

7.2 A total of 39 applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) between 2000 and 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 grounds that the proposed developments were in line with the Interim Criteria in that more than 50% of the proposed Small House footprint was located within the 'VE'/ "Village Type Development" ("V") zone; there was a general shortage of land in the concerned "V" zone to meet the demand for Small House development at the time of consideration; and/or the application site was the subject of previously approved application. Applications No. A/TP/571 and 572 were also approved for the reasons of being in close proximity of existing Small Houses and a cluster of approved Small House applications; having no significant impact on the existing landscape resources in the area; and no encroachment onto the wooded slope of the "GB" zone.

7.3 There are two applications (No. A/TP/562 and 641) covering the same site. Application No. A/TP/562 was rejected by the Committee in 2014 mainly on considerations of being not in line with the planning intention of the "GB" zone; and not complying with the Interim Criteria and the TPB-PG No.10 in that the proposed development would involve clearance of existing natural vegetation and cause adverse landscape impact on the surrounding area; and would affect the stability of the adjacent slope. Subsequently, the same applicant submitted another application (No. A/TP/641) with the site area and disposition of the proposed Small House slightly amended. It was also supplemented with a GPRR to address the concerns on slope stability. This application was approved in 2018 mainly on the grounds that the proposed development would not cause adverse geotechnical impact; and was in close proximity of existing Small Houses and a cluster of approved Small House applications. For Application No. A/TP/662, which was situated to the immediate east of No. A/TP/641, was approved by the Board upon review on 22.5.2020 mainly for the reasons that it would not cause adverse geotechnical impact; and the application site was bounded by existing clusters of village houses and approved Small House applications.

7.4 For the remaining two rejected applications (No. A/TP/665 and 666), they were rejected by the Board on review on 10.1.2020 mainly for the reasons that the proposed development was not in line with the planning intention of the "GB" zone; and land was still available within the concerned "V" zone for Small House development.

7.5 Details of the above similar applications are summarised at **Appendix III** and their locations are shown on **Plans A-1** and **A-2a**.

8. **<u>The Site and Its Surrounding Area</u>** (**Plans A-1, A-2a** and photos on **Plans A-3a** and **A-4a** to **4b**)

8.1 The Site is:

(a) vacant and partly covered with grasses and groundcovers;

(b) located at the bottom of a natural slope with vegetation on the slope surface; and

(c) located at the south-western fringe of San Uk Ka Village.

8.2 The surrounding areas are predominantly rural in character occupied by clusters of village houses and tree groups. To the immediate south-west is a vegetated natural slope with densely vegetated woodland on the uphill. Existing village houses and a number of approved Small House applications can also be found in the vicinity of the Site.

9. **<u>Planning Intention</u>**

The planning intention of the "GB" zone 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.

10. **<u>Comments from Relevant Government Departments</u>**

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%	- The Site and the Small House footprint fall entirely within the "GB" zone.
2.	Within 'VE'? - Footprint of the Small House - Application site	 100% 100%	 - -	- The Site and the Small House footprint fall entirely within 'VE' of San Uk Ka. - District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) has no objection to the application.

	Criteria	**Yes**	**No**	**Remarks**
3.	Sufficient land in "V" zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?		✓	Land Required - Land required to meet Small House demand in San Uk Ka, Cheung Uk Tei, Sheung Wun Yiu and Ha Wun Yiu: about 8.4 ha (equivalent to 336 Small House sites). The outstanding Small House applications are 39[2] while the 10-year Small House demand forecast for the same villages is 297. Land Available - Land available to meet the Small House demand within the "V" zone of the villages concerned: about 2.34 ha (or equivalent to 93 Small House sites) (**Plan A-2b**).
	Sufficient land in "V" zone to meet outstanding Small House applications?	✓		
4.	Compatible with the planning intention of "GB" zone?		✓	- There is a general presumption against development within the "GB" zone. - The Director of Agriculture. Fisheries and Conservation (DAFC) has no strong view on the application provided that the associated site formation works and slope stabilisation works would not affect existing trees on government land within the "GB" zone.
5.	Compatible with surrounding area/ development?	✓		- The surrounding areas are predominantly rural in character mainly occupied by clusters of village houses and tree groups.
6.	Within Water Gathering Ground ?		✓	

[2] Among the 39 outstanding Small House applications, 19 of them fall within the "V" zone and 20 straddle or fall outside the "V" zone. For those 20 applications straddling or outside the "V" zone, 6 of them have obtained valid planning approval from the Board.

7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire services installations and emergency vehicular access (EVA)?		✓	- The Director of Fire Services (D of FS) has no in-principle objection to the application.
9.	Traffic impact?	✓		- The Commissioner for Transport (C for T) has general reservation on the application but considers the application only involving development of one Small House only can be tolerated on traffic grounds.
10.	Drainage impact?	✓		- The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application from public drainage viewpoint. - Approval condition on submission and implementation of drainage proposal is required.
11.	Sewerage impact?		✓	- The Director of Environmental Protection (DEP) has no objection to the application.
12.	Landscape impact?	✓		- The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has some reservations on the application from landscape planning point of view as the proposed development would involve site formation works, further vegetation clearance and adverse landscape impact to the surroundings are anticipated. - If the application is approved, it would encourage extension of village cluster resulting in further

				encroachment onto the existing woodland. The cumulative impact of such approval would further degrade the landscape quality and environment of the "GB" zone.
13.	Geotechnical impact?		✓	- Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO, CEDD) has no adverse geotechnical comment on the GPRR and has no in-principle objection to the application.
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 and Landscape, Planning Department;
(e) Chief Engineer/Mainland North, Drainage Services Department;
(f) Director of Agriculture, Fisheries and Conservation;
(g) Director of Fire Services;
(h) Chief Engineer/Construction, Water Supplies Department; and
(i) Head of Geotechinical Engineering Office, Civil Engineering and Development Department.

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

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

11. <u>Public Comments Received During Statutory Publication Period</u> (**Appendix V**)

On 17.4.2020 and 12.5.2020, the application and FI were published for public inspection. During the statutory public inspection periods, seven public comments were received. Six of them were received from Kadoorie Farm and Botanic Garden, World Wide Fund For Nature Hong Kong, Designing Hong Kong, The Hong Kong Bird

Watching Society (submitted twice) and an individual raising objection to the application mainly on the grounds of not in line with the planning intention of "GB" zone; adverse landscape, drainage and sewerage impacts on the surrounding areas; and the setting of an undesirable precedent. The remaining public comment is a supporting comment from the IIR of San Uk Ka Village.

12. Planning Considerations and Assessments

12.1 The application is for a proposed Small House development at the Site zoned "GB" on the OZP. The proposed development is not in line with the planning intention of the "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 the "GB" zone. There is no strong planning justification in the submission for a departure from the planning intention.

12.2 According to DLO/TP, LandsD's record, the total number of outstanding Small House applications for San Uk Ka, Cheung Uk Tei, Sheung Wun Yiu and Ha Wun Yiu is 39 while the 10-year Small House demand forecast for the same villages is 297. Based on the latest estimate by the Planning Department, about 2.34 ha of land (equivalent to about 93 Small House sites) is available within the "V" zone of the concerned villages. As the footprint of the proposed Small House falls entirely within the 'VE' of San Uk Ka, DLO/TP of LandsD has no objection to the application.

12.3 The Site, situated at the bottom of a natural slope with vegetation on the slope surface, is located on the south-western fringe of San Uk Ka Village. It is currently vacant and covered by grasses and groundcovers. The proposed development is not incompatible with the surrounding area which is predominantly rural in character and occupied by clusters of village houses and tree groups (**Plans A-2a** and **A-3a**). While DAFC has no strong view on the application provided that the associated site formation works and slope stabilisation works would not affect existing trees on government land within the "GB" zone, CTP/UD&L of PlanD has some reservations on the application from landscape planning point of view. He advises that the Site encroaches onto the existing densely vegetated woodland to its immediate southwest and vegetation clearance within and surrounding the Site had taken place since 2009 (**Plans A-3a** and **A-3b**). Further vegetation clearance and adverse landscape impact to the surroundings due to the proposed site formation works are anticipated. Approval of the application would encourage extension of village cluster resulting in further encroachment onto the existing woodland, the cumulative impact of which would further degrade the landscape quality of the environment in the "GB" zone. In this regard, the application does not comply with TPB-PG No. 10 in that the proposed development would involve clearance of existing natural vegetation affecting the existing natural landscape.

12.4 H(GEO) of CEDD has no adverse geotechnical comment on the GPRR submitted by the applicant and no in-principle objection to the application. Besides, C for T has general reservation on the application but considers that the

application involving development of one Small House only can be tolerated on traffic grounds. Other relevant Government departments including DEP, CE/MN of DSD, CE/C of WSD, CHE/NTE of HyD and D of FS have no objection to or no adverse comment on the application.

12.5 Regarding the Interim Criteria (**Appendix II**), more than 50% of the proposed Small House footprint falls within the 'VE' of San Uk Ka. While land available within the "V" zone (**Plan A-2b**) is insufficient to fully meet the future Small House demand of 336 Small Houses, such available land (about 2.34 ha or equivalent to 93 Small House sites) is capable to meet the 39 outstanding Small House applications. It should be noted that the Board has adopted a more cautious approach in approving applications for Small House development in August 2015. Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD. In this regard, it is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. Moreover, the proposed development does not comply with the Interim Criteria as it would cause adverse landscape impact to the surrounding areas.

12.6 As shown on **Plan A-2a**, there are 30 similar applications for Small House development in close proximity to the Site within the same "GB" zone. Except for Application No. A/TP/562, which was rejected in 2014 mainly on technical grounds, the other 29 applications were approved. Of them, 27 applications were approved before the Board's adoption of a more cautious approach in approving applications for Small House development in August 2015. For the other two applications (No. A/TP/641 and 662) approved after the adoption of a more cautious approach, they were approved mainly on the grounds that the proposed development was bounded by existing clusters of village houses to the north and south and approved Small House applications to the west. It should be noted that the circumstances of these two approved applications (No. A/TP/641 and 662) are not applicable to the current application.

12.7 Regarding the public comments objecting to the application on the grounds as detailed in paragraph 11, Government departments' comments and the planning assessments 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 suburban 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 the planning intention;

(b) the proposed development does 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 in the area. The applicant fails to demonstrate that the proposed development would have no adverse landscape impact on the surrounding areas;

(c) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/ Small House in New Territories in that the proposed development would have adverse landscape impact on the surrounding areas; and

(d) land is still available within the "Village Type Development" ("V") zone of San Uk Ka, Cheung Uk Tei, Sheung Wun Yiu and Ha Wun Yiu which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until **26.6.2024**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board; and

(b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

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

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 reject the application, Members are invited to

advise what reason(s) for rejection should be given to the applicant.

14.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.

15. Attachments

Appendix I	Application form and attachment received on 8.4.2020
Appendix Ia	Supplementary information to the application received on 14.4.2020
Appendix Ib	Further information received on 6.5.2020
Appendix II	Relevant Revised Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (promulgated on 7.9.2007)
Appendix III	Similar applications
Appendix IV	Detailed comments from relevant Government departments
Appendix V	Public comments
Appendix VI	Recommended advisory clauses
Drawing A-1	Site plan submitted by the applicant
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
Plans A-3a and 3b	Aerial photos
Plans A-4a and 4b	Site photos

PLANNING DEPARTMENT
JUNE 2020

Appendix II of RNTPC
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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 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

(j) 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.

Appendix III of RNTPC
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Similar Applications

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/TP/266	Proposed House (Small House)	8/12/2000	A1
A/TP/274	Proposed House (Small House)	20/07/2001	A1-A3
A/TP/278	Proposed Seven Houses (Small House)	21/09/2001	A1-A2
A/TP/282	Proposed Five Houses (Small House)	16/11/2001	A1-A3
A/TP/286	Proposed Six Houses (Small House)	08/02/2002	A1-A3
A/TP/287	Proposed Two Houses (Small House)	01/03/2002	A1-A2
A/TP/300	Proposed Eight Houses (Small House)	11/10/2002	A1, A4
A/TP/302	Proposed House (Small House)	25/10/2002	A1-A2
A/TP/303	Proposed House (Small House)	25/10/2002	A1-A2
A/TP/320	Proposed House (Small House)	09/01/2004	A1-A2
A/TP/353	Proposed Two Houses (New Territories Exempted Houses) (NTEHs) (Small House)	29/07/2005	A1-A2
A/TP/363	Proposed House (NTEH)	13/01/2006	A1, A5
A/TP/380	Proposed Three Houses (NTEHs)	20/10/2006	A1, A2, A5, A6
A/TP/424	Proposed House (NTEH - Small House)	27/03/2009	A4, A6
A/TP/425	Proposed House (NTEH - Small House)	27/03/2009	A4, A6
A/TP/464	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/465	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/466	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/467	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/468	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/TP/469	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/470	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/471	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/472	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/473	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/474	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/475	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/476	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/477	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/525	Proposed Two Houses (NTEHs - Small Houses)	5/10/2012	A1, A2, A6
A/TP/553	Proposed House (NTEH - Small House)	17/10/2014	A1, A2, A7
A/TP/554	Proposed House (NTEH - Small House)	17/10/2014	A1, A2, A7
A/TP/555	Proposed House (NTEH - Small House)	17/10/2014	A1, A2, A7
A/TP/556	Proposed House (NTEH - Small House)	17/10/2014	A1, A2, A7
A/TP/561	Proposed House (NTEH - Small House)	17/10/2014	A1, A2, A7
A/TP/566	Proposed House (NTEH - Small House)	14/11/2014	A1, A2, A7
A/TP/570	Proposed House (NTEH - Small House)	13/03/2015	A1, A2, A7
A/TP/571	Proposed House (NTEH - Small House)	13/03/2015	A1, A2, A7, A8
A/TP/572	Proposed House (NTEH - Small House)	13/03/2015	A1, A2, A7, A8
A/TP/641	Proposed House (NTEH - Small House)	18/05/2018	A1, A7
A/TP/662	Proposed House (NTEH - Small House)	22/05/2020 (Review)	A1, A2, A7

Approval Conditions

A1. The submission and/or provision/implementation of drainage facilities/ proposal.

A2. The submission and implementation of landscaping proposals.

A3. The provision of fire service installations.

A4. The submission and implementation of landscape and tree preservation proposals (including a site formation plan, prior to commencement of site formation works).

A5. The submission of a slope assessment and the implementation of stabilization works identified therein.

A6. The provision for fire-fighting access, water supplies and fire service installations.

A7. The provision of septic tank as proposed by the applicant.

A8. The submission of a geotechnical investigation report and implementation of necessary geotechnical remedial works.

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/TP/562	Proposed House (NTEH - Small House)	17/10/2014	R1-R3
A/TP/665	Proposed House (NTEH - Small House)	10/1/2020 (Review)	R1, R4
A/TP/666	Proposed House (NTEH - Small House)	10/1/2020 (Review)	R1, R4

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 development areas by natural features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within the "GB" zone. There was no strong justification in the current submission for a departure from the planning intention.

R2. The application did not comply with the Town Planning Board Guidelines 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.

R3. The application did not comply with the Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas and be subject to adverse geotechnical impact.

R4. Land was still available within the "Village Type Development" ("V") zone of San Uk Ka, Cheung Uk Tei, Sheung Wun Yiu and Ha Wun Yiu which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

Appendix IV of RNTPC
Paper No. A/TP/671

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 is an indigenous villager of Pan Chung Village of Tai Po as confirmed by the Indigenous Inhabitant Representative (IIR) of the concerned village. However, his eligibility of Small House grant has yet to be ascertained;

(c) the Site is held under Block Government Lease demised for agricultural use. It falls within the village 'environs' ('VE') of San Uk Ka and is not covered by any Modification of Tenancy or Building Licence;

(d) the number of outstanding Small House applications and the number of 10-year Small House demand for the villages concerned are as follows:

Village	No. of outstanding Small House applications	No. of 10-year Small House demand*
San Uk Ka	17	35
Cheung Uk Tei	7	39
Sheung Wun Yiu	13	200
Ha Wun Yiu	2	23

(* The figures of 10-year Small House demand were estimated and provided by the IIR of the villages and the information so obtained was not verified by LandsD.)

(e) the Small House application submitted by the applicant for the Site is still under processing. Should the application be approved by the Town Planning Board (the Board), LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto; and

(f) the proposed site formation level in the Geotechnical Planning Review Report (GPRR) has not been endorsed by LandsD and might be revised subject to the comments from relevant departments.

2. Traffic

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

(a) in general, he has reservations 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 the "V" zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and

(b) notwithstanding the above, he considers that the application involving development of one Small House only can be tolerated on traffic grounds.

3. Environment

Comments of the Director of Environmental Protection (DEP):

(a) no objection to the application; and

(b) if the application is approved, the applicant should be advised that the septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person.

4. Landscape

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

(a) has some reservations on the application from landscape planning point of view;

(b) the Site is vacant and partly covered with grasses and groundcovers;

(c) the Site is situated in an area of settled valleys landscape character surrounded by village houses to the northeast and densely vegetated woodland to its immediate southwest. According to aerial photos of 2008, 2009, 2011, 2015 and 2019, vegetation clearance within and surrounding the Site is observed, adverse landscape impact on existing landscape resources had taken place since 2009;

(d) although planning permissions were given to some applications (No. A/TP/464, 465, 468, 469, 472 – 475, 553, 566 and 570) in area adjoining San Uk Ka Village from 2010 to 2015 for NTEHs to the northeast of the Site within the same "GB" zone, the Site is located on a sloping ground to the further southwest of San Uk Ka Village and encroaches onto the existing densely vegetated woodland to its immediate southwest. Moreover, site formation works at the Site are proposed which would irreversibly change the existing topography of the concerned "GB" zone. Further vegetation clearance and adverse landscape impact to the surroundings due to the proposed site formation works are anticipated. If the

application is approved, it would encourage extension of village cluster resulting in further encroachment onto the existing woodland. The cumulative impact of such approval would further degrade the landscape quality of the environment in the "GB" zone; and

(e) there is no major public frontage along the site boundary and limited space within the Site for meaningful landscaping. Should the Board approve the application, it is considered not necessary to impose a landscape condition as the effect of additional landscaping on enhancing the quality of public realm is not apparent.

5. **Drainage and Sewerage**

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, a condition should be included to request the applicant to submit and implement the drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the surrounding area and the residential premises located at its downhill side;

(c) there is no public drain maintained by DSD in the vicinity of the Site. The proposed Small House should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and its uphill overland flow. The applicant/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

(d) the applicant should design the drainage proposal based on the actual site condition for DSD's comment/agreement. In the design, the applicant should consider the workability, the drainage impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicant/owner should make sure no adverse drainage and geotechnical impact will be caused to the area due to the proposed Small House. The proposed Small House development is located on the unpaved ground and slope area, which will increase the impervious area resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area and residential premises located at its downhill side. The applicant should take this into account when preparing the drainage proposal. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected. In particular, a minimum clearance of 3m between the proposed development and the nearest extremity of the existing stream course/pond/river/the top of the embankment should be maintained;

(e) the proposed site formation works should not obstruct any overland flow. All existing flow paths as well as the runoff falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. In addition, 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. The applicant should ensure the proposed works would not cause any adverse drainage impacts to the surrounding areas;

(f) the proposed site formation level of the proposed development shall not cause flooding risk to nearby area/premises. Comment or agreement from DLO/TP for the finished site formation level should be sought;

(g) the existing drainage system proposed for receiving the runoff from the Site is not maintained by DSD. Consent from its owner/maintenance party, District Officer/Tai Po of Home Affairs Department and the users should be sought for the proposed drainage connection/modification. Moreover, the applicant should ensure that this existing drainage system and the downstream channels/drains have adequate capacity for conveying the additional runoff from the Site. In addition, regular maintenance should be carried out by the lot owner/developer to avoid blockage of drains/channels;

(h) there is no existing public sewerage in the vicinity of the Site. DEP should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the provision of septic tank; and

(i) in addition, he has the following general comments:

(i) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at his expense;

(ii) for works to be undertaken outside the lot boundary, prior consent and agreement from DLO/TP and/or relevant private lot owner(s) should be sought;

(iii) the lot owner/developer should take all precautionary measures to prevent any disturbance, damage and pollution from the development to any parts of the existing drainage facilities in the vicinity of the lots. In the event of any damage to the existing drainage facilities, the lot owner/developer would be held responsible for the cost of all necessary repair works, compensation and any other consequences arising therefrom; and

(iv) the limited desk-top checking by Government on the drainage proposal covers only the fundamental aspects of the drainage design which will by no means relieve the applicant's obligations to ensure that the proposed drainage works will not cause any adverse drainage or environmental impacts in the vicinity, and the proposed drainage works and the downstream drainage systems have the adequate capacity and are in good conditions to receive the flows collected from his lots and all upstream catchments.

6. <u>Geotechnical Aspect</u>

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

(a) as the Site meets criterion 1(i) in the GEO Advice Note for Planning Applications under Town Planning Ordinance, the applicant is required to submit a GPRR in support of the application; and

(b) he has no adverse geotechnical comment on the GPRR submitted by the applicant, and has no in-principle objection to the application.

7. Nature Conservation

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

(a) the Site has mostly been cleared of vegetation. According to the applicant, tree pruning and slope stabilisation works may be required for the proposed Small House development. He has no strong view on the application provided that the associated site formation works and slope stabilisation works would not affect existing trees on government land within the "GB" zone; and

(b) it is noted in the applicant's GPRR that "no excessive existing vegetation nor existing trees will be disturbed by the application" and that "the existing vegetation (on the hillside slope) will not be affected by the proposed works".

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

9. Water Supply

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

(a) no objection to the application; and

(b) 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 standard.

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 San Uk Ka, Cheung Uk Tei, Sheung Wun Yiu and Ha Wun Yiu is 39 while the 10-year Small House demand forecast for the same villages is 297. Based on the latest estimate by the Planning Department, about 2.34 ha of land (or equivalent

to about 93 Small House sites) are available within the "V" zone of San Uk Ka, Cheung Uk Tei, Sheung Wun Yiu and Ha Wun Yiu. Therefore, the land available cannot fully meet the future demand of 336 Small Houses (or equivalent to about 8.4 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 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 site formation level in the Geotechnical Planning Review Report (GPRR) has not been endorsed by LandsD and might be revised subject to the comments from relevant departments.

(b) to note the comments of the Director of Environmental Protection (DEP) that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person;

(c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:

(i) there is no public drain maintained by DSD in the vicinity of the Site. The proposed Small House should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and its uphill overland flow. The applicant/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

(ii) the applicant should design the drainage proposal based on the actual site condition for DSD's comment/agreement. In the design, the applicant should consider the workability, the drainage impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicant/owner should make sure no adverse drainage and geotechnical impact will be caused to the area due to the proposed Small House. The proposed Small House development is located on the unpaved ground and slope area, which will increase the impervious area resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area and residential premises located at its downhill side. The applicant should take this into account when preparing the drainage proposal. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected. In particular, a minimum clearance of 3m between the proposed development and the nearest extremity of the existing streamcourses/ponds/rivers/the top of the embankment should be maintained;

(iii) the proposed site formation works should not obstruct any overland flow. All

existing flow paths as well as the runoff falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. In addition, 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. The applicant should ensure the proposed works would not cause any adverse drainage impacts to the surrounding areas;

(iv) the proposed site formation level of the proposed development shall not cause flooding risk to nearby area/premises;

(v) the existing drainage system proposed for receiving the runoff from the Site is not maintained by DSD. Consent from its owner/maintenance party, District Officer/Tai Po of Home Affairs Department and the users should be sought for the proposed drainage connection/modification. Moreover, the applicant should ensure that this existing drainage system and the downstream channels/drains have adequate capacity for conveying the additional runoff from the Site. In addition, regular maintenance should be carried out by the lot owner/developer to avoid blockage of drains/channels;

(vi) there is no existing public sewerage in the vicinity of the Site;

(vii) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at his expense;

(viii) for works to be undertaken outside the lot boundary, prior consent and agreement from DLO/TP and/or relevant private lot owner(s) should be sought;

(ix) the lot owner/developer should take all precautionary measures to prevent any disturbance, damage and pollution from the development to any parts of the existing drainage facilities in the vicinity of the lots. In the event of any damage to the existing drainage facilities, the lot owner/developer would be held responsible for the cost of all necessary repair works, compensation and any other consequences arising therefrom; and

(x) the limited desk-top checking by Government on the drainage proposal covers only the fundamental aspects of the drainage design which will by no means relieve the applicant's obligations to ensure that the proposed drainage works will not cause any adverse drainage or environmental impacts in the vicinity, and the proposed drainage works and the downstream drainage systems have the adequate capacity and are in good conditions to receive the flows collected from his lots and all upstream catchments.

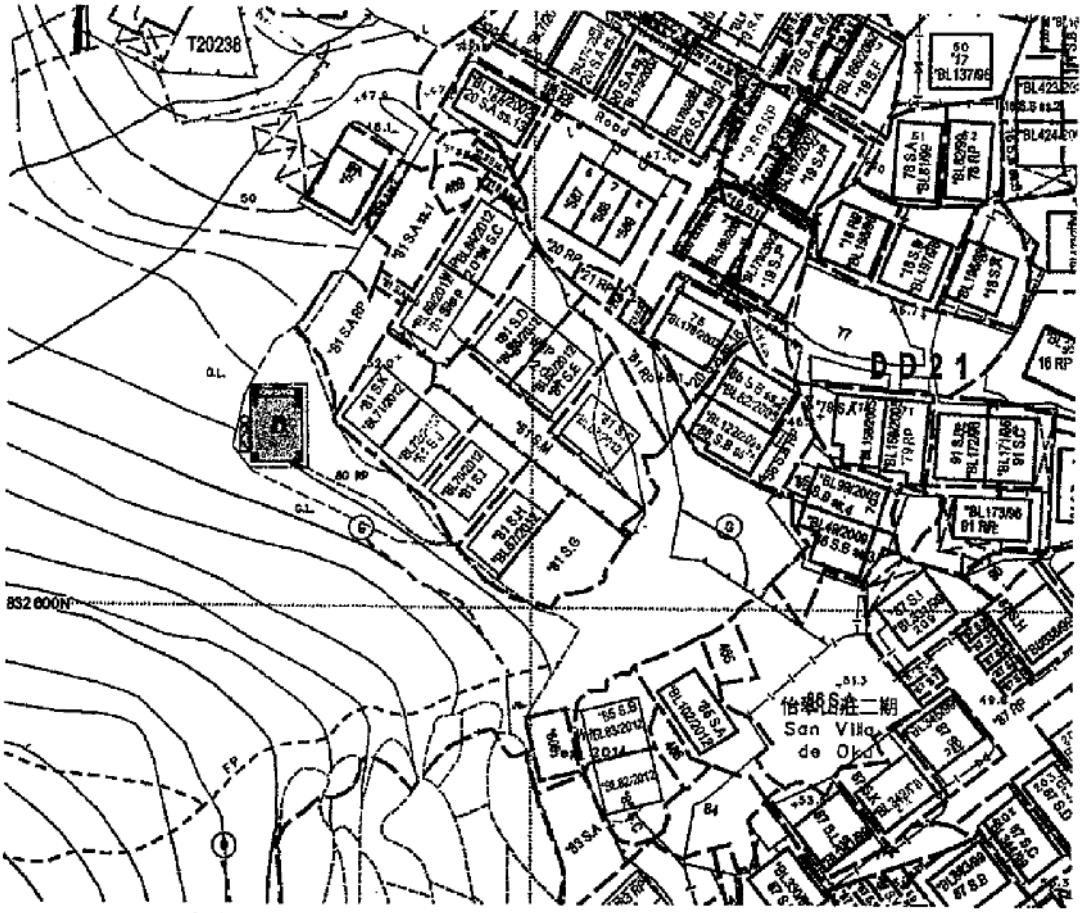
(d) to note the comments of the Director of Fire Services (D of FS) that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

(e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that 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 standard; and

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

Dimension Plan of the Proposed Small House on Lot 80 S.A in D.D. 21 Tai Po



Coloured Pink Area 65.03 Square Metres (About)

Balcony

PRO PECC PN5/93

Side	Bearing ° ' "	Distance in Metres	Pt	Co-ordinate Data (1980 Datum) N	E	Remarks
1 - 2	89 03 09	7.112	1	832629.363	834760.441	
2 - 3	179 03 09	9.144	2	832629.481	834767.552	
3 - 4	269 03 09	7.112	3	832620.338	834767.704	
4 - 1	359 03 09	9.144	4	832620.221	834760.593	
Co-ordinates of the balcony						
5 - 6	89 03 09	7.112	5	832630.583	834760.421	
6 - 2	179 03 09	1.220	6	832630.701	834767.532	
2 - 1	269 03 09	7.112	2	832629.481	834767.552	
1 - 5	359 03 09	1.220	1	832629.363	834760.441	

T.H. & ASSOCIATES LIMITED
(陳德慶測量有限公司)
Approved By

T.H.CHAN (ALS, MHKIS, MRICS,RPS(LS))
Authorized Land Surveyor

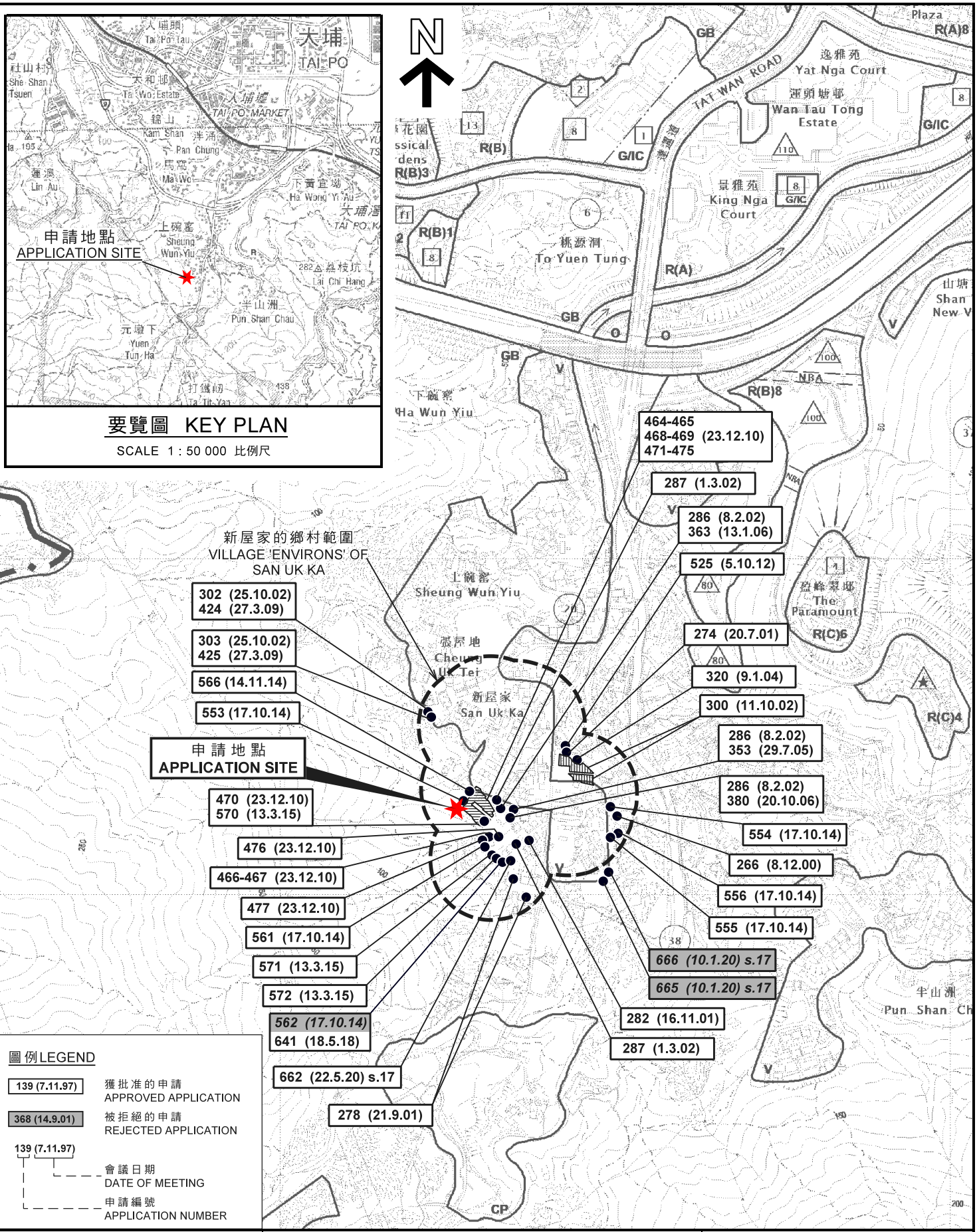
Survey Sheet No.: 7-NW-14C

Plan No.: TP/21/80A-SH

Date : 10-09-2019

參考編號 REFERENCE No. A/TP/671	繪圖 DRAWING A-1

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



本摘要圖於2020年6月19日擬備，
所根據的資料為於2018年8月21日核准的
分區計劃大綱圖編號S/TP/28
EXTRACT PLAN PREPARED ON 19.6.2020
BASED ON OUTLINE ZONING PLAN
No. S/TP/28 APPROVED ON 21.8.2018

位置圖 LOCATION PLAN

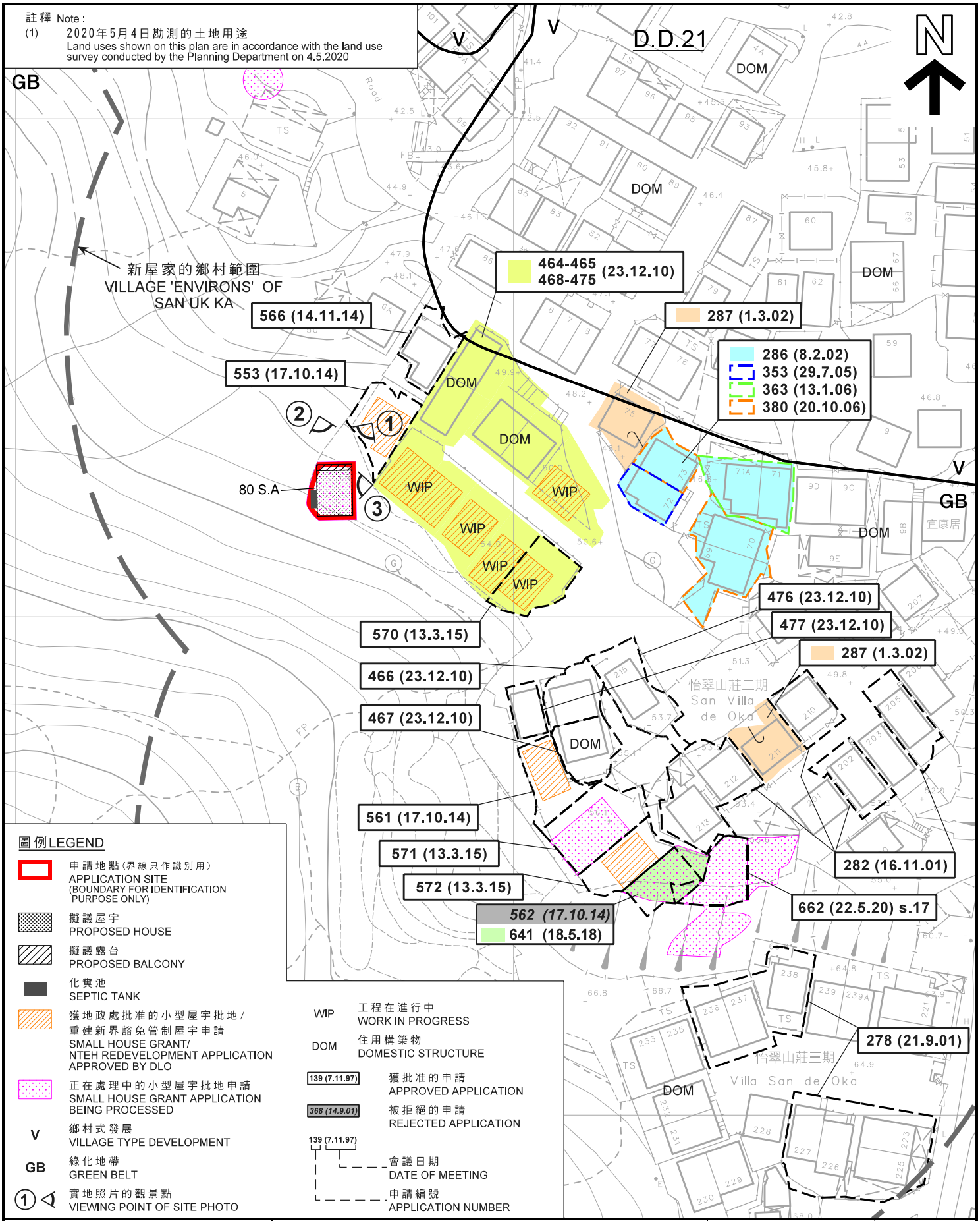
擬議屋宇(新界豁免管制屋宇－小型屋宇)
新界大埔新屋家村丈量約份第21約地段第80號A分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 80 S.A IN D.D. 21,
SAN UK KA VILLAGE, TAI PO, N.T.

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

規劃署
PLANNING DEPARTMENT

參考編號
REFERENCE No.
A/TP/671

圖 PLAN
A-1



本摘要圖於2020年6月19日擬備，
所根據的資料為測量圖編號
7-NW-14C
EXTRACT PLAN PREPARED ON 19.6.2020
BASED ON SURVEY SHEET No.
7-NW-14C

平面圖 SITE PLAN

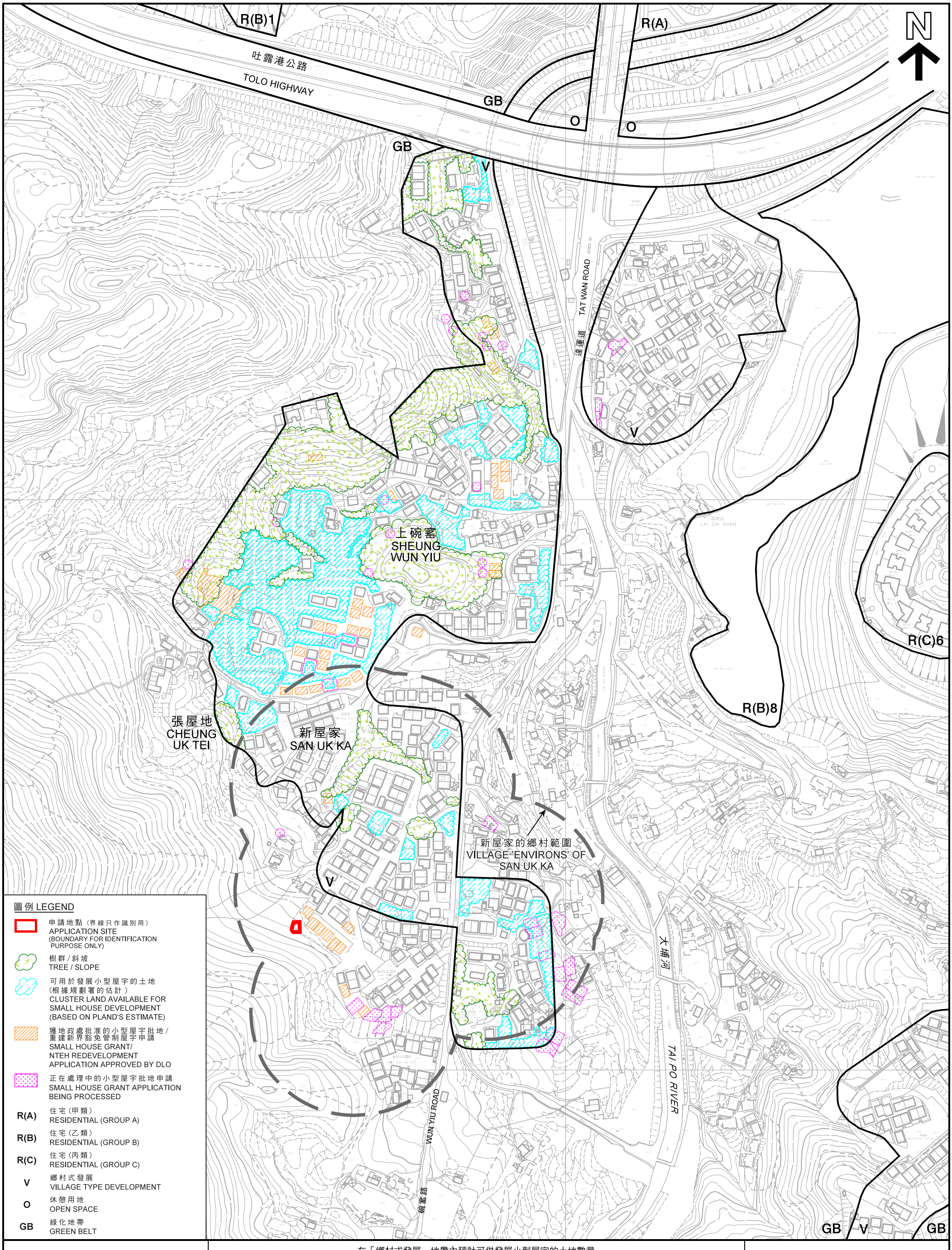
擬議屋宇（新界豁免管制屋宇－小型屋宇）
新界大埔新屋家村丈量約份第21約地段第80號A分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 80 S.A IN D.D. 21,
SAN UK KA VILLAGE, TAI PO, N.T.

SCALE 1 : 1 000 比例尺
米 METRES 20 0 20 40 米 METRES

規劃署
PLANNING DEPARTMENT

參考編號
REFERENCE No.
A/TP/671

圖 PLAN
A-2a



圖例 LEGEND

- 申請地點（界線只作識別用）
  APPLICATION SITE
  (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
- 樹群 / 斜坡
  TREE / SLOPE
- 可用於發展小型屋宇的土地（根據規劃署的估計）
  CLUSTER LAND AVAILABLE FOR SMALL HOUSE DEVELOPMENT (BASED ON PLAND'S ESTIMATE)
- 獲地政處批准的小型屋宇批地 / 重建新界豁免管制屋宇申請
  SMALL HOUSE GRANT/ NTEH REDEVELOPMENT APPLICATION APPROVED BY DLO
- 正在處理中的小型屋宇批地申請
  SMALL HOUSE GRANT APPLICATION BEING PROCESSED
- R(A) 住宅（甲類） RESIDENTIAL (GROUP A)
- R(B) 住宅（乙類） RESIDENTIAL (GROUP B)
- R(C) 住宅（丙類） RESIDENTIAL (GROUP C)
- V 鄉村式發展 VILLAGE TYPE DEVELOPMENT
- O 休憩用地 OPEN SPACE
- GB 綠化地帶 GREEN BELT

本摘要圖於2020年6月18日擬備，所根據的資料為測量圖編號
7-NW-14A、14B、14C、14D、19A及19B
EXTRACT PLAN PREPARED ON 18.6.2020
BASED ON SURVEY SHEETS No.
7-NW-14A, 14B, 14C, 14D, 19A & 19B

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

擬議屋宇（新界豁免管制屋宇－小型屋宇）
新界大埔新屋家村丈量約份第21約地段第80號A分段
PROPOSED HOUSE (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 80 S.A IN D.D. 21,
SAN UK KA VILLAGE, TAI PO, N.T.

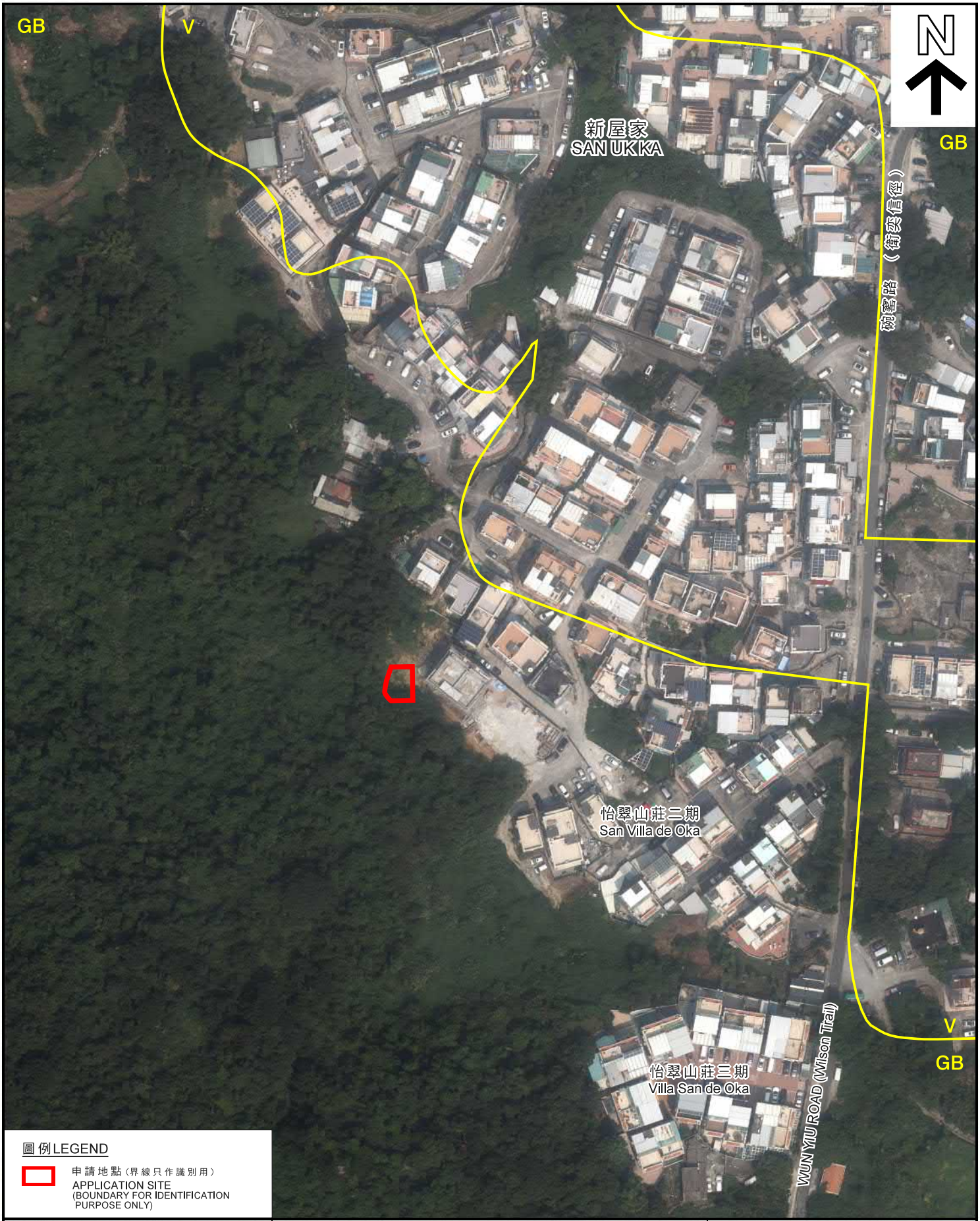
SCALE 1 : 3 000 比例尺

米 METRES 50 0 50 100 150 200 250 米 METRES

規劃署
PLANNING DEPARTMENT

參考編號
REFERENCE No.
A/TP/671

圖 PLAN
A-2b



圖例 LEGEND

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

本摘要圖於2020年6月19日擬備，
所根據的資料為地政總署
於2019年9月29日拍得的航攝照片
編號E067241C
EXTRACT PLAN PREPARED ON 19.6.2020
BASED ON AERIAL PHOTO No. E067241C
TAKEN ON 29.9.2019 BY
LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

擬議屋宇（新界豁免管制屋宇－小型屋宇）
新界大埔新屋家村丈量約份第21約地段第80號A分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 80 S.A IN D.D. 21,
SAN UK KA VILLAGE, TAI PO, N.T.

規劃署
PLANNING DEPARTMENT

參考編號
REFERENCE No.
A/TP/671

圖 PLAN
A-3a

2008

2009

2011

2015

圖例LEGEND

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

本摘要圖於2020年6月19日擬備，
所根據的資料為地政總署於
2008年8月20日拍得編號CS16947、
2009年11月24日拍得編號CS25791、
2011年1月19日拍得編號CS32202及
2015年1月3日拍得編號CS56628的航攝照片
EXTRACT PLAN PREPARED ON 19.6.2020
BASED ON AERIAL PHOTOS No.
CS16947 TAKEN ON 20.8.2008,
CS25791 TAKEN ON 24.11.2009,
CS32202 TAKEN ON 19.1.2011 AND
CS56628 TAKEN ON 3.1.2015
BY LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

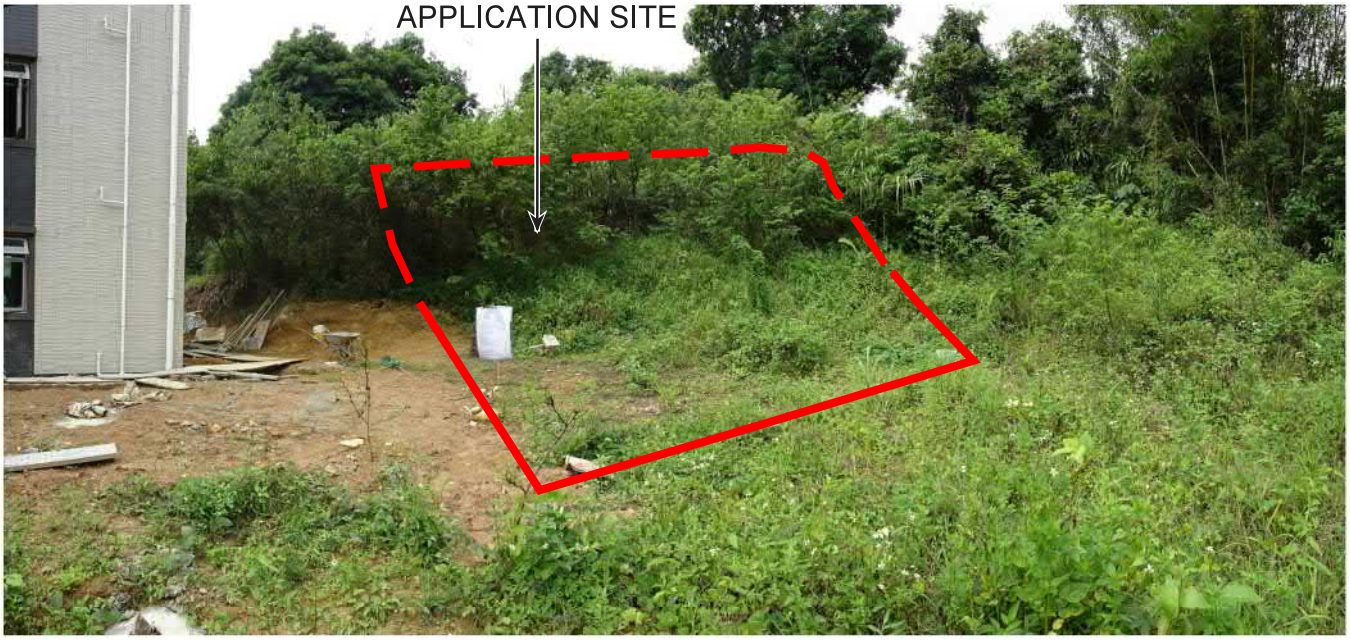
擬議屋宇(新界豁免管制屋宇－小型屋宇)
新界大埔新屋家村丈量約份第21約地段第80號A分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 80 S.A IN D.D. 21,
SAN UK KA VILLAGE, TAI PO, N.T.

規劃署
PLANNING DEPARTMENT

參考編號
REFERENCE No.
A/TP/671

圖 PLAN
A-3b

1



2

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

本圖於2020年5月13日擬備，所根據的資料為攝於2020年5月12日的實地照片
PLAN PREPARED ON 6.5.2020 BASED ON SITE PHOTOS TAKEN ON 12.5.2020

實地照片 SITE PHOTOS

擬議屋宇(新界豁免管制屋宇－小型屋宇)
新界大埔新屋家村丈量約份第21約地段第80號A分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 80 S.A IN D.D. 21,
SAN UK KA VILLAGE, TAI PO, N.T.

規劃署
PLANNING DEPARTMENT

參考編號
REFERENCE No.
A/TP/671

圖 PLAN
A-4a

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

本圖於2020年5月14日擬備，所根據的資料為攝於2020年5月12日的實地照片
PLAN PREPARED ON 14.5.2020 BASED ON SITE PHOTO TAKEN ON 12.5.2020

實地照片 SITE PHOTOS

擬議屋宇(新界豁免管制屋宇－小型屋宇)
新界大埔新屋家村丈量約份第21約地段第80號A分段
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圖 PLAN
A-4b

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/671 Proposed House (New Territories Exempted House - Small House) in "Green Belt" Zone, Lot 80 S.A in D.D. 21, San Uk Ka Village, Tai Po (RNTPC Paper No. A/TP/671)

Presentation and Question Sessions

14. Ms Kathy C.L. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

(a) background to the application;

(b) the proposed house (New Territories Exempted House (NTEH) – Small House);

(c) departmental comments – departmental comments were set out in paragraph 10 and Appendix II of the Paper;

(d) during the first three weeks of the statutory publication periods, seven public comments were received including one supporting comment from the Indigenous Inhabitant Representative of San Uk Ka Village and six objecting comments from Kadoorie Farm and Botanic Garden, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited, the Hong Kong Bird Watching Society and an individual. Major views were set out in paragraph 11 of the Paper; and

(e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of "Green Belt" ("GB") zone and there was no strong planning justification in the submission for a departure from the planning intention. The Chief

Town Planner/Urban Design and Landscape, PlanD had some reservations on the application as vegetation clearance within and surrounding the site had taken place since 2009. Approval of the application would encourage the extension of village cluster resulting in further encroachment onto the existing woodland and the cumulative impact of which would further degrade the landscape quality of the environment in "GB" zone. In that regard, the application did not comply with Town Planning Board Guidelines No. 10 in that the development would involve clearance of existing natural vegetation affecting the existing natural landscape. The proposed development also did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House Development in the New Territories as there was sufficient land to fully meet the future demand of Small Houses. It was considered more appropriate to concentrate the proposed Small House development within the "Village Type Development" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. Regarding the public comments, the comments of relevant government departments and the planning assessments above were relevant.

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

15. Members had no question on the application.

Deliberation Session

16. A Member enquired about the sequence of the rejection reasons recommended by PlanD. In response, the Secretary explained that it was the general practice to present the reasons in order of the planning intention of the land use zone, the TPB Guidelines and/or assessment criteria applicable to the application, and other planning considerations.

17. 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" ("GB") zone, which is primarily for defining the limits of urban and suburban 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 the planning intention;

(b) the proposed development does 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 in the area. The applicant fails to demonstrate that the proposed development would have no adverse landscape impact on the surrounding areas;

(c) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would have adverse landscape impact on the surrounding areas; and

(d) land is still available within the "Village Type Development" ("V") zone of San Uk Ka, Cheung Uk Tei, Sheung Wun Yiu and Ha Wun Yiu which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services."

Annex C of
TPB Paper No. 10688

城 市 規 劃 委 員 會
香港北角渣華道三百三十三號
北角政府合署十五樓

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

傳 真 Fax: 2877 0245 / 2522 8426
電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號
In reply please quote this ref.: TPB/A/TP/671

By Post

10 July 2020

Hung Shu Ping
[redacted]

Dear Sir/Madam,

Proposed House (New Territories Exempted House - Small House)
in "Green Belt" Zone, Lot 80 S.A in D.D. 21, San Uk Ka Village, Tai Po

I refer to my letter to you dated 11.5.2020.

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

(a) the proposed development is not in line with the planning intention of the "Green Belt" ("GB") zone, which is primarily for defining the limits of urban and suburban 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 the planning intention;

(b) the proposed development does not comply with the TPB 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 in the area. You fail to demonstrate that the proposed development would have no adverse landscape impact on the surrounding areas;

(c) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would have adverse landscape impact on the surrounding areas; and

(d) land is still available within the "Village Type Development" ("V") zone of San Uk Ka, Cheung Uk Tei, Sheung Wun Yiu and Ha Wun Yiu which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 26.6.2020 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 31.7.2020). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

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

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

Yours faithfully,

(Raymond KAN)
for Secretary, Town Planning Board

Annex E of
TPB Paper No. 10688

Similar Applications

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/TP/266	Proposed House (Small House)	8/12/2000	A1
A/TP/274	Proposed House (Small House)	20/07/2001	A1-A3
A/TP/278	Proposed Seven Houses (Small House)	21/09/2001	A1-A2
A/TP/282	Proposed Five Houses (Small House)	16/11/2001	A1-A3
A/TP/286	Proposed Six Houses (Small House)	08/02/2002	A1-A3
A/TP/287	Proposed Two Houses (Small House)	01/03/2002	A1-A2
A/TP/300	Proposed Eight Houses (Small House)	11/10/2002	A1, A4
A/TP/302	Proposed House (Small House)	25/10/2002	A1-A2
A/TP/303	Proposed House (Small House)	25/10/2002	A1-A2
A/TP/320	Proposed House (Small House)	09/01/2004	A1-A2
A/TP/353	Proposed Two Houses (New Territories Exempted Houses) (NTEHs) (Small House)	29/07/2005	A1-A2
A/TP/363	Proposed House (NTEH)	13/01/2006	A1, A5
A/TP/380	Proposed Three Houses (NTEHs)	20/10/2006	A1, A2, A5, A6
A/TP/424	Proposed House (NTEH - Small House)	27/03/2009	A4, A6
A/TP/425	Proposed House (NTEH - Small House)	27/03/2009	A4, A6
A/TP/464	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/465	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/466	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/467	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/468	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/TP/469	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/470	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/471	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/472	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/473	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/474	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/475	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/476	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/477	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/525	Proposed Two Houses (NTEHs - Small Houses)	5/10/2012	A1, A2, A6
A/TP/553	Proposed House (NTEH - Small House)	17/10/2014	A1, A2, A7
A/TP/554	Proposed House (NTEH - Small House)	17/10/2014	A1, A2, A7
A/TP/555	Proposed House (NTEH - Small House)	17/10/2014	A1, A2, A7
A/TP/556	Proposed House (NTEH - Small House)	17/10/2014	A1, A2, A7
A/TP/561	Proposed House (NTEH - Small House)	17/10/2014	A1, A2, A7
A/TP/566	Proposed House (NTEH - Small House)	14/11/2014	A1, A2, A7
A/TP/570	Proposed House (NTEH - Small House)	13/03/2015	A1, A2, A7
A/TP/571	Proposed House (NTEH - Small House)	13/03/2015	A1, A2, A7, A8
A/TP/572	Proposed House (NTEH - Small House)	13/03/2015	A1, A2, A7, A8
A/TP/641	Proposed House (NTEH - Small House)	18/05/2018	A1, A7
A/TP/662	Proposed House (NTEH - Small House)	22/05/2020 (Review)	A1, A2, A7

Approval Conditions

A1. The submission and/or provision/implementation of drainage facilities/ proposal.

A2. The submission and implementation of landscaping proposals.

A3. The provision of fire service installations.

A4. The submission and implementation of landscape and tree preservation proposals (including a site formation plan, prior to commencement of site formation works).

A5. The submission of a slope assessment and the implementation of stabilization works identified therein.

A6. The provision for fire-fighting access, water supplies and fire service installations.

A7. The provision of septic tank as proposed by the applicant.

A8. The submission of a geotechnical investigation report and implementation of necessary geotechnical remedial works.

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/TP/562	Proposed House (NTEH - Small House)	17/10/2014	R1-R3
A/TP/665	Proposed House (NTEH - Small House)	10/1/2020 (Review)	R1, R4
A/TP/666	Proposed House (NTEH - Small House)	10/1/2020 (Review)	R1, R4

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 development areas by natural features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within the "GB" zone. There was no strong justification in the current submission for a departure from the planning intention.

R2. The application did not comply with the Town Planning Board Guidelines 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.

R3. The application did not comply with the Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas and be subject to adverse geotechnical impact.

R4. Land was still available within the "Village Type Development" ("V") zone of San Uk Ka, Cheung Uk Tei, Sheung Wun Yiu and Ha Wun Yiu which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

Recommended Advisory Clauses

(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:

(i) 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 site formation level in the Geotechnical Planning Review Report (GPRR) has not been endorsed by LandsD and might be revised subject to the comments from relevant departments.

(b) to note the comments of the Director of Environmental Protection (DEP) that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person;

(c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:

(i) there is no public drain maintained by DSD in the vicinity of the Site. The proposed Small House should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and its uphill overland flow. The applicant/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

(ii) the applicant should design the drainage proposal based on the actual site condition for DSD's comment/agreement. In the design, the applicant should consider the workability, the drainage impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicant/owner should make sure no adverse drainage and geotechnical impact will be caused to the area due to the proposed Small House. The proposed Small House development is located on the unpaved ground and slope area, which will increase the impervious area resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area and residential premises located at its downhill side. The applicant should take this into account when preparing the drainage proposal. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected. In particular, a minimum clearance of 3m between the proposed development and the nearest extremity of the existing streamcourses/ponds/rivers/the top of the embankment should be maintained;

(iii) the proposed site formation works should not obstruct any overland flow. All

existing flow paths as well as the runoff falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. In addition, 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. The applicant should ensure the proposed works would not cause any adverse drainage impacts to the surrounding areas;

(iv) the proposed site formation level of the proposed development shall not cause flooding risk to nearby area/premises;

(v) the existing drainage system proposed for receiving the runoff from the Site is not maintained by DSD. Consent from its owner/maintenance party, District Officer/Tai Po of Home Affairs Department and the users should be sought for the proposed drainage connection/modification. Moreover, the applicant should ensure that this existing drainage system and the downstream channels/drains have adequate capacity for conveying the additional runoff from the Site. In addition, regular maintenance should be carried out by the lot owner/developer to avoid blockage of drains/channels;

(vi) there is no existing public sewerage in the vicinity of the Site;

(vii) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at his expense;

(viii) for works to be undertaken outside the lot boundary, prior consent and agreement from DLO/TP and/or relevant private lot owner(s) should be sought;

(ix) the lot owner/developer should take all precautionary measures to prevent any disturbance, damage and pollution from the development to any parts of the existing drainage facilities in the vicinity of the lots. In the event of any damage to the existing drainage facilities, the lot owner/developer would be held responsible for the cost of all necessary repair works, compensation and any other consequences arising therefrom; and

(x) the limited desk-top checking by Government on the drainage proposal covers only the fundamental aspects of the drainage design which will by no means relieve the applicant's obligations to ensure that the proposed drainage works will not cause any adverse drainage or environmental impacts in the vicinity, and the proposed drainage works and the downstream drainage systems have the adequate capacity and are in good conditions to receive the flows collected from his lots and all upstream catchments.

(d) 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;

(e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that 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 standard; and

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