

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

**APPLICATION NO. A/TM-LTY Y/362**

<b><u>Applicant</u></b>	: To Chun Sing with Chan Chung Hong as the Power of Attorney
<b><u>Site</u></b>	: Lots 190 S.D RP and 190 S.E in D.D. 130, San Hing Tsuen, Lam Tei, Tuen Mun, New Territories
<b><u>Site Area</u></b>	: 141.2m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY Y/10
<b><u>Zoning</u></b>	: “Residential (Group E)” (“R(E)”) (84%) [restricted to a maximum plot ratio of 1.0, a maximum site coverage of 40% and a maximum building height of 4 storeys over single-storey car park (15m) except ‘New Territories Exempted House’]  and  “Village Type Development” (“V”) (16%) [restricted to a maximum building height of 3 storeys (8.23m)]
<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 Nai Wai, seeks planning permissions to build a proposed NTEH (Small House) on the application site (the Site) (**Plan A-1**). The Site is currently vacant.
- 1.2 According to the Notes of the approved Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/10 (the OZP), ‘House (NTEH) only’ within “V” zone is always permitted, while according to the Schedule I of the Notes for the “R(E)” zone of the OZP, ‘House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board).

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

Total Floor Area	: 195.09m <sup>2</sup>
Number of storeys	: 3
Building Height	: 8.23m
Roofed Over Area	: 65.03m

The lot index plan, proposed building license plan, recognised village environs boundary plan and the storm drainage proposals are shown on **Drawings A-1 to A-5** respectively.

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

- (a) Application Form and attachments received on 19.11.2018 (Appendix I)
- (b) E-mail of 5.3.2019 submitting a drainage proposal (Appendix Ia)  
(*accepted and exempted from publication and recounting requirements*)
- (c) E-mail of 8.4.2019 providing minor clarification on indigenous villager status of the applicant (Appendix Ib)  
(*accepted and exempted from publication and recounting requirements*)

1.5 On 18.1.2019, the Committee agreed to the applicant's request to defer making a decision on the application for two months so as to allow time for preparation of further information to resolve departmental comments. Further information was received on 6.3.2019. Therefore, the application is submitted to the Committee for consideration at this meeting.

**2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at **Appendix I** (Part 9 of the application form). They can be summarised as follows:

The Site is within the recognised village environs ('VE'). According to the Schedule I of the Notes for the "R(E)" zone, 'House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)' is a Column 2 use which requires planning permission from the Board.

**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 New Territories Exempted House/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 respectively. The latest set of Interim Criteria, promulgated on 7.9.2007, is at **Appendix II**.

## **5. Background**

The Site is currently not subject to planning enforcement action.

## **6. Previous Application**

There is no previous application for NTEH/Small House development at the Site.

## **7. Similar Applications**

- 7.1 There are nine similar applications for NTEH/Small House within the same “R(E)” zone. Details of the applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.
- 7.2 Application No. A/TM-LTYT/204 for three proposed Small Houses was rejected by the Committee on 29.10.2010. The rejection reasons were that the proposed NTEHs/Small Houses did not comply with the Interim Criteria in that over 50% of each of the footprints of the proposed Small House fell outside both the ‘VE’ and “V” zone and there were no exceptional circumstances to warrant approval of the application.
- 7.3 Application No. A/TM-LTYT/238 for proposed Small House was rejected by the Board on review on 16.11.2012. The rejection reasons were incompliance with the Interim Criteria in that there was no shortage of land within the “V” zone for Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen to meet the demand forecast for Small House development, failure to demonstrate no adverse drainage, sewerage and landscape impacts, and no exceptional circumstances to warrant approval of the application.
- 7.4 Applications No. A/TM-LTYT/283, 284 and 285 for one proposed Small House at each application site were approved by the Committee on 12.12.2014. The major considerations were in line with planning intention, compliance with the Interim Criteria, not incompatible with the surrounding uses and no objection from Government departments.
- 7.5 Applications No. A/TM-LTYT/301, 307, 335 and 336 for one proposed Small House at each of the site were approved by the Committee on 30.9.2016, 18.3.2016, 11.8.2017 and 11.8.2017 respectively on similar considerations. Major considerations were in line with planning intention, unlikely be subject to potential industrial/residential interface problems, not incompatible with surrounding low-rise developments, compliance with the Interim Criteria and no objection/adverse comments from Government departments. One of the considerations for Application No. A/TM-LTYT/307, which was the subject of the previously rejected Application No. A/TM-LTYT/238 (see paragraph 7.3 above), was sympathetic consideration in

view of the general shortage of land in the concerned “V” zone to meet the long term Small House demand.

- 7.6 For Members’ information, Application No. A/TM-LTYYY/363 for the same use within the same “R(E)” zone on the OZP will also be considered at this meeting (**Plan A-1**).

## **8. The Site and Its Surrounding Areas (Plans A-1 to A-4)**

### **8.1 The Site is:**

- (a) currently vacant;
- (b) located within the common ‘VE’ of Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen in Lam Tei, Tuen Mun which are recognised villages; and
- (c) accessible by a footpath/village access road branched off from Ng Lau Road.

### **8.2 The surrounding areas have the following characteristics (**Plan A-2a**):**

- (a) to the east are land for parking of vehicles which are suspected unauthorised developments (UDs) and village-type houses;
- (b) to the south are vacant land and village-type houses;
- (c) to the west are temporary structures for residential dwellings purposes; and
- (d) to the immediate north of the Site is a proposed house (NTEH - Small House) under application No. A/TM-LTYYY/301 approved by the Committee on 30.9.2016 and land for parking of vehicles and temporary structures for storage, which are suspected UD. To the further north of the Site are land for parking of vehicles, a car repairing workshop and yards for open storage, which are suspected UD.

## **9. Planning Intentions**

- 9.1 The planning intention of the “R(E)” zone is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Town Planning Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.
- 9.2 The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of

a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

# 10. Comments from Relevant Government Departments

10.1 The application has been assessed against the Interim Criteria at **Appendix II**. As the Site falls within a common 'VE' of Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen, the demand of Small Houses and supply of Small House sites are assessed collectively.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within "V" zone?  - Footprint of the Small House  - Application Site	0%  16%	100%  84%	
2.	Within 'VE'?  - Footprint of the Small House  - Application Site	✓ (100%)  ✓ (100%)		- The Site falls within the common 'VE' of Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen (the three villages) ( <b>Plan A-2a</b> ).
3.	Sufficient land in "V" zone to satisfy 10-year Small House demand (outstanding Small House applications plus 10-year Small House demand)?		✓	- Land required to meet Small House demand is <u>about 25.3 ha (equivalent to about 1,012 Small House sites)</u> . The outstanding Small House applications for the three villages are 150 (i.e. about 3.75 ha of land), while the 10-year Small House demand forecast for the three villages is 862 houses (i.e. about 21.55 ha of land).
	Sufficient land in "V" zone to meet outstanding Small House applications?	✓		- Land available to meet Small House demand within the "V" zone covering the three villages: about 21.53 ha (or equivalent to about 861 Small House sites) ( <b>Plan A-2b</b> ).
4.	Compatible with the planning intention of "R(E)" zone?	✓		- The "R(E)" zone is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
5.	Compatible with surrounding area / development?	✓		- The surrounding areas are predominantly rural in character, occupied mostly by low-rise village type developments/ temporary structures for dwelling purposes ( <b>Plan A-2a</b> ).
6.	Within Water Gathering Ground (WGG)?		✓	- The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application. The Site is not located within water gathering ground.
7.	Encroachment onto the planned road networks and public works boundaries?		✓	<ul style="list-style-type: none"> <li>- The Commissioner for Transport (C for T) advises that there is no planned road project under the Transport Department's purview at the Site.</li> <li>- The Chief Engineer/Housing Project 2, Civil Engineering and Development Department (CE/HP2, CEDD) advises that his consultant is currently carrying out a study under Agreement No. CE 68/2017 (CE) – Site Formation and Infrastructural Works Development at San Hing Road and Hong Po Road, Tuen Mun – Feasibility Study. According to the latest layout plan extracted from the consultancy brief, the proposed house application is found locating adjacent to the north boundary of the proposed San Hing Road housing development site. However, the exact boundary, phasing of development and land requirement are still under refinement by the consultant to be agreed by the Housing Department, the Lands Department and other government departments concerned.</li> <li>- The Director of Housing (D of Housing) has no comment on the application.</li> <li>- DLO/TM advises that pursuant to the prevailing guidelines, any land</li> </ul>

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				that is within 30 metres from known resumption/clearance limits is “prohibited areas”. Having checked his records, the Site was situated at close vicinity (within 30m) to the northeast corner of the proposed San Hing Road development site. According to CE/HP2 of CEDD, the exact site boundary, phasing of development and land requirement are still under refinement by CEDD. His office may consider to process the Small House application subject to no adverse comments received from CEDD and other concerned government departments.
8.	Need for provision of fire services installations (FSIs) and emergency vehicular access (EVA)?		✓	- The Director of Fire Services (D of FS) has no specific comments on the application. The applicant is advised to observe ‘New Territories Exempted Houses – A Guide to fire safety requirements’ published by the Lands Department.
9.	Traffic impact?		✓	- C for T has no comment on the application from traffic engineering viewpoints.
10.	Drainage impact?		✓	- The Chief Engineer/Mainland North, Drainage Services Department has no in-principle objection to the application.  - District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD) has no adverse comment on the application. He advised that a 900mm diameter underground drain constructed and maintained by his office may be affected by the application. In case the proposed works would interface with the drainage channel, his office should be informed in advance.
11.	Sewerage impact?		✓	- Director of Environmental Protection advises that there is no public sewer serving the Site. He

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				notes that there is a concreted and mostly covered drainage channel within the Site. The applicant is reminded to properly treat and dispose of any sewage and wastewater arising in accordance with the Water Pollution Control Ordinance. Meanwhile, he has no specific comment on the proposed use of septic tank and soakaway pit system for collection, treatment and disposal of the sewage provided that the design and construction follow the requirements of the ProPECC PN5/93 namely "Drainage Plans subject to Comments by the Environmental Protection Department" and are duly certified by an Authorized Person.
12.	Landscape impact?		✓	- CTP/UD&L, PlanD advises that with reference to the aerial photo of 2018, it is observed that the Site is vacant. In view of existing village houses in the vicinity, significant change to the landscape character arising due to the application is not envisaged.
13.	Local objections conveyed by DO?		✓	- DO(TM), HAD advises that he has distributed consultation letters to the locals concerned and understand that they would provide their comments (if any) to the Board direct.  (Public comments received during the statutory publication period are at <b>Appendices V-1 to V-2</b> , see also paragraph 11 below.)
14.	Others	-	-	- Executive Secretary (Antiquities and Monument Office), Antiquities and Monument Office (ES (A&M), AMO) advises that the Site falls within San Hing Tsuen Site of Archaeological Interest. In view of the location and scope of the proposed works, the applicant is required to notify AMO two weeks



	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				prior to the commencement of construction work so as to facilitate his staff to conduct site inspection in the course of excavation.

10.2 Comments of the following government departments have been incorporated in the above paragraphs. Detailed comments from government departments are at **Appendix IV**.

- (a) District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Commissioner for Transport (C for T);
- (d) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (e) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (f) District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD);
- (g) Director of Environmental Protection (DEP);
- (h) Director of Fire Services (D of FS);
- (i) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (j) Director of Agriculture, Fisheries and Conservation (DAFC);
- (k) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD);
- (l) Executive Secretary (Antiquities and Monument Office), Antiquities and Monument Office (ES (A&M), AMO); and
- (m) Chief Engineer/Housing Project 2, Civil Engineering and Development Department (CE/HP2, CEDD).

10.3 The following government departments have no comment on the application.

- (a) Director of Housing (D of Housing);
- (b) Director of Leisure and Cultural Services (DLCS);
- (c) Director of Food and Environmental Hygiene (DFEH);
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (f) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (g) Commissioner of Police (C of P).

## **11. Public Comments Received During the Statutory Publication Period**

On 27.11.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 18.12.2018, two public comments were received. A member of the Tuen Mun District Council supported the

application without giving specific reason (**Appendix V-1**). An individual objects to the application on the grounds that hundreds of hectares of land have been set aside for village type development, and it is unacceptable that the right be extended to sites zoned to serve the rest of the population. These sites could be amalgamated with others to provide a block of low rise units (**Appendix V-2**).

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

- 12.1 The application is for proposed house (NTEH – Small House) at the Site which is partly zoned “R(E)” (84%) and partly zoned “V” (16%). The “R(E)” zone is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board and the “V” zone is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The proposed Small House development is generally in line with the planning intention of the “R(E)” and “V” zones. The proposed Small House is mainly surrounded by existing village-type houses/temporary structures for dwelling purposes and vacant land. Furthermore, DEP has no objection to the application and advises that the proposed development is not anticipated to be subject to adverse environmental impact. In this regard, the proposed Small House will unlikely be susceptible to industrial/residential interface problems.
- 12.2 The Site is mainly surrounded by village type houses in the east and west and parking of vehicles and vacant land to the north and south respectively. The proposed development is not incompatible with the low-rise developments in the surrounding areas. Besides, the Site is located in close proximity to the “V” zone of San Hing Tsuen and the existing cluster of village houses (**Plan A-2a**).
- 12.3 According to the Interim Criteria (**Appendix II**), sympathetic consideration may be given if not less than 50% of the proposed NTEH/Small House footprint falls within the ‘VE’ of a recognised village and there is a general shortage of land in meeting the demand for Small House development in the “V” zone of the village. The Site and the footprint of the proposed Small House fall wholly within the common ‘VE’ of Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen (**Plan A-2a**). Moreover, DLO/TM advised that according to the current policy, such Small House application can be considered subject to obtaining planning approval.
- 12.4 This is a cross-village Small House application. According to the DLO/TM, LandsD’s record, the total number of outstanding Small House applications of the three villages is 150 (i.e. about 3.75 ha of land) while the 10-year forecast of Small House demand of the three villages is 862 houses (i.e. about 21.55 ha of land) (i.e. a total of 1,012 houses or about 25.3 ha of land). From the latest estimate by PlanD, about 861 Small House sites (equivalent to about 21.53 ha of land) are available within the “V” zone covering the three villages. Whilst the land within the concerned “V” zone can accommodate the outstanding Small House applications of 150 houses, there is insufficient land to meet the forecasted long-term Small House demand. It should be noted that the Board

has adopted a 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 orderly development pattern, efficient use of land and provision of infrastructures and services. However, the Site is partly zoned “R(E)” (84%) and partly zoned “V” (16%). The “R(E)” zone is a development zone subject to a maximum plot ratio of 1.0, a maximum site coverage of 40% and a maximum building height of 4 storeys over single-storey car park (15m) except ‘NTEH’ and intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Taking into account that the proposed Small House development is generally in line with the planning intention of the “R(E)” zone and will unlikely be susceptible to industrial/residential interface problems, sympathetic consideration may be given to the current application.

- 12.5 There are seven similar applications approved within the same “R(E)” zone. Moreover, the Site is located immediately to the south of a proposed house (NTEH - Small House) under application No. A/TM-LTYT/301 approved by the Committee on 30.9.2016. Approval of the current application is in line with the Committee’s previous decisions.
- 12.6 Relevant government departments have no adverse comment on the application. Their technical requirements could be addressed by imposing approval conditions (see paragraph 13.2 below).
- 12.7 Two public comments were received during the statutory publication period. The planning considerations and assessments in paragraphs 12.1 to 12.6 above are also 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 has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 3.5.2023, 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 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 a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

### Advisory clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for the rejection is suggested for Member's reference:

land is still available within the "V" zone of Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen where land is primarily intended for Small House development. It is considered more appropriate to concentrate Small House development close to the existing village cluster within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

## **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 condition(s) and advisory clause(s), if any, 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**

<b>Appendix I</b>	Application Form and attachments received on 19.11.2018
<b>Appendix Ia</b>	E-mail of 5.3.2019 submitting a drainage proposal
<b>Appendix Ib</b>	E-mail of 8.4.2019 providing minor clarification on indigenous villager status of the applicant
<b>Appendix II</b>	Extract of the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories
<b>Appendix III</b>	Similar s.16 Applications within the same "R(E)" zone on the approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTTY/10
<b>Appendix IV</b>	Detailed Comments of Government Department Concerned
<b>Appendices V-1 and V-2</b>	Public Comments Received During Statutory Publication Period
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Lot Index Plan
<b>Drawing A-2</b>	Proposed Building License Plan
<b>Drawing A-3</b>	Recognised Village Environs Boundary Plan
<b>Drawings A-4 and A-5</b>	Storm Drainage Proposal

<b>Plan A-1</b>	Location Plan
<b>Plan A-2a</b>	Site Plan
<b>Plan A-2b</b>	Estimated Amount of Land Available for Small House Development within the “V” Zone
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2019**

**Extract of the Interim Criteria for Consideration of Application  
for New Territories Exempted House (NTEH)/Small House in New Territories  
( promulgated on 7.9.2007 )**

The relevant assessment criteria for planning application are extracted as follows:

- (a) sympathetic consideration may be given if not less than 50% of the proposed NTEH/Small House footprint falls within the village 'environs' ('VE') of a recognized village and there is a general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of the village;
- (b) if more than 50% of the proposed NTEH/Small House footprint is located outside the 'VE', favourable consideration could be given if not less than 50% of the proposed NTEH/Small House footprint falls within the "V" zone, provided that there is a general shortage of land in meeting the demand for Small House development in the "V" zone and the other criteria can be satisfied;
- (c) development of NTEH/Small House with more than 50% of the footprint outside both the 'VE' and the "V" zone would normally not be approved unless under very exceptional circumstances (e.g. the application site has a building status under the lease, or approving the application could help achieve certain planning objectives such as phasing out of obnoxious but legal existing uses);
- (d) application for NTEH/Small House with previous planning permission lapsed will be considered on its own merits. In general, proposed development which is not in line with the criteria would normally not be allowed. However, sympathetic consideration may be given if there are specific circumstances to justify the cases, such as the site is an infill site among existing NTEHs/Small Houses, the processing of the Small House grant is already at an advance stage;
- (e) if an application site involves more than one NTEH/Small House, application of the above criteria would be on individual NTEH/Small House basis;
- (f) the proposed development should not frustrate the planning intention of the particular zone in which the application site is located;
- (g) the proposed development should be compatible in terms of land use, scale, design and layout, with the surrounding area/development;
- (h) the proposed development should not encroach onto the planned road network and should not cause adverse traffic, environmental, landscape, drainage, sewerage and geotechnical impacts on the surrounding areas. Any such potential impacts should be mitigated to the satisfaction of relevant Government departments;
- (i) the proposed development, if located within water gathering grounds, should be able to be connected to existing or planned sewerage system in the area except under very special circumstances (e.g. the application site has a building status under the lease or the applicant can demonstrate that the water quality within water gathering grounds will not be affected by the proposed development\*);

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

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

**Similar s.16 Applications within the same “R(E)” zone**  
**on the approved Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/10**

**Approved Applications**

<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
A/TM-LTY Y/283	Proposed House (New Territories Exempted House - Small House)	12.12.2014	(1) and (2)
A/TM-LTY Y/284	Proposed House (New Territories Exempted House - Small House)	12.12.2014	(1) and (2)
A/TM-LTY Y/285	Proposed House (New Territories Exempted House - Small House)	12.12.2014	(1) and (2)
A/TM-LTY Y/301	Proposed House (New Territories Exempted House - Small House)	30.9.2016	(1) and (3)
A/TM-LTY Y/307	Proposed House (New Territories Exempted House - Small House)	18.3.2016	(1) to (3)
A/TM-LTY Y/335	Proposed House (New Territories Exempted House - Small House)	11.8.2017	(1) to (3)
A/TM-LTY Y/336	Proposed House (New Territories Exempted House - Small House)	11.8.2017	(1) to (3)

**Approval conditions**

- (1) Submission and implementation of drainage proposal
- (2) Submission and implementation of tree preservation and landscape proposal
- (3) Provision of septic tank



**Rejected Applications**

<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reason(s)</u></b>
A/TM-LTTY/204	Proposed Houses (New Territories Exempted Houses - Small Houses)	29.10.2010	(1), (2)
A/TM-LTTY/238	Proposed House (New Territories Exempted House - Small House)	16.11.2012 TPB	(2), (3), (4)

**Major rejection reasons**

- (1) Not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria) in that over 50% of each of the footprints of the three proposed Small Houses fell outside both the village environs and the "Village Type Development" zone
- (2) No exceptional circumstances to warrant approval of the application
- (3) Not comply with the Interim Criteria in that there was no shortage of land within the "V" zone for Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen to meet the demand forecast for Small House development
- (4) The applicant failed to demonstrate that the proposed development would have no adverse drainage, sewerage and landscape impacts on the surrounding areas

**Detailed Comments of Government Department Concerned**

**Land Administration**

1. Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):
  - (a) The application site (the Site) falls within the common village environ ('VE') of Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen. The Site also falls within "Village Type Development" ("V") and "Residential (Group E)" ("R(E)") zones on the approved Lam Tei and Yick Yuen OZP No. S/TM-LTYT/10. According to the current policy, such Small House (SH) application can be considered subject to obtaining of planning approval.
  - (b) The applicant claimed to be an indigenous villager ("IV"). According to the procedures and guidelines for processing SH application, the applicant is required to attend a vetting interview for verification of his eligibility of SH grant and make a statutory declaration for his IV status together with the confirmation of his IV status submitted by his indigenous inhabitant representative upon satisfactory resolution of technical problems of his lots. Hence, the eligibility of SH grant of the applicant is yet to be verified.
  - (c) The number of outstanding SH applications for Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen is 150 houses in total and the number of 10-year forecasts of SH demand for Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen provided by the respective Indigenous Inhabitant Representatives is 862 houses.
  - (d) The lots concerned are Old Schedule lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
  - (e) The applicant had submitted an application to erect a small house on the lots which has been held in abeyance. If planning permission is given by the Town Planning Board, his office may continue processing the application.
  - (f) Notwithstanding the above, there is no guarantee that the concerned SH application will be approved and he reserves his right to take any action as may be appropriate. In the event that the SH application is approved, it would be subject to such any terms and conditions as the Government shall deem fit.
  - (g) Pursuant to the prevailing guidelines, any land that is within 30m from known resumption/clearance limits is "prohibited areas". Having checked his records, the Site was situated at close vicinity (within 30m) to the northeast corner of the proposed San Hing Road development site. According to CE/HP2 of CEDD, the exact site boundary, phasing of development and land requirement are still under refinement by CEDD. His office may consider to process the Small House application subject to no adverse comments received from CEDD and other concerned government departments.

### **Building Matters**

2. Comments of the Chief Building Surveyor/New Territories West (CBS/NTW, BD):

- (a) Noting that the building to be erected on the site will be New Territories Exempted House (NTEH) under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121), DLO/TM should be in a better position to comment on the application.
- (b) In case DLO/TM decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the NTEH development, such works will require prior approval and consent under the Buildings Ordinance. In the circumstance, an Authorised Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/TM or seek AP's advice for details.

### **Traffic**

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

In view that there is no public road being managed by Transport Department (TD) adjacent to the Site, he has no comment on the application from traffic engineering viewpoints. There is no planned road project under the TD's purview at the Site.

4. Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) It is noted from the application that no run-in/out and direct vehicular access to the Site are proposed.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### **Drainage**

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

He has no in-principle objection to the application subject to the following conditions from public drainage viewpoints.

- (a) Should the application be approved, a condition should be stipulated requiring the applicant to submit a drainage proposal for the development and to implement and maintain the drainage facilities proposed in the drainage proposal to the satisfaction of his department.
- (b) Please be advised that there is no public sewerage facility located in the vicinity of the application site. Environmental Protection Department (EPD), the planning authority of sewerage infrastructure, should be consulted regarding the sewerage treatment/disposal aspects of the development.

He would also like to take this opportunity to provide the following advice/comments

on the drainage works for the proposed small house development:

- (i) The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the small house site as well as overland flow from areas in the vicinity.
  - (ii) Surface channel should be provided along the perimeter of the lot to collect all the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point.
  - (iii) All the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicant at his own expense. For works to be undertaken outside the lot boundary, the applicant should consult and obtain prior consent from DLO/TM and relevant lot owners.
6. Comments of the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):
- A 900mm diameter underground drain constructed and maintained by his office may be affected by the application. In case the proposed works would interface with the captioned drainage channel, his office should be informed in advance. His office has no adverse comment on the application subject to the conditions listed below:
- (a) The existing village drainage channel maintained by his office is a storm water channel. Discharge of influent from the small house site to the channel is not allowed.
  - (b) The developer(s) should check and ensure storm water to be discharged from the small house site will not adversely affect the discharging capacity of the existing drainage system maintained by his office.
  - (c) The developer(s) should not block or choke the aforesaid drainage system during and after the construction period.
  - (d) The developer(s) should make good of any damages to the aforesaid drainage system at his own cost.
  - (e) His office will not take up maintenance responsibility of any drainage work connected by the developer(s).

### **Environment**

7. Comments of the Director of Environmental Protection (DEP):
- (a) The proposed small house development is not anticipated to have adverse environmental impact and he has no objection to the application.
  - (b) There is no public sewer serving the Site. He notes that there is a concreted and mostly covered drainage channel within the Site. The applicant is reminded to properly treat and dispose of any sewage and wastewater arising in accordance with the Water Pollution Control Ordinance. Meanwhile, he has no specific comment on the proposed use of septic tank and soakaway pit

system for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN5/93 namely “Drainage Plans subject to Comments by the EPD” and are duly certified by an AP.

### **Fire Safety**

8. Comments of the Director of Fire Services (D of FS):
- (a) He has no specific comment on the application.
  - (b) The applicant is advised to observe “New Territories Exempted Houses – A Guide to fire safety requirements” published by the Lands Department.

### **Water Supply**

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

He has no comment on the application. The Site is not located within water gathering ground.

### **Nature Conservation**

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

The Site falls within “V” and “R(E)” zones under the OZP. According to his recent visit, the Site is vacant and paved. No trees or species of conservation interest were found within the Site. Noting the applicant has stated that the development proposal would not involve felling of trees and/or cause damage to branches and roots of trees in the application, he has no comment on the subject application from the nature conservation perspective.

### **Landscape**

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

With reference to the aerial photo of 2018, it is observed that the site is vacant. In view of existing village houses in the vicinity, significant change to the landscape character arising due to the application is not envisaged.

### **District Officer's Comments**

12. Comments of the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

He has distributed consultation letters to the locals concerned and understand that they would provide their comments (if any) to the Board direct. He has no further comment.

### **Archaeology**

13. Comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO):

The Site falls within the San Hing Tsuen Site of Archaeological Interest. In view of the location and scope of the proposed works, the applicant is required to notify the AMO two weeks prior to the commencement of construction work so as to facilitate his staff to conduct site inspection in the course of excavation.

### **Others**

14. Comments of the Chief Engineer/Housing Project 2, Civil Engineering and Development Department (CE/HP2, CEDD):

His consultant is currently carrying out a study under Agreement No. CE 68/2017 (CE) – Site Formation and Infrastructural Works Development at San Hing Road and Hong Po Road, Tuen Mun – Feasibility Study. According to the latest layout plan extracted from the consultancy brief, the proposed house application is found locating adjacent to the north boundary of the proposed San Hing Road housing development site. However, the exact boundary, phasing of development and land requirement are still under refinement by the consultant to be agreed by the Housing Department, the Lands Department and other government departments concerned.

### **Demand and Supply of Small House Site**

15. According to DLO/TM, LandsD's record for Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen, the total number of outstanding Small House applications of the three villages is 150 (i.e. about 3.75 ha of land) while the 10-year forecast of Small House demand of the three villages is 862 houses (i.e. about 21.55 ha of land) (i.e. a total of 1,012 houses or about 25.3 ha of land). Based on the latest estimate by PlanD, about 21.53 ha (equivalent to about 861 Small House sites) of land is available within the "V" zone of Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen on the OZP. Although there is sufficient land within the "V" zone to meet the outstanding Small House applications, it cannot fully meet the future Small House demand for about 25.3 ha of land (equivalent to about 1,012 Small House sites). The proposed Small House footprint falls wholly within the common 'VE' of Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen.

**Advisory Clauses**

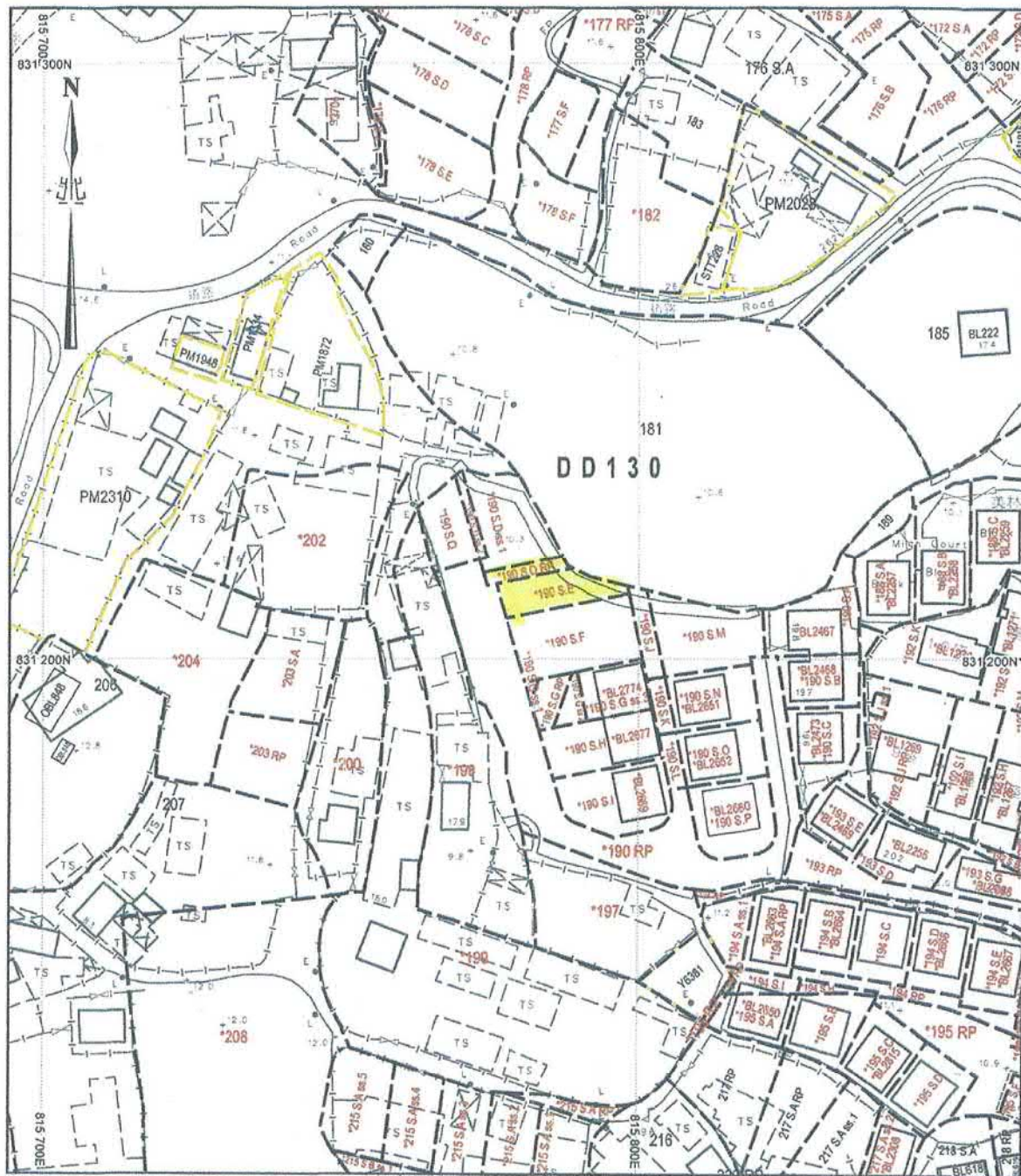
- (a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that the lots concerned are Old Schedule lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The applicant had submitted an application to erect a small house on the lots which has been held in abeyance. There is no guarantee that the concerned Small House application will be approved and he reserves his right to take any action as may be appropriate. In the event that the Small House application is approved, it would be subject to such any terms and conditions as the Government shall deem fit;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the building to be erected on the application site (the Site) will be New Territories Exempted House (NTEH) under the Buildings Ordinance (BO) (Application to the New Territories) Ordinance (Cap. 121). In case DLO/TM, LandsD decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the NTEH developments, such works will require prior approval and consent under the Buildings Ordinance. In the circumstance, an Authorised Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/TM, LandsD or seek AP's advice for details;
- (c) to note the comments of the Director of Environmental Protection that there is no public sewer serving the Site. There is a concreted and mostly covered drainage channel within the Site. The applicant is reminded to properly treat and dispose of any sewage and wastewater arising in accordance with the Water Pollution Control Ordinance. The design and construction of the proposed use of septic tank and soakaway pit system for collection, treatment and disposal of the sewage should follow the requirements of the ProPECC PN5/93 namely "Drainage Plans subject to Comments by the Environmental Protection Department (EPD)" and are duly certified by an AP;
- (d) to note the comments of the Chief Engineer/New Territories West, Highways Department that it is noted from the application that no run-in/out and direct vehicular access to the Site are proposed. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no public sewerage facility located in the vicinity of the Site. EPD, the planning authority of sewerage infrastructure, should be consulted regarding the sewerage treatment/disposal aspects of the development. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the small house site as well as overland flow from areas in the vicinity. Surface channel should be provided along the perimeter of the lot to collect all the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. All the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicant at his own expense. For works to be undertaken outside the lot boundary, the applicant should consult and obtain prior consent from DLO/TM and relevant lot owners;

- (f) to note the comments of the District Officer (Tuen Mun), Home Affairs Department that a 900mm diameter underground drain constructed and maintained by his office may be affected by the application. In case the proposed works would interface with the captioned drainage channel, his office should be informed in advance. The applicant should observe the following conditions: (i) the existing village drainage channel maintained by his office is a storm water channel. Discharge of influent from the small house site to the channel is not allowed; (ii) the developer(s) should check and ensure storm water to be discharged from the small house site will not adversely affect the discharging capacity of the existing drainage system maintained by his office; (iii) the developer(s) should not block or choke the aforesaid drainage system during and after the construction period; (iv) the developer(s) should make good of any damages to the aforesaid drainage system at his own cost; and (v) his office will not take up maintenance responsibility of any drainage work connected by the developer(s);
- (g) to note the comments of the Director of Fire Services that the applicants shall observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the Lands Department; and
- (h) to note the comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (AMO) that the Site falls within the San Hing Tsuen Site of Archaeological Interest. In view of the location and scope of the proposed works, the applicant is required to notify the Antiquities and Monuments Office two weeks prior to the commencement of construction work so as to facilitate his staff to conduct site inspection in the course of excavation.



# 地段索引圖 LOT INDEX PLAN

Appendix 1



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

比例尺 SCALE 1:1000

米 metres 10 0 10 20 30 40 50 metres



Locality : DD130

Lot Index Plan No. : LIP062559P

District Survey Office : DSOTM

Date : 07-Sep-2018

Reference No. : 6-NW-21A,6-NW-21B,6-NW-18C,6-NW-16D

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SMO-P01 20180907154714 10

## 免責聲明

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

## Disclaimer

This plan is a copy of the lot index plan showing the approximate location of lot boundaries, including the temporary occupation of land under Government Land Allocations, Temporary Government Land Allocations, Short Term Tenancies and Government Land Licences. The temporary occupation of land may be created or terminated at short notice and should be confirmed with the District Lands Officer. The information shown on this plan **MUST** be verified by field survey. The lot index plan may be revised without prior notification as better or new boundary evidence becomes available.

參考編號 REFERENCE No.  
A/TM-LTY/362

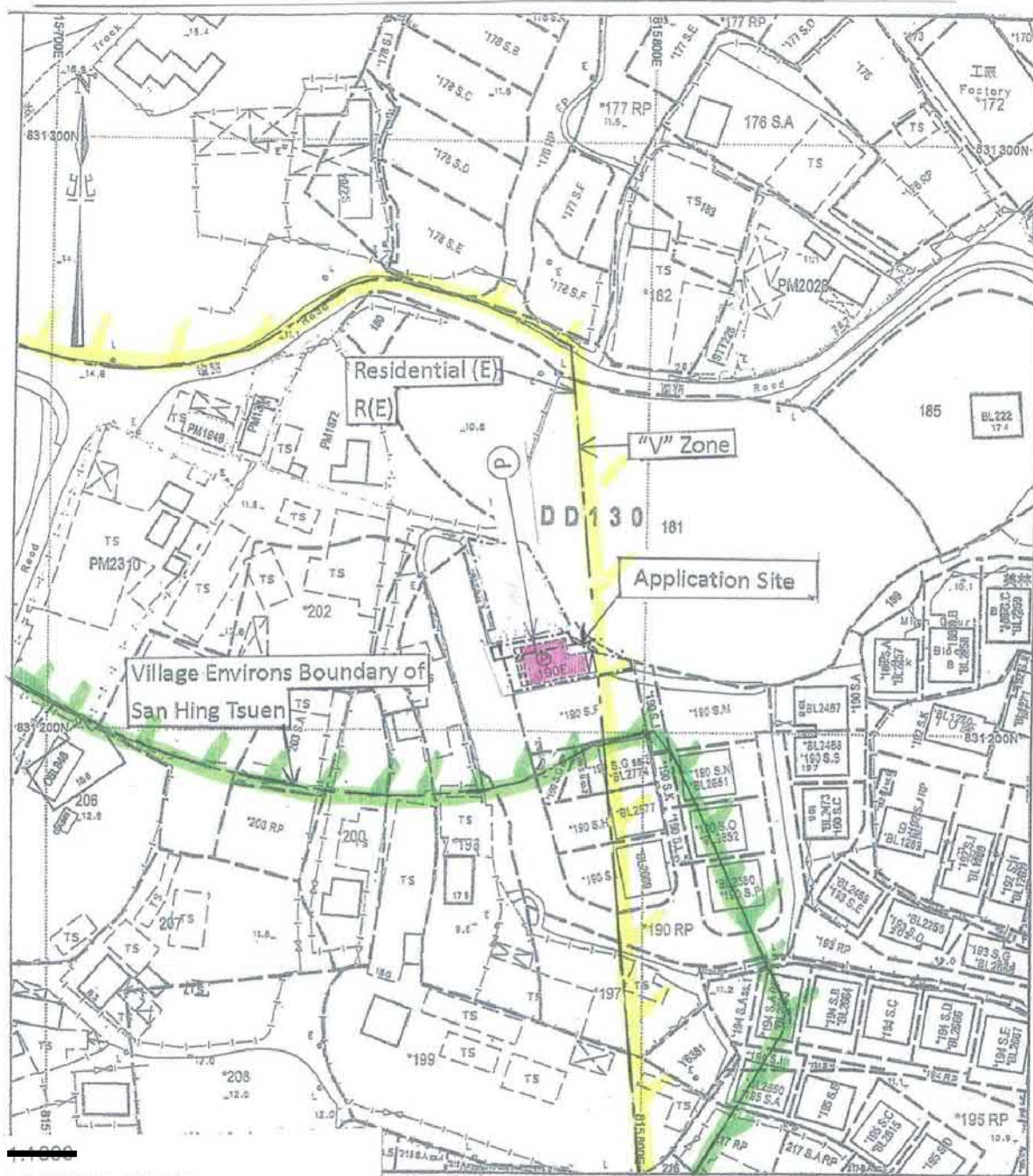
繪圖 DRAWING  
A-1

(摘錄自申請人於19.11.2018呈交的申請書)

(Extract from Applicant's  
Submission Dated 19.11.2018)



# PROPOSED BUILDING LICENCE PLAN LOT Nos. 190 S.D RP & 190 S.E IN D.D.130



SCALE 1:1000

LOCATION PLAN



SCALE 1:1000

Legends:

□ Sptic Tank (4' x 12')

COLOURED PINK AREA : 65.03 SQUARE METRES (ABOUT)

Line	Bearing	Distance(M)	Northing	Easting	Pt.
A-B	78° 26' 16"	7.921	831 214.783	815 778.964	A
B-C	168° 26' 16"	3.081	831 216.371	815 786.724	B
C-D	78° 26' 16"	2.913	831 213.352	815 787.342	C
D-E	168° 26' 16"	3.750	831 213.936	815 790.195	D
E-F	258° 26' 16"	10.834	831 210.262	815 790.947	E
F-A	348° 26' 16"	6.831	831 208.091	815 780.333	F

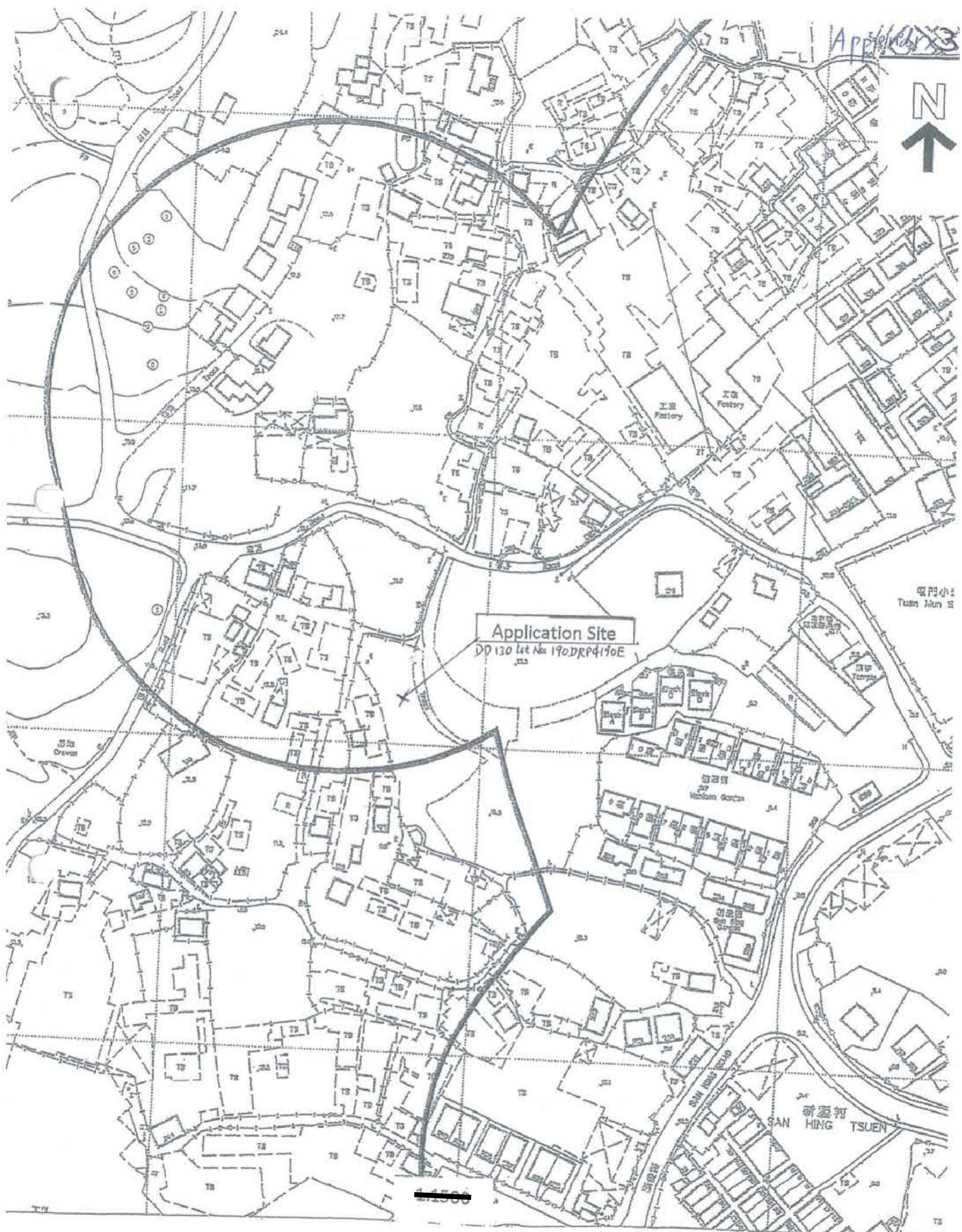
參考編號 REFERENCE No.  
A/TM-LTY/362

繪圖 DRAWING  
A-2

(摘錄自申請人於 19. 11. 2018 呈交的申請書)

(Extract from Applicant's  
Submission Dated 19.11.2018)





Plan Title:  
Recognized Village Environs  
Boundary Plan in Tuen Mun District

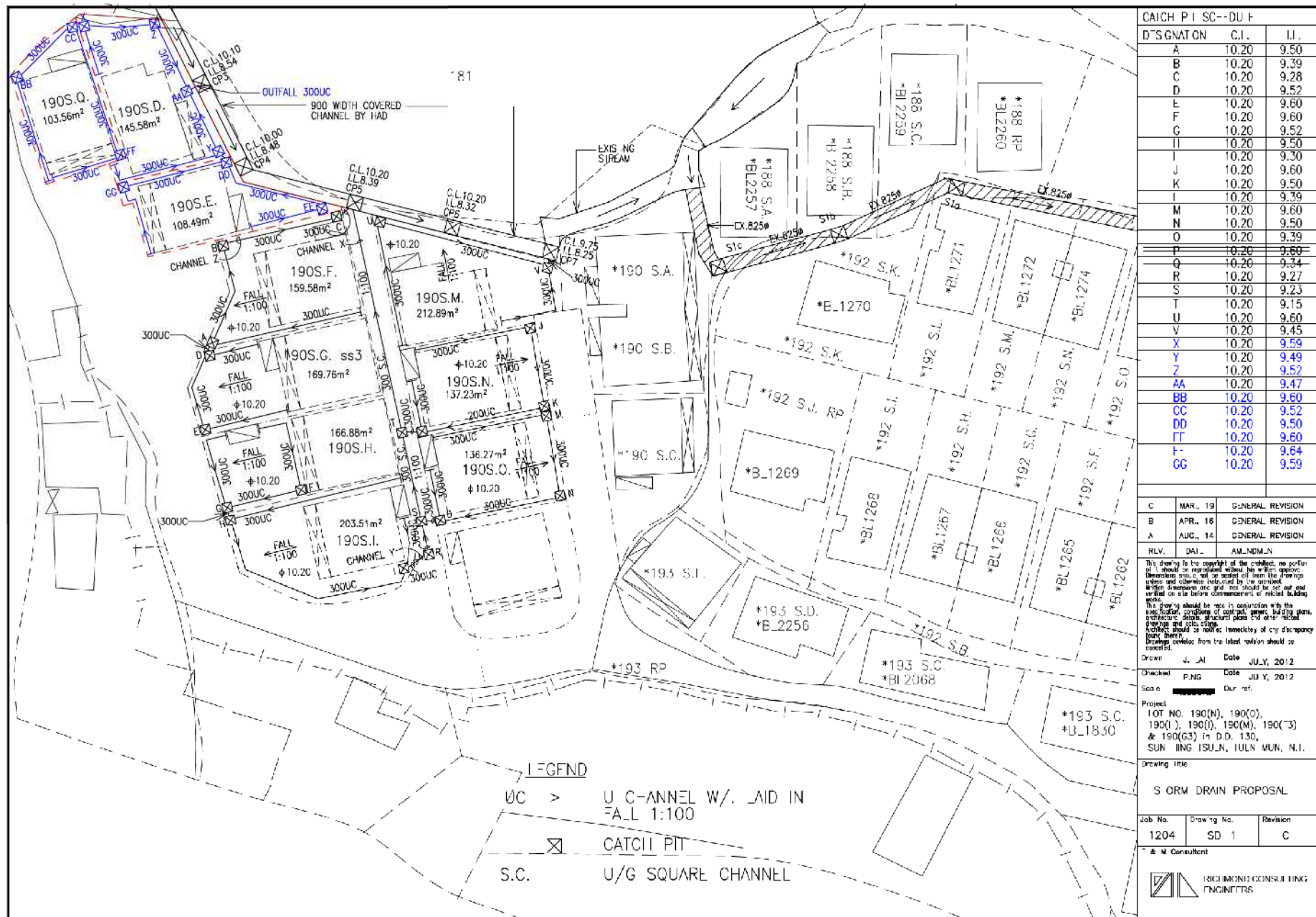
DSO/Tuen Mun  
PLAN NO. TMM2849-sheet 11  
(Extracted)

參考編號 REFERENCE No. A/TM-LTYT/362	繪圖 DRAWING A-3
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(摘錄自申請人於 19. 11. 2018 呈交的申請書)  
(Extract from Applicant's  
Submission Dated 19.11.2018)







參考編號 REFERENCE No. 繪圖 DRAWING  
A/TM-LTYT/362 A-5

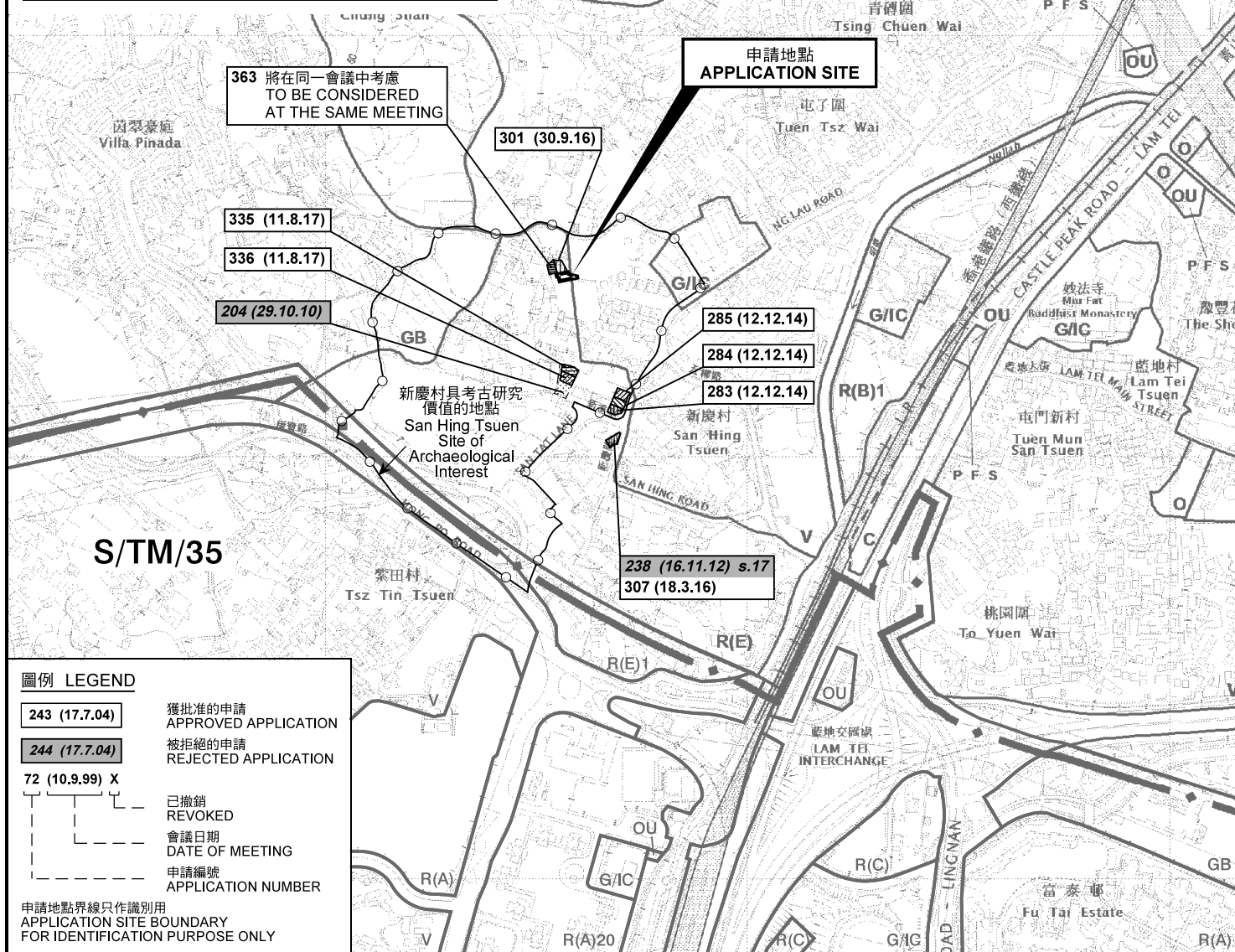
(摘錄自申請人於19.11.2018呈交的申請書)  
(Extract from Applicant's  
Submission Dated 19.11.2018)



申請地點  
APPLICATION SITE

### 要覽圖 KEY PLAN

SCALE 1 : 50 000 比例尺



#### 圖例 LEGEND

- |                |                                |
|----------------|--------------------------------|
| 243 (17.7.04)  | 獲批准的申請<br>APPROVED APPLICATION |
| 244 (17.7.04)  | 被拒絕的申請<br>REJECTED APPLICATION |
| 72 (10.9.99) X | 已撤銷<br>REVOKED                 |
| ---            | 會議日期<br>DATE OF MEETING        |
| ---            | 申請編號<br>APPLICATION NUMBER     |

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

### 位置圖 LOCATION PLAN

擬議屋宇(新界豁免管制屋宇—小型屋宇)  
新界屯門藍地新慶村丈量約份第130約  
地段第190號D分段餘段及第190號E分段

PROPOSED HOUSE  
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
LOTS 190 S.D RP & 190 S.E IN D.D. 130,  
SAN HING TSUEN, LAM TEI, TUEN MUN, NEW TERRITORIES  
SCALE 1 : 7 500 比例尺

米 100 0 100 200 300 米  
METRES

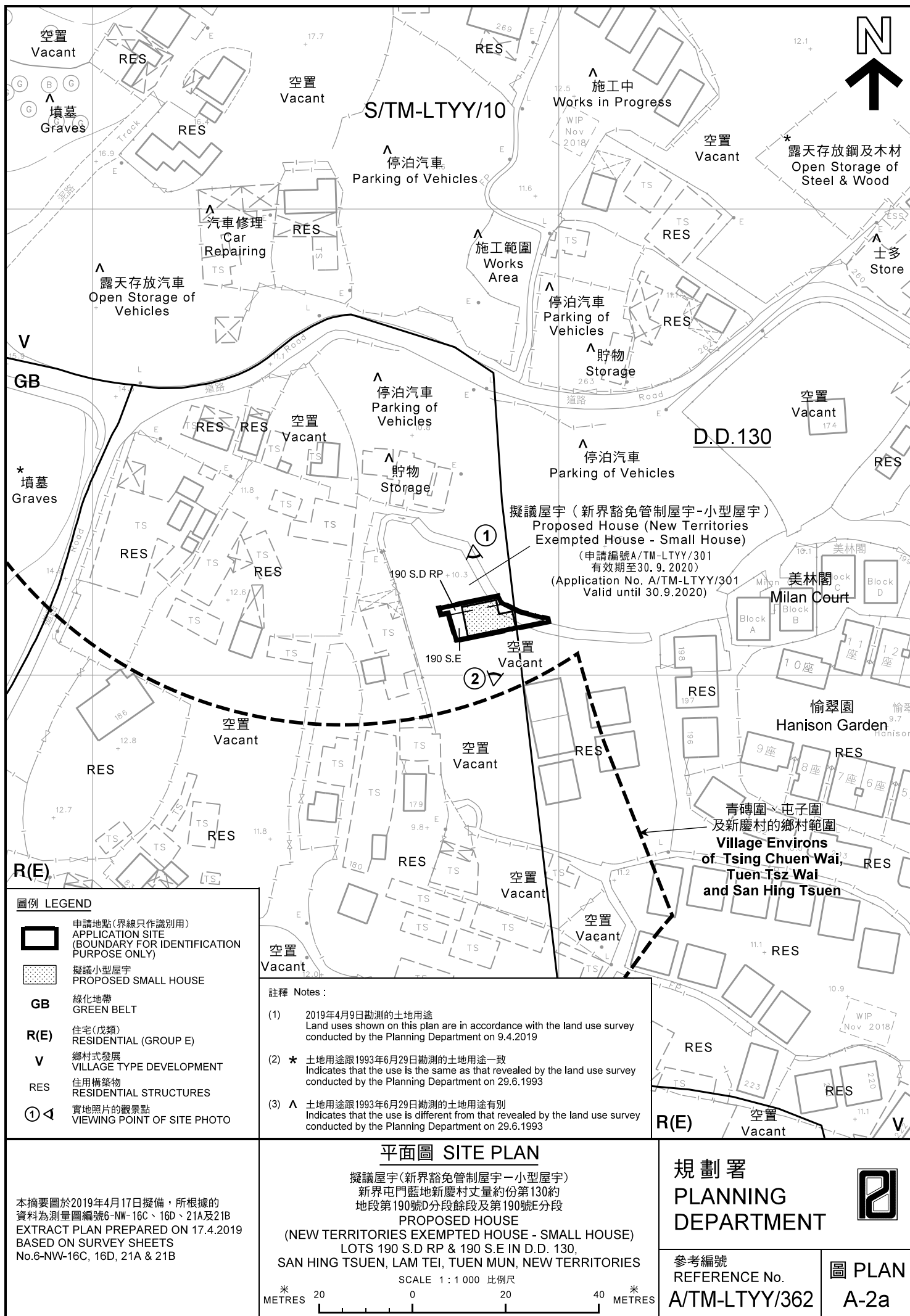
規劃署  
PLANNING  
DEPARTMENT



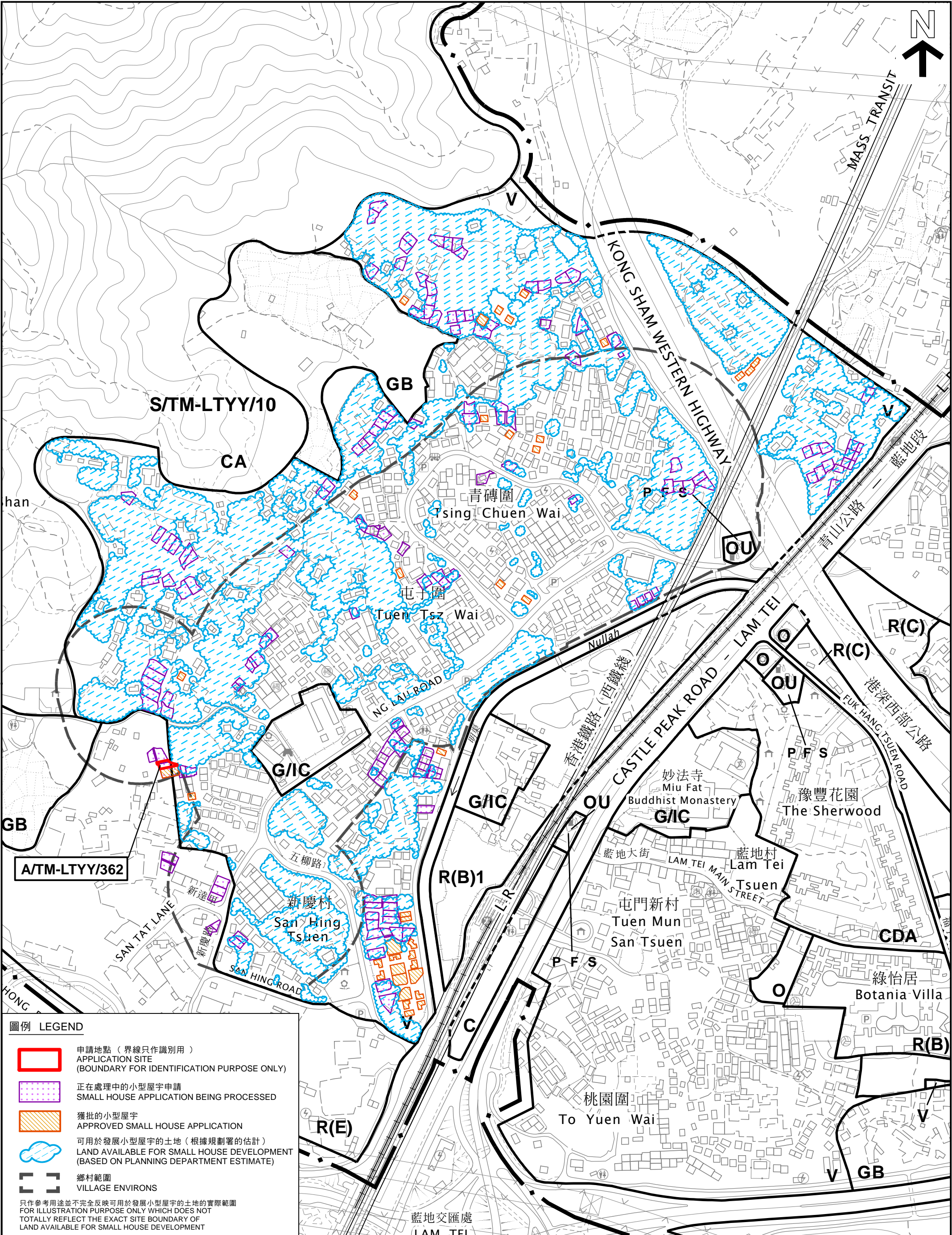
參考編號  
REFERENCE No.  
A/TM-LTTY/362

圖 PLAN  
A-1

本摘要圖於2019年4月11日擬備，  
所根據的資料為於2018年10月16日  
核准的分區計劃大綱圖編號 S/TM-LTTY/10  
EXTRACT PLAN PREPARED ON 11.4.2019  
BASED ON OUTLINE ZONING PLAN No.  
S/TM-LTTY/10 APPROVED ON 16.10.2018







圖例 LEGEND

- 申請地點（界線只作識別用）  
APPLICATION SITE  
(BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
  - 正在處理中的小型屋宇申請  
SMALL HOUSE APPLICATION BEING PROCESSED
  - 獲批的小型屋宇  
APPROVED SMALL HOUSE APPLICATION
  - 可用於發展小型屋宇的土地（根據規劃署的估計）  
LAND AVAILABLE FOR SMALL HOUSE DEVELOPMENT  
(BASED ON PLANNING DEPARTMENT ESTIMATE)
  - 鄉村範圍  
VILLAGE ENVIRONS
- 只作參考用途並不完全反映可用於發展小型屋宇的土地的實際範圍  
FOR ILLUSTRATION PURPOSE ONLY WHICH DOES NOT  
TOTALLY REFLECT THE EXACT SITE BOUNDARY OF  
LAND AVAILABLE FOR SMALL HOUSE DEVELOPMENT

本摘要圖於2019年4月24日擬備，所根據的資料為地形圖編號 6-NW-C  
EXTRACT PLAN PREPARED ON 24.4.2019  
BASED ON TOPOGRAPHIC MAP No. 6-NW-C

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)  
新界屯門藍地新慶村丈量約份第130約地段第190號D分段餘段及第190號E分段  
PROPOSED HOUSE (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
LOTS 190 S.D RP & 190 S.E IN D.D. 130, SAN HING TSUEN, LAM TEI, TUEN MUN, NEW TERRITORIES

SCALE 1:4,000 比例尺  
米 50 0 50 100 150 米  
METRES

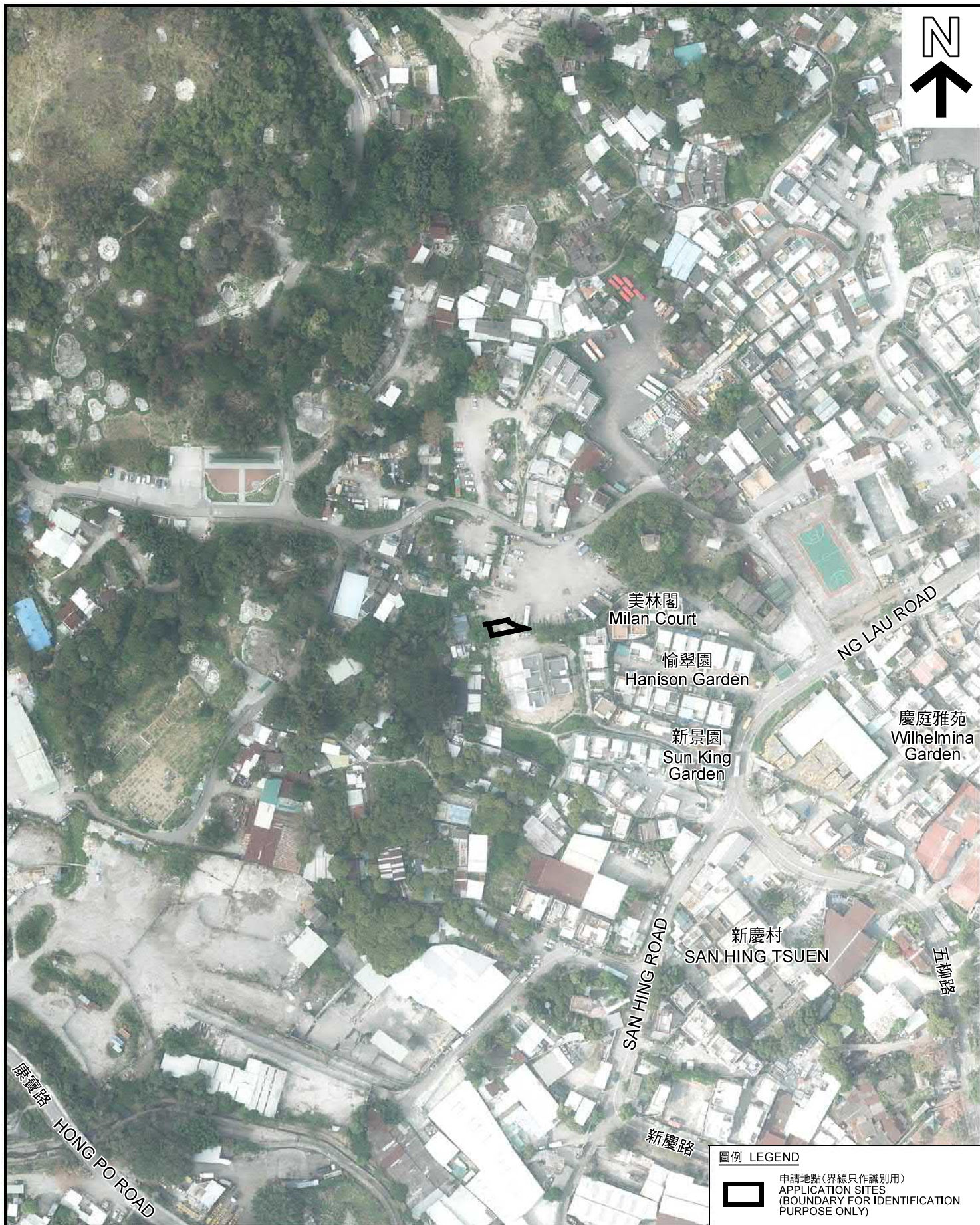
規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/TM-LTTY/362

圖 PLAN  
A-2b





圖例 LEGEND



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

本摘要圖於2019年4月4日擬備，所根據  
的資料為地政總署於2018年3月13日拍得  
的航攝照片編號 E035885C  
EXTRACT PLAN PREPARED ON 4.4.2019  
BASED ON AERIAL PHOTO No.  
E035885C TAKEN ON 13.3.2018  
BY LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

擬議屋宇(新界豁免管制屋宇—小型屋宇)  
新界屯門藍地新慶村丈量約份第130約  
地段第190號D分段餘段及第190號E分段  
PROPOSED HOUSE  
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
LOTS 190 S.D RP & 190 S.E IN D.D. 130,  
SAN HING TSUEN, LAM TEI, TUEN MUN, NEW TERRITORIES

規 劃 署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/TM-LTTY/362

圖 PLAN  
A-3



1



2



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

### 實地照片 SITE PHOTO

擬議屋宇(新界豁免管制屋宇—小型屋宇)  
新界屯門藍地新慶村丈量約份第130約  
地段第190號D分段餘段及第190號E分段  
PROPOSED HOUSE

(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
LOTS 190 S.D RP & 190 S.E IN D.D. 130,  
SAN HING TSUEN, LAM TEI, TUEN MUN, NEW TERRITORIES

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/TM-LTTY/362

圖 PLAN  
A-4

本圖於2019年4月11日擬備，所根據的  
資料為攝於2019年4月9日的實地照片  
PLAN PREPARED ON 11.4.2019  
BASED ON SITE PHOTOS  
TAKEN ON 9.4.2019

**Agenda Items 44 and 45**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/362      Proposed House (New Territories Exempted House - Small House) in  
“Residential (Group E)” and “Village Type Development” Zones, Lots  
190 S.D RP and 190 S.E in D.D. 130, San Hing Tsuen, Lam Tei, Tuen  
Mun  
(RNTPC Paper No. A/TM-LTY Y/362A)

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A/TM-LTY Y/363      Proposed House (New Territories Exempted House - Small House) in  
“Residential (Group E)” Zone, Lots 190 S.D ss.2 and 190 S.Q in D.D.  
130, San Hing Tsuen, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/363A)

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187.            The Committee noted that the two applications for proposed house (New Territories Exempted House (NTEH)) were similar in nature and the application sites (the sites) were located in close proximity to one another and within the same “Residential (Group E)” (“R(E)”) zone. The Committee agreed that the applications could be considered together.

**Presentation and Question Sessions**

188.            Ms Stella Y. Ng, STP/TMYLW, presented the applications and covered the following aspects as detailed in the Papers:

- (a)    background to the applications;
- (b)    the proposed house (NTEH - Small House) at each of the sites;
- (c)    departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers. Concerned government departments had no objection to or no adverse comment on the applications;

- (d) during the first three weeks of the statutory publication period, two public comments on each application were received, with one from a Tuen Mun District Council member supporting the applications and the remaining from an individual objecting to the applications. Major views were set out in paragraph 11 of the Papers; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Papers. The sites were located in close proximity to the “Village Type Development” (“V”) zone of San Hing Tsuen and the existing cluster of village houses. The proposed developments were not incompatible with the low-rise developments in the surrounding areas and would unlikely be susceptible to industrial/residential interface problems. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, the sites and the footprints of the proposed Small Houses fell wholly within the village ‘environs’ of Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen. While land available within the “V” zone was insufficient to fully meet the future Small House demand, it was capable to meet the 150 outstanding Small House applications. The site of application No. A/TM-LTY Y/362 was partly zoned “R(E)” (84%) and partly zoned “V” (16%) and the site of application No. A/TM-LTY Y/363 fell wholly within “R(E)” zone. Taking into account that the proposed Small House developments were generally in line with the planning intention of the “R(E)” zone and would unlikely be susceptible to industrial/residential interface problems, sympathetic consideration might be given to the subject applications. Seven similar applications had been approved within the same “R(E)” zone and amongst others, the application site of application No. A/TM-LTY Y/301 was located to the immediate north and east of the sites of applications No. A/TM-LTY Y/362 and A/TM-LTY Y/363 respectively. Approval of the applications was in line with the Committee's previous decisions. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

189. In response to a Member's enquiry, Ms Stella Y. Ng, STP/TMYLW, said that similar applications No. A/TM-LTYT/283, 284 and 285 were approved with conditions by the Committee on 12.12.2014 mainly on considerations that the proposed developments were in line with the planning intention of the "R(E)" zone primarily to phase out existing industrial uses through redevelopment for residential use on application to the Board.

#### Deliberation Session

190. A Member did not support the applications on the grounds that land was still available within the "V" zone to accommodate the outstanding Small House applications and thus Small House developments should be confined within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. Some Members concurred.

191. Noting that the planning intention of "R(E)" zone was to phase out existing industrial uses through redevelopment for residential use on application, the same Member added that the phasing out of industrial uses should be achieved by other types of residential developments instead of Small Houses, particularly in light of land was still available within "V" zone and Small House developments should not proliferate outside "V" zones.

192. Another Member also did not support the applications, and cast doubt on the 'catalyst' effect of the two proposed Small Houses under the applications for phasing out the existing industrial uses in "R(E)" zone.

193. Members noted that similar applications No. A/TM-LTYT/301, 307, 335 and 336 for one proposed Small House at each of the application site within the same "R(E)" zone were approved with conditions by the Committee between 2016 and 2017 after adoption of a cautious approach by the Board in approving planning applications for Small House development. The Chairman reminded Members to duly consider the Committee's previous decisions of similar planning applications for Small House developments within the same "R(E)" zone.

194. A Member considered that there had been changes in planning circumstances in the territory in that there had been increasing shortage of land to meet the acute housing

demand. Since land was still available within the “V” zone for Small House development, the proposed Small Houses should thus be concentrated within “V” zone instead of spreading out to other residential zones where land could be used for other types of residential developments. The same Member also added that the consideration of similar applications for Small House developments in the same zone in the past should only serve as a reference for Members’ consideration of the subject applications. Another Member recalled that the consideration of whether Small House developments should be allowed to spread to other residential zones had recently been discussed during the consideration of other planning applications for Small House development in “Residential (Group D)” zone.

195. Members noted that except NTEHs, developments within “R(E)” zone were subject to a maximum plot ratio (PR) of 1.0, a maximum site coverage of 40% and a maximum building height of 4 storeys over single-storey car park (15m). A Member was of view that the permitted PR within “R(E)” zone was relatively low in view of the scarce land resources to meet the acute housing demand in Hong Kong.

196. In sum, Members in general did not support the applications on the grounds that the land available within the “V” zone could accommodate the outstanding Small House applications and thus Small House developments should be confined within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

197. After further deliberation, the Committee decided to reject the applications. The reason for each of the applications was:

“ land is still available within the “Village Type Development” (“V”) zone of Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen where land is primarily intended for Small House development. It is considered more appropriate to concentrate Small House development close to the existing village cluster within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

[Messrs Stephen L.H. Liu and Ricky W.Y. Yu left the meeting at this point.]

**城 市 規 劃 委 員 會**

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來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/TM-LTYT/362

By Post & Fax (2770 0965)

17 May 2019

Chan Chung Hong

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House)  
in “Residential (Group E)” and “Village Type Development” Zones,  
Lots 190 S.D RP and 190 S.E in D.D. 130, San Hing Tsuen, Lam Tei, Tuen Mun**

I refer to my letter to you dated 11.4.2019.

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

- land is still available within the “Village Type Development” (“V”) zone of Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen where land is primarily intended for Small House development. It is considered more appropriate to concentrate Small House development close to the existing village cluster 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 3.5.2019 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 8.6.2019). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

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

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Stella Ng of Tuen Mun & Yuen Long West District Planning Office at 2158 6291.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Raymond KAN', written in a cursive style.

( Raymond KAN )  
for Secretary, Town Planning Board



**Advisory Clauses**

- (a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that the lots concerned are Old Schedule lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The applicant had submitted an application to erect a small house on the lots which has been held in abeyance. There is no guarantee that the concerned Small House application will be approved and he reserves his right to take any action as may be appropriate. In the event that the Small House application is approved, it would be subject to such any terms and conditions as the Government shall deem fit;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the building to be erected on the application site (the Site) will be New Territories Exempted House (NTEH) under the Buildings Ordinance (BO) (Application to the New Territories) Ordinance (Cap. 121). In case DLO/TM, LandsD decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the NTEH developments, such works will require prior approval and consent under the Buildings Ordinance. In the circumstance, an Authorised Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/TM, LandsD or seek AP's advice for details;
- (c) to note the comments of the Director of Environmental Protection that there is no public sewer serving the Site. There is a concreted and mostly covered drainage channel within the Site. The applicant is reminded to properly treat and dispose of any sewage and wastewater arising in accordance with the Water Pollution Control Ordinance. The design and construction of the proposed use of septic tank and soakaway pit system for collection, treatment and disposal of the sewage should follow the requirements of the ProPECC PN5/93 namely "Drainage Plans subject to Comments by the Environmental Protection Department (EPD)" and are duly certified by an AP;
- (d) to note the comments of the Chief Engineer/New Territories West, Highways Department that it is noted from the application that no run-in/out and direct vehicular access to the Site are proposed. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no public sewerage facility located in the vicinity of the Site. EPD, the planning authority of sewerage infrastructure, should be consulted regarding the sewerage treatment/disposal aspects of the development. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the small house site as well as overland flow from areas in the vicinity. Surface channel should be provided along the perimeter of the lot to collect all the runoff generated from the Site or passing through the Site, and discharge the runoff collected to a proper discharge point. All the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicant at his own expense. For works to be undertaken outside the lot boundary, the applicant should consult and obtain prior consent from DLO/TM and relevant lot owners;

- (f) to note the comments of the District Officer (Tuen Mun), Home Affairs Department that a 900mm diameter underground drain constructed and maintained by his office may be affected by the application. In case the proposed works would interface with the drainage channel, his office should be informed in advance. The applicant should observe the following conditions: (i) the existing village drainage channel maintained by his office is a storm water channel. Discharge of influent from the small house site to the channel is not allowed; (ii) the developer(s) should check and ensure storm water to be discharged from the small house site will not adversely affect the discharging capacity of the existing drainage system maintained by his office; (iii) the developer(s) should not block or choke the aforesaid drainage system during and after the construction period; (iv) the developer(s) should make good of any damages to the aforesaid drainage system at his own cost; and (v) his office will not take up maintenance responsibility of any drainage work connected by the developer(s);
- (g) to note the comments of the Director of Fire Services that the applicants shall observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the Lands Department; and
- (h) to note the comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (AMO) that the Site falls within the San Hing Tsuen Site of Archaeological Interest. In view of the location and scope of the proposed works, the applicant is required to notify the Antiquities and Monuments Office two weeks prior to the commencement of construction work so as to facilitate his staff to conduct site inspection in the course of excavation.