

RURAL AND NEW TOWN PLANNING COMMITTEE OF THE TOWN PLANNING BOARD

RNTPC Paper No. 2/18

**For Consideration by
the Rural and New Town Planning Committee on 17.8.2018**

**Deletion of Approval Condition (f) of the Planning Permission for
the Approved Houses (New Territories Exempted Houses - Small Houses)
at Hang Ha Po, Lam Tsuen, Tai Po under Application No. A/NE-LT/212-2**

**Deletion of Approval Condition (f) of the Planning Permission for
the Approved Houses (New Territories Exempted Houses (NTEH) - Small Houses)
at Hang Ha Po, Lam Tsuen, Tai Po under Application No. A/NE-LT/212-2**

1. Purpose

This Paper is to invite Members to consider the deletion of approval condition (f) of the planning permission under Application No. A/NE-LT/212-2.

2. Background

2.1 In view of a recent request by the applicant under Application No. A/NE-KLH/459 for a review of the approval condition (c) in relation to connection to public sewers, the Planning Department has undertaken a review and a case (Application No. A/NE-LT/212-2) in Lam Tsuen, which is also within the upper indirect water gathering grounds (WGG), is identified with similar circumstances.

2.2 The proposed Small House developments at Lots 1203 S.A RP, 1203 S.B RP, 1203 S.C RP, 1203 S.D RP, 1203 S.E RP, 1203 S.F RP and 1203 S.G in D.D. 7 (the Site), falling within an area zoned "Agriculture" ("AGR") on the Lam Tsuen Outline Zoning Plan (OZP), was first approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 8.10.1999 before the first promulgation of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in 2000. The location plan and site plan are shown at **Plans 1** and **2** and the approval letter is attached at **Appendix I**. Amongst other approval conditions, the following approval condition (c) related to sewage disposal arrangement was imposed :

Approval Condition (c)

- the provision of septic tank and soakaway pits for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies (DWS) or of the Board

2.3 On 28.10.2005, the application for an extension of time (EOT) for commencement of the development (Application No. A/NE-LT/212-1) was approved and the approval letter is at **Appendix II**. Taking into account the comments from the Water Supplies Department (WSD) that the proposed

developments should be connected to public sewers when they became available, the following additional approval condition (f) was imposed:

Approval Condition (f)

- the connection of the foul water drainage system to public sewers to the satisfaction of the DWS or of the Board
- 2.4 On 18.1.2008, the application (No. A/NE-LT/212-2) for minor adjustment of site boundary and change in disposition of one of the Small Houses was approved with the same set of approval conditions of Application No. A/NE-LT/212-1 and the approval letter is attached at **Appendix III**.
- 2.5 Subsequently, five Small Houses were built with the septic tank and soakaway pits in place. Although approval condition (c) on the provision of septic tank and soakaway pits had been complied with, compliance with the other approval condition (f) is still outstanding as there is no existing/planned public sewerage system in the vicinity of the Site for connection.
- 2.6 According to Section 46 of the Interpretation and General Clauses Ordinance (Cap. 1), the Committee has the power to amend the permission granted.

3. Comments from Relevant Government Departments

- 3.1 The following relevant Government departments have been consulted and their comments are summarised as follows:

3.1.1 Comments of the Chief Engineer/New Territories East (CE/NTE), WSD:

- (a) since the applicants have not connected the proposed Small Houses to any public sewerage system, the approval condition (f) as stipulated in the latest approval letter of the Board dated 4.2.2008 requiring connection to public sewers has not been complied with;
- (b) the proposed Small Houses have been built with septic tank and soakaway system and considered acceptable by WSD; and
- (c) as there is no existing/planned public sewerage system in the vicinity of the Site for connection, it is also not practicable nor reasonable for the applicants to fulfil approval condition (f). He has no comment to delete approval condition (f) on the connection of the foul water drainage system to public sewers.

3.1.2 Comments of the DEP:

- (a) the septic tank and soakaway system for the five Small Houses has been constructed and considered acceptable by WSD; and

- (b) he notes that the approval condition (f) to require the connection of foul water drainage system to the public sewers and approval condition (c) for the provision of septic tank and soakaway system are contradictory. He has no comment on the proposed deletion of approval condition (f).

3.2 Other Government departments consulted including the District Lands Officer/Tai Po of Lands Department and the Chief Engineer/Mainland North of Drainage Services Department have no comments on the proposal.

4. **Planning Department's Views**

As stated in para. 2.5 above, there is no existing/planned public sewerage system in the vicinity of the Site for connection. The Environmental Protection Department (EPD) also advises that the public sewerage scheme in Lam Tsuen has been substantially completed and there is currently no plan to further expand the sewerage network in the area. In this regard, it is considered not practicable to request the applicants to fulfil the approval condition (f) on sewerage connection. Relevant departments consulted, including EPD and WSD, have no comment on/no objection to deletion of the approval condition (f). WSD also advised that the approval condition (c) on provision of septic tank and soakaway system had been complied with.

5. **Decision Sought**

The Committee is invited to agree with the proposed deletion of approval condition (f).

6. **Attachments**

Appendix I	Approval letter for Application No. A/NE-LT/212 dated 22.10.1999
Appendix II	Approval letter for Application No. A/NE-LT/212-1 dated 11.11.2005
Appendix III	Approval letter for Application No. A/NE-LT/212-2 dated 4.2.2008
Plan 1	Location plan
Plan 2	Site plan

PLANNING DEPARTMENT
AUGUST 2018

城市規劃委員會

香港北角渣甸道三百三十三號

北角政府合署十五樓

Appendix I

TOWN PLANNING BOARD

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

傳 真 Fax: 2877 0245 or 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/NE-LT/212

By Registered Post & Fax

22 October 1999

R & U Planning and Development Consultants Ltd

(Attn.: Miss Candy Ng)

Dear Madam,

Proposed Seven New Territories Exempted Houses
(NTEHs) (Small Houses),
Lots 1203A-E, 1203F(Part) and 1203G in DD 7,
Hang Ha Po Village,
Lam Tsuen,
Tai Po

I refer to your application of 21.8.1999 and am pleased to inform you that at its meeting on 8.10.1999, the Town Planning Board (the Board) approved your application for permission under section 16 of the Town Planning Ordinance on the terms of the application as submitted to the Board and subject to the following conditions :

- (a) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the disposal of spoils during the site formation and construction period to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (c) the provision of septic tank and soakaway pits for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the Town Planning Board;
- (d) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (e) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the Town Planning Board; and

- (f) the permission shall cease to have effect on 8.10.2002 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

The Board also agreed to advise you that for the development of a Small House, a concessionary grant from the Land Authority under the Small House Policy will be required and that such grant will only be given to indigenous villagers.

A copy of the Town Planning Board Paper in respect of the application and the relevant extracts of minutes of the Board meeting are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the Board may apply to the Board 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. I will then contact you with a view to arranging a hearing before the Board which you and/or your client will be invited to attend.

This approval by the Board under section 16 of the Town Planning Ordinance should not be taken to indicate that any other government approval which may be needed in connection with the development, will be given. You should approach the appropriate government departments on any such matter.

In connection with the expiry of this permission as stated above, you are advised that, if you wish to seek renewal of this permission, an application for such renewal should be received by the Board no later than two months but not earlier than four months before the stipulated date of expiry. No renewal of this permission will be considered if the application for such renewals is received after the date of expiry.

If you have any queries regarding this planning permission, please contact Mr. Lam Wing Yuen of Sha Tin, Tai Po and North District Planning Office at 2684 1701. In case you wish to consult the relevant Government departments on matters relating to the above approval conditions, a list of the concerned Government officers is attached herewith for your reference.

Yours faithfully,



(C.K. LEE)

for Secretary, Town Planning Board

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. I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend.

If you have any queries regarding this permission, please contact Dr. Kenneth Tang of Tai Po and North District Planning Office at 2158 6242. In case you wish to consult the relevant Government departments on matters relating to the above planning conditions, a list of the concerned Government officers is attached herewith for your reference.

I should be grateful if you could advise me in due course whether this amended permission or other previous permission granted by the TPB in respect of the development would be taken up by you.

Yours faithfully,



(Miss Y.K. NG)
for Secretary, Town Planning Board

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

North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 or 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/NE-LT/212-1

By Registered Post & Fax

11 November 2005

R & U Planning and Development Consultants Ltd.

(Attn.: Ms. Candy Ng)

Dear Sir,

**Application for Extension of Time for Commencement of Approved Development
– Seven New Territories Exempted Houses (NTEHs)
for a Period of 3 Years unit 8.10.2008 in “Agriculture” zone,
Lots 1203A, 1203B, 1203C, 1203D, 1203E, 1203F(Part) and 1203G in DD 7,
Hang Ha Po Village, Lam Tsuen, Tai Po**

I refer to my letter to you dated 31.8.2005.

After giving consideration to your application, the Town Planning Board (the TPB) approved your application for amendments to permission under section 16A of the Town Planning Ordinance on the terms of the application as submitted to the TPB. The amended permission is subject to the following conditions and shall be valid until 8.10.2008; and after the said date, the permission shall cease to have effect unless before the said date either the development hereby permitted is commenced or the permission is renewed:

- (a) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the disposal of spoils during site formation and construction period to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the provision of fire services installations to the satisfaction of the Director of Fire Services or of the TPB;
- (e) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB; and

- (f) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the TPB.

The TPB also agreed to advise you of the following :

- (a) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If you wish to seek any further extension of time for commencement of the development, you may submit a fresh application under section 16 of the Town Planning Ordinance. Please refer to the TPB Guidelines No. 35 and 36 for details; and
- (b) note the comments of the Chief Engineer Development(2), Water Supplies Department that :
- (i) all spoils arising as a result of site formation and construction works should be contained and protected to prevent pollution and siltation to watercourses;
- (ii) the septic tank and soakaway pit system should be preferably be as far as possible at not less than 30m from any existing watercourses. The whole system should be properly maintained and desludged at a regular interval. The sludge should be carried away and disposed of outside the gathering grounds; and
- (iii) the whole of foul effluent should be conveyed in cast iron pipes with sealed joints and hatch boxes to be discharged from the proposed house to the septic tank and soakaway pit system.
- (c) note the comments of the Director of Electrical and Mechanical Services that :
- (i) prior to establishing any structure within the application site, you and your contractors should consult CLP Power Hong Kong Limited (CLPP) in respect of the safety clearances required for activities near the overhead lines. In the circumstance that the safety clearances of the concerned overhead lines are insufficient or electrical danger may arise due to their proximity to the subject development, you and your contractors should liaise directly with CLPP to divert the concerned sections of the overhead lines or have them replaced by underground cables; and
- (ii) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation (Cap. 406H) should be observed by you and your contractors when carrying out any works in the vicinity of the electricity supply lines.

A copy of the TPB Paper in respect of the application and the relevant extract of minutes of the TPB meeting held on 28.10.2005 are enclosed herewith for your reference.

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

Appendix III

TOWN PLANNING BOARD

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

傳真 Fax: 2877 0245 or 2522 8426

電話 Tel: 2231 4810

查詢編號 Your Reference:

敬請註明來信編號

In reply please quote this ref.: TPB/A/NE-LT/212-2

By Registered Post & Fax

4 February 2008

C S Surveyors Ltd.

(Attn.: Mr. Denys Lok Ping Kwan)

Dear Sir,

**Application for Amendment to Permission – Proposed Seven Houses
(New Territories Exempted Houses – Small Houses)
(Amendments to Approved Scheme) in “Agriculture” zone,
Lots 1203A-1203G in DD 7, Hang Ha Po Village, Lam Tsuen, Tai Po**

I refer to my letter to you dated 27.11.2007.

After giving consideration to your application, the Town Planning Board (the TPB) approved your application for amendments to permission under section 16A of the Town Planning Ordinance on the terms of the application as submitted to the TPB. The amended permission is subject to the following conditions and shall be valid until 8.10.2008; and after the said date, the permission shall cease to have effect unless before the said date either the development hereby permitted is commenced or the permission is renewed :

- (a) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the disposal of spoils during site formation and construction period to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (e) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (f) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the TPB.

The TPB also agreed to advise you :

- (a) that any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If you wish to seek any further extension of time for commencement of the development, you may submit a fresh application under section 16 of the Town Planning Ordinance. Please refer to the TPB Guidelines No. 35 and 36 for details;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department that the south-western side of House No. 11 and the north-western corner of its balcony are too close to the lot boundary. The house site can be shifted towards the north-east in order to maintain adequate clearance between the house and the lot boundary. You are advised to employ a professional land surveyor to survey your lot and provide survey information for consideration;
- (c) to note the comments of the the Chief Engineer/Development (2), Water Supplies Department that :
 - (i) the whole system should be properly maintained and desludged at regular intervals. The sludge should be carried away and disposed of outside the Water Gathering Ground;
 - (ii) the whole of foul effluent should be conveyed in cast iron pipes with sealed joints and hatch boxes to be discharged from the proposed houses to the septic tank and soakaway pit system;
 - (iii) since the proposed houses are located within 30m from the water course, they should be located as far from the water course as possible;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that :
 - (i) a minimum clearance of 3.5m between the top of river bank of the adjacent stream courses and the house boundaries should be maintained at any time. Any obstruction or disturbance to the nearby stream course is prohibited at any time during and after construction of the proposed houses; and
 - (ii) the site is in an area where no public sewerage connection is available.

A copy of the TPB Paper in respect of the application and the relevant extract of minutes of the TPB meeting held on 18.1.2008 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. I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend.

If you have any queries regarding this permission, please contact Dr. Kenneth Tang of Sha Tin, Tai Po & North District Planning Officer at 2158 6242. In case you wish to consult the relevant Government departments on matters relating to the above planning conditions, a list of the concerned Government officers is attached herewith for your reference.

I should be grateful if you could advise me in due course whether this amended permission or other previous permission granted by the TPB in respect of the development would be taken up by you.

Yours faithfully,

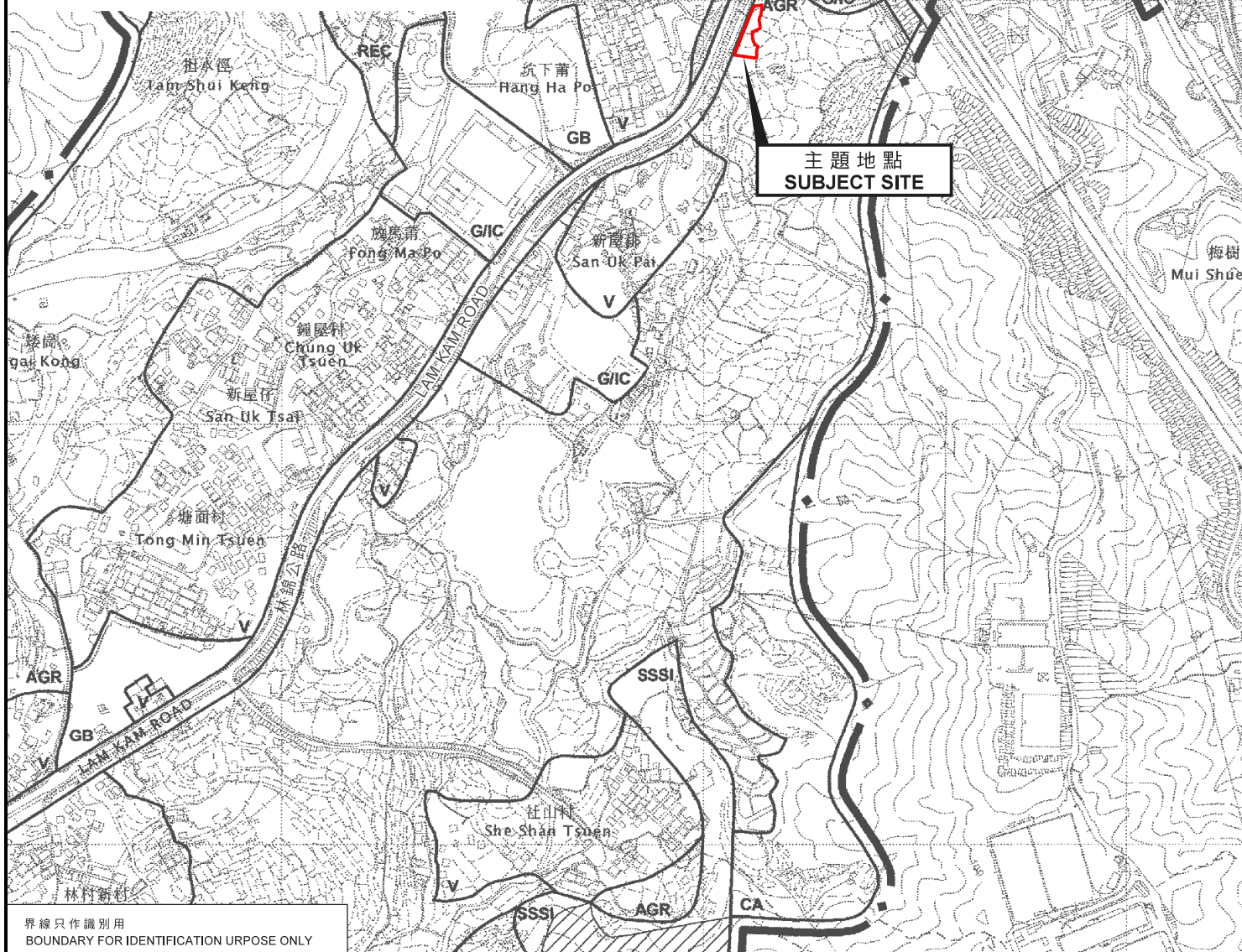


(Miss Y.K. NG)
for Secretary, Town Planning Board



要覽圖 KEY PLAN

SCALE 1 : 50 000 比例尺



界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

位置圖 LOCATION PLAN

屋宇(新界豁免管制屋宇—小型屋宇)
新界大埔林村坑下莆丈量約份第7約地段第1203號A分段餘段、
第1203號B分段餘段、第1203號C分段餘段、第1203號D分段餘段、
第1203號E分段餘段、第1203號F分段餘段及第1203號G分段
HOUSES
(NEW TERRITORIES EXEMPTED HOUSES - SMALL HOUSES)
LOTS 1203 S.A RP, 1203 S.B RP, 1203 S.C RP, 1203 S.D RP, 1203 S.E RP,
1203 S.F RP AND 1203 S.G IN D.D. 7,
HANG HA PO, LAM TSUEN, TAI PO, NEW TERRITORIES
SCALE 1 : 7 500 比例尺

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METRES

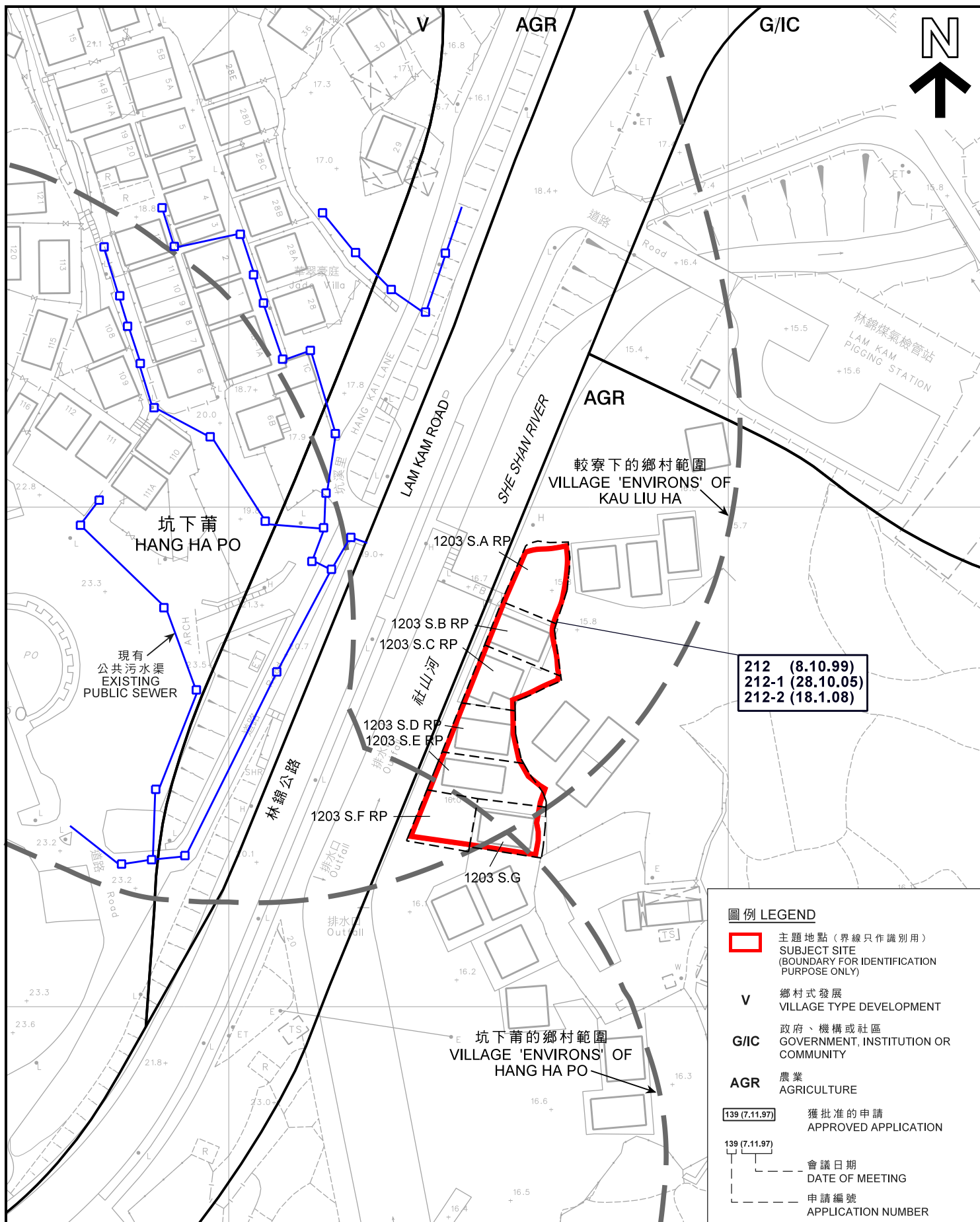
規 劃 署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/TP/18/49

圖 PLAN
1

本摘要圖於2018年8月10擬備，
所根據的資料為於2006年10月31日核准的
分區計劃大綱圖編號S/NE-LT/11
EXTRACT PLAN PREPARED ON 10.2018
BASED ON OUTLINE ZONING PLAN
No. S/NE-LT/11 APPROVED ON 31.10.2006



<p>本摘要圖於2018年8月10日擬備， 所根據的資料為測量圖編號 7-NW-2B、2D、3A及3C EXTRACT PLAN PREPARED ON 10.8.2018 BASED ON SURVEY SHEETS No. 7-NW-2B, 2D, 3A & 3C</p>	<p>平面圖 SITE PLAN</p> <p>屋宇 (新界豁免管制屋宇—小型屋宇) 新界大埔林村坑下莆丈量約份第7約地段第1203號A分段餘段、 第1203號B分段餘段、第1203號C分段餘段、第1203號D分段餘段、 第1203號E分段餘段、第1203號F分段餘段及第1203號G分段 HOUSES (NEW TERRITORIES EXEMPTED HOUSES - SMALL HOUSES) LOTS 1203 S.A RP, 1203 S.B RP, 1203 S.C RP, 1203 S.D RP, 1203 S.E RP, 1203 S.F RP AND 1203 S.G IN D.D. 7. HANG HA PO, LAM TSUEN, TAI PO, NEW TERRITORIES SCALE 1:1 000 比例尺</p> <div style="display: flex; justify-content: space-between; align-items: center;"> 米 20 0 20 40 米 METRES </div>	<p>規劃署 PLANNING DEPARTMENT</p> <div style="text-align: right;"> </div>
<p>參考編號 REFERENCE No. M/TP/18/49</p>		<p>圖 PLAN 2</p>