

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KLH/604

- Applicant** : Mr. MAN Chun Kiu represented by Mr. YEUNG Siu Fung
- Site** : Lots 32 S.A ss.1 and 32 S.B in D.D. 7, Tai Hang, Tai Po, New Territories
- Site Area** : About 116.2 m²
- Plan** : Approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11
- Zonings** : “Village Type Development” (“V”) (about 74%)
“Agriculture” (“AGR”) (about 26%)
- Application** : Proposed House (New Territories Exempted House (NTEH) - Small House)

1. The Proposal

- 1.1 The applicant¹ seeks planning permission to build a NTEH (Small House) on the application site (the Site) (**Plans A-1 and A-2a**) zoned “V” and “AGR” on the OZP. According to the Notes of the OZP, whilst ‘House (NTEH only)’ is always permitted within the “V” zone, such use (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes) within the “AGR” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 Details of the proposed Small House development are as follows:
- | | | |
|-------------------|---|-----------------------|
| Total Floor Area | : | 195.09 m ² |
| Number of Storeys | : | 3 |
| Building Height | : | 8.23 m |
| Roofed Over Area | : | 65.03 m ² |
- 1.3 The Site is accessible to vehicles via a local track. No proposed use is specified for the uncovered area. Layout of the proposed Small House and a sewerage connection proposal are shown on **Drawings A-1 and A-2**.
- 1.4 The Site is the subject of two previous applications (No. A/NE-KLH/557 and 596) for Small House development submitted by the same applicant, which

¹ According to District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD), the applicant claims himself as an indigenous villager of Tai Hang Village. However, his eligibility of Small House grant has yet to be ascertained.

were rejected by the Board on review on 8.11.2019 and by the Rural and New Town Planning Committee (the Committee) on 23.7.2021 respectively. Compared with the latest previous application, the site area under current application is reduced from about 156 m² to about 116.2 m², the proposed Small House footprint is changed with about 83% falling within the “V” zone (previously about 75%) and sewerage connection instead of septic tank is proposed for sewage disposal.

- 1.5 In support of the application, the applicant has submitted an application form with attachment on 4.1.2022 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 8 of the application form at **Appendix I**, as summarized below:

- (a) the applicant has applied for the same use twice before but failed; and
- (b) for the current application, the applicant will acquire a portion of the adjacent lot so that a proposed development predominantly within the “V” zone could be achieved.

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

The applicant is one of the “current land owners”. He has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining the consent of the other current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Assessment Criteria

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

5. Previous Applications

- 5.1 The Site is the subject of two previous applications (No. A/NE-KLH/557 and 596) for Small House development submitted by the same applicant. Application No. A/NE-KLH/557 was rejected by the Board on review on 8.11.2019 mainly for reasons of being not in line with the planning intention of the “AGR” zone; not complying with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell outside the “V” zone and the ‘VE’ of Tai Hang; and there is no general shortage of land in meeting the demand for Small House development in the “V” zone at the time of consideration. Application No. A/NE-KLH/596 was rejected by the Committee on 23.7.2021 mainly for reasons of being not in line with the planning intention of the “AGR” zone; not complying with the Interim Criteria in that there is no general shortage of land in meeting the demand for Small House development in the “V” zone at the time of consideration; and the applicant failed to demonstrate that the proposed development would be able to be connected to the existing/planned sewerage system in the area.
- 5.2 Compared with the latest previous application, the site area under current application is reduced from about 156 m² to about 116.2 m², the proposed Small House footprint is changed with about 83% falling within the “V” zone (previously about 75%) and sewerage connection instead of septic tank is proposed for sewage disposal.
- 5.3 Details of the previous applications are summarized at **Appendix III** and the location is shown on **Plans A-1 and A-2a**.

6. Similar Applications

- 6.1 There are 13 similar applications for Small House development within the same “AGR” zone of the Site since the first promulgation of the Interim Criteria on 24.11.2000. Among them, four applications were approved and nine were rejected.
- 6.2 Among the rejected cases, seven covering six sites (No. A/NE-KLH/316, 323 428, 454, 498, 567, 590) were rejected by the Committee between 2003 and 2020, mainly on the ground that there was no general shortage of land to meet the Small House demand at the time of consideration. Five of them (i.e. except Applications No. A/NE-KLH/428 and 498) were also rejected for reason that the application site was not able to be connected to the existing/planned sewerage system in the area or the applicant failed to demonstrate the proposed development would not cause adverse impact on the water quality in the area.
- 6.3 The remaining two rejected cases (Applications No. A/NE-KLH/309 and 326) covered the same site of two subsequently approved cases (Applications No. A/NE-KLH/331 and 452), and were rejected by the Committee in 2003 and 2004 respectively mainly because there was no general shortage of land to meet future Small House demand at the time of consideration. Application No. A/NE-KLH/331 was approved in 2005 mainly for being complied with the Interim Criteria in that more than 50% of the proposed Small House footprint

fell within “V” zone and there was a general shortage of land in meeting the Small House demand at the time of consideration; and the proposed development was able to be connected to the planned sewerage system in the area. Application No. A/NE-KLH/452 was approved in 2013 on sympathetic consideration as the application site was the subject of previous approval despite there was sufficient land available within the “V” zone in meeting the future Small House demand at the time of consideration.

6.4 For the remaining two cases, Application No. A/NE-KLH/386 was approved in 2009 for reasons similar to those for approving Application No. A/NE-KLH/331 as mentioned in paragraph 6.3 above. For Application No. A/NE-KLH/451, although there was sufficient land available within the “V” zone in meeting the future Small House demand at the time of consideration, it was approved in 2013 on sympathetic consideration that the proposed Small House footprint fell entirely within the “V” zone and the proposed Small House could be connected to the planned sewerage system in the area.

6.5 Details of the similar applications are summarized at **Appendix IV** and their locations are shown on **Plans A-1** and **A-2a**.

7. The Site and Its Surrounding Areas (Plans A-1, A-2a, and photos on Plans A-3 and A-4)

7.1 The Site is:

- (a) vacant and mainly paved with asphalt sand;
- (b) located at the northern fringe of Tai Hang Village but outside the ‘VE’ of it; and
- (c) accessible by vehicles via a local track.

7.2 The surrounding areas are predominantly rural in character comprising village houses, temporary structures, vegetated areas and clusters of tree groups. The existing village cluster is found about 30m to the south of the Site (**Plan A-2a**).

8. Planning Intention

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Departments

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

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone? - The Site - Footprint of the proposed Small House	74% 83%	26% 17%	The remaining portion of the Site and the proposed Small House footprint falls within the “AGR” zone.
2.	Within ‘VE’? - The Site - Footprint of the proposed Small House	- -	100% 100%	- The Site and the footprint of the proposed Small House fall outside any ‘VE’ (Plan A-1). - As more than 50% of the proposed Small House footprint falls within “V” zone, DLO/TP, LandsD has no objection to the application.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?	✓		<u>Land Required</u> - Land required to meet Small House demand in Tai Hang Village: about 6.23 ha (equivalent to 249 Small House sites). The outstanding Small House applications are 24 ² while the 10-year Small House demand forecast is 225.
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		<u>Land Available</u> - Land available to meet Small House demand within the “V” zone of Tai Hang Village: about 7.91 ha (equivalent to about 316 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of “AGR” zone?		✓	Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural point of view as the Site possess potential for agricultural rehabilitation.
5.	Compatible with surrounding area/ development?	✓		The proposed development is not entirely incompatible with its surrounding environment, which is predominantly rural in character

² All of the outstanding Small House applications are within “V” zone.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				comprising Small Houses, temporary structures, vegetated areas and clusters of tree groups.
6.	Within WGGs?	✓		Both Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) and Director of Environmental Protection (DEP) have no objection to the application provided that the applicant should connect the proposed Small House to the existing public sewer at his own cost and take adequate protective measures to ensure that no pollution or siltation occurs to the water gathering grounds.
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire services installations and emergency vehicular access (EVA)?		✓	Director of Fire Services (D of FS) has no in-principle objection to the application.
9.	Traffic impact?	✓		Commissioner for Transport (C for T) considers that Small House development should be confined within the “V” zone but as this application involves the development of only one Small House, the proposal can be tolerated on traffic grounds.
10.	Drainage impact?	✓		Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advises that an approval condition on the submission and implementation of drainage proposal is required.
11.	Landscape impact?		✓	Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advises that no significant landscape resource is observed.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
12.	Geotechnical impact?		✓	
13.	Local objections conveyed by DO?		✓	

9.2 Comments from the following government departments have been incorporated in paragraph 9.1 above. Other detailed comments are at **Appendix V**.

- (a) DLO/TP, LandsD;
- (b) C for T;
- (c) DEP;
- (d) CE/MN, DSD;
- (e) CE/C, WSD;
- (f) D of FS;
- (g) DAFC; and
- (h) CTP/UD&L, PlanD.

9.3 The following government departments have no objection to/no comment on the application:

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD); and
- (d) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD).

10. Public Comments Received During Statutory Publication Period (Appendix VI)

On 11.1.2022, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals. They object to the application for reasons that the circumstances for rejecting the previous application No. A/NE-KLH/557 remain applicable; and the proposed development would cause adverse traffic, fire safety, ecological, landscape and environmental impacts.

11. Planning Considerations and Assessments

11.1 This application is for a proposed Small House development in an area zoned mainly “V” (about 74%) and partly “AGR” (about 26%) on the OZP. The proposed development is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also to retain fallow arable

land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from agricultural point of view as there are active agricultural activities in the vicinity; agricultural infrastructure such as water source and road access are available; and the Site possesses potential for agricultural rehabilitation. There is no strong justification in the submission for a departure from the planning intention.

- 11.2 Regarding the Interim Criteria, more than 50% of the proposed Small House footprint falls within the “V” zone of Tai Hang but it falls entirely outside any ‘VE’. According to the DLO/TP of LandsD’s records, the total number of outstanding Small House applications for Tai Hang Village is 24 while the 10-year Small House demand forecast is 225. Based on the latest estimate by Planning Department, about 7.91 ha of land (equivalent to about 316 Small House sites) is available within the “V” zone of Tai Hang Village (**Plan A-2b**). In this regard, there is sufficient land within the “V” zone to fully meet the Small House demand of 249 houses. As there is no general shortage of land in meeting the demand for Small House development in the “V” zone, it is considered more appropriate to concentrate the proposed Small House development within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 11.3 The Site is currently vacant and mainly paved with asphalt sand. The proposed development is considered not entirely incompatible with the surrounding areas which are predominantly rural in character comprising village houses, temporary structures, vegetated areas and clusters of tree groups (**Plans A-2a and A-3**). CTP/UD&L of PlanD has no objection to the application from landscape planning perspective as significant adverse impact on sensitive landscape resources arising from the proposed development is not anticipated.
- 11.4 The Site is located within the WGG. The applicant has proposed to connect the proposed Small House to the existing public sewerage system (**Plan A-2a**). In this regard, both DEP and CE/C of WSD have no objection to the application. CE/MN of DSD advises that an approval condition of submission and implementation of drainage proposal is required. C for T considers that Small House development should be confined within the “V” zone as far as possible but considers that the application only involving the development of only one Small House can be tolerated. Other concerned government departments including D of FS, CHE/NTE of HyD, PM(N) and H(GEO) of CEDD have no objection to nor adverse comment on the application.
- 11.5 The Site is the subject of two previous applications (No. A/NE-KLH/557 and 596) for Small House development submitted by the same applicant. Application No. A/NE-KLH/557 was rejected by the Board on review on 8.11.2019 mainly for the reasons of being not in line with the planning intention of the “AGR” zone; not complying with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell outside the “V” zone and the ‘VE’ of Tai Hang; and there is no general shortage of land in meeting the demand for Small House development in the “V” zone at the time of consideration. Application No. A/NE-KLH/596 was rejected by the Committee on 23.7.2021 mainly for the reasons of being not in line with the planning intention of the “AGR” zone; not complying with the Interim Criteria

in that there is no general shortage of land in meeting the demand for Small House development in the “V” zone at the time of consideration; and the applicant failed to demonstrate that the proposed development would be able to be connected to the existing/planned sewerage system in the area. Compared with the latest previous application, the site area under current application is reduced from about 156 m² to about 116.2 m², the proposed Small House footprint is changed with about 83% falling within the “V” zone (previously about 75%) and sewerage connection instead of septic tank is proposed for sewage disposal. While the concern on sewerage connection is addressed, the other grounds for rejection of these previous applications are still largely applicable to the current one.

- 11.6 There are 13 similar applications for Small House development within the same “AGR” zone. Out of which, two applications (No. A/NE-KLH/331 and 386) were approved by the Committee in 2005 and 2009 respectively for reasons that more than 50% of the Small House footprint fell within the “V” zone and there was a general shortage of land in meeting the Small House demand at the time of consideration. The other two applications were approved in 2013 on sympathetic consideration that the proposed Small House footprint fell entirely within the “V” zone (Application No. A/NE-KLH/451) or the application site was the subject of a previously approved case (Application No. A/NE-KLH/452).
- 11.7 The nine rejected applications (No. A/NE-KLH/309, 316, 323, 326, 428, 454, 498, 567 and 590) were rejected by the Committee between 2003 and 2020 mainly on the grounds that there was no general shortage of land in the “V” zone to meet the Small House demand at the time of consideration and/or the application sites were not able to be connected to the existing or planned sewerage system in the area. The current application is similar to these rejected cases with having no general shortage of land in the “V” zone to meet the Small House demand.
- 11.8 Regarding the public comments objecting to the application as detailed in paragraph 10 above, comments of government departments and the planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, Planning Department does not support the application for the following reasons:
 - (a) the proposed development is not in line with the planning intention of the “AGR” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and

- (b) land is still available within the “Village Type Development” (“V”) zone of Tai Hang Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 4.3.2026, 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 condition of approval and advisory clauses are also suggested for Members’ reference:

Approval Condition

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

Advisory Clauses

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

13. Decision Sought

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

14. Attachments

Appendix I	Application form with attachments received on 4.1.2022
Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous applications
Appendix IV	Similar applications
Appendix V	Detailed comments from relevant government departments
Appendix VI	Public Comments
Appendix VII	Recommended advisory clauses
Drawing A-1	Layout plan submitted by the applicant

Drawing A-2	Sewerage connection proposal submitted by the applicant
Plan A-1	Location plan
Plan A-2a	Site plan
Plan A-2b	Estimated amount of land available within “V” zone of Tai Hang Village for Small House development
Plan A-3	Aerial photo
Plan A-4	Site photo

PLANNING DEPARTMENT
MARCH 2022

此文件在 收到。城市規劃委員會
只會在收到所有必需的資料文件後才正式接納收到
申請的日期。

- 4 JAN 2022

This document is received on
The Town Planning Board will formally acknowledge
the date of receipt of the application only upon receipt
of all the required information and documents.

Form No. S16-II
表格第 S16-II 號

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF
THE TOWN PLANNING ORDINANCE
(CAP.131)**

根據《城市規劃條例》(第131章)
第16條遞交的許可申請

**Applicable to Proposal Only Involving Construction of
“New Territories Exempted House(s)”**

適用於只涉及興建「新界豁免管制屋宇」的建議

Applicant who would like to publish the notice of application in local newspapers to meet one of the Town Planning Board's requirements of taking reasonable steps to obtain consent of or give notification to the current land owner, please refer to the following link regarding publishing the notice in the designated newspapers:
https://www.info.gov.hk/tpb/en/plan_application/apply.html

申請人如欲在本地報章刊登申請通知，以採取城市規劃委員會就取得現行土地擁有人的同意或通知現行土地擁有人所指定的其中一項合理步驟，請瀏覽以下網址有關在指定的報章刊登通知：
https://www.info.gov.hk/tpb/tc/plan_application/apply.html

General Note and Annotation for the Form
填寫表格的一般指引及註解

“Current land owner” means any person whose name is registered in the Land Registry as that of an owner of the land to which the application relates, as at 6 weeks before the application is made
「現行土地擁有人」指在提出申請前六星期，其姓名或名稱已在土地註冊處註冊為該申請所關乎的土地的擁有人的人

& Please attach documentary proof 請夾附證明文件

^ Please insert number where appropriate 請在適當地方註明編號

Please fill “NA” for inapplicable item 請在不適用的項目填寫「不適用」

Please use separate sheets if the space provided is insufficient 如所提供的空間不足，請另頁說明

Please insert a 「✓」 at the appropriate box 請在適當的方格內上加上「✓」號

For Official Use Only 請勿填寫此欄	Application No. 申請編號	A/NE-KLH/604
	Date Received 收到日期	- 4 JAN 2022

- The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board (the Board), 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.
申請人須把填妥的申請表格及其他支持申請的文件 (倘有), 送交香港北角渣華道 333 號北角政府合署 15 樓城市規劃委員會 (下稱「委員會」) 秘書收。
- Please read the "Guidance Notes" carefully before you fill in this form. The document can be downloaded from the Board's website at <http://www.info.gov.hk/tpb/>. It can also be obtained from the Secretariat of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4810 or 2231 4835), and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories).
請先細閱《申請須知》的資料單張, 然後填寫此表格。該份文件可從委員會的網頁下載 (網址: <http://www.info.gov.hk/tpb/>), 亦可向委員會秘書處 (香港北角渣華道 333 號北角政府合署 15 樓 - 電話: 2231 4810 或 2231 4835) 及規劃署的規劃資料查詢處 (熱線: 2231 5000) (香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輦路 1 號沙田政府合署 14 樓) 索取。
- This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters. The processing of the application may be refused if the required information or the required copies are incomplete.
此表格可從委員會的網頁下載, 亦可向委員會秘書處及規劃署的規劃資料查詢處索取。申請人須以打印方式或以正楷填寫表格。如果申請人所提交的資料或文件副本不齊全, 委員會可拒絕處理有關申請。

1. Name of Applicant 申請人姓名/名稱

(☒ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☐ Company 公司 / ☐ Organisation 機構)

MAN CHUN KIU 文臻翹

2. Name of Authorised Agent (if applicable) 獲授權代理人姓名/名稱 (如適用)

(☒ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☐ Company 公司 / ☐ Organisation 機構)

YEUNG SIU FUNG 楊紹峰

3. Application Site 申請地點

(a) Full address / location / demarcation district and lot number (if applicable)
詳細地址/地點/丈量約份及地段號碼 (如適用)Lots 32 S A Ss. 1 & 32 S. B in D.D. 7
Tai Hang, Tai Po, N.T.(b) Site area and/or gross floor area involved
涉及的地盤面積及/或總樓面面積☐ Site area 地盤面積 116.20 sq.m 平方米 ☒ About 約☐ Gross floor area 總樓面面積 195.09 sq.m 平方米 ☒ About 約(c) Area of Government land included (if any)
所包括的政府土地面積 (倘有)..... sq.m 平方米 ☐ About 約

(d) Name and number of the related statutory plan(s) 有關法定圖則的名稱及編號	S / NE - KLH / 11
(e) Land use zone(s) involved 涉及的土地用途地帶	V & AGR
(f) Current use(s) 現時用途	VACANT

(If there are any Government, institution or community facilities, please illustrate on plan and specify the use and gross floor area)
(如有任何政府、機構或社區設施，請在圖則上顯示，並註明用途及總樓面面積)

4. "Current Land Owner" of Application Site 申請地點的「現行土地擁有人」

The applicant 申請人 -

- ☐ is the sole "current land owner"^{#&} (please proceed to Part 6 and attach documentary proof of ownership).
是唯一的「現行土地擁有人」^{#&} (請繼續填寫第 6 部分，並夾附業權證明文件)。
- ☒ is one of the "current land owners"^{#&} (please attach documentary proof of ownership).
是其中一名「現行土地擁有人」^{#&} (請夾附業權證明文件)。
- ☐ is not a "current land owner"[#].
並不是「現行土地擁有人」[#]。

- ☐ The application site is entirely on Government land (please proceed to Part 6).
申請地點完全位於政府土地上 (請繼續填寫第 6 部分)。

5. Statement on Owner's Consent/Notification

就土地擁有人的同意/通知土地擁有人的陳述

- (a) According to the record(s) of the Land Registry as at 24.11.2021 (DD/MM/YYYY), this application involves a total of 2 "current land owner(s)"[#].
根據土地註冊處截至 2021 年 11 月 24 日的記錄，這宗申請共牽涉 2 名「現行土地擁有人」[#]。

(b) The applicant 申請人 -

- ☒ has obtained consent(s) of 1 "current land owner(s)"[#].
已取得 1 名「現行土地擁有人」[#]的同意。

Details of consent of "current land owner(s)" [#] obtained 取得「現行土地擁有人」 [#] 同意的詳情		
No. of 'Current Land Owner(s)' 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where consent(s) has/have been obtained 根據土地註冊處記錄已獲得同意的地段號碼/處所地址	Date of consent obtained (DD/MM/YYYY) 取得同意的日期 (日/月/年)
1	Lot 32 S.B in D.D. 7	23.11.2021

(Please use separate sheets if the space of any box above is insufficient. 如上列任何方格的空間不足，請另頁說明)

- ☐ has notified "current land owner(s)"#
已通知 名「現行土地擁有人」#。

Details of the "current land owner(s)"# notified 已獲通知「現行土地擁有人」#的詳細資料		
No. of 'Current Land Owner(s)' 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where notification(s) has/have been given 根據土地註冊處記錄已發出通知的地段號碼／處所地址	Date of notification given (DD/MM/YYYY) 通知日期(日/月/年)

(Please use separate sheets if the space of any box above is insufficient. 如上列任何方格的空間不足，請另頁說明)

- ☐ has taken reasonable steps to obtain consent of or give notification to owner(s):
已採取合理步驟以取得土地擁有人的同意或向該人發給通知。詳情如下：

Reasonable Steps to Obtain Consent of Owner(s) 取得土地擁有人的同意所採取的合理步驟

- ☐ sent request for consent to the "current land owner(s)" on _____ (DD/MM/YYYY)#&
於 _____ (日/月/年)向每一名「現行土地擁有人」#郵遞要求同意書&

Reasonable Steps to Give Notification to Owner(s) 向土地擁有人發出通知所採取的合理步驟

- ☐ published notices in local newspapers on _____ (DD/MM/YYYY)&
於 _____ (日/月/年)在指定報章就申請刊登一次通知&
- ☐ posted notice in a prominent position on or near application site/premises on _____ (DD/MM/YYYY)&
於 _____ (日/月/年)在申請地點／申請處所或附近的顯明位置貼出關於該申請的通知&
- ☐ sent notice to relevant owners' corporation(s)/owners' committee(s)/mutual aid committee(s)/management office(s) or rural committee on _____ (DD/MM/YYYY)&
於 _____ (日/月/年)把通知寄往相關的業主立案法團／業主委員會／互助委員會或管理處，或有關的鄉事委員會&

Others 其他

- ☐ others (please specify)
其他（請指明）

Note: May insert more than one 「✓」.

Information should be provided on the basis of each and every lot (if applicable) and premises (if any) in respect of the application.

註：可在多於一個方格內加上「✓」號

申請人須就申請涉及的每一地段（倘適用）及處所（倘有）分別提供資料

6. Development Proposal 擬議發展計劃			
(a) Name(s) of indigenous villager(s) (if applicable) 原居民姓名 (如適用)	MAN CHUN Kiu 文臻翹		
(b) 原居民所屬的原居鄉村 (如適用) The related indigenous village of the indigenous villager(s) (if applicable)	TAI HANG, TAI PO, N.T. 新界大埔泰亨		
(c) Proposed gross floor area 擬議總樓面面積195.03..... sq.m 平方米 <input type="checkbox"/> About 約		
(d) Proposed number of house(s) 擬議房屋幢數	1	Proposed number of storeys of each house 每幢房屋的擬議層數	3
(e) Proposed roofed over area of each house 每幢房屋的擬議上蓋面積	65.03 sq.m 平方米	Proposed building height of each house 每幢房屋的擬議高度	8.23 m 米
(f) Proposed use(s) of uncovered area (if any) 露天地方 (倘有) 的擬議用途	NIL (Please illustrate on plan the total number and dimension of each car parking space, and/or location of septic tank, where applicable) (請在圖則上顯示, 並註明車位總數, 以及每個車位的長度和寬度及/或化糞池的位置 (如適用))		
(g) Any vehicular access to the site/subject building? 是否有車路通往地盤/有關建築物?	Yes 是 <input checked="" type="checkbox"/> No 否 <input type="checkbox"/>	<input checked="" type="checkbox"/> There is an existing access. (please indicate the street name, where appropriate) 有一條現有車路。(請註明車路名稱(如適用))Village track..... <input type="checkbox"/> There is a proposed access. (please illustrate on plan and specify the width) 有一條擬議車路。(請在圖則顯示, 並註明車路的闊度)	
(h) Can the proposed house(s) be connected to public sewer? 擬議的屋宇發展能否接駁至公共污水渠?	Yes 是 <input checked="" type="checkbox"/> No 否 <input type="checkbox"/>	(Please indicate on plan the sewerage connection proposal. 請用圖則顯示接駁公共污水渠的路線) Yes, shown on Plan at App VII. (Please indicate on plan the location of the proposed septic tank. 請用圖則顯示化糞池的位置)	

7. Impacts of Development Proposal 擬議發展計劃的影響

If necessary, please use separate sheets to indicate the proposed measures to minimise possible adverse impacts or give justifications/reasons for not providing such measures.

如需要的話，請另頁表示可盡量減少可能出現不良影響的措施，否則請提供理據/理由。

<p>Does the development proposal involve alteration of existing building? 擬議發展計劃是否包括現有建築物的改動?</p>	<p>Yes 是 <input type="checkbox"/> Please provide details 請提供詳情</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>No 否 <input checked="" type="checkbox"/></p>																														
<p>Does the development proposal involve the operation on the right? 擬議發展是否涉及右列的工程?</p>	<p>Yes 是 <input type="checkbox"/> (Please indicate on site plan the boundary of concerned land/pond(s), and particulars of stream diversion, the extent of filling of land/pond(s) and/or excavation of land) (請用地盤平面圖顯示有關土地/池塘界線，以及河道改道、填塘、填土及/或挖土的細節及/或範圍)</p> <p><input type="checkbox"/> Diversion of stream 河道改道</p> <p><input type="checkbox"/> Filling of pond 填塘 Area of filling 填塘面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填塘深度 m 米 <input type="checkbox"/> About 約</p> <p><input type="checkbox"/> Filling of land 填土 Area of filling 填土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填土厚度 m 米 <input type="checkbox"/> About 約</p> <p><input type="checkbox"/> Excavation of land 挖土 Area of excavation 挖土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of excavation 挖土深度 m 米 <input type="checkbox"/> About 約</p> <p>No 否 <input checked="" type="checkbox"/></p>																														
<p>Would the development proposal cause any adverse impacts? 擬議發展計劃會否造成不良影響?</p>	<table border="0"> <tr> <td>On environment 對環境</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On traffic 對交通</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On water supply 對供水</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On drainage 對排水</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On slopes 對斜坡</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Affected by slopes 受斜坡影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Landscape Impact 構成景觀影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Tree Felling 砍伐樹木</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Visual Impact 構成視覺影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Others (Please Specify) 其他 (請列明)</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input type="checkbox"/></td> </tr> </table> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Please state measure(s) to minimise the impact(s). For tree felling, please state the number, diameter at breast height and species of the affected trees (if possible) 請註明盡量減少影響的措施。如涉及砍伐樹木，請說明受影響樹木的數目、及胸高度的樹幹直徑及品種(倘可)</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	On environment 對環境	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On traffic 對交通	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On water supply 對供水	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On drainage 對排水	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On slopes 對斜坡	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Affected by slopes 受斜坡影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Landscape Impact 構成景觀影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Tree Felling 砍伐樹木	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Visual Impact 構成視覺影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Others (Please Specify) 其他 (請列明)	Yes 會 <input type="checkbox"/>	No 不會 <input type="checkbox"/>
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Others (Please Specify) 其他 (請列明)	Yes 會 <input type="checkbox"/>	No 不會 <input type="checkbox"/>																													

8. Justifications 理由

The applicant is invited to provide justifications in support of the application. Use separate sheets if necessary.
現請申請人提供申請理由及支持其申請的資料。如有需要，請另頁說明。

The Applicant Mr MAN Chun Kiu has applied for S. 16 twice before on Lot 32 S. A in DD 7 but failed.

He has hence arranged with family members to acquire a portion of the adjacent lot for his current S. 16 Application on Lots 32 S. A ss.1 and 32 S. B in DD7.

The Proposal is currently more than 90 % within V Zone and less than 10 % in the AGR Zone.

Please note below the following attachments in support of the Application:

App. I (a)-Location Plan, App. I (b)-Lot Index Plan

App. II-Site Plan and Layout Proposal

App. III-Authorization Letter with copy of Mr MAN Chun Kiu's Hong Kong Identity Card

App. IV-Consent for Lot 32 S. B in DD 7 with copies of Hong Kong Identity Cards for Messrs MAN Chun Yu (The Owner) & MAN Siu Chung (The Trustee)

App. V-Property List dated 24 Nov 2021 of Lot 32 S. A ss. 1 in DD 7

App. VI- Property List dated 24 Nov 2021 of Lot 32 S. B in DD 7

App. VII-Plan showing alignment to public sewer

App. VIII- Property List dated 27 Nov 2021 of Lot 25 S. N in DD 7

App. IX - Consent from owners to go through the Lot from the proposed small house to the public sewer

9. Declaration 聲明

I hereby declare that the particulars given in this application are correct and true to the best of my knowledge and belief.
本人謹此聲明，本人就這宗申請提交的資料，據本人所知及所信，均屬真實無誤。

I hereby grant a permission to the Board to copy all the materials submitted in an application to the Board and/or to upload such materials to the Board's website for browsing and downloading by the public free-of-charge at the Board's discretion.
本人現准許委員會酌情將本人就此申請所提交的所有資料複製及/或上載至委員會網站，供公眾免費瀏覽或下載。

Signature
簽署

☐ Applicant 申請人 / ☒ Authorised Agent 獲授權代理人

YUNG SIU FUNG

Name in Block Letters
姓名（請以正楷填寫）

Position (if applicable)
職位（如適用）

Professional Qualification(s)
專業資格

☐ Member 會員 / ☐ Fellow of 資深會員

☐ HKIP 香港規劃師學會 / ☐ HKIA 香港建築師學會 /

☐ HKIS 香港測量師學會 / ☐ HKIE 香港工程師學會 /

☐ HKILA 香港園境師學會 / ☐ HKIUD 香港城市設計學會

☐ RPP 註冊專業規劃師

Others 其他

on behalf of
代表

☐ Company 公司 / ☐ Organisation Name and Chop (if applicable) 機構名稱及蓋章（如適用）

Date 日期

30-11-2021

(DD/MM/YYYY 日/月/年)

Remark 備註

The materials submitted in an application to the Board and the Board's decision on the application would be disclosed to the public. Such materials would also be uploaded to the Board's website for browsing and free downloading by the public where the Board considers appropriate.

委員會會向公眾披露申請人所遞交的申請資料和委員會對申請所作的決定。在委員會認為合適的情況下，有關申請資料亦會上載至委員會網頁供公眾免費瀏覽及下載。

Warning 警告

Any person who knowingly or wilfully makes any statement or furnish any information in connection with this application, which is false in any material particular, shall be liable to an offence under the Crimes Ordinance.

任何人在明知或故意的情況下，就這宗申請提出在任何要項上是虛假的陳述或資料，即屬違反《刑事罪行條例》。

Statement on Personal Data 個人資料的聲明

1. The personal data submitted to the Board in this application will be used by the Secretary of the Board and Government departments for the following purposes:

委員會就這宗申請所收到的個人資料會交給委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：

- (a) the processing of this application which includes making available the name of the applicant for public inspection when making available this application for public inspection; and
處理這宗申請，包括公布這宗申請供公眾查閱，同時公布申請人的姓名供公眾查閱；以及
- (b) facilitating communication between the applicant and the Secretary of the Board/Government departments.
方便申請人與委員會秘書及政府部門之間進行聯絡。

2. The personal data provided by the applicant in this application may also be disclosed to other persons for the purposes mentioned in paragraph 1 above.

申請人就這宗申請提供的個人資料，或亦會向其他人士披露，以作上述第1段提及的用途。

3. An applicant has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.

根據《個人資料(私隱)條例》(第486章)的規定，申請人有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向委員會秘書提出有關要求，其地址為香港北角渣華道333號北角政府合署15樓。

Gist of Application 申請摘要

(Please provide details in both English and Chinese as far as possible. This part will be circulated to relevant consultees, uploaded to the Town Planning Board's Website for browsing and free downloading by the public and deposited at the Planning Enquiry Counters of the Planning Department for general information.)

(請盡量以英文及中文填寫。此部分將會發送予相關諮詢人士、上載至城市規劃委員會網頁供公眾免費瀏覽及下載及存放於規劃署規劃資料查詢處以供一般參閱。)

Application No. 申請編號	(For Official Use Only) (請勿填寫此欄)		
Location/address 位置/地址	Lots 32 S.A ss. 1 & 32 S.B in D.D. 7 Tai Hang, Tai Po, N.T.		
Site area 地盤面積	116.20	sq. m 平方米	<input checked="" type="checkbox"/> About 約
	(includes Government land of 包括政府土地	sq. m 平方米	<input type="checkbox"/> About 約)
Plan 圖則	S/NE - KLH/11		
Zoning 地帶	'V' & AGR		
Applied use/ development 申請用途/發展	New Territories Exempted House 新界豁免管制屋宇 <input checked="" type="checkbox"/> Small House 小型屋宇		
(i) Proposed Gross floor area 擬議總樓面面積	195.09	sq.m 平方米	<input type="checkbox"/> About 約
(ii) Proposed No. of house(s) 擬議房屋幢數	1		
(iii) Proposed building height/No. of storeys 建築物高度/層數	8.23	m 米	<input type="checkbox"/> (Not more than 不多於)
	3	Storeys(s) 層	

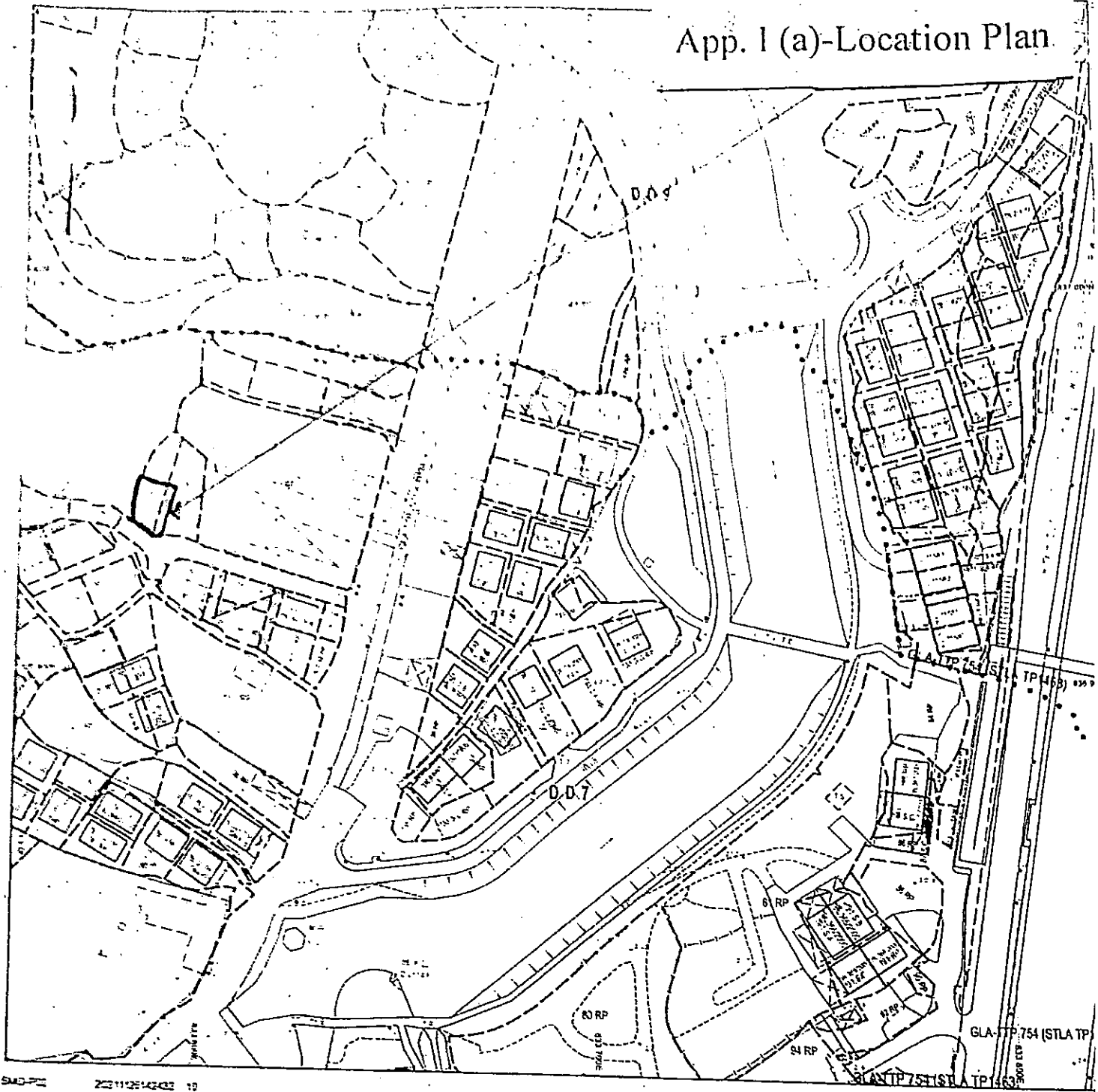
Submitted Plans, Drawings and Documents 提交的圖則、繪圖及文件

	Chinese 中文	English 英文
Plans and Drawings 圖則及繪圖		
Master layout plan(s)/Layout plan(s) 總綱發展藍圖／布局設計圖	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Block plan(s) 樓宇位置圖	<input type="checkbox"/>	<input type="checkbox"/>
Floor plan(s) 樓宇平面圖	<input type="checkbox"/>	<input type="checkbox"/>
Sectional plan(s) 截視圖	<input type="checkbox"/>	<input type="checkbox"/>
Elevation(s) 立視圖	<input type="checkbox"/>	<input type="checkbox"/>
Photomontage(s) showing the proposed development 顯示擬議發展的合成照片	<input type="checkbox"/>	<input type="checkbox"/>
Master landscape plan(s)/Landscape plan(s) 園境設計總圖／園境設計圖	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他 (請註明)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Location Plan & Plan of Sewerage Proposal</i>		
Reports 報告書		
Planning Statement/Justifications 規劃綱領/理據	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental assessment (noise, air and/or water pollutions) 環境評估 (噪音、空氣及／或水的污染)	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on vehicles) 就車輛的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on pedestrians) 就行人的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Visual impact assessment 視覺影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Landscape impact assessment 景觀影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Tree Survey 樹木調查	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical impact assessment 土力影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Drainage impact assessment 排水影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Sewerage impact assessment 排污影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Risk Assessment 風險評估	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他 (請註明)	<input type="checkbox"/>	<input type="checkbox"/>
Note: May insert more than one '✓'. 註：可在多於一個方格內加上「✓」號		

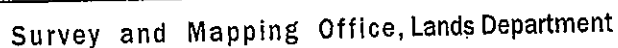
Note: The information in the Gist of Application above is provided by the applicant for easy reference of the general public. Under no circumstances will the Town Planning Board accept any liabilities for the use of the information nor any inaccuracies or discrepancies of the information provided. In case of doubt, reference should always be made to the submission of the applicant.

註：上述申請摘要的資料是由申請人提供以方便市民大眾參考。對於所載資料在使用上的問題及文義上的歧異，城市規劃委員會概不負責。若有任何疑問，應查閱申請人提交的文件。

App. I (a)-Location Plan



App. I (b)

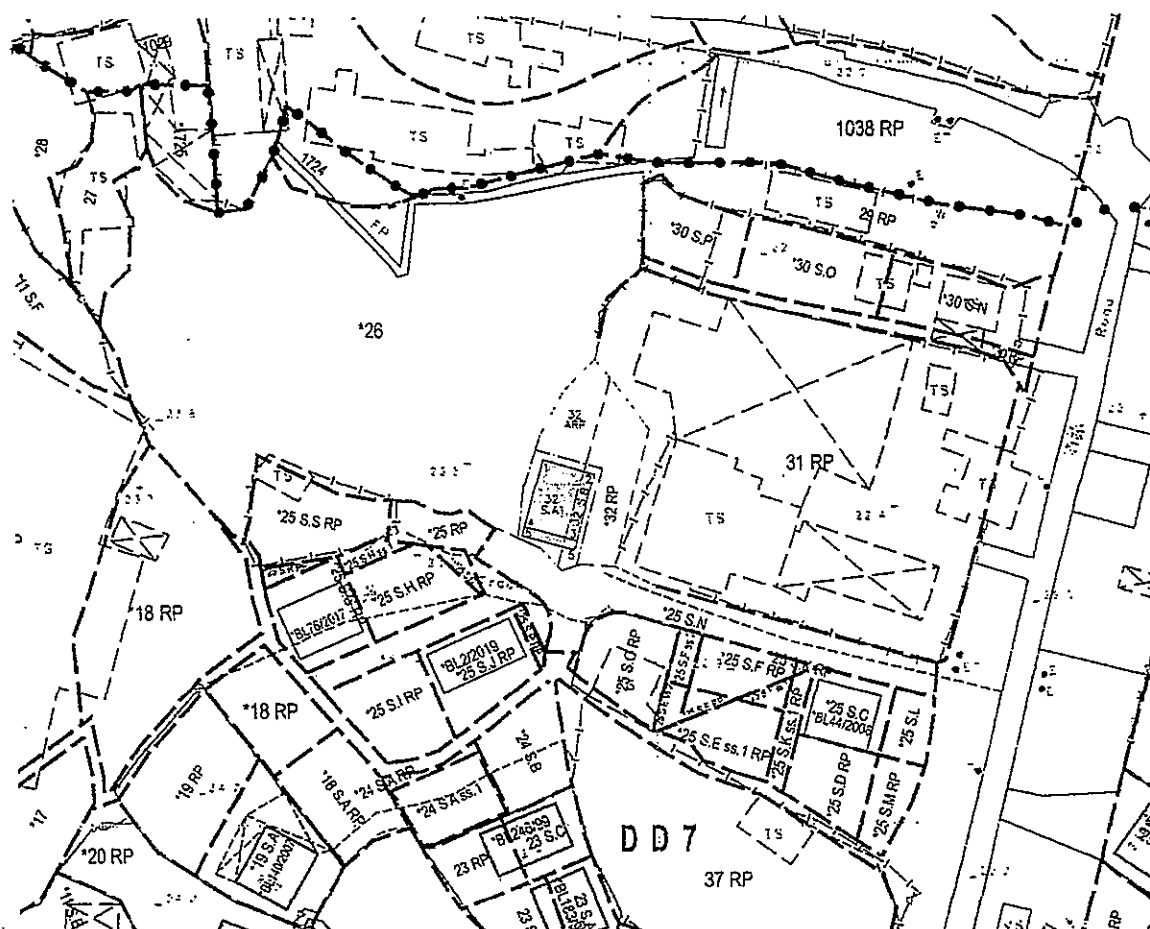


* metres 10 0 10 20 30 40 50 metres *

香港特別行政區政府 一 版權所有
© Copyright reserved - Hong Kong SAR Government
SMO-P01 20211224155646 10

Explanatory notes : This plan shows the graphical boundaries of different kinds of permanent and temporary land holdings with the topographic map in the backdrop. The land holdings as shown may include private lots, government land allocations, short term tenancies and other permitted uses of land. It must be noted that: (1) the information shown on this plan is subject to update without prior notification; (2) there may be time lag between an update and the related changes taken place; and (3) the graphical boundaries as shown are for identification purpose only and interpretation of their accuracy and reliability requires the advice from professional land surveyor. **Disclaimer :** The Government shall not be responsible for any loss or damage howsoever arising from the use of this plan or in reliance upon its correctness, completeness, timeliness or accuracy.

Dimension Plan of the Proposed Small House on
Lots 32 S.A ss.1 & 32 S.B in D.D. 7
Tai Po



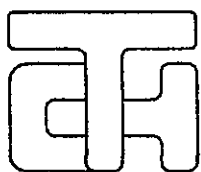
Coloured Pink Area 65.03 Square Metres (About)

Scale 1 : 1000

☐ Balcony

to be connected to the Public Sewage

Side	Bearing ° ' "	Distance in Metres	Pt	Co-ordinate Data (1980 Datum)		Remarks
				N	E	
1 - 2	105 32 37	7.200	1	836947.949	833585.021	
2 - 3	195 32 37	9.032	2	836946.020	833591.957	
3 - 4	285 32 37	7.200	3	836937.318	833589.537	
4 - 1	15 32 37	9.032	4	836939.248	833582.601	
Co-ordinates of the balcony						
4 - 3	105 32 37	7.200	4	836939.248	833582.601	
3 - 5	195 32 37	1.220	3	836937.318	833589.537	
5 - 6	285 32 37	7.200	5	836936.143	833589.210	
6 - 4	15 32 37	1.220	6	836938.072	833582.274	



T.H. & ASSOCIATES LIMITED
(陳 德 慶 測 量 有 限 公 司)

Approved By

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

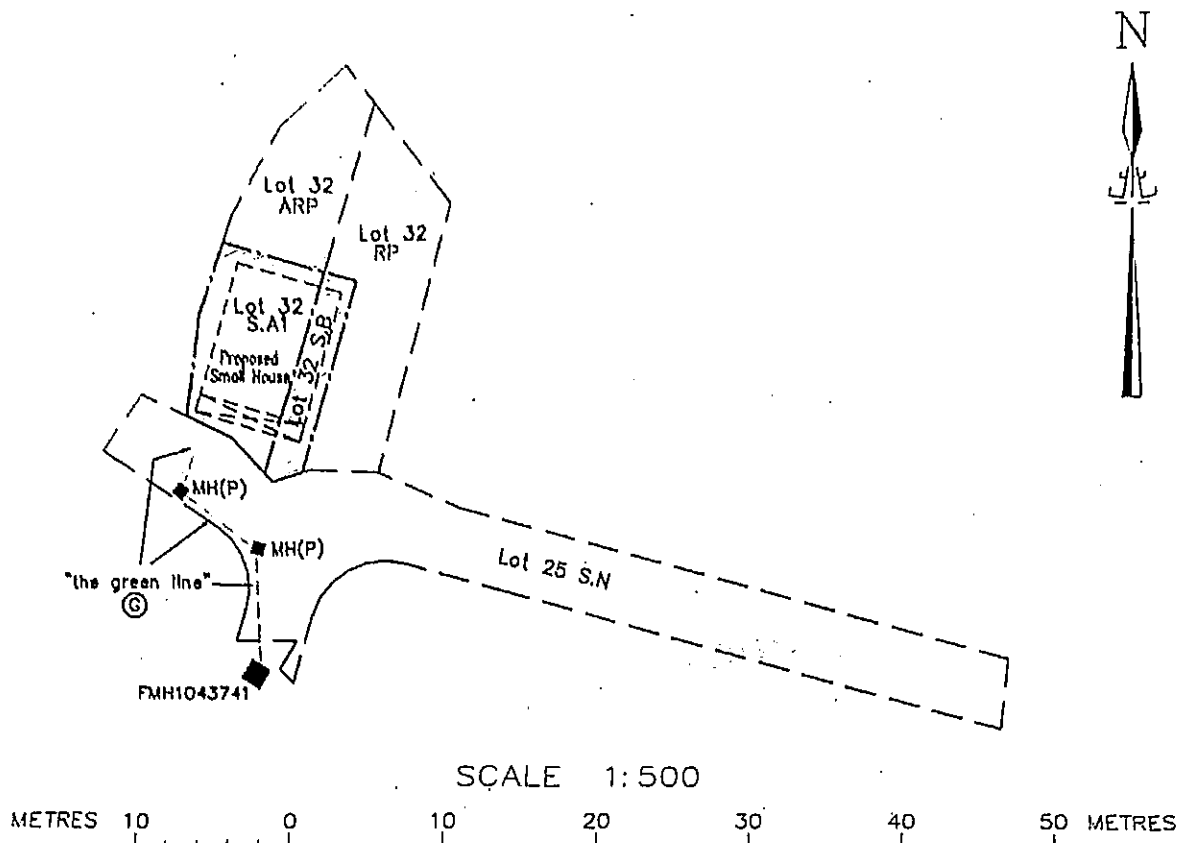
Tel: 26577726 Fax: 26588757 e-mail: thchan_survey@yahoo.com

Survey Sheet No.: 3-SW-23A

Plan No.: TP/7/32A1-SH

Date: 03-09-2021

**Plan of Sewage Proposal and its Connection to
Public Manhole FMH1043741
Lots 32 S.A ss.1 & 32 S.B in D.D. 7**



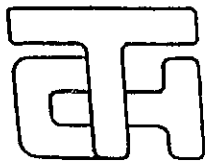
Legend

- (C) — Pipe Line "the green line"
- Manhole(Public)
- MH(P) (Manhole Private)

Ref	Colour
B	BROWN
G	GREEN
I	INDIGO
O	ORANGE
P	PINK
R	RED
V	VIOLET
Y	YELLOW
GY	GREY

Survey Sheet No. 3-SW-23A

LOCATION



T. H. & ASSOCIATES LTD.

Address: G/F 37 Po Yick Street, Tai Po
Tel: 26577726 Fax: 26588757

Plan No.: TP/7/32A1-S

Signature:

T. H. Chan (ALS, MHKIS, MRICS, RPS(LS))
Date: 3 September, 2021

Relevant Revised Interim Criteria for Consideration of
Application for NTEH/Small House in New Territories
(promulgated on 7.9.2007)

- (a) sympathetic consideration may be given if not less than 50% of the proposed NTEH/Small House footprint falls within the village 'environs' ('VE') of a recognized village and there is a general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of the village;
- (b) if more than 50% of the proposed NTEH/Small House footprint is located outside the 'VE', favourable consideration could be given if not less than 50% of the proposed NTEH/Small House footprint falls within the "V" zone, provided that there is a general shortage of land in meeting the demand for Small House development in the "V" zone and the other criteria can be satisfied;
- (c) development of NTEH/Small House with more than 50% of the footprint outside both the 'VE' and the "V" zone would normally not be approved unless under very exceptional circumstances (e.g. the application site has a building status under the lease, or approving the application could help achieve certain planning objectives such as phasing out of obnoxious but legal existing uses);
- (d) application for NTEH/Small House with previous planning permission lapsed will be considered on its own merits. In general, proposed development which is not in line with the criteria would normally not be allowed. However, sympathetic consideration may be given if there are specific circumstances to justify the cases, such as the site is an infill site among existing NTEHs/Small Houses, the processing of the Small House grant is already at an advance stage;
- (e) 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 provision of fire service installations and emergency vehicular access, if required, should be appropriate with the scale of the development and in compliance with relevant standards; and
- (j) all other statutory or non-statutory requirements of relevant Government departments must be met. Depending on the specific land use zoning of the application site, other Town Planning Board guidelines should be observed, as appropriate.

Previous Applications

Rejected Applications

Applications No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/557	Proposed House (New Territories Exempted House - Small House)	8.11.2019 (on review)	R1 – R3
A/NE-KLH/596	Proposed House (New Territories Exempted House - Small House)	23.7.2021	R1, R4

Rejection Reasons

- R1. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention.
- R2. The proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ (Interim Criteria) in that more than 50% of the footprint of the proposed Small House fell outside the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’) of Tai Hang, and there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Tai Hang.
- R3. Land was still available within the “V” zone of Tai Hang which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services.
- R4. The proposed development did not comply with the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Tai Hang; and the applicant failed to demonstrate that the proposed development located within the water gathering grounds would be able to be connected to the existing/planned sewerage system and would not cause adverse impact on the water quality in the area.

Similar Applications

Approved Applications

Applications No.	Proposed Development	Date of Consideration
A/NE-KLH/331	Proposed House (New Territories Exempted House) (NTEH) (Small House)	15.4.2005
A/NE-KLH/386	Proposed House (New Territories Exempted House - Small House)	24.7.2009
A/NE-KLH/451	Proposed House (New Territories Exempted House - Small House)	8.2.2013
A/NE-KLH/452	Proposed House (New Territories Exempted House - Small House)	7.6.2013

Rejected Applications

Applications No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/309	New Territories Exempted House (Small House) (NTEH)	25.4.2003	R1 – R4
A/NE-KLH/316	Proposed New Territories Exempted House (NTEH) (Small House)	25.7.2003	R5 – R7
A/NE-KLH/323	New Territories Exempted House (Small House) (NTEH)	5.12.2003	R6, R8
A/NE-KLH/326	New Territories Exempted House (Small House) (NTEH)	27.8.2004	R1, R4, R9
A/NE-KLH/428	Proposed House (New Territories Exempted House (NTEH) - Small House)	6.5.2011	R2, R10
A/NE-KLH/454	Proposed House (New Territories Exempted House - Small House)	5.7.2013	R2, R11 – R13
A/NE-KLH/498	Proposed House (New Territories Exempted House - Small House)	23.10.2015	R2, R14 – R15
A/NE-KLH/567	Proposed House (New Territories Exempted House - Small House)	1.11.2019	R2, R10, R13, R15
A/NE-KLH/590	Proposed House (New Territories Exempted House - Small House)	23.10.2020	R2, R10, R13

Rejection Reasons

- R1. The proposed New Territories Exempted House (NTEH)/Small House development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that there was sufficient land available/the land available within the “Village Type Development” (“V”) zone of Tai Hang Village could meet future Small House demand.
- R2. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and it was also intended to retain fallow arable land with good potential for rehabilitation and/or for cultivation and other agricultural purposes. There was no strong planning justification had been provided in the submission for a departure from the planning intention.
- R3. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was to define the limits of urban development areas and there was a general presumption against development within the “GB” zone. No strong justification had been provided in the submission for a departure from the planning intention.

- R4. The approval of the application would set an undesirable precedent for similar applications within the “AGR” and “GB” zones. The cumulative effect of approving such applications would result in the encroachment of good quality agricultural land and a general degradation of the rural environment of the area.
- R5. The proposed NTEH/Small House development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the application site fell outside the ‘village environs’ (‘VE’) of Tai Hang Village and there was insufficient information in the submission to demonstrate that there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Tai Hang Village.
- R6. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories in that the application site/it was not able to be connected to the existing or planned sewerage system in the area. There was no information in the submission to demonstrate that the proposed development located within the water gathering grounds (WGG) would not cause adverse impact on water quality in the area.
- R7. The proposed Small House development encroached upon the 120m no blasting limit of the Tau Pass culvert.
- R8. The application site fell outside the “VE” of Tai Hang Village and there were still land available within the “V” zone of Tai Hang/Tai Hang San Wai for future Small House development.
- R9. The application site was located within the flood fringe and was subject to overland flow and inundation during heavy rainfall.
- R10. The proposed development did not comply with the 'Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories' (Interim Criteria) in that more than 50% of the footprint of the proposed Small House fell outside both the "V" zone and the ‘VE’ of Tai Hang Village; and there was no general shortage of land in meeting the demand for Small House development in the "V" zone of Tai Hang Village.
- R11. The proposed development did not comply with the Interim Criteria in that the site was entirely outside the “V” zone and the “VE” of any recognized villages and there was still sufficient land available within the “V” zone to fully meet the future Small House demand.
- R12. The applicant failed to demonstrate in the submission why there was no alternative land available within areas zoned “V” for the proposed development.
- R13. The applicant failed to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area.
- R14. The proposed development did not comply with the Interim Criteria in that there was no shortage of the land in meeting the demand for Small House development in the “V” zone of Tai Hang.
- R15. Land was still available within the “V” zone of Tai Hang which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

Detailed Comments from Relevant Government Departments

1. Land Administration

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

- (a) no objection to the application;
- (b) the applicant claimed himself as an indigenous villager of Tai Hang. However, his eligibility of Small House grant has yet to be ascertained;
- (c) the Site is held under Block Government Lease demised for agricultural use and is not covered by any Modification of Tenancy or Building Licence. No valid Small House application has been received by LandsD; and
- (d) if the planning application is approved by Town Planning Board, LandsD will process the Small House application when it is received. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval would be subject to terms and conditions to be imposed by LandsD as appropriate. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access (EVA) thereto.

2. Traffic

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

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

3. Environment

Comments of the Director of Environmental Protection (DEP):

- no in-principle objection to the application provided that the applicant will provide adequate sewer connection for disposal of sewage from the Small House to the existing public sewer at his own costs and reserve adequate land for the sewer connection work.

4. Drainage

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

- (a) if the application is approved, a condition should be included to request the applicant to submit and implement the drainage proposal for the site to the satisfaction of Director of Drainage Services or the Town Planning Board to ensure that it will not cause adverse drainage impact to the adjacent area;
- (b) the applicant should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify/modify the nearby existing/original drainage systems if they are found to be inadequate or ineffective to accommodate the additional runoff arisen from the development of the Site. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure or ineffectiveness of the modified drainage systems caused by their works;
- (c) public sewers exist in the vicinity but the feasibility of sewerage connection is subject to the invert level of discharge connection pipe leading from the Site. No stud pipe is reserved for sewage connection. The applicant shall demonstrate the technical feasibility of sewerage connection. Should the applicant choose to dispose of the sewage of the proposed development through other means, views and comments from EPD should be sought;
- (d) written consent(s) from relevant lot owner(s) and/or LandsD's permission for laying new drains/channels and/or modifying/upgrading existing ones outside the application lot(s) or on government land (where required) should be provided; and
- (e) the cost and work of drainage and sewerage connection as well as future maintenance responsibility shall be borne by the applicant.

5. Water Supply

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

- (a) the Site is located within upper indirect WGG and is more than 30m away from the nearest water course. According to the information submitted by the applicant, the proposed development will be connected to the public sewerage system. As such, he has no objection to the application provided that:

- (i) the foul water drainage system of the proposed Small House shall be connected to the public sewerage system in the area;
- (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the WGGs; and
- (iii) the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewer pipes from the proposed NTEH/Small House to the planned sewerage system via relevant private lots.

6. Fire Safety

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

- (a) no in-principle objection to the application; and
- (b) the applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal applications referred by the LandsD.

7. Agriculture

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

- (a) he does not support the application from agricultural point of view; and
- (b) the Site falls within "V" and "AGR" zones and is currently a piece of vacant land. There are active agricultural activities in the vicinity, and agricultural infrastructures such as road access and water sources are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation.

8. Landscape

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

- (a) no objection to the application from landscape planning perspective;
- (b) based on the aerial photo of 2021, the Site is located in an area of settled valleys landscape character comprising Small Houses, temporary structures, vegetated areas and clusters of tree groups. With reference to the site record taken on 11.1.2022, the Site is vacant with some trees of common species at the periphery. No significant sensitive landscape resource is observed. Hence, significant adverse impact on existing landscape resources arising from the proposed development is not anticipated;

- (c) some applications in close proximity to the Site across the same “AGR” and “V” zones for the same NTEH development were approved by the Town Planning Board. The proposed NTEH under the current application is considered not entirely incompatible with its surrounding environment; and
- (d) as there is no major public frontage along the site boundary, should the application be approved by the Board, it is considered not necessary to impose a landscape condition as the effect of additional landscaping on enhancing the quality of public realm is not apparent.

9. Demand and Supply of Small House Sites

According to the DLO/TP, LandsD’s record, the total number of outstanding Small House applications for Tai Hang Village is 24 while the 10-year Small House demand forecast is 225. Based on the latest estimate by the Planning Department, about 7.91 ha of land (or equivalent to about 316 Small House sites) are available within the “V” zone of Tai Hang Village for Small House development. Therefore, the land available can fully meet the future demand of land for Small House development (i.e. about 6.23 ha of land which is equivalent to about 249 Small House sites).

☐ Urgent ☐ Return Receipt Requested ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand personal&pu



A/NE-KLH/604 DD 7 Tai Hang
03/02/2022 02:43

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
File Ref:

A/NE-KLH/604

Lots 32 S.A ss.1 and 32 S.B, Tai Hang, Tai Po

Site area : About 116sq.m²

Zoning : "Agriculture" and "VTD"

Applied Development; NET House

Dear TPB Members,

While the foot print has been reduced, the reasons for rejection on review of 8 Nov 2019 remain applicable.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Tuesday, 29 June 2021 2:44 AM CST
Subject: A/NE-KLH/596 DD 7 Tai Hang

Dear TPB Members,

It is inconceivable that geo conditions have changed in two years.

Previous objections upheld.

Mary Mulvihill

From: [REDACTED]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Friday, March 8, 2019 2:06:16 AM
Subject: Re: A/NE-KLH/557 DD 7 Tai Hang

Dear TPB Members,

Dept comment at 4 Jan meeting included:

The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as there were active

agricultural activities in the vicinity. The District Lands Officer / Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the footprint of the proposed Small House fell entirely outside the village 'environs' ('VE') of the concerned village. The Director of Environmental Protection (DEP) and the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) did not support/objected to the application as the applicant proposed to use septic tank and soakaway system for foul water disposal and the wastewater generated from the proposed Small House would have potential to cause water pollution to the water gathering ground (WGG). There was no information in the submission to demonstrate that the proposed development would have no adverse impacts on the water quality of the surrounding areas. PD: Regarding the Interim Criteria, more than 50% of the footprint of proposed Small House fell outside the 'VE' and the "Village Type Development" ("V") zone, and land available in the "V" zone of Tai Hang was still capable of meeting the outstanding Small House applications. It was more appropriate to concentrate the proposed Small House developments within the "V" zone for orderly development pattern, efficient use of land and provision of infrastructures and services.

There is obviously no grounds to justify a review.

Mary Mulvihill

From: [REDACTED]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Thursday, December 6, 2018 2:39:02 AM
Subject: A/NE-KLH/557 DD 7 Tai Hang
A/NE-KLH/557
Lot 32 S.A in D.D. 7, Tai Hang, Tai Po
Site area : About 156m²
Zoning : "Agriculture" and 'VTD"
Applied Development; NET House

Dear TPB Members,

The application is not in line with the planning intention of the "Agriculture" ("AGR") zone, which was intended primarily to retain and safeguard good quality agricultural land land/farm/fish ponds for agricultural purposes.

Then there is the issue of septic tank. The Audit Commission has strongly urged that this third world facility be phased out and that homes should be built only where they can be connected to a public sewerage system.

Members should reject this application.

Mary Mulvihill

5-2

就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號

Reference Number:

220121-155645-58814

提交限期

Deadline for submission:

04/02/2022

提交日期及時間

Date and time of submission:

21/01/2022 15:56:45

有關的規劃申請編號

The application no. to which the comment relates:

A/NE-KLH/604

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Lam Ka Hing

意見詳情

Details of the Comment :

反對，住屋過於密集，引至附近交通阻塞，環境污染，增加引發火警危機，影響村民安全、生活質數及生態環境。

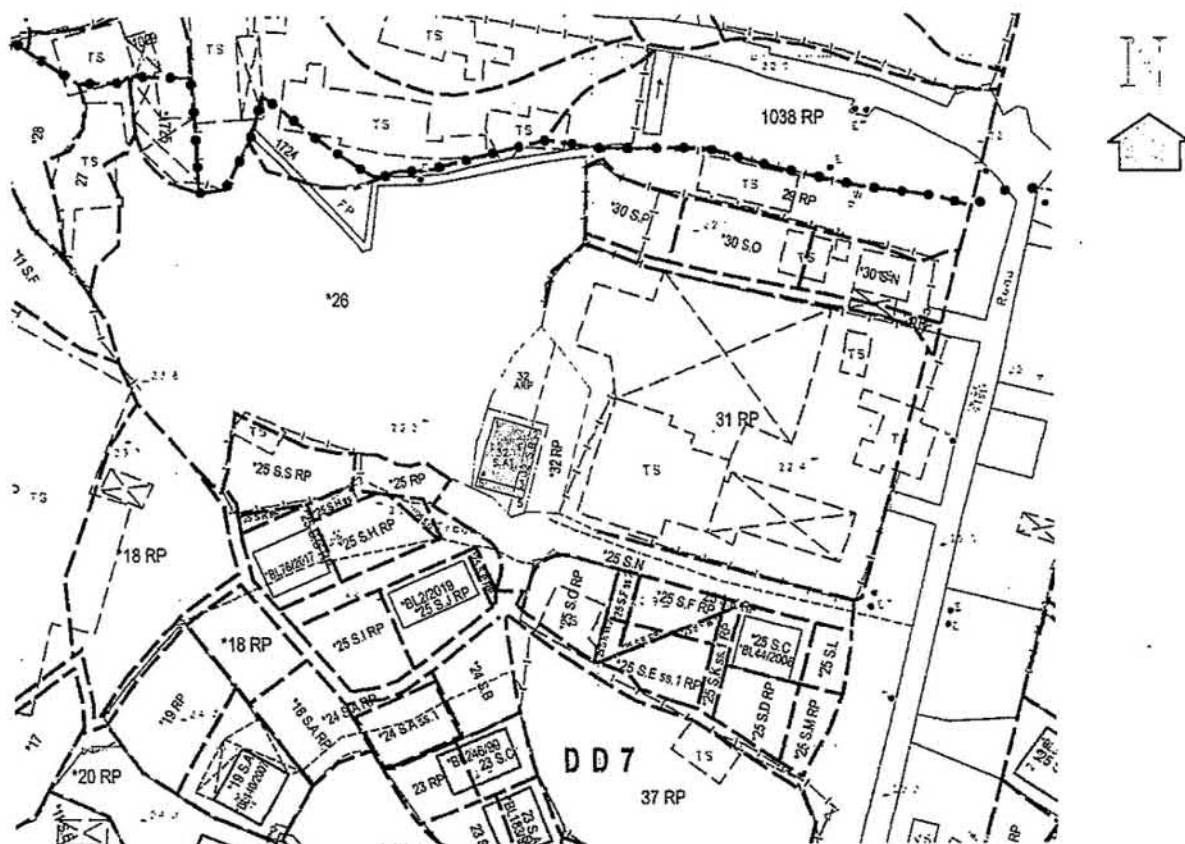
Recommended Advisory Clauses

- (a) to note the comments of District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that if the planning application is approved by Town Planning Board, LandsD will process the Small House application when it is received. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval would be subject to terms and conditions to be imposed by LandsD as appropriate. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access (EVA) thereto.
- (b) to note the comments of the Director of Environmental Protection (DEP) that the applicant shall connect the house to the existing public sewer at his own costs and reserve adequate land for the sewer connection work;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) the applicant should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify/modify the nearby existing/original drainage systems if they are found to be inadequate or ineffective to accommodate the additional runoff arisen from the development of the Site. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure or ineffectiveness of the modified drainage systems caused by their works;
 - (ii) public sewers exist in the vicinity but the feasibility of sewerage connection is subject to the invert level of discharge connection pipe leading from the Site. No stud pipe is reserved for sewage connection. The applicant shall demonstrate the technical feasibility of sewerage connection. Should the applicant choose to dispose of the sewage of the proposed development through other means, views and comments from EPD should be sought;
 - (iii) written consent(s) from relevant lot owner(s) and/or LandsD's permission for laying new drains/channels and/or modifying/upgrading existing ones outside the application lot(s) or on government land (where required) should be provided; and
 - (iv) the cost and work of drainage and sewerage connection as well as future maintenance responsibility shall be borne by the applicant.


- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) the foul water drainage system of the proposed Small House shall be connected to the public sewerage system in the area;
 - (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the WGGs; and
 - (iii) the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewer pipes from the proposed NTEH/Small House to the planned sewerage system via relevant private lots.
- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal applications referred by the LandsD; and
- (f) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Board where required before carrying out the road work.

App. II-Site Plan and Layout Proposal

Dimension Plan of the Proposed Small House on Lots 32 S.A ss.1 & 32 S.B in D.D. 7 Tai Po

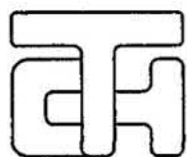


Coloured Pink Area 65.03 Square Metres (About)
Scale

 Balcony


to be connected to the Public Sewage

Side	Bearing ° ' "	Distance in Metres	Pt	Co-ordinate Data (1980 Datum)		Remarks
				N	E	
1 - 2	105 32 37	7.200	1	836947.949	833585.021	
2 - 3	195 32 37	9.032	2	836946.020	833591.957	
3 - 4	285 32 37	7.200	3	836937.318	833589.537	
4 - 1	15 32 37	9.032	4	836939.248	833582.601	
Co-ordinates of the balcony						
4 - 3	105 32 37	7.200	4	836939.248	833582.601	
3 - 5	195 32 37	1.220	3	836937.318	833589.537	
5 - 6	285 32 37	7.200	5	836936.143	833589.210	
6 - 4	15 32 37	1.220	6	836938.072	833582.274	



T.H. & ASSOCIATES LIMITED
(陳德慶測量有限公司)

Approved By


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

Survey Sheet No.: 3-SW-23A

Plan No.: TP/7/32A1-SH

Date: 03-09-2021

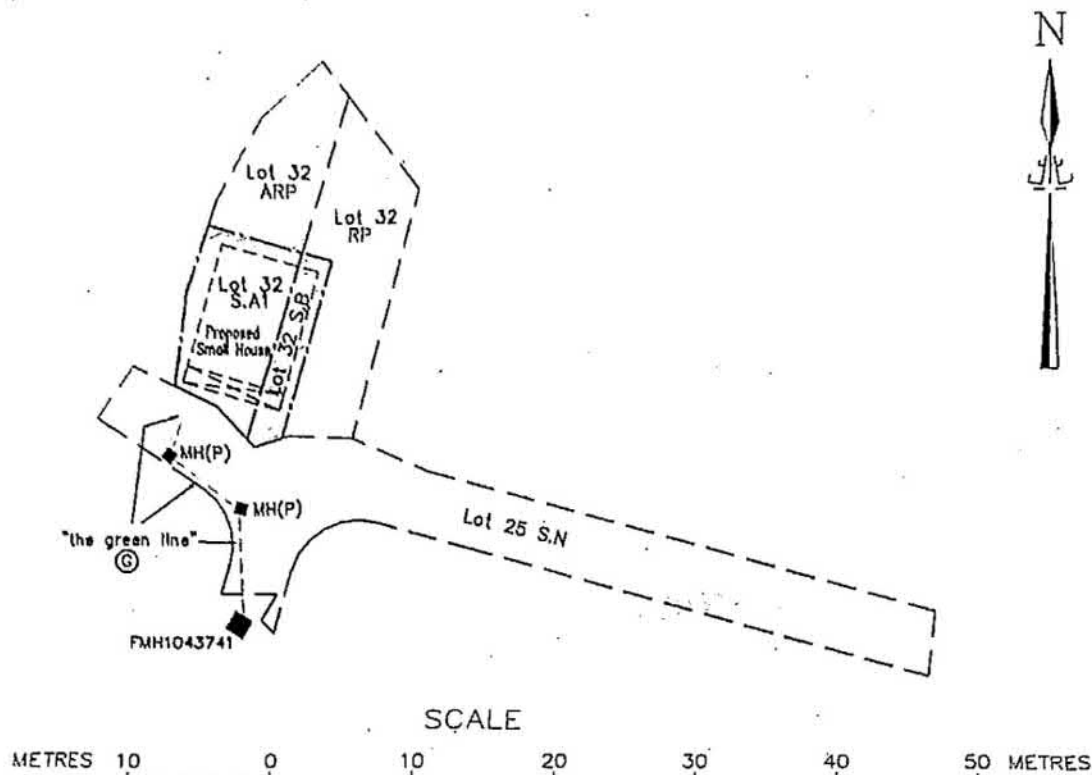
參考編號

REFERENCE No. A/NE-KLH/604

繪圖 DRAWING A-1

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

Plan of Sewage Proposal and its Connection to
Public Manhole FMH1043741
Lots 32 S.A ss.1 & 32 S.B in D.D. 7



Legend

- ③ Pipe Line "the green line"
- Manhole(Public)
- MH(P) (Manhole Private)

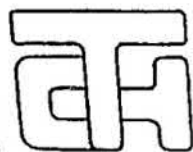
Ref	Colour
B	BROWN
G	GREEN
I	INDIGO
O	ORANGE
P	PINK
R	RED
V	VIOLET
Y	YELLOW
GY	GREY

Survey Sheet No. 3-SW-23A

LOCATION



SCALE



T. H. & ASSOCIATES LTD.

Plan No.: TP/7/32A1-S

Signature:

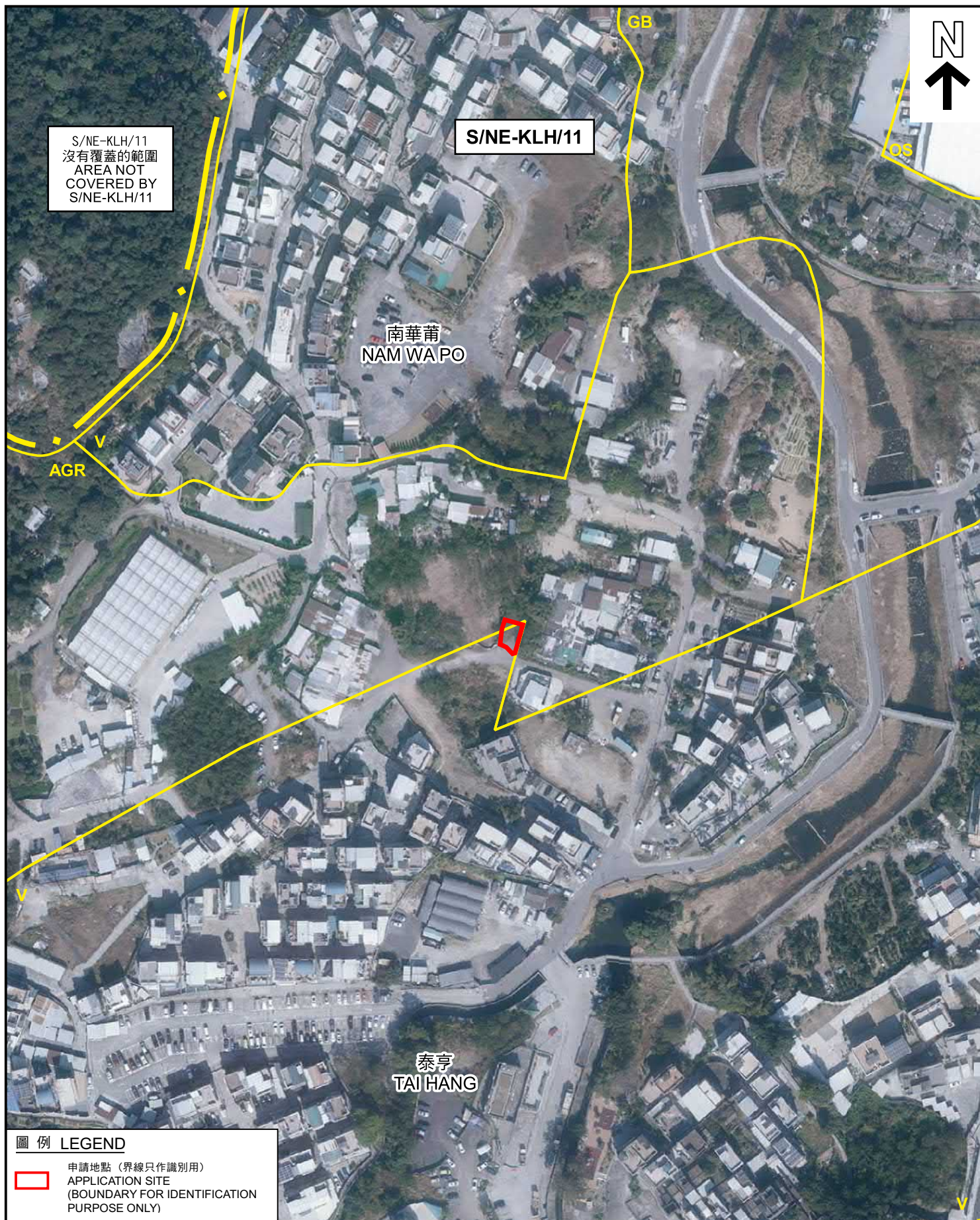
T. H. Chan (ALS, MHKIS, MRICS, RPS(LS))

Date: 3 September, 2021

參考編號
REFERENCE No.

A/NE-KLH/604

繪圖 DRAWING A-2



圖例 LEGEND

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

本摘要圖於2022年1月28日擬備
所根據的資料為地政總署
於2021年1月15日拍得的航攝照片
編號E127105C
EXTRACT PLAN PREPARED ON 28.1.2022
BASED ON AERIAL PHOTO No. E127105C
TAKEN ON 15.1.2021 BY
LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
新界大埔泰亨丈量約份第7約地段第32號A分段第1小分段及第32號B分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 32 S.A ss.1 AND 32 S.B IN D.D. 7,
TAI HANG, TAI PO, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.

A/NE-KLH/604

圖 PLAN

A-3

1



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

實地照片 SITE PHOTO

本摘要圖於2022年2月8日擬備，所根據的資料為攝於2021年1月11日的實地照片
PLAN PREPARED ON 8.2.2022 BASED ON SITE PHOTO TAKEN ON 11.1.2022

擬議屋宇（新界豁免管制屋宇-小型屋宇）
新界大埔泰亨丈量約份第7約地段第32號A分段第1小分段及第32號B分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 32 S.A ss.1 AND 32 S.B IN D.D. 7,
TAI HANG, TAI PO, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.

A/NE-KLH/604

圖 PLAN
A-4

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/604 Proposed House (New Territories Exempted House - Small House) in
“Village Type Development” and “Agriculture” Zones, Lots 32 S.A
ss.1 and 32 S.B in D.D. 7, Tai Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/604)

Presentation and Question Sessions

28. With the aid of some plans, Mr Tony Y.C. Wu, STP/STN, briefed Members on the background of the application, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department did not support the application.

29. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Tai Hang Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern,

efficient use of land and provision of infrastructure and services.”

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

Annex C of
TPB Paper No. 10843

TOWN PLANNING BOARD

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

傳 真 Fax: 2877 0245 / 2522 8426

By Post

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-KLH/604

18 March 2022

Yeung Siu Fung

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House)
in "Village Type Development" and "Agriculture" Zones,
Lots 32 S.A ss.1 and 32 S.B in D.D. 7, Tai Hang, Tai Po**

I refer to my letter to you dated 10.1.2022.

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

- (a) the proposed development is not in line with the planning intention of the "Agriculture" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the "Village Type Development" ("V") zone of Tai Hang Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

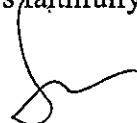
A copy of the TPB Paper in respect of the application is available at TPB website at this link (https://www.info.gov.hk/tpb/tc/meetings/RNTPC/Agenda/690_rnt_agenda.html). The relevant extract of minutes of the TPB meeting held on 4.3.2022 is enclosed herewith for your reference.

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 8.4.2022). 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 Mr. Tony Wu of Sha Tin, Tai Po & North District Planning Office at 2158 6372.

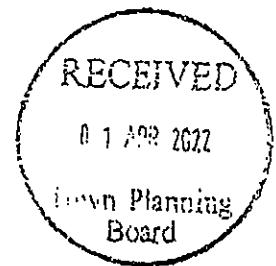
Yours faithfully,



(Leticia LEUNG)
for Secretary, Town Planning Board

YEUNG Siu Fung

The Secretary,
Town Planning Board,
15 /F., North Point Government Offices,
333 Java Road, North Point, Hong Kong
(Your Reference: TPB/A/NE-KLH/604)



31 March 2022

Dear Sir/Madam,

Proposed House (New Territories Exempted House – Small House)

in "Village Type Development" and "Agriculture" Zones,


Lots 32 S. A ss. 1 and 32 S. B in D.D. 7, Tai Hang, Tai Po

Thank you for the reply letter of 18 March 2022.

This is to inform you that under Section 17 (1) of the Town Planning Ordinance we wish to seek a review of the decision arrived at TPB meeting held on 4.3.2022.

Thank you for your attention.

Yours truly,


(YEUNG Siu Fung)

Authorized Representative for Mr MAN Chun Kiu

Cc: Mr MAN Chun Kiu

Previous Applications

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/557	Proposed House (New Territories Exempted House - Small House)	8.11.2019 (on review)	R1 – R3
A/NE-KLH/596	Proposed House (New Territories Exempted House - Small House)	23.7.2021	R1, R4

Rejection Reasons

- R1. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention.
- R2. The proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ (Interim Criteria) in that more than 50% of the footprint of the proposed Small House fell outside the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’) of Tai Hang, and there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Tai Hang.
- R3. Land was still available within the “V” zone of Tai Hang which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services.
- R4. The proposed development did not comply with the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Tai Hang; and the applicant failed to demonstrate that the proposed development located within the water gathering grounds would be able to be connected to the existing/planned sewerage system and would not cause adverse impact on the water quality in the area.

Similar Applications

Approved Applications

Application No.	Proposed Development	Date of Consideration
A/NE-KLH/331	Proposed House (New Territories Exempted House) (NTEH) (Small House)	15.4.2005
A/NE-KLH/386	Proposed House (New Territories Exempted House - Small House)	24.7.2009
A/NE-KLH/451	Proposed House (New Territories Exempted House - Small House)	8.2.2013
A/NE-KLH/452	Proposed House (New Territories Exempted House - Small House)	7.6.2013

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/309	New Territories Exempted House (Small House) (NTEH)	25.4.2003	R1 – R4
A/NE-KLH/316	Proposed New Territories Exempted House (NTEH) (Small House)	25.7.2003	R5 – R7
A/NE-KLH/323	New Territories Exempted House (Small House) (NTEH)	5.12.2003	R6, R8
A/NE-KLH/326	New Territories Exempted House (Small House) (NTEH)	27.8.2004	R1, R4, R9
A/NE-KLH/428	Proposed House (New Territories Exempted House (NTEH) - Small House)	6.5.2011	R2, R10
A/NE-KLH/454	Proposed House (New Territories Exempted House - Small House)	5.7.2013	R2, R11 – R13
A/NE-KLH/498	Proposed House (New Territories Exempted House - Small House)	23.10.2015	R2, R14 – R15
A/NE-KLH/567	Proposed House (New Territories Exempted House - Small House)	1.11.2019	R2, R10, R13, R15
A/NE-KLH/590	Proposed House (New Territories Exempted House - Small House)	23.10.2020	R2, R10, R13

Rejection Reasons

- R1. The proposed New Territories Exempted House (NTEH)/Small House development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that there was sufficient land available/the land available within the “Village Type Development” (“V”) zone of Tai Hang Village could meet future Small House demand.
- R2. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and it was also intended to retain fallow arable land with good potential for rehabilitation and/or for cultivation and other agricultural purposes. There was no strong planning justification had been provided in the submission for a departure from the planning intention.
- R3. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was to define the limits of urban development areas and there

was a general presumption against development within the “GB” zone. No strong justification had been provided in the submission for a departure from the planning intention.

- R4. The approval of the application would set an undesirable precedent for similar applications within the “AGR” and “GB” zones. The cumulative effect of approving such applications would result in the encroachment of good quality agricultural land and a general degradation of the rural environment of the area.
- R5. The proposed NTEH/Small House development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the application site fell outside the ‘village environs’ (‘VE’) of Tai Hang Village and there was insufficient information in the submission to demonstrate that there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Tai Hang Village.
- R6. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories in that the application site/it was not able to be connected to the existing or planned sewerage system in the area. There was no information in the submission to demonstrate that the proposed development located within the water gathering grounds (WGG) would not cause adverse impact on water quality in the area.
- R7. The proposed Small House development encroached upon the 120m no blasting limit of the Tau Pass culvert.
- R8. The application site fell outside the “VE” of Tai Hang Village and there were still land available within the “V” zone of Tai Hang/Tai Hang San Wai for future Small House development.
- R9. The application site was located within the flood fringe and was subject to overland flow and inundation during heavy rainfall.
- R10. The proposed development did not comply with the 'Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories' (Interim Criteria) in that more than 50% of the footprint of the proposed Small House fell outside both the "V" zone and the ‘VE’ of Tai Hang Village; and there was no general shortage of land in meeting the demand for Small House development in the "V" zone of Tai Hang Village.
- R11. The proposed development did not comply with the Interim Criteria in that the site was entirely outside the “V” zone and the “VE” of any recognized villages and there was still sufficient land available within the “V” zone to fully meet the future Small House demand.
- R12. The applicant failed to demonstrate in the submission why there was no alternative land available within areas zoned “V” for the proposed development.
- R13. The applicant failed to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area.
- R14. The proposed development did not comply with the Interim Criteria in that there was no shortage of the land in meeting the demand for Small House development in the “V” zone of Tai Hang.

- R15. Land was still available within the “V” zone of Tai Hang which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

Recommended Advisory Clauses

- (a) to note the comments of District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that if the planning application is approved by Town Planning Board, LandsD will process the Small House application when it is received. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval would be subject to terms and conditions to be imposed by LandsD as appropriate. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access (EVA) thereto.
- (b) to note the comments of the Director of Environmental Protection (DEP) that the applicant shall connect the house to the existing public sewer at his own costs and reserve adequate land for the sewer connection work;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) the applicant should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify/modify the nearby existing/original drainage systems if they are found to be inadequate or ineffective to accommodate the additional runoff arisen from the development of the Site. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure or ineffectiveness of the modified drainage systems caused by their works;
 - (ii) DSD's maintained public sewers exist in the vicinity but the feasibility of sewerage connection is subject to the invert level of discharge connection pipe leading from the Site. No stud pipe is reserved for sewage connection. The applicant shall demonstrate the technical feasibility of sewerage connection. Should the applicant choose to dispose of the sewage of the proposed development through other means, views and comments from EPD should be sought;
 - (iii) written consent(s) from relevant lot owner(s) and/or LandsD's permission for laying new drains/channels and/or modifying/upgrading existing ones outside the application lot(s) or on government land (where required) should be provided; and
 - (iv) the cost and work of drainage and sewerage connection as well as future maintenance responsibility shall be borne by the applicant.

- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) the foul water drainage system of the proposed Small House shall be connected to the public sewerage system in the area;
 - (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the WGGs; and
 - (iii) the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewer pipes from the proposed NTEH/Small House to the planned sewerage system via relevant private lots.
- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal applications referred by the LandsD; and
- (f) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Board where required before carrying out the road work.