

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

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

- (j) the provision of fire service installations and emergency vehicular access, if required, should be appropriate with the scale of the development and in compliance with relevant standards; and
 - (k) all other statutory or non-statutory requirements of relevant Government departments must be met. Depending on the specific land use zoning of the application site, other Town Planning Board guidelines should be observed, as appropriate.
- ^i.e. the applicant can demonstrate that effluent discharge from the proposed development will be in compliance with the effluent standards as stipulated in the Water Pollution Control Ordinance Technical Memorandum.

Previous s. 16 Applications at the Application Site

Approval Application

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/275	Proposed House (New Territories Exempted House - Small House)	21.9.2001	A1-A3

Approval Conditions

- A1. The provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.
- A2. The disposal of spoils during the site formation and construction period to the satisfaction of the Director of Water Supplies or of the Town Planning Board.
- A3. The provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

Rejected Application

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/445	Proposed New Territories Exempted House (NTEH) (Small House)	22.2.2013 on review	R1

Rejection Reason

- R1 The proposed development did not comply with the Interim Criteria in that the proposed Small House located within the water gathering ground could not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture.

Similar Applications
in the vicinity of the Site within the same “Agriculture” Zone
on the Kau Lung Hang Outline Zoning Plan

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/245	Proposed House (New Territories Exempted House)	22.12.2000	A1 – A3
A/NE-KLH/271	Proposed House (New Territories Exempted House)	30.3.2001	A1, A2, A5, A6
A/NE-KLH/272	Proposed House (New Territories Exempted House)	20.4.2001	A1, A2, A5, A6
A/NE-KLH/273	Proposed House (New Territories Exempted House - Small House)	4.5.2001	A1 – A3, A5, A6
A/NE-KLH/277	Proposed House (New Territories Exempted House - Small House)	21.9.2001	A1 – A3, A5, A6
A/NE-KLH/279	Proposed House (New Territories Exempted House - Small House)	21.9.2001	A1 – A3, A5, A6
A/NE-KLH/281	Proposed House (New Territories Exempted House - Small House)	7.12.2001	A1, A5, A6
A/NE-KLH/304	Proposed House (New Territories Exempted House - Small House)	21.10.2003	A1, A3, A7, A8
A/NE-KLH/328	Proposed House (New Territories Exempted House – Small House)	17.12.2004	A1, A2, A5, A6
A/NE-KLH/339	Proposed House (New Territories Exempted House – Small House)	29.7.2005	A1, A3, A7, A8
A/NE-KLH/341	Proposed House (New Territories Exempted House – Small House)	14.10.2005	A1, A3, A7, A8, A12
A/NE-KLH/345	Proposed House (New Territories Exempted House – Small House)	23.12.2005	A1, A7, A8

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/346	Proposed House (New Territories Exempted House - Small House)	17.2.2006	A1, A3, A7, A8
A/NE-KLH/368	Proposed House (New Territories Exempted House - Small House)	17.2.2006	A1, A3, A7, A8, A9
A/NE-KLH/378	Proposed House (New Territories Exempted House - Small House)	19.12.2008	A1, A3, A7, A8, A9
A/NE-KLH/379	Proposed House (New Territories Exempted House - Small House)	19.12.2008	A1, A3, A7, A8, A9
A/NE-KLH/391	Proposed House (New Territories Exempted House - Small House)	23.4.2010	A1, A7 - A10
A/NE-KLH/392	Proposed House (New Territories Exempted House - Small House)	23.4.2010	A1, A3, A7, A8, A9
A/NE-KLH/402	Proposed House (New Territories Exempted House - Small House)	28.5.2010	A1, A7, A8, A9, A11
A/NE-KLH/403	Proposed House (New Territories Exempted House - Small House)	28.5.2010	A1, A3, A7, A8, A9
A/NE-KLH/409	Proposed House (New Territories Exempted House - Small House)	30.7.2010	A1, A3, A7, A8, A9
A/NE-KLH/410	Proposed House (New Territories Exempted House - Small House)	30.7.2010	A1, A3, A7, A8, A9
A/NE-KLH/438	Proposed House (New Territories Exempted House - Small House)	1.6.2012	A1, A3, A7, A8, A9
A/NE-KLH/459	Proposed House (New Territories Exempted House - Small House)	17.1.2014	A1, A3, A7, A8
A/NE-KLH/467	Proposed House (New Territories Exempted House - Small House)	23.5.2014	A1, A3, A4, A7, A8

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/482	Proposed House (New Territories Exempted House – Small House)	26.9.2014	A1, A3, A7, A8
A/NE-KLH/487	Proposed House (New Territories Exempted House – Small House)	27.3.2015	A1, A3, A7, A8
A/NE-KLH/488	Proposed House (New Territories Exempted House – Small House)	27.3.2015	A1, A3, A7, A8
A/NE-KLH/491	Proposed House (New Territories Exempted House – Small House)	22.5.2015	A1, A3, A7, A8

Approval Conditions

- A1. The submission/provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.
- A2. The provision of fire services installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- A3. The submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.
- A4. The provision septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board.
- A5. The disposal of spoils during the site formation and construction period to the satisfaction of the Director of Water Supplies or of the Town Planning Board.
- A6. The provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the Town Planning Board.
- A7. The connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board.
- A8. The provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.
- A9. The provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

- A10. The submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the Town Planning Board.
- A11. The submission and implementation of a tree preservation and replanting proposal to the satisfaction of the Director of Planning or of the Town Planning Board.
- A12. The provision of adequate space for the existing footpath to pass over the application site for public access purpose to the satisfaction of the Director of Lands or of the Town Planning Board.

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/299	Proposed New Territories Exempted House (NTEH) (Small House)	14.2.2003 on review	R1 – R2
A/NE-KLH/300	Proposed New Territories Exempted House (NTEH) (Small House)	11.10.2002	R1
A/NE-KLH/303	Proposed New Territories Exempted House (NTEH) (Small House)	7.2.2003	R1
A/NE-KLH/312	Proposed New Territories Exempted House (NTEH) (Small House)	30.5.2003	R1
A/NE-KLH/321	Proposed New Territories Exempted House (NTEH) (Small House)	16.1.2004 on review	R1
A/NE-KLH/360	Proposed New Territories Exempted House (NTEH) (Small House)	23.3.2007	R3, R4, R5
A/NE-KLH/362	Proposed New Territories Exempted House (NTEH) (Small House)	22.6.2007	R3
A/NE-KLH/374	Proposed New Territories Exempted House (NTEH) (Small House)	16.1.2009 on review	R4, R6
A/NE-KLH/380	Proposed New Territories Exempted House (NTEH) (Small House)	13.3.2009	R4, R7, R8

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/404	Proposed New Territories Exempted House (NTEH) (Small House)	10.6.2010	R4, R12 – R15
A/NE-KLH/430	Proposed New Territories Exempted House (NTEH) (Small House)	8.7.2011	R10, R16
A/NE-KLH/439	Proposed New Territories Exempted House (NTEH) (Small House)	24.8.2012	R9
A/NE-KLH/443	Proposed New Territories Exempted House (NTEH) (Small House)	19.10.2012	R10, R16,
A/NE-KLH/444	Proposed House (New Territories Exempted House – Small House)	22.2.2013 on review	R9
A/NE-KLH/455	Proposed House (New Territories Exempted House – Small House)	13.12.2013	R9
A/NE-KLH/478	Proposed House (New Territories Exempted House – Small House)	8.8.2014	R9, R10
A/NE-KLH/479	Proposed House (New Territories Exempted House – Small House)	8.8.2014	R9, R10
A/NE-KLH/483 ³	Proposed House (New Territories Exempted House – Small House)	29.5.2015 on review	R9, R10
A/NE-KLH/484	Proposed House (New Territories Exempted House – Small House)	31.10.2014	R9
A/NE-KLH/526	Proposed 6 Houses (New Territories Exempted Houses – Small Houses)	18.8.2017	R9 – R11

³ subject of Town Planning Appeal No. 8 of 2015 which was dismissed by the Town Planning Appeal Board on 1.9.2016.

Rejection Reasons

- R1. The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House (NTEH)/Small House in the New Territories (Interim Criteria) in that it was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development, which was located within water gathering grounds, would not cause adverse impact on water quality in the area.
- R2. There was no information in the submission to demonstrate that land for NTEH/Small House development was not available within the "Village Type Development" ("V") zones of the applicants own village and other recognized villages in Tai Po.
- R3. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed NTEH/Small House development fell within Water Supplies Department's upper indirect water gathering ground (WGG) and was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area.
- R4. The application was not in line with the planning intention of the "Agriculture" 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. No strong justifications had been provided in the submission for a departure from the planning intention.
- R5. The proposed development which required felling of mature trees, was not supported from nature conservation and landscape planning point of view.
- R6. The proposed development, which affected the mature trees and an ecologically important stream, was not supported from nature conservation point of view.
- R7. The proposed development did not comply with the Interim Criteria in that the proposed house with more than 50% of the footprint outside both the village environs and the "V" zone of recognised villages.
- R8. The proposed development fell within the upper indirect water gathering grounds (WGGs) and was not able to be connected to the existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area.
- R9. The proposed development did not comply with the Interim Criteria in that the proposed Small House located within the WGGs would not be able to be connected to the existing/planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture.
- R10. The applicant failed to demonstrate that the proposed development located within the water gathering ground would not cause adverse impact on the water quality in the area.

- R11. Land was still available within the "Village Type Development" ("V") zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang which is 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.
- R12 The proposed development would affect the existing trees on the application site. The applicant failed to demonstrate in the submission that the proposed development would not have adverse impact on the existing trees located within the site.
- R13 The proposed development was located within the water gathering ground and was close to a stream course. The applicant failed to demonstrate in the submission that the proposed development would not cause adverse impact on water quality in the area.
- R14 The proposed development would be subject to adverse noise impact generated by the East Rail nearby
- R15 Approval of the application would set an undesirable precedent for similar applications within the "AGR" zone, the cumulative effect of which would result in adverse impact on the traffic and rural landscape of the area.
- R16 The proposed development did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' in that more than 50% of the footprint of the proposed Small House fell outside both the "Village Type Development" zone and the village 'environs' of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai, and it was uncertain whether the proposed Small House located within the Water Gathering Ground (WGG) could be connected to the planned sewerage system in the area.

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 Site falls within the 'VE' of Tai Wo Village;
- (c) the applicant is an indigenous villager of Tai Wo Village of Tai Po as confirmed by the respective Indigenous Inhabitant Representative (IIR). However, his eligibility of Small House grant has yet to be ascertained;
- (d) the number of outstanding Small House applications and the number of 10-year Small House demand for the villages concerned are as follows:

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand *</u>
Yuen Leng	84	257
Kau Lung Hang	44	100
Tai Wo	69	189

(* The figure of 10-year Small House demand is provided by the IIR of concerned villages and the information so obtained is not verified by LandsD);

- (e) the subject lot is held under Block Government Lease demised for agricultural use. The applicant is the registered owner of the subject lot and his Small House application has been received by his office;
- (f) the Site is not covered by any Modification of Tenancy or Building Licence; and
- (g) if and after planning approval has been given by the Board, LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the proposed Small House or approval of the emergency vehicular access thereto.

2. Traffic

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

- (a) in general, he has reservation on the application. Such type of development should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside “V” zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial;
- (b) notwithstanding the above, he considers that the application only involving development of a Small House can be tolerated unless it is rejected on other grounds; and
- (c) the existing footpath on and near the Site is not under Transport Department’s management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) the proposed Small House is located some 110 m and 140 m from East Rail Line (EAL) and Fanling Highway respectively. It is partially shielded from the EAL and the highway by other Small Houses. Trackside noise barriers has been erected along the EAL and roadside noise barriers at concerned section of the highway are being constructed under the Widening Project of Tolo Highway/Fanling Highway between Island House Interchange and Fanling to protect those village developments closer to the road. As such, no insurmountable railway and traffic noise impact is anticipated;
- (b) the Site falls within “AGR” zone and is within water gathering grounds (WGG). The planned public sewer to serve the subject lot is part of the Yuen Leng village sewerage scheme, which was degazetted in October 2010 due to conflicting views among some of the land owners over the extent of proposed land resumption. Currently there is no fixed timetable for implementing the said sewerage scheme. Instead, the applicant proposed to connect the proposed small house to a recently completed public sewer at a considerable distance of about 200 m to the west of the site, which also comprise four intermediate private manholes. As the public sewer has sufficient capacity to accommodate the discharge from the proposed Small House, and there is sufficient level drop in between, he has no adverse comment on the applicant’s proposed connection to the public sewer. The applicant should obtain consent from the adjacent lot owner(s) for construction and maintenance of the proposed intermediate private manholes and sewer pipes. He has no objection to the application on the conditions that:
 - (i) the proposed house will be connected to the public sewer for sewage disposal;
 - (ii) written consent(s) can be obtained from the adjacent lot owner(s) for the construction and maintenance of the sewage pipes and intermediate private manholes across adjacent lot(s);

- (iii) adequate land space within the Site will be reserved for connection of the proposed house to the public sewer; and
 - (iv) the cost of construction of private sewerage, intermediate private manholes and sewer connection will be borne by the applicant.
- (c) although no insurmountable technical difficulties are envisaged for the sewer connection, the following advisory clause is applicable:

the applicant is advised to pay attention to avoiding potential conflict with other underground utilities when making the sewer connection. The actual alignment and number of intermediate private manholes will depend on site conditions and the applicant is required to submit plans showing the actual connection works to DSD in association with its future technical audit under the prevailing mechanism. The applicant could check DSD and DEVB's Practitioners Guidelines on "Arrangement for Private Developers to employ their own Contractors to carry out Drainage Connections" regarding the procedures to be followed and the maintenance responsibility of the connection works.

4. Landscape

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

- (a) no objection to the application from the landscape planning perspective;
- (b) the Site is connected with Tai Wo Service Road East from the west and village houses are found within the "AGR" and "V" zones at the immediate north and east of the Site;
- (c) based on recent aerial photo, the Site is situated in an area of rural landscape character comprising scattered tree groups, village houses, car parks and vacant land. Although the proposed development is not in line with the planning intention of "AGR" zone, it is not incompatible with the surrounding environment;
- (d) referring to recent site photos, the Site is cleared and hard paved. No trees are found within the Site. Adverse impact on landscape resources due to the proposed development is not anticipated. A number of similar applications adjacent to the Site had been approved; and
- (e) since the footprint of the proposed house covers most of the Site, there is very limited space for landscaping within the Site. Should the application be approved by the Board, standard condition on submission and implementation of landscape proposal is not recommended.

5. Drainage and Sewerage

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) if the application is approved, a condition should be included to request the applicant to submit and implement the drainage proposal for the Site to the satisfaction of Director of Drainage Services or the Board to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) there is no public drain maintained by DSD in the vicinity of the Site. The proposed house should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and overland flow from surrounding of the Site. The proposed development will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant/owner is also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (d) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. DSD would not assist the lot owner/developer on the drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. He should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected. In particular, a minimum clearance of 3m should be maintained between the proposed development and the top of the embankment of existing streamcourses/ ponds/rivers.

5.2 Comments of the Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD):

- (a) according to the proposed sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng Village, public sewerage connection point will be provided adjacent to the Site. Nevertheless, since this sewerage scheme was degazetted on 29.10.2010, there is no fixed programme at this juncture for the implementation of the concerned sewerage works; and
- (b) notwithstanding the above, the proposed sewerage scheme might be fine-tuned in the course of finalizing the design. The applicant is therefore suggested to pay continuing attention to the latest development of the proposed sewerage scheme. DSD will keep all relevant village representatives posted in this regard. It is understood that, subject to actual construction of the public sewerage being in sufficient proximity to the boundary of a land lot, EPD may require the lot owners at his/her own cost to make proper sewer connection from

his/her premises to the public sewerage and to decommission the private sewer, septic tank and soakaway pit.

6. Agriculture

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

the Site is surrounded by domestic structures. As the potential for agricultural rehabilitation is considered low, he has no strong view on the application.

7. Fire Safety

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

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

8. Water Supply

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

- (a) no objection to the application;
- (b) the Site is located within upper indirect WGG and is more than 30m away from the nearest water course. It is able to be connected to the public sewerage system in the area. Thus, compliance of the application with the Interim Criteria (i) can be reasonably established;
- (c) it is noted that EPD has no objection to the application provided that the applicant shall connect the house with public sewer for sewage disposal. He supports EPD's views by imposing the following conditions:
 - (i) the foul water drainage system of the proposed NTEH/Small House can be connected to the public sewerage system in the area and the applicant shall connect the whole of the foul water drainage system to the public sewerage system;
 - (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the water gathering grounds; 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 sewerage pipes from the proposed NTEH/Small House to the planned sewerage system via relevant private lot.

9. **Electricity Supply and Safety**

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

- (a) no comment on the application from electricity supply safety aspect; and
- (b) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

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

According to the DLO/TP, LandsD’s record, the total number of outstanding Small House applications for Yuen Leng, Kau Lung Hang Lo Wai and San Wai and Tai Wo Villages is 197 while the 10-year Small House demand forecast for the same villages is 546. Based on the latest estimate by the Planning Department, about 10.19 ha (or equivalent to about 407 Small House sites) of land are available within the “V” zone of Yuen Leng, Kau Lung Hang Lo Wai and San Wai and Tai Wo Villages. Therefore, the land available cannot fully meet the future Small House demand of about 18.58 ha (or equivalent to about 743 Small House sites).

Recommended Advisory Clauses

- (a) the construction of the Small House should not commence before connection to the public sewer;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that if the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the proposed Small House or approval of the emergency vehicular access thereto;
- (c) to note the comments of the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) that:
 - (i) there is no public drain maintained by DSD in the vicinity of the Site. The proposed house should have its own stormwater collection and discharge systems to cater for the runoff generated within the site and overland flow from surrounding of the Site. The proposed development will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant/owner is also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
 - (ii) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. DSD would not assist the lot owner/developer to his drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. He should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected. In particular, a minimum clearance of 3m should be maintained between the proposed development and the top of the embankment of existing streamcourses/ ponds/rivers.
- (d) to note the comments of the Director of Environmental Protection that the applicant is advised to pay attention to avoiding potential conflict with other underground utilities when making the sewer connection. The actual alignment and number of intermediate private manholes will depend on site conditions and the applicant is required to submit plans showing the actual connection works to DSD in association with its future technical audit under the prevailing mechanism. The applicant could check DSD and DEVB's Practitioners Guidelines on "Arrangement for Private Developers to employ their own Contractors to carry out Drainage Connections" regarding the procedures to be followed and the maintenance responsibility of the connection works;

- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that 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 sewerage pipes from the proposed NTEH/Small House to the planned sewerage system via relevant private lot;
- (f) to note the comments of the Commissioner for Transport that the existing footpath on and near the Site is not under Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (g) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated during land grant stage;
- (h) to note the comments of the Director of Electrical and Mechanical Services that the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines; and
- (i) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.