

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

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/275	Proposed New Territories Exempted House (NTEH) (Small House)	21.9.2001	A1 – A5

Approval Conditions

- A1. The provision of drainage facilities
- A2. The disposal of spoils during the site formation and construction period
- A3. The provision of septic tank and soakaway pit for foul effluent disposal and sewerage connection at a distance of not less than 30m from any watercourses
- A4. The provision of fire services installations
- A5. The submission and implementation of landscaping proposal

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/445	Proposed House (New Territories Exempted House - Small House)	22.2.2013 on review	R1
A/NE-KLH/543	Proposed House (New Territories Exempted House - Small House)	14.12.2019 on review	R2, R3

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 New Territories (Interim Criteria) in that the proposed Small House located within the water gathering ground (WGG) would 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.

- 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. 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.
- R3 Land was still available within the "Village Type Development" ("V") zone of Tai Wo which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

**Appendix IV of RNTPC
Paper No. A/NE-KLH/570**

**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 New Territories Exempted House (NTEH) (Small House)	22.12.2000	A1 – A3
A/NE-KLH/271	Proposed New Territories Exempted House (NTEH) (Small House)	30.3.2001	A1, A2, A5, A6
A/NE-KLH/272	Proposed New Territories Exempted House (NTEH) (Small House)	20.4.2001	A1, A2, A5, A6
A/NE-KLH/273	Proposed New Territories Exempted House (NTEH) (Small House)	4.5.2001	A1 – A3, A5, A6
A/NE-KLH/277	Proposed New Territories Exempted House (NTEH) (Small House)	21.9.2001	A1 – A3, A5, A6
A/NE-KLH/279	Proposed New Territories Exempted House (NTEH) (Small House)	21.9.2001	A1 – A3, A5, A6
A/NE-KLH/281	Proposed New Territories Exempted House (NTEH) (Small House)	7.12.2001	A1, A5, A6
A/NE-KLH/304	Proposed New Territories Exempted House (NTEH) (Small House)	21.2.2003	A1, A3, A7, A8
A/NE-KLH/328	Proposed House (New Territories Exempted House) (Small House)	17.12.2004	A1, A2, A5, A6

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/339	Proposed House (New Territories Exempted House – Small House)	29.7.2005	A1, A3, A7, A8
A/NE-KLH/341	Proposed New Territories Exempted House (Small House) (NTEH)	14.10.2005	A1, A3, A7, A8, A12
A/NE-KLH/345	Proposed House (New Territories Exempted House) (NTEH) (Small House)	23.12.2005	A1, A7, A8
A/NE-KLH/346	Proposed House (New Territories Exempted House) (NTEH) (Small House)	17.2.2006	A1, A3, A7, A8
A/NE-KLH/368	Proposed House (New Territories Exempted House – Small House)	18.4.2008	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 Two Houses (New Territories Exempted Houses – Small Houses)	23.4.2010	A1, A7 – A10
A/NE-KLH/392	Proposed Two Houses (New Territories Exempted Houses – Small Houses)	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

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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, A8, A13
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
- A2. The provision of fire services installations
- A3. The submission and implementation of landscape proposal
- 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
- A6. The connection/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
- A7. The connection of the foul water drainage system to the public sewers
- A8. The provision of protective measures to ensure no pollution or siltation occurs to WGG
- A9. The provision of fire fighting access, water supplies and fire service installations
- A10. The submission and implementation of landscape and tree preservation proposal
- A11. The submission and implementation of a tree preservation and replanting proposal
- A12. The provision of adequate space for the existing footpath to pass over the application site for public access purpose
- A13. The connection of the foul water drainage system to the planned public sewerage system in the area and the whole of the foul water drainage system to the planned public sewerage system upon its completion

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

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/360	Proposed House (New Territories Exempted House (NTEH) - Small House)	23.3.2007	R1, R3, R4
A/NE-KLH/362	Proposed House (New Territories Exempted House (NTEH) - Small House)	22.6.2007	R1
A/NE-KLH/374	Proposed House (New Territories Exempted House - Small House)	16.1.2009 on review	R3, R5
A/NE-KLH/380	Proposed House (New Territories Exempted House - Small House)	13.3.2009	R1, R3, R6
A/NE-KLH/430	Proposed House (New Territories Exempted House (NTEH) - Small House)	8.7.2011	R1, R9
A/NE-KLH/439	Proposed House (New Territories Exempted House - Small House)	24.8.2012	R7
A/NE-KLH/443	Proposed New Territories Exempted House (NTEH) (Small House)	19.10.2012	R1, R9
A/NE-KLH/444	Proposed House (New Territories Exempted House -- Small House)	22.2.2013 on review	R7
A/NE-KLH/455	Proposed House (New Territories Exempted House -- Small House)	13.12.2013	R7
A/NE-KLH/478	Proposed House (New Territories Exempted House -- Small House)	8.8.2014	R1, R7
A/NE-KLH/479	Proposed House (New Territories Exempted House -- Small House)	8.8.2014	R1, R7

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/483	Proposed House (New Territories Exempted House – Small House)	1.9.2016 (Appeal dismissed)*	R1, R7
A/NE-KLH/484	Proposed House (New Territories Exempted House – Small House)	31.10.2014	R7
A/NE-KLH/526	Proposed 6 Houses (New Territories Exempted Houses – Small Houses)	18.8.2017 on review	R1, R7, R8
A/NE-KLH/544	Proposed House (New Territories Exempted House - Small House)	12.10.2018 on review	R1, R3, R7, R8, R10
A/NE-KLH/548	Proposed House (New Territories Exempted House - Small House)	1.6.2018	R3, R8, R11

* Appeal dismissed by the Town Planning Appeal Board on 1.9.2016

Rejection Reasons

- R1. The proposed development did not comply with the 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 WGG, 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 “V” zones of the applicants own village and other recognized villages in Tai Po.
- R3. The application was not in line with the planning intention of the “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. No strong justifications had been provided in the submission for a departure from the planning intention.
- R4. The proposed development which required felling of mature trees, was not supported from nature conservation and landscape planning point of view.
- R5. The proposed development, which affected the mature trees and an ecologically important stream, was not supported from nature conservation point of view.

- R6. 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.
- R7. The proposed development did not comply with the Interim Criteria in that the proposed Small House located within the WGG 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.
- R8. Land was still available within the “V” zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai 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.
- R9 The proposed development did not comply with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell outside both the “V” 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 WGG could be connected to the planned sewerage system in the area.
- R10 The proposed development would be subject to adverse noise impact generated by the East Rail nearby, and there is no information in the submission to demonstrate that the proposed development will be in compliance with the Noise Control Ordinance (Cap. 400).
- R11 The proposed development did not comply with the Interim Criteria in that the proposed Small House located within WGG 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, and would not cause adverse landscape impact on the surrounding areas.

Detailed Comments from Relevant Government Departments

1. Land Administration

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

- (a) no objection to the application;
- (b) the applicant is an indigenous villager of 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;
- (c) the subject lot is held under Block Government Lease demised for agricultural use. Small House application submitted by the applicant for the application site (the Site) is still under processing;
- (d) the Site is not covered by any Modification of Tenancy or Building Licence;
- (e) the Site falls entirely within the village 'environs' ('VE') of Tai Wo Village;
- (f) 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>
Tai Wo	43	133
Yuen Leng	83	261 [#]
Kau Lung Hang	50	100

(* 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.

The figure of 10-year Small House demand of Yuen Leng is provided by the IIR on 11.5.2019);

- (g) if and after planning permission has been given by the Town Planning Board (the Board), LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the proposed Small House or approval of the emergency vehicular access thereto; and
- (h) the sewerage proposal is required to be approved by and to the satisfaction of Drainage Services Department (DSD). If any private lots will be affected, the applicant is required to secure the consent in the form of a Deed from the relevant land owners for connection of sewerage pipes to public sewers if necessary.

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

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) the proposed Small House is located some 110m and 140m 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 have 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 Site 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 public sewer at a considerable distance of about 150m to the west of the Site, which also comprise 4 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) and LandsD for construction and maintenance of the proposed intermediate private manholes and sewer pipes;
- (c) he has no objection to the application on the conditions that:
 - (i) the proposed house will be connected to the public sewer;
 - (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;
- (d) 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 Development Bureau'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 situated in an area of rural landscape character comprising scattered tree groups, village houses and abandoned farmland. Although the proposed development is not in line with the planning intention of "AGR" zone, it is not incompatible with the surrounding environment;
- (c) the Site is vacant 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
- (d) since the footprint of the proposed house covers most of the Site, there is inadequate space for meaningful landscape to benefit public realm. Should the application be approved by the Board, it is considered unnecessary to impose any condition for submission and implementation of landscape proposal.

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 of 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, located on unpaved ground and on slope, 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 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 shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems; and
- (d) the applicant should design the drainage proposal based on the actual site condition for DSD's comment/agreement. In the design, the applicant should consider the workability, the 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):

- the public sewerage works in the area of Tai Wo had been completed under PWP Item No. 4375DS Sewerage in Ping Kong, Fu Tei Pai and Tai Wo. He has no comment on the application subject to the following:
 - (i) the existing public sewerage works would have adequate capacity to meet the demand arising from the proposed development; and
 - (ii) the applicant shall complete the necessary sewerage works to connect the discharge from the proposed development to the public sewerage at his own cost.

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 comment on the application; and
- (b) the applicant is advised to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.

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. As the proposed Small House footprint is 100% within the 'VE' of Tai Wo Village, compliance of the application with Item B(a) of the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria) can be reasonably established;
- (c) it is noted that DEP has no adverse comment on the applicant's proposed connection to the public sewer at a considerable distance of about 150m to the west of the Site. Thus, compliance of the application with Item B(i) of the Interim Criteria can be reasonably established;
- (d) DEP states that the applicant shall connect the house to the public sewer. He supports DEP's views by imposing the following conditions:
 - (i) the foul water drainage system of the proposed 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 WGG; 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 Small House to the sewerage system via relevant private lot; and
- (e) for provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be

responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

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 Yuen Leng, Kau Lung Hang and Tai Wo Villages is 176 while the 10-year Small House demand forecast for the same villages is 494. Based on the latest estimate by the Planning Department, about 9.25 ha of land (or equivalent to about 369 Small House sites) are available within the "V" zone of Yuen Leng, Kau Lung Hang and Tai Wo Villages. Therefore, the land available cannot fully meet the future Small House demand of about 16.75 ha (or equivalent to about 670 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:
 - (i) if the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the proposed Small House or approval of the emergency vehicular access thereto; and
 - (ii) the sewerage proposal is required to be approved by and to the satisfaction of Drainage Services Department (DSD). If any private lots will be affected, the applicant is required to secure the consent in the form of a Deed from the relevant land owners for connection of sewerage pipes to public sewers if necessary;
- (c) to note the comments of the Director of Environmental Protection (DEP) 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 Development Bureau'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;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) 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 Small House to the sewerage system via relevant private lot; and
 - (ii) for provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (e) 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, located on unpaved ground and on slope, 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; and
 - (ii) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. 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;
- (f) to note the Comments of the Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD) that the applicant shall complete the necessary sewerage works to connect the discharge from the proposed development to the public sewerage at his own cost;
- (g) to note the comments of the Director of Fire Services (D of FS) 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; and
- (h) 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.