

**Relevant 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 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 Application**

**Rejected Application**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-KLH/556	Proposed 5 Houses (New Territories Exempted Houses)	2.11.2018	R1 – R3

**Rejection Reasons**

- R1. The application 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 is no strong justifications in the current 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 the applicant failed to demonstrate that the proposed development located within the water gathering ground (WGG) would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area.
- R3. The proposed development would be subject to adverse noise impact generated by the East Rail nearby, and there was no information in the submission to demonstrate that the proposed development will be in compliance with the Noise Control Ordinance (Cap. 400).



**Similar Applications within the same “Agriculture” Zone  
on the Kau Lung Hang Outline Zoning Plan**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/245	Proposed House (New Territories Exempted House – Small House)	22.12.2000	A1 – A3
A/NE-KLH/259	Proposed House (New Territories Exempted House – Small House)	2.2.2001	A1, A3, A5, A6
A/NE-KLH/271	Proposed House (New Territories Exempted House – Small House)	30.3.2001	A1, A2, A5, A6
A/NE-KLH/272	Proposed House (New Territories Exempted House – Small 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/275	Proposed House (New Territories Exempted House – Small House)	21.9.2001	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/283	Proposed House (New Territories Exempted House – Small House)	15.3.2002	A1, A3, A5, A6
A/NE-KLH/284	Proposed House (New Territories Exempted House – Small House)	15.3.2002	A1, A3, A5, A6
A/NE-KLH/304	Proposed House (New Territories Exempted House – Small House)	21.2.2003	A1, A3, A7, A8

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/310	Proposed House (New Territories Exempted House – Small House)	30.5.2003	A1 –A3, A7, A8
A/NE-KLH/311	Proposed House (New Territories Exempted House – Small House)	30.5.2003	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/343	Proposed House (New Territories Exempted House – Small House)	14.7.2006 on review*	A1, A3, A7, A8
A/NE-KLH/344	Proposed House (New Territories Exempted House – Small House)	14.7.2006 on review*	A1, A3, A7, A8
A/NE-KLH/345	Proposed House (New Territories Exempted House – Small House)	23.12.2005	A1, A7, A8
A/NE-KLH/346	Proposed House (New Territories Exempted House - Small House)	17.2.2006	A1, A3, A7, A8
A/NE-KLH/347	Proposed House (New Territories Exempted House - Small House)	3.3.2006	A1, A3, A7, A8
A/NE-KLH/351	Proposed House (New Territories Exempted House – Small House)	18.8.2006	A1, A3, A7, A8
A/NE-KLH/352	Proposed House (New Territories Exempted House – Small House)	18.8.2006	A1, A3, A7, A8
A/NE-KLH/358	Proposed 4 Houses (New Territories Exempted Houses – Small Houses)	23.3.2007 (Partially)	A1, A3, A7 – A9
A/NE-KLH/368	Proposed House (New Territories Exempted House – Small House)	18.4.2008	A1, A3, A7 – A9

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/370	Proposed House (New Territories Exempted House – Small House)	18.7.2008	A1, A3, A7 – A9
A/NE-KLH/372	Proposed House (New Territories Exempted House – Small House)	1.8.2008	A1, A3, A7 – A9
A/NE-KLH/375	Proposed House (New Territories Exempted House – Small House)	10.10.2008	A1, A3, A7 – A9
A/NE-KLH/378	Proposed House (New Territories Exempted House – Small House)	19.12.2008	A1, A3, A7 – A9
A/NE-KLH/379	Proposed House (New Territories Exempted House – Small House)	19.12.2008	A1, A3, A7 – A9
A/NE-KLH/391	Proposed 2 Houses (New Territories Exempted Houses – Small Houses)	23.4.2010	A1, A7, A9, A10, A14
A/NE-KLH/392	Proposed 2 Houses (New Territories Exempted Houses – Small Houses)	23.4.2010	A1, A3, A7, A9, A14
A/NE-KLH/397	Proposed 3 Houses (New Territories Exempted Houses – Small Houses)	23.4.2010	A1, A3, A7 – A9
A/NE-KLH/400	Proposed House (New Territories Exempted House – Small House)	9.4.2010	A1, A3, A7 – A9
A/NE-KLH/402	Proposed House (New Territories Exempted House – Small House)	28.5.2010	A1, A7, A9, A11, A14
A/NE-KLH/403	Proposed House (New Territories Exempted House – Small House)	28.5.2010	A1, A3, A7 – A9
A/NE-KLH/406	Proposed House (New Territories Exempted House – Small House)	11.6.2010	A1, A3, A7 – A9
A/NE-KLH/407	Proposed House (New Territories Exempted House – Small House)	11.6.2010	A1, A3, A7 – A9
A/NE-KLH/409	Proposed House (New Territories Exempted House – Small House)	30.7.2010	A1, A3, A7 – A9

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/410	Proposed House (New Territories Exempted House – Small House)	30.7.2010	A1, A3, A7 – A9
A/NE-KLH/415	Proposed House (New Territories Exempted House – Small House)	15.10.2010	A1, A3, A7 – A9
A/NE-KLH/416	Proposed House (New Territories Exempted House – Small House)	15.10.2010	A1, A3, A7 – A9
A/NE-KLH/417	Proposed House (New Territories Exempted House – Small House)	15.10.2010	A1, A3, A7 – A9
A/NE-KLH/426	Proposed House (New Territories Exempted House – Small House)	28.1.2011	A1, A3, A7 – A9
A/NE-KLH/432	Proposed House (New Territories Exempted House – Small House)	23.9.2011	A1, A7 – A10
A/NE-KLH/433	Proposed House (New Territories Exempted House – Small House)	23.9.2011	A1, A3, A7 – A9
A/NE-KLH/438	Proposed House (New Territories Exempted House – Small House)	1.6.2012	A1, A3, A7 – A9
A/NE-KLH/442	Proposed House (New Territories Exempted House-Small House)	19.10.2012	A1, A7 – A10
A/NE-KLH/450	Proposed House (New Territories Exempted House – Small House)	25.1.2013	A1, A3, A7, A8
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/469	Proposed House (New Territories Exempted House – Small House)	24.10.2014 on review	A1, A3, A7, A8
A/NE-KLH/470	Proposed House (New Territories Exempted House – Small House)	24.10.2014 on review	A1, A3, A7, A8



<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/471	Proposed House (New Territories Exempted House – Small House)	11.7.2014	A1, A3, A7, A8
A/NE-KLH/472	Proposed House (New Territories Exempted House – Small House)	11.7.2014	A1, A3, A7, A8
A/NE-KLH/473	Proposed House (New Territories Exempted House – Small House)	11.7.2014	A1, A3, A7, A8
A/NE-KLH/481	Proposed House (New Territories Exempted House – Small House)	22.8.2014	A1, A3, A4, A7, A8
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
A/NE-KLH/494	Proposed 2 Houses (New Territories Exempted Houses – Small Houses)	21.8.2015	A1, A3, A7, A8
A/NE-KLH/503	Proposed House (New Territories Exempted House – Small House)	22.4.2016	A1, A3, A7, A8
A/NE-KLH/504	Proposed House (New Territories Exempted House – Small House)	22.4.2016	A1, A7, A8, A10
A/NE-KLH/519	Proposed House (New Territories Exempted House – Small House)	26.8.2016	A1, A3, A7, A8
A/NE-KLH/523	Proposed House (New Territories Exempted House – Small House)	9.12.2016	A1, A3, A7, A8
A/NE-KLH/527	Proposed House (New Territories Exempted House – Small House)	12.5.2017	A1, A3, A7, A8

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/529	Proposed House (New Territories Exempted House – Small House)	23.6.2017	A1, A3, A7, A8
A/NE-KLH/530	Proposed House (New Territories Exempted House – Small House)	23.6.2017	A1, A3, A7, A8
A/NE-KLH/531	Proposed House (New Territories Exempted House – Small House)	23.6.2017	A1, A3, A7, A8
A/NE-KLH/533	Proposed House (New Territories Exempted House – Small House)	11.8.2017	A1, A7, A8
A/NE-KLH/535	Proposed House (New Territories Exempted House – Small House)	13.10.2017	A1, A3, A7, A8
A/NE-KLH/540	Proposed House (New Territories Exempted House – Small House)	22.12.2017	A1, A7, A8
A/NE-KLH/541	Proposed House (New Territories Exempted House – Small House)	18.5.2018	A1, A7, A8, A11
A/NE-KLH/542	Proposed House (New Territories Exempted House – Small House)	16.3.2018	A1, A3, A7, A8
A/NE-KLH/553	Proposed House (New Territories Exempted House – Small House)	21.9.2018	A3, A7, A8
A/NE-KLH/554	Proposed House (New Territories Exempted House – Small House)	21.9.2018	A3, A7, A8
A/NE-KLH/555	Proposed House (New Territories Exempted House – Small House)	21.9.2018	A3, A7, A8
A/NE-KLH/563	Proposed House (New Territories Exempted House – Small House)	22.3.2019	A1, A7, A8
A/NE-KLH/564	Proposed House (New Territories Exempted House – Small House)	22.3.2019	A1, A7, A8
A/NE-KLH/572	Proposed House (New Territories Exempted House - Small House)	6.9.2019	A1, A7, A8

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-KLH/589	Proposed House (New Territories Exempted House - Small House)	4.9.2020	A1, A7, A8, A14

\* Appeal dismissed by Town Planning Appeal Board on 2.8.2007

Approval Conditions

- A1. The submission/provision of drainage facilities
- A2. The provision of fire services installations (FSIs)
- 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 (TPB)
- 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 water gathering ground (WGG)
- A9. The provision of fire fighting access, water supplies and FSIs
- 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
- A14. The submission of a water pollution risk and impact assessment report to demonstrate no material increase in pollution effect to the lower indirect WGG to the satisfaction of the Director of Water Supplies or of the TPB

**Rejected Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-KLH/299	Proposed House (New Territories Exempted House – Small House)	14.2.2003 on review	R1, R2
A/NE-KLH/300	Proposed House (New Territories Exempted House – Small House)	11.10.2002	R1
A/NE-KLH/303	Proposed House (New Territories Exempted House – Small House)	7.2.2003	R1
A/NE-KLH/312	Proposed House (New Territories Exempted House – Small House)	30.5.2003	R1
A/NE-KLH/314	Proposed House (New Territories Exempted House – Small House)	25.7.2003	R1, R2, R3
A/NE-KLH/315	Proposed House (New Territories Exempted House – Small House)	25.7.2003	R1, R2, R3
A/NE-KLH/321	Proposed House (New Territories Exempted House – Small House)	16.1.2004 on review	R1
A/NE-KLH/333	Proposed House (New Territories Exempted House – Small House)	15.7.2005	R1, R4
A/NE-KLH/334	Proposed House (New Territories Exempted House – Small House)	15.7.2005	R1, R4
A/NE-KLH/358	Proposed 4 Houses (New Territories Exempted Houses – Small Houses)	23.3.2007 (Partially)	R1, R4
A/NE-KLH/360	Proposed House (New Territories Exempted House – Small House)	23.3.2007	R1, R3, R11
A/NE-KLH/361	Proposed House (New Territories Exempted House – Small House)	13.4.2007	R1, R3

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-KLH/362	Proposed House (New Territories Exempted House – Small House)	22.6.2007	R1
A/NE-KLH/374	Proposed House (New Territories Exempted House – Small House)	16.1.2009 on review	R3, R11
A/NE-KLH/380	Proposed House (New Territories Exempted House – Small House)	13.3.2009	R1, R3, R5
A/NE-KLH/404	Proposed 6 Houses (New Territories Exempted Houses)	11.6.2010	R2 – R4, R12, R13
A/NE-KLH/430	Proposed House (New Territories Exempted House – Small House)	8.7.2011	R1, R6
A/NE-KLH/439	Proposed House (New Territories Exempted House – Small House)	24.8.2012	R7
A/NE-KLH/440	Proposed House (New Territories Exempted House – Small House)	1.2.2013 on review	R7, R8
A/NE-KLH/441	Proposed House (New Territories Exempted House – Small House)	1.2.2013 on review	R7, R8
A/NE-KLH/443	Proposed House (New Territories Exempted House – Small House)	19.10.2012	R1, R6
A/NE-KLH/444	Proposed House (New Territories Exempted House – Small House)	22.2.2013 on review	R7
A/NE-KLH/445	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

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
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
A/NE-KLH/483	Proposed House (New Territories Exempted House – Small House)	1.9.2016 (Appeal dismissed) <sup>#</sup>	R1, R7
A/NE-KLH/484	Proposed House (New Territories Exempted House – Small House)	31.10.2014	R7
A/NE-KLH/521	Proposed House (New Territories Exempted House – Small House)	3.2.2017	R3, R9
A/NE-KLH/526	Proposed 6 Houses (New Territories Exempted Houses – Small Houses)	18.8.2017 on review	R1, R7, R9
A/NE-KLH/537	Proposed House (New Territories Exempted House – Small House)	8.6.2018 on review	R3, R9
A/NE-KLH/538	Proposed House (New Territories Exempted House – Small House)	8.6.2018 on review	R3, R9
A/NE-KLH/543	Proposed House (New Territories Exempted House – Small House)	14.12.2018 on review	R3, R9
A/NE-KLH/544	Proposed House (New Territories Exempted House – Small House)	12.10.2018 on review	R1, R3, R7, R9, R10
A/NE-KLH/546	Proposed House (New Territories Exempted House – Small House)	4.5.2018	R1, R3, R9
A/NE-KLH/548	Proposed House (New Territories Exempted House – Small House)	1.6.2018 on review	R1, R3, R9

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-KLH/549	Proposed House (New Territories Exempted House – Small House)	7.9.2018	R3, R9
A/NE-KLH/558	Proposed House (New Territories Exempted House – Small House)	22.3.2019	R3, R9
A/NE-KLH/559	Proposed House (New Territories Exempted House – Small House)	22.3.2019	R3, R9
A/NE-KLH/570	Proposed House (New Territories Exempted House – Small House)	20.12.2019 on review	R3, R9
A/NE-KLH/573	Proposed House (New Territories Exempted House – Small House)	10.1.2020 on review	R3, R9
A/NE-KLH/577	Proposed House (New Territories Exempted House – Small House)	15.11.2019	R1, R3, R9
A/NE-KLH/593	Proposed House (New Territories Exempted House – Small House)	22.1.2021	R3, R9
A/NE-KLH/594	Proposed House (New Territories Exempted House – Small House)	22.1.2021	R3, R9

# Appeal dismissed by 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 the existing trees within the application site which should be preserved as far as possible, would not be affected by the proposed development.
- R3. The application 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. No strong justifications had been provided in the submission for a departure from the planning intention.

- R4. The approval of the proposed development would set an undesirable precedent for other similar applications within WGG in the New Territories and would lead to irreversible damage to the water quality of the WGGs in Kau Lung Hang and other areas in the New Territories.
- R5. 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 "Village Type Development" ("V") zone of recognised villages.
- R6. 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.
- 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. There was no information in the submission to demonstrate that the proposed development would have no adverse drainage and sewerage disposal impacts on the surrounding areas.
- R9. Land was still available within the "V" zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai 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.
- R10. The proposed development would be subject to adverse noise impact generated by the East Rail nearby, and there was no information in the submission to demonstrate that the proposed development would be in compliance with the Noise Control Ordinance (Cap. 400).
- R11. The proposed development which required felling of mature trees, was not supported from nature conservation and landscape planning point of view.
- R12. The proposed development would be subject to adverse noise impact generated by the East Rail nearby.
- R13. The 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.



**Detailed Comments from Environmental Protection Departments on NIA**

- (a) S1.1: This section shall explicitly confirm if all the 5 proposed NTEH will be developed and completed in one go for population intake in Year 2025.
- (b) S3.2:
  - (i) the 2<sup>nd</sup> and 3<sup>rd</sup> sentence shall be considered to be revised to “Assessment points are assigned at 1m from the external façade of living rooms and bedrooms with opened window for ventilation and 1.2m above the floor.”; and
  - (ii) the last sentence shall be considered to be revised to “The locations of opened windows and balcony doors for ventilation and the proposed fixed glazing to mitigate railway noise impact have been marked on the drawings...”.
- (c) S4.3: The 2<sup>nd</sup> last sentence shall be considered to be revised to “...HKPSG also ~~provide guidance on acceptable railway noise levels~~ stipulates the rail traffic noise standards applicable to noise sensitive uses which rely on opened windows for ventilation” to tally with relevant description in the HKPSG.
- (d) S4.4: Annual Traffic Census 2017 is not up to date. The consultant shall review if the latest Annual Traffic Census shall be made reference to.
- (e) S5.5:
  - (i) the SEL of intercity train (train type not specified in the report) deduced from only one train pass-by is considered in lack of representativeness. To cater for various track and train conditions, more measurements shall be conducted to obtain the representative noise source terms for the trains running on both northbound and southbound; and
  - (ii) the anticipation of negligible noise variation before and after rail grinding exercise is considered unsound and hence not acceptable, not to mention there is no information in the report to indicate whether the source term measurement was conducted before or after MTRC’s rail grinding exercises. Appropriate correction for rail corrugation/ deterioration shall be allowed in the railway noise assessment.
- (f) in the consultant’s response to MTRC’s comments, it is noted that the consultant has obtained railway operation information from MTRC. However, the relevant correspondence(s) and supporting information is not provided in the report. The consultant shall verify with MTRC on any rail joints/crossings at the concerned railway section, indicate their locations on appropriate plans and take into account the correction for impact noise at the concerned rail segments in the noise assessment. In view of the above absence of information, detailed comment on the railway noise impact assessment is reserved at this juncture.
- (g) our cursory check of the railway noise assessment revealed the following discrepancies:
  - (i) the range of predicted railway noise level in Leq (24hour) in Table 6.2 does not tally with the results presented in Table 3 in Appendix V. Thorough review and revision is required; and
  - (ii) the height of some of the proposed boundary wall/ barriers tabulated the railway noise assessment in Appendix V is inconsistent with that in Figure 8. For example,

Table 4a shows that the height of “Barrier A” is 2m while Figure 8 shows 3.5m. Thorough review and revision is required. Comment (h)(iv) below regarding the standardization of terms throughout the report is also relevant.

- (h) the layout plans in Figures 2 & 3 and Appendix I:
  - (i) elevations of the façade of the houses which clearly show the windows and door openings are not found in Appendix I. As a related matter, the consultant shall use different labels to indicate different types of openings for ventilation purpose (e.g. opened windows and balcony doors) in Figures 2 & 3 for clarity;
  - (ii) the consultant shall check against the layout plans and drawings in Appendix I and clarify if there are opened windows near the door openings at the southern façade at G/F of House Units 1 & 2. Comment (h)(i) above is also relevant;
  - (iii) while fixed glazing is proposed as a railway noise mitigation measure, the consultant shall revise the relevant description in the legend of Figures 2 & 3 to “Fixed Glazing (measures to mitigate railway noise)” for clarity. As a related matter, revision of Figure 8 is also required;
  - (iv) the consultant shall clarify whether the design of “fence wall” mentioned in the legend of Figures 2 & 3 refers to full height solid wall and standardize the description throughout the report (e.g. main text and figures) as appropriate;
  - (v) fixed glazing shall be indicated on relevant layouts and drawings in Appendix I. The consultant shall supplement elevation drawings as appropriate; and
  - (vi) in addition to the entrance door of the unit near the staircase at G/F, there are also door openings at the southern facades of the houses. If these doors are not solid, noise can enter into the noise sensitive rooms through the openings. The types and design of the doors shall therefore be clarified. For example, the layout plan (i.e. Figures 2 & 3) shall clarify the construction of all the door openings e.g. solid wooden door.
- (i) figure 8: While Figure 8 is supposed to show the proposed fixed glazing on 1/F of the houses, the layout plan for G/F of the houses is incorrectly adopted. Such presentation is improper and shall be revised.
- (j) the following discrepancies are found in the traffic noise model:
  - (i) the extent of noise barrier at Heung Yuen Wai Slip Road (Road No. 9) appears to be erroneous. The consultant shall check and clarify;
  - (ii) some noise barriers are missing near Fanling Highway (Road No. 4) in the noise model;
  - (iii) the height of road kerb (i.e. 1.8m) of Kau Lung Hang Vehicular Bridge (Road No. 1) is erroneous. In general, the height of standard road kerb should be 0.8m. Besides, the mPD of the said road kerb is greater than that of the at-grade Fanling Highway (Road No. 4 & 7) and hence the road kerb incorrectly provides noise shielding effects for Fanling Highway in the noise model. The consultant shall revise the model as appropriate;

- (iv) the height of some of the noise barriers at Fanling Highway (Road No. 7) are more than 9m high and is apparently incorrect. Review and revision is required; and
- (v) the consultant shall clarify whether the road surface type for Fanling Highway and Heung Yuen Wai Highway shall be bitumen or pervious.

**Recommended Advisory Clauses**

- (a) to note the comments of DLO/TP, LandsD on the followings:
- (i) all subject lots are under block government lease demised for agricultural use with no building entitlement. LandsD generally would only consider NTEH development for (i) existing lease of 'building' lot with no specifically prohibiting NTEH and there is no increase in the number of NTEH; or (ii) land grant under the New Territories Small House Policy;
  - (ii) there is a strip of Government land lying between the Site and the road and there is no right of vehicular access under lease over such Government land;
  - (iii) as the proposed development will contravene the agricultural use under lease conditions. If the application is approved, the owner should apply to LandsD for a land exchange. If the application for land exchange is approved by LandsD in the capacity as landlord at his sole discretion, it will be subject to such terms and conditions including the payment of premium and other clauses applicable to this case. However, there is no guarantee that the approval to such land exchange will be given; and
  - (iv) no application for land exchange has been received.
- (b) to note the comments of CE/MN, DSD on the followings:
- (i) no existing DSD maintained public drain available for connection in the area. The applicant should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from other areas surrounding the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of 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 the systems if they are found to be inadequate or ineffective during operation. The applicant shall be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems; and
  - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought.
- (c) to note the comments of C for T that the vehicular access connecting to the Site is not managed by Transport Department. The applicant shall seek agreement/comment from the responsible party for the management and maintenance measures;
- (d) to note the comments of DEP that from water quality and sewerage connection perspectives, the applicant should meet the following conditions:
- (i) the proposed houses will be connected to the public sewer as proposed;

- (ii) adequate land space within the Site will be reserved for connection of the proposed houses to the public sewer;
  - (iii) written consent(s) can be obtained from the relevant lot owner(s) and/or LandsD for laying and maintaining sewage pipes across the adjacent lot(s); and
  - (iv) the cost of sewer connection will be borne by the applicant;
- (e) to note the comments of CTP/UD&L, PlanD that the approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval.
- (f) to note the comments of the DEMS on the followings:

#### Electricity Safety

- (i) 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 concerned site;
- (ii) the applicant 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;

#### Town Gas Safety

- (iii) there are high pressure and intermediate pressure underground town gas transmission pipelines (running along Tai Wo Service Road West) in the vicinity of the Site. The project proponent/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the application site and any required minimum set back distance away from them during the design and construction stages of development; and
  - (iv) the project proponent/consultant/works contractor is required to observe the Electrical and Mechanical Services Department’s requirements on the “Avoidance of Damage to Gas Pipes 2nd Edition” for reference.
- (g) to note the comments of D of FS that the applicant should observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (h) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that in case no certificate of exemption for the proposed buildings including the associated site information works and/or drainage works under Cap.

121 is granted, such building works will require prior approval and consent under Cap. 123. In this circumstance, an Authorised Person should be appointed to coordinate such works; 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.