

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 Application (for Application No. A/NE-KLH/593)
on the Kau Lung Hang Outline Zoning Plan**

Rejected Application

Application No.	Proposed Development	Date of Consideration	Rejection Reason
A/NE-KLH/444	Proposed House (New Territories Exempted House – Small House)	22.2.2013 (on review)	R1

Rejection Reason

- R1. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House located within the Water Gathering Ground 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

**Appendix IV of RNTPC
Paper No. A/NE-KLH/593&594**

**Similar Applications 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 – 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

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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 Four 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

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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 Two Houses (New Territories Exempted Houses-Small Houses)	23.4.2010	A1, A7, A9, A10, A14
A/NE-KLH/392	Proposed Two Houses (New Territories Exempted Houses-Small Houses)	23.4.2010	A1, A3, A7, A9, A14
A/NE-KLH/397	Proposed Three Houses (New Territories Exempted House – Small House)	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

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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 House (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

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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

Application No.	Proposed Development	Date of Consideration	Approval Conditions
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

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
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 Four 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

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
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 Six Houses (New Territories Exempted House – Small House)	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/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
A/NE-KLH/478	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/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) [#]	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
A/NE-KLH/549	Proposed House (New Territories Exempted House – Small House)	7.9.2018	R3, R9

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/556	Proposed Five Houses (New Territories Exempted House – Small House)	2.11.2018	R3, R7, R10
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

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 Relevant Government Departments

1. Land Administration

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

- (a) no objection to the applications;
- (b) the applicants are indigenous villagers of Yuen Leng Village of Tai Po as confirmed by the respective Indigenous Inhabitant Representative (IIR). However, their eligibilities of Small House grant have yet to be ascertained;
- (c) the subject lots are held under Block Government Lease demised for agricultural use.
- (d) in case the planning permissions are approved by the Town Planning Board (the Board), LandsD will process the Small House applications according to their prevailing applicable procedures. However, there is no guarantee at this stage that the Small House applications would be approved. If the Small House applications are approved by LandsD acting in the capacity as landlord at its sole discretion, such approvals 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 Houses or approvals of the emergency vehicular access thereto.
- (e) the Sites are not covered by any Modification of Tenancy or Building Licence;

2. Agriculture

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

- (a) As the Sites possess potential for agricultural rehabilitation, the applications are not supported from agricultural point of view; and
- (b) the Sites fall within “AGR” zone are currently paved. Nevertheless, there are active agricultural activities in the vicinity, and agricultural infrastructure such as road access and water source is available. The subject can be used for agricultural activities such as greenhouses, plant nurseries, etc.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) the Site fall within the “AGR” zone and are inside water gathering ground. According to the proposed sewer plan, the applicants are required to construct their own private sewers through various adjacent private lots so as to connect the proposed houses to the existing public sewerage system. The public

sewerage in the area has sufficient capacity to accommodate discharge from the proposed houses.

- (b) he has no objection to the applications on the conditions that:
 - (i) the proposed houses will be connected to the public sewer;
 - (ii) adequate land space within the Sites will be reserved for connection of the proposed house to the public sewer;
 - (iii) written consent(s) can be obtained from the relevant lot owner(s) and/or LandsD's permission for laying and maintaining sewage pipes; and
 - (iv) the cost of sewer connection and maintenance will be borne by the applicant.
- (c) The Sites are located at more than 130m and 150m from the East Rail Line and Fanling Highway respectively, and are partially shielded by some existing village houses and temporary structures from the East Rail Line and Fanling Highway. There is no noise complaint records in the vicinity of the sites in the past ten years. While trackside noise barrier along the East Rail Line and road side noise barriers at the concerned section of Fanling Highway have been erected, the applicants are advised that adequate noise mitigation measures should be applied in the design of the houses, such as arranging all the noise sensitive facades (facades with ventilation openings of bedrooms and living rooms etc.) to face away from the railway and highway in order to mitigate the potential noise impact.

4. Landscape

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

- (a) no objection to the applications from the landscape planning perspective;
- (b) the Site are located to the east of Fanling Highway, fall within an area zoned "Agriculture" ("AGR") on the approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11. The Site of Application no. A/NE-KLH/593 is the subject of a previous planning application (No. A/NE-KLH/444), which we had no objection from the landscape planning perspective in 2012. Regarding application no. A/NE-KLH/594, there is no previous planning application.
- (c) according to aerial photo of 2019, the Sites are located in an area of settled valleys landscape character comprising vegetated areas and village houses. The Site are surrounded by village houses and are in close proximity to the southwest of Yuen Leng Village within an area zoned "V". No significant sensitive landscape resource is observed within the Sites; significant adverse impacts on existing landscape resources arising from the proposed developments are not anticipated.

- (d) according to record, at least 5 nos. of planning applications (Nos. A/NE-KLH/24, 180, 277, 279 and 328) in close proximity to the Sites within the same “AGR” zone for the same Small House development were approved by the TPB in 1995 to 2008. The proposed small houses are considered not entirely incompatible with its surrounding environment.

5. Traffic

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

- (a) in general, he has reservations on the applications. 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 applications only involving development of a Small House can be tolerated on traffic grounds.

6. Drainage and Sewerage

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

- (a) if the applications are approved, an approval condition on submission and implementation of drainage proposal for the Sites is recommended to ensure that it will not cause adverse drainage impact to the adjacent areas;
- (b) there is no existing DSD maintained public drain available for connection in the area. The applicants should have its own stormwater collection and discharge system to cater for the runoff generated within the Sites and overland flow from surrounding of the Sites, e.g. surface channel of sufficient size along the perimeter of the Sites; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Sites if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicants should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicants are required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicants shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems; and
- (c) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought.

7. Water Supplies

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

- (a) no objection to the applications;
- (b) the Site is located within upper indirect water gathering ground and is more than 30m away from the nearest water course;
- (c) the foul water drainage system of the proposed NTEH/Small Houses can be connected to the public sewerage system in the area and the applicants shall connect the whole of the foul water drainage systems to the public sewerage system;
- (d) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the water gathering grounds; and
- (e) the applicants 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 Houses to the sewerage system via relevant private lots.

8. Fire Safety

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

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

9. Electricity

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

- (a) no comment on the applications 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, organising 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 vicinity of the Sites. 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 and Tai Wo Villages is 166 while the 10-year Small House demand forecast for the same villages is 858. A breakdown is as follows:

Village	No. of Outstanding SH Applications (about)	No. of 10-year SH Demand
Kau Lung Hang	47	464
Yuen Leng	80	261
Tai Wo	39	133

Based on the latest estimate by the Planning Department, about 8.75 ha of land (or equivalent to about 348 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 25.61 ha (or equivalent to about 1024 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 in case the planning permissions are approved by the Town Planning Board (the Board), LandsD will process the Small House applications according to their prevailing applicable procedures. However, there is no guarantee at this stage that the Small House applications would be approved. If the Small House applications are approved by LandsD acting in the capacity as landlord at its sole discretion, such approvals 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 Houses or approvals of the emergency vehicular access thereto.
- (c) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) the applicants are 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; and
 - (ii) the applicants are advised that adequate noise mitigation measures should be applied in the design of the houses, such as arranging all the noise sensitive facades (facades with ventilation openings of bedrooms and living rooms etc.) to face away from the railway and highway in order to mitigate the potential noise impact.
- (d) to note the comments of the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) that:
 - (i) there is no existing DSD maintained public drain available for connection in the area. The applicants should have its own stormwater collection and discharge system to cater for the runoff generated within the Sites and overland flow from surrounding of the Sites, e.g. surface channel of sufficient size along the perimeter of the Sites; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Sites if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicants should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicants are required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicants 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) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought.
- (e) to note the comments of the Chief Engineer of Construction (CE/C, WSD) that:
- (i) the foul water drainage system of the proposed NTEH/Small Houses can be connected to the public sewerage system in the area and the applicants shall connect the whole of the foul water drainage systems 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 applicants 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 Houses to the sewerage system via relevant private lots.
- (f) to note the comments of the Director of Fire Services (D of FS) that the applicants are 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.
- (g) 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.