

RNTPC Paper No. A/NE-KLH/557
 For Consideration by the
 Rural and New Town Planning
 Committee on 4.1.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KLH/557

| | |
|---------------------------|---|
| <u>Applicant</u> | Mr. MAN Chun Kiu represented by Mr. HUI Kwan Yee |
| <u>Site</u> | Lot 32 S.A in D.D. 7, Tai Hang, Tai Po, New Territories |
| <u>Site Area</u> | About 156 m ² |
| <u>Lease</u> | Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | Approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11 |
| <u>Zonings</u> | “Village Type Development” (“V”) (about 39%) and “Agriculture” (“AGR”) (about 61%) |
| <u>Application</u> | Proposed House (New Territories Exempted House (NTEH) – Small House) |

1. The Proposal

1.1 The applicant, who claims to be an indigenous villager of Tai Hang, Tai Po¹, seeks planning permission to build an NTEH (Small House) on the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, whilst ‘House (NTEH only)’ use is always permitted within the “V” zone, such use (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes) within the “AGR” zone requires planning permission from the Town Planning Board (the Board).

1.2 Details of the proposed Small House development are as follows:

| | |
|------------------|------------------------|
| Total floor area | : 195.09m ² |
| No. of storeys | : 3 |
| Building height | : 8.23m |
| Roofed over area | : 65.03m ² |

Layout of the proposed Small House including the location of the septic tank is shown on **Drawing A-1**.

1.3 In support of the application, the applicant has submitted an application form with attachment on 9.11.2018 (**Appendix I**).

¹ District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) advises that the eligibility of Small House grant has yet to be ascertained.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application as mentioned in Part 9 of the application form at **Appendix I** are summarized as follows:

- (a) the house will be built on vacant agricultural land;
- (b) there is no other available land; and
- (c) there are similar houses built in the vicinity of the Site.

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

The applicant is the sole “current land owner” of the lot. Detailed information would be deposited at the meeting for Members’ inspection.

4. Assessment Criteria

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

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

- 6.1 There are 11 similar applications for Small House development within the same “AGR” zone since the first promulgation of the Interim Criteria on 24.11.2000 (**Plan A-1**). Four of them were approved and seven were rejected.
- 6.2 Four applications (No. A/NE-KLH/309, 326, 331 and 452) are concerning the same site. Applications No. A/NE-KLH/309 and 326 were rejected by the Committee in 2003 and 2004 respectively mainly on the grounds of not complying with the Interim Criteria in that there was sufficient land available within the “V” zone of Tai Hang to meet future Small House demand; and setting of undesirable precedent. Subsequently, Application No. A/NE-KLH/331 was approved with conditions in 2005 mainly for reasons of compliance with the Interim Criteria in that there was a general shortage of land² in meeting the Small House demand at the time of

² According to the information provided by LandsD for Application No. A/NE-KLH/331, the total number of outstanding Small House applications for Tai Hang was 72 while the 10-year Small House demand forecast was 400 at that time. Based on the estimate by Planning Department, about 7.96 ha of land (equivalent to about 238 Small

consideration; more than 50% of the proposed Small House footprint fell within “V” zone; and the proposed development was able to be connected to the planned sewerage system in the area. Application No. A/NE-KLH/452 was also approved in 2013 mainly on sympathetic consideration as the application site was the subject of a previously approved case (No. A/NE-KLH/331).

- 6.3 For the other two approved cases, Application No. A/NE-KLH/386 was approved in 2009 with reasons similar to No. A/NE-KLH/331. For Application No. A/NE-KLH/451, although there was sufficient land³ available within the “V” zone in meeting the future Small House demand, it was approved in 2013 mainly on sympathetic consideration that the proposed Small House footprint fell entirely within the “V” zone and the proposed Small House could be connected to the planned sewerage system in the area.
- 6.4 For the remaining five applications (No. A/NE-KLH/316, 323, 428, 454 and 498), they were rejected by the Committee between 2003 and 2015 mainly on the grounds of not complying with the Interim Criteria in that there was no general shortage of land to meet the Small House demand. Applications No. A/NE-KLH/316, 323 and 454 were also rejected as the application sites were not able to be connected to the existing or planned sewerage system in the area. In addition, Applications No. A/NE-KLH/316, 323, 428 and 454 were also rejected because the proposed development did not comply with the Interim Criteria in that more than 50% of the proposed Small House footprint fell outside both the “V” zone and the village ‘environs’ (‘VE’) of concerned village.
- 6.5 Details of the above similar applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) vacant, partly covered with weeds and partly paved with asphalt sand;
- (b) located at the northern fringe of Tai Hang Village;
- (c) located outside the VE of Tai Hang; and
- (d) accessible by a local track.

7.2 The surrounding areas are predominantly rural in character comprising of scattered tree groups, active/fallow agricultural land and village houses. Village clusters are mainly found to the south of the Site (**Plan A-2a**).

House sites) was available within the “V” zone of the concerned village. Therefore, the land available cannot fully meet the future Small House demand of 472 houses.

³ According to the information provided by LandsD for Application No. A/NE-KLH/451, the total number of outstanding Small House applications for Tai Hang was 66 while the 10-year Small House demand forecast was 225 at that time. Based on the estimate by Planning Department, about 10.14 ha of land (equivalent to about 405 Small House sites) was available within the “V” zone of the concerned village. Therefore, the land available can fully meet the future Small House demand of 291 houses.

8. Planning Intentions

- 8.1 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 8.2 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Departments

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

| | <u>Criteria</u> | <u>Yes</u> | <u>No</u> | <u>Remarks</u> |
|----|---|------------|--------------|---|
| 1. | Within “V” zone? - Footprint of the Small House - Application site | 39% 38% | 61% 62% | - The remaining portions of the Site and Small House footprint fall within the “AGR” zone. |
| 2. | Within ‘VE’? - Footprint of the Small House - Application site | - - | 100% 100% | - The Site and the footprint of the proposed Small House fall entirely outside the ‘VE’ of Tai Hang (Plan A-1). - DLO/TP, LandsD does not support the application. |
| 3. | Sufficient land in “V” zone to meet Small House demand (outstanding Small House application plus 10-year Small House demand)? | ✓ | | - Land required to meet Small House demand in Tai Hang: about 6.58 ha (equivalent to 263 Small House sites). The outstanding Small House applications are 38 ⁴ while the 10-year Small House demand forecast |

⁴ Among the 38 outstanding Small House applications, 33 of them fall within the “V” zone and 5 straddle or outside the “V” zone. For those 5 applications straddling or being outside the “V” zone, none of them have obtained valid planning approval from the Board.

| | <u>Criteria</u> | <u>Yes</u> | <u>No</u> | <u>Remarks</u> |
|----|--|------------|-----------|--|
| | Sufficient land in “V” zone to meet outstanding Small House applications? | ✓ | | for the same village is 225. - Land available to meet Small House demand within the “V” zone of Tai Hang: about 9.11 ha (equivalent to 364 Small House sites) (Plan A-2b). |
| 4. | Compatible with the planning intention of “AGR” zone? | | ✓ | - Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural development point of view as there are active agricultural activities in the vicinity, agricultural infrastructure such as water source and road access are available, and the Site possesses potential for agricultural rehabilitation. |
| 5. | Compatible with surrounding area/development? | ✓ | | - The proposed Small House is not incompatible with the surrounding areas which are predominantly rural in character mainly comprising of scattered tree groups, active/fallow agricultural land and village houses. |
| 6. | Within Water Gathering Ground (WGG)? | ✓ | | - While the proposed Small House is able to be connected to the existing public sewerage system in the area, the applicant proposes to use septic tank and soakaway system for foul water disposal. - Hence, Director of Environmental Protection (DEP) and Chief Engineer/Construction of Water Supplies Department (CE/C of WSD) object to the application. |
| 7. | Encroachment onto planned road networks and public works boundaries? | | ✓ | |
| 8. | Need for provision of fire service installations and Emergency Vehicular Access (EVA)? | | ✓ | - Director of Fire Services (D of FS) has no in-principle objection to the application. |
| 9. | Traffic impact? | | ✓ | - The Commissioner for Transport (C for T) has no in-principle objection to the application. |

| | <u>Criteria</u> | <u>Yes</u> | <u>No</u> | <u>Remarks</u> |
|-----|----------------------------------|------------|-----------|---|
| 10. | Drainage impact? | ✓ | | <ul style="list-style-type: none"> - Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application from public drainage viewpoint. - Approval condition on submission and implementation of drainage proposal is required. |
| 11. | Sewerage impact? | ✓ | | <ul style="list-style-type: none"> - Chief Engineer/ Consultant Management, Drainage Services Department (CE/CM, DSD) and DEP advise that new public sewerage network at Tai Hang was completed and is available for connection. - DEP advises that the nearest foul sewer is at some 30m to 40m away from the Site (Plan A-2a) and the applicant may explore the technical feasibility of connecting the proposed Small House to the public sewerage system. |
| 12. | Landscape impact? | | ✓ | <ul style="list-style-type: none"> - Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the application from the landscape planning point of view as adverse impact arising from the proposed development on significant landscape resources within the Site is not anticipated. - Since there is inadequate space for meaningful landscaping with the Site to benefit the public realm, should the application be approved, the standard condition for submission and implementation of landscape proposal is not recommended. |
| 13. | Geotechnical impact? | | ✓ | |
| 14. | Local objections conveyed by DO? | | ✓ | |

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

- (a) District Lands Officer/Tai Po, Lands Department;
- (b) Commissioner for Transport;
- (c) Director of Environmental Protection;
- (d) Chief Town Planner/Urban Design & Landscape, Planning Department;
- (e) Chief Engineer/Mainland North, Drainage Services Department;
- (f) Chief Engineer/Consultants Management, Drainage Services Department;
- (g) Director of Agriculture, Fisheries and Conservation;
- (h) Chief Engineer/Construction, Water Supplies Department;
- (i) Director of Fire Services; and
- (j) Director of Electrical and Mechanical Services

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

- (a) Chief Highway Engineer/New Territories East, Highways Department;
- (b) Project Manager/North, Civil Engineering and Development Department;
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (d) District Officer/Tai Po, Home Affairs Department.

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

On 16.11.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from the Hong Kong Bird Society and an individual objecting to the application mainly on the grounds of being not in line with the planning intention of “AGR” zone; being “destroy first, build later”; setting an undesirable precedent; and causing adverse sewage and ecological impacts.

11. Planning Considerations and Assessments

11.1 The Site falls within an area partly zoned “V” (about 39%) and partly zoned “AGR” (about 61%). The proposed Small House development is not in line with the planning intention of the “AGR” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from the agricultural development point of view as there are active agricultural activities in the vicinity; agricultural infrastructure such as water source and road access are available; and the Site possesses potential for agricultural rehabilitation.

11.2 According to DLO/TP, LandsD’s records, the total number of outstanding Small House applications for Tai Hang is 38 while the 10-year Small House demand forecast is 225. Based on the latest estimate by the Planning Department, about 9.11 ha of land (or equivalent to about 364 Small House sites) are available within the “V” zones of Tai Hang (**Plan A-2b**). As the ~~proposed Small House footprint~~ *Site* falls entirely outside the ‘VE’ of the concerned village **and less than 50% of the proposed Small House footprint falls within the “V” zone**, DLO/TP of LandsD objects to the application.

- 11.3 The Site, located at the northern fringe of Tai Hang Village (**Plan A-2a**), is vacant, partly covered with weeds and partly paved with asphalt sand (**Plan A-4**). The proposed development is not incompatible with the surrounding areas which are predominantly rural in character comprising scattered tree groups, active/fallow agricultural land and village houses (**Plans A-2a** and **A-3**). CTP/UD&L of PlanD has no objection to the application as adverse impact arising from the proposed development on significant landscape resources within the Site is not anticipated.
- 11.4 The Site falls within the upper indirect WGG. CE/CM of DSD advises that there is existing public sewer in the vicinity of the Site that is available for connection. However, the applicant proposes to use septic tank and soakaway system for foul water disposal (**Drawing A-1**). Both DEP and CE/C of WSD does not support/object to the application as the adoption of septic tank for foul disposal and the wastewater generated from the proposed Small House will have potential to cause water pollution to the WGG. There is no information in the submission to demonstrate that the proposed development would have no adverse impacts on the water quality of the surrounding areas. Other relevant Government departments including C for T, CE/CM of DSD, CHE/NTE of HyD, H(GEO) and PM/N of CEDD and D of FS have no objection to or no adverse comment on the application.
- 11.5 Regarding the Interim Criteria (**Appendix II**), the proposed development does not comply with the Interim Criteria in that more than 50% of the proposed Small House footprint falls outside both the ‘VE’ and the ‘V’ zone of Tai Hang; and there is sufficient land within the ‘V’ zone (about 9.11 ha or equivalent to about 364 Small House sites) (**Plan A-2b**) to fully meet the Small House demand of 263 houses (i.e. 38 outstanding Small House applications plus the 10-year demand forecast of 225 Small Houses). As there is no general shortage of land in meeting the demand for Small House development in the concerned ‘V’ zone, it is considered more appropriate to concentrate the proposed Small House development within the ‘V’ zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 11.6 There are 11 similar applications within the same ‘AGR’ zone (**Plan A-1**). Out of which, four applications (No. A/NE-KLH/331, 386, 451 and 452) were approved by the Committee between 2003 and 2013 before the adoption of a more cautious approach by the Board in August 2015. Applications No. A/NE-KLH/331 and 386 were approved mainly for reasons of being in compliance with the Interim Criteria in that more than 50% of the Small House footprint fell within the ‘V’ zone; there was a general shortage of land in meeting the Small House demand at the time of consideration; and the proposed development was able to be connected to the planned sewerage system in the area. Applications No. A/NE-KLH/451 and 452 were approved under special circumstances despite there was sufficient land available to meet the future Small House demand at the time of consideration, mainly for reasons that the proposed Small House footprint of No. A/NE-KLH/451 fell entirely within the ‘V’ zone whereas the application site of No. A/NE-KLH/452 was the subject of a previously approved case (No. A/NE-KLH/331).
- 11.7 Regarding the seven rejected cases (No. A/NE-KLH/309, 316, 323, 326, 428, 454 and 498), they were rejected between 2003 and 2015 mainly on the grounds of not complying with the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in the ‘V’ zone. Applications No. A/NE-KLH/316, 323, 428 and 454 were also rejected because more than 50% of the

proposed Small House footprint fell outside both the “V” zone and the ‘VE’ of concerned village. In addition, the sites of Applications No. A/NE-KLH/316, 323 and 454 were not able to be connected to the existing or planned sewerage system in the area. The circumstances of the current application are similar to the above rejected cases.

- 11.8 Regarding the public comments raising objection to the application mainly on the grounds of being not in line with the planning intention of “AGR” zone; being “destroy first, build later”; setting an undesirable precedent; and causing adverse sewage and ecological impacts, Government departments’ comments and the planning assessments in above paragraphs are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reasons:

- (a) the proposed development is not in line with the planning intention of the “AGR” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the footprint of the proposed Small House falls outside the “V” zone and the village ‘environs’ of Tai Hang; there is no general shortage of land in meeting the demand for Small House development in the “V” zone of Tai Hang; and the applicant fails to demonstrate that the proposed development located within the 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; and
- (c) land is still available within the “V” zone of Tai Hang which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until **4.1.2023**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the Town Planning Board; and
- (c) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Town Planning Board.

Advisory Clauses

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

13. Decision Sought

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

14. Attachments

| | |
|--------------|---|
| Appendix I | Application form and attachments received on 9.11.2018 |
| Appendix II | Interim Criteria for Consideration of Application for NTEH/Small House in New Territories |
| Appendix III | Similar applications |
| Appendix IV | Detailed comments from relevant Government departments |
| Appendix V | Public comments |
| Appendix VI | Recommended advisory clauses |
| Drawing A-1 | Site plan submitted by the applicant |
| Plan A-1 | Location plan |
| Plan A-2a | Site plan |
| Plan A-2b | Estimated amount of land available for Small House development within the "V" Zone |
| Plan A-3 | Aerial photo |
| Plan A-4 | Site photo |

**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.

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

Approved Applications

| Application No. | Proposed Development | Date of Consideration | Approval Conditions |
|------------------------|---|------------------------------|----------------------------|
| A/NE-KLH/331 | Proposed House (New Territories Exempted House – Small House) | 15/4/2005 | A1 – A6 |
| A/NE-KLH/386 | Proposed House (New Territories Exempted House – Small House) | 24/7/2009 | A1 – A7 |
| A/NE-KLH/451 | Proposed House (New Territories Exempted House - Small House) | 8/2/2013 | A1 – A4 |
| A/NE-KLH/452 | Proposed House (New Territories Exempted House - Small House) | 7/6/2013 | A1 – A4 |

Approval Conditions

- A1. The submission and implementation of landscape proposal and/or tree preservation proposal
- A2. The submission and implementation/provision of drainage proposal/facilities
- A3. The connection of the foul water drainage system to the public sewers
- A4. The provision of protective measures to ensure that no pollution or siltation occurred/would occur to the water gathering grounds
- A5. No blasting, drilling, piling or sinking of wells should be allowed within the application site
- A6. No excavation works should be undertaken prior to obtaining written approval
- A7. The provision of fire fighting access, water supplies and fire service installations

Rejected Applications

| Application No. | Proposed Development | Date of Consideration | Rejection Reasons |
|------------------------|---|------------------------------|--------------------------|
| A/NE-KLH/309 | Proposed New Territories Exempted House (NTEH) (Small House) | 25/4/2003 | R2, R6 – R8 |
| A/NE-KLH/316 | Proposed New Territories Exempted House (NTEH) (Small House) | 25/7/2003 | R10 – R12 |
| A/NE-KLH/323 | Proposed New Territories Exempted House (NTEH) (Small House) | 5/12/2003 | R12 – R13 |
| A/NE-KLH/326 | Proposed House (New Territories Exempted House – Small House) | 27/8/2004 | R8 – R9, R14 |
| A/NE-KLH/428 | Proposed House (New Territories Exempted House – Small House) | 6/5/2011 | R1 – R2 |
| A/NE-KLH/454 | Proposed House (New Territories Exempted House – Small House) | 5/7/2013 | R2 – R5 |
| A/NE-KLH/498 | Proposed House (New Territories Exempted House – Small House) | 23/10/2015 | R2, R15 – R16 |

Rejection Reasons

- R1. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories in that more than 50% of the footprint of the proposed Small House fell outside both the “Village Type Development” (“V”) zone and the village ‘environs’ of Tai Hang Village; and there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Tai Hang Village.
- 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. The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that the site was entirely outside the “V” zone and the village ‘environs’ of any

recognized villages and there was still sufficient land available within the “V” zone to fully meet the future Small House demand.

- R4. The applicant failed to demonstrate in the submission why there was no alternative land available within areas zoned “V” for the proposed development.
- R5. The applicant failed to demonstrate that the proposed development located within the water gathering ground would not cause adverse impact on the water quality in the area.
- R6. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was to define the limits of urban development areas and there was a general presumption against development within the “GB” zone. No strong justification had been provided in the submission for a departure from the planning intention.
- R7. The proposed NTEH/Small House development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the land available within the “Village Type Development” zone of Tai Hang Village could meet future Small House demand.
- R8. The approval of the application would set an undesirable precedent for similar applications within the “Agriculture” and “Green Belt” zones. The cumulative effect of approving such applications would result in the encroachment of good quality agricultural land and/or a general degradation of the rural environment of the area.
- R9. The application site was located within the flood fringe and was subject to overland flow and inundation during heavy rainfall.
- R10. The proposed NTEH/Small House development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that the application site fell outside the 'village environs' of Tai Hang Village and there was insufficient information in the submission to demonstrate that there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Tai Hang Village.
- R11. The proposed Small House development encroached upon the 120m no blasting limit of the Tau Pass culvert.
- R12. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories in that the application site/it was not able to be connected to the existing or planned sewerage system in the area. There was no information in the submission to demonstrate that the proposed development located within the water gathering grounds would not cause adverse impact on water quality in the area.
- R13. The application site fell outside the village 'environs' of Tai Hang Village and there were still land available within the “Village Type Development” zone of Tai Hang/Tai Hang San Wai for future Small House development.
- R14. The proposed New Territories Exempted House (NTEH)/Small House development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that there was sufficient land available within the "Village Type Development" zone of Tai Hang Village to meet future Small House demand.

- R15. The proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that there is no shortage of the land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of Tai Hang.
- R16. Land is still available within the "V" zone of Tai Hang which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

Detailed Comments from Relevant Government Departments

1. Land Administration

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

- (a) does not support the application;
- (b) the applicant claims himself as an indigenous villager of Tai Hang. However, his eligibility of Small House grant has yet to be ascertained;
- (c) the Site is held under Block Government Lease demised for agricultural use. It is not covered by any Modification of Tenancy or Building Licence;
- (d) The applicant is the registered owner of the subject lot and the Small House application has been received by LandsD;
- (e) given that the Site falls outside the Village Environ Boundary (VEB) of a recognized village and mostly outside the “V” zone which encircles a recognized village, it will be rejected under the New Territories Small House Policy even though the applicant is an indigenous villager who is successful in seeking the necessary planning permission; and
- (f) the number of outstanding Small House applications and the number of 10-year Small House demand for the village 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 Hang | 38 | 225 |

(* The figure of 10-year Small House demand is provided by the Indigenous Inhabitant Representative of the concerned village in 2014 and the information so obtained is not verified by LandsD)

2. Traffic

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

- (a) no in-principle objection to the application from traffic engineering point of view; and
- (b) the road/footpath near the Site is not under Transport Department’s management. The land status, management and maintenance responsibilities of the road and footpath should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) the Site falls within “Agriculture” (“AGR”) zone and extended “V” zone, and is within the Water Gathering Ground (WGG). The applicant proposes the use of septic tank and soakaway system to treat wastewater generated on site. According to Chapter 9 of the Hong Kong Planning Standards and Guidelines (HKPSG), “*use of septic tank and soakaway systems within WGGs should be avoided*”. Therefore, he does not support the application unless the following conditions are imposed:
 - (i) the proposed Small House will be connected to the public sewer;
 - (ii) adequate land space within the Site will be reserved for connection of the proposed Small House to the public sewer;
 - (iii) written consent(s) can be obtained from the relevant lot owners and/or LandsD for laying and maintaining sewage pipes across the adjacent lots; and
 - (iv) the cost of sewer connection will be borne by the applicant; and
- (b) public sewerage system at Tai Hang has recently been completed. The nearest foul sewer is at some 30m to 40m away from the Site. The applicant may explore the technical feasibility of connecting the proposed Small House to the public sewerage system, and seek consent/permission from concerned lot owners and/or LandsD for laying and maintaining sewage pipes across the concerned lots.

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 of scattered tree groups, abandoned farmland and village houses. The proposed development is not incompatible with the surrounding environment;
- (c) the Site is vacant and paved with asphalt sand. A few number of young existing trees, including *Macaranga tanarius* (血桐) and *Leucaena leucocephala* (銀合歡) of low amenity value are found adjoining the western and northern site boundaries. Adverse impact arising from the proposed development on significant landscape resources within the Site is not anticipated; and
- (d) since there is inadequate space for meaningful landscaping within the Site to benefit the public realm, should the application be approved, the standard condition for submission and implementation of landscape proposal is not recommended.

5. Drainage and Sewerage

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) if the application is approved, an approval condition on submission and implementation of drainage proposal for the Site is recommended to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) there is no existing DSD maintained public drains available for connection in this area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain such drainage 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;
- (d) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant lot owners should be sought; and
- (e) there is existing public sewerage in the vicinity of the Site.

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

- (a) no in-principle objection to the application; and
- (b) the new public sewerage network constructed under Contract No. DC/2012/04 at Tai Hang was completed. There is existing public sewer in the vicinity of the proposed Small House that is available for connection.

6. Agriculture

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

- the Site is vacant. Nevertheless, there are active agricultural activities in the vicinity and agricultural infrastructure such as water source and road access is available. The Site possesses potential for agricultural rehabilitation. As such, the application is not supported from agricultural development point of view.

7. Fire Safety

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

- (a) no in-principle objection to the application; and
- (b) the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by 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) objects to the application;
- (b) the Site is located within upper indirect WGG and is more than 30m away from the nearest water course; and
- (c) DEP advised that the Site is able to be connected to the existing public sewerage system in the area. However, the applicant proposes to use septic tank and soakaway system for foul water disposal. DEP does not support the application unless the proposed Small House will be connected to public sewer. As the adoption of septic tank for foul disposal and the wastewater generated from the proposed Small House will have the potential to cause water pollution to WGG, it is considered that compliance with item B(i) of the "Interim Criteria for Consideration of Application for NTEH/Small House in New Territories" cannot be established.

9. Electricity Supply

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

- (a) no comment on the application from electricity supply safety aspect; and
- (b) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, 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 Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

10. Demand and Supply of Small House Sites

According to DLO/TP, LandsD's record, the total number of outstanding Small House applications for Tai Hang is 38 while the 10-year Small House demand forecast for the same village is 225. Based on the latest estimate by PlanD, about 9.11 ha of land (equivalent to about 364 Small House sites) are available within the "V" zone of Tai Hang. Therefore, the land available can fully meet the Small House demand of 263 houses (equivalent to about 6.58 ha of land).

Recommended Advisory Clauses

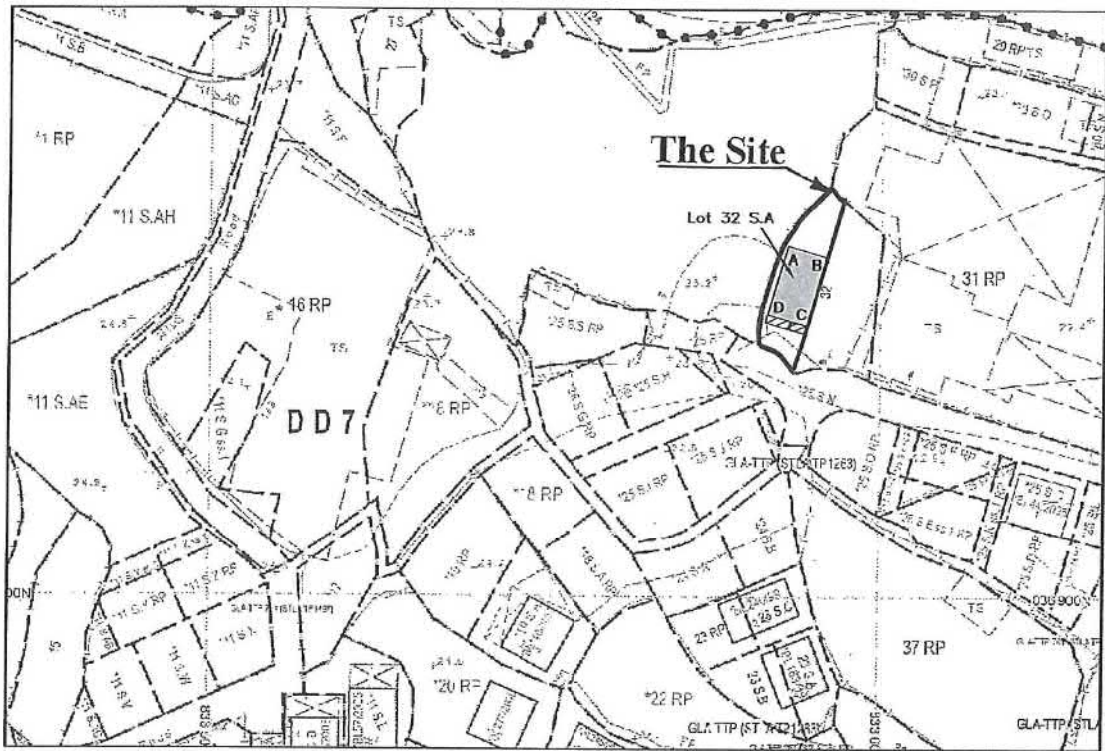
- (a) to note the comments of the Commissioner for Transport (C for T) that the road/footpath near the Site is not under Transport Department's management. The land status, management and maintenance responsibilities of the road and footpath should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (b) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) public sewerage system at Tai Hang has recently been completed. The nearest foul sewer is at some 30m to 40m away from the Site;
 - (ii) the proposed Small House should be connected to the public sewer;
 - (iii) adequate land space within the Site should be reserved for connection of the proposed Small House to the public sewer;
 - (iv) written consent(s) should be obtained from the relevant lot owner(s) and/or LandsD for laying and maintaining sewage pipes across the adjacent lots; and
 - (v) the cost of sewer connection should be borne by the applicant;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) there is no existing DSD maintained public drains available for connection in this area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain such drainage 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;
 - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant lot owners should be sought; and .
 - (iii) there is existing public sewerage in the vicinity of the Site;
- (d) to note the comments of the Director of Fire Services (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;



- (e) to note the comments of Director of Electrical and Mechanical Services (DEMS) that 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 Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the Regulation when carrying out works in the vicinity of the electricity supply lines; and
- (f) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.

Proposed Small House of Lot 32 S.A in D.D.7
Tai Hang, Tai Po

Site Plan

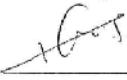


Coloured Pink Area 65.03 square metres (About)

 Balcony (6.096 x 1.220)
 Proposed Septic Tank

Scale

| Side | Bearing | Distance in Metres | Pt. | Co-ordinate Data (1980 Datum) | | Remarks |
|-------|-----------|-----------------------|-----|-------------------------------|-------------|---------|
| | | | | Northing (m) | Easting (m) | |
| A - B | 106 16 39 | 6.096 | A | 836952.386 | 833585.900 | |
| B - C | 196 16 39 | 10.668 | B | 836950.677 | 833591.751 | |
| C - D | 286 16 39 | 6.096 | C | 836940.437 | 833588.761 | |
| D - A | 16 16 39 | 10.668 | D | 836942.145 | 833582.909 | |

| | | |
|-------------------------------------|-------------------------------|--|
| Survey District: Tai Po | Survey Sheet No.: 3-SW-23A | Certified by:  |
| Ref. Plan: --- | Plan No.: TP/7/32A/SH | C. K. LAU MSc. MHKIS MRICS RPS(LS) ALS Authorized Land Surveyor Date: 25 January 2018 |
| Ref. SRP No.: SRP/TP/058/1227/D1 | Date: 25 January 2018 | King Fung Surveying Company |

參考編號
REFERENCE No.

A/NE-KLH/557

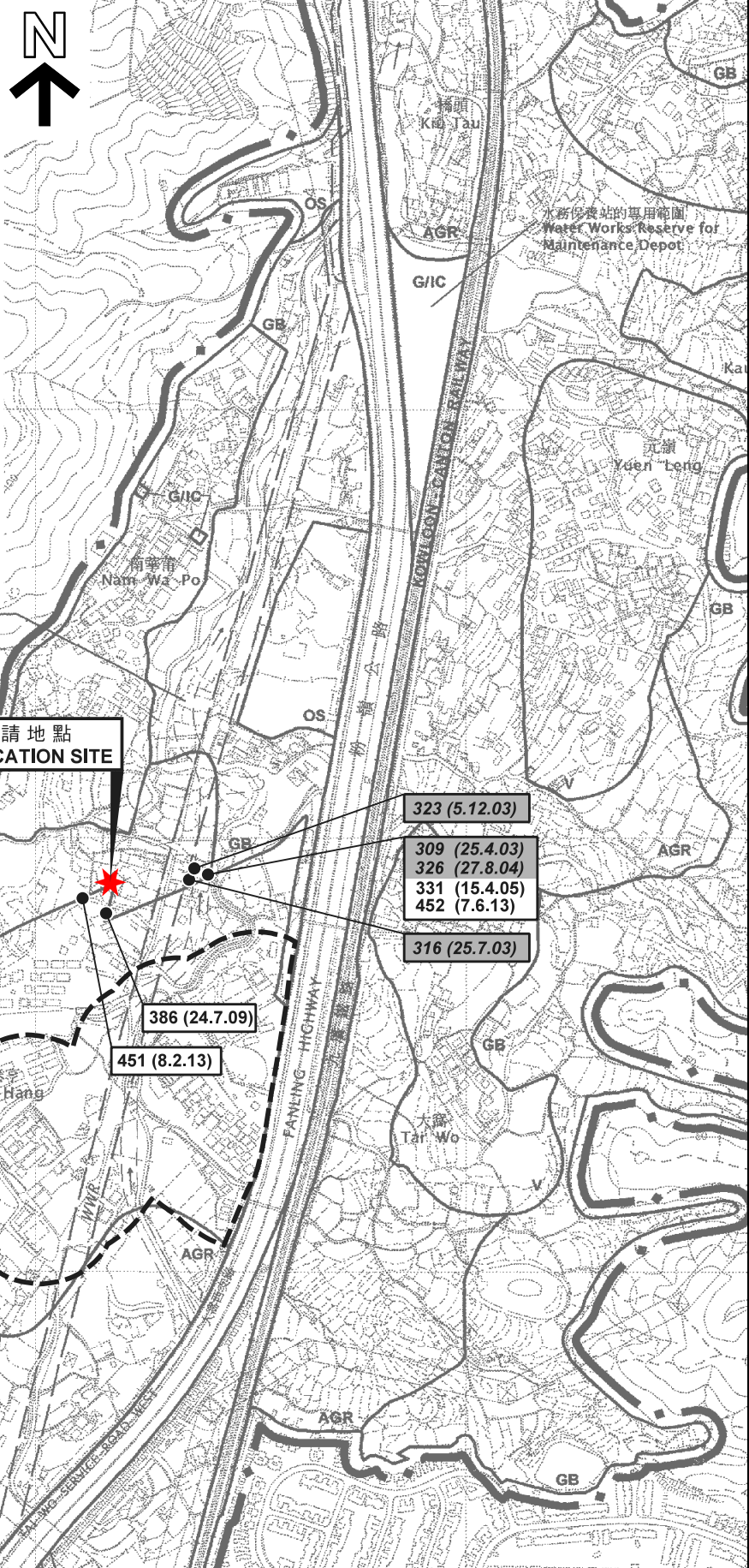
繪圖 DRAWING A-1

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



要覽圖 KEY PLAN

SCALE 1 : 50 000 比例尺

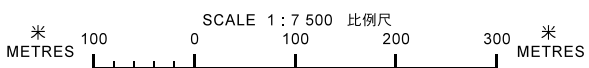


圖例 LEGEND

| | |
|---------------|--------------------------------|
| 139 (7.11.97) | 獲批准的申請 APPROVED APPLICATION |
| 368 (14.9.01) | 被拒絕的申請 REJECTED APPLICATION |
| 139 (7.11.97) | 會議日期 DATE OF MEETING |
| | 申請編號 APPLICATION NUMBER |

位置圖 LOCATION PLAN

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



規劃署
PLANNING
DEPARTMENT



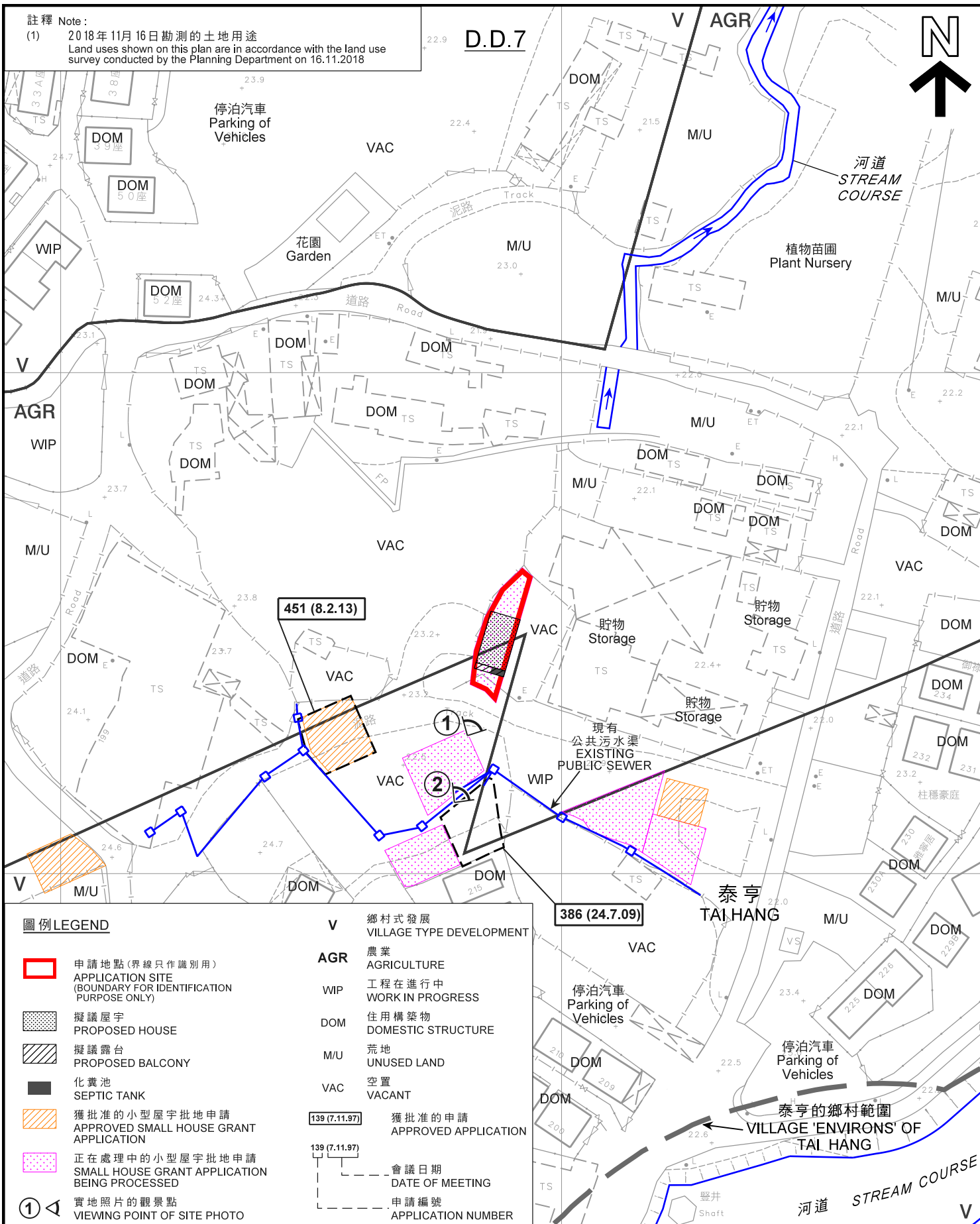
參考編號
 REFERENCE No.
A/NE-KLH/557

圖 PLAN
A-1

本摘要圖於2018年12月19日擬備，
 所根據的資料為於2006年10月17日核准的
 分區計劃大綱圖編號S/NE-KLH/11
 EXTRACT PLAN PREPARED ON 19.12.2018
 BASED ON OUTLINE ZONING PLAN
 No. S/NE-KLH/11 APPROVED ON 17.10.2006

註釋 Note:

(1) 2018年11月16日勘測的土地用途
Land uses shown on this plan are in accordance with the land use survey conducted by the Planning Department on 16.11.2018



圖例 LEGEND

- 申請地點(界線只作識別用)
APPLICATION SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
- 擬議屋宇
PROPOSED HOUSE
- 擬議露台
PROPOSED BALCONY
- 化糞池
SEPTIC TANK
- 獲批准的小型屋宇批地申請
APPROVED SMALL HOUSE GRANT APPLICATION
- 正在處理中的小型屋宇批地申請
SMALL HOUSE GRANT APPLICATION BEING PROCESSED
- 實地照片的觀景點
VIEWING POINT OF SITE PHOTO

- V** 鄉村式發展
VILLAGE TYPE DEVELOPMENT
- AGR** 農業
AGRICULTURE
- WIP** 工程在進行中
WORK IN PROGRESS
- DOM** 住用構築物
DOMESTIC STRUCTURE
- M/U** 荒地
UNUSED LAND
- VAC** 空置
VACANT
- 獲批准的申請
APPROVED APPLICATION
- 會議日期
DATE OF MEETING
- 申請編號
APPLICATION NUMBER

平面圖 SITE PLAN

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

SCALE 1:1 000 比例尺

米 20 0 20 40 米 METRES

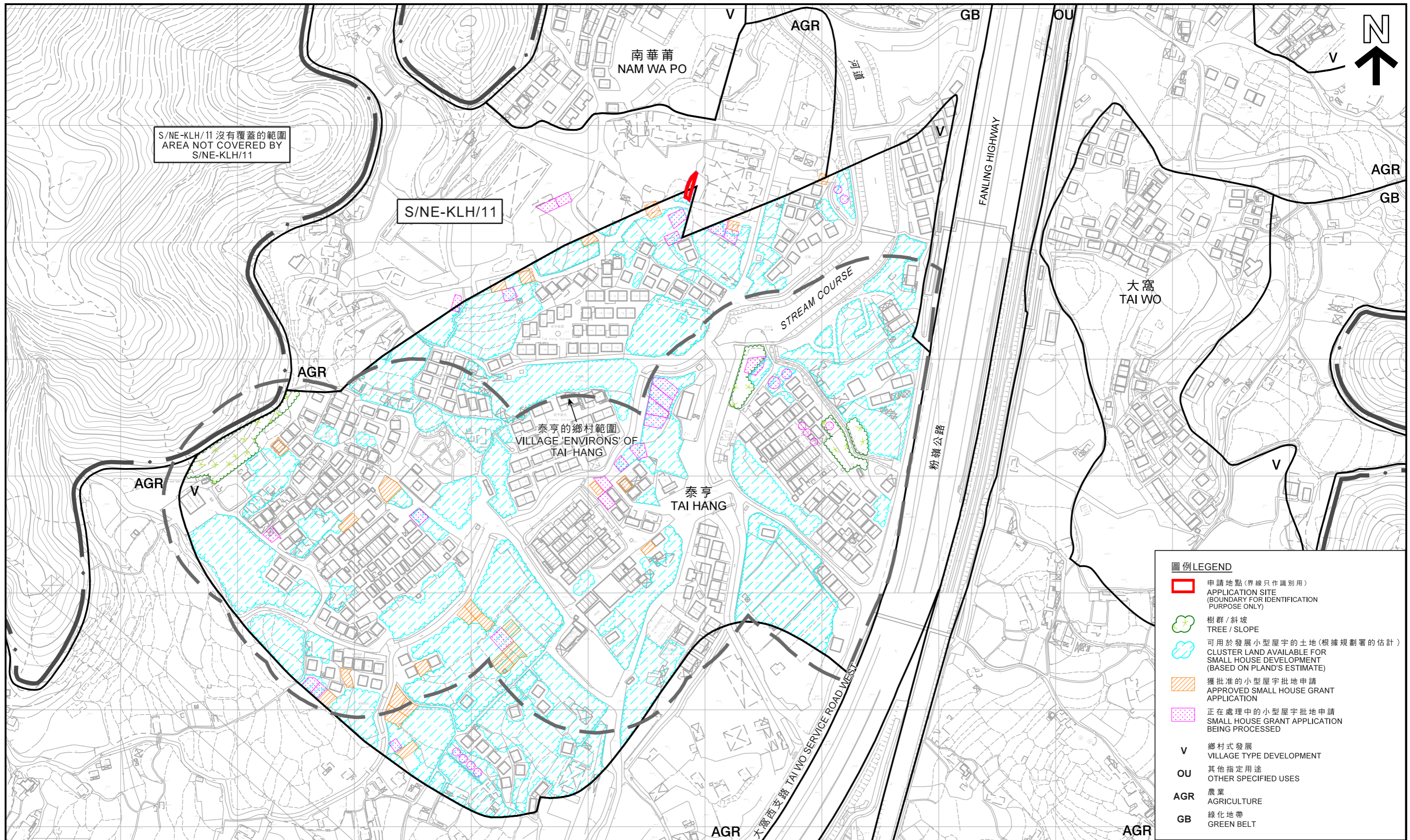
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/557

圖 PLAN
A-2a

本摘要圖於2018年12月28日擬備，
所根據的資料為測量圖編號
3-SW-23A
EXTRACT PLAN PREPARED ON 28.12.2018
BASED ON SURVEY SHEET No.
3-SW-23A



S/NE-KLH/11 沒有覆蓋的範圍
AREA NOT COVERED BY S/NE-KLH/11

S/NE-KLH/11

泰亨的鄉村範圍
VILLAGE ENVIRONS OF TAI HANG

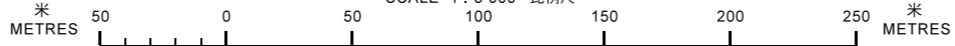
泰亨
TAI HANG

大窩西支路
TAI WO SERVICE ROAD WEST

在「鄉村式發展」地帶內預計可供發展小型屋宇的土地數量
ESTIMATED AMOUNT OF LAND AVAILABLE FOR SMALL HOUSE DEVELOPMENT WITHIN THE "V" ZONE

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

SCALE 1: 3 000 比例尺



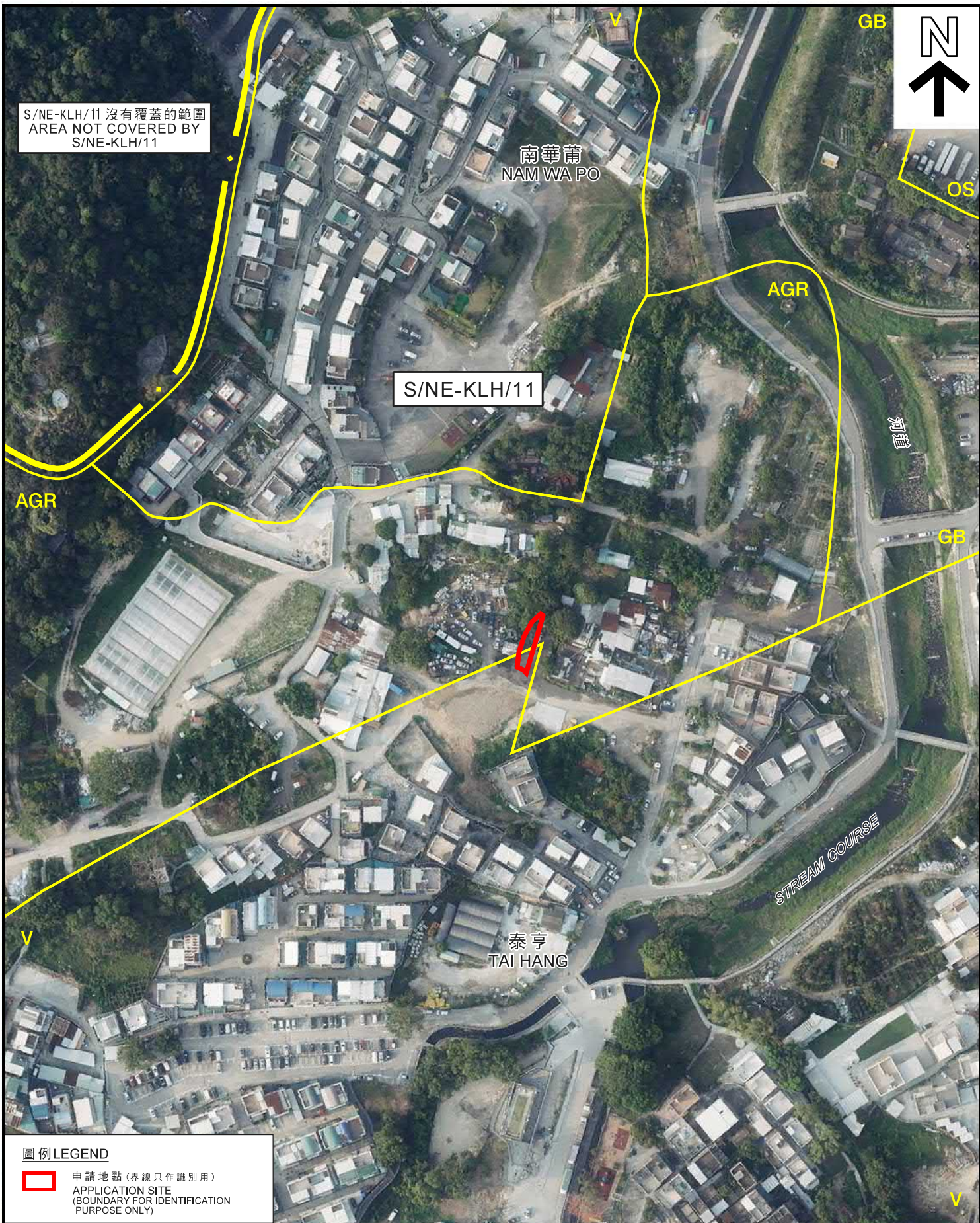
本摘要圖於2018年12月31日擬備，所根據的資料為測量圖編號3-SW-18C、18D、23A及23B
EXTRACT PLAN PREPARED ON 31.12.2018
BASED ON SURVEY SHEETS No. 3-SW-18C, 18D, 23A & 23B

規劃署
PLANNING DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/557

圖 PLAN
A-2b



S/NE-KLH/11 沒有覆蓋的範圍
AREA NOT COVERED BY
S/NE-KLH/11

S/NE-KLH/11

南華莆
NAM WA PO

AGR

AGR

OS

GB

河道

STREAM COURSE

泰亨
TAI HANG

圖例 LEGEND

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

航攝照片 AERIAL PHOTO

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
新界大埔泰亨丈量約份第7約地段第32號A分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 1302 S.A IN D.D. 19,
PAK TIN KONG, TAI PO

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/557

圖 PLAN
A-3

本摘要圖於2018年12月6日擬備，
所根據的資料為地政總署
於2018年3月12日拍得的航攝照片
編號E034622C
EXTRACT PLAN PREPARED ON 6.12.2018
BASED ON AERIAL PHOTO No. E034622C
TAKEN ON 12.3.2018 BY
LANDS DEPARTMENT

1



2



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

實地照片 SITE PHOTOS

本圖於2018年12月21日擬備，所根據的資料為攝於2018年11月23日及2018年12月20日的實地照片
PLAN PREPARED ON 21.12.2018 BASED ON SITE PHOTOS TAKEN ON 23.11.2018 & 20.12.2018

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

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/557

圖 PLAN
A-4

**Extracted of the Minutes of the
Rural and New Town Planning Committee Meeting held on 4.1.2019**

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/557 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 32 S.A in
D.D. 7, Tai Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/557)

40. The Committee noted that a replacement page (page 7) of the Paper, rectifying the Lands Department’s comment, was tabled at the meeting for Members’ reference.

Presentation and Question Sessions

41. Ms Kathy C.L. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as there were active agricultural activities in the vicinity. The District Lands Officer / Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the footprint of the proposed Small House fell entirely outside the village ‘environs’ (‘VE’) of the concerned village. The Director of Environmental Protection (DEP) and the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) did not support/objected to the application as the applicant proposed to use septic tank and soakaway system for foul water disposal and the wastewater generated from the proposed Small House would have potential to cause water pollution to the water gathering ground (WGG). There was no information in the submission to demonstrate that the proposed development would have no adverse impacts on the water quality of the surrounding areas. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from The Hong Kong Bird Watching Society and an individual objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. DAFC did not support the application as the application site possessed potential for agricultural rehabilitation. DLO/TP, LandsD did not support the application as the

footprint of the proposed Small House fell entirely outside the 'VE' of the concerned village. Both DEP and CE/C, WSD did not support/objected to the application as the adoption of septic tank for foul water disposal and the wastewater generated from the proposed Small House would have potential to cause water pollution to the WGG. Regarding the Interim Criteria, more than 50% of the footprint of proposed Small House fell outside the 'VE' and the "Village Type Development" ("V") zone, and land available in the "V" zone of Tai Hang was still capable of meeting the outstanding Small House applications. It was more appropriate to concentrate the proposed Small House developments within the "V" zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

42. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the "Agriculture" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that more than 50% of the footprint of the proposed Small House falls outside the "Village Type Development" ("V") zone and the village 'environs' of Tai Hang; there is no general shortage of

land in meeting the demand for Small House development in the “V” zone of Tai Hang; and the applicant fails to demonstrate that the proposed development located within the Water Gathering Ground 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; and

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

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

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

傳 真 Fax: 2877 0245 / 2522 8426

By Post & Fax (2667 6441)

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/NE-KLH/557

18 January 2019

Hui Kwan Yee
G/F
21 Po Yick Street
Tai Po, New Territories

Dear Sir/Madam,

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

I refer to my letter to you dated 15.11.2018.

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

- (a) the proposed development is not in line with the planning intention of the "Agriculture" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that more than 50% of the footprint of the proposed Small House falls outside the "Village Type Development" ("V") zone and the village 'environs' of Tai Hang; there is no general shortage of land in meeting the demand for Small House development in the "V" zone of Tai Hang; and you fail to demonstrate that the proposed development located within the Water Gathering Ground 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; and
- (c) land is still available within the "V" zone of Tai Hang which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 4.1.2019, in both English and Chinese, are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 8.2.2019). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Kathy Chan of Sha Tin, Tai Po & North District Planning Office at 2158 6242.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

(With Chinese Translation)

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that given that the application site (the Site) falls outside the Village Environ Boundary (VEB) of a recognized village and mostly outside the “Village Type Development” (“V”) zone which encircles a recognized village, it will be rejected under the New Territories Small House Policy even though the applicant is an indigenous villager who is successful in seeking the necessary planning permission;
- (b) to note the comments of the Commissioner for Transport (C for T) that the road/footpath near the Site is not under Transport Department (TD)’s management. The land status, management and maintenance responsibilities of the road and footpath should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (c) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) the proposed Small House should be connected to the public sewer;
 - (ii) adequate land space within the Site should be reserved for connection of the proposed Small House to the public sewer;
 - (iii) written consent(s) should be obtained from the relevant lot owner(s) and/or LandsD for laying and maintaining sewage pipes across the adjacent lots; and
 - (iv) the cost of sewer connection should be borne by the applicant;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) there is no existing DSD maintained public drains available for connection in this area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain such drainage 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;
 - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant lot owners should be sought; and
 - (iii) there is existing public sewerage in the vicinity of the Site;

- (e) to note the comments of the Director of Fire Services (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;
- (f) to note the comments of Director of Electrical and Mechanical Services (DEMS) that 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 Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the Regulation when carrying out works in the vicinity of the electricity supply lines; and
- (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.