

**REVIEW OF APPLICATION NO. A/NE-KLH/557**  
**UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**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, New Territories**

**1. Background**

- 1.1 On 9.11.2018, the applicant, Mr. MAN Chun Kiu represented by Mr. HUI Kwan Yee, sought planning permission to build a house (New Territories Exempted House (NTEH) - Small House) at the application site (the Site) under s.16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area mainly zoned “Agriculture” (“AGR”) (about 61%) and partly zoned “Village Type Development” (“V”) (about 39%) on the approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11 (**Plan R-1**).
- 1.2 On 4.1.2019, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
- (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’ (‘VE’) 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 (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.

1.3 For Members' reference, the following documents are attached:

- |     |  |           |
|-----|--|-----------|
| (a) | RNTPC Paper No. A/NE-KLH/557                             | (Annex A) |
| (b) | Extract of minutes of the RNTPC meeting held on 4.1.2019 | (Annex B) |
| (c) | Secretary of the Board's letter dated 18.1.2019          | (Annex C) |

## 2. Application for Review

The application submitted by the applicant under section 17(1) of the Ordinance for review of the RNTPC's decision to reject the application was received by the Board on 1.2.2019 (**Annex D1**). A written representation submitted by the applicant in support of the review application was received by the Board on 22.3.2019 (**Annex D2**). Subsequently, at the request of the applicant, the Board agreed on 14.6.2019 to defer the consideration of the application for two months to allow time for the applicant to prepare further information to support the review application. The applicant submitted further information on 19.8.2019 and 23.8.2019. (**Annexes D3 and D4**).

## 3. Justifications from the Applicant

The justifications put forth by the applicant in support of the review application are detailed in his letter at **Annexes D2 to D4**. They can be summarized as follows:

- (a) according to the Indigenous Inhabitant Representative (IIR) of Tai Hang, the Site is the only piece of land owned by the applicant. The applicant does not own other piece of land within "V" zone for his Small House development;
- (b) the Site is currently occupied by weeds and shrubs with no active agricultural activities. Besides, the Site has been vacant for many years and there will be no agricultural rehabilitation;
- (c) the villagers of Tai Hang support the applicant to build a Small House at his only piece of land; and
- (d) the applicant agrees to revise his proposal so that the proposed Small House will be connected to the public sewerage system instead of using septic tank. A sewerage connection proposal and the consent from the owners of the affected lots have been submitted.

## 4. The Section 16 Application

*The Site and its Surrounding Areas* (**Plans R-1, R-2a** and Photos on **Plans R-3 and R-4**)

4.1 The situation of the Site and the surrounding areas at the time of the consideration of the s.16 application by the RNTPC were described in paragraphs 7.1 and 7.2 of **Annex A**. There has been no material change of the situation since then.

4.2 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.
- 4.3 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.

#### Planning Intentions

- 4.4 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.
- 4.5 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.

#### Assessment Criteria

- 4.6 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 set of Interim Criteria with criterion (i) remained unchanged was promulgated on 7.9.2007 and is at Appendix II of **Annex A**.

#### Previous Application

- 4.7 There is no previous application at the Site.

#### Similar Applications

- 4.8 When the s.16 application was considered by the RNTPC on 4.1.2019, there were 11 similar applications for Small House development within the same "AGR" zone since the first promulgation of the Interim Criteria on 24.11.2000. Four of them were approved and seven were rejected by the RNTPC (**Plan R-1** and **R-2a**). The number of similar applications in the review application remains the same.
- 4.9 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 RNTPC 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 land in meeting the Small House demand at the time of 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).

- 4.10 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 land 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.
- 4.11 For the remaining five applications (No. A/NE-KLH/316, 323, 428, 454 and 498), they were rejected by the RNTPC 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 ‘VE’ of concerned village.
- 4.12 Details of the above similar applications are summarized in Appendix III of **Annex A** and their locations are shown on **Plans R-1** and **R-2a**.

## **5. Comments from Relevant Government Departments**

- 5.1 Comments on the s.16 application made by relevant Government departments are stated in paragraph 9 and Appendix IV of **Annex A**.
- 5.2 For the review application, the relevant Government departments have been further consulted and their views on the review application are summarized as follows:

### **Land Administration**

- 5.2.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):
- (a) the updated number of outstanding Small House applications for Tai Hang is 32 (the figure was 38 at the s.16 application stage) whilst the 10-year Small House demand remains unchanged at 225;
  - (b) he maintains his previous views on the s.16 application which are recapitulated below:
    - (i) does not support the application;

- (ii) the applicant claims himself as an indigenous villager of Tai Hang. However, his eligibility of Small House grant has yet to be ascertained;
- (iii) the Site is held under Block Government Lease demised for agricultural use. It is not covered by any Modification of Tenancy or Building Licence;
- (iv) the applicant is the registered owner of the subject lot and the Small House application has been received by LandsD; and
- (v) 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.

### Environment

#### 5.2.2 Comments of the Director of Environmental Protection (DEP):

- (a) the Site falls within “AGR” and “V” zones, and is within the WGG. The applicant proposed to connect the proposed Small House to the public sewerage at about 30-40m to the south of the Site, instead of using septic tank and soakaway system as previously proposed at the s.16 application stage. The public sewerage system has sufficient capacity to cater for the sewage arising from the proposed Small House, and there is sufficient level drop in between the connection; and
- (b) as the applicant proposed to connect the proposed Small House to the public sewerage, he has no objection to the application on the conditions that:
  - (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 lot(s); and
  - (iv) the cost of sewer connection will be borne by the applicant.

### Drainage and Sewerage

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

- (a) regarding the further information submitted by the applicant (**Annexes D3 and D4**), sewerage connection from the proposed Small House to

the sewer connection is technically feasible from drainage viewpoint;  
and

- (b) he maintains his previous views on the s.16 application which are recapitulated below:
- (i) no in-principle objection to the application from public drainage viewpoint;
  - (ii) 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;
  - (iii) 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;
  - (iv) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant lot owners should be sought; and
  - (v) there is existing public sewerage in the vicinity of the Site.

5.2.4 The Chief Engineer/Consultant Management, Drainage Services Department (CE/CM, DSD) maintains his previous views on the s.16 application which are recapitulated below:

- (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.

Water Supply

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

- (a) objects to the application; and
- (b) the Site is located within upper indirect WGG, and there will be less than 50% of the proposed Small House footprint within the “V” zone on the OZP and 100% of that outside the ‘VE’ of Tai Hang. In general, housing development will have the risk of pollution to the WGG. Despite that the applicant proposes to connect his Small House with nearby public sewers, and DEP has indicated no objection to the proposals, WSD considers that there is insufficient information in the applicant’s submission to demonstrate that the proposed development would not cause adverse impact on the water quality in the area.

5.3 The following Government departments have no further comments on the review application and maintain their previous views on the s.16 application in Appendix IV of **Annex A**, which are recapitulated as follows:

Agriculture

5.3.1 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.

Landscape

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

- (a) no objection to the application from the landscape planning perspective;
- (b) the Site is situated in an area of rural landscape character comprising scattered tree groups, 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.

### Traffic

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

- (a) no in-principle objection to the application from the traffic engineering point of view; and
- (b) 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.

### Fire Safety

#### 5.3.4 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.

### Electricity Supply and Safety

#### 5.3.5 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.

- 5.4 The following Government departments have been further consulted and maintain their previous views of having no objection to or no comment on the review 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.

## **6. Public Comments Received During Statutory Publication Period (Annex E)**

- 6.1 On 15.2.2019 and 29.3.2019, the review application and further information were published for public inspection. During the statutory public inspection periods, a total of five public comments were received. Two public comments from the IIR of Tai Hang and Tai Po Rural Committee support the application mainly for reasons of the traditional right of indigenous villagers; the only piece of land owned by the applicant in the “V” zone of Tai Hang for Small House development; the Site being vacant for many years, and currently occupied by weeds and shrubs with no agricultural value; being supported by the villagers of Tai Hang to build the Small House at the Site; and insufficient land available within the “V” zone of the concerned village because of the population growth and resumption of land for public projects. The remaining three, with two submitted by The Hong Kong Bird Watching Society and one from an individual object 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 of an undesirable precedent; land being still available within the “V” zone of the concerned village; and causing adverse sewage, environmental and ecological impacts.
- 6.2 Two public comments, all objecting to the application, received at the s.16 application stage are set out in paragraph 10 of **Annex A**.

## **7. Planning Considerations and Assessments**

- 7.1 The subject application for Small House development was rejected by the RNTPC on 4.1.2019 mainly on the grounds of being not in line with the planning intention of the “AGR” zone; being not in compliance with the Interim Criteria in that i) more than 50% of the footprint of the proposed Small House falls outside the “V” zone and the ‘VE’ of Tai Hang; ii) there is no general shortage of land in meeting the demand for Small House development in the “V” zone of Tai Hang; and iii) 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 land being still available within the “V” zone of Tai Hang for Small House development.
- 7.2 To support the review application, the applicant puts forward justifications including a letter from the IIR of Tai Hang claiming that the Site is the only piece of land owned by the applicant within “V” zone for Small House development; the Site has no potential for agricultural rehabilitation; and his application is supported by the villagers of Tai Hang. The applicant has also revised his proposal so that the proposed Small House will be connected to the public sewerage system instead of using septic tank. A sewerage connection proposal with consents obtained from the affected lot owners is submitted.

- 7.3 The Site falls within an area mainly zoned “AGR” (about 61%) and partly zoned “V” (about 39%) (**Plan R-2a**). The proposed Small House development is not in line with the planning intention of “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention.
- 7.4 The applicant states that the Site has no potential for agricultural rehabilitation. DAFC has been further consulted and maintains his previous view of not supporting the application from the agricultural development point of view and advises that 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.
- 7.5 The Site is within the upper indirect WGG. According to CE/CM of DSD, there is existing public sewer in the vicinity of the Site that is available for connection. In the review application, the applicant has revised his proposal by agreeing to connect the proposed Small House to the public sewer instead of using septic tank. He has also provided further information to demonstrate that the proposed Small House can be connected to the public sewerage system (**Plan R-2a**) with consents obtained from the affected lot owners. DEP has no objection to the review application provided that the applicant shall connect the proposed Small House to the public sewer at his own cost when the public sewerage system is available for connection and adequate space within the Site will be reserved for connection. However, CE/C of WSD objects to the application as there will be less than 50% of the proposed Small House footprint within the “V” zone on the OZP and 100% of that outside the ‘VE’ of Tai Hang, and in general, housing development will have the risk of pollution to the WGG. Despite that the applicant proposes to connect his Small House with nearby public sewers, and DEP has indicated no objection to the proposals, CE/C of WSD considers that the applicant fails to demonstrate that the proposed development would not cause adverse impact on the water quality in the area. Other relevant Government departments including C for T, CE/MN and 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 review application.
- 7.6 According to DLO/TP, LandsD’s records, the total number of outstanding Small House applications for Tai Hang is 32<sup>1</sup> while the 10-year Small House demand forecast for the same village is 225. Based on the latest estimate by PlanD, about 7.98 ha of land (equivalent to about 319 Small House sites) are available within the “V” zone of Tai Hang (**Plan R-2b**). As the 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.
- 7.7 The Site, located at the northern fringe of Tai Hang Village (**Plan R-2a**), is vacant, partly covered with weeds and partly paved with asphalt sand (**Plan R-4**). The proposed development is not incompatible with the surrounding areas which are predominantly rural in character comprising scattered tree groups, active/fallow

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<sup>1</sup> Among the 32 outstanding Small House applications, 28 of them fall within the “V” zone and 4 of them straddle or outside the “V” zone. For those 4 applications straddling or being outside the “V” zone, none of them has obtained valid planning approval from the Board.

agricultural land and village houses (**Plans R-2a and R-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.

- 7.8 Regarding the Interim Criteria, 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 7.98 ha or equivalent to about 319 Small House sites) (**Plan R-2b**) to fully meet the Small House demand of 257 houses (i.e. 32 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.
- 7.9 There are 11 similar applications within the same “AGR” zone (**Plan R-1**). Of them, four (No. A/NE-KLH/331, 386, 451 and 452) were approved by the RNTPC 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). The circumstances of these approved cases are not fully applicable to the current application.
- 7.10 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. The circumstances of the current application are similar to these rejected cases.
- 7.11 Regarding the public comments objecting to the review application as mentioned in paragraph 6.1 above, Government departments’ comments and the planning assessments above are relevant.

## **8. Planning Department’s Views**

- 8.1 Based on the assessments made in paragraph 7, having taken into account the public comments mentioned in paragraph 6 and given that there is no change in the planning circumstances since the consideration of the subject application by the RNTPC, the

Planning Department maintains its previous view of not supporting the review 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 ‘VE’ of Tai Hang; and there is no general shortage of land in meeting the demand for Small House development in the “V” zone of Tai Hang;
- (c) the applicant fails to demonstrate that the proposed development would not cause adverse impact on the water quality in the area; and
- (d) 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.

8.2 Alternatively, should the Board decide to approve the review application, it is suggested that the permission shall be valid until **8.11.2023**, 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

8.3 The recommended advisory clauses are attached at **Annex F**.

## 9. Decision Sought

- 9.1 The Board is invited to consider the application for a review of the RNTPC's decision and decide whether to accede to the application.
- 9.2 Should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 9.3 Alternatively, should the Board decide to approve the review application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.

## 10. Attachments

<b>Drawing R-1</b>	Layout plan submitted by the applicant
<b>Plan R-1</b>	Location plan
<b>Plan R-2a</b>	Site plan
<b>Plan R-2b</b>	Estimated amount of land available for Small House development within "V" zone
<b>Plan R-3</b>	Aerial photo
<b>Plan R-4</b>	Site photos
<b>Annex A</b>	RNTPC Paper No. A/NE-KLH/557
<b>Annex B</b>	Extract of minutes of the RNTPC meeting held on 4.1.2019
<b>Annex C</b>	Secretary of the Town Planning Board's letters dated 18.1.2019
<b>Annex D1</b>	Letter received by the Town Planning Board on 1.2.2019 from the applicant applying for a review of the RNTPC's decision
<b>Annex D2</b>	Further information received on 22.3.2019
<b>Annex D3</b>	Further information received on 19.8.2019
<b>Annex D4</b>	Further information received on 23.8.2019
<b>Annex E</b>	Public comments
<b>Annex F</b>	Recommended advisory clauses

**PLANNING DEPARTMENT  
NOVEMBER 2019**



**TPB Paper No. 10594**

**For Consideration by  
the Town Planning Board on 8.11.2019**

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in “Village Type Development” and “Agriculture” Zones**

**Lot 32 S.A in D.D. 7, Tai Hang, Tai Po, New Territories**