

RNTPC Paper No. A/NE-TKL/617
for Consideration by the
Rural and New Town Planning
Committee on 5.7.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/617

- Applicant** : Mr. CHAN Wai Kin represented by Mr. HUI Kwan Yee
- Site** : Lot 265 S.J RP in D.D. 79, Ping Yeung Village, Ta Kwu Ling, New Territories
- Site Area** : 166.2 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed House (New Territories Exempted House (NTEH) - Small House)

1. The Proposal

1.1 The applicant, who claimed to be an indigenous villager of Ping Yeung of Ta Kwu Ling Heung¹, seeks planning permission to build a NTEH (Small House) on the application site (the Site) in Ping Yeung Village, Ta Kwu Ling (**Plans A-1 and A-2a**). The Site falls within an area zoned “AGR” on the approved Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/14. According to the Notes of the OZP, ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ is a Column 2 use within “AGR” zone requiring planning permission from the Town Planning Board (the Board).

1.2 Details of the proposed NTEH (Small House) are as follows:

Total Floor Area	: 195.09 m ²
Number of Storeys	: 3
Building Height	: 8.23 m
Roofed Over Area	: 65.03 m ²

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

¹ According to District Lands Officer/North, Lands Department (DLO/N, LandsD), the applicant has been certified by the Indigenous Inhabitants Representative in statutory declaration that the applicant is an indigenous villager of Ping Yeung in Ta Kwu Ling Heung. He advised that the subject Small House application was rejected in April 2019 under the NT Small House Policy as the Site falls outside the village environs ‘VE’ of Ping Yeung and “Village Type Development” (“V”) zone on the approved OZP.

1.4 In support of the application, the applicant has submitted the Application Form with attachment (**Appendix I**) and supplementary information (**Appendix Ia**) which were received by the Board on 15.5.2019 and 21.5.2019 respectively.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in part 9 of the Application Form in **Appendix I** and supplementary information in **Appendix Ia**. They can be summarised as follows:

- (a) the applicant is an indigenous villager of Ping Yeung village;
- (b) there is no alternative site for construction of his own Small House development; and
- (c) there are similar Small House applications approved in the vicinity of the Site.

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

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

4. Assessment Criteria

The set of Interim Criteria for Consideration of Application for New Territories Exempted House (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. The latest set of Interim Criteria, which was promulgated on 7.9.2007, is at **Appendix II**.

5. Previous Application

There is no previous application for the Site.

6. Similar Applications

6.1 There are 19 similar applications for Small House development within/partly within the “AGR” zone (**Plan A-1**) since the first promulgation of the Interim Criteria on 24.11.2000 (**Appendix II**).

6.2 Of 19 similar applications, three applications (No. A/NE-TKL/183, 369 and 383) were rejected by the Board on review/the Committee between February 2002 and December 2012 mainly on the considerations that the proposed Small House developments did not comply with the Interim Criteria as the footprints of the proposed Small Houses fell outside/ mainly outside the “V” zone and ‘VE’ of a recognised village; the applications were not in line with the planning intention of the “AGR” zone; and the approval of the applications would set undesirable precedents for similar applications.

6.3 For other 16 applications, 10 applications were approved with conditions by the

Committee of the Board between November 2001 and August 2013 (i.e. before a more cautious approach is adopted by the Board) (**Plan A-1**) mainly on the considerations that the applications complied with the Interim Criteria in that more than 50% of the footprints of the proposed Small Houses fell within the 'VE' and there was a general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of the same village; the proposed Small House developments were not incompatible with the surrounding rural and village environment; and the proposed developments were not expected to have significant adverse environmental and traffic impacts on the surrounding areas.

- 6.4 Four applications (No. A/NE-TKL/543 to 546) were approved by the Committee on 14.10.2016 (i.e. after a more cautious approach is adopted by the Board) (**Plan A-1**) on sympathetic consideration as the proposed Small Houses situated in close proximity to the sites of approved Small House applications (e.g. No. A/NE-TKL/438 and 440) though the land available within the "V" zone was able to meet the outstanding applications at the time of consideration. One application (No. A/NE-TKL/599) for 6 Small Houses was subsequently approved by the Committee on 19.10.2018 (i.e. after a more cautious approach is adopted by the Board) (**Plan A-1**) on sympathetic consideration as the proposed Small Houses were sandwiched by the aforementioned four Small House applications (No. A/NE-TKL/543 to 546) and considered as an infill Small House development at the fringe of the 'VE' while a new village cluster was forming in the locality though the land available within the "V" zone was able to meet the outstanding applications at the time of consideration. One application (No. A/NE-TKL/604) was approved by the Committee on 7.12.2018 (i.e. after a more cautious approach is adopted by the Board) (**Plan A-1**) on sympathetic consideration as the proposed Small House is located in close proximity to a number of existing Small Houses and approved Small House applications; and a new village cluster was forming in the locality though the land available within the "V" zone was able to meet the outstanding applications at the time of consideration.
- 6.5 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. The Site and Its Surrounding Area (Plans A-1, A-2a and A-2b, A-3 and A-4)

- 7.1 The Site is:
- (a) currently vacant, flat and overgrown with grass;
 - (b) located to the immediate west of the "V" zone and 'VE' of Ping Yeung Village (**Plan A-2a**); and
 - (c) accessible via a local road.
- 7.2 The surrounding area has the following characteristics:
- (a) predominantly rural in character where village houses and fallow agricultural land are found;
 - (b) to the immediate east is vacant land, car park and a rejected planning application No. A/NE-TKL/183 (**Plan A-2a**);

- (c) to the further east are village houses within the “V” zone of Ping Yeung Village with some fallow agricultural land and vacant land (**Plans A-2a and A-3**); and
- (d) to the north, west and south are fallow/active agricultural land with scattered tree groups (**Plans A-2a and A-3**).

8. Planning Intention

The planning intention of the “AGR” zone in Ping Che and Ta Kwu Ling area is to primarily 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 summarised in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone? - The Site - Footprint of the proposed Small House -	- - -	100% 100%	- The Site and footprint of the proposed Small House fall within an area zoned “AGR”.
2.	Within ‘VE’? - The Site - Footprint of the proposed Small House	- -	100% 100%	- DLO/N, LandsD advises that the Site falls entirely outside the ‘VE’ of Ping Yeung Village. - As the Site and the footprint of the proposed Small House fall outside both the “V” zone and the ‘VE’, DLO/N, LandsD objects to 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 the Small House demand in Ping Yeung Village: about 116.65 ha (equivalent to 4,666 Small House sites). The outstanding Small House applications for Ping Yeung Village are 66 ² while the 10-year Small House demand forecast for the same village is 4,600.

² Among the 66 outstanding Small House applications, 38 of them fall within the “V” zone and 28 straddle or outside the “V” zone. For those 28 applications straddling or being outside the “V” zone, 6 of them have obtained valid planning approval from the Board.

	Criteria	Yes	No	Remarks
	Sufficient land in “V” zone to meet outstanding Small House application?	✓		- Land available to meet the Small House demand within the “V” zone of Ping Yeung Village: about 5.36 ha (equivalent to 214 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 the agriculture point of view as the Site possesses potential for agricultural rehabilitation. The Site is currently a vacant land. Agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open field cultivation, greenhouses, etc.
5.	Compatible with surrounding area/ development?	✓		- The proposed development is not incompatible with surrounding rural setting and environment dominated by village houses and vegetated areas. (Plan A-2b) .
6.	Within Water Gathering Grounds (WGGs)?		✓	
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. The applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by LandsD.
9.	Traffic impact?	✓		- Commissioner for Transport (C for T) has reservation on the application and advises that Small House development should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the “V” zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				- Notwithstanding the above, the application only involves construction of one Small House. She considers that the application can be tolerated unless it is rejected on other grounds.
10.	Drainage impact?	✓		- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application and advises that an approval condition on the submission and implementation of drainage proposal is required.
11.	Sewage impact?		✓	- Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution.
12.	Landscaping impact?		✓	- 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.
13.	Local objection conveyed by DO?		✓	- District Officer (North) (DO(N)) advises that the 1 st Vice-Chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representatives (IIRs) and the Resident Representative (RR) of Ping Yeung support the application. The incumbent North District Council (NDC) member of the subject constituency has no comment on the application.

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

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

9.3 The following Government departments have no comment on the applications:

- (a) Chief Highway Engineer/New Territories East, Highways Department; and
- (b) Project Manager (North Development Office), Civil Engineering and Development Department.

10. Public Comments Received During Statutory Publication Period

On 24.5.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, five public comments were received (**Appendix V**). The Chairman of Sheung Shui District Rural Committee indicates no comment on the application and one NDC member supports the application as it meets the needs of the villager. The Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden and one individual object to the application mainly on the grounds that the proposed development is not in line with the planning intention of “AGR” zone; the proposed development does not comply with the Interim Criteria; there is land available in “V” zone of the village; and approval of the application would encourage ‘destroy first, develop later’ developments and set an undesirable precedent for similar applications in the area.

11. Planning Considerations and Assessments

- 11.1 The Site falls within an area zoned “AGR”. 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. It 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 agriculture point of view as the Site possesses potential for agricultural rehabilitation.
- 11.2 Based on DLO/N, LandsD’s records, the total number of outstanding Small House applications for Ping Yeung Village is 66 while the 10-year Small House demand forecast for the same village is 4,600. According to the latest estimate by PlanD, about 5.36 ha (equivalent to 214 Small House sites) of land are available in the “V” zone of Ping Yeung Village for Small House development (**Plan A-2b**). As the proposed Small House footprint falls entirely outside the ‘VE’ of Ping Yeung Village and the “V” zone concerned, DLO/N of LandsD objects to the application and advised that the subject Small House application was rejected in April 2019.
- 11.3 The Site is situated in an area of rural village character in close proximity to the existing village houses, and the proposed Small House development is not incompatible with the surrounding environment (**Plans A-2a and A-3**). CTP/UD&L, PlanD has no objection to the application as significant adverse impact arising from the proposed use on existing landscape resources is not anticipated. C for T considers that Small House development should be confined within the “V” zone as far as possible but given that the proposed development only involves the construction of one Small House, the application could be tolerated. Other Government departments consulted, including D of FS, CE/C of WSD and CE/MN of DSD, have no adverse comment on or no objection to the application.
- 11.4 Regarding the Interim Criteria (**Appendix II**), more than 50% of the footprint of the proposed Small House Development falls outside both the ‘VE’ and the “V” zone of the concerned village which would normally not be approved unless under very exceptional

circumstances (**Plan A-2a**). There is no justifications provided by the applicant that a very exceptional circumstances could be applied to the application. While land available within the “V” zone is insufficient to fully meet the future Small House demand, it is noted that land (about 5.36 ha or equivalent to 214 Small House sites) is still available within the “V” zone to meet the 66 outstanding Small House applications. It should be noted that the Board has adopted a more cautious approach in approving applications for Small House development in recent years. Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD. As such, it is considered more appropriate to concentrate the proposed Small House developments within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

- 11.5 There is no previous application for the Site. There is one similar application No. A/NE-TKL/183 in proximity to the Site (**Plan A-2a**), which was rejected by the Board on review in February 2002 mainly on the considerations that the proposed Small House development did not comply with the Interim Criteria as the footprint of the proposed Small Houses fell mainly outside the “V” zone and ‘VE’ of a recognised village; the application was not in line with the planning intention of the “AGR” zone; and the approval of the application would set undesirable precedents for similar applications. The circumstances of the current application are similar to the rejected application.
- 11.6 Regarding the adverse public comments as detailed in paragraph 10, the Government department’s comments and the planning assessment above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the local views and 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 in the Ping Che and Ta Kwu Ling area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and 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 “V” zone and the ‘VE’ of Ping Yeung Village; and
 - (c) land is still available within the “V” zone of Ping Yeung Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for 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 5.7.2023, 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 provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board; and
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and

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 the permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

14. Attachments

Appendix I	Application Form with Attachment received on 15.5.2019
Appendix Ia	Supplementary Information received on 21.5.2019
Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Similar s.16 Applications for Proposed House (NTEH – Small House) within/partly within the “Agriculture” zone in the Ping Che and Ta Kwu Ling Area
Appendix IV	Comments from Relevant Government Departments
Appendix V	Public Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available within the “V” zone of Ping Yeung Village for Small House Development
Plan A-3	Aerial Photo
Plan A-4	Site Photo

**Relevant Interim Criteria for Consideration of
Application for NTEH/Small House in New Territories
(promulgated on 7.9.2007)**

- (a) sympathetic consideration may be given if not less than 50% of the proposed NTEH/Small House footprint falls within the village 'environs' ('VE') of a recognized village and there is a general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of the village;
- (b) if more than 50% of the proposed NTEH/Small House footprint is located outside the 'VE', favourable consideration could be given if not less than 50% of the proposed NTEH/Small House footprint falls within the "V" zone, provided that there is a general shortage of land in meeting the demand for Small House development in the "V" zone and the other criteria can be satisfied;
- (c) development of NTEH/Small House with more than 50% of the footprint outside both the 'VE' and the "V" zone would normally not be approved unless under very exceptional circumstances (e.g. the application site has a building status under the lease, or approving the application could help achieve certain planning objectives such as phasing out of obnoxious but legal existing uses);
- (d) application for NTEH/Small House with previous planning permission lapsed will be considered on its own merits. In general, proposed development which is not in line with the criteria would normally not be allowed. However, sympathetic consideration may be given if there are specific circumstances to justify the cases, such as the site is an infill site among existing NTEHs/Small Houses, the processing of the Small House grant is already at an advance stage;
- (e) if an application site involves more than one NTEH/Small House, application of the above criteria would be on individual NTEH/Small House basis;
- (f) the proposed development should not frustrate the planning intention of the particular zone in which the application site is located;
- (g) the proposed development should be compatible in terms of land use, scale, design and layout, with the surrounding area/development;
- (h) the proposed development should not encroach onto the planned road network and should not cause adverse traffic, environmental, landscape, drainage, sewerage and geotechnical impacts on the surrounding areas. Any such potential impacts should be mitigated to the satisfaction of relevant Government departments;
- (i) the proposed development, if located within water gathering grounds, should be able to be connected to existing or planned sewerage system in the area except under very special circumstances (e.g. the application site has a building status under the lease or the applicant can demonstrate that the water quality within water gathering grounds will not be affected by the proposed development*);

- (j) the provision of fire service installations and emergency vehicular access, if required, should be appropriate with the scale of the development and in compliance with relevant standards; and
- (k) all other statutory or non-statutory requirements of relevant Government departments must be met. Depending on the specific land use zoning of the application site, other Town Planning Board guidelines should be observed, as appropriate.

*i.e. the applicant can demonstrate that effluent discharge from the proposed development will be in compliance with the effluent standards as stipulated in the Water Pollution Control Ordinance Technical Memorandum.

**Similar S.16 Applications for Proposed House (NTEH - Small House)
within/partly within the “Agriculture” zone in the vicinity of the Application Sites in the
Ping Che and Ta Kwu Ling Area**

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-TKL/180	Proposed New Territories Exempted House (NTEH) (Small House)	2.11.2001	A1, A2 & A13
A/NE-TKL/220	Proposed New Territories Exempted House (NTEH) (Small House)	25.10.2002	A1, A2 & A13
A/NE-TKL/240	Proposed New Territories Exempted House (NTEH) (Small House)	15.8.2003	A1, A3, A4 & A13
A/NE-TKL/269	Proposed House (New Territories Exempted House) (NTEH) (Small House)	15.4.2005	A1, A2, A5 & A13
A/NE-TKL/282	House (New Territories Exempted House) (NTEH) (Small House)	13.1.2006	A6, A7 & A13
A/NE-TKL/294	Proposed Houses (New Territories Exempted Houses (NTEHs) – Small Houses)	23.2.2007	A2, A8 & A13
A/NE-TKL/296	Proposed House (New Territories Exempted House (NTEH) – Small House)	27.4.2007	A2, A8, A9 & A13
A/NE-TKL/327	Proposed House (New Territories Exempted House - Small House)	6.11.2009	A2, A8, A10 & A13
A/NE-TKL/438	Proposed House (New Territories Exempted House - Small House)	2.8.2013	A2, A8 & A13
A/NE-TKL/440	Proposed House (New Territories Exempted House - Small House)	2.8.2013	A2, A8 & A13
A/NE-TKL/543	House (New Territories Exempted House - Small House)	14.10.2016	A2, A8, A11 & A13
A/NE-TKL/544	Proposed House (New Territories Exempted House - Small House)	14.10.2016	A2, A8, A11 & A13
A/NE-TKL/545	House (New Territories Exempted House - Small House)	14.10.2016	A2, A8, A11 & A13

A/NE-TKL/546	Proposed House (New Territories Exempted House - Small House)	14.10.2016	A2, A8, A11 & A13
A/NE-TKL/599	Proposed 6 Houses (New Territories Exempted Houses - Small Houses)	19.10.2018	A8, A11 & A13
A/NE-TKL/604	Proposed House (New Territories Exempted House - Small House)	7.12.2018	A2, A8, A12 & A13

Approval Conditions:

- A1 The provision of drainage facilities
- A2 The submission and implementation of landscaping proposals
- A3 The provision of fire services installations
- A4 The implementation of the approved landscaping proposals
- A5 The provision of emergency vehicular access and fire hydrants
- A6 The preservation of all existing trees and planting on site
- A7 The submission of drainage proposal and provision of drainage facilities
- A8 The submission and implementation of drainage proposal
- A9 The design and provision of firefighting access, water supplies and fire service installations
- A10 The provision of firefighting access, water supplies for firefighting and fire service installations
- A11 The connection of the foul water drainage system to the public sewers
- A12 The provision of septic tank
- A13 Commencement clause

Rejected Applications

Application No.	Uses/Development	Date of Consideration	Rejection Reasons
A/NE-TKL/183	Proposed New Territories Exempted House (NTEH) (Small House)	22.2.2002 (on review)	R1 - R3
A/NE-TKL/369	Proposed 3 Houses (New Territories Exempted Houses (NTEHs) - Small Houses)	2.9.2011	R4 - R6
A/NE-TKL/383	Proposed 2 Houses (New Territories Exempted Houses - Small Houses)	21.12.2012	R5, R7 & R8

Reasons for Rejection:

- R1 A large portion of the application site (about 97%) fell within an area zoned "Agriculture" ("AGR") with predominantly agricultural land. The proposed development was not in line with the planning intention of the "AGR" zone which was to retain and safeguard agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation. No strong justifications had been provided in the submission to merit a departure from the planning intention.
- R2 The proposed development did not comply with the interim criteria for assessing planning applications for New Territories Exempted House/Small House development in the New Territories in that only a small portion (about 3%) of the application site fell within the "Village Type Development" zone. Village development should be sited close to the village proper to ensure orderly development and provision of facilities.
- R3 The approval of the application would set an undesirable precedent for other similar applications.
- R4 The approval of the application would set an undesirable precedent for other similar applications within the "AGR" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment.
- R5 The proposed development was not in line with the planning intention of the "Agriculture" zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention.
- R6 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 footprint of each of the proposed Small Houses fell entirely outside the village 'environs' of a recognised village.
- R7 The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the application site and the proposed houses were entirely outside both the village 'environs' and the "Village Type Development" zone of recognised villages.
- R8 The approval of the application would cause adverse landscape and drainage impacts on the surrounding areas.

Detailed Comments from Relevant Government Departments

1. Land Administration

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site falls outside the 'VE' of Ping Yeung Village;
- (b) the applicant has been certified by the Indigenous Inhabitants Representative in statutory declaration that the applicant is an indigenous villagers of Ping Yeung in Ta Kwu Ling Heung;
- (c) the Site is not covered by any Modification of Tenancy/Building Licence;
- (d) the subject Small House application was submitted to his office and it was rejected in April 2019 under the NT Small House Policy as the Site falls outside the 'VE' of Ping Yeung and the "V" zone on the approved OZP. He objects to the subject planning application; and
- (e) the number of outstanding Small House applications and the number of 10-year Small House demand forecast (2017 to 2026) for Ping Yeung Village is 66 and 4,600 respectively.

2. Traffic

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

- (a) she has reservation on the application. Such type of development should be confined within the "Village Type Development" ("V") zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the "V" zone, if permitted, will set an undesirable precedent cases for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and
- (b) notwithstanding the above, the application involves the construction of one Small House. She considers that the subject application can be tolerated unless being rejected on other grounds.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) in view of the small scale of the proposed developments, the applications alone are unlikely to cause major pollution; and
- (b) the septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN 5/93 "Drainage Plans subject to Comment by the

Environmental Protection Department” and are duly certified by an Authorized Person.

4. Landscape

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

- (a) she has no objection to the application from the landscape planning perspective;
- (b) based on the aerial photo of 2018, the Site is situated in an area of rural landscape character surrounded by village houses and vegetated areas. No significant landscape resource of high sensitivity is observed within the Site;
- (c) in view of the above, significant adverse impact on existing landscape resources arising from this application is not anticipated. Moreover, existing village houses and some permitted small house developments are found in close proximity to the Site, the proposed development under this application is considered not entirely incompatible with the surrounding environment; and
- (d) it is noted that space within the Site is limited; there is insufficient space for meaningful landscaping. Should the Board approve the application, it is considered not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent.

5. Drainage

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

- (a) he has no objection to the application from the public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area; and
- (c) the Site is in an area where no public sewerage connection is available.

6. Fire Safety

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

- (a) he has 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.

7. Water Supply

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

- (a) he has no objection to the application; and

(b) for provision of water supply to the development, the applicant may need to extend his/her inside services to nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

(c) the standard pedestal hydrant cannot be provided in the vicinity of the Site.

8. **Agriculture**

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

The Site is a currently a vacant land. Agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open field cultivation, greenhouses, etc. As the Site possess the Site possesses potential for agricultural rehabilitation, the application is not supported from agriculture point of view.

9. **District Officer's Comments**

Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

The 1st Vice-Chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representatives (IIRs) and the Resident Representative (RR) of Ping Yeung support the application. The incumbent North District Council (NDC) member of the subject constituency has no comment on the application.

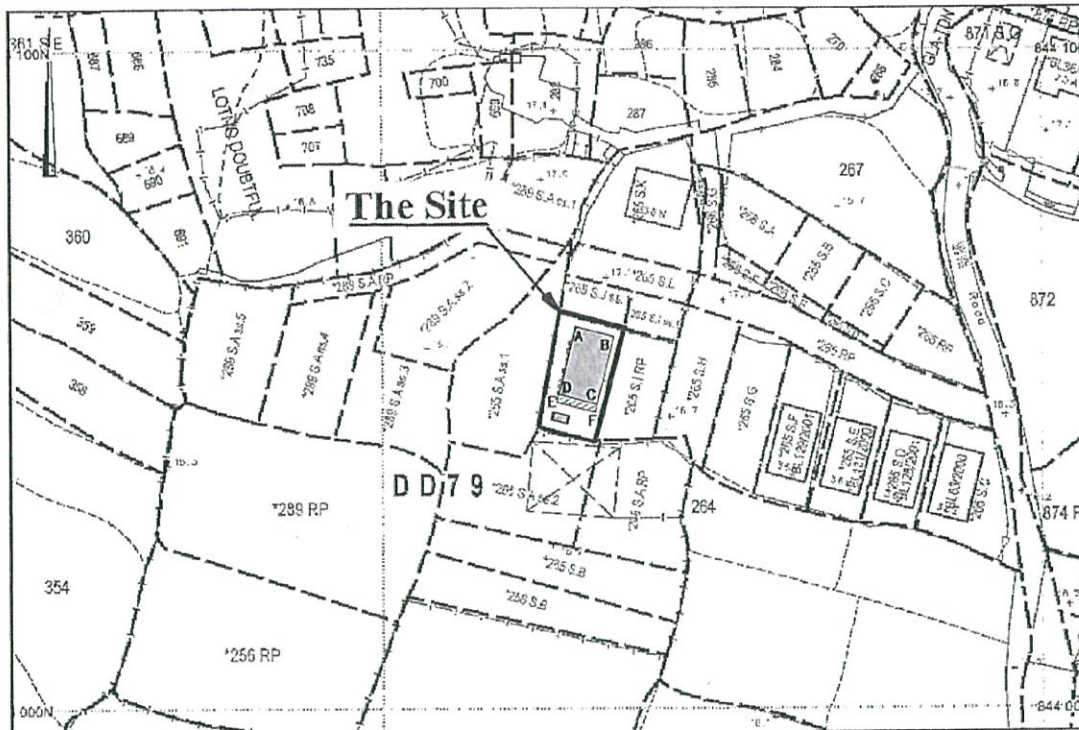
10. **Demand and Supply of Small House Site**

According to DLO/N's records, the total number of outstanding Small House applications for Ping Yeung Village is 66 while the 10-year Small House demand forecast for the same village is 4,600. According to the latest estimate by PlanD, about 5.36 ha (equivalent to about 214 Small House sites) of land are available within the "V" zone of Ping Yeung Village. There is insufficient land in the "V" zone of Ping Yeung Village to meet the future demand of Small Houses (i.e. about 116.65 ha of land which is equivalent to 4,666 Small House sites).

Recommended Advisory Clauses

- (a) to note the comments of CE/MN, DSD that the Site is in an area where no public sewerage connection is available;
- (b) to note the advice of DEP that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person; and the applicants should take appropriate measures to prevent contaminated surface runoff from being discharged into the streams during construction and operational stages of the Small Houses;
- (c) to note the comments of D of FS that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (d) to note the comments of CE/C, WSD that for provision of water supply to the development, the applicant may need to extend the inside services to nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (e) 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 265 S.J RP IN D.D.79



Proposed Balcony (6.096X1.22) Coloured Pink Area 65.0 square metres (About)
 Proposed Septic Tank

Scale 1: 1000-

Proposed Small House Dimensions: (Area = 65.0 sq.m)

Side	Bearing	Distance in Metres	Pt.	Co-ordinate Data (1980 Datum)		Remarks
				Northing (m)	Easting (m)	
A - B	104 24 01	6.096	A	844057.800	834629.269	
B - C	194 24 01	10.668	B	844056.285	834635.173	
C - D	284 24 01	6.096	C	844045.952	834632.521	
D - A	14 24 01	10.668	D	844047.467	834626.616	

Proposed Balcony

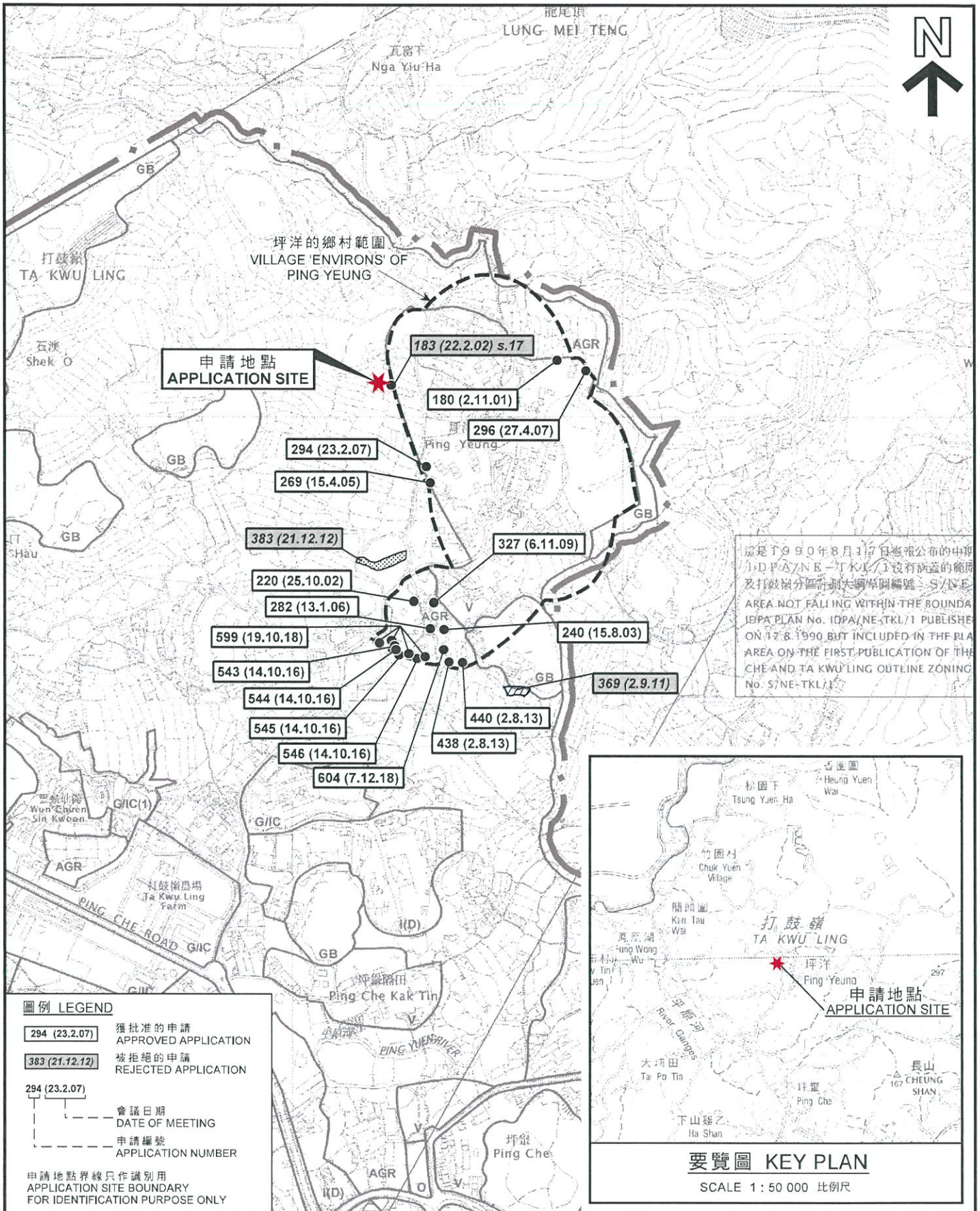
Side	Bearing	Distance in Metres	Pt.	Co-ordinate Data (1980 Datum)		Remarks
				Northing (m)	Easting (m)	
D - C	104 24 01	6.096	D	844047.467	834626.616	
C - E	194 24 01	1.220	C	844045.952	834632.521	
E - F	284 24 01	6.096	E	844044.770	834632.218	
F - D	14 24 01	1.220	F	844046.286	834626.313	

Survey District: NORTH	Survey Sheet No.: 3-NW-19A	Certified by: C. K. LAU MSc. FHKIS MRICS RPS(LS) ALS Authorized Land Surveyor Date: 12 April 2019
Ref. Plan: ---	Plan No.: DN/79/265JRP/SH	King Fung Surveying Company Tel.: 9302 7520 E-mail: swwingho@gmail.com
Ref. SRP No.: SRP/DN/008/0022/D1	Date: 11 April 2019	

參考編號
 REFERENCE No. **A/NE-TKL/617**

繪圖 **DRAWING A-1**

(來源： 附件 I)
 (Source : Appendix I)



位置圖 LOCATION PLAN

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
新界打鼓嶺坪洋村丈量約份第79約地段第265號J分段餘段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 265 S.J RP IN D.D. 79,
PING YEUNG VILLAGE, TA KWU LING, N.T.



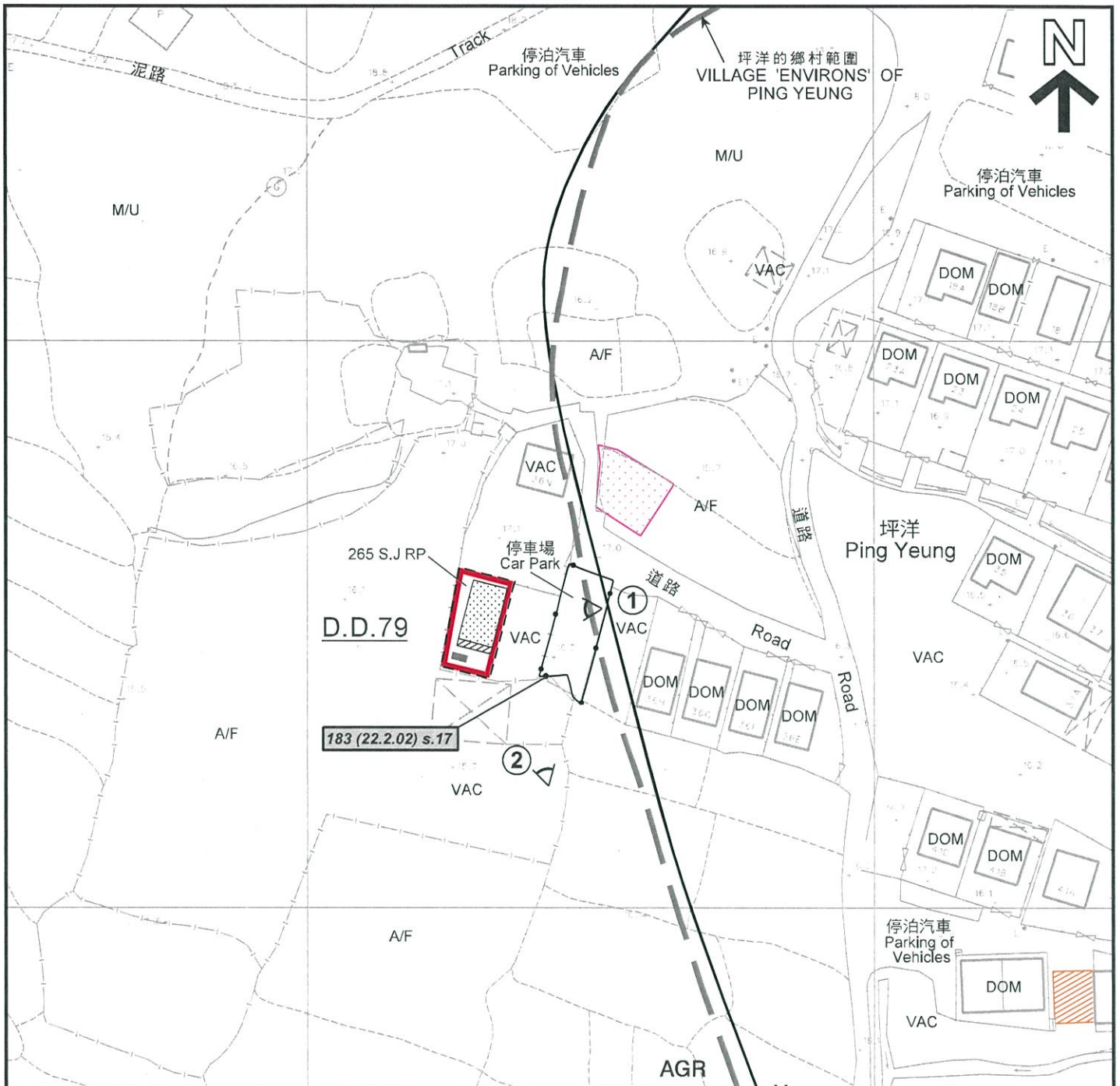
本摘要圖於2019年6月6日擬備，
所根據的資料為於2010年2月2日核准的
分區計劃大綱圖編號S/NE-TKL/14
EXTRACT PLAN PREPARED ON 6.6.2019
BASED ON OUTLINE ZONING PLAN
No. S/NE-TKL/14 APPROVED ON 2.2.2010

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-TKL/617

圖 PLAN
A-1



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

正在處理中的小型屋宇批地申請 (私人土地)
SMALL HOUSE GRANT APPLICATION
BEING PROCESSED (PRIVATE LAND)

獲批的小型屋宇批地申請
APPROVED SMALL HOUSE GRANT APPLICATION

實地照片的觀景點
VIEWING POINT OF SITE PHOTO

AGR 農業
AGRICULTURE

V 鄉村式發展
VILLAGE TYPE DEVELOPMENT

A/F 休耕農地
FALLOW AGRICULTURAL LAND

DOM 住用構築物
DOMESTIC STRUCTURE

M/U 荒地
UNUSED LAND

VAC 空置
VACANT

化糞池
SEPTIC TANK

183 (22.2.02) 被拒絕的申請
REJECTED APPLICATION

183 (22.2.02) 會議日期
DATE OF MEETING

申請編號
APPLICATION NUMBER

註釋 Notes :

(1) 2019年5月24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 24.5.2019

平面圖 SITE PLAN

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)
新界打鼓嶺坪洋村丈量約份第79約地段第265號J分段餘段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 265 S.J RP IN D.D. 79,
PING YEUNG VILLAGE, TA KWU LING, N.T.

SCALE 1 : 1 000 比例尺
米 METRES 20 0 20 40 米 METRES

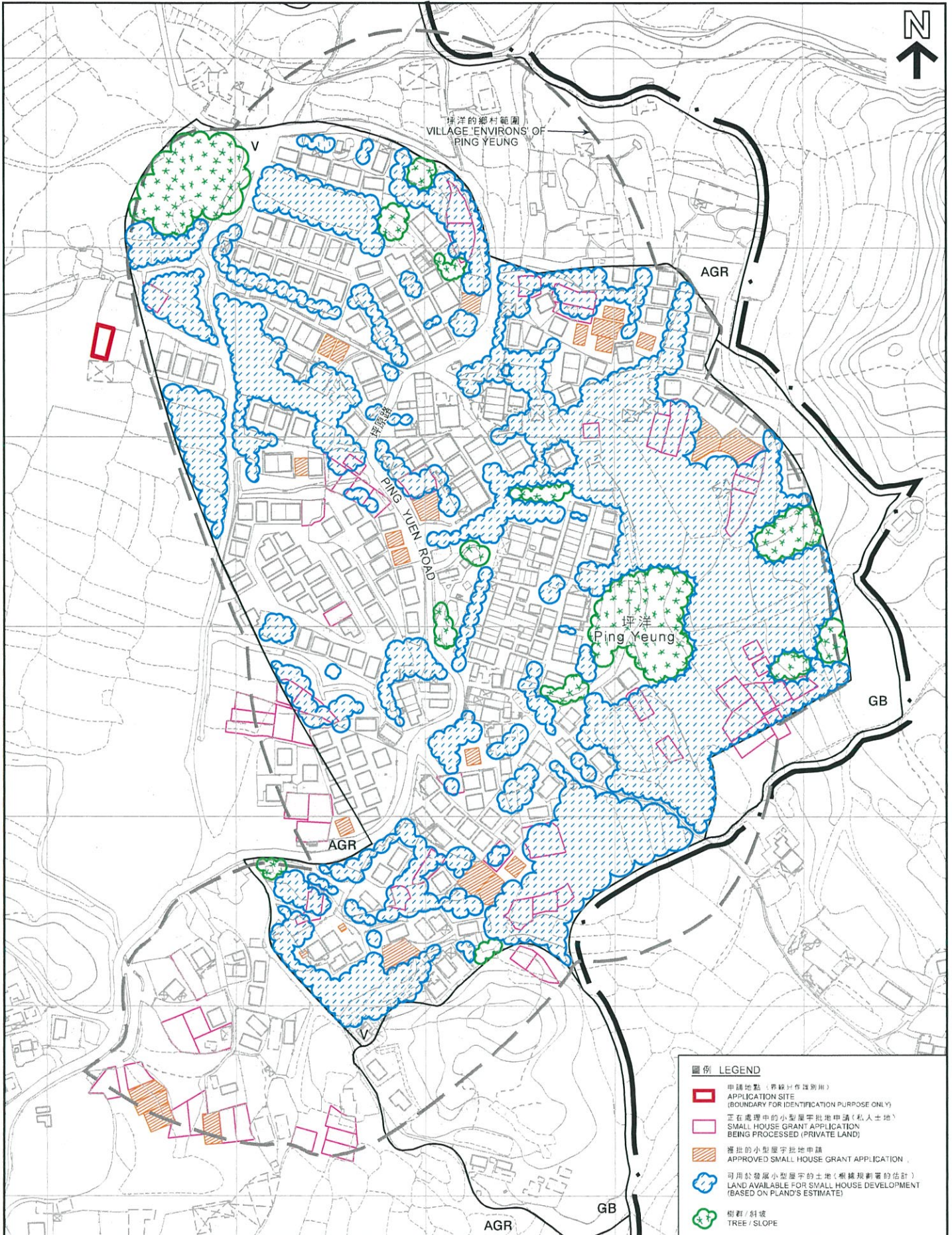
本摘要圖於2019年6月6日擬備，
所根據的資料為測量圖編號
3-NW-19A
EXTRACT PLAN PREPARED ON 6.6.2019
BASED ON SURVEY SHEET No.
3-NW-19A

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-TKL/617

圖 PLAN
A-2a



坪洋的鄉村範圍
VILLAGE 'ENVIRONS' OF
PING YEUNG

AGR

坪洋
Ping Yeung

GB

AGR

AGR

圖例 LEGEND

-  申請地點 (界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
-  正在處理中的小型屋宇批地申請 (私人土地)
SMALL HOUSE GRANT APPLICATION
BEING PROCESSED (PRIVATE LAND)
-  獲批的小型屋宇批地申請
APPROVED SMALL HOUSE GRANT APPLICATION
-  可用於發展小型屋宇的土地 (根據規劃署的估計)
LAND AVAILABLE FOR SMALL HOUSE DEVELOPMENT
(BASED ON PLAND'S ESTIMATE)
-  樹群/斜坡
TREE/SLOPE

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)
PROPOSED HOUSE (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 265 S.J RP IN D.D. 79, PING YEUNG VILLAGE, TA KWU LING N.T.



規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-TKL/617

圖 PLAN
A-2b

本摘要圖於2019年6月13日擬備，
所根據的資料為測量圖編號
3-NW-19A 及 19C
EXTRACT PLAN PREPARED ON 13.6.2019
BASED ON SURVEY SHEETS No.
3-NW-19A & 19C



圖例 LEGEND

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

本摘要圖於2019年6月6日擬備，
 所根據的資料為地政總署
 於2017年4月29日拍得的航攝照片
 編號E024161C
 EXTRACT PLAN PREPARED ON 6.6.2019
 BASED ON AERIAL PHOTO No. E024161C
 TAKEN ON 29.4.2017 BY
 LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)
 新界打鼓嶺坪洋村丈量約份第79約地段第265號J分段餘段
 PROPOSED HOUSE
 (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
 LOT 265 S.J RP IN D.D. 79,
 PING YEUNG VILLAGE, TA KWU LING, N.T.

規劃署
 PLANNING
 DEPARTMENT



參考編號
 REFERENCE No.
 A/NE-TKL/617

圖 PLAN
 A-3

1

申請地點
APPLICATION SITE



2

申請地點
APPLICATION SITE



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2019年6月6日擬備，所根據的資料為攝於2019年5月24日的實地照片
PLAN PREPARED ON 6.6.2019 BASED ON SITE PHOTOS TAKEN ON 24.5.2019

擬議屋宇（新界豁免管制屋宇-小型屋宇）
新界打鼓嶺坪洋村丈量約份第79約地段第265號J分段餘段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 265 S.J RP IN D.D. 79,
PING YEUNG VILLAGE, TA KWU LING, N.T.

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-TKL/617

圖 PLAN
A-4

Council member supported the application. Three objecting comments were received from the Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden and an individual. Major views 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 Site fell within an area zoned “Agriculture” (“AGR”) and the proposed Small House development was not in line with the planning intention of “AGR”. DAFC did not support the application as the Site possessed potential for agricultural rehabilitation. As the proposed Small House footprint fell entirely outside the ‘VE’ of Ping Yeung Village and the “V” zone concerned, DLO/N of LandsD objected to the application and advised that the subject Small House grant application was rejected in April 2019. The footprint of the proposed Small House Development fell entirely outside the VE and “V” zone of the concerned village and there was no justifications provided by the applicant that very exceptional circumstances could be applied to the application. Under the more cautious approach adopted in approving applications for Small House development in the recent years, it was considered more appropriate to concentrate the proposed Small House developments within the “V” zone. There was no previous application for the Site and only one similar application in the proximity of the Site which was rejected by the Board on review mainly because of non-compliance with the Interim Criteria. The circumstances of the current application were similar to the rejected application. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

59. Members had no question on the application.

Deliberation Session

60. 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” (“AGR”) zone in the Ping Che and Ta Kwu Ling area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and 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 Ping Yeung Village; and
- (c) land is still available within the “V” zone of Ping Yeung Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 19

Section 16 Application

[Open Meeting]

A/NE-TKLN/18 Proposed Temporary Vehicle Park (Coach and School Bus Only) for a Period of 3 Years in “Agriculture” and “Village Type Development” Zones, Lots 389 RP, 395 S.A, 395 RP, 396 S.A, 396 RP and 398 RP in D.D.78 and Adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling North
(RNTPC Paper No. A/NE-TKLN/18A)

61. The Committee noted that the applicant’s representative requested on 26.6.2019

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

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-TKL/617

By Post & Fax

19 July 2019

Hui Kwan Yee

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House)
in "Agriculture" Zone, Lot 265 S.J RP in D.D. 79, Ping Yeung Village, Ta Kwu Ling**

I refer to my letter to you dated 23.5.2019.

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 in the Ping Che and Ta Kwu Ling area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and 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 Ping Yeung Village; and
- (c) land is still available within the "V" zone of Ping Yeung Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for 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 5.7.2019, 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 9.8.2019). 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 Mr. Tim Fung of Sha Tin, Tai Po & North District Planning Office at 2158 6237.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

(With Chinese Translation)

傳 真 Fax: 2877 0245 / 2522 8426

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-TKL/617

郵遞及傳真函件

許軍兒

先生 / 女士：

擬在劃為「農業」地帶的打鼓嶺坪洋村
第 79 約地段第 265 號 J 分段餘段
興建屋宇(新界豁免管制屋宇—小型屋宇)

我曾於二零一九年五月二十三日發信給你。

城市規劃委員會(下稱「城規會」)在考慮這宗申請後，
決定拒絕這宗申請，理由是：

- (a) 有關發展不符合坪輦及打鼓嶺地區「農業」地帶的規劃意向。此地帶的規劃意向，主要是保存和保護良好的農地／農場／魚塘，以便作農業用途。設立此地帶的目的，亦是要保存在復耕及作其他農業用途方面具有良好潛力的休耕農地。申請書內沒有提出有力的規劃理據，以支持偏離此規劃意向；
- (b) 擬議發展不符合「評審新界豁免管制屋宇／小型屋宇發展規劃申請的臨時準則」，因為擬建小型屋宇的覆蓋範圍有超過 50% 在坪洋村的「鄉村式發展」地帶和「鄉村範圍」外；以及
- (c) 坪洋村的「鄉村式發展」地帶內仍有土地可供使用。該地帶內的土地主要預算供興建小型屋宇之用。為使發展模式較具條理，而在土地運用及基礎

設施和服務的提供方面較具經濟效益，把擬議小型屋宇發展集中在現有村落附近，會較為恰當。

隨函付上就這宗申請擬備的城規會文件(補充規劃綱領／技術報告(如有的話)除外)及二零一九年七月五日城規會會議記錄的相關摘錄的中英文本，以供參閱。

根據《城市規劃條例》第 17(1)條，申請人如因城規會的決定而感到不滿，可向城規會申請對有關決定進行覆核。如欲提出覆核申請，你須在本信發出日期起計 21 天內(即二零一九年八月九日或之前)通知我。其後，我會與你聯絡，邀請你及／或你授權的代表出席城規會的聆聽會。城規會須在收到覆核申請的日期起計三個月內考慮覆核申請。所有覆核申請均須予公布，為期三個星期，讓公眾提出意見。

根據《城市規劃條例》，城規會在覆核聆聽會上，只可因應申請人的進一步書面及／或口頭申述，重新考慮原來的申請。如你在現階段決定對原來的建議作出重大修改，便應根據《城市規劃條例》第 16 條的規定，就修改建議向城規會提交新的申請。

如對上述決定有任何疑問或需要進一步資料，請與沙田、大埔及北區規劃處馮天賢先生聯絡(電話：2158 6237)。

城市規劃委員會秘書
(簡志陶代行)

二零一九年七月十九日

**Similar S.16 Applications for Proposed House (NTEH - Small House)
within/partly within the “Agriculture” zone in the vicinity of the Application Sites in the
Ping Che and Ta Kwu Ling Area**

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-TKL/180	Proposed New Territories Exempted House (NTEH) (Small House)	2.11.2001	A1, A2 & A13
A/NE-TKL/220	Proposed New Territories Exempted House (NTEH) (Small House)	25.10.2002	A1, A2 & A13
A/NE-TKL/240	Proposed New Territories Exempted House (NTEH) (Small House)	15.8.2003	A1, A3, A4 & A13
A/NE-TKL/269	Proposed House (New Territories Exempted House) (NTEH) (Small House)	15.4.2005	A1, A2, A5 & A13
A/NE-TKL/282	House (New Territories Exempted House) (NTEH) (Small House)	13.1.2006	A6, A7 & A13
A/NE-TKL/294	Proposed Houses (New Territories Exempted Houses) (NTEHs) – Small Houses	23.2.2007	A2, A8 & A13
A/NE-TKL/296	Proposed House (New Territories Exempted House) (NTEH) – Small House	27.4.2007	A2, A8, A9 & A13
A/NE-TKL/327	Proposed House (New Territories Exempted House - Small House)	6.11.2009	A2, A8, A10 & A13
A/NE-TKL/438	Proposed House (New Territories Exempted House - Small House)	2.8.2013	A2, A8 & A13
A/NE-TKL/440	Proposed House (New Territories Exempted House - Small House)	2.8.2013	A2, A8 & A13
A/NE-TKL/543	House (New Territories Exempted House - Small House)	14.10.2016	A2, A8, A11 & A13
A/NE-TKL/544	Proposed House (New Territories Exempted House - Small House)	14.10.2016	A2, A8, A11 & A13

A/NE-TKL/545	House (New Territories Exempted House - Small House)	14.10.2016	A2, A8, A11 & A13
A/NE-TKL/546	Proposed House (New Territories Exempted House - Small House)	14.10.2016	A2, A8, A11 & A13
A/NE-TKL/599	Proposed 6 Houses (New Territories Exempted Houses - Small Houses)	19.10.2018	A8, A11 & A13
A/NE-TKL/604	Proposed House (New Territories Exempted House - Small House)	7.12.2018	A2, A8, A12 & A13

Approval Conditions:

- A1 The provision of drainage facilities
- A2 The submission and implementation of landscaping proposals
- A3 The provision of fire services installations
- A4 The implementation of the approved landscaping proposals
- A5 The provision of emergency vehicular access and fire hydrants
- A6 The preservation of all existing trees and planting on site
- A7 The submission of drainage proposal and provision of drainage facilities
- A8 The submission and implementation of drainage proposal
- A9 The design and provision of firefighting access, water supplies and fire service installations
- A10 The provision of firefighting access, water supplies for firefighting and fire service installations
- A11 The connection of the foul water drainage system to the public sewers
- A12 The provision of septic tank
- A13 Commencement clause

Rejected Applications

Application No.	Uses/Development	Date of Consideration	Rejection Reasons
A/NE-TKL/183	Proposed New Territories Exempted House (NTEH) (Small House)	22.2.2002 (on review)	R1 - R3
A/NE-TKL/369	Proposed 3 Houses (New Territories Exempted Houses (NTEHs) - Small Houses)	2.9.2011	R4 - R6
A/NE-TKL/383	Proposed 2 Houses (New Territories Exempted Houses - Small Houses)	21.12.2012	R5, R7 & R8
A/NE-TKL/619	Proposed House (New Territories Exempted House - Small House)	2.8.2019	R5 & R9

Reasons for Rejection:

- R1 A large portion of the application site (about 97%) fell within an area zoned “Agriculture” (“AGR”) with predominantly agricultural land. The proposed development was not in line with the planning intention of the “AGR” zone which was to retain and safeguard agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation. No strong justifications had been provided in the submission to merit a departure from the planning intention.
- R2 The proposed development did not comply with the interim criteria for assessing planning applications for New Territories Exempted House/Small House development in the New Territories in that only a small portion (about 3%) of the application site fell within the “Village Type Development” zone. Village development should be sited close to the village proper to ensure orderly development and provision of facilities.
- R3 The approval of the application would set an undesirable precedent for other similar applications.
- R4 The approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment.
- R5 The proposed development was not in line with the planning intention of the “Agriculture” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention.
- R6 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 footprint of each of the proposed Small Houses fell entirely outside the village ‘environs’ of a recognised village.
- R7 The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the

application site and the proposed houses were entirely outside both the village 'environs' and the "Village Type Development" zone of recognised villages.

- R8 The approval of the application would cause adverse landscape and drainage impacts on the surrounding areas.
- R9 Land was still available within the "Village Type Development" zone of Ping Yeung where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.

Recommended Advisory Clauses

- (a) to note the comments of CE/MN, DSD that the Site is in an area where no public sewerage connection is available;
- (b) to note the advice of DEP that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” and are duly certified by an Authorized Person;
- (c) to note the comments of D of FS that the applicant should observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (d) to note the comments of CE/C, WSD that for provision of water supply to the development, the applicant may need to extend the inside services to nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards; and
- (e) 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.