

RNTPC Paper No. A/I-MWF/31
For Consideration by the
Rural and New Town Planning
Committee on 4.10.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/I-MWF/31

- Applicants** : LAM Ka Ho and LAM Ka Ki represented by LAM Ka Ho
- Site** : Lots No. 1040 s.B and 1040 s.C in D.D.1 MW, Tai Tei Tong Village, Mui Wo, Lantau
- Site Area** : 322 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Mui Wo Fringe Outline Zoning Plan (OZP) No. S/ I-MWF/10
- Zoning** : “Agriculture” (“AGR”) (about 62%) and
“Village Type Development” (“V”) (about 38%)
- Application** : Proposed Houses (New Territories Exempted Houses (NTEHs) - Small Houses)

1. The Proposal

- 1.1 The applicants, who claimed to be indigenous villagers¹, seek planning permission to build two proposed NTEHs (Small Houses) on the application site (the Site) in Tai Tei Tong Village, Mui Wo (Plans A-1 and A-2a). The Site falls within an area zoned “AGR” and “V” on the approved Mui Wo Fringe OZP No. S/I-MWF/10. 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)’ in “AGR” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board).
- 1.2 Details of each of the two proposed NTEHs (Small Houses) 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 Layouts of the two proposed Small Houses (including septic tanks) are shown on Drawings A-1 and A-2 respectively. The applicants indicate that the uncovered areas of the Site are proposed to be used as a garden.

¹ As advised by District Lands Officer/Islands, Lands Department (DLO/Is, LandsD), the applicants have claimed themselves as indigenous villagers of Tai Tei Tong Village but their statuses have not yet been verified.

1.4 In support of the application, the applicants have submitted the following documents:

- (a) Application Form with attachments received on 5.8.2019 and (Appendix I) supplementary information
- (b) Further Information (FI) received on 22.8.2019 (accepted and (Appendix Ia) exempted from publication)
- (c) FI received on 17.9.2019 (accepted and exempted from (Appendix Ib) publication)

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in Part 9 of the Application Form and FIs at Appendices I to Ib respectively. They can be summarized as follows:

- (a) the available land in Tai Tei Tong Village for development of Small House is close to saturation. Also, the available land for Small House development is limited due to the recent judicial review of the Small House Policy which has led to Lands Department's suspension in processing Small House application on government land;
- (b) the Lands Department had previously approved Small House grants for several lots which were located outside the village environs of Tai Tei Tong Village in the 1970s/80s. It is hoped that the Board would give similar consideration to the subject application based on the precedent cases;
- (c) the applicants confirm that septic tanks would be adopted for sewage treatment of the proposed houses. The applicants are also committed to connect the proposed Small Houses to the public sewerage system when it is available in future; and
- (d) the applicants claim that they have applied to District Officer/Islands, Home Affairs Department (DO/Islands, HAD) and CLP Power Hong Kong Limited to alter the alignment of the existing footpaths (Plan A-2a) and location of the existing lamp pole and electricity pipeline that would be affected by the proposed Small Houses so that the provision of such infrastructure would not be disrupted.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicants are the "current land owners" of their respective lots. 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 at the Site.

6. **Similar Application**

There is no similar application within the same “AGR” zone.

7. **The Site and Its Surrounding Areas (Plans A-1 to A-3 and site photos on Plans A-4)**

7.1 The Site is:

- (a) flat and an active farmland;
- (b) partly encroaching onto existing footpaths;
- (c) located in proximity to the village cluster of Tai Tei Tong Village; and
- (d) accessible via an village road and a footpath.

7.2 The surrounding areas have the following characteristics:

- (a) mainly surrounded by agricultural land, scattered tree groups and village houses;
- (b) to the immediate west is an active agricultural land;
- (c) to the northeast are some temporary structures; and
- (d) to the further south (about 40m) is the village cluster of Tai Tei Tong Village in the “V” zone.

8. **Planning Intentions**

8.1 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.

8.2 The planning intention of the “V” zone is to designate both existing recognise 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.

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.	<p>Within "V" zone?</p> <ul style="list-style-type: none"> - The Site <ul style="list-style-type: none"> i. Lot No. 1040 s.B ii. Lot No. 1040 s.C - Footprints of the proposed Small Houses <ul style="list-style-type: none"> i. Lot No. 1040 s.B ii. Lot No. 1040 s.C 	<p>32.7%</p> <p>42.1%</p> <p>50.7%</p> <p>53.3%</p>	<p>67.3%</p> <p>57.9%</p> <p>49.3%</p> <p>46.7%</p>	<p>The Site and the footprints of the proposed Small Houses fall partly within the "V" zone and partly within "AGR" zone.</p>
2.	<p>Within 'VE'?</p> <ul style="list-style-type: none"> - The Site <ul style="list-style-type: none"> i. Lot No. 1040 s.B ii. Lot No. 1040 s.C - Footprints of the proposed Small Houses <ul style="list-style-type: none"> i. Lot No. 1040 s.B ii. Lot No. 1040 s.C 	<p>-</p> <p>5.7%</p> <p>-</p> <p>-</p>	<p>100%</p> <p>94.3%</p> <p>100%</p> <p>100%</p>	<p>District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) advises that the footprints of the proposed Small Houses fall outside the 'VE' of any recognised village.</p>
3.	<p>Sufficient land in "V" zone to meet Small House demand (outstanding Small House application plus 10-year Small House demand)?</p>		<p>✓</p>	<p><u>Land Required</u></p> <ul style="list-style-type: none"> - Land required to meet the Small House demand in Tai Tei Tong Village: about 3.85 ha (equivalent to 154 Small House sites). The outstanding Small House applications and 10-year Small House demand forecast for Tai Tei Tong Village are 23 and 131 respectively. <p><u>Land Available</u></p> <ul style="list-style-type: none"> - Land available to meet the Small House demand within the "V" zone of Tai Tei Tong Village: about 0.83ha (equivalent to 33 Small House sites) (Plan A-2b).
	<p>Sufficient land in "V" zone to meet outstanding Small House application?</p>	<p>✓</p>		
4.	<p>Compatible with the planning intention of "AGR" zone?</p>		<p>✓</p>	<ul style="list-style-type: none"> - The Director of Agriculture, Fisheries and Conservation (DAFC) advises that the Site is now actively used for farming activities. The subject lots possess potential for agricultural rehabilitation, considering the accessibility and availability of water source.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				Therefore, the application is not supported from agriculture perspective.
5.	Compatible with surrounding area/ development?	✓		The proposed Small Houses are not incompatible with the surrounding rural setting and environment dominated by agricultural land and village houses (Plan A-3).
6.	Within Water Gathering Grounds (WGGs)?		✓	
7.	Encroachment onto planned road networks and public works boundaries?		✓	The Site encroaches onto existing footpaths as shown on Plan A-2a .
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	The Director of Fire Services has no in-principle objection to the application. The applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD.
9.	Traffic impact?		✓	Since the applicants only seek planning approval for two proposed houses at the Site, the Commissioner for Transport considers that the application can be tolerated from the traffic engineering point of view.
10.	Drainage impact?		✓	The Chief Engineer/Hong Kong & Islands, Drainage Services Department has no comment on the proposed Small House development.
11.	Sewerage impact?		✓	The Director of Environmental Protection has no objection to the application.
12.	Landscaping impact?		✓	<ul style="list-style-type: none"> - The Chief Town Planner / Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the application from the landscape planning perspective. - The Site is currently used for agriculture and no existing tree is observed within the Site. The Site is situated in a rural inland

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				<p>landscape character surrounded by village houses and shrubland with individual tree groups scattered within the area. The proposed development is not incompatible with the surrounding environment.</p> <p>- In consideration of the limited space within the Site, implementation of effective landscape treatment to enhance public realm is not practicable. It is considered not necessary to impose a landscape condition should the application be approved by the Board.</p>
13.	Local objections conveyed by DO?		✓	

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 V**.

- (a) District Lands Officer/Islands, Lands Department;
- (b) Commissioner for Transport;
- (c) Director of Environmental Protection;
- (d) Chief Town Planner/Urban Design and Landscape, Planning Department;
- (e) Director of Fire Services;
- (f) Chief Engineer/Construction, Water Supplies Department;
- (g) Director of Agriculture, Fisheries and Conservation;
- (h) Chief Engineer/Construction, Water Supplies Department;
- (i) Head of Sustainable Lantau Office, Civil Engineering and Development Department; and
- (j) District Officer (Islands), Home Affairs Department.

9.3 The following government departments have no comment on the application:

- (a) Chief Engineer/Consultants Management, Drainage Services Department;
- (b) Chief Engineer/Hong Kong & Islands, Drainage Services Department; and
- (c) Chief Highway Engineer/New Territories East, Highways Department.

10. Public Comments Received During Statutory Publication Period

On 13.8.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, five public comments were received (**Appendix VI**). Kadoorie Farm and Botanic Garden, Hong Kong Bird Watching Society, World Wide Fund – Hong Kong and Designing Hong Kong Limited and an individual raise objection to the application mainly on the grounds that the proposed development is not in line with the

planning intention of “AGR” zone; approval of the application would set undesirable precedent to future similar applications and the proposed Small Houses should be located close to the village proper.

11. Planning Considerations and Assessments

- 11.1 The application is for development of two Small Houses. Although about half of the footprints of the proposed Small Houses fall within the “V” zone, majority of the Site fall within the “AGR” zone. The proposed development is not in line with the planning intention of the “AGR” zone which is intended 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. DAFC advises that the Site is now actively used for farming activities and possesses potential for agricultural rehabilitation. As such, he does not support the application from the agriculture perspective.
- 11.2 Regarding the Interim Criteria (**Appendix II**), the footprints of the proposed Small Houses fall entirely outside the ‘VE’ of Tai Tei Tong Village whereas more than 50% of the footprints fall within the “V” zone (**Plan A-2a**). According to DLO/Is, LandsD’s, the total number of outstanding Small House applications for Tai Tei Tong Village is 23. As advised by the Indigenous Inhabitant Representative, the 10-year Small House demand forecast for Tai Tei Tong Village is 131. As such, the total estimated Small House forecast for the village is 154 (or equivalent to about 3.85ha of land). According to the latest estimate by PlanD, about 0.83 ha of land (equivalent to 33 Small House sites) are available in the “V” zone of Tai Tei Tong Village for Small House development (**Plan A-2b**). While land available within the “V” zone is insufficient to fully meet the future Small House demand, 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 development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.
- 11.3 The Site is situated in an area of rural landscape character surrounded by agricultural land, scattered tree groups and village houses. The proposed Small Houses are considered not incompatible with the surrounding environment (**Plans A-3 and A-4**). Relevant government departments have no adverse comment on or objection to the application. However, as the Site is actively used for farming activities and possesses potential for agricultural rehabilitation, approval of the application would set an undesirable precedent to encourage similar applications involving active agricultural land within the “AGR” zone. The cumulative effect of approving such applications will result in loss of suitable land for agricultural purposes in the area.
- 11.4 Regarding the objections received from the public as detailed in paragraph 10, the planning assessments as set out in paragraphs 11.1 to 11.3 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reasons:
- (a) the proposed development is not in line with the planning intention of the “AGR” zone in the Mui Wo Fringe 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 such planning intention;
 - (b) land is still available within the “V” zone of Tai Tei Tong 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; and
 - (c) approval of the application would set an undesirable precedent to encourage similar applications involving active agricultural land within the “AGR” zone. The cumulative effect of approving such applications will result in loss of suitable land for agricultural purposes in the area.
- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 4.10.2023, 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 condition of approval and advisory clauses are also suggested for Members' reference:

Approval Condition

The provision of septic tank, as proposed by the applicants, at a location to the satisfaction of the Director of Lands or of the Town Planning Board.

Advisory Clauses

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

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 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.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

14. Attachments

Appendix I	Application Form with attachments received on 5.8.2019 and supplementary information
Appendix Ia	Further Information received on 22.8.2019
Appendix Ib	Further Information received on 17.9.2019
Appendix II	Interim Criteria for Consideration of Application for New Territories Exempted House /Small House in New Territories
Appendix III	Detailed Comments from Relevant Government Departments
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawings A-1 to A-2	Layout Plans
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available within the "V" zone of Tai Tei Tong Village for Small House Development
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2019**

**Relevant Revised Interim Criteria for Consideration of Application for
NTEH/Small House in the 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.

Comments from Relevant Government Departments

1. Land Administration

Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):

- (a) he has no in-principle objection to the application;
- (b) the two subject lots are held under Block Government Lease demised for agricultural uses;
- (c) the respective footprints of the two proposed Small Houses are outside the village environs ('VE') of any recognised village;
- (d) the 10-year forecast of Small House demand of Tai Tei Tong Village is 131 for the period from 1 January 2019 to 31 December 2028. Please note that the figure of 10-year forecast of Small House demand is estimated and provided by the Indigenous Inhabitant Representative (IIR) and the information so obtained has not been in any way verified by his office;
- (e) the number of outstanding Small House applications for sites within the "V" zone and straddling / outside "V" zone is 23 as at 23 August 2019;
- (f) the applicant, LAM Ka Ho, who submitted a Small House application in respect of Lot No. 1040 S.C in D.D. 1 MW in 2018, has claimed himself as an indigenous villager (IV) of Tai Tei Tong Village but his IV status has not been verified yet. The registered owner of Lot No. 1040 S.B, LAM Ka Ki, who submitted a Small House application to his office in 2015 and subsequently changed the Small House application site to Lot No. 1040 S.B in D.D. 1 MW in 2018, has claimed himself as an IV of Tai Tei Tong Village. However, his IV status has not yet been verified; and
- (g) if and after planning approval is given by the Town Planning Board (the Board) to the application, his office will continue to process the two Small House applications in accordance with the established procedures. However, there is no guarantee that the two Small House applications would be approved. If the two Small House applications are approved by the LandsD acting in the capacity as landlord at its sole discretion, the approvals will be subject to such terms and conditions as may be imposed by LandsD. Please also note that there is no guarantee of right of way to the Small House sites concerned or approval of any Emergency Vehicular Access thereto..

2. Traffic

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

- (a) since the applicants only seek planning approval for two proposed houses at the Site, he considers that the proposed development can be tolerated from traffic engineering point of view; and
- (b) the access roads in the vicinity of the Site are not managed by Transport Department.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) she has no objection to the application; and
- (b) the applicant is reminded to design and operate the septic tank and /or soakaway system following the requirements in Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department", including the percolation test, sufficient clearance distances from sensitive receivers and certifications by 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 landscape planning perspective;
- (b) according to the aerial photo of 2018, the Site is currently used for agriculture and no existing tree is observed within the Site. The Site is situated in a rural inland landscape character surrounded by village houses and shrubland with individual tree groups scattered within the area. The proposed development is not incompatible with the surrounding environment; and
- (c) in consideration of limited space within the Site, implementation of effective landscape treatment to enhance the public realm seems not practicable. It is considered not necessary to impose any landscape condition should the application be approved by the Board.

5. Fire Safety

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

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

6. Water Supply

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

- (a) he has no objection to the application; and
- (b) the water main located within the Site is trunk main (**Plan A-2a**). In addition, the areas close to the Site are private lots such that the diversion of which is technically not feasible from operation and maintenance perspective. Therefore, we have no in-principle objection to the planning application provided that the applicants agree to fulfil the following requirements from waterworks operation and maintenance points of view:

- (i) existing water mains are affected as indicated on **Plan A-2a** and no development which requires resiting of water mains will be allowed;
- (ii) details of site formation work shall be submitted to the Director of Water Supplies (D of WS) for approval prior to commencement of works;
- (iii) no structures shall be built or materials stored within 1.5m from the centre line(s) of water main(s) shown on **Plan A-2a**. Free access shall be made available at all times for staff of the D of WS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
- (iv) no trees or shrubs with penetrating roots shall be planted within 1.5m from the centre line(s) of water main(s) as shown on **Plan A-2a**. No change of existing site condition shall be undertaken within the aforesaid area without the prior agreement of the D of WS;
- (v) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
- (vi) tree planting may be prohibited at specific location if the existing water mains in the vicinity are found vulnerable to such tree planting.

7. Agriculture

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

- (a) the application is not supported from agriculture perspective; and
- (b) the Site is now actively used for farming activities. Besides, the subject lots possess potential for agricultural rehabilitation, considering the accessibility and availability of water source.

8. Others

Comments of the Head of Sustainable Lantau Office, Civil Engineering and Development Department (H(SLO), CEDD):

- (a) his office has no comment on the application for the proposed small houses development, noting that the Site falls within an area zoned "Village Type Development" and "Agriculture" on the Mui Wo Fringe Outline Zoning Plan;
- (b) in view that there are frequent complaints of disposal of construction wastes in South Lantau resulting in damage to the natural environment, and the future small houses development would inevitably trigger construction waste, should the application be approved, the applicants should be reminded on the proper disposal of Construction and Demolition (C&D) wastes during the construction works.

9. **District Officer's Comments**

Comments of the District Officer (Islands), Home Affairs Department (DO(Is), HAD):

please note that his office has no comment on the subject application given that the applicants will provide an alternative route to public if the existing footpaths will be blocked due to the proposed development.

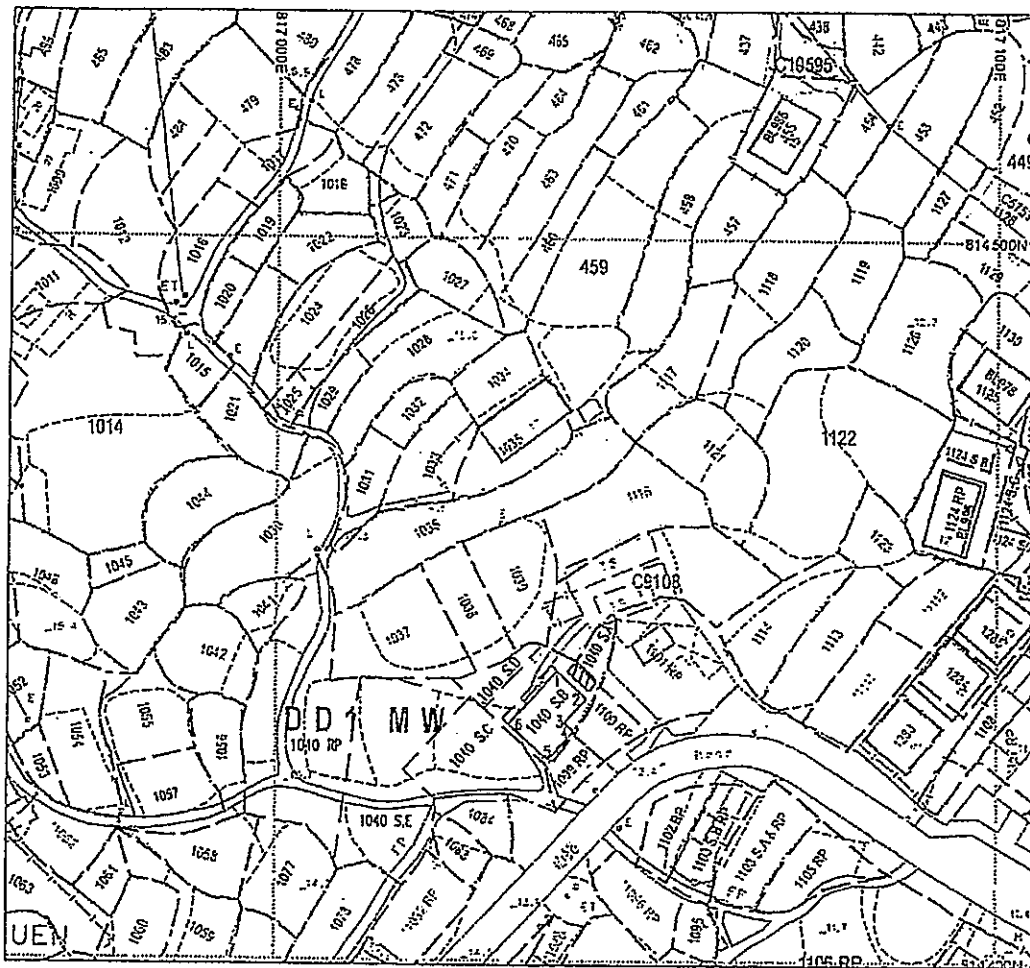
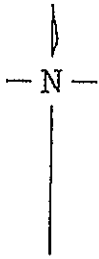
10. **Demand and Supply of Small House Sites**

According to DLO/Is, LandsD, the total number of outstanding Small House applications for Tai Tei Tong Village is 23 while the 10-year Small House demand forecast for Tai Tei Tong Village is 131. According to the latest estimate by PlanD, about 0.83 ha of land (equivalent to 33 Small House sites) are available in the "V" zone of Tai Tei Tong Village for Small House development. Therefore, the land available in Tai Tei Tong Village cannot fully meet the future Small House demand for 154 Small House sites but all the outstanding Small House applications.

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that his office will continue to process the two Small House applications in accordance with the established procedures. However, there is no guarantee that the two Small House applications would be approved. If the two Small House applications are approved by the LandsD acting in the capacity as landlord at its sole discretion, the approvals will be subject to such terms and conditions as may be imposed by LandsD. Please also note that there is no guarantee of right of way to the Small House sites concerned or approval of any Emergency Vehicular Access thereto;
- (b) to note the comments of the Director of Environmental Protection (DEP) that the applicants are reminded to design and operate the septic tank and /or soakaway system following the requirements in Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department", including the percolation test, sufficient clearance distances from sensitive receivers and certifications by Authorized Person;
- (c) to note the comments of the Director of Fire Services (D of FS) that the applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department. Detailed fire safety requirements will be formulated upon receipt of formal application referred by Lands Department;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the water main located within the application site is trunk main. In addition, the areas close to the application site are private lots such that the diversion of which is technically not feasible from operation and maintenance perspective. The applicants are reminded to observe CE/C, WSD's following requirements:
- (i) the existing water mains are affected as indicated on **Plan A-2a** and no development which requires resiting of water mains will be allowed;
 - (ii) details of site formation work shall be submitted to the Director of Water Supplies (D of WS) for approval prior to commencement of works;
 - (iii) no structures shall be built or materials stored within 1.5m from the centre line(s) of water main(s) shown on the **Plan A-2a**. Free access shall be made available at all times for staff of the D of WS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (iv) no trees or shrubs with penetrating roots shall be planted within 1.5m from the centre line(s) of water main(s) as shown on **Plan A-2a**. No change of existing site condition shall be undertaken within the aforesaid area without the prior agreement of the D of WS;
 - (v) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
 - (vi) tree planting may be prohibited at specific location if the existing water mains in the vicinity are found vulnerable to such tree planting.
- (e) to note the comments of the Head of Sustainable Lantau Office, Civil Engineering and Development Department (H(SLO), CEDD) that the applicants are reminded on the proper disposal of construction and demolition wastes during the construction works.

Proposed House on Lot 1040 S.B in D.D.1 MW
Tai Tei Tong, Mui Wo, Lantau



Scale 1 : 1000

Plan No. : HPL2519/1040B/H1
Location : Tai Tei Tong, Mui Wo, Lantau
Project : Proposed House Location

Note:




1. Hong Kong Geodetic Datum 1980 Grid
2. All levels refer to Principal Datum Hong Kong
3. All units in metres
4. Lot boundary refer to SRP/IS/061/0300/01

Proposed House on Lot 1040 S.B in D.D.1 MW:

Side	Bearing	Distance	Northing	Easting	Point
1-2	132 32 16	5.581	814440.066	817039.112	1
2-3	222 32 16	4.507	814436.293	817043.224	2
3-4	132 32 16	1.727	814432.972	817040.177	3
4-5	222 32 16	5.456	814431.805	817041.450	4
5-6	312 32 16	7.308	814427.784	817037.761	5
6-1	42 32 16	9.963	814432.725	817032.376	6

Coloured Pink Area 65.03m² (About)

Legend:

-  Proposed House
-  Septic Tank
-  Balcony (1.22mx9.963m)

Prepared by
Helen Chan Professionals Land Survey Limited



Helen Chan
ALS, MRICS, MHKIS, RPS(LS)
Date: 23rd March 2018

參考編號

REFERENCE No.

A/I-MWF/31

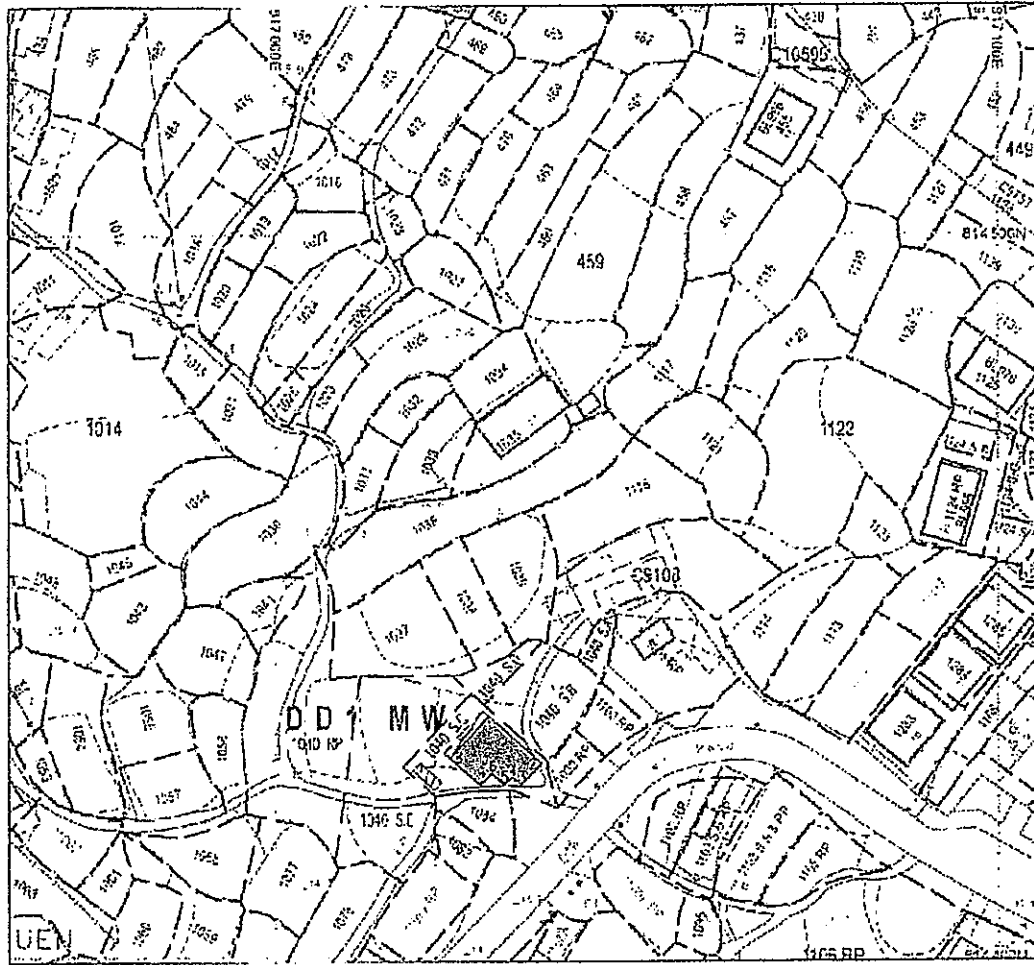
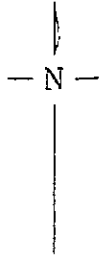
繪圖

DRAWING

A - 1

(來源 : 申請人於2019年8月5日提交)
(SOURCE : SUBMITTED BY APPLICANT ON 5.8.2019)

Proposed House on Lot 1040 S.C in D.D.1 MW Tai Tei Tong, Mui Wo, Lantau



Scale 1 : 1000

Plan No. : HF 2519/1040C/H1
 Location : Tai Tei Tong, Mui Wo, Lantau
 Project : Proposed House Location

- Note**
1. Hong Kong Geodetic Datum 1980 Grid
 2. All elevations refer to Principal Datum - Hong Kong
 3. All units in metres
 4. Lot boundary refer to SRP/IS/061/0300/31

Proposed House on Lot 1040 S.C in D.D.1 MW:

Side	Bearing	Distance	Northing	Easting	Point
1-2	152 32 16	9.718	814433.254	817029.591	-
2-3	222 32 16	4.107	814426.684	817036.741	2
3-4	312 32 16	1.655	814423.657	817033.965	3
4-5	222 32 16	1.513	814424.777	817032.745	4
5-6	312 32 16	2.425	814423.662	817031.722	5
6-7	222 32 16	2.291	814425.300	817029.937	5
7-8	312 32 16	5.840	814423.612	817028.388	7
8-1	42 32 16	7.911	814427.425	817024.233	8

Colour Pink Area 65.23m² (About)

Legend:

- Proposed House
- Septic Tank
- Balcony (1.22mx7.911m)

Prepared by
Hein Chan Professional Land Survey Limited



Hein Chan
 A.S., M.R.I.C.S., M.H.K.S., R.P.S.(S)
 Date: 23rd March 2018

參考編號

REFERENCE No.

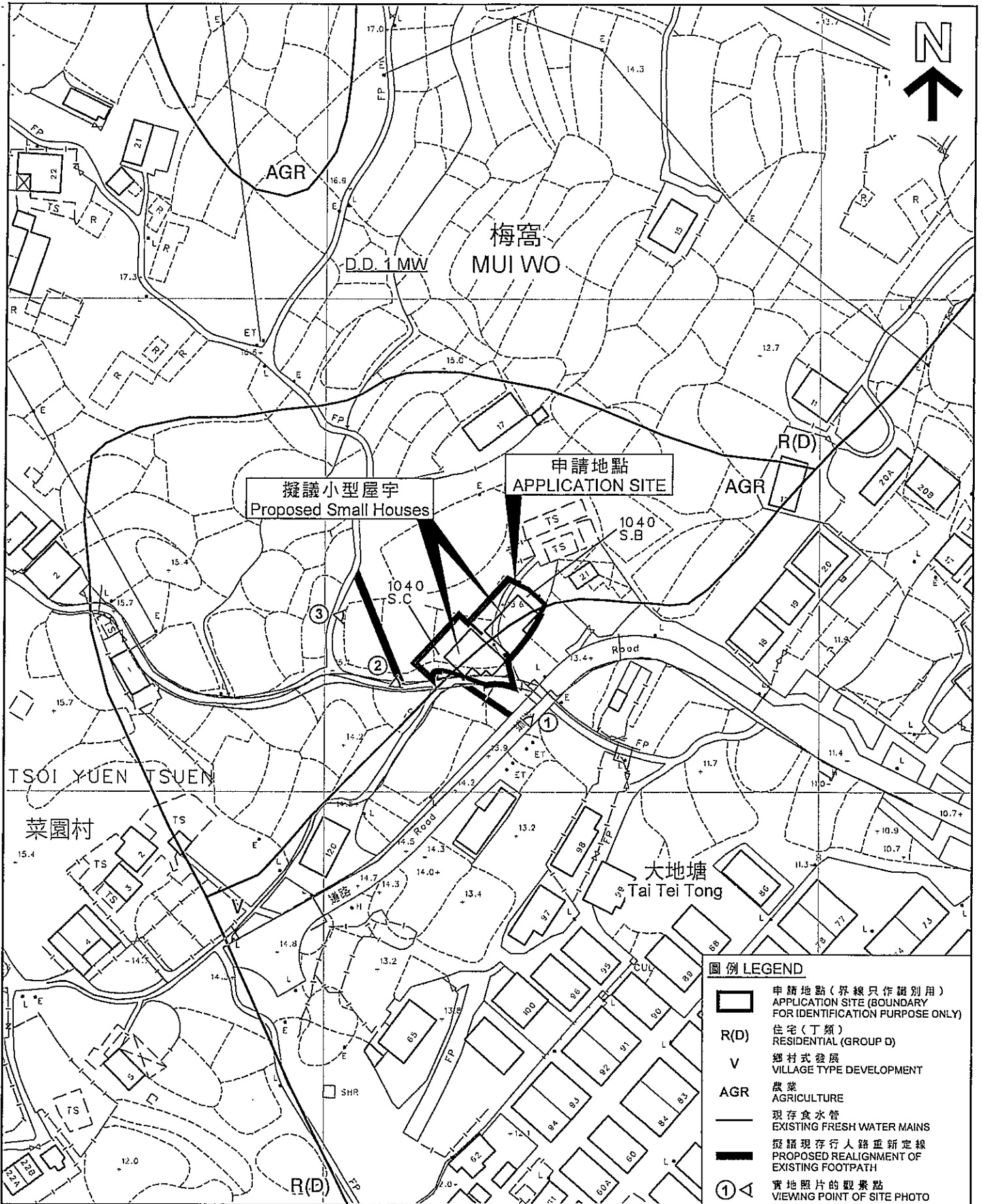
A/I-MWF/31

繪圖

DRAWING

A - 2

(來源：申請人於2019年8月5日提交)
 (SOURCE : SUBMITTED BY APPLICANT ON 5.8.2019)

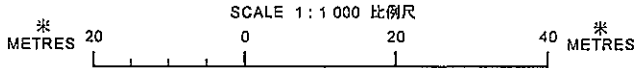


圖例 LEGEND	
	申請地點(界線只作識別用) APPLICATION SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
R(D)	住宅(丁類) RESIDENTIAL (GROUP D)
V	鄉村式發展 VILLAGE TYPE DEVELOPMENT
AGR	農業 AGRICULTURE
	現存食水管 EXISTING FRESH WATER MAINS
	擬議現存行人路重新定線 PROPOSED REALIGNMENT OF EXISTING FOOTPATH
①	實地照片的觀景點 VIEWING POINT OF SITE PHOTO

平面圖 SITE PLAN

本摘要圖於2019年9月20日擬備，
所根據的資料為測量圖編號
10-SW-12C及17A
EXTRACT PLAN PREPARED ON 20.9.2019
BASED ON SURVEY SHEETS No.
10-SW-12C & 17A

擬議屋宇(新界豁免管制屋宇-小型屋宇)
大嶼山梅窩大地塘村梅窩丈量約份第1約地段
第1040號B分段及第1040號C分段
PROPOSED HOUSES (NEW TERRITORIES EXEMPTED HOUSES - SMALL HOUSES)
LOT NOS. 1040 S.B AND 1040 S.C IN D.D.1 MW,
TAI TEI TONG VILLAGE, MUI WO, LANTAU



規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/I-MWF/31

圖 PLAN
A - 2a



圖例

申請地點 (範圍只作識別用途)
APPLICATION SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)

正在處理中的小型屋宇申請
SMALL HOUSE APPLICATION BEING PROCESSED

經分區地政處核准的小型屋宇重新發展申請
REDEVELOPMENT APPLICATION APPROVED BY OLD DISTRICT OFFICE

可用於發展小型屋宇的土地 (根據發展審批的估計)
LAND AVAILABLE FOR SMALL HOUSE DEVELOPMENT (BASED ON PLANNING DEPARTMENT ESTIMATE)

鄉村範圍
VILLAGE ENVIRONS

AI-MWF/31

擬議小型屋宇
Proposed Small Houses

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 "R" ZONE

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
PROPOSED HOUSES (NEW TERRITORIES EXEMPTED HOUSES - SMALL HOUSES)

大嶼山梅窩大地塘村梅窩文東約份第1約地段
第1、0.4、0.8、B、分份及第1、0.4、0.8、C分份
LOT NOS. 1040 S.B. AND 1040 S.C. IN D.D.1 MW,
TAI TEI TONG VILLAGE, MUJ WO, LANTAU
SCALE 1:1,500 北距



規劃署
PLANNING DEPARTMENT

圖 PLAN
參考編號
REFERENCE No.
AI-MWF/31
A - 2b

本摘要圖於2019年9月26日出版，
所有數據均來自測量圖紙
10-SW-12C、12D、17A及17B
EXTRACT PLAN PREPARED ON 26.9.2019
BASED ON SURVEY SHEETS No.
10-SW-12C, 12D, 17A & 17B



梅窩
MUI WO

申請地點
APPLICATION SITE

擬議小型屋宇
Proposed Small Houses

大地塘
Tai Tei Tong

界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

航攝照片 AERIAL PHOTO

本摘要圖於2019年9月9日擬備，
所根據的資料為地政總署於2018年5月30日
拍得的航攝照片編號E042581C

EXTRACT PLAN PREPARED ON 9.9.2019
BASED ON AERIAL PHOTO No. E042581C
TAKEN ON 30.5.2018
BY LANDS DEPARTMENT

擬議屋宇（新界豁免管制屋宇-小型屋宇）
大嶼山梅窩大地塘村梅窩丈量約份第1約地段
第1040號B分段及第1040號C分段
PROPOSED HOUSES (NEW TERRITORIES EXEMPTED HOUSES - SMALL HOUSES)
LOT NOS. 1040 S.B AND 1040 S.C IN D.D.1 MW,
TAI TEI TONG VILLAGE, MUI WO, LANTAU

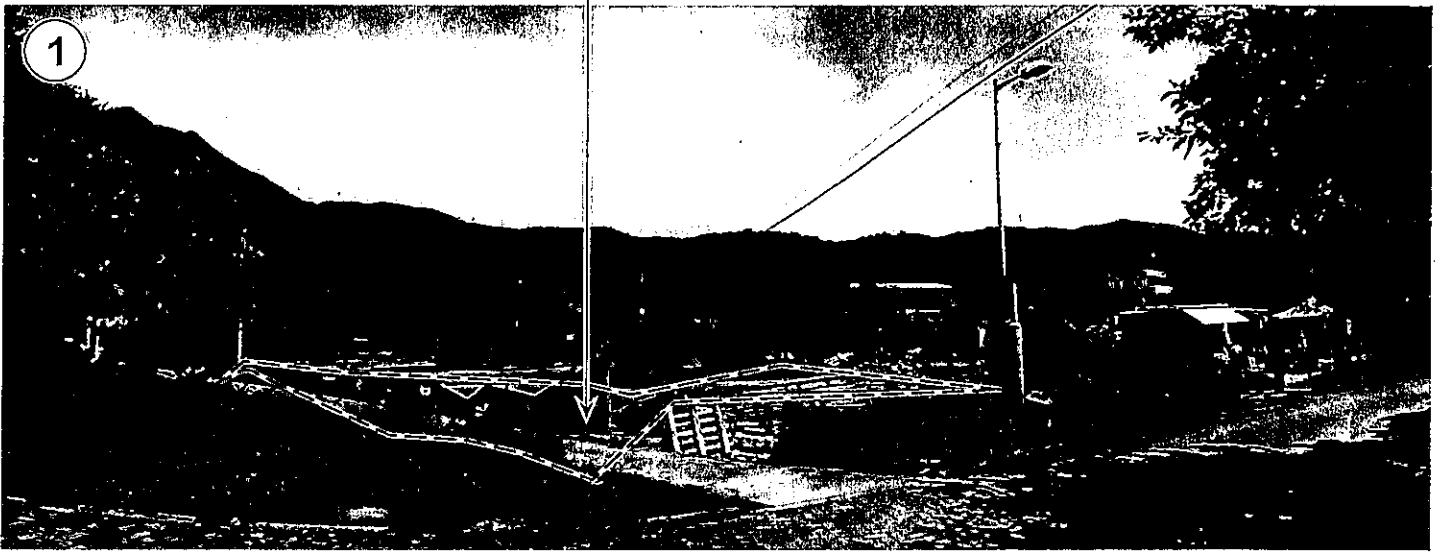
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/I-MWF/31

圖 PLAN
A - 3

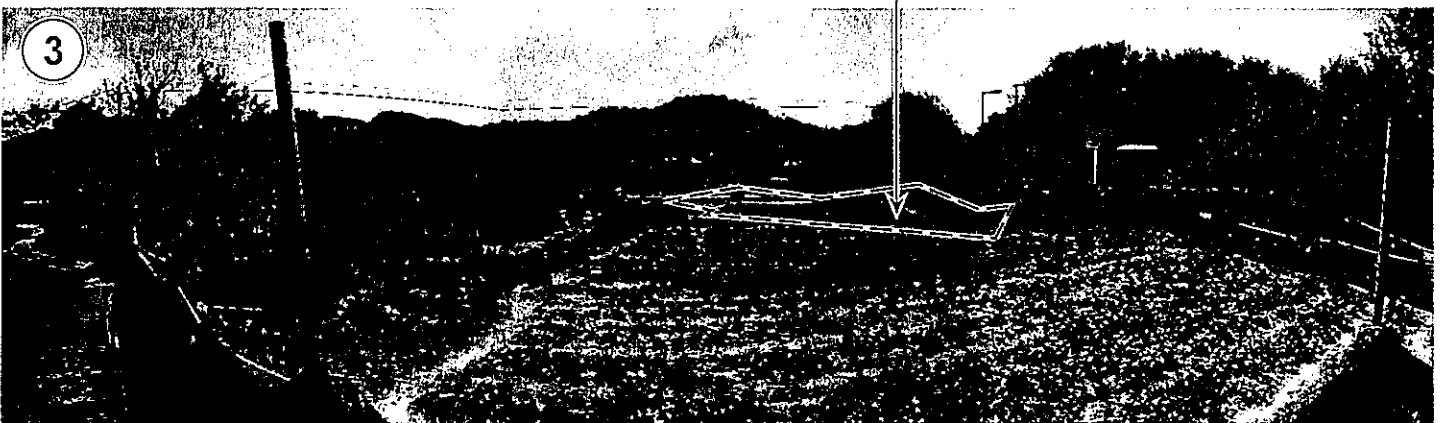
申請地點
APPLICATION SITE



申請地點
APPLICATION SITE



申請地點
APPLICATION SITE



界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTOS

本摘要圖於2019年9月9日擬備，
所根據的資料為攝於
2019年8月13日的實地照片
PLAN PREPARED ON 9.9.2019
BASED ON SITE PHOTOS
TAKEN ON 13.8.2019

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)
大嶼山梅窩大地塘村梅窩丈量約份第1約地段
第1040號B分段及第1040號C分段
PROPOSED HOUSES (NEW TERRITORIES EXEMPTED HOUSES - SMALL HOUSES)
LOT NOS. 1040 S.B AND 1040 S.C IN D.D.1 MW,
TAI TEI TONG VILLAGE, MU! WO, LANTAU

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

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/I-MWF/31

圖 PLAN
A - 4

~~meeting for the Committee's consideration. The Committee also agree~~
applicant that two months were allowed for preparation of the submission of the further
information, and no further deferment would be granted unless under very special
~~circumstances.~~

Sai Kung and Islands District

[Mr Richard Y.L. Siu and Ms Jane W.L. Kwan, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-MWF/31 Proposed Houses (New Territories Exempted Houses - Small Houses)
in "Agriculture" and "Village Type Development" Zones, Lots 1040
S.B and 1040 S.C in D.D.1 MW, Tai Tei Tong Village, Mui Wo,
Lantau
(RNTPC Paper No. A/I-MWF/31)

Presentation and Question Sessions

15. Mr Richard Y.L. Siu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed houses (New Territories Exempted House (NTEH)- Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix II of the Paper. The Director of Agriculture,

Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, five public comments objecting to the application were received from Kadoorie Farm and Botanic Garden Corporation, the Hong Kong Bird Watching Society, the World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and an individual. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application as the application site possessed potential for agricultural rehabilitation. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, while land available within the “Village Type Development” (“V”) zones of Tai Tei Tong Village was insufficient to fully meet the future Small House demand, it was capable to meet the 23 outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. Approval of the application would set an undesirable precedent to encourage similar applications involving active agricultural land within the “AGR” zone. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

16. Members had no question on the application.

Deliberation Session

17. 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 Mui Wo Fringe 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 such planning intention;
- (b) land is still available within the “Village Type Development” zone of Tai Tei Tong 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; and
- (c) approval of the application would set an undesirable precedent to encourage similar applications involving active agricultural land within the “AGR” zone. The cumulative effect of approving such applications will result in loss of suitable land for agricultural purposes in the area.”

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/55 Proposed Private Car Park on a Temporary Basis for a Period of 3 Years in “Green Belt” Zone, Lot 123 (Part) in D.D. 238, Pan Long Wan, Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/55B)

Presentation and Question Sessions

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

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

傳 真 Fax: 2877 0245 / 2522 8426

By Post

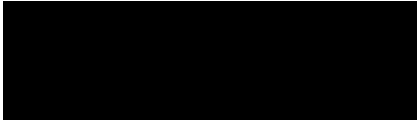
電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號
In reply please quote this ref.: TPB/A/I-MWF/31

18 October 2019

Lam Ka Ho



Dear Sir/Madam,

**Proposed Houses (New Territories Exempted Houses - Small Houses)
in "Agriculture" and "Village Type Development" Zones,
Lots 1040 S.B and 1040 S.C in D.D.1 MW, Tai Tei Tong Village, Mui Wo, Lantau**

I refer to my letter to you dated 23.9.2019.

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" ("AGR") zone in the Mui Wo Fringe 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 such planning intention;
- (b) land is still available within the "Village Type Development" zone of Tai Tei Tong 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; and
- (c) approval of the application would set an undesirable precedent to encourage similar applications involving active agricultural land within the "AGR" zone. The cumulative effect of approving such applications will result in loss of suitable land for agricultural purposes in the area.

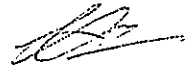
A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 4.10.2019, in both English and Chinese, are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 8.11.2019). 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. Richard Siu of Sai Kung & Islands District Planning Office at 2158 6157.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

(With Chinese Translation)

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that if and after planning approval is given by the Town Planning Board, his office will continue to process the two Small House applications in accordance with the established procedures. However, there is no guarantee that the two Small House applications would be approved. If the two Small House applications are approved by the LandsD acting in the capacity as landlord at its sole discretion, the approvals will be subject to such terms and conditions as may be imposed by LandsD. Please also note that there is no guarantee of right of way to the Small House sites concerned or approval of any Emergency Vehicular Access thereto;
- (b) to note the comments of the Director of Environmental Protection (DEP) that the applicants are reminded to design and operate the septic tank and /or soakaway system following the requirements in Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department", including the percolation test, sufficient clearance distances from sensitive receivers and certifications by Authorized Person;
- (c) to note the comments of the Director of Fire Services (D of FS) that the applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the water main located within the Site is trunk main. In addition, the areas close to the Site are private lots such that the diversion of which is technically not feasible from operation and maintenance perspective. The applicants are reminded to observe the following requirements:
- (i) the existing water mains are affected as indicated on **Plan R-2a** and no development which requires resiting of water mains will be allowed;
 - (ii) details of site formation work shall be submitted to the Director of Water Supplies (D of WS) for approval prior to commencement of works;
 - (iii) no structures shall be built or materials stored within 1.5m from the centre line(s) of water main(s) shown on the **Plan R-2a**. Free access shall be made available at all times for staff of the D of WS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (iv) no trees or shrubs with penetrating roots shall be planted within 1.5m from the centre line(s) of water main(s) as shown on **Plan R-2a**. No change of existing site condition shall be undertaken within the aforesaid area without the prior agreement of the D of WS;
 - (v) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet;
 - (vi) tree planting may be prohibited at specific location if the existing water mains in the vicinity are found vulnerable to such tree planting; and
- (e) to note the comments of the Head of Sustainable Lantau Office, Civil Engineering and Development Department (H(SLO), CEDD) that the applicants are reminded on the proper disposal of construction and demolition wastes during the construction works.