

RNTPC Paper No. A/YL-TT/477A
For Consideration by
the Rural and New Town
Planning Committee
on 29.11.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/477

- Applicant** : Winner Surveying Consultants Company represented by R-riches Property Consultants Limited
- Site** : Lot 2964 S.B in D.D. 116, Kong Tau Tsuen, Yuen Long, New Territories
- Site Area** : 165 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16
- Zoning** : “Agriculture” (“AGR”) (about 50.6%)
“Village Type Development” (“V”) (about 49.4%)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed House (New Territories Exempted House (NTEH) - Small House)

1. The Proposal

1.1 The applicant, who is authorised by an indigenous villager of Tung Tau Tsuen, Yuen Long, seeks planning permission to build an NTEH (Small House) on the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘House (NTEH only)’ is always permitted within the “V” zone, while ‘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 the “AGR” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently formed, paved and forming part of a private garden of an adjoining Small House.

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

Total floor area	:	195.09 m ²
Number of storeys	:	3
Building height	:	8.23m

Roofed over area : 65.03 m²

The uncovered area of the Site is proposed for circulation space of the proposed Small House. Plans showing the access leading to the Site and the proposed layout are at **Drawings A-1** and **A-2** respectively.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachment and plans received on 11.7.2019 (**Appendix I**)
- (b) Further Information (FI) received on 30.9.2019 (**Appendix Ia**) clarifying the background of the represented indigenous villager
[accepted and exempted from publication and recounting requirements]

1.4 On 6.9.2019, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer a decision on the application for a period of two months, as requested by the applicant. On 30.9.2019, FI (**Appendix Ia**) was received and the application is submitted to the Committee for consideration at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the attachment to the Application Form at **Appendix I** and the Further Information (**Appendix Ia**). They can be summarised as follows:

- (a) There was a previous planning approval (No. A/DPA/YL-TT/12) for the same use on the Site. Approval of the application would not set an undesirable precedent.
- (b) The Site is accessible via a local track from Long Ho Road, which allows emergency vehicular access and therefore the fire risk hazard is low.
- (c) Upon approval of the planning application, the applicant will make effort in complying with approval conditions/relevant government regulations related to environmental, fire safety, landscape and drainage aspects, where appropriate.

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

The applicant is not the “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting a notice at the Site and sending notification letter to the Shap Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Assessment Criteria

The set of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) was first promulgated on 24.11.2000 and had been amended four times on 30.3.2001, 23.8.2002, 21.3.2003 and 7.9.2007. The latest set of Interim Criteria is at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Application

6.1 The Site is the subject of one previous approved application (No. A/DPA/YL-TT/12) covering a much larger site (i.e. about 930m²) for two Small Houses when the Site was zoned "Unspecified Use" on the then draft Tai Tong Development Permission Area Plan No. DPA/YL-TT/1 and before promulgation of the Interim Criteria. The application was submitted by DLO/YL, LandsD on behalf of two house owners whose houses were affected by the Yuen Long Southern Bypass Project and had to be resumed. The application was to enable rehousing of the two house owners under the village removal terms. The application was approved by the Committee on 24.1.1992 mainly on the grounds that the proposed development was not incompatible with the surrounding area. The two houses have since been implemented and built, with the current Site forming part of the private garden of one of the houses. The current Site has also been carved out as a separate lot with no building status. Details of the application are summarised in **Appendix III** and its location is shown on **Plans A-1 and A-2a**.

6.2 Compared with the last application, the current application is submitted by a different applicant for the same use within part of the private garden of one of the implemented houses (**Plan A-4**).

7. Similar Applications

There are five similar applications (No. A/YL-TT/265, 283, 287, 299 and 307) for proposed NTEH/Small House development within or straddling the same "AGR" zone, which have all been rejected by the Committee or the Board on review on 19.11.2010, 15.4.2011, 22.7.2011, 16.3.2012 and 18.1.2013 respectively, mainly on the grounds that the proposed developments were not in line with the planning intention of the "AGR" zone; there were insufficient information in the submission to demonstrate that there were no suitable sites within the "V" zone for the proposed development; approval of the application would set an undesirable precedent; and the proposed development did not comply with the Interim Criteria. The applicant of application No. A/YL-TT/307 subsequently lodged an appeal against the Board's decision. The appeal was also dismissed by the Town Planning Appeal Board on 31.7.2014 mainly on the same rejection grounds as per the review stage. Details of the applications are summarised in **Appendix IV** and the locations of the sites are shown on **Plan A-1**.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4)

8.1 The Site is:

- (a) located at the northern fringe of Kong Tau San Tsuen;
- (b) accessible by a local track leading from Long Ho Road to its west (**Plans A-2a and A-3**);
- (c) generally flat, formed, and partially fenced off; and
- (d) forming part of the private garden of an adjoining Small House approved under application No. A/DPA/YL-TT/12 (**Plan A-2a**).

8.2 The surrounding areas have the following characteristics (**Plan A-2a**):

- (a) predominantly rural in character with residential structures intermixed with scattered vacant land, parking of vehicles, a workshop, a pavilion and an open storage yard;
- (b) the Shap Pat Heung Interchange of the Yuen Long Highway and a nullah are located to the further north; and
- (c) apart from the aforementioned pavilion, the remaining parking of vehicles, workshop and open storage yard in the vicinity of the Site are mostly suspected unauthorised developments subject to enforcement action taken by the Planning Authority.

9. Planning Intentions

9.1 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.

9.2 The planning intention of the “V” zone is to designate both existing recognised 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. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

10.1 The application has been assessed against the Interim Criteria at **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? - Footprint of the proposed Small House - Application Site	53.1% 49.4%	46.9% 50.6%	
2.	Within 'VE'? - Footprint of the proposed Small House - Application Site	- -	100% 100%	The Site does not fall within the 'Village Environ' ('VE') of any recognised village in the locality (Plan A-2a).
3.	Sufficient land in "V" zone to satisfy outstanding Small House applications and 10-year Small House demand?	✓		Land required to meet Small House demand in Kong Tau Tsuen, Kong Tau San Tsuen, Nga Yiu Tau and Tong Tau Po Tsuen is <u>about 12.28 ha (equivalent to about 491 Small House sites)</u> , including 100 outstanding Small House applications (i.e. about 2.50 ha of land) and a 10-year Small House demand forecast of 391 houses (i.e. about 9.78 ha of land).
	Sufficient land in "V" zone to meet outstanding Small House applications?	✓		Land available to meet Small House demand within the subject "V" zone is <u>about 20.20 ha (equivalent to about 808 Small House sites)</u> (Plan A-2b).
4.	Compatible with the planning intention of "AGR" zone?		✓	Director of Agriculture, Fisheries and Conservation (DAFC) has no strong view from agriculture point of view as the Site is currently a private backyard and possesses low potential for agricultural rehabilitation.
5.	Compatible with surrounding area / development?	✓		The surrounding areas are predominantly rural in character with village houses, vacant land and temporary structures (Plan A-2a).

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
6.	Within Water Gathering Ground (WGG)?		✓	The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no comment on the application. The Site is not located within WGG.
7.	Encroachment onto the planned road networks and public works boundaries?		✓	
8.	Need for provision of fire services installations and emergency vehicular access?		✓	The Director of Fire Services (D of FS) has no in-principle objection to the application.
9.	Traffic impact?		✓	The Commissioner for Transport (C for T) has no comment on the application from traffic engineering point of view.
10.	Drainage impact?		✓	The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application.
11.	Sewerage impact?		✓	In view of the small scale of the proposed development, the application alone is unlikely to cause major pollution.
12.	Landscape impact?		✓	Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advises that with reference to the aerial photo of 2018 (Plan A-3), it is observed that the Site is completely vegetated by shrubs and a large tree. In view of existing village houses in the vicinity, the proposed use is considered not incompatible with the surrounding environment.
13.	Local objections received by District Officer (DO)?		✓	

10.2 Comments from the following government departments have been incorporated in the above paragraph. Other detailed comments are at **Appendix V**.

- (a) DLO/YL, LandsD;
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) DAFC;
- (d) C for T;
- (e) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (f) CE/MN, DSD;
- (g) DO (Yuen Long), Home Affairs Department (DO(YL), HAD);
- (h) Director of Environmental Protection (DEP);
- (i) D of FS; and
- (j) CTP/UD&L, PlanD.

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

- (a) CE/C, WSD;
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Commissioner of Police (C of P).

11. Public Comments Received During the Statutory Publication Period

On 19.7.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 9.8.2019, four public comments were received from three members of the public and Designing Hong Kong Limited (**Appendices VI-1 to VI-4** respectively) raising concerns/objecting to the application mainly on the grounds that the proposal would generate adverse drainage and noise impacts; incompatibility with the rural setting of the surroundings; inconformity with the planning intention of the “AGR” zone; land is still available within the “V” zone for Small House development; and approval of the application would set an undesirable precedent leading to a general degradation of the local environment.

12. Planning Considerations and Assessments

12.1 The application is for proposed house (NTEH – Small House) at a site straddling the “AGR” (about 46.9% of the proposed NTEH footprint) and “V” zones (about 53.1%). Although the proposed Small House is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes, the Site is currently formed, paved and partly fenced off as part of a private garden of an adjoining Small House. In this connection, DAFC has no strong views on the application from agriculture point of view as the Site possesses low potential for agricultural rehabilitation.

- 12.2 The Site is located at the northern fringe of Kong Tau San Tsuen and is not incompatible with the surrounding environment. CTP/UD&L, PlanD has no objection to the application as the Site is not adjoining any prominent public frontage and is not incompatible with the surrounding environment. Other government departments, including C for T, DEP, D of FS, CE/C of WSD and CE/MN of DSD, have no adverse comment on/objection to the application.
- 12.3 According to DLO/YL, LandsD's record, the total number of outstanding Small House applications for Kong Tau Tsuen, Kong Tau San Tsuen, Nga Yiu Tau and Tong Tau Po Tsuen is 100 (i.e. equivalent to about 2.50 ha of land) while the 10-year forecast of Small House demand is 391 (i.e. about 9.78 ha of land). As such, land is required to accommodate a total of 491 Small Houses within the subject "V" zone, equivalent to about 12.28 ha of land. DLO/YL, LandsD advises that the Site does not fall within the 'VE' of any recognised village.
- 12.4 Regarding the Interim Criteria (**Appendix II**), the Site and the footprint of the proposed Small House fall entirely outside the 'VE' of any recognised village. It is noted that about 808 Small House sites (equivalent to about 20.20 ha of land) are available within the relevant "V" zone for Kong Tau Tsuen, Kong Tau San Tsuen, Nga Yiu Tau and Tong Tau Po Tsuen, which can accommodate the outstanding Small House applications and the forecasted long-term Small House demand. As such, the proposed development does not comply with the Interim Criteria in that there is no general shortage of land in meeting the demand for Small House development in the concerned "V" zone. It is therefore 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 infrastructures and services.
- 12.5 There is one previous application (No. A/DPA/YL-TT/12) covering a much larger site, which was approved with conditions by the Committee on 24.1.1992 before the promulgation of the Interim Criteria. The Site was zoned "Unspecified Use" at the time of that application and the application warranted special circumstances as the houses were for rehousing under village removal terms due to the Yuen Long Southern Bypass Project. Although the current Site falls within the private garden of one of these houses, the current Site has since been carved out as a separate lot with no building status. The special circumstances warranted by the previous approval are no longer relevant to the current application and the prevailing Interim Criteria should be used in assessing the current case.
- 12.6 There are five similar applications within or straddling the subject "AGR" zone, which were all rejected on the grounds that the proposed developments were not in line with the planning intention of the "AGR" zone; there were insufficient information in the submission to demonstrate why suitable sites within the concerned "V" zone could not be made available for Small House development; approval of the application would set an undesirable precedent; and/or the proposed development did not comply with the Interim Criteria. Such considerations are generally applicable to the current application. Approval of the current application would set an undesirable precedent and attract similar applications within the "AGR" zone. The cumulative impact would result in a general degradation of the rural agricultural character of the area. Overall,

rejecting this application would be in line with the Committee's previous decisions.

- 12.7 Four public comments were received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11, the Planning Department does not support the application for the following reasons:

- (a) 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 there is no general shortage of land in meeting the demand for Small House development in the "V" zone of Kong Tau Tsuen, Kong Tau San Tsuen, Nga Yiu Tau and Tong Tau Po Tsuen; and
- (b) approval of the application would set an undesirable precedent for similar applications at the subject "AGR" zone resulting in a general degradation of the rural agricultural character of the area.

- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 29.11.2023, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the 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 a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory clauses

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

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 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.

15. Attachments

Appendix I	Application Form with attachment and plans received on 11.7.2019
Appendix Ia	FI received on 30.9.2019 clarifying the background of the represented indigenous villager
Appendix II	Extract of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous application covering the Site
Appendix IV	Similar applications within/straddling the same "AGR" zone on the OZP
Appendix V	Detailed Comments from Relevant Government Departments
Appendices VI-1 to VI-4	Public Comments Received During Statutory Publication Period
Appendix VII	Recommended Advisory Clauses
Drawing A-1	Proposed Access Plan
Drawing A-2	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available for Small House Development within the "V" Zone
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2019**

**Extract of the “Interim Criteria for Consideration of Application
for New Territories Exempted House (NTEH)/Small House in New Territories”**
(Promulgated on 7.9.2007)

The relevant assessment criteria for planning application are extracted as follows:

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

not be affected by the proposed development[^]);

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

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

Previous Application Covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/DPA/YL-TT/12^	Small Houses	24.1.1992	(1), (2), (3)

^ The application site was zoned "Unspecified Use" on the then draft Tai Tong Development Permission Area Plan No. DPA/YL-TT/1 at the time of consideration.

Approval Condition(s):

- (1) Provision of stormwater drainage facilities.
- (2) Provision of sewage treatment and disposal facilities.
- (3) The permission shall cease to have effect on 24.1.1994 unless prior to the said date either the development permitted is commenced or the permission is renewed.

Similar Applications within/straddling the same “AGR” zone on the Tai Tong OZP

Rejected Applications

	<u>Application No.</u>	<u>Proposed Development(s)/Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TT/265 [^]	Proposed House (NTEH – Small House)	19.11.2010 (on review)	(1), (2)
2	A/YL-TT/283	Proposed House (NTEH – Small House)	15.4.2011	(1), (2)
3	A/YL-TT/287	Proposed House (NTEH – Small House)	22.7.2011	(1), (3), (4)
4	A/YL-TT/299	Proposed House (NTEH – Small House)	16.3.2012	(1), (3), (5), (6), (7)
5	A/YL-TT/307	Proposed House (NTEH – Small House)	18.1.2013 (on review)	(1), (2), (3), (5)

[^] The application site straddles an adjoining “Village Type Development” zone.

Rejection Reason(s):

- (1) Not in line with the planning intention of the “AGR” zone.
- (2) Does not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories” (Interim Criteria) in that the proposed Small House footprints fall entirely outside the ‘Village Environs’ and “V” zone.
- (3) The applicant fails to demonstrate why suitable sites within the concerned “V” zone(s) could not be made available for the Small House development.
- (4) Approval of the application would set an undesirable precedent.
- (5) Does not comply with the Interim Criteria in that there was no shortage of land within the concerned “V” zone(s) in meeting the demand of Small House development.
- (6) The applicant fails to demonstrate that adverse landscape impact on existing trees within the site would be mitigated.
- (7) There are no exceptional circumstances to justify approval of the application.

Detailed Comments of Government Department Concerned

Land Administration

1. Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
 - (a) There is one Small House (SH) application under processing within the application site (the Site), while 3 SH applications under processing and 4 SH applications approved are located within 30m radius circle measured from the boundary of the Site. The SH applications under his processing are at departmental circulation stage.
 - (b) The number of outstanding SH applications of Kong Tau Tsuen, Kong Tau San Tsuen, Nga Yiu Tau, and Tong Tau Po Tsuen are 54, 6, 35 and 5 respectively. The 10-year forecast (2016-2025) of SH demand for Kong Tau Tsuen and Kong Tau San Tsuen, Nga Yiu Tau, and Tong Tau Po Tsuen are 275, 81 and 35 respectively. The figure of the 10-year forecast is provided by the Indigenous Inhabitant Representatives and he is unable to verify such information.
 - (c) The Site does not fall within the Village Environs Boundary (VEB) of any recognised village in the locality.
 - (d) The Site is an Old Schedule Agricultural Lot and does not have a building status.
 - (e) If a proposed SH site is outside or more than 50% of it is outside the VEB of a recognised village and the "V" zone which encircles the recognised village, the concerned SH application will be rejected under the New Territories Small House Policy even though the applicant is an indigenous villager who has successfully sought planning permission. On the other hand, consideration will be given to application for proposed house site within or at least 50% of it is within a "V" zone which encircles a recognised village and is larger than 300 feet village environs. His approval to SH grant is not automatic even if the applicant has obtained s.16 approval from the Board. The grant is subject to all criteria being met and all relevant factors being considered.
 - (f) Should planning approval be given to the subject planning application, the registered lot owner should inform him, and he will consider the SH application acting in the capacity as the landlord and there is no guarantee that such application would be approved. Any applications, if approved, would be subject to such terms and conditions including, among others, the payment of premium and/or administrative fee as may be imposed by his department.

Building Matters

2. Comments of the Chief Building Surveyor/New Territories West (CBS/NTW, BD):
 - (a) Noting that the building to be erected on the Site will be New Territories Exempted House (NTEH) under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121), DLO/YL should be in a better position to comment on the captioned application.

- (b) In case DLO/YL decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the NTEH development, such works will require prior approval and consent under the Buildings Ordinance. In the circumstance, an Authorised Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL or seek AP's advice for details.

Traffic

- 3. Comments of the Commissioner for Transport (C for T):
 - (a) He understands that there will be no vehicular ingress/egress to the Site and no parking space to be provided within the Site.
 - (b) The land status of the access road/path/track leading to the Site from Long Ho Road shall be checked with the lands authority.
 - (c) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.
- 4. Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):
 - (a) His department is not/shall not be responsible for the maintenance of any access connecting the Site and Long Ho Road.
 - (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains.

Drainage

- 5. Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
 - (a) He has no objection in principle to the proposed development from the public drainage point of view.
 - (b) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the submission and implementation of a drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.
 - (c) The applicant should be reminded to maintain all drainage facilities on site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.

Environment

- 6. Comments of the Director of Environmental Protection (DEP):

With respect to the public comment concerning noise impact from the proposed development, residential use is a sensitive use instead of a noise emitter according to the Hong Kong Planning Standards and Guidelines. Hence, the erection of the proposed SH will unlikely induce adverse noise impact to the nearby area. Notwithstanding the above, the applicant is advised to follow the “Recommended Pollution Control Clauses for Construction Contracts” to minimise the noise impact during the construction stage.

Fire Safety

7. Comments of the Director of Fire Services (D of FS):
 - (a) He has no in-principle objection to the application.
 - (b) The applicant is reminded to observe the “NTEH – A Guide to Fire Safety Requirements” published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.

Nature Conservation

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

The Site falls within the “AGR” and “V” zones and is currently a private backyard. Surrounded by domestic structures and fallow land, the Site possesses low potential for agricultural rehabilitation. As such, she has no strong view on the application from agriculture point of view.

Landscape

9. 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) With reference to the aerial photo of 2018, the Site is completely vegetated with shrubs and a large tree. The Site is in an area of village landscape character. In view that other existing village houses are found in the vicinity, the proposed use is not incompatible with the surrounding environment.
 - (c) In consideration that the Site is not adjoining any prominent public frontage and there is limited space within the Site for landscape treatment, it is considered that the landscape condition is not necessary should the Board approve this application.
 - (d) Should the application be approved, the applicant should be advised that approval of the application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/ government department(s) direct to obtain the necessary approval on tree works.

District Officer’s Comments

10. Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

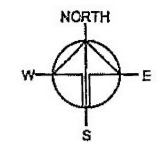
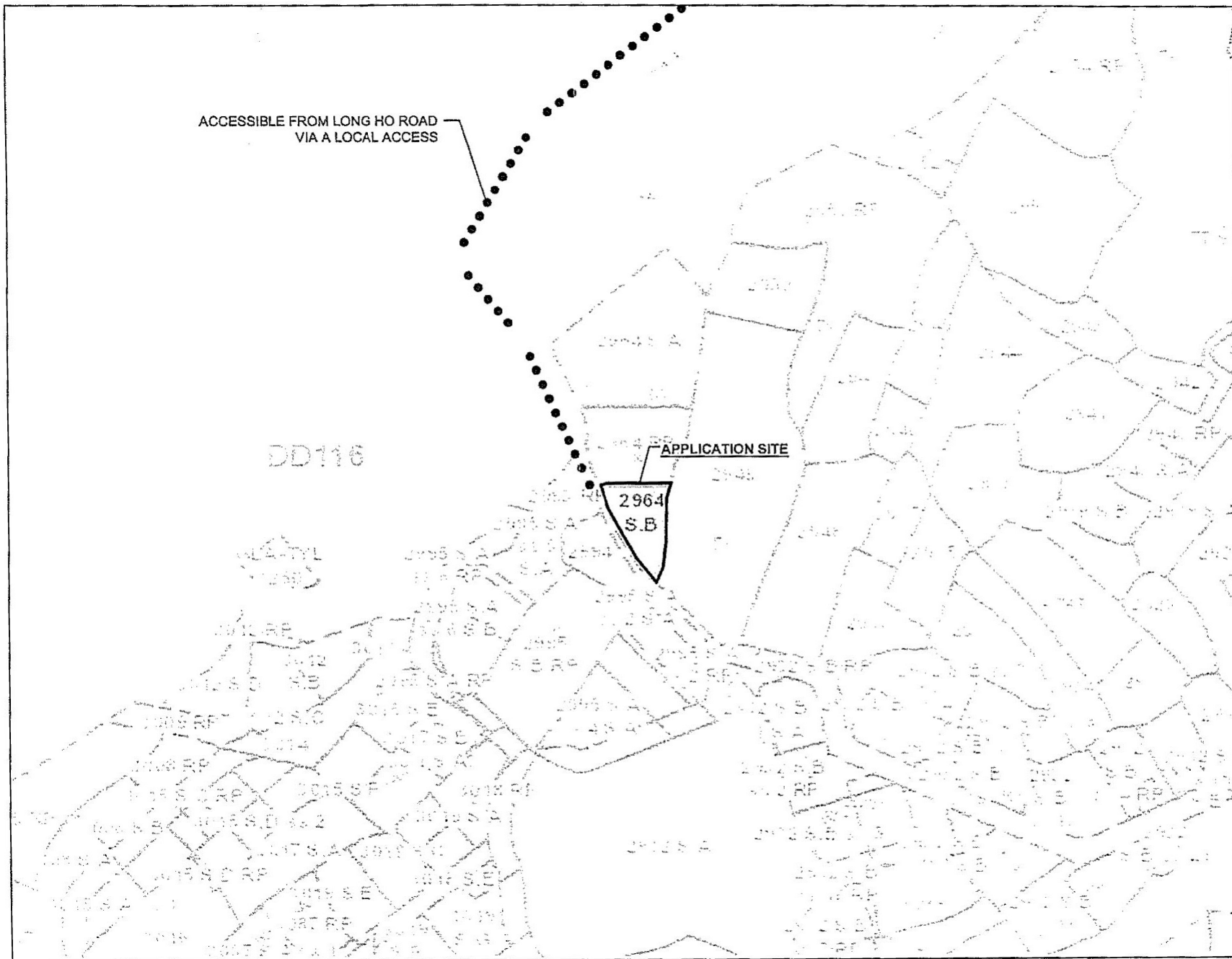
Her office has not received any locals' comment on the subject application by 9.8.2019 and has no comment from departmental point of view.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) at the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site does not fall within the Village Environs Boundary (VEB) of any recognised village in the locality. The Site is an Old Schedule Agricultural Lot and does not have a building status. If a proposed Small House (SH) site is outside or more than 50% of it is outside the VEB of a recognised village and the "Village Type Development" ("V") zone which encircles the recognised village, the concerned SH application will be rejected under the New Territories Small House Policy even though the applicant is an indigenous villager who has successfully sought planning permission. On the other hand, consideration will be given to application for proposed house site within or at least 50% of it is within a "V" zone which encircles a recognised village and is larger than 300 feet village environs. His approval to SH grant is not automatic even if the applicant has obtained s.16 approval from the Town Planning Board (the Board). The grant is subject to all criteria being met and all relevant factors being considered. The registered lot owner should inform him, and he will consider the SH application acting in the capacity as the landlord and there is no guarantee that such application would be approved. Any applications, if approved, would be subject to such terms and conditions including, among others, the payment of premium and/or administrative fee as may be imposed by his department;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that in case DLO/YL decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the New Territories Exempted House (NTEH) development, such works will require prior approval and consent under the Buildings Ordinance. In the circumstance, an Authorised Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL or seek AP's advice for details;
- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site from Long Ho Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any access connecting the Site and Long Ho Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that all drainage facilities on Site should be maintained in good condition and the proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.;
- (g) to note the comments of the Director of Environmental Protection that the

“Recommended Pollution Control Clauses for Construction Contracts” should be followed to minimise the noise impact during the construction stage. The guideline is available at his department’s website: https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc_1.html;

- (h) to note the comments of the Director of Fire Services that the “NTEH – A Guide to Fire Safety Requirements” published by LandsD should be observed. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (i) to note the comments of the Chief Town Planning/Urban Design and Landscape, Planning Department that approval of the planning application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. Relevant authority/government department(s) should be approached directly to obtain the necessary approval on tree works.



Drawing No.	Ver.
P01	01
Project	
PROPOSED HOUSE (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)	
LOT 2964 S.B. IN D.D. 116, KONG TAU SAN TSUEN, TAI TONG, YUEN LONG	
Drawing Title	
LOCATION PLAN	
Scale of A4	
1:1000	
Drawn	Date
	25.6.2019
Revised	Date

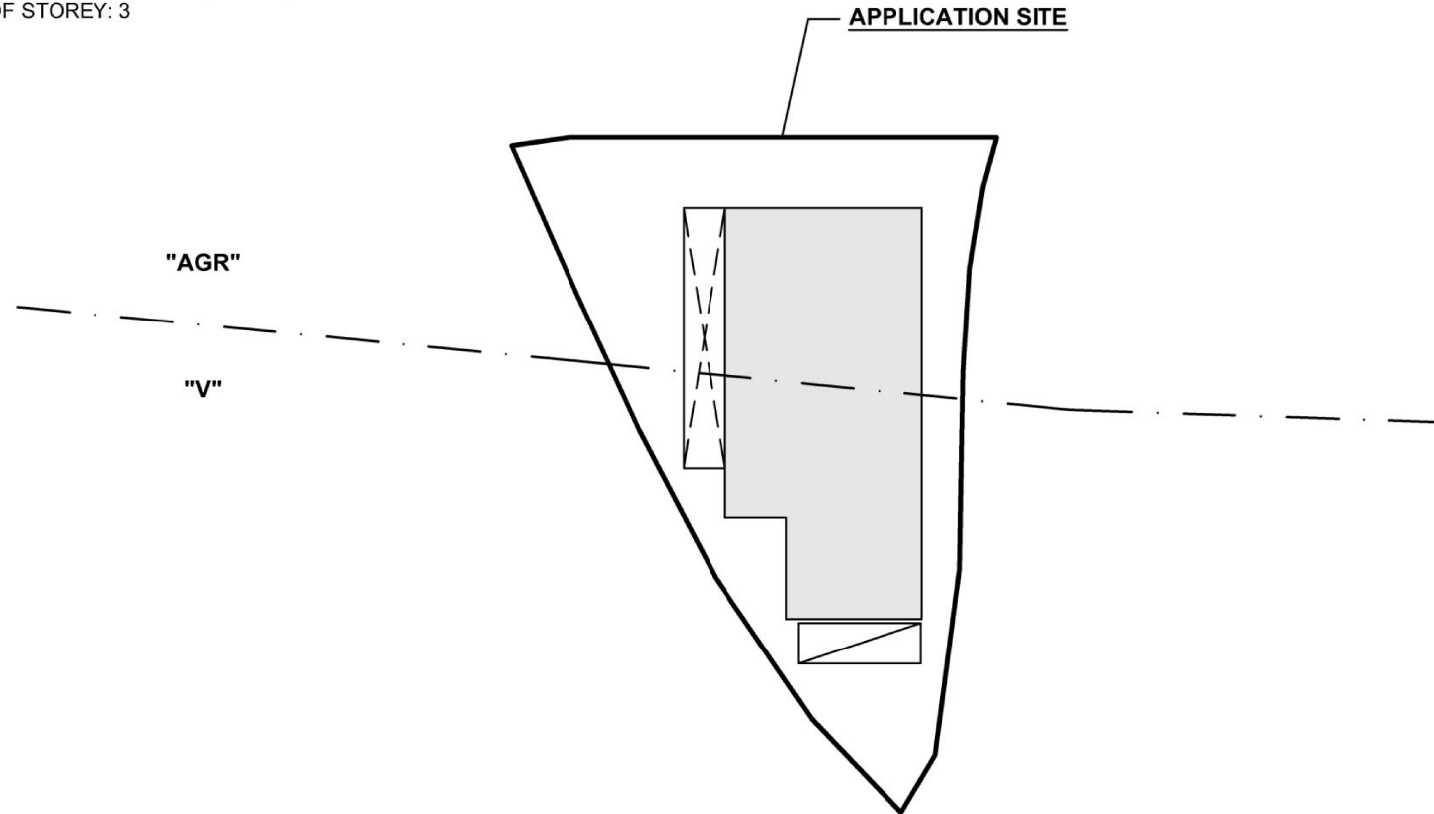
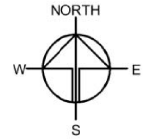
(摘錄自申請人於 11.7.2019 提交的申請書)
 (Extract from Applicant's Submission of 11.7.2019)

參考編號 REFERENCE No.	繪圖 DRAWING
A/YL-TT/477	A-1

DEVELOPMENT PARAMETERS

APPLICAITON SITE AREA: 167m² (ABOUT)

PROPOSED NTEH - SMALL HOUSE
 ROOFED-OVER AREA: 65.03m² (ABOUT)
 DOMESTIC GFA: 195.09m² (ABOUT)
 BUILDING HEIGHT: 8.23m (ABOUT)
 NO. OF STOREY: 3



SITE WITHIN "AGR" ZONE: 88m² (53%)(ABOUT)
 SITE WITHIN "V" ZONE: 79m² (47%)(ABOUT)

SMALL HOUSE FOOTPRINT WITHIN "AGR" ZONE: 30.7m² (47%)(ABOUT)
 SMALL HOUSE FOOTPRINT WITHIN "V" ZONE: 34.33m² (53%)(ABOUT)

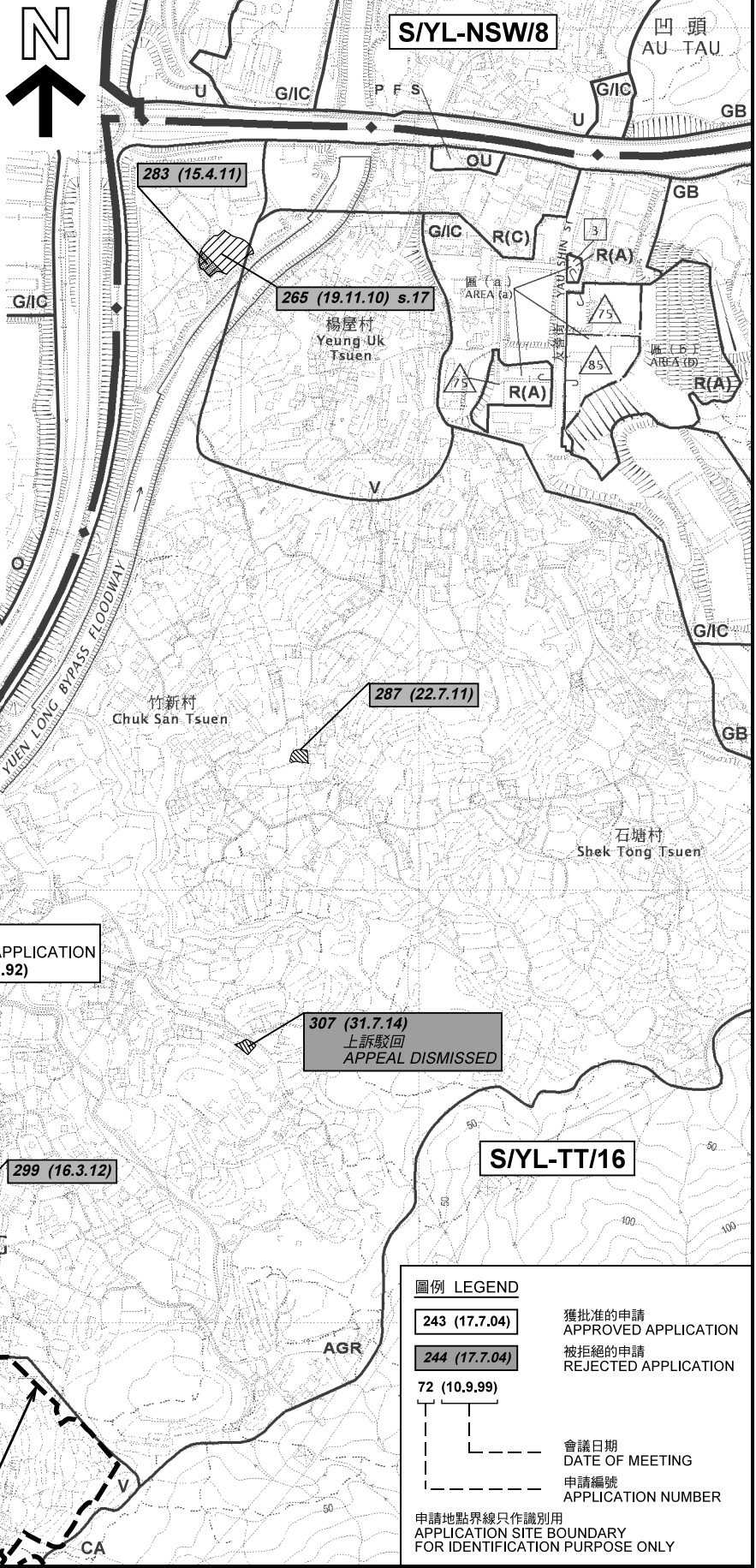
LEGEND

- NTEH - SMALL HOUSE
- SEPTIC TANK (UNDERGROUND)
- BALCONY

Drawing No. P02	Ver. 01
Project PROPOSED HOUSE (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)	
LOT 2964 S.B IN D.D. 116, KONG TAU SAN TSUEN, TAI TONG, YUEN LONG	
Drawing Title LAYOUT PLAN	
Scale of A4 4:200	
Drawn	Date 15.7.2019
Revised	Date

(摘錄自申請人於 15. 7. 2019 呈交的補充資料)
 (Extract from Applicant's Supplementary Information Submitted on 15.7.2019)

參考編號 REFERENCE No. A/YL-TT/477	繪圖 DRAWING A-2
--------------------------------------	-------------------



圖例 LEGEND

243 (17.7.04)	獲批准的申請 APPROVED APPLICATION
244 (17.7.04)	被拒絕的申請 REJECTED APPLICATION
72 (10.9.99)	會議日期 DATE OF MEETING
	申請編號 APPLICATION NUMBER

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11月19日擬備，
所根據的資料為於2012年3月13日
核准的分區計劃大綱圖編號 S/YL-TT/16
EXTRACT PLAN PREPARED ON 19.11.2019
BASED ON OUTLINE ZONING PLAN No.
S/YL-TT/16 APPROVED ON 13.3.2012

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)
元朗港頭村丈量約份第116約地段第2964號B分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 2964 S.B IN D.D.116, KONG TAU TSUEN, YUEN LONG

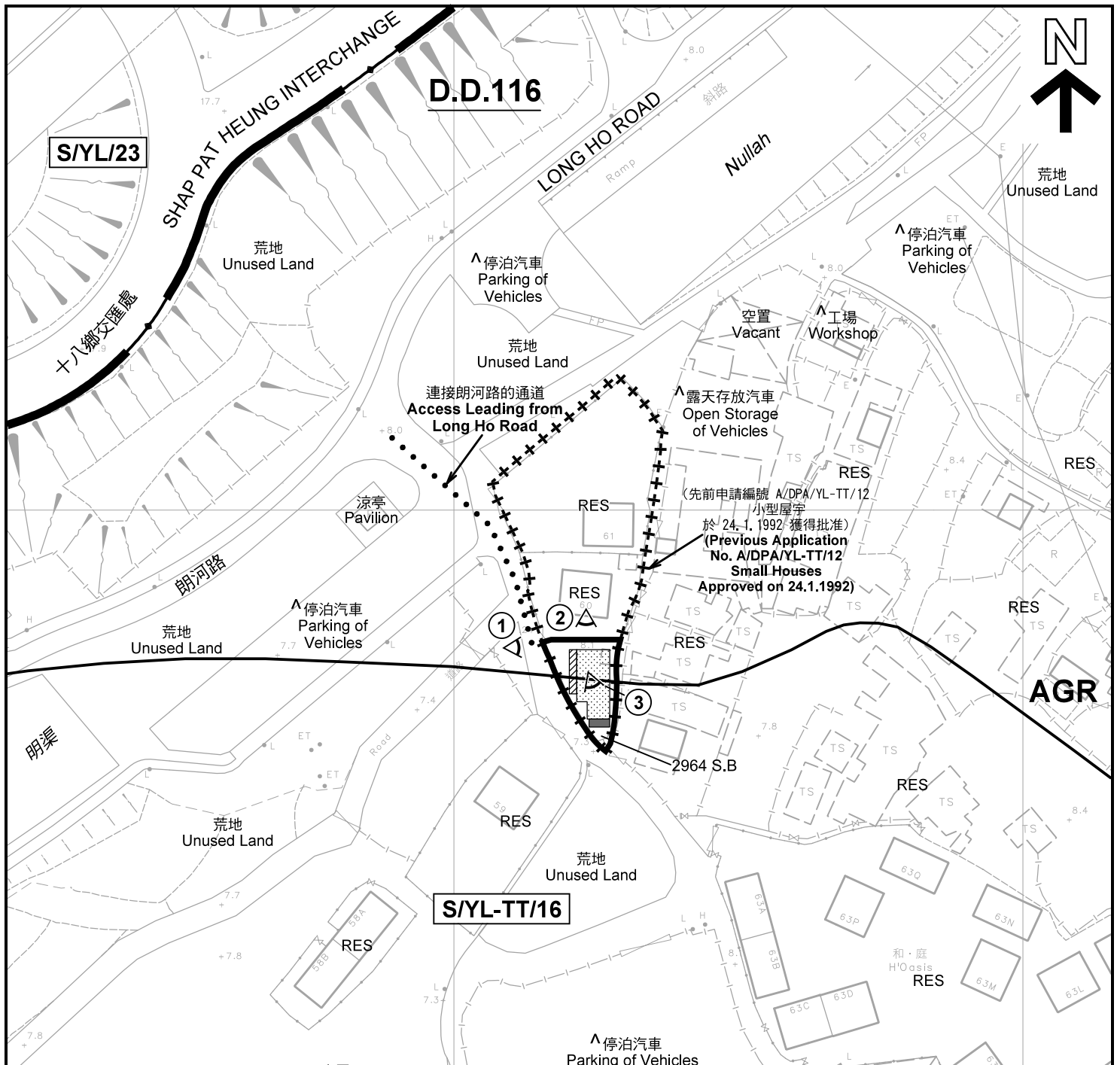
SCALE 1 : 7 500 比例尺

米 100 0 100 200 300 米
METRES

規劃署
PLANNING DEPARTMENT

參考編號
REFERENCE No.
A/YL-TT/477

圖 PLAN
A-1



註釋 Notes :

- (1) 2019年11月12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 12.11.2019
- (2) * 土地用途跟1991年11月勘測的土地用途一致
Indicates that the use is the same as that revealed by the land use survey conducted by the Planning Department in Nov 1991
- (3) ^ 土地用途跟1991年11月勘測的土地用途有別
Indicates that the use is different from that revealed by the land use survey conducted by the Planning Department in Nov 1991

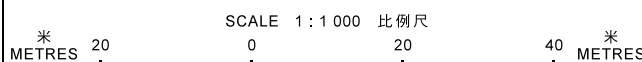
圖例 LEGEND

- 申請地點(界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
- 擬議小型屋宇
PROPOSED SMALL HOUSE
- 擬議露台
PROPOSED BALCONY
- 擬議化糞池
PROPOSED SEPTIC TANK
- 鄉村式發展
VILLAGE TYPE DEVELOPMENT
- 農業
AGRICULTURE
- 住用構築物
RESIDENTIAL STRUCTURES
- 實地照片的觀景點
VIEWING POINT OF SITE PHOTO

平面圖 SITE PLAN

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)
元朗港頭村丈量約份第116約地段第2964號B分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 2964 S.B. IN D.D.116, KONG TAU TSUEN, YUEN LONG

本摘要圖於2019年11月19日擬備，所根據的資料為測量圖編號 6-NW-15C 及 6-NW-15D
EXTRACT PLAN PREPARED ON 19.11.2019
BASED ON SURVEY SHEETS No. 6-NW-15C & 6-NW-15D

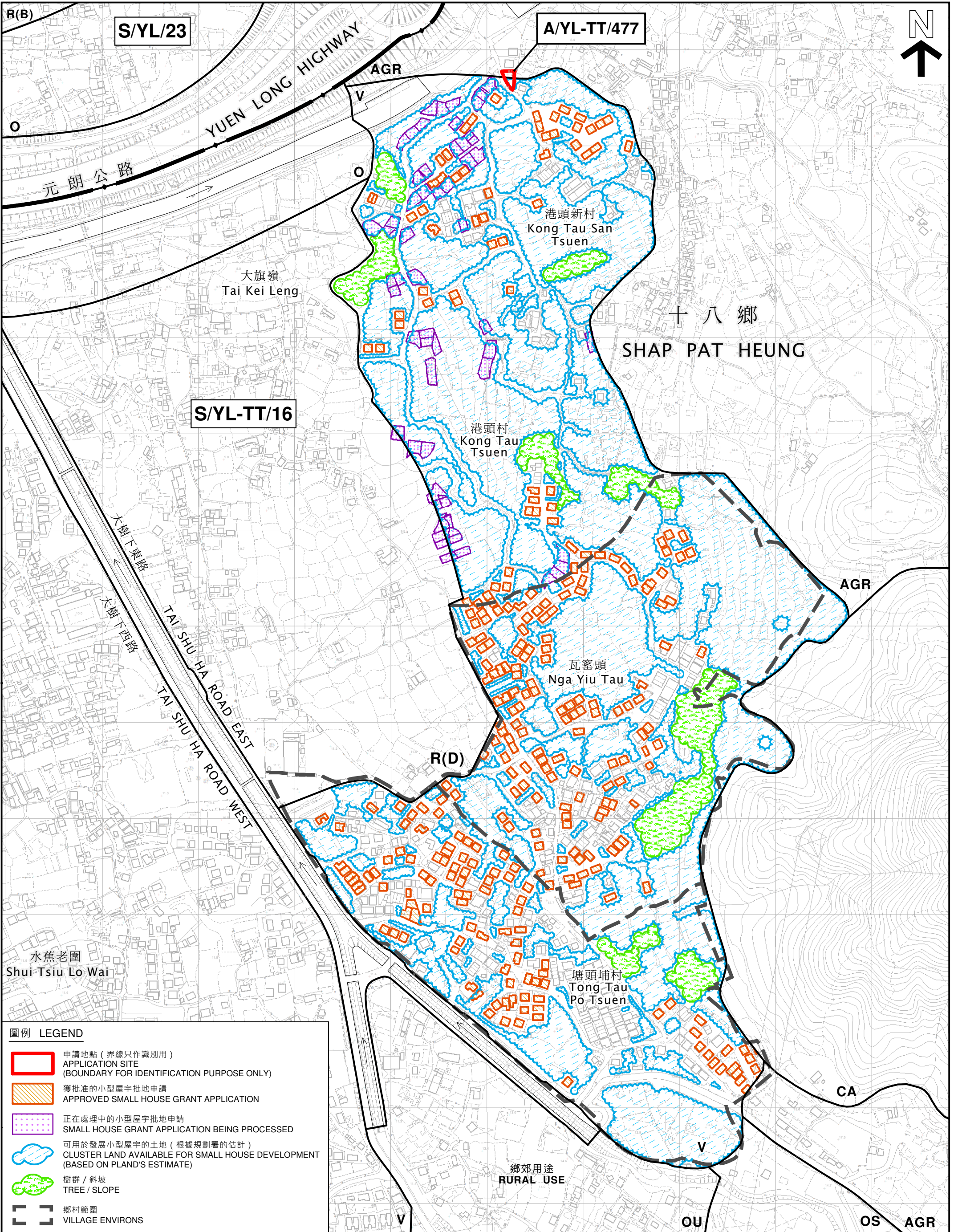


規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-TT/477

圖 PLAN
A-2a



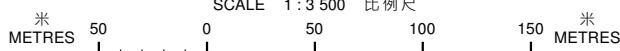
圖例 LEGEND

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

本摘要圖於2019年11月20日擬備，
所根據的資料為測量圖編號
6-NW-15C、15D、20A、20B、20C及20D
EXTRACT PLAN PREPARED ON 20.11.2019
BASED ON SURVEY SHEETS No.
6-NW-15C, 15D, 20A, 20B, 20C & 20D

**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)
元朗港頭村丈量約份第116約地段第2964號B分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 2964 S.B IN D.D.116,
KONG TAU TSUEN, YUEN LONG
SCALE 1:3 500 比例尺

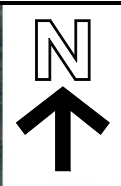


規劃署
**PLANNING
DEPARTMENT**



參考編號
REFERENCE No.
A/YL-TT/477

圖 PLAN
A-2b



上攸田村
Sheung Yau Tin Tsuen

YUEN LONG HIGHWAY

LONG HO ROAD

Nuifah

十八鄉交匯處
SHAP PAT HEUNG
INTERCHANGE

元朗公路

朗河路

明渠


港頭新村
Kong Tau San Tsuen

港頭村
Kong Tau Tsuen

連接朗河路的通道
Access Leading from
Long Ho Road



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11月9日擬備，所根據的資料為地政總署於2018年3月13日拍得的航攝照片編號 E035780C
EXTRACT PLAN PREPARED ON 9.11.2019
BASED ON AERIAL PHOTO No.
E035780C TAKEN ON 13.3.2018
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)
元朗港頭村丈量約份第116約地段第2964號B分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 2964 S.B IN D.D.116, KONG TAU TSUEN, YUEN LONG

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-TT/477

圖 PLAN
A-3

申請地點
APPLICATION SITE

1



連接朗河路的通道
Access Leading from
Long Ho Road

2



申請地點
APPLICATION SITE

3



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

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)
元朗港頭村丈量約份第116約地段第2964號B分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 2964 S.B IN D.D.116, KONG TAU TSUEN, YUEN LONG

規劃署
PLANNING
DEPARTMENT



本圖於2019年11月14日擬備，所根據的資料為攝於2019年11月12日的實地照片
PLAN PREPARED ON 14.11.2019
BASED ON SITE PHOTOS
TAKEN ON 12.11.2019

參考編號
REFERENCE No.
A/YL-TT/477

圖 PLAN
A-4

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/477 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 2964 S.B
in D.D. 116, Kong Tau Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/477A)

Presentation and Question Sessions

137. Mr Steven Y.H. Siu, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) advised that in view of existing village houses in the vicinity, the proposed use was considered not incompatible with the surrounding environment. 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, four objecting comments were received from Designing Hong Kong Limited and individuals. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) PlanD’s views – PlanD did not support the application based on the assessment set out in paragraph 12 of the Paper. Regarding the Interim

Criteria for Consideration of Application for NTEH/Small House in the New Territories (the Interim Criteria), the proposed Small House fell entirely outside the 'Village Environ' of any recognised village and the land available within the relevant "Village Type Development" ("V") zone for Kong Tau Tsuen, Kong Tau San Tsuen, Nga Yiu Tau and Tong Tau Po Tsuen could accommodate the outstanding Small House applications and the 10-year forecast of Small House demand. As such, the proposed development did not comply with the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in the concerned "V" zone. While there was one previous application approved before the promulgation of the Interim Criteria, the special circumstances of the previous approval was not relevant to the current application and the prevailing Interim Criteria should be used in assessing the current case. There were five similar applications within or straddling the subject "Agriculture" zone which were all rejected by the Committee and the situation and consideration of the current application was similar. The approval of the current application would set an undesirable precedent and attract similar applications within the "AGR" zone. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

138. In response to a Member's enquiry, Mr Steven Y.H. Siu, STP/TMYLW, explained that the applicant, being a company, was authorized by an indigenous villager of Tung Tau Tsuen, Yuen Long to submit the application for planning permission. Mr Alan K.L. Lo, Assistant Director (Regional 3), Lands Department, supplemented that only indigenous villager(s) of recognized village(s) would be eligible for applying for small house grant.

Deliberation Session

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

“(a) 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 there is no general shortage of land in meeting the demand for Small House development in the "Village Type Development" zone of Kong Tau Tsuen, Kong Tau San Tsuen, Nga Yiu Tau and Tong Tau Po Tsuen; and

- (b) approval of the application would set an undesirable precedent for similar applications at the subject "Agriculture" zone resulting in a general degradation of the rural agricultural character of the area."

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/991 Temporary Warehouse for Storage of Electronic Goods for a Period of 3 Years in "Undetermined" Zone, Lots 1402 (Part), 1487 (Part), 1488 S.A (Part), 1488 RP (Part) and 1489 (Part) in D.D. 119, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/991)

Presentation and Question Sessions

140. Mr Steven Y.H. Siu, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
 - (b) temporary warehouse for storage of electric goods for a period of three years;
 - (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of
-

**Interim Criteria for Consideration of Application for
New Territories Exempted House(NTEH)/Small House in New Territories**

**(A) Explanatory Notes on NTEH/Small House Development Exempted from
Planning Application**

- (a) for NTEH/Small House development on a site straddling the “Village Type Development” (“V”) zone and other land use zones, planning permission will not be required if the proposed NTEH/Small House footprint falls wholly within the “V” zone;
- (b) planning permission will also not be required if not less than 50% of the footprint of a Small House falls within the “V” zone and the village ‘environs’ (‘VE’) of a recognized village;
- (c) the above exemption from planning application is not applicable to any NTEH/Small House development on a site encroaching on:
 - (i) conservation-related zones (such as “Coastal Protection Area”, “Conservation Area”, “Site of Special Scientific Interest”) and “Country Park”;
 - (ii) “Green Belt” zone;
 - (iii) “Open Space” (“O”) zone involving Government land, or where the proposed NTEH/Small House footprint encroaching on the “O” zone;
 - (iv) water gathering grounds; and
 - (v) area shown as ‘Road’.
- (d) notwithstanding (c) above, if only a very minor portion of the site (5% or 10m², whichever is the less) falls outside the “V” zone (regardless of the other zoning(s) involved), it will be regarded as minor boundary adjustment always permitted under the covering Notes of the relevant Outline Zoning Plan/Development Permission Area Plan provided that no tree felling is involved and no adverse impacts are envisaged.

(B) Assessment Criteria for Planning Application

- (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.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) at the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site does not fall within the village 'environs' ('VE') boundary of any recognised village in the locality. The Site is an Old Schedule Agricultural Lot and does not have a building status. If a proposed Small House site is outside or more than 50% of it is outside the 'VE' boundary of a recognised village and the "Village Type Development" ("V") zone which encircles the recognised village, the concerned Small House application will be rejected under the New Territories Small House Policy even though the applicant is an indigenous villager who has successfully sought planning permission. On the other hand, consideration will be given to application for proposed house site within or at least 50% of it is within a "V" zone which encircles a recognised village and is larger than the 'VE'. Her approval to Small House grant is not automatic even if the applicant has obtained s.16 approval from the Town Planning Board (the Board). The grant is subject to all criteria being met and all relevant factors being considered. The registered lot owner should inform her, and she will consider the Small House application acting in the capacity as the landlord and there is no guarantee that such application would be approved. Any applications, if approved, would be subject to such terms and conditions including, among others, the payment of premium and/or administrative fee as may be imposed by her department;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that in case DLO/YL decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the New Territories Exempted House (NTEH) development, such works will require prior approval and consent under the Buildings Ordinance. In the circumstance, an Authorised Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL or seek AP's advice for details;
- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site from Long Ho Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any access connecting the Site and Long Ho Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that all drainage facilities on Site should be maintained in good condition and the proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.;
- (g) to note the comments of the Director of Environmental Protection that the

“Recommended Pollution Control Clauses for Construction Contracts” should be followed to minimise the noise impact during the construction stage. The guideline is available at his department’s website: https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc_1.html;

- (h) to note the comments of the Director of Fire Services that the “NTEH – A Guide to Fire Safety Requirements” published by LandsD should be observed. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that approval of the planning application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. Relevant authority/government department(s) should be approached directly to obtain the necessary approval on tree works; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the subject application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation should be observed when carrying out works in the vicinity of the electricity supply lines.