

RNTPC Paper No. A/YL-TT/484
For Consideration by
the Rural and New Town
Planning Committee
on 1.11.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/484

- Applicant** : Mr. WU Siu Yin represented by Mr. WU Wai Shing
- Site** : Lot 3090 S.B in D.D.120, Tin Liu Tsuen, Tai Tong, Yuen Long, New Territories
- Site Area** : 150.2 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/16
- Zonings** : “Village Type Development” (“V”) (about 62.9%)
[restricted to a maximum building height of 3 storeys (8.23m)]
“Agriculture” (“AGR”) (about 37.1%)
- Application** : Proposed House (New Territories Exempted House (NTEH) - Small House)

1. The Proposal

- 1.1 The applicant, who claims to be an indigenous villager of Tin Liu Tsuen¹, 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)’ within the “V” zone is always permitted, 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 and overgrown with vegetation.
- 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

¹ The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advises that the applicant’s eligibility of Small House grant has yet to be ascertained.

Roofed over area : 65.03m

The uncovered area of the Site is proposed for garden and emergency vehicular access use. Layout of the proposed Small House is shown on **Drawing A-1**.

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

- (a) Application Form with attachments and plans received on 4.9.2019 (**Appendix I**)
- (b) Further Information received on 22.10.2019 clarifying the indigenous villager status of the applicant and the use of the remainder of the Site
[accepted and exempted from publication and recounting requirement] (**Appendix Ia**)

2. **Justifications from the Applicant**

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

The applicant is an indigenous villager of Tin Liu Tsuen in Yuen Long and wishes to build a Small House on the Site which is solely owned by him. The Board has approved similar applications in the past and similar treatment should be given to the current application.

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

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

4. **Assessment Criteria**

The set of Interim Criteria for Consideration of Application for 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**

There is no previous application at the Site.

7. Similar Applications

- 7.1 There are nine similar applications (No. A/YL-TT/168, 213, 214, 215, 350, 356, 382, 390 and 464) for NTEH/Small House development within or straddling the same “V” and/or “AGR” zones since the first promulgation of the Interim Criteria on 24.11.2000. Out of the nine applications, five were approved with/without conditions, while the remaining four were rejected. Details of the applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1**.
- 7.2 The five approved applications (No. A/YL-TT/168, 213, 214, 350 and 390) were approved with/without conditions by the Committee of the Board between 2004 and 2016 mainly on the considerations that the proposals were generally in line with the Interim Criteria in that more than 50% of the Small House footprint was located within the “V” zone; there was a general shortage of land to meet the demand for Small House development in the concerned “V” zones at the time of consideration; the proposal was not incompatible with the surrounding areas; relevant government departments consulted had no adverse comment on the proposal (except for the Director of Agriculture, Fisheries and Conservation (DAFC) for applications No. A/YL-TT/213 and 350); and no local objections were received on the applications.
- 7.3 Application No. A/YL-TT/215 was rejected by the Committee on 2.11.2007 on the consideration that the proposal was not in line with the planning intention of the “AGR” zone; the proposal did not comply with the Interim Criteria in that there was no general shortage of land in meeting the demand of Small House development at the time of consideration and more than 50% of the proposed NTEH footprint fell outside the “V” zone; and no information was submitted to demonstrate that there were no suitable sites within the “V” zone for the proposed development.
- 7.4 Applications No. A/YL-TT/356 and 382 were rejected by the Committee on 9.10.2015 and 15.7.2016 respectively on similar considerations as application No. A/YL-TT/215, except for the additional consideration that the proposed Small House footprints fell entirely outside the village environ (‘VE’) and “V” zone (for the former application); and that sufficient land was still available within the “V” zone of Muk Kiu Tau Tsuen to meet the demand of Small House development (for the latter application).
- 7.5 The last application No. A/YL-TT/464 was rejected by the Committee on 31.5.2019 on the consideration that the proposal was not in line with the planning intention of the “AGR” zone; and that sufficient land was still available within the “V” zones of Tin Liu Tsuen and Sham Chung Tsuen to meet the demand of Small House development.

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

- 8.1 The Site is:

- (a) located at the south-eastern fringe of Tin Liu Tsuen;
- (b) outside the “VE” of Tin Liu Tsuen (**Plan A-1**);
- (c) accessible by a local track leading from Sham Chung Road (**Plans A-2a and A-3**); and
- (d) generally flat, formed and overgrown with vegetation.

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

- (a) predominantly rural in character with village houses generally to the immediate and further north, and fallow/cultivated agricultural land to the immediate east, south and west;
- (b) some scattered vacant/unused land, storage yards and a construction site can be found in the vicinity; and
- (c) the aforementioned storage yards 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?			

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	- Footprint of the proposed Small House	73.8%	26.2%	
	- Application Site	62.9%	37.1%	
2.	Within 'VE'?			
	- Footprint of the proposed Small House	-	100%	- The Site falls entirely outside the 'VE' of Tin Liu Tsuen (Plan A-2a).
	- Application Site	-	100%	
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 Tin Liu Tsuen and Sham Chung Tsuen is <u>about 6.83 ha (equivalent to about 273 Small House sites)</u> , including 75 outstanding Small House applications (i.e. about 1.88 ha of land) and a 10-year Small House demand forecast of 198 houses (i.e. about 4.95 ha of land). - Land available to meet Small House demand within the "V" zones of Tin Liu Tsuen and Sham Chung Tsuen is <u>about 7.5 ha (equivalent to about 300 Small House sites)</u> (Plan A-2b).
	Sufficient land in "V" zone to meet outstanding Small House applications?	✓		
4.	Compatible with the planning intention of "AGR" zone?		✓	- DAFC does not support the application from agricultural point of view as there are agricultural infrastructures nearby, the Site can be used for agricultural activities and the Site possesses potential for agricultural rehabilitation.
5.	Compatible with surrounding area / development?	✓		- The surrounding areas are predominantly rural in character with agricultural land intermixed with village houses 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 objection to 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 specific comment on 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?		✓	- Director of Environmental Protection (DEP) advises that the Site is outside of WGG. He has no comment on the proposal.
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 mainly vegetated with shrubs. In view of similar village house development in the vicinity, the proposal is considered not incompatible with the surrounding landscape character.
13.	Local objections		✓	

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	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 IV**.

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

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

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

11. Public Comments Received During the Statutory Publication Period

On 13.9.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 4.10.2019, 6 public comments were received. Two members of the public objected to the application due to concerns on the flooding, safety and environmental hygiene impacts of the proposal (**Appendices V-1 and V-2**). Another member of the public objected with the reason that there is no general shortage of land in meeting the demand for SH development in the relevant “V” zone and had concerns on the proposed septic tank (**Appendix V-3**). Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and World Wide Fund for Nature Hong Kong (**Appendices V-4 to V6**) objected to the application on similar grounds that the proposal is not in line 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 26.2% of the proposed NTEH footprint) and “V” zones (about 73.8%). 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. In this regard, DAFC does not support the application from agricultural point of view as there are agricultural infrastructures (i.e. road access and water source) nearby, the Site can be used for agricultural activities and the Site possesses potential for agricultural rehabilitation.

- 12.2 The Site is located at the south-eastern fringe of Tin Liu Tsuen and is not incompatible with the surrounding environment. CTP/UD&L, PlanD has no objection to the application as significant adverse impact on the existing landscape resources is not anticipated. Other government departments including C for T, DEP, 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 Tin Liu Tsuen and Sham Chung Tsuen is 75 (i.e. equivalent to about 1.88 ha of land) while the 10-year forecast of Small House demand is 198 (i.e. about 4.95 ha of land). As such, land is required to accommodate a total of 273 Small Houses within the relevant “V” zones, equivalent to about 6.83 ha of land. DLO/YL, LandsD advises that the proposed Small House does not fall within the ‘VE’ of any recognised village (**Plan A-2a**).
- 12.4 Regarding the Interim Criteria (**Appendix II**), the Site and the footprint of the proposed Small House do not fall within the ‘VE’ of any recognised village (**Plan A-2a**). Based on the latest estimation by PlanD, about 300 Small House sites (equivalent to about 7.5 ha of land) are available within the relevant “V” zones for Tin Liu Tsuen and Sham Chung Tsuen, which can accommodate the outstanding Small House and the forecasted long-term Small House demand. In this regard, 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 infrastructures and services, as there is no shortage of land in meeting the demand for Small House development in the “V” zones of Tin Liu Tsuen and Sham Chung Tsuen.
- 12.5 There are nine similar applications within the subject “AGR” and “V” zones, of which four were rejected on the grounds that the proposal was not in line with the planning intention of the “AGR” zone; there was no general shortage of land in meeting the demand of Small House development within the “V” zones at the time of consideration; and/or no information was submitted to demonstrate why suitable sites within the concerned “V” zones could not be made available for Small House development. The remaining five applications were approved with/without conditions mainly on the consideration, amongst others, that the application was in line with the Interim Criteria; there was a general shortage of land to meet the demand for SH development in the concerned “V” zones; and relevant Government departments consulted had no adverse comment on the application. However, the circumstances of the current application are not similar to the above approved applications. Overall, rejecting this application would be in line with the Committee’s previous decisions.

- 12.6 There were 6 public comments raising objection/concerns on the application as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 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 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. There is no strong planning justification provided in the submission to justify a departure from the planning intention; and
 - (b) land is still available within the "V" zones of Tin Liu Tsuen and Sham Chung Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zones for more orderly development pattern, efficient use of land and provision of infrastructure and services.
- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 1.11.2023, 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 VI**.

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.

15. Attachments

Appendix I	Application Form with attachment and plans received on 4.9.2019
Appendix Ia	Further Information received on 22.10.2019 clarifying the indigenous villager status of the applicant and the use of the remainder of the Site
Appendix II	Extract of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Similar applications within the same “AGR” and “V” zones on the OZP
Appendix IV	Detailed Comments from Relevant Government Departments
Appendices V-1 to V-6	Public Comments Received During Statutory Publication Period
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Site 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” Zones
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 recognized village and there is a general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of the village;
- (b) if more than 50% of the proposed NTEH/Small House footprint is located outside the 'VE', favourable consideration could be given if not less than 50% of the proposed NTEH/Small House footprint falls within the "V" zone, provided that there is a general shortage of land in meeting the demand for Small House development in the "V" zone and the other criteria can be satisfied;
- (c) development of NTEH/Small House with more than 50% of the footprint outside both the 'VE' and the "V" zone would normally not be approved unless under very exceptional circumstances (e.g. the application site has a building status under the lease, or approving the application could help achieve certain planning objectives such as phasing out of obnoxious but legal existing uses);
- (d) application for NTEH/Small House with previous planning permission lapsed will be considered on its own merits. In general, proposed development which is not in line with the criteria would normally not be allowed. However, sympathetic consideration may be given if there are specific circumstances to justify the cases, such as the site is an infill site among existing NTEHs/Small Houses, the processing of the Small House grant is already at an advance stage;
- (e) if an application site involves more than one NTEH/Small House, application of the above criteria would be on individual NTEH/Small House basis;
- (f) the proposed development should not frustrate the planning intention of the particular zone in which the application site is located;
- (g) the proposed development should be compatible in terms of land use, scale, design and layout, with the surrounding area/development;
- (h) the proposed development should not encroach onto the planned road network and should not cause adverse traffic, environmental, landscape, drainage, sewerage and geotechnical impacts on the surrounding areas. Any such potential impacts should be mitigated to the satisfaction of relevant Government departments;
- (i) the proposed development, if located within water gathering grounds, should be able to be connected to existing or planned sewerage system in the area except under very special circumstances (e.g. the application site has a building status under the lease or the applicant can demonstrate that the water quality within water gathering grounds will not be affected by the proposed development*);

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

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

**Similar Applications within/straddling the same “V” and/or “AGR” zones
on the Tai Tong OZP**

Approved Applications

	<u>Application No.</u>	<u>Proposed Development(s)/Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TT/168	New Territories Exempted House (NTEH) (Small House)	3.12.2004	(1)
2	A/YL-TT/213#	Proposed House (NTEH – Small House)	12.10.2007	(1)
3	A/YL-TT/214#	Proposed House (NTEH – Small House)	12.10.2007	Nil
4	A/YL-TT/350#	Proposed House (NTEH – Small House)	8.5.2015	(1), (2)
5	A/YL-TT/390#	Proposed House (NTEH – Small House)	28.10.2016	(2), (3)

Straddles the “AGR” and “V” zones.

Approval Condition(s):

- (1) Submission and implementation of landscape proposals.
- (2) Provision of septic tank.
- (3) Submission and implementation of drainage proposals.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Development(s)/Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TT/215#	Proposed House (NTEH – Small House)	2.11.2007	(1), (2), (3)
2	A/YL-TT/356^	Proposed 4 Houses (NTEHs – Small Houses)	9.10.2015	(1), (4)
3	A/YL-TT/382#	Proposed House (NTEH – Small House)	15.7.2016	(1), (2), (3)
4	A/YL-TT/464#	Proposed House (NTEH – Small House)	31.5.2019	(1), (2)

Straddles the “AGR” and “V” zones.

^ Falls wholly within the “AGR” zone.

Rejection Reason(s):

- (1) Not in line with the planning intention of the “AGR” zone.
- (2) Not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories” (Interim Criteria) in that there was no shortage of land within the concerned “V” zone(s) in meeting the demand of Small House development.
- (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) Not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories” in that the proposed Small House footprints fall entirely outside the ‘Village Environs’ and “V” zone.

Detailed Comments from Relevant Government Departments

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 Site, which is at departmental circulation stage.
 - (b) The number of outstanding SH applications of Tin Liu Tsuen and Sham Chung Tsuen are 69 (including 2 nos. of Private Treaty Grant applications where their processing were withheld in light of the judgment of the Judicial Review case on SH policy in 4/2019) and 6 respectively. The 10-year forecasts (2018-2027) of SH demand for Tin Liu Tsuen and Sham Chung Tsuen (2016-2025) are 180 and 18 respectively. The figures of the 10-year forecast are provided by the Indigenous Inhabitant Representatives of Tin Liu Tsuen and Sham Chung Tsuen and he is unable to verify such information.
 - (c) The proposed SH footprint does not fall within the Village Environs Boundary (VEB) of any recognised village. If a proposed SH site is outside or more than 50% of it is outside the VEB of a recognised village, it will be rejected under the SH policy even though the applicant is an indigenous villager who has successfully sought planning permission. His office's approval to SH grant is not automatic even though the applicant has obtained s.16 approval from the Town Planning Board. The grant is subject to all criteria being met and all relevant factors being considered.
 - (d) The indigenous villager status and eligibility of the applicant for the s.16 application to apply for SH has not yet been verified by his office. Regarding the subject case, should planning approval be given to the application, the registered lot owner should inform his office, and his office 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 or 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, LandsD should be in a better position to comment on the captioned application.
 - (b) In case DLO/YL, LandsD 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, LandsD or seek AP's advice for details.

Traffic

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

Since no vehicular access and parking space is proposed for the development, he has no comment on the application from traffic engineering point of view.

4. Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

(a) It is noted that no vehicular access is proposed or to be granted under the subject application. He has no comment from highways maintenance point of view.

(b) If the application is approved, it is recommended to highlight in the reply to the applicant that the application is approved on the understanding that there is and will be no vehicular access to/from the Site.

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 of a drainage proposal and the implementation of the 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):

The Site is outside of water gathering ground. Septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Practice Note for Professional Persons (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an AP.

Fire Safety

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

- (a) He has no specific comment on the application.
- (b) The applicant is advised to observe the “NTEH – A Guide to Fire Safety Requirements” which is administered by LandsD.

Water Supply

8. Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):
- (a) She has no objection to the application.
 - (b) For the provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to her department’s standards.

Nature Conservation

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

The Site falls within “AGR” and “V” zones and is currently fallow land overgrown with grasses. Agricultural activities are active in the vicinity, and agricultural infrastructure such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, green house and plant nursery. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view.

Landscape

10. 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 (**Plan A-3**), it is observed that the Site is mainly vegetated with shrubs. The Site is situated in an area of village landscape character. In view that there is other similar village house development in the vicinity, the proposed use is considered not incompatible with the surrounding landscape character.
 - (c) As the proposed development is unlikely to cause any adverse landscape impact, and that there is limited space remaining within the Site for any landscape treatment, it is considered that the landscape condition is not necessary should the application be approved by the Board.

District Officer’s Comments

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

HAD):

Her office has not received any comments, from the village representatives in the vicinity, on the application.

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the proposed Small House (SH) footprint does not fall within the Village Environs Boundary (VEB) of any recognised village. If a proposed SH site is outside or more than 50% of it is outside the VEB of a recognised village, it will be rejected under the SH policy even though the applicant is an indigenous villager who has successfully sought planning permission. His office's approval to SH grant is not automatic even though the applicant has obtained s.16 approval from the Town Planning Board. The grant is subject to all criteria being met and all relevant factors being considered. Your indigenous villager status and eligibility to apply for SH has not yet been verified by his office. Regarding the subject case, should planning approval be given to the application, the registered lot owner should inform his office, and his office 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.
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that in case DLO/YL, LandsD decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the New Territories Exempted House 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. You may approach DLO/YL, LandsD or seek AP's advice for details;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the application is approved on the understanding that there is and will be no vehicular access to/from the Site;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department 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.;
- (e) to note the comments of the Director of Environmental Protection that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Practice Note for Professional Persons (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an AP;
- (f) to note the comments of the Director of Fire Services to observe the "New Territories Exempted House – A Guide to Fire Safety Requirements" which is administered by LandsD; and
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for the provision of water supply to the development, you may need to extend your inside services to the nearest suitable government water mains for connection. You shall resolve any land matter (such as private lots) associated with the provision

of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to her department's standards.

SMALL HOUSE PROPOSAL OF LOT 3090 S.B IN D.D.120



Lot 3090 S.B
 About 150.1m²
 (About 51.8m² on V-Zone)
 (About 13.2m² on AGR)

Lot 3090 S.A

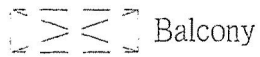
V-Zone
 AGR

Proposal
 Small House

V-Zone
 AGR

Lot 3090 S.C

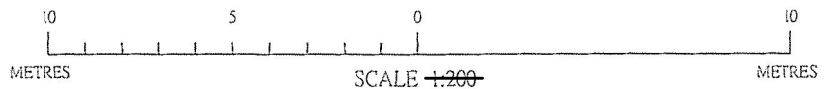
Lot 3090 RP



Balcony



Septic Tank
 (3.66m x 1.22m)



馬容江測量有限公司
 HELICON MA SURVEYING LTD.

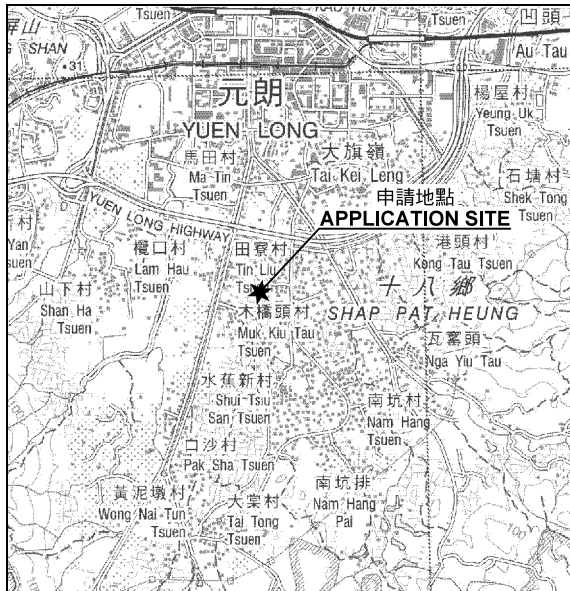
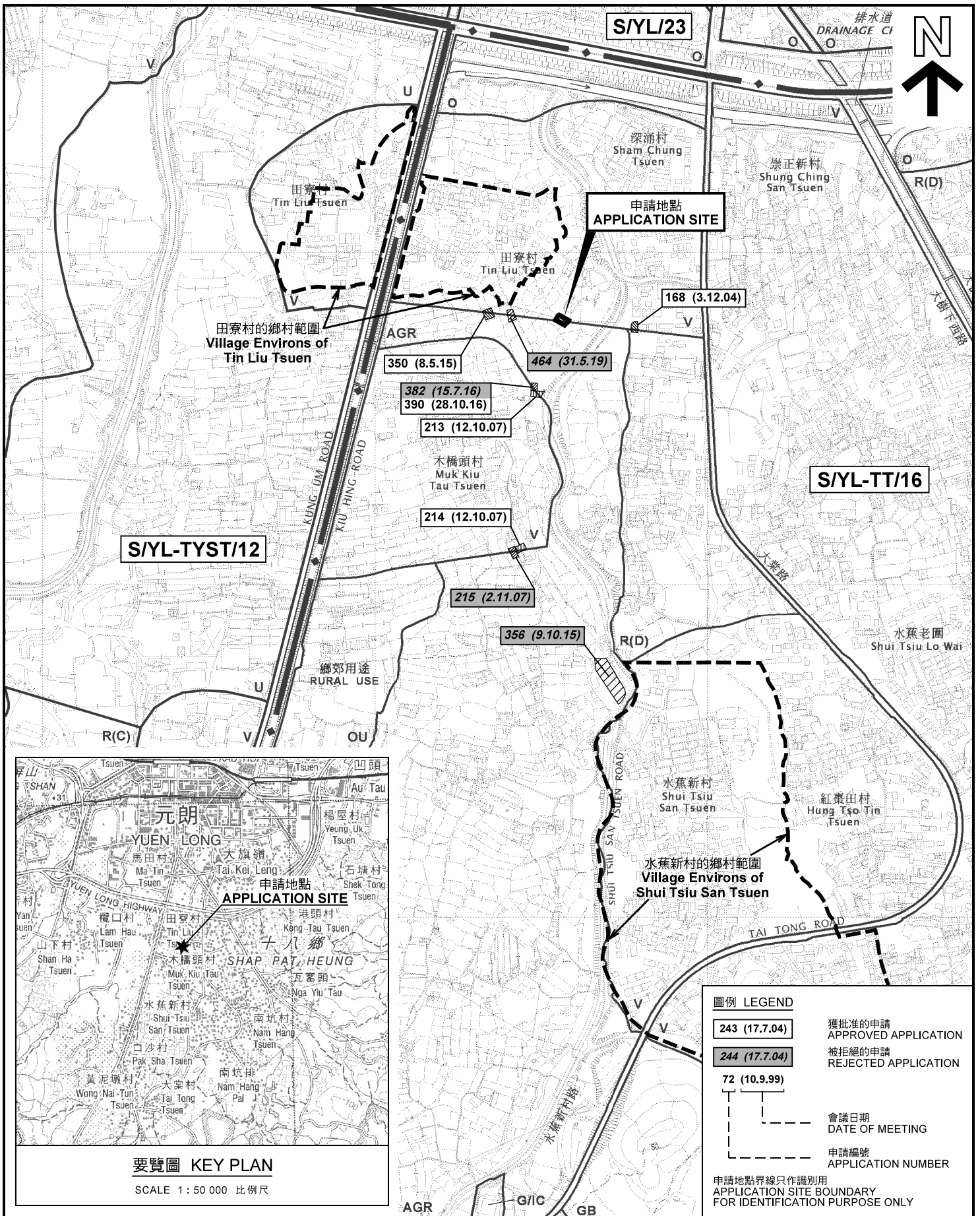
新界元朗青山道150-160號 元朗匯豐大廈8樓801室
 Rm. 801, 8/F, HSBC Building Yuen Long, 150-160 Castle Peak, Y.L., N.T.
 TEL: 2449 3536 FAX: 2449 3540 MOBILE: 9435 4898

Plan No. : P2A
 Date: 14 May 2019

(摘錄自申請人於 4.9.2019 呈交的申請書)
 (Extract from Applicant's
 Submission of 4.9.2019)

參考編號
 REFERENCE No.
 A/YL-TT/484

繪圖 DRAWING
 A-1



要覽圖 KEY PLAN

SCALE 1 : 50 000 比例尺

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

位置圖及同類申請 LOCATION PLAN WITH SIMILAR APPLICATIONS

擬議屋宇 (新界豁免管制屋宇 - 小型屋宇)
元朗田寮村丈量約份第120約地段第3090號B分
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 3090 S.B IN D.D.120,
TIN LIU TSUEN, YUEN LONG

SCALE 1 : 7 500 比例尺
0 100 200 300 METRES

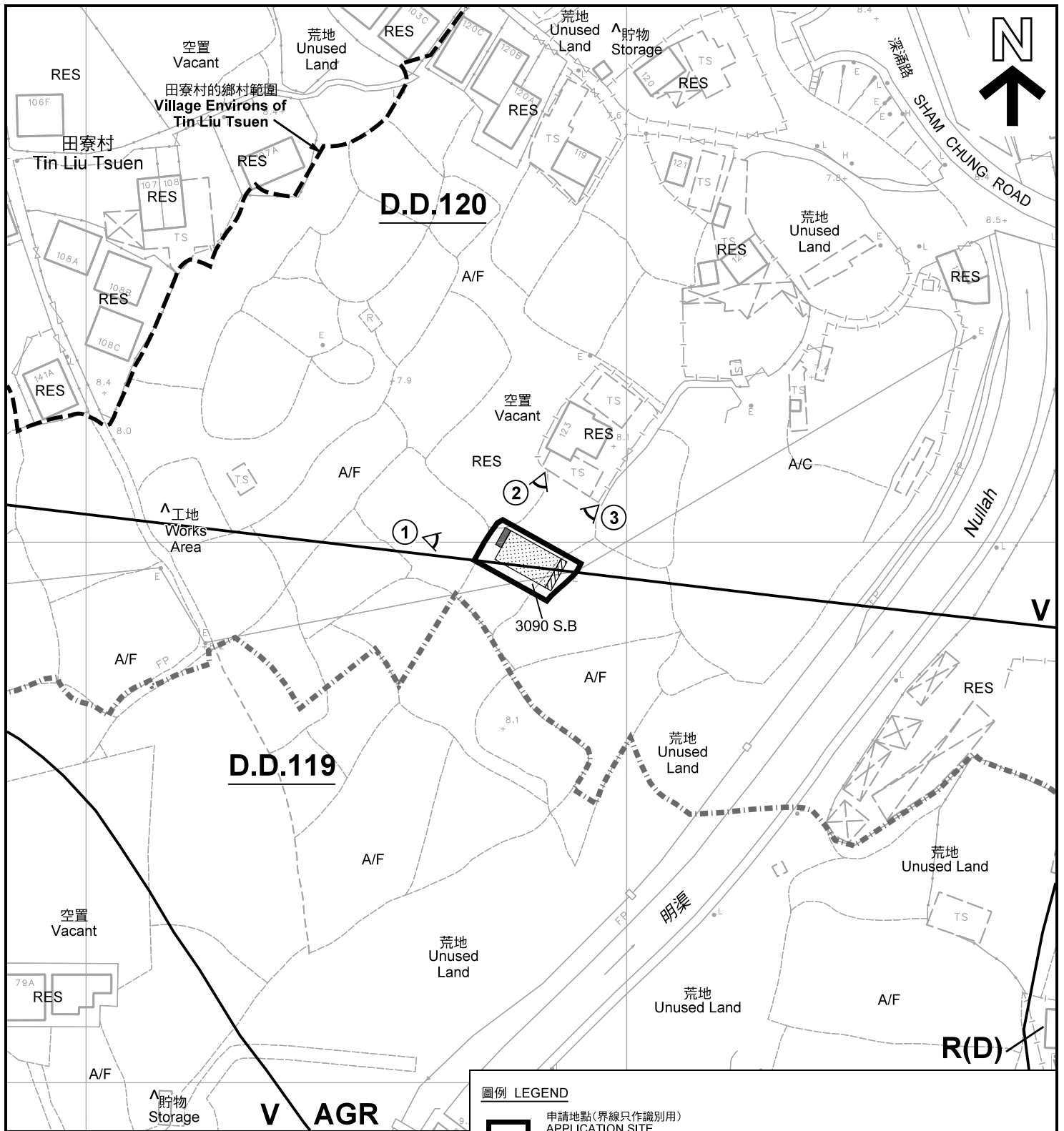
本摘要圖於2019年10月3日擬備，
所根據的資料為於2012年3月13日
核准的分區計劃大綱圖編號 S/YL-TT/16
EXTRACT PLAN PREPARED ON 3.10.2019
BASED ON OUTLINE ZONING PLAN No.
S/YL-TT/16 APPROVED ON 13.3.2012

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-TT/484

圖 PLAN
A-1



註釋 Notes :

- (1) 2019年9月13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 13.9.2019
- (2) * 土地用途跟1991年10月及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 Oct 1991 & Nov 1991
- (3) ^ 土地用途跟1991年10月及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 Oct 1991 & 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
- R(D)** 住宅(丁類)
RESIDENTIAL (GROUP D)
- V** 鄉村式發展
VILLAGE TYPE DEVELOPMENT
- AGR** 農業
AGRICULTURE
- RES** 住用構築物
RESIDENTIAL STRUCTURES
- A/F** 休耕農地
FALLOW AGRICULTURAL LAND
- A/C** 常耕農地
CULTIVATED AGRICULTURAL LAND
- 實地照片的觀景點
VIEWING POINT OF SITE PHOTO
- 丈量約界線
D.D. BOUNDARY

平面圖 SITE PLAN

擬議屋宇(新界豁免管制屋宇 - 小型屋宇)
元朗田寮村丈量約份第120約地段第3090號B分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 3090 S.B IN D.D.120,
TIN LIU TSUEN, YUEN LONG

SCALE 1 : 1 000 比例尺

米 20 0 20 40 米
METRES

規劃署
PLANNING
DEPARTMENT

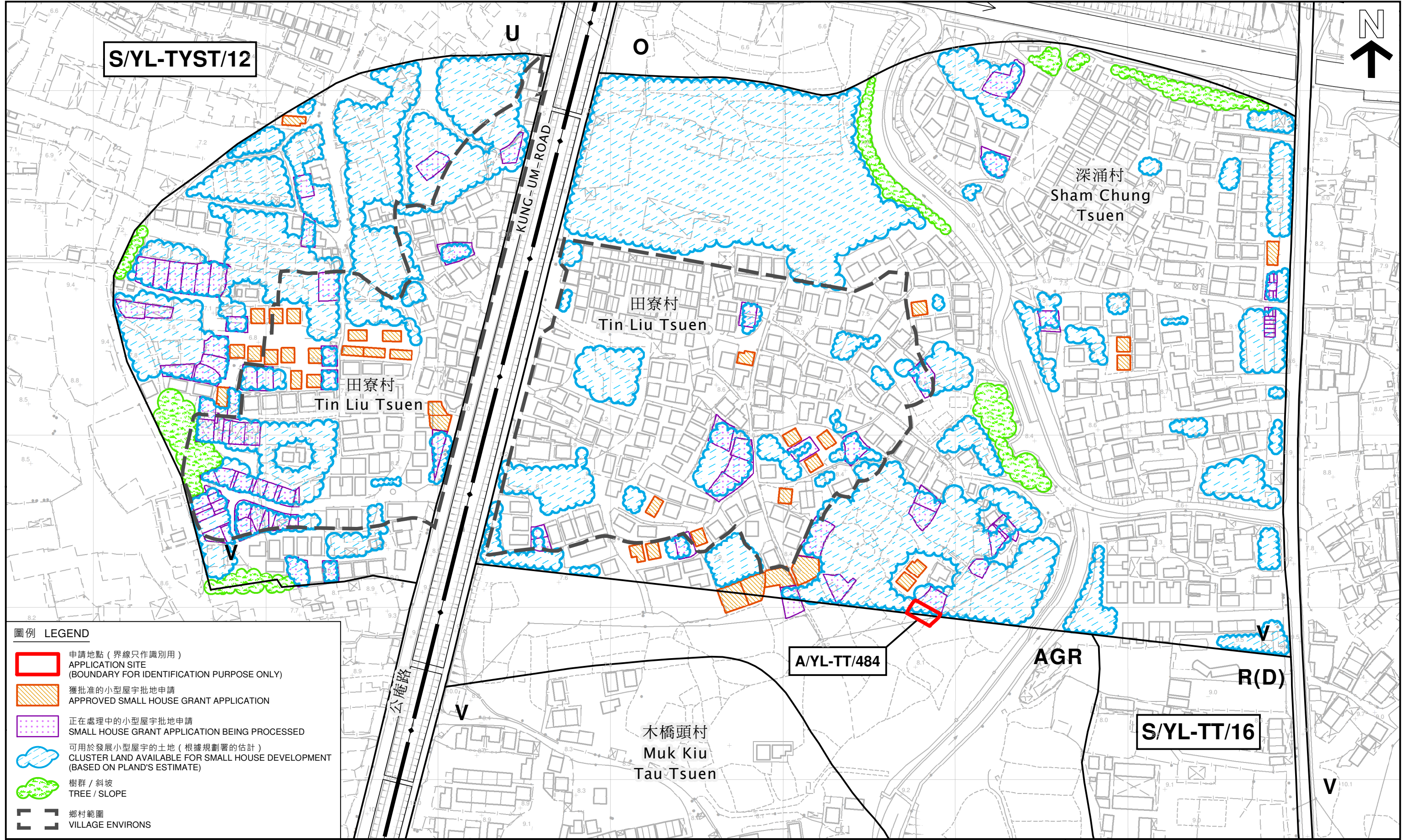


參考編號
REFERENCE No.
A/YL-TT/484

圖 PLAN
A-2a

本摘要圖於2019年10月15日擬備，所根據的資料為測量圖編號 6-NW-14D 及 6-NW-19B
EXTRACT PLAN PREPARED ON 15.10.2019
BASED ON SURVEY SHEETS No.
6-NW-14D & 6-NW-19B

S/YL-TYST/12

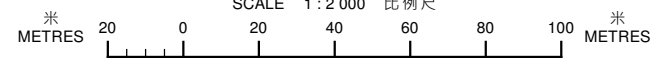


圖例 LEGEND

-  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10月28日擬備，
所根據的資料為測量圖編號
6-NW-14D、15C、19B及20A
EXTRACT PLAN PREPARED ON 28.10.2019
BASED ON SURVEY SHEETS No.
6-NW-14D, 15C, 19B & 20A

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)
元朗田寮村丈量約份第120約地段第3090號B分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 3090 S.B IN D.D. 120,
TIN LIU TSUEN, YUEN LONG
SCALE 1:2 000 比例尺

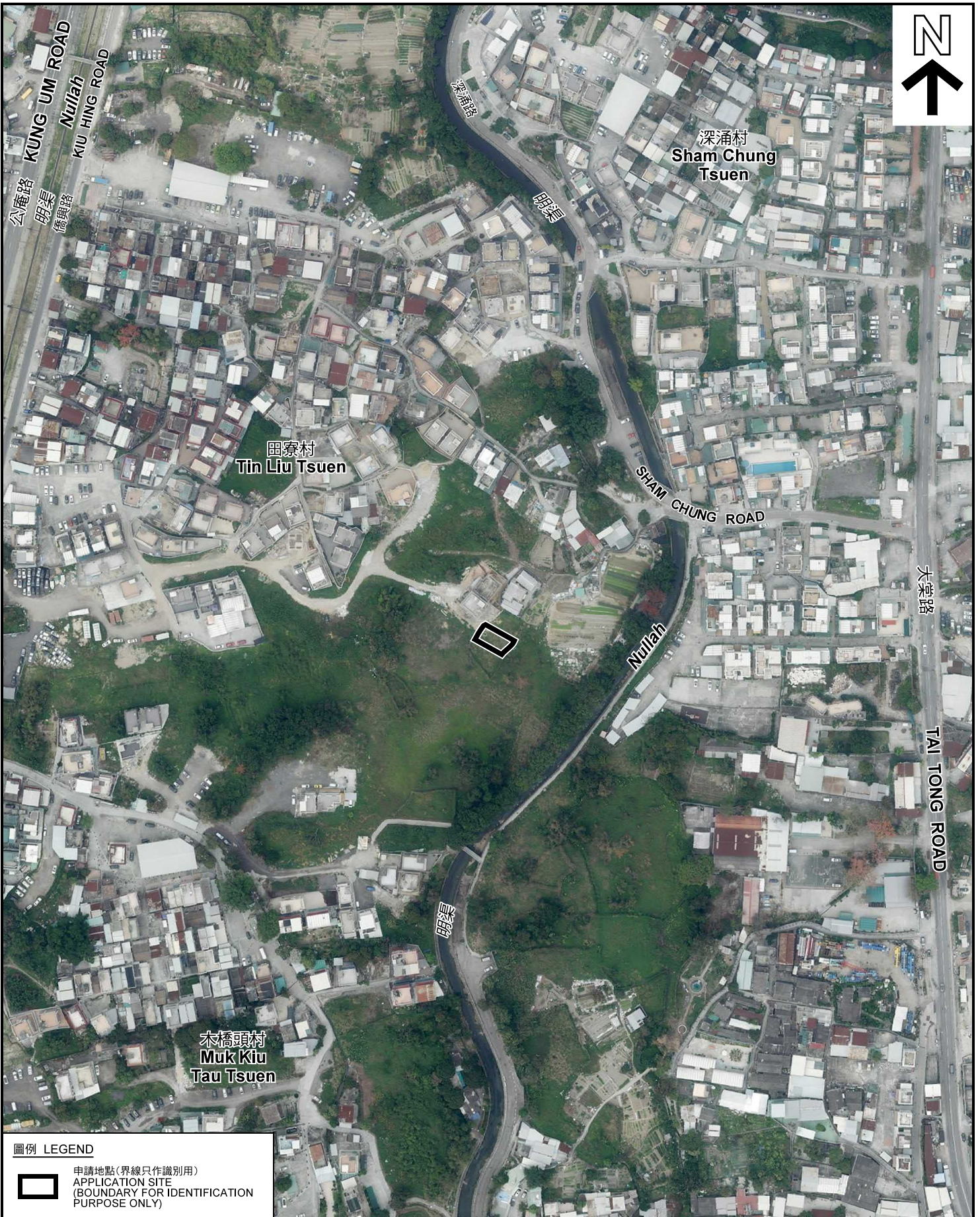


規劃署
PLANNING DEPARTMENT



參考編號 REFERENCE No.
A/YL-TT/484

圖 PLAN
A-2b



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10月15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 E034881C
EXTRACT PLAN PREPARED ON 15.10.2019
BASED ON AERIAL PHOTO No.
E034881C 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)
元朗田寮村丈量約份第120約地段第3090號B分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 3090 S.B IN D.D.120,
TIN LIU TSUEN, YUEN LONG

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-TT/484

圖 PLAN
A-3



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)
 元朗田寮村丈量約份第120約地段第3090號B分段
 PROPOSED HOUSE
 (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
 LOT 3090 S.B IN D.D.120,
 TIN LIU TSUEN, YUEN LONG

規 劃 署
 PLANNING
 DEPARTMENT



參考編號
 REFERENCE No.
 A/YL-TT/484

圖 PLAN
 A-4

本圖於2019年10月15日擬備，所根據的資料為攝於2019年9月13日的實地照片
 PLAN PREPARED ON 15.10.2019
 BASED ON SITE PHOTOS TAKEN
 ON 13.9.2019

TOWN PLANNING BOARD
Minutes of 637th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 1.11.2019

- 95 -

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/484 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" and "Village Type Development" Zones, Lot 3090 S.B
in D.D. 120, Tin Liu Tsuen, Yuen Long

(RNTPC Paper No. A/YL-TT/484)

Presentation and Question Sessions

151. 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 IV 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 government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, six objecting public comments were received from the Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited, World Wide Fund for Nature Hong Kong and members of the public. Major objection grounds were set out in paragraph 11 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 12 of the Paper.

The proposed Small House straddled the "Agriculture" ("AGR") and "Village Type Development" ("V") zones. The proposed development was not in line with the planning intention of the "AGR" zone. DAFC did not support the application from the agricultural point of view. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, the site and the footprint of the proposed Small House did not fall within the village 'environs' of any recognized village, and there was no shortage of land in meeting the outstanding Small House applications and forecasted Small House demand in the "V" zones of Tin Liu Tsuen and Sham Chung Tsuen. It was considered more appropriate to concentrate the proposed Small House developments within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. Rejection of the current application was in line with the Committee's previous decisions on the rejected similar applications, and the planning circumstances of similar approved applications in the vicinity of the sites were different from the subject application. Regarding the adverse public comments, the comments of government departments and planning assessments above were relevant.

152. Members had no question on the application.

Deliberation Session

153. Members noted that land available within the "V" zones for Tin Liu Tsuen and Sham Chung Tsuen was sufficient to accommodate the outstanding Small House and future Small House demand as pointed out in paragraph 12.4 of the paper. As such, the application 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. Members agreed that an additional rejection reason should be added to that effect.

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

"(a) the proposed development is not in line with the planning intention of the

“Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification provided in the submission to justify a departure from the planning intention;

- (b) the proposed Small House 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” (“V”) zones of Tin Liu Tsuen and Sham Chung Tsuen; and
- (c) land is still available within the “V” zones of Tin Liu Tsuen and Sham Chung Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zones for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

~~Agenda Item 44~~

~~Section 16 Application~~

~~[Open Meeting (Presentation and Question Sessions Only)]~~

~~A/YL-TT/486 Proposed Temporary Public Vehicle Park for Private Car for a Period of 3 Years in “Village Type Development” Zone, Lots 1080 (Part) and 1081 RP (Part) in D.D. 117 and Adjoining Government Land, Wong Nai Tun Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/486)~~

~~Presentation and Question Sessions~~

~~155.~~

~~Mr Steven Y.H. Siu, STP/TMYLW, presented the application and covered the~~

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the proposed Small House (SH) footprint does not fall within the village 'environ' (VE) boundary of any recognised village. If a proposed SH site is outside or more than 50% of it is outside the VE boundary of a recognised village, it will be rejected under the SH policy even though the applicant is an indigenous villager who has successfully sought planning permission. Her office's approval to SH grant is not automatic even though the applicant has obtained approval from the Town Planning Board. The grant is subject to all criteria being met and all relevant factors being considered. Your indigenous villager status and eligibility to apply for SH has not yet been verified by her office. The registered lot owner should inform her office, and her office 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 her department;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that in case DLO/YL, LandsD decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the New Territories Exempted House 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. You may approach DLO/YL, LandsD or seek AP's advice for details;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the application is approved on the understanding that there is and will be no vehicular access to/from the application site (the Site);
- (d) 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 ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.;
- (e) to note the comments of the Director of Environmental Protection that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Professional Persons Environmental Consultative Committee Practice Note (ProPECC PN) No. 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an AP;
- (f) to note the comments of the Director of Fire Services that the "New Territories Exempted House – A Guide to Fire Safety Requirements" published by LandsD should be observed. Detailed fire safety requirement will be formulated upon receipt of the formal application referred by LandsD;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for the provision of water supply to the development, you may need to extend your inside services to the nearest suitable government water mains for connection.

You shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and

- (h) 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.