

RURAL AND NEW TOWN PLANNING COMMITTEE OF THE TOWN PLANNING BOARD

RNTPC Paper No. 1/18

**For Consideration by
the Rural and New Town Planning Committee on 17.8.2018**

**Variation of Approval Condition (c) of the Planning Permission for
the Approved House (New Territories Exempted House - Small House)
at Yuen Leng, Kau Lung Hang, Tai Po under Application No. A/NE-KLH/459**

**Variation of Approval Condition (c) of the Planning Permission for
the Approved House (New Territories Exempted House (NTEH) - Small House)
at Yuen Leng, Kau Lung Hang, Tai Po under Application No. A/NE-KLH/459**

1. Purpose

This Paper is to invite Members to consider the request from the applicant, Mr WONG Kai Yip, dated 21.6.2018 (**Appendix I**) to review approval condition (c) of the planning permission under Application No. A/NE-KLH/459.

2. Background

- 2.1 On 17.1.2014, Application No. A/NE-KLH/459 at Lots 650 SBss1 and 651 SAss2 in DD9 (the Site) for a Small House development at Yuen Leng, which was partly zoned “Agriculture” and partly zoned “Village Type Development” (“V”), was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board). The location plan and site plan are shown at **Plans 1** and **2** and the approval letter is attached at **Appendix II**.
- 2.2 For Members’ information, the Site falls within the upper indirect water gathering grounds (WGG) and is the subject of two previous applications (No. A/NE-KLH/339 and 339-1) approved in 2005 and 2009 respectively (**Plan 2**). According to those approvals, the foul water drainage system of the proposed Small House should be connected to public sewers to the satisfaction of the Water Supplies Department (WSD) and the applicant had also been advised that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network. However, the proposed sewerage scheme for Yuen Leng was de-gazetted on 29.10.2010. Since the construction of the proposed Small House could not commence prior to the completion of the public sewerage scheme for Yuen Leng Village, that planning permission lapsed on 30.7.2013.
- 2.3 Subsequently, the same applicant submitted on 5.12.2013 the subject application (No. A/NE-KLH/459) at the same site for the same Small House development. In order to address the sewage issue arising from the proposed Small House in the interim pending the availability of public sewers, the applicant proposed to use septic tank which would be located within the

original “V” zone¹ in Yuen Leng. Both Environmental Protection Department (EPD) and WSD had no objection to such arrangement provided that the septic tank and soakaway system shall be constructed within the Site and within the “V” portion of the Site and in compliance with EPD’s Practice Note for Professional Persons (ProPECC PN) 5/93; and the proposed Small House shall be connected to future public sewers when available.

- 2.4 It is against the above special circumstances that Application No. A/NE-KLH/459 was approved with conditions by the Committee on 17.1.2014. Amongst others, the following approval condition and advisory clause related to sewage disposal arrangement were imposed:

Approval Condition (c)

- the connection of the foul water drainage system of the proposed house to the planned public sewerage system in the area to the satisfaction of the Director of Water Supplies or of the Board

Advisory Clause (b)

- to note the comments of the Director of Environmental Protection (DEP) that the septic tank and soakaway system shall be constructed within the Site and within “V” zone and in compliance with ProPECC PN 5/93. The proposed Small House shall be connected to the future public sewer when available and adequate land shall be reserved for the future sewer connection work
- 2.5 For the subject case, since septic tank and soakaway system was considered as an acceptable interim measure pending the completion of public sewers, the Small House was granted with the Building Licence by LandsD in November 2015 and the Small House has been completed with the provision of septic tank and soakaway system within the “V” zone to the satisfaction of WSD. The applicant therefore requested the Board to review the approval condition (c).
- 2.6 According to Section 46 of the Interpretation and General Clauses Ordinance (Cap. 1), the Committee has the power to amend the permission granted.

3. Justifications from the Applicant

The applicant has provided the following justifications:

- (a) the Chief Engineer/Mainland North (CE/MN) and the Chief Engineer/Consultants Management (CE/CM) of Drainage Services Department (DSD) advise that there is no existing public sewerage in the vicinity of the Site. The sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng was degazetted on 29.10.2010 and there is no fixed programme at this juncture for the concerned public sewerage works;

¹ ‘Original “V” zone’ refers to the area zoned “V” covering Yuen Leng Village since the publication of the first Kau Lung Hang OZP S/NE-KLH/1 on 24.6.1994. Where “V” zone is mentioned in this paper hereafter, it refers to ‘original “V” zone’.

- (b) the DEP advises that the septic tank and soakaway system shall be constructed within the Site and within the “V” zone and in compliance with ProPECC PN 5/93. The proposed Small House shall be connected to the future public sewer when available and adequate land shall be reserved for the future sewer connection work;
- (c) the septic tank and soakaway system has been completed to the satisfaction of the WSD. Nonetheless, the Certificate of Compliance (CC) has yet to be issued; and
- (d) the applicant is committed to reserve adequate space for connection to the public sewerage system when the public sewer is available.

4. Comments from Relevant Government Departments

4.1 The following relevant Government departments have been consulted and their comments are summarised as follows:

4.1.1 Comments of the DEP :

- (a) the planned sewerage scheme for Yuen Leng Village which the subject Small House could be connected to was de-gazetted in October 2010 due to conflicting views among some of the land owners over the extent of proposed land resumption. While the village sewerage scheme for Yuen Leng is still included under the village sewerage programme, and EPD continues to collaborate with the DSD to resolve the persistent disagreements among the concerned land owners, there is currently no fixed timetable for implementing the said sewerage scheme for Yuen Leng;
- (b) the Site falls partially within the “V” zone on Kau Lung Hang OZP and is within the WGG. The applicant proposed the use of septic tank and soakaway system within the “V” zone for handling domestic sewage, and connection of the subject house to the public sewerage system when it is available. During the s.16 application in 2014, DEP had no objection to the application and his previous comments, which remain valid, are recapitulated below:
 - (i) the septic tank and soakaway system shall be constructed in the “V” zone and in compliance with ProPECC PN 5/93 requirements;
 - (ii) the proposed house shall be connected to the planned sewerage system when it is available; and
 - (iii) adequate land shall be reserved for future sewer connection work; and

- (c) taking into account the above, DEP has no objection to vary approval condition (c), having regard to the advisory clause (b) in the approval of Application No. A/NE-KLH/459, and such requirement is in line with his views during the s.16 application in 2014.

4.1.2 Comments of the Chief Engineer/ New Territories East, WSD:

- (a) he considers that the applicant has not fulfilled the requirement to connect the proposed Small House to any public sewerage system as stipulated in the Board's approval letter dated 7.2.2014. The applicant should connect his foul water drain to the public sewer when it is available and a septic tank and soakaway system built according to EPD's requirements mentioned in para. 4.1.1 (b)(i) above would be acceptable as the interim sewage disposal arrangement before the public sewer is available;
- (b) the proposed Small House has been built with septic tank and soakaway system within the Site and the "V" zone. The use of septic tank and soakaway system as an interim measure is in line with EPD's requirements and WSD is satisfied with the septic tank and soakaway system provided within the Site and the "V" zone; and
- (c) no comment to vary approval condition (c) by the provision of septic tank and soakaway system to his satisfaction.

4.2 Other Government departments consulted including District Lands Officer/Tai Po of LandsD and CE/MN of DSD have no comments on the request.

5. **Planning Department's Views**

- 5.1 To protect and safeguard the water quality within WGG, it is the usual practice of the Board to stipulate an approval condition requiring the connection of foul water drainage system of the proposed NTEH/Small House to planned public sewerage system should the application be approved. The applicant would also be advised that the actual construction of the proposed Small House should only begin after the completion of the planned public sewerage network.
- 5.2 For the subject application, whilst the planned sewerage system for Yuen Leng was de-gazetted on 29.10.2010 due to conflicting views among some of the land owners over the extent of the proposed land resumption, the application was approved with conditions by the Committee in 2014 mainly on special and sympathetic considerations that both EPD and WSD had no objection to the applicant's proposal to provide septic tank and soakaway system within the Site and within the "V" zone as an interim measure pending the availability of public sewers and the Site was the subject of previous approvals given to the same applicant in 2005 and 2009. The Small House under application was granted with the Building Licence by LandsD in November 2015 and the

Small House has been completed with the provision of septic tank and soakaway system in accordance with ProPECC PN 5/93 within the “V” zone up to the standard of WSD.

- 5.3 As advised by EPD, while the village sewerage scheme for Yuen Leng is still included under the village sewerage programme and EPD continues to collaborate with DSD to resolve the persistent disagreements among the concerned land owners, there is currently no fixed timetable for implementing the sewerage scheme for Yuen Leng. In this regard, it is considered not practicable to request the applicant to fulfil the approval condition on sewerage connection at this stage.
- 5.4 The proposed variation of the relevant approval condition related to sewage disposal within the WGG is to facilitate the discharge of such condition in practical terms after a review of the latest circumstances of the application. Both EPD and WSD have no objection to/no comment on the variation of approval condition (c) by the provision of septic tank and soakaway system.
- 5.5 Based on the assessments above, the Planning Department has no objection to vary approval condition (c) for Application No. A/NE-KLH/459.
- 5.6 Should the Committee decide to approve the proposal, the relevant approval condition (c) is suggested to be revised as follow:
- the provision of septic tank and soakaway system to the satisfaction of the Director of Water Supplies or of the Town Planning Board
- 5.7 There is no strong planning reason to recommend rejection of the request.

6. Decision Sought

The Committee is invited to consider the proposed variation of approval condition (c).

7. Attachments

Appendix I	Applicant's letter dated 21.6.2018
Appendix II	Approval letter for Application No. A/NE-KLH/459 dated 7.2.2014
Plan 1	Location plan
Plan 2	Site plan

**PLANNING DEPARTMENT
AUGUST 2018**

21 June 2018

Town planning board
15/F North Point Government Offices
333 Java Road, North Point
Hong Kong

Dear Sir

**Proposed House (New Territories Exempted House – Small House) in “Agriculture” and
“Village” Type Development Zones
Lots 650 SB ss1 and 651 SA ss2 in DD9, Yuen Leng, Tai Po
(Application No. A/NE-KLH/459)**

I refer to the letter of approval dated 7 February 2014 from the Town Planning Board concerning the above application. The building of the property has been completed in accordance with the letter of approval, including compliance with the conditions attached.

Condition (c) requires connection of the foul water drainage system to the planned public sewerage system in the area to the satisfaction of the Director of the Water Supplies or the TPB.

The TPB have previously agreed to advise me of the following:

- a) to note the comments of the the Chief Engineer/Mainland North and Chief Engineer/Consultant Management of Drainage Services Department that there is no public drain in the vicinity of the site and according to the latest proposed sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng, public sewerage connection point will be provided in the vicinity of the site and land resumption of portion of Lot 651 S.A ss.2 will be required. Since this sewerage scheme is gazetted on 29.10.2010 , there is no fixed programme at this juncture for the concerned public sewerage works;
- b) to note the comments of the Director of Environment Protection that the septic tank and soakaway system shall be constructed within the site and within “Village Type Development” zone and in compliance with ProPECC PN 5/93. The proposed Small House shall be connected to the future public sewer when available and adequate land shall be reserved for the future sewer connection work.

I have built the the septic tank and soakaway system, they have been inspected by the Water supplies department and have been found to be in fair condition. I have complied with the conditions a,b, and d.

I am unable to move into the property because it has yet to be issue with a certificate of compliance. I have agreed to, and will, reserve adequate space for the property to be connected to the public sewer

system whenever it is constructed. I respectfully ask the Town planning board to review my case and hope for a fair approval.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Kai Yip Wong', with a stylized, flowing script.

Kai Yip Wong

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

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

傳真 Fax: 2877 0245 / 2522 8426

電話 Tel: 2231 4835

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/NE-KLH/459

By Registered Post

7 February 2014

Wong Ting Yau

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House)
in "Agriculture" and "Village Type Development" zones,
Lots 650 S.B ss.1 and 651 S.A ss.2 in D.D. 9, Yuen Leng, Tai Po**

I refer to my letter to you dated 5.12.2013.

After giving consideration to the application, the Town Planning Board (the TPB) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application as submitted to the TPB. The permission shall be valid until 17.1.2018; and after the said date, the permission shall cease to have effect unless before the said date either the development hereby permitted is commenced or the permission is renewed. The permission is subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system of the proposed house to the planned public sewerage system in the area to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

The TPB also agreed to advise you of the following :

- (a) to note the comments of the Chief Engineer/Mainland North and Chief Engineer/Consultants Management of Drainage Services Department that there is no public drain in the vicinity of the site and according to the latest proposed sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng, public sewerage connection point will be provided in the vicinity of the site and land resumption of portion of Lot 651 S.A ss.2 will be

required. Since this sewerage scheme is degazetted on 29.10.2010, there is no fixed programme at this juncture for the concerned public sewerage works;

- (b) to note the comments of the Director of Environmental Protection that the septic tank and soakaway system shall be constructed within the site and within "Village Type Development" zone and in compliance with ProPECC PN 5/93. The proposed Small House shall be connected to the future public sewer when available and adequate land shall be reserved for the future sewer connection work;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains are found inside the lot and may be affected, which may need to be diverted or protected. The grantee/you shall bear the cost of any necessary diversion/ protection works for the water main(s) affected by the proposed development; and the grantee/you shall submit all the relevant proposal to WSD for consideration and agreement before the works commence; and
- (d) to note the comments of the Director of Fire Services that you should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.

The TPB also agreed to advise you that for the development of a Small House, a concessionary grant from the Land Authority under the Small House Policy will be required and that such grant will only be given to indigenous villagers.

If you wish to seek an extension of the validity of this permission, you may submit an application to the TPB for renewal of the permission no less than six weeks before its expiry. This is to allow sufficient time for processing of the application in consultation with the concerned departments. The TPB will not consider any application for renewal of permission if the time limit for commencement of development specified in the permission has already expired at the time of consideration by the TPB. Please refer to the TPB Guidelines No. 35B and 36A for details. The Guidelines and application forms are available at the TPB's website (www.info.gov.hk/tpb/), the Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000) at 17/F, North Point Government Offices, 333 Java Road, North Point; 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin; and the Secretariat of the TPB at 15/F, North Point Government Offices.

For amendments to the approved scheme that may be permitted with or without application under section 16A, please refer to TPB Guidelines No. 36A for details.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 17.1.2014 are enclosed herewith for your reference.


Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 28.2.2014). I will then contact you to arrange a hearing before the TPB which you and/or your

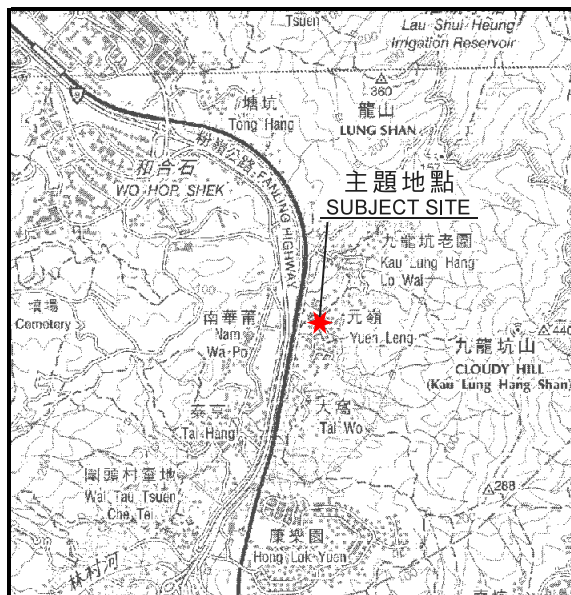
authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

This permission by the TPB under section 16 of the Town Planning Ordinance should not be taken to indicate that any other government approval which may be needed in connection with the development, will be given. You should approach the appropriate government departments on any such matter.

If you have any queries regarding this planning permission, please contact Mr. C.T. Lau of Sha Tin, Tai Po & North District Planning Office at 2158 6242. In case you wish to consult the relevant Government departments on matters relating to the above approval conditions, a list of the concerned Government officers is attached herewith for your reference.

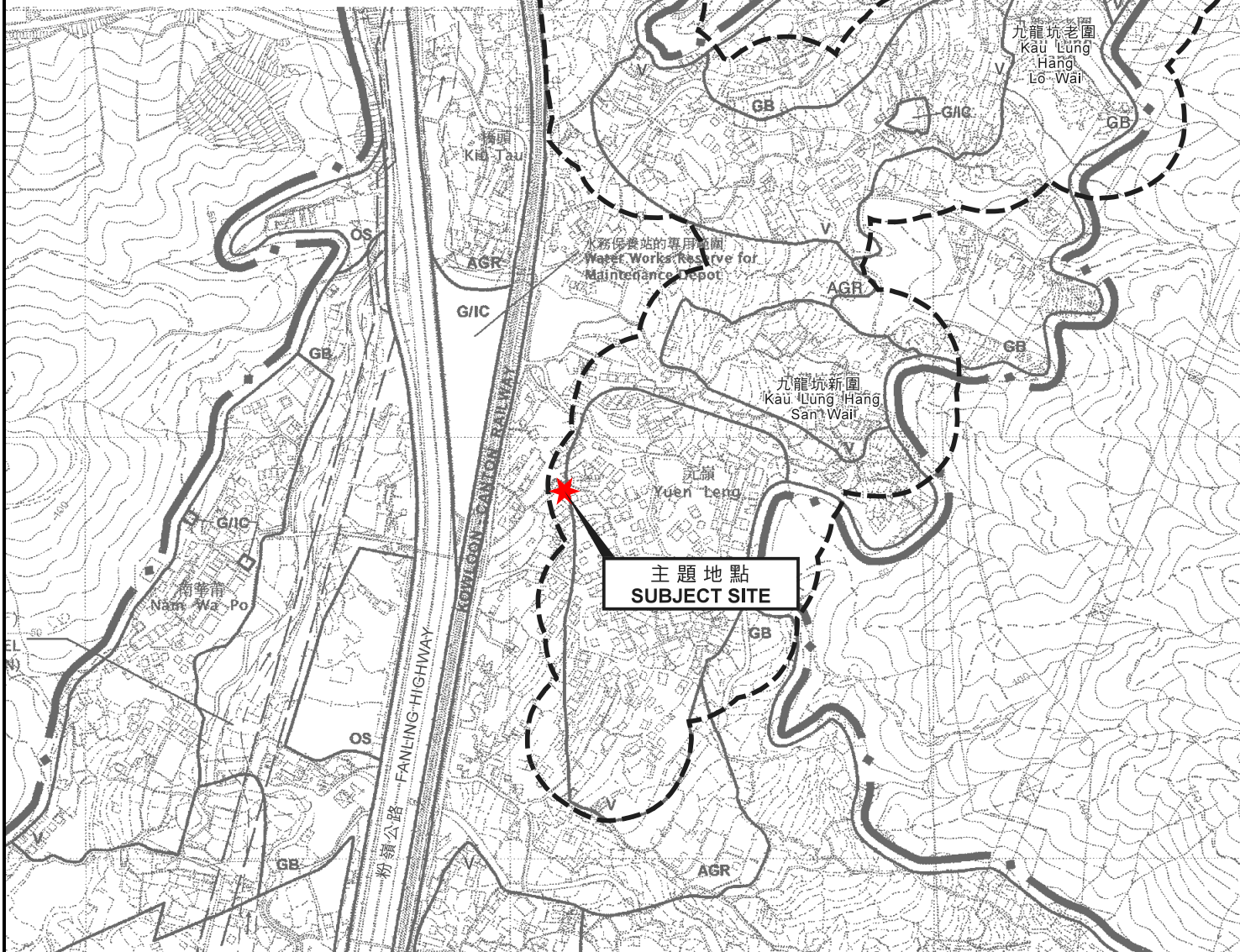
Yours faithfully,


(Donald YEUNG)
for Secretary, Town Planning Board



要覽圖 KEY PLAN

SCALE 1 : 50 000 比例尺



位置圖 LOCATION PLAN

本摘要圖於2018年8月10日擬備，
所根據的資料為於2006年10月17日核准的
分區計劃大綱圖編號S/NE-KLH/11
EXTRACT PLAN PREPARED ON 10.8.2018
BASED ON OUTLINE ZONING PLAN
No. S/NE-KLH/11 APPROVED ON 17.10.2006

屋宇(新界豁免管制屋宇—小型屋宇)
大埔九龍坑元嶺村丈量約份第9約
地段第650號B分段第1小分段及第651號A分段第2小分段
HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 650 S.B ss.1 AND 651 S.A ss.2
IN D.D. 9, YUEN LENG, KAU LUNG HANG

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.
M/TP/18/17

圖 PLAN
1

