

**Relevant Interim Criteria for Assessing Planning Applications for  
NTEH/Small House Development in the New Territories  
( Revised on 7.9.2007 )**

- (a) sympathetic consideration may be given if not less than 50% of the proposed NTEH/Small House footprint falls within the village 'environs' ('VE') of a recognized village and there is a general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of the village;
- (b) if more than 50% of the proposed NTEH/Small House footprint is located outside the 'VE', favourable consideration could be given if not less than 50% of the proposed NTEH/Small House footprint falls within the "V" zone, provided that there is a general shortage of land in meeting the demand for Small House development in the "V" zone and the other criteria can be satisfied;
- (c) development of NTEH/Small House with more than 50% of the footprint outside both the 'VE' and the "V" zone would normally not be approved unless under very exceptional circumstances (e.g. the application site has a building status under the lease, or approving the application could help achieve certain planning objectives such as phasing out of obnoxious but legal existing uses);
- (d) application for NTEH/Small House with previous planning permission lapsed will be considered on its own merits. In general, proposed development which is not in line with the criteria would normally not be allowed. However, sympathetic consideration may be given if there are specific circumstances to justify the cases, such as the site is an infill site among existing NTEHs/Small Houses, the processing of the Small House grant is already at an advance stage;
- (e) 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<sup>^</sup>);
  - (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.
- <sup>^</sup>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 s.16 Application covering the Application Site**

**Approved Application**

	<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration By RNTPC/TPB</b>	<b>Approval Conditions</b>
1.	A/YL-PH/730	Proposed House (NTEH / Small House) and Excavation of Land (about 1.2m in depth)	22.4.2016	(1), (2), (3)

**Approval Conditions**

- (1) provision of septic tank as proposed by the applicant
- (2) submission and implementation of a landscape proposal
- (3) submission and implementation of a drainage proposal



**Detailed Comments from the Relevant Government Departments**

**Land Administration**

1. Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
  - (a) The Site comprises an Old Scheduled Agricultural Lot held under the Block Government Lease which does not have a building status. The lot was sub-divided from parent Lot No. 187. A Small House (SH) application has been received from an indigenous villager of Ta Shek Wu, who is eligible for a SH grant. His SH application has been approved pending execution of Building Licence No. 14757.
  - (b) The Site falls within Ta Shek Wu, a recognized village. However, the Village Environs Boundary (VEB) of Ta Shek Wu has yet been defined.
  - (c) The number of outstanding SH applications of Ta Shek Wu is 1. The 10-year forecast of SH demand for Ta Shek Wu is 90. The 10-year forecast was by the Indigenous Inhabitant Representative of Ta Shek Wu and DLO/YL is unable to verify such information.
  - (d) Should planning approval be given to the planning application, the registered lot owner should inform DLO/YL, and DLO/YL will consider to process the SH application acting in the capacity as the landlord at its sole discretion in accordance with the New Territories SH Policy. The SH application would also be subject to terms and conditions including, among others, the payment of premium and / or administrative fee as may be imposed by the LandsD.

**Environment**

2. Comments of the Director of Environmental Protection (DEP):
  - (a) In view of the small scale of the proposed development, the application alone is unlikely to cause major pollution and he has no objection to the application from environmental planning perspective.
  - (b) The Site is outside water gathering grounds, and the area and its vicinity are not served by public sewers. In view of the small population and nature of the proposed development, septic tank and soakaway system is considered a suitable treatment system provided that its design and operation follows the requirements in EPD's Practice Note for Professional Person (ProPECC) PN 5/93 'Drainage Plans subject to Comment by the Environmental Protection Department', including percolation test and certification by Authorised Person.

- (c) It is noticed that there are existing open storage uses adjacent to the Site. The proposed development would be subject to potential Industrial / Residential (I/R) interface problems and might pose further constraints to future applications of open storage uses in the vicinity. Should the application be approved, the applicant should be advised that the potential I/R interface problems should be duly addressed through the provision of suitable mitigation measures to ensure compliance with the relevant planning standards and statutory requirements.

### **Drainage**

- 3. Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
  - (a) He has no in-principle objection to the proposed development from the public drainage point of view.
  - (b) Should the application be approved, approval conditions requiring the applicant (i) to submit a drainage proposal and (ii) to implement the drainage proposal for the development to the satisfaction the Director of Drainage Services or of the Board should be included.
  - (c) The development should not obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. Also, all the existing flow paths as well as the runoff falling onto and passing through the Site should be intercepted and disposed of via proper drainage points.
  - (d) The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works.

### **Traffic**

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

Considering there is neither parking provision nor vehicular access to the lot and the induced traffic is minimal, he has no comment on the application.

- 5. Comments of the Chief Highway Engineer / New Territories West, Highways Department (CHE/NTW, HyD)
  - (a) HyD shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road.

- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### **Fire Safety**

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

He has no specific comment on the application subject to the fire safety requirements as stipulated in the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" are complied with.

### **Building Matters**

7. Comments of the Chief Building Surveyor/NTW, Buildings Department (CBS/NTW, BD):

- (a) Noting that the building to be erected on the Sites 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 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, formal application for approval and consent for such works from the Building Authority under the Buildings Ordinance is required. In the circumstance, an Authorised Person should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL or seek AP's advice for details.
- (c) The applicant's attention is drawn to the Practice Note for Authorized Persons, Registered Structural Engineers and Register Geotechnical Engineers APP-56 regarding the exemption criteria for site formation works associated with the NTEH development.

### **District Officer's Comments**

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

He has not received any comments from locals upon close of consultation and he has no particular comment on the application.

**Demand and Supply of Small House Sites**

9. According to the DLO/YL's records, the total number of outstanding Small House applications for Ta Shek Wu is 1 while the 10-year Small House demand forecast for the same village is 90. Land available to meet 10-year Small House demand within the "V" zone of Ta Shek Wu is 0.47 ha (equivalent to about 19 Small House sites). Therefore, the land available cannot fully meet the future demand of 91 Small Houses (equivalent to about 2.28 ha of land).



**Advisory Clauses**

- (a) note DLO/YL, LandsD's comments that the Site comprises an Old Scheduled Agricultural Lot held under the Block Government Lease which does not have a building status. Should the planning approval be given to the planning application, the registered lot owner should inform DLO/YL, and DLO/YL will consider to process the SH application acting in the capacity as the landlord at its sole discretion in accordance with the New Territories SH Policy. The SH application would also be subject to terms and conditions including, among others, the payment of premium and / or administrative fee as may be imposed by the LandsD;
- (b) note DEP's comments that the Site is outside water gathering grounds, and the area and its vicinity are not served by public sewers. In view of the small population and nature of the proposed development, septic tank and soakaway system is considered a suitable treatment system provided that its design and operation follows the requirements in EPD's Practice Note for Professional Person (ProPECC) PN 5/93 'Drainage Plans subject to Comment by the Environmental Protection Department', including percolation test and certification by Authorised Person. It is noticed that there are existing open storage uses adjacent to the Site. The proposed development would be subject to potential Industrial / Residential (I/R) interface problems and might pose further constraints to future applications of open storage uses in the vicinity. The applicant should be advised that the potential I/R interface problems should be duly addressed through the provision of suitable mitigation measures to ensure compliance with the relevant planning standards and statutory requirements;
- (c) note CE/MN, DSD's comments that the development should not obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. Also, all the existing flow paths as well as the runoff falling onto and passing through the Site should be intercepted and disposed of via proper drainage points. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (d) note CHE/NTW, HyD's comments that HyD shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) note D of FS' comments that the fire safety requirements as stipulated in the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" should be complied with; and
- (f) note CBS/NTW, BD's comments 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 NTEH development, formal application for approval and

consent for such works from the Building Authority under the Buildings Ordinance is required. In the circumstance, an Authorised Person should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL or seek AP's advice for details. The applicant's attention is drawn to the Practice Note for Authorized Persons, Registered Structural Engineers and Register Geotechnical Engineers APP-56 regarding the exemption criteria for site formation works associated with the NTEH development.