

**Relevant Revised Interim Criteria for Consideration of Application for
NTEH/Small House in the New Territories
(promulgated on 7.9.2007)**

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

- (j) the provision of fire service installations and emergency vehicular access, if required, should be appropriate with the scale of the development and in compliance with relevant standards; and
 - (k) all other statutory or non-statutory requirements of relevant Government departments must be met. Depending on the specific land use zoning of the application site, other Town Planning Board guidelines should be observed, as appropriate.
- ^i.e. the applicant can demonstrate that effluent discharge from the proposed development will be in compliance with the effluent standards as stipulated in the Water Pollution Control Ordinance Technical Memorandum.

Comments from Relevant Government Departments

1. Land Administration

Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) no objection to the application;
- (b) the Site is located on Lot No. 1798 in D.D. 244 which is an Old Schedule Agricultural Lot;
- (c) the house site of the proposed Small House (SH) footprint falls completely within the village environs of Ho Chung, Sai Kung Heung which is recognized village under the New Territories Small House (NTEH) policy;
- (d) as advised by the Indigenous Inhabitant Representative (IIR) of Ho Chung in early 2020, the 10-year SH demand forecast for the village was 480. It should be noted that the figure has not been verified by his Office;
- (e) the number of outstanding SH applications within and outside the “V” zone in Ho Chung are 52 and 51 respectively;
- (f) the applicant, LI Chi Hang, has applied for a SH grant at the Site by way of Free Building Licence. He has been certified as an indigenous villager of Ho Chung by the IIR of the village;
- (g) the SH application has not yet been approved by his Office. A valid planning permission is required for further processing the applicant’s SH application; and
- (h) there is no guarantee that possible site formation works/ drainage works on adjoining government land within GLA-TSK 3424 will be approved by his Office. Prior agreement from the relevant departments and his Office is required.

2. Traffic and Project Interface

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

- (a) she considers the development of NTEH should be confined within the “Village Type Development” zone as far as possible. Although the application only involves development of a SH and she considers that the application can be tolerated on traffic grounds, she has reservation on the application since part of the Site falls within an area shown as ‘Road’ on the OZP. Approval of such application will set an undesirable precedent case for similar applications in the future; and
- (b) based on the records of her Department, there is no record of any planned road at the Site.

2.2 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- (a) no comment on the application from highway maintenance point of view; and
- (b) there is no record of any planned road networks at the Site.

2.3 Comments of the Chief Engineer 5/Major Works, Major Works Project Management Office, HyD (CE5/MW, MWPMO, HyD):

- (a) the Site is outside the site boundary of the Hiram's Highway Improvement Stage 1 project ("HH1 Project"). As such, it is anticipated that no interface issue would be encountered between the application and the HH1 Project; and
- (b) notwithstanding the above, the applicant should arrange proper coordination with the project team of HH1 in case any interface in programme and/or construction is encountered.

2.4 Comments of the Project Manager (East), Civil Engineering and Development Department (PM(E), CEDD):

no comment on the application from project interface point of view.

3. **Environment**

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;
- (b) it is noted that septic tank and soakaway system is proposed for treatment of sewage from the proposed house. 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 Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person (AP); and
- (c) nevertheless, the applicant shall connect with the public sewage system when the system is completed and available in the future.

4. **Drainage and Sewerage**

Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

- (a) according to his record, the Site is within an area where neither stormwater nor sewerage connections maintained by DSD is available in the vicinity at present;
- (b) the existing stormwater drainage system to which the proposed drainage connection is to be made is not maintained by his Department. Consent from the concerned

department/maintenance parties/owners should be obtained for the proposed connections to their drainage systems. The applicant shall check and ensure that the proposed drainage works and their downstream drainage systems have the adequate capacity and are in good conditions to accommodate the surface runoff collected from the Site and its upstream catchments. The lot owner shall effect any subsequent upgrading of these proposed works and the downstream systems whenever necessary;

- (c) there is no existing DSD foul sewer in the vicinity of the Site. The sewers and manholes under Luk Mei Tsuen Road are not in service currently. The proposed development shall not discharge their sewage into these sewers and manholes.

5. **Landscape**

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) no objection to the application;
- (b) with reference to the aerial photo of 2019, the Site is situated in an area of settled valleys landscape character dominated by village houses and scattered tree groups. The proposed development is considered not incompatible with the landscape setting in proximity. Significant adverse landscape impact is not envisaged; and
- (c) the applicant should be reminded that the approval of the application does not imply approval of tree preservation/ removal scheme under lease. Thus, the applicant should seek comments and approval from the relevant authorities on the proposed tree works and/or compensatory planting proposal, where appropriate.

6. **Building Matters**

Comments of the Chief Building Surveyor/NTE2 & Rail, Buildings Department (CBS/NTE2&Rail, BD):

- (a) no comment under the Buildings Ordinance (BO);
- (b) all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with BO, and the AP must be appointed for the aforesaid site formation and communal drainage works; and
- (c) noting that part of the Site falls within an area shown as 'Road' on the OZP, the applicant should be reminded to resolve comments from government departments, especially HyD and Transport Department.

7. **Fire Safety**

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

- (a) no objection in-principle to the application; and
- (b) the applicant should be reminded to observe "New Territories Exempted Houses – A Guide to Fire Safety Requirements" published by LandsD. Detailed fire safety

requirements will be formulated upon receipt of formal application referred by LandsD.

8. Archaeological

Comments of the Executive Secretary (Antiquities and Monuments) of Antiquities and Monuments Office, Development Bureau (ES(AM) of AMO, DEVB):

the Site falls within Ho Chung Site of Archaeological Interest. In view of the location, scope of works and according to the findings of previous archaeological surveys, the applicant should be required to notify the AMO two weeks prior to the commencement of construction works so as to facilitate AMO staff to conduct site inspection in the course of excavation.

9. Demand and Supply of Small House Sites

According to DLO/SK, LandsD, the number of outstanding Small House applications in Ho Chung is 103 while the 10-year Small House Demand Forecast for Ho Chung is 480. According to the latest estimate by PlanD, it is estimated that about 3.18 ha of land (equivalent to about 127 SH sites) is available within “V” zone of Ho Chung Village. Therefore, the land available in Ho Chung cannot fully meet the future Small House demand for 583 SH sites.

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Sai Kung, Lands Department that there is no guarantee that possible site formation works/ drainage works on adjoining government land within GLA-TSK 3424 will be approved by his Office. Prior agreement from the relevant departments and his Office is required;
- (b) to note the comments of the Chief Engineer 5/Major Works, Major Works Project Management Office, Highways Department that the applicant should arrange proper coordination with the project team of Hiram's Highway Improvement Stage 1 Project in case any interface in program and/or construction is encountered;
- (c) 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 Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person (AP). Nevertheless, the applicant shall connect with the public sewage system when the system is completed and available in the future;
- (d) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) that the existing stormwater drainage system to which the proposed drainage connection is to be made is not maintained by his Department. Consent from the concerned department/maintenance parties/owners should be obtained for the proposed connections to their drainage systems. The applicant shall check and ensure that the proposed drainage works and their downstream drainage systems have the adequate capacity and are in good conditions to accommodate the surface runoff collected from the Site and its upstream catchments. The lot owner shall effect any subsequent upgrading of these proposed works and the downstream systems whenever necessary. There is no existing DSD foul sewer in the vicinity of the Site. The sewers and manholes under Luk Mei Tsuen Road are not in service currently. The proposed development shall not discharge their sewage into these sewers and manholes;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should be reminded that the approval of the application does not imply approval of tree preservation/ removal scheme under lease. Thus, the applicant should seek comments and approval from the relevant authorities on the proposed tree works and/or compensatory planting proposal, where appropriate;
- (f) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Building Department that all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with Buildings Ordinance, and AP must be appointed for the site formation and communal drainage works; noting that part of the Site falls within an area shown as 'Road' on the OZP, the applicant should be reminded to resolve comments from government departments, especially Highways Department and Transport Department;
- (g) to note the comments of the Director of Fire Services that the applicant is reminded to 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; and

(h) to note the comments of the Executive Secretary (Antiquities and Monuments) of Antiquities and Monuments Office (AMO), Development Bureau that the Site falls within Ho Chung Site of Archaeological Interest. In view of the location, scope of works and according to the findings of previous archaeological surveys, the applicant should be required to notify the AMO two weeks prior to the commencement of construction works so as to facilitate AMO staff to conduct site inspection in the course of excavation.