

Relevant Revised 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[^]);
 - (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.

**Appendix III of RNTPC
Paper No. A/YL-KTN/589**

**Similar Applications for New Territories Exempted House (NTNH)/Small House
within the Same “AGR” Zone (after the first promulgation of the Interim
Criteria in 2000)**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-KTN/217	Proposed Two NTEHs/Small Houses	28.1.2005	1, 2, 3
2.	A/YL-KTN/257	Proposed Three NTEHs/Small Houses	29.9.2006	1, 2, 3, 4
3.	A/YL-KTN/269	Proposed NTEH/Small House	2.2.2007	2, 3, 4
4.	A/YL-KTN/296	Proposed Two NTEHs/Small Houses	23.5.2008	2, 3, 4
5.	A/YL-KTN/297	Proposed NTEH/Small House	6.6.2008	2, 3
6.	A/YL-KTN/298	Proposed NTEH/Small House	6.6.2008	2, 3
7.	A/YL-KTN/310	Proposed NTEH/Small House	19.9.2008	2, 3
8.	A/YL-KTN/358	Proposed NTEH/Small House	6.5.2011	1, 2, 3, 5
9.	A/YL-KTN/359	Proposed NTEH/Small House	6.5.2011	1, 2, 3, 5
10.	A/YL-KTN/360	Proposed NTEH/Small House	6.5.2011	1, 2, 3, 5
11.	A/YL-KTN/361	Proposed NTEH/Small House	6.5.2011	1, 2, 3, 4, 5
12.	A/YL-KTN/396	Proposed NTEH/Small House	23.11.2012	3, 5
13.	A/YL-KTN/460	Proposed NTEH/Small House	6.2.2015	1, 2, 3, 6
14.	A/YL-KTN/467	Proposed NTEH/Small House	17.7.2015	1, 2, 3, 6
15.	A/YL-KTN/471	Proposed NTEH/Small House	7.8.2015	1, 2, 3, 6
16.	A/YL-KTN/477	Proposed NTEH/Small House	18.9.2015	2, 3, 6
17.	A/YL-KTN/530	Proposed NTEH/Small House	27.7.2016	2, 3, 6

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
18.	A/YL-KTN/555	Proposed NTEH/Small House	7.4.2017	2, 3, 6
19.	A/YL-KTN/576	Proposed NTEH/Small House	27.10.2017	1, 6

Approval Conditions

1. The provision/submission/implementation of drainage/stormwater facilities/proposal.
2. The provision/submission/implementation of landscape treatment/proposal.
3. The permission shall cease to have effect on a specific time unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.
4. The setting back of the proposed developments to maintain an uninterrupted public access/avoid encroachment upon road works limit of a road project to avoid existing water mains.
5. The provision of EVA, water supply for firefighting and FSIs.
6. The provision of septic tank.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1	A/YL-KTN/228	Proposed Four NTEHs/Small Houses	24.6.2005	1, 2, 3
2	A/YL-KTN/387	Proposed NTEH/Small House	10.8.2012	1, 2, 3

Rejection Reasons

1. The proposed development is not in line with the planning intention of the "Agriculture" zone for the area which is to retain and safeguard good agricultural land for agricultural purpose and to retain fallow arable land with good potential for rehabilitation.
2. There is insufficient information in the submission to demonstrate why land within "Village Type Development" zones cannot be made available for the proposed development.
3. The proposed development does not comply with the "Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories".

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 Old Schedule agricultural lot held under the Block Government Lease.
 - (b) The Site falls within the Village Environs Boundary (VEB) of Tai Kong Po.
 - (c) According to his records, the Site is not currently under any Small House (SH) applications. Therefore, the indigenous villager's status and eligibility of the applicant would only be verified upon the receipt of the SH application as well as when the application is due for processing.
 - (d) According to his records, the Site is not covered by any Modification of Tenancy or Building Licence.
 - (e) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures will not exceed the relevant airfield height limit within SKAHRA.
 - (f) The number of outstanding and approved SH applications of Tai Kong Po (as at 22.2.2018) are 9 and 24 respectively. The 10-year (2018 - 2027) forecast of SH demand for Tai Kong Po is 10. The 10-year forecast is provided by Pat Heung Rural Committee in view of Tai Kong Po is a post-1898 Recognized Village and DLO/YL is unable to verify such information.
 - (g) If a proposed SH site is outside or more than 50% of it is outside the VEB of a recognized village and the "V" zone which encircles the recognized village, the concerned SH application will be rejected under the New Territories Small House Policy even though the applicant is an indigenous villager who has successfully sought planning permission.
 - (h) Should planning approval be given to the planning application, the registered lot owner should inform DLO/YL, and DLO/YL will advise the registered owner whether SH application will be considered or processed under the New Territories Small House Policy. There is no guarantee that such application would be considered. Should the registered lot owner, after obtaining planning approval, submit lease modification/ land exchange application, DLO/YL will consider his application acting in the capacity as the landlord and there is also no guarantee that such application would be approved. Besides, in general, application for NTEH development other than under Small House Policy will not be entertained. 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 the LandsD.

Agriculture

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

- (a) It is noted that the Site falls within “AGR” zone. As the Site possess high potential for agricultural rehabilitation such as greenhouse cultivation or plant nursery, the application is not supported from agriculture point of view.
- (b) It is also noted that there is a pond to the north of the Site. Should the application be approved, the applicant is advised to take appropriate measures to avoid interfering or polluting the pond.

Environment

3. Comments of the Director of Environmental Protection (DEP):

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.

Landscape

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

- (a) She has no objection to the application from the landscape planning point of view.
- (b) The Site falls entirely within the “AGR” zone, located to the south of Tai Kong Po village settlement. The surrounding areas are predominantly rural in character with village houses, vacant land, cultivated or fallow agricultural land and temporary structures. The proposed house is not incompatible with the existing landscape character.
- (c) According to the site inspection taken on 13.2.2018, the Site is paved and fenced off with 2 temporary structures. Significant vegetation cannot be found on Site. Adverse impact on landscape resources arising from the proposed use is not expected.
- (d) Should the application be approved, approval condition on the submission and implementation of the landscape proposal to the satisfaction of the Director of Planning or of the Board should be included.

Drainage

5. Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) Given that the proposed development only occupies site area of 174m², he has no objection in principle to the proposed development from the public drainage point of view.
- (b) Nevertheless, the applicant should draw attention on the following matters:
 - (i) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc; and
 - (ii) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.

Traffic

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

Considering there is no parking provision nor vehicular access to the lot and the induced traffic is minimal, he has no comment on the application.

7. Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

- (a) He has no comment on the application.
- (b) Kong Tai Road is not maintained by HyD.

Fire Safety

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

- (a) He has no specific comment on the application.
- (b) The applicant is reminded to observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” published by LandsD.

Building Matters

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

- (a) Noting that the building to be erected on the Site will be 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,

such works will require prior approval and consent under the Buildings Ordinance. In the circumstance, an Authorised Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL or seek AP's advice for details.

District Officer's Comments

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

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

Demand and Supply of Small House Sites

12. According to the DLO/YL's records, the total of outstanding applications of Tai Kong Po (as at 22.2.2018) is 9 and 24 while the 10-year Small House demand forecast (2018-2027) for the same village is 10. There is no "V" zone in Tai Kong Po. There is no land zoned "V" to meet the Small Houses demand in Tai Kong Po.

Advisory clauses

- (a) note DLO/YL, LandsD's comments the Site comprises Old Schedule agricultural lot held under the Block Government Lease. The Site falls within the Village Environs Boundary (VEB) of Tai Kong Po. According to his records, the Site is not currently under any Small House (SH) applications. Therefore, the indigenous villager's status and eligibility of the applicant would only be verified upon the receipt of the SH application as well as when the application is due for processing. According to his records, the Site is not covered by any Modification of Tenancy or Building Licence. If a proposed SH site is outside or more than 50% of it is outside the VEB of a recognized village and the "V" zone which encircles the recognized village, the concerned SH application will be rejected under the New Territories Small House Policy even though the applicant is an indigenous villager who has successfully sought planning permission. Should planning approval be given to the subject planning application, the registered lot owner should inform DLO/YL, and DLO/YL will advise the registered owner whether SH application will be considered or processed under the New Territories Small House Policy. There is no guarantee that such application would be considered. Should the registered lot owner, after obtaining planning approval, submit lease modification/ land exchange application, DLO/YL will consider his application acting in the capacity as the landlord and there is also no guarantee that such application would be approved. Besides, in general, application for NTEH development other than under Small House Policy will not be entertained. 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 the LandsD;
- (b) note DAFC's comments that the applicant is advised to take appropriate measures to avoid interfering or polluting the pond to the north of the Site;
- (c) note D of FS's comments that the applicant should follow the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by LandsD;
- (d) note DEP's comments that 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 (AP);
- (e) 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, such works will require prior approval and consent under the Buildings Ordinance. In the circumstance, an AP should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL or seek

AP's advice for details;

- (f) note CE/MN of DSD's comments that the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (g) note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.