

Relevant Extract of 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.

Similar applications within the same “R(D)” zone on the Kam Tin North OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-KTN/294	Proposed House	9.5.2008	(1), (3), (4)
2	A/YL-KTN/436	Proposed House	23.5.2014	(1), (2), (3), (4)

Approval Conditions

1. submission and implementation of landscape/tree preservation proposal
2. provision of noise mitigation measures
3. design and provision of drainage facilities
4. design and provision of emergency vehicular access/water supplies for fire fighting and fire service installations

Advisory clauses

- (a) note DLO/YL of LandsD's comments that the Site comprises an Old Schedule Agricultural lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government and a New Grant Lot for private residential purposes only. The applicant has to seek his approval for implementation of the planning scheme for ordinary house development (non-NTEH) if approved by the Board. However, there is no guarantee that such approval will be granted. Such application for approval will be dealt with by his department acting in the capacity as the landlord at his discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions as may be imposed by his department;
- (b) note CHE/NTW, HyD's comments that his department is not/ shall not be responsible for the maintenance of any access connecting the Site and Kam Tin Road;
- (c) 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;
- (d) note CBS/NTW, BD's comments 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 NTEHs development, such works will required prior approval and consent under the Building Ordinance. In the circumstance, an Authorized 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;
- (e) note D of FS's comments that the applicant is advised to observed 'NTEHs – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirement will be formulated upon receipt of formal application referred by LandsD;
- (f) note S for Security's comments that the applicant should take into consideration the impact of the noise and safety of aircraft flying to the proposed development which is in proximity to Shek Kong Airfield;
- (g) note DG of CA's comments that the proposed development is in closed vicinity of the Shek Kong Airfield. Although the aircraft/helicopter operations at the Shek Kong Airfield are not frequent, due to the quiet ambience of the area,

aircraft/helicopter noise will still be audible. Future residents should be alerted of the potential aircraft/helicopter operations at the Shek Kong Airfield; and

- (h) note CE/MN, DSD's comments that the proposed development is adjoining an existing streamcourse and in close proximity to an existing meander. The applicant is reminded that in case he intends to erect any structure in, over or under the existing meander, he should make an application to the Drainage Authority for his consent/approval under Section 26 and 27 of the Land Drainage Ordinance (LDO) prior to construction. The contents of the LDO submission is stipulated in Chapter 446A titled "Land Drainage (Consent and Approval) Regulation".