

**Relevant Interim Criteria for Consideration of Application for  
New Territories Exempted House (NTEH)/Small House in 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.

**Similar applications in the same "GB" zone on the OZP  
After the first promulgation of the Interim Criteria on 24.11.2000**

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Amendment/Uses</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reason(s)</u></b>
1	A/YL-ST/173	Proposed Houses (New Territories Exempted Houses (NTEH) – Small House)	GB, V	17.8.2001	(1), (2), (3), (4)
2	A/YL-ST/215	Proposed House (NTEH – Small House)	GB, V	13.12.2002	(1), (2), (4)
3	A/YL-ST/226	Proposed House (NTEH – Small House)	GB, U	21.2.2003	(4), (5)
4	A/YL-ST/256	Proposed House (NTEH – Small House)	GB	9.1.2004	(1), (2), (3), (4)
5	A/YL-ST/338	Proposed House (NTEH – Small House)	GB	14.9.2007	(1), (2), (3), (4)
6	A/YL-ST/339	Proposed House (NTEH – Small House)	GB	14.9.2007	(1), (2), (3), (4)
7	A/YL-ST/473	Proposed House (NTEH – Small House)	GB, V	4.9.2015	(1), (3), (4), (6)
8	A/YL-ST/474	Proposed House (NTEH – Small House)	GB, V	4.9.2015	(1), (3), (4), (6)

**Rejection Reason(s)**

- (1) The proposed development is not in line with the planning intention of the "Green Belt" ("GB") zone which is to define the limits of urban development areas by natural features and to contain urban sprawl and to provide passive recreational outlets.
- (2) The proposed development is not in line with the interim assessment criteria in that less than 50% of the proposed NTEH footprint fell within the "Village Type Development" ("V") zone/the proposed development did not meet the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the application site falls outside "V" zone and there was no shortage of land within the adjoining "V" zone to meet the demand forecast for Small House development.
- (3) Insufficient information in the submission to demonstrate why suitable sites within "V" zones in the area cannot be identified for the proposed development/ there was no information in the submission to demonstrate that the proposed development would not have adverse impact on the surrounding area/ land is still available within the "V" zone where land is primarily intended for Small House development.
- (4) The approval of the application would set an undesirable precedent for similar applications within the same "GB"/"Undetermined" ("U") zone.

- (5) The proposed development fell largely within the "U" zone. The long-term land use would be subject to comprehensive review for the entire "U" zone and hence piecemeal development as per this application at this stage would inevitably jeopardize the overall review exercise.
  
- (6) The proposed development does not comply with the Town Planning Board Guidelines No. 10 for "Application for Development within "GB" Zone under Section 16 of the Town Planning Ordinance" (TPB PG-No. 10) in that the proposed development would involve extensive clearance of existing natural vegetation that could adversely affect the landscape character of the surrounding areas

**Detailed Comments from Relevant Government Departments**

**1. Land Administration**

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) the Site comprises an Old Schedule agricultural lot held under the Block Government Lease;
- (b) the Site falls within the Village 'Environs' ('VE') of Chau Tau;
- (c) According to his records, Lots 281 and 283 in D.D.96 are subject to a Modification of Tenancy No. M16558. On the other hand, the Site is not covered by any Building Licence;
- (d) if a proposed Small House site is outside or more than 50% of it is outside the 'VE' of a recognized village and the "V" zone which encircles the recognized village, the concerned Small House 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. On the other hand, consideration will be given to application for proposed house site within or at least 50% of it is within a "V" zone which encircles a recognized village and is larger than the 300 feet village environs; and
- (e) should planning approval be given to the subject planning application, the registered lot owner should inform DLO/YL, and DLO/YL will consider the Small House application acting in the capacity as the landlord at its sole discretion in accordance with the New Territories Small House Policy when the application is due for processing. There is no guarantee that such application would be approved. 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.

**2. Drainage**

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

- (a) he has no objection in principle to the application from drainage operation and maintenance point of view;
- (b) adequate stormwater drainage collection and disposal facilities shall be provided to deal with the surface runoff of the Site or the same flowing on to the Site from the adjacent areas. If the proposed stormwater drainage facilities would be

connected to any existing drainage facilities, the applicant shall seek consent from the relevant owners or parties who are responsible for the maintenance of such existing facilities. The applicant shall check and ensure that the proposed drainage works and their downstream drainage systems in the vicinity have 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 drainage systems in the vicinity whenever necessary;

- (c) all stormwater drainage facilities to be completed under the proposed development, whether within private lots or Government Lands, shall be solely maintained by the applicant and the successive owners of the proposed development at their own resources. The applicant and the successive owners of the proposed development should be duly bound by such obligations and all other conditions related to stormwater drainage. The applicant shall also be liable for and indemnify claims and demands arising out of damage or nuisance caused by any inadequate construction or maintenance of the drainage facilities completed under the development;
- (d) the applicant shall allow all time free access for the Government and its agent to conduct site inspection on his completed drainage works, if necessary;
- (e) the applicant and the successive owners of the proposed development shall allow connections from the adjacent NTEH to the completed drainage works on Government land when so required;
- (f) the applicant shall exercise extreme care when working in the vicinity of any existing drainage works in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the said works due to the proposed development shall be made good to the satisfaction of the maintenance party at the applicant's cost; and
- (g) there is no public sewer connection available in the vicinity of the proposed development, views and comments from the Director of Environmental Protection should be sought regarding the sewage disposal arrangement of the proposed development.

### 3. **Environment**

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 an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Environmental Protection Department's 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.

#### 4. Agriculture

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

The Site and surrounding areas are paved and disturbed. Nevertheless, the Site falls entirely within “GB” zone. It should be considered if the subject application is in line with the planning intention of “GB” zone.

#### 5. Landscape

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

- (a) He has reservation on the application from the landscape planning perspective.
- (b) The Site, located to the north of Chau Tau South Road, falls within an area zoned “GB” on the OZP. The Site is not the subject of any previous application.
- (c) With reference to the aerial photo taken in 2019, the Site is situated in an area of rural fringe landscape character. The surrounding area of the Site is comprised of village houses, vacant lands, carparks and scattered tree groups. The proposed development is considered not entirely incompatible with existing landscape in setting in the proximity.
- (d) According to aerial photo taken in 2019, the Site is occupied by temporary structure without any significant landscape resources. Although further significant adverse landscape impact arising from the development is not anticipated, there is concern that approval of the proposed Small House may set an undesirable precedent for similar applications. The cumulative impact of approving such applications would result in more “GB” zone being disturbed and thus leading to the degradation of existing landscape quality of the surrounding area.

#### 6. Fire Safety

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

he has no specific comment on the application. The applicant is advised 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 the LandsD.

#### 7. Traffic

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

He has no comments from traffic engineering point of view based on the understanding that there will be no vehicular ingress/egress to the Site and no parking space to be provided within the Site.

7.2 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

He notes that no vehicular access is proposed or to be granted under the subject application. He has no comment from highways maintenance point of view. If the application is approved, the applicant should be reminded that the application is approved on the understanding that there is and will be no vehicular access to/from the Site.

8. **Building Matters**

Comments of Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

in case DLO/YL, LandsD decides not to issue the certificate 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 building Ordinance. In the circumstance, an Authorized Person should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL, LandsD or seek the Authorized Person's advice for details.



**Recommended Advisory Clauses**

- (a) to 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 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 work;
- (b) to note DLO/YL, LandsD's comments that the registered lot owner should inform DLO/YL should planning approval be obtained, and DLO/YL will consider the Small House application acting in the capacity as the landlord at its sole discretion in accordance with the New Territories Small House Policy when the application is due for processing. There is no guarantee that such application would be approved. 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;
- (c) to note CHE/NTW, HyD's comments that the applicant is reminded that the application is approved on the understanding that there is and will be no vehicular access to/from the Site;
- (d) to note DEP's comments 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 EPD's 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;
- (e) to note D of FS' comments to observe 'New Territories Exempted Houses - A Guide to Fire Safety Requirements' published by the Lands Department. Detailed fire safety requirements will be formulated upon receipt of formal application referred by the Lands Department; and
- (f) to note CE/MN, DSD's comments that adequate stormwater drainage collection and disposal facilities shall be provided to deal with the surface runoff of the Site or the same flowing on to the Site from the adjacent areas. If the proposed stormwater drainage facilities would be connected to any existing drainage facilities, the applicant shall seek consent from the relevant owners or parties who are responsible for the maintenance of such existing facilities. The applicant shall check and ensure that the proposed drainage works and their downstream drainage systems in the vicinity have 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 drainage systems in the vicinity whenever necessary. All stormwater drainage facilities to be completed under the proposed development, whether within private lots or

Government Lands, shall be solely maintained by the applicant and the successive owners of the proposed development at their own resources. The applicant and the successive owners of the proposed development should be duly bound by such obligations and all other conditions related to stormwater drainage. The applicant shall also be liable for and indemnify claims and demands arising out of damage or nuisance caused by any inadequate construction or maintenance of the drainage facilities completed under the development. The applicant shall allow all time free access for the Government and its agent to conduct site inspection on his completed drainage works, if necessary. The applicant and the successive owners of the proposed development shall allow connections from the adjacent NTEH to the completed drainage works on Government land when so required. The applicant shall exercise extreme care when working in the vicinity of any existing drainage works in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the said works due to the proposed development shall be made good to the satisfaction of the maintenance party at the applicant's cost. There is no public sewer connection available in the vicinity of the proposed development, views and comments from the DEP should be sought regarding the sewage disposal arrangement of the proposed development; and

- (g) to note CBS/NTW, BD's comments that in case DLO/YL, LandsD decides not to issue the certificate 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 building Ordinance. In the circumstance, an Authorized Person should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL, LandsD or seek the Authorized Person's advice for details.