

**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.

Previous Applications

Approved Application

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-KTS/81	Holiday Camp with Sports Training Facilities	19.3.1999 (Lapsed on 20.3.2008)	A1 to A6

Note: The application site was zoned "Recreation" ("REC") when the application was considered by the Committee.

Approval Conditions

- A1 The submission and implementation of improvement works in respect of the access road from the application site to the Hang Tau Road
- A2 The provision of sewage treatment and disposal facilities
- A3 The submission of soil contamination assessment and the implementation of mitigation measures
- A4 The provision of fire safety installations to the development
- A5 The provision of drainage facilities
- A6 The submission and implementation of landscaping proposals

## Rejected Applications

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/NE-KTS/31	Hotel with Recreation Facilities	15.12.1995	R1 to R6
A/NE-KTS/208	Elderly Home	27.5.2005	R7 to R10

Note: The application sites were zoned "Recreation" ("REC") when the applications were considered by the Committee.

## **Reject Reasons**

- R1 The proposed hotel development is not in line with the planning intention of the "REC" zone
- R2 The scale and intensity of the proposed hotel development with a plot ratio of 0.99 and a building height of 7 storeys are excessive in a rural setting
- R3 The proposed hotel development will aggravate the traffic condition of the existing Hang Tau Road and the adjoining access road to the site which are substandard, do not have footpaths and will pose safety hazards to both motorists and pedestrians
- R4 The road improvements to Hang Tau Road and the adjoining access road to the site as proposed by the applicant (viz. 3.5m wide carriageway with a 1.2m to 1.5m footpath on one side and some passing bays) are considered inadequate to cater for the proposed hotel development
- R5 There are interface problems between the existing industrial activities and the proposed hotel development and such aspect have not been addressed in the environmental impact assessment submitted
- R6 The sewage treatment standards as proposed by the applicant are considered not appropriate, in particular nitrification and disinfection of the effluent are required to minimize the discharges
- R7 The proposed development was not in line with the planning intention of "REC" zone. No strong justification had been provided in the submission for a departure from the planning intention
- R8 The proposed intensity and height of the elderly home were considered excessive within the "REC" zone
- R9 Insufficient information had been provided in the submission to demonstrate that the proposed development would not have adverse traffic and water quality impacts on the surrounding areas
- R10 The approval of the application would set an undesirable precedent for other similar applications within the "REC" zone which would result in a cumulative loss of areas for recreational purpose

**Comments from Relevant Government Departments**

**1. Land Administration**

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Sites fall entirely within the Village 'Environ' ('VE') of Hang Tau Village;
- (b) the applicants claimed themselves as indigenous villagers of Hang Tau Village. Their eligibility for Small House concessionary grant has yet to be ascertained;
- (c) the Sites are not covered by any Modification of Tenancy / Building Licence;
- (d) the Sites are Old Schedule Agricultural lots;
- (e) the number of outstanding Small House applications in Hang Tau Village is 53. As provided by the Indigenous Inhabitant Representative of Hang Tau on 31.5.2017, the number of 10-year Small House demand for the whole Hang Tau Village is between 2,900 and 3,200; and
- (f) the Small House applications were received on 12.1.2018.

**2. Drainage**

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

- (a) he has no objection to the applications from public drainage viewpoint; and
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area.

**3. Environment**

3.1 Comments of the CE/MN, DSD:

the Sites are in an area where no public sewerage connection is available.

3.2 Comments of the Director of Environmental Protection (DEP):

- (a) in view of the small-scale nature of the proposed developments, the applications alone is unlikely to cause major pollution; and

- (b) 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.

4. **Water Supply**

Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no objection to the applications; and
- (b) for provision of water supply to the development, the applicants may need to extend their inside services to the nearest suitable Government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his standards.

5. **Landscape**

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

- (a) no significant landscape impact is envisaged within the Sites and the Sites are not within a landscape sensitive zoning and area; and
- (b) in view that there is inadequate space for landscaping around the proposed houses, landscape condition is therefore impracticable.

6. **Fire Safety**

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

he has no in-principle objection to the applications. The applicants are 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 the LandsD.

7. **Traffic**

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

- (a) he has reservation on the applications and advises that the Small House developments should be confined within the "Village Type Development" ("V") zone as far as possible. Although additional traffic generated by the proposed developments are not expected to be significant, such type of developments outside the "V" zone, if permitted, will set undesirable precedent cases for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and

- (b) notwithstanding the above, the applications only involve construction of 2 Small Houses. He considers that the applications can be tolerated unless they are rejected on other grounds.





**Advisory Clauses**

- (a) 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;
- (b) 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;
- (c) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standard; and
- (d) to note the comments of the Director of Fire Services to observe the '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.

