

**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 Application

Approved Application

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-KTS/379	Proposed House (NTEH – Small House)	12.12.2014 (Lapsed on 13.12.2018)	A1 to A3

**Approval Conditions**

- A1 The provision of septic tank
- A2 The submission and implementation of drainage proposals
- A3 The submission and implementation of landscape proposals



**Similar s.16 Applications  
within/partly within the Same "Agriculture" Zone in the Vicinity of Tsiu Keng Village  
on the Kwu Tung South Outline Zoning Plan**

**After the first promulgation of the Interim Criteria on 24.11.2000**

**Approved Applications**

	<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
1.	A/NE-KTS/132	Proposed House (NTEH – Small House)	19.10.2001	A1, A2, A3 & A4
2.	A/NE-KTS/133	Proposed House (NTEH – Small House)	16.11.2001	A1, A2, A3 & A4
3.	A/NE-KTS/162	Proposed House (NTEH – Small House)	27.9.2002	A1, A2, A3 & A4
4.	A/NE-KTS/172 <sup>(1)</sup>	Proposed House (NTEH – Small House)	15.8.2003	A1, A2, A3 & A4
5.	A/NE-KTS/173 <sup>(2)</sup>	Proposed House (NTEH – Small House)	29.8.2003	A1, A2, A3 & A4
6.	A/NE-KTS/174 <sup>(3)</sup>	Proposed House (NTEH – Small House)	29.8.2003	A1, A2, A3 & A4
7.	A/NE-KTS/175 <sup>(4)</sup>	Proposed House (NTEH – Small House)	29.8.2003	A1, A2, A3 & A4
8.	A/NE-KTS/176 <sup>(8)</sup>	Proposed House (NTEH – Small House)	29.8.2003	A1, A2, A3 & A4
9.	A/NE-KTS/182 <sup>(5)</sup>	Proposed House (NTEH – Small House)	28.5.2004	A1, A2, A3 & A4
10.	A/NE-KTS/183 <sup>(6)</sup>	Proposed House (NTEH – Small House)	28.5.2004	A1, A2, A3 & A4
11.	A/NE-KTS/275 <sup>(6)</sup>	Proposed House (NTEH – Small House)	19.6.2009	A2, A3, A4 & A5
12.	A/NE-KTS/276 <sup>(5)</sup>	Proposed House (NTEH – Small House)	19.6.2009	A2, A3, A4 & A5
13.	A/NE-KTS/277 <sup>(3)</sup>	Proposed House (NTEH – Small House)	19.6.2009	A2, A3, A4 & A5
14.	A/NE-KTS/283 <sup>(7)</sup>	Proposed House (NTEH – Small House)	20.11.2009	A2, A3, A4 & A5
15.	A/NE-KTS/292	Proposed House (NTEH – Small House)	10.9.2010	A2, A3, A4 & A5
16.	A/NE-KTS/293 <sup>(2)</sup>	Proposed House (NTEH – Small House)	10.9.2010	A2, A3, A4 & A5
17.	A/NE-KTS/294 <sup>(1)</sup>	Proposed House (NTEH – Small House)	10.9.2010	A2, A3, A4 & A5
18.	A/NE-KTS/295 <sup>(4)</sup>	Proposed House (NTEH – Small House)	10.9.2010	A2, A3, A4 & A5
19.	A/NE-KTS/349	Proposed House (NTEH – Small	25.10.2013	A3, A4 & A5

		House)		
20.	A/NE-KTS/366	Proposed House (NTEH – Small House)	9.5.2014	A3, A4, A5 & A6
21.	A/NE-KTS/389 <sup>(7)</sup>	Proposed House (NTEH – Small House)	6.2.2015	A3, A4, A5 & A6
22.	A/NE-KTS/420	Proposed House (NTEH – Small House)	26.8.2016	A3, A4, A5 & A6
23.	A/NE-KTS/421 <sup>(8)</sup>	Proposed House (NTEH – Small House)	26.8.2016	A3, A4, A5 & A6
24.	A/NE-KTS/422	Proposed House (NTEH – Small House)	30.9.2016	A4, A5 & A6

**Remarks:**

- (1): applications at the same location but with slightly different areas
- (2): applications at the same location but with slightly different areas
- (3): applications at the same location but with slightly different areas
- (4): applications at the same location but with slightly different areas
- (5): applications at the same location but with slightly different areas
- (6): applications at the same location but with slightly different areas
- (7): applications at the same location but with slightly different areas
- (8): applications at the same location but with slightly different areas

**Approval Conditions**

- A1 The provision of drainage facilities
- A2 The design/provision/implementation of firefighting access, water supplies for fire fighting /fire services installations
- A3 The submission and implementation of landscaping proposals
- A4 The commencement clause
- A5 The submission and implementation of drainage proposals
- A6 The provision of septic tank

**Rejected Applications**

	<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
1.	A/NE-KTS/332 <sup>(1)</sup>	Proposed House (NTEH – Small House)	14.6.2013 (on review)	R1 & R2
2.	A/NE-KTS/333 <sup>(2)</sup>	Proposed House (NTEH – Small House)	14.6.2013 (on review)	R1 & R2
3.	A/NE-KTS/334 <sup>(3)</sup>	Proposed House (NTEH – Small House)	14.6.2013 (on review)	R1 & R2
4.	A/NE-KTS/335 <sup>(4)</sup>	Proposed House (NTEH – Small House)	14.6.2013 (on review)	R1 & R2
5.	A/NE-KTS/336 <sup>(5)</sup>	Proposed House (NTEH – Small House)	14.6.2013 (on review)	R1 & R2
6.	A/NE-KTS/337 <sup>(6)</sup>	Proposed House (NTEH – Small House)	14.6.2013 (on review)	R1 & R2
7.	A/NE-KTS/348 <sup>(7)</sup>	Proposed House (NTEH – Small House)	28.3.2014 (on review)	R1 & R2
8.	A/NE-KTS/350 <sup>(8)</sup>	Proposed House (NTEH – Small House)	8.11.2013	R1 & R2
9.	A/NE-KTS/351 <sup>(9)</sup>	Proposed House (NTEH – Small House)	8.11.2013	R1 & R2
10.	A/NE-KTS/354	Proposed 6 Houses (NTEHs – Small Houses)	4.4.2014	R1 & R2
11.	A/NE-KTS/378 <sup>(4)</sup>	Proposed House (NTEH – Small House)	12.12.2014	R1 ,R2 & R3
12.	A/NE-KTS/380 <sup>(8)</sup>	Proposed House (NTEH – Small House)	12.12.2014	R1 ,R2 & R3
13.	A/NE-KTS/381 <sup>(7)</sup>	Proposed House (NTEH – Small House)	12.12.2014	R1 ,R2 & R3
14.	A/NE-KTS/382 <sup>(9)</sup>	Proposed House (NTEH – Small House)	12.12.2014	R1 ,R2 & R3
15.	A/NE-KTS/383 <sup>(1)</sup>	Proposed House (NTEH – Small House)	12.12.2014	R1 ,R2 & R3
16.	A/NE-KTS/384 <sup>(2)</sup>	Proposed House (NTEH – Small House)	12.12.2014	R1 ,R2 & R3
17.	A/NE-KTS/385 <sup>(3)</sup>	Proposed House (NTEH – Small House)	12.12.2014	R1 ,R2 & R3
18.	A/NE-KTS/386 <sup>(5)</sup>	Proposed House (NTEH – Small House)	12.12.2014	R1 ,R2 & R3
19.	A/NE-KTS/387 <sup>(6)</sup>	Proposed House (NTEH – Small House)	12.12.2014	R1 ,R2 & R3
20.	A/NE-KTS/395 <sup>(5)</sup>	Proposed House (NTEH – Small House)	8.5.2015	R1 ,R2 & R3
21.	A/NE-KTS/396 <sup>(4)</sup>	Proposed House (NTEH – Small House)	8.5.2015	R1 ,R2 & R3
22.	A/NE-KTS/397 <sup>(1)</sup>	Proposed House (NTEH – Small House)	8.5.2015	R1 ,R2 & R3
23.	A/NE-KTS/398 <sup>(2)</sup>	Proposed House (NTEH – Small House)	8.5.2015	R1 ,R2 & R3
24.	A/NE-KTS/399 <sup>(3)</sup>	Proposed House (NTEH – Small House)	8.5.2015	R1 ,R2 & R3

25.	A/NE-KTS/408 <sup>(2)</sup>	Proposed House (NTEH – Small House)	15.4.2016 (on review)	R1 ,R2 & R3
26.	A/NE-KTS/409 <sup>(3)</sup>	Proposed House (NTEH – Small House)	15.4.2016 (on review)	R1 ,R2 & R3
27.	A/NE-KTS/410 <sup>(4)</sup>	Proposed House (NTEH – Small House)	15.4.2016 (on review)	R1 ,R2 & R3
28.	A/NE-KTS/411 <sup>(5)</sup>	Proposed House (NTEH – Small House)	15.4.2016 (on review)	R1 ,R2 & R3
29.	A/NE-KTS/414 <sup>(1)</sup>	Proposed House (NTEH – Small House)	15.4.2016 (on review)	R1 ,R2 & R3
30.	A/NE-KTS/448	Proposed House (NTEH – Small House)	18.8.2017 (on review)	R1 & R2

**Remarks:**

- (1): applications at the same location but with slightly different areas  
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 (9): applications at the same location but with slightly different areas

**Rejection Reasons**

- R1 The proposed development is not in line with the planning intention of the “Agriculture” zone in the Kwu Tung South area.
- R2 Land is still available within the “V” zone of Tsiu Keng Village. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services.
- R3 The site forms part and parcel of the larger piece of active or fallow agricultural land to the north and north-west of Tsiu Keng Village, of which the agricultural land in the area is generally under active cultivation. The approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would further reduce the agricultural land in the area.



**Detailed Comments from Relevant Government Departments**

**1. Land Administration**

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

- (a) the Site falls within the Village 'Environ' ('VE') of Tsiu Keng Village;
- (b) the applicant claimed himself as an indigenous villager of Sheung Shui Village. His eligibility for Small House concessionary grant has yet to be ascertained;
- (c) the Site is not covered by any Modification of Tenancy / Building Licence;
- (d) the Site is Old Schedule agricultural lot;
- (e) the number of outstanding Small House applications in Tsiu Keng Village is 41. As provided by the Indigenous Inhabitant Representative of Tsiu Keng Village on 1.8.2017, the number of 10-year Small House demand for the Tsiu Keng Village is 220; and
- (f) the applicant submitted his Small House application on the Site in 2006 to his office. However, the agent on behalf of the applicant submitted a revised Small House application on another site in May 2013 and his office had proceeded with his revised application. Subsequently, the applicant requested to cancel his application on the latter site and change back to the Site for his Small House application. According to his office practice, the applicant submitted a fresh Small House application form in May 2019 for changing the application site back to the Site which was received on 3.5.2019.

**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 public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area; and
- (c) his advisory comments regarding the design and implementation of the drainage proposal are in **Appendix VII**.

3. **Environment**

3.1 Comments of the CE/MN, DSD:

the Site is within 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 development, the application 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 application; and
- (b) 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 WSD's standard.

5. **Landscape**

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

- (a) he has no objection to the application from the landscape planning perspective;
- (b) according to the aerial photo taken in 2018, the surrounding area is comprised of village houses, agricultural land and scattered tree groups. The proposed use is considered not incompatible with the existing landscape setting in proximity;
- (c) based on his site visit conducted on 3.6.2019, the Site was vacant and no existing tree was found within the Site. Further significant landscape impact arising from the proposed use is not anticipated; and
- (d) in view that there is no adequate space within the Site for meaningful landscape, the landscape condition is not recommended, should the application be approved by the Board.

6. **Fire Safety**

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

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

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

- (a) he has reservation on the application. Such type of development should be confined within the "Village Type Development" ("V") zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the "V" zone, if permitted, will set an undesirable precedent case for similar application in the future. The resulting cumulative adverse traffic impact could be substantial;
- (b) notwithstanding the above, the application only involves construction of one Small House. He considers that the application can be tolerated unless the application is rejected on other grounds; and
- (c) the access from Tsiu Keng Road to the Site is not managed by his department. In this regard, the land status of the access leading to the Site should be checked with the lands authority. The management and maintenance requirements of the same access should also be clarified with the relevant lands and maintenance authorities accordingly.



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 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;
- (d) to note the comments of the Director of Fire Services that the applicant should 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;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the design and implementation of the drainage proposal:
  - i. adequate stormwater drainage collection and disposal facilities shall be provided to deal with the surface runoff of the application site or the same flowing on to the application 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 and keep PlanD informed. 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 application site and its upstream catchments. The lot owner shall effect any subsequent upgrading of these proposed works and the downstream drainage systems whenever necessary;
  - ii. 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 would 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;

- iii. 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;
  - iv. the applicant and the successive owners of the proposed development shall allow connections from the adjacent New Territories Exempted House to the completed drainage works on Government land when so required; and
  - v. the applicant shall take 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 at the applicant's cost;
- (f) to note the Comments of the Commissioner for Transport that the access from Tsiu Keng Road to the application site is not managed by his department. In this regard, the land status of the access leading to the application site should be checked with the lands authority. The management and maintenance requirements of the same access should also be clarified with the relevant lands and maintenance authorities accordingly.