

**Extract of 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

Rejected Applications

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/NE-KTS/461	Proposed NTEH (Small House)	23.8.2019 (on review)	R1 & R2
A/NE-KTS/462	Proposed NTEH (Small House)	23.8.2019 (on review)	R1 & R2

Reasons for Rejection

- R1 Setting an undesirable precedent
- R2 Land is still available within the “V” zone of Hang Tau Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services.

Comments from Relevant Government Departments

1. Land Administration

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

- (a) majority of the Site falls within the Village 'Environ' ('VE') of Hang Tau;
- (b) the 6 persons, i.e. LI Wong Sun, LI Yik Fung, 李煌添, 李國麟, 李逸凌 and 李奕衡 claimed themselves as indigenous villagers of Hang Tau Village. Their eligibilities for Small House concessionary grant have yet to be ascertained;
- (c) the Site is not covered by any Modification of Tenancy / Building Licence. Part of the Site is covered by a Letter of Approval No. L1986 for agricultural store, pigsty and chicken shed;
- (d) the mother lot of the Site (i.e. Lot 409 in D.D. 94) is an Old Schedule lot demised for agricultural use. Any buildings or structures of any description to be erected or constructed on Old Schedule agricultural land without prior approval of Government will be in breach of the 'second covenant' of Block Government Lease;
- (e) in order to cater for any possible physical site features/constraints, the final approved footprint/layout of the proposed Small Houses by his office may be subject to amendment/revision. However, he would try to minimize the change and keep any shifting as slightly as possible;
- (f) the number of outstanding Small House applications in Hang Tau Village is 51. 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
- (g) there are only two Small House applications on Lot 409 S.J and 409 S.I submitted by LI Wong Sun and LI Yik Fung respectively within the Site. Both applications were received on 12.1.2018.

2. 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 "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; and

- (b) notwithstanding the above, the application only involves construction of six Small Houses. He considers that the application can be tolerated unless the application is rejected on other grounds.

3. **Environment**

3.1 Comments of the CE/MN, DSD:

the Site is 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 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. **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; and
- (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.

5. **Water Supply**

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

- (a) he has no objection to the application;
- (b) existing water mains are inside the Site and will be affected. The applicants are required to either divert or protect the water mains found on the Site;
 - (i) if diversion is required, existing water mains inside the Site are needed to be diverted outside the application site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of

existing water mains upon request will have to be borne by the applicants; and the applicants shall submit all relevant proposal to his department for consideration and agreement before the works commence;

- (ii) if diversion is not required, the applicants should follow the following conditions:
- (1) existing water mains are affected and no development which requires resiting of water mains will be allowed;
 - (2) details of site formation works shall be submitted to the Director of Water Supplies (DWS) for approval prior to commencement of works;
 - (3) no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water mains. Free access shall be made available at all times for staff of DWS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (4) no trees or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water mains. No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of DWS. Rigid root barriers may be required if the clear distance between the proposed tree and pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
 - (5) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
 - (6) tree planting may be prohibited in the event that DWS considers that there is any likelihood of damage being caused to water mains.

6. Landscape

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

- (a) he has no objection to the application from the landscape planning perspective;
- (b) the Site is located in an area of rural landscape characters comprising of temporary structures and car parks, village houses, and densely vegetated woodland in the south-western part of Sheung Yue River. The proposed development is considered not entirely incompatible with the landscape setting in proximity;
- (c) according to his site visit conducted on 28.9.2020, the Site is entirely hard paved. Numbers of temporary construction materials are stockpiled and some temporary structures are found within the Site. Two existing trees which are of common species invasive self-seeded species are found in the western and the north-eastern

part of the Site. According to the layout plan (**Drawing A-1**), the location of proposed drainage channel and private road will be in conflict with the two existing trees, and landscape treatments such as garden areas, shrub plantings are proposed within the Site to improve the surrounding living environment. Significant impact on landscape resources is not anticipated;

- (d) in view that the site is not adjacent to the public frontage, landscape condition is not recommended; and
- (e) the applicants are reminded that approval of the planning application under Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the Lease. The applicants should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate.

7. **Fire Safety**

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

he has no objection in principle to 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.

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 applicants should ensure that such access road 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 as follows:
 - (i) the applicants are required to either divert or protect the water mains found on the application site;
 - (ii) if diversion is required, existing water mains inside the proposed lots are needed to be diverted outside the application site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the grantee/applicants; and the applicants shall submit all relevant proposal to his department for consideration and agreement before the works commence;
 - (iii) if diversion is not required, the applicants should follow the following conditions:
 - (1) existing water mains are affected and no development which requires resiting of water mains will be allowed;
 - (2) details of site formation works shall be submitted to the Director of Water Supplies (DWS) for approval prior to commencement of works;
 - (3) no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water mains. Free access shall be made available at all times for staff of DWS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (4) no trees or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water mains. No change of existing site condition may be undertaken within the aforesaid area without the prior

agreement of DWS. Rigid root barriers may be required if the clear distance between the proposed tree and pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;

- (5) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
 - (6) tree planting may be prohibited in the event that DWS considers that there is any likelihood of damage being caused to water mains.
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicants are reminded that approval of the planning application under Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the Lease. The applicants should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate.
- (e) to note the comments of the Director of Fire Services 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.