

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

**(A) Explanatory Notes on NTEH/Small House Development Exempted from
Planning Application**

- (a) for NTEH/Small House development on a site straddling the “Village Type Development” (“V”) zone and other land use zones, planning permission will not be required if the proposed NTEH/Small House footprint falls wholly within the “V” zone;
- (b) planning permission will also not be required if not less than 50% of the footprint of a Small House falls within the “V” zone and the village ‘environs’ (‘VE’) of a recognized village;
- (c) the above exemption from planning application is not applicable to any NTEH/Small House development on a site encroaching on:
 - (i) conservation-related zones (such as “Coastal Protection Area”, “Conservation Area”, “Site of Special Scientific Interest”) and “Country Park”;
 - (ii) “Green Belt” zone;
 - (iii) “Open Space” (“O”) zone involving Government land, or where the proposed NTEH/Small House footprint encroaching on the “O” zone;
 - (iv) water gathering grounds; and
 - (v) area shown as ‘Road’.
- (d) notwithstanding (c) above, if only a very minor portion of the site (5% or 10m², whichever is the less) falls outside the “V” zone (regardless of the other zoning(s) involved), it will be regarded as minor boundary adjustment always permitted under the covering Notes of the relevant Outline Zoning Plan/Development Permission Area Plan provided that no tree felling is involved and no adverse impacts are envisaged.

(B) Assessment Criteria for Planning Application

- (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.

(Revised on 7th September 2007)

TPB PG-NO. 10

TOWN PLANNING BOARD GUIDELINES FOR
APPLICATION FOR DEVELOPMENT WITHIN GREEN BELT ZONE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

(Important Note :

The guidelines are intended for general reference only. The decision to approve or reject an application rests entirely with the Town Planning Board and will be based on individual merits and other specific considerations of each case.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17th Floor, North Point Government Offices, 333 Java Road, Hong Kong - Tel. No. 2231 5000.

These guidelines are liable to revision without prior notice. The Town Planning Board will only make reference to the guidelines current at the date on which it considers an application.)

1. Introduction

- 1.1 The planning intention of the "Green Belt" ("GB") zone is primarily to promote the conservation of the natural environment and to safeguard it from encroachment by urban-type developments.
- 1.2 The "GB" zone covers mainly slopes and hillsides, most of which is naturally vegetated. Some "GB" areas are also designated as Country Parks. Most of the land within the "GB" zone is Government land, although there are also small pockets of private land, generally near built-up areas.
- 1.3 The main purposes of the "GB" zone include the following :
 - a. to conserve existing landscape features, areas of scenic value and areas of recognised "fung shui" importance;
 - b. to define the outer limits of urbanized districts and to serve as a buffer between and within urban areas; and
 - c. to provide additional outlets for passive recreational uses.
- 1.4 To preserve the character and nature of the "GB" zone, the only uses which will always be permitted by the Town Planning Board (the Board) are compatible uses which are essential and for public purpose such as waterworks, water catchment areas, nature reserves, agriculture, forestry and certain passive recreational uses. Other uses, including government/institution/community (G/IC), residential development and public utility installations will require planning permission from the Board and each proposal will be assessed on its individual merits. Applications for development will be considered by the Board according to the criteria set out below.

2. Main Planning Criteria

- a. There is a general presumption against development (other than redevelopment) in a "GB" zone. In general the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use.
- b. An application for new development in a "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas. With the exception of New Territories Exempted Houses, a plot ratio up to 0.4 for residential development may be permitted.
- c. Applications for New Territories Exempted Houses with satisfactory sewage disposal

facilities and access arrangements may be approved if the application sites are in close proximity to existing villages and in keeping with the surrounding uses, and where the development is to meet the demand from indigenous villagers.

- d. Redevelopment of existing residential development will generally be permitted up to the intensity of the existing development.
- e. Applications for G/IC uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available. The plot ratio of the development site may exceed 0.4 so as to minimize the land to be allocated for G/IC uses.
- f. Passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration.
- g. The design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment.
- h. The vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided.
- i. The proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area.
- j. The proposed development must comply with the development controls and restrictions of areas designated as water gathering grounds.
- k. The proposed development should not overstrain the overall provision of G/IC facilities in the general area.
- l. The proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution.
- m. Any proposed development on a slope or hillside should not adversely affect slope stability.

Appendix IV of RNTPC
Papers No. A/SK-PK/240C and 241C

Similar Planning Applications for Small Houses

Application No.	Location	Zoning	Date of Consideration	Decision of the RNTPC/TPB	Reasons for Rejection/Approval Conditions
A/SK-PK/16 Proposed House (10 3-storey Village-Type Houses)	Lots 490, 491(part), 492(part), 494(part), 495, 496 sA, 508 sB, 508 RP(part), 588(part), 592, 594, 595 and 596 sA in D.D.222 and adjoining Government Land, Pak Kong, Sai Kung	“GB” and “V”	11.8.1995	Approved with conditions	(a), (b) & (c)
A/SK-PK/157 Proposed 10 Houses (New Territories Exempted House - Small House)	Lots 489 sA ss3, 490 sA ss1, 490 sARP, 490 sB, 490 sC, 491 sD ss1, 491 sD RP, 491 sE, 491 RP, 492 sA ss1, 492 sA RP, 492 sB ss1, 492 sB ss2, 492 sB RP, 492 sC to 492G, 588 sB, 588 sC s1, 588 sC RP, 588 sD, 588 RP(part), 592 sA, 592 sB, 592 RP, 594 sE ss1 and 594 sH in D.D.222 and adjoining Government Land, Pak Kong, Sai Kung	“V”, “GB” and “REC”	5.9.2008	Approved with conditions	(a), (b) & (c)
A/SK-PK/214 Proposed House (New Territories Exempted House - Small House)	Lots 480RP and 483RP in D.D.222, Pak Kong Village, Sai Kung	“V” & “GB”	2.1.2015	Approved with conditions	(a) & (b)
A/SK-PK/231 Proposed 3 Houses (New Territories Exempted Houses - Small Houses)	Lots 490 S.A ss.1, 490 S.B, 491 S.D ss.1, 491 RP, 492 S.B ss.2, 492 S.E, 492 S.G, 588 S.C RP and 588 RP in D.D. 222, Pak Kong, Sai Kung	“V”, “REC” & “GB”	13.1.2017	Approved with conditions	(a), (b) & (c)
A/SK-PK/234 Proposed House (New Territories Exempted House - Small House)	Lots 492 S.A ss.1 and 492 S.C in D.D. 222, Pak Kong, Sai Kung	“V” & “GB”	7.4.2017	Approved with conditions	(a) & (c)

Application No.	Location	Zoning	Date of Consideration	Decision of the RNTPC/TPB	Reasons for Rejection/ Approval Conditions
A/SK-PK/235 Proposed House (New Territories Exempted House - Small House)	Lots 588 S.B (Part), 592 S.B (Part) and 592 RP (Part) in D.D. 222 and Adjoining Government Land, Pak Kong, Sai Kung, New Territories	“GB”	9.6.2017	Approved with conditions	(b)
A/SK-PK/239 Proposed House (New Territories Exempted House - Small House)	Lot 470 S.B ss.2 in D.D. 222, Pak Kong, Sai Kung, New Territories	“GB”	12.1.2018	Rejected	(1), (2), (3) & (4)

Reasons for Rejection:

- (1) Not in line with the planning intention of the “GB” zone
- (2) Adverse traffic and other undesirable effect is anticipated
- (3) Setting of undesirable precedent for other similar applications within the “GB” zone
- (4) No strong planning ground to justify the application

Approval Conditions:

- (a) Submission and implementation of landscaping and tree preservation proposals
- (b) Provision of septic tank, as proposed by the applicant, at a satisfied location
- (c) Provision of sewerage connection to the existing sewer

Comments from Relevant Government Departments

1. Land Administration

Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) no objection to the applications;
- (b) the Sites are located on private land namely Lot Nos. 470 S.B RP and 470 S.B ss.3 both in D.D. 222 held under Block Government Lease (demised for agricultural use). Prior approval from his office is required if structure is proposed to be erected on the concerned lots;
- (c) 10-year Small House Demand Forecast for Pak Kong Village is 205 and the outstanding Small House applications for Pak Kong Village are 21. The figure of 10-year Small House demand was provided by the Indigenous Inhabitant Representative of Pak Kong Village and his office is not in a position to verify the forecast;
- (d) the applicants, Mr. LOK Richard and LOK Paul are indigenous villagers of Pak Kong and their Small House applications were received by his office on 25 November 2010;
- (e) the proposed Small Houses fall within the 'Village Environs' ('VE') of Pak Kong which is a recognized village under the New Territories Small House Policy;
- (f) the Small House applications of Mr. LOK Richard and LOK Paul have not been approved. Their applications can only be proceeded further subject to a valid planning permission; and
- (g) approval to Small House grant is not automatic even though the applicants have obtained s.16 approval from the Board. The grant would be subject to all criteria being met and all relevant factors being considered.

2. Nature Conservation

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

the Sites are used for horticultural purposes and part of the Site of A/SK-PK/241 is covered with some temporary structures, she has no strong view on the applications from nature conservation point of view.

3. Water Supply

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

- (a) no objection to the applications;
- (b) the Sites fall within the Consultation Zone of Pak Kong Water Treatment Works, which is a Potential Hazardous Installation. Comments from Environmental Protection Department (EPD) should be sought in this respect; and
- (c) 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 WSD's standards.

4. **Fire Safety**

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

- (a) no in-principle objection to the applications; and
- (b) the applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department. Detailed fire safety requirements will be formulated upon receipt of formal application referred by Lands Department.

5. **Traffic**

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

- (a) he has reservation on the applications and considers that the proposed developments 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 applications in the future. The resulting cumulative adverse traffic impact could be substantial;
- (b) notwithstanding the above, the applications only involve two Small Houses, he considers that the applications can be tolerated unless it is rejected on other grounds; and
- (c) the access road leading to the Sites is not managed by the Transport Department. The status of the road should be checked with the lands authority. The management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly.

6. **Drainage**

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

no in-principle objection to the applications from a drainage maintenance viewpoint provided that stormwater drainage facilities will be provided in connection with the proposed Small House developments to deal with the surface runoff of the Sites without causing any adverse drainage impacts or nuisance to the adjoining areas.

7. **Landscape**

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

- (a) reservation on the applications from the landscape planning point of view;
- (b) the Sites are situated in an area dominated by garden nursery with containers and landscape plants in pots. Although the proposed Small Houses are not incompatible with the surrounding rural landscape character, the proposed stormwater works of the Sites might have impact on existing trees to the west of the Sites in consideration of the alignment of drainage channels. The landscape impact would likely be extended beyond the Sites;
- (c) approval of the proposed Small Houses would encourage spreading of village houses into the "GB" zone leading to cumulative deterioration of landscape character of the "GB" zone; and
- (d) should the Board approve these applications, the following approval condition is recommended to be included in the permission:

"submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board."

8. **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) object to the applications from chlorine risk perspective;
- (b) based on the information provided, for both applications, part of the application sites encroach into the Safety Buffer Zone of Pak Kong Water Treatment Works, which is an area with high chlorine risk; and
- (c) on the proposed septic tank and soakaway system, the applicants are reminded that the design and construction of the septic tank and soakaway system should follow Environmental Protection Department (EPD)'s Practice Note ProPECC PN 5/93

(available on EPD's website) including the clearance distance of the soakaway pit and the percolation test, which should be properly certified by Authorized Person.

9. Geotechnical

Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) no comment on the applications;
- (b) the applicants are reminded to make necessary submission to the DLO to verify if the Sites satisfy the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicants shall submit site formation plans to the BD in accordance with the provisions of the BO.

10. Building Matters

Comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department (CBS/NTE2&Rail, BD):

- (a) no comment under the Buildings Ordinance (BO);
- (b) all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with BO; and
- (c) Authorized Person must be appointed for the site formation and communal drainage works.

11. Local Views conveyed by District Officer

Comments of the District Officer/Sai Kung, Home Affairs Department (DO/SK, HAD):

no comment on the applications.

12. Demand and Supply of Small House Sites

According to DLO/SK, the 10-year Small House Demand Forecast for Pak Kong Village is 226 (including 21 outstanding Small House applications in Pak Kong Village). According to the latest estimate by PlanD, it is estimated that about 0.978 ha of land (equivalent to about 39 Small House sites) are available within the "V" zone of Pak Kong Village. Therefore, the land available in Pak Kong Village cannot fully meet the future Small House demand for 226 Small House sites.

**Appendix VII of RNTPC
Papers No. A/SK-PK/240C and 241C**

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) that the approval to Small House grant is not automatic even though the applicants have obtained planning approval from the Board. The grant would be subject to all criteria being met and all relevant factors being considered;
- (b) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD) that 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 WSD's standards;
- (c) to note the comments of the Director of Fire Services (D of FS) that the applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department. Detailed fire safety requirements will be formulated upon receipt of formal application referred by Lands Department;
- (d) to note the comments of the Commissioner for Transport (C for T) that the access road leading to the Sites is not managed by the Transport Department. The status of the road should be checked with the lands authority. The management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) that stormwater drainage facilities should be provided in connection with the proposed Small House development to deal with the surface runoff of the Sites without causing any adverse drainage impacts or nuisance to the adjoining areas;
- (f) to note the comments of the Director of Environmental Protection (DEP) that the design and construction of the septic tank and soakaway system should follow Environmental Protection Department (EPD)'s Practice Note ProPECC PN 5/93 (available on EPD's website) including the clearance distance of the soakaway pit and the percolation test, which should be properly certified by Authorized Person;
- (g) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicants are reminded to make necessary submission to the District Lands Office to verify if the Sites satisfy the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicants shall submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (h) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with Buildings Ordinance and Authorized Person must be appointed for the site formation and communal drainage works.