

**Relevant Revised Interim Criteria for Consideration of Application for
NTEH/Small House in the 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.

Comments from Relevant Government Departments

1. Land Administration

Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):

- (a) he has no in-principle objection to the application;
- (b) the two subject lots are held under Block Government Lease demised for agricultural uses;
- (c) the respective footprints of the two proposed Small Houses are outside the village environs ('VE') of any recognised village;
- (d) the 10-year forecast of Small House demand of Tai Tei Tong Village is 131 for the period from 1 January 2019 to 31 December 2028. Please note that the figure of 10-year forecast of Small House demand is estimated and provided by the Indigenous Inhabitant Representative (IIR) and the information so obtained has not been in any way verified by his office;
- (e) the number of outstanding Small House applications for sites within the "V" zone and straddling / outside "V" zone is 23 as at 23 August 2019;
- (f) the applicant, LAM Ka Ho, who submitted a Small House application in respect of Lot No. 1040 S.C in D.D. 1 MW in 2018, has claimed himself as an indigenous villager (IV) of Tai Tei Tong Village but his IV status has not been verified yet. The registered owner of Lot No. 1040 S.B, LAM Ka Ki, who submitted a Small House application to his office in 2015 and subsequently changed the Small House application site to Lot No. 1040 S.B in D.D. 1 MW in 2018, has claimed himself as an IV of Tai Tei Tong Village. However, his IV status has not yet been verified; and
- (g) if and after planning approval is given by the Town Planning Board (the Board) to the application, his office will continue to process the two Small House applications in accordance with the established procedures. However, there is no guarantee that the two Small House applications would be approved. If the two Small House applications are approved by the LandsD acting in the capacity as landlord at its sole discretion, the approvals will be subject to such terms and conditions as may be imposed by LandsD. Please also note that there is no guarantee of right of way to the Small House sites concerned or approval of any Emergency Vehicular Access thereto.

2. Traffic

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

- (a) since the applicants only seek planning approval for two proposed houses at the Site, he considers that the proposed development can be tolerated from traffic engineering point of view; and
- (b) the access roads in the vicinity of the Site are not managed by Transport Department.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) she has no objection to the application; and
- (b) the applicant is reminded to design and operate the septic tank and /or soakaway system following the requirements in Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department", including the percolation test, sufficient clearance distances from sensitive receivers and certifications by Authorized Person.

4. Landscape

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

- (a) she has no objection to the application from landscape planning perspective;
- (b) according to the aerial photo of 2018, the Site is currently used for agriculture and no existing tree is observed within the Site. The Site is situated in a rural inland landscape character surrounded by village houses and shrubland with individual tree groups scattered within the area. The proposed development is not incompatible with the surrounding environment; and
- (c) in consideration of limited space within the Site, implementation of effective landscape treatment to enhance the public realm seems not practicable. It is considered not necessary to impose any landscape condition should the application be approved by the Board.

5. Fire Safety

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

- (a) he has no objection to the application; 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.

6. Water Supply

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

- (a) he has no objection to the application; and
- (b) the water main located within the Site is trunk main (**Plan A-2a**). In addition, the areas close to the Site are private lots such that the diversion of which is technically not feasible from operation and maintenance perspective. Therefore, we have no in-principle objection to the planning application provided that the applicants agree to fulfil the following requirements from waterworks operation and maintenance points of view:

- (i) existing water mains are affected as indicated on **Plan A-2a** and no development which requires resiting of water mains will be allowed;
- (ii) details of site formation work shall be submitted to the Director of Water Supplies (D of WS) for approval prior to commencement of works;
- (iii) no structures shall be built or materials stored within 1.5m from the centre line(s) of water main(s) shown on **Plan A-2a**. Free access shall be made available at all times for staff of the D of WS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
- (iv) no trees or shrubs with penetrating roots shall be planted within 1.5m from the centre line(s) of water main(s) as shown on **Plan A-2a**. No change of existing site condition shall be undertaken within the aforesaid area without the prior agreement of the D of WS;
- (v) 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
- (vi) tree planting may be prohibited at specific location if the existing water mains in the vicinity are found vulnerable to such tree planting.

7. Agriculture

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

- (a) the application is not supported from agriculture perspective; and
- (b) the Site is now actively used for farming activities. Besides, the subject lots possess potential for agricultural rehabilitation, considering the accessibility and availability of water source.

8. Others

Comments of the Head of Sustainable Lantau Office, Civil Engineering and Development Department (H(SLO), CEDD):

- (a) his office has no comment on the application for the proposed small houses development, noting that the Site falls within an area zoned "Village Type Development" and "Agriculture" on the Mui Wo Fringe Outline Zoning Plan;
- (b) in view that there are frequent complaints of disposal of construction wastes in South Lantau resulting in damage to the natural environment, and the future small houses development would inevitably trigger construction waste, should the application be approved, the applicants should be reminded on the proper disposal of Construction and Demolition (C&D) wastes during the construction works.

9. District Officer's Comments

Comments of the District Officer (Islands), Home Affairs Department (DO(Is), HAD):

please note that his office has no comment on the subject application given that the applicants will provide an alternative route to public if the existing footpaths will be blocked due to the proposed development.

10. Demand and Supply of Small House Sites

According to DLO/Is, LandsD, the total number of outstanding Small House applications for Tai Tei Tong Village is 23 while the 10-year Small House demand forecast for Tai Tei Tong Village is 131. According to the latest estimate by PlanD, about 0.83 ha of land (equivalent to 33 Small House sites) are available in the "V" zone of Tai Tei Tong Village for Small House development. Therefore, the land available in Tai Tei Tong Village cannot fully meet the future Small House demand for 154 Small House sites but all the outstanding Small House applications.

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that his office will continue to process the two Small House applications in accordance with the established procedures. However, there is no guarantee that the two Small House applications would be approved. If the two Small House applications are approved by the LandsD acting in the capacity as landlord at its sole discretion, the approvals will be subject to such terms and conditions as may be imposed by LandsD. Please also note that there is no guarantee of right of way to the Small House sites concerned or approval of any Emergency Vehicular Access thereto;
- (b) to note the comments of the Director of Environmental Protection (DEP) that the applicants are reminded to design and operate the septic tank and /or soakaway system following the requirements in Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department", including the percolation test, sufficient clearance distances from sensitive receivers and certifications by Authorized Person;
- (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 Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the water main located within the application site is trunk main. In addition, the areas close to the application site are private lots such that the diversion of which is technically not feasible from operation and maintenance perspective. The applicants are reminded to observe CE/C, WSD's following requirements:
- (i) the existing water mains are affected as indicated on **Plan A-2a** and no development which requires resiting of water mains will be allowed;
 - (ii) details of site formation work shall be submitted to the Director of Water Supplies (D of WS) for approval prior to commencement of works;
 - (iii) no structures shall be built or materials stored within 1.5m from the centre line(s) of water main(s) shown on the **Plan A-2a**. Free access shall be made available at all times for staff of the D of WS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (iv) no trees or shrubs with penetrating roots shall be planted within 1.5m from the centre line(s) of water main(s) as shown on **Plan A-2a**. No change of existing site condition shall be undertaken within the aforesaid area without the prior agreement of the D of WS;
 - (v) 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
 - (vi) tree planting may be prohibited at specific location if the existing water mains in the vicinity are found vulnerable to such tree planting.
- (e) to note the comments of the Head of Sustainable Lantau Office, Civil Engineering and Development Department (H(SLO), CEDD) that the applicants are reminded on the proper disposal of construction and demolition wastes during the construction works.