

**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.

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/23 Proposed House (1 3-storey Village-Type House)	Lot 479 S.A in D.D.222, Pak Kong, Sai Kung	“GB”, “V” and “AGR”	1.12.1995	Approved with conditions	(a) & (d)
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/217 Proposed 3 Houses (New Territories Exempted House – Small House)	Lots No. 470 S.B ss.2, 470 S.B ss.3 and 470 S.B RP in D.D. 222, Pak Kong Village, Sai Kung	“GB”	12.6.2015 (Review)	Rejected upon review	(1), (3), (4) and, (5)

Application No.	Location	Zoning	Date of Consideration	Decision of the RNTPC/ TPB	Reasons for Rejection/ Approval Conditions
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)
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”	14.9.2018	Rejected upon review	(1), (2), (3) & (4)
A/SK-PK/240 Proposed House (New Territories Exempted House - Small House)	Lot 470 S.B RP in D.D. 222, Pak Kong, Sai Kung, New Territories	“GB”	26.1.2018	Rejected	(1), (2), (3) & (4)
A/SK-PK/241 Proposed House (New Territories Exempted House - Small House)	Lot 470 S.B ss.3 in D.D. 222, Pak Kong, Sai Kung, New Territories	“GB”	26.1.2018	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
- (5) Not in line with TPB-PG No. 10

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
- (d) Provision of drainage disposal facilities

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 application;
- (b) the Site is located on Lot Nos. 480 RP and 483 RP in D.D. 222 which are held under the Block Government Lease demised for agricultural uses. No structure is allowed to be erected on the lots without prior approval from his office pursuant to the lease restrictions;
- (c) the Site and the proposed Small House footprint fall entirely within the village environs of Pak Kong in Sai Kung Heung which is a recognized village under the New Territories Small House Policy;
- (d) the Indigenous Inhabitant Representative (IIR) of Pak Kong has not provided the 10-year Small House demand forecast for the village since 2015. The forecast provided by the IIR of Pak Kong in December 2014 is 205. His office is not in a position to verify the forecast;
- (e) the number of outstanding Small House applications (excluding the proposed Small House under application) falling within and outside the “V” zone in Pak Kong are 9 and 8 respectively; and
- (f) the applicant has applied for a Small House Grant by way of Free Building Licence at the Site. He has been certified as an indigenous villager of Pak Kong by the IIR of the village. His Small House application has been approved and the Building Licence has yet to be executed. The final Small House footprint is subject to survey.

2. Fire Safety

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

- (a) no in-principle objection to the application; and
- (b) the applicant is 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.

3. Traffic

Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (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 applications in the future. The resulting cumulative adverse traffic impact could be substantial; and
- (b) notwithstanding the above, the subject application only involves one NTEH – Small House. He considers that this application can be tolerated unless it is rejected on other grounds.

4. Drainage

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

- (a) no in-principle objection from the application from drainage maintenance viewpoint provided that adequate stormwater drainage collection and disposal facilities would be provided in connection with the proposed use to deal with the surface runoff of the Site or the same flowing on to the site from the adjacent areas without causing any adverse drainage impact to the areas or nuisance to the adjoining areas; and
- (b) according to his record, the Site is within an area where neither stormwater nor sewerage connections maintained by DSD is available in the vicinity at present. Environmental Protection Department’s (EPD) comment on the proposed use of septic tank should be sought.

5. Water Supply

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

- (a) no objection to the application;
- (b) the Site falls within the Consultation Zone of Pak Kong Water Treatment Works, which is a Potential Hazardous Installation. Comments from EPD should be sought in this respect; and
- (c) for provision of water supply to the development, the applicant may need to extend his/her 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 standards.

6. Landscape

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

- (a) no objection to the application from the landscape planning point of view;
- (b) with reference to the aerial photo of 2015, the site is located in an area of rural landscape character dominated by village houses, vegetated area and hard paved vacant land. It is noted that the Site is located in close vicinity to the existing village houses, and some approved Small Houses are located near the site. According to the site photos taken in July 2019, the application site appears vacant without vegetation cover, while patches of self-seeded overgrown of grass seems to be located near the site. The proposed application is not incompatible to the landscape character of the surrounding environment. Significant changes and disturbance to the existing landscape resources are not anticipated; and
- (c) in consideration of limited space within the Sites, implementation of effective landscape treatment (particularly by means of tree planting) for bringing greenery contribution to the public realm seems not practicable. It is considered not necessary to impose any landscape-related condition should the application be approved by the Board.

7. Environment

Comments of the Director for Environmental Protection (DEP):

- (a) he has no objection to the application from chlorine risk perspective; and
- (b) the applicant is advised that the design and construction of the proposed septic tank and soakaway system should follow the requirements as stipulated in EPD's Practice Note ProPECC PN 5/93, and are duly certified by an Authorized Person.

8. 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.

9. **Demand and Supply of Small House Sites**

According to DLO/SK, the 10-year Small House Demand Forecast for Pak Kong Village is 222 (including 17 outstanding Small House applications in Pak Kong Village). According to the latest estimate by PlanD, it is estimated that about 1.283 ha of land (equivalent to about 51 Small House sites) is 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 222 Small House sites.

Advisory Clauses

- (a) to note the comments of the Director of Fire Services that the applicant is 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;
- (b) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage facilities should be provided in connection with the proposed development to deal with the surface runoff of the Site or the same flowing on to the site from the adjacent areas without causing adverse drainage impacts or nuisance to the adjoining areas;
- (c) 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 applicant may need to extend his/her 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 standards;
- (d) to note the comments of the Director of Environmental Protection that the applicant is advised that the design and construction of the proposed septic tank and soakaway system should follow the requirements as stipulated in Environmental Protection Department's Practice Note ProPECC PN 5/93, and are duly certified by an Authorized Person; and
- (e) 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.