

**Relevant Interim Criteria for Consideration of
Application for 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*);

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 environs of Ha Wo Hang;
- (b) the applicant claimed himself to be the indigenous villager of Ha Wo Hang of Sha Tau Kok Heung. His eligibility for Small House grant has yet to be ascertained;
- (c) the Site is not covered by any Modification of Tenancy/Building Licence;
- (d) the number of outstanding Small House applications and the number of 10-year Small House demand for Ha Wo Hang Village are 5 and 840 respectively; and
- (e) the Small House application at the Site was made to his office on 4.8.2016.

2. Traffic

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

- (a) she has reservation on the application and advises that Small House 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 application only involves construction of one Small House. She considers that the application can be tolerated unless it is rejected on other grounds.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution;
- (b) the 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 ProPECC PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”, in particular the requirement for clearance distance from streams, and are duly certified by an Authorized Person; and
- (c) regarding the potential construction stage water pollution, it is subject to statutory control under the relevant pollution control legislation such as Water Pollution Control Ordinance. The applicant is reminded to strictly observe the ordinances and exercise proper site management practice to avoid any pollution during construction stage.

4. Nature Conservation

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

his recent site inspection reveals that the Site is covered by herbaceous plants of common species. The Site is not accessible as the village footpath only pass along Lot 1117 in D.D. 39, which is 40m away from the Site. There is no direct vehicular access to the Site, which is different from that mentioned in the planning statement. Furthermore, a natural stream is adjacent to the east of the Site. As the Site is within the "Green Belt" zone and the surrounding environment is largely natural, he has reservation on the application from nature conservation point of view.

5. Landscape

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

- (a) she has some reservations on the application from the landscape planning perspective;
- (b) the Site is located in an area of landscape character type of settled valley comprising of mainly villages, agricultural land and woodland. Based on 2019 aerial photo, the Site was abandoned agricultural land with vegetation near Ha Wo Hang village. Existing village houses within "Village" zone, are located mainly to the north of a spur with vegetation cover of trees. However, the Site is isolated and located to the southwest of the spur. The proposed development is considered not entirely compatible with the landscape character of the "GB" zone, in which the Site is located. Potential adverse landscape impact arising from the development could not be ascertained. The proposed development, if approved, would set an undesirable precedent of landscape character alteration of the "GB" zone, and would encourage more similar development within the area. The cumulative impact of such approval would further degrade the landscape quality of the environment within the "GB" zone; and
- (c) given the nature of the proposed development and the Site is not bounded by public frontage, should the TPB approve the subject application, it is considered not necessary to impose a landscape condition.

6. Drainage

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

- (a) he has no objection 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;
- (c) the Site is in an area where no public sewerage connection is available;
- (d) the Site is in vicinity of an existing stream course. The applicant shall be required to place all the proposed works 3m away from the top of the bank of the stream course. All the proposed works in the vicinity of the stream course should not create any adverse drainage impacts both during and after construction. Proposed flooding mitigation measures if necessary shall be provided at the resources of the applicant to

his satisfaction; and

- (e) the applicant is reminded to minimise the possible adverse environmental impacts on the existing stream course in his design and during construction.

7. Fire Safety

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

- (a) he has 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 LandsD. Detailed fire safety requirements will be formulated upon receipt of formal applications referred by LandsD.

8. Water Supply

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

- (a) he has no specific comment on the application; and
- (b) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

9. Heritage

Comments of the Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES(AM), AMO), DEVB:

- (a) she has no in-principle objection to the application from heritage preservation point of view. Should the application be approved, the applicant is required to ensure that all temporary and construction works for the proposed house should not cause any structural impact to the declared monument "Fat Tat Tong"; and
- (b) if any associated works, such as construction or repair of access road and drainage works to the proposed house, are situated in close proximity to the monument, the applicant may be required to seek advice from a Registered Structural Engineer on any potential structural impact to the monument, such as vibration, settlement and tilting, and apply monitoring measures as appropriate. The applicant should forward to her office the details of the associated works, if any, for consideration when available.

10. District Officer's Comments

Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

she has consulted the locals regarding the application. All respondents including the incumbent North District Council (NDC) member of subject constituency and the Chairman of Sha Tau Kok District Rural Committee had no comment on the application.

11. Demand and Supply of Small House Site

According to DLO/N, LandsD's records, the total number of outstanding Small House applications of Ha Wo Hang village is 5 while the 10-year Small House demand forecast for the same village is 840. According to the latest estimate by PlanD, a total of about 0.58 ha (equivalent to 23 Small House sites) of land are available within the "V" zone of Ha Wo Hang for Small House development (**Plan A-2b**). There is insufficient land in the "V" zone of Ha Wo Hang Village to meet the future demand of Small Houses (i.e. about 21.1 ha which is equivalent to 845 Small House sites).

Recommended Advisory Clauses

- (a) to note the comments of CE/C, WSD that for provision of water supply to the development, the applicant may need to extend the inside services to 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 should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (b) to note the comments of D of FS that the applicant should 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 LandsD;
- (c) to note the comments of CE/MN, DSD that the Site is in an area where no public sewerage connection is available. The applicant shall be required to place all the proposed works 3m away from the top of the bank of the stream course. All the proposed works in the vicinity of the stream course should not create any adverse drainage impacts both during and after construction. Proposed flooding mitigation measures if necessary shall be provided at the resources of the applicant to his satisfaction;
- (d) to note the comments of ES(AM), AMO, DEVB that the applicant is required to ensure that all temporary and construction works for the proposed house should not cause any structural impact to the declared monument "Fat Tat Tong";
- (e) to note the advice of DEP that the 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 ProPECC PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department", in particular the requirement for clearance distance from streams, and are duly certified by an Authorized Person. Regarding the potential construction stage water pollution, it is subject to statutory control under the relevant pollution control legislation such as Water Pollution Control Ordinance. The applicant is reminded to strictly observe the ordinances and exercise proper site management practice to avoid any pollution during construction stage; and
- (f) 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.