

Relevant Revised 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) 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.

**Similar Applications
in the vicinity of the Site within the same “Agriculture” Zone
on the Kau Lung Hang Outline Zoning Plan**

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/381	Proposed Eight Houses (New Territories Exempted Houses)	22.5.2009	A1 – A7
A/NE-KLH/545	Proposed Eight Houses (New Territories Exempted Houses)	4.5.2018	A7 – A10

Approval Conditions

- A1. The submission of water pollution risks and impacts assessment to demonstrate that the proposed development would not cause any material increase in the pollution effect in the water gathering grounds (WGG).
- A2. The submission of site formation plans.
- A3. The provision of protective measures to ensure no siltation would occur and no pollution to the water gathering grounds including the stream course to the south of the application site.
- A4. The connection of the foul water drainage system to public sewers when available.
- A5. The provision of drainage facilities.
- A6. The submission and implementation of a detailed tree survey report and a landscape and tree preservation proposal including a compensatory planting scheme prior to any site clearance or site formation works.
- A7. The provision of fire fighting access, water supplies and fire service installations.
- A8. The submission and implementation of drainage proposal.
- A9. The submission and implementation of a tree preservation and landscape proposal.
- A10. No pollution or siltation occurs to the WGG.

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/2	Proposed Eight Houses (New Territories Exempted Houses)	21.4.1995 on review	R1 - R4
A/NE-KLH/349	Proposed Eight Houses (New Territories Exempted Houses)	17.8.2007 on review	R5 – R7
A/NE-KLH/453	Proposed House (New Territories Exempted House - Small House)	19.7.2013	R8
A/NE-KLH/501	Proposed House (New Territories Exempted House - Small House)	2.9.2016 on review	R8, R9

Rejection Reasons

- R1. The proposed layout was not satisfactory in respect of the disposition and orientation of the houses.
- R2. The proposed development would generate additional traffic on the already congested south-bound carriageway of the Tolo Highway, Tate's Cairn Tunnel and Lion Rock Tunnel in the morning peak hour. There was still insufficient information in the written representation to demonstrate that the proposed development would not aggravate traffic congestion on the existing road network.
- R3. The proposed development would be exposed to traffic noise and insufficient noise mitigation measures had been included in the written representation.
- R4. The proposed development would require felling of mature trees and the tree preservation and landscaping proposals submitted were inadequate to minimise the felling of mature trees and to compensate for the loss.
- R5. The proposed development was located within the WGG but was unable to be connected to the existing or planned public sewers in the area. There were reservation on technical and practicality aspects of the local application of the proposed communal sewage treatment plant as a permanent facility for treating the sewage generated from the proposed development in WGG to meet the required discharge standards. The proposed Deed of Mutual Covenant arrangement was also considered not a viable legal entity to ensure proper long term operation and maintenance of the sewage treatment plant nor did it guarantee continuous funding by the future house owners. There was insufficient information in the submission to demonstrate that the proposed development would not cause adverse impact on the water quality in the area.

- R6. The approval of the application would set an undesirable precedent for similar applications in the future, resulting in substantial cumulative environmental and traffic impacts.
- R7. There was insufficient information in the submission to demonstrate that the proposed development would not cause adverse impact on the existing large trees. The approval of the application might set an undesirable precedent, leading to gradual destruction of the remaining woodland in the vicinity which was an important landscape resource to the area.
- R8. The proposed development did not comply with the Interim Criteria for Consideration of Applications for New Territories Exempted House/Small House in the New Territories in that the proposed development would involve tree felling and cause adverse landscape impact on the surrounding area. There was no information in the submission to demonstrate that the proposed development would not have adverse impact on the existing landscape resources within the application site as well as the woodland in the vicinity.
- R9. Land was still available within the “Village Type Development” (“V”) zone of Wai Tau Tsuen which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

Recommended Advisory Clauses

- (a) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to District Lands Office for approval;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) there is no public drains maintained by DSD in the vicinity of the application site (the Site). The proposed houses should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and overland flow from the surrounding of the Site. The proposed development is located on the unpaved ground. It will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicants should take this into account when preparing the drainage proposal. The applicants are also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicants shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the system;
 - (ii) the applicants should note that they should design the drainage proposal based on the actual site condition for DSD's comment/ agreement. DSD would not assist the applicants to their drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/ departments if necessary. The applicants should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches in the adjacent areas should not be adversely affected; and
 - (iii) there is no public sewer connection available in the vicinity of the proposed development.
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that in case no certificate of exemption for the proposed buildings including the associated site formation works and/or drainage works under Cap. 121 is granted, such building works will require prior approval and consent under Cap. 123. In this circumstance, an Authorized Person should be appointed to coordinate such works.
- (d) to note the comments of the Director of Fire Services (D of FS) that the applicants should 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;
- (e) to note the comments of the Director of Electrical and Mechanical Services (DEMS) in the interests of public safety and ensuring the continuity of electricity supply, the

applicants concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. The applicants should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines; 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 applicants 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.