

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*);

- (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 S.16 Applications for Proposed House (New Territories Exempted House - Small House) within/partly within the “Agriculture” zone in the vicinity of the application site
in the Luk Keng and Wo Hang Area**

Rejected Applications

Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
A/NE- LK/39	Proposed House (New Territories Exempted House - Small House)	12.12.2003 (on review)	R1 - R3
A/NE-LK/40	Proposed House (New Territories Exempted House - Small House)	12.12.2003 (on review)	R1 - R3
A/NE-LK/74	Proposed House (New Territories Exempted House - Small House)	4.1.2013 (on review)	R4 - R6

Rejection Reasons:

- R1 The proposed Small House development did not comply with the interim criteria for assessing planning application for NTEH/Small House development as the land available within the “Village Type Development” zone of Sheung Wo Hang Village could meet future Small House demand.
- R2 The use under application was not in line with the planning intention of the “Agriculture” zone which was to retain and safeguard good agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation.
- R3 The approval of the application would set an undesirable precedent for other similar applications.
- R4 The proposed development was not in line with the planning intention of “Agriculture” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification to merit a departure from the planning intention.
- R5 Land was still available within the “Village Type Development” zone of Sheung Wo Hang Village where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.
- R6 The approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impact of which would lead to further loss of agricultural land and landscape impact on the surrounding area and adverse impact on the natural habitats including the nearby stream.

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 Sheung Wo Hang;
- (b) the applicant claimed himself to be the indigenous villager of Sheung 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 Sheung Wo Hang is 77 and 1000 respectively; and
- (e) the Small House application was made to his office on 12.5.2014.

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” and are duly certified by an Authorized Person; and
- (c) the applicant should take appropriate measures to prevent contaminated surface runoff from being discharged into the watercourse during construction and operational stages of the Small House.

4. 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) despite no significant sensitive landscape resource is observed within the Site, the proposed development, if approved, would set an undesirable precedent, and would encourage more similar development within the area. The cumulative impact of such approval would further degrade the landscape quality of the surrounding environment, alter the landscape character and cause irreversible impact on existing landscape resources of the “AGR” zone; and
- (c) should the application being approved, it is considered not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent.

5. 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 applications be approved, a condition should be included to request the applicants to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area; and
- (c) the Sites is in an area where no public sewerage connection is available.

6. 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.

7. 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 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.

8. Agriculture

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

the agriculture activities are active in the vicinity of the Sites and agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open field cultivation, greenhouses, plant nurseries etc. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agriculture point of view.

9. District Officer's Comments

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

he has consulted the locals regarding the application. The Indigenous Inhabitant Representative (IIR) of Wo Hang supported the proposal on the grounds that the local villager should have the right to build house at its own village. The Chairman of Sha Tau Kok District Rural Committee, the North District Council (NDC) member of subject constituency, the Resident Representative (RR) and another IIR of Wo Hang had no comment on the application.

10. Demand and Supply of Small House Site

According to DLO/N, LandsD's records, the total number of outstanding Small House applications of Sheung Wo Hang Village is 77 while the 10-year Small House demand forecast for the same village cluster is 1000. According to the latest estimate by PlanD, a total of about 2.3 ha (equivalent to 91 Small House sites) of land are available within the "V" zone of Sheung Wo Hang for Small House development (**Plan A-2b**). There is insufficient land in the "V" zone of Sheung Wo Hang village to meet the future demand of Small Houses (i.e. about 26.9 ha which is equivalent to 1077 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;
- (d) to note the advice of DEP that 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" and are duly certified by an Authorized Person; and the applicants should take appropriate measures to prevent contaminated surface runoff from being discharged into the watercourse during construction and operational stages of the Small House; and
- (e) 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.