

**Relevant Revised Interim Criteria for Assessing Planning Applications for
NTEH/Small House Development 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) 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

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-LT/611	Proposed House (New Territories Exempted House)	24/11/2017	A1-A4
A/NE-LT/630	Proposed House (New Territories Exempted House)	18/05/2018	A2-A5

Approval Conditions

- A1. The submission and implementation of tree preservation proposal.
- A2. The submission and implementation of drainage proposal.
- A3. The connection of the foul water drainage system to the public sewers.
- A4. The provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds
- A5. The submission and implementation of landscape proposal

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-LT/610	Proposed 2 Houses (New Territories Exempted Houses - Small Houses)	14/07/2017	R1-R4

Rejection Reasons

- R1. The proposed development was not in line with the planning intention of the "Agriculture" ("AGR") zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The "AGR" zone was also intended to retain fallow arable land with good potential for rehabilitation, cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention;
- R2. The proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that it would cause adverse landscape impact on the surrounding areas.
- R3. Land was still available within the "Village Type Development" ("V") zone of Lung A Pai which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House developments within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

- R4. The approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the natural environment and landscape quality of the area.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
- (i) the proposed sewerage connection will traverse private lots and Government land. The applicant should obtain concerned private lot owners' registered consent to construct pipelines and manholes thereon, and LandsD's written consent prior to commencement of works on Government land;
 - (ii) LandsD would continue to process applicant's redevelopment application in the capacity of a landlord and if the application is approved, it will be subject to such terms and conditions as considered appropriate; and
 - (iii) there is no guarantee to the grant of the right of way to the development concerned or approval of the EVA thereto;
- (b) to note the comments of the Director of Environmental Protection that:
- (i) the proposed house should be connected to the public sewer, as proposed by the applicant;
 - (ii) the applicant should follow ProPECC PN 1/94 during site formation works in the construction phase to prevent polluting the watercourse in the vicinity (about 18m away from the site);
 - (iii) adequate land space within the Site should be reserved for connection of the proposed NTEH to the public sewer;
 - (iv) written consents should be obtained from the adjacent lot owners for laying and maintaining sewage pipes across the adjacent lots; and
 - (v) the cost of connection should be borne by the applicant;
- (c) to note the comments of the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) that:
- (i) no stud pipe is reserved for the proposed house, EPD's view should be sought whether the sewage to be generated from the proposed house can be adequately catered by the existing / planned public sewers located nearby. Should the applicant choose to dispose of sewage of the proposed development through other means, views and comments from EPD should be sought;
 - (ii) there is no public drain maintained by DSD in the vicinity of the Site. The proposed house should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and overland flow from other areas surrounding the Site. The proposed development is located on unpaved ground, and 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 applicant should take this into account when preparing the drainage proposal;

- (iii) the applicant/owner is also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
 - (iv) the applicant should design the drainage proposal based on the actual site condition for DSD's comment/agreement. DSD would not assist the lot owner/developer to complete his 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 applicant should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected;
 - (v) should the applicant choose to connect his proposed sewerage system to DSD's network, they shall furnish DSD with their connection proposal for agreement. After obtaining DSD's agreement, the applicant shall submit a duly completed Form HBP1 with a cross cheque covering the technical audit fee and a plan showing the details of the proposed drainage connection works to DSD for formal application for the required connection. Upon DSD's acceptance of the connection application, the applicant shall carry out the proposed connection works in accordance with DSD Standard Drawings at the resources of the applicant. The connection pipe outside the lot boundaries shall be handed over to DSD for maintenance after satisfactory technical audit by DSD. In addition, to ensure the sustainability of the public sewerage network, the applicant/owner is required to demonstrate to the satisfaction of DSD in such manner that the runoff within the subject premise will be served by a designated stormwater collection and discharge system and shall not be drained to the public sewerage network and the applicant/owner will be required to submit details of the proposed sewage connection works and concurrently provide further information on the runoff collection and discharge system; and
 - (vi) the applicant is required to rectify/modify the existing drainage/sewerage systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify Government against claims and demands arising out of damage or nuisance caused by failure of the system;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department that:
- (i) the foul water drainage system of the proposed NTEH can be connected to the public sewerage system in the area and the applicant shall connect the whole of the foul water drainage system to the public sewerage system;
 - (ii) adequate protection measures shall be taken to ensure that no pollution or siltation occurs to the water gathering grounds;
 - (iii) the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed NTEH to the public sewerage system via relevant private lots;
 - (iv) since the proposed NTEH itself is less than 30m from the nearest watercourse, it should be located as far away from the watercourse as possible;

- (v) the whole of foul effluent shall be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes; and
- (vi) 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 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;
- (e) to note the comments of the Director of Fire Services that the applicant 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;
- (f) to note the Director of Electrical and Mechanical Services's comments that for public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier 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 or in the vicinity of the Site. The applicant should observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines; and
- (g) to note that the permission is only given to the development under the 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.