

**Relevant Revised 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) 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.

Previous application at the Site

Approved Application

Application No.	Proposed Developments	Date of Consideration	Approval Conditions
A/NE-LT/429	Proposed House (New Territories Exempted House - Small House)	6/12/2011	A1-A5

Approval Conditions

- A1 The submission and implementation of landscape proposal.
- A2. The submission and implementation of drainage proposal.
- A3. The provision of fire fighting access, water supplies and fire service installations.
- A4. The connection of the foul water drainage system to the public sewers.
- A5. The provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds.

**Similar s.16 Applications in the vicinity of the Site
and within the same “AGR” zone
on the Lam Tsuen Outline Zoning Plan**

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-LT/280	Proposed House (New Territories Exempted House - Small House)	21/2/2003	A1, A2, A4 – A6
A/NE-LT/296	Proposed House (New Territories Exempted House - Small House)	29/8/2003	A1, A2, A4 – A6
A/NE-LT/335	Proposed Six New Territories Exempted House (NTEH)(Small House)	9/10/2009	A3 – A5, A7, A8
A/NE-LT/478	Proposed House (New Territories Exempted House - Small House)	11/10/2013	A1, A2, A4, A5
A/NE-LT/479	Proposed House (New Territories Exempted House - Small House)	11/10/2013	A1, A2, A4, A5
A/NE-LT/480	Proposed House (New Territories Exempted House - Small House)	11/10/2013	A1, A2, A4, A5
A/NE-LT/481	Proposed House (New Territories Exempted House - Small House)	11/10/2013	A1, A2, A4, A5
A/NE-LT/482	Proposed House (New Territories Exempted House - Small House)	11/10/2013	A1, A2, A4, A5

Approval Conditions

- A1. The submission and implementation of landscape and/or tree preservation proposals
- A2. The provision of drainage facilities
- A3. The submission and provision of drainage facilities
- A4. The connection of the foul water drainage system to public sewers
- A5. The provision of protective measures to ensure that no pollution or siltation occurs to the water gathering grounds (WGGs)
- A6. The provision of fire services installations
- A7. The submission of landscaping and tree preservation proposal prior to commencement of works and implementation of the landscaping and tree preservation proposal

A8. The provision of fire fighting access, water supplies and fire service installations

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-LT/287	Proposed House (New Territories Exempted House - Small House)	31/10/2003 (Review)	R1 and R2

Rejection Reasons

- R1. The 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 agricultural land with good potential for rehabilitation.
- R2. The proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development in the New Territories in that it was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed sewage pipe to be connected to the planned Government sewerage system within the existing “Village Type Development” zone was technically feasible and the proposed development located within the water gathering grounds would not cause adverse impact on water quality in the area.

Detailed Comments from Relevant Government Departments

1. Land Administration

Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the applicant is an indigenous villager (IV) of Tong Sheung Tsuen of Tai Po Heung. His indigenous villager status was confirmed by the Indigenous Inhabitant Representative (IIR) of the same village;
- (c) the Site is two Old Schedule Lots held under Block Government Lease (demised for agricultural use). The Site is not covered by any Modification of Tenancy or Building Licence;
- (d) the applicant is the registered owner of the subject lots;
- (e) the Site falls mainly within the village ‘environs’ (‘VE’) of Tong Sheung Tsuen;
- (f) the number of outstanding Small House applications and the number of 10-year Small House demand for the villages concerned are as follows:

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand*</u>
Chung Uk Tsuen	13	250
Fong Ma Po	4	28
San Uk Tsai	5	43
Tong Sheung Tsuen	7	110

(* The figures of 10-year Small House demand were provided by the IIRs of the concerned villages in 2015 to 2017 and the information so obtained is not verified by LandsD.)

- (g) the subject Small House grant application has been approved in 2015 and execution of the Small House grant documents is pending fulfilment of the approval conditions imposed. Should the application be approved by the Town Planning Board (the Board), LandsD will process the Small House application. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access thereto;
- (h) according to records, the Site falls within the water gathering ground (WGG) and the subject Small House should be connected to public sewer. The sewerage connection proposal submitted by the applicant has been accepted by the Drainage Services Department (DSD).

2. **Traffic**

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

- (a) in general, he has reservation on the application. Such type of development should be confined within “Village Type Development” (“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 development of a Small House can be tolerated on traffic grounds.

3. **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) the Site is entirely within the “Agriculture” (“AGR”) zone and is within WGG. The applicant has proposed to connect to sewer manhole FMH 1055585. He has no adverse comment on the sewerage connection proposal and the application on the conditions that:
 - (i) the proposed Small House will be connected to the public sewer for sewage disposal;
 - (ii) adequate land space within the Site should be reserved for connection of the proposed Small House to the public sewer;
 - (iii) written consents could be obtained from the adjacent lot owner(s) for laying and maintaining sewage pipes; and
 - (iv) the cost of sewer connection will be borne by the applicant;
- (b) in view of that a watercourse is located about 14.5m away from the Site, the applicant is advised to follow ‘*Professional Persons Environmental Consultative Committee Practice Note (ProPECCPN) 1/94 Construction Site Drainage*’ to properly handle and dispose of site discharge during construction phase; and
- (c) the sewer connection may have to cross Government land and permission from LandsD would be required.

4. **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 perspective;
- (b) the Site is situated in an area of rural landscape character comprising of scattered tree groups, village houses and active and abandoned farmlands. Given similar

Small Houses are found in close proximity to the Site, the application is not incompatible with the surrounding environment;

- (c) the Site is paved and partly occupied with an existing temporary structure. No existing tree is found within the Site. One mature *Celtis sinensis* (朴樹) in fair condition is located adjacent to the south-western boundary which is not in direct conflict with the proposed development. Adverse impact arising from the proposed development on significant landscape resources within the Site is not anticipated; and
- (d) since there is not adequate space for meaningful landscaping within the Site to benefit the public realm, should the application be approved by the Board, the standard condition for submission and implementation of landscaping proposal is not recommended.

5. **Drainage and Sewerage**

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) should the application be approved by the Board, a condition should be included requesting the applicant to submit and implement the drainage proposal for the Site to the satisfaction of Director of Drainage Services or the Board to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) there is no public drain maintained by DSD in the vicinity of the Site. The proposed Small 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 Site is located on the unpaved ground, which 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. 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;
- (d) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. DSD would not assist the lot owner/developer on the 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; and

- (e) the Site is within an area where connections to existing sewerage networks are available in the vicinity. Should the applicant choose to connect his proposed drainage systems to DSD's networks, the applicant shall furnish DSD with his 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 premises 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.

6. Agriculture

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

- the Site is occupied by temporary structures. As it is small in size and surrounded by domestic structures, the potential for agricultural rehabilitation is low. He has no strong view against the application.

7. 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 LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.

8. Water Supply

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

- (a) no objection to the application;
- (b) the Site is located within upper indirect WGG and is less than 30m away from the nearest watercourse;

- (c) DEP has indicated that the Site is able to be connected to the public sewerage system in the area. It is noted that DEP has no objection to the application provided that the applicant shall connect the proposed Small House with public sewer for sewage disposal. He supports DEP's view by imposing the following conditions:
- (i) the foul water drainage system of the proposed Small House 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 protective measures shall be taken to ensure that no pollution or siltation occurs to the WGG;
 - (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 Small House to the sewerage system via relevant private lot; and
 - (iv) the whole of foul effluent shall be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes; and
- (d) for provision of water supply to the proposed 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 inside services within the private lots to WSD's standards.

9. Electricity Supply Safety

Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) no comment on the application from electricity supply safety aspect; and
- (b) in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the 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 Site. They 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.

10. Demand and Supply of Small House Sites

According to DLO/TP, LandsD's records, the total number of outstanding Small

House applications for Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai is 29 while the 10-year Small House demand forecast provided by the IIR is 431. Based on the latest estimate by Planning Department, about 2.95 ha (or equivalent to about 118 Small House sites) of land are available within the “V” zones. Therefore, the land available cannot fully meet the future Small House demand (about 11.5 ha or equivalent to about 460 Small Houses).

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Office/Tai Po, Lands Department (DLO/TP, LandsD) that:
- (i) there is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access thereto; and
 - (ii) the Site falls within the water gathering ground (WGG) and the subject Small House should be connected to public sewer;
- (b) to note the comments of the Director of Environmental Protection (DEP) that:
- (i) the proposed Small House should be connected to the public sewer for sewage disposal;
 - (ii) adequate land space within the Site should be reserved for connection of the proposed Small House to the public sewer;
 - (iii) written consents should be obtained from the adjacent lot owner(s) for laying and maintaining sewage pipes;
 - (iv) the cost of sewer connection should be borne by the applicant;
 - (v) in view of that a watercourse is located about 14.5m away from the Site, the applicant should follow '*Professional Persons Environmental Consultative Committee Practice Note (ProPECCPN) 1/94 Construction Site Drainage*' to properly handle and dispose of site discharge during construction phase; and
 - (vi) the sewer connection may have to cross Government land and permission from LandsD is required;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) there is no public drain maintained by DSD in the vicinity of the Site. The proposed Small 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 Site is located on the unpaved ground, which 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. 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;
 - (ii) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. DSD would not assist the lot owner/developer on the 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; and

- (iii) the Site is within an area where connections to existing sewerage networks are available in the vicinity. Should the applicant choose to connect his proposed drainage systems to DSD's networks, the applicant should furnish DSD with his connection proposal for agreement. After obtaining DSD's agreement, the applicant should 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 should 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 should 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 should submit details of the proposed sewage connection works and concurrently provide further information on the runoff collection and discharge system;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) the applicant should 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 Small House to the sewerage system via relevant private lot;
 - (ii) since the proposed Small House itself is less than 30m from the nearest watercourse, it should be located as far away from the watercourse as possible;
 - (iii) the whole of foul effluent shall be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes; and
 - (iv) for provision of water supply to the proposed 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 inside services within the private lots to WSD's standards;
- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (f) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the 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 Site. They 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

- (g) 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.