

**Relevant Revised Interim Criteria for Consideration of Application for
NTEH/Small House 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 Applications within the Same “AGR” Zone
on the Lam Tsuen Outline Zoning Plan No. S/NE-LT/11**

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-LT/247	Proposed New Territories Exempted House (NTEH) (Small House)	02.02.2001	A1-A5
A/NE-LT/253	Proposed New Territories Exempted House (NTEH) (Small House)	20.04.2001	A1-A6
A/NE-LT/254	Proposed New Territories Exempted House (NTEH) (Small House)	18.05.2001	A1-A6
A/NE-LT/264	Proposed New Territories Exempted House (NTEH) (Small House)	07.09.2001	A1-A6
A/NE-LT/295	New Territories Exempted House (NTEH)(Small House)	29.08.2003	A1, A4-A8
A/NE-LT/369	Proposed House (New Territories Exempted House (NTEH) - Small House)	09.03.2007	A2-A4, A9, A10
A/NE-LT/428	Proposed House (New Territories Exempted House (NTEH) - Small House)	02.09.2011	A7-A9, A11, A12
A/NE-LT/430	Proposed House (New Territories Exempted House (NTEH) - Small House)	22.07.2011	A4, A7-A9, A12
A/NE-LT/473	Proposed House (New Territories Exempted House - Small House)	07.06.2013	A4, A7-A9
A/NE-LT/476	Proposed House (New Territories Exempted House - Small House)	02.08.2013	A4, A7-A9
A/NE-LT/595	Proposed House (New Territories Exempted House - Small House)	25.11.2016	A7-A9, A11
A/NE-LT/598	Proposed House (New Territories Exempted House - Small House)	03.02.2017	A7-A9
A/NE-LT/622	Proposed House (New Territories Exempted House - Small House)	22.12.2017	A7-A9

Approval Conditions

- A1. The provision of drainage facilities
- A2. The disposal of spoils during the site formation and construction period
- A3. The provision of septic tank and soakaway pit for foul effluent disposal and sewerage connection at a distance of not less than 30m from any watercourses
- A4. The submission and implementation of landscaping proposals
- A5. The permission shall cease to have effect on dd.mm.yyyy unless prior to the said date either the development hereby permitted is commenced or this permission is renewed
- A6. The provision of fire services installations
- A7. The connection of the foul water drainage system to the public sewers
- A8. The provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds (WGG)
- A9. The submission and implementation of drainage facilities/proposals
- A10. The re-provision of the existing footpath traversing the application site
- A11. The submission and implementation of landscape and tree preservation proposals
- A12. 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/309	Proposed New Territories Exempted House (NTEH) (Small House)	19.12.2003	R1-R2
A/NE-LT/315	Proposed New Territories Exempted House (NTEH) (Small House)	24.09.2004	R1, R3
A/NE-LT/349	House (New Territories Exempted House) (NTEH) (Small House)	24.03.2006 (on review)	R4

A/NE-LT/393	Proposed House (New Territories Exempted House - Small House)	22.05.2009	R5, R6
A/NE-LT/415	Proposed House (New Territories Exempted House (NTEH) - Small House)	15.04.2011	R5, R7, R8
A/NE-LT/427	Proposed House (New Territories Exempted House (NTEH) - Small House)	17.06.2011	R8, R9
A/NE-LT/508	Proposed House (New Territories Exempted House - Small House)	11.07.2014	R10, R11
A/NE-LT/512	Proposed House (New Territories Exempted House - Small House)	08.08.2014	R5, R6, R8
A/NE-LT/520	Proposed House (New Territories Exempted House - Small House)	12.12.2014	R10, R11
A/NE-LT/534	Proposed House (New Territories Exempted House - Small House)	08.05.2015	R11, R12
A/NE-LT/546	Proposed House (New Territories Exempted House - Small House)	15.01.2016 (on review)	R5, R8, R10, R13
A/NE-LT/560	Proposed House (New Territories Exempted House - Small House)	08.01.2016	R12, R13
A/NE-LT/572	Proposed House (New Territories Exempted House - Small House)	10.06.2016	R5, R13, R14
A/NE-LT/573	Proposed House (New Territories Exempted House - Small House)	10.06.2016	R5, R13, R14
A/NE-LT/609	Proposed House (New Territories Exempted House - Small House)	20.10.2017 (on review)	R5, R12, R13
A/NE-LT/625	Proposed House (New Territories Exempted House - Small House)	16.03.2018	R5, R12, R13
A/NE-LT/626	Proposed House (New Territories Exempted House - Small House)	09.11.2018 (on review)	R5, R12, R13
A/NE-LT/637	Proposed House (New Territories Exempted House - Small House)	14.12.2018 (on review)	R5, R13

Rejection Reasons

- R1. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (Interim Criteria) in that the application site 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 development located within the water gathering grounds (WGG) would not cause adverse impact on water quality in the area

- R2. The application was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was to retain and safeguard good agricultural land for agricultural purposes and to retain fallow agricultural land with good potential for rehabilitation
- R3. The application site fell outside both the village ‘environs’ (‘VE’) and the “Village Type Development” (“V”) zone. Development of NTEH/Small House outside both the ‘VE’ and the “V” zone would normally not be approved unless under very exceptional circumstances. There was insufficient information in the submission to warrant the approval of this application under exceptional circumstances
- R4. The proposed New Territories Exempted House (NTEH)/Small House development did not comply with the Interim Criteria in that the majority of the application site was located outside the VE of San Tong Village and only 8% of the footprint of the proposed Small House fell within the “V” zone
- R5. The proposed development was not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It 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
- R6. The proposed development did not comply with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell outside both the ‘VE’ and “V” zone of any recognized village
- R7. The proposed development did not comply with the Interim Criteria in that the footprint of the proposed Small House entirely fell outside the “V” zone and the ‘VE’ of any recognized villages; there was no general shortage of land in meeting the demand for Small House development in the “V” zone of San Tong Tsuen and the proposed Small House would not be able to be connected to the planned public sewers
- R8. The proposed development was located within the WGG and the applicant failed to demonstrate that the proposed development could be connected to the existing or planned sewerage system and would not have potential to cause water pollution to the surrounding areas/create adverse impact on water quality in the area
- R9. The proposed development did not comply with the interim criteria in that the footprint of the proposed Small House fell entirely outside the “V” zone and ‘VE’ of any recognized villages in Tai Po

- R10. The proposed development did not comply with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell outside both the “V” zone and the ‘VE’ of San Tong Village and there was not a general shortage of land in meeting the demand for Small House development in the “V” zone of San Tong Village
- R11. Land was still available within the “V” zone of San Tong for Small House development. The applicant failed to demonstrate in the submission why suitable site within areas zoned “V” could not be made available for the proposed development
- R12. The proposed development did not comply with the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of San Tong / Chuen Shui Tseng
- R13. Land was still available within the “V” zone of San Tong/Chuen Shui Tseng 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.
- R14. The proposed development did not comply with the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Chuen Shui Tseng and the applicant failed to demonstrate that the proposed development located within WGG would be able to be connected to the planned sewerage system and would not cause adverse impact on the 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) the application is not supported;
- (b) the Site is an Old Schedule Lot held under Block Government Lease (demised for agricultural use) and is not covered by any Modification of Tenancy or Building Licence;
- (c) as there is no Small House application received for the Site, the applicant's eligibility for Small House grant could not be verified;
- (d) given that the Site falls outside any village 'environs' ('VE'), the application will be rejected under the Small House Policy; and
- (e) the number of outstanding Small House applications and the number of 10-year Small House demand for the villages concerned are as follows:

<u>Villages</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand</u>
San Tong	8	--*
Chuen Shui Tseng	11	--*
Tai Om	13	122 [#]
Ping Long	23	158 [#]

(* The figures of 10-year Small House demand were not provided by the Indigenous Inhabitant Representatives (IIRs) of San Tong and Chuen Shui Tseng.)

([#] The figures of 10-year Small House demand were estimated and provided by the IIRs of Tai Om and Ping Long in 2017. The information so obtained is not verified by DLO/TP.)

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 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 can be substantial; and

- (b) notwithstanding the above, he considers that the application only involving the development of three Small Houses could be tolerated on traffic grounds.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) the Site falls within “AGR” zone and is within WGG. The applicant proposes to connect the Small Houses to the existing public sewer at Ping Long, which has available capacity; and
- (b) he has no objection to the application on the conditions that:
 - (i) the proposed Small Houses 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 houses to the public sewer;
 - (iii) written consent(s) obtained from the adjacent lot owner(s) and/or LandsD’s for laying and maintaining sewage pipes; and
 - (iv) the cost of connection will be borne by the applicant.

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 landscape planning perspective;
- (b) the Site is situated in an area of rural landscape character comprising tree groups, abandoned farmlands and Small Houses. Similar houses development previously approved by the Board are found within the same “AGR” zone. The proposed Small Houses are considered not incompatible with the surrounding environment;
- (c) the Site is vacant and no existing tree is found within the Site. Significant adverse impact to landscape resources within the Site is not anticipated; and
- (d) since the footprints of proposed Small Houses cover most of the Site, there is inadequate space for meaningful landscape to benefit public realm. Should the Board approve the application, it is considered unnecessary to impose any condition for submission and implementation of landscape proposal.

5. Drainage and Sewerage

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

- (a) no in-principle objection to the application from public drainage point of view;
- (b) if the application is approved, a condition on submission and implementation of drainage proposal for the Site is recommended to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) there is existing public sewers in the vicinity of the Site. As no stud pipe is reserved for the proposed Small Houses, DEP's view should be sought whether the sewage to be generated from the proposed Small Houses can be adequately catered by the existing / planned public sewers located nearby;
- (d) there is no existing DSD maintained public drain available for connection in the area. The applicant should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems; and
- (e) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought.

6. Agriculture

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

- the Site is overgrown with grasses. Nevertheless, there are active agricultural activities in the vicinity and agricultural infrastructure such as water source and road access is available. The Site possesses potential for agricultural rehabilitation. As such, the application is not supported from agricultural development point of view.

7. Fire Safety

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

- (a) no comment on the application; and

- (b) the applicant is advised to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department. 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) the Site is located within upper indirect WGG; and
- (b) the proposed Small House footprint is entirely outside “V” zone and any ‘VE’. According to Item B(c) of the “Interim Criteria for Consideration of Application for NTEH/Small House in New Territories”, Small House development with such a footprint would normally not be approved. Therefore, he objects to the application.

9. Demand and Supply of Small House Sites

According to DLO/TP, LandsD’s records, the total number of outstanding Small House applications for San Tong, Chuen Shui Tseng, Tai Om and Ping Long villages are 55 while the 10-year Small House demand forecast is 280. Based on the latest estimate by Planning Department, about 7.33 ha of land (or equivalent to about 292 Small House sites) are available within the “V” zones concerned. Therefore, the land available cannot fully meet the future demand of 335 Small Houses (or equivalent to about 8.38 ha of land).

Recommended Advisory Clauses

- (a) to note the comments of the Director of Environmental Protection (DEP) that:
- (i) the proposed Small Houses 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 houses to the public sewer;
 - (iii) written consent(s) should be obtained from the adjacent lot owner(s) and /or LandsD for laying and maintaining sewage pipes; and
 - (iv) the cost of connection should be borne by the applicant;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) there is no existing DSD maintained public drain available for connection in the area. The applicant should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
 - (ii) there is existing public sewers in the vicinity of the Site. As no stud pipe is reserved for the proposed Small Houses, DEP's view should be sought whether the sewage to be generated from the proposed Small Houses can be adequately catered by the existing / planned public sewers located nearby; and
 - (iii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;
- (c) 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; and

- (d) 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.