

**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.

**Similar s.16 Applications 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/344 | Proposed House (New Territories Exempted House - Small House) | 25.11.2005 | A1-A4 |
| A/NE-LT/345 | Proposed House (New Territories Exempted House - Small House) | 25.11.2005 | A1-A4 |
| A/NE-LT/346 | Proposed House (New Territories Exempted House - Small House) | 17.3.2006 | A1, A2, A4, A5 |
| A/NE-LT/489 | Proposed House (New Territories Exempted House - Small House) | 13.12.2013 | A1, A3, A4, A6 |
| A/NE-LT/635 | Proposed House (New Territories Exempted House - Small House) | 18.5.2018 | A1-A4 |

Approval Conditions

- A1. The submission and implementation of landscaping proposals.
- A2. The submission and provision of drainage facilities.
- A3. The connection of the foul water drainage system to public sewers.
- A4. The provision of protective measures to ensure no siltation occurred or no pollution to the water gathering grounds.
- A5. The design, construction and maintenance of the sewerage facilities and the future connection of the sewerage system to public sewers.
- A6. The provision of drainage facilities.

Rejected Applications

| Application No. | Proposed Development | Date of Consideration | Rejection Reasons |
|------------------------|---|------------------------------|--------------------------|
| A/NE-LT/413 | Proposed House (New Territories Exempted House - Small House) | 9.9.2011 on review | R1-R3 |
| A/NE-LT/570 | Proposed House (New Territories Exempted House - Small House) | 27.5.2016 | R3- R5 |
| A/NE-LT/571 | Proposed House (New Territories Exempted House - Small House) | 24.6.2016 | R1, R3, R5 |
| A/NE-LT/578 | Proposed House (New Territories Exempted House - Small House) | 24.6.2016 | R3, R5, R6 |
| A/NE-LT/618 | Proposed House (New Territories Exempted House - Small House) | 2.2.2018 on review | R1, R3, R5 |
| A/NE-LT/623 | Proposed House (New Territories Exempted House - Small House) | 8.6.2018 on review | R1, R3, R5 |
| A/NE-LT/640 | Proposed House (New Territories Exempted House - Small House) | 17.8.2018 | R3, R5 |
| A/NE-LT/666 | Proposed House (New Territories Exempted House - Small House) | 31.5.2019 | R3, R5 |
| A/NE-LT/679 | Proposed House (New Territories Exempted House - Small House) | 29.11.2019 | R3, R5 |

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 the New Territories” in that there was no shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Sheung Tin Liu Ha, Ha Tin Liu Ha and Ko Tin Hom.
- R2. Small Houses should be developed within the “V” zone so as to concentrate village type development for a more orderly development pattern, efficient use of land and provision of infrastructures and services.
- R3. 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.

- R4. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom and the applicant failed to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the planned sewerage system and would not cause adverse impact on the water quality in the area.
- R5. Land was still available within the “V” zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom 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.
- R6. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Ha Tin Liu Ha, Sheung Tin Liu Ha and Ko Tin Hom. The proposed development would cause adverse landscape impact on the surrounding area and the applicant failed to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the planned sewerage system and would not adversely affect the water quality in the area.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that if the redevelopment application is approved, it will be subject to such terms and conditions as imposed by LandsD;
- (b) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) the proposed house should be connected to the public sewer at the applicant's own cost;
 - (ii) written consents should be obtained from the adjacent lot owners and/or LandsD for laying and maintaining sewage pipes for the proposed houses;
 - (iii) adequate land space within the Site should be reserved by the applicant for connection of the proposed houses to the public sewer; and
 - (iv) the applicant should take up full ownership, and construction and maintenance responsibility of the sewerage connection system;
- (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 houses should have their own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from other areas surrounding the Site. The proposed developments are located on unpaved ground, which will increase the impervious area resulting in a change of flow pattern and increase of surface runoff and thus flooding risk in the area. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected, and the runoff within the subject premises shall not be drained to the public sewerage network. The applicant/owner is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the systems; and
 - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD, Home Affairs Department and/or relevant private lot owners should be sought;
- (d) 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 LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (e) 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 NTEHs to the sewerage system via relevant private lot; and
 - (ii) 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 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; 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 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.