

**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 covering the Application Sites**  
**on Lam Tsuen Outline Zoning Plan**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Developments</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-LT/335	Six Houses (New Territories Exempted Houses) (Small Houses)	9/10/2009	A1 – A5
A/NE-LT/478	Proposed House (New Territories Exempted House - Small House)	11/10/2013	A2, A3, A6, A7
A/NE-LT/479	Proposed House (New Territories Exempted House - Small House)	11/10/2013	A2, A3, A6, A7
A/NE-LT/480	Proposed House (New Territories Exempted House - Small House)	11/10/2013	A2, A3, A6, A7

**Approval Conditions**

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

**Similar Applications within the same “AGR” zone**  
**on the Lam Tsuen Outline Zoning Plan**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-LT/280	New Territories Exempted House (NTEH)(Small House)	21/2/2003	A1 – A5
A/NE-LT/296	New Territories Exempted House (NTEH)(Small House)	29/8/2003	A1 – A5
A/NE-LT/429	Proposed House (New Territories Exempted House - Small House)	6/12/2011	A1, A4 – A7
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
A/NE-LT/658	Proposed House (New Territories Exempted House - Small House)	04/01/2019	A4 – A6

**Approval Conditions**

- A1. The submission and implementation of landscape and/or tree preservation proposals
- A2. The provision of drainage facilities
- A3. The provision of fire services installations
- 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
- A6. The submission and implementation of drainage proposal
- A7. 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	New Territories Exempted House (NTEH) (Small House)	31/10/2003 (on review)	R1 and R2
A/NE-LT/604	Proposed House (New Territories Exempted House - Small House)	28/04/2017	R1 and R3

### 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.
- R3 Land was still available within the “Village Type Development” (“V”) zones of Lam Tsuen San Tsuen and San Tsuen Lo Wai which were 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.

**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 applications;
- (b) the applicants are indigenous villagers of villages listed below as confirmed by their respective Indigenous Inhabitant Representatives (IIRs). The applicants are eligible for Small House grant;

<b>Name of applicant</b>	<b>Native Village</b>	<b>Lots in D.D. 19</b>
LI Kin Fun	Luk Heung Wang Leng Tau	158 S.B, 159 S.A and 161 S.A ss.2
CHEUNG Wing Hong	Sha Lo Tung Cheung Uk	158 RP, 159 RP, 161 S.A ss.3 and 162 S.A ss.3
WONG Cheuk Fung	Luk Heung Kam Chuk Pai	161 S.A ss.4 and 162 S.A ss.1

- (c) the Sites are held under Block Government Lease demised for agricultural use and not covered by any Modification of Tenancy or Building Licence;
- (d) the Sites and the footprint of the proposed Small Houses fall mainly (over 50%) within the 'village environs' ('VE') of Tong Sheung Tsuen. Small House applications submitted by the applicants for the Sites are being processed and at advanced stage;
- (e) the number of outstanding Small House applications and the number of 10-year Small House demand forecast 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>
Fong Ma Po	5	13
San Uk Tsai	0	44
Tong Sheung Tsuen	2	46
Chung Uk Tsuen	10	220

(\*The figure of 10-year Small House demand is estimated and provided by the IIR of Fong Ma Po, San Uk Tsai, Tong Sheung Tsuen and Chung Uk Tsuen and the information so obtained is not verified in any way by DLO/TP, LandsD)

- (f) if planning permissions are granted by the Town Planning Board (the Board), LandsD will process the Small House applications. However, there is no guarantee at this stage that the Small House applications would be approved. If the Small House applications are approved by LandsD acting in the capacity as landlord at its sole discretion, such approvals will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of right of way to the Small Houses concerned or approval of any Emergency Vehicular Access thereto; and
- (g) the proposed sewerage connection will be considered when the applications are due for processing. Taking into consideration that the Sites fall within the water gathering grounds (WGGs), the applicants may be advised to connect the sewerage system to the existing Government sewers under DSD's project – Lam Tsuen Village Sewerage, Village Sewerage, Stage 1.

## 2. **Traffic**

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

- (a) in general, he has reservation on the applications. Such type of development should be confined within the "Village Type Development" ("V") zone as far as possible. Although additional traffic generated by the proposed developments 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 applications only involve development of three Small Houses can be tolerated on traffic grounds.

## 3. **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) the Sites fall within "Agriculture" ("AGR") zone and are inside WGG. The applicants have proposed to connect the Small Houses to the existing public sewer at Tong Min Tsuen. The public sewerage has sufficient capacity for the proposed Small Houses; and
- (b) he has no objection to the applications on the conditions that:
  - (i) the proposed Small Houses will be connected to the public sewer;
  - (ii) adequate land space within the Sites will be reserved for connection of the proposed Small Houses to the public sewer;
  - (iii) written consent(s) can be obtained from the relevant lot owner(s) and/or LandsD for laying and maintaining sewage pipes; and

- (iv) the applicants shall take up full ownership and construction and maintenance responsibility of the sewerage connection system.

#### **4. Landscape**

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) no objection to the applications from the landscape planning point of view;
- (b) the Sites are located in an area of settled valleys landscape character surrounded by clusters of trees and village houses. There is no significant landscape resource observed within the Sites, hence significant adverse impact on existing landscape resources arising from the proposed developments is not anticipated; and
- (c) there are three planning applications (No. A/NE-LT/481, 482 and 658) adjoining the Sites within the same "AGR" zone for the same use which were approved by the Board from 2013 to 2019. The proposed Small Houses are considered not entirely incompatible with the surrounding environment.

#### **5. Drainage and Sewerage**

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

- (a) no in-principle objection to the applications from public drainage viewpoint;
- (b) if the applications are approved, a condition on submission and implementation of drainage proposal for the Sites is required to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) while there are DSD maintained public stormwater drains in the area, the proposed Small Houses should have their own stormwater collection and discharge systems to cater for the runoff generated within the Sites and overland flow from surrounding of the Sites (e.g. surface channel of sufficient size along the perimeter of the Sites; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Sites if any boundary wall/fence are to be erected). Any existing flow path affected should be re-provided. The applicants should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicants are required to maintain the drainage systems properly and rectify/modify the nearby existing/original drainage systems if they are found to be inadequate or ineffective to accommodate the additional runoff arisen from the development of the Sites. The applicants shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure or ineffectiveness of the modified drainage systems caused by their works;



- (d) the applicants should design the drainage proposal based on the actual site condition for DSD's comment/agreement. In the design, the applicants should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicants 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;
- (e) the proposed Small Houses are located within an area where connections to existing sewerage networks are available in the vicinity. There is no stud pipe reserved for the proposed Small Houses;
- (f) the applicants shall furnish DSD with their sewerage connection proposals for agreement. Upon DSD's acceptance of the sewerage connection applications, the applicants shall carry out the proposed connection works in accordance with DSD Standard Drawings. 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 applicants/owners are required to demonstrate to the satisfaction of DSD in such manner that the runoff within the subject premises will be served by designated stormwater collection and discharge systems and shall not be drained to the public sewerage network; and
- (g) the applicants are required to rectify/modify the drainage/sewerage systems if they are found to be inadequate or ineffective during operation. The applicants 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.

## **6. Agriculture**

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

- (a) the Sites are overgrown with vegetation. Nevertheless, there are active agricultural activities in the vicinity and agricultural infrastructure such as road access and water source is available; and
- (b) as the Sites possess potential for agricultural rehabilitation, the applications are not supported from agricultural development point of view.

## **7. Fire Safety**

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

- (a) no in-principle objection to the applications; and
- (b) the applicants are 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.

## **8. Water Supply**

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

- (a) no objection to the applications;
- (b) the Sites are located within upper indirect WGG; and
- (c) he notes that DEP has no objection to the applications provided that the applicants shall connect the proposed Small Houses to public sewer. He supports DEP's view by imposing the following conditions:
  - (i) the proposed Small Houses are able to be connected to the public sewerage system in the area and the applicants shall connect the whole of the foul water drainage system to the public sewers;
  - (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the WGG; and
  - (iii) the applicants 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 Houses to the sewerage system via relevant private lot; and
- (d) for provision of water supply to the proposed developments, the applicants may need to extend the inside services to the nearest suitable government water mains for connection. The applicants 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.

## **9. Demand and Supply of Small House Sites**

According to the DLO/TP, LandsD's record, the total number of outstanding Small House applications for Fong Ma Po, San Uk Tsai, Tong Sheung Tsuen and Chung Uk Tsuen is 17 while the 10-year Small House demand forecast for the same villages is 323. Based on the latest estimate by the Planning Department, about 2.89 ha of land (equivalent to about 115 Small House sites) are available within the "V" zone of Fong Ma Po, San Uk Tsai, Tong Sheung Tsuen and Chung Uk Tsuen. Therefore, the land available cannot fully meet the future demand of 340 Small Houses (equivalent to about 8.5 ha of land).

**Recommended Advisory Clauses**

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
- (i) if the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of any Emergency Vehicular Access thereto; and
  - (ii) the proposed sewerage connection will be considered when the application is due for processing. Taking into consideration that the Site falls within the water gathering grounds (WGGs), the applicant may be advised to connect the sewerage system to the existing Government sewers under DSD's project – Lam Tsuen Village Sewerage, Village Sewerage, Stage 1.
- (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;
  - (ii) adequate land space within the Site should be reserved for connection of the proposed Small House to the public sewer;
  - (iii) written consent(s) from the relevant lot owner(s) and/or LandsD's permission should be obtained for laying and maintaining sewage pipes; 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) while there are DSD maintained public stormwater drains in the area, 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 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 should maintain the drainage systems properly and rectify/modify the nearby existing/original drainage systems if they are found to be inadequate or ineffective to accommodate the additional runoff arisen from the development of the Site. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure or ineffectiveness of the modified drainage systems caused by his works;

- (ii) the applicant should design the drainage proposal based on the actual site condition for DSD's comment/agreement. 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;
  - (iii) the applicant should furnish DSD with his sewerage connection proposal for agreement. Upon DSD's acceptance of the sewerage connection application, the applicant shall carry out the proposed connection works in accordance with DSD Standard Drawings. 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 designated stormwater collection and discharge systems and shall not be drained to the public sewerage network; and
  - (iv) the applicant is required to rectify/modify the 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 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 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 Houses to the public sewerage system via relevant private lots; and
  - (ii) for provision of water supply to the proposed developments, 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; 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.