

**Relevant 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) if 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 for Proposed House (NTEH – Small House)
within/partly within the "Agriculture" zone in the vicinity of the Site in the
Lung Yeuk Tau and Kwan Tei South Area**

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-LYT/232	Proposed New Territories Exempted House (NTEH) (Small House)	31.5.2002	A1, A2 & A10
A/NE-LYT/234	Proposed New Territories Exempted House (NTEH) (Small House)	14.6.2002	A1, A2 & A10
A/NE-LYT/237	Proposed New Territories Exempted House (NTEH) (Small House)	12.7.2002	A1, A2, A3 & A10
A/NE-LYT/238	Proposed New Territories Exempted House (NTEH) (Small House)	12.7.2002	A1, A2, A3 & A10
A/NE-LYT/239	Proposed New Territories Exempted House (NTEH) (Small House)	12.7.2002	A1, A2, A3 & A10
A/NE-LYT/240	Proposed New Territories Exempted House (NTEH) (Small House)	13.9.2002	A1, A2, A3 & A10
A/NE-LYT/241	Proposed New Territories Exempted House (NTEH) (Small House)	13.9.2002	A1, A2, A3 & A10
A/NE-LYT/242	Proposed New Territories Exempted House (NTEH) (Small House)	13.9.2002	A1, A2, A3 & A10
A/NE-LYT/244	Proposed New Territories Exempted House (NTEH) (Small House)	11.10.2002	A1, A2 & A10
A/NE-LYT/245	Proposed New Territories Exempted House (NTEH) (Small House)	11.10.2002	A1, A2 & A10
A/NE-LYT/246	Proposed New Territories Exempted House (NTEH) (Small House)	11.10.2002	A1, A2 & A10
A/NE-LYT/253	Proposed New Territories Exempted House (NTEH) (Small House)	3.1.2003	A1, A2, A3 & A10
A/NE-LYT/265	Proposed New Territories Exempted House (NTEH) (Small House)	29.8.2003	A1, A2 & A10

A/NE-LYT/276	Proposed New Territories Exempted House (NTEH) (Small House)	11.6.2004	A1, A2 & A10
A/NE-LYT/287	Proposed New Territories Exempted House (NTEH) (Small House)	10.9.2004	A1, A2 & A10
A/NE-LYT/293	Proposed New Territories Exempted House (NTEH) (Small House)	17.12.2004	A1, A2 & A10
A/NE-LYT/296	Proposed New Territories Exempted House (NTEH) (Small House)	18.3.2005	A1, A2 & A10
A/NE-LYT/299	Proposed 4 New Territories Exempted Houses (NTEHs) (Small Houses)	15.4.2005	A1, A2 & A10
A/NE-LYT/330	Proposed House (New Territories Exempted House (NTEH) - Small House)	16.6.2006	A1, A4 & A10
A/NE-LYT/331	Proposed House (New Territories Exempted House (NTEH) - Small House)	16.6.2006	A1, A4 & A10
A/NE-LYT/351	Proposed House (New Territories Exempted House (NTEH) - Small House)	23.2.2007	A1, A6 & A10
A/NE-LYT/354	Proposed 2 Houses (New Territories Exempted Houses (NTEHs) - Small Houses)	27.4.2007	A1, A7, A8 & A10
A/NE-LYT/355	Proposed House (New Territories Exempted House (NTEH) - Small House)	27.4.2007	A1, A7, A8 & A10
A/NE-LYT/356	Proposed House (New Territories Exempted House (NTEH) - Small House)	27.4.2007	A1, A7, A8 & A10
A/NE-LYT/367	Proposed House (New Territories Exempted House - Small House)	12.10.2007	A1, A7, A8 & A10
A/NE-LYT/389 [^]	Proposed 3 Houses (New Territories Exempted Houses - Small Houses)	27.3.2009	A1, A8 & A10
A/NE-LYT/407	Proposed House (New Territories Exempted House - Small House)	29.1.2010	A1, A7, A8 & A10

A/NE-LYT/410 [^]	Proposed 8 Houses (New Territories Exempted Houses - Small Houses)	13.8.2010	A1, A7, A8 & A10
A/NE-LYT/427	Proposed House (New Territories Exempted House - Small House)	26.11.2010	A1, A7, A8 & A10
A/NE-LYT/428	Proposed House (New Territories Exempted House - Small House)	26.11.2010	A1, A7, A8 & A10
A/NE-LYT/429	Proposed House (New Territories Exempted House - Small House)	26.11.2010	A1, A7, A8 & A10
A/NE-LYT/434	Proposed 8 Houses (New Territories Exempted Houses (NTEHs) - Small Houses)	14.1.2011	A1, A7, A9 & A10
A/NE-LYT/436	Proposed 5 Houses (New Territories Exempted Houses (NTEHs) - Small Houses)	28.1.2011	A1, A7, A9 & A10
A/NE-LYT/473 ^{*1}	Proposed House (New Territories Exempted House - Small House)	24.8.2012	A1, A7, A8 & A10
A/NE-LYT/474 ^{*2}	Proposed House (New Territories Exempted House - Small House)	24.8.2012	A1, A7, A8 & A10
A/NE-LYT/475 ^{*3}	Proposed House (New Territories Exempted House - Small House)	24.8.2012	A1, A7, A8 & A10
A/NE-LYT/476 ^{*4}	Proposed House (New Territories Exempted House - Small House)	24.8.2012	A1, A7, A8 & A10
A/NE-LYT/478 ^{*5}	Proposed House (New Territories Exempted House - Small House)	24.8.2012	A1, A7, A8 & A10
A/NE-LYT/479 ^{*6}	Proposed House (New Territories Exempted House - Small House)	24.8.2012	A1, A7, A8 & A10
A/NE-LYT/480 ^{*7}	Proposed House (New Territories Exempted House - Small House)	24.8.2012	A1, A7, A8 & A10
A/NE-LYT/481 ^{*8}	Proposed House (New Territories Exempted House - Small House)	7.9.2012	A1, A7, A8 & A10
A/NE-LYT/482 ^{*9}	Proposed House (New Territories Exempted House - Small House)	7.9.2012	A1, A7, A8 & A10

A/NE-LYT/483 ^{*10}	Proposed House (New Territories Exempted House - Small House)	7.9.2012	A1, A7, A8 & A10
A/NE-LYT/484 ^{*11}	Proposed House (New Territories Exempted House - Small House)	7.9.2012	A1, A7, A8 & A10
A/NE-LYT/485 ^{*12}	Proposed House (New Territories Exempted House - Small House)	7.9.2012	A1, A7, A8 & A10
A/NE-LYT/486 ^{*13}	Proposed House (New Territories Exempted House - Small House)	7.9.2012	A1, A7, A8 & A10
A/NE-LYT/494	Proposed House (New Territories Exempted House - Small House)	21.12.2012	A1, A8 & A10
A/NE-LYT/512 ^{*14}	Proposed 3 House (New Territories Exempted House - Small House)	5.7.2013	A1, A8 & A10
A/NE-LYT/513	Proposed House (New Territories Exempted House - Small House)	6.9.2013	A1, A8 & A10
A/NE-LYT/514	Proposed House (New Territories Exempted House - Small House)	6.9.2013	A1, A8 & A10
A/NE-LYT/515	Proposed House (New Territories Exempted House - Small House)	19.7.2013	A1, A8 & A10
A/NE-LYT/545	Proposed 3 Houses (New Territories Exempted Houses - Small Houses)	22.8.2014	A1, A5, A8 & A10
A/NE-LYT/557	Proposed House (New Territories Exempted House - Small House)	16.1.2015	A1, A5, A8 & A10
A/NE-LYT/583 [§]	Proposed 2 Houses (New Territories Exempted Houses - Small Houses)	18.12.2015	A1, A5, A8 & A10
A/NE-LYT/592	Proposed House (New Territories Exempted House - Small House)	10.6.2016	A1, A5, A8 & A10
A/NE-LYT/600	Proposed House (New Territories Exempted House - Small House)	14.9.2016	A1, A5, A8 & A10
A/NE-LYT/604 ^{*2}	Proposed House (New Territories Exempted House - Small House)	17.2.2017	A1, A5, A8 & A10
A/NE-LYT/605 ^{*7}	Proposed House (New Territories Exempted House - Small House)	17.2.2017	A1, A5, A8 & A10
A/NE-LYT/606 ^{*6}	Proposed House (New Territories Exempted House - Small House)	17.2.2017	A1, A5, A8 & A10

A/NE-LYT/607*5	Proposed House (New Territories Exempted House - Small House)	17.2.2017	A1, A5, A8 & A10
A/NE-LYT/608*11	Proposed House (New Territories Exempted House - Small House)	17.2.2017	A1, A5, A8 & A10
A/NE-LYT/609*10	Proposed House (New Territories Exempted House - Small House)	17.2.2017	A1, A5, A8 & A10
A/NE-LYT/610*9	Proposed House (New Territories Exempted House - Small House)	17.2.2017	A1, A5, A8 & A10
A/NE-LYT/611*8	Proposed House (New Territories Exempted House - Small House)	17.2.2017	A1, A5, A8 & A10
A/NE-LYT/612*13	Proposed House (New Territories Exempted House - Small House)	17.2.2017	A1, A5, A8 & A10
A/NE-LYT/613*12	Proposed House (New Territories Exempted House - Small House)	17.2.2017	A1, A5, A8 & A10
A/NE-LYT/614*1	Proposed House (New Territories Exempted House - Small House)	17.2.2017	A1, A5, A8 & A10
A/NE-LYT/615*4	Proposed House (New Territories Exempted House - Small House)	17.2.2017	A1, A5, A8 & A10
A/NE-LYT/616*3	Proposed House (New Territories Exempted House - Small House)	17.2.2017	A1, A5, A8 & A10
A/NE-LYT/629	Proposed House (New Territories Exempted House - Small House)	23.6.2017	A1, A5, A8 & A10
A/NE-LYT/630	Proposed House (New Territories Exempted House - Small House)	23.6.2017	A5, A8 & A10
A/NE-LYT/638*14	Proposed House (New Territories Exempted House - Small House)	8.12.2017	A1, A5, A8 & A10

Remarks

- ^: The site of application no. A/NE-LYT/410 involves part of the site of application no. A/NE-LYT/389
- *1: A/NE-LYT/473 and A/NE-LYT/614 are the same site
- *2: A/NE-LYT/474 and A/NE-LYT/604 are the same site
- *3: A/NE-LYT/475 and A/NE-LYT/616 are the same site
- *4: A/NE-LYT/476 and A/NE-LYT/615 are the same site

- *5: A/NE-LYT/478 and A/NE-LYT/607 are the same site
- *6: A/NE-LYT/479 and A/NE-LYT/606 are the same site
- *7: A/NE-LYT/480 and A/NE-LYT/605 are the same site
- *8: A/NE-LYT/481 and A/NE-LYT/611 are the same site
- *9: A/NE-LYT/482 and A/NE-LYT/610 are the same site
- *10: A/NE-LYT/483 and A/NE-LYT/609 are the same site
- *11: A/NE-LYT/484 and A/NE-LYT/608 are the same site
- *12: A/NE-LYT/485 and A/NE-LYT/613 are the same site
- *13: A/NE-LYT/486 and A/NE-LYT/612 are the same site
- *14: A/NE-LYT/512 and A/NE-LYT/638 are the same site
- §: The site of application no. A/NE-LYT/583 involves part of the site of rejected application no. A/NE-LYT/417

Approval Conditions

- A1 The submission and implementation of tree preservation and / or landscape proposals
- A2 The provision of drainage facilities
- A3 The provision of fire service installations
- A4 The design and provision of drainage facilities
- A5 The provision of septic tanks
- A6 The submission of drainage proposals
- A7 The design and/or provision of firefighting access, water supplies and fire service installations
- A8 The submission and implementation of drainage proposals
- A9 The submission of Drainage Impact Assessment and implementation of flood mitigation measures and stormwater drainage facilities identified therein
- A10 The commencement clause

Rejected Applications

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/NE-LYT/267	Proposed New Territories Exempted House (NTEH) (Small House)	19.9.2003	R1, R2, R3
A/NE-LYT/417 [§]	Proposed House (New Territories Exempted House - Small House)	19.3.2010	R4, R5, R6
A/NE-LYT/432 [@]	Proposed House (New Territories Exempted House - Small House)	14.1.2011	R6, R7, R8
A/NE-LYT/440	Proposed House (New Territories Exempted House - Small House)	9.9.2011 (on review)	R6 & R7
A/NE-LYT/446 [@]	Proposed House (New Territories Exempted House - Small House)	18.11.2011	R6 & R7
A/NE-LYT/593	Proposed House (New Territories Exempted House - Small House)	24.6.2016	R9, R10, R11
A/NE-LYT/594	Proposed House (New Territories Exempted House - Small House)	24.6.2016	R9, R10, R11
A/NE-LYT/595	Proposed House (New Territories Exempted House - Small House)	24.6.2016	R9, R10, R11
A/NE-LYT/642	Proposed House (New Territories Exempted House - Small House)	22.12.2017	R9, R10, R11

Remarks

[§]: The site of application no. A/NE-LYT/417 involves part of the site of approved application no. A/NE-LYT/583

[@]: A/NE-LYT/432 and A/NE-LYT/446 are the same site

Rejection Reasons

R1 The proposed Small House development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development as the application site was outside both the village ‘environs’ and “Village Type Development” zone of surrounding villages.

R2 The use under application was not in line with the planning intention of the “Agriculture” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for

rehabilitation and to encourage the re-cultivation of good arable land.

- R3 The approval of the application would set an undesirable precedent for other similar applications.
- R4 The application did not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH) / Small House in New Territories” as 99.6% of the footprint of the proposed Small House fell outside the village ‘environs’ (‘VE’) of the Kan Tau Tsuen and there was no shortage of land in meeting the demand for Small House development in the “Village Type Development” zone of the village.
- R5 Small House should be developed within the “Village Type Development” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructure and services.
- R6 Approval of the application which did not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH) / Small House in New Territories” might set an undesirable precedent for other similar applications in the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment or cause adverse landscape impacts on the area.
- R7 The application did not comply with the "Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories" (Interim Criteria) as the footprint of the proposed Small House fell entirely outside the village environs and/or "V" zone of Kan Tau Tsuen and/or would partially block an existing road.
- R8 The application was not in line with the planning intention of "Agriculture" ("AGR") zone which was primarily for retaining and safeguarding good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- R9 The proposed development was not in line with the planning intention of the “Agriculture” zone in the Lung Yeuk Tau and Kwan Tei South area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention.
- R10 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 more than 50% of the footprint of the proposed Small House falls outside the village ‘environs’ and “Village Type Development” (“V”) zone of Kan Tau Tsuen.
- R11 Land was still available within the “V” zone of Kan Tau Tsuen which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster 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/North, Lands Department (DLO/N, LandsD):

- (a) the Site falls entirely within the 'VE' of Kan Tau Tsuen;
- (b) the applicant claimed himself to be an indigenous villager of Fanling Village of Fanling Heung but his eligibility for Small House concessionary grant has yet to be ascertained;
- (c) the Site is not covered by any Modification of Tenancy/Building License;
- (d) the number of outstanding Small House applications and the number of 10-year Small House demand forecast (2017 to 2026) for Kan Tau Tsuen are 75 and 96 respectively. The figure of the 10-year Small House demand forecast was provided by the relevant Indigenous Inhabitant Representative without any supporting evidence and his office is not in a position to verify the forecast; and
- (e) the Small House grant application was received by his office on 11.6.2014.

2. Traffic

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

- (a) she 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 could be substantial; and
- (b) notwithstanding the above, the application only involves construction of one Small House. She considers that the application can be tolerated unless it is rejected on other grounds.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution; and
- (b) septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person.

4. Landscape

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

- (a) she has no objection to the application from the landscape planning point of view;
- (b) according to her site record, the Site is leveled and covered with patches of wild grasses. The Site is surrounded by vacant sites for several permitted NTEHs approved in the last few years. In this connection, the proposed development is not incompatible with the surrounding context and adverse impact to the existing landscape resources to the surrounding area is not anticipated; and
- (c) should the application be approved by the Board, an approval condition for landscape works is not required as there is inadequate planting space within the Site for tree planting works.

5. Drainage

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

- (a) he has no in-principle objection to the application from public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area; and
- (c) the Site is in an area where no public sewerage connection is available.

6. Agriculture

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

The Site is an abandoned land overgrown with vegetation. As agricultural infrastructure such as road access and water supply are available, the Site can be rehabilitated for farming activities. As such, the application is not supported from agriculture point of view.

7. Fire Safety

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

- (a) he has 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) he has no objection to the application; and
- (b) 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.

9. District Officer's Comments

Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. the Chairman of Fanling District Rural Committee has no comment on the application whereas the Indigenous Inhabitant Representative and the Resident Representative of Kan Tau Tsuen support the application that the Site is located near "V" zone of Kan Tau Village where road access and drainage facilities have been planned.

10. Demand and Supply of Small House Sites

According to DLO/N's records, the total number of outstanding Small House applications for Kan Tau Tsuen is 75 while the 10-year Small House demand forecast for the same village is 96. According to the latest estimate by PlanD, about 2.19 ha (equivalent to about 87 Small House sites) of land are available within the "V" zone of Kan Tau Tsuen. There is insufficient land in the "V" zone of Kan Tau Tsuen to meet the future demand of Small Houses (i.e. about 4.28 ha of land which is equivalent to 171 Small House sites).

Recommended Advisory Clauses

- (a) to note the comments of CE/C, WSD that for provision of water supply to the development, the applicant may need to extend the inside services to 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 should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (b) to note the comments of 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;
- (c) to note the comments of CE/MN, DSD that the Site is in an area where no public sewerage connection is available;
- (d) to note the advice of DEP that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person; and
- (e) 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.