

**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)  
in the vicinity of the Application Sites within / partly within the “Agriculture” zones  
in the Man Uk Pin Area**

**Approved Applications**

<b>Application No.</b>	<b>Use / Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-MUP/39	New Territories Exempted House (NTEH) (Small House)	11.1.2002	A1 - A4
A/NE-MUP/45	New Territories Exempted House (NTEH) (Small House)	3.1.2003	A1, A3 & A4
A/NE-MUP/46	New Territories Exempted House (NTEH) (Small House)	12.3.2004	A1, A3 & A4
A/NE-MUP/73 <sup>1</sup>	New Territories Exempted House (NTEH) (Small House)	6.7.2012	A3 - A6
A/NE-MUP/74 <sup>2</sup>	New Territories Exempted House (NTEH) (Small House)	6.7.2012	A3 - A6
A/NE-MUP/76	Proposed 2 Houses (New Territories Exempted Houses - Small Houses)	9.11.2012	A3 - A6
A/NE-MUP/125 <sup>2</sup>	Proposed House (New Territories Exempted House - Small House)	13.1.2017	A3 - A5, A7
A/NE-MUP/126 <sup>1</sup>	Proposed House (New Territories Exempted House - Small House)	13.1.2017	A3 - A5, A7

**Remarks:**

<sup>1</sup> Application Nos. A/NE-MUP/73 and A/NE-MUP/126 are the same site

<sup>2</sup> Application Nos. A/NE-MUP/74 and A/NE-MUP/125 are the same site

**Approval Conditions**

- A1 The provision of drainage facilities
- A2 The provision of fire services installations
- A3 The submission and implementation of landscaping proposal
- A4 Commencement clause
- A5 The submission and implementation of drainage proposal
- A6 The provision of fire-fighting access, water supplies for fire-fighting and fire service installations
- A7 The provision of septic tank

**Rejected Application**

<b>Application No.</b>	<b>Use / Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-MUP/68	Proposed House (New Territories Exempted House (NTEH) - Small House)	3.6.2011	R1 & R2

**Rejection Reasons**

- R1 The application did not comply with the 'Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories' in that majority of the footprint of the proposed Small House fell outside both the village 'environs' and "Village Type Development" zone of Loi Tung Village.
- R2 Approval of the application, which did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories', would set an undesirable precedent for other similar applications within the "Agriculture" zone, the cumulative impact of which would result in a general degradation of the environment.

**Detailed Comments from Relevant Government Departments**

**1. Land Administration**

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Sites fall mostly / entirely within the village environs of Loi Tung;
- (b) the applicants of applications No. A/NE-MUP/144 and 145 claimed himself to be indigenous villagers of Loi Tung Village and Lai Chi Wo Village of Sha Tau Kok Heung respectively. Their eligibility for Small House concessionary grants have yet to be ascertained;
- (c) the Sites are not covered by any Modification of Tenancy/Building Licence;
- (d) the number of outstanding Small House applications and the number of 10-year Small House demand forecast for Loi Tung Village is 33 and 476 respectively; and
- (e) the Small House applications were made to his office on 22.6.2015 and 24.9.2015.

**2. Traffic**

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

- (a) she has reservation on the application and advises that Small House 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 developments, the applications alone are unlikely to cause major pollution;
- (b) the 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
- (c) the applicants should take appropriate measures to prevent contaminated surface runoff from being discharged into the watercourse during construction and operational stages of the Small House.

#### **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 perspective;
- (b) according to aerial photo of 2018, the Site is located in the rural landscape character comprises village house, temporary structures and vegetated areas. No significant sensitive landscape resource is observed within the Site and hence significant adverse impact on existing landscape resources arising from the proposed development are not anticipated; and
- (c) in consideration of the limited space within the Site, it is considered impractical to impose a landscape condition.

#### **5. Drainage**

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

- (a) he has no objection to the application from public drainage viewpoint;
- (b) should the applications be approved, a condition should be included to request the applicants 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 Sites is in an area where no public sewerage connection and DSD stormwater drainage are available.

#### **6. 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 applications referred by LandsD.

#### **7. Water Supply**

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

- (a) he has no specific comment on the application; and
- (b) 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 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.

## **8. Agriculture**

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

- (a) the agriculture activities are active in the vicinity of the Sites and agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open field cultivation, greenhouses etc. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view; and
- (b) from nature conservation point of view, a watercourse is located to the northwest of the Site. Should the application be approved, the applicant should be reminded to implement good site practice so as not to pollute the watercourse nearby.

## **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 Sha Tau Kok District Rural Committee, the incumbent North District Council (NDC) member of subject constituency, Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Loi Tung indicate no comment on the applications.

## **10. Demand and Supply of Small House Site**

According to DLO/N, LandsD's records, the total number of outstanding Small House applications of Loi Tung Village is 33 while the 10-year Small House demand forecast for the same village cluster is 476. According to the latest estimate by PlanD, a total of about 1.76 ha (equivalent to 70 Small House sites) of land are available within the "V" zone of Loi Tung village for Small House development (**Plan A-2b**). There is insufficient land in the "V" zone of Loi Tung village to meet the future demand of Small Houses (i.e. about 12.7 ha which is equivalent to 509 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 applicants should 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;
- (c) to note the comments of CE/MN, DSD that the Sites are in an area where no public sewerage and DSD stormwater drainage connection available;
- (d) to note the comments of DAFC that the applicants are advised that good site practice should be adopted to avoid causing any pollution to the stream nearby;
- (e) 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 the applicants should take appropriate measures to prevent contaminated surface runoff from being discharged into the watercourse during construction and operational stages of the Small House; 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.