

**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

Application No.	Use / Development	Date of Consideration	Approval Conditions
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 ¹	New Territories Exempted House (NTEH) (Small House)	6.7.2012	A3 - A6
A/NE-MUP/74 ²	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 ²	Proposed House (New Territories Exempted House - Small House)	13.1.2017	A3 - A5, A7
A/NE-MUP/126 ¹	Proposed House (New Territories Exempted House - Small House)	13.1.2017	A3 - A5, A7
A/NE-MUP/144	Proposed House (New Territories Exempted House - Small House)	29.11.2019	A4 - A5 & A7
A/NE-MUP/145	Proposed House (New Territories Exempted House - Small House)	29.11.2019	A4 - A5 & A7

Remarks:

¹ Applications No. A/NE-MUP/73 and A/NE-MUP/126 are the same site

² Applications No. 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

Application No.	Use / Development	Date of Consideration	Rejection Reasons
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 Site partly falls within the village environs of Loi Tung Village;
- (b) the applicant claimed himself to be an indigenous villager of Loi Tung, Sha Tau Kok Heung. His eligibility for Small House grant has yet to be ascertained;
- (c) the Site is not covered by any Modification of Tenancy / Building Licence;
- (d) the number of outstanding Small House applications for Loi Tung Village is 30 while the number of 10-year Small House demand for the same village provided by the subject Indigenous Inhabitants Representative (IIR) is 476; and
- (e) the Small House application was made to his office on 16.1.2015.

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 the construction of one Small House. She considers that the application can be tolerated unless being 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 perspective;
- (b) according to the aerial photo of 2020, the Site is a concrete paved vacant land currently used as a parking space. No existing trees are observed within the Site boundary. The Site is located in an area of rural inland plain character predominated by small houses, farmlands and tree clusters. In view that the proposed NTEH is enclosed on 3 sides by other Small Houses, the proposed development is considered not incompatible with the landscape character of the surrounding area. As there is no significant landscape resources within the Site, significant adverse landscape impact arising from the proposed development is not envisaged; and
- (c) in view that significant landscape impact is not expected from the proposed development, a landscape condition is considered not necessary to be imposed should the application be approved by the Board.

5. **Drainage**

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

- (a) he has no objection to the application from the 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. EPD should be consulted regarding the sewage treatment/disposal facilities for the proposed development.

6. **Nature Conservation and Agriculture**

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

the Site falls within the “AGR” zone and is currently a paved vacant land. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view.

7. Fire Safety

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

- (a) he has no specific comment on 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) existing water mains as shown on **Plan A-2a** is inside the Site and may be affected. The applicant is required to either divert or protect the water mains found on site;
- (b) if diversion is required, existing water mains inside the Site are needed to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the grantee/applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence; and
- (c) if diversion is not required, the following conditions shall apply:
 - (i) existing water mains are affected as indicated on **Plan A-2a** and no development which requires resiting of water mains will be allowed;
 - (ii) details of site formation works shall be submitted to the Director of Water Supplies for approval prior to commencement of works;
 - (iii) no structures shall be built or materials stored within 1.5m from the centre line(s) of water main(s) shown on the fresh water mains record plan. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (iv) no trees or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water main(s) as shown on the fresh water mains record plan. No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
 - (v) no plating or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
 - (vi) tree planting may be prohibited in the event that the Director of Water Supplies considers that there is any likelihood of damage being caused to water mains.

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 member of subject constituency, Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Loi Tung indicate no comment on the application.

10. Demand and Supply of Small House Sites

According to DLO/N's records, the total number of outstanding Small House applications for Loi Tung Village is 30 while the 10-year Small House demand forecast for the same village is 476. According to the latest estimate by PlanD, about 1.77 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 demand of land for Small House development (i.e. about 12.65 ha of land which is equivalent to 506 Small House sites).

Recommended Advisory Clauses

- (a) to note the comments of CE/C, WSD as follows:
- (i) existing water mains as shown on **Plan A-2a** is inside the Site and may be affected. The applicant is required to either divert or protect the water mains found on site;
 - (ii) if diversion is required, existing water mains inside the Site are needed to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the grantee/applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence; and
 - (iii) if diversion is not required, the following conditions shall apply:
 - (1) existing water mains are affected as indicated on **Plan A-2a** and no development which requires resiting of water mains will be allowed;
 - (2) details of site formation works shall be submitted to the Director of Water Supplies for approval prior to commencement of works;
 - (3) no structures shall be built or materials stored within 1.5m from the centre line(s) of water main(s) shown on the fresh water mains record plan. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works; and
 - (4) no trees or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water main(s) as shown on the fresh water mains record plan. No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
 - (5) no plating or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
 - (6) tree planting may be prohibited in the event that the Director of Water Supplies considers that there is any likelihood of damage being caused to water mains;

- (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.