

**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 Application Sites in the
Ping Che and Ta Kwu Ling Area**

Approved Applications

| Application No. | Uses/Developments | Date of Consideration | Approval Conditions |
|------------------------|---|------------------------------|----------------------------|
| A/NE-TKL/180 | Proposed New Territories Exempted House (NTEH) (Small House) | 2.11.2001 | A1, A2 & A13 |
| A/NE-TKL/220 | Proposed New Territories Exempted House (NTEH) (Small House) | 25.10.2002 | A1, A2 & A13 |
| A/NE-TKL/240 | Proposed New Territories Exempted House (NTEH) (Small House) | 15.8.2003 | A1, A3, A4 & A13 |
| A/NE-TKL/269 | Proposed House (New Territories Exempted House) (NTEH) (Small House) | 15.4.2005 | A1, A2, A5 & A13 |
| A/NE-TKL/282 | House (New Territories Exempted House) (NTEH) (Small House) | 13.1.2006 | A6, A7 & A13 |
| A/NE-TKL/294 | Proposed Houses (New Territories Exempted Houses) (NTEHs) – Small Houses) | 23.2.2007 | A2, A8 & A13 |
| A/NE-TKL/296 | Proposed House (New Territories Exempted House) (NTEH) – Small House) | 27.4.2007 | A2, A8, A9 & A13 |
| A/NE-TKL/327 | Proposed House (New Territories Exempted House - Small House) | 6.11.2009 | A2, A8, A10 & A13 |
| A/NE-TKL/438 | Proposed House (New Territories Exempted House - Small House) | 2.8.2013 | A2, A8 & A13 |
| A/NE-TKL/440 | Proposed House (New Territories Exempted House - Small House) | 2.8.2013 | A2, A8 & A13 |
| A/NE-TKL/543 | House (New Territories Exempted House - Small House) | 14.10.2016 | A2, A8, A11 & A13 |
| A/NE-TKL/544 | Proposed House (New Territories Exempted House - Small House) | 14.10.2016 | A2, A8, A11 & A13 |

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| A/NE-TKL/545 | House (New Territories Exempted House - Small House) | 14.10.2016 | A2, A8, A11 & A13 |
| A/NE-TKL/546 | Proposed House (New Territories Exempted House - Small House) | 14.10.2016 | A2, A8, A11 & A13 |
| A/NE-TKL/599 | Proposed 6 Houses (New Territories Exempted Houses - Small Houses) | 19.10.2018 | A8, A11 & A13 |
| A/NE-TKL/604 | Proposed House (New Territories Exempted House - Small House) | 7.12.2018 | A2, A8, A12 & A13 |

Approval Conditions:

- A1 The provision of drainage facilities
- A2 The submission and implementation of landscaping proposals
- A3 The provision of fire services installations
- A4 The implementation of the approved landscaping proposals
- A5 The provision of emergency vehicular access and fire hydrants
- A6 The preservation of all existing trees and planting on site
- A7 The submission of drainage proposal and provision of drainage facilities
- A8 The submission and implementation of drainage proposal
- A9 The design and provision of firefighting access, water supplies and fire service installations
- A10 The provision of firefighting access, water supplies for firefighting and fire service installations
- A11 The connection of the foul water drainage system to the public sewers
- A12 The provision of septic tank
- A13 Commencement clause

Rejected Applications

| Application No. | Uses/Development | Date of Consideration | Rejection Reasons |
|------------------------|--|------------------------------|--------------------------|
| A/NE-TKL/183 | Proposed New Territories Exempted House (NTEH) (Small House) | 22.2.2002 (on review) | R1 - R3 |
| A/NE-TKL/369 | Proposed 3 Houses (New Territories Exempted Houses (NTEHs) - Small Houses) | 2.9.2011 | R4 - R6 |
| A/NE-TKL/383 | Proposed 2 Houses (New Territories Exempted Houses - Small Houses) | 21.12.2012 | R5, R7 & R8 |
| A/NE-TKL/617 | Proposed House (New Territories Exempted House - Small House) | 5.7.2019 | R5, R9 & R10 |
| A/NE-TKL/619 | Proposed House (New Territories Exempted House - Small House) | 2.8.2019 | R5 & R10 |

Reasons for Rejection:

- R1 A large portion of the application site (about 97%) fell within an area zoned “Agriculture” (“AGR”) with predominantly agricultural land. The proposed development was not in line with the planning intention of the “AGR” zone which was to retain and safeguard agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation. No strong justifications had been provided in the submission to merit a departure from the planning intention.
- R2 The proposed development did not comply with the interim criteria for assessing planning applications for New Territories Exempted House/Small House development in the New Territories in that only a small portion (about 3%) of the application site fell within the “Village Type Development” zone. Village development should be sited close to the village proper to ensure orderly development and provision of facilities.
- R3 The approval of the application would set an undesirable precedent for other similar applications.
- R4 The approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment.
- R5 The proposed development 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 for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention.
- R6 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 the footprint of each of the proposed Small Houses fell entirely outside the village 'environs' of a recognised village.

- R7 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 the application site and the proposed houses were entirely outside both the village 'environs' and the "Village Type Development" zone of recognised villages.
- R8 The approval of the application would cause adverse landscape and drainage impacts on the surrounding areas.
- R9 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 fell outside the "Village Type Development" ("V") zone and the village 'environs' of Ping Yeung Village.
- R10 Land was still available within the "Village Type Development" zone of Ping Yeung where land 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 orderly development pattern, efficient use of land and provision of infrastructures 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 Sites fall within the 'VE' of Ping Yeung Village;
- (b) the applicants have been certified by the Indigenous Inhabitants Representative in statutory declaration that the applicants are indigenous villagers of Ping Yeung in Ta Kwu Ling Heung;
- (c) the Sites are not covered by any Modification of Tenancy/Building Licence;
- (d) the subject Small House applications were submitted to his office in August 2013; and
- (e) the number of outstanding Small House applications and the number of 10-year Small House demand forecast (2019 to 2028) for Ping Yeung Village is 65 and 1,035 respectively.

2. Traffic

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

- (a) she has reservation on the applications. Such type of developments 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 developments outside the "V" zone, if permitted, will set an undesirable precedent cases for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and
- (b) notwithstanding the above, the applications involve the construction of two Small Houses. She considers that the subject applications 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 developments, the applications alone are unlikely to cause major pollution; and
- (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.

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 applications from the landscape planning perspective;
- (b) based on the aerial photo of 2017, the Sites are situated in an area of rural landscape character surrounded by village houses and clusters of trees. The Sites are mostly hard paved and no significant sensitive landscape resource is observed within the Sites;
- (c) in view of the above, significant adverse impact on existing landscape resources arising from the applications is not anticipated; and
- (d) it is noted that space within the Sites is limited; there is insufficient space for meaningful landscaping. Moreover, there is no major public frontage along the boundaries of the Sites. Should the Board approve the applications, it is considered not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent.

5. Drainage

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

- (a) he has no objection to the applications from the 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 Sites to ensure that they will not cause adverse drainage impact to the adjacent area; and
- (c) the Sites are in an area where no public sewerage connection is available.

6. Fire Safety

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

- (a) he has 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.

7. Water Supply

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

- (a) he has no objection to the applications; and
- (b) for provision of water supply to the developments, the applicants may need to extend the inside services to nearest suitable Government water mains for connection. The applicants 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 Sites are currently paved vacant land. Agricultural infrastructures such as road access and water source are available. The Sites can be used for agricultural activities such as greenhouses, plant nurseries, etc. As the Sites possess potential for agricultural rehabilitation, the applications are not supported from agriculture point of view; and
- (b) from nature conservation point of view, DAFC has no adverse comment as the Sites are paved. Regarding the concrete drainage located at west of the Site (Application No. A/NE-TKL/627), good site practice should be implemented in order 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 and all consultees have no comment to the proposals.

10. Demand and Supply of Small House Site

According to DLO/N's records, the total number of outstanding Small House applications for Ping Yeung Village is 65 while the 10-year Small House demand forecast for the same village is 1,035. According to the latest estimate by PlanD, about 5.22 ha (equivalent to about 208 Small House sites) of land are available within the "V" zone of Ping Yeung Village. There is insufficient land in the "V" zone of Ping Yeung Village to meet the future demand of Small Houses (i.e. about 27.5 ha of land which is equivalent to 1,100 Small House sites).

Recommended Advisory Clauses

- (a) to note the comments of CE/MN, DSD that the Site is in an area where no public sewerage connection is available;
- (b) to note the advice of DAFC that good site practice should be implemented in order not to pollute the watercourse nearby;
- (c) 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;
- (d) 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;
- (e) 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 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.