

**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 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
- (j) 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 Applications

Approved Applications

Application No.	Proposed Developments	Date of Consideration	Approval Conditions
A/NE-TK/197	House (New Territories Exempted House) (NTEH) (Small House)	09.12.2005	A1-A3
A/NE-TK/222	5 Houses (New Territories Exempted Houses (NTEHs) - Small Houses)	03.11.2006 Partially approved	A1, A4, A5 (only for Houses A to D)
A/NE-TK/266	Proposed House (New Territories Exempted House - Small House)	13.02.2009	A1, A2, A4
A/NE-TK/322	Proposed House (New Territories Exempted House - Small House)	15.10.2010	A1, A2, A4
A/NE-TK/323	Proposed House (New Territories Exempted House - Small House)	15.10.2010	A1, A2, A4
A/NE-TK/408	Proposed House (New Territories Exempted House - Small House)	19.10.2012	A1, A2, A4
A/NE-TK/458	Proposed House (New Territories Exempted House - Small House)	16.08.2013	A1, A2
A/NE-TK/543	Proposed House (New Territories Exempted House - Small House)	27.03.2015	A1, A2, A6
A/NE-TK/544	Proposed House (New Territories Exempted House - Small House)	27.03.2015	A1, A2, A6
A/NE-TK/604	Proposed House (New Territories Exempted House - Small House)	03.03.2017	A1, A2, A7
A/NE-TK/641	Proposed House (New Territories Exempted House - Small House)	15.06.2018	A1, A2, A6

Approval Conditions

- A1 The submission and implementation of drainage proposals/facilities
- A2 The submission and implementation of landscaping and/or tree preservation proposals
- A3 The provision of an emergency vehicular access with street fire hydrants/incorporation of residential sprinkler system
- A4 The provision of firefighting access, water supplies and fire service installations
- A5 The submission and implementation of landscaping proposals, including tree preservation proposals, for any trees on the site
- A6 The provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board.
- A7 The connection of the foul water drainage system to the public sewers

Rejected Applications

Application No.	Proposed Developments	Date of Consideration	Approval Conditions
A/NE-TK/222	5 Houses (New Territories Exempted Houses (NTEHs) - Small Houses)	03.11.2006 Partially rejected	R1, R3 (only for House E)
A/NE-TK/332	Proposed House (New Territories Exempted House - Small House)	10.12.2010	R2, R3

Rejection Reasons

- R1 The NTEH was not in line with the interim criteria in that over 50% of its footprint fell outside the "VE" and "V" zone. According to the interim criteria, development of NTEH/Small House outside both the "VE" and "V" zone would normally not be approved unless under very exceptional circumstances. There was insufficient information in the submission to demonstrate why other suitable sites could not be made available within the areas zoned "V" for the proposed Small House development
- R2 The proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories as more than 50% of the footprint of the proposed Small House was outside the "Village Type Development" zone and the village 'environs' of any recognised villages
- R3 The approval of the application would set an undesirable precedent for other similar applications in the "Green Belt" zone.

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 application;
- (b) the applicant is an indigenous villager of Luk Heung Chung Pui San Village as confirmed by the respective Indigenous Inhabitant Representative (IIR). However, his eligibility of Small House grant has yet to be ascertained;
- (c) the Site falls outside the village environs ('VE') of Lo Tsz Tin but more than 50% of the proposed Small House footprint and the Site fall within the "Village Type Development" ("V") zone;
- (d) the application site (the Site) is not covered by any Modification of Tenancy or Building Licence;
- (e) the Site is held under Block Government Lease demised for agricultural use. Small House application submitted by the applicant for the Site is still under processing;
- (f) the number of outstanding Small House applications and the number of 10-year Small House demand for the Lo Tsz Tin are as follows:

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand*</u>
Lo Tsz Tin	26	120

(* The figure of 10-year Small House demand was estimated and provided by the IIR of Lo Tsz Tin and the information so obtained was not verified by LandsD.)

- (g) If and after planning approval has been given by the Town Planning Board (the Board), LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. 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 the emergency vehicular access thereto; and
- (h) Comments from relevant Departments and parties (including CLP Power Hong Kong Limited and DSD) will be sought when the Small House application is further processed.

2. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) no adverse comment on the application; and
- (b) in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution.

3. Landscape

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

- (a) no objection to the application from the landscape planning perspective;
- (b) the Site is situated in an area of rural coastal plains landscape character surrounded by village houses and clusters of trees. The Site is hard paved with no significant sensitive landscape resources observed. Therefore, significant adverse impact on existing landscape resources arising from the application is not anticipated;
- (c) there are at least six planning applications for Small House developments to the further north and south of the Site across the same “GB” and “V” zones approved by the Board between 2010 and 2018. The proposed development is considered not entirely incompatible with the landscape character of the surrounding environment; and
- (d) there is no major public frontage along the site boundary and limited space within the Site for meaningful landscaping. Should the Board approve the application, it is considered not necessary to impose a landscape condition as the effect of additional landscaping on enhancing the quality of public realm is not apparent.

4. Drainage and Sewerage

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) if the application is approved, an approval condition on submission and implementation of drainage proposal for the Site is recommended to ensure that it will not cause adverse drainage impact to the adjacent areas;
- (c) there is no existing DSD maintained public storm drain available for connection in the area. The applicant should have his own stormwater collection and discharge system 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 existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. 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;

- (d) there are existing public sewers in the vicinity of the Site; and
- (e) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought.

5. Nature Conservation

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

No comment on the application as the Site is vacant.

6. Fire Safety

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

- (a) 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 the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.

7. Water Supply

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

- (a) no objection to the application; and
- (b) for provision of water supply to the proposed 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 standard.

8. Demand and Supply of Small House Sites

According to the DLO/TP, LandsD's record, the total number of outstanding Small House applications for Lo Tsz Tin is 26 while the 10-year Small House demand forecast for the same village is 120. Based on the latest estimate by the Planning Department,

about 2.09 ha of land (or equivalent to about 83 Small House sites) are available within the “V” zone of Lo Tsz Tin. Therefore, the land available cannot fully meet the future demand of 146 Small Houses (or equivalent to about 3.65 ha of land).

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that, if and after planning permission has been given by the Town Planning Board (the Board), LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. 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 the emergency vehicular access thereto;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) there is no existing DSD maintained public storm drain available for connection in the area. The applicant should have his own stormwater collection and discharge system 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 existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. 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) there are existing public sewers in the vicinity of the Site; and
 - (iii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;
- (c) 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;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for provision of water supply to the proposed 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 standard; 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.