

**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.

Previous S.16 Applications

Approved Applications

Application No.	Uses/ Development	Date of Consideration	Approval Conditions
A/NE-TKL/350	Proposed House (New Territories Exempted House (NTEH) - Small House)	4.3.2011	A1 - A4

Approval Conditions:

- A1 The submission and implementation of drainage proposals
- A2 The provision of fire-fighting access, water supplies for fire-fighting and fire service installations
- A3 The submission and implementation of tree preservation and landscape proposals
- A4 Commencement clause

**Similar S.16 Applications for Proposed House (NTEH - Small House)
within/partly within the "Agriculture" zone in the vicinity of the Site in the
Ping Che & Ta Kwu Ling Area**

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-TKL/297	Proposed House (New Territories Exempted House - Small House)	22.6.2007	A1, A2, A4 & A7
A/NE-TKL/348	Proposed House (New Territories Exempted House - Small House)	4.3.2011	A1, A3, A5 & A7
A/NE-TKL/349	Proposed House (New Territories Exempted House - Small House)	4.3.2011	A1, A3, A5 & A7
A/NE-TKL/351	Proposed House (New Territories Exempted House - Small House)	4.3.2011	A1, A3, A5 & A7
A/NE-TKL/352	Proposed House (New Territories Exempted House - Small House)	4.3.2011	A1, A3, A5 & A7
A/NE-TKL/353	Proposed House (New Territories Exempted House - Small House)	4.3.2011	A1, A3, A5 & A7
A/NE-TKL/472	Proposed 2 Houses (New Territories Exempted Houses - Small Houses)	8.8.2014	A1, A2, A6 & A7
A/NE-TKL/486	Proposed House (New Territories Exempted House - Small House)	31.10.2014	A1, A2, A6 & A7
A/NE-TKL/487	Proposed House (New Territories Exempted House - Small House)	31.10.2014	A1, A2, A6 & A7
A/NE-TKL/488	Proposed House (New Territories Exempted House - Small House)	31.10.2014	A1, A2, A6 & A7
A/NE-TKL/498	Proposed House (New Territories Exempted House - Small House)	6.2.2015	A1, A2, A6 & A7
A/NE-TKL/499	Proposed House (New Territories Exempted House - Small House)	6.2.2015	A1, A2, A6 & A7
A/NE-TKL/500	Proposed House (New Territories Exempted House - Small House)	6.2.2015	A1, A6 & A7

A/NE-TKL/501	Proposed House (New Territories Exempted House - Small House)	6.2.2015	A1, A6 & A7
A/NE-TKL/528	Proposed House (New Territories Exempted House - Small House)	6.11.2015	A1, A2, A6 & A7
A/NE-TKL/529	Proposed House (New Territories Exempted House - Small House)	6.11.2015	A1, A2, A6 & A7
A/NE-TKL/530	Proposed House (New Territories Exempted House - Small House)	6.11.2015	A1, A2, A6 & A7
A/NE-TKL/536	Proposed House (New Territories Exempted House - Small House)	22.1.2016	A1, A2, A6 & A7
A/NE-TKL/537	Proposed House (New Territories Exempted House - Small House)	22.1.2016	A1, A2, A6 & A7

Approval Conditions

- A1 The submission and implementation of drainage proposals.
- A2 The submission and implementation of landscaping proposals.
- A3 The provision of fire-fighting access, water supplies for fire-fighting and fire service installations
- A4 The design and provision of fire-fighting access, water supplies for fire-fighting and fire service installations.
- A5 The submission and implementation of tree preservation and landscape proposals.
- A6 The provision of septic tanks
- A7 Commencement clause

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 within the village environs of Ping Che;
- (b) the applicant has been certified by the Indigenous Inhabitants Representative (IIR) in statutory declaration that the applicant is an indigenous villager of Kan Tau Wai in Ta Kwu Ling Heung;
- (c) the Site is 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 for the villages concerned are as follows:

Village	No. of the outstanding Small House applications	No. of 10-year Small House demand*
Ping Che	21	160
Ping Che Kak Tin	27	
Ping Che Yuen Ha	6	

* The figures of the 10-year Small House demand forecast were provided by the relevant Indigenous Inhabitant Representatives without any supporting evidence and his office is not in a position to verify the forecasts; and

- (e) the Small House application was made to his office on 1.4.2010 and was approved on 23.12.2013. The Small House grant will be executed upon approval of the planning application;

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. 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) based on the aerial photo of 2019, the Site is situated in an area of rural landscape character surrounded by village houses and temporary structures. No significant sensitive landscape resource is observed within the Site;
- (c) in view of the above, the proposed use is considered not incompatible with the surrounding environment, and significant adverse impact arising from the proposed use under the application on existing landscape resources is not anticipated; and
- (d) since there is no major public frontage along the site boundary, should the TPB approve this 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

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 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. If the existing drainage system is found to be inadequate or ineffective during operation, the applicant is required to rectify the system to the satisfaction of the relevant government departments and also at his own cost; 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;

5. 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 applications referred by LandsD;

6. 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 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;

7. Agriculture

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

the Site is currently vacant land. Agricultural infrastructures such as road access and water source are 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;

8. District Officer's Comments

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

she has consulted the locals regarding the application. All respondents, including the 1st Vice-Chairman of Ta Kwu Ling District Rural Committee, the incumbent North District Council (NDC) member of the subject constituency, the Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of Ping Che had no comment on the application.

9. Demand and Supply of Small House Site

According to DLO/N, LandsD's records, the total number of outstanding Small House applications of Ping Che Village (including Ping Che, Ping Che Kak Tin and Ping Che Yuen Ha) is 54 while the 10-year Small House demand forecast for the same village is 160. According to the latest estimate by PlanD, a total of about 3.9 ha (equivalent to 155 Small House sites) of land are available within the "V" zones of Ping Che Village for Small House development (**Plan A-2b**). There is insufficient land in the "V" zones of Ping Che Village to meet the future demand of Small Houses (i.e. about 5.35 ha which is equivalent to 214 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 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 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;
- (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.