

**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 Development	Date of Consideration	Approval Conditions
A/TP/266	Proposed House (Small House)	8/12/2000	A1
A/TP/274	Proposed House (Small House)	20/07/2001	A1-A3
A/TP/278	Proposed Seven Houses (Small House)	21/09/2001	A1-A2
A/TP/282	Proposed Five Houses (Small House)	16/11/2001	A1-A3
A/TP/286	Proposed Six Houses (Small House)	08/02/2002	A1-A3
A/TP/287	Proposed Two Houses (Small House)	01/03/2002	A1-A2
A/TP/300	Proposed Eight Houses (Small House)	11/10/2002	A1, A4
A/TP/302	Proposed House (Small House)	25/10/2002	A1-A2
A/TP/303	Proposed House (Small House)	25/10/2002	A1-A2
A/TP/320	Proposed House (Small House)	09/01/2004	A1-A2
A/TP/353	Proposed Two Houses (New Territories Exempted Houses) (NTEHs) (Small House)	29/07/2005	A1-A2
A/TP/363	Proposed House (NTEH)	13/01/2006	A1, A5
A/TP/380	Proposed Three Houses (NTEHs)	20/10/2006	A1, A2, A5, A6
A/TP/424	Proposed House (NTEH - Small House)	27/03/2009	A4, A6
A/TP/425	Proposed House (NTEH - Small House)	27/03/2009	A4, A6
A/TP/464	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/465	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/466	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/467	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/468	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/TP/469	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/470	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/471	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/472	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/473	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/474	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/475	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/476	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/477	Proposed House (NTEH - Small House)	23/12/2010	A1, A2, A6
A/TP/525	Proposed Two Houses (NTEHs - Small Houses)	5/10/2012	A1, A2, A6
A/TP/553	Proposed House (NTEH - Small House)	17/10/2014	A1, A2, A7
A/TP/554	Proposed House (NTEH - Small House)	17/10/2014	A1, A2, A7
A/TP/555	Proposed House (NTEH - Small House)	17/10/2014	A1, A2, A7
A/TP/556	Proposed House (NTEH - Small House)	17/10/2014	A1, A2, A7
A/TP/561	Proposed House (NTEH - Small House)	17/10/2014	A1, A2, A7
A/TP/566	Proposed House (NTEH - Small House)	14/11/2014	A1, A2, A7
A/TP/570	Proposed House (NTEH - Small House)	13/03/2015	A1, A2, A7
A/TP/571	Proposed House (NTEH - Small House)	13/03/2015	A1, A2, A7, A8
A/TP/572	Proposed House (NTEH - Small House)	13/03/2015	A1, A2, A7, A8
A/TP/641	Proposed House (NTEH - Small House)	18/05/2018	A1, A7
A/TP/662	Proposed House (NTEH - Small House)	22/05/2020 (Review)	A1, A2, A7

Approval Conditions

- A1. The submission and/or provision/implementation of drainage facilities/ proposal.
- A2. The submission and implementation of landscaping proposals.
- A3. The provision of fire service installations.
- A4. The submission and implementation of landscape and tree preservation proposals (including a site formation plan, prior to commencement of site formation works).
- A5. The submission of a slope assessment and the implementation of stabilization works identified therein.
- A6. The provision for fire-fighting access, water supplies and fire service installations.
- A7. The provision of septic tank as proposed by the applicant.
- A8. The submission of a geotechnical investigation report and implementation of necessary geotechnical remedial works.

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/TP/562	Proposed House (NTEH - Small House)	17/10/2014	R1-R3
A/TP/665	Proposed House (NTEH - Small House)	10/1/2020 (Review)	R1, R4
A/TP/666	Proposed House (NTEH - Small House)	10/1/2020 (Review)	R1, R4

Rejection Reasons

- R1. The proposed development was not in line with the planning intention of the "Green Belt" ("GB") zoning for the area which was to define the limits of urban development areas by natural features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within the "GB" zone. There was no strong justification in the current submission for a departure from the planning intention.
- R2. The application did not comply with the Town Planning Board Guidelines for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance' in that the proposed development would involve clearance of existing natural vegetation affecting the existing natural landscape, and the applicant failed to demonstrate that the proposed development would have no adverse landscape impact on the surrounding areas and that the stability of the adjacent slope would not be adversely affected.

- R3. The application did not comply with the Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas and be subject to adverse geotechnical impact.
- R4. Land was still available within the “Village Type Development” (“V”) zone of San Uk Ka, Cheung Uk Tei, Sheung Wun Yiu and Ha Wun Yiu which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

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 Pan Chung Village of Tai Po as confirmed by the Indigenous Inhabitant Representative (IIR) of the concerned village. However, his eligibility of Small House grant has yet to be ascertained;
- (c) the Site is held under Block Government Lease demised for agricultural use. It falls within the village ‘environs’ (‘VE’) of San Uk Ka and is not covered by any Modification of Tenancy or 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:

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand*</u>
San Uk Ka	17	35
Cheung Uk Tei	7	39
Sheung Wun Yiu	13	200
Ha Wun Yiu	2	23

(* The figures of 10-year Small House demand were estimated and provided by the IIR of the villages and the information so obtained was not verified by LandsD.)

- (e) the Small House application submitted by the applicant for the Site is still under processing. Should the application be approved 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
- (f) the proposed site formation level in the Geotechnical Planning Review Report (GPRR) has not been endorsed by LandsD and might be revised subject to the comments from relevant departments.

2. **Traffic**

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

- (a) in general, he has reservations 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, he considers that the application involving development of one Small House only can be tolerated on traffic grounds.

3. **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application; and
- (b) if the application is approved, the applicant should be advised that 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 Practice Note for Professional Person (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) has some reservations on the application from landscape planning point of view;
- (b) the Site is vacant and partly covered with grasses and groundcovers;
- (c) the Site is situated in an area of settled valleys landscape character surrounded by village houses to the northeast and densely vegetated woodland to its immediate southwest. According to aerial photos of 2008, 2009, 2011, 2015 and 2019, vegetation clearance within and surrounding the Site is observed, adverse landscape impact on existing landscape resources had taken place since 2009;
- (d) although planning permissions were given to some applications (No. A/TP/464, 465, 468, 469, 472 – 475, 553, 566 and 570) in area adjoining San Uk Ka Village from 2010 to 2015 for NTEHs to the northeast of the Site within the same “GB” zone, the Site is located on a sloping ground to the further southwest of San Uk Ka Village and encroaches onto the existing densely vegetated woodland to its immediate southwest. Moreover, site formation works at the Site are proposed which would irreversibly change the existing topography of the concerned “GB” zone. Further vegetation clearance and adverse landscape impact to the surroundings due to the proposed site formation works are anticipated. If the

application is approved, it would encourage extension of village cluster resulting in further encroachment onto the existing woodland. The cumulative impact of such approval would further degrade the landscape quality of the environment in the “GB” zone; and

- (e) 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.

5. **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, a condition should be included to request the applicant to submit and implement the drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the surrounding area and the residential premises located at its downhill side;
- (c) there is no public drain maintained by DSD in the vicinity of the Site. The proposed Small House should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and its uphill overland flow. The applicant/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (d) the applicant should design the drainage proposal based on the actual site condition for DSD’s comment/agreement. In the design, the applicant should consider the workability, the drainage impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicant/owner should make sure no adverse drainage and geotechnical impact will be caused to the area due to the proposed Small House. The proposed Small House development is located on the unpaved ground and slope area, which will increase the impervious area resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area and residential premises located at its downhill side. The applicant should take this into account when preparing the drainage proposal. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected. In particular, a minimum clearance of 3m between the proposed development and the nearest extremity of the existing stream course/pond/river/the top of the embankment should be maintained;
- (e) the proposed site formation works should not obstruct any overland flow. All existing flow paths as well as the runoff falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. In addition, 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. The applicant should ensure the proposed works would not cause any adverse drainage impacts to the surrounding areas;

- (f) the proposed site formation level of the proposed development shall not cause flooding risk to nearby area/premises. Comment or agreement from DLO/TP for the finished site formation level should be sought;
- (g) the existing drainage system proposed for receiving the runoff from the Site is not maintained by DSD. Consent from its owner/maintenance party, District Officer/Tai Po of Home Affairs Department and the users should be sought for the proposed drainage connection/modification. Moreover, the applicant should ensure that this existing drainage system and the downstream channels/drains have adequate capacity for conveying the additional runoff from the Site. In addition, regular maintenance should be carried out by the lot owner/developer to avoid blockage of drains/channels;
- (h) there is no existing public sewerage in the vicinity of the Site. DEP should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the provision of septic tank; and
- (i) in addition, he has the following general comments:
 - (i) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at his expense;
 - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from DLO/TP and/or relevant private lot owner(s) should be sought;
 - (iii) the lot owner/developer should take all precautionary measures to prevent any disturbance, damage and pollution from the development to any parts of the existing drainage facilities in the vicinity of the lots. In the event of any damage to the existing drainage facilities, the lot owner/developer would be held responsible for the cost of all necessary repair works, compensation and any other consequences arising therefrom; and
 - (iv) the limited desk-top checking by Government on the drainage proposal covers only the fundamental aspects of the drainage design which will by no means relieve the applicant's obligations to ensure that the proposed drainage works will not cause any adverse drainage or environmental impacts in the vicinity, and the proposed drainage works and the downstream drainage systems have the adequate capacity and are in good conditions to receive the flows collected from his lots and all upstream catchments.

6. Geotechnical Aspect

Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) as the Site meets criterion 1(i) in the GEO Advice Note for Planning Applications under Town Planning Ordinance, the applicant is required to submit a GPRR in support of the application; and

- (b) he has no adverse geotechnical comment on the GPRR submitted by the applicant, and has no in-principle objection to the application.

7. Nature Conservation

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

- (a) the Site has mostly been cleared of vegetation. According to the applicant, tree pruning and slope stabilisation works may be required for the proposed Small House development. He has no strong view on the application provided that the associated site formation works and slope stabilisation works would not affect existing trees on government land within the “GB” zone; and
- (b) it is noted in the applicant’s GPRR that “no excessive existing vegetation nor existing trees will be disturbed by the application” and that “the existing vegetation (on the hillside slope) will not be affected by the proposed works”.

8. 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 advised 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.

9. 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.

10. Demand and Supply of Small House Sites

According to the DLO/TP, LandsD’s record, the total number of outstanding Small House applications for San Uk Ka, Cheung Uk Tei, Sheung Wun Yiu and Ha Wun Yiu is 39 while the 10-year Small House demand forecast for the same villages is 297. Based on the latest estimate by the Planning Department, about 2.34 ha of land (or equivalent

to about 93 Small House sites) are available within the “V” zone of San Uk Ka, Cheung Uk Tei, Sheung Wun Yiu and Ha Wun Yiu. Therefore, the land available cannot fully meet the future demand of 336 Small Houses (or equivalent to about 8.4 ha of land).

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
 - (i) 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
 - (ii) the proposed site formation level in the Geotechnical Planning Review Report (GPRR) has not been endorsed by LandsD and might be revised subject to the comments from relevant departments.

- (b) to note the comments of the Director of Environmental Protection (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 Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” and are duly certified by an Authorized Person;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) there is no public drain maintained by DSD in the vicinity of the Site. The proposed Small House should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and its uphill overland flow. The applicant/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
 - (ii) the applicant should design the drainage proposal based on the actual site condition for DSD’s comment/agreement. In the design, the applicant should consider the workability, the drainage impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicant/owner should make sure no adverse drainage and geotechnical impact will be caused to the area due to the proposed Small House. The proposed Small House development is located on the unpaved ground and slope area, which will increase the impervious area resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area and residential premises located at its downhill side. The applicant should take this into account when preparing the drainage proposal. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected. In particular, a minimum clearance of 3m between the proposed development and the nearest extremity of the existing streamcourses/ponds/rivers/the top of the embankment should be maintained;
 - (iii) the proposed site formation works should not obstruct any overland flow. All

existing flow paths as well as the runoff falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. In addition, 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. The applicant should ensure the proposed works would not cause any adverse drainage impacts to the surrounding areas;

- (iv) the proposed site formation level of the proposed development shall not cause flooding risk to nearby area/premises;
 - (v) the existing drainage system proposed for receiving the runoff from the Site is not maintained by DSD. Consent from its owner/maintenance party, District Officer/Tai Po of Home Affairs Department and the users should be sought for the proposed drainage connection/modification. Moreover, the applicant should ensure that this existing drainage system and the downstream channels/drains have adequate capacity for conveying the additional runoff from the Site. In addition, regular maintenance should be carried out by the lot owner/developer to avoid blockage of drains/channels;
 - (vi) there is no existing public sewerage in the vicinity of the Site;
 - (vii) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at his expense;
 - (viii) for works to be undertaken outside the lot boundary, prior consent and agreement from DLO/TP and/or relevant private lot owner(s) should be sought;
 - (ix) the lot owner/developer should take all precautionary measures to prevent any disturbance, damage and pollution from the development to any parts of the existing drainage facilities in the vicinity of the lots. In the event of any damage to the existing drainage facilities, the lot owner/developer would be held responsible for the cost of all necessary repair works, compensation and any other consequences arising therefrom; and
 - (x) the limited desk-top checking by Government on the drainage proposal covers only the fundamental aspects of the drainage design which will by no means relieve the applicant's obligations to ensure that the proposed drainage works will not cause any adverse drainage or environmental impacts in the vicinity, and the proposed drainage works and the downstream drainage systems have the adequate capacity and are in good conditions to receive the flows collected from his lots and all upstream catchments.
- (d) 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;
- (e) 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

- (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.