

**Extract of the Interim Criteria for Consideration of Application
for New Territories Exempted House (NTEH)/Small House in New Territories
(promulgated on 7.9.2007)**

The relevant assessment criteria for planning application are extracted as follows:

- (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 Covering the Application Sites

Approved Applications

<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
A/TM-LTY Y/283	Proposed House (New Territories Exempted House - Small House)	12.12.2014	(1) and (2)
A/TM-LTY Y/284	Proposed House (New Territories Exempted House - Small House)	12.12.2014	(1) and (2)
A/TM-LTY Y/285	Proposed House (New Territories Exempted House - Small House)	12.12.2014	(1) and (2)

Approval conditions

- (1) Submission and implementation of drainage proposal
- (2) Submission and implementation of tree preservation and landscape proposal

**Similar s.16 Applications within the same “R(E)” zone
on the approved Lam Tei and Yick Yuen OZP No. S/TM-LTYYY/10**

Approved Applications

<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
A/TM-LTYYY/301	Proposed House (New Territories Exempted House - Small House)	30.9.2016	(1) and (3)
A/TM-LTYYY/307	Proposed House (New Territories Exempted House - Small House)	18.3.2016	(1) to (3)
A/TM-LTYYY/335	Proposed House (New Territories Exempted House - Small House)	11.8.2017	(1) to (3)
A/TM-LTYYY/336	Proposed House (New Territories Exempted House - Small House)	11.8.2017	(1) to (3)

Approval conditions

- (1) Submission and implementation of drainage proposal.
- (2) Submission and implementation of tree preservation and landscape proposal.
- (3) Provision of septic tank.

Rejected Applications

<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
A/TM-LTTY/204	Proposed Houses (New Territories Exempted Houses - Small Houses)	29.10.2010	(1), (2)
A/TM-LTTY/238	Proposed House (New Territories Exempted House - Small House)	16.11.2012 TPB	(2), (3), (4)
A/TM-LTTY/362	Proposed House (New Territories Exempted House - Small House)	3.5.2019	(5), (6)
A/TM-LTTY/363	Proposed House (New Territories Exempted House - Small House)	3.5.2019	(5), (6)

Major rejection reasons

- (1) Not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria) in that over 50% of each of the footprints of the three proposed Small Houses fell outside both the village environs and the "Village Type Development" zone.
- (2) No exceptional circumstances to warrant approval of the application.
- (3) Not comply with the Interim Criteria in that there was no shortage of land within the "V" zone for Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen to meet the demand forecast for Small House development.
- (4) The applicant failed to demonstrate that the proposed development would have no adverse drainage, sewerage and landscape impacts on the surrounding areas.
- (5) Land is still available within the "V" zone of Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen where land is primarily intended for Small House development. It is considered more appropriate to concentrate Small House development close to the existing village cluster within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.
- (6) The proposed development is in close proximity to the proposed public housing development currently under a feasibility study. Approval of the application will impose constraints to the planning for the proposed public housing development.

Detailed Comments of Government Departments Concerned

Land Administration

1. Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):
 - (a) The application sites (the Sites) are Old Schedule Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. His site inspection revealed that there were temporary structures on the subject lots.
 - (b) The lot owners have submitted applications for erection of New Territories Exempted Houses (NTEHs) under the Small House Policy on the Sites. The applications are still under consideration. Notwithstanding whether the planning applications will be approved or not, there is no guarantee that the concerned Small House applications will be approved and he hereby reserves his right to take any action as may be appropriate. In the event that the Small House applications are approved, it would be subject to such any terms and conditions as Government shall deem fit.
 - (c) Notwithstanding whether any planning permission to the applications will be given or not, his office reserves the right to take enforcement actions as considered appropriate against any unauthorised erection, extensions/alterations of any structures erected or to be erected on the lots.
 - (d) The processing of the concerned small house applications are withheld for the time being pending the decision of the planning permission application. Once the planning permissions are given, his office will proceed with seeking approvals for the small house applications. Subject to approval being obtained and acceptance of the terms and conditions offered, execution of the small house grant documents will be arranged.
 - (e) If a proposed Small House site falls within 30m from known resumption/clearance limits, it is within a prohibited area and the Small House proposal should only be proceeded subject to no adverse comments being received from the relevant departments concerned.

Building Matters

2. Comments of the Chief Building Surveyor/New Territories West (CBS/NTW, BD):
 - (a) Noting that the buildings to be erected on the Sites will be NTEHs under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121), DLO/TM, LandsD should be in a better position to comment on the applications.
 - (b) In case DLO/TM, LandsD decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the NTEH developments, such works will require prior approval and consent under the Buildings Ordinance. In the circumstance, an Authorised Person (AP) should be appointed as the coordinator for the proposed works. The applicants may approach DLO/TM, LandsD or seek AP's advice for details.

Traffic

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

He has no comment on the applications from traffic engineering viewpoint. There is no planned road project under the Transport Department's purview at the Sites.

4. Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

(a) On the understanding that there is no proposed vehicular access to the Sites, he has no comment from highway maintenance perspective on the applications.

(b) Adequate drainage measures should be provided at the Sites to prevent surface water flowing from the Sites to nearby public roads/drains.

Drainage

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

He has no in-principle objection to the applications subject to the following conditions from public drainage viewpoints.

(a) The Sites are located at an area where public drainage facility is available for connection. Should the applications be approved, a condition should be stipulated requiring the applicants to submit drainage proposals for the developments and to implement the drainage facilities proposed in the drainage proposals to the satisfaction of his department.

(b) The applications are lack of information about the sewerage disposal arrangement. Please be advised that there is existing public sewerage facility located in the vicinity of the Sites. Environmental Protection Department (EPD), the planning authority of sewerage infrastructure, should be consulted regarding the sewerage treatment/disposal aspects of the developments.

He would also like to take this opportunity to provide the following advice/comments on the drainage works for the proposed small house developments:

(i) The proposed developments should have their own stormwater collection and discharge system to cater for the runoff generated within the small house sites as well as overland flow from areas in the vicinity.

(ii) Surface channel should be provided along the perimeter of the lots to collect all the runoff generated from the Sites or passing through the Sites, and discharge the runoff collected to a proper discharge point.

(iii) All the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicants at their own expense. For works to be undertaken outside the lots boundary, the applicants should consult and obtain prior consent from DLO/TM, LandsD and relevant lot owners.

Environment

6. Comments of the Director of Environmental Protection (DEP):

In view of the small scale and nature of the proposed developments, the proposed developments have no major environmental impact. Public sewer is available at San Hing Road and the applicants are required to submit a sewer connection proposal to DSD for approval. The applicants are reminded to comply with all relevant environmental pollution control ordinance during construction of development and to implement appropriate mitigation measures / practices as set out in the Recommended Pollution Control Clauses for Construction Contracts.

Fire Safety

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

- (a) He has no specific comment on the applications.
- (b) The applicants are advised to observe “New Territories Exempted Houses – A Guide to Fire Safety Requirements” published by the LandsD.

Water Supply

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

He has no comment on the applications. The Sites are not located within water gathering grounds.

Landscape

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

In view of previous approved Applications No. A/TM-LTYY/283, 284 and 285 for small houses uses, significant change to the village landscape character arising from the applications is not envisaged.

District Officer’s Comments

10. Comments of the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

He has distributed consultation letters to the locals concerned and understand that they would provide their comments (if any) to the Board direct. He has no further comment.

Archaeology

11. Comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO):

The Sites fall within the San Hing Tsuen Site of Archaeological Interest. In view of the location and scope of the proposed works as well as the findings of previous archaeological work in the surrounding area, the applicants are required to notify the

AMO two weeks prior to the commencement of construction work so as to facilitate his staff to conduct site inspection in the course of excavation.

Others

12. Comments of the Chief Engineer/Housing Project 2, Civil Engineering and Development Department (CE/HP2, CEDD):

His consultant is currently carrying out a study under Agreement No. CE 68/2017 (CE) – Site Formation and Infrastructural Works Development at San Hing Road and Hong Po Road, Tuen Mun – Feasibility Study. According to the latest layout plan extracted from the consultancy brief, the proposed house applications are found locating very close to the northeast boundary of the proposed San Hing Road housing development site. However, the exact boundary, phasing of development and land requirement are still under refinement by the consultant to be agreed by the Housing Department, the LandsD and other Government departments concerned.

Demand and Supply of Small House Site

13. According to DLO/TM, LandsD's record for Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen, the total number of outstanding Small House applications of the three villages is 127 (i.e. about 3.18 ha of land) while the 10-year forecast of Small House demand of the three villages is 832 houses (i.e. about 20.8 ha of land) (i.e. a total of 959 houses or about 23.98 ha of land). Based on the latest estimate by PlanD, about 21.46 ha (equivalent to about 858 Small House sites) of land is available within the "V" zone of Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen on the OZP. Although there is sufficient land within the "V" zone to meet the outstanding Small House applications, it cannot fully meet the future Small House demand for about 23.98 ha of land (equivalent to about 959 Small House sites). The proposed Small House footprint falls wholly within the common 'VE' of Tsing Chuen Wai, Tuen Tsz Wai and San Hing Tsuen.

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that the lots are old schedule lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. His site inspection revealed that there were temporary structures on the subject lots. The lot owners have submitted applications for erection of New Territories Exempted Houses (NTEHs) under the Small House Policy on the Sites. There is no guarantee that the concerned Small House applications will be approved and he reserves his right to take any action as may be appropriate. In the event that the Small House applications are approved, it would be subject to such any terms and conditions as the Government shall deem fit. His office reserves the right to take enforcement actions as considered appropriate against any unauthorised erection, extensions/alterations of any structures erected or to be erected on the lots;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that the buildings to be erected on the application sites (the Sites) will be NTEHs under the Buildings Ordinance (BO) (Application to the New Territories) Ordinance (Cap. 121). In case DLO/TM, LandsD decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the NTEH developments, such works will require prior approval and consent under the Buildings Ordinance. In the circumstance, an Authorised Person (AP) should be appointed as the coordinator for the proposed works. The applicants may approach DLO/TM, LandsD or seek AP's advice for details;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicants are reminded to comply with all relevant environmental pollution control ordinance during construction of development and to implement appropriate mitigation measures / practices as set out in the Recommended Pollution Control Clauses for Construction Contracts;
- (d) to note the comments of the Chief Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the Sites to prevent surface water flowing from the Sites to nearby public roads/drains;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the Sites are located at an area where public drainage facility is available for connection. Please be advised that there is existing public sewerage facility located in the vicinity of the Sites. Environmental Protection Department (EPD), the planning authority of sewerage infrastructure, should be consulted regarding the sewerage treatment/disposal aspects of the developments. The proposed developments should have their own stormwater collection and discharge system to cater for the runoff generated within the small house sites as well as overland flow from areas in the vicinity. Surface channel should be provided along the perimeter of the lots to collect all the runoff generated from the Sites or passing through the Sites, and discharge the runoff collected to a proper discharge point. All the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicants at their own expense. For works to be undertaken outside the lots boundary, the applicants should consult and obtain prior consent from DLO/TM, LandsD and relevant lot owners;

- (f) to note the comments of the Director of Fire Services (D of FS) that the applicants shall observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the LandsD; and
- (g) to note the comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO) that the Site falls within the San Hing Tsuen Site of Archaeological Interest. In view of the location and scope of the proposed works as well as the findings of previous archaeological work in the surrounding area, the applicants are required to notify the AMO two weeks prior to the commencement of construction work so as to facilitate his staff to conduct site inspection in the course of excavation.