

**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.

**Similar Applications within/straddling the same “V” and/or “AGR” zones
on the Tai Tong OZP**

Approved Applications

	<u>Application No.</u>	<u>Proposed Development(s)/Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TT/168	New Territories Exempted House (NTEH) (Small House)	3.12.2004	(1)
2	A/YL-TT/213#	Proposed House (NTEH – Small House)	12.10.2007	(1)
3	A/YL-TT/214#	Proposed House (NTEH – Small House)	12.10.2007	Nil
4	A/YL-TT/350#	Proposed House (NTEH – Small House)	8.5.2015	(1), (2)
5	A/YL-TT/390#	Proposed House (NTEH – Small House)	28.10.2016	(2), (3)

Straddles the “AGR” and “V” zones.

Approval Condition(s):

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

Rejected Applications

	<u>Application No.</u>	<u>Proposed Development(s)/Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TT/215#	Proposed House (NTEH – Small House)	2.11.2007	(1), (2), (3)
2	A/YL-TT/356^	Proposed 4 Houses (NTEHs – Small Houses)	9.10.2015	(1), (4)
3	A/YL-TT/382#	Proposed House (NTEH – Small House)	15.7.2016	(1), (2), (3)
4	A/YL-TT/464#	Proposed House (NTEH – Small House)	31.5.2019	(1), (2)

Straddles the “AGR” and “V” zones.

^ Falls wholly within the “AGR” zone.

Rejection Reason(s):

- (1) Not in line with the planning intention of the “AGR” zone.
- (2) Not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories” (Interim Criteria) in that there was no shortage of land within the concerned “V” zone(s) in meeting the demand of Small House development.
- (3) The applicant fails to demonstrate why suitable sites within the concerned “V” zone(s) could not be made available for the Small House development.
- (4) Not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories” in that the proposed Small House footprints fall entirely outside the ‘Village Environs’ and “V” zone.

Detailed Comments from Relevant Government Departments

Land Administration

1. Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
 - (a) There is one Small House (SH) application under processing within the Site, which is at departmental circulation stage.
 - (b) The number of outstanding SH applications of Tin Liu Tsuen and Sham Chung Tsuen are 69 (including 2 nos. of Private Treaty Grant applications where their processing were withheld in light of the judgment of the Judicial Review case on SH policy in 4/2019) and 6 respectively. The 10-year forecasts (2018-2027) of SH demand for Tin Liu Tsuen and Sham Chung Tsuen (2016-2025) are 180 and 18 respectively. The figures of the 10-year forecast are provided by the Indigenous Inhabitant Representatives of Tin Liu Tsuen and Sham Chung Tsuen and he is unable to verify such information.
 - (c) The proposed SH footprint does not fall within the Village Environs Boundary (VEB) of any recognised village. If a proposed SH site is outside or more than 50% of it is outside the VEB of a recognised village, it will be rejected under the SH policy even though the applicant is an indigenous villager who has successfully sought planning permission. His office's approval to SH grant is not automatic even though the applicant has obtained s.16 approval from the Town Planning Board. The grant is subject to all criteria being met and all relevant factors being considered.
 - (d) The indigenous villager status and eligibility of the applicant for the s.16 application to apply for SH has not yet been verified by his office. Regarding the subject case, should planning approval be given to the application, the registered lot owner should inform his office, and his office will consider the SH application acting in the capacity as the landlord and there is no guarantee that such application would be approved. Any applications, if approved, would be subject to such terms and conditions including, among others, the payment of premium and/or administrative fee as may be imposed by his department.

Building Matters

2. Comments of the Chief Building Surveyor/New Territories West (CBS/NTW, BD):
 - (a) Noting that the building to be erected on the Site will be New Territories Exempted House (NTEH) under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121), DLO/YL, LandsD should be in a better position to comment on the captioned application.
 - (b) In case DLO/YL, LandsD decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the NTEH development, 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 applicant may

approach DLO/YL, LandsD or seek AP's advice for details.

Traffic

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

Since no vehicular access and parking space is proposed for the development, he has no comment on the application from traffic engineering point of view.

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

- (a) It is noted that no vehicular access is proposed or to be granted under the subject application. He has no comment from highways maintenance point of view.
- (b) If the application is approved, it is recommended to highlight in the reply to the applicant that the application is approved on the understanding that there is and will be no vehicular access to/from the Site.

Drainage

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

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the submission of a drainage proposal and the implementation of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.
- (c) The applicant should be reminded to maintain all drainage facilities on site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.

Environment

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

The Site is outside of water gathering ground. 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 Persons (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an AP.

Fire Safety

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

- (a) He has no specific comment on the application.
- (b) The applicant is advised to observe the “NTEH – A Guide to Fire Safety Requirements” which is administered by LandsD.

Water Supply

8. Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):
- (a) She has no objection to the application.
 - (b) For the provision of water supply to the development, the applicant may need to extend his/her 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 her department’s standards.

Nature Conservation

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

The Site falls within “AGR” and “V” zones and is currently fallow land overgrown with grasses. Agricultural activities are active in the vicinity, and agricultural infrastructure such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, green house and plant nursery. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view.

Landscape

10. 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) With reference to the aerial photo of 2018 (**Plan A-3**), it is observed that the Site is mainly vegetated with shrubs. The Site is situated in an area of village landscape character. In view that there is other similar village house development in the vicinity, the proposed use is considered not incompatible with the surrounding landscape character.
 - (c) As the proposed development is unlikely to cause any adverse landscape impact, and that there is limited space remaining within the Site for any landscape treatment, it is considered that the landscape condition is not necessary should the application be approved by the Board.

District Officer’s Comments

11. Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL)),

HAD):

Her office has not received any comments, from the village representatives in the vicinity, on the application.

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the proposed Small House (SH) footprint does not fall within the Village Environs Boundary (VEB) of any recognised village. If a proposed SH site is outside or more than 50% of it is outside the VEB of a recognised village, it will be rejected under the SH policy even though the applicant is an indigenous villager who has successfully sought planning permission. His office's approval to SH grant is not automatic even though the applicant has obtained s.16 approval from the Town Planning Board. The grant is subject to all criteria being met and all relevant factors being considered. Your indigenous villager status and eligibility to apply for SH has not yet been verified by his office. Regarding the subject case, should planning approval be given to the application, the registered lot owner should inform his office, and his office will consider the SH application acting in the capacity as the landlord and there is no guarantee that such application would be approved. Any applications, if approved, would be subject or such terms and conditions including, among others, the payment of premium and/or administrative fee as may be imposed by his department.
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that in case DLO/YL, LandsD decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the New Territories Exempted House development, 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. You may approach DLO/YL, LandsD or seek AP's advice for details;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the application is approved on the understanding that there is and will be no vehicular access to/from the Site;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department to maintain all drainage facilities on Site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.;
- (e) to note the comments of the Director of Environmental Protection 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 Persons (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an AP;
- (f) to note the comments of the Director of Fire Services to observe the "New Territories Exempted House – A Guide to Fire Safety Requirements" which is administered by LandsD; and
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for the provision of water supply to the development, you may need to extend your inside services to the nearest suitable government water mains for connection. You 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 her department's standards.