

Relevant Interim Criteria for Assessing Planning Applications for
NTEH/Small House Development in the New Territories
(Revised 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 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 Application covering the Application Site

Rejected Application

	Application No.	Proposed Development	Date of Consideration By RNTPC/TPB	Rejection reason(s)
1.	A/YL-PH/798	Proposed House (NTEH / Small House)	18.1.2019 26.4.2019 [on review]	(1)

Rejection reason

- (1) the application does not comply with the Interim Criteria in that the Site and footprint of the proposed Small House falls entirely outside the Village Environ of any recognized village and the "V" zone. Land is still available within the "V" zone of Wang Toi Shan, Lo Uk Tsuen, Leung Uk Tsuen and Chuk Hang, where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House close to the existing village cluster within the "V" zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services. There is no exceptional circumstance to justify the approval of the application

**Similar Application for New Territories Exempted House (NTEH)/Small House
within the Same “R(D)” Zone on Pat Heung Outline Zoning Plan
(after the first promulgation of the Interim Criteria in 24.11.2000)**

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Condition(s)</u>
1.	A/YL-PH/540	House (NTEH / Small House)*	11.5.2007	(1)

* Straddled “R(D)” and “V” zones

Approval Condition(s)

- (1) The submission and implementation of landscape proposal.

Detailed Comments from the Relevant Government Departments

Land Administration

1. Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
 - (a) The Site is an Old Schedule Agricultural Lot held under the Block Government Lease.
 - (b) The areas zoned “V” in Wang Toi Shan includes Lo Uk Tsuen, Leung Uk Tsuen and Chuk Hang.
 - (c) The Site does not fall within any defined Village Environ (VE) / Village Environ Boundary (VEB) of any recognized village but is located within a distance of 300-foot from the edge of the last village type house (VTH) built in 1972 (i.e. VTH on Lot No. 2958A and Lot No. 2958B&C R.P., both in D.D. 111. In view of the above, application for Small House (SH) development would be considered by his office if planning permission is obtained but no guarantee that the SH application would be approved.
 - (d) According to his records, his office did not receive any SH application on the Site from the applicant of the S.16 application. The indigenous villager’s status and eligibility of the applicant has not yet been verified. Under normal procedure, when SH applications are received and due for processing, DLO/YL will consider the applications acting in the capacity as the landlord at its sole discretion in accordance with the New Territories (NT) SH policy, including verification of the SH applicants’ statuses. There is no guarantee that such applications would be approved.
 - (e) According to his records, the Site is covered by Short Term Waiver for the purpose of trading and storage of vehicles and vehicle parts.
 - (f) The numbers of outstanding SH applications is 41 for Wang Toi Shan, 13 for Lo Uk Tsuen, 3 for Leung Uk Tsuen, and 17 for Chuk Hang respectively.
 - (g) The 10-year forecast of SH demand is 1,000 for Wang Toi Shan (2018-2027), 150 for Lo Uk Tsuen (2017-2026), 30 for Leung Uk Tsuen (2018-2027) and 520 for Chuk Hang (2020-2029). The 10-year forecast is provided by the Indigenous Inhabitant Representative of the respective villages and DLO/YL is unable to verify such information.
 - (h) Should the planning application be approved, the registered lot owner(s) should inform DLO/YL, LandsD. DLO/YL will consider the SH application(s) acting in the capacity as the landlord at its sole discretion in accordance with the NT SH Policy when the application is due for processing. There is no guarantee that such application would be approved. Should the registered lot

owner(s), after obtaining planning approval, submit lease modification / land exchange application, DLO/YL will consider the application acting in the capacity as the landlord and there is no guarantee that such application would be approved. Besides, there is no guarantee that application for New Territories Exempted House (NTEH) development other than under SH Policy will be entertained. 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 LandsD.

Nature Conservation

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

According to the aerial photo available from Lands Department, the Site is primarily disturbed in nature. As such, he has no adverse comment on the application from nature conservation perspective.

Environment

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

- (a) In view of the small population and nature of the proposed development, 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 Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the EPD" and are duly certified by an Authorized Person (AP).
- (b) The applicant is reminded to duly address the potential noise impacts through the provision of suitable mitigation measures to ensure compliance with the relevant planning standards and statutory requirements.

Drainage

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

- (a) He has no in-principle objection to the proposed development from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the applicant (i) to submit a drainage proposal and (ii) to implement the drainage proposal for the development to the satisfaction the Director of Drainage Services or of the Board should be included.

Traffic

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

Considering there is neither parking provision nor vehicular access to the lot and the induced traffic is minimal, he has no comment on the application.

6. Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

- (a) HyD is not / shall not be responsible for the maintenance of any access connecting the Site and Kam Tin Road.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads or exclusive road drains.

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 reminded to follow the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” published by LandsD.

Building Matters

8. Comments of the Chief Building Surveyor/NTW, Buildings Department (CBS/NTW, BD):

- (a) Noting that the building to be erected on the Sites will be NTEH under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121), DLO/YL should be in a better position to comment on the application.
- (b) In case DLO/YL 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 or seek AP’s advice for details.

Electricity

9. Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no particular comment on the application from electricity supply safety aspect.

- (b) In the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/ or overhead line within and/ or in the vicinity of the Site. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer’s Comments

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

He has not received any comments from locals upon close of consultation and he has no particular comment on the application.

Demand and Supply of Small House Sites

11. According to the DLO/YL’s latest records, the total number of outstanding Small House applications of Wang Toi Shan, Lo Uk Tsuen, Leung Uk Tsuen and Chuk Hang is 74 (i.e. equivalent to 1.85ha), while the 10-year Small House demand forecast for Wang Toi Shan, Lo Uk Tsuen, Leung Uk Tsuen and Chuk Hang is 1,700 (i.e. equivalent to 42.5ha). According to the latest estimate by PlanD, about 29.48ha (equivalent to about 1,179 Small House sites) of land is available within the “V” zone to meet the demand of Small Houses.

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site is an Old Schedule Agricultural Lot held under the Block Government Lease. The Site does not fall within any defined VE / VEB of any recognized village. Under normal procedure, when SH applications are received and due for processing, DLO/YL will consider the applications acting in the capacity as the landlord at its sole discretion in accordance with the New Territories (NT) SH policy, including verification of the SH applicants' statuses. There is no guarantee that such applications would be approved. The registered lot owner(s) should inform DLO/YL, LandsD should the planning application be approved. DLO/YL will consider the SH application(s) acting in the capacity as the landlord at its sole discretion in accordance with the NT SH Policy when the application is due for processing. There is no guarantee that such application would be approved. Should the registered lot owner(s), after obtaining planning approval, submit lease modification / land exchange application, DLO/YL will consider the application acting in the capacity as the landlord and there is no guarantee that such application would be approved. Besides, there is no guarantee that application for NTEH development other than under SH Policy will be entertained. 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 LandsD ;
- (b) note DEP's comments that in view of the small population and nature of the proposed development, 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 Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the EPD" and are duly certified by an Authorized Person (AP). The applicant is reminded to duly address the potential noise impacts through the provision of suitable mitigation measures to ensure compliance with the relevant planning standards and statutory requirements;
- (c) note CHE/NTW, HyD's comments that HyD is not / shall not be responsible for the maintenance of any access connecting the Site and Kam Tin Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads or exclusive road drains;
- (d) note D of FS's comments that the applicant should follow the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by LandsD;
- (e) note CBS/NTW, BD's comments that in case DLO/YL 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 applicants may approach DLO/YL or seek AP's advice for details; and

- (f) note DEMS's comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/ or overhead line within and/ or in the vicinity of the Sites. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.