

**Relevant Revised 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.

Appendix IV of RNTPC
Paper Nos. A/FSS/263 and 264

Previous s.16 Applications within "GB" Zone on the
Approved Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/22

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/FSS/185	Proposed House (New Territories Exempted House - Small House)	12.02.2010	A1, A2
A/FSS/186	Proposed House (New Territories Exempted House - Small House)	12.02.2010	A1, A2

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

Appendix V of RNTPC
Paper Nos. A/FSS/263 and 264

Similar s.16 Applications for Proposed House
(New Territories Exempted House - Small House) within "GB" Zone on the
Approved Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/22

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/FSS/188	Proposed House (New Territories Exempted House - Small House)	19.03.2010	A1 & A2
A/FSS/190	Proposed House (New Territories Exempted House - Small House)	23.04.2010	A1 & A2
A/FSS/191	House (New Territories Exempted House - Small House)	07.05.2010	A1, A2 & A3
A/FSS/257	Proposed House (New Territories Exempted House - Small House)	17.03.2017	A1 & A4
A/FSS/258	Proposed House (New Territories Exempted House - Small House)	17.03.2017	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 no existing trees within the application site and its surrounding area should be felled / affected

A4 the provision of septic tank

Comments from Relevant Government Departments

1. Land Administration

Comments of the District Lands Officer/North, Lands Department (DLO/N, Lands D):

- (a) the Sites of applications Nos. A/FSS/263 and 264 fall entirely within the 'VE' of Ng Uk Tsuen Village;
- (b) the applicant of application No. A/FSS/263 claimed himself as an indigenous villager of Ng Uk Tsuen. His eligibility for small house concessionary grant has yet to be ascertained. The applicant of application No. A/FSS/264 is an indigenous villager of Ng Uk Tsuen;
- (c) the Site of Planning Application No. A/FSS/263 is partly covered by Government Land Licence (GLL) No. T4334. The GLL will be cancelled if the Small House application is approved. The Site of application No. A/FSS/264 is not covered by any Government Land Licence/Building Licence;
- (d) the number of outstanding Small House applications and the number of 10-year Small House demand forecast for Ng Uk Tsuen Village are 7 and 85 respectively. The 10-year Small House demand forecast was provided by the relevant Indigenous Inhabitant Representative;
- (e) the Small House applications in respect of the Sites under the current applications were received by his office on 4.5.2006 and 6.10.2006 respectively; and
- (f) having considered that the Sites are on Government land, in order to optimize the Government land use and to prepare for any physical site features/constraints, the final approved footprints/layout of the proposed development by his office may be subject to shift (say pairing the houses into semi-detached ones if required), and his office would keep the shift as slightly/minimized as possible.

2. Traffic

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

- (a) he has reservation on the applications. Such type of developments should be confined within the "V" zone as far as possible. Although additional traffic generated by the proposed developments is not expected to be significant, such type of developments outside the "V" zone, if permitted, will set undesirable precedent cases for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and
- (b) notwithstanding the above, the applications only involve construction of two Small Houses. He considers that the applications can be tolerated unless they are rejected on other grounds.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) in view of the small scale of the proposed developments, the applications alone are unlikely to cause major pollution; and
- (b) 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.

4. Landscape

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

- (a) she has no objection on the applications from the landscape planning point of view;
- (b) compared the aerial photo of 2010 with 2017, there is no significant change in the urban fringe landscape character in the area which comprises of high-rise residential developments, village clusters, wooded areas and car parks. The proposed use is not entirely incompatible with the surrounding landscape setting;
- (c) her site record dated 16.1.2018 noted the Sites are located within a large area covered with wild grasses. A few fruit trees and young common trees of low landscape value are found within the Sites. Significant adverse impact on landscape resources arising from the proposed development is not anticipated. According to PlanD's information, permissions were given to a few planning applications (Nos. A/FSS/191, 257 and 258) for NTEHs right next to the Sites in the "GB" zone in the past few years; and
- (d) should the Town Planning Board approve the applications, she considers it impractical to impose landscape condition as the footprint of each proposed Small House will occupy the respective entire Site leaving no space for landscape enhancement works.

5. Drainage

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

- (a) he has no objection to the applications from public drainage viewpoint; and
- (b) should the applications be approved, a condition should be included to request the applicants to submit and implement a drainage proposal for the Sites to ensure that they will not cause adverse drainage impact to the adjacent area.

6. Agriculture

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

- (a) he has reservation on the applications;
- (b) according to his record, the Sites were well vegetated forming part of the wooded area in the "GB" zone back in 2008. However, she noted that mass tree felling activities have taken place in the Sites and their vicinity between 2009 and 2010; and
- (c) he considers unauthorized tree felling undesirable and should not be encouraged from nature conservation point of view.

7. Fire Safety

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

- (a) he has no in-principle objection to the applications; and
- (b) the applicants are 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.

8. Water Supply

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

- (a) he has no objection to the applications; and
- (b) for provision of water supply to the developments, the applicants may need to extend the inside services to the nearest suitable government water mains for connection. The applicants 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 standards.

9. District Officer's Comments

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

he has consulted the locals. The incumbent North District Council member and the Indigenous Inhabitant Representative (IIR) of Ng Uk Tsuen support the proposal. The IIR of Ng Uk Tsuen is of the view that the villagers have an urgent housing need. The Chairman of Sheung Shui District Rural Committee and the Resident Representative of Ng Uk Tsuen have no comment on the applications.

10. Demand and Supply of Small House Sites

according to DLO/N's records, the total number of outstanding Small House applications for

Ng Uk Tsuen Village is 9 while the 10-year Small House demand forecast for the same village is 85. According to the latest estimate by PlanD, about 0.113ha (equivalent to 5 Small House sites) of land are available within the "V" zone of Ng Uk Tsuen Village for Small House development. There is insufficient land in the "V" zone of Ng Uk Tsuen Village to meet the demand of land for Small House development (i.e. about 2.35ha of land which is equivalent to 94 Small House sites).

Recommended Advisory Clauses

- (a) 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;
- (b) to note the comments of CE/C, WSD that for provision of water supply to the developments, the applicants may need to extend the inside services to the nearest suitable government water mains for connection. The applicants 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 standards;
- (c) to note the comments of D of FS that 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 application referred by LandsD; and
- (d) 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 applicants 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.

