

**Relevant Interim Criteria for Consideration of Application for
New Territories Exempted House (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) 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 Application

Approved Application

Application No. (Current Application No.)	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-KTS/355 (A/NE-KTS/483)	Proposed House (NTEH – Small House)	3.1.2014 (Lapsed on 4.1.2018)	A1 to A3
A/NE-KTS/356 (A/NE-KTS/481)	Proposed House (NTEH – Small House)	3.1.2014 (Lapsed on 4.1.2018)	A1 to A3
A/NE-KTS/375 (A/NE-KTS/482)	Proposed House (NTEH – Small House)	31.10.2014 (Lapsed on 1.11.2018)	A1 to A4

Approval Conditions

- A1 The submission and implementation of drainage proposals
- A2 The submission and implementation of landscape proposals
- A3 The commencement clause
- A4 The provision of septic tank

**Similar s.16 Applications
within/partly within the Same “Agriculture” Zone in the Vicinity of Chan Uk Po
on the Kwu Tung South Outline Zoning Plan**

After the first promulgation of the Interim Criteria on 24.11.2000

Approved Applications

	Application No.	Uses/Developments	Date of Consideration	Approval Conditions
1.	A/NE-KTS/150	Proposed NTEH (Small House)	25.1.2002	A1, A2, A3 & A4
2.	A/NE-KTS/155	Proposed NTEH (Small House)	23.8.2002	A1, A2, A3 & A4
3.	A/NE-KTS/156	Proposed NTEH (Small House)	23.8.2002	A1, A2, A3 & A4
4.	A/NE-KTS/248	Proposed NTEH (Small House)	11.5.2007	A1, A2, A3 & A4
5.	A/NE-KTS/249	Proposed NTEH (Small House)	11.5.2007	A1, A2, A3 & A4
6.	A/NE-KTS/253	Proposed NTEH (Small House)	13.7.2007	A1, A2, A3 & A4
7.	A/NE-KTS/262	Proposed NTEH (Small House)	1.8.2008	A1, A2, A3 & A4
8.	A/NE-KTS/263	Proposed NTEH (Small House)	1.8.2008	A1, A2, A3 & A4
9.	A/NE-KTS/345	Proposed NTEH (Small House)	16.8.2013	A1, A3 & A4
10.	A/NE-KTS/346	Proposed NTEH (Small House)	16.8.2013	A1, A3 & A4
11.	A/NE-KTS/455	Proposed NTEH (Small House)	18.5.2018	A1, A3, A4 & A5

Approval Conditions

- A1 The design/provision/implementation of drainage facilities/proposal
- A2 The design/provision/ implementation of fire-fighting access, water supplies for fire-fighting /fire services installations
- A3 The submission and implementation of tree preservation /landscaping proposals
- A4 The commencement clause
- A5 The provision of septic tank

Rejected Applications

	Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
1.	A/NE-KTS/424	Proposed NTEH (Small House)	25.11.2016	R1 & R2
2.	A/NE-KTS/425	Proposed NTEH (Small House)	25.11.2016	R1 & R2
3.	A/NE-KTS/426	Proposed NTEH (Small House)	25.11.2016	R1 & R2
4.	A/NE-KTS/427	Proposed NTEH (Small House)	25.11.2016	R1 & R2
5.	A/NE-KTS/428	Proposed NTEH (Small House)	25.11.2016	R1 & R2
6.	A/NE-KTS/430	Proposed NTEH (Small House)	25.11.2016	R1 & R2
7.	A/NE-KTS/431	Proposed NTEH (Small House)	25.11.2016	R1, R2 & R3
8.	A/NE-KTS/470	Proposed NTEH (Small House)	31.5.2019	R2
9.	A/NE-KTS/471	Proposed NTEH (Small House)	31.5.2019	R2

Reasons for Rejection

- R1 The proposed development is not in line with the planning intention of the “Agriculture” zone in the Tsui Keng area.
- R2 Land is still available within the “V” zone of Chan Uk Po. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services.
- R3 The application does not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the footprints of the proposed Small House falls outside both the village ‘environs’ and “V” zone of Chan Uk Po of Tsiu Keng Village.

Detailed Comments from Relevant Government Departments

1. Land Administration

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

- (a) the Sites fall within the 'Village Environ' ('VE') of Tsiu Keng (Tsiu Keng Chan Uk Po);
- (b) the Sites are Old Schedule agricultural lots. The Sites are not covered by any Modification of Tenancy / Building Licence;
- (c) the Small House grant applications at the Sites were all received on 8.11.2012. The applicants are the same applicants of the planning applications;
- (d) the applicant of application No. A/NE-KTS/482 is eligible for Small House concessionary grant. For the applicants of applications No. A/NE-KTS/481 and 483, according to his office's record, the applicants have declared that they are indigenous villagers of Sheung Shui Village. Moreover, their indigenous villager status has been certified by their Indigenous Inhabitant Representative. In view of the above, they are considered eligible for Small House concessionary grant subject to final approval by his office;
- (e) The Small House grant application on Lot 1235 S.A (i.e. the Site of application No. A/NE-KTS/482) was approved in principle in January 2018 pending execution. The two Small House grant applications on Lots 1228 S.A and 1228 S.B (i.e. the Sites of application No. A/NE-KTS/481 and 483) were already at an advance stage before their planning permission lapsed in 2018; and
- (f) the number of outstanding Small House grant applications in Tsiu Keng Village is 40. As provided by the Indigenous Inhabitant Representative of Tsiu Keng on 1.8.2017, the number of 10-year Small House demand for the Tsiu Keng Village is 220.

2. Drainage

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

he has no objection in principle to the applications subject to the condition that the applicants shall submit drainage proposals for approval and implement the approved

drainage proposals for the Sites, to ensure that the proposed land use will not cause adverse drainage impact to the adjacent area.

3. Environment

3.1 Comments of the CE/MN, DSD:

the Sites are in an area where no public sewerage connection is available.

3.2 Comments of the Director of Environmental Protection (DEP):

- (a) in view of the small-scale nature 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 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. Traffic

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

- (a) he has reservation on the applications. The Small House developments should be confined within the "V" zone as far as possible. Although additional traffic generated by the proposed developments are 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;
- (b) notwithstanding the above, the three applications each only involve construction of one Small House. He considers that the applications can be tolerated unless they are rejected on other grounds; and
- (c) on the other hand, the local track/footpath leading to the Sites is not managed by his department. The land status, management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly.

5. Water Supply

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

- (a) he has no objection to the applications;

- (b) for provision of water supply to the developments, the applicants may need to extend their 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 his standards; and
- (c) regarding the public comment raising concern on the application in the aspect of flood pumping gathering ground, please note that flood pumping gathering ground in Hong Kong no longer exists.

6. Landscape

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

- (a) he has no objection to the applications from the landscape planning perspective;
- (b) according to the aerial photo taken in 2017, the Sites are situated in the rural landscape character. The surrounding of the Sites are comprised of existing village houses, abandoned agricultural land, vacant land and scattered tree groups. In consideration that similar small houses within the same "AGR" zone (applications no. A/NE-KTS/155, 155 and 455) had been approved by the Board, the proposed use is considered not incompatible with the existing landscape setting in proximity;
- (c) based on the aerial photo taken in 2017, no significant landscape resource was observed. Further significant landscape arising from the proposed use is not anticipated; and
- (d) in view that there is no prominent public frontage surrounding the Sites and the proposed developments are unlikely to cause significant landscape and visual impacts, the landscape condition is not recommended, should the applications be approved by the Board.

7. Fire Safety

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

he has no specific comment on the applications. The applicants are advised 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 the LandsD.

Advisory Clauses

- (a) 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 filling 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;
- (b) 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 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/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend his 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 his department's standard;
- (d) to note the comments of the Director of Fire Services to observe 'New Territories Exempted Houses - A Guide to Fire Safety Requirements' published by the Lands Department. Detailed fire safety requirements will be formulated upon receipt of formal application referred by the Lands Department; and
- (e) to note the comments of the Commissioner for Transport that the local track/footpath leading to the Sites is not managed by his department. The land status, management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly.

