

**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.

**Similar s.16 Applications for Proposed House (New Territories Exempted House (NTEH) –
Small House) within/partly within the Same “Agriculture” Zone
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
A/NE-KTS/150	Proposed NTEH (Small House)	25.1.2002	A1, A2, A3 & A4
A/NE-KTS/155	Proposed NTEH (Small House)	23.8.2002	A1, A2, A3 & A4
A/NE-KTS/156	Proposed NTEH (Small House)	23.8.2002	A1, A2, A3 & A4
A/NE-KTS/248	Proposed NTEH (Small House)	11.5.2007	A1, A2, A3 & A4
A/NE-KTS/249	Proposed NTEH (Small House)	11.5.2007	A1, A2, A3 & A4
A/NE-KTS/253	Proposed NTEH (Small House)	13.7.2007	A1, A2, A3 & A4
A/NE-KTS/262	Proposed NTEH (Small House)	1.8.2008	A1, A2, A3 & A4
A/NE-KTS/263	Proposed NTEH (Small House)	1.8.2008	A1, A2, A3 & A4
A/NE-KTS/345	Proposed NTEH (Small House)	16.8.2013	A1, A3 & A4
A/NE-KTS/346	Proposed NTEH (Small House)	16.8.2013	A1, A3 & A4
A/NE-KTS/355	Proposed NTEH (Small House)	3.1.2014	A1, A3 & A4
A/NE-KTS/356	Proposed NTEH (Small House)	3.1.2014	A1, A3 & A4
A/NE-KTS/375	Proposed NTEH (Small House)	31.10.2014	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
A/NE-KTS/424	Proposed NTEH (Small House)	25.11.2016	R1 & R2
A/NE-KTS/425	Proposed NTEH (Small House)	25.11.2016	R1 & R2
A/NE-KTS/426	Proposed NTEH (Small House)	25.11.2016	R1 & R2
A/NE-KTS/427	Proposed NTEH (Small House)	25.11.2016	R1 & R2
A/NE-KTS/428	Proposed NTEH (Small House)	25.11.2016	R1 & R2
A/NE-KTS/430	Proposed NTEH (Small House)	25.11.2016	R1 & R2
A/NE-KTS/431	Proposed NTEH (Small House)	25.11.2016	R1 & R3

Reasons for Rejection

- R1 The proposed development is not in line with the planning intention of the “Agriculture” zone in the Tsui Keng area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention
- R2 Land is still available within the “Village Type Development” (“V”) zone of Chan Uk Po which is primarily intended for Small House development. 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. Land is still available within the “V” zone of Chan Uk Po of Tsiu Keng Village where land is primarily intended for Small House development. 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

Comments from Relevant Government Departments

1. Land Administration

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

- (a) the Site falls entirely within the Village 'Environ' of Tsiu Keng Village;
- (b) the applicant claimed himself as an indigenous villager of Ng Uk Village. His eligibility for Small House concessionary grant has yet to be ascertained;
- (c) the Site is not covered by any Modification of Tenancy / Building Licence;
- (d) the Site is an Old Schedule Agricultural Lot;
- (e) the number of outstanding Small House applications is 44. As provided by the Indigenous Inhabitant Representative of Tsiu Keng, the number of 10-year Small House demand forecast from 2017 to 2026 for the whole Tsiu Keng Village is 220; and
- (f) the Small House application was received on 9.10.2017.

2. Drainage

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

- (a) he has no objection in principle to the application from public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area; and
- (c) the Site is in an area where no public sewerage connection is available.

3. Water Supply

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

- (a) he has no objection to the application; and
- (b) 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

standards.

4. **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) in view of the small-scale nature of the proposed development, the application alone is 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.

5. **Agriculture**

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

- (a) he does not support the application from agriculture point of view; and
- (b) the agricultural activities in the vicinity of the Site are very active and the Site possesses a high potentiality of agricultural rehabilitation.

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 application from the landscape planning perspective;
- (b) the Site is located close to the western fringe of Chan Uk Po Village. It is in an area of rural landscape character comprising of village houses, scattered tree groups, farmland (both active and fallow). The Site is covered with wild grasses where some young fruit trees of low landscape value are found. Permission of some Small House developments surrounding the Site have been granted in the last few years;
- (c) the proposed Small House is not incompatible with the surrounding environment. Significant landscape impact arising from the proposed Small House development is not expected; and
- (d) should the Town Planning Board approve the application, he would recommend to include the condition on submission and implementation of landscape proposal in the permission.

7. **Fire Safety**

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

- (a) he has no in-principle objection to the application; and

- (b) the applicant is reminded to observe 'New Territories Exempted Houses - A Guide to Fire Safety Requirements' published by the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by the LandsD.

8. **Traffic**

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

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



Advisory Clauses

- (a) 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;
- (b) 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 standards;
- (c) to note the comments of the Director of Fire Services to observe the '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
- (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 applicant 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.

