

**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<sup>^</sup>);
  - (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.
- <sup>^</sup>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 III of RNTPC  
Paper Nos. A/YL-KTS/802-803A**

**Previous Application for New Territories Exempted House (NTEH)/Small House  
within the Same "AGR" Zone on Kam Tin South Outline Zoning Plan  
(after the first promulgation of the Interim Criteria in 24.11.2000)**

**Rejected Application**

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1.	A/YL-KTS/666	Proposed 8 Houses (NTEH- Small Houses)	5.6.2015	(a), (b), (c)

**Rejection Reasons**

- (a) The proposed development is not in line with the planning intention of the "Agriculture" ("AGR") zone for the area which is to retain and safeguard good agricultural land for agricultural purpose and to retain fallow arable land with good potential for rehabilitation. No strong justification has been given in the submission for a departure from such planning intention.
- (b) Land is still available within the "V" zone of the concerned 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 orderly development pattern, efficient use of land and provision of infrastructure and services.
- (c) The applicant has failed to demonstrate that the proposed development is environmentally acceptable and not subject to risk hazard.



**Similar Applications for Proposed House (NTEH – Small House)  
within the same and adjoining “AGR” Zones near Yuen Kong and Yuen Kong San Tsuen  
on the Kam Tin South Outline Zoning Plan**

**(Since the First Promulgation of the Interim Criteria on 24.11.2000)**

**Approved Applications**

	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration by RNTPC/TPB	Approval Conditions
1.	A/YL-KTS/232	One NTEH / Small House	23.2.2001 (on review)	(a), (b), (c)
2.	A/YL-KTS/285	One NTEH / Small House	22.11.2002	(a), (b), (c)
3.	A/YL-KTS/338*	One NTEH / Small House	18.3.2005	(a), (c)
4.	A/YL-KTS/346*	One NTEH / Small House	13.5.2005	(a), (c)
5.	A/YL-KTS/370*	One NTEH / Small House	16.6.2006	(a), (c)
6.	A/YL-KTS/388*	One NTEH / Small House	20.10.2006	(a), (b), (c)
7.	A/YL-KTS/389*	One NTEH / Small House	17.11.2006	(a), (c)
8.	A/YL-KTS/395*	One NTEH / Small House	22.6.2007	(a), (b), (c)
9.	A/YL-KTS/476*	One NTEH / Small House	20.11.2009	(a), (b)
10.	A/YL-KTS/477*	One NTEH / Small House	20.11.2009	(a), (b)
11.	A/YL-KTS/668*	One NTEH / Small House	3.7.2015	(a), (b), (d)

\* straddled both “AGR” and “V” zones

**Approval Conditions**

- (a) The submission and implementation of landscaping proposals.
- (b) The submission and implementation of drainage proposals.
- (c) The permission shall cease to have effect on a specified date unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.
- (d) The provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board.

**Rejected Applications**

	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration by RNTPC/TPB	Rejection Reason
1.	A/YL-KTS/319	One NTEH / Small House	27.8.2004	(a), (c)
2.	A/YL-KTS/350	One NTEH / Small House	10.6.2005	(c)
3.	A/YL-KTS/471	2 NTEHs	7.8.2009	(a), (d), (e)
4.	A/YL-KTS/583	One NTEH / Small House	22.3.2013 (on review)	(a), (b)
5.	A/YL-KTS/654	One NTEH / Small House	2.1.2015	(a), (c)
6.	A/YL-KTS/656	One NTEH / Small House	2.1.2015	(a), (c)
7.	A/YL-KTS/658	One NTEH / Small House	6.2.2015	(a), (c)
8.	A/YL-KTS/686*	One NTEH/Small House	8.1.2016	(a), (f)
9.	A/YL-KTS/691	One NTEH/Small House	19.2.2016	(a), (c), (f)
10.	A/YL-KTS/692	One NTEH/Small House	4.3.2016	(a), (c), (d), (f)
11.	A/YL-KTS/703	One NTEH/Small House	27.5.2016	(a), (c), (d), (f), (g)
12.	A/YL-KTS/716	One NTEH/Small House	14.10.2016	(a), (c), (f)
13.	A/YL-KTS/727	One NTEH/Small House	3.2.2017	(a), (c), (d)
14.	A/YL-KTS/744	One NTEH/Small House	28.7.2017	(a), (c), (d)

\* straddled both "AGR" and "V" zones

**Rejection Reasons**

- (a) The proposed development is not in line with the planning intention of the "AGR" zone which is to retain and safeguard good agricultural land for agricultural purpose and to retain fallow arable land with good potential for rehabilitation and/or for cultivation and/or other agricultural purpose. No strong justification has been given in the submission for a departure from such planning intention.
- (b) The proposed development does not comply with the interim criteria in that there is no shortage of land within the "V" zone of the concerned village to meet the demand forecast for Small House development. There is insufficient information in the submission to demonstrate why suitable sites within the areas zoned "V" cannot be made available for the proposed development.
- (c) The proposed development does not comply with the interim criteria in that the proposed Small House falls outside the "V" zone and outside/largely outside the 'VE' of the concerned village.
- (d) Approval of the application would set an undesirable precedent for similar application within the subject zone. The cumulative effect of approving such application would lead to degradation of the rural character and environmental of the area.
- (e) The proposed development was incompatible with surrounding area and would be subject to adverse environmental and/or drainage impact.
- (f) Land is still available within the concerned "V" zone 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 orderly development pattern, efficient use of land and provision of infrastructure and services.
- (g) The applicant has failed to demonstrate that the proposed development is environmentally acceptable and would not have adverse impact on the existing trees.

**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 Sites comprise Old Schedule Agricultural Lots held under the Block Government Lease.
  - (b) The Sites do not fall within any Village Environs Boundary (VEB) of recognized village. Up till this moment, there is no approved VEB for Yuen Kong Tsuen.
  - (c) According to his records, his office did not receive any Small House (SH) application on the subject 3 lots from the applicants of the s.16 applications. The indigenous villagers' statuses and eligibility of the applicants have 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 SH Policy, including verification of the SH applicants' statuses. There is no guarantee that such applications would be approved.
  - (d) According to his records, the Sites are not covered by any Modification of Tenancy/Building License.
  - (e) The number of outstanding SH applications and approved SH application of Yuen Kong Tsuen are 44 and 264 respectively.
  - (f) The 10-year forecast of SH demand for Yuen Kong Tsuen (2017-2026) is 330. The 10-year forecast is provided by the Indigenous Inhabitant Representative of Yuen Kong Tsuen and DLO/YL is unable to verify such information.
  - (g) If a proposed SH site is outside or more than 50% of it is outside the VEB of a recognized village and the "V" zone which encircles the recognized village, the concerned SH application will be rejected under the New Territories (NT) SH Policy even though the applicant is an indigenous villager who has successfully sought planning permission.
  - (h) Should planning approval be given to the applications and if the registered lot owners submit applications to DLO/YL, DLO/YL will consider the SH application acting in the capacity as the landlord at its sole discretion in accordance with the NT SH Policy. There is no guarantee that such application would be approved. Should the registered lot owners, after obtaining planning approval, submit lease modification/land exchange application, DLO/YL will consider their applications acting in the capacity as the landlord and there is also 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 the LandsD.

### **Agriculture**

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

Agricultural activities in the vicinity are active. Road access and water source are available. As the Sites possess a potential for agricultural rehabilitation, the applications are not supported from agricultural point of view.

### **Environment**

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

- (a) In view of the small population and nature of the proposed developments, 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 (AP).
- (b) Noting that adjacent existing open storage uses may cause potential environmental nuisance to the proposed NTEHs. The applicants are reminded to duly address the potential environmental nuisance through the provision of suitable mitigation measures and ensure compliance with the relevant planning standards and statutory requirements.

### **Landscape**

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

- (a) She has no objection to the application from the landscape planning perspective.
- (b) The Sites are the subject of one previous application No. A/YL-KTS/666 for proposed 8 houses (NTEH- Small Houses), to which she had no objection from landscape planning perspective, was rejected by the Committee on 5.6.2015.
- (c) Compared the aerial photo of 2015 to the latest photo of 2018, there is no significant change in the rural landscape character where the Sites are located. The surrounding area comprises of small houses, temporary structures, open storage, car parks and some scattered tree groups. The proposed use is considered not incompatible with the landscape setting in proximity.
- (d) According to the site visit conducted on 4.10.2018, the followings were observed:
  - (i) For the Site of application No. A/YL-KTS/802, it was fenced off. Six



trees were placed at southeast side of the Site, and not yet planted. Based on the layout plan enclosed in the application, the proposed footprint of Small House is away from these six trees located. No significant landscape impact within the Site is anticipated.

- (ii) For the Site of application No. A/YL-KTS/803, it was a vacant site without any vegetation. No adverse landscape impact within the Site is anticipated.
- (iii) It was also observed that the proposed vehicular access from Kam Sheung Road to the Sites is already present and in use. No significant landscape impact is expected.
- (e) Should the planning application be approved, approval condition on submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board should be included.
- (f) Six trees were found at southeastern side of the Site (Application No. A/YL-KTS/802). The rootballs of these trees were just placed on existing ground level and tree trunks were roped together loosely. Some of them started to wilt. For the sake of safety, the applicant is required to take immediate action to plant those trees in tree pits or planters supported with tree stakes or guying, so as to eliminate potential hazard of tree failure. Please make reference to the following, which was promulgated by GLTM Section under DEVB, for proper planting practices:
  - ◆ 正確種植方法  
[https://www.greening.gov.hk/filemanager/content/images/tree\\_care/Do\\_Not\\_Plant\\_Too\\_Deep\\_c.jpg](https://www.greening.gov.hk/filemanager/content/images/tree_care/Do_Not_Plant_Too_Deep_c.jpg)
  - ◆ 以支撐和拉纜固定樹木  
[https://www.greening.gov.hk/filemanager/content/images/tree\\_care/Staking\\_and\\_Guy\\_ing\\_of\\_Trees\\_c.jpg](https://www.greening.gov.hk/filemanager/content/images/tree_care/Staking_and_Guy_ing_of_Trees_c.jpg)
  - ◆ 在樹木與毗鄰建築物／構築物之間預留足夠的生長空間  
[https://www.greening.gov.hk/filemanager/content/images/tree\\_care/Provide\\_Sufficient\\_Growing\\_Space\\_Between\\_Trees\\_and\\_Adjacent\\_Buildings\\_Structures\\_c.jpg](https://www.greening.gov.hk/filemanager/content/images/tree_care/Provide_Sufficient_Growing_Space_Between_Trees_and_Adjacent_Buildings_Structures_c.jpg);

### **Drainage**

5. 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

submission and implementation of a drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Town Planning Board should be included.

- (c) The applicants are reminded to maintain all drainage facilities on site in good condition and ensure that the proposed developments would neither obstruct, overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.

### **Traffic**

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

Considering there is no parking provision and there is just emergency vehicular access to the lot and the induced traffic is minimal, he has no comment on the applications.

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

- (a) His department does not and will not maintain any access connecting the Sites and Kam Sheung Road. The applicants should be responsible for his own access arrangement.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Sites to the nearby public roads and drains.

### **Fire Safety**

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

- (a) He has no specific comment on the applications.
- (b) The applicants are reminded to follow the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” published by LandsD.

### **Building Matters**

#### 9. 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 applications.
- (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 developments, 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.

### **Electricity**

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

##### Electricity Safety

- (a) He has no particular comment on the applications 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 applications 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. They 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.

##### Gas Safety

- (c) There is a LPG cum petrol filling stations located at Kam Sheung Road.
- (d) For any development that introduces a substantial increase of nearby population to the subject filling station, the original Quantitative Risk Assessment (QRA) study would no longer be valid. Provided that the proposed developments will not introduce substantial increase of population, i.e. not more than five residents at one NTEH as mentioned in the FI submitted by the applicants, he has no adverse comment on the exemption of carrying out a new QRA study for the applications.

### **District Officer's Comments**

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

He has no particular comment on the applications and his office has not received any comments from locals upon close of consultation.

### **Demand and Supply of Small House Sites**

- 12. According to the DLO/YL's latest records, the total number of outstanding Small House applications of Yuen Kong Tsuen is 44 (i.e. equivalent to 1.1 ha) while the 10-year Small House demand forecast for Yuen Kong Tsuen (2017-2026) is 330 (i.e. equivalent

to 8.25 ha). According to the latest estimate by PlanD, about 2.9 ha (equivalent to about 116 Small House sites) of land is available within the “V” zone of Yuen Kong Tsuen to meet the demand of Small Houses.

**Appendix VII of RNTPC**  
**Paper Nos. A/YL-KTS/802-803A**

**Advisory clauses**

- (a) resolve any land issues relating to the developments with the concerned land owner(s);
- (b) note DLO/YL, LandsD's comments that the Sites comprise Old Schedule Agricultural Lots held under the Block Government Lease. The Sites do not fall within any Village Environs Boundary (VEB) of recognized village and there is no approved VEB for Yuen Kong Tsuen. If a proposed Small House (SH) site is outside or more than 50% of it is outside the VEB of a recognized village and the "V" zone which encircles the recognized village, the concerned SH application will be rejected under the New Territories (NT) SH Policy even though the applicant is an indigenous villager who has successfully sought planning permission. If the registered lot owners submit applications to DLO/YL, LandsD, DLO/YL will consider the SH application acting in the capacity as the landlord at its sole discretion in accordance with the NT SH Policy. There is no guarantee that such application would be approved. Should the registered lot owners, after obtaining planning approval, submit lease modification/land exchange application, DLO/YL will consider their applications acting in the capacity as the landlord and there is also 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 the LandsD.
- (c) note CHE/NTW, HyD's comments that his department does not and will not maintain any access connecting the Sites and Kam Sheung Road. The applicants should be responsible for their own access arrangement. Adequate drainage measures should be provided to prevent surface water running from the Sites to the nearby public roads and drains;
- (d) note D of FS's comments that the applicants should follow the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by LandsD;
- (e) note DEP's comments that in view of the small population and nature of the proposed developments, septic tank and soakaway system is considered an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follows 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 Authorised Person (AP). Noting that adjacent existing open storage uses may cause potential environmental nuisance to the proposed NTEHs, the applicants are reminded to duly address the potential environmental nuisance through the provision of suitable mitigation measures and ensure compliance with the relevant planning standards and statutory requirements;

- (f) note CTP/UD&L, PlanD's comments that six trees were found at southeastern side of the Site (Application No. A/YL-KTS/802). The rootballs of these trees were just placed on existing ground level and tree trunks were roped together loosely. Some of them started to wilt. For the sake of safety, the applicant is required to take immediate action to plant those trees in tree pits or planters supported with tree stakes or guying, so as to eliminate potential hazard of tree failure. Please make reference to the following, which was promulgated by GLTM Section under DEVB, for proper planting practices:
- ◆ 正確種植方法  
[https://www.greening.gov.hk/filemanager/content/images/tree\\_care/Do\\_Not\\_Plant\\_Too\\_Deep\\_c.jpg](https://www.greening.gov.hk/filemanager/content/images/tree_care/Do_Not_Plant_Too_Deep_c.jpg)
  - ◆ 以支撐和拉纜固定樹木  
[https://www.greening.gov.hk/filemanager/content/images/tree\\_care/Staking\\_and\\_Guying\\_of\\_Trees\\_c.jpg](https://www.greening.gov.hk/filemanager/content/images/tree_care/Staking_and_Guying_of_Trees_c.jpg)
  - ◆ 在樹木與毗鄰建築物／構築物之間預留足夠的生長空間  
[https://www.greening.gov.hk/filemanager/content/images/tree\\_care/Provide\\_Sufficient\\_Growing\\_Space\\_Between\\_Trees\\_and\\_Adjacent\\_Buildings\\_Structures\\_c.jpg](https://www.greening.gov.hk/filemanager/content/images/tree_care/Provide_Sufficient_Growing_Space_Between_Trees_and_Adjacent_Buildings_Structures_c.jpg);
- (g) 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 developments, such works will require prior approval and consent under the Buildings Ordinance. In the circumstance, an AP should be appointed as the coordinator for the proposed works. The applicants may approach DLO/YL or seek AP's advice for details;
- (h) 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 applications 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. They 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;
- (i) note CE/MN, DSD's comments that all drainage facilities on site should be maintained in good condition and ensure that the proposed developments would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and

- (j) note that the permission is only given to the developments under applications. If provision of an access road is required for the proposed developments, 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.

