

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.

**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)**

	<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 (Approved with conditions)	(a)

* Straddled both "R(D)" and "V" zones

Approval Condition(s)

- (a) 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) According to the Approved Pat Heung OZP No. S/YL-PH/11, the villages (i.e.: Wang Toi Shan and Lo Uk Tsuen) fall within the “V” zone on the OZP. However, Wang Toi Shan Tsuen, Wing Ning Lei, Ho Lik Pui and Yau Uk Tsuen are not on the list of recognized villages.
 - (c) The Site does not fall within any Village Environs Boundary (VEB) of a recognized village.
 - (d) According to his records, his office did not receive any Small House (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 and approved Small House applications are 46 and 49 for Wang Toi Shan, 13 and 5 for Lo Uk Tsuen, 4 and 3 for Leung Uk Tsuen, and 17 and 7 for Chuk Hang respectively.
 - (g) The 10-year forecast of Small House 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 480 for Chuk Hang (2018-2027). 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) If a proposed Small House 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 Small House application will be rejected under the NT SH Policy even though the applicant is an indigenous villager who has successfully sought planning permission.

- (i) Given that the Site neither falls within any VEB of a recognized village nor “V” zone which encircles recognized villages, even the planning approval is given by the Board, the concerned SH application would be rejected under the NT SH policy.

Nature Conservation

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

Noting that the Site is located in “R(D)” zone and is adjacent to Kam Tin Road, he has no comment on the application from nature conservation 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 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 does not and will not maintain the accesses connecting the Site and Kam Tin Road.
 - (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and 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 80 (i.e. equivalent to 2ha), while the 10-year Small House demand forecast for Wang Toi Shan, Lo Uk Tsuen, Leung Uk Tsuen and Chuk Hang is 1,660 (i.e. equivalent to 41.5ha). According to the latest estimate by PlanD, about 32.2ha (equivalent to about 1,287 Small House sites) of land is available within the "V" zone to meet the demand of Small Houses.

Advisory Clauses

- (a) resolve any land issue relating to the development with other concerned owner(s) of the Site;
- (b) 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 VEB of a 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 SH policy, including verification of the SH applicants' statuses. There is no guarantee that such applications would be approved. If a proposed Small House 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 Small House application will be rejected under the NT SH Policy even though the applicant is an indigenous villager who has successfully sought planning permission. Given that the Site neither falls within any VEB of a recognized village nor "V" zone which encircles recognized villages, even the planning approval is given by the Board, the concerned SH application would be rejected under the NT SH policy;
- (c) 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;
- (d) note CHE/NTW, HyD's comments that HyD does not and will not maintain the accesses connecting the Site and Kam Tin Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) 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;
- (f) 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 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

- (g) 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 mentioned 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. Applicants 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.