

**Relevant Revised Interim Criteria for Consideration of  
Application for 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) 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.

**Detailed Comments from Relevant Government Departments**

**1. Land Administration**

Comments of the District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD):

- (a) the Site falls within the ‘Village Environs’ of Lok Lo Ha Village;
- (b) the applicant is an indigenous villager of Lok Lo Ha Village (pre-1898 recognised village) as confirmed by the Statutory Declaration made by the Indigenous Inhabitant Representative of the Lok Lo Ha Village;
- (c) the Small House application on the Site was received by this office in December 2013;
- (d) the number of outstanding Small House applications is 21 and the estimated 10-year forecast of Small House demand is 110; and
- (e) the Site is not covered by any Modification of Tenancy or Building Licence.

**2. Landscape**

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

- (a) she objects to the application from landscape planning perspective;
- (b) according to the latest aerial photo of 2017, the Site is situated in an area of rural fringe landscape comprising of village houses on densely wooded slope and high-rise residential developments to the east of Tai Po Road (Sha Tin Section). The proposed Small House is at the northern fringe of Lok Lo Ha Village, thus it is not entirely incompatible with the surrounding area;
- (c) the Site is a vacant land within a wooded slope. The footprint of the Small House and the slope regrading works for site formation may have conflict with nearby existing tree canopies and tree protection zones, thus pruning or felling of trees outside site may be required. Yet there is no impact assessment on the affected trees in the application;
- (d) approval of the application will set an undesirable precedent to encourage similar applications to extend village-type development into the ‘‘GB’’ zone. The piecemeal developments will have cumulative adverse impact on the landscape resources which lead to gradual and irreversible degradation of the green belt/woodland in the area. Besides there is no similar approved Small House in the ‘‘GB’’ zone and land is still available in the ‘‘V’’ zones for the proposed use; and
- (e) the approval condition on submission and implementation of landscape proposal is considered impracticable as the footprint of the Small House occupied the entire site leaving no scope for landscape works

### 3. **Drainage and Sewerage**

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

- (a) he has no comment on the application; and
- (b) public sewerage system is available at Lok Lo Ha Village for connection to the subject location;
- (c) the relevant part-print of the drainage record plan is at **Drawing A-3**. The information shown on the record drawing is subject to verification on site and no guarantee can be given that this is a complete record. The applicant and/or his Authorized Person (AP) should verify the actual site conditions by sub-surface explorations or other appropriate means; and
- (d) in the event that the lot owner/AP requires to construct a new sewerage connection under the development, the proposal should be submitted to DSD for agreement. Form HBP1 should be submitted to DSD for technical audit of the completed works. Moreover, the applicant/AP should obtain the consent of relevant owners and/or maintenance parties when constructing/connecting to the drainage systems outside the lot, no matter the drainage system is on Government or private land.

Comments of the Director of Environmental Protection (DEP):

- (a) he has no objection to the application; and
- (b) there is existing sewerage at Lok Lo Ha Village and the Site is about 25m away from the public sewer manhole. The public sewer is available for connection by the applicant and the capacity is sufficient.

### 4. **Nature Conservation**

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

some trees are found at/in the vicinity of the Site. Development of the Small House would require extensive felling/trimming of trees. As such, the applicant should seek to explore alternatives with reduced impact to existing trees.

### 5. **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 LandsD.

**6. Electricity Supply Safety**

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

he has no comment on the application from electricity supply safety aspect. However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with the 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 (the 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.

**10. Geotechnical**

Comments of the Head of Geotechnical Engineering Officer, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) the Site is overlooked by steep natural hillside and meets the alert criteria for a natural terrain hazard study (NTHS). The GEO would normally tender in-principle objection to the proposed small house application unless the applicant is prepared to undertake a NTHS. The requirement of a NTHS could incur significant cost implication and render the development not economically viable. Therefore, the applicant may consider looking for an alternative site if practicable;
- (b) nonetheless, if the applicant considers that the development is economically viable and wishes to proceed with the development of the Site, the applicant is required to submit a Geotechnical Planning Review Report (GPRR) in support of the planning application. The GPRR should include a preliminary geotechnical review of the potential natural terrain hazards, indicate the recommended extent of the NTHS study area and a commitment to undertake a NTHS and provide any necessary mitigation measures as part of the development, and assess the geotechnical feasibility of the proposed development. Other essential contents of a GPRR are given in the GEO Advice Note at **Appendix IV**.

**11. Demand and Supply of Small House Sites**

According to the DLO/ST, LandsD’s record, the total number of outstanding Small House applications for Lok Lo Ha Village is 21 while the 10-year Small House demand forecast for the same village is 110. Based on the latest estimate by the Planning Department, about 1.43 ha (or equivalent to about 57 Small House sites) of land are available within the “V” zone of Kau To Village. Therefore, the land available cannot fully meet the future Small House demand of about 3.275 ha (or equivalent to about 131 Small House sites).

**Recommended Advisory Clauses**

- (a) to note the comments of the Director of Environmental Protection that there is existing sewerage at Lok Lo Ha Village and the application site is about 25m away from the public sewer manhole. The public sewer is available for connection by the applicant and the capacity is sufficient;
- (b) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that public sewerage system is available at Lok Lo Ha Village for connection to the subject location. The relevant part-print of the drainage record plan is attached at **Drawing A-3**. The information shown on the record drawing is subject to verification on site and no guarantee can be given that this is a complete record. The applicant and/or his Authorized Person (AP) should verify the actual site conditions by sub-surface explorations or other appropriate means. In the event that the lot owner/AP requires to construct a new sewerage connection under the development, the proposal should be submitted to DSD for agreement. Form HBP1 should be submitted to DSD for technical audit of the completed works. Moreover, the applicant/AP should obtain the consent of relevant owners and/or maintenance parties when constructing/connecting to the drainage systems outside the lot, no matter the drainage system is on Government or private land.
- (c) to note the comments of the Director of Fire Services 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;
- (d) to note the comments of the Director of Electrical and Mechanical Services that for public safety and ensuring the continuity of electricity supply, the parties concerned with the 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 application site. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation (the 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; and
- (e) 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.