

**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.

**Similar s.16 Applications in the vicinity of the Site and within the same “GB” zone  
on the Sha Tin Outline Zoning Plan**

**Application rejected by the TPB upon review**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/ST/659	Proposed House (New Territories Exempted House - Small House)	29.02.2008	R1, R2, R3
A/ST/660	Proposed House (New Territories Exempted House - Small House)	29.02.2008	R1, R2, R3
A/ST/661	Proposed House (New Territories Exempted House-Small House)	29.02.2008	R1, R2, R3
A/ST/662	Proposed House (New Territories Exempted House-Small House)	29.02.2008	R1, R2, R3
A/ST/663	Proposed House (New Territories Exempted House-Small House)	29.02.2008	R1, R2, R3

**Rejected Reasons**

- R1. The proposed Small House development did not comply with the interim criteria for consideration of application for the New Territories Exempted House/Small House in the New Territories as the application site was a densely wooded area comprising mostly of native species which were worthy of preservation, the proposed development would involve extensive clearance of existing natural vegetation and cause adverse landscape impacts on the surrounding areas. No mitigation measures had been proposed to address the adverse landscape impact.
- R2. The proposed Small House development was not in line with the planning intention of the "Green Belt ("GB") zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within "GB" zone. No strong justifications had been provided in the submission to merit a departure from the planning intention.
- R3. There was insufficient information in the submission to demonstrate that the proposed development would not cause any adverse geotechnical, traffic and landscape impact on the area.

**Detailed Comments from Relevant Government Departments**

**1. Land Administration**

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

- (a) he has no objection to the application;
- (b) the Site falls within the ‘Village Environs’ of Wo Liu Hang Village and Pat Tsz Wo Resite Area;
- (c) the application lot is an agricultural lot held under New Grant No. 6982 and is not covered by Modification of Tenancy/ Building Licence;
- (d) the indigenous villager status and eligibility for Small House grant has yet to be confirmed since no Statutory Declarations from both Indigenous Inhabitant Representative and the applicant confirming the applicant’s indigenous villager status are received so far;
- (e) the Small House application on the Site was received by this office in June 2016;
- (f) the number of outstanding Small House applications in Wo Liu Hang Village is 11 (including the subject application) and the estimated 10-year forecast of Small House demand is 120;
- (g) the number of outstanding Small House applications in Pat Tsz Wo Resite Area is 0 and the estimated 10-year forecast of Small House demand is 35; and
- (h) as advised by DSD, public sewerage system is available for connection in the vicinity of the Site, it is likely that EPD and/or DSD will require the applicant to discharge all wastewater (including sewage, sullage and laundry water) into public sewer instead of using septic tank and soakage pit system. If connection to public sewerage system is not feasible and EPD and/or DSD have no objection for the proposed Small House to use septic tank and soakage pit system, the septic tank and soakage pit system shall be constructed within the lot boundaries.

**2. Landscape**

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

- (a) she has reservation on the application from landscape planning perspective;
- (b) with reference to aerial photo of 22.3.2018, the Site is situated in an area of urban fringe landscape character, comprising of some village houses, medium to high rise industrial buildings and woodland. The proposed development is not entirely incompatible with the surrounding landscape character;

- (c) the Site is currently vacant and partly covered with wild grasses. However, it is noted that surrounding vegetation of the site has been almost cleared up as compared to the aerial photos of 2016 and 2017;
- (d) approval of this application will set an undesirable precedent to encourage similar application to extend the village into the adjacent “GB” zone. The cumulative effect of piecemeal developments will cause adverse impact on the landscape resource and character of the area and resulting in gradual degradation and irreversible change to the green belt; and
- (e) the approval condition on submission and implementation of landscape proposal is considered impracticable as the available space for quality landscape within the Site is inadequate.

### **3. Sewerage**

Comments of the Director of Environmental Protection (DEP):

- (a) In view of the small scale of the proposed development and the availability of public sewers to serve the proposed developments, the application alone is unlikely to cause major pollution and he has no objection to the application; and
- (b) there is existing sewerage at Wo Liu Hang Village and the Site is about 70m away from the public sewer manhole. The public sewer is available for connection by the applicant and the capacity is sufficient.

### **4. 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 the provision of water supply to the development, the applicant may need to extend his/her 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 WSD standards.

### **5. Nature Conservation**

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

- (a) there are active agricultural activities in the Site and agricultural infrastructure such as water supply and road access is available. As such, he has reservation on the application from agricultural point of view; and
- (b) incidentally, suspected unauthorised tree felling was observed at/in the vicinity of the Site early this year. Please bring this to the attention of the Town Planning Board for consideration of whether this application would constitute “destroy first, build later”.

**6. 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.

**7. 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.

**8. 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; and
- (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 V**.

**9. Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) Noting that the building to be erected on the Site will be New Territories Exempted House (NTEH) under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121), DLO/ST, LandsD should be in a better position to comment on the captioned application; and
- (b) in case DLO/ST, LandsD 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 Building Ordinance. In the circumstance, an Authorized Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/ST, LandsD or seek AP's advice for details.

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

According to the DLO/ST, LandsD's record, the total number of outstanding Small House applications for Wo Liu Hang Village is 11 while the 10-year Small House demand forecast for the same village is 120. For Pat Tsz Wo Resite Area, the total number of outstanding Small House applications is 0 while the 10-year Small House demand forecast is 35. Based on the latest estimate by the Planning Department, about 1.13ha (or equivalent to about 45 Small House sites) of land are available within the "V" zone of Wo Liu Hang Village and Pat Tsz Wo Resite Area. Therefore, the land available cannot fully meet the future Small House demand of about 4.15ha (or equivalent to about 166 Small House sites).

**GEO ADVICE NOTE FOR PLANNING APPLICATIONS  
UNDER TOWN PLANNING ORDINANCE (CAP. 131)**

**Requirements for a Geotechnical Planning Review Report  
in support of planning applications**

1. For developments that may affect, or be affected by, natural terrain or man-made slopes or retaining walls, applicants should submit a Geotechnical Planning Review Report with their planning application. In general, a Geotechnical Planning Review Report will be required if any of the following criteria apply :-

- (i) where the maximum gradient across a site from boundary to boundary, or for a large site across any 50m long strip, is greater than  $15^\circ$ ,
- (ii) where a slope steeper than  $30^\circ$ , or retaining wall, or combination of the two with a height greater than 6m exists on the site or within 6m of the site, or
- (iii) where there is ground outside the site but in the same catchment that is at an angular elevation of more than  $20^\circ$  from the site and there is ground sloping at more than  $15^\circ$  within 50m upslope of the site.

2. The essential contents of a Geotechnical Planning Review Report are :-

- (i) The appropriate portion of the published 1:5000-scale topographical map or maps marked up to show the site boundary, the location of the features referred to in paragraph 1 above, and details of the proposed development including any site formation and the layout of any structures,
- (ii) a review of how the retaining walls and/or slopes, including natural terrain, shown on the plan may affect, or be affected by, the proposed development and in relation to this, an assessment of the geotechnical feasibility of the proposed development including an outline of any further studies that may be required, and
- (iii) a list of data sources used in compiling the Report. Common data sources normally include the GEO's Slope Information System, the Natural Terrain Landslide Inventory maps, the published 1:20,000-scale geological maps and the relevant Geotechnical Area Studies Programme (GASP) Report, all of which are available in the Civil Engineering Library which is situated within the Civil Engineering and Development Building.

3. Applications will not normally be accepted if there is very steeply sloping ground next to the site. For guidance, this should be taken as ground outside the site which is at an angular elevation of greater than  $35^\circ$  from the site and which is also more than 50m higher than the site. Sites subject to major past instability will also not generally be accepted for development.

4. Further information can be obtained from the Geotechnical Engineering Office, Civil Engineering and Development Building, 101 Princess Margaret Road, Homantin, Kowloon, fax 2714 0247.



**Recommended Advisory Clauses**

- (a) to note the comments of District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD) that if connection to public sewerage system is not feasible and EPD and/or DSD have no objection for the proposed small house to use septic tank and soakage pit system, the septic tank and soakage pit system shall be constructed within the lot boundaries.
- (b) to note the comments of the Director of Environmental Protection that there is existing sewerage at Wo Liu Hang Village and the application site is about 70m away from the public sewer manhole. The public sewer is available for connection by the applicant and the capacity is sufficient;
- (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;
- (e) to note the comments of Chief Engineer/Construction, Water Supplies Department that for the provision of water supply to the development, the applicant may need to extend his/her 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 WSD standards; and
- (f) to note the comments of the Head of Geotechnical Engineering Officer, Civil Engineering and Development Department that the essential contents of a Geotechnical Planning Review Report are given in the GEO Advice Note at **Appendix V**.
- (g) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that in case DLO/ST, LandsD decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the New Territories Exempted House development, such works will require prior approval and consent under the Building Ordinance. In the circumstance, an Authorized Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/ST, LandsD or seek AP's advice for details.

- (h) 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.