

**Relevant 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) 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 - Small House) within/partly within the “Agriculture” zone in the vicinity of the application site
in the Fu Tei Au and Sha Ling Area**

Approved Applications

Application No.	Uses/ Development	Date of Consideration	Approval Conditions
A/NE-FTA/85	Proposed House (New Territories Exempted House - Small House)	4.7.2008	A1, A2, A3 & A4
A/NE-FTA/89	Proposed 3 Houses (New Territories Exempted House - Small House) with Ancillary Access Road	10.10.2008	A2, A3, A5 & A6
A/NE-FTA/90 ^{*1}	Proposed House (New Territories Exempted House - Small House)	23.1.2009	A1, A2, A3 & A6
A/NE-FTA/95	Proposed 2 Houses (New Territories Exempted House - Small House)	21.8.2009	A1, A2, A3 & A6
A/NE-FTA/105 ^{*2}	Proposed House (New Territories Exempted House (NTEH) - Small House)	22.7.2011	A2, A3, A5 & A6
A/NE-FTA/119 ^{*3}	Proposed House (New Territories Exempted House - Small House)	1.3.2013	A1, A2 & A3
A/NE-FTA/120 ^{*4}	Proposed House (New Territories Exempted House - Small House)	1.3.2013	A1, A2 & A3
A/NE-FTA/121 ^{*5}	Proposed House (New Territories Exempted House - Small House)	1.3.2013	A1, A2 & A3
A/NE-FTA/122 ^{*6}	Proposed House (New Territories Exempted House - Small House)	1.3.2013	A1, A2 & A3
A/NE-FTA/127	Proposed House (New Territories Exempted House - Small House)	17.1.2014	A1, A2 & A3
A/NE-FTA/128	Proposed House (New Territories Exempted House - Small House)	17.1.2014	A1, A2 & A3

A/NE-FTA/129	Proposed House (New Territories Exempted House - Small House)	17.1.2014	A1, A2 & A3
A/NE-FTA/130	Proposed House (New Territories Exempted House - Small House)	17.1.2014	A1, A2 & A3
A/NE-FTA/131	Proposed House (New Territories Exempted House - Small House)	7.2.2014	A2, A3 & A5
A/NE-FTA/132	Proposed House (New Territories Exempted House - Small House)	7.2.2014	A2, A3 & A5
A/NE-FTA/137	Proposed House (New Territories Exempted House - Small House)	4.4.2014	A1, A2 & A3
A/NE-FTA/138	Proposed House (New Territories Exempted House - Small House)	4.4.2014	A2, A3 & A5
A/NE-FTA/140	Proposed House (New Territories Exempted House - Small House)	25.4.2014	A1, A2, A3 & A7
A/NE-FTA/141	Proposed House (New Territories Exempted House - Small House)	25.4.2014	A1, A2, A3 & A7
A/NE-FTA/147	Proposed House (New Territories Exempted House - Small House)	26.9.2014	A1, A2, A3 & A7
A/NE-FTA/161 ^{*2}	Proposed House (New Territories Exempted House - Small House)	30.9.2016	A1, A2, A3 & A7
A/NE-FTA/164 ^{*1}	Proposed House (New Territories Exempted House - Small House)	11.11.2016	A1, A2, A3 & A7
A/NE-FTA/169 ^{*3}	Proposed House (New Territories Exempted House - Small House)	23.6.2017	A2, A3 & A7
A/NE-FTA/170 ^{*4}	Proposed House (New Territories Exempted House - Small House)	23.6.2017	A2, A3 & A7
A/NE-FTA/171 ^{*5}	Proposed House (New Territories Exempted House - Small House)	23.6.2017	A1, A2, A3 & A7
A/NE-FTA/172 ^{*6}	Proposed House (New Territories Exempted House - Small House)	23.6.2017	A1, A2, A3 & A7

Remarks

- *1: The application nos. A/NE-FTA/90 and A/NE-FTA/164 are the same site
- *2: The application nos. A/NE-FTA/105 and A/NE-FTA/161 are the same site
- *3: The application nos. A/NE-FTA/119 and A/NE-FTA/169 are the same site
- *4: The application nos. A/NE-FTA/120 and A/NE-FTA/170 are the same site
- *5: The application nos. A/NE-FTA/121 and A/NE-FTA/171 are the same site
- *6: The application nos. A/NE-FTA/122 and A/NE-FTA/172 are the same site

Approval Conditions:

- A1 The submission and implementation of landscape proposals
- A2 Commencement clause
- A3 The submission and implementation of drainage proposals
- A4 The design and/or provision of firefighting access, water supplies for fire fighting and fire service installations
- A5 The submission and implementation of tree preservation and landscape proposals
- A6 The provision of firefighting access, water supplies for fire fighting and fire service installations
- A7 The provision of septic tank

Rejected Applications

Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
A/NE-FTA/188	Proposed House (New Territories Exempted House - Small House)	18.1.2019	R1 & R2

Rejection Reasons:

- R1 The proposed development was not in line with the planning intention of the "Agriculture" zone in the Fu Tei Au and Sha Ling area which was 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 was no strong planning justification in the submission

for a departure from the planning intention.

- R2 Land was still available within the “Village Type Development” zone of Wa Shan Village where land is primarily intended for Small House development. It was 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 infrastructures and services.

Detailed 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 ‘VE’ of Wa Shan Village;
- (b) according to the submission, the applicant together with his sons and grandsons claimed themselves to be indigenous villagers of Sheung Shui Village. However, their eligibility for Small House grant cannot be ascertained since no Small House applications on the Site have been received.
- (c) the Site is not covered by any Modification of Tenancy/ Building Licence;
- (d) the number of outstanding Small House applications and the number of 10-year Small House demand forecast for Wa Shan Village is 62 and 295 respectively. The figures of the 10-year Small House demand forecast were provided by the relevant Indigenous Inhabitant Representatives without any supporting evidence and his office is not in a position to verify the forecasts; and
- (e) no Small House applications in respect to the Site have been received by his office.

2. Traffic

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 applications in the future. The resulting cumulative adverse traffic impact could be substantial;
- (b) notwithstanding the above, the application only involves construction of five Small Houses. He considers that the application can be tolerated unless it is rejected on other grounds; and
- (c) the local track/ footpath leading the Site is not managed by TD. The land status, management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution; and
- (b) the 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 ProPECC PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” and are duly certified by an Authorized Person.

4. Landscape

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

- (a) she has no objection to the application from the landscape planning perspective;
- (b) according to the aerial photo of 2017, the Site is situated in an area of rural landscape character surrounded by village houses, open storage sites and clustered tree groups. According to her recent site visit, the Site is mostly covered by vegetation and some existing trees of common species, i.e. fruit trees such as *Dimocarpus longan* (龍眼), *Mangifera indica* (芒果) etc., are observed within the site along the southern boundary;
- (c) according to the layout plan for the proposed development, despite some existing fruit trees will be affected, no landscape resource of high sensitivity i.e. rare/protected species, Old and Valuable Tree (OVT) etc. is found within the site. Hence, significant adverse impact on sensitive landscape resources arising from this application is not anticipated. Moreover, existing village houses and some permitted small house developments are found in close proximity to the application site. The proposed development under this application is considered not entirely incompatible with the surrounding environment;
- (d) since there is no major public frontage along the site boundary, should the TPB approve this application, it is considered not necessary to impose a landscape condition as the effect of additional landscaping on enhancing the quality of public realm is not apparent;
- (e) should the application be approved by the Board, the applicant should be advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval; and
- (f) useful information published by the GLTM Section, DEVB on general tree maintenance and tree risk management is available for reference in the following links:
 - 護養樹木的簡易圖解:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf
 - 樹木管理手冊:
https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html
 - 樹木風險評估及管理安排:
https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html
 - 護養樹木 保障安全:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf
 - 減低樹木風險的樹木護養簡易圖解 :
[http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

5. Drainage

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

- (a) he has no in-principle objection 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 a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent areas;
- (c) the Site is in an area where no public sewer connection is available; and
- (d) the general requirements in the drainage proposal should include:
 - (i) surface channel with grating covers should be provided along the site boundary;
 - (ii) a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections, etc.) of the proposed drain/surface channel, catchpits and discharge structure shall be provided;
 - (iii) the cover levels of proposed channels should be flush with the existing adjoining ground level;
 - (iv) a catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit with covers shall be provided;
 - (v) catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catch pit with sand trap should be provided;
 - (vi) the applicant should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the Site. The applicant should also ensure that the flow from the Site will not overload the existing drainage system;
 - (vii) the applicant is reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD, unless justified not necessary;
 - (viii) for those existing drainage facilities to which the applicant proposed to discharge the storm water from the Site not maintained by DSD, the applicant should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;
 - (ix) the applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works,

including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Site any time during or after the works;

- (x) the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained properly by the applicant and rectify the system if it is found to be inadequate or ineffective during operation at his/her own expense;
- (xi) for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N of LandsD and/or relevant private lot owners;
- (xii) the applicant should make good all the adjacent affected areas upon the completion of the drainage works;
- (xiii) the applicant shall allow all time free access for the Government and its agent to conduct site inspection on their completed drainage works;
- (xiv) the applicant and the successive lot owners shall allow connections from the adjacent lots to the completed drainage works on Government Land when so required; and
- (xv) photos should be submitted clearly showing the current conditions of the area around the Site, the existing drainage/flowpaths around the Site, the proposed drainage from the Site to the downstream existing watercourse and the existing watercourse at about 20m intervals. The locations of the camera and the direction of each photo should also be indicated on a plan.

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 LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.

7. 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 the inside services to 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 should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

8. Agriculture

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

- (a) the Site is currently a fallow land overgrown with weeds. Agricultural activities are active in the vicinity, and agricultural infrastructures such as footpath and water supply are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agriculture point of view; and
- (b) From nature conservation point of view, the Site has some fruit trees and is overgrown with common weeds. A mature *Cinnamomum camphora* was found outside the northeastern boundary of Lot 208 S.D. While he has no strong view on the application from nature conservation point of view, should the application be approved, the applicant should be reminded to avoid disturbing the mature *Cinnamomum camphora* nearby.

9. District Officer's Comments

Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The Indigenous Inhabitant Representative (IIR) of Wa Sha Tsuen supports the application. The Chairman of Sheung Shui District Rural Committee, the incumbent North District Council member of N15 Constituency cum IIR of Sheung Shui Heung, the remaining two IIRs and the Resident Representative (RR) of Sheung Shui Heung, and the RR of Wa San Tsuen have no comment on the application.

10. Demand and Supply of Small House Site

According to DLO/N's records, the total number of outstanding Small House applications for Wa Shan Village is 62 while the 10-year Small House demand forecast for the same village is 295. According to the latest estimate by PlanD, about 4.05 ha (equivalent to about 162 Small House sites) of land are available within the "V" zone of Wa Shan Village. There is insufficient land in the "V" zone of Wa Shan Village to meet the future demand of Small Houses (i.e. about 8.93 ha of land which is equivalent to 357 Small House sites).

Recommended Advisory Clauses

- (a) to note the comments of CE/C, WSD that for provision of water supply to the development, the applicant may need to extend the inside services to 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 should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (b) to note the comments of D of FS that the applicant should 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;
- (c) to note the comments of CE/MN, DSD on the following:
- (i) the Site is in an area where no public sewer connection is available; and
- (ii) the general requirements in the drainage proposal should include:
- surface channel with grating covers should be provided along the site boundary;
 - a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections, etc.) of the proposed drain/surface channel, catchpits and discharge structure shall be provided;
 - the cover levels of proposed channels should be flush with the existing adjoining ground level;
 - a catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit with covers shall be provided;
 - catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catch pit with sand trap should be provided;
 - the applicant should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the Site. The applicant should also ensure that the flow from the Site will not overload the existing drainage system;
 - the applicant is reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD, unless justified not necessary;

- for those existing drainage facilities to which the applicant proposed to discharge the storm water from the Site not maintained by DSD, the applicant should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;
 - the applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Site any time during or after the works;
 - the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained properly by the applicant and rectify the system if it is found to be inadequate or ineffective during operation at his/her own expense;
 - for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N of LandsD and/or relevant private lot owners;
 - the applicant should make good all the adjacent affected areas upon the completion of the drainage works;
 - the applicant shall allow all time free access for the Government and its agent to conduct site inspection on their completed drainage works;
 - the applicant and the successive lot owners shall allow connections from the adjacent lots to the completed drainage works on Government Land when so required; and
 - photos should be submitted clearly showing the current conditions of the area around the Site, the existing drainage/flowpaths around the Site, the proposed drainage from the Site to the downstream existing watercourse and the existing watercourse at about 20m intervals. The locations of the camera and the direction of each photo should also be indicated on a plan;
- (d) to note the advice of DEP 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 ProPECC PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” and are duly certified by an Authorized Person;
- (e) to note the comments of the C of T that the local track/ footpath leading the Site is not managed by TD. The land status, management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of DAFC that the applicant should be reminded to avoid disturbing the mature *Cinnamomum camphora* (樟樹) found outside the northeastern boundary of Lot 208 S.D.;

- (g) to note the comments of the CTP/UD&L, PlanD on the following:
- (i) approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval; and
 - (ii) useful information published by the GLTM Section, DEVB on general tree maintenance and tree risk management is available for reference in the following links:
 - 護養樹木的簡易圖解:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf
 - 樹木管理手冊:
https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html
 - 樹木風險評估及管理安排:
https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html
 - 護養樹木 保障安全:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Laaflet_Big_font_size_v1_2012_03_29.pdf
 - 減低樹木風險的樹木護養簡易圖解 :
[http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf); and
- (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.