

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
- (c) "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;
- (d) 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);
- (e) 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;
- (f) an application site involves more than one NTEH/Small House, application of the above criteria would be on individual NTEH/Small House basis;
- (g) the proposed development should not frustrate the planning intention of the particular zone in which the application site is located;
- (h) the proposed development should be compatible in terms of land use, scale, design and layout, with the surrounding area/development;
- (i) 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;
- (j) 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^);

- (k) 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
- (l) 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 Applications within the same “Green Belt” Zone
on the Kau Lung Hang Outline Zoning Plan**

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-KLH/330	Proposed New Territories Exempted House (NTEH) (Small House)	28/01/2005	A1 – A4
A/NE-KLH/463	Proposed House (New Territories Exempted House - Small House)	21/03/2014	A1 – A4

Approval Conditions

- A1. The submission and implementation of a landscape proposal
- A2. The provision of drainage facilities
- A3. The connection of the foul water drainage system to public sewers
- A4. The provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds

Detailed Comments from Relevant Government Departments

1. Land Administration

Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the applicant is an indigenous villager of Nam Wa Po, Tai Po, as confirmed by the respective Indigenous Inhabitant Representative (IIR). However, his eligibility of Small House grant has yet to be ascertained. His Small House application for the Site has been received by LandsD;
- (c) the Site is held under Block Government Lease demised for agricultural use;
- (d) the Site is not covered by any Modification of Tenancy or Building Licence;
- (e) if and after planning approval has been given by the Town Planning Board (the Board), LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access (EVA) thereto;
- (f) the Site falls within the village 'environs' ('VE') of Nam Wa Po; and
- (g) the number of outstanding Small House applications and the number of 10-year Small House demand for the village concerned are as follows:

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand</u> *
Nam Wa Po	18	185

(* The figure of 10-year Small House demand is provided by the IIR of the concerned village in ~~2014~~ and the information so obtained is not verified by LandsD)

2. Traffic

Comments of the Commissioner for Transport (C for T):

- (a) no in-principle objection to the application from traffic engineering point of view; and
- (b) the road/footpath next to the Site is not under Transport Department (TD)'s management. The land status, management and maintenance responsibilities of the road and footpath should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) the Site falls within “GB” and “V” zones, and is within the Water Gathering Ground (WGG). The applicant proposed to connect the proposed Small House to the newly constructed public sewer at about 20m to the east of the Site. The public sewerage system should be ready for connection within 2019. There is sufficient level drop between the Site and the public sewer, and the public sewerage system has sufficient capacity to accommodate discharge from the proposed Small House; and
- (b) he has no objection to the application on the conditions that:
 - (i) the proposed Small House will be connected to the public sewer;
 - (ii) no actual construction of the proposed Small House until the public sewerage system is available for connection;
 - (iii) adequate land space within the Site will be reserved for connection of the proposed Small House to the public sewer;
 - (iv) written consent(s) can be obtained from the relevant lot owner(s) and/or LandsD for laying and maintaining sewage pipes across the adjacent lots; and
 - (v) the cost of sewer connection will be borne by the applicant.

4. Landscape

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

- (a) no objection to the application from the landscape planning perspective;
- (b) the Site is situated in an area of rural landscape character comprising scattered tree groups and village houses. A paved driveway is in proximity to the east of the Site. The proposed development is not incompatible with the surrounding environment;
- (c) the Site is vacant and cover with groundcovers. Two young common fruit trees including *Dimocarpus longan* (荔枝) and *Psidium guajava* (番石榴) in fair condition and numbers of existing trees that are heavily pruned or topped are found within the Site. Although the proposed layout is in direct conflict with existing trees, given the affected trees are common species and can be easily found in local market, adverse landscape impact arising from the proposed development can be tolerated; and
- (d) should the application be approved by the Board, given that adverse visual impact due to the proposed development is not anticipated and there is inadequate space for quality landscape to benefit the public realm, landscape condition is not recommended.

5. Drainage and Sewerage

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

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) if the application is approved, an approval condition on submission and implementation of drainage proposal for the Site is recommended to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) there is no existing DSD maintained public drains available for connection in the area. The applicant should have his own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (d) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought; and
- (e) regarding the further information submitted by the applicant (**Appendices Ia to Ic**), sewerage connection from the proposed Small House to the existing public sewerage system is feasible from drainage point of view.

5.2 Comments of the Chief Engineer/Consultant Management, Drainage Services Department (CE/CM, DSD):

- (a) no objection to the application from project interfacing point of view; and
- (b) the construction of public village sewerage at Nam Wa Po has been completed.

6. Nature Conservation

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

- (a) no strong view on the application from nature conservation point of view; and
- (b) the proposed development may affect some plants of common species.

7. Fire Safety

Comments of the Director of Fire Services (D of FS):

- (a) no comment on the application; and
- (b) the applicant is advised to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD.

8. Water Supply

Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) no objection to the application;
- (b) the Site is located within upper indirect WGG and is more than 30m away from the nearest water course. The proposed Small House footprint falls entirely within the 'VE' of Nam Wa Po and DEP has advised that the Site is able to be connected to the public sewerage system in the area which should be ready for connection within 2019. Therefore, compliance with items B(a) and (i) of the Interim Criteria can be reasonably established;
- (c) it is noted that DEP has no objection to the application provided that the applicant shall connect the proposed Small House to public sewer for sewage disposal. He supports DEP's view by imposing the following conditions:
 - (i) the foul water drainage system of the proposed Small House can be connected to the public sewerage system in the area and the applicant shall connect the whole of the foul water drainage system to the public sewerage system;
 - (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the WGG; and
 - (iii) the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed Small House to the public sewerage system via relevant private lot; and
- (d) for the provision of water supply to the proposed development, the applicant may need to extend the 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's standards.

9. Demand and Supply of Small House Sites

According to DLO/TP, LandsD's records, the total number of outstanding Small House applications for Nam Wa Po is 18 while the 10-year Small House demand forecast is 185. Based on the latest estimate by Planning Department, about 2.32 ha (equivalent to

about 92 Small House sites) of land are available within the “V” zone of Nam Wa Po. Therefore, the land available cannot fully meet the demand of 203 Small Houses (equivalent to about 5.08 ha of land).

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that if the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access (EVA) thereto;
- (b) to note the comments of the Commissioner for Transport (C for T) that the road/footpath next to the Site is not under Transport Department (TD)'s management. The land status, management and maintenance responsibilities of the road and footpath should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (c) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) the proposed Small House should be connected to the public sewer;
 - (ii) no actual construction of the proposed Small House until the public sewerage system is available for connection;
 - (iii) adequate land space within the Site should be reserved for connection of the proposed Small House to the public sewer;
 - (iv) written consent(s) should be obtained from the relevant lot owner(s) and/or LandsD for laying and maintaining sewage pipes across the adjacent lots; and
 - (v) the cost of sewer connection should be borne by the applicant;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) there is no existing DSD maintained public drains available for connection in the area. The applicant should have his own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems; and
 - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;

- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant should observe 'New Territories Exempted Houses – a Guide to Fire Safety Requirements' published by LandsD;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) the applicant shall submit an an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed Small House to the public sewerage system via relevant private lot; and
 - (ii) for the provision of water supply to the proposed development, the applicant may need to extend the 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's standards; and
- (g) 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.