

**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.

**Previous Application covering the Application Site  
on the Lam Tsuen Outline Zoning Plan**

**Rejected Application**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-LT/648	Proposed House (New Territories Exempted House – Small House)	21.9.2018	R1, R2

**Rejection Reasons**

- R1. The proposed development was not in line with the planning intention of the “Agriculture” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention.
- R2. Land is still available within the “Village Type Development” (“V”) zone of Tai Om and Ping Long which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

**Similar Applications within the same “Agriculture” zone  
on the Lam Tsuen Outline Zoning Plan**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-LT/258	Proposed House (New Territories Exempted House - Small House)	20/07/2001	A1- A3, A6, A7
A/NE-LT/361	Proposed House (New Territories Exempted House - Small House)	18/08/2006	A1-A5
A/NE-LT/392	Proposed Two Houses (New Territories Exempted Houses - Small Houses)	23/01/2009	A1-A5
A/NE-LT/404	Proposed House (New Territories Exempted House - Small House)	28/05/2010	A1-A5
A/NE-LT/504	Proposed Four Houses (New Territories Exempted Houses - Small Houses)	13/06/2014	A1, A2, A4, A5

**Approval Conditions**

- A1. The submission and implementation of landscaping proposals.
- A2. The submission and implementation/provision of drainage facilities.
- A3. The provision of a fire fighting access, water supplies and fire services installations.
- A4. The connection of the foul water drainage system to public sewers.
- A5. The provision of protective measures to ensure no siltation occurred or no pollution to the water gathering ground.
- A6. The disposal of spoils during the site formation and construction period.
- A7. The provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses.

## Rejected Applications

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-LT/292	Proposed House (New Territories Exempted House - Small House)	14/11/2003 (Review)	R1, R2
A/NE-LT/343	Proposed House (New Territories Exempted House - Small House)	02/12/2005 (Review)	R3, R4

### Rejection Reasons

- R1. The application was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes and to retain fallow agricultural land with good potential for rehabilitation.
- R2. The proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development in the New Territories in that it was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed septic tank system and the proposed sewage pipe to be connected to the planned Government sewerage system within the existing “Village Type Development” (“V”) zone were technically feasible and the proposed development, located within the water gathering grounds, would not cause adverse impact on water quality in the area.
- R3. The application did not fully meet the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories since over 50% of the footprint of the proposed Small House was located outside the “V” zone and majority of the application site fell outside the village ‘environs’ (‘VE’) of a recognized village. Favourable consideration could not be given.
- R4. The application was not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention

**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 (IV) of Tai Om Village of Tai Po, as confirmed by the respective Indigenous Inhabitant Representative (IIR). However, his eligibility of Small House grant has yet to be ascertained;
- (c) the Site is not covered by any Modification of Tenancy or Building Licence;
- (d) the Site is held under Block Government Lease demised for agricultural use. The Small House application submitted by the applicant for the Site is still under processing;
- (e) the Site falls entirely within the village ‘environs’ (‘VE’) of Tai Om;
- (f) the number of outstanding Small House applications and the number of 10-year Small House demand for the villages concerned are as follows:

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand*</u>
Tai Om	13	122
Ping Long	23	158

(\*The figure of 10-year Small House demand was provided by the IIR of Tai Om and Ping Long respectively in 2017 and the information so obtained is not verified by DLO/TP, LandsD.); and

- (g) if and after planning approval has been granted by 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 thereto. Moreover, the applicant is required to clear the site including demolition of the existing structures to the satisfaction of his office.

**2. Traffic**

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

- no in-principle objection to the application from traffic engineering point of view.

### 3. **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) the Site falls partly within the “Village Type Development” (“V”) zone and partly within the “Agriculture” (“AGR”) zone, and is within the water gathering grounds (WGG). There is existing public sewer at Tai Om for connection.
- (b) he has no objection to the application on the conditions that:
  - (i) the proposed Small House will be connected to the public sewer for sewage disposal;
  - (ii) adequate land space within the Site will be reserved for connection of the proposed Small House to the public sewer;
  - (iii) written consent(s) can be obtained from the adjacent lot owner(s) for laying and maintaining sewage pipes; and
  - (iv) the cost of sewer connection will be borne by the applicant;
- (c) the Site is next to a river and a watercourse, the applicant should follow *ProPECC PN 1/94 Construction Site Drainage* to properly handle and dispose of site discharge during construction phase; and
- (d) the applicant should take into account the site conditions in designing the actual alignment of sewers. The applicant should submit plans showing the actual connection works to DSD in association with its future technical audit under the prevailing mechanism. The applicant could check DSD and the Development Bureau’s Practitioners Guidelines on “Arrangement for Private Developers to employ their own Contractors to carry out Drainage Connections” regarding the procedures to be followed and the maintenance responsibility of the connection works.

### 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 point of view;
- (b) the Site is connected to Tai Om Road via a paved footpath to the north. A narrow natural stream of low amenity value and a ditch are found near the western and eastern site boundary respectively. Village houses are concentrated within the “V” zone to the north of the Site;
- (c) the Site is situated in an area of rural landscape character comprising woodland, abandoned farmlands, temporary structures and Small Houses. The proposed development is not incompatible with the surrounding environment; and

- (d) the Site is hard paved with a temporary structure. No existing tree is found within the Site. Adverse impact to significant landscape resources is not anticipated.

## 5. **Drainage and Sewerage**

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, a 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 drain available for connection in the area. The applicant should have its 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 the 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 and demands arising out of damage or nuisance caused by failure of the systems;
- (d) there is existing public sewers in the vicinity of the Site. The nearby ground level of the Site is 69.0mPD and the invert level of the sewer manhole (FMH1043048) proposed for connection is 66.87mPD. Based on the available information, sewer connection is considered technically feasible from drainage viewpoint; and
- (e) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought.

## 6. **Agriculture**

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

- (a) no strong view on the application as the Site is occupied by an existing structure and possesses low potential for agricultural rehabilitation; and
- (b) nevertheless, if the application is approved, the applicant should be advised to exercise due care to avoid adverse impacts to the stream at the west of the Site.



**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 the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred 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 less than 30m away from the nearest water course;
- (c) he notes 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;
  - (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 sewerage system via the relevant private lots;
  - (iv) since the proposed Small House is less than 30m away from the nearest watercourse, it should be located as far away from the watercourse as possible; and
  - (v) the whole of foul effluent shall be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes; and
- (d) for 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 the DLO/TP, LandsD's record, the total number of outstanding Small House applications for Ping Long and Tai Om is 36 while the 10-year Small House demand forecast for the same villages is 280. Based on the latest estimate by the Planning Department, about 5.11 ha of land (equivalent to about 204 Small House sites) are available within the "V" zone of Ping Long and Tai Om. Therefore, the land available is insufficient to fully meet the future demand of 316 Small Houses (equivalent to about 7.9 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 also no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto. Moreover, the applicant is required to clear the site including demolition of the existing structures to the satisfaction of his office;
  
- (b) to note the comments of the Director of Environmental Protection (DEP) that:
  - (i) the proposed Small House should be connected to the public sewer for sewage disposal;
  - (ii) adequate land space within the Site should be reserved for connection of the proposed Small House to the public sewer;
  - (iii) written consent should be obtained from the adjacent lot owner for laying and maintaining sewage pipes;
  - (iv) the cost of sewer connection should be borne by the applicant;
  - (v) as the Site is located next to a river and a watercourse, the applicant should follow *ProPECC PN 1/94 Construction Site Drainage* to properly handle and dispose of site discharge during construction phase; and
  - (vi) the applicant should take into account the site conditions in designing the actual alignment of sewers. The applicant should submit plans showing the actual connection works to Drainage Services Department (DSD) in association with its future technical audit under the prevailing mechanism. The applicant should check DSD and the Development Bureau's Practitioners Guidelines on "Arrangement for Private Developers to employ their own Contractors to carry out Drainage Connections" regarding the procedures to be followed and the maintenance responsibility of the connection works;
  
- (c) to note the comments of the Chief Engineer/Mainland North (CE/MN), DSD that:
  - (i) there is no existing DSD maintained public drain available for connection in the area. The applicant should have its 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 to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect the 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 and demands arising out of damage or nuisance caused by failure of the systems;

- (ii) there is existing public sewers in the vicinity of the Site. The nearby ground level of the Site is 69.0mPD and the invert level of the sewer manhole (FMH1043048) proposed for connection is 66.87mPD. Based on the available information, sewer connection is considered technically feasible from drainage viewpoint; and
  - (iii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should exercise due care to avoid adverse impacts to the stream at the west of the Site;
- (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 the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
  - (i) the applicant should 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 sewerage system via the relevant private lots;
  - (ii) since the proposed Small House is less than 30m away from the nearest watercourse, it should be located as far away from the watercourse as possible;
  - (iii) the whole of foul effluent should be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes; and
  - (iv) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant should 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; 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.