

**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**

Approved Application

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-LT/428	Proposed House (New Territories Exempted House - Small House)	2.9.2011	A1-A5

- A1. The submission and implementation of landscape and tree preservation proposals.
- A2. The submission and implementation of drainage proposal.
- A3. The provision of fire-fighting access, water supplies for fire-fighting and fire service installations.
- A4. The connection of the foul water drainage system to the public sewers.
- A5. The provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds.

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

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-LT/247	Proposed House (New Territories Exempted House - Small House)	2.2.2001	A1-A4
A/NE-LT/256	Proposed House (New Territories Exempted House - Small House)	1.6.2001	A1-A4
A/NE-LT/473	Proposed House (New Territories Exempted House - Small House)	7.6.2013	A4, A5-A7
A/NE-LT/595	Proposed House (New Territories Exempted House - Small House)	25.11.2016	A5-A8
A/NE-LT/598	Proposed House (New Territories Exempted House - Small House)	3.2.2017	A5-A7

Approval Conditions

- A1. The provision of drainage facilities.
- A2. The disposal of spoils during the site formation and construction period.
- A3. 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 watercourse.
- A4. The submission and implementation of landscaping proposals.
- A5. Submission and implementation of drainage proposal.
- A6. Connection of the foul water drainage system to the public sewers.
- A7. Provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds.
- A8. The submission and implementation of landscape and tree preservation proposal.

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-LT/415	Proposed House (New Territories Exempted House - Small House)	15.4.2011	R1-R3
A/NE-LT/427	Proposed House (New Territories Exempted House - Small House)	17.6.2011	R4-R5

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. It was 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 submission for a departure from the planning intention.
- R2. The proposed development did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' (Interim Criteria) in that the footprint of the proposed Small House entirely fell outside the "Village Type Development" ("V") zone and the village 'environs' ('VE') of any recognised villages; there was no general shortage of land in meeting the demand for Small House development in the "V" zone of San Tong Tsuen and the proposed Small House would not be able to be connected to the planned public sewers.
- R3. The proposed development fell within the water gathering grounds and was not able to be connected to the existing or planned sewerage system in the area. The applicant failed to demonstrate in the submission that the proposed development would not have the potential to cause water pollution to the surrounding area.
- R4. The proposed development did not comply with the Interim Criteria in that the footprint of the proposed Small House fell entirely outside the "V" zone and 'VE' of any recognized villages in Tai Po.
- R5. The proposed Small House fell within the water gathering grounds and the applicant failed to demonstrate in the submission that the proposed development could be connected to the existing or planned sewerage system in the area and would not have the potential to cause water pollution to the surrounding areas.

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 claimed himself as an indigenous villager (IV) of Ping Long. However, his eligibility of Small House grant has yet to be ascertained;
- (c) the applicant is the registered owner of the subject lot and the Small House application was submitted to LandsD in 2010 which is still under processing;
- (d) the Site is an Old Schedule Lot held under Block Government Lease (demised for agricultural use) and is not covered by any Modification of Tenancy or Building Licence;
- (e) the Site falls entirely within the village 'environs' ('VE') of Ping Long;
- (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>
Ping Long	23	158
Tai Om	13	122

(*The figures of 10-year Small House demand are estimated and provided by the Indigenous Inhabitant Representative (IIR) of Ping Long and Tai Om in 2017 respectively. The information so obtained is not verified by his office);

- (g) should the application be approved 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 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 right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto;
- (h) the proposed Small House would be connected to public sewerage system. Whether it is acceptable or not will be considered when the case is due for processing; and
- (i) there are structures erected on the lot concerned without prior approval from his office. The aforesaid structures are not acceptable under the concerned lease. The applicant is required to remove the unauthorized structures, otherwise appropriate lease enforcement actions will be taken.

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 within “AGR” and “V” zones and is within water gathering grounds (WGG). The applicant has proposed to connect the Small House to existing public sewer at Ping Long, which has available capacity; 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 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 relevant lot owner(s) and/or LandsD for laying and maintaining sewerage pipes; and
 - (iv) 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 landscape planning perspective;
- (b) the Site is situated in an area of rural landscape character comprising scattered tree groups, active and abandoned farmlands. Village houses are found within the same “V” and “AGR” zones. The proposed development is considered not compatible with the surrounding environment;
- (c) the vacant site is partly occupied with temporary structures and partly vacant. The Site is covered with groundcovers and three existing trees, i.e. *Eriobotrya japonica* (枇杷), *Ficus hispida* (對葉榕) and *Lichi sinensis* (荔枝) are found within the Site. Referring to the submitted layout plan, the proposed layout is not in direct conflict with the existing trees. Significant adverse impact on landscape resources due to the proposed development is not anticipated; and
- (d) since the footprint of proposed Small House covers most of the Site, there is inadequate space for meaningful landscape to benefit public realm. Should the Board approve the application, it is considered unnecessary to impose any condition for submission and implementation of landscape proposal.

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, 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 areas;
- (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 claims 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; 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):

- the Site is partially vegetated and partially occupied by existing structures. There are active agricultural activities in the vicinity and agricultural infrastructures such as footpath and water source is available. The Site possesses potential for agricultural rehabilitation. As such, the application is not supported from agricultural development point of view.

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. 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 more than 30m away from the nearest stream. The footprint of the proposed Small House falls entirely within the 'VE' of Ping Long Village. As advised by DEP, the proposed Small House is able to be connected to the public sewerage system. Thus, compliance of the application with Items B(a) and B(i) of the "Interim Criteria for Consideration of Applications for NTEH/Small House in New Territories" can be reasonably established;
- (c) he notes that DEP has no objection to the application provided that the applicant shall connect the Small House to the 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; and
 - (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the WGG; 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 Office/Tai Po, Lands Department (DLO/TP, LandsD) that:
- (i) if 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; and
 - (ii) there are structures erected on the lot concerned without prior approval from his office. The aforesaid structures are not acceptable under the concerned lease. The applicant is required to remove the unauthorized structures, otherwise appropriate lease enforcement actions will be taken;
- (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(s) can be obtained from the relevant lot owner(s) and/or LandsD for laying and maintaining sewerage pipes; and
 - (iv) the cost of sewer connection should be borne by the applicant;
- (c) to note the comments of the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) that:
- (i) there is existing public sewers in the vicinity of the Site;
 - (ii) 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 claims and demands arising out of damage or nuisance caused by failure of the systems; 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 Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for provision of water supply to the proposed development, the applicants 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;
- (e) to note the comments of the Director of Fire Services that the applicant should 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; and
- (f) 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.