

**Relevant Revised Interim Criteria for Consideration of Application for  
NTEH/Small House in the 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**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-LT/350	Proposed House (New Territories Exempted House - Small House)	23.12.2005	A1-A4

**Approval Conditions**

- A1. The submission and implementation of landscaping proposals
- A2. The submission and implementation/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 siltation occurred or no pollution to the water gathering grounds (WGG)

**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/400	Proposed House (New Territories Exempted House - Small House)	18.06.2010 (on review)	A1-A5
A/NE-LT/499	Proposed House (New Territories Exempted House - Small House)	21.02.2014	A2-A4, A6

**Approval Conditions**

- A1. The submission and implementation of landscaping proposals
- A2. The submission and implementation/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 siltation occurred or no pollution to the WGG
- A5. The provision of fire-fighting access, water supplies and fire service installations
- A6. The submission and implementation of landscape and tree preservation proposals

## **Rejected Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-LT/395	Proposed House (New Territories Exempted House - Small House)	17.04.2009	R1-R3
A/NE-LT/399	Proposed House (New Territories Exempted House - Small House)	04.09.2009	R1, R4, R5
*A/NE-LT/471	Proposed 3 Houses (New Territories Exempted Houses - Small Houses)	10.8.2016 (appeal dismissed)	R6, R7
A/NE-LT/543	Proposed House (New Territories Exempted House - Small House)	04.09.2015	R1, R8, R9
A/NE-LT/579	Proposed House (New Territories Exempted House - Small House)	10.02.2017 (on review)	R1, R4, R9
A/NE-LT/594	Proposed House (New Territories Exempted House)	03.03.2017	R1, R8

\*Application No. A/NE-LT/471 was dismissed by the Town Planning Appeal Board on 10.8.2016 for the same reasons under the s.17 application rejected by the Board on review on 23.1.2015.

## **Rejection Reasons**

- R1. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) 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. The proposed development did not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in New Territories (Interim Criteria) in that less than 50% of the footprint of the proposed house fell within the “Village Type Development” (“V”) zone and there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Ng Tung Chai.
- R3. Small House should be developed within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructures and services. There was also insufficient information in the submission to demonstrate why other suitable sites could not be made available within the “V” zone for the proposed Small House development.

- R4. The proposed development did not comply with the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Ng Tung Chai.
- R5. Small House should be developed within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructures and services.
- R6. The proposed development did not comply with the Interim Criteria in that the applicants failed to demonstrate that there was a general shortage of land within the “V” zone to fully meet the future Small House demand.
- R7. The applicants failed to demonstrate in the submission why there was no alternative land available within areas zoned “V” for the proposed development.
- R8. The proposed development did not comply with the Interim Criteria in that the proposed development located within the WGG would not be able to be connected to the existing or planned sewerage system in the area. The applicant failed to demonstrate that the proposed development located within WGG would not cause adverse impact on the water quality in the area.
- R9. Land was still available within the “V” zone of Ng Tung Chai which was primarily intended for Small House development. It was 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.

**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 Ng Tung Chai 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. A Small House application for the Site was submitted by the applicant to LandsD in 2000 which is still under processing;
- (e) the Site falls within the village 'environs' ('VE') of Ng Tung Chai;
- (f) 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>
Ng Tung Chai	10	58

(\*The figure of 10-year Small House Demand is estimated and provided by the IIR of Ng Tung Chai and the information so obtained is not verified in any way by 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.

**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 “Agriculture” (“AGR”) and “V” zones and is within water gathering grounds (WGG). There is existing public sewer at Ng Tung Chai for connection, which has available capacity; and
- (b) therefore, 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) and/or LandsD for laying and maintaining sewage 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 the landscape planning perspective;
- (b) the Site is situated in an area of rural landscape character comprising natural woodland, farmlands and village houses. Given similar village houses are found in close proximity to the Site, the proposed development is not incompatible with the surrounding environment;
- (c) the Site is covered with grasses and groundcovers. No existing tree is found within the Site. Significant adverse impact to landscape resources is not anticipated; and
- (d) the Site is not abutting prominent public frontage and significant adverse landscape and visual impact due to the proposed development is not anticipated. Should the application be approved by the Board, landscape condition is not recommended.

### **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 point of view;



- (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 drain available for connection in the area. The applicant should have its own stormwater collection and discharge system to cater for the runoff generation 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):

- (a) the Site is overgrown with grasses. Nevertheless, 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; and
- (b) notwithstanding that the Site has been previously approved for Small House development under Application No. A/NE-LT/350, he does not support the application from agricultural development point of view

## **7. Fire Safety**

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

- (a) no in-principle objection to the application; and
- (b) the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirement' 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 proposed Small House footprint falls within “V” and “AGR” zones;
- (c) it is noted that DEP has no objection to the application provided that the applicant shall connect the proposed Small House with public sewer for sewage disposal. He supports DEP’s view by imposing the following conditions:
  - (i) 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 DLO/TP, LandsD’s records, the total number of outstanding Small House applications for Ng Tung Chai is 10 while 10-year Small House demand forecast is 58. Based on the latest estimate by Planning Department, about 1.67 ha (equivalent to 66 Small House sites) of land are available within the “V” zone. Therefore, the land available cannot fully meet the future demand of 68 Small Houses (equivalent to about 1.7 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 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) should be obtained from the adjacent lot owner(s) and/or LandsD for laying and maintaining sewage 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, Drainage Services Department (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 generation 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;
  - (ii) there is existing public sewers in the vicinity of the Site; 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 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;
- (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; and
- (f) to note that the permission is only given to the development under the 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.