

**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.

**Previous S.16 Applications**

**Approved Applications**

| <b>Application No.</b>     | <b>Uses/ Development</b>                                      | <b>Date of Consideration</b> | <b>Approval Conditions</b> |
|----------------------------|---|------------------------------|----------------------------|
| A/NE-LYT/175 <sup>*1</sup> | Redevelopment of New Territories Exempted House (NTEH)        | 11.6.1999                    | A1 – A3                    |
| A/NE-LYT/529 <sup>*2</sup> | Proposed House (New Territories Exempted House - Small House) | 4.4.2014                     | A3 – A5                    |
| A/NE-LYT/530 <sup>*3</sup> | Proposed House (New Territories Exempted House - Small House) | 4.4.2014                     | A3, A4 & A6                |
| A/NE-LYT/531 <sup>*4</sup> | Proposed House (New Territories Exempted House - Small House) | 4.4.2014                     | A3 – A5                    |
| A/NE-LYT/532 <sup>*5</sup> | Proposed House (New Territories Exempted House - Small House) | 4.4.2014                     | A3, A4 & A6                |
| A/NE-LYT/533 <sup>*6</sup> | Proposed House (New Territories Exempted House - Small House) | 4.4.2014                     | A3, A4 & A6                |
| A/NE-LYT/534 <sup>*7</sup> | Proposed House (New Territories Exempted House - Small House) | 4.4.2014                     | A3, A4 & A6                |

**Remarks:**

- \*1 Previous case of application nos. A/NE-LYT/653 to 658 only
- \*2 Previous case of application no. A/NE-LYT/653 only
- \*3 Previous case of application no. A/NE- LYT/654 only
- \*4 Previous case of application no. A/NE- LYT/655 only
- \*5 Previous case of application no. A/NE- LYT/656 only
- \*6 Previous case of application no. A/NE- LYT/657 only
- \*7 Previous case of application no. A/NE- LYT/658 only

**Approval Conditions:**

- A1 The provision of drainage facilities
- A2 The submission and implementation of landscaping proposals

- A3 The commencement clause
- A4 The submission and implementation of a drainage proposal
- A5 The submission and implementation of tree preservation and landscape proposals
- A6 The submission and implementation of the landscape proposals

**Appendix IV of RNTPC**  
**Paper No. A/NE-LYT/653 to 658**

**Similar S.16 Applications for Proposed House (New Territories Exempted House - Small House)**  
**in the vicinity of the application site within/partly within the “Agriculture” zone**  
**in the Lung Yeuk Tau and Kwan Tei Area**

**Approved Applications**

| <b><u>Application No.</u></b> | <b><u>Uses/ Development</u></b>   | <b><u>Date of Consideration</u></b> | <b><u>Approval Conditions</u></b> |
|-------------------------------|---|-------------------------------------|-----------------------------------|
| A/NE-LYT/257* <sup>1</sup>    | Proposed 5 New Territories Exempted Houses (NTEHs) (Small Houses)           | 25.4.2003                           | A1, A2 & A8                       |
| A/NE-LYT/275* <sup>1</sup>    | Proposed New Territories Exempted House (NTEH) (Small House)                | 28.5.2004                           | A1, A2 & A8                       |
| A/NE-LYT/327* <sup>2</sup>    | Proposed House (New Territories Exempted House) (NTEH) (Small House)        | 28.4.2006                           | A2, A3, A4 & A8                   |
| A/NE-LYT/342                  | Proposed House (New Territories Exempted House (NTEH) – Small House)        | 3.11.2006                           | A2, A5 & A8                       |
| A/NE-LYT/343                  | Proposed House (New Territories Exempted House (NTEH) – Small House)        | 3.11.2006                           | A2, A5 & A8                       |
| A/NE-LYT/373                  | Proposed House (New Territories Exempted House - Small House)               | 9.5.2008                            | A5, A6, A7 & A8                   |
| A/NE-LYT/374                  | Proposed House (New Territories Exempted House - Small House)               | 23.5.2008                           | A5, A6, A7 & A8                   |
| A/NE-LYT/376                  | Proposed House (New Territories Exempted House (NTEH) – Small House)        | 6.6.2008                            | A5, A6, A7 & A8                   |
| A/NE-LYT/378                  | Proposed 2 Houses (New Territories Exempted Houses (NTEHs) - Small Houses)  | 20.6.2008                           | A2, A5, A6 & A8                   |
| A/NE-LYT/379                  | Proposed 5 Houses (New Territories Exempted Houses - Small Houses)          | 1.8.2008                            | A2, A5, A6 & A8                   |
| A/NE-LYT/391                  | Proposed 5 Houses (New Territories Exempted Houses - Small Houses)          | 17.4.2009                           | A2, A5, A6 & A8                   |
| A/NE-LYT/404* <sup>3</sup>    | Proposed 5 Houses (New Territories Exempted Houses - Small Houses)          | 23.10.2009                          | A2, A5, A6 & A8                   |
| A/NE-LYT/437                  | Proposed 11 Houses (New Territories Exempted Houses (NTEHs) - Small Houses) | 8.7.2011                            | A5, A7, A8 & A10                  |

|                                |  |            |                  |
|--------------------------------|--|------------|------------------|
| A/NE-LYT/451                   | Proposed House (New Territories Exempted House (NTEH) - Small House) | 6.1.2012   | A2, A5, A8 & A10 |
| A/NE-LYT/452                   | Proposed House (New Territories Exempted House (NTEH) - Small House) | 6.1.2012   | A2, A5, A8 & A10 |
| A/NE-LYT/463                   | Proposed House (New Territories Exempted House - Small House)        | 15.6.2012  | A2, A5, A8 & A10 |
| A/NE-LYT/464                   | Proposed House (New Territories Exempted House - Small House)        | 15.6.2012  | A2, A5, A8 & A10 |
| A/NE-LYT/472 <sup>*4, *5</sup> | Proposed 3 Houses (New Territories Exempted Houses - Small Houses)   | 15.6.2012  | A2, A5, A8 & A10 |
| A/NE-LYT/489 <sup>*6</sup>     | Proposed House (New Territories Exempted House - Small House)        | 7.9.2012   | A2, A5, A8 & A10 |
| A/NE-LYT/497                   | Proposed House (New Territories Exempted House - Small House)        | 8.2.2013   | A5, A7 & A8      |
| A/NE-LYT/518                   | Proposed House (New Territories Exempted House - Small House)        | 22.11.2013 | A2, A5 & A8      |
| A/NE-LYT/519                   | Proposed House (New Territories Exempted House - Small House)        | 22.11.2013 | A2, A5 & A8      |
| A/NE-LYT/520                   | Proposed House (New Territories Exempted House - Small House)        | 22.11.2013 | A2, A5 & A8      |
| A/NE-LYT/529 <sup>*7</sup>     | Proposed House (New Territories Exempted House - Small House)        | 4.4.2014   | A5, A7 & A8      |
| A/NE-LYT/530 <sup>*8</sup>     | Proposed House (New Territories Exempted House - Small House)        | 4.4.2014   | A2, A5 & A8      |
| A/NE-LYT/531 <sup>*9</sup>     | Proposed House (New Territories Exempted House - Small House)        | 4.4.2014   | A5, A7 & A8      |
| A/NE-LYT/532 <sup>*10</sup>    | Proposed House (New Territories Exempted House - Small House)        | 4.4.2014   | A2, A5 & A8      |
| A/NE-LYT/533 <sup>*11</sup>    | Proposed House (New Territories Exempted House - Small House)        | 4.4.2014   | A2, A5 & A8      |
| A/NE-LYT/534 <sup>*12</sup>    | Proposed House (New Territories Exempted House - Small House)        | 4.4.2014   | A2, A5 & A8      |

|                            |  |            |                 |
|----------------------------|--|------------|-----------------|
| A/NE-LYT/535               | Proposed House (New Territories Exempted House - Small House)      | 4.4.2014   | A2, A5 & A8     |
| A/NE-LYT/536               | Proposed House (New Territories Exempted House - Small House)      | 4.4.2014   | A5, A7 & A8     |
| A/NE-LYT/537               | Proposed House (New Territories Exempted House - Small House)      | 4.4.2014   | A5, A7 & A8     |
| A/NE-LYT/538               | Proposed House (New Territories Exempted House - Small House)      | 25.4.2014  | A2, A5, A8 & A9 |
| A/NE-LYT/539               | Proposed House (New Territories Exempted House - Small House)      | 25.4.2014  | A2, A5, A8 & A9 |
| A/NE-LYT/540               | Proposed House (New Territories Exempted House - Small House)      | 9.5.2014   | A2, A5, A8 & A9 |
| A/NE-LYT/547* <sup>3</sup> | Proposed 5 Houses (New Territories Exempted Houses - Small Houses) | 26.9.2014  | A2, A5, A8 & A9 |
| A/NE-LYT/550* <sup>2</sup> | Proposed House (New Territories Exempted House - Small House)      | 17.10.2014 | A2, A5, A8 & A9 |
| A/NE-LYT/558               | Proposed House (New Territories Exempted House - Small House)      | 16.1.2015  | A5, A7, A8 & A9 |
| A/NE-LYT/561* <sup>4</sup> | Proposed 4 Houses (New Territories Exempted Houses - Small Houses) | 8.5.2015   | A2, A5, A8 & A9 |
| A/NE-LYT/579               | Proposed House (New Territories Exempted House - Small House)      | 6.11.2015  | A2, A5 & A8     |
| A/NE-LYT/580               | Proposed House (New Territories Exempted House - Small House)      | 6.11.2015  | A2, A5, A8 & A9 |
| A/NE-LYT/581               | Proposed House (New Territories Exempted House - Small House)      | 6.11.2015  | A2, A5, A8 & A9 |
| A/NE-LYT/584               | Proposed House (New Territories Exempted House - Small House)      | 22.1.2016  | A5, A7, A8 & A9 |
| A/NE-LYT/585               | Proposed House (New Territories Exempted House - Small House)      | 22.1.2016  | A2, A5, A8 & A9 |
| A/NE-LYT/589               | Proposed House (New Territories Exempted House - Small House)      | 5.2.2016   | A2, A5, A8 & A9 |
| A/NE-LYT/597* <sup>5</sup> | Proposed House (New Territories Exempted House - Small House)      | 15.7.2016  | A2, A5, A8 & A9 |

|                |   |           |                 |
|----------------|---|-----------|-----------------|
| A/NE-LYT/635*6 | Proposed House (New Territories Exempted House - Small House) | 22.9.2017 | A2, A5, A8 & A9 |
| A/NE-LYT/648   | Proposed House (New Territories Exempted House - Small House) | 18.5.2018 | A2, A5, A8 & A9 |
| A/NE-LYT/649   | Proposed House (New Territories Exempted House - Small House) | 18.5.2018 | A2, A5, A8 & A9 |

Remarks

- \*1: The application nos. A/NE-LYT/257 and A/NE-LYT/275 involve the same site
- \*2: The application nos. A/NE-LYT/327 and A/NE-LYT/550 involve the same site
- \*3: The application nos. A/NE-LYT/404 and A/NE-LYT/547 involve the same site
- \*4: The application nos. A/NE-LYT/472 and A/NE-LYT/561 involve the same site
- \*5: The application nos. A/NE-LYT/472 and A/NE-LYT/597 involve the same site
- \*6: The application nos. A/NE-LYT/489 and A/NE-LYT/635 involve the same site
- \*7: The application no. A/NE-LYT/529 is one of the similar cases for application nos. A/NE-LYT/654 to 658
- \*8: The application no. A/NE-LYT/530 is one of the similar cases for application nos. A/NE-LYT/653, 655 to 658
- \*9: The application no. A/NE-LYT/531 is one of the similar cases for application nos. A/NE-LYT/653 to 654, 656 to 658
- \*10: The application no. A/NE-LYT/532 is one of the similar cases for application nos. A/NE-LYT/653 to 655, 657 and 658
- \*11: The application no. A/NE-LYT/533 is one of the similar cases for application nos. A/NE-LYT/653 to 656 and 658
- \*12: The application no. A/NE-LYT/534 is one of the similar cases for application nos. A/NE-LYT/653 to 657

**Approval Conditions:**

- A1 The provision of drainage facilities
- A2 The submission and implementation of landscaping proposals
- A3 The provision of street fire hydrant within 100m from the site
- A4 The design and provision of drainage facilities



- A5 The submission and implementation of drainage proposals
- A6 The design and provision of firefighting access, water supplies for fire fighting and fire service installations
- A7 The submission and implementation of tree preservation and landscaping proposals
- A8 The commencement clause
- A9 The provision of septic tank
- A10 The provision of fire-fighting access, water supplies for fire-fighting and fire service installations

**Rejected Application**

| <b>Application No.</b> | <b>Uses/ Development</b>                               | <b>Date of Consideration</b> | <b>Rejection Reasons</b> |
|------------------------|--|------------------------------|--------------------------|
| A/NE-LYT/267           | New Territories Exempted House (NTEH)<br>(Small House) | 19.9.2003                    | R1, R2<br>& R3           |

**Rejection Reasons:**

- R1        The proposed Small House development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development as the application site was outside both the village 'environs' and "Village Type Development" zone of surrounding villages
- R2        The use under application was not in line with the planning intention of the "Agriculture" zone which was to retain and safeguard good agricultural land for agricultural purposes, to retain fallow arable land with good potential for rehabilitation and to encourage the re-cultivation of good arable land
- R3        The approval of the application would set an undesirable precedent for other similar applications

**Detailed Comments from Relevant Government Departments**

**1. Land Administration**

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Sites fall entirely within the village ‘environs’ of Ma Mei Ha Leng Tsui and Leng Pei Tsuen;
- (b) the applicants claim themselves to be indigenous villagers of Fanling Village of Fanling Heung. They are prima facie eligible to apply for Small House grants;
- (c) the Sites are not covered by any Modification of Tenancy / Building License. The Small House grant applications for the Sites of applications No. A/NE-LYT/654, 656 to 658 have been approved in principle recently;
- (d) the number of outstanding Small House applications and the number of 10-year Small House demand forecast for Ma Mei Ha Leng Tsui (2014 to 2023) are 27 and 110 respectively, whereas the number of outstanding Small House applications and the number of 10-year Small House demand forecast for Leng Pei Tsuen (2017 to 2026) are 17 and 22 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;
- (e) the applications for Small House grant in respect of the Sites of applications No. A/NE-LYT/653 to 656 and 657 to 658 were received by his office on 15.12.2011 and 15.2.2013 respectively. Among these applications, the Small House grant for the Site of application No. A/NE-LYT/655 was rejected by his office on 8.12.2016; and
- (f) he has no specific comment on the sewerage plans for the Small House developments subject to no adverse comment from relevant departments and site constraints. Any excavation works on Government land for drainage works require prior consent from his office.

**2. Traffic**

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

- (a) she has reservation on the applications. Such type of developments should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed developments is not expected to be significant, such type of developments outside the “V” zone, if permitted, will set undesirable precedent cases for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and
- (b) notwithstanding the above, the applications involve construction of six Small Houses. She considers that the applications can be tolerated unless they are rejected on other grounds.

**3. Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) there is existing sewer in the vicinity of the Sites and public sewerage in the area should have sufficient capacity to cater for the sewage arising from the proposed Small Houses. It is noted from the applicants' proposals that the six proposed Small Houses will be connected to the existing public sewer; and
- (b) in view of the small scale of the proposed developments, the applications alone are unlikely to cause major pollutions.

**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 applications from the landscape planning perspective;
- (b) the Sites are located in an area of rural landscape character which predominantly comprises village houses, farmlands and tree groups. The proposed Small Houses are not incompatible with the surrounding environment. The Sites are covered with wild grasses. No significant vegetation or trees are found within the Sites. Significant landscape impact arising from the developments is not expected; and
- (c) should approval be given by the Board, an approval condition on the submission and implementation of landscape proposal is recommended.

**5. Drainage**

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

- (a) he has no objection to the applications from the public drainage viewpoint;
- (b) sewerage of the proposed Small Houses is required to connect to the public sewer nearby; and
- (c) should the applications be approved, a condition should be included to request the applicants to submit and implement a drainage proposal for the Sites to ensure that they will not cause adverse drainage and sewerage impacts to the adjacent area.

**6. Fire Safety**

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

- (a) he has no in-principle objection to the applications; and
- (b) the applicants are 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 applications; and
- (b) for provision of water supply to the developments, the applicants may need to extend the inside services to nearest suitable Government water mains for connection. The applicants 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.

8. **Agriculture**

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

active agricultural activities are found in the vicinity of the Sites and agricultural infrastructure such as road access and water source is available. The applications are not supported from the agriculture point of view as the Sites possess potential for agricultural rehabilitation.

9. **District Officer's Comments**

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

he has consulted the locals regarding the applications. The Chairman of Fanling District Rural Committee and the Indigenous Inhabitant Representative of Leng Tsui have no comment on the applications while the Resident Representative of Leng Tsui objects to the applications.

10. **Demand and Supply of Small House Site**

According to DLO/N's records, the total number of outstanding Small House applications for Ma Mei Ha Leng Tsui and Leng Pei Tsuen village cluster is 44 while the 10-year Small House demand forecast for the same village cluster is 132\*. According to the latest estimate by PlanD, about 1.01 ha (equivalent to about 40 Small House sites) of land are available within the "V" zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen village cluster. There is insufficient land in the "V" zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen village cluster to meet the demand of Small Houses (i.e. about 4.4 ha of land which is equivalent to 176 Small House sites).

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\* The number of outstanding Small House applications and the number of 10-year Small House demand forecast for Ma Mei Ha Leng Tsui (2014 to 2023) are 27 and 110 respectively, whereas that for Leng Pei Tsuen (2017 to 2026) are 17 and 22 respectively.

**Appendix VII of RNTPC Paper  
No. A/NE-LYT/653 to 658**

**Recommended Advisory Clauses**

- (a) to note the comments of DLO/N, LandsD that any excavation works on Government land for drainage works require prior consent from his office;
- (b) 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;
- (c) to note the comments of D of FS 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
- (d) 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.