

**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

Application No.	Uses/ Development	Date of Consideration	Approval Conditions
A/NE-LYT/540	Proposed House (New Territories Exempted House - Small House)	9.5.2014	A1 – A4

Approval Conditions:

- A1 The submission and implementation of drainage proposal
- A2 The provision of septic tank
- A3 The submission and implementation of landscape proposal
- A4 The commencement clause

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

Approved Applications

<u>Application No.</u>	<u>Uses/ Development</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/NE-LYT/257* ¹	Proposed 5 New Territories Exempted Houses (NTEHs) (Small Houses)	25.4.2003	A1, A2 & A8
A/NE-LYT/275* ¹	Proposed New Territories Exempted House (NTEH) (Small House)	28.5.2004	A1, A2 & A8
A/NE-LYT/327* ²	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* ³	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 ^{*4, *5}	Proposed 3 Houses (New Territories Exempted Houses - Small Houses)	15.6.2012	A2, A5, A8 & A10
A/NE-LYT/489 ^{*6}	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 ^{*7}	Proposed House (New Territories Exempted House - Small House)	4.4.2014	A5, A7 & A8
A/NE-LYT/530 ^{*8}	Proposed House (New Territories Exempted House - Small House)	4.4.2014	A2, A5 & A8
A/NE-LYT/531 ^{*9}	Proposed House (New Territories Exempted House - Small House)	4.4.2014	A5, A7 & A8
A/NE-LYT/532 ^{*10}	Proposed House (New Territories Exempted House - Small House)	4.4.2014	A2, A5 & A8
A/NE-LYT/533 ^{*11}	Proposed House (New Territories Exempted House - Small House)	4.4.2014	A2, A5 & A8
A/NE-LYT/534 ^{*12}	Proposed House (New Territories Exempted House - Small House)	4.4.2014	A2, A5 & A8

A/NE-LYT/535 ^{*13}	Proposed House (New Territories Exempted House - Small House)	4.4.2014	A2, A5 & A8
A/NE-LYT/536 ^{*14}	Proposed House (New Territories Exempted House - Small House)	4.4.2014	A5, A7 & A8
A/NE-LYT/537 ^{*15}	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 ^{*16}	Proposed House (New Territories Exempted House - Small House)	25.4.2014	A2, A5, A8 & A9
A/NE-LYT/547 ^{*3}	Proposed 5 Houses (New Territories Exempted Houses - Small Houses)	26.9.2014	A2, A5, A8 & A9
A/NE-LYT/550 ^{*2}	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 ^{*4}	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 ^{*5}	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
A/NE-LYT/653 ^{*7}	Proposed House (New Territories Exempted House - Small House)	15.6.2018	A2, A5 & A8
A/NE-LYT/654 ^{*8}	Proposed House (New Territories Exempted House - Small House)	15.6.2018	A2, A5 & A8
A/NE-LYT/655 ^{*9}	Proposed House (New Territories Exempted House - Small House)	15.6.2018	A2, A5 & A8
A/NE-LYT/656 ^{*10}	Proposed House (New Territories Exempted House - Small House)	15.6.2018	A2, A5 & A8
A/NE-LYT/657 ^{*11}	Proposed House (New Territories Exempted House - Small House)	15.6.2018	A2, A5 & A8
A/NE-LYT/658 ^{*12}	Proposed House (New Territories Exempted House - Small House)	15.6.2018	A2, A5 & A8
A/NE-LYT/659 ^{*13}	Proposed House (New Territories Exempted House - Small House)	15.6.2018	A2, A5, A8 & A9
A/NE-LYT/660 ^{*14}	Proposed House (New Territories Exempted House - Small House)	15.6.2018	A2, A5, A8 & A9
A/NE-LYT/661 ^{*15}	Proposed House (New Territories Exempted House - Small House)	15.6.2018	A2, A5, A8 & A9
A/NE-LYT/663 ^{*16}	Proposed House (New Territories Exempted House - Small House)	15.6.2018	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 nos. A/NE-LYT/529 and A/NE-LYT/653 involve the same site
- *8: The application nos. A/NE-LYT/530 and A/NE-LYT/654 involve the same site
- *9: The application nos. A/NE-LYT/531 and A/NE-LYT/655 involve the same site
- *10: The application nos. A/NE-LYT/532 and A/NE-LYT/656 involve the same site
- *11: The application nos. A/NE-LYT/533 and A/NE-LYT/657 involve the same site
- *12: The application nos. A/NE-LYT/534 and A/NE-LYT/658 involve the same site
- *13: The application nos. A/NE-LYT/535 and A/NE-LYT/659 involve the same site
- *14: The application nos. A/NE-LYT/536 and A/NE-LYT/660 involve the same site
- *15: The application nos. A/NE-LYT/537 and A/NE-LYT/661 involve the same site
- *16: The application nos. A/NE-LYT/539 and A/NE-LYT/663 involve the same site

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

Detailed Comments from Relevant Government Departments

1. Land Administration

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

- (a) the Site falls within the 'VE' of Ma Mei Ha Leng Tsui and Leng Pei Tsuen;
- (b) the applicant claimed himself to be an indigenous villager of Fanling Village of Fanling Heung. His eligibility for Small House grant has yet to be ascertained;
- (c) the Sites are not covered by any Modification of Tenancy/Building Licence;
- (d) the numbers of outstanding Small House applications and the numbers of 10-year Small House demand for the villages concerned are as follows:

<u>Villages</u>	<u>No. of the outstanding Small House applications</u>	<u>No. of 10-year Small House demand*</u>
Ma Mei Ha Leng Tsui	27	110
Leng Pei Tsuen	16	22

*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) if the footpath within the Site (**Plan A-2a**) is affected by the proposed development, his office may consider as if necessary and appropriate to include a clause to ensure that free passage on the portion of the footpath is to be provided at all times within the Site, should the Small House grant application be approved; and
- (f) the Small House application was made to his office on 15.2.2013.

2. Traffic

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

- (a) she has reservation on the application. Such type of development should be confined within the "V" zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development 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 application only involve construction of one Small House. She considers that the application can be tolerated unless it is rejected on other grounds.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution; and

- (b) the septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” and are duly certified by an Authorized Person.

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 application from the landscape planning perspective;
- (b) Compared the latest aerial photo of 2018 to photo of 2013 (under previous planning application No. A/NE-LYT/540), there is no significant change in the rural landscape character in the area comprising of village houses, farmlands (both active and abandoned) and woodland. The Site is surrounded by Small Houses with approval granted in the last three years;
- (c) according to her site record dated 27.8.2018, the Site is an abandoned farmland covered with wild grasses. No trees are found on the Site. There is a narrow and shallow ditch of low landscape value running along the northeastern boundary of the Site. A footpath is connecting the Site to the village road. No significant adverse landscape impact arising from the proposed development is anticipated.; and
- (d) should the application be approved, an approval condition on 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 application from public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicants to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area; and
- (c) the Site is in an area where no public sewerage connection is available.

6. Fire Safety

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

- (a) he has no in-principle objection to the application; and
- (b) the applicant is 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 application; and
- (b) 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 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):

- (a) she does not support the application from the agriculture point of view; and
- (b) the Site is a fallow land overgrown with weeds. Agricultural infrastructures such as road access and water source are available. The application is not supported from the agriculture point of view as the Site possesses 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 application. The Chairman of Fanling District Rural Committee had no comment on the application. The Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of Leng Tsui objected to the proposal mainly on the grounds that the proposed development may cause flooding problem.

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 43 while the 10-year Small House demand forecast for the same village is 132. According to the latest estimate by PlanD, about 0.91 ha (equivalent to about 36 Small House sites) of land are available within the "V" zone of Lei Uk Tsuen. There is insufficient land in the "V" zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen to meet the future demand of Small Houses (i.e. about 4.38 ha of land which is equivalent to 175 Small House site).

Recommended Advisory Clauses

- (a) to note the comments of DLO/N, LandsD that if the footpath within the Site is affected by the proposed development, his office may consider as if necessary and appropriate to include a clause to ensure that free passage on the portion of the footpath is to be provided at all times within the Site, should the Small House grant application be approved;
- (b) to note the comments of CE/C, WSD that for provision of water supply to the development, the applicants may need to extend the inside services to nearest suitable Government water mains for connection. The applicants 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 applicants should 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;
- (d) to note the comments of CE/MN, DSD that the Site is in an area where no public sewerage connection is available;
- (e) to note the advice of DEP that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person; 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.