

**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.

**Similar S.16 Applications for Proposed House (NTEH - Small House)
within / partly within the “Agriculture” zone in the vicinity of the Site
in the Man Uk Pin Area**

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-MUP/40	New Territories Exempted House (NTEH) (Small House)	8.2.2002	A1, A2 & A3
A/NE-MUP/41	New Territories Exempted House (NTEH) (Small House)	10.5.2002	A1, A2 & A3
A/NE-MUP/43	Proposed New Territories Exempted House (NTEH) (Small House)	23.8.2002	A1, A2 & A3
A/NE-MUP/49	Two New Territories Exempted Houses (NTEHs) (Small Houses)	27.5.2005	A2, A3, A4 & A5
A/NE-MUP/65	Proposed House (New Territories Exempted House (NTEH) - Small House)	6.5.2011	A2, A3, A4, A6 & A7
A/NE-MUP/66	Proposed House (New Territories Exempted House (NTEH) - Small House)	6.5.2011	A2, A3, A4, A6 & A7
A/NE-MUP/67	Proposed House (New Territories Exempted House (NTEH) - Small House)	6.5.2011	A3, A4, A6 & A8
A/NE-MUP/70	Proposed House (New Territories Exempted House - Small House)	9.11.2012	A2, A3, A4 & A6
A/NE-MUP/110	Proposed House (New Territories Exempted House (Small House)	16.1.2015	A3, A4 & A9
A/NE-MUP/111	Proposed House (New Territories Exempted House - Small House)	22.5.2015	A2, A3, A4 & A9
A/NE-MUP/112	Proposed House (New Territories Exempted House - Small House)	22.5.2015	A2, A3, A4 & A9
A/NE-MUP/113	Proposed House (New Territories Exempted House - Small House)	22.5.2015	A3, A4, A8 & A9
A/NE-MUP/114	Proposed House (New Territories Exempted House - Small House)	22.5.2015	A3, A4, A8 & A9
A/NE-MUP/120	Proposed House (New Territories Exempted House - Small House)	22.1.2016	A3, A4, A8 & A9
A/NE-MUP/124	Proposed House (New Territories Exempted House - Small House)	14.10.2016	A3, A4 & A9
A/NE-MUP/129	Proposed House (New Territories Exempted House - Small House)	22.12.2017	A2, A3, A4 & A9
A/NE-MUP/130	Proposed House (New Territories Exempted House - Small House)	22.12.2017	A2, A3, A4 & A9

A/NE-MUP/131	Proposed House (New Territories Exempted House - Small House)	22.12.2017	A2, A3, A4 & A9
A/NE-MUP/132	Proposed House (New Territories Exempted House - Small House)	22.12.2017	A2, A3, A4 & A9

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 drainage proposals
- A5 The design and provision of an emergency vehicular access and fire hydrant
- A6 The provision of fire-fighting access, water supplies for fire-fighting and fire service installations
- A7 The submission and implementation of tree preservation proposal before site formation
- A8 The submission and implementation of tree preservation and landscape proposals
- A9 The provision of septic tank

Rejected Application

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/NE-MUP/48	Proposed House (New Territories Exempted House (NTEH) - Small House)	25.6.2004	R1

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 in that the entire application site was outside the "Village Type Development" zone and majority of the application site and footprint of the proposed Small House was outside the village 'environs' of Tai Tong Wu.

Detailed Comments from Relevant Government Departments

1. Land Administration

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

- (a) the footprints of the proposed Small Houses fall within the 'VE' of Tai Tong Wu;
- (b) the applicant of Lot 55 S.A (application No. A/NE-MUP/133) claimed himself to be indigenous villager of Kuk Po of Sha Tau Kok Heung and the applicant of Lot 55 S.B (application No. A/NE-MUP/134) claimed himself to be indigenous villager of Fung Hang of Sha Tau Kok Heung. Their eligibility for Small House concessionary grants have yet to be verified;
- (c) the number of outstanding Small House applications is 30 whereas the number of 10-year Small House demand forecast for Tai Tong Wu is 110. The 10-year Small House demand forecast was provided by the relevant Indigenous Inhabitant Representative without any supporting evidence and his office is not in a position to verify the forecast; and
- (d) the Small House applications were received by his office on 11.5.2015 and 6.10.2015 respectively.

2. Traffic

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

- (a) he has reservation on the applications. Such type of development 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 development outside the "V" zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and
- (b) notwithstanding the above, the applications only involve constructions of two Small Houses. He 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) in view of the small scale of the proposed developments, the applications alone are unlikely to cause major pollution; and
- (b) 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 applications from the landscape planning perspective;
- (b) based on the aerial photo of 2017, the Sites are situated in an area of rural village character in close proximity to the existing village. Her site record dated 9.4.2018 revealed that the Sites are mostly hard paved and enclosed by village houses except the eastern side. There are 3 young common trees of low amenity value located along the western site boundary of A/NE-MUP/133 and no trees are found in the other Site;
- (c) the proposed Small Houses are considered not incompatible with the existing rural village environment and significant adverse landscape impact is not anticipated. According to PlanD's information, there are 14 Small House applications previously approved by TPB adjacent to the Sites; and
- (d) should the applications be approved by the Board, an approval condition on submission and implementation of landscape proposal for each of the applications 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 public drainage viewpoint;
- (b) should the applications 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) there is public sewerage system in Tai Tong Wu but it is far from the Site. A sewerage proposal should be submitted for approval if sewer connection to public sewerage is required.

6. Agriculture

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

she does not support the applications from the agriculture point of view as the Sites are a piece of vacant land. Active agricultural activities are found in the vicinity. Water source and road access are available. The Sites possess potential for agricultural rehabilitation.

7. 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.

8. Water Supply

Comments of Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no in-principle objection to the applications; and
- (b) for provision of water supply to the development, the applicants may need to extend his/her inside services to the 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 shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

9. District Officer's Comments

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

he has consulted the locals. The Chairman of Sha Tau Kok District Rural Committee (STKDRC), the incumbent North District Council member, the Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of Tai Tong Wu had no comment on the applications.

10. Demand and Supply of Small House Sites

According to DLO/N, LandsD's records, the total number of outstanding Small House applications for Tai Tong Wu is 30 while the 10-year Small House demand forecast for the same village is 110. According to the latest estimate by PlanD, a total of about 1.33 ha (equivalent to 53 Small House sites) of land are available within the "V" zone of Tai Tong Wu for Small House development. There is insufficient land in the "V" zone of Tai Tong Wu to meet the demand of land for Small House development (i.e. about 3.5 ha of land which is equivalent to 140 Small House sites).

Recommended Advisory Clauses

- (a) to note the comments of CE/MN, DSD that there is public sewerage system in Tai Tong Wu but it is far from the Site. A sewerage proposal should be submitted for approval if sewer connection to public sewerage is required;
- (b) 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;
- (c) to note the comments of D of FS that 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;
- (d) to note the comments of CE/C, WSD that for provision of water supply to the development, the applicants may need to extend his/her inside services to the 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 shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards; and
- (e) 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.