

**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

Rejected Applications

Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
A/NE-MUP/106 ¹	Proposed House (New Territories Exempted House)	28.11.2014	R1 & R2
A/NE-MUP/122 ²	Proposed House (New Territories Exempted House - Small House)	26.8.2016	R1 & R2

Remarks

¹: Previous case of Application No. A/NE-MUP/139

²: Previous case of Application No. A/NE-MUP/138

Rejection Reasons:

R1 The proposed development was not in line with the planning intention of the “Agriculture” zone in the Man Uk Pin area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and 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 Land was still available within the “Village Type Development” zone of Man Uk Pin Village where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services.

**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 Man Uk Pin Area**

Approved Applications

Application No.	Uses/ Development	Date of Consideration	Approval Conditions
A/NE-MUP/35	Proposed New Territories Exempted House (NTEH) (Small House)	19.10.2001	A1, A2 & A9
A/NE-MUP/56 ¹	Proposed House (New Territories Exempted House - Small House)	18.7.2008	A1, A2, A3, A4 & A5
A/NE-MUP/57 ²	Proposed 4 Houses (New Territories Exempted House - Small Houses)	5.6.2009	A1, A2, A4, A5 & A6
A/NE-MUP/58 ²	Proposed 2 Houses (New Territories Exempted House - Small Houses)	5.6.2009	A1, A2, A4, A5 & A6
A/NE-MUP/59	Proposed House (New Territories Exempted House - Small House)	23.10.2009	A1, A2, A4 & A5
A/NE-MUP/60	Proposed House (New Territories Exempted House - Small House)	23.10.2009	A1, A2, A4 & A5
A/NE-MUP/61 ³	Proposed House (New Territories Exempted House - Small House)	23.10.2009	A1, A2, A4 & A5
A/NE-MUP/62	Proposed 2 Houses (New Territories Exempted Houses - Small Houses)	25.2.2011 (on review)	A1, A2, A5 & A8
A/NE-MUP/64	Proposed House (New Territories Exempted House (NTEH) - Small House)	18.2.2011	A1, A2, A5 & A8
A/NE-MUP/81 ⁴	Proposed 2 Houses (New Territories Exempted Houses - Small Houses)	11.1.2013	A1, A2 & A5
A/NE-MUP/88	Proposed House (New Territories Exempted House - Small House)	25.4.2014	A1, A2, A5 & A7
A/NE-MUP/89	Proposed House (New Territories Exempted House - Small House)	9.5.2014	A1, A2, A5 & A7

A/NE-MUP/90 ³	Proposed House (New Territories Exempted House - Small House)	9.5.2014	A1, A2, A5 & A7
A/NE-MUP/91	Proposed House (New Territories Exempted House - Small House)	9.5.2014	A1, A2, A5 & A7
A/NE-MUP/92	Proposed House (New Territories Exempted House - Small House)	9.5.2014	A1, A2, A5 & A7
A/NE-MUP/93	Proposed House (New Territories Exempted House - Small House)	9.5.2014	A1, A2, A5 & A7
A/NE-MUP/94	Proposed House (New Territories Exempted House - Small House)	9.5.2014	A1, A2, A5 & A7
A/NE-MUP/95	Proposed House (New Territories Exempted House - Small House)	26.9.2014	A1, A2, A5 & A7
A/NE-MUP/96	Proposed House (New Territories Exempted House - Small House)	17.10.2014	A1, A2, A5 & A7
A/NE-MUP/97	Proposed House (New Territories Exempted House - Small House)	17.10.2014	A1, A2, A5 & A7
A/NE-MUP/98	Proposed House (New Territories Exempted House - Small House)	31.10.2014	A1, A2, A5 & A7
A/NE-MUP/115	Proposed House (New Territories Exempted House - Small House)	22.5.2015	A1, A2, A5 & A7
A/NE-MUP/116	Proposed House (New Territories Exempted House - Small House)	5.6.2015	A1, A2, A5 & A7
A/NE-MUP/117	Proposed House (New Territories Exempted House - Small House)	5.6.2015	A1, A2, A5 & A7
A/NE-MUP/118	Proposed House (New Territories Exempted House - Small House)	3.7.2015	A1, A2, A5 & A7
A/NE-MUP/119 ¹	Proposed House (New Territories Exempted House - Small House)	7.8.2015	A1, A2, A5 & A7
A/NE-MUP/127 ⁴	Proposed 2 Houses (New Territories Exempted Houses - Small Houses)	28.4.2017	A1, A2, A5 & A7

Remarks

¹: The application Nos. A/NE-MUP/56 and A/NE-MUP/119 involve the same site

²: The application Nos. A/NE-MUP/57 and A/NE-MUP/58 involve the same site

³: The application Nos. A/NE-MUP/61 and A/NE-MUP/90 involve the same site

⁴: The application Nos. A/NE-MUP/81 and A/NE-MUP/127 involve the same site

Approval Conditions:

- A1 The submission and implementation of landscaping proposals
- A2 The commencement clause
- A3 No structure should be erected within 1.5 metres from the centerline of the existing 80mm diameter water main on the access road to the north of the application site and such area should not be used for storage purposes
- A4 The design and provision of firefighting access, water supplies for fire fighting and fire service installations
- A5 The submission and implementation of drainage proposals
- A6 The submission and implementation of sewage disposal proposals
- A7 The provision of septic tank
- A8 The provision of fire fighting access, water supplies for fire fighting and fire service installations
- A9 The provision of drainage facilities

Rejected Applications

Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
A/NE-MUP/99	Proposed House (New Territories Exempted House - Small House)	10.4.2015 (on review)	R1 & R2
A/NE-MUP/100	Proposed House (New Territories Exempted House - Small House)	10.4.2015 (on review)	R1 & R2
A/NE-MUP/101	Proposed House (New Territories Exempted House - Small House)	10.4.2015 (on review)	R1 & R2
A/NE-MUP/102	Proposed House (New Territories Exempted House - Small House)	10.4.2015 (on review)	R1 & R2
A/NE-MUP/103	Proposed House (New Territories Exempted House - Small House)	10.4.2015 (on review)	R1 & R2

A/NE-MUP/104	Proposed House (New Territories Exempted House - Small House)	10.4.2015 (on review)	R1 & R2
A/NE-MUP/106 ¹	Proposed House (New Territories Exempted House)	28.11.2014	R1 & R2
A/NE-MUP/107	Proposed House (New Territories Exempted House)	28.11.2014	R1, R2 & R3
A/NE-MUP/108	Proposed House (New Territories Exempted House)	28.11.2014	R1 & R2
A/NE-MUP/121	Proposed House (New Territories Exempted House - Small House)	26.8.2016	R1 & R2
A/NE-MUP/122 ²	Proposed House (New Territories Exempted House - Small House)	26.8.2016	R1 & R2
A/NE-MUP/123	Proposed House (New Territories Exempted House - Small House)	26.8.2016	R1 & R2
A/NE-MUP/128	Proposed House (New Territories Exempted House - Small House)	19.1.2018 (on review)	R1 & R2

Remarks

- ¹: The application No. A/NE-MUP/106 is one of the similar cases for Application No. A/NE-MUP/138
- ²: The application No. A/NE-MUP/122 is one of the similar cases for Application No. A/NE-MUP/139

Rejection Reasons:

- R1 The proposed development was not in line with the planning intention of the “Agriculture” zone in the Man Uk Pin area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and 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 Land was still available within the “Village Type Development” zone of Man Uk Pin Village where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close

to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services.

- R3 The application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed Small House development would cause adverse landscape impact on the surrounding area. Approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the surrounding environment.

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 Man Uk Pin;
- (b) both applicants of 613 S.E ss.3 and 613 S.F RP (application No. A/NE-MUP/138) and Lots 613 S.D ss.2 and 613 S.E RP (application No. A/NE-MUP/139) claimed themselves to be indigenous villagers of Man Uk Pin of Sha Tau Kok Heung. Their eligibility for Small House concessionary grants have yet to be verified;
- (c) the Sites are not covered by any Modification of Tenancy/ Building Licence;
- (d) the number of outstanding Small House applications is 82 whereas the number of 10-year Small House demand forecast for Man Uk Pin is 400. 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
- (e) both Small House applications were received by his office on 30.4.2014.

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) the Sites do not fall within water gathering ground;
- (b) in view of the small scale of the proposed developments, the applications alone are unlikely to cause major pollution;
- (c) 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

- (d) the applicants should take appropriate measures to prevent contaminated surface runoff from being discharged into the streams during construction and operational stages of the Small Houses.

4. Landscape

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) she has reservation on the applications from the landscape planning perspective;
- (b) based on the latest aerial photo of 2017, the Sites are situated in an area of rural agriculture landscape character predominately consisting of village houses and farmland (both active and abandoned). The Sites are located in a distance from “V” zone to its west and separated by tree groups and fallow farmland. Active farmlands are found to the south and north of the Sites, while woodland patches are found to the east and west. There is no permitted Small House development adjoining to the Sites. They are connected by footpath to the nearby village;
- (c) the Sites are vacant and mostly covered by bare soil, it appears that laying of soil has taken place before the planning applications. An existing narrow ditch of low landscape value running close to the southern boundary of the Sites may likely be affected due to the proposed Small House construction works if permission is granted. Although no significant vegetation within the Sites will be affected, the approval of the application might set an undesirable precedent to extend village development in “AGR” zone leading to gradual degradation to the surrounding environment; and
- (d) the proposed Small Houses have occupied most of the Sites respectively leaving inadequate space for tree planting. Should the applications be approved by the Board, an approval condition on submission and implementation of landscape proposal is not recommended for each of the applications.

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) the Sites are in an area where no public sewerage connection is available; and
- (d) the Sites are in the vicinity of an existing streamcourse. The applicants shall be required to place all the proposed works 3m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the streamcourse should not create any adverse drainage impacts, both during and after construction. Proposed flooding mitigation measures if necessary shall be provided at the resources of the applicant to his satisfaction.

6. Agriculture

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

- (a) she does not support the applications from the agriculture point of view as the Sites are fallow land covered with grasses. The agricultural activities in the vicinity are active. Agricultural infrastructure such as footpath and water source are available. The Sites possess potential for agricultural rehabilitation; and
- (b) there is a stream near the Sites. Should the applications be approved, the applicants should be advised that good site practice should be adopted to avoid causing any damage, disturbance or pollution to the woodland area and the stream nearby.

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 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 Man Uk Pin 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 Man Uk Pin is 82 while the 10-year Small House demand forecast for the same village is 400. According to the latest estimate by PlanD, a total of about 3.30 ha (equivalent to 132 Small House sites) of land are available within the "V" zone of Man Uk Pin for Small House development. There is insufficient land in the "V" zone of Man Uk Pin to meet the demand of land for Small House development (i.e. about 12.05 ha of land which is equivalent to 482 Small House sites).

Recommended Advisory Clauses

- (a) to note the comments of CE/MN, DSD that the Sites are in an area where no public sewerage connection is available and the Sites are in the vicinity of an existing streamcourse. The applicants shall be required to place all the proposed works 3m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the streamcourse should not create any adverse drainage impacts, both during and after construction. Proposed flooding mitigation measures if necessary shall be provided at the resources of the applicant to his satisfaction;
- (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; and the applicants should take appropriate measures to prevent contaminated surface runoff from being discharged into the streams during construction and operational stages of the Small Houses;
- (c) to note the comments of DAFC that the applicants are advised that good site practice should be adopted to avoid causing any damage, disturbance or pollution to the woodland area and the stream nearby;
- (d) 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;
- (e) 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
- (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.