

**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.

## **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 both Small Houses fall within the 'VE' of Loi Tung;
- (b) the applicants claimed themselves to be indigenous villagers of Loi Tung, Sha Tau Kok Heung. Their eligibilities for Small House grant have yet to be ascertained;
- (c) the Sites are not covered by any Modification of Tenancy/Building Licence; and
- (d) the number of outstanding Small House applications and the number of 10-year Small House demand forecast for Loi Tung are 33 and 476 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.

### **2. Traffic**

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

- (a) She 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 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 only involve construction of two Small Houses. She considers that the applications 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 developments, the applications alone are 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 some reservations on the applications from the landscape planning perspective;
- (a) according to aerial photo of 2018, the Sites are located in the rural landscape character comprises village houses and clustered tree groups. Based on her site visit in April 2019, the Sites are partially hard paved with patches of wild grass. No existing tree/significant sensitive vegetation is observed within the Sites;
- (b) it is noted from aerial photos of 2014 and 2018 that, the Sites and the adjacent area of “GB” had been extensively modified, existing vegetation atop had been cleared prior to planning permission. The proposed developments, if approved, would set an undesirable precedent of site modification and vegetation clearance prior to planning approval, the landscape character of the “GB” zone would be inevitably altered. The cumulative impact of such approval would further degrade the landscape quality of the “GB” zone environment;
- (c) furthermore, there is a general presumption against development within the “GB” zone. As the Sites are situated in the inner part of the “GB” zone, should approval is given for the proposed developments, it would adversely affect the continuity, causing piecemeal formation of the “GB” zone that defeats the purpose of defining the limited of urban and sub-urban areas by natural features, and to contain urban sprawl as well as to provide passive recreational outlets; and
- (d) since there is no major public frontage along the site boundaries, should the Board approve the applications, it is considered not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent.

## **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) as the Sites are in an area where no DSD stormwater drainage is available, the applicant is required to provide proper drainage facilities for the developments;
- (c) should the applications be approved, a condition should be included to request the applicants to submit and implement a drainage proposal for each of the Sites to ensure that they will not cause adverse drainage impact to the adjacent area; and
- (d) the Sites are 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 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 applications referred by LandsD.

## **7. Water Supply**

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

- (a) he has no specific comment on the applications;
- (b) 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 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; and
- (c) the standard pedestal hydrant cannot be provided in the vicinity of the Sites.

## **8. Agriculture**

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

- (a) the site inspection reveals that the Sites were vacant covered by herbs of common species. While he has no adverse comment on the applications from nature conservation point of view, he trust we will take into account the planning intention of the "GB" zone in considering the applications; and
- (b) should the applications be approved, the applicants should be reminded to perform good site practice so as not to disturb the wooded area at the adjoining "GB" zone.

## **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 Sha Tau Kok District Rural Committee, the incumbent North District Council (NDC) member of subject constituency, the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Man Uk Pin had no comment on 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 Loi Tung is 33 while the 10-year Small House demand forecast for the same village is 476. According to the latest estimate by PlanD, about 1.80 ha (equivalent to about 72 Small House sites) of land are available within the "V" zone of Loi Tung. There is insufficient land in the "V" zone of Loi Tung to meet the future demand of Small Houses (i.e. about 12.73 ha of land which is equivalent to 509 Small House sites).

**Recommended Advisory Clauses**

- (a) 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;
- (b) to note the comments of D of FS that the applicant 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;
- (c) to note the comments of CE/MN, DSD that the Site is in an area where no public sewerage connection is available;
- (d) 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;
- (e) to note the comments of DAFC that the applicant should be reminded to perform good site practice so as not to disturb the wooded area at the adjoining "GB" zone; 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.