

**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.	Proposed Developments	Date of Consideration	Approval Conditions
A/NE-PK/52	Proposed New Territories Exempted House (NTEH) (Small House)	23.5.2014	A1, A2, A3 & A4
A/NE-PK/56	Proposed New Territories Exempted House (NTEH) (Small House)	27.6.2014	A1, A2, A3 & A4

Remarks:

The Site of application No. A/NE-PK/130 is the subject of a previous planning application No. A/NE-PK/52 whereas the Site of application No. A/NE-PK/131 is the subject of a previous planning application No. A/NE-PK/56.

Approval Conditions

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

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

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-PK/17	Proposed New Territories Exempted House (NTEH) (Small House)	1.6.2001	A1, A2, A3 & A4
A/NE-PK/20 ^{*1}	Proposed New Territories Exempted House (NTEH) (Small House)	25.1.2002	A1, A2, A3 & A4
A/NE-PK/21 ^{*2}	Proposed New Territories Exempted House (NTEH) (Small House)	15.3.2002	A1, A2, A3 & A4
A/NE-PK/23	Proposed New Territories Exempted House (NTEH) (Small House)	19.12.2003	A1, A2, A3 & A4
A/NE-PK/25 ^{*2}	Proposed New Territories Exempted House (NTEH) (Small House)	23.9.2005	A1, A2, A3 & A4
A/NE-PK/26 ^{*1}	Proposed New Territories Exempted House (NTEH) (Small House)	23.9.2005	A1, A2, A3 & A4
A/NE-PK/29	Proposed House (New Territories Exempted House (NTEH) - Small House)	21.10.2011	A3, A4, A5 & A6
A/NE-PK/30 ^{*3}	Proposed House (New Territories Exempted House (NTEH) - Small House)	18.5.2012	A3, A4, A5 & A6
A/NE-PK/31 ^{*4}	Proposed House (New Territories Exempted House (NTEH) - Small House)	18.5.2012	A3, A4, A5 & A6
A/NE-PK/32 ^{*5}	Proposed House (New Territories Exempted House (NTEH) - Small House)	18.5.2012	A3, A4, A5 & A6
A/NE-PK/33 ^{*6}	Proposed House (New Territories Exempted House (NTEH) - Small House)	6.7.2012	A3, A4, A5 & A6
A/NE-PK/34 ^{*7}	Proposed House (New Territories Exempted House (NTEH) - Small House)	6.7.2012	A3, A4, A5 & A6
A/NE-PK/35	Proposed House (New Territories Exempted House (NTEH) - Small House)	11.1.2013	A3, A4, A5, A6 & A7
A/NE-PK/36	Proposed House (New Territories Exempted House (NTEH) - Small House)	7.6.2013	A4, A5, A7 & A8
A/NE-PK/37	Proposed House (New Territories Exempted House (NTEH) - Small House)	11.1.2013	A4, A5 & A6, A7 & A8
A/NE-PK/38	Proposed House (New Territories Exempted House (NTEH) - Small House)	22.11.2013	A4, A5 & A8

A/NE-PK/39	Proposed House (New Territories Exempted House (NTEH) - Small House)	22.11.2013	A4, A5, A7 & A8
A/NE-PK/40	Proposed House (New Territories Exempted House (NTEH) - Small House)	22.11.2013	A4, A5, A7 & A8
A/NE-PK/41	Proposed House (New Territories Exempted House (NTEH) - Small House)	22.11.2013	A4, A5 & A8
A/NE-PK/42	Proposed House (New Territories Exempted House (NTEH) - Small House)	22.11.2013	A4, A5 & A8
A/NE-PK/44	Proposed House (New Territories Exempted House (NTEH) - Small House)	13.12.2013	A3, A4 & A5
A/NE-PK/45	Proposed House (New Territories Exempted House (NTEH) - Small House)	13.12.2013	A3, A4, A5 & A7
A/NE-PK/46	Proposed House (New Territories Exempted House (NTEH) - Small House)	13.12.2013	A3, A4, A5 & A7
A/NE-PK/47	Proposed House (New Territories Exempted House (NTEH) - Small House)	9.5.2014	A3, A4, A5 & A9
A/NE-PK/48	Proposed House (New Territories Exempted House (NTEH) - Small House)	9.5.2014	A3, A4, A5 & A9
A/NE-PK/49	Proposed House (New Territories Exempted House (NTEH) - Small House)	9.5.2014	A3, A4, A5 & A9
A/NE-PK/50	Proposed House (New Territories Exempted House (NTEH) - Small House)	23.5.2014	A3, A4, A5 & A9
A/NE-PK/51	Proposed House (New Territories Exempted House (NTEH) - Small House)	23.5.2014	A3, A4, A5 & A9
A/NE-PK/52 ^{*8}	Proposed House (New Territories Exempted House (NTEH) - Small House)	23.5.2014	A3, A4, A5 & A9
A/NE-PK/53	Proposed House (New Territories Exempted House (NTEH) - Small House)	27.6.2014	A3, A4, A5 & A9
A/NE-PK/54	Proposed House (New Territories Exempted House (NTEH) - Small House)	27.6.2014	A3, A4, A5 & A9
A/NE-PK/55	Proposed House (New Territories Exempted House (NTEH) - Small House)	27.6.2014	A3, A4, A5 & A9
A/NE-PK/56 ^{*9}	Proposed House (New Territories Exempted House (NTEH) - Small House)	27.6.2014	A3, A4, A5 & A9
A/NE-PK/57	Proposed House (New Territories Exempted House (NTEH) - Small House)	27.6.2014	A3, A4, A5 & A9
A/NE-PK/58	Proposed House (New Territories Exempted House (NTEH) - Small House)	27.6.2014	A3, A4, A5 & A9
A/NE-PK/59	Proposed House (New Territories Exempted House (NTEH) - Small House)	8.8.2014	A3, A4, A5 & A9

A/NE-PK/60	Proposed House (New Territories Exempted House (NTEH) - Small House)	8.8.2014	A3, A4, A5 & A9
A/NE-PK/61	Proposed House (New Territories Exempted House (NTEH) - Small House)	8.8.2014	A3, A4, A5 & A9
A/NE-PK/62	Proposed House (New Territories Exempted House (NTEH) - Small House)	8.8.2014	A3, A4, A5 & A9
A/NE-PK/63	Proposed House (New Territories Exempted House (NTEH) - Small House)	12.9.2014	A3, A4, A5 & A9
A/NE-PK/64	Proposed House (New Territories Exempted House (NTEH) - Small House)	12.9.2014	A3, A4, A5 & A9
A/NE-PK/65	Proposed House (New Territories Exempted House (NTEH) - Small House)	12.9.2014	A3, A4, A5 & A9
A/NE-PK/66	Proposed House (New Territories Exempted House (NTEH) - Small House)	12.9.2014	A3, A4, A5 & A9
A/NE-PK/67	Proposed House (New Territories Exempted House (NTEH) - Small House)	28.11.2014	A4, A5, A8 & A9
A/NE-PK/68	Proposed House (New Territories Exempted House (NTEH) - Small House)	12.12.2014	A4, A5, A8 & A9
A/NE-PK/69	Proposed House (New Territories Exempted House - Small House)	16.1.2015	A3, A4, A5 & A9
A/NE-PK/70	Proposed House (New Territories Exempted House - Small House)	16.1.2015	A3, A4, A5 & A9
A/NE-PK/71	Proposed House (New Territories Exempted House - Small House)	6.2.2015	A4, A5, A8 & A9
A/NE-PK/72	Proposed House (New Territories Exempted House - Small House)	6.2.2015	A4, A5, A8 & A9
A/NE-PK/73	Proposed House (New Territories Exempted House - Small House)	6.2.2015	A4, A5, A8 & A9
A/NE-PK/74	Proposed House (New Territories Exempted House - Small House)	6.2.2015	A4, A5, A8 & A9
A/NE-PK/75	Proposed House (New Territories Exempted House - Small House)	8.1.2016	A3, A4, A5 & A9
A/NE-PK/76	Proposed House (New Territories Exempted House - Small House)	22.1.2016	A3, A4, A5 & A9
A/NE-PK/77	Proposed House (New Territories Exempted House - Small House)	22.1.2016	A3, A4, A5 & A9
A/NE-PK/78	Proposed House (New Territories Exempted House - Small House)	5.2.2016	A4, A5, A8 & A9
A/NE-PK/82	Proposed House (New Territories Exempted House - Small House)	15.7.2016	A3, A4, A5 & A9

A/NE-PK/83	Proposed House (New Territories Exempted House - Small House)	15.7.2016	A3, A4, A5 & A9
A/NE-PK/84	Proposed House (New Territories Exempted House - Small House)	15.7.2016	A3, A4, A5 & A9
A/NE-PK/85	Proposed House (New Territories Exempted House - Small House)	30.9.2016	A3, A4, A5 & A9
A/NE-PK/86	Proposed House (New Territories Exempted House - Small House)	30.9.2016	A3, A4, A5 & A9
A/NE-PK/87	Proposed House (New Territories Exempted House - Small House)	30.9.2016	A3, A4, A5 & A9
A/NE-PK/89 ^{*3}	Proposed House (New Territories Exempted House - Small House)	23.12.2016	A3, A4, A5 & A9
A/NE-PK/90 ^{*4}	Proposed House (New Territories Exempted House - Small House)	23.12.2016	A4, A5 & A9
A/NE-PK/91 ^{*5}	Proposed House (New Territories Exempted House - Small House)	23.12.2016	A4, A5 & A9
A/NE-PK/92 ^{*7}	Proposed House (New Territories Exempted House - Small House)	23.12.2016	A3, A4, A5 & A9
A/NE-PK/93 ^{*6}	Proposed House (New Territories Exempted House - Small House)	23.12.2016	A3, A4, A5 & A9
A/NE-PK/94	Proposed House (New Territories Exempted House - Small House)	23.12.2016	A4, A5 & A9
A/NE-PK/95	Proposed House (New Territories Exempted House - Small House)	23.12.2016	A4, A5 & A9
A/NE-PK/96	Proposed House (New Territories Exempted House - Small House)	23.12.2016	A4, A5 & A9
A/NE-PK/97	Proposed House (New Territories Exempted House - Small House)	23.12.2016	A4, A5 & A9
A/NE-PK/98	Proposed House (New Territories Exempted House - Small House)	13.1.2017	A4, A5 & A9
A/NE-PK/99	Proposed House (New Territories Exempted House - Small House)	13.1.2017	A4, A5 & A9
A/NE-PK/100	Proposed House (New Territories Exempted House - Small House)	13.1.2017	A3, A4, A5 & A9
A/NE-PK/101	Proposed House (New Territories Exempted House - Small House)	13.1.2017	A4, A5 & A9
A/NE-PK/102	Proposed House (New Territories Exempted House - Small House)	13.1.2017	A4, A5 & A9
A/NE-PK/103	Proposed House (New Territories Exempted House - Small House)	13.1.2017	A3, A4, A5 & A9

A/NE-PK/104	Proposed House (New Territories Exempted House - Small House)	13.1.2017	A4, A5 & A9
A/NE-PK/105	Proposed House (New Territories Exempted House - Small House)	3.2.2017	A4, A5 & A9
A/NE-PK/106	Proposed House (New Territories Exempted House - Small House)	3.2.2017	A4, A5 & A9
A/NE-PK/107	Proposed House (New Territories Exempted House - Small House)	3.2.2017	A4, A5 & A9
A/NE-PK/108	Proposed House (New Territories Exempted House - Small House)	3.2.2017	A3, A4, A5 & A9
A/NE-PK/109	Proposed House (New Territories Exempted House - Small House)	3.2.2017	A3, A4, A5 & A9
A/NE-PK/110	Proposed House (New Territories Exempted House - Small House)	3.2.2017	A4, A5 & A9
A/NE-PK/111	Proposed House (New Territories Exempted House - Small House)	17.2.2017	A3, A4, A5 & A9
A/NE-PK/112	Proposed House (New Territories Exempted House - Small House)	17.2.2017	A3, A4, A5 & A9
A/NE-PK/113	Proposed House (New Territories Exempted House - Small House)	3.3.2017	A4, A5 & A9
A/NE-PK/115	Proposed House (New Territories Exempted House - Small House)	7.4.2017	A3, A4, A5 & A9
A/NE-PK/116	Proposed House (New Territories Exempted House - Small House)	12.5.2017	A3, A4, A5 & A9
A/NE-PK/117	Proposed House (New Territories Exempted House - Small House)	12.5.2017	A3, A4, A5 & A9
A/NE-PK/118	Proposed House (New Territories Exempted House - Small House)	12.5.2017	A3, A4, A5 & A9
A/NE-PK/119	Proposed House (New Territories Exempted House - Small House)	12.5.2017	A3, A4, A5 & A9
A/NE-PK/120	Proposed House (New Territories Exempted House - Small House)	26.5.2017	A4, A5 & A9
A/NE-PK/122	Proposed House (New Territories Exempted House - Small House)	23.6.2017	A4, A5 & A9
A/NE-PK/123	Proposed House (New Territories Exempted House - Small House)	22.9.2017	A3, A4, A5 & A9
A/NE-PK/124	Proposed House (New Territories Exempted House - Small House)	8.9.2017	A3, A4, A5 & A9
A/NE-PK/125	Proposed House (New Territories Exempted House - Small House)	8.9.2017	A3, A4, A5 & A9

A/NE-PK/126	Proposed House (New Territories Exempted House - Small House)	22.9.2017	A4, A5 & A9
A/NE-PK/127	Proposed House (New Territories Exempted House - Small House)	22.9.2017	A4, A5 & A9

Remarks:

- *1: Applications No. A/NE-PK/20 and A/NE-PK/26 are at the same location but with slightly different areas.
- *2: Applications No. A/NE-PK/21 and A/NE-PK/25 are at the same location but with slightly different areas.
- *3: Applications No. A/NE-PK/30 and A/NE-PK/89 are at the same location
- *4: Applications No. A/NE-PK/31 and A/NE-PK/90 are at the same location
- *5: Applications No. A/NE-PK/32 and A/NE-PK/91 are at the same location
- *6: Applications No. A/NE-PK/33 and A/NE-PK/93 are at the same location
- *7: Applications No. A/NE-PK/34 and A/NE-PK/92 are at the same location
- *8: Applications No. A/NE-PK/52 is one of the similar cases for Application No. A/NE-PK/131
- *9: Applications No. A/NE-PK/56 is one of the similar cases for Application No. A/NE-PK/130

Approval Conditions

- A1 The submission and/ or provision of drainage facilities
- A2 The provision of fire services installations
- A3 The submission and implementation of landscape proposals
- A4 Commencement clause
- A5 The submission and implementation of drainage proposals
- A6 The provision of fire fighting access, water supplies for fire fighting and fire service installations
- A7 The submission and implementation of proposal for water mains diversion before the commencement of works
- A8 The submission and implementation of tree preservation and landscape proposals
- A9 The provision of septic tank

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 'VE' of Kai Leng Village;
- (b) the applicants claimed themselves as indigenous villagers of Sheung Shui Village. Their eligibility for Small house concessionary grants has yet to be ascertained;
- (c) a Letter of Approval (LoA) No. L755 was issued to the mother lot No. 1580 (including the application site of application No. A/NE-PK/130) in 1962. The LoA will be cancelled if the Small House application is approved;
- (d) the application site of application No. A/NE-PK/131 is not covered by any Modification of Tenancy/Building Licence;
- (e) the number of outstanding Small House applications and the number of 10-year Small House demand forecast (2014 to 2023) for Kai Leng Village are 100 and 50 respectively. The figure of 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
- (f) the Small House applications were made to his office on 22.9.2017 and 2.8.2017 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 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. 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) 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 applications from landscape planning point of view;
- (b) compared with aerial photo of 2015 (under previous planning applications No. A/NE-PK/52 and 56) to latest photo of 2017, there is no significant change in the rural fringe landscape character where the Sites are located. It comprises of village houses, low rise residential developments, large areas of fallow farmlands mostly covered with wild vegetation and partly hard paved; and scattered tree groups. At a further distance, some active farmlands and high-rise housing estate are found;
- (c) based on her site record dated 3.4.2018, both Sites are amongst the hard paved areas and no significant vegetation are found within the Sites. Both Sites are surrounded by vacant sites with planning permissions for Small House development granted in the past few years. The proposed Small Houses are not incompatible with their surroundings and significant landscape impact arising from the proposed developments is no anticipated; and
- (d) should the application be approved by the Board, an approval condition on the submission and implementation of landscape proposal is recommended for each of the applications.

5. Drainage

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

- (a) she has no objection to the applications from public drainage viewpoint;
- (b) should the applications be approved, a condition should be included for each of the applications to request the applicants to submit and implement a drainage proposal for the Sites to ensure that the proposed developments 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.

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 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.

8. Agriculture

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

- (a) she does not support the applications from the agriculture point of view; and
- (b) the Sites are vacant land. Agricultural activities in the vicinity are active. The Sites possess high 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. The incumbent North District Council (NDC) members of N08, N10 and N11 Constituencies, the Chairman of Sheung Shui District Rural Committee (SSDRC), the Indigenous Inhabitant Representative and the Resident Representative of Kai Leng have no comment on the applications.

10. Demand and Supply of Small House Sites

According to DLO/N's records, the total number of outstanding Small House applications for Kai Leng Village is 100 while the 10-year Small House demand forecast for the same village is 50. According to the latest estimate by PlanD, about 1.21 ha (equivalent to 48 Small House sites) of land are available within the "V" zone of Kai Leng Village for Small House development. There is insufficient land in the "V" zone of Kai Leng Village to meet the demand of land for Small House development (i.e. about 3.75 ha of land which is equivalent to 150 Small House sites).

Recommended Advisory Clauses

- (a) to note the comments of CE/MN, DSD that the Site is in an area where no public sewerage connection is available;
- (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 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 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
- (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.