

**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  
Ping Che & Ta Kwu Ling Area**

**Approved Applications**

<b>Application No.</b>	<b>Uses/Developments</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-TKL/180	Proposed New Territories Exempted House (NTEH) (Small House)	2.11.2001	A1, A5 & A12
A/NE-TKL/220	Proposed New Territories Exempted House (NTEH) (Small House)	25.10.2002	A1, A5 & A12
A/NE-TKL/240	Proposed New Territories Exempted House (NTEH) (Small House)	15.8.2003	A1, A6, A8 & A12
A/NE-TKL/269	Proposed House (New Territories Exempted House) (NTEH) (Small House)	15.4.2005	A1, A5, A9 & A12
A/NE-TKL/282	Proposed House (New Territories Exempted House) (NTEH) (Small House)	13.1.2006	A2, A7 & A12
A/NE-TKL/294	Proposed 2 Houses (New Territories Exempted Houses (NTEHs) – Small Houses)	23.2.2007	A3, A5 & A12
A/NE-TKL/296	Proposed House (New Territories Exempted House (NTEH) – Small House)	27.4.2007	A3, A5, A11 & A12
A/NE-TKL/327	Proposed House (New Territories Exempted House - Small House)	6.11.2009	A3, A5, A10 & A12
A/NE-TKL/438	Proposed House (New Territories Exempted House - Small House)	2.8.2013	A3, A5 & A12
A/NE-TKL/440	Proposed House (New Territories Exempted House - Small House)	2.8.2013	A3, A5 & A12
A/NE-TKL/543	Proposed House (New Territories Exempted House - Small House)	14.10.2016	A3, A4, A5 & A12
A/NE-TKL/544	Proposed House (New Territories Exempted House - Small House)	14.10.2016	A3, A4, A5 & A12
A/NE-TKL/545	Proposed House (New Territories Exempted House - Small House)	14.10.2016	A3, A4, A5 & A12
A/NE-TKL/546	Proposed House (New Territories Exempted House - Small House)	14.10.2016	A3, A4, A5 & A12

**Approval Conditions:**

- A1 The provision of drainage facilities
- A2 The submission of drainage proposal and provision of drainage facilities
- A3 The submission and implementation of drainage proposals
- A4 The connection of the foul water drainage system to the public sewers
- A5 The submission and implementation of landscaping proposals
- A6 The implementation of the approved landscaping proposals
- A7 The preservation of all existing trees and planting on site
- A8 The provision of fire services installations
- A9 The provision of emergency vehicular access and fire hydrants
- A10 The provision of firefighting access, water supplies for fire fighting and fire service installations
- A11 The design and provision of firefighting access, water supplies and fire service installations
- A12 Commencement clause

**Rejected Applications**

<b>Application No.</b>	<b>Uses/Development</b>	<b>Date of Consideration (RNTPC/TPB)</b>	<b>Rejection Reasons</b>
A/NE-TKL/183	Proposed New Territories Exempted House (NTEH) (Small House)	22.2.2002 (on review)	R1 – R3
A/NE-TKL/383	Proposed 2 Houses (New Territories Exempted Houses - Small Houses)	21.12.2012	R4 – R6

**Reasons for Rejection:**

- R1 A large portion of the application site (about 97%) fell within an area zoned “Agriculture” (“AGR”) with predominantly agricultural land. The proposed development was not in line with the planning intention of the “AGR” zone which was to retain and safeguard agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation. No strong justifications had been provided in the submission to merit a departure from the planning intention
- R2 The proposed development did not comply with the interim criteria for assessing planning applications for New Territories Exempted House/Small House development in the New

Territories in that only a small portion (about 3%) of the application site fell within the “Village Type Development” zone. Village development should be sited close to the village proper to ensure orderly development and provision of facilities

- R3 The approval of the application would set an undesirable precedent for other similar applications
- R4 The proposed development was not in line with the planning intention of the “Agriculture” zone 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 current submission for a departure from the planning intention
- R5 The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the application site and the proposed houses were entirely outside both the village ‘environs’ and the “Village Type Development” zone of recognised villages
- R6 The approval of the application would cause adverse landscape and drainage impacts on the surrounding areas

**Detailed Comments from Relevant Government Departments**

**1. Land Administration**

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

- (a) footprints of the proposed Small Houses of Lots 164 S.A ss.2, 164 S.B ss.3 S.D and 164 S.B ss.3 S.E in D.D.79 fall entirely within the village environs of Ping Yeung Village while the footprints of the proposed Small Houses of Lots 164 S.A ss.6, 164 S.B ss.3 S.A and 164 S.B ss.3 S.B in D.D. 79 partly fall (over 50%) within the village environs of Ping Yeung Village;
- (b) the applicants claimed themselves to be indigenous villagers of Ping Yeung Village, Ta Kwu Ling Heung. Their eligibilities for Small House concessionary grants are yet to be ascertained;
- (c) the Sites are not covered by any Modification of Tenancy/Building Licence;
- (d) the number of outstanding Small House applications and the number of 10-year Small House demand forecast (2017 to 2026) for Ping Yeung Village is 71 and 4,600 respectively; and
- (e) the Small House applications of Lots 164 S.B ss.3 S.A and 164 S.B ss.3 S.B in D.D. 79 were made to his office on 22.12.2011. The Small House applications of Lots 164 S.A ss.2, 164 S.B ss.3 S.D and 164 S.B ss.3 S.E in D.D. 79 were made to his office on 16.8.2012. The Small House application of Lots 164 S.A ss.6 in D.D. 79 was received on 23.8.2012.

**2. Traffic**

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

- (a) she has reservation on the application. Such type of developments should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of developments outside the “V” zone, if permitted, will set an 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 involves the construction of six Small Houses. She considers that the subject application can be tolerated unless being 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 pollutions;

- (b) there is sufficient level drop between the proposed NTEHs and the existing sewer along Ping Yuen Road (about 10m and 20m to the northwest of Lots 164 A.S ss.2 and Lot 164 S.A ss.6). The public sewerage in the area should have sufficient capacity to cater for the sewage arising from these proposed NTEHs; and
- (c) the applicants are reminded that LandsD's permission might be required to make the sewerage connection.

#### 4. **Landscape**

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

- (a) she has reservation on the application from the landscape planning perspective;
- (b) according to the latest aerial photo of 2017, the Sites are situated in a rural landscape character area surrounded by clusters of village houses to the north and west; and open storages to the south. The Sites are located amongst some approved Small House developments (i.e. A/NETKL/543 to 546 in 2016). The proposed Small Houses are not incompatible with the surrounding environment;
- (c) according to her site record, the Sites are covered by wild grasses. A few narrow water ditches are found within Lot 164 S.A ss2, 164 S.B ss3 S.A and 164 S.B ss3 S.B and they are of low landscape value. For proposed Small House at Lot 164 S.A ss.6, there is a *Ficus microcarpa* (細葉榕) over 8m tall of good amenity value located at the south just outside the Site. Its wide spread tree canopy (i.e. 10m in diameter) may be affected by the proposed Small House. Yet there is no tree information and cross section to illustrate the likely impact or treatment on the tree. If tree pruning is necessary, agreement from the adjoining lot owner will be necessary. For the other 5 proposed Small Houses at the remaining 3 pieces of land, no significant adverse landscape impact is anticipated. Meanwhile, we noted that there is no proper road/path connected from public road to individual houses and we have concern on the associated construction access that may have adverse impact on the existing vegetation outside the Sites; and
- (d) should the application be approved, approval condition for landscape works are not recommended as most sites are around 140m<sup>2</sup> (including the Small House) which do not provide adequate planting space for effective tree planting works.

#### 5. **Drainage**

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

- (a) he has no objection to the application from the public drainage viewpoint;
- (b) should the application be approved, conditions should be included to request the applicants to submit and implement a drainage proposal for the Sites to ensure that the proposed Small Houses will not cause adverse drainage impact to the adjacent area, and to connect the foul water drainage system to the public sewers;
- (c) there is public sewerage in the vicinity of the Sites. Nevertheless, Environmental

Protection Department (EPD) should be consulted regarding the sewage treatment/disposal facilities for the proposed Small House developments. A sewerage proposal should be submitted for approval if sewer connection to public sewerage is required;

- (d) he has no comment on the applicants' connection proposal (**Appendix Ib**) provided that the sewerage proposal provided by the applicants is up to the satisfaction of EPD; and
- (e) regarding the sewerage proposal (**Appendix Ib**), he has the following detailed comments:
  - (i) the invert level at both the upstream and downstream ends of the proposed sewer should be indicated on plan;
  - (ii) the size of the proposed sewer should be indicated on plan;
  - (iii) the applicants may consider connecting the proposed sewer to DSD's manhole no. FMH1033142 which is the nearest to the Sites;
  - (iv) the proposed sewerage works including its upstream connection pipe(s), i.e. all new sewerage works upstream of FMH1033142, whether within or outside the lot boundary, should be constructed and maintained by the respective lot owners at their own expense. For works to be undertaken outside the lot boundary, the applicants should obtain prior consent and agreement from DLO/N and/or relevant private lot owners;
  - (v) the sewage collected from within the Sites should be conveyed to a terminal manhole constructed as close as possible to the lot boundary before being discharged to the nearby public sewage manhole no. FMH1033142;
  - (vi) the terminal manhole type T10 should be constructed in accordance with DSD's latest standard drawing no. DS 1058D;
  - (vii) the terminal manholes should be maintained by the lot owners;
  - (viii) the cover level, invert level and disconnecting trap invert level of the manholes/terminal manhole should be shown on plan;
  - (ix) the type of the proposed manholes/terminal manholes should be indicated in accordance with DSD standards on plan;
  - (x) the applicants should make good all the adjacent affected areas and notify DSD for inspection upon the completion of the sewer manhole and associated drain pipes;
  - (xi) comments from DEP on the sewerage proposals should be sought;
  - (xii) the applicants should conduct site checking to confirm invert levels of the public sewerage to which the sewage from the Sites is proposed to be discharged;
  - (xiii) the applicants should construct and maintain the proposed sewerage works properly and rectify the system if it is found to be inadequate or ineffective during operation;
  - (xiv) the applicants are reminded that sewer for individual houses/lots cannot be considered complete until the entire sewerage system for all the subject Small



Houses have been completed; and

- (xv) upon completion of the works, the applicants should apply to DSD for audit of the drainage connections, using an “HBPI” form. The applicants may visit DSD’s website [www.dsd.gov.hk](http://www.dsd.gov.hk) for details of connection audit fees and arrangements.

## 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 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 application; and
- (b) for provision of water supply to the proposed Small Houses, the applicants may need to extend his/her 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 shall 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) the Sites are fallow land mainly covered with grasses. Agricultural infrastructure such as road access is available. As the Sites possess potential for agricultural rehabilitation, the application is not supported from agriculture point of view; and
- (b) it was noted that there are watercourses in close proximity to the Sites. Should the application be approved due to other consideration, the applicant should be reminded to perform good site practice to prevent surface run-off and debris from polluting the watercourses nearby.

## 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 Indigenous Inhabitant Representatives and the Resident Representative of Ping Yeung have no comments on the proposal but provide additional views that the application is not located within the ‘VE’ of Ping Yeung Village. If the current application for Small House development be approved, future applications that share similar circumstances as the current one should be approved for the sake of fairness. Ta Kwu Ling District Rural Committee has no comment on the application.

**10. Demand and Supply of Small House Site**

According to DLO/N's records, the total number of outstanding Small House applications for Ping Yeung Village is 71 while the 10-year Small House demand forecast for the same village is 4,600. According to the latest estimate by PlanD, about 5.49 ha (equivalent to about 219 Small House sites) of land are available within the "V" zone of Ping Yeung Village. There is insufficient land in the "V" zone of Ping Yeung Village to meet the future demand of Small Houses (i.e. about 116.78 ha of land which is equivalent to 4,671 Small House sites).

**Recommended Advisory Clauses**

- (a) to note the advice of DEP that the applicants are reminded that LandsD's permission might be required to make the sewerage connection;
- (b) to note the comments of CE/MN, DSD that:
  - (i) there is public sewerage in the vicinity of the Sites. EPD should be consulted regarding the sewage treatment/disposal facilities for the proposed Small House developments. A sewerage proposal should be submitted for approval if sewer connection to public sewerage is required;
  - (ii) the sewerage proposal should be provided up to the satisfaction of EPD; and
  - (iii) his detailed comments on the sewerage proposal (**Appendix Ib**) that:
    - (i) the invert level at both the upstream and downstream ends of the proposed sewer should be indicated on plan;
    - (ii) the size of the proposed sewer should be indicated on plan;
    - (iii) the applicants may consider connecting the proposed sewer to DSD's manhole no. FMH1033142 which is the nearest to the Sites;
    - (iv) the proposed sewerage works including its upstream connection pipe(s), i.e. all new sewerage works upstream of FMH1033142, whether within or outside the lot boundary, should be constructed and maintained by the respective lot owners at their own expense. For works to be undertaken outside the lot boundary, the applicants should obtain prior consent and agreement from DLO/N and/or relevant private lot owners;
    - (v) the sewage collected from within the Sites should be conveyed to a terminal manhole constructed as close as possible to the lot boundary before being discharged to the nearby public sewage manhole no. FMH1033142;
    - (vi) the terminal manhole type T10 should be constructed in accordance with DSD's latest standard drawing no. DS 1058D;
    - (vii) the terminal manholes should be maintained by the lot owners;
    - (viii) the cover level, invert level and disconnecting trap invert level of the manholes/terminal manhole should be shown on plan;
    - (ix) the type of the proposed manholes/terminal manholes should be indicated in accordance with DSD standards on plan;
    - (x) the applicants should make good all the adjacent affected areas and notify DSD for inspection upon the completion of the sewer manhole and associated drain pipes;
    - (xi) comments from DEP on the sewerage proposals should be sought;

- (xii) the applicants should conduct site checking to confirm invert levels of the public sewerage to which the sewage from the Sites is proposed to be discharged;
  - (xiii) the applicants should construct and maintain the proposed sewerage works properly and rectify the system if it is found to be inadequate or ineffective during operation;
  - (xiv) the applicants are reminded that sewer for individual houses/lots cannot be considered complete until the entire sewerage system for all the subject Small Houses have been completed; and
  - (xv) upon completion of the works, the applicants should apply to DSD for audit of the drainage connections, using an “HBPI” form. The applicants may visit DSD’s website [www.dsd.gov.hk](http://www.dsd.gov.hk) for details of connection audit fees and arrangements;
- (c) to note the comments of D of FS that the applicants should 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 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 shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards;
- (e) to note the comments of CTP/UD&L that for proposed Small House at Lot 164 S.A ss.6, there is a *Ficus microcarpa* (細葉榕) over 8m tall of good amenity value located at the south just outside the Site. Its wide spread tree canopy (i.e. 10m in diameter) may be affected by the proposed Small House. Yet there is no tree information and cross section to illustrate the likely impact or treatment on the tree. If tree pruning is necessary, agreement from the adjoining lot owner will be necessary;
- (f) to note the comments of DAFC that there are watercourses in close proximity of the Sites. The applicant should be reminded to perform good site practice to prevent surface run-off and debris from polluting the watercourses nearby; and
- (g) 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.