

**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. | Uses/ Development | Date of Consideration | Approval Conditions |
|----------------------------|---|------------------------------|----------------------------|
| A/NE-TKL/488* ¹ | Proposed House (New Territories Exempted House – Small House) | 31.10.2014 | A1 – A4 |
| A/NE-TKL/498* ² | Proposed House (New Territories Exempted House – Small House) | 6.2.2015 | A1 – A4 |
| A/NE-TKL/500* ³ | Proposed House (New Territories Exempted House – Small House) | 6.2.2015 | A1,A2,A4 |
| A/NE-TKL/528* ⁴ | Proposed House (New Territories Exempted House – Small House) | 6.11.2015 | A1 – A4 |

Remarks:

- *¹ Previous case of application no. A/NE-TKL/649
- *² Previous case of application no. A/NE-TKL/651
- *³ Previous case of application no. A/NE-TKL/652
- *⁴ Previous case of application no. A/NE-TKL/650

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 The commencement clause

**Similar S.16 Applications for Proposed House (NTEH – Small House)
within/partly within the “Agriculture” zone in the vicinity of the Sites in the
Ping Che and Ta Kwu Ling Area**

Approved Applications

| Application No. | Uses/Developments | Date of Consideration | Approval Conditions |
|------------------------|--|------------------------------|----------------------------|
| A/NE-TKL/297 | Proposed House (New Territories Exempted House - Small House) | 22.6.2007 | A1, A2, A4 & A7 |
| A/NE-TKL/348 | Proposed House (New Territories Exempted House - Small House) | 4.3.2011 | A1, A3, A5 & A7 |
| A/NE-TKL/349 | Proposed House (New Territories Exempted House - Small House) | 4.3.2011 | A1, A3, A5 & A7 |
| A/NE-TKL/350*1 | Proposed House (New Territories Exempted House - Small House) | 4.3.2011 | A1, A3, A5 & A7 |
| A/NE-TKL/351 | Proposed House (New Territories Exempted House - Small House) | 4.3.2011 | A1, A3, A5 & A7 |
| A/NE-TKL/352 | Proposed House (New Territories Exempted House - Small House) | 4.3.2011 | A1, A3, A5 & A7 |
| A/NE-TKL/353 | Proposed House (New Territories Exempted House - Small House) | 4.3.2011 | A1, A3, A5 & A7 |
| A/NE-TKL/472 | Proposed 2 Houses (New Territories Exempted Houses - Small Houses) | 8.8.2014 | A1, A2, A6 & A7 |
| A/NE-TKL/486 | Proposed House (New Territories Exempted House - Small House) | 31.10.2014 | A1, A2, A6 & A7 |
| A/NE-TKL/487 | Proposed House (New Territories Exempted House - Small House) | 31.10.2014 | A1, A2, A6 & A7 |
| A/NE-TKL/499 | Proposed House (New Territories Exempted House - Small House) | 6.2.2015 | A1, A2, A6 & A7 |
| A/NE-TKL/501 | Proposed House (New Territories Exempted House - Small House) | 6.2.2015 | A1, A6 & A7 |
| A/NE-TKL/529 | Proposed House (New Territories Exempted House - Small House) | 6.11.2015 | A1, A2, A6 & A7 |

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| A/NE-TKL/530 | Proposed House (New Territories Exempted House - Small House) | 6.11.2015 | A1, A2, A6 & A7 |
| A/NE-TKL/536 | Proposed House (New Territories Exempted House - Small House) | 22.1.2016 | A1, A2, A6 & A7 |
| A/NE-TKL/537 | Proposed House (New Territories Exempted House - Small House) | 22.1.2016 | A1, A2, A6 & A7 |
| A/NE-TKL/630* ¹ | Proposed House (New Territories Exempted House - Small House) | 13.12.2019 | A1, A6 & A7 |

Remarks

*1: The application no. A/NE-TKL/350 involves the same site as the application no. A/NE-TKL/630

Approval Conditions

- A1 The submission and implementation of drainage proposal
- A2 The submission and implementation of landscaping proposal
- A3 The provision of fire-fighting access, water supplies for fire-fighting and fire service installations
- A4 The design and provision of fire-fighting access, water supplies for fire-fighting and fire service installations
- A5 The submission and implementation of tree preservation and landscape proposals
- A6 The provision of septic tanks
- A7 The commencement clause

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 within the village ‘environs’ (‘VE’) of Ping Che;
- (b) the applicants have been certified by their respective Indigenous Inhabitants Representative (IIR) in statutory declaration that the applicants are indigenous villagers of Shan Kai Wat (Applications No. A/NE-TKL/649, 651 and 652) and Lo Shue Ling (Application No. A/NE-TKL/650) in Ta Kwu Ling Heung;
- (c) the Sites are not covered by any Modification of Tenancy / Building Licence;
- (d) the number of outstanding Small House applications for Ping Che village cluster is 49 while the number of 10-year Small House demand for Ping Che provided by the subject IIR is 160; and
- (e) the Small House grant applications for the Sites covered by Applications No. A/NE-TKL/649, 651 and 652 were received by his office in 2013 whereas the Small House grant application covered by A/NE-TKL/650 was received in 2014. All these applications are still under processing by his office.

2. Traffic

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

- (a) she has reservation on the applications. Such type of developments 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 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 involve construction of four Small Houses. She considers that the applications 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 developments, the applications 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 point of view;
- (b) the Sites are located to the north of Ping Che New Village and fall within an area zoned "AGR". The Sites are the subjects of previous applications No. A/NE-TKL/488, 498, 500 and 528 respectively, which were all for the same proposed development and were all approved by the Board in the period from 2014 to 2015;
- (c) based on aerial photo of March 2019, the Sites are situated in an area of rural landscape character comprising abandoned agricultural land, hard paved area with erected temporary structures and established village houses. The Sites are abandoned agricultural land with grassy vegetation. No significant sensitive landscape resource is observed within the Sites. Significant adverse landscape impact arising from the developments within the sites are not anticipated. Furthermore, the proposed development is not incompatible with the landscape character of the surrounding areas. According to record, numerous planning applications for the same proposed development within the same "AGR" zone had been approved by the Board in the past, including application No. A/NE-TKL/630 approved in 2019; and
- (d) since there is no major public frontage along the site boundary, should the Board approve the applications, it is considered not necessary to impose landscape conditions as the effect of additional landscaping 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 the 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 Sites to ensure that it will not cause adverse drainage impact to the adjacent area. In their submission, the applicants require assessing and identifying the project's potential drainage impacts and demonstrate in their submission with the implementation of necessary mitigation measures, the project will not cause an unacceptable increase in the risk of flooding in the areas upstream of, adjacent to or downstream of the development; and
- (c) the Sites are in an area where no public sewerage connection is available. EPD should be consulted regarding the sewage impact assessment and sewage treatment/disposal facilities for the proposed development.

6. Nature Conservation and Agriculture

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

the Sites are currently comprised of vegetable fields and abandoned land. Agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are available. The Sites can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As part of the Sites is under active cultivation and that the Sites possess potential for agricultural rehabilitation, the applications are not supported from agricultural point of view.

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 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 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):

she has consulted the locals regarding the applications. All consultees, including the incumbent North District Council member of the subject constituency, the 1st Vice-Chairman of Ta Kwu Ling District Rural Committee, the IIR and the Resident Representative of Ping Che had 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 Ping Che village cluster is 49 while the 10-year Small House demand forecast for the same village is 160. According to the latest estimate by PlanD, about 3.7 ha (equivalent to 148 Small House sites) of land are available within the "V" zones of Ping Che village cluster for Small House development. There is insufficient land in the "V" zones of Ping Che village cluster to meet the demand of land for Small House development (i.e. about 5.23 ha of land which is equivalent to 209 Small House sites).

Recommended Advisory Clauses

- (a) to note the comments of CE/C, WSD that 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;
- (b) 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;
- (c) to note the comments of CE/MN, DSD that the Sites are in an area where no public sewerage connection is available. EPD should be consulted regarding the sewage impact assessment and sewage treatment/disposal facilities for the proposed development;
- (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 permissions are only given to the developments under applications. If provision of an access road is required for the proposed developments, the applicants 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 permissions from the Town Planning Board where required before carrying out the road works.