

**Relevant Revised 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) 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 at the Application Site**

**Approval Application**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-TK/197	House (New Territories Exempted House) (NTEH) (Small House)	09.12.2005	A1 – A3
A/NE-TK/408	Proposed House (New Territories Exempted House - Small House)	19.10.2012	A1, A2, A4

**Approval Conditions**

- A1. The submission and implementation of landscaping and/or tree preservation proposals
- A2. The submission and implementation of drainage facilities
- A3. The provision of an emergency vehicular access with street fire hydrants/incorporation of residential sprinkler system
- A4. The provision of firefighting access, water supplies and fire service installations

**Similar Applications  
within the same “Green Belt” Zone  
on the Ting Kok Outline Zoning Plan**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-TK/222	5 Houses (New Territories Exempted Houses (NTEHs) – Small Houses)	03.11.2006 Partially approved	A1, A4, A5 (only for House A to D)
A/NE-TK/266	Proposed House (New Territories Exempted House)	13.02.2009	A1, A2, A4
A/NE-TK/322	Proposed House (New Territories Exempted House)	15.10.2010	A1, A2, A4
A/NE-TK/323	Proposed House (New Territories Exempted House - Small House)	15.10.2010	A1, A2, A4
A/NE-TK/458	Proposed House (New Territories Exempted House - Small House)	16.08.2013	A1, A2
A/NE-TK/543	Proposed House (New Territories Exempted House - Small House)	27.03.2015	A1, A2, A6
A/NE-TK/544	Proposed House (New Territories Exempted House - Small House)	27.03.2015	A1, A2, A6
A/NE-TK/604	Proposed House (New Territories Exempted House - Small House)	03.03.2017	A1, A2, A7

**Approval Conditions**

A1 The submission and implementation of drainage proposals/facilities

A2 The submission and implementation of landscaping and/or tree preservation

proposals

- A3 The provision of an emergency vehicular access with street fire hydrants/incorporation of residential sprinkler system
- A4 The provision of firefighting access, water supplies and fire service installations
- A5 The submission and implementation of landscaping proposals, including tree preservation proposals, for any trees on the site
- A6 The provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board.
- A7 The connection of the foul water drainage system to the public sewers

### Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-TK/222	5 Houses (New Territories Exempted Houses (NTEHs) – Small Houses)	03.11.2006 Partially rejected	R1, R3 (only for House E)
A/NE-TK/332	Proposed House (New Territories Exempted House – Small House)	10.12.2010	R2, R3

### Rejection Reasons

- R1 The NTEH was not in line with the interim criteria in that over 50% of its footprint fell outside the “VE” and “V” zone. According to the interim criteria, development of NTEH/Small House outside both the “VE” and “V” zone would normally not be approved unless under very exceptional circumstances. There was insufficient information in the submission to demonstrate why other suitable sites could not be made available within the areas zoned “V” for the proposed Small House development.
- R2 The proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories as more than 50% of the footprint of the proposed Small House was outside the "Village Type Development" zone and the village 'environs' of any recognised villages.
- R3 The approval of the application would set an undesirable precedent for other similar applications in the "Green Belt" zone.

**Detailed Comments from Relevant Government Departments**

**1. Land Administration**

Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) has no objection to the application;
- (b) the applicant claims to be an indigenous villager of Shuen Wan Wai Ha of Tai Po. However, his eligibility of Small House grant has yet to be ascertained;
- (c) the number of outstanding Small House applications and the number of 10-year Small House demand for the village concerned are as follow:

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand *</u>
Lo Tsz Tin	28	120

(\* The figure of 10-year Small House demand is provided by the IIR of concerned village in 2012 and the information so obtained is not verified by LandsD);

- (d) the Site is an Old Schedule Lot under Block Government Lease (demised for agricultural use). The applicant is the registered owner of the subject lot and the Small House application has been received by LandsD;
- (e) the Site is not covered by Modification of Tenancy or Building Licence;
- (f) if and after planning approval has been given by the Board, LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the proposed Small House or approval of the emergency vehicular access thereto;
- (g) the Site falls entirely within the 'VE' of Lo Tsz Tin; and
- (h) with respect to the proposed septic tank of the application, it will be considered when the case is due for processing. Comment from EPD should be sought in relation to the proposed septic tank.

**2. Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) has no objection to the application;
- (b) the Site falls within "GB" and "V" zones and outside the WGG. The proposed

artificial Lung Mei beach is situated at the downstream of Lo Tsz Tin;

- (c) there is existing public sewer about 45m away from the proposed Small House. Subject to the applicant can obtain consent from the private lots nearby, sewer connection is feasible and capacity is available. The applicant should consider connecting the proposed house to the existing public sewerage. In case the connection is not feasible and the use of septic tank and soakaway (STS) system is proposed for sewage treatment and disposal, the design and construction of the STS system should follow the requirements of the Practice Note for Professional Person (ProPECC) PN5/93 'Drainage Plans subject to Comment by the Environmental Protection Department' and are duly certified by an Authorized Person; and
- (d) as the Site is in close proximity to a natural stream, should the use of STS system be proposed, the applicant should comply with the clearance distance of the soakaway system (not the septic tank) of at least 15m away from the stream.

### **3. Landscape**

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

- (a) has no objection to the application from landscape planning perspective;
- (b) the Site is situated in an area of rural landscape character comprising of natural woodland and village houses. Newly built village houses are spotted to the east of the Site and natural woodland to its north and west. Village houses are concentrated within "V" zone to its south. Although the proposed development is not in line with the planning intention of "GB" zone, it is not incompatible with the surrounding environment;
- (c) part of the Site is cleared and part is vegetated. Three existing young trees of common species and low amenity value will be in conflict with the proposed Small House. As there is space for compensatory tree planting within the Site, adverse impact on tree removal can be mitigated. According to the submitted site plan, the proposed building footprint will be setback from the adjacent woodland to the west of the Site; and
- (d) should the application be approved by the Board, a condition on submission and implementation of landscape proposal is recommended.

### **4. Drainage and Sewerage**

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

- (a) has no in-principle objection to the application from public drainage viewpoint;
- (b) if the application is approved, a condition should be included to request the applicant to submit and implement the drainage proposal for the

Site to the satisfaction of Director of Drainage Services or the Board to ensure that it will not cause adverse drainage impact to the adjacent area;

- (c) there is no existing DSD maintained public storm drain available for connection in this area. The development should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/ fence to allow surface runoff to pass through the Site if any boundary wall fence are to be erected. Any existing flow path affected should be re-provided. A condition to ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas should be considered. The applicant/lot owner is required to maintain the drainage system properly and rectify the system if it is found to be inadequate or ineffective during operation. The applicant/lot owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the drainage system;
- (d) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. DSD would not assist the lot owner/developer on the drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/ departments if necessary. He should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected. In particular, a minimum clearance of 3m should be maintained between the proposed development and the top of the embankment of existing streamcourses/ponds/rivers;
- (e) there is existing public sewerage in the vicinity of the Site. EPD should be consulted regarding the sewage treatment/disposal aspects of the application and the provision of septic tank; and
- (f) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant lot owners should be sought.

4.2 Comments of the Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD):

- (a) has no comment on the application; and
- (b) the sewerage works in Lo Tsz Tin have been completed and there is no on-going project in the concerned village.



**5. Water Supply**

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

- (a) has no objection to the application; and
- (b) for provision of water supply to the proposed development, the applicant may need to extend the inside services to the 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 shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

**6. Nature Conservation**

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

- (a) has no strong view on the application as the Site is vacant; and
- (b) the Site adjoins a wooded area and is in proximity to a natural stream both to its west. Should the application be approved, the applicant should minimise impacts on existing trees in the adjoining wooded area and implement necessary precautionary measures according to Buildings Department's Practice Note for Authorised Persons and Registered Structural Engineers ADV-27 (Appendices A & B) to minimise adverse impacts, such as construction run-off, to the stream.

**7. Fire Safety**

Comments of the Director of Fire Services (D of FS):

- (a) has no in-principle objection to the application; and
- (b) the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.

**8. Demand and Supply of Small House Sites**

According to the DLO/TP, LandsD's record, the total number of outstanding Small House applications for Lo Tsz Tin is 28 while the 10-year Small House demand forecast for the same village is 120. Based on the latest estimate by the Planning Department, about 2.44 ha (or equivalent to about 97 Small House sites) of land are available within the "V" zone of Lo Tsz Tin. Therefore, the land available cannot fully meet the future Small House demand of about 3.7 ha (or equivalent to 148 Small House sites).

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
  - (i) if and after planning approval has been given by the Board, LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the proposed Small House or approval of the emergency vehicular access thereto; and
  - (ii) with respect to the proposed septic tank of the application, it will be considered when the case is due for processing;
- (b) to note the comments of the Director of Environmental Protection (DEP) that:
  - (i) there is existing public sewer about 45m away from the proposed Small House. Subject to the applicant can obtain consent from the private lots nearby, sewer connection is feasible and capacity is available. The applicant should consider connecting the proposed house to the existing public sewerage. In case the connection is not feasible and the use of septic tank and soakaway (STS) system is proposed for sewage treatment and disposal, the design and construction of the STS system should follow the requirements of the Practice Note for Professional Person (ProPECC) PN5/93 'Drainage Plans subject to Comment by the Environmental Protection Department' and are duly certified by an Authorized Person; and
  - (ii) as the Site is in close proximity to a natural stream, should the use of STS system be proposed, the applicant should comply with the clearance distance of the soakaway system (not the septic tank) of at least 15m away from the stream;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
  - (i) there is no existing DSD maintained public storm drains available for connection in this area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant/lot owner is required to maintain the drainage system properly and rectify the system if it is found to be inadequate or ineffective during operation. The applicant/lot owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the drainage system;
  - (ii) the applicant should design the drainage proposal based on the actual site condition for DSD's comment/agreement. DSD would not assist the lot

owner/developer on the drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicant should make sure that no adverse impact will be caused to the area due to the proposed works. The existing natural stream, village drains, ditches and the adjacent areas should not be adversely affected. In particular, a minimum clearance of 3 meters should be maintained between the proposed development and the top of the embankment of existing stream courses/ponds/rivers;

- (iii) there is existing public sewerage in the vicinity of the Site. EPD should be consulted regarding the sewage treatment/disposal aspects of the application and the provision of septic tank; and
- (iv) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant lot owner should be sought;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant may need to extend the inside services to the 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 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 the Director of Agriculture, Fisheries and Conservation (DAFC) that the Site adjoins a wooded area and is in proximity to a natural stream both to its west. The applicant should minimise impacts on existing trees in the adjoining wooded area and implement necessary precautionary measures according to Buildings Department's Practice Note for Authorised Persons and Registered Structural Engineers ADV-27 (Appendices A & B) to minimise adverse impacts, such as construction run-off, to the stream;
- (f) to note the comments of the Director of Fire Services that the applicant 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; 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.