

**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 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
- (j) 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 Application for
New Territories Exempted House (Small House) at the Site**

Approved Application

Nil

Rejected Application

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/TP/562	Proposed House (New Territories Exempted House - Small House)	17/10/14	R1-R3

Rejection Reasons

- R1 The proposed development was not in line with the planning intention of the "Green Belt" ("GB") zoning for the area which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong planning justification in the submission for a departure from the planning intention.
- R2 The application did not comply with the Town Planning Board Guidelines for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance' in that the proposed development would involve clearance of existing natural vegetation affecting the existing natural landscape, and the applicant failed to demonstrate that the proposed development would have no adverse landscape impact on the surrounding areas and that the stability of the adjacent slope would not be adversely affected.
- R3 The application 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 the proposed development would cause adverse landscape impact on the surrounding areas and be subject to adverse geotechnical impact.

**Similar s.16 Applications in the vicinity of the Site and within the “GB” zone
on Tai Po Outline Zoning Plan**

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Condition(s)
A/TP/266	Proposed House (Small House)	8/12/2000	A1
A/TP/274	Proposed House (New Territories Exempted House- Small House)	20/07/2001	A1-A3
A/TP/278	Proposed Seven Houses (Small House)	21/09/2001	A1,A2
A/TP/282	Proposed Five Houses (Small Houses)	16/11/2001	A1-A3
A/TP/286	Proposed Six Houses (Small Houses)	08/02/2002	A1-A3
A/TP/287	Proposed Two Houses (Small Houses)	01/03/2002	A1,A2
A/TP/300	Proposed Eight Houses (Small Houses)	11/10/2002	A1,A4
A/TP/302	Proposed House (Small House)	25/10/2002	A1,A2
A/TP/303	Proposed House (Small House)	25/10/2002	A1,A2
A/TP/320	Proposed House (Small House)	09/01/2004	A1,A2
A/TP/353	Proposed Two Houses (New Territories Exempted Houses - Small Houses)	29/07/2005	A1,A2
A/TP/363	Proposed House (New Territories Exempted House - Small House)	13/01/2006	A1,A5
A/TP/380	Proposed Three Houses (New Territories Exempted Houses - Small Houses)	20/10/2006	A1,A2,A5,A6
A/TP/424	Proposed House (New Territories Exempted House - Small House)	27/03/2009	A4,A6
A/TP/425	Proposed House (New Territories Exempted House - Small House)	27/03/2009	A4,A6
A/TP/464	Proposed House (New Territories Exempted House - Small House)	23/12/2010	A1,A2,A6

Application No.	Proposed Development	Date of Consideration	Approval Condition(s)
A/TP/465	Proposed House (New Territories Exempted House - Small House)	23/12/2010	A1,A2,A6
A/TP/466	Proposed House (New Territories Exempted House - Small House)	23/12/2010	A1,A2,A6
A/TP/467	Proposed House (New Territories Exempted House - Small House)	23/12/2010	A1,A2,A6
A/TP/468	Proposed House (New Territories Exempted House - Small House)	23/12/2010	A1,A2,A6
A/TP/469	Proposed House (New Territories Exempted House - Small House)	23/12/2010	A1,A2,A6
A/TP/470	Proposed House (New Territories Exempted House - Small House)	23/12/2010	A1,A2,A6
A/TP/471	Proposed House (New Territories Exempted House - Small House)	23/12/2010	A1,A2,A6
A/TP/472	Proposed House (New Territories Exempted House - Small House)	23/12/2010	A1,A2,A6
A/TP/473	Proposed House (New Territories Exempted House - Small House)	23/12/2010	A1,A2,A6
A/TP/474	Proposed House (New Territories Exempted House - Small House)	23/12/2010	A1,A2,A6
A/TP/475	Proposed House (New Territories Exempted House - Small House)	23/12/2010	A1,A2,A6
A/TP/476	Proposed House (New Territories Exempted House - Small House)	23/12/2010	A1,A2,A6
A/TP/477	Proposed House (New Territories Exempted House - Small House)	23/12/2010	A1,A2,A6
A/TP/525	Proposed Two Houses (New Territories Exempted Houses - Small Houses)	5/10/2012	A1,A2,A6
A/TP/553	Proposed House (New Territories Exempted House - Small House)	17/10/2014	A1,A2,A7

Application No.	Proposed Development	Date of Consideration	Approval Condition(s)
A/TP/554	Proposed House (New Territories Exempted House - Small House)	17/10/2014	A1,A2,A7
A/TP/555	Proposed House (New Territories Exempted House - Small House)	17/10/2014	A1,A2,A7
A/TP/556	Proposed House (New Territories Exempted House - Small House)	17/10/2014	A1,A2,A7
A/TP/561	Proposed House (New Territories Exempted House - Small House)	17/10/2014	A1,A2,A7
A/TP/566	Proposed House (New Territories Exempted House - Small House)	14/11/2014	A1,A2,A7
A/TP/570	Proposed House (New Territories Exempted House - Small House)	13/03/2015	A1,A2,A7
A/TP/571	Proposed House (New Territories Exempted House - Small House)	13/03/2015	A1,A2,A7,A8
A/TP/572	Proposed House (New Territories Exempted House - Small House)	13/03/2015	A1,A2,A7,A8

Approval Conditions

- A1. The submission and/or provision/implementation of drainage facilities/proposal
- A2. The submission and implementation of landscaping proposals
- A3. The provision of fire service installations
- A4. The submission and implementation of landscaping and tree preservation proposals (including a site formation plan, prior to commencement of site formation works)
- A5. The submission of a slope assessment and the implementation of stabilization works identified therein
- A6. The provision of fire-fighting access, water supplies and fire service installations
- A7. 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
- A8. The submission of a geotechnical investigation report and implementation of the necessary geotechnical remedial works

Rejected Application

Nil

Detailed Comments from Relevant Government Departments

1. Land Administration

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

- (a) no objection to the application;
- (b) the applicant is an indigenous villager of Luk Heung Wang Teng Tau Village of Tai Po as confirmed by the Indigenous Inhabitant Representative (IIR) of the concerned village. However, his eligibility of Small House grant has yet to be ascertained;
- (c) the Site is held under Block Government Lease demised for agricultural use. Should the application be approved by the Town Planning Board (the Board), this office 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 Small House concerned or approval of the Emergency Vehicular Access thereto;
- (d) the Site falls entirely within the village 'environs' ('VE') of San Uk Ka and is not covered by any Modification of Tenancy or Building Licence; and
- (e) the number of outstanding Small House applications and the number of 10-year Small House demand for the villages concerned are as follows:

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand*</u>
San Uk Ka	14	35
Cheung Uk Tei	13	39
Sheung/Ha Wun Yiu	20	200

(* The figures of 10-year Small House demand of the concerned villages were provided by the IIR of San Uk Ka in 2014 and Cheung Uk Tei and Wun Yiu in 2016 respectively and the information so obtained is not verified by LandsD. The figure of 10-year Small House demand of Ha Wun Yiu has not been provided by the respective IIR.)

2. Traffic

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

- (a) in general, he has reservation on the application. Such type of development

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 development 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, he considers that the application only involves development of an NTEH at the Site can be tolerated unless it is rejected on other grounds.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application;
- (b) in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution; and
- (c) 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 Practice Note for Professional Person (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) has reservation on the application from landscape planning point of view;
- (b) the Site is located at San Uk Ka Village and Small House developments are concentrated at the north, east and south of the Site within the “Green Belt” (“GB”) and “V” zones. A downward slope is found at the east of the Site. The Site is connected with Wun Yiu Road by a footpath from the east;
- (c) the Site is vacant and covered with grass and groundcovers. It is situated in an area of rural landscape character comprising of scattered tree groups and village houses. The proposed development is not incompatible with the surrounding environment. However, it is not in line with the planning intention of the “GB” zone;
- (d) three young common fruit tree species, *Carica papaya* (番木瓜) and a *Ficus variegata* (青果榕) which is heavily entwined with climbers were found within the Site. Despite a number of similar applications adjacent to the Site being recently approved, and the landscape character of the area is expected to be gradually altered, the southern part of the Site is on a sloping ground and the proposed development would inevitably involve site formation and/or slope works. The existing topography of the concerned “GB” area would therefore

be changed irreversibly; and

- (e) since the footprint of the proposed Small House covers most of the Site, there is very limited space for landscaping within the Site. Should the application be approved by the Board, the standard condition on submission and implementation of landscaping proposal is not recommended.

5. Drainage and Sewerage

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

- (a) no in-principle objection to the proposed Small House from public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement the drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) there is no public drain maintained by DSD in the vicinity of the Site. The proposed Small House should have its own stormwater collection and discharge systems to cater the runoff generated within the Site and overland flow from other areas surrounding the Site. The Site is located on the unpaved ground. The proposed development will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant/owner is also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (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. The applicant 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; and
- (e) there is no existing public sewerage in the vicinity of the Site.

6. Nature Conservation

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

- (a) has no strong view on the application from nature conservation point of view; and

- (b) the proposed Small House may affect a few young trees of common species. Nevertheless, the Site seems to have undergone recent vegetation clearance. The Board should consider whether it constitutes “destroy first, build later”.

7. **Fire Safety**

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

- (a) 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. **Water Supply**

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

- (a) no objection to the application; and
- (b) for provision of water supply to the 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 standard.

9. **Geotechnical Aspect**

Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) unauthorized cutting and filling works were reported within and in the vicinity of the Site in 2014. He has no comment on the application from geotechnical aspect as the applicant has committed to remove the unauthorized site formation works prior to the commencement of the site formation works for the proposed Small House in the submitted Geotechnical Planning Review Report (GPRR); and
- (b) the applicant should be reminded that the proposed works as stated in the GPRR, including the demolition of the unauthorized site formation works, cannot meet the conditions listed in the Practice Note for Authorized Persons and Registered Structural Engineers (PNAP) APP-56 for exemption in respect of site formation works. The applicant shall submit the works proposal together with the prescribed plans for site formation works to the Building Authority for approval.

10. Electricity Supply Safety

Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) no particular comment on the application from electricity supply safety aspect; and
- (b) however, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with the planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation (the Regulation) and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

11. Demand and Supply of Small House Sites

According to the DLO/TP, LandsD's record, the total number of outstanding Small House applications for San Uk Ka, Cheung Uk Tei, Sheung Wun Yiu and Ha Wun Yiu is 47 while the 10-year Small House demand forecast for the same villages is 274. Based on the latest estimate by the Planning Department, about 2.99 ha (or equivalent to about 119 Small House sites) of land are available within the "V" zone of San Uk Ka, Cheung Uk Tei, Sheung Wun Yiu and Ha Wun Yiu. Therefore, the land available cannot fully meet the future Small House demand of about 8.03 ha (or equivalent to about 321 Small House sites).

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that 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 Small House concerned or approval of the Emergency Vehicular Access thereto;
- (b) to note the comments of the Director of Environmental Protection (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 Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person;
- (c) to note the comments of the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) that:
 - (i) there is no public drain maintained by DSD in the vicinity of the Site. The proposed Small House should have its own stormwater collection and discharge systems to cater the runoff generated within the Site and overland flow from other areas surrounding the Site. The Site is located on the unpaved ground. The proposed development will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant/owner should maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
 - (ii) 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. The applicant 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; and
 - (iii) there is no existing public sewerage in the vicinity of the Site;
- (d) to note the comments of the Chief Engineer/Construction of Water Supplies Department (CE/C, WSD) that 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 standard;

- (e) to note the comments of the Director of Fire Services (D of FS) 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;
- (f) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that:
 - (i) the unauthorized site formation works should be removed prior to the commencement of the site formation works for the proposed Small House; and
 - (ii) the proposed works as stated in the Geotechnical Planning Review Report, including the demolition of the unauthorized site formation works, cannot meet the conditions listed in the Practice Note for Authorized Persons and Registered Structural Engineers (PNAP) APP-56 for exemption in respect of site formation works. The applicant should submit the works proposal together with the prescribed plans for site formation works to the Building Authority for approval;
- (g) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that for public safety and ensuring the continuity of electricity supply, the parties concerned with the planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. The applicant should observe the Electricity Supply Lines (Protection) Regulation (the Regulation) and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines; and
- (h) 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.