

**Extract of the Interim Criteria for Consideration of Application
for New Territories Exempted House (NTEH)/Small House in New Territories
(promulgated on 7.9.2007)**

The relevant assessment criteria for planning application are extracted as follows:

- (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 Applications within/straddling the same “V” and/or “AGR” zones
on the Tai Tong OZP**

Approved Applications

	<u>Application No.</u>	<u>Proposed Development(s)/Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TT/168	New Territories Exempted House (NTEH) (Small House)	3.12.2004	(1)
2	A/YL-TT/213#	Proposed House (NTEH – Small House)	12.10.2007	(1)
3	A/YL-TT/214#	Proposed House (NTEH – Small House)	12.10.2007	Nil
4	A/YL-TT/350#	Proposed House (NTEH – Small House)	8.5.2015	(1), (2)
5	A/YL-TT/390#	Proposed House (NTEH – Small House)	28.10.2016	(2), (3)

Straddles the “AGR” and “V” zones.

Approval Condition(s):

- (1) Submission and implementation of landscape proposals.
- (2) Provision of septic tank.
- (3) Submission and implementation of drainage proposals.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Development(s)/Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TT/215#	Proposed House (NTEH – Small House)	2.11.2007	(1), (2), (3)
2	A/YL-TT/356^	Proposed 4 Houses (NTEHs – Small Houses)	9.10.2015	(1), (4)
3	A/YL-TT/382#	Proposed House (NTEH – Small House)	15.7.2016	(1), (2), (3)

Straddles the “AGR” and “V” zones.

^ Falls wholly within the “AGR” zone.

Rejection Reason(s):

- (1) Not in line with the planning intention of the “AGR” zone.

- (2) Not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories” (Interim Criteria) in that there was no shortage of land within the concerned “V” zone(s) in meeting the demand of Small House development.
- (3) The applicant fails to demonstrate why suitable sites within the concerned “V” zone(s) could not be made available for the Small House development.
- (4) Not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories” in that the proposed Small House footprints fall entirely outside the ‘Village Environs’ and “V” zone.

Detailed Comments of Government Department Concerned

Land Administration

1. Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
 - (a) There is one Small House (SH) application under processing within the Site, while 2 SH applications are located within 30m radius circle measured from the boundary of the Site. The SH applications are at departmental circulation stage.
 - (b) The number of outstanding SH applications of Tin Liu Tsuen and Sham Chung Tsuen is 63 and 6 respectively. The 10-year forecast (2018-2027) of SH demand for Tin Liu Tsuen and Sham Chung Tsuen (2016-2025) is 180 and 18 respectively. The figures of the 10-year forecast are provided by the Indigenous Inhabitant Representatives of Tin Liu Tsuen and Sham Chung Tsuen and he is unable to verify such information.
 - (c) The Site together with the proposed New Territories Exempted House (NTEH) (SH) footprint falls outside the Village Environs Boundary of Tin Liu Tsuen. The indigenous villager status and eligibility of the applicant for the s.16 application to apply for SH has not yet been verified by his office. When the case is due for processing, his office will consider the SH application acting in the capacity as the landlord at its sole discretion in accordance with the New Territories SH Policy, including verification of the applicant's status. There is no guarantee that the application would be approved.

Building Matters

2. Comments of the Chief Building Surveyor/New Territories West (CBS/NTW, BD):
 - (a) Noting that the building to be erected on the Site will be NTEH under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121), DLO/YL should be in a better position to comment on the captioned application.
 - (b) In case DLO/YL decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the NTEH development, such works will require prior approval and consent under the Buildings Ordinance. In the circumstance, an Authorised Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL or seek AP's advice for details.

Traffic

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

Since no vehicular access and parking space is proposed for the development, he has no comment on the application from traffic engineering point of view.
4. Comments of the Chief Highway Engineer/New Territories West, Highways

Department (CHE/NTW, HyD):

- (a) It is noted that no vehicular access is proposed or to be granted under the subject application. He has no comment from highways maintenance point of view.
- (b) If the application is approved, it is recommended to highlight in the reply to the applicant that the application is approved on the understanding that there is and will be no vehicular access to/from the Site.

Drainage

5. Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
- (a) He has no objection in principle to the proposed development from the public drainage point of view.
 - (b) Should the Board consider that the application is acceptable from the planning point of view, approval conditions should be stipulated requiring the submission of a drainage proposal and the implementation of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board.
 - (c) The applicant should be reminded that to maintain all drainage facilities on site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.

Environment

6. Comments of the Director of Environmental Protection (DEP):

In view of the small scale of the proposed development, the application alone is unlikely to cause major pollution.

Fire Safety

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

- (a) He has no comment on the application.
- (b) The applicant is advised to observe the “NTEH – A Guide to Fire Safety Requirements” which is administered by LandsD.

Nature Conservation

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

The Site falls within “AGR” and “V” zones and is currently paved and vacant. Agricultural infrastructure such as road access is available. The Site can be used for agricultural activities such as green house and plant nursery. As the Site possesses

potential for agricultural rehabilitation, the application is not supported from agricultural point of view.

Landscape

9. Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):
 - (a) She has no objection to the application from the landscape planning perspective.
 - (b) With reference to the aerial photo of 2018, it is observed that the Site is mainly vegetated with shrubs. The Site is situated in an area of village landscape character. In view that there is other similar village house development in the vicinity, the proposed use is considered not incompatible with the surrounding landscape character.
 - (c) As the proposed development is unlikely to cause any adverse landscape impact, and that there is limited space remaining within the Site for any landscape treatment, it is considered that the landscape condition is not necessary should the application be approved by the Board.

District Officer's Comments

10. Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

Local consultation had been completed. Her office has not received any comment from the village representatives in the vicinity regarding the application.

Others

11. Comments of the Director of Electrical and Mechanical Services (DEMS):
 - (a) He has no particular comment on the application from electricity supply safety aspect.
 - (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising 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 Site. They should also be reminded to observe the Electricity Supply Lines (Protection) 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.

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the application site (the Site) together with the proposed New Territories Exempted House (NTEH) (Small House) (SH) footprint falls outside the Village Environs Boundary of Tin Liu Tsuen. Your indigenous villager status and eligibility for the application to apply for SH has not yet been verified by his office. When the case is due for processing, his office will consider the SH application acting in the capacity as the landlord at its sole discretion in accordance with the New Territories SH Policy, including verification of your status. There is no guarantee that the application would be approved;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that in case DLO/YL decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the NTEH development, such works will require prior approval and consent under the Buildings Ordinance. In the circumstance, an Authorised Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL or seek AP's advice for details;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the application is approved on the understanding that there is and will be no vehicular access to/from the Site;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should maintain all drainage facilities on Site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.;
- (e) to note the comments of the Director of Fire Services that the applicant is advised to observe the "New Territories Exempted House – A Guide to Fire Safety Requirements" which is administered by LandsD; and
- (f) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising 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 Site. They should also be reminded to observe the Electricity Supply Lines (Protection) 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.