

**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 recognised 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.

Extract of the Town Planning Board Guidelines
for “Submission of Master Layout Plan
under section 4A(2) of the Town Planning Ordinance” (TPB PG-No. 18A)

- (a) The Board may require all applications for permission in an area zoned as “Comprehensive Development Area” (“CDA”) to be in the form of Master Layout Plan (MLP) and supported by other relevant information. If approved by the Town Planning Board, a MLP shall be deposited in the Land Registry for public inspection.
- (b) The standard requirements of a MLP submission should be applied with flexibility to take into account individual site circumstances.
- (c) Submission of MLPs and supporting information including various detailed assessments is not required for an application for change of use in an existing building within a “CDA” zone (irrespective of whether building works are undertaken) before completion of comprehensive development in the “CDA” zone, unless it is considered necessary by relevant Government departments.
- (d) The requirement for MLP submission is not applicable to applications for temporary uses within a “CDA” zone.
- (e) In general, the MLP should include plans showing the location of the “CDA” site and the general layout of the whole development and a development schedule showing the main development parameters.

Previous Application covering the Site

Approved Application

<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
A/YL/136	Proposed Comprehensive Commercial / Residential Development	27.8.2010 (Permission lapsed on 28.8.2018)	(1) to (17)

Approval Conditions:

- (1) Submission and implementation of a revised Master Layout Plan.
- (2) Submission and implementation of the Landscape Master Plan including Tree Preservation Scheme.
- (3) Submission of quarterly tree monitoring report.
- (4) Submission of an implementation programme.
- (5) Submission of a revised design of the podium structures to enhance visual quality of the proposed development.
- (6) Submission of a revised Air Ventilation Assessment and to implement suitable mitigation measures identified therein, as necessitated by the proposed development.
- (7) Submission of a revised Environmental Assessment and to implement suitable on-site and off-site mitigation measures identified therein, as necessitated by the proposed development.
- (8) Provision of sewerage upgrading works, as necessitated by the proposed development, prior to the occupation of the proposed development.
- (9) Provision and maintenance of flood mitigation measures, as proposed by the applicant in the Drainage Impact Assessment and any other stormwater drainage facilities as necessitated by the proposed development.
- (10) Provision of waterworks reserve area for protection of existing water mains and any diversion required by the proposed development.
- (11) Submission of a revised Traffic Impact Assessment and to implement suitable traffic improvement measures identified therein, as proposed by the applicant, prior to the occupation of the proposed development.
- (12) Design and provision of a 5m wide 24-hour public passageway at ground level along Yuen Long On Ning Road.
- (13) Design and provision of footbridges and/or footbridge openings.
- (14) Design and provision of a 10m wide non-building area to serve as a public promenade at the western side of the site along the nullah. The promenade should be accessible to the public at all times, and managed and maintained by the owner(s) of the commercial podium without transferring the responsibility to future flat owners, as proposed by the applicant.
- (15) Provision of car parking spaces and loading/unloading bays.
- (16) Provision of emergency vehicular access, water supplies for fire-fighting and fire service installations.
- (17) Preservation of the Entrance Tower of Tai Kiu Village to the satisfaction of the Director of Leisure and Cultural Services or of the TPB.

Detailed Comments from Relevant Government Departments

Land Administration

1. Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
 - (a) There is no Small House application having been approved or under processing at the application site (the Site) and within 30m of its vicinity.
 - (b) There is no outstanding Small House application within the village 'environs' ('VE') of Tai Kiu Village. According to the latest figure provided by the Indigenous Inhabitant Representative (IIR) of Tai Kiu Village, the 10-year forecast of Small House demand in Tai Kiu Village is 138. The information is provided by the IIR without verification by the Government.
 - (c) The footprint of the proposed New Territories Exempted House (NTEH) falls within the 'VE' of Tai Kiu, which is a recognised village.
 - (d) Tai Kiu Lot No. 77 in D.D. 120 ('the Mother Lot') is held under Block Government Lease with description of lot "House", class "H^{2nd}" and annual rent at \$0.5. The Mother Lot has been divided into Tai Kiu Lot No. 77 S.A and Tai Kiu Lot No. 77 RP in D.D. 120. In the event that planning permission is given, the redevelopment application submitted by the applicant will be considered by her department acting in its capacity as a landlord or lessor at its sole discretion in accordance with the prevailing policy and there is no guarantee that approval will be given. Any approval would be subject to such terms and conditions as may be imposed by her department at its sole discretion.
 - (e) There is no information on whether the applicant is an indigenous villager of Tai Kiu Village. The indigenous villager status is not an eligibility criterion for redevelopment application.

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):
 - (a) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.
 - (b) The applicant is reminded that no parking, queuing and reverse movement of vehicles on public road are allowed.
4. Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):
 - (a) He has no comment from highways maintenance point of view.
 - (b) It is noted that no vehicular access is proposed or to be granted under the application. Should the application be approved, the applicant should be reminded 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) The applicant should be reminded to provide his own drainage facilities to collect the runoff generated from the Site or passing through the Site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. Please also remind the applicant to consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works.

Environment

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

The Site is outside of water gathering ground. In view of the small scale of the proposed development, the application alone is unlikely to cause major pollution. The applicant is reminded 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 Persons (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an AP.

Fire Safety

7. Comments of the Director of Fire Services (D of FS):
 - (a) He has no in-principle objection to the application.
 - (b) The applicant is reminded to observe the “NTEH – A Guide to Fire Safety Requirements” published by LandsD.

Landscape

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

With reference to the aerial photo of 2019 (**Plan A-3**), the Site is fully occupied by an existing house. The Site is situated in an area of ‘Hui’ urban landscape character. Significant change to the landscape character arising from the application is not anticipated.

District Officer’s Comments

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

His office has not received any comment, from the village representatives in the vicinity, regarding the application.

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that Tai Kiu Lot No. 77 in D.D. 120 ('the Mother Lot') is held under Block Government Lease with description of lot "House", class "H^{2nd}" and annual rent at \$0.5. The Mother Lot has been divided into Tai Kiu Lot No. 77 S.A and Tai Kiu Lot No. 77 RP in D.D. 120. The redevelopment application submitted by the applicant will be considered by her department acting in its capacity as a landlord or lessor at its sole discretion in accordance with the prevailing policy and there is no guarantee that approval will be given. Any approval would be subject to such terms and conditions as may be imposed by her department at its sole discretion;
- (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 New Territories Exempted House (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. You may approach DLO/YL or seek AP's advice for details;
- (c) to note the comments of the Commissioner for Transport that the management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly. No parking, queuing and reverse movement of vehicles on public road are allowed;
- (d) 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 application site (the Site);
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that your own drainage facilities should be provided to collect the runoff generated from the Site or passing through the Site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. DLO/YL, LandsD should be consulted and consent from the relevant owners should be sought for any works to be carried out outside your lot boundary before commencement of the drainage works;
- (f) to note the comments of the Director of Environmental Protection 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 Persons (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an AP; and
- (g) to note the comments of the Director of Fire Services that the "NTEH – A Guide to Fire Safety Requirements" published by LandsD should be observed.