

**Extract of the Interim Criteria for Consideration of
Application for NTEH/Small House in the 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 covering the Application Site

Rejected Applications

	Application No.	Applied Use(s)/Development(s)	Date of Consideration	Rejection Reasons
1	A/TM-LTYT/194	Temporary Private Vehicle Park (Private Cars and Light Goods Vehicles) for Villagers of To Yuen Wai and Recreation and Village Affairs Centre for a Period of 3 Years	15.1.2010	(1), (2) and (4)
2	A/TM-LTYT/201	Temporary Private Vehicle Park (Private Cars and Light Goods Vehicles) for Villagers of To Yuen Wai and Recreation and Village Affairs Centre (with Ancillary Self-help Car Cleansing Facilities) for Period of 3 Years	8.10.2010 (Rejected on Review)	(1), (3) and (4)

Rejection Reasons:

- (1) The proposed development would frustrate development of Small Houses at part of the site and contravene with the planning intention of the “Village Type Development Zone”.
- (2) The proposed development would cause adverse environmental and road safety impacts to the local residents.
- (3) The proposed development would cause environmental impacts to the local residents and surrounding environment.
- (4) There was no information in the submission to demonstrate that the proposed development would not cause adverse drainage impacts on the surrounding areas.

Similar s.16 Applications for New Territories Exempted House/Small House straddling the same area shown as 'Road' on the Tuen Mun Outline Zoning Plan (OZP) and the "Village Type Development" zone on the Lam Tei and Yick Yuen OZP

Approved Applications

	Application No.	Applied Use(s)/Development(s)	Date of Consideration
1	A/TM/367	Proposed House (New Territories Exempted House - Small House)	7.3.2008
2	A/TM/368	Proposed House (New Territories Exempted House - Small House)	7.3.2008
3	A/TM/506	Proposed House (New Territories Exempted House - Small House)	13.10.2017
4	A/TM/507	Proposed House (New Territories Exempted House - Small House)	13.10.2017
5	A/TM/508	Proposed House (New Territories Exempted House - Small House)	13.10.2017
6	A/TM/509	Proposed House (New Territories Exempted House - Small House)	13.10.2017
7	A/TM/510	Proposed House (New Territories Exempted House - Small House)	13.10.2017
8	A/TM/597	Proposed House (New Territories Exempted House - Small House)	11.4.2025
9	A/TM/602	Proposed House (New Territories Exempted House - Small House)	6.2.2026

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- no in-principle objection;
- the application site (the Site) comprises Old Schedule Agriculture lot held under Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government;
- the applicant, YIP Wai Keung, claims that he is an indigenous villager (IV) of Lam Tei but his IV status and eligibility for Small House grant are yet to be verified;
- there is a valid Small House application under processing at the Site; and
- advisory comments are in **Appendix VI**.

2. Environment

Comments of the Director of Environmental Protection (DEP):

- no adverse comment on the application;
- the Site is about 100m from the Light Rail Transit (i.e. more than 25m horizontal separation as recommended by Hong Kong Planning Standards and Guidelines Chapter 9). Regarding the Tuen Ma Line, there is noise enclosure at that relevant section of the railway;
- in view of small scale of the proposed development, the application alone will unlikely to cause any major pollution; and
- advisory comments are in **Appendix VI**.

3. Fire Safety

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

- no in-principle objection provided that the proposed house would not encroach on any existing emergency vehicular access (EVA) or planned EVA in accordance with LandsD's record; and
- advisory comments are in **Appendix VI**.

4. **Landscape**

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

- no adverse comment on the application;
- according to site photos taken in February 2026, no distinctive landscape resources are observed within the Site; and
- no significant adverse landscape impact arising from the proposed development is anticipated.

5. **Electricity and Town Gas Safety**

Comments of the Director of Electrical and Mechanical Services:

- no adverse comment on the application;
- there is a high pressure underground town gas transmission pipeline (running along To Lai Road) in the vicinity of the proposed house;
- having considered the scale of the proposed development, no significant increase in the living or working population is anticipated. As such, a quantitative risk assessment is not a compulsory requirement for the proposed house. Nevertheless, he has no objection if the applicant would consider conducting the risk assessment in the interest of gas safety;
- the number of living or working personnel in the proposed house shall be minimized as far as reasonably practicable; and
- other advisory comments as detailed in **Appendix VI**.

6. **Demand and Supply of Small House Site**

According to DLO/TM, LandsD's record, the total number of outstanding Small House applications for Lam Tei, Lam Tei San Tsuen and To Yuen Wai is 33 while the 10-year Small House demand forecast for To Yuen Wai is 47. DLO/TM, LandsD has no information on the 10-year Small House demand forecast for Lam Tei and Lam Tei San Tsuen as the Indigenous Inhabitant Representatives have not provided the figure. Based on the latest estimate by PlanD, about 4.61ha of land (or equivalent to about 184 Small House sites) is available within the "V" zone of Lam Tei, Lam Tei San Tsuen and To Yuen Wai. Therefore, the land available can fully meet the future demand of 80 Small Houses (or equivalent to about 2ha of land).

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that:
- (i) if the planning permission is approved, the Small House application will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The Small House application, if approved, will be subject to such terms and conditions that deemed appropriate by his department, including but not limited to the payment of administrative fee;
 - (ii) there will not be any guarantee of right-of-way for approved Small House developments. His office notes that the application site (the Site) is surrounded by private lots without direct access from public road; and
 - (iii) his department reserves the right to take enforcement action as may be considered appropriate should any unauthorized building works be detected;
- (b) to note the comments of the the Director of Environmental Protection (DEP) that:
- (i) septic tank and soakaway system are acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 1/23 “Drainage Plans subject to Comment by the Environmental Protection Department - Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations” and are duly certified by an Authorized Person (AP); and
 - (ii) in view of the Castle Peak Road – Lam Tei section being located to the west of the Site, the applicant is reminded that he should design appropriate noise mitigation measures in accordance with the requirements stipulated in Hong Kong Planning Standards and Guidelines to address any potential noise impact. Examples may include, but not limited to, arranging non-noise sensitive uses (e.g. kitchens, bathrooms, storerooms, etc.) and/or avoiding reliance on openable windows for ventilation for noise-sensitive uses (e.g. living rooms, bedrooms, etc.) at the facades having line of sight to the road;
- (c) to note the comments of the Director of Fire Services (D of FS) that the applicant is reminded to observe “New Territories Exempted Houses - A Guide to Fire Safety Requirements”, which is administered by the LandsD. Detailed fire safety requirements would be formulated upon receipt of formal application via LandsD;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that in case DLO/TM, LandsD 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 AP should be appointed as a coordinator for the proposed works. The applicant may approach DLO/TM, LandsD or seek AP’s advice for details;

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) the applicant is requested to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent areas. He should refer to “DSD Technical Note No. 1 – Technical Note to prepare a Drainage Submission” in https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf;
 - (ii) the applicant is required to maintain his drainage facilities/system properly and rectify them if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of any damage and/or nuisance caused by failure of his facilities/system;
 - (iii) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at their own expense. For any works to be carried out outside his lot boundary, the applicant should consult DLO/TM, LandsD and seek agreement from relevant lot owners before commencement of the drainage works;
 - (iv) the proposed works should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas; and
 - (v) the Site is in an area whether public sewerage connection is not available. Environmental Protection Department should be consulted regarding sewage treatment/disposal facilities for the proposed development; and
- (f) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that:
- (i) having considered the scale of the proposed development, no significant increase in the living or working population is anticipated. As such, a quantitative risk assessment (QRA) is not a compulsory requirement for the proposed house. Nevertheless, he has no objection if the applicant would consider conducting the risk assessment in the interest of gas safety;
 - (ii) the number of living or working personnel in the proposed house shall be minimised as far as reasonably practicable;
 - (iii) the project proponent/consultant/works contractor shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the proposed study area of the QRA and any required minimum set back distance away from them during the design and construction stages of development; and
 - (iv) the applicant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department’s Code of Practice on “Avoidance of Damage to Gas Pipes” 2nd Edition for reference. The Code can be downloaded via the following web-link: [https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_\(Eng\).pdf](https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_(Eng).pdf).

就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號
Reference Number: 260210-154312-78267

提交限期
Deadline for submission: 24/02/2026

提交日期及時間
Date and time of submission: 10/02/2026 15:43:12

有關的規劃申請編號
The application no. to which the comment relates: A/TM/603

「提意見人」姓名/名稱
Name of person making this comment: 先生 Mr. 李祖貽

意見詳情
Details of the Comment :

本人同意上述申請!

就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號
Reference Number: 260223-104552-59556

提交限期
Deadline for submission: 24/02/2026

提交日期及時間
Date and time of submission: 23/02/2026 10:45:52

有關的規劃申請編號
The application no. to which the comment relates: A/TM/603

「提意見人」姓名/名稱
Name of person making this comment: The Hong Kong and China Gas Company Limited

意見詳情
Details of the Comment :

Since the proposed development is in the close vicinity to our High-Pressure pipeline near Yuen Long Highway, the project proponent is required to conduct Quantitative Risk Assessment to evaluate the potential risk basing on the forecasted ultimate population and determine the necessary mitigation measures if required. The project proponent should consult our company in design stage and closely coordinate with our company during construction stage and provide protective measures.