

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

**(A) Explanatory Notes on NTEH/Small House Development Exempted from Planning Application**

- (a) for NTEH/Small House development on a site straddling the “Village Type Development” (“V”) zone and other land use zones, planning permission will not be required if the proposed NTEH/Small House footprint falls wholly within the “V” zone;
- (b) planning permission will also not be required if not less than 50% of the footprint of a Small House falls within the “V” zone and the village ‘environs’ (‘VE’) of a recognised village;
- (c) the above exemption from planning application is not applicable to any NTEH/Small House development on a site encroaching on:
  - (i) conservation-related zones (such as “Coastal Protection Area”, “Conservation Area”, “Site of Special Scientific Interest”) and “Country Park”;
  - (ii) “Green Belt” zone;
  - (iii) “Open Space” (“O”) zone involving Government land, or where the proposed NTEH/Small House footprint encroaching on the “O” zone;
  - (iv) water gathering grounds; and
  - (v) area shown as ‘Road’.
- (d) notwithstanding (c) above, if only a very minor portion of the site (5% or 10m<sup>2</sup>, whichever is the less) falls outside the “V” zone (regardless of the other zoning(s) involved), it will be regarded as minor boundary adjustment always permitted under the covering Notes of the relevant Outline Zoning Plan/Development Permission Area Plan provided that no tree felling is involved and no adverse impacts are envisaged.

**(B) Assessment Criteria for Planning Application**

- (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) 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.

**Relevant Extracts of Town Planning Board Guidelines for  
Application for Development within Green Belt Zone  
under Section 16 of the Town Planning Ordinance  
(TPB-PG No. 10)**

- (a) there is a general presumption against development (other than redevelopment) in a “Green Belt” (“GB”) zone;
- (b) an application for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas. With the exception of New Territories Exempted Houses (NTEHs), a plot ratio up to 0.4 for residential development may be permitted;
- (c) applications for NTEHs with satisfactory sewage disposal facilities and access arrangements may be approved if the application sites are in close proximity to existing villages and in keeping with the surrounding uses, and where the development is to meet the demand from indigenous villagers;
- (d) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (f) the proposed development should not overstrain the overall provision of Government, Institution or Community facilities in the general area; and
- (g) the proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution.

**Previous s.16 Applications covering the Application Site (the Site)**

Approved Applications

	<b>Application No.</b>	<b>Use/Development</b>	<b>Date of Consideration</b>
1.	A/FSS/188	Proposed House (New Territories Exempted House - Small House)	19.3.2010 [lapsed on 20.3.2014]
2.	A/FSS/258	Proposed House (New Territories Exempted House - Small House)	17.3.2017 [lapsed on 18.3.2025]

**Similar s.16 Applications within the same “GB” Zone on the OZP in the Vicinity of the Site**Approved Applications

	<b>Application No.</b>	<b>Use/Development</b>	<b>Date of Consideration</b>
1.	A/FSS/185 <sup>(1)</sup>	Proposed House (New Territories Exempted House - Small House)	12.2.2010
2.	A/FSS/186 <sup>(2)</sup>	Proposed House (New Territories Exempted House - Small House)	12.2.2010
3.	A/FSS/190	Proposed House (New Territories Exempted House - Small House)	23.4.2010
4.	A/FSS/191	Proposed House (New Territories Exempted House - Small House)	7.5.2010
5.	A/FSS/257 <sup>(3)</sup>	Proposed House (New Territories Exempted House - Small House)	17.3.2017
6.	A/FSS/263 <sup>(1)</sup>	Proposed House (New Territories Exempted House - Small House)	2.3.2018
7.	A/FSS/264 <sup>(2)</sup>	Proposed House (New Territories Exempted House - Small House)	2.3.2018
8.	A/FSS/273	Proposed House (New Territories Exempted House - Small House)	31.5.2019
9.	A/FSS/274	Proposed House (New Territories Exempted House - Small House)	31.5.2019
10.	A/FSS/281 <sup>(3)</sup>	Proposed House (New Territories Exempted House - Small House)	24.9.2021
11.	A/FSS/285	Proposed House (New Territories Exempted House - Small House)	10.12.2021
12.	A/FSS/287	Proposed House (New Territories Exempted House - Small House)	4.3.2022

Remarks

- (1) Applications No. A/FSS/185 and 263 involve the same site.  
(2) Applications No. A/FSS/186 and 264 involve the same site.  
(3) Applications No. A/FSS/257 and 281 involve the same site.

**Detailed Comments from Relevant Government Departments**

**1. Land Administration**

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- the application site (the Site) falls within the village ‘environs’ of Ng Uk Tsuen;
- the Small House grant application is under processing. Notice regarding the Small House grant application was posted on 10.5.2024 and the Small House grant application is considered at an advance stage. The applicant claimed himself as an indigenous villager of Ng Uk Tsuen, Sheung Shui Heung. His eligibility for Small House grant is yet to be ascertained; and
- the Site is wholly on unleased Government Land.

**2. Traffic**

Comments of the Commissioner for Transport:

- no objection to the application from traffic engineering perspective;
- although additional traffic generated by the proposed Small House is not significant, the permission of development outside the “Village Type Development” (“V”) zone will however set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact has to be reviewed on case-by-case basis in the future;
- the application only involves the construction of one Small House and the application can be tolerated on traffic grounds; and
- advisory comments are at **Appendix VI**.

Comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD):

- no comment on the application from highways maintenance point of view; and
- advisory comments are at **Appendix VI**.

**3. Drainage**

Comments of the Chief Engineer/Mainland North, Drainage Services Department:

- no objection to the application from public drainage viewpoint;
- no objection to the sewerage connection proposal; and
- advisory comments are at **Appendix VI**.

#### 4. **Environment**

Comments of the Director of Environmental Protection:

- no in-principle objection to the application provided that the applicant will provide adequate sewer connection for disposal of sewage from the Small House to the existing public sewer at his own costs and reserve adequate land for the sewer connection work; and
- no objection to the sewage connection proposal submitted by the applicant. According to the applicant's submission, the sewage from the Small House will be discharged to the existing manhole No. FMH1028127 (**Plan A-2a**). The existing sewerage system should have adequate capacity to cater the sewage generated from the Small House.

#### 5. **Fire Safety**

Comments of the Director of Fire Services:

- no objection in principle to the application at this stage provided that the proposed Small House would not encroach on any existing Emergency Vehicular Access (EVA) or planned EVA under application in accordance with LandsD's record; and
- advisory comments are at **Appendix VI**.

#### 6. **Landscape Aspect**

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department:

- no adverse comment on the application from landscape planning perspective;
- based on the aerial photo, the Site is located in an area of urban fringe landscape character comprising tree clusters, village houses, residential buildings and government, institution or community uses. The proposed New Territories Exempted House is considered not incompatible with the landscape setting in the proximity;
- according to the site photos, the Site is covered with overgrown vegetation/trees. No distinctive landscape resources are observed within the Site. No significant adverse landscape impact arising from the proposed Small House is anticipated; and
- advisory comments are at **Appendix VI**.

#### 7. **Interface with Public Lamp Post**

Comments of the Chief Engineer/Lighting, HyD:

- the proposed Small House is found in conflict with the existing public lamp post No. VD1612 (**Plan A-2a**) and the associated lighting cable between public lighting pillar box No. 94124 upstream and lamp post No. VD5635 downstream;

- it is noted that inspection for the proposed relocation of the concerned lamp post with representatives from the North District Office, Home Affairs Department (HAD) and HyD, and the village representatives was carried out on 20.1.2026;
- subject to the consultation result for the proposed relocation of the concerned lamp post, particularly no objection from the lot owner and occupant of house No. 62 (**Plan A-2a**) for the lamp post location at the backup gate of the house, the process under the Village Lighting Procedure, and the successful relocation of the concerned lamp post together with the associated lighting cable, he has no objection to the application; and
- advisory comments are at **Appendix VI**.

## **8. Nature Conservation**

Comments of the Director of Agriculture, Fisheries and Conservation:

- the Site is the subject of two previous applications (No. A/FSS/188 and 258) for the same use submitted by the same application, which were approved by the Rural and New Town Planning Committee of the Town Planning Board on 19.3.2010 and 17.3.2017 respectively, and he has no strong view on the application from nature conservation perspective.

## **9. District Officer's Comments**

Comments of the District Officer (North), HAD:

- no comment on the application;
- the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Ng Uk Tsuen and the Chairman of Sheung Shui District Rural Committee (SSDRC) have been consulted; and
- the IIR of Ng Uk Tsuen supports the application and the RR of Ng Uk Tsuen and the Chairman of SSDRC have no comment on the application.

## **10. Demand and Supply of Small House Sites**

According to DLO/N, LandsD's records, the total number of outstanding Small House grant applications for Ng Uk Tsuen is eight, whilst the 10-year Small House demand forecast for Ng Uk Tsuen is 85. According to the latest estimate by PlanD, about 0.11ha of land (or equivalent to about four Small House sites) is available within the "V" zone of Ng Uk Tsuen. There is insufficient land within the "V" zone to fully meet the future demand of land for Small House development (i.e. about 2.33 ha of land which is equivalent to about 93 Small House sites).

## 11. **Other Departments**

The following government departments have no objection to or no comment on the application and their advisory comments, if any, are at **Appendix VI**:

- Project Manager (North), Civil Engineering and Development Department;
- Chief Engineer/Construction, Water Supplies Department;
- Director of Electrical and Mechanical Services; and
- Chief Building Surveyor/New Territories West, Buildings Department.

**Recommended Advisory Clauses**

- (a) to note the comments of the Commissioner for Transport that the local village access leading to the application site (the Site) from Pak Wo Road is not managed by the Transport Department (TD);
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that:
  - (i) no vehicular access connecting the nearest public road and the Site is proposed by the applicant. If there is any access arrangement proposed, the applicant shall seek comments from TD; and
  - (ii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that:
  - (i) the Site is in an area where no DSD stormwater drain is available;
  - (ii) consideration shall be given to adopt polyethylene (PE100) pipe for buried sewage pipe beyond the sewage terminal manhole;
  - (iii) a minimum soil cover of 450mm and 900mm shall be provided for the connection pipe constructed under footpath and carriageway respectively;
  - (iv) upon completion of the sewer connection works, an on-site technical audit will be carried out by his office. The Authorized Person (AP) shall submit an application for technical audit (Form HBP1), the approved sewerage plan and the technical audit fee to his office at least two weeks before the technical audit. Form HBP1 can be downloaded from DSD's website at <http://www.dsd.gov.hk/>;
  - (v) the proposed drainage works, whether within or outside the lot boundary, shall be constructed and maintained by the lot owner at his expense;
  - (vi) the lot owner/developer shall rectify/modify the drainage system if it is found to be adequate or ineffective during operation. The lot owner/developer shall also be liable for and shall indemnify Government against claims and demands arising out of damage or nuisance caused by failure of the system;
  - (vii) for works to be undertaken outside the lot boundary, prior consent and agreement from the the District Lands Officer/North, Lands Department (DLO/N, LandsD), District Officer (North), Home Affairs Department and/or relevant private lot owners shall be sought;
  - (viii) the lot owner/developer shall take all precautionary measures to prevent any disturbance, damage and pollution from the development to any parts of the existing drainage facilities in the vicinity of the lot. In the event of any damage to the existing drainage facilities, the lot owner/developer shall be responsible for the cost of all necessary repair works, compensation and any other consequences arising

therefrom; and

- (ix) the lot owner/developer shall be advised that the limited desk-top checking by Government on the drainage proposal covers only the fundamental aspects of the drainage design which will by no means relieve his obligations to ensure that the proposed drainage works will not cause any adverse drainage or environmental impacts in the vicinity; and the proposed drainage works and the downstream drainage systems have the adequate capacity and are in good conditions to receive the flows collected from his lot and all upstream catchments;
- (d) to note the comments of the Director of Fire Services that the applicant shall observe 'New Territories Exempted Houses (NTEHs) – A Guide to Fire Safety Requirements', which is administered by LandsD. Detailed fire safety requirements would be formulated upon receipt of formal application via LandsD;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. Application for any tree works shall be submitted to relevant departments for approval;
- (f) to note the comments of the Chief Engineer/Lighting, HyD that:
  - (i) the proposed Small House is found in conflict with the existing public lamp post No. VD1612 (**Plan A-2a**) and the associated lighting cable between public lighting pillar box No. 94124 upstream and lamp post No. VD5635 downstream; and
  - (ii) the concerned lamp post No. VD1612 (**Plan A-2a**) is a village lighting where village lighting procedure shall be strictly followed, in particular, the applicant shall submit written application as shown in Annex J of the Village Lighting Procedures as previously provided. According to his office's experience in dealing with village lighting relocation works, the proposed lamp post relocation would take 1.5 years or longer time to complete, not to mention the site constraints to be encountered during the course of the works; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
  - (i) site formation works and drainage works for NTEHs are building works under the control of the Buildings Ordinance (BO). Before any new site formation and/or drainage works are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works. An AP should be appointed as the co-ordinator for the proposed site formation and/or drainage works in accordance with BO; and
  - (ii) the Director of Lands may issue a certificate of exemption from prior approval and consent of BA in respect of site formation works and/or drainage works in New Territories under BO (Application to the New Territories) Ordinance. The applicant may approach DLO/N, LandsD or seek AP's advice for details.

**Appendix VIIa of RNTPC  
Paper No. A/FSS/304A**

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

**To : Secretary, Town Planning Board**

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 **The application no. to which the comment relates**  
A/FSS/304

意見詳情 (如有需要，請另頁說明)

**Details of the Comment** (use separate sheet if necessary)

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「提意見人」姓名/名稱 Name of person/company making this comment 侯志强議員

簽署 Signature  日期 Date 2026.1.30

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**tpbpd/PLAND**

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寄件者: [REDACTED]  
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主旨: A/FSS/304 DD 91 Ng Uk Tsuen GB  
類別: Internet Email

A/FSS/304

Government Land in D.D. 91, Ng Uk Tsuen, Sheung Shui

Site area: 65.03sq.m

Zoning: "Green Belt"

Applied development: NET House

Dear TPB Members,

Strong Objections. GL, 'GB' zone some distance from "V" zone where there is still land available and the development would encroach on additional GL for the excavation for septic tank and access.

While there is a history of previous approvals dating back to 2010, these have expired and the development should be judged under current policy, ie to contain village house development within the "V" zone.

The application should be rejected.

Mary Mulvihill