

**Relevant Interim Criteria for Consideration of Application for
New Territories Exempted House (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 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.

**Previous S.16 Applications for Proposed House
(New Territories Exempted House – Small House)
within/straddling the “Agriculture” Zone in the vicinity of the application site
on the Approved Fu Tei Au & Sha Ling Outline Zoning Plan OZP No. S/NE-FTA/18**

Rejected Applications

	Application No.	Uses / Developments	Date of Consideration	Rejection Reasons
1	A/NE-FTA/191*1	Proposed 5 Houses (NTEHs – Small House)	25.10.2019 (on review)	R1 & R2
2	A/NE-FTA/222*1	Proposed 3 Houses (NTEHs – Small House)	21.7.2023 (on review)	R1 & R2

Remarks

*1: Applications No. A/NE-FTA/191 and A/NE-FTA/222 involve the same site.

Rejection Reasons

- R1 The proposed development was not in line with the planning intention of the “Agriculture” zone in the Fu Tei Au and Sha Ling area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention.
- R2 Land was still available within the “Village Type Development” zone of Wa Shan Village where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.

**Similar S.16 Applications for Proposed House
(New Territories Exempted House – Small House)
within/straddling the “Agriculture” Zone in the vicinity of the application site
in the Fu Tei Au and Sha Ling Area**

Approved Applications

	Application No.	Uses/Developments	Date of Consideration
1	A/NE-FTA/90* ¹	Proposed House (NTEH – Small House)	23.1.2009
2	A/NE-FTA/95	Proposed 2 Houses (NTEHs – Small House)	21.8.2009
3	A/NE-FTA/128* ²	Proposed House (NTEH – Small House)	17.1.2014
4	A/NE-FTA/129* ³	Proposed House (NTEH – Small House)	17.1.2014
5	A/NE-FTA/130* ⁴	Proposed House (NTEH – Small House)	17.1.2014
6	A/NE-FTA/132* ⁵	Proposed House (NTEH – Small House)	7.2.2014
7	A/NE-FTA/138* ⁶	Proposed House (NTEH – Small House)	4.4.2014
8	A/NE-FTA/147* ⁷	Proposed House (NTEH – Small House)	26.9.2014
9	A/NE-FTA/164* ¹	Proposed House (NTEH – Small House)	11.11.2016
10	A/NE-FTA/216* ²	Proposed House (NTEH – Small House)	29.7.2022
11	A/NE-FTA/217* ³	Proposed House (NTEH – Small House)	29.7.2022
12	A/NE-FTA/218* ⁴	Proposed House (NTEH – Small House)	29.7.2022
13	A/NE-FTA/219* ⁵	Proposed House (NTEH – Small House)	29.7.2022
14	A/NE-FTA/228* ⁷	Proposed House (NTEH – Small House)	11.9.2023
15	A/NE-FTA/230* ⁶	Proposed House (NTEH – Small House)	11.9.2023

Remarks

*1: Applications No. A/NE-FTA/90 and A/NE-FTA/164 involve the same site.

- *2: Applications No. A/NE-FTA/128 and A/NE-FTA/216 involve the same site.
- *3: Applications No. A/NE-FTA/129 and A/NE-FTA/217 involve the same site.
- *4: Applications No. A/NE-FTA/130 and A/NE-FTA/218 involve the same site.
- *5: Applications No. A/NE-FTA/132 and A/NE-FTA/219 involve the same site.
- *6: Applications No. A/NE-FTA/138 and A/NE-FTA/230 involve the same site.
- *7: Applications No. A/NE-FTA/147 and A/NE-FTA/228 involve the same site.

Rejected Applications

	Application No.	Uses / Developments	Date of Consideration	Rejection Reasons
1	A/NE-FTA/188	Proposed House (NTEH – Small House)	18.1.2019	R1 & R2
2	A/NE-FTA/204	Proposed House (NTEH – Small House)	23.7.2021	R1 & R2

Rejection Reasons

- R1 The proposed development was not in line with the planning intention of the “Agriculture” zone in the Fu Tei Au and Sha Ling area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention.
- R2 Land was still available within the “Village Type Development” zone of Sheung Shui Wa Shan where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.

Government Departments' General Comments

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' ('VE') of Sheung Shui Wa Shan;
- the applicants claim themselves as indigenous villagers of Wa Shan Village. Their eligibilities for Small House grant are yet to be ascertained;
- the Site is not covered by any Modification of Tenancy/Building Licence; and
- the Site is Old Scheduled Agricultural Lot held under Block Government Lease.

2. Traffic

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

- no objection to the application from traffic engineering perspective;
- the application only involves construction of three Small Houses at the Site, she considers that the application could be tolerated on traffic ground;
- though additional traffic generated by the proposed development is not significant, the permission of developments outside the "Village Type Development" ("V") zone will 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; and
- her advisory comments are at **Appendix VI**.

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

- no comment on the application from highways maintenance perspective; and
- his advisory comments are at **Appendix VI**.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- in view of the small scale of the proposed development, the application is unlikely to cause major pollution; and
- her advisory comments are at **Appendix VI**.

4. Drainage

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

- no objection to the application from public drainage perspective;
- the Site is in an area where public sewerage connection is not available. DEP should be consulted regarding the sewage treatment/disposal facilities for the proposed development; and
- her advisory comments are at **Appendix VI**.

5. Fire Safety

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

- 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
- his advisory comments are at **Appendix VI**.

6. Agriculture and Nature Conservation

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

- does not support the application from agriculture perspective as the Site possesses potential for agricultural rehabilitation. There are agricultural activities in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries;
- no adverse comment from nature conservation perspective, noting that the applicants will utilise an existing pedestrian footway; and
- his advisory comments are at **Appendix VI**.

7. Landscape

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

- no adverse comment on the application from landscape planning perspective;
- based on the aerial photo taken in 2025, the Site is located in an area of rural inland plain landscape character comprising warehouses, temporary structures, village houses, vegetated areas and tree clusters (**Plans A-3a** and **A-3b**). The proposed development is considered not entirely incompatible with the surrounding environment;

- based on the site photos taken on 15.5.2026, the Site is fenced-off and largely formed without any trees. A temporary structure and some farming areas were observed within the Site. As stated in the Application Form, no tree felling will be involved. Significant adverse landscape impact arising from the application is not anticipated; and
- her advisory comments are at **Appendix VI**.

8. Demand and Supply of Small House Sites

According to the DLO/N, LandsD's records, the total number of outstanding Small House applications for Sheung Shui Wa Shan is 36 while the 10-year Small House demand is 430. Based on the latest estimate by PlanD, about 2.62ha (equivalent to about 104 Small House sites) of land are available within the "V" zone of Sheung Shui Wa Shan. There is insufficient land in the "V" zone of Sheung Shui Wa Shan to meet the future demand of land for Small House development (i.e. about 11.7ha of land which is equivalent to 466 Small House sites).

9. Other Departments

The following government departments have no objection to or no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) District Officer (North), Home Affairs Department (DO(N), HAD); and
- (c) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD).

Recommended Advisory Clauses

- (a) to note the comments of the Commissioner for Transport (C for T) that the local village access leading to the application site (the Site) from Man Kam To Road is not managed by the Transport Department (TD);
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that:
 - (i) the proposed access arrangement should be commented by TD;
 - (ii) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and the nearby public roads; and
 - (iii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (c) to note the comments of the Director of Environmental Protection (DEP) that 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 1/23 “Drainage Plans subject to Comment by the Environmental Protection Department” and are duly certified by an Authorised Person;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) the Site is in an area where public sewerage connection is not available. DEP should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
 - (ii) adequate stormwater drainage collection and disposal facilities shall be provided to deal with the surface runoff of the Site or the same flowing on to the Site from the adjacent areas;
 - (iii) all stormwater drainage facilities to be completed under the proposed development, whether within private lots or Government Land, shall be solely maintained by the applicants and the successive owner of the proposed development at their own resources;
 - (iv) there is an existing nullah located to the south of the Site, from which water flows into the existing streamcourse, the Ng Tung River. All proposed works in the vicinity should not create any adverse drainage impacts, both during and after construction; and
 - (v) the applicants should be reminded to minimise the possible adverse environmental impacts on the existing streamcourse in his/her design and during construction. DEP and Director of Agriculture, Fisheries and Conservation should be consulted on possible environmental and/or ecological impacts of the proposed development;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicants should implement good site practices to avoid adverse impacts on nearby trees;
- (f) to note the comments of the Director of Fire Services (D of FS) that the applicants should observe “New Territories Exempted Houses – A Guide to Fire Safety Requirements”, which is

administrated by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application via LandsD;

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. The applicants are reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works; 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 applicants 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 permissions from the Town Planning Board where required before carrying out the road works.

Urgent Return receipt Expand Group Restricted Prevent Copy

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年06月01日星期一 0:38
收件者: tpbpd/PLAND
主旨: A/NE-FTA/278 DD 52 Wa Shan New Town
類別: Internet Email

Dear TPB Members,

222 rejected on review 21 July 2023.

There can be no significant change in circumstances in such a short period.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Tuesday, 28 February 2023 2:09 AM HKT
Subject: A/NE-FTA/222 DD 52 Wa Shan New Town

A/NE-FTA/222

Lots 208 S.A, 208 S.B and 208 S.C in D.D. 52, Sheung Shui Wa Shan, Sheung Shui

Site area: About 410.9sq.m

Zoning: "Agriculture"

Applied development : 3 NET Houses

Dear TPB Members,

Application 191 for 5 houses was rejected on review 25 Oct 2019.

There is no way that circumstances would have changed in a short time frame.

Members must again reject the application.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Monday, 19 August 2019 2:24 AM CST
Subject: Re: A/NE-FTA/191 DD 52 Wa Shan New Town

Dear TPB Members,

Plan D: land available within the "V" zone was insufficient to fully meet the future Small House demand, **land was still available within the "V" zone and capable to meet the outstanding Small House applications.** It was considered more appropriate to concentrate the proposed Small House developments within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.

Application clearly has no merit.

Mary Mulvihill

From: [REDACTED]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Tuesday, May 28, 2019 2:50:02 AM
Subject: A/NE-FTA/191 DD 52 Wa Shan New Town

A/NE-FTA/191

Lots 208 S.A to S.E & RP in D.D. 52, Sheung Shui Wa Shan, Sheung Shui

Site area : About 659m²

Zoning : "Agriculture"

Applied Development : 5 NET Houses

Dear TPB Members,

These appear to be the same 5 houses under withdrawn application 175-179 IN 2017.

The sites are outside the VTD and zoned Agriculture.

With ref to a more recent application 188 that was rejected

DAFC did not support the application. Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, land was still available within the "V" zone of Man Shan Village to meet the outstanding Small House applications. It was more appropriate

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to concentrate Small House developments within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.

This application appears to have no merit.

Mary Mulvihill

From: "tpbpd" <tpbpd@pland.gov.hk>
To: [REDACTED]
Cc: "stndpo" <stndpo@pland.gov.hk>
Sent: Friday, December 21, 2018 3:04:14 PM
Subject: RE: A/NE-FTA/175/6/7/8/9 Wa Shan New Town

Dear Mary,

Your email dated 20.12.2018 to the Town Planning Board Secretariat refers.

Please be informed that S.16 Application No. A/NE-FTA/175, A/NE-FTA/176, A/NE-FTA/177, A/NE-FTA/178 and A/NE-FTA/179 were withdrawn by the applicants on 1.9.2017. As such, there was no meeting minutes for the above planning applications. The status of these applications can be inspected at "Statutory Planning Portal 2" on TPB's website.

(Christina TSE)

Town Planning Board Secretariat

From: [REDACTED]
Sent: Thursday, December 20, 2018 3:04 AM
To: tpbpd
Subject: Re: A/NE-FTA/175/6/7/8/9 Wa Shan New Town

Dear Secretariat,

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I cannot find the meeting minutes for these applications. Please note that I have tried both Google and OZP site.

Regards

Mary

From: [REDACTED]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Friday, August 11, 2017 2:06:58 AM
Subject: A/NE-FTA/175/6/7/8/9 Wa Shan New Town

A/NE-FTA/175/6/7/8/9
Lots in D.D. 52, Sheung Shui Wa Shan, Sheung Shui
Zoning "Agriculture"
Applied Development : 5 NET Houses

Dear TPB Members,

The 5 applications will be considered together as they are adjacent and well into the AG zoning.

So many applications for the same area raise the suspicion that this is another example of the exploitation of 'ding' rights.

• It is a duty of the Town Planning Board to ensure it is not aiding and abetting unlawful schemes. It must first make sure that it has full knowledge of the background of the applications by verifying that the Lands Department undertook extensive investigations, including by soliciting the help from other agencies including the Immigration Department, Police and ICAC directly by the Board or by making sure the Lands Department has done so, including but not limited to the following information:

1. Were the captioned applications to the Town Planning Board fully coordinated and submitted as a whole by the same agent?
2. Who owns and has owned the land, and for what values was the land exchanged?
3. Which companies have been involved in the transactions and financing, where were they located and who are/were the directors?
4. Do the applicants ordinarily reside in Hong Kong according to entry and exit information from the Immigration Department?
5. And so forth.

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• Having considered the above information, the Board should ensure it is fully satisfied that it would be unreasonable to suspect that the applications are misrepresentations to Government and the Board, and that the small house applicants are indeed applying for permission to build for themselves. If it can't be fully satisfied it should ask for further information and clarifications, or reject the captioned applications.

Applications are not in line with the intention of the "Agriculture" zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention.

- the applications do not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding area;

- approval of the applications would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would result in adverse impacts on the natural environment, infrastructure capacities and landscape character of the area.

- as announced in the 2016 Policy Address, the Government would implement the New Agriculture Policy to facilitate the sustainable agricultural development in Hong Kong. Supportive measures would be implemented to enhance the competitiveness of local farms by facilitating enhancement in productivity and business viability.

The development of so many houses with septic tanks is contrary to the recommendation of the Audit Commission on 28 October 2016.

These applications are certainly not compatible with stated government policy.

Moreover during 23 June 2017 meeting PD revealed that "land was still available within the "V" zone to meet the outstanding Small House applications' of this village.

TPB must reject these applications.

Mary Mulvihill

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年06月05日星期五 17:03
收件者: tpbpd/PLAND
主旨: KFBG's comments on one planning application
附件: 260605 s16 FTA 278.pdf
類別: Internet Email

Dear Sir/ Madam,

Attached please see our comments regarding one application. There is one pdf file attached to this email. If you cannot see/ download/ open this file, please notify us through email.

Also, please do not disclose our email address.

Thank You and Best Regards,

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

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嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

5th June, 2026.

By email only

Dear Sir/ Madam,

Proposed Three Houses (New Territories Exempted Houses - Small Houses)
(A/NE-FTA/278)

1. We refer to the captioned.
2. There are some rejected applications for Small Houses covering the current application site and the reasons for rejection of the latest one are reproduced below (A/NE-FTA/222; Proposed Three Houses (New Territories Exempted Houses - Small Houses); planning permission review).

(a) the proposed developments are not in line with the planning intention of the "Agriculture" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and

(b) land is still available within the "Village Type Development" zone of Wa Shan Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services.

3. We urge the Board to reject this application as it is unlikely to be in line with the



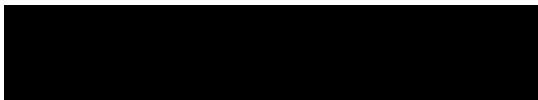


嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

planning intention of the Agriculture zone.

4. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden



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

3

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/NE-FTA/278

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

[Handwritten signature and illegible text on lined paper]

「提意見人」姓名/名稱 Name of person/company making this comment

侯志強議員

簽署 Signature

[Handwritten signature]

日期 Date

2026.5.18