

**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

Approved Applications

	Application No.	Uses / Development	Date of Consideration
1.	A/NE-LYT/545 ^[1]	Proposed Three Houses (New Territories Exempted Houses (NTEHs) – Small Houses)	22.8.2014
2.	A/NE-LYT/667 ^[1]	Proposed House (NTEH – Small House)	6.7.2018

Remarks

^[1] Application No. A/NE-LYT/545 covers the sites of applications No. A/NE-LYT/665, 666 & 667.

**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
on the Approved Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/19**

Approved Applications

	Application No.	Uses/ Development	Date of Consideration
1.	A/NE-LYT/238	Proposed House (New Territories Exempted House (NTEH) – Small House)	12.7.2002
2.	A/NE-LYT/242	Proposed House (NTEH – Small House)	13.9.2002
3.	A/NE-LYT/367	Proposed House (NTEH – Small House)	12.10.2007
4.	A/NE-LYT/407	Proposed House (NTEH – Small House)	29.1.2010
5.	A/NE-LYT/473 ^[1]	Proposed House (NTEH – Small House)	24.8.2012
6.	A/NE-LYT/474 ^[2]	Proposed House (NTEH – Small House)	24.8.2012
7.	A/NE-LYT/475 ^[3]	Proposed House (NTEH – Small House)	24.8.2012
8.	A/NE-LYT/476 ^[4]	Proposed House (NTEH – Small House)	24.8.2012
9.	A/NE-LYT/478 ^[5]	Proposed House (NTEH – Small House)	24.8.2012
10.	A/NE-LYT/479 ^[6]	Proposed House (NTEH – Small House)	24.8.2012
11.	A/NE-LYT/480 ^[7]	Proposed House (NTEH – Small House)	24.8.2012
12.	A/NE-LYT/481 ^[8]	Proposed House (NTEH – Small House)	7.9.2012
13.	A/NE-LYT/482 ^[9]	Proposed House (NTEH – Small House)	7.9.2012
14.	A/NE-LYT/483 ^[10]	Proposed House (NTEH – Small House)	7.9.2012
15.	A/NE-LYT/484 ^[11]	Proposed House (NTEH – Small House)	7.9.2012

	Application No.	Uses/ Development	Date of Consideration
16.	A/NE-LYT/485 ^[12]	Proposed House (NTEH – Small House)	7.9.2012
17.	A/NE-LYT/486 ^[13]	Proposed House (NTEH – Small House)	7.9.2012
18.	A/NE-LYT/494	Proposed House (NTEH – Small House)	21.12.2012
19.	A/NE-LYT/513	Proposed House (NTEH – Small House)	6.9.2013
20.	A/NE-LYT/514	Proposed House (NTEH – Small House)	6.9.2013
21.	A/NE-LYT/557 ^[15]	Proposed Four Houses (NTEHs – Small Houses)	16.1.2015
22.	A/NE-LYT/583 ^[16]	Proposed Two Houses (NTEHs – Small Houses)	18.12.2015
23.	A/NE-LYT/604 ^[2]	Proposed House (NTEH – Small House)	17.2.2017
24.	A/NE-LYT/605 ^[7]	Proposed House (NTEH – Small House)	17.2.2017
25.	A/NE-LYT/606 ^[6]	Proposed House (NTEH – Small House)	17.2.2017
26.	A/NE-LYT/607 ^[5]	Proposed House (NTEH – Small House)	17.2.2017
27.	A/NE-LYT/608 ^[11]	Proposed House (NTEH – Small House)	17.2.2017
28.	A/NE-LYT/609 ^[10]	Proposed House (NTEH – Small House)	17.2.2017
29.	A/NE-LYT/610 ^[9]	Proposed House (NTEH – Small House)	17.2.2017
30.	A/NE-LYT/611 ^[8]	Proposed House (NTEH – Small House)	17.2.2017
31.	A/NE-LYT/612 ^[13]	Proposed House (NTEH – Small House)	17.2.2017
32.	A/NE-LYT/613 ^[12]	Proposed House (NTEH – Small House)	17.2.2017
33.	A/NE-LYT/614 ^[1]	Proposed House (NTEH – Small House)	17.2.2017

	Application No.	Uses/ Development	Date of Consideration
34.	A/NE-LYT/615 ^[4]	Proposed House (NTEH – Small House)	17.2.2017
35.	A/NE-LYT/616 ^[3]	Proposed House (NTEH – Small House)	17.2.2017
36.	A/NE-LYT/629 ^[17]	Proposed House (NTEH – Small House)	23.6.2017
37.	A/NE-LYT/665 ^[14]	Proposed House (NTEH – Small House)	5.10.2018
38.	A/NE-LYT/666 ^[14]	Proposed House (NTEH – Small House)	6.7.2018
39.	A/NE-LYT/787 ^[15]	Proposed Four Houses (NTEHs – Small Houses)	13.1.2023
40.	A/NE-LYT/808 ^[16]	Proposed Two Houses (NTEHs – Small Houses)	27.10.2023

Remarks

- ^[1] Applications No. A/NE-LYT/473 & 614 involve the same site.
- ^[2] Applications No. A/NE-LYT/474 & 604 involve the same site.
- ^[3] Applications No. A/NE-LYT/475 & 616 involve the same site.
- ^[4] Applications No. A/NE-LYT/476 & 615 involve the same site.
- ^[5] Applications No. A/NE-LYT/478 & 607 involve the same site.
- ^[6] Applications No. A/NE-LYT/479 & 606 involve the same site.
- ^[7] Applications No. A/NE-LYT/480 & 605 involve the same site.
- ^[8] Applications No. A/NE-LYT/481 & 611 involve the same site.
- ^[9] Applications No. A/NE-LYT/482 & 610 involve the same site.
- ^[10] Applications No. A/NE-LYT/483 & 609 involve the same site.
- ^[11] Applications No. A/NE-LYT/484 & 608 involve the same site.
- ^[12] Applications No. A/NE-LYT/485 & 613 involve the same site.
- ^[13] Applications No. A/NE-LYT/486 & 612 involve the same site.
- ^[14] Application No. A/NE-LYT/545 covers the sites of applications No. A/NE-LYT/665, 666 & 667.
- ^[15] Applications No. A/NE-LYT/557 & 787 involve the same site.
- ^[16] Applications No. A/NE-LYT/583 & 808 involve the same site.
- ^[17] Applications No. A/NE-LYT/629 & 821 involve the same site.

Rejected Applications

	Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
1.	A/NE-LYT/267	Proposed House (NTEH – Small House)	19.9.2003	R1 to R3
2.	A/NE-LYT/417	Proposed House (NTEH – Small House)	19.3.2010	R4 to R6
3.	A/NE-LYT/440	Proposed House (NTEH – Small House)	9.9.2011 [on review]	R4 and R5
4.	A/NE-LYT/821 ^[17]	Proposed House (NTEH – Small House)	31.5.2024 [on review] 30.12.2025 [dismissed by the Town Planning Appeal Board]	R7 and R8
5.	A/NE-LYT/847	Proposed House (NTEH – Small House)	26.9.2025 [on review]	R8 to R10
6.	A/NE-LYT/870	Proposed House (NTEH – Small House)	17.4.2026	R8 and R9
7.	A/NE-LYT/871	Proposed House (NTEH – Small House)	8.5.2026	R8 and R9

Remarks

^[17] Applications No. A/NE-LYT/629 & 821 involve the same site.

Rejection Reasons:

- R1 The proposed Small House development did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (the Interim Criteria) as the application site was outside both the village ‘environs’ (‘VE’) and “Village Type Development” (‘V’) of surrounding villages.
- R2 The use under application was not in line with the planning intention of the “Agriculture” (‘AGR’) zone which was to retain and safeguard good agricultural land for agricultural purposes, to retain fallow arable land with good potential for rehabilitation and to encourage the re-cultivation of good arable land.
- R3 The approval of the application would set an undesirable precedent for other similar applications.
- R4 The application did not comply with the Interim Criteria as the footprint of the proposed Small House largely fell outside the ‘VE’ of the Kan Tau Tsuen and there was no shortage of land in meeting the demand for Small House development in the “V” zone of the village.

- R5 Small House should be developed within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructure and services.
- R6 Approval of the application which did not comply with the Interim Criteria might set an undesirable precedent for other similar applications in the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.
- R7 The proposed development was not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended 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. The application site was not considered an infill site among existing NTEHs/Small Houses, nor was the processing of the Small House grant at an advance stage.
- R8 Land was still available within the “V” zone of Kan Tau Tsuen which 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 more orderly development pattern, efficient use of land and provision of infrastructure and services.
- R9 The proposed development was not in line with the planning intention of the “AGR” 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.
- R10 The proposed development was not in line with the Interim Criteria in that the application site was not considered an infill site among existing NTEHs/Small Houses, nor was the processing of the Small House grant at an advance stage.

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 Kan Tau Tsuen;
- the Small House grant application submitted by the current applicant was received on 5.7.2013. The processing of the application is considered to be at an advance stage, with departmental circulation and local consultation (posting notice) generally completed. The applicant claimed himself as indigenous villager of Fanling, Fanling Heung. His eligibility for Small House grant is yet to be ascertained;
- the Site is Old Schedule Agricultural Lots held under Block Government Lease; and
- the Site is not covered by any Modification of Tenancy/Building Licence.

2. Traffic

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

- no objection to the application from traffic perspective;
- as the application only involves construction of one Small House at the Site, she considers that the application can be tolerated on traffic ground;
- although additional traffic generated by the proposed development is not expected to be significant, the permission of development outside the "Village Type Development" 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
- his 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. The Environmental Protection Department 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. **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 village houses/domestic structures, warehouses, temporary structures, vegetated areas and tree clusters (**Plan A-3**). The proposed development is considered not entirely incompatible with the surrounding environment;
- based on the site photos taken on 22.5.2026, the Site is covered with self-seeded vegetation without any trees (**Plan A-4**). It is noted that tree felling is not involved. Significant adverse landscape impact arising from the application is not anticipated; and
- her advisory comments are at **Appendix VI**.

7. **Agriculture**

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, etc.

8. Water Supplies

Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- no objection to the application; and
- his advisory comments are at **Appendix VI**.

9. Electricity Supply

Comments of the Director of Electrical and Mechanical Services (DEMS):

- no comment on the application from electricity supply safety perspective; and
- his advisory comments are at **Appendix VI**.

10. Demand and Supply of Small House Sites

According to the DLO/N, LandsD's records, the total number of outstanding Small House applications for Kan Tau Tsuen is 28 while the 10-year Small House demand is 98. Based on the latest estimate by PlanD, about 1.68ha (equivalent to about 67 Small House sites) of land are available within the "V" zone of Kan Tau Tsuen. There is insufficient land in the "V" zone of Kan Tau Tsuen to meet the future demand of land for Small House development (i.e. about 3.15ha of land which is equivalent to 126 Small House sites).

11. Other Departments

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

- (a) District Officer (North), Home Affairs Department (DO(N), HAD); and
- (b) 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 Sha Tau Kok Road – Ma Mei Ha is not managed by the Transport Department. The applicant should seek consent from relevant land owners and maintenance authorities on the use of the local village access where necessary;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that:
 - (i) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and the nearby public roads; 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 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 (AP);
- (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. The Environmental Protection Department 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 onto the Site from the adjacent areas; and
 - (iii) the applicant should check and ensure that the existing drainage system to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the Site. The applicant should ensure that the flow from the Site will not overload the existing drainage system;
- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant should observe “New Territories Exempted Houses – A Guide to Fire Safety Requirements”, which is administrated by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application via LandsD;
- (f) 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 applicant is reminded to seek approval for any proposed tree works from relevant department(s) prior to commencement of the works;

- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) for the provision of water supply to the proposed development, the applicant may need to extend his inside services to the nearest suitable government water mains for connection; and
 - (ii) the applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (h) to note the comments of the Director of Electrical and Mechanical Services (DEMS) 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 (and overhead line, where applicable) under the application should approach the electricity supplier (i.e. CLP Power Hong Kong Limited) 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. The parties concerned should also be reminded to observe the Electricity Supply Lines (Protection) Regulation (the 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; and
- (i) 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 applicant 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 permission from the Town Planning Board where required before carrying out the road works.

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

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

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-LYT/877

意見詳情（如有需要，請另頁說明）

Details of the Comment (use separate sheet if necessary)

沒有意見

「提意見人」姓名／名稱

Name of person/company making this comment

簽署

Signature

葉奕成

日期

Date

2-6-2006