

**Relevant Interim Criteria for Consideration of Application for
New Territories Exempted House (NTEH)/Small House in New Territories**
(Revised 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 Applications at the Application Sites

Approved Applications

Application No. A/SK-HC/376:

Application No.	Proposed Use	Date of Consideration	Approval Condition(s)
A/SK-HC/210	Proposed Two Houses (New Territories Exempted House – Small House)	20.4.2012	(1) & (2)
A/SK-HC/272	Proposed House (New Territories Exempted House – Small House)	27.10.2017	(3)

Note:

Application No. A/SK-HC/210 lapsed on 21.4.2016.

Application No. A/SK-HC/272-1 extension of time lapsed on 28.10.2025.

Approval Condition(s)

- (1) The submission and implementation of a landscape proposal
- (2) The provision of fire-fighting access, water supplies for fire-fighting and fire service installations
- (3) The provision of septic tank as proposed by the applicant

Application No. A/SK-HC/377:

Application No.	Proposed Use	Date of Consideration	Approval Conditions
A/SK-HC/173	Proposed House (New Territories Exempted House - Small House)	20.11.2009	(1) & (2)
A/SK-HC/208	Proposed 2 Houses (New Territories Exempted Houses – Small Houses)	24.2.2012	(1) & (2)
A/SK-HC/273	Proposed Two Houses (New Territories Exempted Houses - Small Houses)	27.10.2017	(1) & (3)

Note:

Application No. A/SK-HC/173 lapsed on 21.11.2013.

Application No. A/SK-HC/208 lapsed on 25.2.2016.

Application No. A/SK-HC/273-1 extension of time lapsed on 28.10.2025.

Approval Conditions

- (1) The submission and implementation of a landscape proposal
- (2) The provision of fire-fighting access, water supplies for fire-fighting and fire service installations
- (3) The provision of septic tank as proposed by the applicant

**Similar Planning Applications for
Proposed House (New Territories Exempted House (NTEH) - Small House)
Within/Straddling the Subject “Agriculture” (“AGR”) Zone
on the Approved Ho Chung Outline Zoning Plan No. S/SK-HC/13**

Approved Applications

	Application No.	Proposed Development(s)	Zoning(s)	Date of Consideration	Approval Condition(s)
1.	A/SK-HC/150	Proposed House (NTEH - Small House)	“AGR”	28.9.2007	(a), (b) and (c)
2.	A/SK-HC/151	Proposed Two Houses (NTEHs - Small Houses)	“AGR”	28.9.2007	(a), (b) and (c)
3.	A/SK-HC/153	Proposed Two Houses (NTEHs - Small Houses)	“AGR”	12.10.2007	(a) and (b)
4.	A/SK-HC/154	Proposed Two Houses (NTEHs - Small Houses)	“AGR”	2.11.2007	(a) and (c)
5.	A/SK-HC/155	Proposed Two Houses (NTEHs - Small Houses)	“AGR”	2.11.2007	(a) and (c)
6.	A/SK-HC/156	Proposed Two Houses (NTEHs - Small Houses)	“AGR”	16.11.2007	(c)
7.	A/SK-HC/158	Proposed Two Houses (NTEHs - Small Houses)	“AGR”	7.3.2008	(a), (b) and (c)
8.	A/SK-HC/159	Proposed House (NTEH - Small House)	“AGR”	7.3.2008	(a), (b) and (c)
9.	A/SK-HC/162	Proposed House (NTEH - Small House)	“AGR”	20.6.2008	(a), (b) and (c)
10.	A/SK-HC/164	Proposed House (NTEH - Small House)	“AGR”	19.9.2008	(b) and (c)
11.	A/SK-HC/166	Proposed House (NTEH - Small House)	“AGR”	7.11.2008	(a), (b) and (c)
12.	A/SK-HC/167	Proposed House (NTEH - Small House)	“AGR”	7.11.2008	(a), (b) and (c)
13.	A/SK-HC/171	Proposed House (NTEH - Small House)	“AGR”	6.11.2009	(b) and (c)
14.	A/SK-HC/172	Proposed House (NTEH - Small House)	“AGR”	6.11.2009	(b) and (c)
15.	A/SK-HC/179	Proposed House (NTEH - Small House)	“AGR”	23.4.2010	(b)
16.	A/SK-HC/183	Proposed House (NTEH - Small House)	“AGR”	12.11.2010	(b) and (c)
17.	A/SK-HC/184	Proposed House (NTEH - Small House)	“AGR”	24.9.2010	(b) and (c)
18.	A/SK-HC/194	Proposed House (NTEH - Small House)	“AGR”	8.7.2011	(b) and (c)
19.	A/SK-HC/195	Proposed House (NTEH - Small House)	“AGR”	8.7.2011	(b) and (c)

	Application No.	Proposed Development(s)	Zoning(s)	Date of Consideration	Approval Condition(s)
20.	A/SK-HC/196	Proposed House (NTEH - Small House)	“AGR”	8.7.2011	(b) and (c)
21.	A/SK-HC/198	Proposed House (NTEH - Small House)	“AGR”	5.8.2011	(b) and (c)
22.	A/SK-HC/199	Proposed House (NTEH - Small House)	“AGR”	5.8.2011	(b) and (c)
23.	A/SK-HC/200	Proposed House (NTEH - Small House)	“AGR” and “V”	5.8.2011	(b) and (c)
24.	A/SK-HC/201	Proposed House (NTEH - Small House)	“AGR”	19.8.2011	(b) and (c)
25.	A/SK-HC/202	Proposed House (NTEH - Small House)	“AGR”	19.8.2011	(b) and (c)
26.	A/SK-HC/203	Proposed House (NTEH - Small House)	“AGR”	2.9.2011	(b) and (c)
27.	A/SK-HC/206	Proposed House (NTEH - Small House)	“AGR”	20.1.2012	(b) and (c)
28.	A/SK-HC/207	Proposed House (NTEH - Small House)	“AGR”	10.2.2012	(b) and (c)
29.	A/SK-HC/209	Proposed House (NTEH - Small House)	“AGR”	30.3.2012	(b) and (c)
30.	A/SK-HC/211	Proposed House (NTEH - Small House)	“AGR”	18.5.2012	(b) and (c)
31.	A/SK-HC/212	Proposed House (NTEH - Small House)	“AGR”	18.5.2012	(b) and (c)
32.	A/SK-HC/214	Proposed House (NTEH - Small House)	“AGR”	1.6.2012	(b) and (c)
33.	A/SK-HC/215	Proposed House (NTEH - Small House)	“AGR”	1.6.2012	(b) and (c)
34.	A/SK-HC/217	Proposed House (NTEH - Small House)	“AGR”	7.9.2012	(b)
35.	A/SK-HC/218	Proposed House (NTEH - Small House)	“AGR”	21.9.2012	(b) and (c)
36.	A/SK-HC/222	Proposed House (NTEH - Small House)	“AGR” and “V”	8.2.2013	(c)
37.	A/SK-HC/228	Proposed House (NTEH - Small House)	“AGR”	3.1.2014	(c)
38.	A/SK-HC/229	Proposed House (NTEH - Small House)	“AGR”	3.1.2014	(c)
39.	A/SK-HC/230	Proposed House (NTEH - Small House)	“AGR”	7.3.2014	(c)
40.	A/SK-HC/237	Proposed Four Houses (NTEHs - Small Houses)	“AGR”	14.11.2014	(c) and (d)
41.	A/SK-HC/238	Proposed Four Houses (NTEHs - Small Houses)	“AGR”	12.12.2014	(c) and (d)

	Application No.	Proposed Development(s)	Zoning(s)	Date of Consideration	Approval Condition(s)
42.	A/SK-HC/240	Proposed House (NTEH - Small House)	"AGR"	16.1.2015	(c) and (d)
43.	A/SK-HC/243	Proposed House (NTEH - Small House)	"AGR"	5.6.2015	(c) and (d)
44.	A/SK-HC/246	Proposed House (NTEH - Small House)	"AGR"	21.8.2015	(c) and (d)
45.	A/SK-HC/254	Proposed House (NTEH - Small House)	"AGR"	8.1.2016	(d)
46.	A/SK-HC/255	Proposed House (NTEH - Small House)	"AGR"	8.1.2016	(d)
47.	A/SK-HC/258	Proposed House (NTEH - Small House)	"AGR"	12.8.2016	(d)
48.	A/SK-HC/259	Proposed House (NTEH - Small House)	"AGR"	12.8.2016	(d)
49.	A/SK-HC/260	Proposed House (NTEH - Small House)	"AGR"	12.8.2016	(d)
50.	A/SK-HC/261	Proposed House (NTEH - Small House)	"AGR"	12.8.2016	(d)
51.	A/SK-HC/263	Proposed House (NTEH - Small House)	"AGR"	30.9.2016	(d)
52.	A/SK-HC/267	Proposed House (NTEH - Small House)	"AGR"	12.5.2017	(d)
53.	A/SK-HC/268	Proposed House (NTEH - Small House)	"AGR"	12.5.2017	(d)
54.	A/SK-HC/270	Proposed House (NTEH - Small House)	"AGR"	25.8.2017	(c) and (d)
55.	A/SK-HC/274	Proposed House (NTEH - Small House)	"AGR"	27.10.2017	(c) and (d)
56.	A/SK-HC/275	Proposed House (NTEH - Small House)	"AGR"	27.10.2017	(d)
57.	A/SK-HC/276	Proposed House (NTEH - Small House)	"AGR"	27.10.2017	(d)
58.	A/SK-HC/277	Proposed House (NTEH - Small House)	"AGR"	27.10.2017	(c) and (d)
59.	A/SK-HC/280	Proposed House (NTEH - Small House)	"AGR"	22.12.2017	(d)
60.	A/SK-HC/293	Proposed House (NTEH - Small House)	"AGR"	6.7.2018	(d)
61.	A/SK-HC/294	Proposed House (NTEH - Small House)	"AGR"	6.7.2018	(d)
62.	A/SK-HC/305	Proposed House (NTEH - Small House)	"AGR"	17.5.2019	(d)
63.	A/SK-HC/311	Proposed House (NTEH - Small House)	"AGR"	19.7.2019	(d)

	Application No.	Proposed Development(s)	Zoning(s)	Date of Consideration	Approval Condition(s)
64.	A/SK-HC/312	Proposed House (NTEH - Small House)	“AGR”	2.8.2019	(d)
65.	A/SK-HC/313	Proposed House (NTEH - Small House)	“AGR”	2.8.2019	(d)
66.	A/SK-HC/314	Proposed House (NTEH - Small House)	“AGR”	2.8.2019	(d)
67.	A/SK-HC/315	Proposed House (NTEH - Small House)	“AGR” and “V”	20.9.2019	(d)
68.	A/SK-HC/322	Proposed House (NTEH - Small House)	“AGR”	6.11.2020	(d)
69.	A/SK-HC/324	Proposed House (NTEH - Small House)	“AGR”	26.3.2021	(d)
70.	A/SK-HC/325	Proposed House (NTEH - Small House)	“AGR”	24.9.2021	(d)
71.	A/SK-HC/331	Proposed House (NTEH - Small House)	“AGR”	24.9.2021	(d)
72.	A/SK-HC/334	Proposed House (NTEH - Small House)	“AGR”	18.2.2022	-
73.	A/SK-HC/335	Proposed House (NTEH - Small House)	“AGR”	18.2.2022	-
74.	A/SK-HC/337	Proposed House (NTEH - Small House)	“AGR”	18.3.2022	-
75.	A/SK-HC/341	Proposed House (NTEH - Small House)	“AGR”	14.7.2023	-
76.	A/SK-HC/367	Proposed Three Houses (NTEHs - Small Houses)	“AGR”	4.7.2025	-
77.	A/SK-HC/368	Proposed House (NTEH - Small House)	“AGR”	2.5.2025	-
78.	A/SK-HC/369	Proposed House (NTEH - Small House)	“AGR”	7.11.2025	-
79.	A/SK-HC/371	Proposed House (NTEH - Small House)	“AGR”	27.3.2026	-
80.	A/SK-HC/372	Proposed House (NTEH - Small House)	“AGR”	5.6.2026	-
81.	A/SK-HC/373	Proposed House (NTEH - Small House)	“AGR”	22.5.2026	-
82.	A/SK-HC/374	Proposed House (NTEH - Small House)	“AGR”	22.5.2026	-
83.	A/SK-HC/375	Proposed House (NTEH - Small House)	“AGR”	22.5.2026	-

Approval Condition(s)

- (a) The submission of an archaeological survey before the commencement of any construction works and rescue excavation should be undertaken should archaeological remains be found
- (b) The provision of fire-fighting access, water supplies for fire-fighting and fire service installations
- (c) The submission and implementation of a landscape proposal
- (d) The provision of septic tank as proposed by the applicant

Rejected Applications

	Application No.	Proposed Development(s)	Zoning	Date of Consideration	Rejection Reason(s)
1.	A/SK-HC/165	Proposed House (NTEH - Small House)	"AGR"	20.2.2009	(1) and (2)
2.	A/SK-HC/174	Proposed House (NTEH - Small House)	"AGR"	18.12.2009	(1), (3) and (4)
3.	A/SK-HC/190	Proposed Two Houses (NTEHs - Small Houses)	"AGR"	6.5.2011	(1)
4.	A/SK-HC/204	Proposed House (NTEH - Small House)	"AGR"	18.11.2011	(1) and (5)
5.	A/SK-HC/290	Proposed House (NTEH - Small House)	"AGR"	15.6.2018	(1), (3) and (5)
6.	A/SK-HC/357	Proposed House (NTEH - Small House)	"AGR"	20.12.2024	(3) and (6)
7.	A/SK-HC/358	Proposed House (NTEH - Small House)	"AGR"	20.12.2024	(3) and (6)
8.	A/SK-HC/359	Proposed House (NTEH - Small House)	"AGR"	20.12.2024	(3) and (6)

Rejection Reason(s)

- (1) The application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the applicant fails to demonstrate that the proposed development, located close to a stream course and/or within the water gathering ground, would not cause adverse impact on the water quality of the area.
- (2) 11kV high voltage overhead lines were located within the application site. There was insufficient information to demonstrate that alternative site(s) were available for diversion or replacement of the overhead power lines prior to granting planning approval. No feasible solution had been provided to address the concerns on electrical safety and electricity supply issues.
- (3) The proposed development was not in line with the planning intention of the "AGR" zone which was 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 such planning intention.
- (4) The cumulative impact of approving NTEH development in "AGR" zone might have adverse traffic impact on the local road network.
- (5) The approval of the application would set an undesirable precedent for other similar applications within the water gathering grounds in the "AGR" zone. The cumulative effect of approving such similar applications would result in a general degradation of the water quality of the area.
- (6) Land was still available within the "Village Type Development" ("V") zone of Ho Chung which is primarily for Small House development. 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 infrastructures and services.

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) no objection to the applications;
- (b) the application sites (the Sites) are within the village 'environs' ('VE') of Ho Chung;
- (c) as advised by the Indigenous Inhabitant Representative (IIR) of Ho Chung, the 10-year (2020-2029) Small House demand forecast for Ho Chung (including Nam Pin Wai) is 480. However, his office is not in a position to verify the forecast;
- (d) the numbers of outstanding Small House applications in Ho Chung (including Nam Pin Wai) falling within "Village Type Development" ("V") zone and outside "V" zone are 40 and 29 respectively;
- (e) the number of approved applications for rebuilding New Territories Exempted House (NTEH) within the 'VEs' of Ho Chung (including Nam Pin Wai) but that the rebuilding of such NTEH has not yet been completed is 4;
- (f) the applicants were certified as indigenous villagers of Ho Chung by the IIR of Ho Chung; and
- (g) if the planning application are approved, the applicants shall apply to his office for Small House grants at the Sites. The Small House applications will be considered by the Government in its capacity as a landlord and there is no guarantee that they will eventually be approved.

2. Traffic

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

- (a) the proposed Small House developments should be confined within the "V" zone as far as possible. Although additional traffic generated by the proposed developments is not expected to be significant, the proposed Small House developments outside the "V" zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial;
- (b) notwithstanding the above, the applications only involve development of one or two Small Houses each and his office consider that the applications can be tolerated on traffic grounds; and
- (c) the access road leading to the Sites is not under Transport Department's management.

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

No comment on to the applications from highway maintenance point of view and the track leading

to the Sites is not maintained by HyD.

3. **Drainage**

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

- (a) no comment on the applications; and
- (b) there is no public sewer connection available in the vicinity of the proposed developments.

4. **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) in view of the small scale of the proposed developments, the applications alone are unlikely to cause major pollution; and
- (b) the advisory comments are detailed at **Appendix VI**.

5. **Agriculture**

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

- (a) the applications are not supported from agricultural perspective as the Sites possess potential for agricultural rehabilitation; and
- (b) the agricultural activities are active in the vicinities, and agricultural infrastructures such as road access and water source are also available. The Sites can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.

6. **Archaeology**

Comment of the Executive Secretary of Antiquities and Monuments Office, Development Bureau (ES, AMO, DEVB):

The applicants should inform his office immediately when antiquities or supposed antiquities are discovered in the course of works.

7. **Fire Safety**

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

- (a) no objection in-principle to the applications provided that the proposed houses would not encroach on any existing emergency vehicular access (EVA) or planned EVA under application in accordance with LandsD's record; and
- (b) the advisory comments are detailed at **Appendix VI**.

8. District Officer's Comments

Comment of the District Officer (Sai Kung), Home Affairs Department:

No works projects or facilities of Sai Kung District Office will be affected by the applications.

9. Demand and Supply of Small House Sites

According to DLO/SK, LandsD, the number of outstanding Small House applications in Ho Chung is 69, while the 10-year Small House demand forecast for the village is 480 (2020-2029) as advised by the IIR of Ho Chung. According to the latest estimate by Planning Department, it is estimated that about 3.54ha of land (equivalent to about 141 Small House sites) is available within the "V" zone of Ho Chung. Therefore, the land available in the "V" zone of Ho Chung cannot fully meet the future Small House demand for 549 Small House sites.

Recommended Advisory Clauses

- (a) 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 Person (ProPECC) PN 1/23 “Drainage Plans subject to Comment by the Environmental Protection Department” and are duly certified by an Authorised Person;
- (b) to notes the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that for provision of water supply to the developments, the applicants may need to extend their inside services to the nearest suitable government water mains for connection. The applicants 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;
- (c) to note the comments of the Director of Fire Services that the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” , which is administered by the Lands Department (LandsD) should be observed. Detailed fire safety requirements will be formulated upon receipt of formal applications via LandsD.