

**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) 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) 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;
- (c) an application for New Territories Exempted House (NTEH) 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 and community facilities in the general area;
- (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; and
- (h) any proposed development on a slope or hillside should not adversely affect slope stability.

Previous Applications

Approved Application

Application No.	Proposed Use(s)/Development(s)	Date of Consideration
A/TP/491	Proposed House (New Territories Exempted House (NTEH) - Small House)	22.7.2011

Rejected Application

Application No.	Proposed Use(s)/Development(s)	Date of Consideration	Rejection Reasons
A/TP/406	Proposed House (NTEH - Small House)	31.10.2008 (on review)	R1 and R2

Rejection Reasons:

- R1. The proposed house (NTEH - Small House) was not in line with the planning intention of the “Green Belt” (“GB”) zone which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was insufficient information in the submission to justify a departure from the planning intention.
- R2. The approval of the application would set an undesirable precedent for other similar applications within the “GB” zone to the west of Tung Tsz Road. The cumulative effect of approving such applications would result in a general degradation of the natural environment.

Similar Applications

Approved Applications

	Application No.	Proposed Use(s)/Development(s)	Date of Consideration
1.	A/TP/417	Proposed House (New Territories Exempted House (NTEH) - Small House)	11.9.2009 (on review)
2.	A/TP/482	Proposed House (NTEH - Small House)	22.7.2011
3.	A/TP/505	Proposed House (NTEH - Small House)	23.9.2011
4.	A/TP/511	Proposed House (NTEH - Small House)	6.1.2012
5.	A/TP/512	Proposed House (NTEH - Small House)	6.1.2012
6.	A/TP/514	Proposed House (NTEH - Small House)	6.1.2012
7.	A/TP/522	Proposed House (NTEH - Small House)	24.8.2012
8.	A/TP/543 ¹	Proposed House (NTEH - Small House)	17.1.2014
9.	A/TP/655 ¹	Proposed House (NTEH - Small House)	19.10.2018

Remarks:

^{1:} Applications No. A/TP/543 and 655 covered the same site.

Rejected Applications

	Application No.	Proposed Use(s)/Development(s)	Date of Consideration	Rejection Reason(s)
1.	A/TP/261	Proposed House (NTEH - Small House)	22.6.2001 (on review)	R1 and R2
2.	A/TP/531	Proposed House (NTEH - Small House)	1.3.2013	R1 and R3
3.	A/TP/579	Proposed House (NTEH - Small House)	6.2.2015	R1 and R4

Rejection Reasons:

- R1. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone, which was to define the limit of urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlet. There was a general presumption against development in the “GB” zone and there was no strong justification in the submission for a departure from the planning intention
- R2. The approval of the application would set an undesirable precedent for similar developments within the “GB” zone to the west of Tung Tsz Road. The cumulative effect of approving such applications would result in a general degradation of the natural environment in the area.
- R3. The proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that the footprint of the proposed Small House fell entirely outside the “Village Type Development” (“V”) zone and village ‘environs’ (‘VE’) of Tung Tsz.
- R4. The proposed development did not comply with the Interim Criteria in that more than 50% of the footprint of the proposed Small House falls outside “V” zone and ‘VE’ of Tung Tsz.

Detailed Comments from Relevant Government Departments

1. Land Administration

Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- Mr. LI Gavin is an indigenous villager of Shuen Wan Wai Ha of Tai Po Heung, as confirmed by the Indigenous Inhabitant Representative of his village. The relevant Small House application was received on 20.11.2025. As no valid planning permission has been granted by the Town Planning Board for the proposed Small House development at the application site (the Site) and the proposed Small House development is not supported from statutory planning perspective, the Small House application was then rejected on 2.2.2026;
- the lot of the Site is an Old Schedule Agricultural Lot (1st) held under Block Government Lease; and
- his advisory comments are at **Appendix VII**.

2. Nature Conservation

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

- no comment on the application from nature conservation perspective, considering that the Site is vacant and there is considerable extent of developments in the vicinity.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- no in-principle objection to the application from environmental planning perspective, provided that the applicant will provide adequate sewer connection for disposal of sewage from the proposed development to the existing public sewer at his own costs and reserve adequate land for the sewer connection work; and
- his advisory comments are at **Appendix VII**.

4. 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;

- the Site is zoned “GB” and it is the subject of an approved application (No. A/TP/491) for a proposed Small House (New Territories Exempted House (NTEH)) with a landscape proposal condition which had been complied with;
- based on the aerial photo taken in 2025, the Site was situated in an area of settled valley landscape character comprising village houses, temporary structures, woodlands and scattered tree groups. The proposed development is considered not incompatible with the surrounding environment;
- with reference to the aerial photo and site photos taken on 21.8.2026, the Site was largely formed. A grassed area was formed at the western portion. No trees were found within the Site. According to the application, no tree felling will be involved. Grass and shrub planting is proposed at the western portion of the Site;
- in view of the above, significant adverse landscape impact arising from the proposed development is not anticipated; and
- her advisory comments are at **Appendix VI**.

5. **Traffic**

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

- Small House developments should be confined within the “V” zones as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the “V” zones, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial;
- the application only involving the development of one Small House can be tolerated on traffic grounds; and
- her advisory comments are at **Appendix VII**.

6. **Drainage**

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

- no adverse comment on the application from public drainage point of view; and
- her advisory comments are at **Appendix VII**.

7. **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/planned emergency vehicular access in accordance with LandsD's record; and
- his advisory comments are at **Appendix VII**.

8. **Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- no objection to the application;
- according to our record, Certificate on Completion of the site formation works for a proposed NTEH on the approved plan dated 20.12.2017 on the then Lot 311 RP in D.D.14 was acknowledged by the Building Authority on 19.4.2018. As advised by DLO/TP, LandsD, Lot 311 S.A in D.D. 14 (i.e. the Site) was subdivided from the then Lot 311 RP in D.D.14 after such acknowledgement;
- as the proposed NTEH under the application was not indicated on the approved site formation plan as mentioned above, the applicant may seek Authorized Person's advice if any extra/new site formation works need to be carried out for the proposed NTEH; and
- his advisory comments are at **Appendix VII**.

9. **Demand and Supply of Small House Sites**

According to the DLO/TP, LandsD's record, the total number of outstanding Small House applications for Tseng Tau (including A Shan and Tung Tsz) is five while the 10-year Small House demand forecast is 424. Based on the latest estimate by PlanD, about 1.03 ha of land (or equivalent to about 41 Small House sites) are available within the "V" zones of concerned villages. There is insufficient land in the "V" zones of concerned villages to meet the future demand of land for Small House developments (i.e. about 10.73 ha of land which is equivalent to 429 Small House sites).

10. **Other Departments**

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

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);

- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (d) Project Manager (North), CEDD (PM(N), CEDD); and
- (e) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD).

Recommended Advisory Clauses

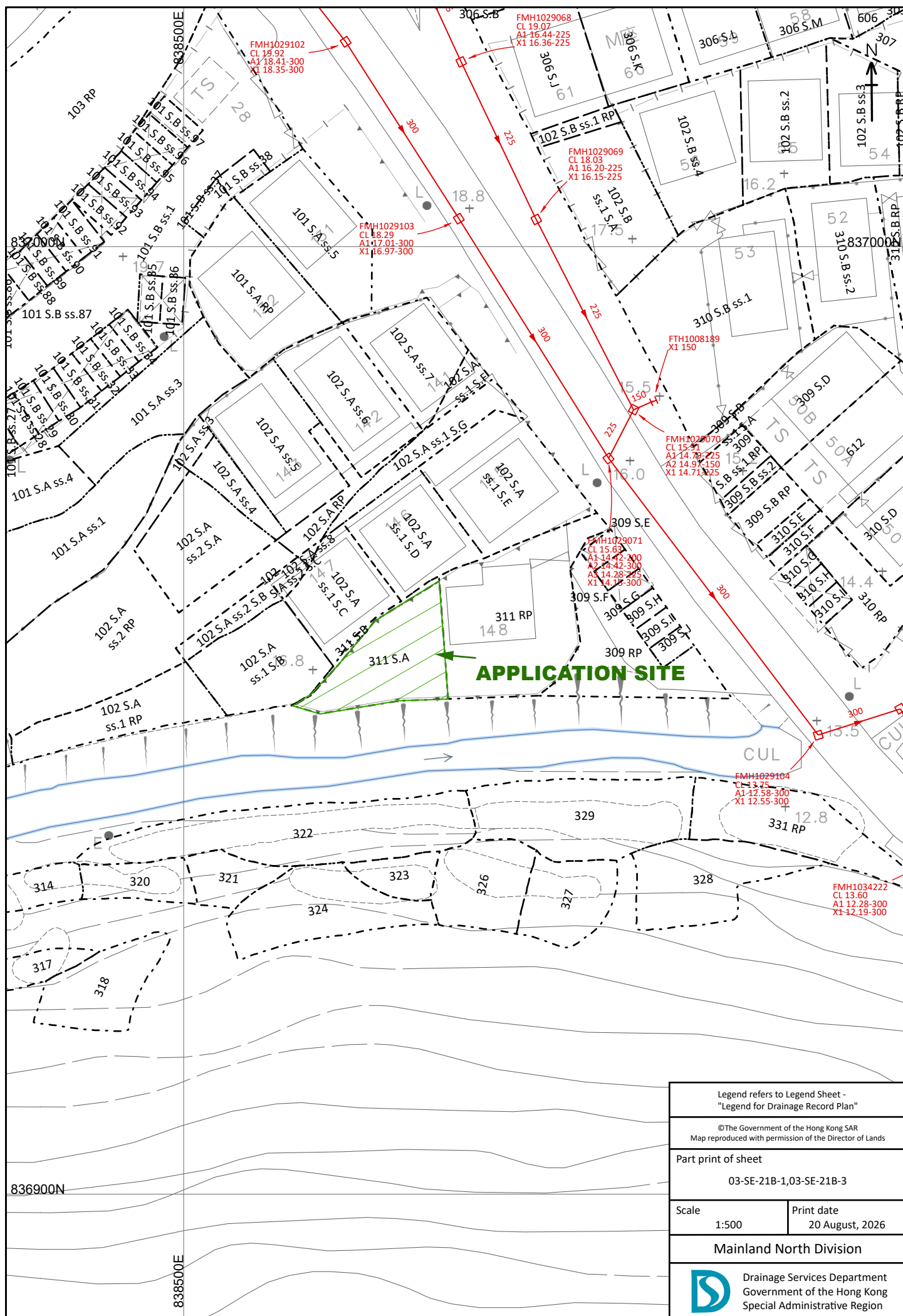
- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that the applicant is required to submit the Small House application to his office for processing. However, please note that there is no guarantee that the Small House application will be approved. Furthermore, there is no guarantee regarding the grant of a right of way to the Small House concerned or the approval of the associated emergency vehicular access;
- (b) to note the comments of the Director of Environmental Protection (DEP) that the applicant is reminded to implement suitable mitigation measures and good site practice to minimise any potential environmental nuisance during construction and to strictly comply with relevant environmental protection/pollution control ordinances;
- (c) 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 departments prior to commencement of the works;
- (d) to note the comments of the Commissioner for Transport (C for T) that the section of Tung Tsz Road near the Site is not under the Transport Department's management. The corresponding management and maintenance authorities should be consulted;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) there is no existing DSD maintained public drain available for connection in the area. The applicant should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site, sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
 - (ii) there are existing public sewers in the vicinity of the Site. The drainage record plan is at **Attachment 1** for ease of reference;
 - (iii) the applicant shall resolve any conflict/disagreement with relevant lot owners and seek LandsD's permission for laying new drains/channels and/or modifying/upgrading existing ones in other private lots or on Government land (GL) (where required) outside the Site; and

(iv) comments on stormwater drainage proposal are as follows:

- (1) surface channels should be provided along the perimeter of the Site to collect all the runoff generated from the site or passing through the Site, and discharge the runoff collected to a proper discharge point;
- (2) part(s) of the proposed drainage system is/are within the private lot(s) near the Site. The applicants shall resolve any conflict/disagreement with relevant lot owner(s) and seek LandsD's permission for laying new sewers and/or modifying/upgrading existing ones in other private lot(s) or on GL (where required) outside the Site;
- (3) the drainage flow path from the rooftop of the proposed house to the public drainage system/streamcourse/sea/any recognised drainage facilities shown in LandsD map should be provided in association with supporting site photos; and
- (4) furthermore, the applicant's attention is drawn to the following general comments/requirements:
 - a minimum soil cover of 450mm and 900mm should be provided for the connection pipe constructed under footpath and carriageway respectively;
 - the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained by the lot owner(s) at his/their expense;
 - DSD noticed that the proposed drainage connection(s) to the surrounding/downstream areas will run through GL and or other private lot(s). The applicant shall demonstrate that the proposed drainage construction/improvement/modification works and the operation of the drainage can be practicably implemented on site;
 - the lot owner/developer is required to rectify/modify the drainage system if it is found to be inadequate or ineffective during operation. The lot owner/developer shall also be liable for and shall indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system;
 - the lot owner/developer should 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 Site. In the event of any damage to the existing drainage facilities, the lot owner/developer would be held responsible for the cost of all necessary repair works, compensation and any other consequences arising therefrom; and
 - the lot owner/developer should also be advised that the limited desk-top checking by the 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 the Site;

- (f) 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 LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application via LandsD;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) site formation works and drainage works for New Territories Exempted Houses 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 Authorized Person should be appointed as the co-ordinator for the proposed site formation and/or drainage works in accordance with the BO; and
 - (ii) notwithstanding the above, the Director of Lands may issue a certificate of exemption from prior approval and consent of the BA in respect of site formation works and/or drainage works in New Territories under the BO (Application to the New Territories) Ordinance. The applicant may approach DLO/TP, LandsD for details; and
- (h) to note that the permission is only given to the proposed 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 work.



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A/TP/710

Lot 311 S.A in D.D. 14, Tung Tsz, Tai Po

Site area: About 115.4sq.m

Zoning: "Green Belt"

Applied use: NET House

Dear TPB Members,

The 2011 approval expired more than a decade ago so this application should be treated as fresh and subject to the amendments to the guidelines on approval of NET houses on GB zone.

The GB along the watercourse should be left intact.

The application should be rejected.

Mary Mulvihill