

(I) HOW TO APPLY FOR A SMALL HOUSE GRANT

(A) Introduction

- (a) The aim of this pamphlet is to give a brief outline on how an indigenous villager in the New Territories can apply for a small house grant under the *New Territories Small House Policy*. (See Explanatory Note (a) and the procedural flow chart at Annex D). It contains general guidelines and basic information for the applicant. However, such guidelines and information may be subject to revision from time to time.
- (b) This pamphlet is not intended to create any legal rights or obligations. It serves only to explain the key features of current Government New Territories Small House Policy and is not meant to be exhaustive. The applicant may approach the respective District Lands Office for further details.

(B) Definitions

- (a) **Indigenous Villager**
An 'indigenous villager' is a male person at least **18** years old who **is descended** through the male line from a resident in 1898 of a recognized village.
- (b) **Recognized Village**
A 'recognized village' is one, which is shown on the list of recognized villages approved by the Director of Lands.
- (c) **Small House Grant**
 - (i) A small house grant includes any **Private Treaty Grant** (on Government land), **Building Licence** (on private land) or **Exchange** issued under the New Territories Small House Policy since its implementation in December 1972.

- (ii) It also includes the following types of grants prior to the implementation of the New Territories Small House Policy:

- Land Grant by way of a Restricted Village Auction;
- Exchange by Surrender and Regrant at reduced or nil premium; or
- Free Building Licence granted to a villager for the building of a village-type house.

(C) Eligibility Criteria

The following principal criteria must be met before a small house grant can be made: -

- (a) The applicant is an indigenous villager who is a male person at least 18 years old and descended through the male line from a resident in 1898 of a recognized village;
- (b) The applicant has **NOT** previously received any small house grant. (See Explanatory Note (b)) ;
- (c) The site applied for is **within the 'V' zone and the environs or the village extension area of a recognized village**; (See Explanatory Notes (c) and (h));
- (d) The site applied for is not affected by any impending development, and does not prejudice any future planning or development proposals; and
- (e) There are **no substantiated local objections** to the proposed building.

(D) Method of Application and Procedures

- (a) The applicant will be required to complete a Composite Application Form to build a small house in the New Territories (including an application form, a declaration form for the certification of the status of the applicant, a statutory declaration form and the applicant's authorization form), which can be obtained from any New Territories District

Lands Offices free of charge or downloaded from Lands Department's website: <http://www.landsd.gov.hk/en/forms/index.htm>.

- (b) The completed application form, together with the declaration regarding the status of the applicant as an indigenous villager made by the Indigenous Inhabitant Representative, Chairman or Vice-chairman of the Rural Committee concerned, may be submitted to the respective District Lands Officer for processing either by post or in person. (See Explanatory Notes (d) and (e)).
- (c) Upon receipt of a small house application, the District Lands Officer will acknowledge the application and inform the applicant of the expected date when his application will be processed by making reference to the date of application.
- (d) The waiting time for commencing the processing of all new small house applications will not exceed one year. For straightforward cases, it may be possible for execution to take place within 24 weeks from date of interview with the applicant. For non-straightforward cases such as those associated with local objections, land title or boundary problems or requirements imposed by other regulatory authorities that will need to be tackled upfront, the processing time may exceed the aforesaid period depending on the nature and complexity of the problematic issues being encountered.
- (e) When the application is due for processing, the District Lands Officer will invite the applicant to attend an interview at an appointed time and make the necessary statutory declaration regarding his status as an indigenous villager and the fact that he has not received previously any concessionary grant from the Government, etc. The applicant is required to bring along to the interview all evidence such as Birth Certificate, Hong Kong Identity Card/Passport and any other relevant documents to prove his status of being an indigenous villager. He will

have to give details about the application at the interview, e.g. the location of the site, the dimensions and orientation of the proposed small house, etc.

- (f) To facilitate the processing of small house application, the applicant may provide the following information to the District Lands Officer for consideration: -
 - (i) a duplicate copy of land title record in respect of the lot under application from the Land Registry; and
 - (ii) a survey plan of 1:1000 scale showing the proposed site under application, the dimensions of the proposed small house, the orientation of the proposed balcony and location of the proposed septic tank and soakaway systems.
- Note: The applicant may purchase Lot Index Plan showing the approximate location of lot boundaries and (if available) Village Environs Boundary Plan showing the village environs boundary from the relevant District Survey Office.*
- (g) Notices will be posted in the village(s) and the Rural Committee concerned for 14 days to see whether there are local objections to the application. Upon receipt of objection, a 3-tier working mechanism for handling of the objection would apply. (Details are shown at Annex II) Other relevant Government departments will also be consulted on the application.
 - (h) If all the eligibility criteria are met and the application is approved, an offer letter will be issued by the District Lands Officer to the applicant with a demand note for payment of the administrative fee and/or premium as the case may be. (See Explanatory Note (f)).

- (i) Once the offer is accepted and payment made by the applicant, the Grant or Building Licence will be prepared for execution by both the applicant and the District Lands Officer.
- (j) The grant document should normally be executed by the applicant in person. If the applicant wishes to execute the grant document by his attorney under a Power of Attorney, the use of the Power of Attorney should be subject to compliance with the requirements and conditions imposed by the District Lands Officer. After completion of the grant, the applicant will have to apply for and obtain Certificates of Exemption in respect of building works, site formation works and drainage works from the District Lands Officer before construction works can commence on site. (See Explanatory Note (g)). For relevant details, please refer to the information pamphlet on 'Building New Territories Exempted Houses' published by the Lands Department. At the same time, the applicant will have to apply to the District Lands Officer for setting out of the small house site on ground.
- (k) If Certificates of Exemption in respect of site formation and drainage works are not issued by the District Lands Officer due to geographical and topographical constraints, the applicant is required to submit site formation and drainage plans formally to the Building Authority for approval prior to commencement of construction works.
- (l) If the application is rejected, a letter indicating the reasons for disapproval will be sent to the applicant. There may be occasions where prior planning permission under the Town Planning Ordinance, Chapter 131 is required for the applications to be considered by the District Lands Officer, a letter will be sent to the applicant explaining how he can further proceed with his application. (See Explanatory Note (h)).

(E) Building Covenant and Certificate of Compliance

- (a) The building covenant period for a new small house grant is 36 calendar months.
- (b) Upon completion of building works, the *T2 competent person and the Registered Structural Engineer/Registered Professional Engineer employed by the applicant shall jointly certify and submit to the District Lands Officer a construction completion report.
- (c) Upon receipt of the construction completion report, the District Lands Officer will issue a Certificate of Compliance if, having carried out all the necessary checkings, he is satisfied that all the requirements and obligations as specified in the general and special conditions/license conditions of the small house grant have been complied with. (Details are shown at Annex III)

** T2 competent person means a person who possesses a higher diploma or higher certificate in the civil/structural engineering, building studies, building technology, building surveying, architectural studies or similar field, awarded by universities funded by the University Grants Committee, or the Institutes of Vocational Education or the previous Technical Institutes operated under the Vocational Colleges which are approved and/or recognized by the Vocational Training Council and with a total relevant working experience of not less than 3 years.*

(F) Enquiries

Applicants can make enquiries at the respective District Lands Office for more detailed information about the application procedures.

(G) Appeals

If an application is rejected and the applicant is not satisfied with the reasons given by the District Lands Officer, he can appeal against the decision or seek assistance from his Rural Committee. The Chairman of the Rural Committee may appeal to the District Lands Officer on the applicant's behalf. The appeal will be carefully considered by the

District Lands Officer or referred to District Lands Office Conference for consideration.

(II) EXPLANATORY NOTES

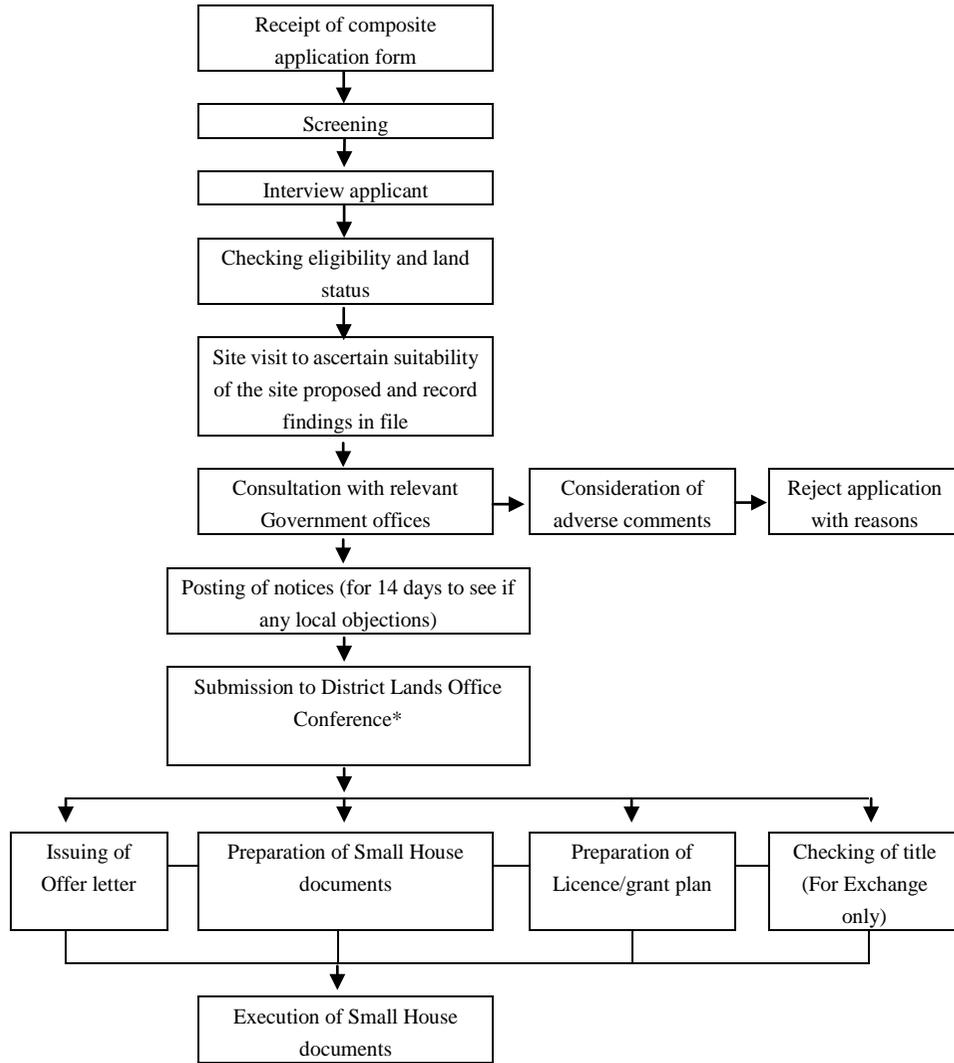
- (a) The **New Territories Small House Policy** is a policy approved by the Executive Council in November 1972 and has been implemented since December 1972. It is formulated to allow an indigenous villager to apply for permission to erect, for once in his lifetime, a small house on a suitable site within his own village.
- (b) An indigenous villager may utilize his once-in-a-lifetime right to purchase a whole or portion of a small house from another indigenous villager for his own use without paying an additional premium to Government. However, once the assignment has been registered, both the assignor and the assignee will be considered to have utilized their once-in-a-lifetime right to a small house grant and will not be entitled to any further small house concessionary grants whatsoever.
- (c) **'Environs of a recognized village'** in general refers to a 300 ft. distance surrounding a recognized village where small house applications are considered. However, consideration will also be given to applications for sites within a 'V' zone in a Development Permission Area/Outline Zoning Plan, which encircles a recognized village.
- (d) In the case of application for Building Licence or Land Exchange (Surrender and Regrant), the land under application must be registered in the applicant's name.
- (e) Applications for small house grants on Government land from villagers living overseas will be refused unless the District Lands Officer is satisfied that the applicant intends to return and reside in his village. The District Lands Officer may, however, consider overseas applications for small house grants on private land.
- (f) An administrative fee will be levied for small house grants. A premium at a concessionary rate calculated by Government will also be charged except where Free Building Licences are issued. For those small house sites where Government money has been spent on resumption, clearance, site formation or infrastructure, a higher premium will be imposed.
- (g) A small house is basically a building in the New Territories constructed in accordance with the provisions of the Buildings Ordinance (Application to the New Territories) Ordinance, Chapter 121. ***The main features of a small house are that the building shall neither contain more than three storeys nor exceed a height of 8.23 metres (27 ft.) and the maximum roofed-over area of the house shall not exceed 65.03 square metres (700 sq. ft.)***. Under the provisions of Chapter 121, a certificate of exemption in respect of building works should be obtained from the District Lands Officer prior to the commencement of any building works unless plans prepared by an Authorized Person have been approved by the Building Authority. Similarly, the owner should apply for separate certificates of exemption for site formation works and drainage works from the District Lands Officer and shall not commence any works on site before obtaining the necessary certificates of exemption, or securing approval of plans by the Building Authority.
- (h) Pursuant to the provisions under the Town Planning Ordinance, Chapter 131, planning permission will have to be obtained from the Town Planning Board under Section 16 of the Ordinance for erection of small houses outside the 'V' Zones (village type development) as shown on statutory plans such as Development Permission Area Plans and Outline Zoning Plans.

(III) IMPORTANT POINTS TO NOTE

- (a) Approval will not normally be given for a site situated on a steep slope which is not suitable for small house development. In exceptional circumstances where approval is given for small house development on a slope, the applicant will be required to employ an Authorized Person/Engineer to submit site formation plans to the Building Authority for approval.
- (b) An application for a small house site outside the applicant's own Heung will not be considered, unless he can prove to the satisfaction of the District Lands Officer that his ancestor has already settled in the new Heung under application, and there are no local objections to his application.
- (c) Where division of a large lot is involved to enable the construction of more than one small house thereon by a group of villagers, the applicants should ensure that the procedure for the division of the lot is completed before the small house applications are made.
- (d) If the proposed house site is situated within a cluster of NINE houses or less (including the proposed house site), the provision of Emergency Vehicular Access (EVA) is not required. If the proposed house site is situated within a cluster of TEN houses or more (including the proposed house site), the provision of EVA will be required. A cluster of houses is defined as the houses within a circle with a radius of 30 metres measured from the centre of the proposed house site. If the District Lands Office is satisfied that the provision of EVA is impracticable, the applicant should implement one of the fire safety alternatives, i.e. automatic sprinkler system; or fire detection system and hose reel system; or fire detection system and fire extinguisher on each floor of the small house. For details, applicants may refer to the information pamphlet on 'New Territories Exempted Houses - A Guide to Fire Safety Requirements' published by the Lands Department.

Annex I

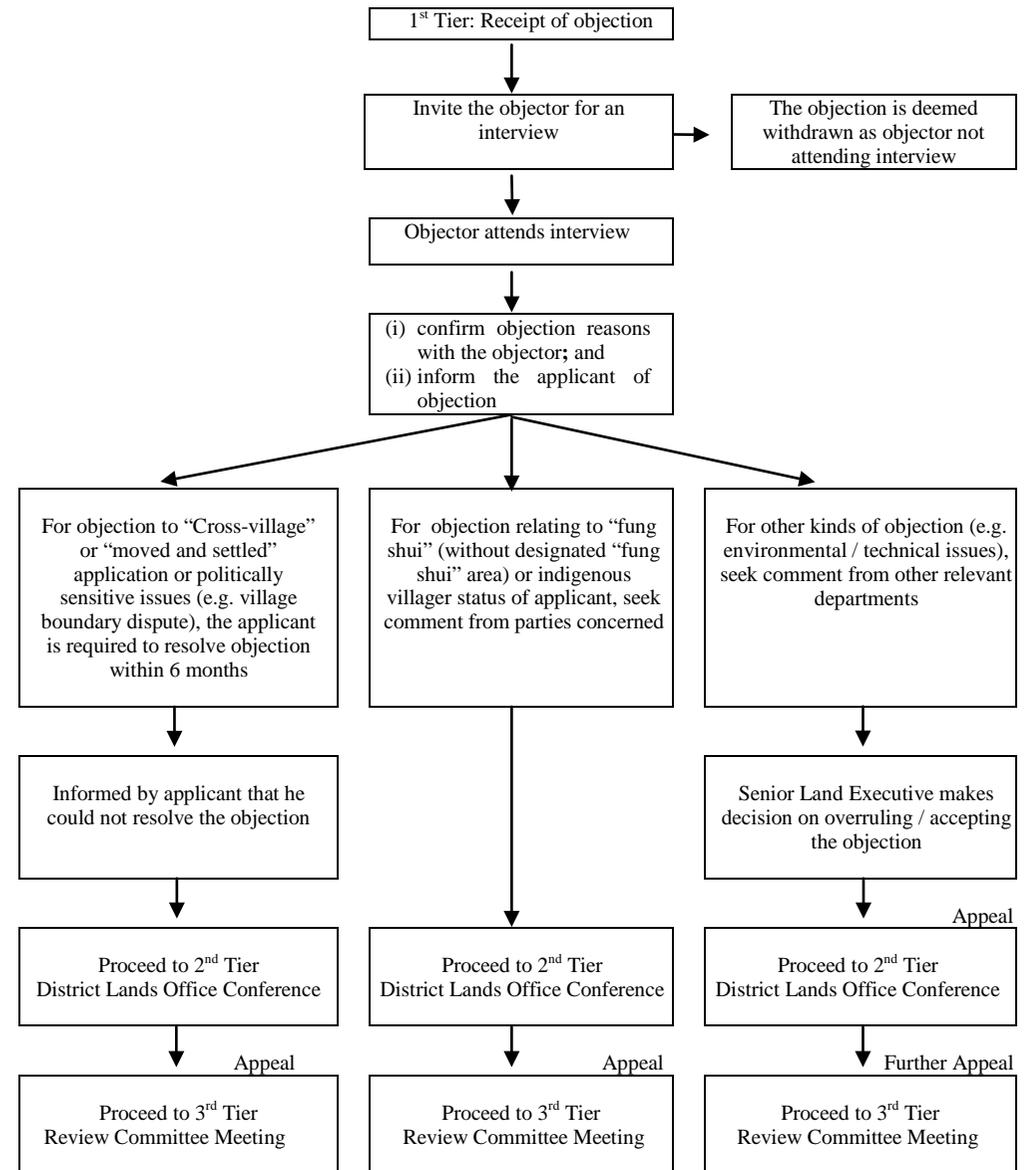
Procedure Flow Chart : Processing of Small House Applications by New Territories District Lands Office



* Straightforward cases to Chief Land Executive

Annex II

Flow Chart of the Three-tier Mechanism for Handling of Objections to Small House Applications



Annex III

Issue of a Certificate of Compliance

- (a) All the requirements and obligations as specified in the general and special conditions/licence conditions of the small house grant must be complied with before a Certificate of Compliance can be issued. The main development requirements, which are by no means exhaustive, are set out in the table below for easy reference:

Main Features	Standard Requirements (actual requirements may vary slightly depending on individual grant/ licence conditions)
(i) Roofed-over area	not exceeding 65.03m ² (700 s.f.)
(ii) Height	not exceeding 8.23m (27ft.)
(iii) Number of storeys	not exceeding 3 storeys
(iv) Balcony/canopy	projecting not more than 1.22m (4ft.)
(v) Water tank on the roof	area not exceeding 2m ² (21.52 s.f.); height not exceeding 1.22m (4ft.)
(vi) Stairhood	height not exceeding 2.14m (7ft.); area not exceeding 7.44m ² (80 s.f.)
(vii) Parapet on the roof	height not exceeding 1.22m (4ft.)

Main Features	Standard Requirements (actual requirements may vary slightly depending on individual grant/ licence conditions)
(viii) Thickness of load-bearing wall	<ul style="list-style-type: none"> * reinforced concrete: not less than 175mm (6.89 in.) * brick: not less than 340mm (13.39 in.) at the lowest storey and not less than 225mm (8.86 in.) at the 1st and 2nd floors
(ix) Health and drainage	<ul style="list-style-type: none"> * all internal wall surfaces of kitchen, bathroom and latrine accommodation should be imperviously tiled or surfaced with smooth impervious material to a height of not less than 1.22m (4ft.) * provision of the following: <ul style="list-style-type: none"> - a 9-inches surface channel - a septic tank - a soakage pit - a vent pipe and manholes - a kitchen
(x) Others	<ul style="list-style-type: none"> * compliance with any other requirements under the Certificates of Exemption in respect of Building Works, Drainage Works and Site Formation Works * no illegal structures or unauthorized extensions * no off-site development

(b) A Certificate of Compliance will not be issued if any of the above requirements is not complied with. The officer concerned has no authority to make exemptions. Appeals should be made in writing and addressed to the District Lands Officer.

(c) For general enquiries :

District Lands Office/Islands : 19/F, Harbour Building, 38 Pier Road, Central, Hong Kong
Tel : 2852 4265

District Lands Office/North : 6/F, North District Government Offices, 3 Pik Fung Road, Fanling, N.T.
Tel : 2675 1809

District Lands Office/Sai Kung : 3/F & 4/F, Sai Kung Government Offices, 34 Chan Man Street, Sai Kung, N.T.
Tel : 2791 7019

District Lands Office/Shah Tin : 11/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, N.T.
Tel : 2158 4700

District Lands Office/Tai Po : 1/F, Tai Po Government Offices, Ting Kok Road, Tai Po, N.T.
Tel : 2654 1263

District Lands Office/Tsuen Wan & Kwai Tsing : 10/F & 11/F, Tsuen Wan Multi-storey Carpark Building, 174-208 Castle Peak Road, Tsuen Wan, N.T.
Tel : 2402 1164

District Lands Office/Tuen Mun : 6/F & 7/F, Tuen Mun Government Offices, 1 Tuen Hi Road, Tuen Mun, N.T.
Tel : 2451 1176

District Lands Office/Yuen Long : 9-11/F, Yuen Long Government Offices, 2 Kiu Lok Square, Yuen Long, N.T.
Tel : 2443 3573