

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HC/368

- Applicant** : Mr. CHEUNG Yiu Heng represented by Mr. 陳再盛
- Site** : Lot 677 S.A in D.D. 244, Ho Chung, Sai Kung, New Territories
- Site Area** : About 98.9m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/12
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed House (New Territories Exempted House (NTEH) – Small House)

1. The Proposal

- 1.1 The applicant, who is an indigenous villager of Ho Chung Village as confirmed by the Indigenous Inhabitant Representative (IIR), seeks planning permission to build a proposed NTEH (Small House) on the application site (the Site) which falls within an area zoned “AGR” on the OZP (**Plans A-1 and A-2a**). According to the Notes of the OZP, ‘House (NTEH only)’ within “AGR” zone is a Column 2 use which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site is mostly hard paved, fenced off, currently vacant and partly covered by vegetation. Details of the proposed NTEH (Small House) are as follows:
- | | | |
|------------------|---|----------------------|
| Total Floor Area | : | 195.09m ² |
| No. of Storeys | : | 3 |
| Building Height | : | 8.23m |
| Roofed Over Area | : | 65.03m ² |
- 1.3 The Site is the subject of two previous applications with the latest application No. A/SK-HC/280 submitted by the same applicant for the same use as the current application which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 22.12.2017 and its planning permission lapsed on

23.12.2021. Details of the previous applications are set out in paragraph 5 and **Appendix III**, and their locations are shown on **Plans A-1** and **A-2a**.

- 1.4 The layout of the proposed Small House (including proposed septic tank) is shown on **Drawing A-1** and **Plan A-2a**.
- 1.5 In support of the application, the applicant has submitted the Application Form with attachment received on 6.3.2025 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application as stated in the Application Form at **Appendix I** are summarized as follows:

- (a) there is shortage of available government land for village houses for indigenous villagers. The permission for building Small House on the Site will alleviate the burden imposing on the government;
- (b) change in use of the Site from agriculture to village type development is considered compatible with the surrounding zonings. The proposed development is the extension of the “Village Type Development” (“V”) zone to its western boundary; and
- (c) the Site has been left fallow and unused. From land economy point of view, the proposed development will convert the derelict land into a more practical and economical residential use without affecting the rural character of the area and the proposed development will not create any adverse environmental impact.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner” of the respective lot. Detailed information would be deposited at the meeting for Members’ inspection.

4. Assessment Criteria

The set of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) was first promulgated on 24.11.2000. The latest set of the Interim Criteria, which was revised on 7.9.2007, is at **Appendix II**.

5. Previous Applications

- 5.1 The Site is the subject of two previous applications No. A/SK-HC/201 and 280. Application No. A/SK-HC/201, submitted by a different applicant for NTEH (Small House) use, was approved with conditions by the Committee on 19.8.2011 mainly on the considerations that the application was generally complied with the Interim Criteria and there were no farming activities in the area. Application No. A/SK-HC/280, submitted by the same applicant for the same use as the current

application, was approved with conditions by the Committee on 22.12.2017 mainly on the grounds that the application was generally complied with the Interim Criteria; the proposed development was not incompatible with the surrounding; and no adverse impact was anticipated. Compared with the latest approved application, the major development parameters and footprint of the proposed Small House in the current application remain unchanged. The latest planning approval lapsed on 23.12.2021.

- 5.2 Details of the previous applications are summarized at **Appendix III** and their locations are shown on **Plans A-1 and A-2a**.

6. Similar Applications

- 6.1 There are 86 similar applications within/straddling the same “AGR” zone with 78 cases approved and eight rejected since the Interim Criteria revised on 7.9.2007. Among them, 45 applications were approved and four applications were rejected before the Board’s formal adoption of a more cautious approach in approving applications for Small House development in August 2015.
- 6.2 After August 2015, there were 33 applications approved mainly on the considerations that a new village cluster was being established in the subject “AGR” zone; the proposed developments generally complied with the Interim Criteria; and no adverse impact on the surrounding areas was anticipated. There were also four applications No. A/SK-HC/290, 357 to 359 rejected by the Committee. Application No. A/SK-HC/290 was rejected on 15.6.2018 mainly on grounds of being not in line with the planning intention of the “AGR” zone; causing adverse impacts on the water quality of the area; and setting of an undesirable precedent. Applications No. A/SK-HC/357 to 359 were rejected on 20.12.2024 mainly on the grounds of being not in line with the planning intention of the “AGR” zone; layout of Small Houses not compatible to Government’s principle of maximizing use of government land; and land was still available within the “V” zone of Ho Chung which was primarily for Small House development.
- 6.3 Details of the similar applications are summarized at **Appendix IV** and their locations are shown on **Plan A-2a**.

7. The Site and its Surrounding Area (Plans A-1 and A-2a, aerial photo on Plan A-3, and site photos on Plan A-4)

7.1 The Site:

- (a) is mostly hard paved, fenced off and currently vacant;
- (b) is located within the village ‘environs’ (‘VE’) of Ho Chung, and Ho Chung Site of Archaeological Interest (SAI); and
- (c) is accessible via a local track branching off Nam Pin Wai Road.

7.2 The surrounding areas are of settled valleys landscape predominated by village houses and woodland. To the immediate south and east are a newly constructed Small House and a vacant site with approved Small House, and a number of existing Small Houses respectively. To the immediate north across an existing local track is the cluster of village houses within the “V” zone of Ho Chung. To the west is a piece of vacant vegetated land and a vehicle park.

8. Planning Intention

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Departments

9.1 The application has been assessed against the assessment criteria in the Interim Criteria at **Appendix II**. The assessment is summarized in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone? - Footprint of the proposed Small House - The Site	- -	100% 100%	The Site and footprint of the proposed Small House fall entirely within the “AGR” zone.
2.	Within ‘VE’? - Footprint of the proposed Small House - The Site	100% 100%		The Site and footprint of the proposed Small House fall entirely within the ‘VE’ of Ho Chung.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?		✓	<u>Land Required</u> Land required to meet the Small House demand in Ho Chung: about 14.03ha (equivalent to 561 Small House sites). The number of outstanding Small House applications is 81. ^{1,2}

¹ Among the 81 outstanding Small House applications, 46 fall within the “V” zone and 35 are straddling/outside the “V” zone.

² The IIR of Ho Chung has not provided the figure for 10-year Small House demand forecast since 31.12.2019. The latest record (as at 31.12.2019) provided by the IIR for the 10-year Small House demand was 480. The figure has not been verified by District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD).

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	Sufficient land in “V” zone to meet outstanding SH applications?	✓		<u>Land Available</u> Land available to meet Small House demand within the “V” zone of the village concerned: about 3.67ha (equivalent to 146 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of “AGR” zone?		✓	Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application as the Site possesses potential for agricultural rehabilitation. Agricultural infrastructures such as road access and water source are available.
5.	Compatible with surrounding area/ development?	✓		The Site is located to the west of Ho Chung New Village. There are existing village houses and similar applications for Small House developments approved by the Committee to the immediate east and south and in the vicinity (Plans A-1 and A-2a).
6.	Within WGG?		✓	
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire services installations and emergency vehicular access?		✓	Director of Fire Services (D of FS) has no in-principle objection to the application.
9.	Traffic impact?	✓		Commissioner for Transport (C for T) considers that Small House development should be confined within the “V” zone 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” zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding the above, the application only involving development of one Small House and could be

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				tolerated on traffic grounds.
10.	Drainage impact?		✓	Chief Engineer/Mainland South, DSD (CE/MS, DSD) has no in-principle objection to the application.
11.	Sewerage impact?		✓	Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution.
12.	Archaeological impact?		✓	<ul style="list-style-type: none"> - Chief Heritage Executive (Antiquities and Monuments), Antiquities and Monuments Office, Development Bureau (CHE(AM), AMO, DEVB) advises that the Site falls within the Ho Chung SAI. - After reviewing the location, scope of the proposed works, and according to the findings of the previous archaeological surveys in the surrounding area, her office has no objection in principle to the application. - Notwithstanding, pursuant to the Antiquities and Monuments Ordinance, the applicant is required to inform her office immediately when antiquities or supposed antiquities under the Antiquities and Monuments Ordinance discovered during the course of works.
13.	Landscape impact?		✓	<ul style="list-style-type: none"> - Chief Town Planner/Urban Planning and Design, Planning Department (CTP/UD&L, PlanD) advises that as the Site is situated in an area of settled valleys landscape predominated by village houses and tree groups. The proposed Small House is considered not incompatible with the surrounding landscape character. - The Site is currently vacant and fenced off with no significant

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				landscape resources, significant landscape impact arising from the application is not anticipated.
14.	Local objection conveyed by DO?		✓	District Officer (Sai Kung), Home Affairs Department (DO(SK), HAD) has no comment on the application.

9.2 Comments from the following government departments have been incorporated to the above paragraph. Detailed comments are at **Appendix V**.

- (a) DLO/SK, LandsD;
- (b) DAFC;
- (c) C for T;
- (d) CTP/UD&L, PlanD;
- (e) DEP;
- (f) CE/MS, DSD;
- (g) D of FS;
- (h) CHE(AM), AMO, DEVB; and
- (i) DO(SK), HAD.

9.3 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) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (c) Chief Highway Engineer/New Territories East, Highways Department; and
- (d) Chief Engineer (Works), HAD.

10. Public Comment Received During Statutory Publication Period

On 14.3.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed Small House development at the Site zoned “AGR” on the OZP (**Plan A-2a**). The proposed development is not in line with the planning intention of the “AGR” zone as set out in paragraph 8 above. DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation for open-field cultivation, greenhouse, plant nurseries, etc. and agricultural infrastructures such as road access and water source are also available.

- 11.2 Mostly hard paved and fenced off, the Site is currently vacant and surrounded by village houses to its south, east and north. The proposed Small House development is considered not incompatible with the surrounding village setting and landscape character. CTP/UD&L, PlanD has no comment on the application from landscape planning perspective and advises that significant landscape impact arising from the proposed development is not anticipated. C for T considers that the application could be tolerated as it only involves the construction of one Small House. Other relevant government departments including CE/C, WSD, D of FS, CE/MS, DSD and DEP have no objection to or no adverse comment on the application.
- 11.3 Regarding the Interim Criteria (**Appendix II**), the footprint of the proposed Small House falls entirely within the ‘VE’ of Ho Chung (**Plan A-2a**). According to DLO/SK, LandsD, the number of outstanding Small House applications for Ho Chung is 81 while the 10-year Small House demand forecast (as at 31.12.2019) is 480. Based on the latest estimate by PlanD, about 3.67ha of land (equivalent to 146 Small House sites) is available within the “V” zone of Ho Chung (**Plan A-2b**). While the amount of land available within the “V” zone is insufficient to fully meet the future Small House demand, it is sufficient to accommodate the outstanding Small House applications. The Board has formally adopted a more cautious approach in considering applications for Small House developments since August 2015. Amongst others, in assessing whether there is a general shortage of land in meeting the Small House demand, the Board has put more weighting on the number of outstanding Small House applications as provided by LandsD. Nevertheless, the Site is the subject of two previous approved applications with the latest approved application (No. A/SK-HC/280) submitted by the same applicant for the same use, which was approved by the Committee as detailed in paragraphs 1.3 and 5.1 above. Compared with the previous application, the major development parameters and footprint of the proposed Small House under the current application are generally the same. Besides, DLO/SK, LandsD advised that the Small House grant application submitted by the applicant is currently being processed. In view of the above, sympathetic consideration can be given to the application.
- 11.4 There are 86 similar applications for Small House developments in the vicinity of the Site (**Plan A-2a**), 33 of which were approved by the Committee between 2015 and 2023 after the Board’s formal adoption of a more cautious approach mainly on the sympathetic consideration as detailed in paragraph 6.2 above. The planning circumstances of the current application are largely similar to those of the approved applications. Approval of the current application is in line with the Committee’s previous decisions.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 2.5.2029, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is

commenced or the permission is renewed. The recommended advisory clauses are attached at **Appendix VI**.

12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the proposed development is not in line with the planning intention of the "Agriculture" zone, which is primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification provided in the submission for a departure from the planning intention; and
- (b) land is still available within the "Village Type Development" ("V") zone of Ho Chung which is primarily for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with attachments received on 6.3.2025
Appendix II	Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Detailed Comments from Relevant Government Departments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available within the "V" zone of Ho Chung for Small House Development
Plan A-3	Aerial Photo

Plan A-4 Site Photos

**PLANNING DEPARTMENT
MAY 2025**