

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/560

<u>Applicant</u>	: Mr. LIU Chun Long represented by Pang Hing Yeun		
<u>Site</u>	: Lots 894 S.L and 894 S.P in D.D. 94, Hang Tau, Sheung Shui, New Territories		
<u>Site Area</u>	: 113.7 m ²		
<u>Lease</u>	: Block Government Lease (demised for agricultural use)		
<u>Plan</u>	: Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/22		
<u>Zoning</u>	: “Agriculture” (“AGR”)	(about 82% of the Site)	
	: “Village Type Development” (“V”)	(about 18% of the Site)	
<u>Application</u>	: Proposed House (New Territories Exempted House (NTEH) — Small House)		

1. The Proposal

1.1 The applicant, who claims to be an indigenous villager¹ of Sheung Shui Heung, seeks planning permission to build a NTEH (Small House) at the application site (the Site), which falls within an area mainly zoned “AGR” (about 82%) and partly zoned “V” (about 18%) on the OZP (**Plans A-1a** and **A-2a**). According to the Notes of the OZP, ‘House (NTEH only)’ is always permitted within the “V” zone, whilst ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ is a Column 2 use within the “AGR” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and vacant (**Plan A-4**).

1.2 Details of the proposed NTEH (Small House) are as follows:

Total Floor Area	: 167.22m ²
Number of Storeys	: 3
Building Height	: 8.23m
Roofed Over Area	: 55.74m ²

¹ As advised by the District Lands Officer/North, Lands Department (DLO/N, LandsD), the eligibility of the applicant for Small House grant has yet to be ascertained.

- 1.3 The Site is accessible via a footpath connecting to a village road leading to Hang Tau Road (**Plans A-1a** and **A-1b**). According to the applicant, the proposed Small House is located entirely within Lot 894 S.L whilst the uncovered area within Lot 894 S.P would be used as pedestrian access for the village and for provision of an underground septic tank (**Plan A-2a**). Plan showing the layout of the proposed development (including septic tank) submitted by the applicant is at **Drawing A-1**.
- 1.4 The Site is the subject of a previous application (No. A/NE-KTS/479) submitted by the same applicant for the same use with the same site area/boundary as the current application which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2020. Details of the previous application are set out in paragraph 6 below.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 24.4.2025 (**Appendix I**)
 - (b) Further Information (FI) of 10.6.2025* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements.*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) The applicant is an indigenous villager of Sheung Shui Heung and is eligible to erect a Small House according to the Small House Policy. There is not much land available within Hang Tau for Small House development and it has been difficult to identify the current site which is suitable for the development.
- (b) The Site is the subject of a previously approved application (No. A/NE-KTS/479) for Small House development and the Small House grant application is being processed by LandsD.
- (c) The proposed development is compatible with its surrounding environment. No adverse environmental and traffic impacts are anticipated. There are approved similar applications in the vicinity of the Site.
- (d) The proposed Small House footprint of about 600ft² is smaller than the standard size and it falls entirely within Lot 894 S.L, leaving the area of Lot 894 S.P within the Site as a right-of-way² of pedestrian access for the adjoining lots in Hau Tau (**Plan A-2a**). The proposed septic tank will be placed underground and will not obstruct the pedestrian access.

² DLO/N, LandsD advises that the concerned right-of-way was registered in Land Registry.

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

The applicant is the sole ‘current land owner’ of the Site. 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 Interim Criteria promulgated on 7.9.2007 is at **Appendix II**.

5. Background

The Site is not subject to any planning enforcement action.

6. Previous Application

The Site is the subject of a previous application (No. A/NE-KTS/479) submitted by the same applicant for the same use with the same site area/boundary as the current application, which was approved with conditions by the Committee on 6.3.2020 mainly on the considerations that the entire footprint of the proposed Small House fell within the village ‘environ’ (‘VE’) of Hang Tau; sympathetic consideration could be given since the application site was located at an infill site among existing Small Houses; and concerned government departments had no objection to or no adverse comment on the application. The planning permission subsequently lapsed on 7.3.2024. Compared with the previous application, the major development parameters and footprint of the proposed Small House under the current application remain the same. Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1b**.

7. Similar Applications

7.1 There are 28 similar applications, involving 17 sites, for Small House development within/straddling the same “AGR” zone in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000. Among them, 21 applications were approved and two applications were rejected before the formal adoption of a more cautious approach in considering Small House application by the Board in August 2015³.

7.2 After the formal adoption of the said more cautious approach, two applications (No. A/NE-KTS/444 and 445) within the “AGR” zone were approved with conditions by the Committee in 2017 mainly on the considerations that the entire footprint of the

³ Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting shall be put on the number of outstanding Small House applications provided by LandsD.

proposed Small House fell within the 'VE' of Hang Tau; sympathetic consideration could be given since the application site was the subject of previously approved application submitted by the same applicant who had been applying for Small House grant; a cluster of Small Houses with approved applications were located in the vicinity; and concerned government departments had no objection to or no adverse comment on the application.

- 7.3 The remaining three applications (No. A/NE-KTS/468, 476 and 534) involving the same site within the "AGR" zone submitted by the same applicant were rejected by the Committee or the Board upon review between 2019 and 2024 mainly on the grounds that the proposed development was not in line with the planning intention of the "AGR" zone and there was no strong planning justification; land was available within the "V" zone of Hang Tau; and it was more appropriate to concentrate Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 7.4 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

8. The Site and Its Surrounding Areas (Plans A-1a to A-4)

- 8.1 The Site is:
- (a) currently hard-paved and vacant;
 - (b) located at the eastern fringe of Hang Tau and is surrounded by existing cluster of village houses on all sides;
 - (c) located in an area falling partly within the "V" zone and entirely within the 'VE' of Hang Tau; and
 - (d) accessible via a footpath which connects to a village road about 40m to the southwest leading to Hang Tau Road to the further north.
- 8.2 The surrounding areas are mainly occupied by village houses of Hang Tau, other residential/temporary structures, unused land and fallow agricultural land.

9. Planning Intentions

- 9.1 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.

- 9.2 The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

- 10.1 The application has been assessed against the assessment criteria set out in the Interim Criteria (**Appendix II**). The assessment is summarised 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	- 18%	100% 82%	- The footprint of the proposed Small House falls entirely within “AGR” zone (Plan A-2a). - The Site falls mainly within the “AGR” zone, and partly within the “V” zone.
2.	Within ‘VE’? - Footprint of the proposed Small House - The Site	100% 100%	- -	DLO/N, LandsD advises that the Site falls within the ‘VE’ of Hang Tau.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House application plus 10-year Small House demand)?		✓	<u>Land Required</u> - Land required to meet Small House demand in Hang Tau: about 80.9 ha (equivalent to about 3,237 Small House sites). The number of outstanding Small House applications for Hang Tau is 37 ⁴ whilst the 10-year Small House demand forecast is between 2,900 and 3,200.

⁴ Amongst the 37 outstanding Small House applications, 26 of them fall within the “V” zone, and 11 of them straddle or fall outside the “V” zone.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		<u>Land Available</u> - Land available to meet Small House demand within the “V” zone of Hang Tau: about 3.96 ha (equivalent to about 158 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of “AGR” zone?		✓	Director of Agriculture, Fisheries and Conservation (DAFC) has no comment on the application from agricultural and nature conservation perspectives since the Site is enclosed by Small Houses and it has low potential for agricultural rehabilitation.
5.	Compatible with surrounding area/ development?	✓		The proposed development is not incompatible with the surrounding areas which are mainly occupied by village houses of Hang Tau, other residential/temporary structures, unused land and fallow agricultural land (Plans A-2a and A-3).
6.	Within Water Gathering Grounds (WGGs)?		✓	The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application.
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	Director of Fire Services (D of FS) has no objection in principle to the application. The applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ which is administered by LandsD.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
9.	Traffic impact?	✓		<ul style="list-style-type: none"> - Commissioner for Transport (C for T) has no objection to the application from traffic perspective. - Although additional traffic generated by the proposed development is not significant, the permission of development outside the “V” zone will however 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. - The application involving construction of one Small House only can be tolerated on traffic grounds.
10.	Drainage impact?		✓	Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application from public drainage viewpoint.
11.	Sewerage impact?		✓	<ul style="list-style-type: none"> - Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed development, the application is unlikely to cause major pollution and has no objection to the application. - Septic tank and soakaway system is an acceptable means for wastewater collection, treatment and disposal. - CE/MN, DSD has no objection to the application.
12.	Landscape impact?		✓	Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no adverse comment on the application from landscape planning perspective. Significant adverse landscape impact arising from the proposed development is not anticipated.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
13.	Local objections conveyed by District Office?		✓	District Officer (North), Home Affairs Department (DO(N)), HAD) has issued consultation documents to the Chairman of Sheung Shui District Rural Committee, the Indigenous Inhabitant Representative of Hang Tau and Resident Representative of Hang Tau, and has not received any local view.

10.2 Comments from the following government departments have been incorporated in paragraph 10.1 above. Details of comments from government departments are at **Appendix IV**.

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

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

- (a) Chief Highway Engineer/New Territories East, Highways Department;
- (b) Director of Electrical and Mechanical Services;
- (c) Project Manager (North), Civil Engineering and Development Department;
- (d) Head (Geotechnical Engineering Office), Civil Engineering and Development Department; and
- (e) Commissioner of Police.

11. Public Comments Received During Statutory Publication Period

On 2.5.2025, the application was published for public inspection. During the statutory public inspection period, five public comments were received, including one from a North District Council Member indicating no comment on the application, and four from the Owners' Committee of Nice Villa, a villager of Hang Tau and two other individuals all objecting to the application mainly on the grounds that the Site is too narrow for the proposed development; the proposed development would obstruct the access to the area and displace the current open space use of the Site; there would be adverse impacts on the drainage, sewerage and public safety aspects; and the construction works would create nuisances to the area (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed NTEH (Small House) at the Site mainly zoned “AGR” (82%) and partly zoned “V” (18%) (**Plan A-2a**). Whilst the proposed development is always permitted within the “V” zone, it is 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. Nevertheless, DAFC has no comment on the application from agricultural perspective considering that the Site has low potential for agricultural rehabilitation.
- 12.2 The Site is currently vacant, located at the eastern fringe of Hang Tau and an infill site surrounded by existing cluster of village houses on all sides. The proposed development at the Site is not incompatible with the surrounding areas which are mainly occupied by village houses, residential/temporary structures, unused land and fallow agricultural land. CTP/UD&L, PlanD considers that significant adverse landscape impact arising from the proposed development is not anticipated and has no adverse comment on the application. C for T considers that whilst the proposed development outside the “V” zone will set undesirable precedent for similar applications in the future, the application involving only one Small House can be tolerated on traffic grounds and has no objection to the application. Other relevant government departments consulted, including DEP, CE/MN, DSD, D of FS and CE/C, WSD, have no objection to or no adverse comment on the application.
- 12.3 Regarding the Interim Criteria (**Appendix II**), the entire footprint of the proposed Small House falls within the ‘VE’ of Hang Tau (**Plan A-2a**). DLO/N, LandsD advises that the number of outstanding Small House applications for Hang Tau is 37, whilst the 10-year Small House demand forecast is between 2,900 and 3,200. Since August 2015, the Board has formally adopted a more cautious approach in considering applications for Small House development and, amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD. Based on PlanD’s latest estimate, about 3.96 ha of land (equivalent to about 158 Small House sites) is available within the “V” zone concerned (**Plan A-2b**). Whilst the amount of land available within the “V” zone of Hang Tau is insufficient to fully meet the future Small House demand, it is sufficient to accommodate the outstanding Small House applications. Nevertheless, the Site is the subject of a previous application (No. A/NE-KTS/479) submitted by the same applicant for the same use, which was approved with conditions by the Committee after the Board’s formal adoption of the said more cautious approach. Compared with the previous application with planning permission already lapsed, the major development parameters and footprint of the proposed Small House under the current application have remained the same. Besides, DLO/N, LandsD advises that the Small House grant application submitted by the applicant is under processing. According to the Interim Criteria (d) (**Appendix II**), application with previous planning permission lapsed will be considered on its own merits and 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 or the processing of the Small House grant is already at an advance stage. In view of the above, sympathetic consideration can be given to the current application.

- 12.4 As mentioned in paragraph 7 above, there are 28 similar applications for proposed Small House development in the vicinity of the Site since the promulgation of the Interim Criteria in 2000 (**Plan A-1b**). Amongst them, two were approved and three were rejected by the Committee or the Board upon review between 2017 and 2024 after the Board's formal adoption of a more cautious approach. The planning circumstances of the current application at an infill site involving a previously approved application submitted by the same applicant are comparable to the two approved similar applications. Approving the current application based on the sympathetic consideration mentioned in paragraph 12.3 above is generally in line with the Interim Criteria and the Committee's previous decisions.
- 12.5 Regarding the public comments mentioned in paragraph 11, the departmental comments and planning assessments above are relevant. Regarding the concern on obstructing the access for the village, according to the applicant, the footprint of the proposed Small House will not encroach onto Lot 894 S.P which will continue to be used as pedestrian access for the village (**Plan A-2a**).

13. **Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, PlanD has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 20.6.2029, 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 at **Appendix V**.
- 13.3 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 "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; and

- (b) land is still available within the “V” zone of Hang Tau which is primarily intended 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.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with attachments received on 24.4.2025
Appendix Ia	FI received on 10.6.2025
Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous and Similar Applications
Appendix IV	Detailed Comments from Relevant Government Departments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Similar Applications Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available for Small House Development within the “V” Zone
Plan A-3	Aerial Photo
Plan A-4	Site Photos