

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/836

- Applicants** : Messrs YU Loi Hing, YU Siu Chung, LAW Chi Wai and LI Kwok Keung represented by Mr. HUI Kwan Yee
- Site** : Lots 146 S.A, 146 RP, 147 S.A, 147 S.B, 152 S.A, 152 S.B, 152 S.C, 153 S.A and 153 S.B in D.D. 28, Lung Mei, Tai Po, New Territories
- Site Area** : About 472.36m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
- Zonings** : “Green Belt” (“GB”) (about 99% of the Site)
“Village Type Development” (“V”) (about 1% of the Site)
- Application** : Proposed Four Houses (New Territories Exempted Houses (NTEHs) – Small Houses)

1. The Proposal

1.1 The applicants, who claim themselves as indigenous villagers of Lung A Pai, Pan Chung and Lung Mei¹, seek planning permission to build four NTEHs (Small Houses) at the application site (the Site) falling within areas mainly zoned “GB” (about 99%) with a very minor portion zoned “V” (about 1%) on the OZP (**Plans A-1 and A-2a**). According to the Notes of the OZP, ‘House (NTEH only)’ is a Column 1 use always permitted within the “V” zone, while ‘House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ within the “GB” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently covered by dense vegetation on hillslopes (**Plan A-4**).

1.2 Details of each of the proposed NTEHs (Small Houses) are as follows:

Total Floor Area	:	195.09m ²
Number of Storeys	:	3
Building Height	:	8.23m
Roofed Over Area	:	65.03m ²

¹ The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) advises that all applicants are indigenous villagers as confirmed by their Indigenous Inhabitant Representative(s). However, the applicants’ eligibilities of Small House grants are yet to be ascertained.

- 1.3 The Site is currently inaccessible by vehicle and pedestrian (**Plan A-4**). The applicants propose to connect the proposed Small House developments to an existing public sewer (**Plan A-2a**). The layouts of the proposed Small Houses and their sewerage connection proposals are shown at **Drawings A-1 to A-4**.
- 1.4 Part of the Site (i.e. Lots 146 S.A and 146 RP in D.D. 28) is the subject of two previous applications No. A/NE-TK/426 and 491 for the same use as the current application (**Plans A-1 and A-2**). One of the applicants of application No. A/NE-TK/426 and the applicant of application No. A/NE-TK/491 are the same as one of the applicants under the current application (i.e. Mr. LAW Chi Wai). Both applications were rejected by the Board on review in 2013 and 2014 respectively. Details of the previous applications are set out in paragraph 7.1 below.
- 1.5 In support of the application, the applicants have submitted the following documents:
- (a) Application Form with attachments received on 26.5.2025 and Supplementary Information (SI) received on 30.5.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 25.6.2025* (**Appendix Ia**)
 - (c) FI received on 2.7.2025* (**Appendix Ib**)

**accepted and exempted from publication and recounting requirements*

2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the Application Form, SI and FIs at **Appendices I to Ib**, as summarised below:

- (a) the applicants have made Small House grant application(s) to LandsD more than ten years ago. The Site is located outside “V” zone, and planning permission from the Board is required. There are similar village houses adjacent to the Site granted with planning permissions, and no alternative land other than the Site is available within the village(s);
- (b) the Site remains vacant and is not suitable for agricultural use;
- (c) the applicants intend to rely on public transport for daily commuting and do not need parking space. Notwithstanding, there are possible parking spaces on vacant land to the north of the Site (**Drawing A-5**) to address any future parking demand when necessary;
- (d) there is no existing tree within the Site. While the existing vegetation within the Site will be removed for the proposed development, eight trees (*Bauhinia variegata* (洋紫荊)) with height of not less than 2.75m are proposed to be planted within the Site (**Drawing A-6**); and

- (e) should the application be approved, the applicants are committed to submit site formation proposal with considerations on local topography and comply with the requirements by relevant government departments after obtaining the approval(s) of Small House grant application(s) by LandsD.

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

The applicants are the sole “current land owners” of the respective lots. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to any active planning enforcement action.

5. 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, which was revised on 7.9.2007, is at **Appendix II**.

6. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ is relevant to this application. The relevant assessment criteria are at **Appendix III**.

7. Previous Applications

7.1 Part of the Site (i.e. Lots 146 S.A and 146 RP in D.D. 28) is the subject of two previous applications No. A/NE-TK/426 and 491 (**Plans A-1** and **A-2**) for the same use as the current application, which were rejected by the Board on review on 9.8.2013 and 15.8.2014 respectively, mainly for the reasons of not being in line with the planning intention of the “GB” zone; not complying with TPB PG-No.10 due to involving extensive clearance of existing natural vegetation and affecting the existing natural landscape of the surrounding environment; and not complying with the Interim Criteria due to adverse landscape, water quality and/or sewerage impacts on the surrounding areas.

7.2 Details of the previous applications are summarised at **Appendix IV** and their locations are shown on **Plans A-1** and **A-2a**.

8. Similar Applications

8.1 There are 27 similar applications involving 17 sites for Small House developments in the vicinity of the Site, of which 16 sites fall wholly within the

same “GB” zone and one straddles the same “GB” and “V” zones since the first promulgation of the Interim Criteria on 24.11.2000. Among them, 12 applications were approved and 15 applications were rejected by the Rural and New Town Planning Committee (the Committee) of the Board or the Board on review.

- 8.2 Among the similar applications, 12 applications (No. A/NE-TK/140, 192, 259 to 262, 362, 363, 367, 373, 440 and 450) were approved with conditions by the Committee between 2002 and 2013, i.e. before the Board formally adopted a more cautious approach in considering the Small House applications since August 2015, mainly on considerations that the proposed Small House footprints fell mostly within the village ‘environs’ (‘VE’); there was a general shortage of land to meet the demand for Small House development in the “V” zone at the time of consideration; no significant adverse impact on the surrounding areas was anticipated; and/or the application sites were the subject of previously approved applications (for applications No. A/NE-TK/192, 373, 440 and 450).
- 8.3 The remaining 15 applications (No. A/NE-TK/486 to 490, 492, 493, 524, 555, 557, 558, 578, 677, 748 and 749) were rejected by the Committee/the Board on review in between 2014 and 2022, mainly for the reasons of not being in line with the planning intention of the “GB” zone; not complying with TPB PG-No.10 due to involving extensive clearance of existing natural vegetation and affecting the existing natural landscape, drainage and/or slope stability on the surrounding environments/areas; not complying with the Interim Criteria due to adverse landscape, water quality, sewerage, drainage, and/or geotechnical impacts on the surrounding areas; and/or land still being available in “V” zone for Small House development at the time of consideration (for applications No. A/NE-TK/555, 557, 558, 578, 677, 748 and 749).
- 8.4 Details of the similar applications are summarised at **Appendix V** and their locations are shown on **Plan A-2a**.

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

- 9.1 The Site is:
- (a) currently covered with dense vegetation on hillslopes with a level difference of about 8m (**Plan A-4**);
 - (b) located at the northern fringe of Ng Uk Tsuen and entirely within the ‘VE’ of Lung Mei and Tai Mei Tuk (**Plans A-2a** and **A-2b**); and
 - (c) currently inaccessible by vehicle and pedestrian (**Plan A-4**).
- 9.2 The surrounding areas are predominantly rural in character comprising village houses, vegetated slopes and natural woodland (**Plans A-2a, A-3** and **A-4**). To the east of the Site is a streamcourse flowing from north to south (**Plan A-2a**). To the south of the Site is the village proper of Ng Uk Tsuen, Wong Chuk Tsuen, Lung Mei and Tai Mei Tuk (**Plans A-2a, A-2b** and **A-3**). To the north, east

and west are vegetated slopes and natural woodland (**Plans A-3 and A-4**).

10. **Planning Intentions**

- 10.1 The planning intention of the “GB” zone is primarily for defining 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 is a general presumption against development within this zone.
- 10.2 The planning intention of “V” zone is primarily to designate both existing recognized 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.

11. **Comments from Relevant Government Departments**

- 11.1 The application has been assessed against the assessment criteria at **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? - Footprints of the proposed Small Houses - The Site	- 1%	100% 99%	- The footprints of the proposed Small Houses fall entirely within the “GB” zone (Plan A-2a). - About 99% of the Site falls within the “GB” zone (Plan A-2a).
2.	Within ‘VE’? - Footprints of the proposed Small Houses - The Site	100% 100%	- -	- The Site and the footprints of the proposed Small Houses fall entirely within the ‘VE’ of Lung Mei and Tai Mei Tuk (Plan A-2a).
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 Small House demand in Lung Mei and Tai Mei Tuk: about 7.73 ha (equivalent to 309 Small House sites). The number of outstanding Small

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		House applications is 38 ² while the 10-year Small House demand forecast is 271. <u>Land Available</u> - Land available to meet Small House demand within the “V” zone of Lung Mei and Tai Mei Tuk: about 1.61 ha (equivalent to about 64 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of “GB” zone?		✓	- There is a general presumption against development within the “GB” zone. - Director of Agriculture, Fisheries and Conservation (DAFC) has no strong view on the application from nature conservation point of view, given that the vegetation on the Site is covered with grasses and common vegetation.
5.	Compatible with surrounding area/ development?	✓		- The proposed Small Houses are not incompatible with the surrounding areas which are predominantly rural in character with village houses, vegetated slopes and natural woodland.
6.	Within water gathering grounds?		✓	- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application.
7.	Environmental and sewerage impact?		✓	- Director of Environmental Protection (DEP) has no objection to the application from environmental planning perspective. In the view of small scale of the proposed development, the application alone is unlikely to cause major pollution. According to his

² Among the 38 outstanding Small House applications, 29 fall within “V” zone and nine straddle or fall outside the “V” zone. For cases straddling or falling outside of “V” zones, two of them are the subject of approved planning application(s).

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				record, public sewerage connection is available in the vicinity of the Site and he has no comment on the sewerage connection proposals.
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	Need for provision of fire services installations and emergency vehicular access (EVA)?		✓	- Director of Fire Services (D of FS) has no specific comment on the application.
10.	Traffic impact?	✓		- Commissioner for Transport (C for T) considers that such type of development should be confined within the “V” zone, but since the application only involves the development of four Small Houses and possible parking areas (Drawing A-5) are identified in the adjacent area, the application can be tolerated on traffic grounds.
11.	Drainage impact?		✓	- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no adverse comment on the application.
12.	Landscape impact?	✓		<p>- According to the applicant, no trees are identified within the Site, and construction of the proposed Small Houses would require removal of existing vegetation. Landscape mitigation measure, i.e. eight nos. of new tree planting with height of not less than 2.75m, is proposed. Significant adverse impact on existing landscape resources within the Site arising from the proposed development is not anticipated.</p> <p>- Chief Town Planner/Urban Design and Landscape, Planning</p>

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				Department (CTP/UD&L, PlanD) advises that notwithstanding the landscape mitigation measure proposed by the applicant, the proposed Small Houses would alter the landscape character of the Site comprising lush vegetated areas and dense woodland.
13.	Geotechnical impact?	✓		<ul style="list-style-type: none"> - Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advises that suspected unauthorized slope cutting and filling works at the Site and the surrounding Government/private land were observed in October 2011. It is considered that the Site may be affected by the suspected unauthorized slope cutting and filling works. - In order to ensure that the proposed development would not be affected or be affected by the adjacent mad-made slopes, it is considered necessary to conduct an investigation to delineate the scale of works. Hence, she recommended the inclusion of a condition requiring the submission of a geotechnical investigation report and implementation of necessary geotechnical remedial works identified therein at the Small House grant application stage under LandsD's purview.
14.	Local objections conveyed by DO?		✓	<ul style="list-style-type: none"> - District Officer (Tai Po), Home Affairs Department (DO(TP), HAD) has no adverse comment on the application from departmental facility maintenance point of view.

11.2 Comments from the following government departments have been incorporated in paragraph 11.1 above. Other detailed comments and recommended advisory clauses are provided at **Appendices VI** and **VII** respectively.

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

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

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD); and
- (b) Project Manager (North), CEDD (PM(N), CEDD).

12. Public Comments Received During Statutory Publication Period

On 6.6.2025, the application was published for public inspection. During the statutory public inspection period, 11 public comments from individuals (**Appendix VIII**) were received. All comments object to the application mainly on the grounds of not being in line with the planning intention of the “GB” zone; destruction of natural environment and wild life habitats with adverse landscape and ecological impacts; potential landslide and slope safety risks due to destabilisation by the proposed development, posing threats to lives of local residents; flooding risks at the low-lying location (especially during wet season); potential traffic congestion and difficulties in/obstruction to the delivery of emergency services; disruption of Feng Shui; rejected previous application(s) for Small House development at the Site; and available land within the “V” zone of Lung Mei and Tai Mei Tuk for Small House development.

13. Planning Considerations and Assessments

13.1 The application is for proposed development of four Small Houses at the Site mainly zoned “GB” (about 99% of the Site) with a very minor portion zoned “V” (about 1% of the Site) on the OZP. The proposed development is not in line with the planning intention of the “GB” zone, which is primarily for defining 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 is a general presumption against development within the “GB” zone. There is no strong planning justification in the submission for a departure from the planning intention of the “GB” zone.

- 13.2 The Site is currently covered with dense vegetation on hillslopes (**Plan A-4**). The proposed development is not incompatible with the surrounding areas which mainly comprise village houses, vegetated slopes and natural woodland (**Plans A-2a, A-3 and A-4**). According to the applicants, while the existing vegetation within the Site will be removed for the proposed development, eight trees are proposed to be planted within the Site (**Drawing A-6**). DAFC has no strong view on the application from nature conservation point of view, given that the vegetation on the Site is covered with grasses and common vegetation. However, CTP/UD&L, PlanD advises that notwithstanding the landscape mitigation measure proposed by the applicant, the proposed Small Houses would alter the landscape character of the Site comprising lush vegetated areas and dense woodland. In this regard, the application does not comply with TPB-PG No. 10 (**Appendix III**) in that the proposed development would involve extensive clearance of existing natural vegetation and affect the existing natural landscape.
- 13.3 Regarding the Interim Criteria (**Appendix II**), the footprints of the proposed Small Houses fall entirely within the ‘VE’ of Lung Mei and Tai Mei Tuk (**Plan 2-a**). According to DLO/TP, LandsD, the number of outstanding Small House applications for Lung Mei and Tai Mei Tuk is 38 while the 10-year Small House demand forecast is 271. Based on the latest estimate by PlanD, about 1.61 ha of land (or equivalent to about 64 Small House sites) is available within the “V” zone concerned (**Plan A-2b**). While land available within the “V” zone is insufficient to fully meet the future Small House demand of 309 in Lung Mei and Tai Mei Tuk, it is sufficient to accommodate the 38 outstanding Small House applications. It should be noted that the Board has formally adopted a more cautious approach in considering applications for Small House development since August 2015. Among 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. In this regard, it is 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.
- 13.4 C for T considers that such type of development should be confined within the “V” zone, but since the application only involves the development of four Small Houses and possible parking areas (**Drawing A-5**) are identified in the adjacent area, the application can be tolerated on traffic grounds. Moreover, noting that there were suspected unauthorized slope cutting and filling works at the Site and surrounding areas, H(GEO), CEDD recommends the submission of a geotechnical investigation report and implementation of necessary geotechnical remedial works identified therein at the Small House grant application stage. Other relevant government departments consulted including DEP, CE/MN, DSD, CE/C, WSD and D of FS have no objection to or no adverse comment on the application.
- 13.5 Part of the Site (i.e. Lots 146 S.A and 146 RP in D.D. 28) is the subject of two previous applications (**Plans A-1 and A-2**) for the same applied use for Small House development, which were rejected by the Board on review between 2013 and 2014, mainly for the reasons as mentioned in paragraph 7.1 above.

Rejecting the current application is in line with the previous decisions of the Board. Furthermore, there are 27 similar applications involving 17 sites located in close proximity to the Site falling wholly within the same “GB” zone and one straddling the same “GB” and “V” zones (**Plan A-2a**), among which 12 applications were approved with conditions by the Committee between 2002 and 2013 (i.e. before the Board formally adopted a more cautious approach in considering the Small House applications since August 2015). The remaining 15 applications were rejected by the Committee/the Board on review between 2014 and 2022 mainly for the reasons as mentioned in paragraph 8.3 above. The planning circumstances of the current application are similar to those of the rejected similar applications.

- 13.6 Regarding the public comments on the application as detailed in paragraph 12 above, the government departments’ comments and the planning assessments above are relevant.

14. Planning Department’s Views

- 14.1 Based on the assessments made in paragraph 13 above and having taken into account the public comments as mentioned in paragraph 12 above, the Planning Department does not support the application for the following reasons:
- (a) the proposed development is not in line with the planning intention of the “GB” zone for the area which is primarily for defining 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 is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
 - (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ in that the proposed development would involve extensive clearance of existing natural vegetation and affect the existing natural landscape on the surrounding environment; and
 - (c) land is still available within the “V” zone of Lung Mei and Tai Mei Tuk 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.
- 14.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 18.7.2029, 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 VII**.

15. Decision Sought

- 15.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 15.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.
- 15.3 Alternatively, 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.

16. Attachments

Appendix I	Application Form with attachments received on 26.5.2025 and SI received on 30.5.2025
Appendix Ia	FI received on 25.6.2025
Appendix Ib	FI received on 2.7.2025
Appendix II	Interim Criteria for consideration of application for NTEH/Small House in New Territories
Appendix III	Relevant Extracts of TPB PG-No. 10
Appendix IV	Previous Applications
Appendix V	Similar Applications
Appendix VI	Detailed Comments from Relevant Government Departments
Appendix VII	Recommended Advisory Clauses
Appendix VIII	Public Comments
Drawings A-1 to A-4	Layout Plans and Sewerage Connection Proposals submitted by the Applicants
Drawing A-5	Possible Locations of Parking Spaces
Drawing A-6	Proposed Landscape Plan
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available within “V” Zone of Lung Mei and Tai Mei Tuk for Small House Development
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2025**