

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-TK/838**

**Applicant** : Mr. LEE Jonathan Jun Man represented by Mr. LEUNG Pak Keung

**Site** : Lots 646 S.K ss.1 and 652 S.C ss.1 in D.D. 15, Shan Liu, Tai Po

**Site Area** : About 89.1m<sup>2</sup>

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19

**Zoning** : “Agriculture” (“AGR”)

**Application** : Proposed House (New Territories Exempted House (NTEH) – Small House)

**1. The Proposal**

1.1 The applicant, as an indigenous villager of Sha Lo Tung Lei Uk of Tai Po Heung as confirmed by the Indigenous Inhabitant Representative<sup>1</sup>, seeks planning permission to build a NTEH (Small House) at the application site (the Site) falling 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 the “AGR” zone requires planning permission from the Town Planning Board (the Board). The Site is currently vacant, partly paved and covered with vegetation (**Plan A-4**).

1.2 Details of the proposed Small House are as follows:

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

1.3 The Site is accessible via a local track leading to Shan Liu Road (**Plan A-1**). According to the applicant, the footprint of the proposed Small House falls entirely within the Site (**Drawing A-1**). The applicant proposes to connect the proposed development to an existing public sewer (**Plan A-2a**). The proposed Small House layout submitted by the applicant is shown at **Drawing A-1**.

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<sup>1</sup> District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) advises that the applicant’s eligibility of Small House grant is yet to be ascertained.

- 1.4 The Site is the subject of four previous applications for the same Small House use (No. A/NE-TK/349, 422, 510 and 787) (**Plans A-1 and A-2a**) submitted by three different applicants, which were approved or rejected by the Rural and New Town Planning Committee (the Committee) of the Board between 2011 and 2023. The last previous application No. A/NE-TK/787 was submitted by the same applicant as the current one, which was rejected by the Committee in 2023. Details of the previous applications are set out in paragraph 6 below.
- 1.5 In support of the application, the applicant has submitted an Application Form with attachments (**Appendix I**) received on 26.6.2025.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**, as summarised below:

- (a) three previous applications (No. A/NE-TK/349, 422 and 510) at the Site, together with a couple of similar applications in the proximity of the Site, were approved by the Committee. The site and its surrounding environment as well as the proposed Small House layout have not been changed as compared to those under the latest approved application No. A/NE-TK/510;
- (b) The application is compatible with surrounding areas, and no adverse environmental, drainage, sewerage, fire safety and landscape impacts will be caused; and
- (c) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) and the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no adverse comments on the landscape proposal, drainage proposal and sewerage connection proposal under the latest planning approval (No. A/NE-TK/510) and the Small House grant application. Should this application be approved, the applicant will continue to undertake the necessary requirements.

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

The applicant is the sole “current land owner”. 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, which was revised on 7.9.2007, is at **Appendix II**.

## **5. Background**

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

## 6. **Previous Applications**

- 6.1 The Site is the subject of four previous applications (No. A/NE-TK/349, 422, 510 and 787) submitted by the three different applicants for the same Small House use. Among them, three applications were approved and one was rejected by the Committee.
- 6.2 The first three applications (No. A/NE-TK/349, 422 and 510) submitted by two separate applicants, which are different from the current one, were approved by the Committee in 2011, 2013 and 2014 respectively (i.e. before the Board formally adopted a more cautious approach in considering the Small House applications since August 2015<sup>2</sup>), mainly on the grounds that more than 50% of the Small House footprint fell within the village ‘environs’ (‘VE’); there was general shortage of land to meet the demand for Small House development within the “Village Type Development” (“V”) zone at the time of consideration; and the proposed Small House could be connected to the existing/planned public sewerage system. The validity of the planning permission granted under the application No. A/NE-TK/510 was extended until 11.7.2022, and the planning permission lapsed on 12.7.2022.
- 6.3 The remaining application (No. A/NE-TK/787) submitted by the same applicant as the current one was rejected by the Committee on 8.12.2023 mainly on the considerations that the proposed development was not in line with the planning intention of “AGR” zone and there was no strong planning justification for a departure from the planning intention; and land was still available within the “V” zone of Shan Liu and it was considered more appropriate to concentrate the proposed Small House development within the “V” zone.
- 6.4 Compared with the last previous application, the site area, layout and development parameters under current application remain unchanged.
- 6.5 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plans A-1** and **A-2a**.

## 7. **Similar Applications**

- 7.1 There are 43 similar applications involving 39 sites for Small House developments within or straddling the same “AGR” zone in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000. 29 applications were approved and 14 were rejected by the Committee.
- 7.2 Among the 36 applications before the Board’s adoption of a more cautious approach as mentioned in paragraph 6.2 above, 22 applications (No. A/NE-TK/295, 299, 305, 358, 411, 416, 421, 423, 428, 431, 434, 439, 452, 463, 467, 468, 471, 474, 477, 483, 528 and 529) were approved between 2009 and early 2015, mainly on considerations similar to those set out in paragraph 6.2 above and/or being the subject of previously approved application(s). Another 14 applications (No. A/NE-TK/167, 183, 272, 288, 318, 357, 388, 390, 410, 414,

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<sup>2</sup> Among 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.

462, 509, 525 and 526) were rejected by the Committee or the Board on review between 2003 and 2015. These applications were rejected mainly on the grounds that the proposed development was unable to connect to the planned/existing public sewerage system; more than 50% of the proposed Small House footprint fell outside the “V” zone/‘VE’; the proposed development would cause adverse water quality, landscape and/or drainage impacts in the area; and/or setting an undesirable precedent for other similar applications.

- 7.3 Seven applications (No. A/NE-TK/561, 562, 657, 700, 701, 737 and 738) were approved between late 2015 and 2022 after the Board’s adoption of a more cautious approach, mainly on sympathetic considerations of being located entirely/mostly within the ‘VE’ and an area with a new cluster of Small Houses being formed through approved planning applications and Small House grant applications; being the subject of previously approved application(s); and that the proposed development could be connected to the existing public sewerage system.
- 7.4 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-2a**.

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

### **8.1 The Site is:**

- (a) currently vacant, partly paved and covered with vegetation;
- (b) located at the eastern fringe of ‘VE’ of Shan Liu and within the lower indirect water gathering grounds (WGG); and
- (c) accessible via a local track connecting to Shan Liu Road.

8.2 The surrounding areas are predominantly rural in character comprising scattered Small House developments under construction (**Plan A-4**). To the further north is the upper foothills of Pat Sin Leng with dense vegetation (**Plan A-3**). To the further west is the adjacent “V” zone with existing sporadic village houses and open storage use (**Plans A-2a** and **A-3**).

## **9. 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.

## **10. Comments from Relevant Government Departments**

- 10.1 The application had been assessed against the assessment criteria at **Appendix II**. The assessment is summarised in the following table:

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
1.	Within “V” zone?  - The Site  - Footprint of the proposed Small House	-  -	100%  100%	- The Site and footprint of the proposed Small House fall entirely within the “AGR” zone.
2.	Within ‘VE’?  - The Site  - Footprint of the proposed Small House	89%  100%	11%  -	- The Site falls mostly within ‘VE’ of Shan Liu.  - The footprint of the proposed Small House falls entirely within ‘VE’ of Shan Liu.
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 Shan Liu Village: about 6.38 ha (equivalent to 255 Small House sites). The number of outstanding Small House applications is five <sup>3</sup> while the 10-year Small House demand forecast is 250.  <u>Land Available</u> - Land available to meet Small House demand within the “V” zone of concerned village: about 0.95ha (equivalent to about 38 Small House sites) ( <b>Plan A-2b</b> ).
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		
4.	Compatible with the planning intention of “AGR” zone?		✓	- Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation.
5.	Compatible with surrounding area/ development?	✓		- Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advises that the Site is situated in an area of settled

<sup>3</sup> Among the five outstanding Small House applications in Shan Liu, four fall within/straddling the “V” zone and one outside. For case falling outside the “V” zone, it has obtained valid planning approval (Application No. A/NE-TK/657) from the Board.

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
				valleys landscape character surrounded by village houses, vacant land, vegetated areas and woodland. The proposed use is considered not incompatible with the landscape character of its surroundings.
6.	Within WGG?	✓		- Both Chief Engineer/ Construction, Water Supplies Department (CE/C, WSD) and Director of Environmental Protection (DEP) have no objection to the application provided that the applicant should connect the proposed Small House to the existing public sewer at his own cost and take adequate protective measures to ensure that no pollution or siltation occurs to the WGG.
7.	Sewerage impact?		✓	- DEP has no objection to the application and advises that he has no comment on the sewage connection proposal.
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	- Director of Fire Services (D of FS) has no in-principle objection to the application.
10.	Traffic impact?	✓		- Commissioner for Transport (C for T) considers that Small House development should be confined within the "V" zone but since the application involves the development of only one Small House, it could be tolerated on traffic grounds.

	<u><b>Criteria</b></u>	<u><b>Yes</b></u>	<u><b>No</b></u>	<u><b>Remarks</b></u>
11.	Drainage impact?		✓	- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no adverse comment on the application.
12.	Landscape impact?		✓	- CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective as significant adverse impact on existing landscape resources arising from the proposed use is not anticipated.
13.	Geotechnical impact?		✓	- Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) has no geotechnical comment on the application.
14.	Local objections conveyed by DO?		✓	

10.2 Comments from the following government departments have been incorporated in paragraph 10.1 above. Other detailed comments and recommended advisory clauses are provided at **Appendices V** and **VI** respectively.

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

10.3 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);
- (b) Project Manager (North), CEDD (PM(N), CEDD); and
- (c) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD).

## **11. Public Comments Received During Statutory Publication Period**

On 4.7.2025, the application was published for public inspection. During the statutory public inspection period, eight public comments (**Appendix VII**) were received. Among them, seven comments from Ting Kok villagers and individuals object to the application mainly for the reasons that the proposed development will cause traffic congestion and adverse environmental, landscape and ecological impacts (in particular pollution to the nearby watercourses (**Plan A-2a**)); there are inadequate parking and road safety issues; and the community well-being would be affected. The remaining one from an individual expresses views that the Small House development should be concentrated within “V” zone where land is still available.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for proposed Small House development at the Site zoned “AGR” on the OZP. The proposed development is not in line with the planning intention of the “AGR” zone. DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation.
- 12.2 Regarding the Interim Criteria (**Appendix II**), the footprint of the proposed Small House falls entirely within the ‘VE’ of Shan Liu (**Plan A-2a**). According to DLO/TP, LandsD’s records, the total number of outstanding Small House applications for Shan Liu is five while the 10-year Small House demand forecast is 250. Based on the latest estimate by PlanD, about 0.95ha of land (or equivalent to about 38 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 255 in Shan Liu, it is capable of meeting the five 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 development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 12.3 Regarding criterion (d) of the Interim Criteria (**Appendix II**), the application was subject to a previously approved planning application (No. A/NE-TK/510) submitted by a different applicant and the planning permission lapsed on 12.7.2022. Noting that the Site is located in an area where new cluster of Small Houses is being developed through approved planning applications and Small House grants, Small Houses which are physically in existence are only located to immediate north and west of the Site (**Plans A-2b to A-4**). The Site is therefore not considered as an infill site among existing NTEHs/Small Houses and sympathetic consideration under criterion (d) of the Interim Criteria is not applicable in this case.
- 12.4 The Site is currently vacant, partly paved and covered with vegetation. The proposed Small House is not incompatible with the surrounding areas, which

are predominantly rural in character comprising scattered village houses under construction, vegetated areas and woodland (**Plans A-2a** and **A-3**). CTP/UD&L, PlanD has no adverse comment on the application as significant adverse impact on the existing landscape resources arising from the proposed development is not anticipated. Also, the applicant has proposed to connect the proposed Small House to the existing public sewerage system (**Plan A-2a**) in view of the Site being located within WGG. In this regard, both CE/C, WSD and DEP have no objection to the application. Besides, C for T considers that the application only involving the development of only one Small House can be tolerated. Other concerned government departments consulted including CE/MN, DSD and D of FS have no objection to or no adverse comment on the application.

- 12.5 The Site is the subject of four previous applications submitted by three different applicants for the same use. The last previous application (No. A/NE-TK/787) submitted by the same applicant as the current one was rejected by the Committee in 2023 on the grounds as set out in paragraph 6.3 above. Rejection of the current application is in line with the Committee's previous decision.
- 12.6 There are 43 similar applications for Small House development falling within or straddling the same "AGR" zone (**Plan A-2a**), among which 36 were approved or rejected by the Committee between 2003 and early 2015, i.e. before the Board's adoption of a more cautious approach, mainly for the reasons as set out in paragraph 7.2 above. The remaining seven similar applications were approved by the Committee between late 2015 and 2022, i.e. after adoption of a more cautious approach, on the grounds as set out in paragraph 7.3 above. The planning circumstances and considerations of the approved similar applications are different from those of the current application.
- 12.7 Regarding the public comments as detailed in paragraph 11 above, the government departments' comments and planning assessments above are relevant.

### **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, 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 "Agriculture" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for 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 "Village Type Development" ("V") zone of Shan Liu 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 infrastructure and services.

- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 15.8.2029, 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 VI**.

#### **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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 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.

#### **15. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 26.6.2025
<b>Appendix II</b>	Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Detailed Comments from Relevant Government Departments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comments
<b>Drawing A-1</b>	Proposed Layout Plan submitted by the Applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2a</b>	Site Plan
<b>Plan A-2b</b>	Estimated Amount of Land Available within “V” Zone of Shan Liu Village for Small House Development
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photo

**PLANNING DEPARTMENT  
AUGUST 2025**