

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/SK-PK/306 and 307

- Applicants** : Mr. LOK Richard (Application No. A/SK-PK/306)
Mr. LOK Paul (Application No. A/SK-PK/307)
Both represented by Mr. PANG Hing Yeun
- Sites** : Lots 588 S.B, 592 S.B and 592 RP (Application No. A/SK-PK/306)
Lots 491 S.D RP, 491 S.E, 492 S.B RP (Application No. A/SK-PK/307)
and 492 S.F
All in D.D. 222, Pak Kong, Sai Kung, New Territories
- Site Areas** : 149.3m² (about) (Application No. A/SK-PK/306)
135.3m² (about) (Application No. A/SK-PK/307)
- Lease** : Old Schedule Agricultural Lots held under Block Government Lease (demised for agricultural use)
- Plan** : Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP)
No. S/SK-PK/11
- Zonings** : “Green Belt” (“GB”) (Application No. A/SK-PK/306)
“GB” (about 118m² or 87.2%) and (Application No. A/SK-PK/307)
“Village Type Development” (“V”) (about 17.3m² or 12.8%)
- Applications:** Proposed House (New Territories Exempted House (NTEH) - Small House) on each of the application sites

1. The Proposals

- 1.1 The applicants, both are indigenous villagers of Pak Kong Village certified by the Indigenous Inhabitant Representative (IIR) of the village, seek planning permissions to build a NTEH (Small House) on each of the application sites (the Sites) (**Plan A-1**). The Site of Application No. A/SK-PK/306 falls within an area zoned “GB”, and that of Application No. A/SK-PK/307 falls within an area mainly zoned “GB” (about 87.2%) with a small portion zoned “V” (about 12.8%) on the OZP. According to the Notes of the OZP, ‘House (NTEH only)’ is 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)’ is a Column 2 use within the “GB” zone which requires planning

permission from the Town Planning Board (the Board). The Sites are currently vacant, covered by shrubs and overgrown with groundcovers (**Plans A-4a and A-4b**).

1.2 Details of each of the proposed NTEHs (Small Houses) 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 applicants indicate that the uncovered areas of each of the Sites are proposed as circulation area for the Small Houses. Layouts of the two proposed Small Houses (including septic tanks) are shown in **Drawings A-2 and A-4**.

1.4 Both of the Sites form part of a previous application (No. A/SK-PK/157) for proposed 10 NTEHs (Small Houses) which was considered after the promulgation of the latest revised set of Interim Criteria in 2007. It was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 5.9.2008. The Site of Application No. A/SK-PK/306 was also the subject of another previous application (No. A/SK-PK/235) for a NTEH (Small House) which was approved by the Committee on 9.6.2017. All the previous applications were submitted by applicants different from that of the current applications. Details of the previous applications are set out in paragraph 6 below.

1.5 In support of the applications, the applicants have submitted the Application Forms with attachments (**Appendices Ia and Ib**) which were received on 23.7.2025 (for Application No. A/SK-PK/306) and 21.7.2025 (for Application No. A/SK-PK/307) respectively.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the applications are detailed in Part 8 of the Application Forms at **Appendices Ia and Ib**. They can be summarised as follows:

- (a) the applicants are indigenous villagers of Pak Kong, Sai Kung and eligible for erection of a Small House under the current Small House Policy;
- (b) the Sites are located entirely within the village 'environs' ('VE') of Pak Kong;
- (c) the Sites are the only piece of land owned by the respective applicants that can allow applying for Small House developments;
- (d) land supply that could be used for Small House development within Pak Kong is very limited;
- (e) the Sites were the subject of previously approved applications;
- (f) there are existing Small Houses in the vicinity of the Sites and the proposed Small

Houses are considered visually compatible; and

- (g) there are no trees or rivers near the Sites and the proposed Small Houses will not cause environmental impact.

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

The applicants are the sole “current land owners” of their respective lots. 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 revised set of the Interim Criteria promulgated on 7.9.2007 is at **Appendix II**.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) is relevant to these applications. The relevant assessment criteria are at **Appendix III**.

6. Previous Applications

- 6.1 Both of the Sites form part of a previous application (No. A/SK-PK/157) for proposed 10 NTEHs (Small Houses) of which all applicants are different from that of the current applications. The application was approved with conditions by the Committee on 5.9.2008 mainly on sympathetic considerations that the Small House applications were approved or under active processing by the Lands Department (LandsD); there was a general shortage of land in meeting the Small House demand in the “V” zone at the time of consideration; and the developments were not incompatible with the surrounding areas. The planning permission was extended once for 48 months until 5.9.2016 but subsequently lapsed on 6.9.2016.
- 6.2 The Site of Application No. A/SK-PK/306 is also the subject of a previous application (No. A/SK-PK/235) for a NTEH (Small House) submitted by an applicant different from the current application which was approved with conditions by the Committee on 9.6.2017 mainly on considerations that the application generally met the Interim Criteria in that the Small House application was in advance stage which was approved by LandsD; and the proposed development was not incompatible with the surrounding environment. The planning permission lapsed on 10.6.2021.
- 6.3 Details of the previous applications are summarized at **Appendix IV** and their locations are shown on **Plans A-1 and A-2a**.

7. Similar Applications

- 7.1 There are a total of nine similar applications (No. A/SK-PK/214, 217, 231, 234, 239, 240, 241, 251 and 253) for Small House developments within/partly within the same “GB” zone (**Plans A-1 and A-2a**) considered after the promulgation of the latest revised set of Interim Criteria in 2007. Among these nine similar applications, two planning applications (No. A/SK-PK/214 and A/SK-PK/217) were considered by the Committee before the Board adopted a more cautious approach in August 2015¹. Application No. A/SK-PK/214 was approved with conditions by the Committee on 2.1.2015 mainly on the considerations that the proposed development was in close proximity to the village cluster; it was not incompatible with the surrounding environment; and the proposed NTEH would not result in adverse environmental impacts on the surrounding areas. The other application (No. A/SK-PK/217) was rejected by the Committee and by the Board on review on 13.3.2015 and 12.6.2015 respectively mainly on the grounds that the proposed development was not in line with the planning intention of the “GB” zone and TPB PG-No. 10; and approval of the application would set an undesirable precedent for other similar applications within the “GB” zone.
- 7.2 The remaining seven applications were considered by the Committee after the Board adopted a more cautious approach. Four applications (No. A/SK-PK/239, 240, 241 and 253) were rejected by the Committee or by the Board on review between January 2018 and September 2019 mainly on the grounds similar to those of Application No. A/SK-PK/217 detailed in paragraph 7.1 above and the applications did not comply with the Interim Criteria as land was still available within “V” zone of Pak Kong to meet the demand of outstanding Small House applications. Three applications (No. A/SK-PK/231, 234 and 251), which all application sites forming part of that of the approved Application No. A/SK-PK/157 mentioned in paragraph 6.1 above, were approved with conditions by the Committee between January 2017 and August 2019 mainly on the considerations that the applications generally met the Interim Criteria as there was previous planning approval; the Small House applications were approved or under active processing by LandsD; and the proposed developments were not incompatible with the surrounding environment.
- 7.3 Details of the similar applications are summarised at **Appendix V** and their locations are shown on **Plans A-1 and A-2a**.

8. The Sites and Their Surrounding Areas (Plans A-1, A-2a and aerial photo on Plan A-3 and site photos on Plans A-4a and A-4b)

- 8.1 The Sites are:
- (a) currently vacant, covered by shrubs and overgrown with groundcovers;
 - (b) entirely within the ‘VE’ of Pak Kong; and
 - (c) accessible by a paved village track leading to Pak Kong Road.

¹ Among others, in considering whether there is a general shortage of land in meeting Small House demand, the Board has put more weighting on the number of outstanding Small House applications as provided by LandsD.

- 8.2 The surrounding areas are in miscellaneous rural fringe landscape character predominated by village houses and open-air car parking. To the immediate south and east of the Site of Application No. A/SK-PK/306 and to the east of the Site of Application No. A/SK-PK/307 are mainly vacant land with tree groups and grassland. To the immediate west are clusters of 3-storey village houses within the “V” zone of Pak Kong Village.

9. Planning Intentions

- 9.1 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.
- 9.2 The planning intention of the “V” zone is 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.

10. Comments from Relevant Government Departments

- 10.1 The applications have been assessed against the assessment criteria in **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 Sites: A/SK-PK/306 A/SK-PK/307	- - 12.8%	100% 100% 87.2%	The footprints of the proposed Small Houses fall entirely within the “GB” zone. The Site of Application No. A/SK-PK/306 falls entirely within the “GB” zone, and that of Application No. A/SK-PK/307 falls within an area mainly zoned “GB” with a small portion zoned “V”.
2.	Within ‘VE’? - Footprints of the proposed Small Houses - The Sites	100% 100%	- -	The footprints and the Sites of the proposed Small Houses fall entirely within the ‘VE’ of Pak Kong.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
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 Pak Kong: about 3.08 ha (equivalent to 123 Small House sites). The number of outstanding Small House applications is 10 ³ while the 10-year Small House demand forecast is 113 ⁴ .
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		<u>Land Available</u> Land available to meet Small House demand in Pak Kong: about 1.06 ha (equivalent to about 42 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 comment on the applications from nature conservation perspective.
5.	Compatible with surrounding areas/developments?	✓		The proposed Small Houses are not entirely incompatible with the surrounding area, which is of miscellaneous rural fringe landscape character predominated by village houses and open-air car parking.
6.	Within Water Gathering Grounds (WGGs)?		✓	
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	The Director of Fire Services (D of FS) has no objection in principle to the applications.

³ Among the 10 outstanding Small House applications, 8 fall within the “V” zone and 2 (including the Sites) fall outside/straddling the “V” zone.

⁴ According to District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD), the 10-year forecast (i.e. from 2015 to 2025) for Small House applications provided by the IIR of Pak Kong village as at January 2016 was 113.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
9.	Traffic Impact?	✓		The Commissioner for Transport (C for T) advises that the proposed Small House developments should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed developments are 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, he considers that the applications can be tolerated on traffic grounds as they only involve the development of one Small House on each of the application sites.
10.	Drainage Impact?		✓	The Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) has no objection to the applications.
11.	Sewerage Impact?		✓	The Director of Environmental Protection (DEP) has no adverse comment on the applications.
12.	Landscaping Impact?		✓	The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no comment on the applications and advises that significant landscape impact arising from the proposed developments is not anticipated.
13.	Geotechnical Impact?		✓	The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) has no adverse comment on the applications.
14.	Local objection conveyed by DO?		✓	The District Officer (Sai Kung), Home Affairs Department (DO(SK), HAD) has no comment on the applications. -

10.2 Comments from the following government departments have been incorporated in the above paragraph. Detailed comments are at **Appendix VI**.

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

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

- (a) Chief Highway Engineer/New Territories East, Highways Department;
- (b) Director of Electrical and Mechanical Services; and
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C,WSD).

11. Public Comments Received During Statutory Publication Period

On 1.8.2025 (Application No. A/SK-PK/306) and 29.7.2025 (Application No. A/SK-PK/307), the applications were published for public inspection. During the statutory publication period, two public comments were received from Kadooire Farm and Botanic Garden Corporation and an individual objecting to both applications on the grounds that the proposed developments are not in line with the planning intention of “GB” zone; land is still available within the “V” zone of Pak Kong for Small House developments and it is more appropriate to concentrate the proposed Small House developments within the “V” zone for more orderly development pattern (**Appendix VII**).

12. Planning Considerations and Assessments

- 12.1 The two applications are for proposed Small House development on each of the two Sites. The Site of Application No. A/SK-PK/306 falls within an area zoned “GB”, and that of Application No. A/SK-PK/307 falls within an area mainly zoned “GB” with a small portion zoned “V” on the OZP (**Plans A-1 and A-2a**). The proposed Small House developments are not in line with the planning intention of the “GB” zone, which is 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.
- 12.2 The Sites are currently vacant, covered by shrubs and overgrown with groundcovers. The proposed developments are not entirely incompatible with the surrounding areas which is an area of miscellaneous rural fringe landscape character predominated by village houses and open-air car parking (**Plans A-3 and A-4a**). CTP/UD&L, PlanD has no adverse comments on the applications from landscape planning perspective as significant landscape impact arising from the proposed developments is not anticipated. However, according to TPB PG-No.10, an application for new development in the “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The proposed developments are considered not in line with the TPB PG-No.10 as

there are no strong justifications in the applicants' submissions for the departure from the planning intention of the "GB" zone to build Small Houses at the Sites.

- 12.3 Regarding the Interim Criteria (**Appendix II**), the Sites and the footprints of the proposed Small Houses fall entirely within the 'VE' of Pak Kong. According to DLO/SK, LandsD, the number of outstanding Small House applications for Pak Kong is 10 while the estimated 10-year Small House demand forecast for the village is 113. Based on the latest estimate by PlanD, about 1.06 ha of land (equivalent to 42 Small House sites) is available within the "V" zones of Pak Kong for Small House development. 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. Since August 2015, the Board has formally adopted a more cautious approach in considering applications for Small House developments. 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. Since land is still available within the "V" zone of Pak Kong, it is considered more appropriate to concentrate Small House developments within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 12.4 Both of the Sites form part of a previous application (No. A/SK-PK/157) while the Site of Application No. A/SK-PK/306 is also the subject of a previous application (No. A/SK-PK/235) all submitted by applicants different from that of the current applications. Application No. A/SK-PK/157 was approved by the Committee mainly on the consideration that there was a general shortage of land within "V" in meeting the Small House demand in the time of processing the planning application and some of the subject Small House grant applications were already approved by LandsD while the remaining were under active processing. The Application No. A/SK-PK/235 was also approved by the Committee on sympathetic consideration that the subject Small House grant application was approved by LandsD. The current applications were submitted by applicants different from all previous applications. According to the information provided by LandsD, the current applicants submitted the Small House applications at the Site in April 2024 and therefore, the Small House applications could not be considered at advance stages. Both application sites are not infill site among existing NTEHs/Small Houses. The circumstances of the current applications do not warrant sympathetic consideration.
- 12.5 There are nine similar applications for Small House development within/partly within the same "GB" zone (**Plans A-1 and A-2a**) considered after the promulgation of the latest revised set of Interim Criteria in 2007. After the Board's formal adoption of a more cautious approach in August 2015, three applications were approved with conditions (No. A/SK-PK/231, 234 and 251) by the Committee mainly on the considerations that the application generally met the Interim Criteria as there were previous planning approvals; the Small House applications were approved or under active processing by LandsD; and the proposed development was not incompatible with the surrounding environment. Four applications (No. A/SK-PK/239, 240, 241 and 253) were rejected by the Committee or by the Board on review mainly on the grounds that the proposed developments were not in line with the planning intention of the "GB" zone and

TPB PG-No. 10; approval of the applications would set an undesirable precedent for other similar applications within the “GB” zone; and they did not comply with the Interim Criteria that land was still available within the “V” zone of Pak Kong to meet the demand of outstanding Small House applications. The planning circumstances of the current applications are largely similar to those of the rejected applications.

- 12.6 Regarding technical aspects, relevant government departments including C for T, CE/MS, DSD, CTP/UD&L, PlanD, DEP, CE/C, WSD, H(GEO), CEDD and D of FS have no objection to or no adverse comment on the applications regarding the traffic, drainage, sewerage, environmental, water supply, geotechnical and fire safety aspects.
- 12.7 Regarding the public comments objecting to the applications as detailed in paragraph 11 above, 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 taken into account the public comments mentioned in paragraph 11, the Planning Department does not support each of the applications for the following reasons:
- (a) the proposed development is not in line with the planning intention of the “Green Belt” zone which is 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 no strong justification in the submission for a departure from the planning intention;
 - (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” Zone’ in that there are no exceptional circumstances or strong planning grounds to justify the application; and
 - (c) the proposed development does not comply with the Interim Criteria that land is still available within the “Village Type Development” (“V”) zone of Pak Kong for Small House developments. 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.
- 13.2 Alternatively, should the Committee decide to approve each of the applications, it is suggested that the permissions shall be valid until 19.9.2029, and after the said date, the permissions shall cease to have effect unless before the said date, the developments permitted are commenced or the permissions are renewed. The recommended advisory clauses are attached at **Appendix VIII**.

14. Decision Sought

- 14.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant the permissions.
- 14.2 Should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicants.
- 14.3 Alternatively, should the Committee decided to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permissions, and the date when the validity of the permissions should expire.

15. Attachments

Appendix Ia	Application Form with attachments received on 23.7.2025 (Application No. A/SK-PK/306)
Appendix Ib	Application Form with attachments received on 21.7.2025 (Application No. A/SK-PK/307)
Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Relevant Extract of Town Planning Board Guidelines for Application for Development within “Green Belt” Zone (TPB PG-No.10)
Appendix IV	Previous Applications
Appendix V	Similar Applications
Appendix VI	Detailed Comments from Relevant Government Departments
Appendix VII	Public Comments
Appendix VIII	Recommended Advisory Clauses
Drawings A-1 and A-2	Location Plan and Layout Plan (Application No. A/SK-PK/306)
Drawings A-3 and A-4	Location Plan and Layout Plan (Application No. A/SK-PK/307)
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available within the “V” zone of Pak Kong for Small House Development
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos