

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

**APPLICATION NO. A/TP/704**

<b><u>Applicants</u></b>	: Mr. TAM Yuen Tat and Ms. CHENG Yim Lai represented by Mr. PANG Hing Yeun
<b><u>Site</u></b>	: Lots No. 715 and 722 in D.D. 5, Chuk Hang Village, Tai Po
<b><u>Site Area</u></b>	: About 112.8 m <sup>2</sup>
<b><u>Lease</u></b>	: New Grants No. 7570 and 7638 for building purpose - restricted to 2 storeys and not exceeding 7.62m (25 ft) in height
<b><u>Plan</u></b>	: Draft Tai Po Outline Zoning Plan (OZP) No. S/TP/31
<b><u>Zoning</u></b>	: “Green Belt” (“GB”)
<b><u>Application</u></b>	: Proposed Two Houses (New Territories Exempted Houses (NTEHs)) (not Small House)

**1. The Proposal**

1.1 The applicants, owners of the application site (the Site), seek planning permission to build two houses (NTEHs) at the Site (**Plans A-1 and A-2**) falling within “GB” zone on the OZP. According to the Notes of the OZP, ‘House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH only)’ in the “GB” zone requires planning permission from the Town Planning Board (the Board). The Site is currently partly vacant and partly occupied by a 2-storey structure.

1.2 Details of the proposed development parameters are as follows:

	<b>Lot 715</b>	<b>Lot 722</b>
Site Area	: 72.70m <sup>2</sup>	40.10m <sup>2</sup>
Total Floor Area	: 195.09m <sup>2</sup>	120.30m <sup>2</sup>
No. of Storeys	: 3	3
Building Height (BH)	: 8.23m	8.23m
Roofed-over Area	: 65.03m <sup>2</sup>	40.10m <sup>2</sup>

1.3 The Site is accessible via a footpath connecting to a local track at San Wai Tsai village. The applicants propose to connect the proposed development to an existing public sewer (**Plan A-2**). The proposed NTEH layouts for Lot 715 and

Lot 722 submitted by the applicants are shown at **Drawings A-1** and **A-2** respectively.

1.4 The Site is the subject of four previous applications (No. A/TP/348, 604, 612 and 677) for the same use that the latter three applications were submitted by the same applicants. While three applications (No. A/TP/348, 612 and 677) for two NTEHs with BH of two storeys (5.49m) were approved with conditions by the Rural and New Town Planning Committee (the Committee) between 2008 and 2022, application No. A/TP/604 for two NTEHs with BH of three storeys (8.23m) occupying a larger site area and involving Government land (GL) was rejected by the Committee on 13.5.2016. Details of the previous applications are set out in paragraph 6 below.

1.5 A comparison of the major development parameters of the current application and the last approved previous application No. A/TP/677 is appended below:

	A/TP/677 (a)	Current Application (b)	Change (b) – (a) (%)
Site Area	112.80m <sup>2</sup>	112.80m <sup>2</sup>	No Change
Total Floor Area	210.26m <sup>2</sup>	315.39m <sup>2</sup>	+105.13m <sup>2</sup> (+50.0%)
Plot Ratio	1.864	2.796	+0.932 (+50.0%)
Roofed over Area	105.13m <sup>2</sup>	105.13m <sup>2</sup>	No Change
BH	5.49m	8.23m	+2.74m (+49.9%)
No. of Storeys	2	3	+1 storey (+50%)
No. of Houses	2	2	No Change

1.6 In support of the application, the applicants have submitted an Application Form with attachments (**Appendix I**) received on 22.7.2025.

## 2. **Justifications from the Applicants**

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

- (a) the Site comprises house lots, and the applicants have the right to build houses at the Site;
- (b) planning permission was granted under application No. A/TP/677 for two 2-storey NTEHs and the processing of application for NTEH developments by the Lands Department (LandsD) was in final stage. The applicants would like to seek a fresh planning approval for the proposed two 3-storey (8.23m) NTEHs so that they could apply to LandsD by paying land premium;

- (c) there were two houses at the Site previously, where one house was demolished and the other one was illegally occupied by others and is currently vacant;
- (d) there are similar 3-storey houses built in the vicinity. The proposed NTEHs are compatible with the landscape setting of the surrounding areas;
- (e) a camphor tree (樟樹) in the vicinity is about 10m away and its growth would not be affected; and
- (f) the applicants would comply with the requirements raised by relevant government departments.

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

The applicants are the sole “current land owners”. 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 promulgated on 7.9.2007, is at **Appendix II**.

### **5. 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**.

### **6. Previous Applications**

- 6.1 The Site is the subject of four previous applications (No. A/TP/348, 604, 612 and 677) for the same use, with three approved and one rejected. Except for application No. A/TP/348, the remaining three applications were submitted by the same applicants of the current application.
- 6.2 Applications No. A/TP/348, A/TP/612 and 677 for two NTEHs with BH of two storeys (5.49m high) involving the two private lots of the Site only were approved with conditions by the Committee on 18.1.2008, 11.11.2016 and 4.3.2022 respectively mainly on the considerations of being in line with TPB PG-No. 10, not incompatible with the surrounding environment, not causing adverse traffic, environmental, sewerage and fire safety impacts on surrounding areas, and conforming with the lease entitlement (i.e. restricted to two storeys and not exceeding 7.62m in height). The planning permission of last approved application No. A/TP/677 is valid until 4.3.2026.

- 6.3 Application No. A/TP/604 for two NTEHs with BH of three storeys (8.23m high) has a larger site area as compared to the current application involving the two private lots of the Site (about 57% of the total site area) and GL of 77.23m<sup>2</sup> (about 43% of the total site area). It was rejected by the Committee on 13.5.2016 mainly because the proposed development had exceeded the building entitlement under the lease and there was no strong justification for including additional GL in the development.
- 6.4 Details of the previous applications are summarized at **Appendix IV** and their locations are shown on **Plans A-1 and A-2**.

## **7. Similar Application**

There is no similar application for NTEH (not Small House) development within the same “GB” zone.

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

- 8.1 The Site is:
- (a) partly vacant and paved with ground cover (on Lot 715) and partly occupied by a 2-storey structure (on Lot 722);
  - (b) surrounded by village houses and temporary domestic structures, and a registered man-made slope; and
  - (c) accessible by a local footpath leading to San Wai Tsai Road.
- 8.2 The surrounding area is predominantly rural in character comprising village houses and temporary domestic structures in Chuk Hang Village. To the south within the same “GB” zone are existing village houses and to the further south are the village ‘environs’ (‘VE’) of San Wai Tsai and the “Village Type Development” (‘V’) zone. Dense vegetation and tree groups are found to the further north. A large Camphor tree and some other trees are found in close vicinity of the Site.

## **9. Planning Intention**

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. Comments from Relevant Government Departments**

- 10.1 The following government departments have been consulted and their views on the application are summarised as follows:

### Land Administration

#### 10.1.1 Comments of the District Lands Officer/Tai Po (DLO/TP), LandsD:

- (a) he has no objection to the application;
- (b) Lots No. 715 and 722 are held under New Grants No. 7570 and 7638 respectively. According to the records available, Government Notice (GN) 364 in 1934 governs the subject lots as building lands, permitting 2-storey building not exceeding 25 feet in height, among other restrictions on each lot. Lot No. 715 in D.D. 5 comprises an area of 783 sq.ft. (about 72.7m<sup>2</sup>), while Lot No. 722 in D.D. 5 comprises an area of 432 sq.ft (about 40.1m<sup>2</sup>);
- (c) his office is currently handling two applications for the redevelopment of NTEHs on the subject lots, each proposing the erection of a 3-storey NTEH on each lot. These redevelopment applications have not yet been approved. If and after planning approval is granted by the Board, his office will process the two redevelopment applications based on the individual merits of each lot. However, there is no guarantee at this stage that these applications will be approved. If they are approved by LandsD, acting in its capacity as landlord and at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee of the grant of a right of way to the NTEHs concerned or approval of the EVA thereto;
- (d) the existing building straddling Lot No. 722 in D.D. 5 and adjacent GL, was redeveloped without LandsD's approval. The applicants, regardless of whether their planning application or redevelopment application is approved, must demolish the unauthorized structure; and
- (e) his advisory comments are detailed at **Appendix V**.

### Traffic

#### 10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) such type of development should be confined within the "V" zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the "V" zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and
- (b) notwithstanding the above, the subject application only involves development of two NTEHs that could be tolerated on traffic grounds.

### Environment

#### 10.1.3 Comments of the Director of Environmental Protection (DEP):

he has no in-principle objection to the application provided that the applicant will provide adequate sewer connection for disposal of sewage from the NTEH to the existing public sewer at his own costs and reserve adequate land for the sewer connection work.

### Drainage

#### 10.1.4 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he has no in-principle objection to the application from public drainage viewpoint; and
- (b) his advisory comments are detailed at **Appendix V** respectively.

### Nature Conservation

#### 10.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

he has no strong view on the application as the Site is partly paved and partly occupied by an existing house. The applicants are advised to avoid affecting the mature camphor tree located to the south of the Site.

### Landscape

#### 10.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) she has no adverse comment on the application from landscape planning perspective;
- (b) the Site is located in an area of urban peripheral village landscape character comprising village house, temporary structures and scattered tree groups. The proposed development is considered not entirely incompatible with its surrounding environment;
- (c) the Site is occupied by a small house, some self-seeded vegetation with no significant sensitive landscape resource observed. According to the applicants, no tree felling is involved and the large mature tree (*cinnamomum camphora*) adjacent to the site would not be affected. Significant adverse impact on existing landscape resources within the site arising from the proposed development is not anticipated; and
- (d) her advisory comments are at **Appendix V**.

### Electricity Supply and Safety

#### 10.1.7 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) he has no comment on the application from electricity supply safety viewpoint ; and
- (b) his advisory comments are at **Appendix V**.

### Fire Safety

#### 10.1.8 Comments of the Director of Fire Services (D of FS):

- (a) he has no specific comment on the application; and
- (b) his advisory comments are at **Appendix V**.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (c) District Officer/Tai Po, Home Affairs Department (DO/TP, HAD).

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

On 29.7.2025, the application was published for public inspection. During the statutory public inspection period, one public comment from a villager of Chuk Hang Village objects to the application mainly for reason that the applicants illegally demolish five squatters owned by him and previously existed at the Site (**Appendix VI**).

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

- 12.1 The application is for the proposed two 3-storey NTEHs (not Small Houses) at the Site falling within “GB” zone on the OZP. The proposed development is not in line with the planning intention of “GB” zone and there is a general presumption against development within “GB” zone. However, DAFC has no strong view on the application as the Site is partly paved and partly occupied by an existing house.
- 12.2 The Site is surrounded by village houses and temporary domestic structures, and the “V” zone of San Wai Tsai is to the further south (**Plans A-2 and A-3**). CTP/UD&L, PlanD has no adverse comment on the application as the proposed NTEHs are considered not incompatible with the surrounding environment and significant adverse landscape impact on existing landscape resources arising from the proposed NTEHs is not anticipated. The applicants propose to connect the proposed NTEHs to the existing public sewerage system (**Plan A-2a**). In

this regard, both CE/MN, DSD and DEP have no objection to the application. Other concerned government departments consulted including C for T, H(GEO), CEDD, CE/C, WSD, D of FS, DEMS and DO/TP, HAD have no objection to or no adverse comment on the application. In view of the above, the proposed development is generally in line with TPG PG-No. 10.

- 12.3 Regarding the Interim Criteria (**Appendix II**), NTEH applications with more than 50% of the footprint outside both 'VE' and "V" zone would normally not be approved unless under very exceptional circumstances, such as the site has a building status under the lease. As advised by DLO/TP, LandsD, the Site involves two private lots (i.e. Lots 715 and 722) with building status under lease. Two redevelopment applications of NTEHs on the subject lots (each proposing erection of a 3-storey NTEH) are currently being handled by DLO/TP, LandsD and will be processed based on individual merits of each lot. In this regard, DLO/TP, LandsD has no objection to the application. In accordance with the Interim Criteria, it has been the existing practice of the Board to take into account building status under the lease in considering planning application for house development. Hence, sympathetic consideration could be given to the application. As each application would be considered on its individual merits, approval of the current application would unlikely set an undesirable precedent for similar applications within the "GB" zone.
- 12.4 The Site is the subject of four previous applications for the same use (Application No. A/TP/348, 604, 612 and 677) that three were approved and one was rejected by the Committee as set out in paragraph 6 above. The planning circumstances and considerations of the current application are different to those of the rejected application No. A/TP/604 in that the site area of the current application is reduced only involving the private lots and no GL is included.
- 12.5 Regarding the public comment on the application as detailed in paragraph 11 above, the applicants indicate that they are the sole "current land owners" of the lots as mentioned in paragraph 3 above and the demolition of squatters, as claimed by the commenter, at the Site is not a material planning consideration of the application.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment as mentioned in paragraph 11 above, the Planning Department 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 19.9.2029, 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 reason for rejection is suggested for Member's reference:



the proposed development is not in line with the planning intention of the “Green Belt” 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 justification in the submission for a departure from the planning intention.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the 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 applicants.

#### **15. Attachments**

<b>Appendix I</b>	Application Form with Attachments received on 22.7.2025
<b>Appendix II</b>	Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
<b>Appendix III</b>	TPB PG-No. 10
<b>Appendix IV</b>	Previous Applications
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan for Lot 715 in D.D. 5
<b>Drawing A-2</b>	Layout Plan for Lot 722 in D.D. 5
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2025**