

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TP/705

Applicant : Mr. LEE Kwok Ping represented by Mr. HUI Kwan Yee

Site : Lot 495 S.A in D.D. 21, Pun Shan Chau Village, Tai Po, New Territories

Site Area : About 165.1m²

Lease : New Grant No. TP7880 for agricultural use

Plan : Draft Tai Po Outline Zoning Plan (OZP) No. S/TP/31

Zonings : (i) “Green Belt” (“GB”) (about 59.4% of the Site)
(ii) “Village Type Development” (“V”) (about 40.6% of the Site)

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

1. The Proposal

- 1.1 The applicant, as an indigenous villager of Tai Po Mei confirmed by the Indigenous Inhabitant Representative of his village¹, seeks planning permission to build a NTEH (Small House) at the application site (the Site) falling within an area partly zoned “GB” (about 59.4%) and partly zoned “V” (about 40.6%) on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘House (NTEH only)’ is a Column 1 use always permitted within the “V” zone, while ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ is a Column 2 use within “GB” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant, partly paved and partly covered by shrubs and groundcovers (**Plans A-4a and A-4b**).

¹ 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.

1.2 Details of the proposed Small House are as follows:

Total Floor Area	:	179.1m ²
Number of Storeys	:	3
Building Height	:	8.23 m
Roofed Over Area	:	59.7m ²

1.3 The Site is accessible via a local track leading to Tat Wan Road. The applicant indicates that the uncovered area will be used as garden. The layout of the proposed Small House (including septic tank) is shown in **Drawing A-1**.

1.4 The Site is the subject of three previous applications (No. A/TP/416, 437 and 631) (**Plans A-1** and **A-2a**) submitted by the same applicant for the same use. The last previous application (No. A/TP/631) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 8.9.2017. Details of the previous applications are set out in paragraph 6 below.

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachment received on 31.7.2025 (**Appendix I**)
- (b) Supplementary Information (SI) received on 4.8.2025 (**Appendix Ia**)
- (c) Further Information (FI) received on 21.8.2025^ (**Appendix Ib**)
- (d) FI received on 5.9.2025^ (**Appendix Ic**)

^ accepted and exempted from publication and recounting requirement

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** and FI at **Appendix Ic**, as summarised below:

- (a) the Site is the subject of previously approved applications since 2009;
- (b) the applicant submitted a Small House grant application to the Lands Department (LandsD), but the approval process remains incomplete before the planning permission expired;
- (c) the validity of the planning permission has been extended under the last previously approved application. Since the permission cannot be further extended, a fresh planning application is therefore required to allow LandsD to continue processing the related Small House grant application; and
- (d) to minimize the damage to the road surface, small construction vehicle will be deployed during the construction period except concrete mixer truck will be deployed in few days only. The applicant will remind the drivers and workers not to disturb the vehicular access and the neighbourhood.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Assessment Criteria

The set of Interim Criteria for Consideration of Application of 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 for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) is relevant to this application. The relevant assessment criteria are at **Appendix III**.

6. Previous Applications

- 6.1 The Site is the subject of three previous applications (No. A/TP/416, 437 and 631) submitted by the same applicant for the same use.
- 6.2 Application No. A/TP/416 was rejected by the Committee on 9.1.2009 mainly on the grounds that the proposed development was not in line with the planning intention of the “GB” zone and not complied with the Interim Criteria in that more than 50% of the site and footprint were located outside both the village ‘environ’ (‘VE’) and the “V” zone.
- 6.3 Application No. A/TP/437 was approved by the Committee on 23.10.2009 mainly on considerations that the proposed development complied with the Interim Criteria in that there was a general shortage of land in meeting the demand for Small House development in the “V” zone at the time of consideration and more than 50% of the proposed Small House footprint fell within “V” zone.
- 6.4 Application No. A/TP/631 was approved by the Committee on 8.9.2017 mainly on sympathetic consideration for being the subject of previously approved application (No. A/TP/437) and the Small House grant application was already at an advance stage. The validity of the planning permission has been extended twice to 8.9.2025. Compared with the last previous application, except for minor changes in the floor area and roofed over area, the site area and general layout of the current application remain the same.
- 6.5 Details of the previous applications are summarised at **Appendix IV** and their locations are shown on **Plans A-1** and **A-2a**.

7. Similar Applications

- 7.1 There were 14 similar applications for proposed Small House development falling within or straddling the same “GB” and/or “V” zone in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000.

- 7.2 Six applications (No. A/TP/326, 337, 344, 366, 385 and 419) were approved with conditions by the Committee of the Board between 2004 and 2009 (i.e. prior to the formal adoption of a more cautious approach by the Board in August 2015²), mainly on the considerations that the applications generally met the Interim Criteria in that more than 50% of the footprints of the proposed Small Houses fell within the “V” zone/‘VE’ and there was a general shortage of land in meeting the demand for Small House development in the “V” zone at the time of consideration; and the proposed developments would unlikely cause any adverse impacts on the surrounding areas.
- 7.3 Eight applications (No. A/TP/334, 448, 623, 634, 635, 645, 646 and 651) involving five sites were rejected by the Committee between 2004 and 2018 mainly on the grounds that the proposed development was not in line with the planning intention of the “GB” zone; the proposed development did not comply with the Interim Criteria in that more than 50% of the site and footprint were located outside both the ‘VE’ and the “V” zone (for applications No. A/TP/334 and 448); the proposed development would have adverse landscape impact on the surrounding areas, and setting of undesirable precedent; the proposed development would involve clearance of natural vegetation affecting the existing natural landscape, and/or land was still available within the “V” zone of Pun Shan Chau village for Small House development at the time of consideration.
- 7.4 Details of the similar applications are summarised at **Appendix V** 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) vacant and mainly hard-paved, and slightly covered with vegetation located at roadside and at the toe of a natural slope at the southern edge of the “V” zone of Pun Shan Chau; and
 - (b) accessible via a local access.
- 8.2 The surrounding areas are predominantly rural in character occupied by some village houses, temporary structures and tree groups. To the immediate south is a woodland area on slope.

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.

² Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting should be put on the number of outstanding Small House applications provided by LandsD.

10. Comments from Relevant Government Departments

10.1 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? - Footprint of the proposed Small House - The Site	56% 40.6%	44% 59.4%	- More than 50% of the footprint of the proposed Small House falls within the “V” zone.
2.	Within ‘VE’? - Footprint of the proposed Small House - The Site	- -	100% 100%	- The Site and the footprint of the proposed Small House fall entirely outside the ‘VE’ of Pun Shan Chau.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)? Sufficient land in “V” zone to meet outstanding Small House applications?	 ✓	✓	<u>Land Required</u> - Land required to meet Small House demand in Pun Shan Chau village: about 3.08 ha (equivalent to 123 Small House sites). The outstanding Small House applications is 7 ³ while the 10-year Small House demand forecast is 116. <u>Land Available</u> - Land available to meet the Small House demand within the “V” zone of Pun Shan Chau village: about 1.55ha (equivalent to about 62 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. - The Director of Agriculture, Fisheries and Conservation (DAFC) has no strong view on the application from nature conservation perspective given that the Site is covered with common vegetation.

³ Among the seven outstanding Small House applications, five fall within the “V” zone, and two straddle the “V” zone. For those two applications straddling the “V” zone, none of them have obtained valid planning approvals from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
5.	Compatible with surrounding area/development?	✓		The proposed development is not entirely incompatible with the surrounding areas which are of settled valleys landscapes character comprising low rise residential development, village houses, car parks, vegetated area and clusters of trees.
6.	Within Water Gathering Grounds (WGGs)?		✓	The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application.
7.	Environmental and sewerage impact?		✓	The Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution.
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	The Director of Fire Services (D of FS) has no in-principle objection to the application. The applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD.
10.	Traffic impact?	✓		The Commissioner for Transport (C for T) advises that Small House developments should be confined within the "V" zone as far as possible. Though 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. Notwithstanding the above, the application only involves the development of one Small House and could be tolerated.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
11.	Drainage impact?		✓	The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application.
12.	Landscaping impact?		✓	The Chief Town Planner/Urban Design and Landscape, Planning Department (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 development is not anticipated.
13.	Geotechnical impact?		✓	Head of the 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 VI** and **VII** respectively.

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

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

- (a) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Project Manager (North), (PM(N)), CEDD.

11. Public Comments Received During Statutory Publication Period

On 8.8.2025, the application was published for public inspection. During the statutory public inspection period, two public comments (**Appendix VIII**) were received. One comment from an individual objects to the application mainly for the reason that there is a change in circumstances that the Board has adopted a more cautious approach in approving applications for Small House development in recent years. The remaining one from an individual expresses concern that the road surface of the nearby local access will be deteriorated due to the use of construction vehicles.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed Small House development at the Site partly zoned “GB” (about 59.4% of the Site) and partly zoned “V” (about 40.6% of the Site) on the OZP (**Plan A-2a**). 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 this zone. Nevertheless, since the Site is covered with common vegetation, DAFC has no strong view on the application from nature conservation point of view.
- 12.2 The Site is located at the southern edge of the “V” zone of Pun Shan Chau and is currently vacant, mainly hard-paved and slightly covered by vegetation (**Plans A-2 to A-4**). The proposed development is not incompatible with the surrounding areas which are predominantly rural in character mainly occupied by village houses, tree groups and temporary structures. CTP/UD&L, PlanD has no adverse comment on the application and she considers that significant adverse impact on the existing landscape resources arising from the proposed development is not anticipated. C for T considers that while Small House developments should be confined within the “V” zone as far as possible, the application could be tolerated from traffic grounds given that it involves one Small House only. Other relevant government departments consulted, including DEP, CE/MN, DSD, D of FS and CE/C, WSD have no objection to or no adverse comment on the application. In view of the above, the application is generally in line with TPB PG-No. 10.
- 12.3 Regarding the Interim Criteria (**Appendix II**), more than 50% of the footprint of the proposed Small House falls within “V” zone of Pun Shan Chau (**Plan A-2a**). According to DLO/TP, LandsD, the total number of outstanding Small House applications for Pun Shan Chau village is seven while the 10-year Small House demand forecast is 116. Based on PlanD’s latest estimate, about 1.55ha (equivalent to about 62 Small House sites) is available within the “V” zone concerned (**Plan A-2b**). While the amount of land available within the “V” zone of Pun Shan Chau is insufficient to fully meet the future Small House demand, it is sufficient to accommodate the 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 “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Notwithstanding the above, the Site is the subject of two previous applications (No. A/TP/437 and 631) submitted by the same applicant for the same use, which were approved by the Committee with conditions on 23.10.2009 and 8.9.2017 respectively. The planning permission of the last previous application No. A/TP/631 lapsed on 8.9.2025. Compared with the last previous application, except for minor changes in the gross floor area and roofed over area, the site area and general layout of the current application remain the same. Besides, DLO/TP, LandsD advised the Small House grant application submitted by the applicant is currently being processing. In view of the above, sympathetic consideration can be given to the application.

- 12.4 There are 14 similar applications for proposed Small House development in the vicinity of the Site (**Plan A-2a**), among which six applications were approved with conditions by the Committee between 2004 and 2009 (i.e. before the Board formally adopted a more cautious approach in considering the Small House applications since August 2015). The remaining eight applications were rejected by the Committee between 2004 and 2018 as detailed in paragraph 7.3 above. The planning circumstances of the current application are different to the rejected applications in that the Site is subject to previous approvals.
- 12.5 Regarding the public comments on the application as detailed in paragraph 11 above, the government departments’ comments and the planning assessments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments 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 VII**.
- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members’ reference:
- (a) the proposed development is not in line with the planning intention of the “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 this zone. There is no strong planning justification in the submission for a departure from the planning intention; and
 - (b) land is still available within the “V” zone of Pun Shan Chau 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.

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 approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form with Attachments received on 31.7.2025
Appendix Ia	SI received on 4.8.2025
Appendix Ib	FI received on 21.8.2025
Appendix Ic	FI received on 5.9.2025
Appendix II	Relevant Extracts of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Relevant Extract 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
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available for Small House Development within the “V” zone of Pun Shan Chau Village
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos