

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

**APPLICATION NO. A/NE-KTS/562**

**Applicant** : Mr. LI Tim Yau

**Site** : Lot 121S.E in D.D. 100, Cheung Lek, Sheung Shui, New Territories

**Site Area** : 125m<sup>2</sup>

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

**Plan** : Approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/22

**Zoning** : “Agriculture” (“AGR”)

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

**1. The Proposal**

1.1 The applicant, who claims to be an indigenous villager<sup>1</sup> of Hang Tau, seeks planning permission to build a NTEH (Small House) at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “AGR” zone, ‘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 which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and covered by wild grass (**Plan A-4**).

1.2 Details of the proposed Small House are as follows:

Total Floor Area : 195m<sup>2</sup>  
Number of Storeys : 3  
Building Height : 8.23m  
Roofed Over Area : 65m<sup>2</sup>

1.3 The Site is accessible via a local track connecting to a village road which leads to Hang Tau Road (**Plan A-1**). According to the applicant, the uncovered area of the

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<sup>1</sup> As advised by the District Lands Officer/North, Lands Department (DLO/N, LandsD), the eligibility of the applicant for Small House grant has yet to be ascertained.

Site (about 122m<sup>2</sup>) will be used as private open space. A septic tank will be provided to serve the proposed Small House. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.4 In support of the application, the applicant has submitted an Application Form with supporting documents which was received on 13.8.2025 (**Appendix I**).

## **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 can be summarised as follows:

- (a) The applicant, who is an indigenous villager of Hang Tau and the land owner of the Site, is entitled to apply for Small House grant in accordance with the prevailing policy.
- (b) The Site falls within the village ‘environs’ (VE) of Sheung Shui Cheung Lek and is located at about 30m to the north of “Village Type Development” (“V”) zone.
- (c) The Site was left fallow for over a decade. Agricultural rehabilitation at the Site is hence not possible. The Planning Department (PlanD) should consider rezoning the land currently zoned “AGR” within the ‘VE’ of Cheung Lek to “V” to provide more land for Small House developments.
- (d) The Site is flat and there is adequate buffer distance to prevent pollution to nearby water source. No filling or excavation of land would be required for the proposed Small House development.
- (e) While no technical assessments has been conducted at this stage, relevant assessments would be conducted should the application be approved by the Board.

## **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 for NTEH/Small House in New Territories (the Interim Criteria) was first promulgated on 24.11.2000. The latest set of Interim Criteria promulgated on 7.9.2007 is at **Appendix II**.

**5. Background**

The Site is not subject to any planning enforcement action.

**6. Previous Application**

The Site is not involved in any previous application.

**7. Similar Application**

There is no similar application for Small House development within/straddling the same “AGR” zone in the vicinity of the Site in Cheung Lek since the first promulgation of the Interim Criteria on 24.11.2000.

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

8.1 The Site is:

- (a) currently vacant and covered by wild grass;
- (b) fall entirely within the ‘VE’ of Cheung Lek but located to the further north of Cheung Lek’s village settlement within the “V” zone; and
- (c) accessible via a local track connecting to a village road leading to Hang Tau Road.

8.2 The surrounding areas are rural in character comprising mainly active/fallow agricultural land, tree clusters, scattered residential/temporary structures, a hobby farm and a car park.

**9. Planning Intentions**

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 has been assessed against the assessment criteria set out in the Interim Criteria (**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?  - Footprint of the proposed Small House  - The Site	-  -	100%  100%	The Site and the footprint of the proposed Small House fall entirely within “AGR” zone ( <b>Plan A-2a</b> ).
2.	Within ‘VE’?  - Footprint of the proposed Small House  - The Site	100%  100%	-  -	DLO/N, LandsD advises that the Site falls entirely within the ‘VE’ of Cheung Lek.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House application plus 10-year Small House demand)?		✓	<b><u>Land Required</u></b> - Land required to meet Small House demand in Cheung Lek: about 1.88ha (equivalent to about 75 Small House sites). The number of outstanding Small House applications for Cheung Lek is 17 <sup>2</sup> whilst the 10-year Small House demand forecast is 58.
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		<b><u>Land Available</u></b> - Land available to meet Small House demand within the “V” zone of Hang Tau: about 0.8 ha (equivalent to about 32 Small House sites) ( <b>Plan A-2b</b> ).
4.	Compatible with the planning intention of “AGR” zone?		✓	Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. There are some agricultural activities in the vicinity, and agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open field cultivation, greenhouses, plant nurseries, etc.

<sup>2</sup> Amongst the 17 outstanding Small House applications, four of them fall within the “V” zone, and 13 of them straddle or fall outside the “V” zone.

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
5.	Compatible with surrounding area/development?	✓		The proposed Small House is not incompatible with the surrounding areas which comprise mainly active/fallow agricultural land, tree clusters, scattered residential/temporary structures, a hobby farm and a car park ( <b>Plans A-2a and A-3</b> ).
6.	Within Water Gathering Grounds?		✓	Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application.
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire service installations and emergency vehicular access?		✓	Director of Fire Services (D of FS) has no objection in principle to the application. The applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' which is administered by LandsD.
9.	Traffic impact?	✓		<ul style="list-style-type: none"> <li>- Commissioner for Transport (C for T) has no objection to the application from traffic engineering perspective.</li> <li>- C for T considers that although additional traffic generated by the proposed Small House is not significant, the permission of development outside the “V” zone will however set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact has to be reviewed on case-by-case basis in the future.</li> <li>- The application involving construction of one Small House only can be tolerated on traffic grounds.</li> </ul>

	<u><b>Criteria</b></u>	<u><b>Yes</b></u>	<u><b>No</b></u>	<u><b>Remarks</b></u>
10.	Drainage impact?		✓	Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application from public drainage point of view.
11.	Sewerage impact?		✓	<p>- Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed Small House, the application is unlikely to cause major pollution and has no objection to the application. Septic tank and soakaway system is an acceptable means for wastewater collection, treatment and disposal.</p> <p>- CE/MN, DSD has no objection to the application.</p>
12.	Landscape impact?		✓	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 the proposed Small House will not cause felling of trees. Significant adverse landscape impact arising from the proposed development is not anticipated.
13.	Local objections conveyed by District Office?		✓	District Officer (North), Home Affairs Department (DO(N), HAD) has issued consultation documents to the Chairman of Sheung Shui District Rural Committee, the Indigenous Inhabitant Representative of Cheung Lek and Resident Representative of Cheung Lek, and has not received any local view.

10.2 Comments from the following government departments have been incorporated in paragraph 10.1 above. Their detailed comments and advisory comments, if any, are at **Appendices III and IV** respectively.

- (a) DLO/N, LandsD;
- (b) DAFC;
- (c) C for T;
- (d) DEP;

- (e) CE/MN, DSD;
- (f) CE/C, WSD;
- (g) D of FS;
- (h) CTP/UD&L, PlanD; and
- (i) DO(N), HAD.

10.3 The following government departments have no objection to or no comment on the application. Their advisory comments, if any, are at **Appendix IV**:

- (a) Chief Highway Engineer/New Territories East, Highways Department;
- (b) Director of Electrical and Mechanical Services;
- (c) Project Manager (North), Civil Engineering and Development Department; and
- (d) Commissioner of Police.

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

On 26.8.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received, including one comment from a North District Council Member indicating no comment on the application; and two comments from Kadoorie Farm & Botanic Garden Corporation and an individual objecting to the application mainly on the grounds that the application is not in line with the planning intention of the “AGR” zone and land is still available for Small House development within the nearby “V” zone (**Appendix V**).

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

- 12.1 The application is for proposed NTEH (Small House) at the Site zoned “AGR” (**Plans A-1 and 2a**). The proposed Small House is not in line with the planning intention of the “AGR” zone. DAFC does not support the application from agricultural perspective as agricultural infrastructures such as road access and water source are available and considers that the Site possesses potential for agricultural rehabilitation and can be used for agricultural activities. There is no strong planning justification in the submission for a departure from the planning intention of the “AGR” zone.
- 12.2 The Site, while falling entirely within the ‘VE’ of Cheung Lek, is located to the further north of the village settlement of Cheung Lek (**Plan A-2a**) and is currently vacant and covered by wild grass (**Plan A-4**). The proposed Small House at the Site is not incompatible with the surrounding areas which is rural in character comprising mainly active/fallow agricultural land, tree clusters, scattered residential/temporary structures, a hobby farm and a car park. CTP/UD&L, PlanD considers that significant adverse landscape impact arising from the proposed development is not anticipated and has no adverse comment on the application. On traffic aspect, C for T considers that whilst the proposed Small House outside the “V” zone will set undesirable precedent for similar applications in the future, the application involving only one Small House can be tolerated on traffic grounds and

has no objection to the application. 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.

- 12.3 Regarding the Interim Criteria (**Appendix II**), the Site and the footprint of the proposed Small House falls entirely within the ‘VE’ of Cheung Lek (**Plans A-1 and A-2a**). DLO/N, LandsD advises that the number of outstanding Small House applications for Cheung Lek is 17, whilst the 10-year Small House demand forecast is 58. Since August 2015, the Board has formally adopted a more cautious approach in considering applications for Small House development. Amongst 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. Based on the latest estimate by PlanD, about 0.8 ha of land (equivalent to about 32 Small House sites) is available within the “V” zone of Cheung Lek (**Plan A-2b**). While the amount of land available within the “V” zone is insufficient to fully meet the 10-year Small House demand, it is sufficient to accommodate the 17 outstanding Small House applications. Hence, 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.
- 12.4 There is no previous or similar application for Small House development at the Site or falling entirely/partly within the same “AGR” zone in the vicinity of the Site in Cheung Lek since the promulgation of the Interim Criteria in 2000 (**Plan A-1**), as stated in paragraphs 6 and 7.
- 12.5 Regarding the public comments detailed in paragraph 11 above, the departmental 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, PlanD does not support the application for the following reasons:
- (a) the proposed Small House development is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other 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 “V” zone of Cheung Lek 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.



- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 10.10.2029, 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 IV**.

**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 13.8.2025
<b>Appendix II</b>	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
<b>Appendix III</b>	Detailed Comments from Relevant Government Departments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2a</b>	Site Plan
<b>Plan A-2b</b>	Estimated Amount of Land Available for Small House
	Development within the “V” Zone
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2025**