

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1084

- Applicant** : 駱春根先生 represented by Consense Development Limited (港昇發展有限公司)
- Site** : Lots 270 S.H ss.1, 270 S.L, 270 S.F ss.1 S.A and 270 S.G ss.1 in D.D. 110, Tsat Sing Kong, Yuen Long
- Site Area** : 109m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11 and approved Kam Tin North OZP No. S/YL-KTN/11
- Zoning** : “Agriculture” (“AGR”) (80% of the Site)
“Village Type Development” (“V”) (about 20% of the Site)
[restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Proposed House (New Territories Exempted House (NTEH) — Small House)

1. The Proposal

- 1.1 The applicant, who claims himself as an indigenous villager¹ of Wang Toi Shan Wing Ning Lei, seeks planning permission to build a proposed NTEH (Small House) at the application site (the Site), which falls within an area largely zoned “AGR” (about 80%) on the Pat Heung OZP and partly zoned “V” (about 20%) on the Kam Tin North OZP (**Plan A-1a**). According to the Notes of the two OZPs, ‘House (NTEH only)’ is always permitted within the “V” zone, whilst ‘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 the “AGR” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and vacant (**Plan A-4**).

¹ As advised by the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD), his office has not received any Small House application lodged by the applicant. The applicant’s eligibility for Small House grant has yet to be ascertained at this stage.

1.2 Details of the proposed Small House are as follows:

Total Floor Area	: 109m ²
Number of Storeys	: 3
Building Height	: 8.23m
Roofed Over Area	: 65.03m ²

1.3 The Site is accessible via a local track leading to Kam Tai Road (**Plan A-1a**). 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 Part of the Site is the subject of three previous applications (No. A/YL-PH/369, 406 and 449) (**Plan A-1b**) submitted by different applicants from the current application for proposed NTEHs (Small Houses) which were rejected by the Rural and New Town Planning Committee (the Committee) of the Board or by the Board upon review between June 2001 and October 2003. Details of the previous application are set out in paragraph 6 below.

1.5 In support of the application, the applicant has submitted an Application Form with supporting documents which were received on 18.8.2025 (**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 is an indigenous villager of Wang Toi Shan Wing Ning Lei and the sole land owner of the Site.
- (b) There are existing village houses located adjacent to the Site, and the proposed Small House is considered compatible with the surrounding area. No impact on the area is anticipated.

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 active enforcement action.

6. **Previous Applications**

Part of the Site is the subject of three previous applications (No. A/YL-PH/369, 406 and 449), each for proposed three NTEHs (Small Houses) submitted by the same applicants, who are different from the current application. These applications were rejected by the Committee or by the Board upon review between June 2001 and October 2003, mainly for the reasons that the proposed Small House development was not in line with the planning intention of the “AGR” zone; it was more appropriate to concentrate Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services; approval of the application would set an undesirable precedent; and the proposed Small House development did not comply with the Interim Criteria. Details of these applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

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

7.1 The Site is:

- (a) hard-paved and vacant;
- (b) located to the east of the village settlement of Tsat Sing Kong and falls entirely within the village ‘environs’ (‘VE’) of Tsat Sing Kong; and
- (c) accessible via a local track leading to Kam Tai Road.

7.2 The surrounding areas are rural in character comprising mainly the village settlement of Tsat Sing Kong within the “V” zone and an intermix of open storage/storage yards (one with valid planning permission), vacant land, woodland and grassland.

8. **Planning Intention**

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fishponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. **Comments from Relevant Government Departments**

9.1 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:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	<p>Within “V” zone?</p> <ul style="list-style-type: none"> - Footprint of the proposed Small House - The Site 	<p>18%</p> <p>20%</p>	<p>82%</p> <p>80%</p>	<ul style="list-style-type: none"> - About 82% of the footprint of the proposed Small House falls within the “AGR” zone (Plan A-2a). - About 80% of the Site falls within the “AGR” zone (Plan A-2a).
2.	<p>Within ‘VE’?</p> <ul style="list-style-type: none"> - Footprint of the proposed Small House - The Site 	<p>100%</p> <p>100%</p>	<p>-</p> <p>-</p>	<p>DLO/YL, LandsD advises that the Site falls entirely within the ‘VE’ of Tsat Sing Kong.</p>
3.	<p>Sufficient land in “V” zone to meet Small House demand (outstanding Small House application plus 10-year Small House demand)?</p> <p>Sufficient land in “V” zone to meet outstanding Small House applications?</p>	<p></p> <p>✓</p>	<p>✓</p> <p></p>	<p><u>Land Required</u></p> <ul style="list-style-type: none"> - Land required to meet Small House demand in Tsat Sing Kong: about 7.6 ha (equivalent to about 304 Small House sites). The number of outstanding Small House applications for Tsat Sing Kong is 4 whilst the 10-year Small House demand forecast is about 300. <p><u>Land Available</u></p> <ul style="list-style-type: none"> - Land available to meet Small House demand within the “V” zone of Tsat Sing Kong: about 2.21 ha (equivalent to about 88 Small House sites). (Plan A-2b)
4.	<p>Compatible with the planning intention of “AGR” zone?</p>		✓	<p>Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural perspective. The Site falls within “AGR” and “V” zones and is cemented land. There are some agricultural activities in the vicinity. Agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as greenhouses and plant nurseries.</p>

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
5.	Compatible with surrounding area/development?	✓		The proposed Small House is not incompatible with the surrounding areas which are rural in character comprising mainly the village settlement of Tsat Sing Kong and an intermix of open storage/storage yards, vacant land, woodland and grassland (Plans A-2a and A-3).
6.	Within Water Gathering Grounds (WGGs)?		✓	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 (EVA)?		✓	Director of Fire Services (D of FS) has no objection to the application provided that the proposed Small House would not encroach on any existing EVA or planned EVA under application in accordance with LandsD's record. The applicant is reminded to observe 'New Territories Exempted House – A Guide to Fire Safety Requirements' which is administrated by LandsD.
9.	Traffic impact?	✓		<ul style="list-style-type: none"> - Commissioner for Transport (C for T) has no adverse comment on the application from traffic engineering perspective. - C for T considers that although additional traffic generated by the proposed Small House is not significant, the development outside the “V” zone will however set an undesirable precedent case in the future. The resulting cumulative traffic impact could be substantial. - The application involving construction of one Small House only can be tolerated on traffic grounds.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
10.	Drainage impact?		✓	- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application from public drainage point of view.
11.	Sewerage impact?		✓	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. - CE/MN, DSD has no objection to the application.
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. Significant adverse landscape impact arising from the proposed Small House is not anticipated.
13.	Local objections conveyed by District Office?		✓	District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) has no comment on the application and has not received any comment from the locals upon close of consultation.

9.2 Comments from the following government departments have been incorporated in paragraph 9.1 above. Their detailed comments and advisory comments, if any, are at **Appendices IV and V** respectively.

- (a) DLO/YL, 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(YL), HAD.

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

- (a) Chief Highway Engineer/New Territories West, Highways Department; and
- (b) Project Manager (West), Civil Engineering and Development Department.

10. Public Comment Received During Statutory Publication Period

On 26.8.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed NTEH (Small House) at the Site largely zoned “AGR” (80%) and partly zoned “V” (20%) (**Plan A-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 point of view as there are some agricultural activities in the vicinity and agricultural infrastructures such as road access and water source are available, and considers that the Site 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.
- 11.2 The Site, while entirely within the ‘VE’ of Tsat Sing Kong, is located to the east of the village settlement of Tsat Sing Kong and is currently hard-paved and vacant (**Plan A-2a**). The proposed Small House at the Site is not incompatible with the surrounding areas which are rural in character comprising mainly village houses within the “V” zone and an intermix of open storage/storage yards, vacant land, woodland and grassland. CTP/UD&L, PlanD considers that significant adverse landscape impact arising from the proposed Small House 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 adverse comment on 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.
- 11.3 Regarding the Interim Criteria (**Appendix II**), the Site and the footprint of the proposed Small House fall entirely within the ‘VE’ of Tsat Sing Kong (**Plans A-1a and A-2a**). DLO/YL, LandsD advises that the number of outstanding Small House applications for Tsat Sing Kong is 4, while the 10-year Small House

demand forecast is about 300. 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, the Board would put more weighting on the number of outstanding Small House applications provided by LandsD. Based on the latest estimate by PlanD, about 2.21 ha of land (equivalent to about 88 Small House sites) is available within the “V” zone of Tsat Sing Kong (**Plan A-2b**). While the amount of land available within the “V” zone of Tsat Sing Kong is insufficient to fully meet the 10-year Small House demand, it is sufficient to accommodate the 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.

- 11.4 There are three previous applications involving the Site for Small House development since the promulgation of the Interim Criteria in 2000 (**Plan A-1b**) which were all rejected by the Committee or by the Board upon review as mentioned in paragraph 6 above. Rejecting the current application is in line with the Committee’s previous decisions.

12. Planning Department’s Views

- 12.1 Based on the assessments made 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 Tsat Sing Kong 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.

- 12.2 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 V**.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.

- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 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.

14. Attachments

Appendix I	Application Form with supporting documents received on 18.8.2025
Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous Applications
Appendix IV	Detailed Comments from Relevant Government Departments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available for Small House Developments within the “V” Zone
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2025**