

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

APPLICATION NO. A/NE-TKL/804

- Applicant** : Mr. LAM Ka Fai represented by Mr. HO Siu Wing
- Site** : Lot 546 S.G ss.1 in D.D. 77, Ping Che, Ta Kwu Ling, New Territories
- Site Area** : 120.6m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Planning (OZP)
No. S/NE-TKL/14
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed House (New Territories Exempted House (NTEH) – Small House)

1 The Proposal

1.1 The applicant, who claims himself to be an indigenous villager of Shan Kai Wat¹, seeks planning permission to build a NTEH (Small House) on the application site (the Site) falling 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 with some grass.

1.2 Details of the proposed NTEH (Small House) are as follows:

Total Floor Area	: 195.09m ²
Number of Storeys	: 3
Building Height	: 8.23m
Roofed Over Area	: 65.03m ²

1.3 The applicant indicates that the uncovered area of the Site will remain vacant. The layout of the proposed Small House (including septic tank) is shown in **Drawing A-1**.

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

- 1.4 The Site is the subject of two previous applications (No. A/NE-TKL/498 and 651) for the same use submitted by the same applicant as the current application, which were approved by the Rural and New Town Planning Committee (the Committee) of the Board on 6.2.2015 and 4.12.2020 respectively. Details of the previous applications are set out in paragraph 5 below.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 27.6.2025 **(Appendix I)**
 - (b) Further Information (FI) received on 10.10.2025* **(Appendix Ia)**
- * accepted and exempted from publication and recounting requirements*
- 1.6 On 15.8.2025, the Committee agreed to the applicant's request to defer making a decision on the application for two months.

2 Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I and Ia**, as summarised below:

- (a) the Site is the subject of previously approved planning applications. However, the Small House grant application is still being processed by DLO/N, LandsD;
- (b) the Site is currently vacant and there is no other land available nearby for the proposed development; and
- (c) there are other built Small Houses in the vicinity of the Site with planning approvals granted by the Committee.

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 the 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 Previous Applications

- 5.1 The Site is the subject of two previously approved applications (No. A/NE-TKL/498 and 651) for proposed House (NTEH – Small House) submitted by the same applicant as the current application. Application No. A/NE-TKL/498 was approved with conditions by the Committee on 6.2.2015 (i.e. before the Board formally adopted a more cautious

approach in considering Small House application since August 2015²) mainly on the considerations that the application generally complied with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ (“VE”) and there was insufficient land within the “Village Type Development” (“V”) zone to meet the Small House demand at the time of consideration; and there were no major adverse departmental comments received. The planning permission lapsed on 6.2.2019.

- 5.2 Application No. A/NE-TKL/651 was approved by the Committee on 4.12.2020 after the formal adoption of a more cautious approach by the Board mainly on sympathetic considerations that the application was the subject of a previously approved application for the same use submitted by the same applicant; there was no change to the major planning parameters compared to the previous application; and the relevant Small House grant application was still under processing by LandsD. The planning permission lapsed on 5.12.2024.
- 5.3 Compared with the last approved application, there is no change in the development parameters and footprint of the proposed Small House except the location of septic tank in the current application.
- 5.4 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

6 Similar Applications

- 6.1 There are 35 similar applications falling within/partly within the same “AGR” zone in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000. All of them were approved with conditions by the Committee. Among them, 14 applications (No. A/NE-TKL/297, 348 to 353, 472, 486 to 488 and 499 to 501) were approved with conditions by the Committee between June 2007 and February 2015 mainly on the considerations similar to those detailed in paragraph 5.1 above.
- 6.2 The remaining 21 applications (No. A/NE-TKL/528 to 530, 536, 537, 630, 649, 650, 652, 666 to 670, 703 to 705, 787 to 789 and 792) were approved by the Committee between November 2015 and March 2025 after the formal adoption of a more cautious approach by the Board mainly on sympathetic considerations that the application was the subject of previously approved application; the Small House grant was still under processing; and the proposed Small House was situated in proximity to the existing village houses and approved Small House applications and a new village cluster was forming in the locality at the time of consideration.
- 6.3 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-2a**.

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

7 **The Site and Its Surrounding Areas** (Plans A-2a to A-4)

7.1 The Site is:

- (a) vacant and covered with some grass;
- (b) located to the west of the village cluster of Ping Che in “V” zone; and
- (c) accessible from Ng Chow South Road.

7.2 The surrounding areas are rural in character comprising mainly vacant land with grass, village houses, temporary structures, warehouse and open storage yards. Ping Che Mini-Soccer Pitch is located to the southeast of the Site.

8 **Planning Intention**

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.

9 **Comments from Relevant Government Departments**

9.1 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	- -	100% 100%	The Site and footprint of the proposed Small House fall entirely within the “AGR” zone.
2.	Within ‘VE’? - Footprint of the proposed Small House - The Site	100% 100%	- -	DLO/N, LandsD advises that the Site and the footprint of the proposed Small House fall within the ‘VE’ of Ping Che.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House		✓	<u>Land Required</u> - Land required for meeting Small House demand in Ping Che village cluster ³ : about 4.93 ha (equivalent to 197 Small House sites). The

³ Ping Che village cluster is covered by three areas, i.e. Ping Che, Ping Che Kat Tin and Ping Che Yuen Ha. Each area has its own ‘VE’ and “V” zones.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	demand)? Sufficient land in “V” zone to meet outstanding Small House applications?	✓		outstanding Small House applications of Ping Che village cluster are 37 ⁴ while the 10-year Small House demand forecast for the same village cluster is 160 ⁵ . <u>Land Available</u> - Land available to meet the Small House demand within the “V” zone of Ping Che village cluster: about 3.60 ha (equivalent to 143 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of “AGR” zone?		✓	The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural perspective. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation.
5.	Compatible with surrounding area/ development?	✓		The Site is located in an area of rural character comprising mainly vacant land with grass, village houses, temporary structures, warehouse, open storage yards and a mini-soccer pitch.
6.	Within Water Gathering Grounds (WGGs)?		✓	
7.	Environmental and sewerage impacts?		✓	The Director of Environmental Protection (DEP) advises that the application alone is unlikely to cause major pollution.
8.	Encroachment onto planned road networks and public works boundaries?		✓	

⁴ Among the 37 outstanding Small House applications in the Ping Che village cluster, nine, 21, and seven applications are from Ping Che, Ping Che Ka Tin and Ping Che Yuen Ha respectively. Among them, 29 fall within the “V” zones, and eight straddles or fall outside the “V” zones, two of which have obtained valid planning approval from the Board.

⁵ According to DLO/N, LandsD, the figure of 10-year Small House demand forecast is estimated and provided by the Indigenous Inhabitant Representatives of the villages concerned, which has not been verified by his office.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
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) has no objection to the application. She advises that the application only involves the construction of one Small House, and considers that the application can be tolerated on traffic grounds. Although additional traffic generated by the proposed development is not significant, the permission of development outside the "V" zone will however set an undesirable precedent case for similar application. The resulting cumulative adverse traffic impact has to be reviewed on a case-by-case basis in the future.
11.	Drainage impact?		✓	The Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) has no objection to the application.
12.	Landscaping impact?		✓	The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) has no adverse comment on the application from the landscape planning perspective and advises that significant adverse impact on the landscape character and existing landscape resources within the Site is not anticipated.
13.	Local objections conveyed by District Officer?		✓	

9.2 Comments from the following government departments have been incorporated in paragraph 9.1 above. Other detailed comments and Recommended Advisory Clauses are provided at **Appendices V** and **VI** respectively.

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

- (d) CTP/UD&L, PlanD;
- (e) CE/MN, DSD;
- (f) DAFC;
- (g) D of FS; and
- (h) District Officer (North), Home Affairs Department (DO(N), HAD).

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

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD); and
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10 Public Comment Received During Statutory Publication Period

On 4.7.2025, the application was published for public inspection. During the statutory public inspection period, one comment was received from a member of the North District Council indicating no comment on the application (**Appendix VII**).

11 Planning Considerations and Assessments

- 11.1 The application is for proposed Small House development at the Site falling within an area zoned “AGR” on the OZP. The proposed development is not in line with the planning intention of the “AGR” zone. DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. ***Taking into account the planning assessments below, sympathetic consideration could be given to the proposed development.***
- 11.2 The Site, located to the west of the village cluster of Ping Che, is vacant and covered with some grass. The proposed Small House is considered not incompatible with the surrounding areas which are rural in character comprising mainly vacant land with grass, village houses, temporary structures, warehouse, open storage yards and a mini-soccer pitch. CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective and advises that significant adverse impact on the landscape character and existing landscape resources within the Site is not anticipated. Other relevant government departments consulted, including C for T, DEP, CE/MN, DSD, CE/C, WSD and D of FS, have no objection to or no adverse comment on the application.
- 11.3 Regarding the Interim Criteria (**Appendix II**), the Site and footprint of the proposed Small House fall entirely within the ‘VE’ of Ping Che. According to DLO/N, LandsD, the number of outstanding Small House applications for Ping Che village cluster is 37 while the 10-year Small House demand forecast is 160. Based on PlanD’s latest estimate, about 3.60 ha of land (equivalent to 143 Small House sites) is available within the “V” zone concerned (**Plan A-2b**). While the amount of land available within the “V” zone of Ping Che village cluster 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 the “V” zone for more orderly development

pattern, efficient use of land and provision of infrastructures and services. Notwithstanding the above, the Site is the subject of two previously approved applications submitted by the same applicant for the same use as the current application as detailed in paragraphs 5.1 and 5.2 above. The last planning approval under application No. A/NE-TKL/651 lapsed on 5.12.2024. As advised by DLO/N, LandsD, the relevant Small House grant application for the Site is ~~still~~ being processed, ***and consultation of relevant government departments and local consultation have already been conducted.*** In view of the above, sympathetic consideration could be given to the application.

- 11.4 There are 35 approved similar applications falling within/partly within the same “AGR” zone in the vicinity of the Site, with 21 of which approved by the Committee between November 2015 and March 2025 after the formal adoption of a more cautious approach by the Board mainly on the considerations as detailed in paragraph 6.2 above. The planning circumstances of the current application are similar to those of the above approved similar applications. Approval of 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 and having taken into account the public comment as detailed in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 21.11.2029, 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 VI.**
- 12.3 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 “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 Ping Che 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 orderly development pattern, efficient use of land and provision of infrastructures and services.

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 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.

13.3 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.

14 Attachments

Appendix I	Application Form with attachment received on 27.6.2025
Appendix Ia	FI received on 10.10.2025
Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Detailed Comments from Relevant Government Departments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comment
Drawing A-1	Proposed Small House 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 Ping Che
Plan A-3	Aerial Photo
Plan A-4	Site Photo

**PLANNING DEPARTMENT
NOVEMBER 2025**