

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

**APPLICATION NO. A/I-LI/37**

<b><u>Applicant</u></b>	: Mr. TSANG Hing Hong represented by KTA Planning Limited
<b><u>Site</u></b>	: Lot 5 in D.D. 7 Lamma Island, Mo Tat, Lamma Island
<b><u>Site Area</u></b>	: About 91.8m <sup>2</sup>
<b><u>Lease</u></b>	: Old Schedule Lot held under Block Government Lease (BGL) [demised for “House” and “Dry Cultivation” uses]
<b><u>Plan</u></b>	: Approved Lamma Island Outline Zoning Plan (OZP) No. S/I-LI/11
<b><u>Zoning</u></b>	: “Conservation Area” (“CA”) [Redevelopment of an existing house is subject to a maximum plot ratio (PR) of 0.4, a maximum site coverage (SC) of 20%, and a maximum building height (BH) of two storeys (7.6m), or the PR, SC and height of the existing house, whichever is the greater]
<b><u>Application</u></b>	: Proposed House (Redevelopment) with Filling and Excavation of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for redevelopment of a house with filling and excavation of land at the application site (the Site) which falls within an area zoned “CA” on the approved Lamma Island OZP No. S/I-LI/11 (**Plan A-1**). According to the Notes of the OZP, ‘House (Redevelopment only)’, which is a Column 2 use, and filling and excavation of land in the “CA” zone require planning permission from the Town Planning Board (the Board). The Remarks of the Notes also stipulate that no redevelopment, including alteration and/or modification, of an existing house in the “CA” zone shall result in a total redevelopment in excess of a maximum PR of 0.4, a maximum SC of 20%, and a maximum BH of two storeys (7.6m) or the PR, SC and height of the existing house, whichever is the greater.
- 1.2 The Site is largely vacant with vegetation and trees while ruins of house can be observed at the western corner of the Site and in its vicinity (**Drawing A-8**). The subject private lot is an Old Schedule Lot held under BGL demised for “House”

and “Dry Cultivation” uses. According to the applicant, there was a house at the site which was positioned mostly outside the private lot because the survey plan attached to the BGL was drawn with relatively small scale and of varying quality while detailed and accurate survey information was not available at the time when the house was built.

- 1.3 The applicant proposes to redevelop the Site into a two-storey house with a gross floor area (GFA) about 30.6m<sup>2</sup> (equivalent to a PR of about 0.33), a SC of not more than 20% and a BH of not more than 7.6m (or 25.3mPD). The applicant claims that the development parameters of the proposed house will comply with requirements for New Territories Exempted House (NTEH) under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) and thus should be regarded as a NTEH. As the existing site levels vary between +15.78mPD to +17.50mPD, filling of land with an area of about 80m<sup>2</sup> and depths ranging from about 0.2m to 1.92m will be carried out so that the proposed house will be situated on a new platform at about +17.70mPD. Excavation of land with an area of about 3m<sup>2</sup> and a depth of about 2m is also proposed for the provision of septic tank. The remaining area of the Site will be used as amenity planting while an existing footpath within the Site will be largely retained in-situ. The schematic layout, section drawing and extent of land filling/excavation of the proposal are at **Drawings A-1 to A-3**.
- 1.4 According to the tree survey report submitted (**Appendices I and Ia**), there are nine existing trees within the site where four trees are proposed to be retained, three trees to be transplanted within the Site, and two trees to be felled. No surveyed trees outside the Site will be affected. To compensate the lost trees, four new heavy standard trees of local species are proposed, along with other planting of shrubs and lawn within the Site. The proposed house development will be supported by septic tank for treatment and disposal of sewage; stormwater drainage facilities to deal with surface runoff; and extended water supply connection to the nearest suitable government water mains. The landscape proposal and geotechnical planning review report (GPRR) submitted by the applicant are at **Drawings A-4 to A-7** and **Appendices I and Ia** respectively.
- 1.5 The Site forms part of a previous application (No. A/I-LI/30) submitted by the same applicant for redevelopment of two houses, filling of land/excavation of land and amenity planting which was rejected by the Rural and New Town Planning Committee (the Committee) on 13.12.2019. Details of the previous application are set out in paragraph 4 below.
- 1.6 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on 9.9.2025 and supplementary information received on 12.9.2025 (**Appendix I**)
  - (b) Further Information (FI) received on 13.11.2025\* (**Appendix Ia**)  
*\* accepted and exempted from publication and recounting requirements*

- 1.7 On 7.11.2025, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ia**, which are summarised as follows:

- (a) the proposal would not jeopardise the planning intention of the “CA” zone considering that the proposed development parameters comply with the development restrictions stipulated for house redevelopment under the “CA” zone. Also, the extent of land filling and excavation has been minimised. The proposed amenity planting will further protect and retain the existing natural landscape, ecological and topographical features of the area;
- (b) the right for house redevelopment of Old Schedule Lot held under BGL should be respected. Majority of the house was positioned outside of the lot because the survey plan attached to the BGL was drawn with relatively small scale and of varying qualities, and detailed and accurate survey information was not available at the time when the house was built. Ruins of the house are found at the western corner of the Site and its surrounding;
- (c) the proposed house being low-rise and low-density is considered compatible with the surrounding land uses which are pre-dominantly rural in character with natural vegetation;
- (d) the proposal will improve the landscape quality of the Site and its surrounding by tree and shrub planting, and no adverse landscape impact will be anticipated. Four heavy standard trees with average diameter at breast height (DBH) of approximately 80mm are proposed with a compensation ratio of 1:2 in terms of quantity for the loss of trees;
- (e) given the small scale of the proposed redevelopment, no adverse geotechnical impact is anticipated as demonstrated in the GPRR. Also, there will be no adverse drainage, sewerage and other environmental impacts in terms of noise, air quality, waste and water quality; and
- (f) whilst the Site was the subject of a previously rejected application, the key comments from the Committee and relevant government departments have been addressed in the current application.

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

The applicant is not the ‘current land owner’ but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by notifying the current land owner about this planning application. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Previous Applications**

- 4.1 The Site forms part of a previous application (No. A/I-LI/30) submitted by the same applicant for redevelopment of two houses (one house each on two separate lots, i.e. the Site (Lot 5) and Lot 23 in D.D. 7 Lamma Island to the south) into two detached houses both on Lot 23, and to carry out filling of land/excavation of land and amenity planting. This previous application did not provide justification for the proposed transfer of redevelopment right of house from one site (i.e. Lot 5) to another (i.e. Lot 23); there would also be an anticipated large extent of tree felling and vegetation clearance, irreversible change in the landscape character of the southern site (i.e. Lot 23) and further adverse landscape impacts on the surrounding area for proposed footpath improvement works, etc. To this end, the application was rejected by the Committee on 13.12.2019 on the grounds that the proposed development is not in line with the planning intention of “CA” zone which is to protect and retain the existing natural landscape, ecological or topographical features of the area; and the applicant fails to demonstrate that the proposed development would not have adverse environmental, landscape and ecological impacts to the surrounding areas. Details of the application are summarised at **Appendix II** and its location is shown on **Plans A-1, A-2a and A-2b**.
- 4.2 There were two other planning applications submitted by the same applicant which were subsequently withdrawn including Application No. A/I-LI/34 for proposed house (redevelopment), footpath, amenity planting and filling of land/excavation of land covering the Site and its adjoining Government land and Application No. A/I-LI/35 for proposed house (redevelopment), amenity planting and filling of land/excavation of land covering the Site.

#### **5. Similar Application**

There is no similar application within the same “CA” zone on the OZP.

#### **6. The Site and Its Surrounding Areas (Plans A-1 to A-3 and site photos on Plans A-4a to A-4c)**

##### **6.1 The Site:**

- (a) is located along the coast of Mo Tat Wan in the south-eastern part of Lamma Island;
- (b) sits on top of a headland overlooking the edge of a slope above the sea which is partly covered by vegetation and bisected by an existing footpath. House ruins are observed at the western corner of the Site and its vicinity;
- (c) is outside the village “environs” of Mo Tat Wan; and
- (d) is accessible via an existing footpath from Mo Tat Wan (North) Pier with ferry service to Aberdeen and So Kwu Wan.

- 6.2 The surrounding areas are predominantly rural in character with natural vegetation, including trees, shrubs and weeds. To the immediate northeast and east are an existing low-rise, low-density residential development within the “Residential (Group C)” (“R(C)”) zone with a maximum PR of 0.6, a maximum SC of 40% and a maximum BH of three storeys (9m) and active farmland. To the southwest about 200m away across a vegetated knoll is the village cluster of a recognised village namely Mo Tat Wan zoned “Village Type Development” (“V”). To the north over the slope is sea while Sok Kwu Wan is located about 1.5km to the west connected with footpath.

## **7. Planning Intention**

- 7.1 The planning intention of the “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Site of Special Scientific Interest from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.
- 7.2 According to the Explanatory Statement (ES) of the OZP, new residential development is not permitted in the “CA” zone. However, redevelopment of existing houses may be permitted on application to the Board. The redevelopment shall not result in a total redevelopment in excess of the development restrictions stipulated on the Notes. Besides, filling and excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

## **8. Comments from Relevant Government Departments**

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

### **Land Administration**

- 8.1.1 Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):

- (a) no comment on the application;
- (b) the application involves a proposed house redevelopment on the Site which is an Old Schedule Lot held under BGL with site area of 0.01 acre as “House” and 0.02 acre as “Dry Cultivation”. According to the application, the site area of the lot is 91.8m<sup>2</sup>, and the total GFA of the proposed two-storey house is 30.6m<sup>2</sup>. The site area and the building proposal are subject to verification and consideration by LandsD upon receipt of the redevelopment application of the lot

owner. The lease governing the lot contains the provision that the Lessee or any other person or persons shall not nor will at any time during the term of the lease erect or construct any building or structure of any description on the lot, or any part thereof whether demised as agricultural or garden ground or otherwise without first having obtained the approval of the Government;

- (c) his office has not received any redevelopment application in connection with the lot. If the applicant's redevelopment proposal is within the exemption criteria of the Buildings Ordinance (Application to the New Territories) Ordinance under Cap. 121, the proposed house would be regarded as NTEH; and
- (d) if planning permission is given to the proposed redevelopment, the owner of the lot will need to apply to LandsD for approval to redevelopment of the lot to effect the proposal approved by the Board. There is no guarantee that such redevelopment application under lease (if received) will be approved by LandsD and he reserves comment on the redevelopment application. The application under lease will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it will be subject to such terms and conditions as the Government shall deem fit to impose, including, amongst other things, charging of premium and administrative fee. All redevelopment applications will be examined on their individual merits and the lease conditions.

### **Building Matters**

#### 8.1.2 Comments of the Chief Building Surveyor/New Territories East 1 & Licensing, Buildings Department:

- (a) no in-principle objection under the Buildings Ordinance to the proposed use at the Site; and
- (b) other detailed comments are included in the recommended advisory clauses at **Appendix IV**.

### **Environment**

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

- (a) no objection to the application. Sewerage impact assessment is not required;
- (b) notwithstanding the above, according to Item Q.1 of Part 1 of Schedule 2 of the Environmental Impact Assessment Ordinance (EIAO) (Cap. 499), all projects including new access roads, railways, sewers, sewage treatment facilities, earthworks, dredging works and other building works partly or wholly in a conservation area will require an environmental permit for their construction and

operation. If the proposed house is in fact a NTEH, it shall be exempted under the provision of the EIAO. It is noted that the applicant has not obtained relevant confirmation from government bureaux and departments that the proposed redevelopment is considered as NTEH. Hence, the above exemption provision may not be applicable to the subject application; and

- (c) other detailed comments are included in the recommended advisory clauses at **Appendix IV**.

### **Drainage**

8.1.4 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD):

- (a) no objection to the application from drainage maintenance point of view; and
- (b) other detailed comments are included in the recommended advisory clauses at **Appendix IV**.

### **Water Supply**

8.1.5 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) no major comment on the application; and
- (b) other detailed comments are included in the recommended advisory clauses at **Appendix IV**.

### **Urban Design and Landscape**

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

#### **Urban Design**

- (a) considering that the Site is surrounded by existing vegetation and the proposed redevelopment does not exceed the development restrictions under the OZP, significant visual impact is not anticipated;

#### **Landscape**

- (b) with reference to the aerial photo of 2024, the Site is situated in an area of coastal upland and hillside landscape character dominated by woodlands with active farmlands to the east of the Site and some houses to its northeast within “R(C)” zone. The proposed house redevelopment is considered not entirely incompatible with the surrounding environment;

- (c) according to the applicant's submission, a total of nine existing trees are identified within the Site, out of which two are proposed to be felled, three are proposed to be transplanted within the Site and four are proposed to be retained in-situ. According to the Landscape Master Plan (**Drawing A-4**), four new trees of native species, shrubs, groundcover and lawn are proposed to be planted within the Site. Significant adverse impact on existing landscape resources arising from the proposed house redevelopment is not anticipated; and
- (d) other detailed comments are included in the recommended advisory clauses at **Appendix IV**.

### **Nature Conservation**

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

no adverse comment on the application noting that the proposed house redevelopment would be confined within the subject private lot without affecting existing trees/greenery in "CA" zone beyond the lot boundary.

### **Geotechnical**

#### 8.1.8 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) no comment on the application; and
- (b) other detailed comments are included in the recommended advisory clauses at **Appendix IV**.

### **Fire Safety**

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

- (a) no comment on the application; and
- (b) other detailed comments are included in the recommended advisory clauses at **Appendix IV**.

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

- (a) Commissioner for Transport (C for T);
- (b) Chief Highway Engineer/New Territories East, Highways Department;
- (c) Chief Architect/Advisory and Statutory Compliance, Architectural Services Department;
- (d) Commissioner of Police; and
- (e) District Officer/Islands, Home Affairs Department.



**9. Public Comment Received During Statutory Publication Period**

On 16.9.2025, the application was published for public inspection. During the statutory publication period, one public comment was received from Kadoorie Farm & Botanic Garden Corporation providing views on the application (**Appendix III**) that with reference to the previous planning application No. A/I-LI/30, the Board should consider whether the subject application is in line with the planning intention of the “CA” zone.

**10. Planning Considerations and Assessments**

- 10.1 The application is for the proposed redevelopment of house with filling and excavation of land at the Site falling within an area zoned “CA” on the OZP. An amenity planting will be provided in the remaining part of the Site. The planning intention of the “CA” zone is set out in paragraph 7 above. As stated in the ES of the OZP, while new residential development is not permitted in the “CA” zone, redevelopment of existing houses up to the development restrictions stipulated on the Notes may be permitted on application to the Board. Although the proposed redevelopment of house is not totally in line with the planning intention of the “CA” zone, the Site is an Old Schedule Lot under BGL demised for “House” and “Dry Cultivation” uses where ruins of house was observed at the western corner of the Site and in its vicinity. According to the applicant, the house was positioned mostly outside the private lot because the survey plan attached to the BGL was drawn with relatively small scale and of varying quality while detailed and accurate survey information was not available at the time when the house was built. DLO/Is, LandsD indicates that the redevelopment application under lease, if received, would be examined on the individual merits and the lease conditions. In view of the above and taking into account the planning assessments below, the current application warrants sympathetic consideration.
- 10.2 The proposed redevelopment of a two-storey house with a GFA of about 30.6m<sup>2</sup> (equivalent to a PR of about 0.33), a SC of not more than 20% and a BH of not more than 7.6m or 25.3mPD does not exceed the development restrictions for the house redevelopment in the “CA” zone. The surrounding areas are predominantly rural in character with natural vegetation, low-rise, low density residential developments within the “R(C)” zone to the northeast subject to a maximum PR, SC and BH of 0.6, 40% and three storeys (9m) respectively and village cluster of Mo Tat Wan within the “V” zone to the southwest across the vegetated knoll. Given its relatively small scale, the proposed house redevelopment is not entirely incompatible with the surrounding environment. According to CTP/UD&L, PlanD, considering that the Site is surrounded by existing vegetation and the proposed redevelopment does not exceed the development restrictions under the OZP, significant visual impact is not anticipated.
- 10.3 The Site is currently largely vacant with vegetation and trees. The applicant has submitted a tree survey and landscape proposal to support the application, in which a total of nine existing trees within the Site has been identified, out of which two are proposed to be felled, three to be transplanted within the Site and

four to be retained in-situ. No surveyed trees outside the Site will be affected. According to the Landscape Master Plan (**Drawing A-4**), four new heavy standard trees of native species are proposed achieving a compensation ratio of 1:2 in quantity, and shrubs, groundcover and lawn are also proposed as amenity planting within the Site. CTP/UD&L, PlanD considers that significant adverse impact on existing landscape resources arising from the proposed redevelopment is not anticipated. DAFC has no adverse comment on the application noting that the proposed redevelopment would be confined within the subject private lot without affecting existing trees/greenery in “CA” zone beyond the lot boundary.

- 10.4 Filling of land with an area of about 80m<sup>2</sup> and depths ranging from about 0.2m to 1.92m for forming the new platform for the proposed house and excavation of land with an area of about 3m<sup>2</sup> and a depth of about 2m for provision of septic tank are required for the proposed house redevelopment. According to the ES of the OZP, any filling and excavation of land in the “CA” zone requires permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas and the natural environment. In this regard, CE/HK&I, DSD and DEP have no objection to/no adverse comment on the application. In support of the application, the applicant has submitted a GPRR. Given the relatively small scale of the filling and excavation works, no adverse geotechnical impact is anticipated. H(GEO), CEDD has no comment on the application. Septic tank for treatment and disposal of sewage; stormwater drainage facilities to deal with surface runoff of the Site; and extended water supply connection to the nearest suitable government water mains are also proposed. DEP, CE/HK&I, DSD and CE/C, WSD have no objection to/no adverse comment on the application. Other government departments concerned including C for T and D of FS have no objection to/no adverse comment on the application. Relevant technical concerns raised by the government departments can be dealt with at implementation stage.
- 10.5 The Site forms part of a previous application (No. A/I-LI/30) submitted by the same applicant for redevelopment of two houses which was subsequently rejected by the Committee as detailed in paragraph 4.1 above. Compared with the previous application, the proposal of the current application has been substantially changed, mainly by confining the proposed house redevelopment to the Site (i.e. Lot 5) only without transfer of redevelopment right to a separate site. Moreover, adverse environmental, landscape and ecological impacts to the surrounding areas are not anticipated and relevant government departments have no objection to/no comment on the application.
- 10.6 Regarding the public comment on the application as summarised in paragraph 9 above, the departmental comments in paragraph 8 and planning assessments in paragraphs 10.1 to 10.5 above are relevant.

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

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comment in paragraph 9 above, PlanD has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the

planning permission shall be valid until 5.12.2029, 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** for Members' reference.

- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development with filling and excavation of land is not in line with the planning intention of "Conservation Area" zone which is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Site of Special Scientific Interest from the adverse effects of development. There is no strong justification in the submission for departure from such planning intention.

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

## **13. Attachments**

<b>Appendix I</b>	Application Form with Attachments Received on 9.9.2025 and Supplementary Information Received on 12.9.2025
<b>Appendix Ia</b>	FI received on 13.11.2025
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Public Comment
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Indicative Schematic Layout
<b>Drawing A-2</b>	Indicative Schematic Section
<b>Drawing A-3</b>	Proposed Areas of Land Filling/Excavation
<b>Drawing A-4</b>	Landscape Master Plan
<b>Drawings A-5 to A-6</b>	Landscape Sections
<b>Drawing A-7</b>	Planting Plan
<b>Drawing A-8</b>	Site Photos Provided by the Applicant
<b>Plan A-1</b>	Location Plan
<b>Plans A-2a and A-2b</b>	Site Plans
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2025**