

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/567

Applicant : Mr. LIU Ka Po represented by Shing Yue Construction and Engineering Limited

Site : Lot 643 S.E in D.D. 100, Tsiu Keng Lo Wai Village, Sheung Shui, New Territories

Site Area : 122 m²

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 of Sheung Shui Heung, 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 (**Plans A-1 and A-2a**). 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, partly covered by wild grass and partly paved with portions being used as local tracks (**Plan A-4**).

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 Site is accessible via a local track connecting to Tsiu Keng Road (**Plan A-2a**

and A-3). A septic tank will be provided within the Site to serve the proposed Small House. The layout submitted by the applicant is at **Drawing A-1**.

1.4 The Site is the subject of two previous applications (No. A/NE-KTS/379 and A/NE-KTS/473) submitted by the same applicant as the current application for the same use at the Site approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2014 and 2019 respectively. 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 supporting documents received on (Appendix I) 23.10.2025
- (b) Further Information (FI) received on 16.12.2025[#] (Appendix Ia)
[#]accepted and exempted from publication and recounting requirements

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** respectively, and can be summarised as follows:

- (a) Given the poor soil quality, the Site has been left fallow with no agricultural activities for years.
- (b) Converting the land for Small House development could meet the applicant's imminent housing need as available land for Small House developments is limited.
- (c) The Site is the subject of two previously approved applications for Small House development and the permissions have lapsed. The Small House grant application is being processed by LandsD. A valid planning permission for the Small House development is required for LandsD to continue processing his Small House grant application.
- (d) The proposed Small House would not cause adverse environmental and traffic impacts on its surroundings. There are similar approved applications in the vicinity of the Site.
- (e) The proposed Small House is generally supported by local villagers and a village representative of Tsiu Keng.

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 Applications**

The Site is the subject of two previous applications (No. A/NE-KTS/379 and 473) submitted by the same applicant for the same use at the same site as the current application. The two applications were approved with conditions by the Committee in 2014 and 2019 respectively, mainly on the considerations that the application site was located close to the village cluster of Tsiu Keng Lo Wai of Tsui Keng¹ and Tsiu Keng Road; the proposed Small House was not incompatible with the surrounding land uses; the concerned government departments consulted had no objection to or no adverse comments on the application; for A/NE-KTS/379, the application generally met the Interim Criteria in that the footprint of the proposed Small House fell entirely within the ‘VE’ of Tsiu Keng and there might not be sufficient land in the two “V” zones to meet the Small House demand; and for A/NE-KTS/473, sympathetic consideration could be given to the application since the application site was the subject of an approved previous application and there had been no material change in the planning circumstances in the area since the previous approval, despite that there was sufficient land available within the two “V” zones to meet the outstanding Small House demand under the more cautious approach adopted by the Board in considering applications for Small House development. The planning permissions subsequently lapsed in 2018 and 2023 respectively. Compared with the last application (No. A/NE-KTS/473), the major development parameters and footprint of the proposed Small House under the current application remain the same. Details of these previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

7. **Similar Applications**

7.1 There are 23 similar applications, involving 15 sites, for Small House development within/straddling the same “AGR” zone in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000. Among them, 18 applications were approved and one was rejected before the formal adoption of a more cautious

¹ Tsiu Keng comprises 4 areas, including Tsiu Keng Lo Wai, Tsiu Keng San Wai and Tsiu Keng Pang Uk falling within the subject “V” zone and Chan Uk Po falling within another “V” zone to the further northeast (**Plan A-1a**).

approach in considering Small House application by the Board in August 2015².

- 7.2 After the formal adoption of the said cautious approach, three applications (No. A/NE-KTS/420, 421 and 422), involving three sites, were approved with conditions in 2016 mainly on the considerations that the entire footprint of the proposed Small House fell within the ‘VE’ of Tsiu Keng and there might not be sufficient land in the “V” zone in Tsiu Keng Village to meet the demand of Small Houses for the same village hence sympathetic consideration could be given; the site was subject of a previously approved application for the same use and there had been no change in planning circumstances since the granting of previous approval (for A/NE-KTS/421 only); and concerned government departments had no objection to or no adverse comment on the application.
- 7.3 The remaining application (No. A/NE-KTS/529) was rejected by the Committee in 2023 mainly on the grounds that the proposed Small House was not in line with the planning intention of the “AGR” zone and there was no strong justification for a departure from the planning intention; and land was still available within the “V” zones of Tsiu Keng and it was more appropriate to concentrate Small House development within the “V” zones for more orderly development pattern for efficient use of land and provision of infrastructures and services. Besides, since the application was submitted by an applicant different from that of the previously approved application at the application site, sympathetic consideration was not given to the application under the Interim Criteria.
- 7.4 Details of the similar applications are summarized at **Appendix III** and their locations are shown on **Plan A-2b**.

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

- 8.1 The Site is:
- (a) currently vacant, partly covered by wild grass and party paved with portions being used as local tracks;
 - (b) located to the east of the village cluster of Tsiu Keng Lo Wai and entirely within the ‘VE’ of Tsiu Keng; and
 - (c) accessible via a local track leading to Tsiu Keng Road to the further north.
- 8.2 The surrounding areas are mainly occupied by village settlements of Tsiu Keng Lo Wai, fallow agricultural land, vehicle parks, shop, village office and vacant land. A group of existing and planned (with Small House grant application approved/being processed or planning approval) village houses also within the ‘VE’ of Tsui Keng is located to the east of the Site.

² Amongst 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.

9. 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.

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:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1	Within “V” zone? - Footprint of the proposed Small House - Site	- -	100% 100%	The Site and the footprint of the proposed Small House entirely fall within “AGR” zone. (Plan A-2a)
2.	Within ‘VE’? - Footprint of the proposed Small House - The Site	100% 100%	- -	DLO/N, LandsD has advised that the Site falls entirely within the ‘VE’ of Tsiu Keng (Tsiu Keng Lo Wai, Tsiu Keng Pang Uk and Tsiu Keng San Wai).
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House application plus 10-year Small House demand)?		✓	<u>Land Required</u> - Land required to meet Small House demand in Tsiu Keng: about 5.2 ha (equivalent to about 208 Small House sites). The outstanding Small House applications for Tsiu Keng are 48 ³ while the 10-year Small House demand forecast for the village is

³ Among the 48 outstanding Small House applications, 25 of them fall within the “V” zones, with 23 straddles or falls outside the “V” zones including the Site and two sites with valid planning approval from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		about 160. <u>Land Available</u> - Land available to meet the Small House demand within the two “V” zones of the village concerned: about 2.6 ha (equivalent to about 104 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 as the Site possesses potential for agricultural rehabilitation. 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.
5.	Compatible with surrounding area/ development?	✓		The proposed development is not incompatible with the surrounding areas which are mainly occupied by settlements of Tsiu Keng Lo Wai, including a cluster of existing and planned village houses to the east of the Site, active/fallow agricultural land, vehicle parks, shop, village office and vacant land (Plans A-2a and A-3).
6.	Within Water Gathering Grounds ?		✓	The 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?		✓	

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	Director of Fire Services (D of FS) has no objection in principle to the application provided that the proposed Small House would not encroach on any existing EVA or planned EVA. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.
9.	Traffic impact?	✓		<ul style="list-style-type: none"> - Commissioner for Transport (C for T) has no objection to the application from traffic perspective. - 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 applications in the future. The resulting cumulative adverse traffic impact has to be reviewed on case-by-case basis in the future. - The application involving construction of one Small House only can be tolerated on traffic grounds.
10.	Drainage impact?		✓	Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application from public drainage viewpoint.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
11.	Sewerage impact?		✓	<ul style="list-style-type: none"> - Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed development, 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.	Landscaping 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 development is not anticipated.
13.	Local objections conveyed by District Officer (North) (DO(N))?		✓	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 Tsiu Keng Village and Resident Representative of Tsiu Keng Village, and has not received any local view.

10.2 Comments from the following government departments have been incorporated in paragraph 10.1 above. Details of comments from government departments are at **Appendix IV**.

- (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 (CEDD);
- (d) Head (Geotechnical Engineering Office), CEDD; and
- (e) Commissioner of Police.

11. Public Comments Received During Statutory Publication Period

On 31.10.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received, including one from a North District Council Member indicating no comment on the application; and two comments from Kadoorie Farm & Botanic Garden Cooperation and an individual objecting to the application as the application is not in line with the planning intention of the “AGR” zone and land is still available within “V” zone for Small House development (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed NTEH (Small House) at the Site zoned “AGR” (**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 perspective as agricultural infrastructures such as road access and water source are available and considers that the Site possesses potential for agricultural rehabilitation. Having taken into account the planning assessments below, sympathetic consideration could be given to the proposed development.
- 12.2 The Site is currently vacant and located to the east of the main village cluster of Tsiu Keng Lo Wai. A group of existing and planned (with Small House grant application approved/being processed or planning approval) village houses also within the ‘VE’ of Tsui Keng is located to the east of the Site. The proposed Small House at the Site is not incompatible with the surrounding areas which are mainly occupied by the said village settlements, fallow agricultural land, vehicle parks, shop, village office, restaurant and vacant land. CTP/UD&L, PlanD has no adverse comment on the application and considers that significant adverse landscape impact arising from the proposed Small House is not anticipated. C for T considers that whilst the proposed Small House falling 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 entire footprint of the proposed Small House falls within the ‘VE’ of Tsiu Keng (**Plan A-2a**). DLO/N, LandsD advises that the number of outstanding Small House applications for Tsiu Keng is 48, whilst the 10-year Small House demand forecast is about 160. Since August 2015, the Board has formally adopted a more cautious approach in considering applications for Small House development and, 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 PlanD’s latest estimate, about 2.6 ha (or equivalent to about 104 Small House sites) is available within the two “V” zones of Tsiu Keng (**Plan A-2b**). Whilst the amount of land available within the two “V” zones of Tsiu Keng is insufficient to fully meet the future Small House demand, it is sufficient to accommodate the outstanding Small House applications. Nevertheless, the Site is the subject of two previous applications (No. A/NE-KTS/379 and 473) submitted by the same applicant for the same use, of which the last application was approved with conditions by the Committee after the Board’s formal adoption of the said more cautious approach. Compared with the previous applications with planning permissions already lapsed, the major development parameters and footprint of the proposed Small House under the current application have remained the same. Besides, DLO/N, LandsD advises that the Small House grant application submitted by the applicant is under processing. According to the Interim Criteria (d) (**Appendix II**), application with previous planning permission lapsed will be considered on its own merits and sympathetic consideration may be given if there are specific circumstances to justify the cases, such as the processing of the Small House grant is already at an advance stage. In view of the above, sympathetic consideration can be given to the current application based on Interim Criteria (d).
- 12.4 As mentioned in paragraph 7 above, there are 23 similar applications for proposed Small House development in the vicinity of the Site since the promulgation of the Interim Criteria in 2000 (**Plan A-1b**). Amongst them, three were approved and one was rejected by the Committee between 2016 and 2023 after the Board’s formal adoption of a more cautious approach. The planning circumstances of the current application are similar to those of the above similar approved applications. Approving the current application is generally in line with the Committee’s previous decisions.
- 12.5 Regarding the public comments mentioned 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 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 19.12.2029, 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 at **Appendix V**.

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 "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" zones of Tsiu Keng 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 infrastructures and services.

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 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 23.10.2025
Appendix Ia	FI received on 16.12.2025
Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous and Similar Applications
Appendix IV	Detailed Comments from Relevant Government Departments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Similar Applications Plan
Plan A-2a	Site Plan

Plan A-2b	Estimated Amount of Land Available for Small House
Plan A-3	Development within the “V” Zone
Plan A-4	Aerial Photo
	Site Photos

PLANNING DEPARTMENT
DECEMBER 2025