

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/NE-PK/223, 224 and 225

- Applicants** : Mr. LIU Chun Hin (Application No. A/NE-PK/223)
Mr. LIU Si Kung Edmond (Application No. A/NE-PK/224)
Mr. LIU Hoo Chi Alex (Application No. A/NE-PK/225)
all represented by T.H. & Associates Limited
- Sites** : Lot 1642 S.G (Application No. A/NE-PK/223)
Lot 1511 S.J (Application No. A/NE-PK/224)
Lot 1511 S.K (Application No. A/NE-PK/225)
all in D.D. 91, Kai Leng, Sheung Shui, New Territories
- Site Areas** : About 141.9m² (Application No. A/NE-PK/223)
About 272.3m² (Application No. A/NE-PK/224)
About 316.2m² (Application No. A/NE-PK/225)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Kong Outline Zoning Plan (OZP) No. S/NE-PK/11
- Zoning** : “Agriculture” (“AGR”)
- Applications** : Proposed House (New Territories Exempted Houses (NTEH) – Small House)
on each of the application site

1. The Proposals

- 1.1 The applicants, who claim themselves to be indigenous villagers of Sheung Shui Wai, Sheung Shui Heung, seek planning permission to build a NTEH (Small House) on each of the application sites (the Sites) falling within an area zoned “AGR” on the OZP (**Plans A-1 and A-2a**). According to the Notes of the OZP, House (NTEH only) within the “AGR” zone requires planning permission from the Town Planning Board (the Board). For application No. A/NE-PK/223, the Site is currently vacant and paved (**Plan A-4a**). For applications No. A/NE-PK/224 and 225, the Sites are currently vacant and covered with vegetation (**Plan A-4b**).
- 1.2 Details of each of the proposed Small Houses 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 For application No. A/NE-PK/223, according to the applicant, the footprint of the proposed Small House falls entirely within the Site, and the proposed septic tank falls outside the Site (i.e. Lot 1642 S.B in D.D. 91) which will be connected by proposed sewers across the private lots adjacent to the Site¹ (**Drawing A-1** and **Plan A-2a**). The remaining uncovered area within the Site will be used as garden. The layout of the proposed Small House submitted by the applicant is shown at **Drawing A-1**.
- 1.4 For applications No. A/NE-PK/224 and 225, according to the applicants, the footprints of the proposed Small Houses and septic tanks fall entirely within the respective Sites (**Drawings A-2** and **A-3** and **Plan A-2a**). The remaining uncovered area within the Sites will be used as gardens. The layouts of the proposed Small Houses and the locations of the proposed septic tanks are shown in **Drawings A-2** and **A-3**.
- 1.5 Each of the Sites is the subject of one or two previous application(s) (No. A/NE-PK/123 for No. A/NE-PK/223; No. A/NE-PK/125 for No. A/NE-PK/224; and No. A/NE-PK/112 and 152 for No. A/NE-PK/225) (**Plans A-1** and **A-2a**) submitted by the same applicants as the current applications for the same use, which were approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2017 and 2021. Details of the previous applications are set out in paragraph 5 below.
- 1.6 In support of the applications, the applicants have submitted the following documents:

(a) Application Form with attachments for Application No. A/NE-PK/223 received on 19.8.2025	(Appendix Ia)
(b) Application Form with attachments for Application No. A/NE-PK/224 received on 28.10.2025	(Appendix Ib)
(c) Application Form with attachments for Application No. A/NE-PK/225 received on 28.10.2025	(Appendix Ic)
(d) Further Information (FI) of Application No. A/NE-PK/223 received on 20.10.2025*	(Appendix Id)

**accepted and exempted from publication and recounting requirements*

- 1.7 On 10.10.2025, the Committee agreed to the request of application No. A/NE-PK/223 applicant to defer making a decision on the application for two months.

¹ According to the applicant, owners' consents for the concerned private lots have been obtained for the provision of proposed septic tank and the sewers (**Appendix Ia**).

2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the applications are detailed in the Application Forms and FI at **Appendices Ia to Id**, as summarised below:

- (a) the applicants are indigenous villagers of Sheung Shui Wai. Due to limited land supply within “Village Type Development” (“V”) zone of Kai Leng, it is impossible for the applicants to purchase land for Small House developments within this zone;
- (b) Over 50% of the proposed Small House footprints fall within the village ‘environs’ (‘VE’) of Kai Leng Village. They are the subject of previously approved applications submitted by the same applicants. Also, similar applications in the vicinity for Small House development were approved by the Board. Since the Small House grants are still processing by District Lands Officer/North (DLO/N), Lands Department, the applicants seek sympathetic consideration for their applications from the Board; and
- (c) the proposed developments would not cause adverse environmental, traffic and visual impacts to the surrounding. No tree felling is required on the Sites.

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

The applicants are the sole “current land owners” of their respective lots. 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, which was promulgated on 7.9.2007, is at **Appendix II**.

5. **Previous Applications**

- 5.1 Each of the Sites is the subject of one or two previous application(s) (No. A/NE-PK/123 for No. A/NE-PK/223; No. A/NE-PK/125 for No. A/NE-PK/224; and No. A/NE-PK/112 and 152 for No. A/NE-PK/225) (**Plans A-1 and A-2**) submitted by the same applicants as the current applications for the same use, which were approved by the Committee in 2017 and 2021 (**Appendix III**), mainly on the considerations that more than 50% of the proposed Small House footprint fell within the ‘VE’ and there was insufficient land within the “V” zones to meet the demand for Small House at the time of consideration. For applications No. A/NE-PK/223 and 224, the planning permission covering the Sites has been extended once and lapsed on 23.9.2025 and 9.9.2025 respectively. For application No. A/NE-PK/225, the latest planning permission covering the Site lapsed on 24.7.2025. Compared with the previous applications, the major development parameters and the footprints of the proposed Small Houses remain unchanged.

- 5.2 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plans A-1** and **A-2a**.

6. Similar Applications

- 6.1 For applications No. A/NE-PK/223 and A/NE-PK/224, there have been 153 similar applications involving 93 sites for Small House developments within the same “AGR” zone in the vicinity of the Sites since the first promulgation of the Interim Criteria on 24.11.2000. For application No. A/NE-PK/225, there have been 152 similar applications involving 93 sites. All these applications were approved with conditions by the Committee between 2001 and 2025 on similar considerations as stated in paragraph 5.1 above.
- 6.2 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-2a**.

7. The Sites and Their Surrounding Areas (Plans A-1 to A-4b)

- 7.1 The Sites are:
- (a) currently vacant, and paved (for application No. A/NE-PK/223) or covered with vegetation (for applications No. A/NE-PK/224 and 225); and
 - (b) partly within the ‘VE’ of Kai Leng Village.
- 7.2 The surrounding areas are predominantly rural in character comprising vegetated areas, active/fallow farmland, clusters of tree groups, village houses, car parks and vacant land. To its northeast is the village proper of Kai Leng Village.

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 applications had 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” zones? - The Sites - Footprints of the proposed Small Houses	- -	100% 100%	- The Sites and footprints of the proposed Small Houses fall entirely within the “AGR” zone.
2.	Within ‘VE’? <u>A/NE-PK/223</u> - Footprint of the proposed Small House - The Site <hr/> <u>A/NE-PK/224</u> - Footprint of the proposed Small House - The Site <hr/> <u>A/NE-PK/225</u> - Footprint of the proposed Small House - The Site	 67% 51% 74% 25% 54% 16%	 23% 49% 26% 75% 46% 84%	- More than 50% of the footprints of the proposed Small Houses fall within the ‘VE’ of Kai Leng Village.
3.	Sufficient land in “V” zones to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?		✓	<u>Land Required</u> - Land required to meet Small House demand in Kai Leng Village: about 1.73 ha (equivalent to 69 Small House sites). The number of outstanding Small House applications is 51 ² while

² Among the 51 outstanding Small House applications, 11 fall within the “V” zones and 40 straddle or fall outside the “V” zones. For cases straddling or falling outside of “V” zones, 38 of them are the subject of approved planning application(s).

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	Sufficient land in “V” zones to meet outstanding Small House application?		✓	<p>the 10-year Small House demand forecast is 18³.</p> <p><u>Land Available</u></p> <ul style="list-style-type: none"> - Land available to meet Small House demand within the “V” zones of concerned village: about 0.64ha (equivalent to about 25 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of “AGR” zone?		✓	<ul style="list-style-type: none"> - Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications as the Sites possess potential for agricultural rehabilitation.
5.	Compatible with surrounding area/ development?	✓		<ul style="list-style-type: none"> - Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advises that the Sites are located in areas of rural inland plain landscape character comprising clusters of trees, vegetated areas, farmland, village houses and residential developments.
6.	Within Water Gathering Grounds?		✓	<ul style="list-style-type: none"> - Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the applications.
7.	Sewerage impact?		✓	<ul style="list-style-type: none"> - Director of Environmental Protection (DEP) advises that in view of small scales of the proposed developments, the applications are unlikely to cause major pollution.
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	Need for provision of fire service installations and		✓	<ul style="list-style-type: none"> - Director of Fire Services (D of FS) has no in-principle objection to the applications.

³ According to DLO/N, LandsD, the figure of 10-year Small House demand forecast is estimated and provided by the Indigenous Inhabitant Representative of the village concerned, which has not been verified by his office.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	emergency vehicular access (EVA)?			
10.	Traffic impact?	✓		- Commissioner for Transport (C for T) advises that although additional traffic generated by the proposed developments is not significant, the permission of development outside the “V” zone will 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. She has no objection to the applications from traffic engineering perspective since the applications only involve the construction of one Small House on each of the Sites and they can be tolerated on traffic grounds.
11.	Drainage impact?		✓	- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the applications.
12.	Landscape impact?		✓	- CTP/UD&L, PlanD has no adverse comment on the applications from landscape planning perspective as significant adverse landscape impacts arising from the applications are not anticipated.
13.	Geotechnical impact?		✓	- Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) has no geotechnical comment on the applications.
14.	Local objections conveyed by DO?		✓	- District Officer (North), Home Affairs Department (DO(N), HAD) advises that he has issued consultation letters to the Chairman of Sheung Shui District Rural Committee, Indigenous

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				Inhabitant Representative and Resident Representative of Kai Leng Village.

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) DAFC;
- (c) C for T;
- (d) DEP;
- (e) CE/MN, DSD;
- (f) CE/C, WSD;
- (g) CTP/UD&L, PlanD;
- (h) D of FS;
- (i) H(GEO), CEDD; and
- (j) DO(N), HAD.

9.3 The following government departments have no comment on the applications:

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD); and
- (b) Project Manager (North), CEDD (PM(N), CEDD).

10. Public Comments Received During Statutory Publication Periods

10.1 On 26.8.2025, application No. A/NE-PK/223 was published for public inspection. During the statutory public inspection period, one comment from a North District Council (NDC) member indicating no comment on the application (**Appendix VIIa**) was received.

10.2 On 4.11.2025, applications No. A/NE-PK/224 and 225 were published for public inspection. During the statutory public inspection period, two public comments were received for each of the applications (**Appendix VIIb**). One comment from an individual objects to both applications mainly on the ground that there is no actual need for Small House developments. One comment from a NDC member indicates no comment on both applications.

11. Planning Considerations and Assessments

11.1 The applications are for proposed NTEH / Small House development at each of the Sites zoned “AGR” on the OZP (**Plans A-1** and **A-2a**). The proposed developments are not in line with the planning intention of the “AGR” zone. DAFC does not support the applications from agricultural perspective as the Sites possess potential for agricultural rehabilitation. Having taken into

account the planning assessments below, sympathetic consideration could be given to the proposed developments.

- 11.2 Regarding the Interim Criteria (**Appendix II**), more than 50% of the footprints of the proposed Small Houses fall within the 'VE' of Kai Leng Village (**Plan A-2a**). According to DLO/N, LandsD's records, the total number of outstanding Small House applications for Kai Leng Village is 51 while the 10-year Small House demand forecast is 18. Based on the latest estimate by PlanD, about 0.64ha of land (or equivalent to about 25 Small House sites) is available within the "V" zones concerned (**Plan A-2b**). In this regard, there is insufficient land within the "V" zones to meet the outstanding Small House applications and the future Small House demand. As such, the applications generally comply with the Interim Criteria (**Appendix II**).
- 11.3 The Sites are currently vacant, and paved (for application No. A/NE-PK/223) or covered with vegetation (for application No. A/NE-PK/224 and 225). The Sites are located at the southwest of the village proper of Kai Leng Village, and some pieces of vacant land with planning approvals for Small House developments and Small House grant applications being processed by DLO/N, LandsD are found in the north and northeast of the Sites. The proposed Small Houses are not incompatible with the surrounding areas comprising vegetated areas, active/fallow farmland, clusters of tree groups, village houses, car parks and vacant land. CTP/UD&L, PlanD has no adverse comment on the applications as significant adverse landscape impact arising from the proposed developments is not anticipated. C for T considers that the applications involving only one Small House on each of the Sites could be tolerated on traffic grounds. Other concerned government departments consulted including CE/MN, DSD, DEP and D of FS have no objection to or no adverse comment on the application.
- 11.4 Each of the Sites is the subject of previously approved application(s) submitted by the same applicants for the same use as set out in paragraph 5.1 above. Although the previous approvals have lapsed, the Small House grant applications at all Sites are under processing by DLO/N, LandsD, and consultations of relevant government departments have been conducted (for applications No. A/NE-PK/224 and 225). Compared with the previous applications, the major development parameters and the footprints of the proposed Small Houses remain unchanged. In this regard, sympathetic consideration may be given to the applications.
- 11.5 For applications No. A/NE-PK/223 and A/NE-PK/224, there are 153 similar applications involving 93 sites for Small House developments within the same "AGR" zone in the vicinity of the Sites. For application No. A/NE-PK/225, there are 152 similar applications involving 93 sites. The planning circumstances of the current applications are largely similar to those of the approved similar applications. Approval of the current applications is in line with the previous Committee's decisions.
- 11.6 Regarding the public comments as detailed in paragraph 10 above, the government departments' comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10 above, PlanD has no objection to the applications.
- 12.2 Should the Committee decide to approve the applications, it is suggested that the permission for each application 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 VI**.
- 12.3 Alternatively, should the Committee decide to reject the applications, the following reason for rejection are suggested for Members' reference:

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. There is no strong planning justification in the submission for a departure from the planning intention.

13. Decision Sought

- 13.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant the permissions.
- 13.2 Should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permissions, and the date when the validity of the permissions should expire.
- 13.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicants.

14. Attachments

Appendix Ia	Application Form of Application No. A/NE-PK/223 with Attachments received on 19.8.2025
Appendix Ib	Application Form of Application No. A/NE-PK/224 with Attachments received on 28.10.2025
Appendix Ic	Application Form of Application No. A/NE-PK/225 with Attachments received on 28.10.2025
Appendix Id	Further Information of Application No. A/NE-PK/223 received on 20.10.2025
Appendix II	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 VIIa	Public Comment of Application No. A/NE-PK/223
Appendix VIIb	Public Comments of Applications No. A/NE-PK/224 and 225
Drawing A-1	Proposed Layout Plan of Application No. A/NE-PK/223
Drawing A-2	Proposed Layout Plan of Application No. A/NE-PK/224
Drawing A-3	Proposed Layout Plan of Application No. A/NE-PK/225
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available within “V” Zones of Kai Leng Village for Small House Development
Plan A-3	Aerial Photo
Plan A-4a	Site Photo of Application No. A/NE-PK/223
Plan A-4b	Site Photo of Applications No. A/NE-PK/224 and 225

PLANNING DEPARTMENT
DECEMBER 2025