

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-SSH/166

Applicant : Mr. HO Richard Yung Shen represented by T.H. & Associates Limited

Site : Government Land (GL) in D.D. 209, Kei Ling Ha San Wai, Sai Kung North, New Territories

Site Area : About 65.03m²

Land Status : GL

Plan : Approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/11

Zoning : “Green Belt” (“GB”)

Application : Proposed House (New Territories Exempted House (NTEH) – Small House)

1. The Proposal

1.1 The applicant, who claim himself as an indigenous villager of Kei Ling Ha Sai Wai, seeks planning permission to build a NTEH (Small House) at the application site (the Site) falling within an area zoned “GB” on the OZP (**Plans A-1 and A-2a**). According to the Notes of the OZP, ‘House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ is a Column 2 use within the “GB” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently covered by vegetation (**Plan A-4**).

1.2 Details of the proposed 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 leading to Sai Sha Road (**Plan A-1**). The layout of the proposed Small House (including proposed septic tank) is shown in **Drawing A-1**.

1.4 In support of the application, the applicant has submitted the following documents:

(a) Application Form with attachments received on (**Appendix I**)
11.11.2025

(b) Further Information (FI) received on 20.11.2025* **(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**, as summarised below:

- (a) the applicant is an indigenous villager of Kei Ling Ha San Wai, who has submitted his Small House grant application to Lands Department (LandsD) and wishes to apply for planning permission to build a Small House;
- (b) the Site falls entirely within the village ‘environs’ (‘VE’) of Kei Ling Ha San Wai and the Site is about 18m away from the “Village Type Development” (“V”) zone on the OZP;
- (c) land supply within the “V” zone of Kei Ling Ha San Wai is limited and there is high demand of small house application. Land owners in “V” zone are unwilling to release their land to others and therefore it is nearly impossible to identify a suitable site completely within “V” zone;
- (d) the proposed Small House is considered compatible with the rural environment and will be visually unintrusive to the surrounding area. The Site is generally flat and only one dry-up tree stump (**Drawing A-2**) is found outside the Site. There is no ditches or stream courses within 30m of the Site; and
- (e) the Site is accessible via an access road leading to Sai Sha Road, and would not cause adverse traffic impact to its surrounding area.

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

As the Site involves GL only, the “owner’s consent/notification” 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) are not applicable to this application.

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 revised on 7.9.2007, is at **Appendix II**.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ is

relevant to this application. The relevant assessment criteria are at **Appendix III**.

6. Previous Application

There is no previous application at the Site.

7. Similar Applications

- 7.1 There are 16 similar applications involving 12 sites for Small House developments in the vicinity of the Site, of which 9 sites fall entirely within the same “GB” zone, two straddle the same “GB” and adjoining “V” zones, and one straddles the same “GB” and adjoining “V” and “Government, Institution or Community” (“G/IC”) zones since the first promulgation of the Interim Criteria on 24.11.2000. Among them, 14 applications were approved and two applications were rejected by the Rural and New Town Planning Committee (the Committee) of the Board.
- 7.2 Among the 14 approved applications, 10 applications (No. A/NE-SSH/29, 40, 45, 58, 73, 81, 83, 84, 86 and 87) were approved with conditions by the Committee between 2003 and 2014, i.e. before the Board formally adopted a more cautious approach in considering the Small House applications since August 2015, mainly on the considerations that the proposed Small House footprints fell within the ‘VE’; there was a general shortage of land to meet the demand for Small House development in the “V” zone at the time of consideration; and no significant adverse impact on the surrounding areas was anticipated. The remaining four applications (No. A/NE-SSH/102, 125, 148 and 158) were approved between 2016 and 2024, mainly on sympathetic considerations that the proposed Small House footprints fell within the ‘VE’; the Site was situated right between two existing village houses which could be considered as an ‘infill’ development (for application No. A/NE-SSH/102); and the Sites were the subject of previously approved applications and the Small House grant applications were already at an advance stage (for applications No. A/NE-SSH/125, 148 and 158).
- 7.3 The remaining two applications (No. A/NE-SSH/116 and 123) covering the same site were both rejected by the Committee in 2018, mainly for the reasons of not being in line with the planning intention of the “GB” zone; not complying with TPB PG-No.10 due to involving clearance of vegetation and affecting the existing natural landscape on the surrounding areas; not complying with the Interim Criteria due to adverse landscape impact on the surrounding areas; and land still being available in “V” zone for Small House development at the time of consideration.
- 7.4 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-2a**.

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

8.1 The Site is:

- (a) situated on a gentle slope currently covered with vegetation (**Plan A-4**);
- (b) located entirely within the ‘VE’ of Kei Ling Ha San Wai (**Plan A-2a**); and
- (c) accessible via a local track leading to Sai Sha Road (**Plan A-1**).

8.2 The surrounding areas are predominantly rural in character comprising village houses and dense woodland. To the north and northeast of the Site is the village proper of Kei Ling Ha San Wai (**Plan A-2a**). To the south and west are dense woodland (**Plan A-3**).

9. Planning Intention

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

10. Comments from Relevant Government Departments

10.1 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? - Footprints of the proposed Small House - The Site | - - - | 100% 100% | - The Site and the footprint of the proposed Small House fall entirely within the “GB” zone (Plan A-2a). |
| 2. | Within ‘VE’? - Footprints of the proposed Small House - The Site | 100% 100% | - - | - The Site and the footprint of the proposed Small House fall entirely within the ‘VE’ of Kei Ling Ha San Wai (Plan A-2a). |

| | <u>Criteria</u> | <u>Yes</u> | <u>No</u> | <u>Remarks</u> |
|----|--|------------|-----------|--|
| 3. | Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)? | ✓ | | <p><u>Land Required</u></p> <ul style="list-style-type: none"> - Land required to meet Small House demand in Kei Ling Ha San Wai: about 0.73 ha (equivalent to 29 Small House sites). The number of outstanding Small House applications is 13¹ while the 10-year Small House demand forecast is 16. |
| | Sufficient land in “V” zone to meet outstanding Small House applications? | ✓ | | <p><u>Land Available</u></p> <ul style="list-style-type: none"> - Land available to meet Small House demand within the “V” zone of Kei Ling Ha San Wai: about 0.95 ha (equivalent to about 37 Small House sites) (Plan A-2b). |
| 4. | Compatible with the planning intention of “GB” zone? | | ✓ | <ul style="list-style-type: none"> - There is a general presumption against development within the “GB” zone. - However, Director of Agriculture, Fisheries and Conservation (DAFC) has no comment on the application from nature conservation point of view, considering that the entire Site is covered with weeds or common plant species and is surrounded by developed areas. |
| 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) considers that the Site is located in an area of rural coastal plain landscape character comprising village houses and dense woodland. The proposed use is not entirely incompatible with the surrounding environment. |

¹ Among the 13 outstanding Small House applications, 11 fall within “V” zone and two straddle or fall outside the “V” zone. For cases straddling or falling outside of “V” zones, all of them are the subject of approved planning application(s).

| | <u>Criteria</u> | <u>Yes</u> | <u>No</u> | <u>Remarks</u> |
|-----|---|------------|-----------|---|
| 6. | Within water gathering grounds? | | ✓ | - Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application. |
| 7. | Environmental and sewerage impact? | | ✓ | - Director of Environmental Protection (DEP) has no objection to the application from environmental planning perspective. The applicant is reminded to follow the requirements set out in the Professional Persons Environmental Consultative Committee Practice Notes 1/23 for the design and construction of the proposed septic tank system. |
| 8. | Encroachment onto planned road networks and public works boundaries? | | ✓ | |
| 9. | Need for provision of fire services installations and emergency vehicular access (EVA)? | | ✓ | - Director of Fire Services (D of FS) has no in-principle objection to the application provided that the proposed house would not encroach on any existing or planned EVA. |
| 10. | Traffic impact? | ✓ | | <p>- Commissioner for Transport (C for T) considers that such type of development should be confined within the "V" zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the "V" zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial.</p> <p>- Notwithstanding the above, the</p> |

| | <u>Criteria</u> | <u>Yes</u> | <u>No</u> | <u>Remarks</u> |
|-----|----------------------------------|------------|-----------|---|
| | | | | application only involves the development of one Small House and he considers that this application can be tolerated on traffic grounds. |
| 11. | Drainage impact? | | ✓ | - Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application. |
| 12. | Landscape impact? | | ✓ | - CTP/UD&L, PlanD considers that the Site is largely covered with self-seeded vegetation with no significant landscape resources. Significant adverse landscape impact arising from the application is not anticipated. |
| 13. | Geotechnical impact? | | ✓ | - Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) has no in-principle objection to the application. |
| 14. | Local objections conveyed by DO? | | ✓ | - District Officer (Tai Po), Home Affairs Department (DO(TP), HAD) has no adverse comment on the application. |

10.2 Comments from the following government departments have been incorporated in paragraph 10.1 above. Other detailed comments and recommended advisory clauses are provided at **Appendices V** and **VI** respectively.

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

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

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Project Manager (North), CEDD (PM(N), CEDD); and
- (c) Director of Electrical and Mechanical Services (DEMS).

11. Public Comments Received During Statutory Publication Period

On 18.11.2025, the application was published for public inspection. During the statutory public inspection period, three public comments from village representative of Kei Ling Ha San Wai, Kadoorie Farm and Botanic Garden and an individual (**Appendix VII**) were received, objecting to the application mainly on the grounds of not being in line with the planning intention of the “GB” zone; destruction of natural environment with adverse landscape impact; flooding risks to the adjacent areas (especially during wet season); potential slope safety risks; suspected unauthorized tree removal and site formation works; rejected application for Small House development at the vicinity of the Site; and still having available land within the “V” zone of Kei Ling Ha San Wai for Small House development.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed Small House development at the Site zoned “GB” on the OZP. The proposed development is not in line with the planning intention of the “GB” zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within the “GB” zone. There is no strong planning justification in the submission for a departure from the planning intention of the “GB” zone.
- 12.2 According to TPB PG-No. 10, an application for new development in “GB” zone will only be considered in exceptional circumstances. The design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment. It is noted that the Site is currently covered with vegetation, and the proposed development is not incompatible with the surrounding areas which mainly comprise village houses and dense woodland. While DAFC has no comment on the application from nature conservation point of view and CTP/UD&L, PlanD considers that significant adverse impact arising from this application is not anticipated, the proposed development would involve clearance of existing natural vegetation which may affect the “GB” zone where existing dense woodland is found (**Plan A-3**). In view of the above, the application does not comply with TPB-PG No. 10 (**Appendix III**).

12.3 C for T considers that such type of development should be confined within the “V” zone, but since the application only involves the development of one Small House, the application can be tolerated on traffic grounds. Other relevant government departments consulted including DEP, CE/MN, DSD, CE/C, WSD, D of FS, H(GEO), CEDD and DEMS have no objection to or no adverse comment on the application.

12.4 Regarding the Interim Criteria (**Appendix II**), the footprint of the proposed Small House falls entirely within the ‘VE’ of Kei Ling Ha San Wai (**Plan A-2a**). According to DLO/TP, LandsD, the number of outstanding Small House applications for Kei Ling Ha San Wai is 13 while the 10-year Small House demand forecast is 16. Based on the latest estimate by PlanD, about 0.95 ha of land (or equivalent to about 37 Small House sites) is available within the “V” zone concerned (**Plan A-2b**). In this regard, there is sufficient land within the “V” zone to fully meet the future Small House demand (about 0.73ha or equivalent to about 29 Small House sites). Furthermore, the Site is not the subject of any previous planning permission for Small House development. According to DLO/TP, LandsD, the applicant has applied for a Small House grant at the Site but the application was rejected since no valid planning permission has been granted. It is considered more appropriate to concentrate the proposed Small House developments within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.

12.5 There are 16 similar applications involving 12 sites for Small House developments in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000. Among them, 14 applications were approved by the Committee, and the remaining two were rejected by the Committee in 2018 as detailed in paragraph 7.3 above. The planning consideration of the rejected similar applications are largely applicable to the current application. Rejecting the current application is in line with the Committee’s previous decisions.

12.6 Regarding the public comments on the application as detailed in paragraph 11 above, the government departments’ comments and the planning assessments above are relevant.

13. Planning Department’s Views

13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments as mentioned in paragraph 11 above, the PlanD does not support the application for the following reasons:

(a) the proposed development is not in line with the planning intention of the “GB” zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;

- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" zone under Section 16 of the Town Planning Ordinance' in that the proposed development would involve extensive clearance of existing natural vegetation; and
- (c) land is still available within the "V" zone of Kei Ling Ha San Wai 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.

13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 9.1.2030, 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**.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

15. Attachments

| | |
|---------------------|---|
| Appendix I | Application Form with attachments received on 11.11.2025 |
| Appendix Ia | FI received on 20.11.2025 |
| Appendix II | Interim Criteria for consideration of application for NTEH/Small House in New Territories |
| Appendix III | Relevant Extracts of TPB PG-No. 10 |
| Appendix IV | Similar Applications |
| Appendix V | Detailed Comments from Relevant Government Departments |
| Appendix VI | Recommended Advisory Clauses |
| Appendix VII | Public Comments |
| Drawing A-1 | Location Plan of the proposed Small House and Proposed Septic Tank submitted by the Applicant |
| Drawing A-2 | Location Plan of a Tree Stump submitted by the Applicant |
| Plan A-1 | Location Plan |
| Plan A-2a | Site Plan |

| | |
|------------------|---|
| Plan A-2b | Estimated Amount of Land Available within “V” Zone of Kei Ling Ha San Wai for Small House Development |
| Plan A-3 | Aerial Photo |
| Plan A-4 | Site Photos |

PLANNING DEPARTMENT
JANUARY 2026