

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

**APPLICATION NO. A/NE-TKL/822**

**Applicant** : Mr. LAM Chuen Tung represented by Ms. TSIM Lee Hing Sita

**Site** : Lot 896 S.B ss.1 in D.D. 84, Ta Kwu Ling, New Territories

**Site Area** : 223.7m<sup>2</sup> (about)

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Planning (OZP)  
No. S/NE-TKL/14

**Zoning** : “Agriculture” (“AGR”)

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

**1 The Proposal**

- 1.1 The applicant, who claims himself to be an indigenous villager of Sheung Shan Kai Wat, seeks planning permission to build a NTEH (Small House) on the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “AGR” zone, ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and mostly covered with vegetation.
- 1.2 Details of the proposed NTEH (Small House) are as follows:
- |                   |                        |
|-------------------|------------------------|
| Total Floor Area  | : 195.09m <sup>2</sup> |
| Number of Storeys | : 3                    |
| Building Height   | : 8.23m                |
| Roofed Over Area  | : 65.03m <sup>2</sup>  |
- 1.3 The applicant has not indicated the use of the uncovered area of the Site. The layout of the proposed Small House (including septic tank) is shown in **Drawing A-1**.
- 1.4 In support of the application, the applicant has submitted an Application Form with attachment received on 11.11.2025 (**Appendix I**).

## **2 Justifications from the Applicant**

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

- (a) the applicant is an indigenous villager of Sheung Shan Kai Wat and is already 85 years old; and
- (b) the applicant had applied for Small House grant on Government land (GL) at Sheung Shan Kai Wat but was not yet approved by the District Lands Officer/North, Lands Department (DLO/N, LandsD). The applicant would like to submit another Small House grant application at the current Site which is owned by him and so that no GL would be needed.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

## **4 Assessment Criteria**

The set of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) was first promulgated on 24.11.2000. The latest set of Interim Criteria, which was promulgated on 7.9.2007, is at **Appendix II**.

## **5 Previous Application**

The Site is not the subject of any previous application.

## **6 Similar Applications**

- 6.1 There are two similar applications falling within the same “AGR” zone in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000. Application No. A/NE-TKL/228 for proposed four NTEHs (Small Houses) was rejected on review by the Board on 11.4.2003 (i.e. before the Board formally adopted a more cautious approach in considering Small House application since August 2015<sup>1</sup>) and dismissed by the Appeal Board on 9.3.2004 mainly on the grounds that the proposed developments did not comply with the interim criteria as land available within the “Village Type Development” (“V”) zone of Sheung Shan Kai Wat Village could meet future Small House demand; and the proposed developments were not in line with the planning intention of the “AGR” zone and there was no strong planning justification for a departure from the planning intention.
- 6.2 Application No. A/NE-TKL/525 for proposed NTEH – Small House was rejected by the Committee on 23.10.2015 after the formal adoption of a more cautious approach by the Board mainly on the grounds that land was still available within the “V” zone for Small House development; the application was not in line with the planning intention of the

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<sup>1</sup> Among others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting shall be put on the number of outstanding Small House applications provided by LandsD.

“AGR” zone and there was no strong planning justification for a departure from the planning intention; and the proposed development would cause adverse landscape impact on the surrounding area.

- 6.3 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-2a**.

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

7.1 The Site is:

- (a) vacant and mostly covered with vegetation;
- (b) located to the west of the village cluster of Sheung Shan Kwai Wat in “V” zone; and
- (c) not served by any vehicular access.

7.2 The surrounding areas are rural in character comprising mainly village houses, domestic structures and fallow agricultural land. A watercourse is located to the east of the Site.

## **8 Planning Intention**

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

## **9 Comments from Relevant Government Departments**

9.1 The application has been assessed against the assessment criteria at **Appendix II**. The assessment is summarised in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone?			
	- Footprint of the proposed Small House	-	100%	The Site and footprint of the proposed Small House fall entirely within the “AGR” zone.
	- The Site	-	100%	

2.	<p>Within 'VE'?</p> <ul style="list-style-type: none"> <li>- Footprint of the proposed Small House</li> <li>- The Site</li> </ul>	<p>100%</p> <p>100%</p>	<p>-</p> <p>-</p>	<p>DLO/N, LandsD advises that the Site and the footprint of the proposed Small House fall within the village 'environs' ('VE') of Sheung Shan Kwai Wat.</p>
3.	<p>Sufficient land in "V" zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?</p> <p>Sufficient land in "V" zone to meet outstanding Small House applications?</p>	<p>✓</p>	<p>✓</p>	<p><u>Land Required</u></p> <ul style="list-style-type: none"> <li>- Land required for meeting Small House demand in Sheung Shan Kai Wat: about 4.7 ha (equivalent to 188 Small House sites). The number of outstanding Small House applications is 37<sup>2</sup> while the 10-year Small House demand forecast is 151<sup>3</sup>.</li> </ul> <p><u>Land Available</u></p> <ul style="list-style-type: none"> <li>- Land available to meet the Small House demand within the "V" zone of Sheung Shan Kai Wat: about 1.90 ha (equivalent to 75 Small House sites) (<b>Plan A-2b</b>).</li> </ul>
4.	<p>Compatible with the planning intention of "AGR" zone?</p>		<p>✓</p>	<p>The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural perspective. Agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation.</p>
5.	<p>Compatible with surrounding area/development?</p>	<p>✓</p>		<p>The Site is located in an area of rural character comprising mainly village houses, domestic structures, fallow agricultural land and a watercourse.</p>
6.	<p>Within Water Gathering Grounds (WGGs)?</p>		<p>✓</p>	

<sup>2</sup> Among the 37 outstanding Small House applications in Sheung Shan Kai Wat, 29 fall within the "V" zone and eight straddle or fall outside the "V" zone. None of them have obtained valid planning approval from the Board.

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

7.	Environmental and sewerage impacts?		✓	The Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution.
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	The Director of Fire Services (D of FS) has no in-principle objection to the application. The applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' administered by LandsD.
10.	Traffic impact?	✓		The Commissioner for Transport (C for T) has no objection to the application. She advises that the application only involves the construction of one Small House, and considers that the application can be tolerated on traffic grounds. Although additional traffic generated by the proposed development is not significant, the permission of development outside the "V" zone will however set an undesirable precedent case for similar application. The resulting cumulative adverse traffic impact has to be reviewed on a case-by-case basis in the future.
11.	Drainage impact?		✓	The Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) has no objection to the application.
12.	Landscaping impact?		✓	The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) has no adverse comment on the application from the landscape planning perspective and advises that significant adverse landscape impact arising from the application is not anticipated.
13.	Local objections conveyed by District Officer?		✓	

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

- (a) DLO/N, LandsD;
- (b) C for T;
- (c) DEP;
- (d) CTP/UD&L, PlanD;
- (e) CE/MN, DSD;
- (f) DAFC;
- (g) D of FS; and
- (h) District Officer (North), Home Affairs Department (DO(N), HAD).

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

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

## **10 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 comments were received (**Appendix VI**). Two comments from an individual and Kadoorie Farm & Botanic Garden Corporation object to the application mainly on the grounds that the application is not in line with the planning intention of the “AGR” zone; there are similar rejected or withdrawn applications in the same area; the proposed development should be confined in the “V” zone; and the Board is suggested to consider whether the Site is still arable, whether the approval of the application would affect the arable land in the area, and whether there is available space for Small House development in the nearby “V” zone. The remaining comment from a member of the North District Council indicates no comment on the application.

## **11 Planning Considerations and Assessments**

- 11.1 The application is for proposed Small House development at the Site falling within an area zoned “AGR” on the OZP. The proposed development is not in line with the planning intention of the “AGR” zone, 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. DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. There is no strong planning justification in the submission for a departure from the planning intention.
- 11.2 The Site, located to the west of the village cluster of Sheung Shan Kai Wat, is vacant and mostly covered with vegetation. The proposed Small House is considered not entirely incompatible with the surrounding areas which are rural in character comprising mainly village houses, domestic structures, fallow agricultural land and a watercourse.

CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective. Other relevant government departments consulted, including C for T, DEP, CE/MN, DSD and D of FS, have no objection to or no adverse comment on the application.

- 11.3 Regarding the Interim Criteria (**Appendix II**), the Site and footprint of the proposed Small House fall entirely within the ‘VE’ of Sheung Shan Kai Wat. According to DLO/N, LandsD, the number of outstanding Small House applications for Sheung Shan Kai Wat is 37 while the 10-year Small House demand forecast is 151. Based on PlanD’s latest estimate, about 1.90 ha of land (equivalent to 75 Small House sites) is available within the “V” zone concerned (**Plan A-2b**). While the amount of land available within the “V” zone of Sheung Shan Kai Wat is insufficient to fully meet the future Small House demand, it is sufficient to accommodate the outstanding Small House applications. It should be noted that the Board has formally adopted a more cautious approach in considering applications for Small House development since August 2015. Among others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD. In this regard, it is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 11.4 There are two similar applications falling within the same “AGR” zone in the vicinity of the Site. One of them was rejected by the Committee on 23.10.2015 after the Board’s formal adoption of a more cautious approach in considering Small House application as detailed in paragraph 6.2 above. The planning circumstances of the current application are similar to those of the rejected similar application. Rejecting the current application is in line with the Committee’s previous decision.
- 11.5 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 as detailed in paragraph 10 above, PlanD does not support the application for the following reasons:
- (a) the proposed development is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
  - (b) land is still available within the “V” zone of Sheung Shan Kai Wat 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.
- 12.2 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 V**.

### **13 Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 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.

### **14 Attachments**

<b>Appendix I</b>	Application Form with attachment received on 11.11.2025
<b>Appendix II</b>	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Detailed Comments from Relevant Government Departments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Proposed Small House Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2a</b>	Site Plan
<b>Plan A-2b</b>	Estimated Amount of Land Available for Small House Development within the “V” zone of Sheung Shan Kai Wat
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2026**