

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

APPLICATIONS NO. A/NE-TK/844 to 846

<u>Applicants</u>	:	Mr. LEE Wai Shing Mr. LEE Wai Man Mr. LEE Wai To	(Application No. A/NE-TK/844) (Application No. A/NE-TK/845) (Application No. A/NE-TK/846)
<u>Sites</u>	:	Lot 243 S.A ss.1 Lot 243 S.A ss.2 Lot 243 S.A RP all in D.D.23, Ting Kok, Tai Po, New Territories	(Application No. A/NE-TK/844) (Application No. A/NE-TK/845) (Application No. A/NE-TK/846)
<u>Site Areas</u>	:	About 153.6m ² About 113.9m ² About 177.7m ²	(Application No. A/NE-TK/844) (Application No. A/NE-TK/845) (Application No. A/NE-TK/846)
<u>Lease</u>	:	Block Government Lease (demised for agricultural purpose)	
<u>Plan</u>	:	Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19	
<u>Zoning</u>	:	“Agriculture” (“AGR”)	
<u>Applications</u>	:	Proposed House (New Territories Exempted House (NTEH) – Small House) on each of the application sites	

1. The Proposals

- 1.1 The applicants, who claim themselves as indigenous villagers of San Tau Kok, seek planning permissions 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 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 Sites are currently covered by vegetation (**Plan A-4**).
- 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 The Sites are accessible via a local track leading to Tung Tsz Road. The applicants propose to connect the Small House developments to the same existing public sewer (**Plan A-2a**). The layouts of the proposed Small Houses are shown in **Drawings A-1 to A-3**.
- 1.4 The Site of application No. A/NE-TK/844 is the subject of a previous application (No. A/NE-TK/821) submitted by the same applicant for the same use as the current application (**Plans A-1 and A-2a**), which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 8.11.2024. Details of the previous application are set out in paragraph 5 below.
- 1.5 In support of the applications, the applicants have submitted the following documents:
- (a) Application Form with attachments and (**Appendix Ia**) Supplementary Information (SI) received on 19.11.2025 and 20.11.2025 respectively
(*for application No. A/NE-TK/844*)
 - (b) Application Form with attachments on 19.11.2025 (**Appendix Ib**)
(*for application No. A/NE-TK/845*)
 - (c) Application Form with attachments on 19.11.2025 (**Appendix Ic**)
(*for application No. A/NE-TK/846*)
 - (d) Further Information (FI) received on 4.12.2025* (**Appendix Id**)
(*for application No. A/NE-TK/844*)
 - (e) FI received on 5.12.2025* (**Appendix Ie**)
(*for application No. A/NE-TK/845*)
 - (f) FI received on 4.12.2025* (**Appendix If**)
(*for application No. A/NE-TK/846*)
 - (g) FI received on 15.12.2025* (**Appendix Ig**)
(*for application No. A/NE-TK/844*)
 - (h) FI received on 15.12.2025* (**Appendix Ih**)
(*for application No. A/NE-TK/845*)
 - (i) FI received on 15.12.2025* (**Appendix Ii**)
(*for application No. A/NE-TK/846*)
 - (j) FI received on 18.12.2025* (**Appendix Ij**)
(*for application No. A/NE-TK/845*)
 - (k) FI received on 19.12.2025* (**Appendix Ik**)
(*for application No. A/NE-TK/846*)

*accepted and exempted from publication and recounting requirements

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the applications are detailed in the Application Forms, SI and FIs at **Appendices Ia to Ik**, as summarised below.

- (a) all applicants wish to build a new Small House to relieve the overcrowding condition of current dwelling(s) which is/are shared with other family members and provide more comfortable living spaces;
- (b) all applicants propose possible parking locations nearby House No. 72, Tung Tsz Road, Tai Po and Joint Village Office of Villages in Shuen Wan Tai Po (**Plan A-2b**), to address any future parking demand when necessary, while consent(s) from landowner(s) and permission(s) from the Board will be obtained;

- (c) the Site of application No. A/NE-TK/844 is the only land owned by his family, and he is unable to acquire other land within the village. The applicant of application No. A/NE-TK/846 could neither build a Small House at the Site without applying for planning permission from the Board nor be eligible to apply for public housing;
- (d) the applicant of application No. A/NE-TK/845 advises that Hakka culture could be retained and promoted by allowing his next generation to stay in the village and utilisation of the Site could be optimised; and
- (e) the applicants of applications No. A/NE-TK/845 and 846 propose land exchange and/or resumption by the Government for proposed Small House developments.

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

The applicants are the sole “current land owners” of the 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 Application

- 5.1 The Site of application No. A/NE-TK/844 is the subject of a previous application No. A/NE-TK/821 submitted by the same applicant for the same use as the current application, which was rejected by the Committee on 8.11.2024 for the reasons of not being in line with the planning intention of the “AGR” zone; not complying with the Interim Criteria in that more than 50% of the proposed Small House footprint fell outside the “Village Type Development” (“V”) zones and the village ‘environs’ (‘VE’) of any recognised villages; and land still being available within the “V” zones of San Tau Kok, Po Sam Pai and Wai Ha. Compared with the previous application, the major development parameters and footprint of the proposed Small House under the current application are generally the same.
- 5.2 There is no previous application at the Sites of applications No. A/NE-TK/845 and 846.
- 5.3 Details of the previous application are summarised at **Appendix III** and its location is shown on **Plans A-1 and A-2a**.

6. Similar Applications

- 6.1 Apart from application No. A/NE-TK/821 (which is the previous application for application No. A/NE-TK/844 as mentioned in paragraph 5.1 above as well as

the similar application for applications No. A/NE-TK/845 and 846), there are six similar applications (No. A/NE-TK/130, 134, 148, 149, 194 and 767) in the vicinity of the Site falling entirely within the same “AGR” zone or straddling the same “AGR” zone and the “V” zone of Wai Ha since the first promulgation of the Interim Criteria on 24.11.2000.

- 6.2 Among these similar applications, five applications (No. A/NE-TK/130, 134, 148, 149 and 194) were approved with conditions by the Committee between 2001 and 2005 (i.e. prior to the formal adoption of a more cautious approach by the Board in August 2015¹) mainly on the considerations that the proposed Small House developments were generally compatible with the surrounding areas; the proposed Small House developments would unlikely cause significant adverse impacts on the surrounding areas; and/or land available within the concerned “V” zone could not fully meet the future Small House demand at the time of consideration. Except for application No. A/NE-TK/130, all other four applications were also approved on the consideration that more than 50% of the proposed Small House footprints fell within the ‘VE’.
- 6.3 The remaining application (No. A/NE-TK/767) was rejected by the Committee in 2023 mainly for similar reasons as mentioned in paragraph 5.1 above.
- 6.4 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-4)**

- 7.1 The Sites are:
 - (a) currently covered by vegetation (**Plan A-4**);
 - (b) located entirely outside the ‘VE’ of San Tau Kok, Po Sam Pai and Wai Ha (**Plan A-1**); and
 - (c) accessible via a local track leading to Tung Tsz Road (**Plan A-2a**).
- 7.2 The surrounding areas are predominantly rural in character comprising active/fallow farmland, vacant/unused land, tree clusters/vegetated areas, open storage/storage and village houses. To the east are the village clusters of San Tau Kok and Po Sam Pai, and to the west is the village cluster of Wai Ha (**Plans A-1 and A-2b**). To the south is the “Conservation Area” (“CA”) zone where the marsh at Shuen Wan is located (**Plans A-2a and A-3**).

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

¹ Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting should be put on the number of outstanding Small House applications provided by the Lands Department (LandsD).

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 have been assessed against the assessment criteria in **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? - Footprints of the proposed Small Houses - The Sites	- - -	100% 100% 100%	- The footprints and the Sites of the proposed Small Houses fall entirely within the “AGR” zone.
2.	Within ‘VE’? - Footprints of the proposed Small Houses - The Sites	- - -	100% 100% 100%	- The footprints and the Sites of the proposed Small Houses fall entirely outside the ‘VE’ of San Tau Kok, Po Sam Pai and Wai Ha.
3.	Sufficient land in “V” zones to meet Small House demand (outstanding Small House applications plus 10-year Small House demand forecast)?		✓	<u>Land Required</u> (a) Land required to meet Small House demand in San Tau Kok and Po Sam Pai: about 8.48ha (equivalent to 339 Small House sites). The number of outstanding Small House applications is 46 ² while the 10-year Small House demand forecast is 293 ³ . (b) Land required to meet Small House demand in Wai Ha: about 2.73ha (equivalent to 109 Small House sites). The number of outstanding Small House applications is 9 ⁴ while the 10-year Small House demand forecast is 100 ³ .

² All of the 46 outstanding Small House applications fall within the “V” zone of San Tau Kok and Po Sam Pai.

³ According to the District Lands Officer/Tai Po (DLO/TP) of LandsD, the figures of 10-year Small House demand forecast are estimated and provided by the Indigenous Inhabitant Representatives of the villages concerned, which have not been verified by his office.

⁴ Among the nine outstanding Small House applications, eight fall within the “V” zone of Wai Ha, and one falls outside the “V” zone of Wai Ha, which has not obtained planning approval from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	Sufficient land in “V” zones to meet outstanding Small House applications?	✓		<p><u>Land Available</u></p> <p>(a) Land available to meet Small House demand within the “V” zone of San Tau Kok and Po Sam Pai: about 3.21ha (equivalent to about 128 Small House sites) (Plan A-2b).</p> <p>(b) Land available to meet Small House demand within the “V” zone of Wai Ha: about 0.5ha (equivalent to about 20 Small House sites) (Plan A-2b).</p>
4.	Compatible with the planning intention of “AGR” zone?		✓	- The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications from agriculture perspective as the Sites possess potential for agricultural rehabilitation.
5.	Compatible with surrounding area/development?	✓		- The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) considers that the Sites are located in an area of rural coastal plain landscape character comprising village houses, tree clusters and woodlands with a “CA” zone to the south. The proposed developments are not entirely incompatible with the surrounding environment.
6.	Within Water Gathering Grounds (WGGs)?		✓	- The Chief Engineer/Construction of Water Supplies Department (CE/C, WSD) has no objection to the applications.
7.	Environmental and Sewerage impact?		✓	- In view of small scale of the proposed developments, the applications are unlikely to cause major pollution and the Director of Environmental Protection (DEP) has no objection on the applications from the environmental planning perspective. According to his record, public sewage connection is available in the vicinity of the Sites and he has no comment on the sewage connection proposals.
8.	Encroachment onto planned road networks and public works boundaries?		✓	

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
9.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	<ul style="list-style-type: none"> - The Director of Fire Services (D of FS) has no in-principle objection to the applications at this stage provided that the proposed houses would not encroach on any existing EVA or planned EVA under applications in accordance with LandsD's record.
10.	Traffic impact?	✓		<ul style="list-style-type: none"> - The Commissioner for Transport (C for T) considers that such type of developments should be confined within the "V" zone as far as possible. Although additional traffic generated by the proposed developments is not expected to be significant, such type of developments outside the "V" zone, if permitted, will set undesirable precedent cases for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. - Notwithstanding the above, the applications only involving development of one Small House on each of the Sites can be tolerated on traffic grounds.
11.	Drainage impact?		✓	<ul style="list-style-type: none"> - The Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) has no adverse comment on the applications.
12.	Landscape impact?		✓	<ul style="list-style-type: none"> - CTP/UD&L, PlanD considers that the Sites are largely occupied by vegetation debris with no significant landscape resources, and adverse landscape impact arising from the applications is not anticipated.
13.	Geotechnical impact?		✓	<ul style="list-style-type: none"> - The Head of Geotechnical Engineering Office of Civil Engineering and Development Department (H(GEO), CEDD) has no geotechnical comment on the applications.
14.	Local objections received from DO?		✓	

9.2 Comments from the following government departments have been incorporated in paragraph 9.1 above. Details of comments from government departments are at **Appendix V**.

- (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) District Officer (Tai Po), Home Affairs Department.

- 9.3 The following government departments have no objection to/no comment on the applications:
- (a) Chief Highway Engineer/New Territories East, Highways Department; and
 - (b) Project Manager/North, CEDD.

10. Public Comments Received During Statutory Publication Period

On 28.11.2025, the applications were published for public inspection. During the statutory public inspection period, a total of three comments from individuals on the applications were received. One comment expresses views on all three applications mainly on the grounds that the proposed developments deviate from the planning intention of the “AGR” zone; building and fire safety requirements should be complied with; assessments on traffic, environmental, sewerage, drainage, slope stability, infrastructural capacity and electricity supply aspects should be conducted; and increase in traffic flow would worsen congestion and induce pedestrian safety problems (**Appendix VIIa**). While one comment objects to application No. A/NE-TK/844 on the ground that there is no material change in circumstances since the rejection of its previous application No. A/NE-TK/821 (**Appendix VIIb**), another comment objects to applications No. A/NE-TK/845 and 846 on the grounds that these two applications together with application No. A/NE-TK/844 will form part of a villa development; there is no previous planning approval at the Sites; and further village expansion should not be tolerated (**Appendix VIIc**).

11. Planning Considerations and Assessments

- 11.1 The applications are for proposed Small House development at each of the Sites zoned “AGR” on the OZP (**Plan A-1**). The proposed developments are 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, as well as to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the applications from agricultural perspective as the Sites possess potential for agricultural rehabilitation. There is no strong planning justification in the submissions for a departure from the planning intention.
- 11.2 The Sites, which are currently covered by vegetation, are located at the west of San Tau Kok and Po Sam Pai and the east of Wai Ha (**Plans A-2b and A-4**). The proposed developments are not incompatible with the surrounding areas

predominantly rural in character comprising active/fallow farmland, vacant/unused land, tree clusters/vegetated areas, open storage/storage and village houses (**Plans A-2a** and **A-3**). CTP/UD&L, PlanD considers that the Sites are largely occupied by vegetation debris with no significant landscape resources, and adverse landscape impact arising from the applications is not anticipated. C for T considers that the applications only involving development of one Small House on each of the Site can be tolerated on traffic grounds. Other relevant government departments consulted including DEP, CE/MN, DSD, CE/C, WSD and D of FS have no objection to or no adverse comment on the applications.

- 11.3 According to the Interim Criteria (**Appendix II**), development of NTEH/Small House with more than 50% of the footprint outside both the “V” zone and ‘VE’ would normally not be approved unless under very exceptional circumstances. In this regard, the proposed Small House footprints fall entirely outside the “V” zones and ‘VE’ of San Tau Kok, Po Sam Pai and Wai Ha (**Plan A-2b**). According to DLO/TP, LandsD, the number of outstanding Small House applications for San Tau Kok and Po Sam Pai is 46 and the 10-year Small House demand forecast for the same villages is 293, while the number of outstanding Small House applications for Wai Ha is 9 and the 10-year Small House demand forecast for the same village is 100. Based on the latest estimate by PlanD, about 3.21ha of land (or equivalent to about 128 Small House sites) is available within the “V” zone of San Tau Kok and Po Sam Pai, while about 0.5ha of land (or equivalent to about 20 Small House sites) is available within the “V” zone of Wai Ha (**Plan A-2b**). Though the amount of land available within the “V” zones is insufficient to fully meet the future Small House demand of 339 in San Tau Kok and Po Sam Pai and 109 in Wai Ha respectively, it is sufficient to accommodate the outstanding Small House applications of 46 in San Tau Kok and Po Sam Pai and 9 in Wai Ha respectively. It should be noted that the Board has formally adopted a more cautious approach in considering applications for Small House development in 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. Furthermore, the Sites are not the subject of any previous planning permission of Small House developments. As such, it is considered more appropriate to concentrate the proposed Small House development within the “V” zones for more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 11.4 The Site of application No. A/NE-TK/844 is the subject of a previous planning application No. A/NE-TK/821 (**Plans A-1** and **A-2a**) submitted by the same applicant for the same use as the current application, which was rejected by the Committee in 2024 as detailed in paragraph 5.1 above. Besides, there are six other similar applications in the vicinity of the Site falling entirely within the same “AGR” zone or straddling the same “AGR” zone and the “V” zone of Wai Ha. Among them, five similar applications were approved with conditions by the Committee before the Board’s formal adoption of a more cautious approach in considering applications for Small House development in August 2015, while the remaining application was rejected by the Committee for similar reasons as stated in paragraph 5.1 above. The planning circumstances of the current applications are largely similar to those of the rejected previous and similar applications. Rejecting the current applications is generally in line with the Committee’s previous decisions.

11.5 Regarding the public comments on the applications as detailed in paragraph 10 above, government departments' comments and the 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 does not support the applications each 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. It is also intended 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;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the proposed Small House footprint falls outside the “V” zones and the ‘VE’ of any recognised villages; and
- (c) land is still available within the “V” zones of San Tau Kok, Po Sam Pai and Wai Ha which are primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zones 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 applications, it is suggested that the permission for each application 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**.

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 reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicants.

13.3 Alternatively, 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.

14. Attachments

Appendix Ia	Application Form with Attachments and SI received on 19.11.2025 and 20.11.2025 respectively (for Application No. A/NE-TK/844)
Appendix Ib	Application Form with attachments on 19.11.2025 (for Application No. A/NE-TK/845)
Appendix Ic	Application Form with attachments on 19.11.2025 (for Application No. A/NE-TK/846)
Appendix Id	FI received on 4.12.2025 (for Application No. A/NE-TK/844)
Appendix Ie	FI received on 5.12.2025 (for Application No. A/NE-TK/845)
Appendix If	FI received on 4.12.2025 (for Application No. A/NE-TK/846)
Appendix Ig	FI received on 15.12.2025 (for Application No. A/NE-TK/844)
Appendix Ih	FI received on 15.12.2025 (for Application No. A/NE-TK/845)
Appendix II	FI received on 15.12.2025 (for Application No. A/NE-TK/846)
Appendix Ij	FI received on 18.12.2025 (for Application No. A/NE-TK/845)
Appendix Ik	FI received on 19.12.2025 (for Application No. A/NE-TK/846)
Appendix II	Relevant Extracts of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous Application
Appendix IV	Similar Applications
Appendix V	Detailed Comments from Relevant Government Departments
Appendix VI	Recommended Advisory Clauses
Appendix VIIa	Public Comment of Applications No. A/NE-TK/844 to 846
Appendix VIIb	Public Comment of Application No. A/NE-TK/844
Appendix VIIc	Public Comment of Applications No. A/NE-TK/845 and 846
Drawing A-1	Layout Plan submitted by the Applicant (for Application No. A/NE-TK/844)
Drawing A-2	Layout Plan submitted by the Applicant (for Application No. A/NE-TK/845)
Drawing A-3	Layout Plan submitted by the Applicant (for Application No. A/NE-TK/846)
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available within the “V” Zones of San Tau Kok, Po Sam Pai and Wai Ha for Small House development
Plan A-3	Aerial Photo
Plan A-4	Site Photos