

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-PK/226

- Applicants** : Messrs HAU Hiu Fung, HAU King Ho, HAU Yu Hin, HAU Man Hin, HAU Cheuk Hin, HAU Kwan Yeung, HAU Hawk Sau, HAU Hawk Ngai, HAU Hawk Cheung, HAU Ka Wai, HAU Yuk Man, HAU Cheuk Lam, HAU Cheuk Hei, HAU Ho Man, HAU Ting Tung, HAU Ting Shan, HAU Yuk San and HAU Yuk Ling represented by Mr. PANG Hing Yeun
- Site** : Government Land (GL) in D.D. 91, Ping Kong, Sheung Shui, New Territories
- Site Area** : About 2,556.13m²
- Land Status** : Unleased GL
- Plan** : Approved Ping Kong Outline Zoning Plan (OZP) No. S/NE-PK/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed 18 Houses (New Territories Exempted Houses (NTEHs) – Small Houses)

1. The Proposal

- 1.1 The applicants, who claim themselves as indigenous villagers of Ping Kong, seeks planning permission to build 18 NTEHs (Small Houses) at the application site (the Site) 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). The Site is mostly covered by dense vegetation and partly vacant and hard-paved (**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 Site is not accessible by vehicle but can be reached by pedestrian accesses leading to Ping Kong Road (**Plan A-1**). The applicants propose to connect the proposed developments to existing or planned public sewer (**Plan A-2a**). The proposed layout plan of the Small Houses submitted by the applicants is shown at **Drawing A-1**.

- 1.4 A minor portion of the Site is the subject of a previous application for a proposed Small House (No. A/NE-PK/190) (**Plans A-1 and A-2a**) submitted by a different applicant, which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2023. Details of the previous application are set out in paragraph 5 below.
- 1.5 In support of the application, the applicants have submitted the following documents:
- (a) Application Form with attachments received on 26.11.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 8.1.2026* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicants

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

- (a) the applicants do not possess any private land in Ping Kong Village. The available land within the “Village Type Development” (“V”) zone is mainly owned by individuals and has already been used for Small House developments or temporary vehicle parks. It is considered more suitable to submit the subject application for Small Houses collectively at the Site;
- (b) the Site is within the village ‘environs’ (‘VE’) of Ping Kong and is suitable for Small Houses development due to its flat terrain, proximity to existing village cluster, accessibility to public sewers, and compatibility with surrounding landscape character without affecting the existing *Cinnamomum camphora* (樟樹) near the Site (**Drawing A-1**). The applicants will adhere to the requirements of relevant departments and are responsible for the construction and maintenance of their sewers connecting the Small Houses to the public sewerage system (**Plan A-2a**). They will also implement protective measures during the construction phase (such as installing sediment barriers and oil containment facilities around the Site) to avoid adverse impacts on nearby watercourses (**Plan A-2a**). Also, prior approval from Lands Department (LandsD) will be obtained for vegetation clearance;
- (c) although no parking lot will be provided at the Site, parking spaces are available nearby where the applicants can park vehicles without causing adverse traffic impacts; and
- (d) the Chairman of Sheung Shui District Rural Committee renders support to the villagers to use the Site for Small House developments.

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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) are not applicable to the 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. **Previous Application**

5.1 A minor portion of the Site is the subject of a previous application (No. A/NE-PK/190) for a proposed house (NTEH – Small House) submitted by a different applicant, which was rejected by the Committee on 11.8.2023, mainly for the reasons that the development was not in line with the planning intention of “AGR” zone and there was no strong planning justification in the submission for a departure from the planning intention; and there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Ping Kong at the time of consideration.

5.2 Details of the previous application are summarised at **Appendix III** and its location is shown on **Plans A-1** and **A-2a**.

6. **Similar Application**

6.1 There is a similar application (No. A/NE-PK/19) for Small House development within the same “AGR” zone in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000. The application was approved by the Committee on 7.12.2001, i.e. before the Board formally adopted a more cautious approach in considering the Small House applications since August 2015¹, mainly on considerations that the footprint of the Small House fell entirely 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 surrounding areas was anticipated.

6.2 Details of the similar application are summarised at **Appendix IV** and its location is shown on **Plans A-1** and **A-2a**.

¹ 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.

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

7.1 The Site is:

- (a) mostly covered by dense vegetation and partly vacant and hard-paved;
and
- (b) located entirely within 'VE' of Ping Kong.

7.2 The surrounding areas are predominantly rural in character comprising tree groups, vegetated areas, village houses, active/fallow farmland, car parks and vacant land (**Plans A-2a, A-3 and A-4**). To the northeast of the Site is the village cluster of Ping Kong (**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 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 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" zone? - The Site - Footprint of the proposed Small Houses	- -	100% 100%	- The Site and footprint of the proposed Small Houses fall entirely within the "AGR" zone (Plan A-2a).
2.	Within 'VE'? - The Site - Footprint of the proposed Small Houses	100% 100%	- -	- The Site and footprint of the proposed Small Houses fall entirely within 'VE' of Ping Kong (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)?	✓		<u>Land Required</u> - Land required to meet Small House demand in Ping Kong: about 1.05 ha (equivalent to 42 Small House sites). The number of outstanding Small House applications is 13 ² while the 10-year Small House demand forecast is 29 ³ . <u>Land Available</u> - Land available to meet Small House demand within the “V” zone of Ping Kong: about 2.76ha (equivalent to about 110 Small House sites) (Plan A-2b).
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		
4.	Compatible with the planning intention of “AGR” zone?		✓	- Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation.
5.	Compatible with surrounding area/ development?	✓		- Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advises that the Site is situated in an area of rural inland plains landscape character comprising village houses, vegetated area and tree clusters. The Site is partially hard-paved and partially covered by existing trees/vegetation. The proposed use is considered not entirely incompatible with the landscape character of its surroundings.
6.	Within water gathering grounds?		✓	- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to

² Among the 13 outstanding Small House applications, 11 fall within the “V” zone. The remaining two straddling the “V” zone are not covered by valid planning permission.

³ According to District Lands Officer/North (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>
				the application.
7.	Sewerage impact?		✓	- Director of Environmental Protection (DEP) has no adverse comment on the application.
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	Need for provision of fire service 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 houses shall not encroach on any existing emergency vehicle access (EVA) or planned EVA under application in accordance with LandsD's record.
10.	Traffic impact?		✓	- Commissioner for Transport (C for T) has no adverse comment on the application from traffic engineering perspective.
11.	Drainage impact?		✓	- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application from public drainage point of view.
12.	Landscape impact?		✓	- CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective, provided that no distinctive landscape resources, including old and valuable tree, tree of particular interest and mature tree(s), are identified and no adverse landscape impacts arising from the proposed developments are anticipated.
13.	Geotechnical impact?		✓	- Head of Geotechnical Engineering Office, Civil Engineering and Development

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				Department (H(GEO), CEDD) has no geotechnical comment on the application.
14.	Local objections conveyed by DO?		✓	- District Officer (North), Home Affairs Department (DO(N), HAD) has no comment on the application.

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) 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(N), HAD.

9.3 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); and
- (b) Project Manager (North), CEDD (PM(N), CEDD).

10. Public Comments Received During Statutory Publication Period

On 5.12.2025, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix VII**). One comment from Indigenous Inhabitant Representative of Ping Kong Village supports the application. Another two comments from Kadoorie Farm and Botanic Garden Corporation and an individual object to the application mainly for the reasons that the Small House developments should be concentrated within “V” zone where land is still available and GL resources are not suitable for Small House / villa developments. The remaining comment from a member of North District Council indicates no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed development of 18 Small Houses at the Site zoned “AGR” on the OZP. 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. DAFC does not support the application from 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 of “AGR” zone.
- 11.2 Regarding the Interim Criteria (**Appendix II**), the footprints of the proposed Small Houses fall entirely within the ‘VE’ of Ping Kong (**Plan A-2a**). According to DLO/N, LandsD’s records, the total number of outstanding Small House applications for Ping Kong is 13 while the 10-year Small House demand forecast is 29. Based on the latest estimate by PlanD, about 2.76ha of land (or equivalent to about 110 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 1.05ha or equivalent to about 42 Small House sites). Furthermore, the Site is not the subject of any previous planning permission for Small House development. 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 infrastructure and services.
- 11.3 The Site is mostly covered by dense vegetation and partly vacant and hard-paved. The proposed Small Houses are not incompatible with the surrounding areas, which are predominantly rural in character comprising tree groups, vegetated areas, village houses, active/fallow farmland, car parks and vacant land (**Plans A-2a and A-3**). CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective, provided that no distinctive landscape resources are identified and no adverse landscape impacts arising from the proposed developments are anticipated. Also, the applicants have proposed to connect the Small Houses to the existing/planned public sewerage system (**Plan A-2a**). In this regard, DEP has no adverse comment on the application from environmental planning perspective. Other concerned government departments consulted including C for T, CE/MN, DSD, CE/C, WSD and D of FS have no objection to or no adverse comment on the application.
- 11.4 A minor portion of the Site is the subject of a previous application submitted by a different applicant for proposed Small House development, which was rejected by the Committee in 2023 as detailed in paragraph 5.1 above. Rejection of the current application is in line with the Committee’s previous decision. There is a similar application for Small House use falling within the same “AGR” zone approved by the Committee in 2001, i.e. before the Board formally adopted a more cautious approach in considering the Small House applications. The planning circumstances and considerations of the approved similar application are different from those of the current application.

- 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 mentioned in paragraph 10 above, PlanD does not support the application for the following reasons:
- (a) 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. 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; and
 - (b) land is still available within the "V" zone of Ping Kong which is primarily intended for Small House development. 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.
- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 23.1.2030, 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 at **Appendix VI**.

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 applicants.
- 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

Appendix I	Application Form with attachments received on 26.11.2025
Appendix Ia	FI received on 8.1.2026
Appendix II	Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous Application

Appendix IV	Similar Application
Appendix V	Detailed Comments from Relevant Government Departments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawing A-1	Proposed Layout Plan submitted by the Applicants
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available within “V” Zone of Ping Kong for Small House Development
Plan A-3	Aerial Photo
Plan A-4	Site Photo

PLANNING DEPARTMENT
JANUARY 2026