

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/NE-MUP/221, 222 and 223

- Applicants** : Mr. Alexander J CHUNG Tshun Loong (Application No. A/NE-MUP/221)
Mr. CHUNG Nyuk Ming (Application No. A/NE-MUP/222)
Mr. Nicholas J CHUNG Tshun Shu (Application No. A/NE-MUP/223)

all represented by Mr. LIU Wai Koon
- Sites** : Lot 328 S.G (Application No. A/NE-MUP/221)
Lot 328 S.I (Application No. A/NE-MUP/222)
Lot 328 S.E (Application No. A/NE-MUP/223)

all in D.D. 37, Man Uk Pin, Sha Tau Kok, New Territories
- Site Areas** : 169.08m² (about) (Application No. A/NE-MUP/221)
221.38m² (about) (Application No. A/NE-MUP/222)
214.62m² (about) (Application No. A/NE-MUP/223)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11
- Zoning** : “Agriculture” (“AGR”)
- Applications** : 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 Man Uk Pin village, seek planning permission to build a NTEH (Small House) on each of the application sites (the Sites) falling within areas 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 Sites are currently vacant and covered with vegetation.

1.2 Details of each of the proposed NTEHs (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 According to the applicants, septic tanks will be provided at each of the Sites, and the uncovered area of the Sites will be used as gardens. Layouts of the three proposed Small Houses and the locations of the septic tanks are shown in **Drawings A-1 to A-3** respectively.

1.4 Each of the Sites is the subject of two previous applications (No. A/NE-MUP/96 and 164 for No. A/NE-MUP/221; No. A/NE-MUP/98 and 163 for No. A/NE-MUP/222; and No. A/NE-MUP/97 and 162 for No. A/NE-MUP/223) (**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 2014 and 2021 respectively. Details of the previous applications 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 received on 9.12.2025 (**Appendix Ia**)
(for application No. A/NE-MUP/221)
- (b) Application Form with attachments received on 9.12.2025 (**Appendix Ib**)
(for application No. A/NE-MUP/222)
- (c) Application Form with attachments received on 9.12.2025 (**Appendix Ic**)
(for application No. A/NE-MUP/223)
- (d) Supplementation Information (SI) received on 11.12.2025 (**Appendix Id**)
(for application No. A/NE-MUP/221)
- (e) Further Information (FI) received on 29.1.2026* (**Appendix Ie**)
(for all three applications)

* 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 Ie**, as summarised below:

- (a) the proposed Small Houses are intended for meeting the housing need of the applicants;
- (b) the areas of the subject lots are updated based on the land boundary survey data. The applicants have already obtained the consents of the owners of nearby lots for the proposed access leading to the Sites; and
- (c) the applicants have engaged professionals to design and construct the proposed houses and relevant works in accordance with all relevant regulations and departmental requirements, including to implement measures to minimise potential impacts on the nearby streamcourse, such as locating construction works away from the streamcourse. Considering that the Sites are located downstream of the Man Uk Pin Ecologically Important Stream (EIS), significant adverse impact is not anticipated.

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

The applicants are the sole “current land owners” of the respective lots at the Sites. 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 two previous applications (No. A/NE-MUP/96 and 164 for No. A/NE-MUP/221; No. A/NE-MUP/98 and 163 for No. A/NE-MUP/222; and No. A/NE-MUP/97 and 162 for No. A/NE-MUP/223) (**Plans A-1** and **A-2a**) submitted by the same applicants as the current applications for the same use, which were approved by the Committee in 2014 and 2021 respectively.
- 5.2 Applications No. A/NE-MUP/96, 97 and 98 were approved by the Committee in 2014 (i.e. before the Board formally adopted a more cautious approach in considering Small House application since August 2015¹) mainly on the considerations that the applications generally complied with the Interim Criteria in that more than 50% of the footprints of the proposed Small Houses fell within the village ‘environs’ (‘VE’) and there was insufficient land within the “Village Type Development” (‘V’) zone to meet the Small House demand at the time of consideration; the proposed Small Houses were considered not incompatible to the surroundings; and there were no major adverse departmental comments received. The planning permissions of these applications lapsed in 2018.
- 5.3 Applications No. A/NE-MUP/162, 163 and 164 were approved by the Committee on 10.12.2021 mainly on sympathetic considerations that the application sites were the subject of previously approved applications submitted by the same applicants and the relevant Small House grant applications were under processing by LandsD. The planning permissions of these applications lapsed on 11.12.2025. Compared with the previously approved applications, major development parameters and footprints of the proposed Small Houses under the current applications generally remain unchanged, except for slight changes in site area of applications No. A/NE-MUP/222 (reduced from 229m² to 221.38m² / -7.62m²) and No. A/NE-MUP/221 (increased from 167m² to 169.08m² / +2.08m²).
- 5.4 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan 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 Lands Department (LandsD).

6. Similar Applications

- 6.1 There are 32 similar applications involving 20 sites falling within the “AGR” zone in the vicinity of the Sites since the first promulgation of the Interim Criteria on 24.11.2000.
- 6.2 Among the 30 applications, 22 applications (No. A/NE-MUP/56 to 62, 64, 81, 88 to 95 and 115 to 119) were approved with conditions by the Committee or by the Board on review between July 2008 and August 2015 before the formal adoption of a more cautious approach by the Board mainly on the considerations similar to those detailed in paragraph 5.2 above.
- 6.3 Nine applications were approved by the Committee after the Board’s formal adoption of a more cautious approach in considering Small House application since August 2015. Eight of them (application Nos. A/NE-MUP 127, 165, 189 to 191, 195, 196 and 201) were approved between 2017 and 2024 mainly on sympathetic considerations that the application sites were subject to previously approved applications submitted by the same applicants for Small House developments and the applications for Small House grant were being processed by LandsD. For application No. A/NE-MUP/184, it was approved in 2023 mainly on sympathetic consideration that the application site was considered as an infill site among existing and approved Small Houses.
- 6.4 The remaining application No. A/NE-MUP/206 was rejected by the Committee in October 2024 mainly on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone and there was no strong justification in the submission for a departure from the planning intention; and land is still available within the “V” zone of Man Uk Pin.
- 6.5 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-2a to A-4b)

- 7.1 The Sites are:
 - (a) vacant and covered with vegetation;
 - (b) falling within the ‘VE’ of Man Uk Pin and located at the southern fringe of its village proper ; and
 - (c) not served by direct vehicular access.
- 7.2 The surrounding areas are rural in character comprising mainly village houses, fallow agricultural land and tree clusters. The downstream of Man Uk Pin EIS is locating to the east of the Sites.

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 have 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 Houses - The Sites	- -	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%	- -	- District Lands Officer/North, LandsD (DLO/N, LandsD) advises that the footprints and the Sites of the proposed Small Houses fall within the ‘VE’ of Man Uk Pin.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand forecast)? Sufficient land in “V” zone to meet outstanding Small House applications?	 ✓	✓	<u>Land Required</u> - Land required to meet Small House demand in Man Uk Pin: about 12.6 ha (equivalent to 503 Small House sites). The number of outstanding Small House applications is 55 ² while the 10-year Small House demand forecast is 448 ³ . <u>Land Available</u> - Land available to meet the Small House demand within the “V” zone of Man Uk Pin: about 2.16 ha (equivalent to 86 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of “AGR” zone?		✓	<u>Agriculture</u> - The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications from agricultural perspective. Agricultural

² Among the 55 outstanding Small House applications, 41 of them fall within the “V” zone, and 14 (including the Sites) straddle or fall outside the “V” zone, 7 of which have obtained valid planning approval from the Board.

³ 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 villages concerned, which has not been verified by his office.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				<p>activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Sites can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. The Sites possess potential for agricultural rehabilitation.</p> <p><u>Nature Conservation</u></p> <ul style="list-style-type: none"> - The Sites are located adjacent to a stream which is the downstream section of the Man Uk Pin EIS. Noting the applicant's proposed measures, he has no comment on the applications from nature conservation perspective.
5.	Compatible with surrounding area/development?	✓		The proposed Small Houses are not incompatible with the surrounding areas of rural character comprising mainly village houses, fallow agricultural land and tree clusters.
6.	Within Water Gathering Grounds (WGGs)?		✓	
7.	Environmental and sewerage impacts?		✓	The Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed developments, the applications alone 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 emergency vehicular access (EVA)?		✓	The Director of Fire Services (D of FS) has no in-principle objection to the applications. The applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD.
10.	Traffic impact?	✓		The Commissioner for Transport (C for T) has no objection to the applications. She advises that the applications only involve the construction of one Small House each, and

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				considers that the applications can be tolerated on traffic grounds. Although additional traffic generated by the proposed developments is not significant, the permission of developments outside the “V” zone will however set an undesirable precedent case for similar applications. 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 applications.
12.	Landscaping impact?		✓	The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) has no adverse comment on the applications from the landscape planning perspective and advises that significant adverse landscape impact arising from the applications 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 V** and **VI** respectively.

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

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

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

10. Public Comments Received During Statutory Publication Period

On 16.12.2025, the applications were published for public inspection. During the statutory public inspection period, each application received five same public comments (**Appendices VIIa to VIIc**). Two comments from two individuals object to the applications mainly on the grounds that land is still available within the “V” zone of Man Uk Pin; the proposed developments are not in line with the planning intention of the “AGR” zone; the proposed developments involve tree felling and may cause adverse ecological, drainage, traffic and fire safety impacts. The Chairman of the Sha Tau Kok District Rural Committee advises that the Indigenous Inhabitant Representative of Man Uk Pin objects to the applications mainly on the grounds that the applicants did not liaise with the villagers on the proposed Small House developments. The remaining two comments from a member of the North District Council and the Chairman of Lung Shan Area Committee indicate no comment on the applications.

11. Planning Considerations and Assessments

- 11.1 The applications are for proposed Small House development at each of the Sites falling within an area zoned “AGR” on the OZP. The proposed developments are not in line with the planning intention of the “AGR” zone. DAFC does not support the applications from the agricultural perspective as the Sites possess potential for agricultural rehabilitation. Taking into account the planning assessments below, sympathetic consideration could be given to the proposed developments.
- 11.2 The Site, located at the southern fringe of Man Uk Pin village cluster, is vacant and covered with vegetation. The surrounding areas are rural in character comprising mainly village houses, fallow agricultural land and tree clusters. CTP/UD&L, PlanD has no adverse comment on the applications from landscape planning perspective, considering that no distinctive landscape resources are observed within the Sites and significant adverse landscape impact arising from the applications is not anticipated. The Sites are located adjacent to a stream which is the downstream section of Man Uk Pin EIS. In this regard, the applicants advise that professionals have been engaged to design and construct the proposed houses and relevant works in accordance with all relevant regulations and departmental requirements, including to implement measures to minimise potential impacts on the nearby streamcourse, such as locating construction works away from the streamcourse. DAFC has no comment on the applications from nature conservation perspective, while DEP advises that in view of the small scale of the proposed developments, the applications alone are unlikely to cause major pollution. The applicants will be advised to meet the relevant requirements of Professional Persons Environmental Consultative Committee (ProPECC) Practice Note 1/23 and implement the pollution controls measures as set out in the ‘Recommended Pollution Control Measures for Construction Contracts’ during construction works, and the proposed septic tank and soakaway system shall meet the requirement as stated in ProPECC PN 1/23. Other relevant government departments consulted, including C for T, CE/MN, DSD, D of FS and CE/C, WSD, have no objection to or no adverse comment on the applications.
- 11.3 Regarding the Interim Criteria (**Appendix II**), the Sites and footprints of the proposed Small Houses fall entirely within the ‘VE’ of Man Uk Pin. According to DLO/N, LandsD, the number of outstanding Small House applications for Man Uk Pin is 55 while the 10-year Small House demand forecast is 448. Based on PlanD’s latest estimate, about 2.16 ha of land (equivalent to 86 Small House sites) is available within the “V” zone concerned (**Plan A-2b**). While the amount of land available within the “V” zone of Man Uk Pin 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 developments within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. Notwithstanding the above, each of the Sites is the subject of two previously approved applications submitted by the same applicants for the same use as the current application as detailed in paragraphs 5.2 and 5.3 above. The last planning approvals under applications No. A/NE-MUP/162, 163 and 164 lapsed on 11.12.2025. As advised by DLO/N, LandsD, the relevant Small House grant applications for the Sites are being processed and departmental circulation are in progress. In view of the above, sympathetic consideration could be given to the applications.

- 11.4 There are 31 approved similar applications falling within the same “AGR” zone in the vicinity of the Site, nine of which were approved by the Committee between 2017 and 2024 after the formal adoption of a more cautious approach by the Board mainly on the considerations as detailed in paragraph 6.3 above. The planning circumstances of the current applications are similar to those of the approved similar applications. Approval of the current applications is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comments as detailed in paragraph 10, 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 has no objection to the applications.
- 12.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid until 6.2.2030, and after the said date, the permissions shall cease to have effect unless before the said date, the developments permitted are commenced or the permissions are renewed. The Recommended Advisory Clauses are attached at **Appendix VI**.
- 12.3 Alternatively, should the Committee decide to reject the applications, the following reasons for rejection are suggested for Members’ reference:
 - (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 Man Uk Pin 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. 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 with attachments received on 9.12.2025 (for application No. A/NE-MUP/221)
Appendix Ib	Application Form with attachments received on 9.12.2025 (for application No. A/NE-MUP/222)
Appendix Ic	Application Form with attachments received on 9.12.2025 (for application No. A/NE-MUP/223)
Appendix Id	SI received on 11.12.2025 (for application No. A/NE-MUP/221)
Appendix Ie	FI received on 29.1.2026 (for all three applications)
Appendix II	Relevant 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 Comments on Application No. A/NE-MUP/221
Appendix VIIb	Public Comments on Application No. A/NE-MUP/222
Appendix VIIc	Public Comments on Application No. A/NE-MUP/223
Drawing A-1	Proposed Small House Layout Plan for Application No. A/NE- MUP/221
Drawing A-2	Proposed Small House Layout Plan for Application No. A/NE- MUP/222
Drawing A-3	Proposed Small House Layout Plan for Application No. A/NE- MUP/223
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available for Small House Development within the “V” zone of Man Uk Pin
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos