

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

**APPLICATIONS NO. A/NE-PK/227 and 228**

<b><u>Applicants</u></b>	:	Mr. LAM Hing Yip Reynold Mr. LIU Chi Lam both represented by Mr. Pang Hing Yeun	(Application No. A/NE-PK/227) (Application No. A/NE-PK/228)
<b><u>Sites</u></b>	:	Lot 1599 S.B Lot 1574 S.C ss.1 both in D.D. 91, Kai Leng, Sheung Shui	(Application No. A/NE-PK/227) (Application No. A/NE-PK/228)
<b><u>Site Areas</u></b>	:	About 121.9m <sup>2</sup> About 147.2m <sup>2</sup>	(Application No. A/NE-PK/227) (Application No. A/NE-PK/228)
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)	
<b><u>Plan</u></b>	:	Approved Ping Kong Outline Zoning Plan (OZP) No. S/NE-PK/11	
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)	
<b><u>Applications</u></b>	:	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 to be indigenous villagers of Sheung Shui Heung, seek planning permission 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, House (NTEH only)’ within the “AGR” zone requires planning permission from the Town Planning Board (the Board). For application No. A/NE-PK/227, the Site is currently vacant and hard-paved (**Plan A-4**). For application No. A/NE-PK/228, the Site is currently vacant, partly hard-paved and partly covered by vegetation (**Plan A-4**).

1.2 Details of each of the proposed Small Houses 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 According to the applicants, the footprints of the proposed Small Houses and septic tanks fall entirely within the Sites, and the remaining uncovered areas

will be used as circulation spaces. The layout plans of the proposed Small Houses submitted by the applicants are shown at **Drawings A-1 and A-2**.

- 1.4 Each of the Sites is the subject of one or two previous application(s) (No. A/NE-PK/126 for No. A/NE-PK/227; and No. A/NE-PK/36 and 154 for No. A/NE-PK/228) (**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 between 2013 and 2021. 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 for Application (**Appendix Ia**) No. A/NE-PK/227 received on 17.12.2025
  - (b) Application Form with attachments for Application (**Appendix Ib**) No. A/NE-PK/228 received on 15.12.2025

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the applications are detailed in the Application Forms at **Appendices Ia** and **Ib**, as summarised below:

- (a) the Sites were subject to previously approved planning applications for the same use as current one. As the Small House grant applications are still being processed by the District Lands Officer/North, Lands Department (DLO/N, LandsD) and the previous planning approvals have lapsed, the applicants are required to apply for planning approval again; and
- (b) the applicants and the proposed layout of the Small Houses in the current applications are the same as those of the previously approved ones. The applicants will also comply with all relevant Government requirements.

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

The applicants are the sole “current land owners” of their 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 Applications

- 5.1 Each of the Sites is the subject of one or two previous application(s) (No. A/NE-PK/126 for No. A/NE-PK/227; and No. A/NE-PK/36 and 154 for No. A/NE-PK/228) (**Plans A-1 and A-2**) submitted by the same applicants as the current applications for the same use, which were approved by the Committee in 2013, 2017 and 2021 (**Appendix III**), mainly on the considerations that more than 50% of the proposed Small House footprint fell within the ‘VE’ and there was insufficient land within the “Village Type Development” (“V”) zones to meet the demand for Small House at the time of consideration. For application No. A/NE-PK/227, the previous planning permission was extended once and lapsed on 23.9.2025. For application No. A/NE-PK/228, the latest planning permission lapsed on 11.9.2025. Compared with the previous applications, the major development parameters and the footprints of the proposed Small Houses remain unchanged.
- 5.2 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plans A-1 and A-2a**.

## 6. Similar Applications

- 6.1 There are 156 and 155 similar applications for applications No. A/NE-PK/227 and 228 respectively, involving 93 sites for Small House developments within the same “AGR” zone in the vicinity of the Sites since the first promulgation of the Interim Criteria on 24.11.2000. All these applications were approved with or without conditions by the Committee between 2001 and 2025 on similar considerations as stated in paragraph 5.1 above.
- 6.2 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 vacant and hard-paved (for application No. A/NE-PK/227) or currently vacant, partly hard-paved and partly covered with vegetation (for application No. A/NE-PK/228); and
  - (b) located entirely within ‘VE’ of Kai Leng.
- 7.2 The surrounding areas are predominantly rural in character comprising vegetated areas, clusters of tree groups, active/fallow farmland, village houses, car parks and vacant land. To its north is the village proper of Kai Leng Village.

## 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 had been assessed against the assessment criteria at **Appendix II**. The assessment is summarised in the following table:

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
1.	Within “V” zones?  - The Sites  - Footprints of the proposed Small Houses	-  -  -	100%  100%	- The Sites and footprints of the proposed Small Houses fall entirely within the “AGR” zone.
2.	Within ‘VE’?  - Footprint of the proposed Small House  - The Site	100%  100%	-  -	- The Sites and footprints of the proposed Small Houses fall within the ‘VE’ of Kai Leng.
3.	Sufficient land in “V” zones 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 Kai Leng Village: about 1.73 ha (equivalent to 69 Small House sites). The number of outstanding Small House applications is 51 <sup>1</sup> while the 10-year Small House demand

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<sup>1</sup> Among the 51 outstanding Small House applications, 11 fall within the “V” zones and 40 straddle or fall outside the “V” zones. For cases straddling or falling outside of “V” zones, 38 of them are the subject of approved planning application(s).

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	Sufficient land in “V” zones to meet outstanding Small House application?		✓	<p>forecast is 18<sup>2</sup>.</p> <p><u>Land Available</u></p> <ul style="list-style-type: none"> <li>- Land available to meet Small House demand within the “V” zones of concerned village: about 0.64ha (equivalent to about 25 Small House sites) (<b>Plan A-2b</b>).</li> </ul>
4.	Compatible with the planning intention of “AGR” zone?		✓	<ul style="list-style-type: none"> <li>- Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications as the Sites possess potential for agricultural rehabilitation.</li> </ul>
5.	Compatible with surrounding area/development?	✓		<ul style="list-style-type: none"> <li>- Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&amp;L, PlanD) advises that the Sites are situated in area of rural inland plains landscape character comprising residential development, village houses, school, farmland, vegetated areas and tree clusters.</li> </ul>
6.	Within Water Gathering Grounds?		✓	<ul style="list-style-type: none"> <li>- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the applications.</li> </ul>
7.	Environmental and Sewerage impact?		✓	<ul style="list-style-type: none"> <li>- Director of Environmental Protection (DEP) has no in-principle objection to the applications from environmental planning perspective.</li> </ul>
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	Need for provision of		✓	<ul style="list-style-type: none"> <li>- Director of Fire Services (D of</li> </ul>

<sup>2</sup> According to 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>
	fire service installations and emergency vehicular access (EVA)?			FS) has no in-principle objection to the applications, provided that the proposed houses would not encroach on any existing or planned EVA under application in accordance with LandsD's record.
10.	Traffic impact?	✓		- Commissioner for Transport (C for T) has no objection to the applications from traffic engineering perspective. Each of the applications only involves the construction of one small house on the Site, and they can be tolerated on traffic grounds. Although additional traffic generated by the proposed developments are not significant, the permission of development outside the "V" zones will however set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact has to be reviewed on case-by-case basis in the future.
11.	Drainage impact?		✓	- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the applications.
12.	Landscape impact?		✓	- CTP/UD&L, PlanD has no adverse comment on the applications from landscape planning perspective as significant adverse landscape impacts arising from the applications are not anticipated.
13.	Geotechnical impact?		✓	- Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) has no geotechnical comment on the applications.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
14.	Local objections conveyed by DO?		✓	- District Officer (North), Home Affairs Department (DO(N), HAD) advises that he has issued consultation letters to the Chairman of Sheung Shui District Rural Committee, Indigenous Inhabitant Representative and Resident Representative of Kai Leng Village. He has no comment on the applications.

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 comment on the applications:

- (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 Periods**

On 23.12.2025, both applications were published for public inspection. During the statutory public inspection period, one comment from a North District Council member received for each of the applications (**Appendix VII**) indicates no comment on the applications.

## **11. Planning Considerations and Assessments**

11.1 The applications are for proposed development of NTEH (Small House) at each of the Sites zoned “AGR” on the OZP (**Plans A-1** and **A-2a**). The proposed developments are not in line with the planning intention of the

“AGR” zone. DAFC does not support the applications from agricultural perspective as the Sites possess potential for agricultural rehabilitation. Nevertheless, having taken into account the planning assessments below, sympathetic consideration could be given to the proposed developments.

- 11.2 The Sites are currently vacant, and hard-paved (for application No. A/NE-PK/227) or vacant, partly hard-paved and partly covered with vegetation (for application No. A/NE-PK/228). The Sites are located at the south of the village proper of Kai Leng Village, and some pieces of vacant land with planning approvals for Small House developments and Small House grant applications being processed by DLO/N, LandsD are found surrounding the Sites. The proposed Small Houses are not incompatible with the surrounding areas comprising vegetated areas, clusters of tree groups, active/fallow farmland, village houses, car parks and vacant land. CTP/UD&L, PlanD has no adverse comment on the applications as significant adverse landscape impacts arising from the proposed developments are not anticipated. Other concerned government departments consulted including DEP, C for T, CE/MN, DSD and D of FS have no objection to or no adverse comment on the applications.
- 11.3 Regarding the Interim Criteria (**Appendix II**), more than 50% of the footprints of the proposed Small Houses fall within the ‘VE’ of Kai Leng (**Plan A-2a**). According to DLO/N, LandsD’s records, the total number of outstanding Small House applications for Kai Leng Village is 51 while the 10-year Small House demand forecast is 18. Based on the latest estimate by PlanD, about 0.64ha of land (or equivalent to about 25 Small House sites) is available within the “V” zones concerned (**Plan A-2b**). In this regard, there is insufficient land within the “V” zones to meet the outstanding Small House applications and the future Small House demand. As such, the applications generally comply with the Interim Criteria (**Appendix II**).
- 11.4 Each of the Sites is the subject of previously approved application(s) submitted by the same applicant for the same use as set out in paragraph 5.1 above. As advised by DLO/N, LandsD, while the Small House grant application at the site of application No. A/NE-PK/227 is under processing and at advance stage, the Small House grant application at the site of application No. A/NE-PK/228 has been approved and Basic Terms Offer letter is yet to be issued. Compared with the previous applications, the major development parameters and the footprints of the proposed Small Houses remain unchanged. In this regard, sympathetic consideration may be given to the applications.
- 11.5 There are 156 and 155 similar applications for application No. A/NE-PK/227 and 228 respectively, involving 93 sites for Small House developments within the same “AGR” zone in the vicinity of the Sites. The planning circumstances of the current applications are largely similar to those of the approved similar applications. Approval of the current applications is in line with the previous Committee’s decisions.

## **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 has no objection to the applications.
- 12.2 Should the Committee decide to approve the applications, it is suggested that the permission for each application shall be valid until 6.2.2030, 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**.
- 12.3 Alternatively, should the Committee decide to reject the applications, the following reason for rejection is suggested for Members' reference:

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. There is no strong planning justification in the submission for a departure from the planning intention.

## **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**

<b>Appendix Ia</b>	Application Form of Application No. A/NE-PK/227 with Attachments received on 17.12.2025
<b>Appendix Ib</b>	Application Form of Application No. A/NE-PK/228 with Attachments received on 15.12.2025
<b>Appendix II</b>	Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Detailed Comments from Relevant Government Departments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comments

<b>Drawing A-1</b>	Proposed Layout Plan of Application No. A/NE-PK/227
<b>Drawing A-2</b>	Proposed Layout Plan of Application No. A/NE-PK/228
<b>Plan A-1</b>	Location Plan
<b>Plan A-2a</b>	Site Plan
<b>Plan A-2b</b>	Estimated Amount of Land Available within “V” Zones of Kai Leng for Small House Development
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photo

**PLANNING DEPARTMENT**  
**FEBRUARY 2026**