

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/NE-TKL/827, 828 and 829

- Applicants** : Ms. TSE Ka Man (Application No. A/NE-TKL/827)
Messrs. NG Yung Ying and CHAN On (Application No. A/NE-TKL/828)
and Ms. LAI Hung Ha
Mr. TSE Siu Ting (Application No. A/NE-TKL/829)

all represented by Mr. HUI Kwan Yee
- Sites** : Shan Kai Wat Lot 28 (Application No. A/NE-TKL/827)
Shan Kai Wat Lot 23 (Application No. A/NE-TKL/828)
Shan Kai Wat Lot 22 (Application No. A/NE-TKL/829)

all in D.D. 84, Ta Kwu Ling, New Territories
- Site Areas** : 35.5m² (about) (Application No. A/NE-TKL/827)
31.2m² (about) (Application No. A/NE-TKL/828)
36.9m² (about) (Application No. A/NE-TKL/829)
- Lease** : Block Government Lease (demised for ‘House’ Use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Planning (OZP)
No. S/NE-TKL/14
- Zoning** : “Green Belt” (“GB”)
- Applications** : Proposed House (New Territories Exempted House (NTEH)) (not Small House) on each of the application sites

1. The Proposal

- 1.1 The applicants seek planning permission to build a NTEH on each of the application sites (the Sites) falling within an area zoned “GB” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “GB” zone, ‘House (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 with groundcover.

1.2 Details of each of the proposed NTEHs (not Small Houses)¹ are as follows:

Application No.	:	<u>A/NE-TKL/827</u>	<u>A/NE-TKL/828</u>	<u>A/NE-TKL/829</u>
Total Floor Area	:	106.5m ²	93.6m ²	110.7m ²
Number of Storeys	:	3	3	3
Building Height	:	8.23m	8.23m	8.23m
Roofed Over Area	:	35.5m ²	31.2m ²	36.9m ²

1.3 According to the applicants, septic tanks will be provided to serve the proposed NTEHs. Layouts of the proposed NTEHs under applications No. A/NE-TKL/827, 828 and 829 are shown in **Drawings A-1 to A-3** respectively.

1.4 In support of the applications, the applicants have submitted the following documents:

- (a) Application Form with attachments received on 23.12.2025 (for Application No. A/NE-TKL/827) **(Appendix Ia)**
- (b) Application Form with attachments received on 23.12.2025 (for Application No. A/NE-TKL/828) **(Appendix Ib)**
- (c) Application Form with attachments received on 23.12.2025 (for Application No. A/NE-TKL/829) **(Appendix Ic)**
- (d) Further Information (FI) received on 2.2.2026* **(Appendix Id)**
(for Applications No. A/NE-TKL/827 and 828)

** 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 and FI at **Appendices Ia to Id**, as summarised below:

- (a) the applicants are the registered owners of the Sites. The Sites had been built with houses for a very long time but were reduced to remnants at the time of purchase, and were later completely demolished. The applicants are entitled to rebuild the houses;
- (b) there are other similar re-built village houses in the vicinity of the Sites; and
- (c) rebuilding houses at the Sites will not have impact on the surrounding areas.

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

The applicants are the sole “current land owners” of their respective lots at the Sites. Detailed information would be deposited at the meeting for Members’ inspection.

¹ For application No. A/NE-TKL/827, the lot boundary does not match with the coordinates of the Site shown on the plan submitted by the applicant (**Drawing A-1**).

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. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No.10) is relevant to this application. The relevant assessment criteria are at **Appendix III**.

6. Previous Application

The Sites are not the subject of any previous application.

7. Similar Application

There is no similar application for NTEH (not Small House) within the same “GB” zone in the vicinity of the Site.

8. The Sites and Their Surrounding Areas (Plans A-2a to A-4)

7.1 The Sites are:

- (a) vacant with groundcover; and
- (b) not served by any vehicular access.

7.2 The surrounding areas are rural in character comprising mainly fallow agricultural land, vacant land, village houses and graves. The “Village Type Development” (“V”) zones of Ha Shan Kai Wat and Sheung Shan Kai Wat are located to the northeast (about 80m) and further northwest respectively.

9. Planning Intention

The planning intention of “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

10. Comments from Relevant Government Departments

10.1. The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

10.1.1. Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) he has no objection to the applications;
- (b) the subject lots are Old Schedule House Lots held under the Block Government Lease;
- (c) the Sites fall outside the village 'environs' ('VE'); and
- (d) the applicants of each Site had submitted an application for redevelopment of NTEH on their lots to his office. However, their applications were all rejected because planning permission from the Board had not been obtained when initial checking of land status of each Site was conducted by his office.

Nature Conservation

10.1.2. Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) it was found in a site visit on 13.1.2026 that the Sites were disturbed with little vegetation. He has no strong view on the applications from nature conservation perspective; and
- (b) the applicants should implement good site practice to avoid adverse impacts on nearby trees and vegetation on Government land (GL). The applicants should also obtain prior approval from LandsD before carrying out tree works and/or vegetation clearance on GL, if there are any such works.

Traffic

10.1.3. Comments of the Commissioner for Transport (C for T):

- (a) she has no objection to the applications from traffic perspective;
- (b) the applications only involve the construction of one NTEH each, and she considers that the applications can be tolerated on traffic grounds;
- (c) although additional traffic generated by the proposed developments is not significant, the permission of development 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; and
- (d) his advisory comments are at **Appendix IV**.

10.1.4. Comments of the Chief Highway Engineer/New Territories East, HyD (CHE/NTE, HyD):

- (a) he has no comment on the applications from highways maintenance point of view; and
- (b) his advisory comments are at **Appendix IV**.

Drainage

10.1.5. Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) she has no objection to the applications from the public drainage viewpoint; and
- (b) his advisory comments are at **Appendix IV**.

Environment

10.1.6. Comments of the Director of Environmental Protection (DEP):

- (a) in view of small scale of the proposed developments, the applications alone are unlikely to cause major pollution;
- (b) no environmental complaint against the Sites was received in the past three years; and
- (c) his advisory comments are at **Appendix IV**.

Fire Safety

10.1.7. Comments of the Director of Fire Services (D of FS):

- (a) he has no in-principle objection to the applications at this stage provided that the proposed houses would not encroach on any existing Emergency Vehicular Access (EVA) or planned EVA under application in accordance with LandsD's record; and
- (b) his advisory comments are at **Appendix IV**.

Landscape

10.1.8. Comments of the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD):

- (a) she has reservation on the proposed developments from landscape planning perspective;
- (b) based on the aerial photo taken in 2025 and site photos taken on 30.12.2025, the Sites are situated in an area of rural inland plains landscape character comprising village houses, farmlands, vegetated areas and tree clusters. The Sites are located amidst a "GB" zone covered with trees. The Sites are all

vacant with self-seeded vegetation. No distinctive landscape resources are observed within the Sites. However, approval of the applications may alter the landscape character of the “GB”; and

- (c) her advisory comments are at **Appendix IV**.

Water Supplies

10.1.9. Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no objection to the applications; and
- (b) his advisory comments are at **Appendix IV**.

10.2. The following departments have no objection to/ no adverse comment on the application:

- (a) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (b) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD); and
- (c) District Officer (North), Home Affairs Department (DO(N), HAD).

11. Public Comments Received During Statutory Publication Period

On 30.12.2025, the applications were published for public inspection. During the statutory public inspection period, each application received the same three comments (**Appendices Va to Vc**). Two comments from an individual and Kadoorie Farm & Botanic Garden Corporation object to the applications mainly on the grounds that the proposed developments are not in line with the planning intention of the “GB” zone; the applicants are not the original owners of the demolished houses or indigenous villagers; and the Board is suggested to consider if potential cumulative impacts of approval of the applications would set a precedent for similar applications in the same “GB” zone. The remaining comment from a member of the North District Council indicates no comment on the applications.

12. Planning Considerations and Assessments

- 12.1. The applications are for proposed NTEH (not Small House) at each of the Sites falling within an area zoned “GB” on the OZP. The proposed developments are not in line with the planning intention of the “GB” zone and there is a general presumption against development within “GB” zone. However, DAFC has no strong view on the applications from nature conservation perspective as the Sites were disturbed with little vegetation. Taking into account the planning assessments below, sympathetic considerations could be given to the proposed developments.
- 12.2. The Sites, which are vacant with groundcover, are located in an area rural in character comprising mainly fallow agricultural land, vacant land, village houses and graves. The “V” zone of Ha Shan Kai Wat is located about 80 m to the northeast of the Sites. While CTP/UD&L, PlanD has reservation on the applications as the approval of the applications may alter the landscape character of the “GB” zone, she advises that the Sites are all vacant with self-seeded vegetation and no distinctive landscape resources are observed within the Sites. Other relevant government departments consulted,

including C for T, DEP, CE/MN of DSD, CE/C, WSD and D of FS, have no objection to or no adverse comment on the applications. In view of the above, the proposed developments are generally in line with TPB PG-No. 10.

- 12.3. Regarding the Interim Criteria (**Appendix II**), development of NTEH with more than 50% of the footprint outside both 'VE' and "V" zone would normally not be approved unless under very exceptional circumstances, such as the site has a building status under the lease. According to DLO/N, LandsD, the subject lots of the Sites are Old Schedule House Lots held under the Block Government Lease, and he has no objection to the applications. In accordance with the Interim Criteria, it has been the existing practice of the Board to take into account building status under the lease in considering planning application for NTEH development. Hence, sympathetic consideration could be given to the applications. As each application would be considered on its individual merits, approval of the current applications would unlikely set an undesirable precedent for similar applications within the "GB" zone.
- 12.4. Regarding the public comments as detailed in paragraph 11 above, the government departments' comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1. Based on the assessments made in paragraph 12 and having taken into account the public comments as detailed in paragraph 11 above, PlanD has no objection to the applications.
- 13.2. 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 IV**.
- 13.3. Alternatively, should the Committee decide to reject the applications, the following reason for rejection is suggested for Member's reference:

the proposed development is not in line with the planning intention of the "Green Belt" zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention.

14. Decision Sought

- 14.1. The Committee is invited to consider the applications and decide whether to grant or refuse to grant the permissions.
- 14.2. 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.

- 14.3. 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.

15. Attachments

Appendix Ia	Application Form with attachments received on 23.12.2025 (for Application No. A/NE-TKL/827)
Appendix Ib	Application Form with attachments received on 23.12.2025 (for Application No. A/NE-TKL/828)
Appendix Ic	Application Form with attachments received on 23.12.2025 (for Application No. A/NE-TKL/829)
Appendix Id	FI received on 2.2.2026 (for Applications No. A/NE-TKL/827 and 828)
Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Relevant Extracts of TPB PG-No.10
Appendix IV	Recommended Advisory Clauses
Appendix Va	Public Comments on Application No. A/NE-TKL/827
Appendix Vb	Public Comments on Application No. A/NE-TKL/828
Appendix Vc	Public Comments on Application No. A/NE-TKL/829
Drawing A-1	Proposed NTEH Layout Plan for Application No. A/NE-TKL/827
Drawing A-2	Proposed NTEH Layout Plan for Application No. A/NE-TKL/828
Drawing A-3	Proposed NTEH Layout Plan for Application No. A/NE-TKL/829
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2026**