

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/MOS/132

- Applicant** : Mr. Joshua LEE (李子淇)
- Site** : Government Land (GL) in D.D. 167, Sai O Village, Sai Kung North
- Site Area** : About 65.03m²
- Land Status** : GL
- Plan** : Approved Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/28
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed House (New Territories Exempted House (NTEH) – Small House)

1. The Proposal

- 1.1 The applicant, who claims to be an indigenous villager of Sai O Village, seeks planning permission to build a NTEH (Small House) at the application site (the Site) falling within an area zoned “GB” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ is a Column 2 use within the “GB” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and hard-paved (**Plan A-4**).
- 1.2 Details of the proposed Small House 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 accessible via a local track leading to Sai Sha Road (**Plan A-1**). The layout of the proposed Small House (including septic tank) submitted by the applicant is shown in **Drawing A-1**.
- 1.4 The Site is the subject of a previous application No. A/MOS/119 (**Plan A-2a**) submitted by the same applicant for the same use, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 8.12.2017. Details of the previous application are set out in paragraph 6 below.

1.5 In support of the application, the applicant has submitted Application Form with attachments received on 5.1.2026 (**Appendix I**).

2. Justifications from the Applicant

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

- (a) the Site is the subject of a previously approved application No. A/MOS/119 submitted by the applicant. The permission was extended once until 8.12.2025;
- (b) the applicant submitted a Small House grant application to the Lands Department (LandsD), but the application was still under processing upon expiry of the planning permission;
- (c) the Site falls entirely within the village ‘environs’ (‘VE’) of Sai O; and
- (d) there are seven similar applications (No. A/MOS/52, 73, 90, 91, 105, 112 and 113) approved for proposed Small House developments falling within the same ‘VE’ of Sai O.

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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) are not applicable to this 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. Town Planning Board Guidelines

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

6. Previous Application

- 6.1 The Site is the subject of a previous application (No. A/MOS/119) submitted by the same applicant for the same use. Application No. A/MOS/119 was approved by the Committee on 8.12.2017 (i.e. after the formal adoption of a more cautious approach by the Board in August 2015¹) mainly on the considerations that the application generally met the Interim Criteria in that the proposed Small House footprint fell entirely within the 'VE' and there was a general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of the concerned village at the time of consideration; the proposed development was not incompatible with the adjacent rural environment; the site was bounded by existing village houses, approved planning applications for Small Houses and vegetated slope and hence sympathetic consideration could be given. The validity period of the planning permission was extended once, and the planning permission lapsed on 9.12.2025.
- 6.2 Compared with the previous application, there is no change in the development parameters and footprint of the Small House except for the location of septic tank. Details of the previous application are summarised at **Appendix IV** and its location is shown on **Plans A-1** and **A-2a**.

7. Similar Applications

- 7.1 There are eight similar applications for Small House developments in the vicinity of the Site within/partly within the same "GB" zone of the OZP (**Plan A-2a**) since the first promulgation of the Interim Criteria on 24.11.2000. Among them, seven applications were approved while one application was rejected by the Committee.
- 7.2 Among the seven approved applications, five applications (No. A/MOS/52, 73, 90, 91 and 105) were approved by the Committee between 2001 and 2015, i.e. before the Board formally adopted a more cautious approach in considering the Small House applications since August 2015, mainly on the considerations that the applications complied with the Interim Criteria in that more than 50% of the footprints of the proposed Small Houses fell within the 'VE' and there was a general shortage of land within the "V" zone of the same village in meeting the Small House demand at the time of consideration; no significant adverse impacts on the surrounding areas were anticipated; and nearby similar applications were approved by the Committee. The remaining two approved applications (No. A/MOS/112 and 113) were both considered by the Committee on 12.8.2016 after the formal adoption of a more cautious approach by the Board mainly on the similar considerations as mentioned in paragraph 6.1 above.
- 7.3 The last similar application (No. A/MOS/118) was rejected by the Committee on 8.9.2017 mainly for the reasons that there was no strong planning justification for a departure from the planning intention; the application did not

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 LandsD.

comply with the Interim Criteria due to its adverse landscape impact on the surrounding areas; it did not comply with TPB PG-No. 10 as clearance of vegetation would be involved; and approval of the application would set an undesirable precedent.

7.4 Details of the similar applications are summarised at **Appendix V** and their locations are shown on **Plan A-2a**.

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

8.1 The Site is:

- (a) currently vacant, hard-paved, and is located at the southern fringe of the Sai O Village adjacent to a cluster of approved Small Houses; and
- (b) accessible via a local track leading to Sai Sha Road.

8.2 The surrounding areas are predominantly rural in character comprising village houses and dense woodland. To the north and east of the Site are the existing village houses of Sai O Village. To the south and west are the densely vegetated slope.

9. Planning Intention

The planning intention of the “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 application has 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? - Footprint of the proposed Small House - The Site	- -	100% 100%	- The Site and the footprint of the proposed Small House fall entirely within the “GB” zone (Plan A-2a).

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
2.	<p>Within ‘VE’?</p> <ul style="list-style-type: none"> - Footprint of the proposed Small House - The Site 	<p>100%</p> <p>100%</p>	<p>-</p> <p>-</p>	<ul style="list-style-type: none"> - The Site and the footprint of the proposed Small House fall entirely within the ‘VE’ of Sai O (Plan A-2a).
3.	<p>Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?</p>		✓	<p><u>Land Required</u></p> <ul style="list-style-type: none"> - Land required to meet Small House demand in Sai O Village and Nai Chung Village: about 3.9 ha (equivalent to 156 Small House sites). The number of outstanding Small House applications is 19² while the 10-year Small House demand forecast is 137³.
	<p>Sufficient land in “V” zone to meet outstanding Small House applications?</p>	✓		<p><u>Land Available</u></p> <ul style="list-style-type: none"> - Land available to meet Small House demand within the “V” zones of Sai O Village and Nai Chung Village⁴: about 0.77 ha (equivalent to about 31 Small House sites) (Plan A-2b).
4.	<p>Compatible with the planning intention of “GB” zone?</p>		✓	<ul style="list-style-type: none"> - There is a general presumption against development within the “GB” zone. - Director of Agriculture, Fisheries and Conservation (DAFC) has no comment on the application from nature conservation point of view, considering that the Site is

² Among the 19 outstanding Small House applications, 18 fall within the “V” zone while one falls outside the “V” zone. For the case falling outside the “V” zone, it is the subject of an approved application No. A/MOS/119, and the planning permission lapsed on 9.12.2025.

³ According to DLO/TP, 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.

⁴ The subject “V” zone is covered by the ‘VEs’ of two villages (with a small portion being overlapped), namely Sai O Village and Nai Chung Village. In the previously approved application (No. A/MOS/119), when calculating the available land to meet the outstanding Small House applications within the “V” zone, only the “V” zone covered by the ‘VE’ of the applicant’s village (i.e. Sai O Village) was taken into account while the remaining area within the same “V” zone covered by the ‘VE’ of another village was excluded. In the current application, the approach for calculating the available land based on the entire “V” zone is adopted.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				currently vacant and adjacent to developed areas.
5.	Compatible with surrounding area/ development?	✓		- The proposed Small House is not incompatible with the surrounding areas which are predominantly village houses.
6.	Within water gathering grounds?		✓	- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application.
7.	Environmental and sewerage impact?		✓	- Director of Environmental Protection (DEP) has no objection to the application, in view of the small scale of the proposed Small House development. The applicant is reminded to follow the requirements set out in the Professional Persons Environmental Consultative Committee Practice Notes 1/23 for the design and construction of the proposed septic tank system.
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	Need for provision of fire services 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 house will not encroach on any existing or planned EVA in accordance with LandsD's record.
10.	Traffic impact?	✓		- Commissioner for Transport (C for T) advises that Small House developments should be confined within the "V" zone as far as possible. Though additional traffic generated by

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				the proposed development is not expected to be significant, such type of development outside the “V” zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding the above, the application only involves the development of one Small House and could be tolerated on traffic grounds.
11.	Drainage impact?		✓	- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application.
12.	Landscape impact?		✓	- Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no adverse comment from landscape planning perspective, noting that the Site is the subject of a previously approved application for the same development and the Site is already formed without vegetation.
13.	Geotechnical impact?		✓	- Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) has no in-principle objection to the application.
14.	Local objections conveyed by DO?		✓	

10.2 Comments from the following government departments have been incorporated in paragraph 10.1 above. Other detailed comments and recommended advisory clauses are provided at **Appendices V** and **VI** respectively.

- (a) DLO/TP, LandsD;
- (b) DAFC;

- (c) CE/C, WSD;
- (d) DEP;
- (e) D of FS;
- (f) C for T;
- (g) CE/MN, DSD;
- (h) CTP/UD&L, PlanD; and
- (i) H(GEO), CEDD.

10.3 The following government departments have no objection to/no comment on the application:

- (a) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Project Manager (North), CEDD (PM(N), CEDD).

11. Public Comments Received During Statutory Publication Period

On 13.1.2026, the application was published for public inspection. During the statutory public inspection period, five public comments (**Appendix VIII**) were received from individuals, objecting to the application primarily on the grounds that the proposed development is not in line with the planning intention of the “GB” zone, poses potential fire and slope safety risks, and might result in adverse drainage and environmental impacts.

12. Planning Considerations and Assessments

12.1 The application is for proposed Small House development at the Site zoned “GB” on the OZP. The proposed development is not in line with the planning intention of the “GB” zone. Nevertheless, since the Site is currently vacant and adjacent to developed areas, DAFC has no comment on the application from nature conservation point of view. Taking into account the planning assessments below, sympathetic consideration could be given to the proposed development.

12.2 The Site is situated at the southern fringe of the ‘VE’ of Sai O, and is currently vacant and hard-paved. The proposed development is considered not incompatible with the surrounding areas which are predominantly rural in character mainly occupied by village houses and dense woodland. CTP/UD&L, PlanD has no adverse comment on the application as significant adverse landscape impact arising from this application is not anticipated. C for T considers that while the proposed development should be confined within the “V” zone as far as possible, the application could be tolerated from traffic grounds given that it involves development of one Small House only. Other relevant government departments consulted, including DEP, H(GEO), CEDD, CE/C, WSD, CE/MN, DSD and D of FS have no objection to/ no adverse comment on the application. In view of the above, the application is generally in line with TPB-PG No. 10.

- 12.3 Regarding the Interim Criteria (**Appendix II**), the proposed Small House footprint falls entirely within the 'VE' of Sai O (**Plan A-2a**). According to DLO/TP, LandsD, the number of outstanding Small House applications for Sai O and Nai Chung is 19 while the 10-year Small House demand forecast for the same villages is 137. Based on PlanD's latest estimate, about 0.77 ha of land (or equivalent to about 31 Small House sites) is available within the "V" zone concerned (**Plan A-2b**). While land available within the "V" zone 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 development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. Notwithstanding the above, the Site is the subject of a previously approved application (No. A/MOS/119) submitted by the same applicant for the same use as the current application as detailed in paragraph 6.1 above. Although the previous planning approval has lapsed, the Small House grant application submitted by the applicant is still under processing by DLO/TP, LandsD, and consultation of relevant government departments has been completed. Compared with the previous application, there is no change in the development parameters and footprint of the Small House except for the location of septic tank. In this regard, sympathetic consideration could be given to the application.
- 12.4 There are seven approved similar applications for Small House developments in the vicinity of the Site, among which two applications were considered by the Committee in 2016 after the formal adoption of a more cautious approach by the Board in August 2015 as detailed in paragraph 7.2 above. The planning circumstances of the current application are similar to those of the approved applications. Approval of the current application is in line with the Committee's previous decisions.
- 12.5 Regarding the public comments as detailed in paragraph 11 above, the government departments' comments and the 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 mentioned in paragraph 11 above, PlanD has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 27.2.2030, 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 VII**.

13.3 There is no strong reason to recommend rejection of the application.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.

14.2 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.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form with Attachments received on 5.1.2026
Appendix II	Relevant Revised Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Relevant Extract of TPB PG-No. 10
Appendix IV	Previous Application
Appendix V	Similar Applications
Appendix VI	Detailed Comments from Relevant Government Departments
Appendix VII	Recommended Advisory Clauses
Appendix VIII	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available within “V” Zone of Sai O and Nai Chung for Small House Development
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2026**