

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/FSS/304

- Applicant** : Mr. TSANG Yun Wah represented by Shing Yue Construction and Engineering Limited
- Site** : Government Land (GL) in D.D. 91, Ng Uk Tsuen, Sheung Shui, New Territories
- Site Area** : About 65.03m²
- Land Status** : GL
- Plan** : Approved Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/28
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed House (New Territories Exempted House (NTEH) – Small House)

1. The Proposal

- 1.1 The applicant, who claims himself as an indigenous villager of Ng Uk Tsuen, seeks planning permission to build a NTEH (Small House) at the application site (the Site), which falls within an area zoned “GB” on the OZP (**Plan A-1**). According to the Notes of the OZP for “GB” zone, ‘House’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently largely vacant and covered with overgrown vegetation/trees (**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 from Pak Wo Road via an existing footpath (**Plan A-2b**). According to the applicant, the proposed Small House will be connected to the existing public sewer (**Plan A-2a**), and a public lamp post No. VD1612 currently within the Site (**Plan A-2a**) and its associated lighting cable will be relocated to the opposite side of the footpath by the applicant. Plan showing the layout of the proposed Small House submitted by the applicant is on **Drawing A-1**.

- 1.4 The Site is the subject of two previous applications (No. A/FSS/188 and 258) for the same use submitted by the same applicant as the current application, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2010 and 2017 respectively. Details of the previous applications are set out in paragraph 6 below.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 15.1.2026 and 22.1.2026 (Appendix I)
 - (b) Further Information (FI) received on 18.3.2026* (Appendix Ia)
** accepted and exempted from publication and recounting requirements*
- 1.6 On 13.3.2026, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) the applicant is an indigenous villager of Ng Uk Tsuen and entitled to build a Small House under the prevailing Small House policy;
- (b) the Site is located within the village ‘environs’ (‘VE’) of Ng Uk Tsuen. There are similar applications approved in the vicinity;
- (c) the applicant has submitted a Small House grant application to LandsD and the application is still under processing; and
- (d) for the existing lamp post No. VD1612 within the Site (**Plan A-2a**), the applicant has liaised with the Highways Department (HyD) and the village representatives of Ng Uk Tsuen for relocating the lamp post slightly westwards. The applicant will follow up with HyD and relevant authorities for the relocation.

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

As the Site only involves GL, 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.

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 for ‘Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) are relevant to this application, and the relevant extracts are at **Appendix III**.

6. Previous Applications

- 6.1 The Site is the subject of two previous applications (No. A/FSS/188 and 258) for the same use submitted by the same applicant as the current application, which were approved with conditions by the Committee on 19.3.2010 and 17.3.2017 respectively, mainly on the considerations that the application generally complied with the Interim Criteria in that the proposed Small House footprint fell entirely within the ‘VE’ and there was general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of the concerned village; the proposed development was considered not incompatible with the adjacent village setting of Ng Uk Tsuen and the high-rise residential developments; and the application generally complied with TPB PG-No. 10.
- 6.2 For application No. A/FSS/188, the planning permission lapsed on 20.3.2014, whilst for application No. A/FSS/258, the validity period of the planning permission was extended once and the permission lapsed on 18.3.2025. Compared with application No. A/FSS/188, both application No. A/FSS/258 and the current application have their sites shifted slightly northwards (**Plan A-2a**). Whilst compared with the last application No. A/FSS/258, the current application remains unchanged in terms of site area/boundary and major development parameters. Details of the previous applications are summarised at **Appendix IV** and their locations are shown on **Plan A-2a**.

7. Similar Applications

There are 12 similar applications, involving nine sites, within the same “GB” zone in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000. Amongst them, four applications were approved with conditions by the Committee in 2010 before the formal adoption of a more cautious approach in considering Small House application by the Board in August 2015¹. After the formal adoption of the said more cautious approach, the remaining eight applications were approved with conditions by the Committee between 2017 and 2022, mainly on the similar considerations as mentioned in paragraph 6.1 above. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-2a**.

¹ The Board has adopted a more cautious approach in considering Small House application since August 2015. Amongst 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.

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

8.1 The Site is:

- (a) currently largely vacant and covered with overgrown vegetation/trees;
- (b) located in the urban fringe and entirely within the ‘VE’ of Ng Uk Tsuen;
and
- (c) accessible from Pak Wo Road via an existing footpath.

8.2 The surrounding areas are sub-urban in character with vegetated vacant land and scattered residential structures along the footpath; high-rise residential developments of 8 Royal Green, Glorious Peak and Royal Green to the east and south beyond the adjacent vegetated land; the village settlements of Ng Uk Tsuen to the north; and a vegetated knoll with graves to the northwest and west (**Plans A-2b and A-3**).

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? - The Site - Footprint of the proposed Small House	- -	100% 100%	- The Site and the footprint of the proposed Small House fall entirely within the “GB” zone (Plans A-1 to A-3).
2.	Within ‘VE’? - The Site - Footprint of the proposed Small House	100% 100%	- -	- The Site and the footprint of the proposed Small House fall entirely within the ‘VE’ of Ng Uk Tsuen (Plans A-1 to A-3).

	<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 Ng Uk Tsuen: about 2.33ha (equivalent to about 93 Small House sites). The number of outstanding Small House grant applications for Ng Uk Tsuen is eight ² whilst the 10-year Small House demand forecast for Ng Uk Tsuen is 85 ³ .
	Sufficient land in “V” zone to meet outstanding Small House applications?		✓	<u>Land available</u> - Land available to meet 10-year Small House demand within the “V” zone of Ng Uk Tsuen: about 0.11ha (equivalent to about four Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of “GB” zone?		✓	- There is a general presumption against development within the “GB” zone. - Director of Agriculture, Fisheries and Conservation (DAFC) has no strong view on the application from nature conservation perspective.
5.	Compatible with surrounding area/ development?	✓		- The proposed Small House development is located near the village settlements of Ng Uk Tsuen. To the east and south are high-rise residential developments.
6.	Within Water Gathering Ground?		✓	- 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 in-principle objection to the application provided that the applicant will provide adequate sewer connection for disposal of sewage from the Small

² The eight outstanding Small House grant applications (including one at the Site) fall outside or straddle the “V” zone, with four of them involved in approved planning applications with valid planning permissions.

³ According to DLO/N, LandsD, the 10-year forecast for Small House demand was provided by the Indigenous Inhabitant Representative (IIR) of Ng Uk Tsuen which has not been verified by his office.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				House to the existing public sewer at his own costs and reserve adequate land for the sewer connection work.
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 objection in principle to the application provided that the proposed Small House would not encroach on any existing EVA 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 application from traffic engineering perspective. - Although additional traffic generated by the proposed development is not significant, the permission of development outside the "V" zone will however set an undesirable precedent case for similar application in the future. The resulting cumulative adverse traffic impact has to be reviewed on case-by-case basis in the future. - The application only involves the construction of one Small House and C for T considers that the application can be tolerated on traffic grounds.
11.	Drainage impact?		✓	- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application from public drainage viewpoint.
12.	Landscaping impact?		✓	- Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD)

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				has no adverse comment on the application from landscape planning perspective considering that the proposed development is not incompatible with the landscape setting in the proximity and no significant landscape impact is anticipated.
13.	Local objections conveyed by District Officer?		✓	- District Officer (North), Home Affairs Department (DO(N), HAD) has no comment on the application. The IIR and Resident Representative (RR) of Ng Uk Tsuen and the Chairman of Sheung Shui District Rural Committee (SSDRC) have been consulted. The IIR of Ng Uk Tsuen supports the application and the RR of Ng Uk Tsuen and the Chairman of SSDRC have no comment on the application.

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

- (a) DLO/N, 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) DO(N), HAD.

10.3 The following government departments have no objection to or no adverse comment on the application.

- (a) Chief Highway Engineer/New Territories East, Highways Department (HyD);
- (b) Chief Engineer/Lighting, HyD;
- (c) Project Manager (North), Civil Engineering and Development Department;
- (d) Director of Electrical and Mechanical Services; and
- (e) Chief Building Surveyor/New Territories West, Buildings Department.

11. Public Comments Received During Statutory Publication Period

On 23.1.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received, including one from a Member of the North District Council indicating no comment (**Appendix VIIa**); and one from an individual objecting to the application on the grounds that there is still available land within the “V” zone and Small House development should be contained within the “V” zone (**Appendix VIIb**).

12. Planning Considerations and Assessments

12.1 The application is for proposed NTEH (Small House) development at the Site which is zoned “GB” (**Plan A-1**). The proposed development is not in line with the planning intention of the “GB” zone. Nevertheless, noting that the Site is the subject of two previously approved applications for the same use, DAFC has no strong view on the current application from nature conservation perspective. Taking into account the above and the planning assessments below, sympathetic consideration could be given to the application.

12.2 The Site is located in the urban fringe and surrounded by the village settlements of Ng Uk Tusen to the north and high-rise residential developments to the east and south. The proposed Small House development is considered not incompatible with the surrounding areas. CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective and considers that the proposed development is not incompatible with the landscape setting in the proximity and no significant adverse landscape impact is anticipated. C for T considers that whilst the proposed development outside the “V” zone will set undesirable precedent for similar applications in the future, the application involving only one Small House can be tolerated on traffic grounds and has no objection to the application. Other relevant government departments consulted, including DEP, CE/MN, DSD, D of FS and CE/C, WSD, have no objection to or no adverse comment on the application. In view of the above, the application is considered generally in line with TPB PG-No. 10.

12.3 Regarding the Interim Criteria (**Appendix II**), the footprint of the proposed Small House falls entirely within the ‘VE’ of Ng Uk Tsuen (**Plan A-2a**). According to DLO/N, LandsD, the number of outstanding Small House grant applications for Ng Uk Tsuen is eight whilst the 10-year Small House demand forecast is 85. Based on PlanD’s latest estimate, about 0.11 ha of land (equivalent to about four Small House sites) is available within the “V” zone concerned (**Plan A-2b**). In this regard, there is insufficient land within the “V” zone to meet the outstanding Small House applications. Besides, the Site is the subject of two previously approved applications for the same use submitted by the same applicant as detailed in paragraph 6 above. Although the last planning permission has lapsed, as advised by DLO/N, LandsD, the Small House grant application at the Site is under processing. Site notice regarding the Small House grant application was posted on 10.5.2024 and the Small House grant application is considered at an advance stage. In view of the above, sympathetic consideration can be given to the current application under Interim Criteria.

- 12.4 There are 12 approved similar applications for Small House development within the same “GB” zone in the vicinity of the Site as mentioned in paragraph 7 above. Amongst them, eight were approved by the Committee between 2017 and 2022 after the formal adoption of a more cautious approach by the Board. The planning circumstances of the current application are similar to those of the approved similar applications. Approving the current application is in line with the Committee’s previous decisions.
- 12.5 Regarding the public comments as mentioned in paragraph 11, the departmental 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 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 8.5.2030, 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**.
- 13.3 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 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 15.1.2026 and 22.1.2026
Appendix Ia	FI received on 18.3.2026
Appendix II	Relevant Revised Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Relevant extracts of TPB PG-No. 10
Appendix IV	Previous and similar applications
Appendix V	Detailed comments from relevant government departments
Appendix VI	Recommended advisory clauses

Appendices VIIa and VIIb	Public comments
Drawing A-1	Proposed layout plan
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 Ng Uk Tsuen
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MAY 2026**