

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/SK-HC/373 to 375

- Applicants** : Mr. WAN Chee Ching (Application No. A/SK-HC/373)
Mr. WAN Andrew Hing Leung (Application No. A/SK-HC/374)
Mr. YAU Will Pui Hin (Application No. A/SK-HC/375)
all represented by Thomas Tsang Surveyors Limited
- Sites** : Lot 481 S.A ss.2 (Application No. A/SK-HC/373)
Lot 481 S.A ss.1 (Application No. A/SK-HC/374)
Lot 481 S.A ss.3 (Application No. A/SK-HC/375)
all in D.D. 244, Ho Chung, Sai Kung, New Territories
- Site Areas** : About 163.5m² (Application No. A/SK-HC/373)
About 173.2m² (Application No. A/SK-HC/374)
About 180.8m² (Application No. A/SK-HC/375)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/13
- Zonings** : “Agriculture” (“AGR”) (Application No. A/SK-HC/373)
“AGR” (Application No. A/SK-HC/374)
“AGR” (about 175.9m² or 97.3%) and (Application No. A/SK-HC/375)
“Village Type Development” (“V”) (about 4.9m² or 2.7%)
- Applications** : Proposed House (New Territories Exempted House (NTEH) - Small House) on each of the application sites

1. The Proposal

- 1.1 The applicants, who are indigenous villagers of Ho Chung and Nam Wai, seek planning permissions to build a NTEH (Small House) on each of the application sites (the Sites) which fall within an area zoned “AGR” on the OZP (**Plans A-1, A-2a and A-2b**)¹. According to the Notes of the OZP, ‘House (NTEH only)’ within “AGR” zone is a Column 2 use which requires planning permission from the Town Planning Board (the Board).

¹ The footprints of the proposed Small Houses fall entirely within the “AGR” zone, except a minor portion of the Site of application No. A/SK-HC/375 (about 2.7%) falls within “V” zone in which ‘House (NTEH only)’ is always permitted.

- 1.2 The Sites are flat and currently vacant. Details of each of the proposed NTEHs (Small Houses) are as follows:

Total Floor Area	:	195.09m ²
No. of Storeys	:	3
Building Height	:	8.23m
Roofed Over Area	:	65.03m ²

- 1.3 The Sites are the subject of previous planning applications submitted by the same applicants for the same use as the current respective applications which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2011 and 2019. All planning permissions had already lapsed. Details of the previous applications are set out in paragraph 5 below and **Appendix III**, and their locations are shown on **Plans A-2a** and **A-2b**.
- 1.4 The layouts of the proposed Small Houses (including proposed septic tanks) are shown on **Drawings A-1** to **A-3** and **Plans A-2a** and **A-2b**.
- 1.5 In support of the applications, the applicants submitted the following documents:
- (a) Application Forms with attachments received on **(Appendices Ia to Ic)** 26.3.2026
 - (b) Further Information (FI) for Application No. **(Appendix Id)** A/SK-HC/375 received on 11.5.2026*
- *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 as stated in the Application Forms at **Appendices Ia** to **Id** are summarised as follows:

- (a) the applicants are indigenous villagers of Ho Chung Village and the Sites are entirely within the village 'environs' ('VE') of Ho Chung;
- (b) there were previously approved applications for the same use submitted by the same applicants. The Small House grants are still under processing by the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD);
- (c) the applicants undertake to fulfil relevant regulations and requirements of relevant Government departments; and
- (d) the proposed developments are considered compatible with the adjoining rural environment. No adverse drainage, sewerage and environmental impacts on the surrounding areas will be arisen from the proposed developments.

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

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

4. Assessment Criteria

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 the Interim Criteria, which was revised on 7.9.2007, is at **Appendix II**.

5. Previous Applications

5.1 The Sites are the subject of previous planning applications as listed in the table below. All previous applications were submitted by the same applicants for the same use as the current respective applications. Compared with the previously approved applications, the major development parameters and the footprints of the proposed Small Houses remain unchanged. The previous applications were approved with conditions by the Committee between 2011 and 2019 mainly on the sympathetic considerations that the proposed developments were in line with the Interim Criteria in that the application sites and footprints of the proposed Small Houses fell entirely within the ‘VE’ of Ho Chung and there was a general shortage of land in meeting Small House demand; a new village cluster was being established; the proposed developments were not incompatible with the surroundings; and no adverse impact was anticipated. Extension of time for four years for commencement of development was granted for applications No. A/SK-HC/215 and A/SK-HC/222. The relevant planning permissions lapsed in 2020 and 2021 respectively. The planning permission of Application No. A/SK-HC/314 also lapsed in 2023.

Current Application	Previous Application(s)
A/SK-HC/373	A/SK-HC/215
A/SK-HC/374	A/SK-HC/196 and A/SK-HC/314
A/SK-HC/375	A/SK-HC/222

5.2 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plans A-2a** and **A-2b**.

6. Similar Applications

6.1 There are 88 similar applications within/straddling the same “AGR” zone with 80 cases approved and eight cases rejected since the Interim Criteria revised on 7.9.2007. Among the 88 similar applications, 43 applications were approved and four applications were rejected before the Board’s formal adoption of a

more cautious approach in considering applications for Small House development in August 2015².

- 6.2 After August 2015, there were 37 applications approved mainly on the similar considerations as mentioned in paragraph 5.1 above. There were also four applications (No. A/SK-HC/290, 357 to 359) rejected by the Committee. Application No. A/SK-HC/290 was rejected on 15.6.2018 mainly on grounds of being not in line with the planning intention of the “AGR” zone; no strong justification in the submission for a departure from planning intention; causing adverse impact on the water quality of the area; and setting of an undesirable precedent. Applications No. A/SK-HC/357 to 359 were rejected on 20.12.2024 mainly on the grounds of being not in line with the planning intention of the “AGR” zone; no strong justification in the submission for a departure from planning intention; layouts of Small Houses were not compatible to Government’s principle of maximizing use of government land; and land was still available within the “V” zone of Ho Chung which was primarily for Small House development.
- 6.3 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plans A-2a** and **A-2b**.

7. The Sites and their Surrounding Areas (Plans A-1, A-2a and A-2b, aerial photo on Plan A-3, and site photos on Plan A-4)

- 7.1 The Sites are:
- (a) flat and currently vacant;
 - (b) located within the ‘VE’ of Ho Chung; and
 - (c) accessible via a local track linking to Ho Chung Road in the north.
- 7.2 The surrounding areas are of settled valley landscape predominated by vacant land and village houses. To the immediate east and north is the cluster of village houses within the “V” zone in Ho Chung with existing Small Houses, while to the west and south are vacant land and scattered Small Houses approved by LandsD. To the further northwest is the Ho Chung Lowland Pumping Station within “Government, Institution or Community” zone.

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.

² 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 LandsD.

9. Comments from Relevant Government Departments

9.1 The applications have been assessed against the assessment criteria in the Interim 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.	<p>Within “V” zone?</p> <ul style="list-style-type: none"> - Footprints of the proposed Small Houses - The Sites: <i>A/SK-HC/373 and 374</i> <i>A/SK-HC/375</i> 	-	100%	The Sites and footprints of the proposed Small Houses fall entirely within the “AGR” zone, except a minor portion of the Site of application No. A/SK-HC/375 falls within “V” zone (about 2.7%).
		-	100%	
		2.7%	97.3%	
2.	<p>Within ‘VE’?</p> <ul style="list-style-type: none"> - Footprints of the proposed Small Houses - The Sites 	100%	-	The Sites and footprints of the proposed Small Houses fall entirely within the ‘VE’ of Ho Chung.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?		✓	<p><u>Land Required</u></p> <p>Land required to meet the Small House demand in Ho Chung: about 13.73ha (equivalent to 549 Small House sites). The number of outstanding Small House applications is 69³, while the 10-year Small House demand forecast is 480⁴.</p>
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		<p><u>Land Available</u></p> <p>Land available to meet Small House demand within the “V” zone of the village concerned: about 3.54ha (equivalent to 141 Small House sites) (Plan A-2c).</p>
4.	Compatible with the planning intention of “AGR” zone?		✓	Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications as the Sites possess potential for agricultural rehabilitation. Agricultural

³ Among the 69 outstanding Small House applications, 40 fall within the “V” zone and 29 are straddling/outside the “V” zone.

⁴ According to DLO/SK, LandsD, the figure of 10-year Small House demand forecast is estimated and provided by the Indigenous Inhabitant Representative of Ho Chung, which has not been verified by his office.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				infrastructures such as road access and water source are available.
5.	Compatible with surrounding area/ development?	✓		The Sites are located to the west of Ho Chung New Village. There are existing village houses to the immediate east and north. A village cluster is formed to the west and south (Plans A-1, A-2a and A-2b).
6.	Within water gathering ground? - Footprints of the proposed Small Houses - The Sites	- -	100% 100%	Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the applications.
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire service installations and emergency vehicular access?		✓	Director of Fire Services (D of FS) has no in-principle objection to the applications. The applicants are reminded to observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements”, which is administered by LandsD.
9.	Traffic impact?	✓		Commissioner for Transport (C for T) considers that Small House development should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed developments 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 applications only involve development of one Small House each and could be tolerated on traffic grounds.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
10.	Drainage impact?		✓	Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) has no comment on the applications.
11.	Sewerage impact?		✓	Director of Environmental Protection (DEP) advises that in view of the nature and scale of the proposed developments, the applications alone are unlikely to cause major pollution.
12.	Archaeological impact?		✓	Antiquities and Monuments Office, Development Bureau (AMO, DEVB) has no comment on the applications from archaeological and built heritage perspectives.
13.	Landscape impact?		✓	Chief Town Planner/Urban Planning and Design, Planning Department (CTP/UD&L, PlanD) advises that the Sites are vacant and there are no distinctive landscape resources observed on the Sites. Significant adverse landscape impact arising from the applications is not anticipated.
14.	Local objection conveyed by DO?		✓	District Officer (Sai Kung), Home Affairs Department (DO(SK), HAD) has no comment on the applications.

9.2 Comments from the following government departments have been incorporated to the above paragraph. Detailed comments are at **Appendix V**.

- (a) DLO/SK, LandsD;
- (b) DAFC;
- (c) C for T;
- (d) DEP;
- (e) CE/MS, DSD;
- (f) CE/C, WSD;
- (g) D of FS;
- (h) Executive Secretary (Antiquities and Monuments)², AMO, DEVB;
- (i) CTP/UD&L, PlanD; and
- (j) DO(SK), HAD.

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

- (a) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (b) Chief Highway Engineer/New Territories East, Highways Department.

10. Public Comment Received During Statutory Publication Period

On 10.4.2026, the applications were published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the applications mainly on the ground that NTEH development should be confined within “V” zone (**Appendix VII**).

11. Planning Considerations and Assessments

- 11.1 The applications are for proposed Small House at each of the Sites which fall within an area zoned “AGR” on the OZP (except application No. A/SK-HC/375 with a minor portion (about 2.7%) within “V” zone). 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. Taking into account the planning assessments below, sympathetic consideration could be given to the proposed developments.
- 11.2 The Sites are flat and currently vacant. The proposed developments are considered not incompatible with the surrounding village setting and landscape character. CTP/UD&L, PlanD advises that the Sites are vacant and there are no distinctive landscape resources observed on the Sites. Significant adverse landscape impact arising from the applications is not anticipated. C for T considers that while Small House development should be confined within the “V” zone as far as possible, the applications could be tolerated as it only involves the construction of one Small House each. Other relevant government departments including CE/C, WSD, D of FS, CE/MS, DSD and DEP have no objection to or no adverse comment on the applications.
- 11.3 Regarding the Interim Criteria (**Appendix II**), the footprints of the proposed Small Houses fall entirely within the ‘VE’ of Ho Chung. According to DLO/SK, LandsD, the number of outstanding Small House applications for Ho Chung is 69 while the 10-year Small House demand forecast is 480. Based on the latest estimate by PlanD, about 3.54ha of land (equivalent to 141 Small House sites) is available within the “V” zone of Ho Chung (**Plan A-2c**). While the amount of 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. Since August 2015, the Board has formally adopted a more cautious approach in considering applications for Small House developments. Amongst others, in assessing whether there is a general shortage of land in meeting the Small House demand, the Board has put more weighting on the number of outstanding Small House applications as provided by LandsD. Nevertheless, the Sites are the subject of four previously approved planning applications (No. A/SK-HC/196, 215, 314 and 222) submitted by the same

applicants for the same use as the respective current applications. Compared with the previously approved applications, the development parameters and the footprints of the Small Houses remain unchanged. According to the records, the current applicants submitted the Small House grant applications to LandsD in 2011, 2009 and 2012 respectively, while the latest previous planning permissions lapsed in 2020, 2023 and 2021 respectively (**Appendix III**). The Small House grant applications remain under processing by LandsD and consultation of relevant government departments has been completed. Should the planning applications be approved by the Committee, DLO/SK, LandsD will proceed to conduct local consultation. In view of the above, sympathetic consideration can be given to the current applications based on criterion (d) of the Interim Criteria.

- 11.4 There are 88 similar applications for Small House developments in the vicinity of the Sites (**Plans A-2a and A-2b**), 37 of which were approved by the Committee between 2015 and 2026 after the Board's formal adoption of a more cautious approach mainly on the sympathetic consideration as detailed in paragraph 6.2 above. The planning circumstances of the current applications are similar to those of the approved applications. Approval of the current applications is in line with the Committee's previous decisions.
- 11.5 Regarding the public comment on the applications, government departments' comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment in paragraph 10 above, the Planning Department 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 22.5.2030, 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 each application are suggested for Members' reference:
- (a) the proposed development is not in line with the planning intention of the "Agriculture" zone, which is primarily to retain and safeguard good 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. There is no strong justification in the submission for a departure from the planning intention; and
 - (b) land is still available within the "Village Type Development" ("V") zone of Ho Chung which is primarily 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 26.3.2026 (Application No. A/SK-HC/373)
Appendix Ib	Application Form with attachments received on 26.3.2026 (Application No. A/SK-HC/374)
Appendix Ic	Application Form with attachments received on 26.3.2026 (Application No. A/SK-HC/375)
Appendix Id	FI for Application No. A/SK-HC/375 received on 11.5.2026
Appendix II	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 VII	Public Comment
Drawing A-1	Proposed Layout Plan of Application No. A/SK-HC/373
Drawing A-2	Proposed Layout Plan of Application No. A/SK-HC/374
Drawing A-3	Proposed Layout Plan of Application No. A/SK-HC/375
Plan A-1	Location Plan
Plans A-2a and A-2b	Site Plans
Plan A-2c	Estimated Amount of Land Available for Small House Development within the “V” zones of Ho Chung
Plan A-3	Aerial Photo
Plan A-4	Site Photos