

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

**APPLICATIONS NO. A/NE-PK/231 and 232**

- Applicants** : Mr. FUNG Sean Ka Long (Application No. A/NE-PK/231)  
Mr. LIU Wai Yin (Application No. A/NE-PK/232)  
both represented by T.H. & Associates Limited
- Sites** : Lot 1511 S.F (Application No. A/NE-PK/231)  
Lot 1511 S.B (Application No. A/NE-PK/232)  
both in D.D. 91, Kai Leng, Sheung Shui
- Site Areas** : About 146.8m<sup>2</sup> (Application No. A/NE-PK/231)  
About 139.5m<sup>2</sup> (Application No. A/NE-PK/232)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Kong Outline Zoning Plan (OZP) No. S/NE-PK/11
- Zoning** : “Agriculture” (“AGR”)
- Applications** : 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 Liu Pok and Sheung Shui Wai respectively, 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). The Sites are currently vacant and 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 garden. 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), namely Application No. A/NE-PK/113 and 157 for the site under Application No. A/NE-PK/231, and Application No. A/NE-PK/100 for the site under Application No. A/NE-PK/232, (**Plans A-1 and A-2a**), which were submitted by the same applicants as the current applications for the same use and approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2017 and 2022. 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/231 received on 20.4.2026
  - (b) Application Form with attachments for Application (**Appendix Ib**) No. A/NE-PK/232 received on 22.4.2026

## **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 applicants are indigenous villagers of Liu Pok and Sheung Shui Wai. Due to limited land supply within “Village Type Development” (“V”) zone of Kai Leng, it is not feasible for the applicants to purchase land for Small House developments within this zone;
- (b) the proposed Small House footprints fall entirely within the village ‘environs’ (‘VE’) of Kai Leng Village. They are the subject of previously approved applications. Also, similar applications for Small House development in the vicinity were approved by the Board. The Small House grants are still under processing by the District Lands Officer/North (DLO/N), Lands Department; and
- (c) the proposed development is considered compatible with the surrounding rural environment. It would not cause adverse environmental, traffic and visual impacts to the surrounding. No tree felling is required on the Sites.

## **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/113 and 157 for Application No. A/NE-PK/231, and No. A/NE-PK/100 for Application No. A/NE-PK/232) (**Plans A-1 and A-2**). The last previous applications (No. A/NE-PK/157 and 100) for the respective sites, submitted by the same applicants as the current applications, were approved by the Committee in 2022 and 2017 respectively (**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 "V" zones to meet the demand for Small House at the time of consideration. While the planning permission under application No. A/NE-PK/157 lapsed on 15.1.2026, the planning permission under application No. A/NE-PK/100 was extended once and lapsed on 14.1.2025. 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 157 and 158 similar applications for applications No. A/NE-PK/231 and 232 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 2026 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 covered with vegetation;
- (b) located to the southwest of the village proper of Kai Leng; and
- (c) accessible by a footpath without direct vehicular access.

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 the further northwest across a river channel is Ching Ho Estate zoned “Residential (Group A)” on the approved Fanling/Sheung Shui OZP No. S/FSS/28.

## 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:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone? - 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 Sites	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 1.60 ha (equivalent to 64 Small House sites). The number of outstanding Small House applications is 46 <sup>1</sup> while

<sup>1</sup> Among the 46 outstanding Small House applications, 11 fall within the “V” zones and 35 straddle or fall outside the “V” zones. For cases straddling or falling outside of “V” zones, 33 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 applications?		✓	the 10-year Small House demand forecast is 18 <sup>2</sup> .  <u>Land Available</u> - 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> ).
4.	Compatible with the planning intention of “AGR” zone?		✓	- The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications as the Sites possess potential for agricultural rehabilitation.
5.	Compatible with surrounding area/ development?	✓		- The proposed developments are not incompatible with the surrounding areas of rural character comprising vegetated areas, clusters of tree groups, active/fallow farmland, village houses, car parks and vacant land.
6.	Within Water Gathering Grounds?		✓	- The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the applications.
7.	Environmental and Sewerage impact?		✓	- The Director of Environmental Protection (DEP) advises that in view of small scale of the proposed development, each of the applications alone is unlikely to cause major pollution.
8.	Encroachment onto planned road networks and public works boundaries?		✓	

<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>
9.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	- The Director of Fire Services (D of 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?	✓		- The 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?		✓	- The 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 comment on the applications from landscape planning perspective as significant adverse landscape impacts arising from the applications are not anticipated.
13.	Geotechnical impact?		✓	- The 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?		✓	- The 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 28.4.2026, both applications were published for public inspection. During the statutory public inspection period, two public comments were received for each of the applications (**Appendices VIIa** and **VIIb**). One comment from an individual objects to both applications mainly on the ground that Small House developments beyond the village boundary of year 1972 should not be encouraged. Another comment from a North District Council member indicates no comment on both 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 covered with vegetation (**Plan A-4**). They are located to the southwest 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 under processing by DLO/N, LandsD are located adjacent to the Sites (**Plan A-2a**). The proposed development is not incompatible with the surrounding areas comprising vegetated areas, clusters of tree groups, active/fallow farmland, village houses, car parks and vacant land (**Plan A-3**). CTP/UD&L, PlanD has no comment on the applications from landscape planning perspective. Other concerned government departments consulted 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 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 46 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. Furthermore, each of the Sites is the subject of previously approved application(s) (**Plan A-2a**) submitted by the same applicant for the same use as set out in paragraph 5.1 above. The planning permissions under the previous applications subsequently lapsed in January 2025 and January 2026 respectively. As advised by DLO/N, LandsD, while the processing of Small House grant application at the site of application No. A/NE-PK/232 is at an advance stage, with the departmental circulation and local consultation generally completed, the Small House grant application at the site of application No. A/NE-PK/231, which was received by DLO/N, LandsD on 25.8.2021, is still under processing. Compared with the previous applications, the major development parameters and the footprints of the proposed Small Houses remain unchanged. In this regard, the applications generally comply with the Interim Criteria (**Appendix II**) and sympathetic consideration could be given to the current applications.
- 11.4 There are 157 and 158 similar applications for application No. A/NE-PK/231 and 232 respectively, involving 93 sites for Small House developments within the same "AGR" zone in the vicinity of the Sites (**Plan A-2a**). 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.
- 11.5 Regarding the public comments as detailed in paragraph 10 above, the government departments' comments and planning assessments above are relevant.

## 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 5.6.2030, 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, and to retain fallow arable land with good potential for rehabilitation for cultivation and other 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/231 with Attachments received on 20.4.2026
<b>Appendix Ib</b>	Application Form of Application No. A/NE-PK/232 with Attachments received on 22.4.2026
<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 VIIa</b>	Public Comments of Application No. A/NE-PK/231
<b>Appendix VIIb</b>	Public Comments of Application No. A/NE-PK/232
<b>Drawing A-1</b>	Proposed Layout Plan of Application No. A/NE-PK/231
<b>Drawing A-2</b>	Proposed Layout Plan of Application No. A/NE-PK/232
<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 Photos

**PLANNING DEPARTMENT  
JUNE 2026**