

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HC/372

- Applicant** : Mr. CHEUNG Gaston Chak-Kwok represented by Mr. WONG Kam Wai
- Site** : Various lots in D.D. 244, Ho Chung, Sai Kung, New Territories
- Site Area** : About 92.49m²
- Lease** : Block Government Lease (demised for agricultural use)
(except the original grant of Lots 425 S.A ss.1 and 425 S.D in D.D. 244 cannot be traced)
- Plan** : Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/13
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed House (New Territories Exempted House (NTEH) - Small House)

1. The Proposal

- 1.1 The applicant, who is an indigenous villager of Ho Chung as confirmed by the Indigenous Inhabitant Representative (IIR), seeks planning permission to build a NTEH (Small House) on the application site (the Site) which falls within an area zoned “AGR” on the OZP (**Plans A-1, A-2a and A-2b**). 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).
- 1.2 The Site is hard-paved and vacant. Details of the proposed NTEH (Small House) 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 Site is the subject of two previous planning applications, with the last application No. A/SK-HC/276 submitted by the same applicant for the same use as the current application which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 27.10.2017. Extension of

time for commencement of development for four years was granted and the planning permission lapsed on 28.10.2025. 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 layout of the proposed Small House (including proposed septic tank) is shown on **Drawing A-1** and **Plans A-2a** and **A-2b**.
- 1.5 In support of the application, the applicant submitted the following documents:
- (a) Application Form with attachments received on 8.4.2026 (**Appendix I**)
 - (b) Further Information (FI) received on 14.5.2026* (**Appendix Ia**)
**accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application as stated in the Application Form at **Appendix I** are summarized as follows:

- (a) there was previously approved application for the same use submitted by the same applicant. Small House application has been submitted to the Lands Department (LandsD) on 24.5.2016 and is still under processing;
- (b) there is shortage of land for Small House development in the “Village Type Development” (“V”) zone of Ho Chung;
- (c) most of the agricultural land falls within Water Gathering Ground (WGG) and not suitable for Small House development. The land suitable for Small House development is very limited;
- (d) there are approved Small House applications in the vicinity of the Site and no adverse environmental impact is anticipated to arise from the proposed development; and
- (e) a letter from Ho Chung IIR supporting the application is attached (**Appendix I**).

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

The applicant is the sole “current land owner” of the respective lots of the Site. 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 Site is the subject of two previous applications No. A/SK-HC/203 and 276, which were submitted by the same applicant for the same use as the current application and approved with conditions by the Committee in 2011 and 2017 respectively mainly on sympathetic considerations that the proposed development was in line with the Interim Criteria in that the application site and footprint of the proposed Small House fell entirely within the village ‘environs’ (‘VE’) of Ho Chung and there was a general shortage of land in meeting Small House development in “V” zone; a new village cluster was being established; the proposed development was not incompatible with the surroundings; and no adverse impact was anticipated. Compared with the last approved application (No. A/SK-HC/276), the major development parameters and footprint of the proposed Small House remain unchanged. Extension of time for four years for commencement of development was granted for the last approved application and the relevant planning permission lapsed in 2025.
- 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 93 similar applications within/straddling the same “AGR” zone with 85 cases approved and eight cases rejected since the Interim Criteria revised on 7.9.2007. Among the 93 similar applications, 45 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 2015¹.
- 6.2 After August 2015, there were 40 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**.

¹ 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.

7. The Site and its Surrounding Area (Plans A-1, A-2a and A-2b, aerial photo on Plan A-3, and site photos on Plan A-4)

7.1 The Site is:

- (a) hard-paved and vacant;
- (b) located within the ‘VE’ of Ho Chung and Ho Chung Site of Archaeological Interest (SAI);
- (c) slightly within the WGG; and
- (d) accessible via a local track linking to Nam Pin Wai Road in the southeast.

7.2 The surrounding areas are of settled valleys landscape predominated by tree groups, village houses and woodland. To the immediate east and south are two existing Small Houses, while to the southeast is scattered with Small Houses approved by LandsD. To the further east is the cluster of village houses within the “V” zone in Ho Chung. To the further west is a large piece of vegetated land scattered with few village settlements within “AGR” 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.

9. Comments from Relevant Government Departments

9.1 The application has 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.	Within “V” zone? - Footprint of the proposed Small House - The Site	- -	100% 100%	The Site and footprint of the proposed Small House fall entirely within the “AGR” zone.
2.	Within ‘VE’? - Footprint of the proposed Small House - The Site	100% 100%	- -	The Site and footprint of the proposed Small House fall entirely within the ‘VE’ of Ho Chung.

	<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 the Small House demand in Ho Chung: about 13.73ha (equivalent to 549 Small House sites). The number of outstanding Small House applications is 69 ² , while the 10-year Small House demand forecast is 480 ³ . <u>Land Available</u> 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).
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		
4.	Compatible with the planning intention of “AGR” zone?		✓	Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application as the Site possesses potential for agricultural rehabilitation. Agricultural infrastructures such as road access and water source are available.
5.	Compatible with surrounding area/development?	✓		The Site is located to the west of Ho Chung New Village. There are two existing village houses to the immediate east and south. A village cluster is formed to the east (Plan A-2a).
6.	Within WGG? - Footprint of the proposed Small House - The Site	- 2.5%	100% 97.5%	A small portion of the Site is located within the boundary of WGG. Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application.
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire service installations and		✓	Director of Fire Services (D of FS) has no in-principle objection to the

² Among the 69 outstanding Small House applications, 40 fall within the “V” zone and 29 are straddling/outside the “V” zone.

³ According to District Lands Officer/Sai Kung (DLO/SK), LandsD, the figure of 10-year Small House demand forecast is estimated and provided by the IIR of Ho Chung, which has not been verified by his office.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	emergency vehicular access?			application. The applicant is 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 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 development of one Small House and could be tolerated on traffic grounds.
10.	Drainage impact?		✓	Chief Engineer/Mainland South, DSD (CE/MS, DSD) has no comment on the application.
11.	Sewerage impact?		✓	Director of Environmental Protection (DEP) advises that in view of the nature and scale of the proposed development, the application alone is unlikely to cause major pollution.
12.	Archaeological impact?		✓	Executive Secretary of Antiquities and Monuments Office, Development Bureau (ES, AMO, DEVB) advises that the Site falls within Ho Chung SAI. Having reviewed the location, scope of proposed works with the findings of the previous archaeological works in the vicinity, ES, AMO, DEVB has no in-principle objection to the application. The applicant should notify her office two weeks prior to the commencement of the proposed works so as to facilitate AMO’s site

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				inspection in the course of excavation at the Site. The applicant is required to sign and return a Deed of Undertaking for the archaeological work upon receipt of the Deed from AMO via DLO.
13.	Landscape impact?		✓	Chief Town Planner/Urban Planning and Design, Planning Department (CTP/UD&L, PlanD) advises that the Site is vacant and there are no distinctive landscape resources observed on the Site. Significant adverse landscape impact arising from the application is not anticipated.
14.	Local objection conveyed by DO?		✓	District Officer (Sai Kung), Home Affairs Department (DO(SK), HAD) has no comment on the application.

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) CTP/UD&L, PlanD;
- (e) DEP;
- (f) CE/C, WSD;
- (g) CE/MS, DSD;
- (h) D of FS;
- (i) ES, AMO, DEVB; and
- (j) DO(SK), HAD.

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

- (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 17.4.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual

objecting to the application mainly on the ground that NTEH development should be confined within “V” zone (**Appendix VII**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed Small House at the Site zoned “AGR” on the OZP. The proposed development is not in line with the planning intention of the “AGR” zone. DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. Taking into account the planning assessments below, sympathetic consideration could be given to the proposed development.
- 11.2 The Site is hard-paved and vacant. CTP/UD&L, PlanD advises that there are no distinctive landscape resources observed on the Site. Significant adverse landscape impact arising from the application is not anticipated. C for T considers that while Small House development should be confined within the “V” zone as far as possible, the application could be tolerated as it only involves the construction of one Small House. 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 application.
- 11.3 Regarding the Interim Criteria (**Appendix II**), the footprint of the proposed Small House falls 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 Site is the subject of two previously approved planning applications (No. A/SK-HC/203 and 276) both submitted by the same applicant for the same use as the current submission as mentioned in paragraph 5 above. Compared with the last approved application (No. A/SK-HC/276), the development parameters and the footprint of the Small House remain unchanged. According to the records, the current applicant submitted the Small House grant application to LandsD in May 2016, and the Small House grant application remains under processing by LandsD and consultation of relevant government departments has been completed. Should the planning application 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 application based on criterion (d) of the Interim Criteria.
- 11.4 There are 93 similar applications for Small House developments in the vicinity of the Site (**Plans A-2a and A-2b**), 40 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 application are largely similar to those of the approved applications. Approval of the current application is in line with the Committee's previous decisions.

- 11.5 Regarding the public comment on the application, 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 application.

12.2 Should the Committee decide to approve the application, it is suggested that the permission 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 attached at **Appendix VI**.

12.3 Alternatively, should the Committee decide to reject the application, the following reasons 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 application and decide whether to grant or refuse to grant the permission.

13.2 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.

13.3 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.

14. Attachments

Appendix I	Application Form with attachments received on 8.4.2026
Appendix Ia	FI received on 14.5.2026
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
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

**PLANNING DEPARTMENT
JUNE 2026**