

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/278

- Applicants** : Messrs. LIU Kam Hoi, LIU Derek Chi Keat and LIU Jeffrey Chi Honk represented by Ms. TSIM Lee Hing Sita
- Site** : Lots 208 S.A, 208 S.B and 208 S.C in D.D. 52, Sheung Shui Wa Shan, New Territories
- Site Area** : About 410.9m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Fu Tei Au & Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/18
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Three Houses (New Territories Exempted Houses (NTEHs) – Small Houses)

1. The Proposal

- 1.1 The applicants, who claim to be indigenous villagers of Sheung Shui Wa Shan, seek planning permission to build three NTEHs (Small Houses) at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plans A-1 and A-2a**). According to the Notes of the OZP for the “AGR” zone, ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ is Column 2 use, which requires planning permission from the Town Planning Board (the Board). The Site is partly fenced-off, largely formed and occupied by some temporary structures and farming area.
- 1.2 Details of the applicants and their proposed respective Small House (**Plan A-2a**) are as follows:

Applicant	House	Lot In D.D. 52
Mr. LIU Kam Hoi	H1	208 S.A
Mr. LIU Derek Chi Keat	H2	208 S.B
Mr. LIU Jeffrey Chi Honk	H3	208 S.C

1.3 Details of each of the proposed NTEHs (Small Houses) are as follows:

Total Floor Area	:	195.09m ²
Number of Storeys	:	3
Building Height	:	8.23m
Roofed Over Area	:	65.03m ²

1.4 The Site is accessible via an existing footpath leading to the adjacent village. The applicants indicate that the uncovered area of the Site would be used as an open area. The layout of the proposed Small Houses (including septic tank) is shown in **Drawing A-1**.

1.5 The Site, in part or in whole, is the subject of two previous applications (No. A/NE-FTA/191¹ and 222) for proposed Small House development submitted by the same applicants as the current application, which were both rejected by the Board on review on 25.10.2019 and 21.7.2023 respectively. Details of the previous applications are set out in paragraph 5 below.

1.6 In support of the application, the applicants have submitted the following documents:

- (a) Application Form with attachments received on 6.5.2026 (**Appendix I**)
- (b) Further Information (FI) received on 16.6.2026* (**Appendix Ia**)

* *accepted and exempted from the publication and recounting requirements*

2. **Justifications from the Applicants**

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

- (a) the Site falls entirely within the village ‘environs’ (‘VE’) of Sheung Shui Wa Shan;
- (b) one of the applicants, who is the land owner of the Site, intends to construct three Small Houses for himself and his two sons. The proposed development would facilitate the establishment of a cohesive family support network for future generations;
- (c) the proposed development is considered compatible with the rural character of the surrounding environment; and
- (d) the applicants are committed to minimise any potential adverse impacts on the surroundings and to comply with all relevant building regulations.

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

One of the applicants, Mr. LIU Kam Hoi, is the sole “current land owner” of the lots. Detailed information would be deposited at the meeting for Members’ inspection.

¹ Application No. A/NE-FTA/191 was submitted by the same applicants and two others for five proposed Small Houses.

4. Assessment Criteria

The set of Interim Criteria for Consideration of Application of 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 The Site, in part or in whole, is the subject of two previous applications (No. A/NE-FTA/191 and 222) for proposed Small House development submitted by the same applicants as the current application, which were both rejected by the Board on review on 25.10.2019 and 21.7.2023 respectively after the formal adoption of a more cautious approach by the Board since August 2015² mainly on the grounds that the application did not comply with the Interim Criteria in that land was still available within the “Village Type Development” (“V”) zone of the concerned village for Small House development; and the proposed development was not in line with the planning intention of the “AGR” zone and there was no strong planning justification for a departure from the planning intention.

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 17 similar applications involving 10 sites for Small House(s) development within or straddling the same “AGR” zone in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000³.

6.2 For the 15 approved applications, eight applications (No. A/NE-FTA/90, 95, 128, 129, 130, 132, 138 and 147) were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2002 and 2014, prior to the formal adoption of a more cautious approach in considering Small House application by the Board in August 2015, mainly on the grounds that the application generally complied with the Interim Criteria in that more than 50% of the proposed Small House footprint fell within the ‘VE’; there was a general shortage of land to meet the Small House demand in the “V” zone of the concerned village at the time of consideration; and the proposed Small House would unlikely generate significant adverse impacts on the surrounding area.

6.3 Since then, seven applications (No. A/NE-FTA/164, 216 to 219, 228 and 230) were approved by the Committee with conditions, between 2016 and 2023 (i.e. after the formal adoption of a more cautious approach since August 2015) mainly on sympathetic considerations that the application site was the subject of previously approved application submitted by the same applicant.

² Among 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.

³ Excluding application (No. A/NE-FTA/23), which was approved prior to the first promulgation of the Interim Criteria.

- 6.4 The remaining two applications (No. A/NE-FTA/188 and 204) were rejected by the Committee in 2019 and 2021 respectively mainly on the grounds that the application was not line with the planning intention of the “AGR” zone and there was no strong planning justification for a departure from the planning intention; and land was still available within the “V” zone of Sheung Shui Wa Shan for Small House development.
- 6.5 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-2a**.

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

7.1 The Site is:

- (a) partly fenced-off, largely formed and occupied by some temporary structures and farming area;
- (b) situated to the west of the village proper of Wa Shan Tsuen;
- (c) located to the immediate east of an existing village house⁴, with another village house (under application No. A/NE-FTA/23) located to its east across a footpath; and
- (d) accessible via a footpath without direct vehicular access.

7.2 The surrounding areas are rural in character comprising domestic structures/village houses, active/fallow agricultural land, vacant land and tree clusters, intermixed with storage yards and logistics warehouse. To the north is a site covered with a valid planning permission under application No. A/NE-FTA/268 for a proposed temporary cargo handling and forwarding facility, with construction works currently in progress. To the further north across a local track is a temporary logistic warehouse with a valid planning permission under application No. A/NE-FTA/266, which falls within an area zoned “Other Specified Uses” annotated “Port Back-up Uses”.

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 at **Appendix II**. The assessment is summarised in the following table:

⁴ The concerned village house on Lot 1729 in D.D. 52 to the west was in existence before the date of the first publication in the Gazette of the interim development permission area plan covering the area on 7.9.1990.

	<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 Site 	-	100%	The footprints and the Site of the proposed Small Houses fall entirely within the “AGR” zone.
2.	<p>Within ‘VE’?</p> <ul style="list-style-type: none"> - Footprints of the proposed Small Houses - The Site 	100%	-	DLO/N, LandsD advises that the Site and the footprints of the proposed Small Houses fall entirely within the ‘VE’ of Sheung Shui Wa Shan.
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 Sheung Shui Wa Shan: about 11.7ha (equivalent to 466 Small House sites). The outstanding Small House applications for Sheung Shui Wa Shan is 36⁵ while the 10-year Small House demand is 430⁶.
	<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 the Small House demand within the “V” zone of Sheung Shui Wa Shan: about 2.62ha (equivalent to about 104 Small House sites) (Plan A-2b).
4.	<p>Compatible with the planning intention of “AGR” zone?</p>		✓	<p>The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. There are active agricultural activities in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.</p>

⁵ Among the 36 outstanding Small House applications, 19 fall within the “V” zone, 17 straddle or fall outside the “V” zone. Out of 17, four have obtained valid planning approvals from the Board.

⁶ 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>
5.	Compatible with surrounding area/ development?	✓		The proposed development is not incompatible with the surrounding areas of rural character comprising domestic structures/village houses, active/fallow agricultural land, vacant land and tree clusters, intermixed with storage yards and logistics warehouse.
6.	Within Water Gathering Grounds?		✓	The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application.
7.	Environmental and sewerage impacts?		✓	The Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution.
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	Need for provision of fire service installations and emergency vehicular access?		✓	The Director of Fire Services (D of FS) has no in-principle objection to the application. The applicants are reminded to observe “New Territories Exempted Houses – A Guide to Fire Safety Requirements” published by LandsD.
10.	Traffic impact?	✓		The Commissioner for Transport (C for T) has no objection to the application. She advises that the application only involves the construction of three Small Houses at the Site, and considers that the application can be tolerated on traffic ground. Though additional traffic generated by the proposed development is not significant, the permission of development outside the “V” zone will 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.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
11.	Drainage impact?		✓	The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application.
12.	Landscape impact?		✓	The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no adverse comment on the application from landscape planning perspective, and considers that significant adverse landscape impact arising from the proposed development is not anticipated.
13.	Local objections conveyed by DO?		✓	The District Officer (North), Home Affairs Department (DO(N), HAD) advises that she has issued consultation letters to the Sheung Shui District Rural Committee and Resident Representative of Sheung Shui Wa Shan.

9.2 Comments from the following government departments have been incorporated in paragraph 9.1 above. Other detailed comments and recommended advisory clauses, if any, are provided at **Appendices V** and **VI** respectively.

- (a) DLO/N, LandsD;
- (b) C for T;
- (c) DEP;
- (d) CE/MN, DSD;
- (e) D of FS;
- (f) CTP/UD&L, PlanD;
- (g) DAFC;
- (h) CE/C, WSD; and
- (i) DO(N), HAD.

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

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD); and
- (b) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD).

10. Public Comments Received During Statutory Publication Period

On 15.5.2026, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VII**). Two comments from the Kadoorie Farm and Botanic Garden Corporation and an individual object to the application mainly on the grounds that the proposed development is not in line with the planning intention of the “AGR” zone; the Site is the subject of a previously rejected application and there is no significant change in circumstances. The remaining comment from a member of North District Council indicates no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed three NTEHs/Small Houses at the Site zoned “AGR” on the OZP (**Plan A-1**). 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. DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. There is no strong planning justification in the submission for a departure from the planning intention.
- 11.2 The Site, which is partly fenced-off, largely formed and occupied by some temporary structures and farming area, is located to the west of the village cluster of Sheung Shui Wa Shan and falls entirely within the ‘VE’ of the same village. Existing village houses are found in the close vicinity (**Plans A-2a** and **A-4a**). The proposed development is not incompatible with the surrounding areas which are of rural character predominated by village houses/domestic structures, active/fallow farmland, vacant land and tree groups or vegetated areas (**Plans A-2a**, **A-3b** and **A-4a**). CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective, and considers that significant adverse landscape impact arising from the proposed development is not anticipated. Other relevant government departments consulted, including C for T, DEP, CE/MN, DSD, D of FS and CE/C, WSD have no objection to or no adverse comment on the application.
- 11.3 Regarding the Interim Criteria (**Appendix II**), the footprints of the proposed Small Houses fall entirely within the ‘VE’ of Sheung Shui Wa Shan (**Plan A-2b**). According to DLO/N, LandsD, the number of outstanding Small House applications for Sheung Shui Wa Shan is 36, while the 10-year Small House demand forecast is 430. Based on PlanD’s latest estimate, about 2.62ha (equivalent to about 104 Small House sites) is available within the “V” zone concerned (**Plan A-2b**). While the amount of land available within the “V” zone of Sheung Shui Wa Shan 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. 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. Furthermore, the

Site is not the subject of any previous planning permission for Small House development. As such, it is considered more appropriate to concentrate the proposed Small House development within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

- 11.4 The Site, in part or in whole, is the subject of two previous applications (No. A/NE-FTA/191 and 222) for proposed Small House development submitted by the same applicants as the current application, which were both rejected by the Board on review in 2019 and 2023 respectively, as detailed in paragraph 5.1 above. There has been no major change in planning circumstances since the rejection of the previous applications.
- 11.5 There are 17 similar applications within or straddling the same “AGR” zone in the vicinity of the Site (**Plan A-2a**), seven of which were approved by the Committee after the formal adoption of a more cautious approach by the Board as detailed in paragraph 6.3 above. The planning circumstances of the current application, which is not the subject of any previously approved application, are generally different from those of the approved applications.
- 11.6 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 mentioned in paragraph 10, PlanD does not support the application for the following reasons:
- (a) 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; and
 - (b) land is still available within the “V” zone of Sheung Shui Wa Shan which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 26.6.2030, 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**.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.
- 13.3 Alternatively, 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. Attachments

Appendix I	Application Form with Attachments received on 6.5.2026
Appendix Ia	FI received on 16.6.2026
Appendix II	Relevant Extracts of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	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 for Small House Development within the "V" zone of Sheung Shui Wa Shan
Plans A-3a and A-3b	Aerial Photos
Plans A-4a and A-4b	Site Photos