

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-PK/233

- Applicant** : Mr. FUNG Shun Choi represented by Mr. PANG Hing Yeun
- Site** : Lots 1594 S.A and 1595 S.E in D.D. 91, Kai Leng, Sheung Shui
- Site Area** : About 158m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Kong Outline Zoning Plan (OZP) No. S/NE-PK/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed House (New Territories Exempted House (NTEH) – Small House)

1. The Proposal

- 1.1 The applicant, who claims himself to be indigenous villager of Liu Pok, seeks planning permission to build a NTEH (Small House) on 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 a Column 2 use, which requires planning permission from the Town Planning Board (the Board). The Site is largely formed and currently vacant (**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 According to the applicant, the footprint of the proposed Small House and septic tank fall entirely within the Site, and the remaining uncovered area will be used for circulation. The layout plan of the proposed Small House submitted by the applicant is shown at **Drawing A-1**.
- 1.4 The Site is the subject of a previous application (No. A/NE-PK/98) (**Plans A-1 and A-2a**) submitted by a different applicant for the same use, which was approved with conditions by the Rural and New Town Planning Committee (the

Committee) of the Board in 2017. Details of the previous application are set out in paragraph 5 below.

- 1.5 In support of the application, the applicant has submitted an Application Form with attachments received on 4.6.2026 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**, as summarised below:

- (a) the applicant is indigenous villager of Liu Pok eligible for a Small House grant under the prevailing Small House Policy. The Site is the only land owned by the applicant that is available for Small House development;
- (b) the proposed Small House footprint falls entirely within the village ‘environs’ (‘VE’) of Kai Leng. The Site is the subject of a previously approved planning application (No. A/NE-PK/98). As the previous planning permission has lapsed and the applicant has changed, a fresh planning application is submitted. Similar applications for Small House development in the vicinity were approved by the Board; and
- (c) there is no vehicular access to the Site and no tree felling on the Site is required. Given that the proposed Small House development is small in scale and the applicant has committed to complying with all relevant departmental requirements, the proposed development will not cause adverse impacts to the surroundings.

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

The applicant is the sole “current land owner” of the Site. 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 Application

- 5.1 The Site is the subject of a previous application (No. A/NE-PK/98) submitted by a different applicant for the same use, which was approved by the Committee on 13.1.2017, 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 “Village Type Development” (“V”) zones to meet the demand for Small House at the time of consideration. The planning permission was extended once and lapsed on 14.1.2025. Compared with the previous application, the

major development parameters and the footprint of the proposed Small House remain unchanged.

- 5.2 Details of the previous application are summarised at **Appendix III** and its location is shown on **Plans A-1** and **A-2a**.

6. Similar Applications

- 6.1 There are 160 similar applications involving 93 sites for Small House developments within or straddling 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 Site and Its Surrounding Areas (Plans A-1 to A-4)

- 7.1 The Site is:
- (a) largely formed and currently vacant;
 - (b) located to the south of the village proper of Kai Leng; and
 - (c) abutting a local track to the immediate north.
- 7.2 The surrounding areas are predominantly rural in character comprising vegetated areas, tree clusters, village houses, car parks, active/fallow farmland, and vacant land. To the further west across a river channel is Ching Ho Estate zoned “Residential (Group A)”, while to the further east is Belair Villa zoned “Residential (Group C)1”, and both fall within 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 application 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>Remark</u>
1.	Within “V” zone? - The Site - Footprint of the proposed Small House	- -	100% 100%	- The Site and footprint of the proposed Small House fall entirely within the “AGR” zone.
2.	Within ‘VE’? - The Site - Footprint of the proposed Small House	100% 100%	- -	- The District Lands Officer/North, Lands Department (DLO/N, LandsD) advises that the Site and footprint of the proposed Small House 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: about 1.35 ha (equivalent to 54 Small House sites). The number of outstanding Small House applications is 36 ¹ while the 10-year Small House demand forecast is 18 ² .
	Sufficient land in “V” zones to meet outstanding Small House applications?		✓	<u>Land Available</u> - Land available to meet Small House demand within the “V” zones of concerned village: about 0.62ha (equivalent to about 24 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of “AGR” zone?		✓	- The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application as the Site possesses potential for agricultural rehabilitation.

¹ Among the 36 outstanding Small House applications, 10 fall within the “V” zones and 26 fall outside the “V” zones. For cases falling outside of “V” zones, 24 of them are the subject of approved planning application(s).

² 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>Remark</u>
5.	Compatible with surrounding area/ development?	✓		- The proposed development is not incompatible with the surrounding areas of rural character comprising - vegetated areas, tree groups, village houses, car parks, active/fallow farmland, and vacant land.
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 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 (EVA)?		✓	- The Director of Fire Services (D of FS) has no in-principle objection to the application, provided that the proposed Small House 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 application from traffic engineering perspective. The application only involves the construction of one Small House on the Site, and it can be tolerated on traffic grounds. Although additional traffic generated by the proposed development is 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.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remark</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 advises that significant adverse landscape impacts arising from the application is 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 application.
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. He has no comment on the application.

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 application:

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

10. Public Comment Received During Statutory Publication Period

On 12.6.2026, the application was published for public inspection. During the statutory public inspection period, one public comment from a North District Council (NDC) member indicating no comment on the application (**Appendix VII**) was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed Small House development at the Site zoned “AGR” on the OZP (**Plans A-1 and A-2a**). 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. Nevertheless, having taken into account the planning assessments below, sympathetic consideration could be given to the proposed development.
- 11.2 The Site, which is largely formed and currently vacant (**Plan A-4**), is located to the south of the existing village proper of Kai Leng, 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 Site (**Plan A-2a**). The proposed development is not incompatible with the surrounding areas comprising vegetated areas, tree clusters, village houses, car parks, active/fallow farmland, and vacant land (**Plans A-2a and A-3**). CTP/UD&L, PlanD has no comment on the application from landscape planning perspective, and advises that significant adverse landscape impact arising from the proposed development is not anticipated. Other concerned government departments consulted 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 Kai Leng (**Plan A-2a**). According to DLO/N, LandsD’s record, the total number of outstanding Small House applications for Kai Leng is 36 while the 10-year Small House demand forecast is 18. Based on the latest estimation by PlanD, about 0.62ha of land (or equivalent to about 24 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, the Site is the subject of a previously approved application (**Plan A-2a**) for the same use as set out in paragraph 5.1 above. The planning permission under the previous application subsequently lapsed in January 2025. As advised by DLO/N, LandsD, the processing of the relevant Small House grant application is at an advance stage, with the departmental circulation and local consultation generally completed. Compared with the previous application, the major

development parameters and the footprint of the proposed Small House remain unchanged. In this regard, the application generally complies with the Interim Criteria and sympathetic consideration could be given to the current application.

- 11.4 There are 160 similar applications involving 93 sites for Small House developments within or straddling the same “AGR” zone in the vicinity of the Site (**Plan A-2a**). The planning circumstances of the current application are largely similar to those of the approved similar applications. Approval of the current application is in line with the previous Committee’s decisions.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment in paragraph 10 above, PlanD 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 24.7.2030, 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 application, 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 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 4.6.2026
Appendix II	Relevant Extracts of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous Application
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
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available within “V” Zones of Kai Leng for Small House Development
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2026**