

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/SK-HC/376 and 377

- Applicants** : Mr. LAU Matthew Simon Harold (Application No. A/SK-HC/376)
Mr. LAI Wai Hon and (Application No. A/SK-HC/377)
Mr. LAI Wai Yeung
all represented by Mr. WONG Kam Wai
- Sites** : Various lots in D.D. 244, Ho Chung, Sai Kung
- Site Areas** : About 93.6m² (Application No. A/SK-HC/376)
About 184.7m² (Application No. A/SK-HC/377)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/13
- Zoning** : “Agriculture” (“AGR”)
- Applications** : Proposed House (New Territories (Application No. A/SK-HC/376)
Exempted House (NTEH) - Small
House)

Proposed Two Houses (NTEHs – Small (Application No. A/SK-HC/377)
Houses)

1. The Proposal

- 1.1 The applicants, who are indigenous villagers of Ho Chung as confirmed by the Indigenous Inhabitant Representative (IIR) of Ho Chung, seek planning permissions for development of NTEHs (Small Houses) at the application sites (the Sites) which fall within an area zoned “AGR” on the OZP (**Plans A-1, A-2a and A-2b**). 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).
- 1.2 The Sites are formed and covered with grass. Details of each of the applications and proposed NTEHs (Small Houses) are as follows:

	Application No. A/SK-HC/376	Application No. A/SK-HC/377
Site Area	93.6m ²	184.7m ²
No. of NTEH(s)	1	2
Gross Floor Area	195.09m ² each	
No. of Storeys	3 each	
Building Height	8.23m each	
Roofed Over Area	65.03m ² each	

- 1.3 The Sites of applications No. A/SK-HC/376 and 377 are the subject of two and three previous planning applications respectively, for the same use with the latest previous applications submitted by the same applicants as the current respective applications which were both approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2017. All planning permissions had already lapsed. Details of the previous applications are set out in paragraph 5 below.
- 1.4 The layouts of the proposed Small Houses (including proposed septic tanks) are shown on **Drawings A-1 and A-2, Plans A-2a and A-2b**.
- 1.5 In support of the applications, the applicants submitted the following documents:
- (a) Application Form with attachments of Application No. (**Appendix Ia**) A/SK-HC/376 received on 17.6.2026
 - (b) Application Form with attachment of Application No. (**Appendix Ib**) A/SK-HC/377 received on 29.7.2026
 - (c) Supplementary Information (SI) for Application No. (**Appendix Ic**) A/SK-HC/376 received on 22.6.2026
 - (d) SI for Application No. A/SK-HC/377 received on (**Appendix Id**) 4.8.2026
 - (e) Further Information (FI) for Application No. (**Appendix Ie**) A/SK-HC/376 received on 3.9.2026*
 - (f) FI for Application No. A/SK-HC/376 received on (**Appendix If**) 16.9.2026*
- *accepted and exempted from publication and recounting requirements*
- 1.6 On 14.8.2026, the Committee agreed to defer making a decision on application No. A/SK-HC/376 for two months as requested by the applicant.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the applications as stated in the Application Forms, SIs and FIs at **Appendices Ia to If** are summarised as follows:

- (a) there were previously approved applications for the same use submitted by the same applicants. The three Small House applications were all submitted to the Lands Department (LandsD) in 2011 and are still under processing;

- (b) there is a 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 is not suitable for Small House development. The land suitable for Small House development is very limited;
- (d) no adverse environmental impact is anticipated to arise from the proposed developments; and
- (e) letters from Ho Chung IIR supporting the applications are attached at **Appendices Ia and Id**.

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 of applications No. A/SK-HC/376 and 377 are the subject of two (A/SK-HC/210 and 272) and three (A/SK-HC/173, 208 and 273) previous planning applications for the same use respectively (as set out in table below). Apart from application No. A/SK-HC/173 submitted by different applicant, the other four previous applications (No. A/SK-HC/208, 210, 272 and 273) were submitted by the same applicants as the current respective applications, which were approved with condition(s) by the Committee between 2012 and 2017 mainly on 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 village ‘environs’ (‘VE’) of Ho Chung and there was a general shortage of land in meeting Small House development in “V” zone; the proposed developments were not incompatible with the surroundings; and no adverse impact was anticipated. Compared with the respective last approved applications (No. A/SK-HC/272 and 273), the development parameters and footprints of the proposed Small Houses remain unchanged. Extensions of time for four years for commencement of development were granted for the last approved applications No. A/SK-HC/272 and 273 and their relevant planning permissions lapsed in 2025.

Current Application	Previous Applications for NTEH
A/SK-HC/376	A/SK-HC/210 ¹ (two NTEHs), and A/SK-HC/272 (one NTEH)
A/SK-HC/377	A/SK-HC/173 (one NTEH), and A/SK-HC/208 & A/SK-HC/273 (both for two NTEHs)

- 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 91 similar applications within/straddling the same “AGR” zone with 83 cases approved and eight cases rejected since the Interim Criteria revised on 7.9.2007. Among them, 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 Since August 2015, there are 40 applications approved mainly on the similar considerations as mentioned in paragraph 5.1 above and a new village cluster was being established. There are 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) formed and covered with grass;
 - (b) located within the ‘VE’ of Ho Chung; and

¹ One of the two approved Small Houses under application No. A/SK-HC/210 has been implemented. The current application No. A/SK-HC/376 is for the Small House not yet implemented.

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.

(c) accessible via a local track linking to Ho Chung Road in the north.

7.2 The surrounding areas are of settled valleys landscape predominated by village houses, tree clusters and water catchments. An existing Small House is sandwiched between the Sites, while to the further east and south are scattered with Small Houses approved by LandsD. To the further north and 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 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.	Within “V” zone? - Footprints of the proposed Small Houses - The Sites	- -	100% 100%	The Sites and footprints of the proposed Small Houses fall entirely within the “AGR” zone.
2.	Within ‘VE’? - Footprints of the proposed Small Houses - The Sites	100% 100%	- -	The Sites and footprints of the proposed Small Houses 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 ³ , while the 10-year Small House demand forecast is 480 ⁴ .
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		<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).
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 infrastructures such as road access and water source are available.
5.	Compatible with surrounding area/ development?	✓		The Sites are located to the northwest of Ho Chung New Village. There is an existing village house sandwiched between the Sites. A village cluster is formed to the further north and east (Plan A-2a).
6.	Within WGG? - 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?		✓	

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 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>
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. Detailed fire safety requirements will be formulated upon receipt of formal applications referred by LandsD.
9.	Traffic impact?	✓		Commissioner for Transport (C for T) considers that Small House developments 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 at the Site of application No. A/SK-HC/376 and two Small Houses at the Site of application No. A/SK-HC/377 and could be tolerated on traffic grounds.
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 small scale of the proposed developments, the applications alone are unlikely to cause major pollution.

12.	Archaeological impact?		✓	Executive Secretary of Antiquities and Monuments Office, Development Bureau (ES, AMO, DEVB) has no comment on the applications.
13.	Landscape impact?		✓	Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advises that the Sites are formed and covered with grass and are situated in an area of settled valleys landscape characterised by village houses, tree clusters and vacant land. The proposed developments are not incompatible with surrounding environment and significant adverse landscape impact arising from the applications is not anticipated.
14.	Local objection conveyed by District Office?		✓	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 in paragraph 9.1 above. Their detailed comments and recommended advisory clauses, if any, are at **Appendices V** and **VI** respectively.

- (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 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 Periods

On 26.6.2026 and 11.8.2026, the applications were published for public inspection respectively. During the statutory public inspection periods, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The applications are for proposed Small Houses at the Sites zoned “AGR” on the OZP. 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. Taken into account the planning assessments below, sympathetic consideration could be given to the proposed developments.
- 11.2 The Sites are formed and covered with grass. CTP/UD&L, PlanD advises that the proposed developments are considered not incompatible with surrounding environment which is characterised by village houses, tree clusters and water catchments. Significant adverse landscape impact arising from the applications is not anticipated. C for T considers that while Small House developments should be confined within the “V” zone as far as possible, the applications could be tolerated as they only involve the construction of one Small House at the Site of application No. A/SK-HC/376 and two Small Houses at the Site of application No. A/SK-HC/377. Other relevant government departments consulted 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 of applications No. A/SK-HC/376 and 377 are the subject of two and three previously approved planning applications respectively (No. A/SK-HC/173, 208, 210, 272 and 273) for the same use as the current submission as mentioned in paragraph 5 above. Compared with the last approved applications (No. A/SK-HC/272 and A/SK-HC/273) both submitted by the same applicants as the current respective 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, and 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 91 similar applications for Small House developments in the vicinity of the Sites (**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 applications are similar to those of the approved applications. Approval of the current applications is in line with the Committee's previous decisions.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 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 25.9.2030, 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 are suggested for each application 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 dates 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 of Application No. A/SK-HC/376 received on 17.6.2026
Appendix Ib	Application Form with attachment of Application No. A/SK-HC/377 received on 29.7.2026
Appendix Ic	SI for Application No. A/SK-HC/376 received on 22.6.2026
Appendix Id	SI for Application No. A/SK-HC/377 received on 4.8.2026
Appendix Ie	FI for Application No. A/SK-HC/376 received on 3.9.2026
Appendix If	FI for Application No. A/SK-HC/376 received on 16.9.2026
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
Drawing A-1	Proposed Layout Plan of Application No. A/SK-HC/376
Drawing A-2	Proposed Layout Plan of Application No. A/SK-HC/377
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
SEPTEMBER 2026**