TOWN PLANNING BOARD

TPB Paper No. 11078

For Consideration by
the Town Planning Board on 30.10.2026

REVIEW OF APPLICATION NO. A/NE-FTA/278
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

Proposed Three Houses (New Territories Exempted Houses – Small Houses)
in "Agriculture" zone

Lots 208 S.A, 208 S.B and 208 S.C in D.D. 52,
Sheung Shui Wa Shan, New Territories

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Lots 208 S.A, 208 S.B and 208 S.C in D.D. 52, Sheung Shui Wa Shan, New Territories

1. Background

1.1 On 6.5.2026, the applicants, Messrs. LIU Kam Hoi, LIU Derek Chi Keat and LIU Jeffrey Chi Honk represented by Ms. TSIM Lee Hing Sita, sought planning permission to build three Small Houses at the application site (the Site) under section 16 (s.16) of the Town Planning Ordinance (the Ordinance). The Site falls entirely within an area zoned "AGR" on the approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/18 (**Plan R-1**).

1.2 On 26.6.2026, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:

(a) the proposed development was not in line with the planning intention of the "AGR" zone which was 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 was no strong planning justification in the submission for a departure from the planning intention; and

(b) land was still available within the "Village Type Development" ("V") zone of Sheung Shui Wa Shan which was primarily intended for Small House development. It was 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.

1.3 For Members' reference, the following documents are attached:

(a)	RNTPC Paper No. A/NE-FTA/278	(**Annex A**)
(b)	Extract of minutes of the RNTPC meeting held on 26.6.2026	(**Annex B**)
(c)	Secretary of the Board's letter dated 10.7.2026	(**Annex C**)

2. Application for Review

On 30.7.2026, the applicants applied under section 17(1) of the Ordinance for review of

the RNTPC's decision to reject the application with support of written representation (**Annex D**).

3. Justifications from the Applicants

The justifications put forth by the applicants in support of the review application are detailed in the written representation at **Annex D**, and summarised below:

(a) the Site falls entirely within the village 'environs' ('VE') of Sheung Shui Wa Shan, which is entitled for Small House development;

(b) one of the applicants, who is the land owner of the Site, intends to construct Small Houses for self-occupation by his family. As an indigenous villager of Sheung Shui Wa Shan, he is entitled to build Small House under the prevailing policy;

(c) the proposed development is considered compatible with the surrounding areas comprising over 20 Small Houses or approved Small House developments and temporary warehouses. There are no active farming or agricultural rehabilitation activities in the vicinity; and

(d) there are 20 similar applications (No. A/NE-FTA/85, 89, 90, 95, 140, 141, 161, 169 to 172, 214 to 219, and 228 to 230)[1] approved between 2008 and 2023 for Small House developments in the vicinity of the Site, which also fall within the 'VE' but outside the "V" zone. Approval of the subject application would not set an undesirable precedent for similar applications.

4. The Section 16 Application

The Site and its Surrounding Areas (**Plans R-1** to **R-4b**)

4.1 The situation of the Site and its surrounding areas at the time of consideration of the s.16 application by the RNTPC was described in paragraphs 7.1 and 7.2 of **Annex A**. There has been no material change in the situation of the Site and the surrounding areas since then.

4.2 The Site is:

(a) partly fenced-off, largely formed and occupied by some temporary structures and farming area; and

(b) accessible via a footpath without direct vehicular access.

4.3 The surrounding areas are rural in character comprising scattered domestic structures/village houses, active/fallow agricultural land, vacant land and tree clusters, intermixed with storage yards and warehouse. To the north is a site covered with a valid planning permissions for a proposed temporary cargo

[1] Among them, eight applications (No. A/NE-FTA/90, 95, 216 to 219, 228 and 230) (**Plan R-2a**) are located in close proximity to the Site, which are detailed in paragraphs 4.9 and 4.10 below), while the other 12 applications (No. A/NE-FTA/85, 89, 140, 141, 161, 169 to 172, 214, 215 and 229) are located far away from the Site (**Plan R-2b**).

handling and forwarding facility under application No. A/NE-FTA/268 and a proposed temporary warehouse under application No. A/NE-FTA/277, with construction works currently in progress. To the northeast across a footpath and immediate west are a Small House (under approved application No. A/NE-FTA/23[2]) and another existing Small House[3] respectively. To the further east is the village proper of Wa Shan Tsuen within the "V" zone.

Planning Intention

4.4 There has been no change in the planning intention of the subject "AGR" zone as mentioned in paragraph 8 of **Annex A**, which is primarily to retain and safeguard good quality agriculture 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.

Assessment Criteria

4.5 The Interim Criteria was first promulgated on 24.11.2000. The latest set of Interim Criteria promulgated on 7.9.2007 is at **Appendix II** of **Annex A**.

Previous Applications

4.6 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 2015[4] mainly on the grounds that the application did not comply with the Interim Criteria in that land was still available within the "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.

4.7 Details of the previous applications are summarised at **Appendix III** of **Annex A** and their locations are shown on **Plans R-1** and **R-2a**.

Similar Applications

4.8 When the s.16 application was considered by the RNTPC on 26.6.2026, there were 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 24.11.2000[5]. There has been no change in the number of similar applications since then.

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[2] Application No. A/NE-FTA/23 was approved in 1998 prior to the first promulgation of the set of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria).

[3] The concerned Small 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.

[4] 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.

[5] Excluding application No. A/NE-FTA/23, which was approved prior to the first promulgation of the Interim Criteria.

4.9 For the 15 approved applications, eight applications (No. A/NE-FTA/90, 95, 128, 129, 130, 132, 138 and 147) were approved by the RNTPC 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.

4.10 Since then, seven applications (No. A/NE-FTA/164, 216 to 219, 228 and 230) were approved with conditions by the RNTPC, 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, and the relevant Small House grant application was either under active processing by LandsD or at an advance stage of processing.

4.11 The remaining two applications (No. A/NE-FTA/188 and 204) were rejected by the RNTPC 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.

4.12 Details of the above similar applications are summarised at **Appendix IV** of **Annex A** and their locations are shown on **Plan R-2a**.

5. Comments from Relevant Government Departments

5.1 Comments on the s.16 application made by relevant government departments are stated in paragraph 9 and **Appendix V** of **Annex A**. Their advisory comments, if any, are at **Appendix VI** of **Annex A** and recapped at **Annex E**.

5.2 For the review application, the relevant government departments have been further consulted and they maintain their previous views on the application. The adverse views from the Director of Agriculture, Fisheries and Conservation (DAFC) and the updated comments from the District Lands Officer/North, Lands Department (DLO/N, LandsD) are recapitulated and summarised in paragraphs 5.2.1 and 5.2.2 below.

Agriculture

5.2.1 Comments of DAFC:

> he does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. There are 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 and plant nurseries.

Land Administration

5.2.2 Comments of DLO/N, LandsD:

previous comments are still valid except that the total number of outstanding Small House applications for Sheung Shui Wa Shan is 28 (36 at the time of consideration of s.16 application), while the 10-year Small House demand forecast is 430 (the same at the time of consideration of s.16 application).

5.2.3 In view of the updated comments of DLO/N, LandsD, the assessment of the land required and land available for Small House development is as follows:

Criteria	Yes	No	Remarks
Sufficient land in "V" zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?		✓	Land Required Land required to meet Small House demand in Sheung Shui Wa Shan: about 11.5ha (equivalent to 458 Small House sites). The outstanding Small House applications for Sheung Shui Wa Shan is 28[6] while the 10-year Small House demand is 430[7].
Sufficient land in "V" zone to meet outstanding Small House applications?	✓		Land Available Land available to meet the Small House demand within the "V" zone of Sheung Shui Wa Shan: about 2.61ha (equivalent to about 104 Small House sites) (**Plan R-2b**).

6. Public Comments Received During Statutory Publication Period

6.1 On 7.8.2026, the review application was published for public inspection. During the statutory public inspection period, three public comments were received (**Annex F**). 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; there is still available land for Small House developments within the "V" zone of Sheung Shui Wa Shan; the Site is the subject of previously rejected applications; the proposed development will result in adverse environmental,

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[6] Among the 28 outstanding Small House applications, 18 fall within the "V" zone, and 10 straddle or fall outside the "V" zone. Out of 10, three have obtained valid planning approvals from the Board.

[7] 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.

sewerage and traffic impacts; and approval of the application would set an undesirable precedent for similar applications. The remaining comment from a member of the North District Council indicates no comment on the application.

6.2 At the s.16 application stage, three public comments were received and set out in paragraph 10 of **Annex A**.

7. Planning Considerations and Assessments

7.1 The application is for a review of the RNTPC's decision on 26.6.2026 to reject the s.16 application for proposed Small House developments at the Site zoned "AGR" on the OZP (**Plans R-1** and **R-2a**) for the reasons stated in paragraph 1.2 above. Since the consideration of the s.16 application by the RNTPC, there has been no material change in planning circumstances. To support the review application, the applicants have submitted a written representation with justifications set out in paragraph 3 above. Having considered the written representation, the planning considerations and assessments on the review application are detailed below.

Planning Intention of the "AGR" zone and Land Use Compatibility

7.2 Regarding the applicants' claim that there is no active farming or agricultural rehabilitation activities in the vicinity of the Site, the Site located to the west of village cluster of Sheung Shui Wa Shan is generally surrounded by scattered village houses, active/fallow agricultural land and vacant land, and intermixed with storage yards and warehouse in the vicinity (**Plans R-2a**, **R-3b** and **R-4a**). Although the proposed development is not entirely incompatible with the surrounding areas, it 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. In this regard, DAFC maintains his previous adverse views of not supporting the current review application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation; there are agricultural activities in the vicinity; agricultural infrastructures such as road access and water source are available; and the Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries, etc. There is no strong planning justification in the current submission for a departure from the planning intention. Other relevant government departments have been further consulted, and generally maintain their previous views on the s.16 application without further comments on the current review application.

Interim Criteria

7.3 In support of the review application, the applicants claim that the Site falls entirely within the 'VE' of Sheung Shui Wa Shan which is entitled for Small House development. Nonetheless, pursuant to the provisions under the Ordinance, the Site falls entirely within the "AGR" zone where planning permission is required for erection of Small House. Each planning application for Small House development would be considered on its individual merits, amongst others, that whether the Small House development fulfils the Interim Criteria.

7.4 Accordingly, criterion (a) of the Interim Criteria (**Appendix II** of **Annex A**) is relevant to the planning assessment in response to the applicants' review grounds. While the proposed Small House footprints fall entirely within the 'VE' of Sheung Shui Wa Shan (**Plan R-2a**), sympathetic consideration may be given if there is a general shortage of land in meeting the demand for Small House development in the "V" zone. It should be noted that the Board has formally adopted a more cautious approach in considering applications for Small House development since August 2015. Among 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. In this regard, while land available within the "V" zone of Sheung Shui Wa Shan (i.e. about 2.61ha of land or equivalent to about 104 Small Houses sites) (**Plan R-2b**) is insufficient to fully meet the future Small House demand (i.e. 458 Small House sites), it is capable of meeting the outstanding 28 Small House applications (36 at the time of consideration of s.16 application) under processing by LandsD. As there is no general shortage of land in meeting the outstanding Small House applications in the "V" zone, 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. Furthermore, while the Site is not the subject of any previous planning permission for Small House development, it was previously subject to two applications (No. A/NE-FTA/191 and 222) for Small House development submitted by the same applicants, which were rejected by the Board on review in 2019 and 2023 respectively, and there have been no major changes in planning circumstances since then. In this regard, sympathetic consideration may not be given to the subject application.

7.5 As regards the applicants' claim that the Site is owned by one of the applicants for Small House development, it should be noted that land ownership is subject to change and is not a material planning consideration.

Similar Applications

7.6 In response to the applicants' claim that there are similar applications for Small House developments approved by the RNTPC in the vicinity of the Site and approval of the application would not set an undesirable precedent for similar applications, it should be noted that each planning application for Small House development would be considered on its individual merits, amongst others, that whether the Small House development fulfils the Interim Criteria. There are 17 similar applications for Small House developments falling within/partly falling within the same "AGR" zone in the vicinity of the Site (**Plan R-2a**). Of the 15 approved applications, eight applications were approved by the RNTPC prior to the formal adoption of a more cautious approach by the Board in August 2015, while seven applications were approved by the RNTPC between 2016 and 2023 mainly on sympathetic considerations as detailed in paragraph 4.10 above. The remaining two similar applications were rejected by the RNTPC in 2019 and 2021as detailed in paragraph 4.11 above.

7.7 Regarding the other 12 similar applications as mentioned by the applicants in the written representation, which are located to the further west and south of Site and generally adjacent to the village cluster in Sheung Shui Wa Shan (**Plan R-2b**), four applications (No. A/NE-FTA/85, 89, 140 and 141) were approved by the

RNTPC prior to the formal adoption of a more cautious approach by the Board in August 2015; and the remaining eight applications (No. A/NE-FTA/161, 169 to 172, 214, 215 and 229) were approved by the RNTPC between 2016 and 2023 mainly on sympathetic considerations that the application site was the subject of previously approved application submitted by the same applicant, and the relevant Small House grant application was either under active processing by LandsD or at an advance stage of processing. The planning circumstances of the current application are different from those of the approved applications. Rejecting the current application is in line with the RNTPC/Board's previous decisions.

Public Comments

7.8 Regarding the public comments on the review application as mentioned in paragraph 6.1 above, the government departments' comments and the planning assessments above are relevant.

8. Planning Department's Views

8.1 Based on the assessments made in paragraph 7, having taken into account the public comments in paragraph 6.1 above and given that there is no material change in the planning circumstances since the consideration of the subject application by the RNTPC, PlanD maintains its previous views of not supporting the review 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.

8.2 Alternatively, should the Board decide to approve the application, it is suggested that the permission shall be valid until 30.10.2030, 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 **Annex E**.

9. Decision Sought

9.1 The Board is invited to consider the application for review of the RNTPC's decision and decide whether to accede to the application.

9.2 Should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

9.3 Alternatively, should the Board decide to approve the review 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.

10. Attachments

Annex A	RNTPC Paper No. A/NE-FTA/278
Annex B	Extract of Minutes of the RNTPC Meeting held on 26.6.2026
Annex C	Secretary of the Board's letter dated 10.7.2026
Annex D	Letter received by the Board on 30.7.2026 from the Applicants applying for a Review of the RNTPC's decision
Annex E	Recommended Advisory Clauses
Annex F	Public Comments
Plan R-1	Location Plan
Plan R-2a	Site Plan
Plan R-2b	Estimated Amount of Land Available for Small House Development within "V" zone
Plans R-3a and 3b	Aerial Photos
Plans R-4a and 4b	Site Photos

PLANNING DEPARTMENT
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