

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/I-MWF/32**

- Applicants** : Ms. AU YEUNG Yuet Lan and Ms. MOK Suk Fun Fanny represented by Mr. LI Kwok Keung
- Site** : Lot No. 308s.A in D.D.4 MW, Luk Tei Tong Village, Mui Wo, Lantau
- Site Area** : 124 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Mui Wo Fringe Outline Zoning Plan (OZP) No. S/ I-MWF/10
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed House (New Territories Exempted House (NTEH) - Small House)

**1. The Proposal**

- 1.1 The applicants<sup>1</sup> seek planning permission for the development of a NTEH (Small House) at the application site (the Site) which falls within an area zoned “REC” on the approved Mui Wo Fringe OZP No. S/I-MWF/10 (**Plan A-1**). According to the Notes of the OZP, development of NTEH (Small House) within the “REC” zone requires planning permission from the Town Planning Board (the Board). The Notes of the OZP also stipulates that no residential development (except NTEH) shall result in a total development in excess of a maximum plot ratio of 0.2, a maximum site coverage of 20% and a maximum building height of 2 storeys (6m).
- 1.2 The Site is the subject of a previously approved application (No. A/I-MWF/22) for the same use by the same applicants but lapsed on 7.2.2022 (see details at paragraph 5 below). There is no change in the development proposal except smaller site area.

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<sup>1</sup> As advised by the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD), there is no record showing that the applicants are indigenous villagers of Luk Tei Tong Village. DLO/Is also advises that the Vice-chairman of Mui Wo Rural Committee, who is also the Resident Representative of Luk Tei Tong Village, has certified that the registered owner of the Lot, TSANG Mark Stephen as stated in the Application Form (**Appendix I**), who submitted a Small House application to his office in 2013, is an indigenous villager of Luk Tei Tong Village.

1.3 Details of the proposed Small House are as follows:

Built Over Area	:	65.03m <sup>2</sup>
Gross Floor Area	:	195.09m <sup>2</sup>
Number of Storeys	:	3
Building Height	:	8.23m

1.4 The location for the proposed Small House submitted by the applicants is shown at **Drawing A-1**. The proposed development includes provision of a septic tank at the nearby Lot 308 S.C in D.D. 4 MW (**Drawing A-1**). The landscape/stormwater system plan and Luk Tei Tong Village sewage collection alignment plan are shown on **Drawings A-2** and **A-3** respectively.

1.5 In support of the application, the applicants have submitted the Application Form with attachments (**Appendix I**) which was received on 20.12.2021.

## 2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in Part 8 of the Application Form (**Appendix I**). They can be summarised as follows:

- (a) the proposed NTEH – Small House at the site was previously approved by the Board in 2014 and for renewal in 2018. The permission was valid until 7.2.2022. The applicants applied to DLO/Is for NTEH in May 2014 and the process is near completion but approval cannot be obtained before expiry of the planning permission;
- (b) there are similar Small Houses at lots outside the “Village Type Development” (“V”) zone (namely Lot No. 318RP, 318S.B, 694, 579R.P, 545R.P, 737 and 738 in D.D.4 MW) but within the ‘village environs’ (‘VE’);
- (c) the Site falls entirely within the ‘VE’ of Luk Tei Tong Village but is not included in the “V” zone of Luk Tei Tong Village. As such, planning application is submitted for the proposed NTEH; and
- (d) the Site has been included in the second stage of the Outlying Island Sewage Collection System (**Drawing A-3**). The drainage works have been commenced by the Drainage Services Department in early November 2021.

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

The applicants are not the “current land owner” of the Site but have complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent / Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No.31A) by obtaining consent from the current land owner. 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 the Interim Criteria promulgated on 7.9.2007 is at **Appendix II**.

#### 5. **Previous Applications (Plan A-2a)**

- 5.1 The Site is the subject of two previous planning applications (No. A/I-MWF/10 and 22) for the same use.
- 5.2 Application No. A/I-MWF/10 submitted by a different applicant was rejected by the Committee on 5.12.2003 and by the Board upon review on 2.4.2004, both on the grounds that the proposed development was not in line with the planning intention of the “REC” zone, there was ample provision of land available within the “V” zone of Luk Tei Tong Village for Small House development, and approval of the application would create an undesirable precedent for similar applications within the “REC” zone.
- 5.3 Application No. A/I-MWF/22 submitted by the current applicants was approved with conditions by the Committee on 7.2.2014 on the consideration that there had been changes in planning circumstances with increase in demand for Small House in Luk Tei Tong Village as well as a decrease in land available for Small House development within the “V” zone due to the implementation of public facilities. On 19.1.2018, the Director of Planning, under the delegated authority of the Board, approved the Extension of Time (EOT) for commencement of the approved development for 48 months from 7.2.2018 to 7.2.2022. However, the planning permission lapsed on 7.2.2022.
- 5.4 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-2a**.

#### 6. **Similar Applications (Plan A-1)**

- 6.1 There are eight similar applications (No. A/I-MWF/5, 7, 8, 11, 12, 13, 24 and 25) (**Plan A-1**) for Small House development within “REC” zone on the OZP. Out of these applications, four were approved and four were rejected.
- 6.2 Four applications (No. A/I-MWF/5, 12, 24 and 25) were approved with conditions by the Committee mainly on the considerations that the proposed Small House footprint fell partly within “V” and ‘VE’ in that favourable consideration could be given under the Interim Criteria, there were a general shortage of land to meet the demand for Small House development in the surrounding areas, and the proposed Small House developments were compatible with the nearby village houses and rural setting and would not give significant adverse impacts on the surroundings.

6.3 Four applications (No. A/I-MWF/7, 8, 11 and 13) were rejected by the Committee mainly for the reasons of, inter alia, not in line with the planning intention of the “REC” zone and the Interim Criteria in that only a small portion of the application sites fell within ‘VE’ or “V” zone, there was still available land within the “V” zone for Small House development at the time of consideration, and approval of the applications would set undesirable precedents for similar applications.

6.4 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

**7. The Site and Its Surrounding Areas (Plans A-1 to A-3 and site photos on Plans A-4a and A-4b)**

7.1 The Site is:

- (a) within the ‘VE’ of Luk Tei Tong Village;
- (b) flat, vacant, covered with grass; and
- (c) accessible via local footpaths leading to Ngan Shu Street to the north and Ngan Kwong Wan Road to the northeast.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate northwest are several 3-storey village houses, which fall partly/entirely within the adjacent “V” zone;
- (b) to the north and east are areas of abandoned agricultural land; and
- (c) to the further north and east are river channels.

**8. Planning Intention**

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

**9. Comments from Relevant Government Departments**

9.1 The application has been assessed against the assessment criteria in **Appendix II**. The assessment is summarised in the following table:

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
1.	Within “V” zone?  - The Site	-	100%	

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
	- Footprint of the Small House	-	100%	
2.	Within ‘VE’?  - The Site  - Footprint of the Small House	100%  100%	-  -	- The Site and the Small House footprint fall entirely within ‘VE’ of Luk Tei Tong Village.  - District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) has no in-principle objection to the application.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House application plus 10-year Small House demand)?          Sufficient land in “V” zone to meet outstanding Small House application?	          ✓	✓	<u>Land Required</u> - Land required to meet the Small House demand in Luk Tei Tong Village: about 2.3ha (equivalent to 92 Small House sites). The outstanding Small House applications for Luk Tei Tong Village is 14 <sup>2</sup> while the 10-year Small House demand forecast for the same village is 78.  <u>Land Available</u> - Land available to meet Small House demand within the “V” zone of Luk Tei Tong Village: about 1.9ha (equivalent to about 76 Small House sites) ( <b>Plan A-2b</b> ).
4.	Compatible with the planning intention of “REC” zone?		✓	
5.	Compatible with surrounding area/ development?	✓		- The Site is located to the southeast of Luk Tei Tong Village. The proposed Small House is not incompatible with the surrounding areas which are predominantly rural in character with a mix of village houses and vacant land ( <b>Plan A-3</b> ).
6.	Within Water Gathering Grounds (WGGs)?		✓	- 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?		✓	

<sup>2</sup> Among the 14 outstanding Small House applications, 11 of them fall within the “V” zone and 3 straddle or outside the “V” zone. For those 3 applications straddling or outside the “V” zone, two have obtained valid planning permissions from the Board while the Small House footprint of the remaining one falls largely within the “V” zone and ‘VE’.

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	- Director of Fire Services (D of FS) has no in-principle objection to the application.
9.	Traffic impact?	✓		- Commissioner for Transport (C for T) advises that the application may set an undesirable precedent for similar applications in the future and the cumulative traffic impact of such developments may overload the existing/ planned transport infrastructures in the area. Notwithstanding this, she considers that the application is the subject of a previously approved application and has no comment on the application.
10.	Drainage impact?	✓		- Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&Is, DSD) advises that there is no public stormwater drainage system in the vicinity of the Site for connection at the moment. The applicants should ensure the development would not impose flooding risk to the nearby region.  - An approval condition requiring the applicants to submit and implement the stormwater drainage proposal should be imposed if approval is granted.
11.	Sewerage impact?		✓	- Chief Engineer/ Consultants Management, Drainage Services Department (CE/CM, DSD) advises that sewage connection for the proposed development is not available under Contract No. DC/2021/09 – “Outlying Islands Sewerage Stage 2 – Village Sewerage at Luk Tei Tong and Ma Po Tsuen, Mui Wo” and hence the proposed development has no direct interface with the Contract.  - CE/CM, DSD and Director of Environmental Protection (DEP) have no adverse comment on the application.

	<b>Criteria</b>	<b>Yes</b>	<b>No</b>	<b>Remarks</b>
12.	Landscaping impact?		✓	- Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the application from landscape planning perspective.
13.	Local objections conveyed by DO?		✓	- District Officer/Islands, Home Affairs Department (DO/Is, HAD) advises that no local objection has been received relating to the application.

9.2 Comments from the following government departments have been incorporated in the above paragraph. Detailed comments are at **Appendix V**.

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

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

- (a) Commissioner of Police;
- (b) Director of Agriculture, Fisheries and Conservation;
- (c) Chief Highway Engineer/New Territories East, Highways Department; and
- (d) Head of Sustainable Lantau Office, Civil Engineering and Development.

## **10. Public Comments Received During Statutory Publication Period**

On 28.12.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from individuals, objecting to the application mainly on the ground that the Site is outside the “V” zone and should not be used for the development of Small House (**Appendix VI**).

## **11. Planning Considerations and Assessments**

11.1 The application is for a Small House development at the Site zoned “REC” on the OZP. The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public and development of active and/or passive recreation and tourism/eco-tourism. The Site is a private lot and is located at the south-western fringe of the “REC” zone which is adjacent to the village-type

houses to the northwest. The proposed Small House development at the Site would not jeopardise the integrity and frustrate the overall planning intention of the “REC” zone for recreational development for the use of the general public. Also, the proposed Small House is considered not incompatible with the existing village houses in the immediate surroundings.

- 11.2 Regarding the Interim Criteria (**Appendix II**), the footprint of the proposed Small House falls entirely within the ‘VE’ of Luk Tei Tong Village (**Plan A-2a**). According to DLO/Is, LandsD, the total number of outstanding Small House applications for Luk Tei Tong Village is 14 while the 10-year Small House demand forecast is 78. Based on the latest estimate by PlanD, about 1.9 ha (equivalent to about 76 Small House sites) of land is available within the “V” zone concerned (**Plan A-2b**). While land available within the “V” zone is insufficient to meet the future Small House demand, land is available within the “V” zone to meet the outstanding 14 Small House applications. It should be noted that the Board has adopted a more cautious approach in approving applications for Small House development in recent years. 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. In this regard, it is considered more appropriate to concentrate the proposed Small House development within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Nonetheless, it is noted that the Site is situated near the edge of the “V” zone, and amidst a new village cluster in the “REC” zone. In addition, planning permission was granted by the Committee with conditions for the previous application (No. A/I-MWF/22) submitted by the same applicants on 7.2.2014 with EOT approved on 19.1.2018. However, the planning permission lapsed on 7.2.2022. The approved Small House development thereat has not commenced mainly due to the execution of the Small House grant which is still under processing by DLO/Is, LandsD. Noting that there has been no change in planning circumstances since approval of the previous application, sympathetic consideration may be given to the application.
- 11.3 Since the Interim Criteria was revised in 2007, the Committee has approved two similar applications (No. A/I-MWF/24 and 25) in the subject “REC” zone mainly on the considerations that the proposed Small House footprint partly within “V” zone and ‘VE’ in that favourable consideration could be given under the Interim Criteria. Approving the current application is in line with the Committee’s previous decisions.
- 11.4 The Site is located to the southeast of Luk Tei Tong Village. The proposed Small House is not incompatible with the surrounding areas which are predominantly rural in character with a mix of village houses and vacant land. CTP/UD&L, PlanD considers that the proposed development is not incompatible with the surrounding environment and has no objection to the application from landscape planning perspective. Besides, the proposed Small House generally complies with the Interim Criteria in that it is not anticipated to result in adverse drainage, sewerage, environmental, water supply and ecological impacts on the surrounding areas. Concerned departments including DSD, EPD, WSD and AFCD have no objection to or no adverse comments on the application. The concerns of CE/HK&Is, DSD on possible flooding risk could be addressed by imposing an approval condition on the submission and implementation of a stormwater drainage proposal. Whilst C for T advises that the application may set an undesirable precedent for similar applications



in the future and the cumulative traffic impact resulted from the permission of Small House development outside “V” zone may overload the existing/planned transport infrastructures in the area, she considers that the current application is the subject of a previously approved application and has no comments on the application.

- 11.5 Regarding the public comments objecting to the application as detailed in paragraph 10, the departmental comments in paragraph 9 and planning assessments in paragraphs 11.1 to 11.4 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 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 18.2.2026, 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 following condition of approval and advisory clauses are also suggested for Members’ reference:

### Approval Condition

the submission and implementation of a stormwater drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

### Advisory Clauses

the recommended advisory clauses are attached at **Appendix VII**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members’ reference:
- (a) the proposed development is not in line with the planning intention of the “Recreation” zone which is primarily for recreation developments for the use of the general public. There is no strong justification in the submission to merit a departure from the planning intention; and
  - (b) land is still available within “Village Type Development” (“V”) zone of Luk Tei Tong Village 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.

## **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 applicants.

#### **14. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 20.12.2021
<b>Appendix II</b>	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
<b>Appendix III</b>	Previous applications
<b>Appendix IV</b>	Similar applications
<b>Appendix V</b>	Detailed comments from relevant government departments
<b>Appendix VI</b>	Public comments
<b>Appendix VII</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Landscape and Stormwater System Plan
<b>Drawing A-3</b>	Luk Tei Tong Village Sewage Collection Alignment Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2a</b>	Site Plan
<b>Plan A-2b</b>	Estimated Amount of Land Available for Small House Development within the “V” zone
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2022**