

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

**APPLICATIONS NO. A/NE-FTA/214 to 219**

<b><u>Applicants</u></b>	:	Mr. LIU Robert Mr. LIU Sou Kin Mr. LIU Ying Kit Mr. LIU Ding Hing Mr. LIU Norman Mr. LIU Simon all with Mr. LIU Man Ho as the Power of Attorney and represented by Euro Asia Construction Engineering Limited	(Application No. A/NE-FTA/214) (Application No. A/NE-FTA/215) (Application No. A/NE-FTA/216) (Application No. A/NE-FTA/217) (Application No. A/NE-FTA/218) (Application No. A/NE-FTA/219)
<b><u>Sites</u></b>	:	Lot 259 S.A Lot 259 S.B RP Lot 259 S.E Lot 259 S.G RP Lot 259 S.H Lot 259 S.I all in D.D. 52, Sheung Shui Wa Shan, Sheung Shui, New Territories	(Application No. A/NE-FTA/214) (Application No. A/NE-FTA/215) (Application No. A/NE-FTA/216) (Application No. A/NE-FTA/217) (Application No. A/NE-FTA/218) (Application No. A/NE-FTA/219)
<b><u>Site Areas</u></b>	:	233 m <sup>2</sup> (about) 172 m <sup>2</sup> (about) 182 m <sup>2</sup> (about) 204 m <sup>2</sup> (about) 174 m <sup>2</sup> (about) 179 m <sup>2</sup> (about)	(Application No. A/NE-FTA/214) (Application No. A/NE-FTA/215) (Application No. A/NE-FTA/216) (Application No. A/NE-FTA/217) (Application No. A/NE-FTA/218) (Application No. A/NE-FTA/219)
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)	
<b><u>Plan</u></b>	:	Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/16	
<b><u>Zonings</u></b>		“Agriculture” (“AGR”) and “Village Type Development” (“V”) “AGR” (about 87.3%) and “V” (about 12.7%)	(Application No. A/NE-FTA/214)
		“AGR” (about 79.9%) and “V” (about 20.1%)	(Application No. A/NE-FTA/215)
		“AGR” (about 64.6%) and “V” (about 35.4%)	(Application No. A/NE-FTA/216)
		“AGR” (about 77.6%) and “V” (about 22.4%)	(Application No. A/NE-FTA/217)
		“AGR” (about 75.5%) and “V” (about 24.5%)	(Application No. A/NE-FTA/218)

“AGR” (about 55.9%) and  
“V” (about 44.1%)

(Application No. A/NE-FTA/219)

**Applications** : Proposed House (New Territories Exempted House (NTEH) - Small House) at each of the application site

## 1. **The Proposals**

1.1 The applicants, who claimed themselves as indigenous villagers<sup>1</sup>, seek planning permission to build a NTEH (Small House) on each of the application sites (the Sites) in Wa Shan Village which fall largely within an area zoned “AGR” with a minor portion falling within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP, while ‘House (NTEH only)’ is always permitted in the “V” zone, such use in the “AGR” zone requires planning permission from the Town Planning Board (the Board).

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

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

The uncovered areas will be used for landscaping. The layouts of the proposed Small Houses are shown on **Drawings A-1 to A-6**.

1.3 Each of the Sites is the subject of a previously approved application submitted by the same applicants under the current application for the same use as listed below:

<u>Current Application</u>	<u>Previous Application</u>	<u>Date of Approval</u>
No. A/NE-FTA/214	No. A/NE-FTA/131	7.2.2014
No. A/NE-FTA/215	No. A/NE-FTA/127	17.1.2014
No. A/NE-FTA/216	No. A/NE-FTA/128	17.1.2014
No. A/NE-FTA/217	No. A/NE-FTA/129	17.1.2014
No. A/NE-FTA/218	No. A/NE-FTA/130	17.1.2014
No. A/NE-FTA/219	No. A/NE-FTA/132	7.2.2014

Details of the previous applications are set out in paragraph 5 below. Compared with previous applications, the major development parameters and layouts of the Small Houses are generally the same as the current ones.

1.4 In support of the applications, the applicants have submitted the following documents:

- (a) application forms with attachments received on **(Appendices Ia to If)**  
10.6.2022
- (b) further information (FI) received on 11.7.2022 **(Appendix Ig)**  
*(Applications Nos. A/NE-FTA/214, 215, 216, 218 and*

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<sup>1</sup> According to District Lands Officer/North, Lands Department, the applicants of Applications No. A/NE-FTA/214, 215, 218 and 219 claimed themselves to be indigenous villagers of Wa Shan, Sheung Shui Heung. Their eligibility for Small House grant is yet to be ascertained. The applicants of Applications No. A/NE-FTA/216 and 217 are the indigenous villagers of Sheung Shui, Sheung Shui Heung and Wa Shan, Sheung Shui Heung respectively with eligibility for Small House grant ascertained.

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|-----|---|---------------|
| (c) | FI received on 12.7.2022<br>(Applications No. A/NE-FTA/214, 215, 218 and 219)     | (Appendix Ih) |
| (d) | FIs received on 21.7.2022 and 22.7.2022<br>(Application Nos. A/NE-FTA/214 to 219) | (Appendix Ii) |

## 2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the applications are detailed in Part 8 of the Application Forms at **Appendices Ia to If**, and are summarized as follows:

- (a) the applicants are indigenous villagers. The proposed Small Houses are located entirely within the ‘village environ’ (‘VE’) of Sheung Shui Wa Shan and partly within the “V” zone. Therefore, the applications are in line with the Government’s Small House Policy;
- (b) the Sites are subject to six previously approved applications submitted by the same applicants for Small House developments and the approvals have lapsed in early 2022. As the applications for Small House grant are still being examined by LandsD, the applicants are required to obtain planning approvals before LandsD would continue process their Small House grant applications;
- (c) the Sites have been left vacant for years and the proposed Small Houses will improve the visual and environmental quality of the areas; and
- (d) the Small House developments at the Sites are compatible with the surrounding environment and rural settlements.

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

The applicants are the sole “current land owners” of their respective lots. Detailed information would be deposited at the meeting for Members’ inspection.

## 4. **Assessment Criteria**

The set of Interim Criteria for Consideration of Application for New Territories Exempted House (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 Sites are the subject of six previously approved applications (No. A/NE-FTA/127 to 132) submitted by the same applicants for the same use but the planning permissions have lapsed in January/ February 2022. All of them were approved with conditions by the Committee in 2014 on consideration of being in line with the Interim Criteria in that the footprints of the Small Houses fell entirely within the ‘VE’ of Sheung Shui Wa Shan and there was a general shortage of land in “V” zone to meet the Small House demand at the time of consideration. Compared with these previous applications, major

development parameters and the Small House footprints of the six houses are generally the same.

- 5.2 Details of the previous applications are summarized at **Appendix III** and their locations are shown on **Plan A-2**.

## **6. Similar Applications**

- 6.1 There are 23 similar applications involving 17 sites within / partly within the same “AGR” zone of the Sites since the first promulgation of the Interim Criteria on 24.11.2000. Of them, 20 applications were approved and three were rejected between 2008 and 2021.
- 6.2 Among the approved applications, 14 applications (Applications No. A/NE-FTA/85, 89, 90, 95, 105, 119, 120 to 122, 137, 138, 140, 141 and 147) were approved before the adoption of a more cautious approach by the Board between 2008 and 2014 mainly on the considerations that the applications generally complied with the Interim Criteria in that the Small Houses fell largely/entirely within the ‘VE’ of Wan Shan Village and there was a general shortage of land in meeting the Small House demand at the time of consideration. The remaining six applications (Applications No. A/NE-FTA/161, 164 and 169 to 172) were approved by the Committee after the adoption of a more cautious approach between 2016 and 2017 mainly on sympathetic consideration as the sites were subject to previously approved applications, although the land available within the “V” zone was capable of meeting the outstanding Small House applications at the time of consideration.
- 6.3 The three rejected applications (Applications No. A/NE-FTA/188, 191 and 204) were rejected by the Committee or the Board on review between 2019 and 2021 (i.e. after the adoption of a more cautious approach by the Board) mainly on the ground of being not in line with the planning intention of the “AGR” zone and there was no general shortage of land to meet the Small House demand at the time of consideration.
- 6.4 Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-2a**.

## **7. The Sites and Their Surrounding Areas (Plans A-1 to A-4)**

- 7.1 The Sites are:
- (a) partly hard-paved and partly covered with grass. The Site of Application No. A/NE-FTA/216 is used for active farming activities;
  - (b) located to the south-western fringe of “V” zone of Sheung Shui Wa Shan; (**Plan A-1**); and
  - (c) served by vehicular access.
- 7.2 The surrounding areas are dominated with village houses, temporary domestic dwellings, fallow agricultural land, tree groups and vacant land.

## 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 **Appendix II**. The assessment is summarized in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone?			
	- Application Sites of the six applications			- The Sites fall mostly within the “AGR” zone with a minor portion falling within the “V” zone.
	Application No. A/NE-FTA/214	12.7%	87.3%	
	Application No. A/NE-FTA/215	20.1%	79.9%	
	Application No. A/NE-FTA/216	35.4%	64.6%	
	Application No. A/NE-FTA/217	22.4%	77.6%	
	Application No. A/NE-FTA/218	24.5%	75.5%	
	Application No. A/NE-FTA/219	44.1%	55.9%	
	- Footprints of the six proposed Small Houses			- The proposed Small House footprints fall mostly within the “AGR” zone with a minor portion falling within the “V” zone.
	Application No. A/NE-FTA/214	3.2%	96.8%	
	Application No. A/NE-FTA/215	7.4%	92.6%	
	Application No. A/NE-FTA/216	31.3%	68.7%	
	Application No. A/NE-FTA/217	21.1%	78.9%	
	Application No.	23.5%	76.5%	

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	A/NE-FTA/218  Application No. A/NE-FTA/219	47.3%	52.7%	
2.	Within ‘VE’?  - The Sites of the six applications  - Footprints of the six proposed Small Houses	100%  100%	-  -	District Lands Office/North, Lands Department (DLO/N, LandsD) advises that the Sites and the proposed Small House footprints fall entirely within the ‘VE’ of Sheung Shui Wa Shan.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House application plus 10-year Small House demand)?		✓	<u>Land Required</u> Land required to meet the Small House demand in Wa Shan Village: about 12.2 ha (equivalent to 488 Small House sites). The outstanding Small House applications for Wa Shan Village are 58 <sup>2</sup> while the 10-year Small House demand forecast for the same village is 430.
	Sufficient land in “V” zone to meet outstanding Small House application?	✓		<u>Land Available</u> Land available to meet the Small House demand within the “V” zone of Wa Shan Village: about 2.7 ha (equivalent to 108 Small House sites) ( <b>Plan A-2b</b> ).
4.	Compatible with the planning intention of “AGR” zone?		✓	The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications as the Sites possess potential for agricultural rehabilitation.
5.	Compatible with surrounding area/ development?	✓		The proposed Small Houses are not incompatible with the surrounding rural landscape character comprising village houses, active/fallow agricultural land, vacant land and tree groups ( <b>Plan A-2a</b> ).
6.	Within Water Gathering Grounds (WGGs)?		✓	
7.	Encroachment onto planned road networks and public works boundaries?		✓	

<sup>2</sup> Among the 58 outstanding Small House applications, 31 of them fall within the “V” zone and 27 straddle or outside the “V” zone. For those 27 applications straddling or being outside the “V” zone, 1 has obtained valid planning approval from the Board.

	<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 applications.
9.	Traffic impact?	✓		Commissioner for Transport (C for T) advises that Small House developments should be confined within the “V” zone as far as possible. Notwithstanding the above, the applications each involving the development of one Small House can be tolerated.
10.	Drainage impact?	✓		Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the applications and advises that approval conditions on the submission and implementation of drainage proposal are required.
11.	Sewage impact?		✓	The Director of Environmental Protection (DEP) advises that in view of small scale of the proposed developments, the applications alone are unlikely to cause major pollution.
12.	Landscaping impact?		✓	The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the applications as the proposed developments are not incompatible with the surrounding environment and significant adverse impact arising from the proposed developments is not anticipated.
13.	Local objection conveyed by DO?		✓	District Officer (North), Home Affairs Department (DO(N), HAD) has consulted the locals. The Indigenous Inhabitant Representative (IIR) of Wa Shan Tsuen supports the applications. Other consultees, including the Chairman of Sheung Shui District Rural Committee, the Resident Representative (RR) of Wa Shan Tsuen, three IIRs of Sheung Shui Heung, the RR of Sheung Shui Heung and the Chairman of Fung Shui Committee, have no comment on the applications.

9.2 Comments from the following government departments have been incorporated in paragraph 9.1 above. Detailed comments from government departments are at **Appendix V**.

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

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

On 17.6.2022, the applications were published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VI**) from a North District Council member and two individuals to all the six applications. The North District Council member indicates no comment on the applications while two individuals object to the applications on the grounds that the use of septic tanks would induce environmental concern; the proposed developments are too crowded with each other, and will cause traffic congestion problems and adverse impacts on environment, fire hazard, safety, ecology and quality of life.

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

- 11.1 These applications are for a proposed Small House at each of the Sites falling mostly within “AGR” zone with a minor portion within the adjoining “V” zone on the OZP. The proposed developments are not in line with the planning intention of the “AGR” zone as set out in paragraph 8 above. DAFC does not support the applications from the agricultural development point of view as the Sites possess potential for agricultural rehabilitation.
- 11.2 The Sites are located entirely within the ‘VE’ of Sheung Shui Wa Shan. They are partly vacant and partly covered with grass, except that the Site of Application No. A/NE-FTA/216 is currently used for active farming activities. The proposed developments are not incompatible with the surrounding area which is dominated with village houses, active/fallow farmland, tree clusters and vacant land (**Plan 3**). CTP/UD&L of PlanD has no objection to the applications from landscape planning perspective as significant adverse impact on the landscape resources arising from the proposed developments is not anticipated. C for T considers that Small House developments should be confined within the “V” zone as far as possible but given that the applications each involving one Small House only, the applications could be tolerated. Other relevant departments consulted, including DEP, CE/MN of DSD and D of FS, have no objection to or no comment on the applications.
- 11.3 Regarding the Interim Criteria, DLO/N of LandsD advises that the number of outstanding Small House for Wa Shan Village is 58 while the 10-year Small House demand forecast is 430. Based on PlanD’s latest estimate, about 2.7 ha of land (equivalent to 108 Small House sites) is available within the “V” zone concerned. While land available within the “V” zone is insufficient to fully meet the future Small House demand, it is sufficient in meeting the outstanding Small House applications (**Plan A-2b**). It should be noted that the Board has adopted a more cautious approach in considering applications for Small House development since August 2015. Amongst others, in assessing whether there is a general shortage of land in meeting Small House

demand, the Board has put more weighting on the number of outstanding Small House applications as provided by LandsD. It is considered more appropriate to concentrate the proposed Small House developments within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services. Nevertheless, each of the Site is the subject of a previously approved application submitted by the same applicant for the same use. Compared with the previous applications, the major development parameters and footprints of the six proposed Small Houses are generally the same. Moreover, DLO/N of LandsD advises that the Small House grant applications for Applications No. A/NE-FTA/216 and 217 were approved but pending for execution, while the remaining Small House grant applications (No. A/NE-FTA/214, 215, 218 and 219) are under processing. In this regard, sympathetic consideration might be given to the applications.

- 11.4 There are a total of 20 similar applications within / partly within the same “AGR” zone approved with conditions by the Committee between 2008 and 2017. Of them, six applications (No. A/NE-FTA/161, 164, 169 to 172) were approved by the Committee after the adoption of a more cautious approach between 2016 and 2017 mainly on sympathetic consideration as set out in paragraph 6.2 above. The planning circumstances of the current applications are similar to these approved applications.
- 11.5 Regarding the public comments objecting to the applications on the grounds as detailed in paragraph 10, government departments’ comments and the 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 above, the Planning Department has no objection to the applications.
- 12.2 Should the Committee decide to approve the applications, it is suggested that each of the permission shall be valid until 29.7.2026, and after the said date, the permissions 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

### Advisory Clause

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

- 12.3 Alternatively, should the Committee decide to reject the applications, the following reasons for rejection are suggested for Member’s reference:
  - (a) the proposed developments are 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 Wan Shan where land is primarily intended 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 date 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**

<b>Appendix Ia</b>	Application form and attachment received on 10.6.2022 (Application No. A/NE-FTA/214)
<b>Appendix Ib</b>	Application form and attachment received on 10.6.2022 (Application No. A/NE-FTA/215)
<b>Appendix Ic</b>	Application form and attachment received on 10.6.2022 (Application No. A/NE-FTA/216)
<b>Appendix Id</b>	Application form and attachment received on 10.6.2022 (Application No. A/NE-FTA/217)
<b>Appendix Ie</b>	Application form and attachment received on 10.6.2022 (Application No. A/NE-FTA/218)
<b>Appendix If</b>	Application form and attachment received on 10.6.2022 (Application No. A/NE-FTA/219)
<b>Appendix Ig</b>	FI received on 11.7.2022 (Applications No. A/NE-FTA/214, 215, 216, 218 and 219)
<b>Appendix Ih</b>	FI received on 12.7.2022 (Applications No. A/NE-FTA/214, 215, 218 and 219)
<b>Appendix Ii</b>	FIs received on 21.7.2022 and 22.7.2022 (Applications Nos. A/NE-FTA/214 to 219)
<b>Appendix II</b>	Relevant Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar s.16 Applications for Proposed House (New Territories Exempted House (NTEH) - Small House) within/partly within the “AGR” Zone in the vicinity of the Sites in the Fu Tei Au and Sha Ling area
<b>Appendix V</b>	Detailed Comments from Relevant Government Departments
<b>Appendix VI</b>	Public Comments
<b>Appendix VII</b>	Recommended Advisory Clauses
<b>Drawings A-1 to A-6</b>	Layout Plans
<b>Plan A-1</b>	Location Plan
<b>Plan A-2a</b>	Site Plan
<b>Plan A-2b</b>	Estimated Amount of Land Available within the “V” zone of Sheung Shui Wa Shan for Small House Development
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2022**