

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

**APPLICATION NO. A/NE-LT/777**

- Applicants** : Messrs WONG Wai Ming and WONG Wai Ki, and Mses WONG Fung Ying, WONG Wai Ying and WONG Li Qun represented by T.H. & Associates Limited
- Site** : Lot 1573 in D.D. 8, Ma Po Mei, Tai Po, New Territories
- Site Area** : About 242.8m<sup>2</sup>
- Lease** : Block Government Lease (demised for house (0.01 acre) and courtyard (0.05 acre) uses)<sup>1</sup>
- Plan** : Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed House (New Territories Exempted House (NTEH)) (not Small House)

**1. The Proposal**

1.1 The applicants, owners of the application site (the Site), seek planning permission to build a NTEH (not Small House) at the Site (**Plan A-1**). According to the Notes of the OZP, ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ within the “AGR” zone requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and hard-paved.

1.2 Details of the proposed NTEH are as follows:

Total Floor Area	:	173.4m <sup>2</sup>
No. of Storeys	:	3
Building Height	:	Not more than 8.23m
Roofed-over Area	:	57.8m <sup>2</sup>

1.3 The applicants indicate that the uncovered area of the Site would be used as garden. The layout of the proposed NTEH and the proposed sewerage connection are shown in **Drawings A-1 to A-3**.

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<sup>1</sup> 0.01 and 0.05 acre are equivalent to about 40.47m<sup>2</sup> and 202.34m<sup>2</sup> respectively.

- 1.4 The Site is the subject of a previous application No. A/NE-LT/542 submitted by the same applicants for the same use, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 20.11.2015. Details of the previous application are set out in paragraph 5 below. Compared with the previous application, the development parameters and layout of the current application remain the same.
- 1.5 In support of the application, the applicants have submitted the following documents:
- (a) Application Form with attachments received on 24.12.2024 **(Appendix I)**
  - (b) Further Information (FI) received on 6.2.2025<sup>^</sup> **(Appendix Ia)**  
*<sup>^</sup> accepted and exempted from publication and recounting requirement*

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

The justifications put forth by the applicants in support of the application are detailed in the attachments to the Application Form and FI at **Appendices I and Ia**, as summarised below:

- (a) the Site is an Old Schedule lot with registered area of 0.01 acre for house use and 0.05 acre for courtyard use. The boundary of the lot was re-defined by authorized land surveyor and the area demised for house is 57.8m<sup>2</sup>;
- (b) the Site is vacant and flat. No cutting or filling of land is required;
- (c) the proposed NTEH is compatible with the surrounding rural environment. Also, it will not involve tree felling and foul water can be connected to public manhole. Therefore, adverse impact on landscape and water quality are not anticipated;
- (d) the Site is the subject of a previously approved application No. A/NE-LT/542 for the same use;
- (e) applications No. A/DPA/NE-LT/32, A/NE-LT/50, A/NE-LT/201, A/NE-LT/209, A/NE-LT/271, A/NE-LT/336 and A/NE-LT/553 for Small Houses developments have been approved by the Board within the same “AGR” zone<sup>2</sup>; and
- (f) there is adequate passageway to the immediate west of the Site for pedestrian travelling to the other side of Lam Tsuen River.

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

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

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<sup>2</sup> It should be noted that these applications quoted by the applicants are for proposed NTEH – Small House. The planning considerations of these applications are not applicable to the current application which is for a proposed NTEH (not Small House).

**4. Assessment Criteria**

The set of Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) was first promulgated on 24.11.2000. The latest set of Interim Criteria which was promulgated on 7.9.2007 is at **Appendix II**.

**5. Previous Application**

5.1 The Site is the subject of a previous application No. A/NE-LT/542 submitted by the same applicants for the same use as the current application, which was approved with conditions by the Committee on 20.11.2015 mainly on the grounds that the Site was entitled for development of a house; the proposed NTEH was not incompatible with the surrounding area; and the proposed NTEH was able to be connected to the existing public sewerage system. The planning permission lapsed on 20.11.2019.

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

**6. Similar Application**

There is no similar application for NTEH (not Small House) development within the same “AGR” zone in the vicinity of the Site.

**7. The Site and Its Surrounding Areas (Plans A-1 to A-4)**

7.1 The Site is:

- (a) mainly vacant and hard-paved;
- (b) within the village ‘environs’ (‘VE’) of Ma Po Mei and the upper indirect water gathering ground (WGG);
- (c) situated to the east of the “V” zone in Ma Po Mei and about 65m from the village cluster across Lam Tsuen River; and
- (d) accessible via a local track leading to Lam Kam Road.

7.2 The surrounding areas are predominantly rural in character with a mix of village houses, temporary structures and active/fallow agricultural land. To the immediate west of the Site is Lam Tsuen River and to the immediate east are temporary structures and village houses. Lam Kam Road is about 20m to the south of the Site

**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 following government departments have been consulted and their views on the application are summarised as follows:

**Land Administration**

- 9.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD)

- (a) he has no objection to the application;
- (b) Lot No. 1573 in D.D. 8 is an Old Schedule Lot held under the Block Government Lease with registered area of 0.01 acre (i.e. about 40.47m<sup>2</sup>) for house and 0.05 acre (i.e. about 202.34m<sup>2</sup>) for courtyard use. The subject building lot is entitled for development of a NTEH ~~with a footprint of 57.8m<sup>2</sup>~~;
- (c) the Site is not covered by any Modification of Tenancy or Building Licence; and
- (d) redevelopment application for the Lot was previously received by DLO/TP and it was rejected due to the lack of a valid S.16 approval. The lot owners are required to apply to LandsD for development or redevelopment under the lease. If the development or redevelopment application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD, including the payment of fee and premium as considered appropriate. However, there is no guarantee such application would be approved.

**Traffic**

- 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) such type of development should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed development 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; and
- (b) notwithstanding the above, the subject application only involves development of one house and could be tolerated on traffic grounds.

**Highways**

- 9.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- (a) he has no adverse comment on the application; and
- (b) the village road connecting the Site to Lam Kam Road is not and will not be maintained by HyD. HyD should not be responsible for maintaining any access connecting the Site to Lam Kam Road.

### **Environment**

#### 9.1.4 Comments of the Director of Environmental Protection (DEP):

- he has no in-principle objection to the application provided that the applicant will provide adequate sewer connection for disposal of sewage from the NTEH to the existing public sewer at their own costs and reserve adequate land for the sewer connection works.

### **Agriculture**

#### 9.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) the Site is generally vacant. The agricultural activities are active 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, plant nurseries, etc.; and
- (b) as the Site possess potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective.

### **Water Supply**

#### 9.1.6 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no objection to the application; and
- (b) the Site is located within upper indirect WGG and is less than 30m from the nearest water course. According to the information submitted by the applicants, the proposed NTEH will be connected to public sewerage system.

### **Fire Safety**

#### 9.1.7 Comments of the Director of Fire Services (D of FS):

- he has no in-principle objection to the application at this stage provided that the proposed house would not encroach on any existing emergency vehicular access (EVA) or planned EVA under application in accordance with LandsD's record.

### **Landscape**

9.1.8 Comments of the Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) she has no adverse comment on the application from landscape planning perspective;
- (b) the Site is located in an area of settled valley landscape character comprising temporary structures and village houses, farmland and clusters of tree groups. The proposed use is considered not entirely incompatible with its surrounding environment; and
- (c) the Site is hard-paved and no tree felling is involved according to the applicants. Significant adverse impact on existing landscape resources within the Site arising from the proposed use is not anticipated.

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

- (a) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (c) Project Manager/North, CEDD (PM/N, CEDD);
- (d) Director of Electrical and Mechanical Services (DEMS); and
- (e) District Officer/Tai Po, Home Affairs Department (DO/TP, HAD).

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

On 31.12.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix IV**). One comment from the Hong Kong & China Gas Co., Ltd (HKCG) advises that the applicants should consult and coordinate with their company in design and construction stage of the proposed NTEH, and provide protective measures. Another comment from an individual objects to the application mainly on the grounds that the Site has been filled in and operated as a parking lot without approval for many years; the footprint of the proposed NTEH straddles over an access road to the bridge nearby; the Site is located within the WGG, and considerable agricultural/ market gardening activities have been found within the surrounding areas.

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

11.1 The application is for the proposed development of an NTEH (not Small House) on the Site zoned “AGR” on the OZP. The proposed NTEH development is not in line with the planning intention of “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. DAFC does not support the application from agricultural perspective as agricultural activities are active in the vicinity and agricultural

infrastructures such as road access and water source are available.

- 11.2 The Site is mainly vacant and hard-paved. Some village houses, plant nurseries and temporary structures are located to the east of the Site. The proposed NTEH is not incompatible with the surrounding areas which are predominantly rural in character with a mix of village houses, temporary structures and active/fallow agricultural land. CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective as significant adverse impact on existing landscape resources arising from the proposed NTEH within the Site is not anticipated.
- 11.3 As advised by DLO/TP, LandsD, the Site is held under Block Government Lease demised for house of 0.01 acre (i.e. about 40.47m<sup>2</sup>) and courtyard use of 0.05 acre (i.e. about 202.34m<sup>2</sup>) and is entitled for development of a NTEH ~~with a footprint of 57.8m<sup>2</sup>~~. In accordance with the Interim Criteria, it has been the existing practice of the Board to take into account building status under the lease in considering planning application for NTEH development. As each application would be considered on its individual merits, approval of the current application would unlikely set an undesirable precedent for similar applications within the “AGR” zone.
- 11.4 The Site falls within the upper indirect WGG and the applicants have proposed to connect the proposed NTEH to the existing public sewerage system near Lam Tsuen River, which is located near the Site (**Plan A-2**). CE/MN, DSD, CE/C, WSD and DEP have no objection to the application provided that the applicants shall connect the proposed NTEH to the public sewerage system. C for T considers the application only involves development of one house could be tolerated on traffic grounds. Other concerned government departments including H(GEO) and PM/N, CEDD, DEMS, D of FS and DO/TP, HAD have no objection to or no adverse comment on the application.
- 11.5 The Site is the subject of a previous application submitted by the same applicants as the current application for the same use. It was approved by the Committee on 20.11.2015 mainly on the considerations as detailed in paragraph 5.1 above. The planning circumstances of the current application are largely similar to those of the previous application. Approval of the current application is in line with the Committee’s previous decision.
- 11.6 Regarding the public comment as mentioned in paragraph 10, the government departments’ comments and planning assessments above are relevant. DEMS advised that the applicants should liaise with HKCG during the design and construction stages for the sake of public safety and continuity of gas supply. Relevant advisory clause will be recommended should the Committee approve the application. For the public comment on the access road, the applicants advised that there is adequate passageway to the immediate west of the Site for pedestrian travelling to the other side of Lam Tsuen River.

## 12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments 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 14.2.2029, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The recommended advisory clauses are at **Appendix V** for Members' reference.

12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of the "Agriculture" zone which 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. There is no strong planning justification in the submissions for a departure from the planning intention.

### **13. Decision Sought**

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.

13.2 Should the Committee decide to approve the application, Members are invited to consider the 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 24.12.2024
<b>Appendix Ia</b>	FI received on 6.2.2025
<b>Appendix II</b>	Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
<b>Appendix III</b>	Previous Application
<b>Appendix IV</b>	Public Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawings A-1 to A-3</b>	Layout Plans and Sewerage Connection Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos