

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

**APPLICATION NO. A/NE-MUP/201**

<b><u>Applicant</u></b>	:	Mr. CHUNG Kaiwan represented by Grandmax Surveyors Limited
<b><u>Site</u></b>	:	Lot 334 S.G in D.D. 37, Man Uk Pin Village, Sha Tau Kok, New Territories
<b><u>Site Area</u></b>	:	209.9m <sup>2</sup> (about)
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	Proposed House (New Territories Exempted House (NTEH) – Small House)

**1. The Proposal**

1.1 The applicant, who claims himself to be an indigenous villagers of Man Uk Pin Village<sup>1</sup> seeks planning permission to build a NTEH (Small House) on the application site (the Site) in Man Uk Pin Village (**Plans A-1 and A-2a**). The Site falls within an area zoned “AGR” on the approved Man Uk Pin OZP No. S/NE-MUP/11. 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)’ is a Column 2 use in the “AGR” zone requiring planning permission from the Town Planning Board (the Board). The Site is currently vacant and covered with vegetation.

1.2 Details of the proposed NTEH (Small House) are as follows:

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

1.3 Layout of the proposed Small House (including septic tank) is shown in **Drawing A-1**. The applicant indicates that the uncovered area of the Site would be used as garden area.

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<sup>1</sup> As advised by the District Land Officer/North, Lands Department (DLO/N, LandsD), the applicant’s eligibility for Small House grant is yet to be ascertained.

1.4 The Site is part of the subject of two previous applications (No. A/NE-MUP/56 and 119) for the same use submitted by the same applicant<sup>2</sup> approved by the Rural and New Town Planning Committee (the Committee) on 18.7.2008 and 7.8.2015 respectively. Details of the previous applications are set out in paragraph 5.1 below.

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 21.3.2024 (**Appendix I**)
- (b) Further Information (FI) received on 24.4.2024\* (**Appendix Ia**)

*\*accepted and exempted from publication and recounting requirements*

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at **Appendix I**, and summarized as follows:

- (a) sympathetic considerations should be given as not less than 50% of the footprint of the proposed Small House is within the village ‘environs’ (‘VE’);
- (b) the application is part of the subject of a previously approved application No. A/NE-MUP/119. Approval of building licenses under Small House applications is still yet to be granted, but the planning permission lapsed on 7.8.2023;
- (c) approval conditions relating to the provision of septic tank, submission and implementation of drainage and landscape proposals under the application No. A/NE-MUP/119 have been complied with or partially complied with;
- (d) no adverse impact is anticipated;
- (e) there is a shortfall of land supply for Small House in meeting the Small House demand in Man Uk Pin Village; and
- (f) there are similar planning applications approved in the vicinity.

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

The applicant is the sole “current land owner” of the lot. 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 Interim Criteria, which was promulgated on 7.9.2007, is at **Appendix II**.

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<sup>2</sup> The applicant is the same applicant as the previous application No. A/NE-MUP/56 and is one of the two applicants of the previous application No. A/NE-MUP/119. The applicant claims that as the other applicant of previous application No. A/NE-MUP/119 (i.e. Mr. FU Ah Chun) passed away in 2022, the applicant is therefore seeking planning permission individually for the western portion of the site of application No. A/NE-MUP/119 (i.e. the current application site) (**Plan A-2**).

## 5. **Previous Applications**

- 5.1 The Site is the subject of two previous applications (No. A/NE-MUP/56 and 119) for the same use approved by the Committee on 18.7.2008 and 7.8.2015 respectively (i.e. before the formal adoption of a more cautious approach by the Board since 14.8.2015<sup>3</sup>). Application No. A/NE-MUP/56 was approved with conditions mainly on the grounds that the proposed Small House development was generally compatible with the surrounding land uses and there were similar applications approved in the vicinity of the site. Application No. A/NE-MUP/119 was approved with conditions mainly on the grounds that the application generally complied with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell within the ‘VE’ and there was a shortage of land within the “V” zone in meeting the future Small House demand at the time of consideration; the proposed development was not incompatible with the surrounding areas; significant adverse impacts were not anticipated; and there was previous planning approval. Compared with the last application, the major planning parameters and the footprint of the proposed Small House development submitted under the same applicant remain unchanged.
- 5.2 Details of the previous applications are summarized at **Appendix III** and their locations are shown on **Plan A-2a**.

## 6. **Similar Applications**

- 6.1 There have been 34 similar applications for Small House development within/partly within the same “AGR” zone in the vicinity of the Site in Man Uk Pin area since the first promulgation of the Interim Criteria on 24.11.2000.
- 6.2 23 applications were approved by the Committee or by the Board on review between June 2009 and July 2015 (i.e. before the Board’s formal adoption of a more cautious approach since August 2015) mainly on the grounds that more than 50% of the proposed Small House footprints fell within the ‘VE’; there was a general shortage of land within “V” zone in meeting the Small House demand at the time of consideration; and the proposed Small House developments were not incompatible with the surrounding rural landscape character and would unlikely generate significant adverse impacts on the surrounding areas.
- 6.3 After the formal adoption of the more cautious approach by the Board, 10 applications were approved by the Committee between April 2017 and December 2023 mainly on the grounds that the sites were the subject of previously approved planning applications submitted by the same applicants for the same use.
- 6.4 The remaining one (No. A/NE-MUP/184) was approved by the Committee on 19.5.2023 mainly on sympathetic consideration that there were approved Small House applications in the vicinity at different stages of development forming a new cluster in the locality and the application was considered an infill site among the existing and approved Small House sites.
- 6.5 Details of the similar applications are summarized at **Appendix IV** and their locations are shown on **Plan A-2a**.

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<sup>3</sup> 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.

**7. The Site and its Surrounding Areas (Plans A-1, A-2a and A-2b, aerial photo on Plan A-3 and site photos on Plans A-4)**

7.1 The Site is:

- (a) flat, vacant and covered with vegetation; and
- (b) accessible via a local track from Wo Keng Shan Road.

7.2 The surrounding areas are of rural landscape character comprising farmlands, Small Houses, vegetated areas, tree clusters and woodlands to the north and south within the “Green Belt” 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 application has been assessed against the assessment criteria at **Appendix II**. The assessment is summarized 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  - Footprint of the proposed Small House	–  –	100%  100%	- The Site and footprint of the proposed Small House fall entirely within the “AGR” zone.
2.	Within ‘VE’?  - The Site  - Footprint of the proposed Small House	57%  61%	43%  39%	- District Lands Officer/North, Lands Department (DLO/N, LandsD) advises that the Site partly falls within the ‘VE’ of Man Uk Pin.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House application)		✓	<u>Land Required</u> - Land required to meet the Small House demand in Man Uk Pin: about 12.3 ha (equivalent to 492 Small House sites). The outstanding Small House applications for Man Uk Pin are 44 <sup>4</sup>

<sup>4</sup> Among the 44 outstanding Small House applications, 29 of them fall within the “V” zone and 15 straddle or outside the “V” zone. For those 15 applications straddling or outside the “V” zone, 10 have 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>
	plus 10-year Small House demand)?			while the 10-year Small House demand forecast for the same village is 448.
	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 Man Uk Pin: about 2.22 ha (equivalent to 88 Small House sites) ( <b>Plan A-2b</b> ).
4.	Compatible with the planning intention of “AGR” zone?		✓	- Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation. Agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water sources are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.
5.	Compatible with surrounding area/ development?	✓		- Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advises that the Site is located in an area of rural inland plains landscape character comprising farmlands, Small Houses, vegetated areas, tree clusters and woodlands.
6.	Within Water Gathering Grounds?		✓	- 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?		✓	
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	- Director of Fire Services (D of FS) has no objection in-principle to the application. The applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by LandsD.
9.	Traffic impact?	✓		- Commissioner for Transport (C for T) has reservation on the application and advises that Small House 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

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				<p>applications in the future. The resulting cumulative adverse traffic impact could be substantial.</p> <p>- Notwithstanding the above, the application only involves construction of one Small House could be tolerated unless it is rejected on other grounds.</p>
10.	Drainage impact?		✓	- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application.
11.	Sewage impact?		✓	- Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution.
12.	Landscaping impact?		✓	- Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the application from the landscape planning perspective as significant adverse landscape impact arising from the development is not anticipated.
13.	Local objection conveyed by DO?		✓	- District Officer (North), Home Affairs Department (DO(N), HAD) advises that six members of the North District Council (NDC) have no comment and the Chairman of the Sha Tau Kok District Rural Committee cum NDC, 17 members of the NDC, the Indigenous Inhabitant Representative and the Resident Representative of Man Uk Pin did not reply by deadline.

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) CE/C, WSD;
- (e) CTP/UD&L, PlanD;
- (f) CE/MN, DSD;
- (g) D of FS;
- (h) DAFC; and
- (i) DO(N), HAD.

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

- (a) Chief Highway Engineer/New Territories East, Highways Department; and
- (b) Project Manager (North), North Development Office, Civil Engineering and Development Department.

## **10. Public Comment Received During Statutory Publication Period (Appendix VII)**

On 2.4.2024, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from a member of the North District Council was received indicating no comment.

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

- 11.1 The application is for a proposed Small House at the Site zoned “AGR” on the OZP. 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. DAFC does not support the application from the agricultural point of view as the Site possesses potential for agricultural rehabilitation.
- 11.2 The Site is situated in an area of rural landscape character comprising farmlands, Small Houses, vegetated areas, tree clusters and woodlands. The proposed development is not incompatible with the surrounding environment. CTP/UD&L of PlanD has no objection to the application as significant adverse impact on the existing landscape resources arising from the proposed development is not anticipated. C for T considers that Small House development should be confined within the “V” zone as far as possible but given that the proposed development involves construction of one Small House, the application could be tolerated. Other relevant government departments, including DEP, CE/C of WSD, CE/MN of DSD and D of FS, have no adverse comment on/ no objection to the application.
- 11.3 Regarding the Interim Criteria, according to DLO/N of LandsD, the number of outstanding Small Houses for Man Uk Pin Village is 44 while the 10-year Small House demand forecast is 448. Based on PlanD’s latest estimate, about 2.22 ha (equivalent to 88 Small House sites) is available within the “V” zone concerned. While the amount of land available within the “V” zone of Man Uk Pin Village is insufficient to fully meet the future Small House demand, it is sufficient to accommodate the outstanding Small House applications (**Plan A-2b**). It should be noted that the Board has formally adopted a more cautious approach in approving 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. As such, 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. Nevertheless, the Site is the subject of two previously approved applications. The last application No. A/NE-MUP/119 was submitted by two applicants including the current applicant. Compared with the last application, the major development parameters and footprints of the proposed Small Houses under the current application are generally the same. Furthermore, as advised by DLO/N, the application for Small House Grant for the Site is still being processed. In this regard, sympathetic consideration may be given to the application.

- 11.4 There are 34 approved similar applications for Small House development within/partly within the same “AGR” zone in the vicinity of the Site. Among them, 10 applications were approved by the Committee between April 2017 and December 2023 after the Board’s formal adoption of a more cautious approach mainly on considerations that the sites were the subject of previously approved applications submitted by the same applicants. The planning circumstances of the current application are similar to the approved applications.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11, 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 10.5.2028, 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 attached at **Appendix VI**.
- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members reference:
- (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 Man Uk Pin Village which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the existing village cluster for 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 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 applicant.

## **14. Attachments**

**Appendix I**  
**Appendix Ia**

Application Form with attachments received on 21.3.2024  
FI received on 24.4.2024



<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>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Layout 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 within the “V” zone of Man Uk Pin for Small House Development
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT**  
**MAY 2024**