

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/NE-PK/170 to 172

<u>Applicants</u>	: Mr. LIU Tim Sun Samuel Mr. WONG Antony On Tung Mr. WONG Cheung Yee all represented by Mr. PANG Hing Yuen	(Application No. A/NE-PK/170) (Application No. A/NE-PK/171) (Application No. A/NE-PK/172)
<u>Sites</u>	: Lot 1588 S.G Lot 1588 S.H Lot 1588 S.I all in D.D. 91, Kai Leng, Sheung Shui, New Territories	(Application No. A/NE-PK/170) (Application No. A/NE-PK/171) (Application No. A/NE-PK/172)
<u>Site Areas</u>	: 127.7m ² (about) 127.9m ² (about) 121.5m ² (about)	(Application No. A/NE-PK/170) (Application No. A/NE-PK/171) (Application No. A/NE-PK/172)
<u>Land Status</u>	: Block Government Lease (demised for agricultural use)	
<u>Plan</u>	: Approved Ping Kong Outline Zoning Plan (OZP) No. S/NE-PK/11	
<u>Zoning</u>	: “Agriculture” (“AGR”)	
<u>Applications</u>	: Proposed House (New Territories Exempted House (NTEH) – Small House) at each of the application sites	

1. The Proposals

- 1.1 The applicants, who are indigenous villagers of Sheung Shui Village¹ (application No. A/NE-PK/170) and Tsung Pak Long Village (applications No. A/NE-PK/171 and 172), seek planning permission to build an NTEH (Small House) on each of the application sites (the Sites) falling within an area zoned “AGR” on the OZP (**Plans A-1 and A-2a**). According to the Notes of the OZP, ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH)’ within “AGR” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 Details of each of the proposed Small Houses (**Drawings A-1 to A-3**) are as follows:

Total Floor Area : 195.09m²

¹ District Lands Officer/North, Lands Department (DLO/N, LandsD) advises that the applicants’ eligibility of Small House grant has been ascertained.

Number of Storeys	:	3
Building Height	:	8.23m
Roofed Over Area	:	65.03m ²

- 1.3 Each of the Sites is the subject of a previously approved application submitted by the same applicant under the current applications for the same use which were approved by the Rural and New Town Planning Committee (the Committee) on 12.9.2014. Details of these previous applications are set out in paragraph 5.1 below.
- 1.4 In support of the applications, the applicants have submitted the following documents:
- (a) Application Forms with attachments on 28.10.2022 (**Appendices Ia to Ic**); and
 - (b) Further Information (FI) received on 15.12.2022 (**Appendix Id**).

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 Ic**, as summarized below:

- (a) the applicants are indigenous villagers who are each entitled to build a Small House under the prevailing Small House Policy;
- (b) the Sites fall within the village ‘environs’ (‘VE’) of Kai Leng Village;
- (c) the Sites are the subject of previous planning approvals for Small House development and the Small House grant applications are under processing by LandsD;
- (d) there are similar approved planning applications in the surrounding areas; and
- (e) the applicants will observe the comments of government departments and ensure no adverse environmental impacts.

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

The applicants are the sole “current land owners” of each of the Sites. 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 promulgated on 7.9.2007 is at **Appendix II**.

5. Previous Applications

- 5.1 Each of the Sites is the subject of the respective approved planning application (No. A/NE-PK/64, 65 and 66) for the same use submitted by the same applicants of the current applications which were approved by the Committee on 12.9.2014 mainly on consideration that the proposals were in line with the Interim Criteria in that more than 50% of the footprints of the proposed Small Houses fell within the 'VE' of Kai Leng Village and there was a general shortage of land to meet the demand for Small House at the time of consideration. The planning permissions lapsed on 12.9.2022. Compared with the previous applications, major planning parameters and layouts of the proposed Small Houses are largely the same.
- 5.2 Details of the previous applications are summarized at **Appendix III** and their locations are shown on **Plans A-1 and A-2a**.

6. Similar Applications

- 6.1 There are 107 similar applications involving 79 sites for Small House development within the same "AGR" zone in the vicinity of the Sites since the first promulgation of the Interim Criteria on 24.11.2000.
- 6.2 All these applications were approved with conditions by the Committee between June 2001 and September 2022 on similar consideration for approval of the previous applications as mentioned in paragraph 5.1 above.
- 6.3 Details of the similar 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, A-2a, and photos on Plans A-3 and A-4)

- 7.1 The Sites are:
- (a) vacant and covered with self-seeded vegetation;
 - (b) located mostly (for application No. A/NE-PK/172) or entirely (for applications No. A/NE-PK/170 and 171) within the 'VE' of Kai Leng Village; and
 - (c) inaccessible for vehicles.
- 7.2 The surrounding areas are predominantly rural in character comprising village houses, vegetated areas and tree clusters. To the immediate north and northeast are vacant land and village proper of Kai Leng Village.

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 summarised in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone? - Footprint of the proposed Small Houses - The Sites		100% 100%	The Sites and footprints of the proposed Small Houses fall entirely within the “AGR” zone.
2.	Within ‘VE’? - Footprint of the proposed Small Houses - A/NE-PK/170 - A/NE-PK/171 - A/NE-PK/172 - The Sites - A/NE-PK/170 - A/NE-PK/171 - A/NE-PK/172	 } 100% 82%	- 18%	 - The footprints of the proposed Small Houses under applications No. A/NE-PK/170 and 171 fall entirely within the ‘VE’ of Kai Leng Village while that under application No. A/NE-PK/172 falls largely within the same ‘VE’. - The Sites of Applications No. A/NE-PK/170 and 171 fall entirely within the ‘VE’ of Kai Leng Village while that of Application No. A/NE-PK/172 falls largely within the same ‘VE’.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?		✓	<u>Land Required</u> - Land required to meet Small House demand in Kai Leng Village: about 8.65 ha (equivalent to 346 Small House sites). The outstanding Small House applications are 67 ² while the 10-

² Among the 67 outstanding Small House applications, 9 fall within “V” zone and 58 straddle or fall outside the “V” zone.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	Sufficient land in “V” zone to meet outstanding Small House applications?		✓	<p>year Small House demand forecast is 279.</p> <p><u>Land Available</u></p> <p>- Land available to meet Small House demand within the “V” zone of concerned village: about 0.68 ha (equivalent to about 27 Small House sites) (Plan A-2b).</p>
4.	Compatible with the planning intention of “AGR” zone?		✓	Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications as agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Sites possess potential for agricultural rehabilitation.
5.	Compatible with surrounding area/ development?	✓		The surrounding areas are predominantly rural in character comprising village houses, vegetated areas and clusters of tree groups.
6.	Within water gathering grounds?		✓	
7.	Sewerage impact?		✓	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.
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	Need for provision of fire services installations and emergency vehicular access (EVA)?		✓	Director of Fire Services (D of FS) has no objection to the applications. The applicants are reminded to observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” published by LandsD.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
10.	Traffic impact?	✓		Commissioner for Transport (C for T) advises that Small House development should be confined within the “V” zone but considers that the applications only involving development of one Small House at each of the Sites can be tolerated on traffic grounds.
11.	Drainage impact?	✓		Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advises that an approval condition requiring the submission and implementation of drainage proposal is required.
12.	Landscape impact?		✓	Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the applications from the landscape planning perspective as significant adverse impact on the landscape character and the existing landscape resources within the Sites arising from the proposed use is not anticipated.
13.	Geotechnical impact?		✓	
14.	Local objections conveyed by DO?		✓	District Officer (North), Home Affairs Department (DO(N), HAD) advises that the Chairman of Sheung Shui District Rural Committee, the Indigenous Inhabitant Representative and the Resident Representative of concerned village(s) had no comment on the applications.

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

- (a) DLO/N, LandsD;
- (b) DAFC;
- (c) DEP;
- (d) D of FS;
- (e) C for T;

- (f) CE/MN, DSD;
- (g) CTP/UD&L, PlanD; and
- (h) DO(N), HAD.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Highway Engineer/New Territories East, Highways Department;
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (d) Project Manager (North), Civil Engineering and Development Department.

10. Public Comments Received During Statutory Publication Period (Appendix VI)

During the statutory public inspection period, three public comments were received from individuals for each of the applications. One individual indicates no comment on all applications. Other two individuals object to all applications for reasons that the previous planning permissions have already lapsed; the proposed Small House developments will cause an overcrowding living environment as well as adverse traffic, environmental and fire safety impacts, and result in inefficient use of land resources.

11. Planning Considerations and Assessments

- 11.1 The applications are for a proposed Small House development on each of the Sites which fall within an area zoned “AGR” on the OZP. The proposed developments are not in line with the planning intention of the “AGR” zone, which is 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 applications from agricultural perspective as the Sites possess potential for agricultural rehabilitation.
- 11.2 Regarding the Interim Criteria (**Appendix II**), more than 50% of the footprint of the proposed Small Houses fall within the ‘VE’ of Kai Leng Village. According to DLO/N, LandsD’s records, the total number of outstanding Small House applications for Kai Leng Village is 67 while the 10-year Small House demand forecast is 279. Based on the latest estimate by PlanD, about 0.68 ha of land (or equivalent to about 27 Small House sites) is available within the “V” zone concerned (**Plan A-2b**). In this regard, there is insufficient land within the “V” zone to meet the 67 outstanding Small House applications. As such, the applications generally comply with the Interim Criteria.
- 11.3 The Sites are currently vacant and covered with self-seeded vegetation. The proposed Small Houses are not incompatible with the surrounding environment comprising village houses, vegetated areas and tree clusters. CTP/UD&L of PlanD has no objection to the applications as significant adverse landscape impact on the surrounding areas arising from the proposed developments is not

anticipated. C for T considers that the applications involving only one Small House at each of the Sites could be tolerated. Other concerned government departments including DEP, CE/MN of DSD and D of FS have no objection to or no adverse comment on the applications.

- 11.4 Each of the Sites is the subject of a previously approved application as set out in paragraph 5.1 above. Compared with the previous applications, the major planning parameters and layouts of the proposed Small Houses under the current applications are largely the same. Furthermore, DLO/N of LandsD advises that the Small House grant applications for all of the applications are at advanced stage. In view of the above, sympathetic consideration may be given to the current applications.
- 11.5 There are 107 approved similar applications for Small House development within the same “AGR” zone in the vicinity of the Sites. The circumstances of the current applications are largely the same as these similar applications.
- 11.6 Regarding the objecting public comments as detailed in paragraph 10 above, comments of government departments 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 the permissions shall be valid until 23.12.2026, and after the said date, the permissions shall cease to have effect unless before the said date, the developments permitted are commenced or the permissions are renewed. The following condition of approval and advisory clauses are also suggested for Members’ reference:

Approval Condition

- (a) the submission and implementation of a 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 applications, 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 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.

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) to be attached to the permissions, and the date when the validity of the permissions should expire.
- 13.2 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

Appendix Ia	Application Form of application No. A/NE-PK/170 received on 28.10.2022
Appendix Ib	Application Form of application No. A/NE-PK/171 received on 28.10.2022
Appendix Ic	Application Form of application No. A/NE-PK/172 received on 28.10.2022
Appendix Id	FI received on 15.12.2022
Appendix II	Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous applications
Appendix IV	Similar applications
Appendix V	Detailed comments from relevant government departments
Appendix VI	Public comments
Appendix VII	Recommended advisory clauses
Drawing A-1	Proposed layout plan of application No. A/NE-PK/170
Drawing A-2	Proposed layout plan of application No. A/NE-PK/171
Drawing A-3	Proposed layout plan of application No. A/NE-PK/172
Plan A-1	Location plan
Plan A-2a	Site plan
Plan A-2b	Estimated amount of land available within “V” zone of Kai Leng Village for Small House development
Plan A-3	Aerial photo
Plan A-4	Site photo