

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/NE-TKL/787, 788, 789 and 792

<u>Applicants</u>	: Mr. LAU Chi Wing Mr. LAU Chi Ming Banny Mr. TO Wai Kin Mr. LAM Yiu Kong Patrick All represented by Mr. HO Siu Wing	(Application No. A/NE-TKL/787) (Application No. A/NE-TKL/788) (Application No. A/NE-TKL/789) (Application No. A/NE-TKL/792)
<u>Sites</u>	: Lot 546 S.C ss.1 in D.D. 77 Lot 546 S.A ss.1 in D.D. 77 Lot 546 S.D ss.1 in D.D. 77 Lot 546 S.I ss.1 in D.D. 77 All in Ping Che, Ta Kwu Ling, New Territories	(Application No. A/NE-TKL/787) (Application No. A/NE-TKL/788) (Application No. A/NE-TKL/789) (Application No. A/NE-TKL/792)
<u>Site Areas</u>	: 104.4m ² (about) 113.4m ² (about) 112.8m ² (about) 103.2m ² (about)	(Application No. A/NE-TKL/787) (Application No. A/NE-TKL/788) (Application No. A/NE-TKL/789) (Application No. A/NE-TKL/792)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)	
<u>Plan</u>	: Approved Ping Che and Ta Kwu Ling Outline Zoning Planning (OZP) No. S/NE-TKL/14	
<u>Zoning</u>	: “Agriculture” (“AGR”)	
<u>Applications</u>	: Proposed House (New Territories Exempted House (NTEH) – Small House)	

1. The Proposal

- 1.1 The applicants, who claim to be indigenous villagers of Ta Kwu Ling Ping Che¹, seek planning permission to build a NTEH (Small House) on each of the application sites (the Sites) (**Plans A-1 and A-2a**). The Sites fall within an area zoned “AGR” on the OZP. 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 within the “AGR” zone which requires planning permission from the Town Planning Board (the Board). The Sites are currently vacant.

¹ As advised by the District Lands Officer/North of Lands Department (DLO/N, LandsD), the eligibility of the applicant of application No. A/NE-TKL/792 for Small House grant is yet to be ascertained.

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

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

1.3 Layouts of the proposed Small Houses (including septic tanks) under applications No. A/NE-TKL/787, 788, 789 and 792 are shown in **Drawings A-1 to A-4** respectively.

1.4 Each of the Sites is the subject of two previously approved applications submitted by the same applicant for the same use as the current applications as listed below. Details of the previous applications are set out in paragraph 5.

<u>Current Applications</u>	<u>Previous Applications</u>	<u>Dates of Approval by the Rural and New Town Planning Committee (the Committee) of the Board</u>
No. A/NE-TKL/787	No. A/NE-TKL/487, 666	31.10.2014, 25.6.2021
No. A/NE-TKL/788	No. A/NE-TKL/486, 668	31.10.2014, 25.6.2021
No. A/NE-TKL/789	No. A/NE-TKL/528, 650	6.11.2015, 4.12.2020
No. A/NE-TKL/792	No. A/NE-TKL/500, 652	6.2.2015, 4.12.2020

1.5 In support of the applications, the applicants submitted Application Forms with attachments received on 27.1.2025 (**Appendices Ia to Id**).

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the applications are detailed in the Application Forms at **Appendices Ia to Id**, as summarised below:

- (a) the Sites are subject to previously approved planning applications;
- (b) the Sites are currently vacant and there is no other land available nearby for the proposed developments; and
- (c) there are other built Small Houses in the vicinity of the Sites with planning approvals granted by the Committee.

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 the 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 Applications

- 5.1 Each Site is the subject of two previous applications for proposed NTEH/Small House as set out in paragraph 1.4 above. All of the current applications are submitted by the same applicants as their respective previous applications.
- 5.2 Applications No. A/NE-TKL/486, 487 and 500 were approved with conditions by the Committee between October 2014 and February 2015 (i.e. before the formal adoption of a more cautious approach in considering Small House application by the Board since August 2015²) mainly on the considerations that the applications generally complied with the Interim Criteria in that there was a general shortage of land within the “Village Type Development” (“V”) zone at the time of consideration; and the proposed developments were not incompatible with the surrounding areas.
- 5.3 The remaining applications No. A/NE-TKL/528, 650, 652, 666 and 668 were approved with conditions by the Committee between November 2015 and June 2021 after the formal adoption of a more cautious approach by the Board. Application No. A/NE-TKL/528 was approved by the Committee mainly on sympathetic consideration that the proposed Small House was in proximity to existing village houses and approved Small House applications and a new village cluster was forming in the locality at the time of consideration. Applications No. A/NE-TKL/650, 652, 666 and 668 were approved with conditions by the Committee mainly on sympathetic consideration that the applications were the subject of previously approved applications for the same use submitted by the same applicants; no change to major planning parameters compared to the previous applications; and the relevant Small House grant applications were still under processing by LandsD.
- 5.4 Compared with the last approved applications, the major development parameters and footprints of the proposed Small Houses in the respective current applications remain unchanged. The last planning approvals for the Sites of current applications No. A/NE-TKL/789 and 792 lapsed on 5.12.2024, while the last planning approvals for the Sites of current applications No. A/NE-TKL/787 and 788 are still valid until 25.6.2025.
- 5.5 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

6. Similar Applications

- 6.1 There were 25 similar applications involving 16 sites falling within/partly within the same “AGR” zone in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000. All of them were approved with conditions by the Committee. 12 of the applications were approved with conditions by the Committee between June

² 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.

2007 and February 2015 mainly on the considerations similar to those detailed in paragraph 5.2 above.

- 6.2 The remaining 13 applications were approved with conditions by the Committee between November 2015 and August 2022 (i.e. after the formal adoption of a more cautious approach by the Board) mainly on sympathetic considerations that the applications were the subject of previously approved applications; the Small House grants were still under processing; and the proposed Small Houses were situated in proximity to the existing village houses and approved Small House applications and a new village cluster was forming in the locality at the time of consideration.
- 6.3 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-2a**.

7. **The Sites and Their Surrounding Areas** (Plans A-2a to A-4)

7.1 The Sites are:

- (a) vacant; and
- (b) accessible from Ng Chow South Road.

7.2 The surrounding areas are rural in character comprising mainly vacant land, village houses, temporary structures and open storage yards. Ping Che Mini-Soccer Pitch is located to the east of the Sites. The cluster of village houses within the “V” zone of Ping Che is located to the further east.

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 at **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?			
	- Footprints of the proposed Small Houses	-	100%	The Sites and footprints of the proposed Small Houses fall entirely within the “AGR” zone
	- The Sites	-	100%	

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
2.	Within 'VE'?			
	- Footprints of the proposed Small Houses	100%	-	District Lands Officer/North, LandsD (DLO/N, LandsD) advises that the Sites and the footprints of the proposed Small Houses fall entirely within the village 'environs' ('VE') of Ping Che.
	- The Sites	100%	-	
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 for meeting Small House demand in Ping Che village cluster ³ : about 4.95 ha (equivalent to 198 Small House sites). The outstanding Small House applications of Ping Che village cluster are 38 ⁴ while the 10-year Small House demand forecast for the same village cluster is 160.
	Sufficient land in "V" zone to meet outstanding Small House applications?	✓		<u>Land Available</u> - Land available to meet the Small House demand within the "V" zone of Ping Che village cluster: about 3.61 ha (equivalent to 143 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of "AGR" zone?		✓	The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications from agricultural perspective. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Sites can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. The Sites possess potential for agricultural rehabilitation.

³ Ping Che village cluster is covered by three areas, i.e. Ping Che, Ping Che Kat Tin and Ping Che Yuen Ha. Each area has its own 'VE' and 'V' zones.

⁴ Among the 38 outstanding Small House applications in the Ping Che village cluster, 10, 21, and 7 applications are from Ping Che, Ping Che Ka Tin and Ping Che Yuen Ha respectively. Among those 38 outstanding Small House applications in the entire village cluster, 29 fall within the "V" zones, and 9 straddles or outside the "V" zones. For those 9 applications straddling or being outside the "V" zones, 2 of them have obtained valid planning approval from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
5.	Compatible with surrounding area/development?	✓		The Sites are located in an area of rural character comprising mainly vacant land, village houses, temporary structures, open storage yards and soccer pitch, with the village cluster of Ping Che located to the further east.
6.	Within Water Gathering Grounds (WGGs)?		✓	
7.	Environmental and sewerage impacts?		✓	The Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed developments, the applications are unlikely to cause major pollution.
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	The Director of Fire Services (D of FS) has no in-principle objection to the applications. The applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD.
10.	Traffic impact?		✓	The Commissioner for Transport (C for T) has no objection to the applications. She advises that the applications only involve the construction of one small house each, and considers that the applications can be tolerated on traffic grounds. Although additional traffic generated by the proposed developments is not significant, the permission of development outside the "V" zone will however set an undesirable precedent case for similar application in the future. The resulting cumulative adverse traffic impact has to be reviewed on case-by-case basis in the future.
11.	Drainage impact?		✓	Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the applications.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
12.	Landscaping impact?		✓	The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no adverse comment on the applications from the landscape planning perspective and advises that significant adverse impact on the landscape character and existing landscape resources within the Sites arising from the proposed developments is not anticipated.
13.	Local objections conveyed by District Officer?		✓	

9.2 Comments from the following government departments have been incorporated in paragraph 9.1 above. Other detailed comments and Recommended Advisory Clauses are provided at **Appendices V** and **VI** respectively.

- (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) District Officer (North), Home Affairs Department.

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

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Project Manager (North), Civil Engineering and Development Department; and
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comments Received During Statutory Publication Period

On 4.2.2025, the applications were published for public inspection. During the statutory public inspection period, one comment from a member of the North District Council indicating no comment on the application was received for each of the applications (**Appendix VII**).

11. Planning Considerations and Assessments

11.1 The applications are for proposed NTEH (Small House) at each of the Sites 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 The Sites, located to the west of the village cluster of Ping Che, are vacant. The proposed Small Houses are considered not incompatible with the surrounding areas which are rural in character comprising mainly vacant land, village houses, temporary structures, open storage yards and a mini-soccer pitch. CTP/UD&L, PlanD has no adverse comments on the applications from landscape planning perspective and advises that significant adverse impact on the landscape character and existing landscape resources arising from the proposed developments is not anticipated. C for T has no objection to the applications and considers that the applications could be tolerated as they only involve the construction of one small house each. Other relevant government departments consulted, including the DEP, CE/MN of DSD, CE/C, WSD and D of FS, have no objection to or no adverse comment on the applications.
- 11.3 Regarding the Interim Criteria (**Appendix II**), the footprints of the proposed Small Houses fall entirely within the 'VE' of Ping Che. According to DLO/N, LandsD, the number of outstanding Small House applications for Ping Che is 38 while the 10-year Small House demand forecast is 160. Based on PlanD's latest estimate, about 3.61 ha (equivalent to 143 Small House sites) is available within the "V" zone concerned (**Plan A-2b**). While the amount of land available within the "V" zone of Ping Che village cluster is insufficient to fully meet the future Small House demand, it is sufficient to accommodate the outstanding Small House applications. It should be noted that the Board has formally adopted a more cautious approach in considering 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. In this regard, 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 infrastructures and services. Notwithstanding the above, each of the Sites is the subject of two previously approved applications submitted by the same applicant for the same use as detailed in paragraphs 1.4 and 5.1 above. The last planning approvals for the Sites of current applications No. A/NE-TKL/789 and 792 lapsed on 5.12.2024, whereas the last planning approvals for the Sites of current applications No. A/NE-TKL/787 and 788 remain valid until 25.6.2025. As advised by DLO/N, LandsD, the relevant Small House grant applications of the Sites under planning applications No. A/NE-TKL/787, 788 and 789 have been approved and pending acceptance of offer by the applicants, while the application for Small House grant for the Site under planning application No. A/NE-TKL/792 is still being processed. In view of the above, sympathetic consideration could be given to the applications.
- 11.4 There were 25 similar applications falling within/partly within the same "AGR" zone in the vicinity of the Site, 13 of which were approved with conditions by the Committee between November 2015 and August 2022 after the formal adoption of a more cautious approach by the Board mainly on the considerations as detailed in paragraph 6.2 above. The planning circumstances of the current applications are similar to those of the approved similar applications. As such, approval of the current applications is in line with the Committee's previous decisions.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment as detailed 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 permissions shall be valid until 14.3.2029, 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 attached at **Appendix VI**.
- 12.3 Alternatively, should the Committee decide to reject the applications, the following reasons for rejection are suggested for Members 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 submissions for a departure from the planning intention; and
 - (b) land is still available within the “V” zone of Ping Che which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House developments within the “V” zone 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 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 permission, 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

Appendices Ia to Id	Application Form with attachment received on 27.1.2025
Appendix II	Relevant 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	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawings A-1 to A-4	Proposed Small House Layout Plans

Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available for Small House Development within the “V” zone of Ping Che
Plan A-3	Aerial Photo
Plan A-4	Site Photo

**PLANNING DEPARTMENT
MARCH 2025**