

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

**APPLICATION NO. A/NE-TK/736**

<b><u>Applicant</u></b>	Mr. WONG Kwun Bun
<b><u>Site</u></b>	Lots 600 and 601 in D.D. 28, Tai Mei Tuk, Tai Po, New Territories
<b><u>Site Area</u></b>	About 139 m <sup>2</sup>
<b><u>Plan</u></b>	Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<b><u>Zoning</u></b>	“Green Belt” (“GB”)
<b><u>Application</u></b>	Proposed House (New Territories Exempted House (NTEH) - Small House)

**1. The Proposal**

1.1 The applicant, who is an indigenous villager of Tai Mei Tuk Village<sup>1</sup> as confirmed by the respective Indigenous Inhabitant Representative (IIR), seeks planning permission to build a NTEH (Small House) on the Site (**Plans A-1 and A-2a**). The Site falls within “GB” zone on the approved Ting Kok OZP No. S/NE-TK/19. According to the Notes of the OZP, ‘House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ within “GB” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board).

1.2 Details of the proposed NTEH (Small House) 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>

1.3 The Site is accessible by a local vehicular track connecting to Ting Kok Road. According to the applicant’s proposal, the uncovered area will be used for open space and septic tank will be used for sewage disposal. Layout of the proposed development including the proposed septic tank and stormwater drainage connection is shown on **Drawings A-1 and A-2**.

1.4 In support of the application, the applicant submitted the following documents:

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<sup>1</sup> According to District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD), the applicant is eligible for Small House grant.

- (a) an application form with attachments received on (Appendix I)  
19.10.2021
- (b) Further Information (FI) received on 1.12.2021 (Appendix Ia)  
*(accepted and exempted from the publication and  
recounting requirements)*

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

The justifications put forth by the applicant in support of the application are detailed in Part 8 of the application form at **Appendix I**. They can be summarized as follows:

- (a) the applicant is an indigenous villager of Tai Mei Tuk Village and the Site is the only land owned by him and his family;
- (b) land supply within “Village Type Development” (“V”) zone of Tai Mei Tuk for Small House development is in severe shortage;
- (c) there have been many similar applications approved by the Board in the vicinity of the Site; and
- (d) the proposed development will not cause adverse environmental, ecological, visual and traffic impacts on the nearby areas.

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

The applicant is the sole “current land owner” of the Site. 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 and had been amended four times on 30.3.2001, 23.8.2002, 21.3.2003 and 7.9.2007. The latest set of Interim Criteria promulgated on 7.9.2007 is at **Appendix II**.

## 5. **Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ is relevant to this application. The relevant assessment criteria are summarised as follows:

- (a) there is a general presumption against development in the “GB” zone;
- (b) applications for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning

ground. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas;

- (c) applications for NTEH with satisfactory sewage disposal facilities and access arrangements may be approved if the application sites are in close proximity to existing villages and in keeping with the surrounding uses, and where the development is to meet the demand from indigenous villagers;
- (d) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (f) the proposed development should not overstrain the overall provision of Government, institution and community facilities in the general area; and
- (g) any proposed development on a slope or hillside should not adversely affect slope stability.

## **6. Previous Application**

There is no previous application at the Site.

## **7. Similar Applications**

- 7.1 There are 20 similar applications in close proximity to the Site (including 16 wholly within “GB” zone and 4 straddling on both “GB” and “V” zones) since the first promulgation of the Interim Criteria on 24.11.2000. Of them, 15 cases were approved and 5 were rejected.
- 7.2 Among the approved cases, 11 (No. A/NE-TK/177, 179, 204, 294, 419, 449, 521 – 522, 531, 540 and 545) were approved before the Board’s adoption of a more cautious approach in approving applications for Small House development in recent years. They were approved mainly on the considerations that the proposed Small House footprint fell mostly within the ‘VE’; there were a general shortage of land to meet the demand for Small House development in the “V” zone at the time of consideration; no significant adverse impact on the surrounding areas; and/or being the subject of previously approved application. Four applications (No. A/NE-TK/573, 582, 585 and 654) were approved after the Board’s adoption of a more cautious approach. Despite sufficient land was available in the “V” zone to meet the Small House demand at the time of consideration, these applications were approved, mainly on considerations that the Site was located in close proximity to the existing village cluster and/or the subject of previously approved application.

7.3 Among the five rejected cases, one application (No. A/NE-TK/401) was rejected mainly for adverse landscape and geotechnical impacts. The remaining four applications (No. A/NE-TK/577, 622, 635 and 663) were rejected mainly for adverse landscape, environmental and geotechnical impacts and also on a consideration that land was still available in “V” zone for Small House development at the time of consideration.

7.4 Details of the similar applications are summarized at **Appendix III**.

## 8. **The Site and Its Surrounding Areas** (Plans A-1, A-2a, and photos on Plans A-3 and A-4)

8.1 The Site is:

- (a) currently vacant and covered with grass and weeds;
- (b) entirely within the ‘VE’ of Lung Mei and Tai Mei Tuk Villages; and
- (c) accessible by a local vehicular track connected to Ting Kok Road.

8.2 The surrounding areas are predominantly rural in character with a mix of village houses and vacant land. Several village houses are found to the north and south of the Site, and a cluster of 37 Small House developments and the village proper of Tai Mei Tuk are found to the west and further south respectively. To the east and further north are vegetated natural slopes.

## 9. **Planning Intention**

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

## 10. **Comments from Relevant Government Departments**

10.1 The application has been assessed against the assessment criteria in **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 Small House	-  -	100%  100%	- The Site and the proposed Small House footprint fall entirely within the “GB” zone.
2.	Within ‘VE’?			- The Site and the proposed Small

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
	<ul style="list-style-type: none"> <li>- The Site</li> <li>- Footprint of the Small House</li> </ul>	100% 100%	- -	<p>House footprint fall entirely within 'VE' of Lung Mei and Tai Mei Tuk.</p> <p>- DLO/TP has no objection to the application.</p>
3.	Sufficient land in "V" zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?		✓	<p><u>Land Required</u></p> <ul style="list-style-type: none"> <li>- Land required to meet Small House demand in Lung Mei and Tai Mei Tuk: about 3.33 ha (equivalent to 133 Small House sites). The outstanding Small House applications are 60 while the 10-year Small House demand forecast is 73.</li> </ul>
	Sufficient land in "V" zone to meet outstanding Small House applications?	✓		<p><u>Land Available</u></p> <ul style="list-style-type: none"> <li>- Land available to meet Small House demand within the "V" zone of the Lung Mei and Tai Mei Tuk: about 1.64 ha (equivalent to about 65 Small House sites) (<b>Plan A-2b</b>).</li> </ul>
4.	Compatible with the planning intention of "GB" zone?		✓	<ul style="list-style-type: none"> <li>- There is a general presumption against development within the "GB" zone.</li> <li>- Director of Agriculture, Fisheries and Conservation (DAFC) has no strong view on the application from nature conservation point of view as the Site is vacant and is located among existing Small Houses.</li> </ul>
5.	Compatible with surrounding area/development?	✓		<ul style="list-style-type: none"> <li>- The proposed Small House is not incompatible with the surrounding areas which are predominantly rural in character with a mix of village houses and vacant land.</li> </ul>
6.	Within Water Gathering Grounds (WGGs)?		✓	<ul style="list-style-type: none"> <li>- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to</li> </ul>

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
				the application.
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire services installations and emergency vehicular access (EVA)?		✓	- Director of Fire Services (D of FS) has no in-principle objection to the application.
9.	Traffic impact?	✓		- Commissioner for Transport (C for T) advises that Small House development should be confined within the “V” zone as far as possible. Notwithstanding the above, the application involving only development of a Small House and can be tolerated on traffic grounds.
10.	Drainage impact?	✓		- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application and advises that an approval condition on the submission and implementation of drainage proposal is required.
11.	Environmental and Sewerage impact?		✓	- Director of Environmental Protection (DEP) advises that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Practice Note for Professional Persons (ProPECC PN) 5/93 “ <i>Drainage Plans subject to Comment by the Environmental Protection Department</i> ” and are duly certified by an Authorized Person.

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
12.	Landscape impact?		✓	- Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no adverse comment on the application as significant adverse landscape impact arising from the proposed development is not anticipated.
13.	Geotechnical impact?		✓	- Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) has no comment on the application.
14.	Local objections conveyed by DO?		✓	

10.2 Comments from the following government departments have been incorporated in paragraph 10.1 above. Other detailed comments are at **Appendix IV**.

- (a) DLO/TP, LandsD;
- (b) DAFC;
- (c) C for T;
- (d) DEP;
- (e) CE/C, WSD;
- (f) CE/MN, DSD;
- (g) CTP/UD&L, PlanD;
- (h) H(GEO), CEDD; and
- (i) D of FS.

10.3 The following government departments have no objection to/no 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 (PM/N, CEDD); and
- (c) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD).

## **11. Public Comments Received During Statutory Publication Period (Appendix V)**

On 26.10.2021, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals, objecting to the application mainly on the grounds of being not in line with

the planning intention of “GB” zone; availability of land in “V” zone to meet the outstanding Small House applications; undesirability of using septic tanks; adverse traffic, fire safety and environmental impacts; and setting of undesirable precedent.

## 12. Planning Considerations and Assessments

- 12.1 This application is for a proposed Small House development at the Site zoned “GB” on the OZP. The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The proposed development is not in line with the planning intention of the “GB” zone. Nevertheless, DAFC has no strong view on the application from nature conservation point of view as the Site is vacant and is located among existing Small Houses.
- 12.2 The Site and the footprint of the proposed Small House fall entirely within the ‘VE’ of Lung Mei and Tai Mei Tuk Villages. DLO/TP of LandsD has no objection to the application. According to the DLO/TP, LandsD’s records, the total number of outstanding Small House applications for Lung Mei and Tai Mei Tuk Villages is 60 while the 10-year Small House demand forecast is 73. Based on the latest estimate by PlanD, about 1.64 ha of land (or equivalent to about 65 Small House sites) is available within the “V” zone of Lung Mei and Tai Mei Tuk Villages.
- 12.3 The Site, currently vacant and covered with grass and weeds, is located in close proximity to existing Small House developments, including a cluster of 37 Small Houses to its west under Application No. A/NE-TK/204, several houses to the north and west, and the village proper of Tai Mei Tuk to its south. It is also sandwiched between sites with planning approvals for Small House development to the north and south (**Plan A-2a**). CTP/UD&L of PlanD advises that the proposed development is not entirely incompatible with the surrounding environment and no significant adverse landscape impact arising from the proposed development is anticipated (**Plan A-3**). C for T advises that the application involving only development of a Small House can be tolerated on traffic grounds. CE/MN of DSD also has no in-principle objection to the application subject to the incorporation of an approval condition requiring the submission and implementation of a drainage proposal. Other relevant Government departments including DEP, CE/C of WSD, D of FS, CHE/NTE of HyD, H(GEO) and PM/N of CEDD and DO(TP) of HAD have no objection to nor adverse comment on the application.
- 12.4 Regarding the Interim Criteria (**Appendix II**), the proposed Small House footprint falls entirely within the ‘VE’ of Lung Mei and Tai Mei Tuk Villages. While land available within the “V” zone (about 1.64 ha or equivalent to about 65 Small House sites) is insufficient to fully meet the future Small House demand (about 3.33 ha or equivalent to about 133 Small House sites), such available land is capable to meet the outstanding 60 Small House applications. The Board has adopted a more cautious approach in approving applications for Small House development in August 2015. Amongst 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. Nevertheless, the Site is bounded by existing village houses and approved Small House developments in the north, west and south, and a vegetated natural slope to the east. The scope of extending the village to the “GB” zone further east is limited. As such, it is unlikely that the approval of this application will form an undesirable precedent for similar applications leading to the proliferation of Small House developments into the “GB” zone. In view of the above, sympathetic consideration might be given to the current application.

- 12.5 The Site is not subject of any previous planning application. There are 20 similar applications located in close proximity to the Site within/partly within the same “GB” zone (**Plan A-2a**), with 15 cases approved and five rejected. Among the approved cases, 11 (No. A/NE-TK/177, 179, 204, 294, 419, 449, 521 – 522, 531, 540 and 545) were approved before the Board’s adoption of a more cautious approach. For the four applications (No. A/NE-TK/573, 582, 585 and 654) after the adoption of a more cautious approach, they were approved mainly on sympathetic considerations that the site was in close proximity to existing village cluster and/or the subject of previously approved application. Similar to these cases, the Site under current application is located in close proximity with existing village cluster with no adverse comments from departments concerned.
- 12.6 Regarding the public comments objecting to the application as detailed in paragraph 11 above, comments of government departments and the planning assessments above are relevant.

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

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, Planning Department has no objection to this application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 10.12.2025, 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 following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval Conditions

- (a) the provision of septic tank at a location to the satisfaction of the Director of Lands or of the Town Planning Board; and
- (b) 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 VI**.

13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the proposed development is not in line with the planning intention of the "GB" zone for the area which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. 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 Lung Mei and Tai Mei Tuk which 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 infrastructure and services.

## **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 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.
- 14.3 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.

## **15. Attachments**

<b>Appendix I</b>	Application form and attachments received on 19.10.2021
<b>Appendix Ia</b>	FI submitted by the applicant received on 1.12.2021
<b>Appendix II</b>	Relevant Interim Criteria for Assessing Planning Applications for NTEH/Small House in New Territories
<b>Appendix III</b>	Similar applications
<b>Appendix IV</b>	Detailed comments from relevant Government departments
<b>Appendix V</b>	Public comments
<b>Appendix VI</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Layout plan submitted by the applicant
<b>Drawing A-2</b>	Septic tank and drainage connection proposal submitted by the applicant

<b>Plan A-1</b>	Location plan
<b>Plan A-2a</b>	Site plan
<b>Plan A-2b</b>	Estimated amount of land available for Small House development within “V” zone
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photo

**PLANNING DEPARTMENT  
DECEMBER 2021**