

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

**APPLICATION NO. A/SK-PK/282**

**Applicant** : Mr. WONG Andy Sing Chun

**Site** : Lot 307 in D.D. 221, Sha Kok Mei, Sai Kung, New Territories

**Site Area** : 151.9m<sup>2</sup> (about)

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP)  
No. S/SK-PK/11

**Zoning** : “Recreation” (“REC”)

**Application** : Proposed House (New Territories Exempted House (NTEH) - Small House)

**1. The Proposal**

1.1 The applicant, an indigenous villager of Sha Kok Mei, seeks planning permission to build a NTEH (Small House) at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for the “REC” zone, ‘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 which requires planning permission from the Town Planning Board (the Board).

1.2 The Site is currently vacant and covered mainly with shrubs (**Plan A-4**). Details of the proposed Small House development are as follows:

Total Floor Area	:	195.09m <sup>2</sup>
No. of Storeys	:	3
Building Height	:	8.23m
Roofed Over Area	:	65.03m <sup>2</sup>

1.3 Layout of the proposed Small House and septic tank submitted by the applicant is at **Drawing A-1**. The uncovered area of the Site is proposed for garden and storm water drainage for the Small House.

1.4 In support of the application, the applicant has submitted the application form with attachments (**Appendix I**) which was received on 7.3.2023.

**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**. According to the applicant, the proposed Small House development will not affect the surrounding rural environment, there are similar approved applications within the same village in the vicinity of the Site (**Plan A-2a**), and the Indigenous Inhabitant Representative (IIR) of the village supports the current application.

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

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

**5. Previous Application**

There is no previous application covering the Site.

**6. Similar Applications**

6.1 There are 13 similar applications (No. A/SK-PK/4, 6, 7, 10 to 13, 58, 59, 113, 119, 181 and 192) at 11 sites for Small House developments within the same “REC” zone and the village ‘environs’ (‘VE’) of Sha Kok Mei. Among which, nine applications (No. A/SK-PK/4, 6, 7, 10 to 13, 58 and 59) were considered and approved with conditions by the Rural and New Town Planning Committee (the Committee) prior to the first promulgation of the Interim Criteria on 24.11.2000.

6.2 Four applications were considered after the first promulgation of the Interim Criteria in 2000, of which two applications (No. A/SK-PK/181 and 192) were approved with conditions by the Committee in 2011 and 2012 mainly on the grounds that the sites were the subjects of previously approved applications (i.e. No. A/SK-PK/58 and 59) and there was insufficient land within the “V” zone to meet the demand for Small House development at the time of consideration. Subsequently, the Board has adopted a more cautious approach to consider Small House applications since August 2015.

6.3 Two applications (No. A/SK-PK/113 and 119) were rejected by the Board on

review/the Committee in 2002 mainly on the grounds of not in line with the planning intention of “REC” zone, and that sufficient land had been reserved for Small House developments within the “V” zone of Sha Kok Mei and Nam Shan Villages.

- 6.4 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-2a**.

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

7.1 The Site is:

- (a) vacant and covered with shrubs;
- (b) located entirely within the ‘VE’ of Sha Kok Mei;
- (c) partly occupied by a footpath; and
- (d) accessible via a footpath leading to Tai Mong Tsai Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north, west and south are a number of two to three-storey village houses;
- (b) to the immediate east are vacant land and farmlands;
- (c) a stream course is running to its further north, west and south. The village cluster is located to its northwest, west and south across the stream; and
- (d) Tai Mong Tsai Road is located at about 100m to its southeast.

**8. Planning Intention**

The planning intention of “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

## 9. Comments from Relevant Government Departments

9.1 The application has 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 House  - The Site	-  -	100%  100%	The footprint and the Site of the proposed Small House fall within an area zoned “REC”.
2.	Within ‘VE’?  - Footprint of the proposed Small House  - The Site	100%  100%	-  -	The footprint and the Site of the proposed Small House fall entirely within the ‘VE’ of Sha Kok Mei.  The District Lands Officer/Sai Kung (DLO/SK), LandsD has no objection to the application.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?	(no information on 10-year Small House demand)		<u>Land Required</u> Land required to meet Small House demand in Sha Kok Mei: about 1.35 ha (equivalent to 54 Small House sites). The number of outstanding Small House applications is 54 <sup>1</sup> while DLO/SK has no information on the 10-year Small House demand forecast for Sha Kok Mei as the IIR has not provided the figure since 10.10.2006 <sup>2</sup> .  <u>Land Available</u> Land available to meet Small House demand in Sha Kok Mei: about 5.29ha (equivalent to 211 Small House sites) ( <b>Plan A-2b</b> ).
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		
4.	Compatible with the planning intention of “REC” zone?		✓	
5.	Compatible with surrounding areas/developments?	✓		The surrounding areas are predominately rural in character comprising village houses and farmlands.

<sup>1</sup> Among the 54 outstanding Small House applications, 45 fall within the “V” zone and 9 (including the Site) falls outside/straddling the “V” zone. For those nine applications falling outside/ straddling the “V” zone, none have obtained valid planning approvals from the Board.

<sup>2</sup> According to LandsD’s record, the 10-year forecast for Small House application provided by the IIR of Sha Kok Mei village as at 10.10.2006 was 333.

	<u><b>Criteria</b></u>	<u><b>Yes</b></u>	<u><b>No</b></u>	<u><b>Remarks</b></u>
6.	Within WGG?		✓	The 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)?		✓	The Director of Fire Services (D of FS) has no in-principle objection to the application.
9.	Traffic Impact?	✓		The Commissioner for Transport (C for T) advises that the proposed Small House development should be confined within the “V” zone as far as possible. Notwithstanding that, she considers that the application can be tolerated on traffic grounds as it only involves the development of one Small House.
10.	Drainage Impact?		✓	The Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) has no in-principle objection to the application from drainage maintenance viewpoint.
11.	Sewerage Impact?		✓	The Director of Environmental Protection (DEP) and CE/MS, DSD have no adverse comment on the application.
12.	Landscaping Impact?		✓	The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no adverse comment on the application.
13.	Geotechnical Impact?		✓	The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) has no comment on the application.
14.	Local objection conveyed by DO?		✓	The District Officer (Sai Kung), Home Affairs Department (DO(SK), HAD) has no comment on the application.

9.2 Comments from the following government departments have been incorporated in the above paragraph. Detailed comments are at **Appendix VI**.

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

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

- (a) Chief Engineer (Works), HAD; and
- (b) Chief Highway Engineer/New Territories East, Highways Department.

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

On 14.3.2023, the application was published for public inspection. During the statutory publication period, one public comment from an individual was received opposing to the application mainly on the grounds that the proposed development is at some distance from the “V” zone, there is still land suitable for Small House development within the “V” zone and approving the application would set an undesirable precedent (**Appendix V**).

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

11.1 The application is for a proposed Small House development at the Site which falls within an area zoned “REC” on the OZP. The proposed Small House development is not in line with the planning intention of the “REC” zone which is primarily for recreational developments for the use of the general public. The “REC” zone encourages the development of active and/or passive recreation and tourism/ ecotourism. The Site together with vacant land in its vicinity within the same “REC” zone are considered suitable for recreational development (**Plan A-2a**). The applicant has not provided strong justification for a departure from the planning intention of the “REC” zone.

11.2 Regarding the Interim Criteria (**Appendix II**), the footprint of the proposed Small House falls entirely within the ‘VE’ of Sha Kok Mei. According to DLO/SK of LandsD, the number of outstanding Small House applications for Sha Kok Mei is 54. He has no information on the 10-year Small House demand forecast as the IIR of Sha Kok Mei has not provided the figure since 10.10.2006. Based on the latest estimate by PlanD, about 5.29ha of land (equivalent to 211 Small House sites) is available within the “V” zone of Sha Kok Mei for Small House development. In this regard, land available within the “V” zone is sufficient to meet 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 developments since August 2015. Amongst others, in considering whether there is a general shortage of land in meeting the Small House demand, the Board has put more weighting on the number of outstanding Small House applications provided by LandsD. As such, it is considered more appropriate to concentrate Small House developments within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.

- 11.3 The Site is currently vacant and covered with shrubs. While some two to three-storey village houses are found to the north, west and south of the Site (**Plans A-2a** and **A-3**) and the proposed development may not be incompatible with the surrounding uses, there are vacant land to the east of the Site and hence the Site and the land in its vicinity have potential for recreational development. Relevant government departments including C for T, CTP/UD&L of PlanD, CE/MS of DSD, DEP, CE/C of WSD, H(GEO) of CEDD and D of FS have no objection to or no adverse comment on the application regarding the traffic, landscape, drainage, sewerage, environmental and geotechnical aspects.
- 11.4 For the similar applications considered after the first promulgation of the Interim Criteria in 2000, two applications (No. A/SK-PK/181 and 192) were approved by the Committee in 2011 and 2012 mainly on the consideration that the sites are the subjects of previously approved applications. Two applications (No. A/SK-PK/113 and 119) were rejected by the Board on review/the Committee in 2011 and 2012 for reasons as mentioned in paragraph 6.3 above. No application within the same “REC” zone was received since the Board has adopted a more cautious approach to consider Small House applications since August 2015. The circumstances of the current application are similar to those previously rejected applications in that the proposed development is not in line with the planning intention of the “REC” zone, and land is still available within the “V” zone of Sha Kok Mei to meet the Small House demand.
- 11.5 Regarding the public comment objecting to the application on the grounds that the Site is at some distance from the “V” zone and land is available within the “V” zone for Small House development, the government departments’ comments in paragraph 9 and planning assessments in paragraphs 11.1 to 11.4 above are relevant.

## **12. Planning Department’s View**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, the Planning Department does not support the application for the following reasons:
- (a) the proposed development is not in line with the planning intention of the “Recreation” zone which is primarily for recreational developments for the use of the general public. There is no strong justification in the submission for a departure from the planning intention; and
  - (b) land is still available within the “Village Type Development” (“V”) zone of Sha Kok Mei 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 infrastructures and services.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 5.5.2027, 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**.

### **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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, should the Committee decided to approve the application, 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 permission should expire.

### **14. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 7.3.2023
<b>Appendix II</b>	Relevant Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Comments from Relevant Government Departments
<b>Appendix V</b>	Public Comment
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plans A-2a and A-2b</b>	Site Plans
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2023**