

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

**APPLICATION NO. A/SK-PK/283**

**Applicant:** Mr. LOK Jack Yin

**Site:** Lots 1264 S.A ss.4 RP, 1264 S.D RP and 1264 RP in D.D. 221, Sha Kok Mei, Sai Kung, New Territories

**Site Area:** 168.91m<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

**Zonings:** “Village Type Development” (“V”) (about 30%)  
Area shown as ‘Road’ (about 70%)

**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 one NTEH (Small House) at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, while ‘House (NTEH only)’ is always permitted within the “V” zone, such use within the area shown as ‘Road’ requires planning permission from the Town Planning Board (the Board).

1.2 The Site is flat, hard-paved and vacant. Details of the proposed Small House 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**.

1.4 In support of the application, the applicant has submitted the application form with attachments (**Appendix I**) which was received on 15.3.2023.

## **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**. They can be summarised as follows:

- (a) the Hiram's Highway Improvement Stage 2 (HH2) Project would not affect the land owned by the applicant;
- (b) the Site falls within the village 'environs' ('VE') of Sha Kok Mei and support from Indigenous Inhabitant Representative (IIR) of Sha Kok Mei village on the proposed Small House development was received; and
- (c) the proposed development would not have adverse impact on the environment and 'fengshui' of the village.

## **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is the sole "current land owner" of the land. Detailed information would be deposited at the meeting for Members' inspection.

## **4. Background**

The area shown as 'Road' for which the Site falling in forms part of the land previously reserved for the widening and junction improvement of Tai Mong Tsai Road near Sha Kok Mei for relieving traffic congestion and enhancing the safety of road section in Sai Kung area. Based on the gazette plans of the HH2 Project which was authorised in 2021, the road alignment of the proposed improvement works will be mainly along the existing Tai Mong Tsai Road. As such, the area shown as 'Road' to the west of Tai Mong Tsai Road as shown on **Plan A-2a** has become obsolete. The Highways Department has also confirmed that the Site is outside the site boundary of the HH2 Project. Opportunity will be taken to amend the OZP to rationalise the zoning boundaries in the area so as to reflect the gazetted road alignment as appropriate in due course.

## **5. 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**.

## **6. Previous Application**

There is no previous application covering the Site.

## **7. Similar Application**

There is no similar application straddling an area zoned “V” and an area shown as ‘Road’ on the OZP.

## **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) flat, hard-paved and vacant;
- (b) largely (96%) located within the ‘VE’ of Sha Kok Mei with a minor portion at the eastern corner of the Site falling outside the ‘VE’; and
- (c) abutting Sha Kok Mei Road to its south, which is leading to Tai Mong Tsai Road to its east.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north and west, and further southwest across Sha Kok Mei Road are village houses located within the “V” zone;
- (b) to the east are vacant land and Tai Mong Tsai Road, part of which falls within the HH2 Project;
- (c) to the further south is an area zoned “Residential (Group D)” occupied by a mix of village houses and temporary structures; and
- (d) to the further northeast across Tai Mong Tsai Road is a residential development in the “Comprehensive Development Area (2)” zone, namely The Mediterranean (**Plan A-3**).

## **9. Planning Intentions**

9.1 The planning intention of the “V” zone is to designate existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

9.2 For area shown as ‘Road’, land has been reserved for the future widening and junction improvement of Hiram’s Highway, Po Tung Road and Tai Mong Tsai Road in accordance with the OZP. Such road reserves will enable dualling of Hiram’s Highway and upgrading of Po Tung Road and Tai Mong Tsai Road. However, according to the authorised scheme of the HH2 Project, the proposed improvement works will be mainly along the existing Tai Mong Tsai Road, implying that the

concerned area shown as ‘Road’ including that falling within the Site which was previously reserved for road widening works has become obsolete. Opportunity will be taken to amend the OZP to reflect the gazetted road alignment as appropriate in due course.

## 10. Comments from Relevant Government Departments

10.1 The application has been assessed against the assessment criteria in **Appendix II**. The assessment of the application 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 NTEH/Small House  - Application site	18%  30%	82%  70%	Part of the footprint and the Site of the proposed Small House fall within an area shown as ‘Road’ on the OZP.
2.	Within ‘VE’?  - Footprint of the NTEH/ Small House  - Application site	100%  96%	-  4%	<ul style="list-style-type: none"> <li>The Small House footprint falls entirely within the ‘VE’ of Sha Kok Mei, Sai Kung Heung. However, a small part of the Site falls outside the “VE”.</li> <li>The District Lands Officer/ Sai Kung, Lands Department (DLO/SK, LandsD) has no objection to the application.</li> </ul>
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> <ul style="list-style-type: none"> <li>Land required to meet Small House demand: about 1.35 ha (equivalent to 54 Small House sites). The outstanding Small House applications are 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>.</li> </ul>
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		
				<u>Land Available</u> <ul style="list-style-type: none"> <li>Land available to meet Small</li> </ul>

<sup>1</sup> Among the 54 outstanding Small House applications, 45 of them fall within the “V” zone and nine (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>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				House demand: about 5.29ha (equivalent to 211 Small House sites) ( <b>Plan A-2b</b> ).
4.	Compatible with the planning intention of the area shown as 'Road'?	(N.A.)		The area shown as 'Road' for which the Site falling in forms part of the land previously reserved for widening and junction improvement of Tai Mong Tsai Road. However, the proposed improvement works will be mainly along Tai Mong Tsai Road and the concerned area shown as 'Road' has become obsolete.
5.	Compatible with surrounding area/development?	✓		The Site is located at the south eastern edge of Sha Kok Mei Village. Village house clusters are found to the north, west and south-west of the Site ( <b>Plans A-1 and A-2a</b> ).
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?		✓	The proposed Small House does not encroach onto any existing and planned roads and public works boundaries. The Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) has no objection to the application as the Site is outside the boundary of HH2 Project.
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) considers 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 development of one Small House.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
10.	Drainage Impact?		✓	The Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) has no in-principle objection to the application.
11.	Sewerage Impact?		✓	Director of Environmental Protection (DEP) and CE/MS, DSD have no objection to the application.
12.	Landscaping Impact?		✓	Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no comment on the application.
13.	Geotechnical Impact?		✓	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?		✓	District Officer (Sai Kung) (DO(SK), HAD) has no comment on the application.

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

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

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

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Chief Engineer (Works), Home Affairs Department; and
- (c) Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department.

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

No public comment on the application was received during the statutory publication period.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for a proposed Small House development at the Site which straddles an area zoned “V” (about 30%) and an area shown as ‘Road’ (about 70%) on the OZP. The Small House development is always permitted within the “V” zone. For the portion shown as ‘Road’, it forms part of the land previously reserved for road widening works of a section of Tai Mong Tsai Road. However, the proposed improvement works of the authorised scheme of the HH2 Project will be mainly along the existing Tai Mong Tsai Road and the concerned area shown as ‘Road’ including that falling within the Site has become obsolete. Opportunity will be taken to amend the OZP to reflect the gazetted road alignment as appropriate in due course. According to CHE/NTE, HyD, the Site is outside the boundary of HH2 Project and he has no objection to the application. Thus, the application would not jeopardise any planned road.
- 12.2 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 the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. However, the Site is located at the edge of the “V” zone with 30% of site area falling within the “V” zone and the footprint of the proposed Small House falls entirely within the ‘VE’ of Sha Kok Mei. In addition, the Site, being sandwiched between the existing village cluster and Tai Mong Tsai Road, is outside the boundary of HH2 Project. The area shown as ‘Road’ for which the proposed Small House falling in is obsolete and the zoning boundaries in the area will be rationalised to reflect the gazetted road alignment when opportunity arises. In view of the above planning circumstances, sympathetic consideration may be given to the application.
- 12.3 The Site is flat, hard-paved and currently vacant. Village house clusters are found to the north, west and southwest of the Site (**Plans A-2a and A-2b**). The proposed development is not incompatible with the surrounding environment. CTP/UD&L,

PlanD has no comment on the application from landscape planning perspective as no significant changes or disturbance to the existing landscape character is anticipated. Besides, the proposed Small House generally complies with the Interim Criteria in that it is not anticipated to result in adverse traffic, drainage, sewerage, environmental and geotechnical impacts on the surrounding areas. Concerned government departments including C for T, CE/MS, DSD, DEP and H(GEO) of CEDD have no objection to or no adverse comment on the application.

12.4 No public comment on the application was received during the statutory publication period.

### **13. Planning Department's View**

13.1 Based on the assessments made in paragraph 12, the Planning Department has no objection to the application.

13.2 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 IV**.

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

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 within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures 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(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

14.3 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 received on 15.3.2023
<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>	Comments from Relevant Government Departments
<b>Appendix IV</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**