

RNTPC Paper No. A/SK-TMT/82  
For Consideration by the  
Rural and New Town  
Planning Committee  
on 6.12.2024

---

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

**APPLICATION NO. A/SK-TMT/82**

- Applicant** : Mr. TSANG Hon Lung represented by On Time Consultants Ltd.
- Site** : Lots 157 RP (Part), 161 S.B and 161 S.C in D.D. 258, Wong Chuk Wan, Sai Kung, New Territories
- Site Area** : About 147.2m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Mong Tsai and Tsam Chuk Wan Outline Zoning Plan (OZP) No. S/SK-TMT/4
- Zonings** : “Government, Institution or Community” (“G/IC”) (about 97.2m<sup>2</sup> or 66%)  
“Village Type Development” (“V”) (about 50.0m<sup>2</sup> or 34%)
- Application** : Proposed House (New Territories Exempted House (NTEH) – Small House)

**1. The Proposal**

- 1.1 The applicant, who is an indigenous villager of Tai No as confirmed by the respective Indigenous Inhabitant Representative (IIR), seeks planning permission to build a NTEH (Small House) at the application site (the Site) in Wong Chuk Wan (**Plan A-1**). The Site falls within an area zoned “G/IC” (about 66%) and “V” (about 34%) on the OZP (**Plans A-1 and A-2a**). According to the Notes of the OZP, ‘House (NTEH only)’ within “V” zone is always permitted, while ‘House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ within “G/IC” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 Located within the existing village cluster of Wong Chuk Wan, the Site is situated on a sloping ground, partly vacant and partly covered by vegetation. The Site is accessible via a local track leading to Sai Sha Road, and according to

the applicant, no car parking space will be provided within the Site. Details of the proposed Small House are as follows:

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

- 1.3 The layout of the proposed Small House (including the proposed septic tank) and elevation plans are shown in **Drawings A-1 to A-4**.
- 1.4 The Site is the subject of an agreed s.12A rezoning application and an approved s.16 planning application to facilitate a Small House development both submitted by the same applicant of the current application. Details of the previous applications are set out in paragraph 7 below.
- 1.5 In support of the application, the applicant has submitted the Application Form with attachments received on 18.10.2024 (**Appendix I**).

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

The justifications put forth by the applicant in support of the application as stated in the Application Form at **Appendix I** are summarized as follows:

- (a) there are approved and completed Small House developments close to the Site and the proposed Small House would not have adverse impact on the environment; and
- (b) the proposed development would not affect the stream to the east, which is over 15m away and approval from the Drainage Services Department (DSD) would be acquired prior to the Small House development.

## **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. Background**

- 4.1 The Site has already been zoned “G/IC” and “V” on the Tai Mong Tsai and Tsam Chuk Wan Development Permission Area (DPA) Plan No. DPA/SK-TMT/1 published on 29.9.~~2000~~ ~~2002~~ and the two zonings remained unchanged since then. This “G/IC” zone (about 346m<sup>2</sup>), which comprises both government land and private land, was originally earmarked for a sewage pumping station (SPS). Subsequently, an alternative site in Tai Mong Tsai Road was identified for the SPS with planning application (No. A/SK-TMT/54) approved by the Committee on 22.1.2016 and the SPS is already under

construction (**Plan A-1**). DSD confirms that the “G/IC” zone can be released for other use while other relevant government departments confirm that there is no plan to use the site for other GIC uses. The “G/IC” zone is currently vacant, and has no designated use.

- 4.2 An s.12A rezoning application (No. Y/SK-TMT/6) submitted by the same applicant to rezone the “G/IC” portion of the Site to “V” to facilitate the development of a Small House was agreed in-principle by the Committee on 4.9.2015. During the consideration of the application, the Committee agreed that the Planning Department (PlanD) should liaise with the applicant to alert him that s.16 planning application could be submitted to speed up the development process. Subsequently, an s.16 planning application (No. A/SK-TMT/55) for proposed Small House development at the Site was submitted which was approved by the Committee on 22.1.2016. On 17.8.2018, the applicant wrote to the Board and requested not to take forward the rezoning of the “G/IC” zone to “V” zone in accordance with the agreed s.12A application, and he would implement the development proposal under the approved s.16 application. On 21.9.2018, the Committee decided to accede the applicant’s request not to proceed with the proposed amendment to the OZP. However, the proposed Small House development has not been commenced and the planning permission lapsed on 23.1.2020.

## **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, which was revised on 7.9.2007, is at **Appendix II**.

## **6. Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 16 (TPB PG-No.16) for ‘Application for Development/Redevelopment within “Government, Institution or Community” Zone for Uses other than Government, Institution or Community Uses under Section 16 of the Town Planning Ordinance’ is relevant to the application (**Appendix III**).

## **7. Previous Applications**

- 7.1 The Site is the subject of an agreed s.12A rezoning application and an approved s.16 planning application, both submitted by the same applicant of the current application.
- 7.2 The s.12A application (No. Y/SK-TMT/6) to rezone the “G/IC” portion of the Site to “V” to facilitate the development of a Small House was agreed by the Committee on 4.9.2015 mainly on the consideration that the “G/IC” site was no longer required by DSD for the development of SPS and could be released for other compatible uses; adverse impacts on environment, landscape, visual,

traffic and drainage were minimal; and the proposed rezoning could reflect the latest planning circumstances of the area.

- 7.3 The s.16 application (No. A/SK-TMT/55) was approved by the Committee on 22.1.2016 mainly on the considerations that the “G/IC” site could be released for other compatible uses; no adverse environment, visual, traffic and drainage impacts was anticipated; and the proposed Small House development was compatible to the surrounding. Compared with this approved application, the major development parameters of the current application remain unchanged except reduction in site area. The proposed Small House development has not been commenced and the planning permission lapsed on 23.1.2020.
- 7.4 Details of the previous applications are summarized at **Appendix IV** and their locations are shown on **Plans A-1 and A-2a**.

## **8. Similar Application**

There is no similar application for Small House development within the same “G/IC” zone on the OZP.

## **9. The Site and its Surrounding Areas (Plans A-1 and A-2a, aerial photo on Plan A-3 and site photos on Plan A-4)**

- 9.1 The Site is:
- (a) situated on a sloping ground, partly vacant and partly covered by vegetation;
  - (b) in the midst of Wong Chuk Wan and located entirely within the village ‘environ’ (‘VE’) of Wong Chuk Wan (including Ngong Wo); and
  - (c) accessible via a local track leading to Sai Sha Road to its west.
- 9.2 The surround areas are rural in character mainly comprising village houses and vegetation. The village houses of Wong Chuk Wan is found to the immediate north and southeast of the Site. To the immediate west of the Site is a piece of vacant land with minimal vegetation while a stream is found to the east of the Site. To the further west, north and east are dense woodland of “Green Belt” and “Conversation Area” zones.

## **10. Planning Intention**

The planning intention of the “G/IC” zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

## 11. Comments from Relevant Government Departments

11.1 The application has been assessed against the assessment criteria of the Interim Criteria set out 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	10%  34%	90%  66%	66% of the Site and 90% of footprint of the proposed Small House fall within the “G/IC” zone.
2.	Within ‘VE’?  - Footprint of the proposed Small House  - The Site	100%  100%		The Site and footprint of the proposed Small House fall entirely within the ‘VE’ of Wong Chuk Wan (including Ngong Wo).
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 the Small House demand in Wong Chuk Wan (including Ngong Wo): about 2.23ha (equivalent to 89 Small House sites). The number of outstanding Small House applications is 45 <sup>1</sup> while the 10-year Small House demand forecast is 44 <sup>2</sup> .
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		<u>Land Available</u> Land available to meet Small House demand within the “V” zone of the village concerned: about 3ha (equivalent to about 120 Small House sites) ( <b>Plan A-2b</b> ).
4.	Compatible with the planning intention of “G/IC” zone?		✓	- The “G/IC” zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory.

<sup>1</sup> Among the 45 outstanding Small House applications for Wong Chuk Wan (including Ngong Wo), 43 fall within the “V” zone and 2 are straddling/outside the “V” zone.

<sup>2</sup> Only IIR of Ngong Wo has provided the figure for 10-year Small House demand forecast (44 cases) in December 2023 while IIR of Wong Chuk Wan has not provided the relevant figure in the past ten years.

	<u><b>Criteria</b></u>	<u><b>Yes</b></u>	<u><b>No</b></u>	<u><b>Remarks</b></u>
				- The Site is not reserved for any GIC uses.
5.	Compatible with surrounding area/ development?	✓		The proposed Small House is not incompatible with the surrounding area predominated by clusters of village houses and vegetation.
6.	Within Water Gathering Ground?		✓	
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire services installations and emergency vehicular access?		✓	Director of Fire Services (D of FS) has no objection in principle to the application.
9.	Traffic impact?	✓		Commissioner for Transport (C for T) considers that Small House development should be confined within the "V" zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the "V" zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding the above, the application only involving development of one Small House and could be tolerated on traffic grounds.
10.	Drainage impact?		✓	Chief Engineer/Mainland South, DSD (CE/MS, DSD) has no in-principle objection to the application.
11.	Sewerage impact?		✓	Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
12.	Geotechnical Impact?		✓	Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) has no geotechnical comment on the application.
13.	Landscape impact?		✓	Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) has no objection to the application from landscape planning perspective as no significant landscape resources are observed and significant landscape impact arising from the proposed development is not anticipated.
14.	Local objection conveyed by DO?		✓	District Officer (Sai Kung), Home Affairs Department (DO(SK), HAD) has no comment on the application.

11.2 Comments from the following government departments have been incorporated to the paragraph 11.1 above. Detailed comments are at **Appendix V**.

- (a) District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD);
- (b) CE/MS, DSD;
- (c) CTP/UD&L, PlanD;
- (d) C for T;
- (e) DEP;
- (f) D of FS;
- (g) H(GEO), CEDD; and
- (h) DO(SK), HAD

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

- (a) Chief Engineer (Works), Home Affairs Department;
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)
- (c) Chief Highways Engineer/New Territories East, Highways Department;
- (d) Director of Leisure and Cultural Services;
- (e) Director of Social Welfare;
- (f) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (g) Director of Electrical and Mechanical Services.

## **12. Public Comments Received During Statutory Publication Period**

On 25.10.2024, the application was published for public inspection. Four public comments were received from an individual and villagers of Wong Chuk Wan objecting to the application mainly on the grounds that the applicant would use the Site for profit-making, the proposed Small House would affect the environment of the village, no justification to use the “G/IC” site for Small House development and the Site could be used for recreational facilities. (**Appendix VI**).

## **13. Planning Considerations and Assessments**

- 13.1 The application is for a proposed NTEH (Small House) at the Site falling within an area partly zoned “G/IC” and partly zoned “V” on the OZP. The “G/IC” zone is intended primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. According to TPB PG-No.16 (**Appendix III**), “G/IC” sites are intended to be developed or redeveloped solely for GIC uses unless it can be established that the provision of GIC facilities would not be jeopardised and the concerned Government departments have no objection to releasing the site or a certain part of it for non-GIC uses. The subject “G/IC” zone was originally earmarked for a SPS. As an alternative site was identified and the concerned SPS is now under construction, DSD confirms that the “G/IC” zone can be released for other use. Other relevant government departments also confirm that there is no plan to use the site for other GIC uses. While the proposed development is not in line with the planning intention of the “G/IC” zone, approval of the application could better utilise land resource with a use compatible to the surrounding area.
- 13.2 The Site is situated on a sloping ground, partly vacant and partly covered with vegetation. It is located in the midst of Wong Chuk Wan Village and entirely within the ‘VE’. The proposed Small House is not incompatible with the surrounding environment, which is rural in character comprising village houses and vegetation. CTP/UD&L, PlanD has no objection to the application from landscape planning perspective as significant landscape impact arising from the proposed development is not anticipated. Besides, other relevant departments, including DEP, DAFC, CE/C, WSD, CE/MS, DSD and D of FS have no objection to or no adverse comment on the application. C for T considers that the application could be tolerated given that the application involves one Small House only. As the proposed Small House is small in scale, no significant adverse impacts on traffic, natural conservation, environmental, drainage, fire safety and landscape aspects are anticipated.
- 13.3 The Site is the subject of an s.12A application to rezone the “G/IC” portion of the Site to “V” to facilitate the Small House development which was agreed by the Committee on 4.9.2015. Subsequently, an s.16 planning application (No. A/SK-TMT/55) for proposed Small House development at the Site was approved by the Committee on 22.1.2016. Upon the applicant’s request, the Committee decided not to proceed with the proposed amendment to the OZP. While the s.16 application lapsed on 23.1.2020, DLO/SK, LandsD advises that the subject Small House application is under processing by his office. Given



the background, sympathetic consideration could be given to the current application.

- 13.4 Regarding the Interim Criteria (**Appendix II**), the footprint of the proposed Small House falls entirely within the 'VE' of Wong Chuk Wan (including Ngong Wo). According to DLO/SK, LandsD, the number of outstanding Small House applications for Wong Chuk Wan (including Ngong Wo) is 45, while the 10-year Small House demand forecast is 44. Based on the latest estimate by PlanD, about 3 ha of land (equivalent to 120 Small House sites) is available within the "V" zone of Wong Chuk Wan (**Plan A-2b**). In this regard, there is sufficient land within the "V" zone to fully meet the future Small House demand (about 2.23 ha or equivalent to about 89 Small House sites).
- 13.5 As mentioned in paragraph 13.3 above, the Site is the subject of an agreed s.12A application and approved s.16 application. The planning circumstances of the current application is similar to the s.12A and s.16 approved applications. Approval of the current application is in line with the Committee's previous decisions.
- 13.6 Regarding the public comments objecting to the application as detailed in paragraph 12 above, government departments' comments and planning assessments above are relevant.

#### **14. Planning Department's Views**

- 14.1 Based on the assessments made in paragraph 13 and having taken into account the public comments mentioned in paragraph 12 above, the Planning Department has no objection to the application.
- 14.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 6.12.2028, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted are commenced or the permission is renewed. The recommended advisory clauses are attached at **Appendix VII**.
- 14.3 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 "Government, Institution or Community" zone which is primarily for the provision of the Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. There is no strong planning justification in the submission for a departure from the planning intention; and
  - (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no general

shortage of land in meeting the demand for Small House development within the “Village Type Development” zone of Wong Chuk Wan.

## **15. Decision Sought**

- 15.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 15.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s) to be attached to the permission, and the date when the validity of the permission should expire.
- 15.3 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.

## **16. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 18.10.2024
<b>Appendix II</b>	Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
<b>Appendix III</b>	Relevant extract of TPB-PG No. 16
<b>Appendix IV</b>	Previous Applications
<b>Appendix V</b>	Detailed Comments from Relevant Government Departments
<b>Appendix VI</b>	Public Comments
<b>Appendix VII</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Plan
<b>Drawings A-2 to A-4</b>	Elevation Plans
<b>Plan A-1</b>	Location Plan
<b>Plan A-2a</b>	Site Plan
<b>Plan A-2b</b>	Estimated Amount of Land Available within the “V” zone of Wong Chuk Wan for Small House Development
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2024**