

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/597

<u>Applicant</u>	:	WU Kin Lok (胡建樂) represented by Metro Planning and Development Company Limited
<u>Site</u>	:	Lots 538 S.C ss.1 and 538 S.D ss.1 in D.D. 130, To Yuen Wai, Tuen Mun, New Territories
<u>Site Area</u>	:	About 108m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/40 (TM OZP) and Approved Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/12 (LTY Y OZP)
<u>Zoning</u>	:	(i) Area shown as 'Road' on TM OZP (about 69.2%) (ii) "Village Type Development" ("V") on LTY Y OZP (about 30.8%) <i>[Restricted to a maximum building height of 3 storeys (8.23m), except for those developments / uses specified in the Notes]</i>
<u>Application</u>	:	Proposed House (New Territories Exempted House (NTEH) - Small House)

1. The Proposal

1.1 The applicant, who claims to be an indigenous villager of Tai Lam Chung Village¹, seeks planning permission to build a NTEH (Small House) at the application site (the Site) falling within an area partly zoned "V" on LTY Y OZP (about 30.8%) and partly shown as 'Road' on TM OZP (about 69.2%) (**Plans A-1 and A-2a**). While 'House (NTEH only)' use is always permitted within the "V" zone on the LTY Y OZP, the covering Notes of the TM OZP stipulate that all uses or developments within an area shown as 'Road' require permission from the Town Planning Board (the Board). The Site is formed and is currently used for parking of vehicles without planning permission.

1.2 Details of the proposed Small House are as follows:

Total Floor Area	:	141.9m ²
Number of Storeys	:	3
Building Height	:	8.23m
Roofed Over Area	:	47.3m ²

¹ As advised by the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD), the eligibility of the applicant for Small House concessionary grant is yet to be ascertained.

- 1.3 The Site is accessible via a local track leading to Castle Peak Road – Lam Tei Section (**Plan A-2a**). According to the applicant, the proposed Small House will be erected at the southeastern corner of the Site with over 50% of its footprint falling within the “V” zone on the LTYO OZP. The uncovered area of the Site will be used for installation of septic tank and garden purposes. The vehicular access plan and layout plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with Attachments received on 14.2.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 5.3.2025* (**Appendix Ia**)
 - (c) FI received on 31.3.2025* (**Appendix Ib**)

**accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and the FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) over 50% of the proposed Small House footprint falls within the “V” zone on the LTYO OZP;
- (b) according to the consolidated information from Village Representatives of Lam Tei /Tuen Mun San Tsuen/To Yuen Wai, the 10-year Small House demand forecast could not be met by the remaining land in the “V” zone of the three villages;
- (c) the portion shown as ‘Road’ on the TM OZP since 1994 was for construction of the Lam Tei Interchange. The construction work has been completed and that portion of the land is no longer required for road purpose;
- (d) approval of the application is prudent use of land which could meet the general shortage of land for Small Houses. It would also improve the living environment of the villagers by eradicating the unauthorised parking of private vehicles at the Site;
- (e) the proposed development is compatible with the surroundings in terms of land use, scale, design and layout; and
- (f) the proposed development would not encroach onto planned road network and no adverse traffic, environmental, landscape, drainage, sewerage and geotechnical impacts are expected.

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. Background

- 4.1 The Site is currently not subject to planning enforcement action.²
- 4.2 Part of the Site (69.2%) is shown as ‘Road’ on the TM OZP for the construction of Lam Tei Interchange and its related works, which have been completed.
- 4.3 The Site is located within an area designated as “V” on the draft Lam Tei Local Centre Layout Plan No. L/TM-LT/K (**Plan A-2b**). The latest Lam Tei Local Centre Layout Plan was amended on 23.10.2014 to redesignate the Site and its surrounding land from “Local Open Space” to “V” with a view to reflecting the existing village houses and the possible area for future village houses. The concerned “V” zone area is of limited size and bounded by amenity areas, existing road and cycle track to the west, and existing village house cluster to the east.

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

6. Previous Applications

The Site was involved in two previous applications (No. A/TM-LTYT/194 and 201) covering a larger site for temporary private vehicle park (private cars and light goods vehicles) and recreation and village affairs centre (with or without self-help car cleansing facilities) for a period of three years. The considerations of these applications are not relevant to the current application which involved different uses. Details of these previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 There has been seven similar applications (No. A/TM/367, 368 and 506 to 510) for proposed House (NTEH - Small House) straddling the same “V” zone on the LTYT OZP and area shown as ‘Road’ on the TM OZP since the first promulgation of the Interim Criteria on 24.11.2000, of which, the later five applications were approved after the Board’s formal adoption of a more cautious approach in 2015.
- 7.2 These five similar applications (No. A/TM/506 to 510) were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2017 mainly on the considerations that the proposed Small Houses were in line with the Interim Criteria as with/over 50% of the footprint of the proposed Small Houses fell within “V” zone; these application sites were no longer required for road purposes; the proposed Small Houses were not incompatible with the surroundings; approval of the applications would not lead to an indefinite expansion of the “V” zone under the draft Lam Tei Local Centre Layout Plan; and relevant government departments had no objection to/no adverse comment on the applications. Details of

² TM OZP is not previously covered by an Interim Development Permission Area (IDPA) Plan/Development Permission Area (DPA) Plan, and the Planning Authority is not empowered to take enforcement action under the Town Planning Ordinance.

these similar applications are summarised in **Appendix IV** and their locations are shown on **Plans A-1, A-2a and A-2b**.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4)

8.1 The Site is:

- (a) formed and currently used for parking of vehicles;
- (b) straddling the “V” zone on the LTYO OZP covering Lam Tei, Lam Tei San Tsuen and To Yuen Wai; and
- (c) is accessible via a local track leading to Castle Peak Road – Lam Tei Section.

8.2 The surrounding areas are predominantly low-rise village houses intermixed with vehicle parks, a workshop and elderly homes. Some of these uses are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

The planning intention of the “V” zone on the LTYO OZP is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. 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. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

10.1 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	✓ (52.7%)		- The remaining portion of the proposed Small House footprint falls within an area shown as ‘Road’ on the TM OZP (i.e. about 47.3%)
	- The Site	✓ (30.8%)		- The remaining portion of the Site falls within an area shown as ‘Road’ on the TM OZP (i.e. about 69.2%)

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
2.	Within 'Village Environs'? - Footprint of the Small House - The Site		✓ ✓	
3.	Sufficient land in "V" zone to meet outstanding Small House demand (outstanding Small House applications plus 10-year Small House demand)?	(insufficient information on 10-year Small House demand)		<u>Land Required</u> - Land required to meet Small House demand in Lam Tei, Lam Tei San Tsuen and To Yuen Wai: about 1.88ha (equivalent to 75 Small House sites). The number of outstanding Small House applications are 28 while the 10-year Small House demand forecast for To Yuen Wai is 47 and DLO/TM, LandsD has no information on the 10-year Small House demand forecast for Lam Tei and Lam Tei San Tsuen as the Indigenous Inhabitant Representatives (IIRs) have not provided the figure. <u>Land Available</u> - Land available to meet Small House demand within the "V" zones of covering the concerned villages: about 4.72ha (equivalent to 188 Small House sites) (Plan A-2c).
	Sufficient land in "V" zone to meet outstanding Small House application?	✓		
4.	Compatible with the planning intention of area shown as 'Road'?	✓		- The area shown as 'Road' on the TM OZP is for the construction of Lam Tei Interchange and its related works, which have been completed. The Commissioner for Transport (C for T) advises that there is no planned road project at the Site.
5.	Compatible with the surrounding area/development?	✓		- The proposed Small House is considered not incompatible with the surroundings which are predominantly low-rise village houses.
6.	Within Water Gathering Ground (WGG)?		✓	- The Chief Engineer/Construction of Water Supplies Department (CE/C, WSD) has no objection to the application.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
7.	Encroachment onto planned road networks and public works boundaries?		✓	<ul style="list-style-type: none"> - C for T advises that there is no planned road project at the Site. - The Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) has no comment on the application from the highway maintenance point of view.
8.	Need for provision of fire services installations and emergency vehicular access (EVA)?		✓	<ul style="list-style-type: none"> - The Director of Fire Services (D of FS) has no in-principle objection to the application provided that the proposed development would not encroach on any existing EVA or planned EVA under application in accordance with LandsD's record.
9.	Traffic impact?	✓		<ul style="list-style-type: none"> - C for T advises that Small House developments 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, Small House developments 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. The application only involving development of one Small House could be tolerated on traffic grounds.
10.	Drainage impact?		✓	<ul style="list-style-type: none"> - The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application.
11.	Sewage impact?		✓	<ul style="list-style-type: none"> - The Director of Environmental Protection (DEP) has no adverse comment on the application as the scale of the proposed development is small which is unlikely to cause major pollution.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
12.	Landscape impact?		✓	- The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advises that since there is no existing trees/significant landscape resources observed within the Site, significant impact arising from the application is not anticipated.
13.	Geotechnical impact?		✓	- The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) has no comment on the application.
14.	Gas safety impact?		✓	- The Director of Electrical and Mechanical Services (DEMS) has no comment from regulatory services perspectives and advises that a risk assessment is not a compulsory requirement given the limited population resulting from the proposed Small House development.
15.	Local objections conveyed by DO?		✓	- The District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD) advises that no public comment was received.

10.2 Comments from the following government departments have been incorporated in paragraph 10.1 above. Other detailed comments and recommended advisory clauses are provided at **Appendix VI**.

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

10.3 The following Government departments have no objection to/no comment on the application:

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD)

- (b) Project Manager (West), CEDD (PM(W), CEDD); and
- (c) Director of Agriculture, Fisheries and Conservation (DAFC).

11. Public Comments Received During Statutory Publication Period

On 21.2.2025, the application was published for public inspection. During the statutory public inspection period, two public comments was received (**Appendix V**). One from an individual objected to the application mainly on the grounds that the justification of shortage of land for Small House is questionable as numerous sites in the “V” zone are currently used for parking of vehicles and the area shown as ‘Road’ should be retained as a buffer between the highways and village houses. Another comment from The Hong Kong and China Gas Company Limited (HKCGCL) provided views that the applicant is required to conduct a Quantitative Risk Assessment as the proposed development is in close vicinity to High-Pressure pipeline at To Lai Road and the applicant should consult his company in design stage and closely coordinate with his company during construction stage and provide protective measures.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed Small House development at the Site straddling “V” zone on the LTYO OZP (about 30.8%) and an area shown as ‘Road’ on the TM OZP (about 69.2%). While ‘House (NTEH only)’ is always permitted within the “V” zone of the LTYO OZP, the covering Notes of the TM OZP stipulate that all uses or developments within an area shown as ‘Road’ require planning permission. The area shown as ‘Road’ on the TM OZP is for the construction of Lam Tei Interchange and its related works, which have been completed. C for T advises that there is no planned road project at the Site.
- 12.2 The Site is adjoining the existing village clusters of Lam Tei, Lam Tei San Tsuen and To Yuen Wai (**Plan A-1**). It is surrounded predominantly by low-rise village houses intermixed with vehicle parks, a workshop and elderly homes (**Plan A-2a**). The proposed Small House is considered not incompatible with the surrounding areas. CTP/UD&L, PlanD has no comment on the application as there is no existing trees/significant landscape resources within the Site and no significant landscape impact is anticipated. C for T considers that the application involving one Small House could be tolerated. Other concerned departments consulted including CE/MN, DSD, DEP, D of FS and DEMS have no objection to/no comment on the application.
- 12.3 The applicant claims to be an indigenous villager of Tai Lam Chung Village and over 50% of the footprint of the proposed Small House falls within the “V” zone of Lam Tei, Lam Tei San Tsuen and To Yuen Wai. Regarding the Interim Criteria (**Appendix II**), according to DLO/TM, LandsD’s records, the total number of outstanding Small House applications for Lam Tei, Lam Tei San Tsuen and To Yuen Wai is 28 while the 10-year Small House demand forecast for To Yuen Wai is 47. DLO/TM, LandsD has no information on the 10-year Small House demand forecast for Lam Tei and Lam Tei San Tsuen as the IIRs have not provided the figure. Based on the latest estimate by PlanD, about 4.72ha of land (or equivalent to about 188 Small House sites) is available within the “V” zone concerned (**Plan A-2c**) which is sufficient to accommodate the 28 outstanding Small House applications plus the 47 future Small House demand of To Yuen Wai. 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 as 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. Nevertheless, the application may warrant sympathetic consideration in that the Site is designated as “V” on the Lam Tei Local Centre Layout Plan for village house development and is adjoined to the existing village cluster of Lam Tei, Lam Tei San Tsuen and To Yuen Wai to the east and northeast, and approved Small Houses at different stages of development to the south and southwest (**Plan A-2b**). Besides, given that the “V” zone area designated on the layout plan is limited in size and bounded by concerned amenity areas, existing road and cycle track to the west, and existing village house cluster to the east, approval of the application would not lead to indefinite expansion of the “V” zone in this area.

- 12.4 There are seven similar applications straddling the same “V” zone and area shown as ‘Road’, five of which were approved by the Committee in 2017 after the Board’s formal adoption of a more cautious approach as detailed in paragraphs 7.1 and 7.2 above. The planning circumstances of the current application are similar to the approved similar applications. Approval of the current application is in line with the previous decisions of the Committee.
- 12.5 Regarding the public comments as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.4 above are relevant. Should the application be approved, the applicant will be advised to observe the relevant government requirements and liaise with HKCGCL during the design and construction stages.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments as mentioned in paragraph 11 above, 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 **11.4.2029**, 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 at **Appendix VI**.
- 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 Lam Tei, Lam Tei San Tsuen and To Yuen Wai 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.

14. Decision Sought

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

Appendix I	Application Form with Attachments received on 14.2.2025
Appendix Ia	FI received on 5.3.2025
Appendix Ib	FI received on 31.3.2025
Appendix II	Extract of the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Public Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2a	Site Plan
Plan A-2b	Draft Lam Tei Local Centre Layout Plans No. L/TM-LT/J and L/TM-LT/K
Plan A-2c	Estimated Amount of Land Available for Small House Development within “V” zone
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
APRIL 2025**