

RNTPC Paper No. A/YL-SK/387A and 388A  
For Consideration by the  
Rural and New Town Planning  
Committee on 28.2.2025

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

**APPLICATIONS NO. A/YL-SK/387 and 388**

<b><u>Applicants</u></b>	: Mr. KWOK Cho Shing Mr. KWOK Kam Wah Both represented by Mr. LIT Ying Cheung, Edward	(Application No. A/YL-SK/387) (Application No. A/YL-SK/388)
<b><u>Sites</u></b>	: Lot 847 S.B ss.5 Lot 847 S.B ss.4 Both in D.D.112, Lin Fa Tei, Shek Kong, Yuen Long	(Application No. A/YL-SK/387) (Application No. A/YL-SK/388)
<b><u>Site Areas</u></b>	: 167.5m <sup>2</sup> (about) 167.5m <sup>2</sup> (about)	(Application No. A/YL-SK/387) (Application No. A/YL-SK/388)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)	
<b><u>Plan</u></b>	: Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9	
<b><u>Zonings</u></b>	: “Residential (Group D)” (“R(D)”) “R(D)” (about 156.7m <sup>2</sup> or 94%) and “Agriculture” (“AGR”) (about 10.8m <sup>2</sup> or 6%) <i>[“R(D)” subject to maximum plot ratio of 0.2 and maximum building height of 2 storeys (6m)]</i>	(Application No. A/YL-SK/387) (Application No. A/YL-SK/388)
<b><u>Applications</u></b>	: Proposed House (New Territories Exempted House (NTEH) – Small House) on each of the application sites	

**1. The Proposal**

- 1.1 The applicants, who claim themselves as indigenous villagers<sup>1</sup> of Lin Fa Tei, seek planning permission to build a proposed NTEH (Small House) on each of the application sites (the Sites). The Site of application No. A/YL-SK/387 falls within an area zoned “R(D)”, and that of application No. A/YL-SK/388 falls within an area mainly zoned “R(D)” with a small portion zoned “AGR” on the OZP (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘House (not elsewhere specified)’ (i.e. other than ‘House (Redevelopment; Addition, Alteration and/or Modification to existing house only)’ in the “R(D)” zone and ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing

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<sup>1</sup> As advised by the ~~District Lands Officer/North District Lands Officer~~ **District Lands Officer/Yuen Long**, Lands Department (~~DLO/NDLO/YL~~, LandsD), the eligibilities of the applicants for Small House concessionary grant have not yet been scrutinised.

domestic building by NTEH permitted under the covering Notes)' in the "AGR" zone are Column 2 uses of the respective zone which require planning permission from the Town Planning Board (the Board). The Sites are currently vacant and covered by wild grass (**Plan A-4**).

1.2 Details of each 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 Site is accessible on foot via a village footpath leading from Kam Sheung Road. The applicants indicate that the uncovered areas of the Sites will be used for agricultural/garden and septic tank purposes. Layout plans of the proposed Small Houses (including septic tanks) are shown in **Drawings A-1** and **A-2**.

1.4 In support of the applications, the applicants have submitted the following documents:

- (a) Application Forms for A/YL-SK/387 and 388 (**Appendices Ia** and **Ib**) received on 19.9.2024 and 20.9.2024 respectively
- (b) Further Information (FI) for A/YL-SK/387 (**Appendices Ic** and **Id**) and 388, both received on 8.1.2025\*  
*\*accepted and exempted from publication and recounting requirements*

1.5 On 8.11.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on both of the applications for two months each as requested by the applicants.

## 2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the applications are detailed in the Application Forms and FIs at **Appendices Ia** to **Id**, and can be summarised as follows:

- (a) the applicants are indigenous villagers of Lin Fa Tei, Yuen Long and are eligible for erection of a Small House once-in-a life time under the current Small House Policy. They need Small Houses for their families;
- (b) the Sites fall within "R(D)" zone and are located very close to the "Village Type Development" ("V") zone of Lin Fa Tei. The proposed Small Houses are compatible with the surrounding areas. The proposed Small Houses would not cause any adverse traffic, environmental, drainage, sewerage, landscape and visual impacts to the area;
- (c) the Sites are the only land owned by the respective applicants. Owing to small site areas, the Sites are not suitable for large scale residential development in the "R(D)" zone; and

- (d) similar applications for Small Houses in the vicinity of the Sites and within the same “R(D)” zone were approved by the Board. Approval of the current applications would not set any undesirable precedent.

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

The applicants are the sole “current land owner” of their respective Sites. 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 Interim Criteria, which was promulgated on 7.9.2007, is at **Appendix II**.

**5. Background**

The Sites are currently not subject to any planning enforcement action.

**6. Previous Application**

The Sites are not involved in any previous application.

**7. Similar Applications**

- 7.1 There are four similar applications (No. A/YL-SK/139, 140, 141 and 198) for Small House development within the same “R(D)” zone in the vicinity of the Sites since the first promulgation of the Interim Criteria on 24.11.2000. All applications were approved between 2007 and 2014 (i.e. before the formal adoption of a more cautious approach by the Board since August 2015<sup>2</sup>) mainly on the considerations that the application was generally in line/not in conflict with the planning intention of the “R(D)” zone; the proposed Small House complied with the Interim Criteria in that the entire or majority of the Small House footprint fell within the village ‘environs’ (‘VE’) of a recognised village; there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the village at the time of consideration; the proposed Small House was considered compatible with the surrounding environment; and no adverse impacts on the surrounding areas were anticipated.
- 7.2 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-2a**.

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<sup>2</sup> Among others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting shall be put on the number of outstanding Small House applications provided by LandsD.

**8. The Sites and Their Surrounding Areas (Plans A-1, A-2a, and aerial photo on Plan A-3 and site photos on Plan A-4)**

8.1 The Sites are:

- (a) vacant and covered by wild grass;
- (b) located at the fringe of the “R(D)” zone and entirely outside the “V” zone covering Lin Fai Tei, Ngau Keng and Shui Tsan Tin;
- (c) located entirely (No. A/YL-SK/388) or mainly (95.3% for No. A/YL-SK/387) outside the ‘VE’ of Lin Fai Tei (**Plan A-2a**); and
- (d) accessible on foot via a village footpath leading to Kam Sheung Road.

8.2 The surrounding areas are predominantly rural in nature comprising mainly village houses, residential/temporary structures, open storage yards, active/fallow agricultural land and vacant land. To the immediate north of the Sites are four Small Houses within/largely within the ‘VE’ of Lin Fai Tei approved under the previous applications (No. A/YL-SK/139, 140, 141 and 198) (**Plan A-2a**).

**9. Planning Intentions**

9.1 The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9.2 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

**10. Comments from Relevant Government Departments**

10.1 The applications have been assessed against the assessment criteria set out in the Interim Criteria (**Appendix II**). The assessment is summarised 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?  - Footprints of the proposed Small Houses	-	100%	- The Sites and the proposed Small House footprints fall entirely within the “R(D)” zone or the “R(D)”/“AGR” zones.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	- Sites	-	100%	
2.	<p>Within ‘VE’?</p> <ul style="list-style-type: none"> <li>- Footprints of the proposed Small Houses: A/YL-SK/387 A/YL-SK/388</li> <li>- The Sites: A/YL-SK/387 A/YL-SK/388</li> </ul>	<p>-</p> <p>-</p> <p>4.7%</p> <p>-</p>	<p>100%</p> <p>100%</p> <p>95.3%</p> <p>100%</p>	<p>- DLO/YL, LandsD advises that the proposed Small House footprints do not fall within the boundary of ‘VE’<sup>3</sup> of a recognised village (Lin Fai Tei). As the proposed footprints are outside a distance of 300 feet from the edge of the last village type house built in 1972 and outside the “V” zone, Small House applications should not generally be considered.</p>
3.	<p>Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?</p> <p>Sufficient land in “V” zone to meet outstanding Small House applications? <b>(Plan A-2b)</b></p>	<p>✓</p> <p>✓</p>		<p><u>Land Required</u></p> <p>- Land required to meet the Small House demand in Lin Fa Tei, Ngau Keng, Shui Tsan Tin and Shui Lau Tin<sup>4</sup>: about 25.2 ha (equivalent to 1,009 Small Houses sites). The number of outstanding Small House applications is 174<sup>5</sup> while the 10-year Small House demand forecast is 835.</p> <p><u>Land Available</u></p> <p>- Land available to meet the Small House demand within the two “V” zones covering Lin Fai Tei, Ngau Keng and Shui Lau Tin: about 27.71 ha (equivalent to 1,108 Small House sites) <b>(Plan A-2b)</b>.</p>

<sup>3</sup> ‘VE’ generally refers to the area within a distance of 300 feet from the edge of the last village type house built before the implementation of the Small House Policy on 1.12.1972.

<sup>4</sup> Lin Fa Tei, Ngau Keng, Shui Tsan Tin and Shui Lau Tin are covered by the same two “V” zones.

<sup>5</sup> Among the 174 outstanding Small House applications, 159 fall within the “V” zones and 15 straddle the “V” zone.

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
4.	Compatible with the planning intention of “R(D)” and “AGR” zone?		✓	<ul style="list-style-type: none"> <li>- The proposed Small Houses are not in conflict with the planning intention of the “R(D)” zone.</li> <li>- For A/YL-SK/388, the Director of Agriculture, Fisheries and Conservation (DAFC) does not support application as the Site possesses potential for agricultural rehabilitation. Agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nursery, etc.</li> </ul>
5.	Compatible with surrounding area/development?	✓		<ul style="list-style-type: none"> <li>- The proposed Small Houses are not incompatible with the surrounding area which is of rural inland plain landscape character comprising temporary structures, open storage, vacant land and clusters of trees.</li> </ul>
6.	Within Water Gathering Grounds (WGGs)?		✓	<ul style="list-style-type: none"> <li>- The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the applications.</li> </ul>
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	<ul style="list-style-type: none"> <li>- The Director of Fire Services (D of FS) has no objection to the applications provided that the proposed Small Houses would not encroach on any EVA or planned EVA. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD.</li> </ul>
9.	Traffic impact?		✓	<ul style="list-style-type: none"> <li>- For application No. A/YL-SK/387, the Commissioner for Transport (C for T) has no comment on the application</li> </ul>

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				<p>from traffic engineering perspective.</p> <ul style="list-style-type: none"> <li>- For application No. A/YL-SK/388, C for T considers that Small House development should be confined within “V” zone as far as possible. Although additional traffic generated by the proposed Small House is not expected to be significant, such type of development outside the “V” zone, if permitted, will set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding this, the application involving only one Small House could be tolerated on traffic grounds.</li> </ul>
10.	Drainage impact?		✓	<ul style="list-style-type: none"> <li>- The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the applications from public drainage viewpoint.</li> </ul>
11.	Sewerage impact?		✓	<ul style="list-style-type: none"> <li>- The Director of Environmental Protection (DEP) advises that in view of the small-scale nature, the proposed Small Houses are unlikely to cause major pollution.</li> </ul>
12.	Landscape impact?		✓	<ul style="list-style-type: none"> <li>- CTP/UD&amp;L, PlanD has no objection to the applications from the landscape planning perspective.</li> <li>- Significant adverse landscape impact on the landscape character and landscape resources is not anticipated.</li> </ul>
13.	Local objections conveyed by District Officer?		✓	<ul style="list-style-type: none"> <li>- The District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) has no comment on the applications and has not received any comment from the locals upon close of consultation.</li> </ul>

10.2 Comments of the following government departments have been incorporated in paragraph 10.1 above. Their other detailed comments, if any, are at **Appendix IV**.

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

10.3 The following government departments have no objection to/no comment on the applications and their advisory comments, if any, are at **Appendix V**:

- (a) Chief Building Surveyor/New Territories West, Buildings Department;
- (b) Chief Highway Engineer/New Territories West, Highways Department;
- (c) Chief Engineer/Railway Development 1-1, Railway Development Office, HyD;
- (d) Project Manager (West), Civil Engineering and Development Department;
- (e) Director of Electrical and Mechanical Services; and
- (f) Commissioner for Police.

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

On 27.9.2024, the applications were published for public inspection. During the statutory public inspection period, no public comment was received.

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

12.1 The two applications are for proposed NTEH (Small House) on each of the two Sites, which fall within “R(D)” zone for application No. A/YL-SK/387 and “R(D)” and “AGR” zones for application No. A/YL-SK/388 (**Plan A-1**). The proposed Small Houses are not in conflict with the planning intention of the “R(D)” zone. For application No. A/YL-SK/388, the proposed Small House is not in line with the planning intention of the “AGR” zone and DAFC does not support application No. A/YL-SK/388 from agricultural perspective as the Site possess potential for agricultural rehabilitation as agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are also available. There is no strong planning justification given in the submission for a departure from the planning intention of the “AGR” zone.

12.2 As set out in the Interim Criteria (**Appendix II**), development of NTEH/Small House with more than 50% of the footprint outside both the ‘VE’ and the ‘V’ zone would normally not be approved unless under very exceptional circumstances (criterion (c) of **Appendix II**). According to DLO/YL of



LandsD, the proposed Small House footprints do not fall within the boundary of 'VE' of a recognised village (i.e. outside a distance of 300 feet from the edge of the last village type house built before the implementation of Small House Policy in 1972), and they also fall outside the "V" zone. There is no exceptional circumstance to justify approval of the applications. According to DLO/YL of LandsD's records, the total number of outstanding Small House applications for Lin Fa Tei, Ngau Keng, Shui Tsan Tin and Shui Tsan Tin is 174, while the 10-year Small House demand forecast is 835. Based on the latest estimate by PlanD, about 27.71 ha of land (equivalent to 1,108 Small House sites) is available within the "V" zone concerned (**Plan A-2b**). Hence, there is sufficient land within the "V" zone to meet the outstanding Small House applications and even the 10-year Small House demand forecast, notwithstanding that the Board puts more weighting on the number of outstanding Small House applications as provided by LandsD in considering whether there is a general shortage of land in meeting Small House demand under the more cautious approach in considering applications for Small House development adopted since August 2015. Since land is still available within the "V" zone, 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.

- 12.3 The Sites are currently vacant and covered by wild grass. The proposed Small Houses are not incompatible with the surrounding areas, which are predominantly rural in nature comprising village houses, residential/temporary structures, open storage yards, active/fallow agricultural land and vacant land. CTP/UD&L of PlanD has no objection to the applications from landscape planning perspective as significant landscape impacts on the landscape character and landscape resources are not anticipated. From traffic engineering perspective, C for T has no comment on application No. A/YL-SK/387 and considers that the construction of one Small House under application No. A/YL-SK/388 could be tolerated. Other relevant government departments consulted, including DEP, CE/MN of DSD, CE/C of WSD and D of FS has no objection to or no adverse comment on the applications.
- 12.4 There are four approved similar applications for Small House development within the same "R(D)" zone in the vicinity of the Sites. These applications were approved by the Committee between 2007 and 2014 before the Board's formal adoption of a more cautious approach in considering applications for Small House development in August 2015. Given that the proposed Small House footprints under the current applications fall entirely outside the 'VE' of Lin Fa Tei, Ngau Keng and Shui Tsan Tin and land is still available in the "V" zone of the concerned villages for Small House development, the planning circumstances of approving these similar applications are not applicable to the current applications.

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

- 13.1 Based on the assessment made in paragraph 12, the Planning Department does not support the applications for the following reasons:

~~(a)~~ 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 more than 50% of the proposed Small House footprint falls outside the “V” zone and the ‘VE’ of any recognised villages; *and land is still available within the “V” zone covering Lin Fa Tei, Ngau Keng, Shaui Tsan Tin and Shui Lau Tin 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 infrastructures and services.*

~~(b) land is still available within the “Village Type Development” (“V”) zone covering Lin Fa Tei, Ngau Keng, Shaui Tsan Tin and Shui Lau Tin 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 infrastructures and services.~~

13.2 Alternatively, should the Committee decide to approve the applications, it is suggested that the permission shall be valid until 28.2.2029, and after the said date, the permission shall cease to have effect unless before the said date, the developments permitted are commenced or the permissions are renewed. The recommended advisory clauses are attached at **Appendix V**.

#### **14. Decision Sought**

14.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permissions.

14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14.3 Alternatively, 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.

#### **15. Attachments**

<b>Appendix Ia</b>	Application Form received on 19.9.2024 (Application No. A/YL-SK/387)
<b>Appendix Ib</b>	Application Form received on 20.9.2024 (Application No. A/YL-SK/388)
<b>Appendix Ic</b>	FI received on 8.1.2025 (Application No. A/YL-SK/387)
<b>Appendix Id</b>	FI received on 8.1.2025 (Application No. A/YL-SK/388)
<b>Appendix II</b>	Relevant Interim Criteria for Consideration of Application 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>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Proposed Layout Plan (Application No. A/YL-SK/387)
<b>Drawing A-2</b>	Proposed Layout Plan (Application No. A/YL-SK/388)
<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 the “V” Zone
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2025**