

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KLH/623

- Applicant** : Mr. CHEUNG Hin Yeung represented by Mr. LAU Chee Sing
- Site** : Lot 975 S.A RP in D.D. 7, Wai Tau, Tai Po, New Territories
- Site Area** : About 81m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11
- Zonings** : “Village Type Development” (“V”) (about 53.3m² or 65.8%)
 “Agriculture” (“AGR”) (about 27.7m² or 34.2%)
- Application** : Proposed House (New Territories Exempted House (NTEH) – Small House)

1. The Proposal

1.1 The applicant, who is an indigenous villager of Wai Tau Tsuen as confirmed by the Indigenous Inhabitant Representative¹, seeks planning permission to build an NTEH (Small House) on the application site (the Site) falling within an area zoned “V” (about 53.3m² or 65.8%) and “AGR” (about 27.7m² or 34.2%) on the OZP (**Plans A-1 and A-2a**). According to the Notes of the OZP, ‘House (NTEH only)’ is always permitted within “V” zone while such use within “AGR” zone requires planning permission from the Town Planning Board (the Board).

1.2 Details of the proposed Small House are as follows:

Total Floor Area	:	142.59m ²
Number of Storeys	:	3
Building Height	:	8.23m
Roofed Over Area	:	47.53m ²

1.3 According to the applicant, the uncovered area is proposed for garden use. The layout of the proposed Small House and the proposed sewerage connection are shown in **Drawings A-1 and A-2**.

¹ District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) advises that the applicant’s eligibility of Small House grant has yet to be ascertained.

- 1.4 The Site is the subject of a previous application (No. A/NE-KLH/599) for Small House development submitted by the same applicant, which was rejected on review by the Board on 25.2.2022. Details of the previous application are set out in paragraph 5.1 below.
- 1.5 In support of the application, the applicant has submitted the Application Form with attachments received on 11.5.2023 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I** and are summarized below:

- (a) the applicant is an indigenous villager and has applied to DLO/TP for development of a Small House several years ago;
- (b) the applicant has no other land for Small House development; and
- (c) there are existing village houses adjoining the Site.

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. 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 promulgated on 7.9.2007 is at **Appendix II**.

5. Previous Application

- 5.1 The Site forms part of a previous planning application (No. A/NE-KLH/599) for the same use submitted by the same applicant, which was rejected by the Rural and New Town Planning Committee (the Committee) and the Board on review on 24.9.2021 and 25.2.2022 respectively. The s.16 application was rejected by the Committee mainly for reasons of being not in line with the planning intention of “AGR” zone; not able to be connected to the existing or planned sewerage system; and land was still available within “V” zone of the concerned village at the time of consideration. The s.17 review application was rejected by the Board for similar reasons as mentioned above, except for the one related to sewerage connection which had subsequently been addressed.
- 5.2 As compared to the previous application, the site area has been reduced from 165m² to 81m².

- 5.3 Details of the previous application are summarized at **Appendix III** and its location is shown on **Plans A-1 and A-2a**.

6. Similar Applications

- 6.1 There are five similar applications for NTEH development within the same “AGR” zone in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000. Among them, three applications were approved and two were rejected.
- 6.2 Applications No. A/NE-KLH/389 and 427 were approved by the Committee in 2009 and 2011 respectively before the formal adoption of a more cautious approach in considering Small House applications since August 2015 mainly on the grounds of being generally in line with the Interim Criteria in that more than 50% of the proposed Small House footprint was located within the “V” zone; the proposed development would be able to be connected to the planned sewerage system; and there was a general shortage of land to meet the demand for Small House development in the concerned “V” zone at the time of consideration. Application No. A/NE-KLH/571 was approved on 16.8.2019 mainly on sympathetic consideration for being the subject of a previously approved application and the Small House grant application was under processing by LandsD.
- 6.3 Application No. A/NE-KLH/302 was rejected by the Committee on 13.12.2002 mainly on consideration that the application site was located mostly outside the village ‘environs’ (‘VE’) and “V” zone, while Application No. A/NE-KLH/405 was rejected by the Committee on 11.6.2010 mainly for reason of not being able to be connected to the planned sewerage system in the area.
- 6.4 Details of the similar applications are summarized at **Appendix IV** and their locations are shown on **Plan A-2a**.

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

- 7.1 The Site is:
- (a) vacant and partly covered with overgrown grass;
 - (b) located at the northwestern fringe of Wai Tau Tsuen but entirely outside the ‘VE’;
 - (c) located within upper indirect water gathering grounds (WGG); and
 - (d) accessible via a local footpath.
- 7.2 The surrounding areas are predominantly rural in character comprising village houses, farmlands, vegetated areas and tree clusters. The existing village cluster of Wai Tau Tsuen is found to the immediate southeast of the Site.

8. Planning Intention

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.

9. Comments from Relevant Government Departments

9.1 The application has been assessed against the assessment criteria at **Appendix II**. The assessment is summarized 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	72% 65.8%	28% 34.2%	- About 34.2% of the Site and about 28% of the proposed Small House footprint fall within “AGR” 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 outside the ‘VE’ of Wai Tau Village.
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 Small House demand in Wai Tau Tsuen: about 7.85 ha (equivalent to 314 Small House sites). The number of outstanding Small House applications is 9 ² while the 10-year Small House demand forecast is 305. <u>Land Available</u> - Land available to meet Small House demand within the “V” zone of concerned village: about 2.71ha (equivalent to about 108 Small House sites) (Plan A-2b).
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		

² Among the 9 outstanding Small House applications, 8 fall within “V” zone. The remaining one falls outside the “V” zone and is not covered by valid planning permission.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
4.	Compatible with the planning intention of “AGR” zone?		✓	- Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application as agricultural activities are active in the vicinity, and agricultural infrastructures such as footpath and water source are also available. The Site possesses potential for agricultural rehabilitation.
5.	Compatible with surrounding area/ development?	✓		- The Site is located in an area of settled valleys landscape character comprising small houses, temporary structures, farmlands, vegetated area and clusters of tree groups.
6.	Within water gathering grounds?	✓		- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application provided that the applicant would connect the proposed Small House to the existing public sewer and take adequate protective measures to ensure that no pollution or siltation occurs to the WGG.
7.	Sewerage impact?		✓	- Director of Environmental Protection (DEP) has no in-principle objection to the application provided that the applicant will provide adequate sewer connection for disposal of sewage from the proposed development to the existing public sewer at his own costs and reserve adequate land for the sewer connection work.
8.	Encroachment onto planned road networks and public works boundaries?		✓	

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
9.	Need for provision of fire services installations and emergency vehicular access (EVA)?		✓	- Director of Fire Services (D of FS) has no in-principle objection to the application. The applicant is reminded to observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” published by LandsD.
10.	Traffic impact?	✓		- Commissioner for Transport (C for T) advises 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 cumulative adverse traffic impact could be substantial. Notwithstanding the above, the application only involving development of one Small House can be tolerated on traffic grounds.
11.	Drainage impact?		✓	- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advises that an approval condition requiring the submission and implementation of drainage proposal is required.
12.	Landscape impact?		✓	- Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the application from landscape planning perspective as significant adverse impact on the landscape character and existing landscape resources within the Site arising from the proposed use is not anticipated.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
13.	Geotechnical impact?		✓	
14.	Local objections conveyed by DO?		✓	- District Officer (Tai Po) (DO(TP)) has no comments on the application.

9.2 Comments from the following government departments have been incorporated in paragraph 9.1 above. Other detailed comments and recommended advisory clauses are provided at **Appendices V** and **VI** respectively.

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

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

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (c) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD).

10. Public Comments Received During Statutory Publication Period

On 19.5.2023, the application was published for public inspection. During the statutory public inspection period, two public comments (**Appendix VII**) were received from individuals objecting to the application mainly for reasons that land is still available within the “V” zone; and there is no proper access to the Site.

11. Planning Considerations and Assessment

11.1 The application is for a proposed Small House development on the Site which falls within an area zoned “V” and “AGR” on the OZP. Although the proposed development is always permitted within “V” zone, it is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and

also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from agricultural perspective, as the Site possesses potential for agricultural rehabilitation. There is no strong justification in the submission for a departure from the planning intention.

- 11.2 Regarding the Interim Criteria (**Appendix II**), while the Site and the proposed Small House footprint fall entirely outside the 'VE' of Wai Tau Tsuen, more than 50% of the proposed Small House footprint falls within "V" zone. According to DLO/TP of LandsD's records, the total number of outstanding Small House applications for Wai Tau Tsuen is 9 while the 10-year Small House demand forecast is 305. Based on the latest estimate by PlanD, about 2.71 ha of land (or equivalent to about 108 Small House sites) is available within the "V" zone of the concerned village (**Plan A-2b**). While land available within the "V" zone is insufficient to fully meet the total future Small House demand of 314 Small Houses, it is capable of meeting the outstanding 9 Small House applications. 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 provided by LandsD. In this regard, 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.
- 11.3 The Site is located at the northwestern fringe of Wai Tau Tsuen, and is vacant and partly covered with overgrown grass. The surrounding areas are predominantly rural in character comprising village houses, farmlands, vegetated areas and tree clusters. CTP/UD&L of PlanD has no objection to the application as significant adverse landscape impact on the surrounding areas arising from the proposed development is not anticipated.
- 11.4 The Site falls within the upper indirect WGG, and the applicant proposes to connect the proposed Small House to existing public sewers. DEP and CE/C of WSD has no objection to the application provided that the applicant will provide adequate sewer connection for disposal of sewage from the proposed development to the existing public sewer at his own costs and reserve adequate land for the sewer connection work. CE/MN of DSD recommends an approval condition requiring the submission and implementation of drainage proposal. Other concerned government departments including D of FS, CHE/NTE of HyD, H(GEO) of CEDD and DO(TP) of HAD have no objection to or no adverse comment on the application.
- 11.5 The Site forms part of a previous planning application (No. A/NE-KLH/599) submitted by the same applicant which was rejected by the Committee and the Board on review on 24.9.2021 and 25.2.2022 respectively for reasons which are set out in paragraph 5.1 above. As compared to the previous application, the site area has been reduced from 165m² to 81m². Considerations of the previously rejected application are still applicable to the current one.

- 11.6 There are five similar applications within the same “AGR” zone in the vicinity of the Site. Regarding the three approved similar applications, Applications No. A/NE-KLH/389 and 427 were approved before the Board’s formal adoption of the more cautious approach in considering Small House applications. For Application No. A/NE-KLH/571, it was approved mainly on sympathetic consideration for being the subject of a previously approved application. The planning circumstances for approval of these applications were not applicable to the current application.
- 11.7 Regarding the public comments objecting to the application as detailed in paragraph 10 above, comments of government departments and the planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, 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 “Agriculture” zone, which 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. There is no strong planning 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 Wai Tau Tsuen 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 infrastructure and services.
- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 23.6.2027, 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 following condition of approval and advisory clauses are also suggested for Members’ reference:

Approval Condition

- the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

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 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. Attachments

Appendix I	Application Form received on 11.5.2023
Appendix II	Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous application
Appendix IV	Similar applications
Appendix V	Detailed comments from relevant government departments
Appendix VI	Recommended advisory clauses
Appendix VII	Public comments
Drawing A-1	Proposed layout plan
Drawing A-2	Proposed sewerage connection plan
Plan A-1	Location plan
Plan A-2a	Site plan
Plan A-2b	Estimated amount of land available within “V” zone of Wai Tau Tsuen for Small House development
Plan A-3	Aerial photo
Plan A-4	Site photo

**PLANNING DEPARTMENT
JUNE 2023**

2023年 5月 1 日

此文件在 收到・城市規劃委員會
只會在收到所有必要的資料及文件後才正式確認收到
申請的日期。

11 MAY 2023

This document is received on
The Town Planning Board will formally acknowledge
the date of receipt of the application only upon receipt
of all the required information and documents.

Form No. S16-II
表格第 S16-II 號

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF
THE TOWN PLANNING ORDINANCE
(CAP.131)

根據《城市規劃條例》(第131章)
第16條遞交的許可申請

Applicable to Proposal Only Involving Construction of
“New Territories Exempted House(s)”

適用於只涉及興建「新界豁免管制屋宇」的建議

Applicant who would like to publish the notice of application in local newspapers to meet one of the Town Planning Board's requirements of taking reasonable steps to obtain consent of or give notification to the current land owner, please refer to the following link regarding publishing the notice in the designated newspapers:
https://www.info.gov.hk/tpb/en/plan_application/apply.html

申請人如欲在本地報章刊登申請通知，以採取城市規劃委員會就取得現行土地擁有人的同意或通知現行土地擁有人所指定的其中一項合理步驟，請瀏覽以下網址有關在指定的報章刊登通知：
https://www.info.gov.hk/tpb/tc/plan_application/apply.html

General Note and Annotation for the Form

填寫表格的一般指引及註解

“Current land owner” means any person whose name is registered in the Land Registry as that of an owner of the land to which the application relates, as at 6 weeks before the application is made
「現行土地擁有人」指在提出申請前六星期，其姓名或名稱已在土地註冊處註冊為該申請所關乎的土地的擁有人的人

& Please attach documentary proof 請夾附證明文件

^ Please insert number where appropriate 請在適當地方註明編號

Please fill “NA” for inapplicable item 請在不適用的項目填寫「不適用」

Please use separate sheets if the space provided is insufficient 如所提供的空間不足，請另頁說明

Please insert a 「✓」 at the appropriate box 請在適當的方格內上加上「✓」號

For Official Use Only 請勿填寫此欄	Application No. 申請編號	A/NE-KLH/623
	Date Received 收到日期	11 MAY 2023

- The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board (the Board), 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.
申請人須把填妥的申請表格及其他支持申請的文件(倘有),送交香港北角渣華道333號北角政府合署15樓城市規劃委員會(下稱「委員會」)秘書收。
- Please read the "Guidance Notes" carefully before you fill in this form. The document can be downloaded from the Board's website at <http://www.info.gov.hk/tpb/>. It can also be obtained from the Secretariat of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4810 or 2231 4835), and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories).
請先細閱《申請須知》的資料單張,然後填寫此表格。該份文件可從委員會的網頁下載(網址:<http://www.info.gov.hk/tpb/>),亦可向委員會秘書處(香港北角渣華道333號北角政府合署15樓-電話:2231 4810或2231 4835)及規劃署的規劃資料查詢處(熱線:2231 5000)(香港北角渣華道333號北角政府合署17樓及新界沙田上禾輦路1號沙田政府合署14樓)索取。
- This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters. The processing of the application may be refused if the required information or the required copies are incomplete.
此表格可從委員會的網頁下載,亦可向委員會秘書處及規劃署的規劃資料查詢處索取。申請人須以打印方式或以正楷填寫表格。如果申請人所提交的資料或文件副本不齊全,委員會可拒絕處理有關申請。

1. Name of Applicant 申請人姓名/名稱

(☒ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☐ Company 公司 / ☐ Organisation 機構)

CHEUNG HIN YEUNG

張顯揚

2. Name of Authorised Agent (if applicable) 獲授權代理人姓名/名稱 (如適用)

(☒ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☐ Company 公司 / ☐ Organisation 機構)

LAU CHEE SING

劉志威

3. Application Site 申請地點

(a) Full address / location / demarcation district and lot number (if applicable)
詳細地址/地點/丈量約份及地段號碼(如適用)

Lot No. 975 s.ARP in D.D.7
Wai Tau, Tai Po, N.T.

(b) Site area and/or gross floor area involved
涉及的地盤面積及/或總樓面面積

☒ Site area 地盤面積 81.0 sq.m 平方米 ☒ About 約
☒ Gross floor area 總樓面面積 142.59 sq.m 平方米 ☒ About 約

(c) Area of Government land included (if any)
所包括的政府土地面積(倘有)

..... sq.m 平方米 ☐ About 約

(d) Name and number of the related statutory plan(s) 有關法定圖則的名稱及編號	S/NE-KLH/11
(e) Land use zone(s) involved 涉及的土地用途地帶	'V' and 'AGR'
(f) Current use(s) 現時用途	VACANT LAND (If there are any Government, institution or community facilities, please illustrate on plan and specify the use and gross floor area) (如有任何政府、機構或社區設施，請在圖則上顯示，並註明用途及總樓面面積)

4. "Current Land Owner" of Application Site 申請地點的「現行土地擁有人」

The applicant 申請人 –

- ☒ is the sole "current land owner"^{#&} (please proceed to Part 6 and attach documentary proof of ownership).
是唯一的「現行土地擁有人」^{#&} (請繼續填寫第 6 部分，並夾附業權證明文件)。
- ☐ is one of the "current land owners"^{#&} (please attach documentary proof of ownership).
是其中一名「現行土地擁有人」^{#&} (請夾附業權證明文件)。
- ☐ is not a "current land owner"[#].
並不是「現行土地擁有人」[#]。
- ☐ The application site is entirely on Government land (please proceed to Part 6).
申請地點完全位於政府土地上 (請繼續填寫第 6 部分)。

5. Statement on Owner's Consent/Notification

就土地擁有人的同意/通知土地擁有人的陳述

- (a) According to the record(s) of the Land Registry as at (DD/MM/YYYY), this application involves a total of "current land owner(s)"[#].
根據土地註冊處截至 年 月 日的記錄，這宗申請共牽涉 名「現行土地擁有人」[#]。

(b) The applicant 申請人 –

- ☐ has obtained consent(s) of "current land owner(s)"[#].
已取得 名「現行土地擁有人」[#]的同意。

Details of consent of "current land owner(s)" [#] obtained 取得「現行土地擁有人」 [#] 同意的詳情		
No. of 'Current Land Owner(s)' 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where consent(s) has/have been obtained 根據土地註冊處記錄已獲得同意的地段號碼/處所地址	Date of consent obtained (DD/MM/YYYY) 取得同意的日期 (日/月/年)

(Please use separate sheets if the space of any box above is insufficient. 如上列任何方格的空間不足，請另頁說明)

- ☐ has notified "current land owner(s)"[#]
已通知 名「現行土地擁有人」[#]。

Details of the "current land owner(s)" [#] notified 已獲通知「現行土地擁有人」 [#] 的詳細資料		
No. of 'Current Land Owner(s)' 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where notification(s) has/have been given 根據土地註冊處記錄已發出通知的地段號碼／處所地址	Date of notification given (DD/MM/YYYY) 通知日期(日/月/年)

(Please use separate sheets if the space of any box above is insufficient. 如上列任何方格的空間不足，請另頁說明)

- ☐ has taken reasonable steps to obtain consent of or give notification to owner(s):
已採取合理步驟以取得土地擁有人的同意或向該人發給通知。詳情如下：

Reasonable Steps to Obtain Consent of Owner(s) 取得土地擁有人的同意所採取的合理步驟

- ☐ sent request for consent to the "current land owner(s)" on _____ (DD/MM/YYYY)^{#&}
於 _____ (日/月/年)向每一名「現行土地擁有人」[#]郵遞要求同意書[&]

Reasonable Steps to Give Notification to Owner(s) 向土地擁有人發出通知所採取的合理步驟

- ☐ published notices in local newspapers on _____ (DD/MM/YYYY)[&]
於 _____ (日/月/年)在指定報章就申請刊登一次通知[&]
- ☐ posted notice in a prominent position on or near application site/premises on _____ (DD/MM/YYYY)[&]
於 _____ (日/月/年)在申請地點／申請處所或附近的顯明位置貼出關於該申請的通知[&]
- ☐ sent notice to relevant owners' corporation(s)/owners' committee(s)/mutual aid committee(s)/management office(s) or rural committee on _____ (DD/MM/YYYY)[&]
於 _____ (日/月/年)把通知寄往相關的業主立案法團/業主委員會/互助委員會或管理處，或有關的鄉事委員會[&]

Others 其他

- ☐ others (please specify)
其他（請指明）

Note: May insert more than one 「✓」.

Information should be provided on the basis of each and every lot (if applicable) and premises (if any) in respect of the application.

註：可在多於一個方格內加上「✓」號

申請人須就申請涉及的每一地段（倘適用）及處所（倘有）分別提供資料

6. Development Proposal 擬議發展計劃			
(a) Name(s) of indigenous villager(s) (if applicable) 原居民姓名 (如適用)	CHEUNG HIN YEUNG 張顯揚		
(b) 原居民所屬的原居鄉村 (如適用) The related indigenous village of the indigenous villager(s) (if applicable)	WAI TAU VILLAGE		
(c) Proposed gross floor area 擬議總樓面面積	142.59 sq.m 平方米 <input checked="" type="checkbox"/> About 約		
(d) Proposed number of house(s) 擬議房屋幢數	1	Proposed number of storeys of each house 每幢房屋的擬議層數	3
(e) Proposed roofed over area of each house 每幢房屋的擬議上蓋面積	47.53 sq.m 平方米	Proposed building height of each house 每幢房屋的擬議高度	0.23 m 米
(f) Proposed use(s) of uncovered area (if any) 露天地方 (倘有) 的擬議用途	LANDSCAPED GARDEN (Please illustrate on plan the total number and dimension of each car parking space, and/or location of septic tank, where applicable) (請在圖則上顯示, 並註明車位總數, 以及每個車位的長度和寬度及/或化糞池的位置 (如適用))		
(g) Any vehicular access to the site/subject building? 是否有車路通往地盤/有關建築物?	Yes 是 No 否	<input type="checkbox"/> There is an existing access. (please indicate the street name, where appropriate) 有一條現有車路。(請註明車路名稱(如適用)) <input type="checkbox"/> There is a proposed access. (please illustrate on plan and specify the width) 有一條擬議車路。(請在圖則顯示, 並註明車路的闊度) <input checked="" type="checkbox"/>	
(h) Can the proposed house(s) be connected to public sewer? 擬議的屋宇發展能否接駁至公共污水渠?	Yes 是 <input checked="" type="checkbox"/> No 否 <input type="checkbox"/>	(Please indicate on plan the sewerage connection proposal. 請用圖則顯示接駁公共污水渠的路線) (Please indicate on plan the location of the proposed septic tank. 請用圖則顯示化糞池的位置)	

7. Impacts of Development Proposal 擬議發展計劃的影響

If necessary, please use separate sheets to indicate the proposed measures to minimise possible adverse impacts or give justifications/reasons for not providing such measures.

如需要的話，請另頁註明可盡量減少可能出現不良影響的措施，否則請提供理據/理由。

<p>Does the development proposal involve alteration of existing building? 擬議發展計劃是否包括現有建築物的改動?</p>	<p>Yes 是 <input type="checkbox"/> Please provide details 請提供詳情</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>No 否 <input checked="" type="checkbox"/></p>																														
<p>Does the development proposal involve the operation on the right? 擬議發展計劃是否涉及右列的工程?</p>	<p>Yes 是 <input type="checkbox"/> (Please indicate on site plan the boundary of concerned land/pond(s), and particulars of stream diversion, the extent of filling of land/pond(s) and/or excavation of land) (請用地盤平面圖顯示有關土地/池塘界線，以及河道改道、填塘、填土及/或挖土的細節及/或範圍)</p> <p><input type="checkbox"/> Diversion of stream 河道改道</p> <p><input type="checkbox"/> Filling of pond 填塘 Area of filling 填塘面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填塘深度 m 米 <input type="checkbox"/> About 約</p> <p><input type="checkbox"/> Filling of land 填土 Area of filling 填土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填土厚度 m 米 <input type="checkbox"/> About 約</p> <p><input type="checkbox"/> Excavation of land 挖土 Area of excavation 挖土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of excavation 挖土深度 m 米 <input type="checkbox"/> About 約</p> <p>No 否 <input checked="" type="checkbox"/></p>																														
<p>Would the development proposal cause any adverse impacts? 擬議發展計劃會否造成不良影響?</p>	<table border="0"> <tr> <td>On environment 對環境</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On traffic 對交通</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On water supply 對供水</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On drainage 對排水</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On slopes 對斜坡</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Affected by slopes 受斜坡影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Landscape Impact 構成景觀影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Tree Felling 砍伐樹木</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Visual Impact 構成視覺影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Others (Please Specify) 其他 (請列明)</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> </table> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Please state measure(s) to minimise the impact(s). For tree felling, please state the number, diameter at breast height and species of the affected trees (if possible) 請註明盡量減少影響的措施。如涉及砍伐樹木，請說明受影響樹木的數目、及胸高度的樹幹直徑及品種(倘可)</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	On environment 對環境	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On traffic 對交通	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On water supply 對供水	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On drainage 對排水	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On slopes 對斜坡	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Affected by slopes 受斜坡影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Landscape Impact 構成景觀影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Tree Felling 砍伐樹木	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Visual Impact 構成視覺影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Others (Please Specify) 其他 (請列明)	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>
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Others (Please Specify) 其他 (請列明)	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																													

9. Declaration 聲明

I hereby declare that the particulars given in this application are correct and true to the best of my knowledge and belief.
本人謹此聲明，本人就這宗申請提交的資料，據本人所知及所信，均屬真實無誤。

I hereby grant a permission to the Board to copy all the materials submitted in this application and/or to upload such materials to the Board's website for browsing and downloading by the public free-of-charge at the Board's discretion.

本人現准許委員會酌情將本人就此申請所提交的所有資料複製及/或上載至委員會網站，供公眾免費瀏覽或下載。

Signature
簽署



☐ Applicant 申請人 / ☒ Authorised Agent 獲授權代理人

LAU CHEE SING

Name in Block Letters
姓名（請以正楷填寫）

Position (if applicable)
職位（如適用）

Professional Qualification(s)
專業資格

☒ Member 會員 / ☐ Fellow of 資深會員

☐ HKIP 香港規劃師學會 /

☐ HKIA 香港建築師學會 /

☐ HKIS 香港測量師學會 /

☒ HKIE 香港工程師學會 /

☐ HKILA 香港園境師學會 /

☐ HKIUD 香港城市設計學會

☐ RPP 註冊專業規劃師

Others 其他

on behalf of
代表

☐ Company 公司 / ☐ Organisation Name and Chop (if applicable) 機構名稱及蓋章（如適用）

Date 日期

20/3/2023

(DD/MM/YYYY 日/月/年)

Remark 備註

The materials submitted in this application and the Board's decision on the application would be disclosed to the public. Such materials would also be uploaded to the Board's website for browsing and free downloading by the public where the Board considers appropriate.

委員會會向公眾披露申請人所遞交的申請資料和委員會對申請所作的決定。在委員會認為合適的情況下，有關申請資料亦會上載至委員會網頁供公眾免費瀏覽及下載。

Warning 警告

Any person who knowingly or wilfully makes any statement or furnish any information in connection with this application, which is false in any material particular, shall be liable to an offence under the Crimes Ordinance.

任何人在明知或故意的情況下，就這宗申請提出在任何要項上是虛假的陳述或資料，即屬違反《刑事罪行條例》。

Statement on Personal Data 個人資料的聲明

1. The personal data submitted to the Board in this application will be used by the Secretary of the Board and Government departments for the following purposes:

委員會就這宗申請所收到的個人資料會交給委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：

(a) the processing of this application which includes making available the name of the applicant for public inspection when making available this application for public inspection; and

處理這宗申請，包括公布這宗申請供公眾查閱，同時公布申請人的姓名供公眾查閱；以及

(b) facilitating communication between the applicant and the Secretary of the Board/Government departments.

方便申請人與委員會秘書及政府部門之間進行聯絡。

2. The personal data provided by the applicant in this application may also be disclosed to other persons for the purposes mentioned in paragraph 1 above.

申請人就這宗申請提供的個人資料，或亦會向其他人士披露，以作上述第 1 段提及的用途。

3. An applicant has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.

根據《個人資料(私隱)條例》(第 486 章)的規定，申請人有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署 15 樓。

Gist of Application 申請摘要

(Please provide details in both English and Chinese as far as possible. This part will be circulated to relevant consultees, uploaded to the Town Planning Board's Website for browsing and free downloading by the public and available at the Planning Enquiry Counters of the Planning Department for general information.)
(請盡量以英文及中文填寫。此部分將會發送予相關諮詢人士，上載至城市規劃委員會網頁供公眾免費瀏覽及下載及於規劃署規劃資料查詢處供一般參閱。)

Application No. 申請編號	(For Official Use Only) (請勿填寫此欄)		
Location/address 位置/地址	LOT No. 975 s.ARP in D.D.7 WAI TAU, TAI PO, N.T.		
Site area 地盤面積	81.0	sq. m 平方米	<input checked="" type="checkbox"/> About 約
	(includes Government land of 包括政府土地)	sq. m 平方米	<input type="checkbox"/> About 約)
Plan 圖則	S/NE-KLH/11		
Zoning 地帶	'V' and 'AGR'		
Applied use/ development 申請用途/發展	New Territories Exempted House 新界豁免管制屋宇 <input checked="" type="checkbox"/> Small House 小型屋宇		
(i) Proposed Gross floor area 擬議總樓面面積	142.59	sq.m 平方米	<input checked="" type="checkbox"/> About 約
(ii) Proposed No. of house(s) 擬議房屋幢數	1		
(iii) Proposed building height/No. of storeys 建築物高度/層數	8.23	m 米	<input type="checkbox"/> (Not more than 不多於)
	3	Storeys(s) 層	

Submitted Plans, Drawings and Documents 提交的圖則、繪圖及文件

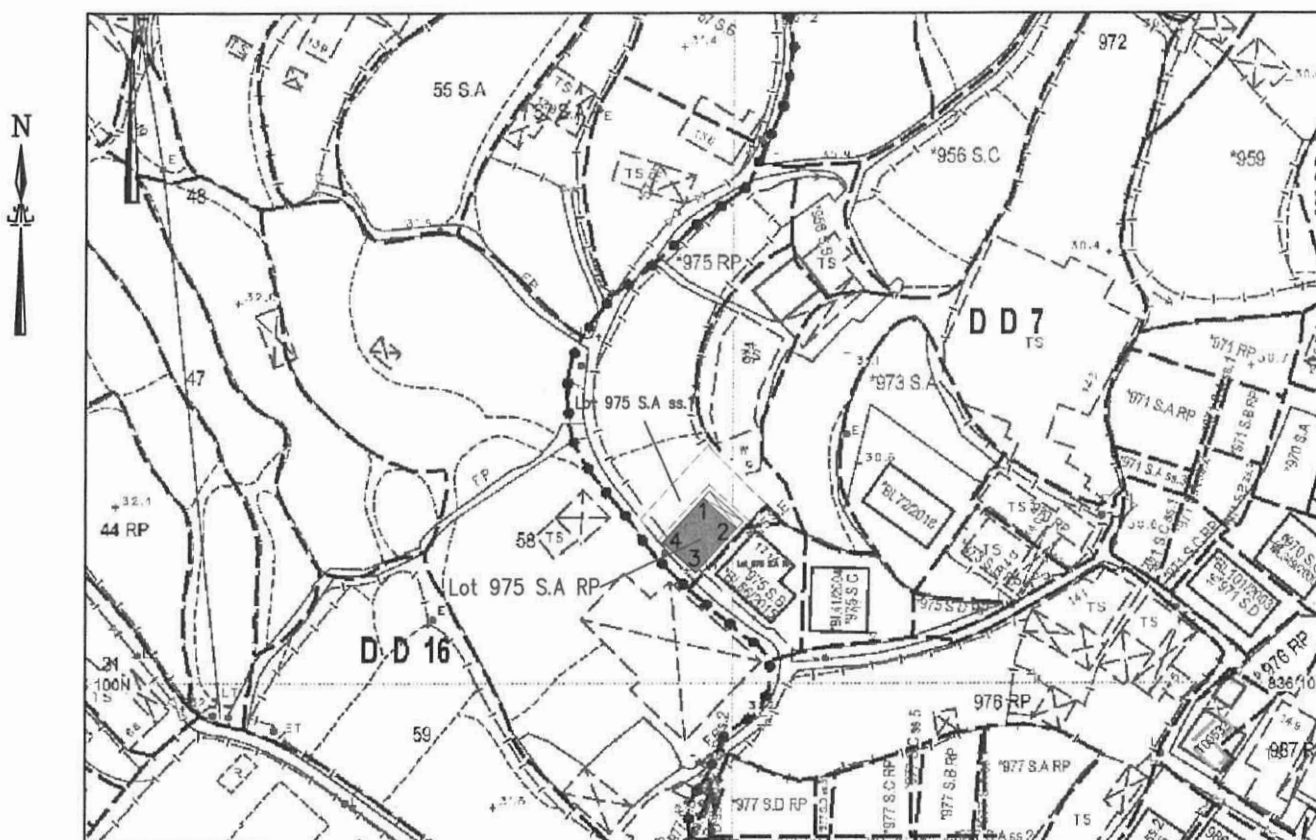
	Chinese 中文	English 英文
Plans and Drawings 圖則及繪圖		
Master layout plan(s)/Layout plan(s) 總綱發展藍圖／布局設計圖	<input type="checkbox"/>	<input type="checkbox"/>
Block plan(s) 樓宇位置圖	<input type="checkbox"/>	<input type="checkbox"/>
Floor plan(s) 樓宇平面圖	<input type="checkbox"/>	<input type="checkbox"/>
Sectional plan(s) 截視圖	<input type="checkbox"/>	<input type="checkbox"/>
Elevation(s) 立視圖	<input type="checkbox"/>	<input type="checkbox"/>
Photomontage(s) showing the proposed development 顯示擬議發展的合成照片	<input type="checkbox"/>	<input type="checkbox"/>
Master landscape plan(s)/Landscape plan(s) 園境設計總圖／園境設計圖	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他 (請註明)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(1) Proposed Small House on lot 975s.ARP in D.D.7, Tai Po.		
(2) Layout Plan of the Proposed Small House and lot Boundary		
Reports 報告書		
Planning Statement/Justifications 規劃綱領/理據	<input type="checkbox"/>	<input type="checkbox"/>
Environmental assessment (noise, air and/or water pollutions) 環境評估 (噪音、空氣及／或水的污染)	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on vehicles) 就車輛的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on pedestrians) 就行人的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Visual impact assessment 視覺影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Landscape impact assessment 景觀影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Tree Survey 樹木調查	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical impact assessment 土力影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Drainage impact assessment 排水影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Sewerage impact assessment 排污影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Risk Assessment 風險評估	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他 (請註明)	<input type="checkbox"/>	<input type="checkbox"/>

Note: May insert more than one '✓'. 註：可在多於一個方格內加上「✓」號

Note: The information in the Gist of Application above is provided by the applicant for easy reference of the general public. Under no circumstances will the Town Planning Board accept any liabilities for the use of the information nor any inaccuracies or discrepancies of the information provided. In case of doubt, reference should always be made to the submission of the applicant.

註：上述申請摘要的資料是由申請人提供以方便市民大眾參考。對於所載資料在使用上的問題及文義上的歧異，城市規劃委員會概不負責。若有任何疑問，應查閱申請人提交的文件。

Proposed Small House on Lot 975 S.A RP IN D.D.7, Tai Po



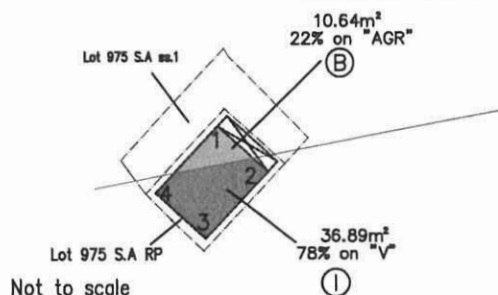
Balcony (5.950 x 1.220) Coloured Pink Area 47.53 square metres (About)
 Connect to public sewage

Scale 1: 1000

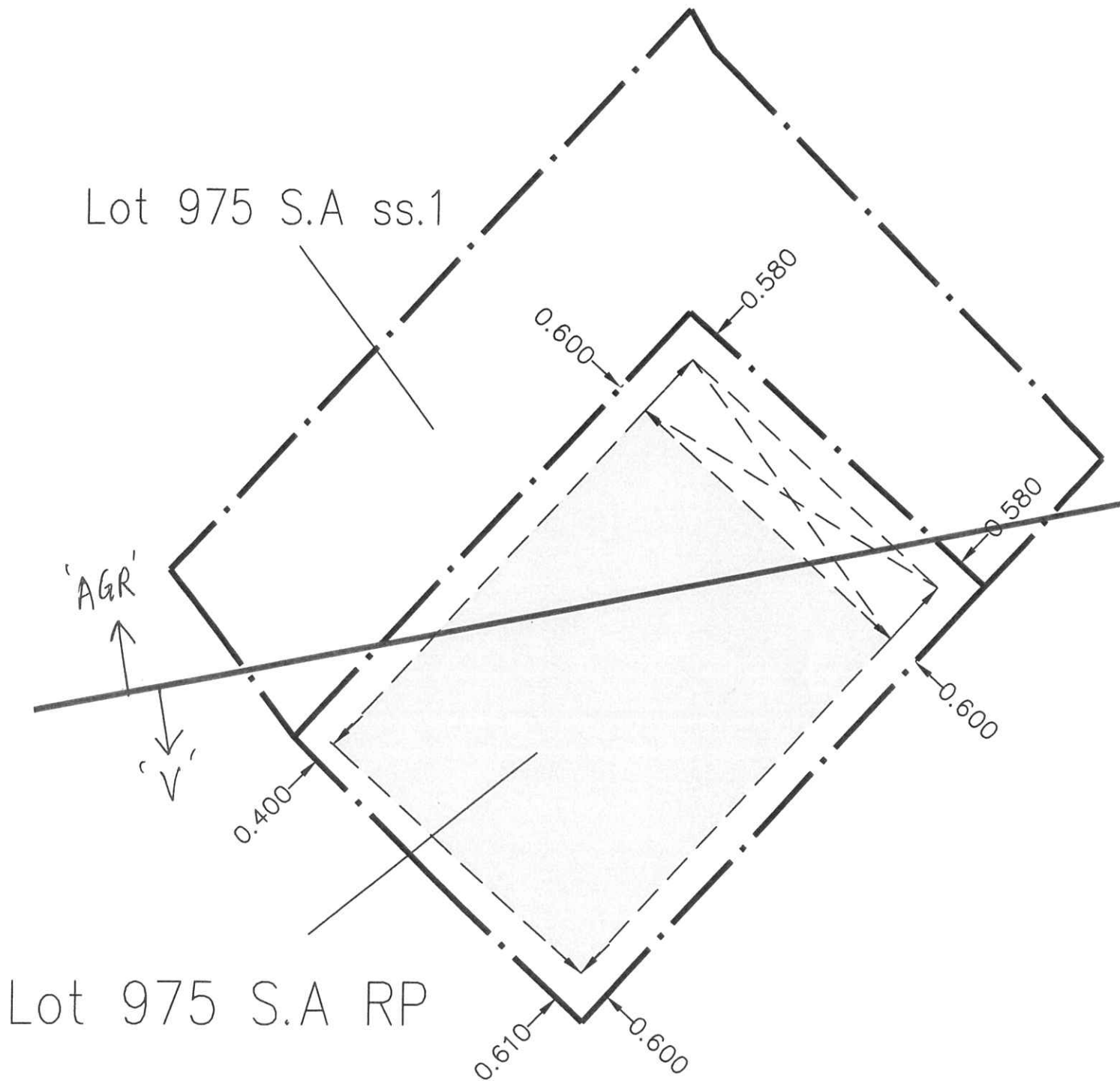
Proposed Small House

Side	Bearing ° ' "	Distance in Metres	Pt.	Co-ordinate Data (1980 Datum)		Remarks
				Northing (m)	Easting (m)	
1 - 2	132 22 52	5.950	1	836123.989	832996.036	
2 - 3	222 22 52	7.987	2	836119.978	833000.431	
3 - 4	312 22 52	5.950	3	836114.078	832995.047	
4 - 1	42 22 52	7.987	4	836118.089	832990.652	

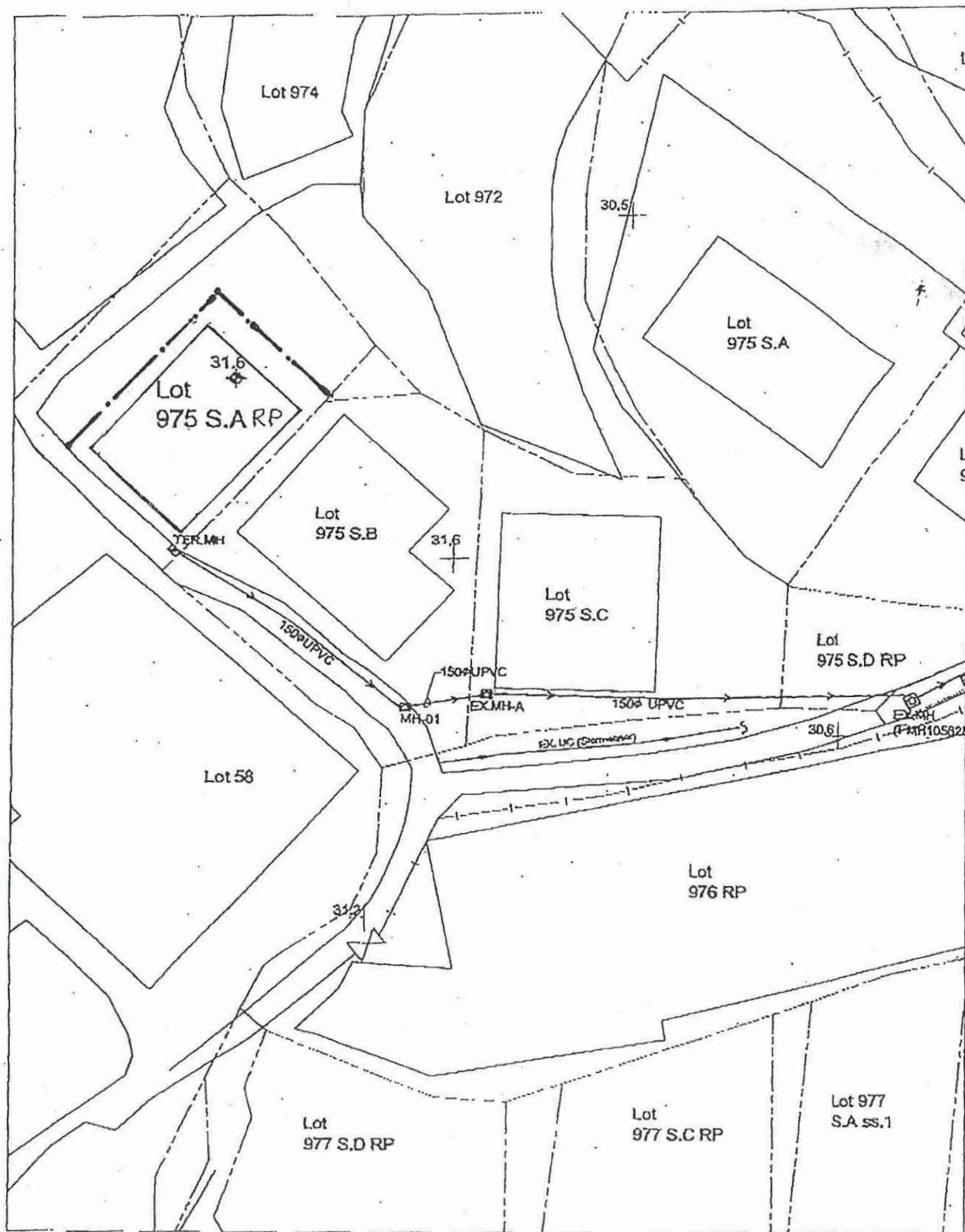
Ref	Colour
B	BROWN
G	GREEN
I	INDIGO
O	ORANGE
P	PINK
R	RED
V	VIOLET
Y	YELLOW
GY	GREY
'L' Prefixes light shades of above	



Survey District: Tai Po	Survey Sheet No.: 3-SW-22D	Certified by:
Ref. Plan: ---	Plan No.: PSH/TP/7/975ARP/REV01	C. K. LAU MSc. FHKIS FRICS RPS(LS) ALS Authorized Land Surveyor Date: 21 December 2022
Ref. SRP No.: ---	Date: 1 December 2022	King Fung Surveying Company Tel.: XXXXXXXXXX E-mail: XXXXXXXXXX



PLAN No. SK-01
LAYOUT PLAN OF THE PROPOSED SMALL HOUSE
AN LOT BOUNDARY



DRAINAGE PLAN
(SCALE 1:250)

APPLICATION SITE
LOT NO.
Lot No. 975 S.A R.P.
D.D.7
WAI TAU TSUEN
TAI PO, N.T.

DRAWING TITLE
SEWERAGE
DRAINAGE WORK

DRAWING NO.

D-01

DRAWING DATE

28/4/2023

Our Ref.: C931/L4

Lau Chee Sing, AP,

21st March 2023

The Secretary,
Town Planning Board,
15/F., North Point Government Offices,
333 Java Road,
North Point,
Hong Kong.

Dear Sirs,

Re: **Proposed Small House**
Lot No. 975ARP in D.D. 7, Wai Tau Village,, Tai Po, N. T.

I submit herewith the following documents for Town Planning Board's approval :-

- (i) One (1) original and four (4) copies of the Application Form No. S16-II with Proposed Small House on Lot 975sARP in D.D.7.
- (ii) An authorization letter signed by the Applicant.
- (iii) Particulars of Applicant and Authorized Agent.
- (iv) Checklist of documents.
- (v) A copy of computer printout confirming Cheung Hin Yeung as the registered owner of the captioned Lot.

Should you require further information, please contact the undersigned at Tel: [REDACTED]

Thank you for your kind attention.

Yours faithfully,



Lau Chee Sing
Authorized Person

c.c. Chung Hin Yeung

2023年 5月 1 日

此文件在_____收到。城市規劃委員會
只會在收到所有必要的資料及文件後才正式確認收到
申請的日期。

11 MAY 2023

This document is received on _____
The Town Planning Board will formally acknowledge
the date of receipt of the application only upon receipt
of all the required information and documents.

Relevant Revised Interim Criteria for Consideration of
Application for New Territories Exempted House (NTEH)/Small House in New
Territories
(promulgated on 7.9.2007)

- (a) sympathetic consideration may be given if not less than 50% of the proposed NTEH/Small House footprint falls within the village 'environs' ('VE') of a recognized village and there is a general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of the village;
- (b) if more than 50% of the proposed NTEH/Small House footprint is located outside the 'VE', favourable consideration could be given if not less than 50% of the proposed NTEH/Small House footprint falls within the "V" zone, provided that there is a general shortage of land in meeting the demand for Small House development in the "V" zone and the other criteria can be satisfied;
- (c) 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 (e.g. the application site has a building status under the lease, or approving the application could help achieve certain planning objectives such as phasing out of obnoxious but legal existing uses);
- (d) application for NTEH/Small House with previous planning permission lapsed will be considered on its own merits. In general, proposed development which is not in line with the criteria would normally not be allowed. However, sympathetic consideration may be given if there are specific circumstances to justify the cases, such as the site is an infill site among existing NTEHs/Small Houses, the processing of the Small House grant is already at an advance stage;
- (e) an application site involves more than one NTEH/Small House, application of the above criteria would be on individual NTEH/Small House basis;
- (f) the proposed development should not frustrate the planning intention of the particular zone in which the application site is located;
- (g) the proposed development should be compatible in terms of land use, scale, design and layout, with the surrounding area/development;
- (h) the proposed development should not encroach onto the planned road network and should not cause adverse traffic, environmental, landscape, drainage, sewerage and geotechnical impacts on the surrounding areas. Any such potential impacts should be mitigated to the satisfaction of relevant Government departments;
- (i) the proposed development, if located within water gathering grounds, should be able to be connected to existing or planned sewerage system in the area except under very special circumstances (e.g. the application site has a building status under the lease or the applicant can demonstrate that the water quality within water gathering grounds will not be affected by the proposed development^);

- (j) the provision of fire service installations and emergency vehicular access, if required, should be appropriate with the scale of the development and in compliance with relevant standards; and
 - (k) all other statutory or non-statutory requirements of relevant Government departments must be met. Depending on the specific land use zoning of the application site, other Town Planning Board guidelines should be observed, as appropriate.
- ^i.e. the applicant can demonstrate that effluent discharge from the proposed development will be in compliance with the effluent standards as stipulated in the Water Pollution Control Ordinance Technical Memorandum.

Previous s.16 Application

Rejected Application

Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
A/NE-KLH/599	Proposed House (New Territories Exempted House - Small House)	25.2.2022 (on Review)	R1 – R2

Rejection Reasons

- R1. The proposed development was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention; and
- R2. Land was still available within the “Village Type Development” (“V”) zone of Wai Tau Tsuen which was primarily intended for Small House development. It was 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 infrastructure and services.

Similar Applications

Approved Applications

Application No.	Uses/ Development	Date of Consideration
A/NE-KLH/389 ¹	Proposed Two Houses (New Territories Exempted Houses - Small Houses)	20.11.2009
A/NE-KLH/427	Proposed House (New Territories Exempted House (NTEH) - Small House)	20.5.2011
A/NE-KLH/571 ¹	Proposed House (New Territories Exempted House (NTEH) - Small House)	16.8.2019

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/302	Proposed New Territories Exempted House (NTEH) (Small House)	13.12.2002	R1 - R2
A/NE-KLH/405	Proposed Three Houses (New Territories Exempted Houses)	11.6.2010	R1, R3 - R4

¹ Application No. A/NE-KLH/571 covers part of the site of Application No. A/NE-KLH/389.

Rejection Reasons

- R1. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation and/or for cultivation and other agricultural purposes. There was no strong justification in the submission/had been provided for a departure from the planning intention.
- R2. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories in that the application site was located mostly outside the village ‘environs’ (‘VE’) and the “Village Type Development” (“V”) zone.
- R3. The proposed development, which was located within the water gathering grounds (WGG) and was close to a stream course, would not be able to be connected to the planned sewerage system in the area. The applicant failed to demonstrate in the submission that the proposed development would not cause adverse impact on the water quality in the area.
- R4. The approval of the application would set an undesirable precedent for similar applications within the “AGR” zone, the cumulative effect of which would result in adverse impact on the rural landscape of the area.

Detailed Comments from Relevant Government Departments

1. Land Administration

Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- the applicant is an indigenous villager of Wai Tai Tsuen of Tai Po Heung, as confirmed by the Indigenous Inhabitant Representative of Wai Tau Tsuen. However, his eligibility for a Small House grant has yet to be ascertained;
- the subject lot is held under Block Government Lease demised for agricultural use. The applicant is the registered owner of the subject lot;
- the application site (Site) is not covered by Modification of Tenancy or Building Licence;
- no Small House grant application for the Site has been received; and
- the Site falls wholly outside the village ‘environs’ (‘VE’) of Wai Tau Tsuen;

2. Agriculture

Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- the proposed development is not supported from agricultural perspective; and
- the Site falls within “Village Type Development” (“V”) and “Agriculture” (“AGR”) zones and is a piece of abandoned land. There are active agricultural activities in the vicinity, and agricultural infrastructure such as footpath and water source is available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries etc. The Site possesses potential for agricultural rehabilitation.

3. Traffic

Comments of the Commissioner for Transport (C for T):

- 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 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; and
- notwithstanding the above, the application only involves development of one Small House and can be tolerated on traffic grounds.

4. Environment

Comments of the Director of Environmental Protection (DEP):

- he has no in-principle objection to the application provided that the applicant will

provide adequate sewer connection for disposal of sewage from the proposed development to the existing public sewer at his own costs and reserve adequate land for the sewer connection work.

5. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- if the application is approved, an approval condition on submission and implementation of drainage proposal for the Sites is recommended to ensure that it will not cause adverse drainage impact to the adjacent areas; and
- his advisory comments are set out at **Appendix VI**.

6. Water Supplies

Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- no objection to the applications;
- the Site is within upper indirect gathering grounds and is more than 30m away from the nearest water course; and
- according to the information submitted by the applicant, the proposed house will be connected to public sewerage system and according to Environmental Protection Department, there is an existing public sewer within sufficient capacity to accommodate discharge from the proposed house;

7. Landscape

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- no objection to the application from the landscape planning perspective;
- the Site is located in an area of settled valleys landscape character comprising small houses, temporary structures, farmlands, vegetated area and clusters of tree groups; and
- the Site is vacant and covered by some self-seeded vegetation. Significant adverse impact on the landscape character and existing landscape resources within the site arising from the proposed use is not anticipated.

8. Fire Safety

Comments of the Director of Fire Services (D of FS):

- no in-principle objection to the application provided that the proposed house would not encroach on any existing emergency vehicular access (EVA) or planned EVA under application in accordance with LandsD's record.

9. Demand and Supply of Small House Sites

According to DLO/TP, LandsD's record, the total number of outstanding Small House applications for Wai Tau Tsuen is 9, while the 10-year Small House demand forecast for concerned village is 305. Based on the latest estimate by Planning Department, about 2.71 ha (or equivalent to about 108 Small House sites) of land is available within the "V" zones of Wai Tau Tsuen. Therefore, the land available cannot fully meet the future demand of 314 Small Houses (or equivalent to about 7.85 ha of land).

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department that:
- (i) if and after planning application has been approved by the Town Planning Board, the applicant is required to apply for Small House grant application. However, there is no guarantee at this stage that the Small House grant application would be approved. If the Small House grant application is approved by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access (EVA) thereto;
 - (ii) the south-western side of footprint of the proposed Small House under application will be encroached into an existing footpath serving the villagers in the vicinity. Provision of alternative access will be required;
 - (iii) a Consent Letter (for septic tank) is registered in the Land Register of the subject lot with Memorial No. 12121300940062 as an encumbrance. The subject lot should rescind the said Consent Letter before approval of Small House grant application, if any; and
 - (iv) should any private lot is affected by the proposed sewer, the applicant is required to obtain prior consent in the form of Deed of Consent from the lot owner(s) concerned for connection of sewerage pipes to public sewers and register it in the Land Registry. Besides, the applicant has to obtain approval from District Lands Officer/Tai Po if any Government land is involved;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
- (i) the applicant should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify/modify the nearby existing/original drainage systems if they are found to be inadequate or ineffective to accommodate the additional runoff arisen from the development of the Site. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure or ineffectiveness of the modified drainage systems caused by their works. The runoff within the subject premise including the runoff from the rooftop shall be served by a designated stormwater collection and discharge system and shall not be drained to the public sewerage network;
 - (ii) if the application is approved, an approval condition on submission and implementation of a drainage proposal for the Site is recommended to ensure

that it will not cause adverse drainage impact to the adjacent areas;

- (iii) there is existing public sewers in the vicinity of the Site but the feasibility of sewerage connection is subject to the invert level of discharge connection pipe leading from the proposed site. No stud pipe is reserved for sewage connection. The applicant shall demonstrate the technical feasibility of sewerage connection. Should the applicant choose to dispose of the sewage of the proposed development through other means, views and comments from EPD should be sought;
 - (iv) prior written consent and agreement from LandsD and/or relevant private lot owners for laying new drains/channels and/or modifying/upgrading existing ones outside the Site or on government land should be sought; and
 - (v) the cost and work of drainage and sewerage connection as well as future maintenance responsibility shall be borne by the applicant.
- (c) to note the comments of the Chief Engineer/Construction, Water Supplies Department that:
- (i) the foul water drainage system of the proposed New Territories Exempted House (NTEH)/Small House can be connected to the public sewerage system in the area and the applicant shall connect the whole of the foul water drainage system to the public sewerage system;
 - (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the water gathering grounds; and
 - (iii) the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed NTEH/Small House to the sewerage system via relevant private lot(s);
- (d) to note the comments of the Director of Fire Services that the applicant is advised to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note that the permissions are only given to the developments under applications. If provision of an access road is required for the proposed developments, the applicants should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from Town Planning Board where required before carrying out the road work.

☐ Urgent ☐ Return Receipt Requested ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand personal&publi



A/NE-KLH/623 DD 7 Wai Tau Tsuen, Kau Lung Hang

08/06/2023 02:31

From:

To:

File Ref:

tpbpu <tpbpu@pland.gov.hk>

A/NE-KLH/623

Lot 975 S.A in D.D. 7, Wai Tau Tsuen, Kau Lung Hang

Site area : 81sq.m

Zoning : "Agriculture" and "VTD"

Applied development : NET House

Dear TPB Members,

Shrinking the size of the footprint does not resolve the core issue as outlined in rejection of review

"land is still available within the "Village Type Development" ("V") zone of Wai Tau Tsuen 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 infrastructure and services."

There is still encroachment into "AG' zone.

Mary Mulvihill

From:

To: tpbpu <tpbpu@pland.gov.hk>

Date: Friday, 12 November 2021 3:11 AM CST

Subject: Re: A/NE-KLH/599 DD 7 Wai Tau Tsuen, Kau Lung Hang

Dear TPB Members,

The site located within the water gathering ground would not be able to be connected to the existing or planned public sewerage system in the area, and the applicant failed to demonstrate that the proposed development would not cause adverse water quality impact in the area.

The JR ruling last week underlined that the Small House Policy has always been subject to government discretion.

The review has no merit.

Mary Mulvihill

From:

To: "tpbpd" <tpbpd@pland.gov.hk>

Sent: Wednesday, September 1, 2021 3:44:11 AM

Subject: A/NE-KLH/599 DD 7 Wai Tau Tsuen, Kau Lung Hang

A/NE-KLH/599

Lot 975 S.A in D.D. 7, Wai Tau Tsuen, Kau Lung Hang

Site area : 165sq.m

Zoning : "Agriculture" and "VTD"

Applied development : NET House

Dear TPB Members,

Minutes from recent application:

While land available within the "V" zone was insufficient to fully meet the Small House demand, it was capable to meet the 130 outstanding Small House applications. It was 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.

There is also the issue of Septic Tank. With the advent of global warming and severe flooding forecast for NT this form of drainage should not be encouraged.

Mary Mulvihill

2

就規劃申請/覆核提出意見 Making Comment on Planning Application / Review**參考編號****Reference Number:**

230609-151327-22769

提交限期**Deadline for submission:**

09/06/2023

提交日期及時間**Date and time of submission:**

09/06/2023 15:13:27

有關的規劃申請編號**The application no. to which the comment relates:**

A/NE-KLH/623

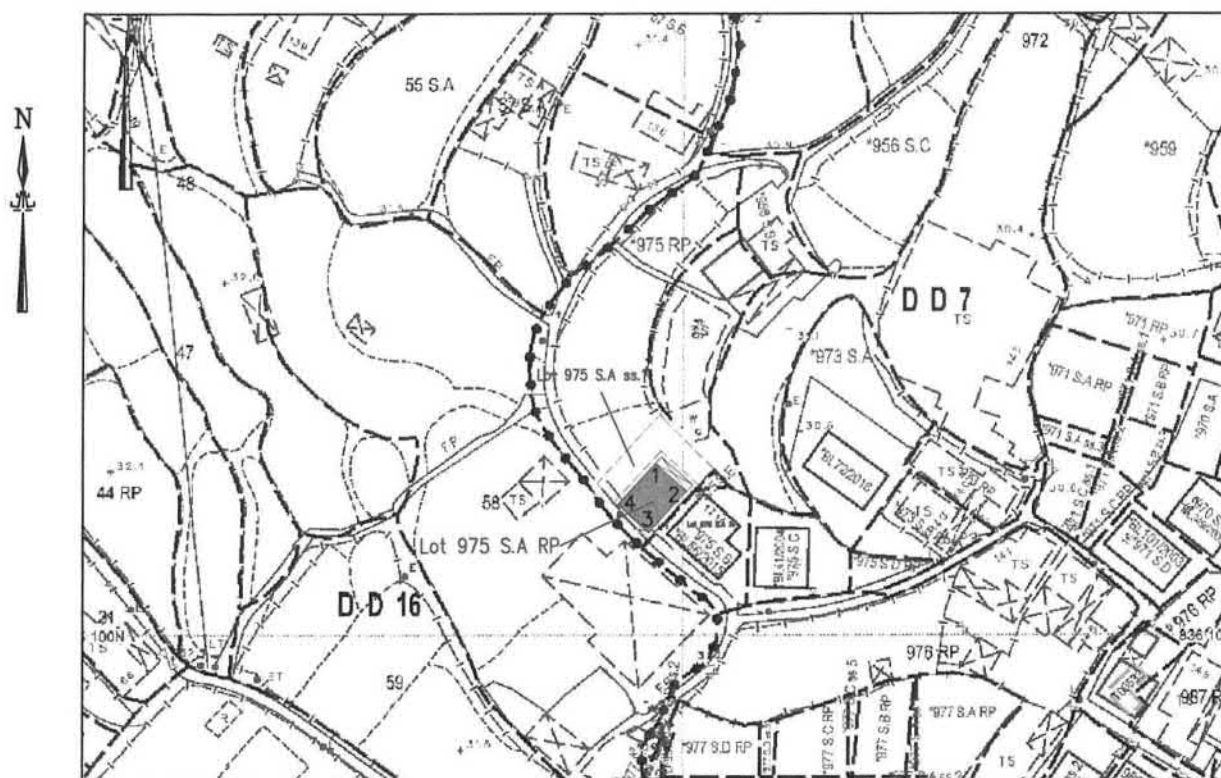
「提意見人」姓名/名稱**Name of person making this comment:**

先生 Mr. Cheung Chun Hing

意見詳情**Details of the Comment :**

The building surrounding by agricultural land without proper access to the site. The building too close to the boundaries and without proper access to the front door. There are government lands and private lands still available within the V zone area which should be exhaust first before any non V zone lands could be used by proper expansion of V zone. These will enable proper plans for housing development. The applicant family had other lands within V zone area but was used for housing development to make money. This application is just a development to make money not for the applicant own use. The main access road is labeled for pedestrians. Construction vehicle should not pass the narrow stretch of pedestrian access to build houses which uses lands outside V zone and without proper proposal how the house can be build and to live within the small plot of land.

Proposed Small House on Lot 975 S.A RP IN D.D.7, Tai Po



Balcony (5.950 X 1.220) Coloured Pink Area 47.53 square metres (About)

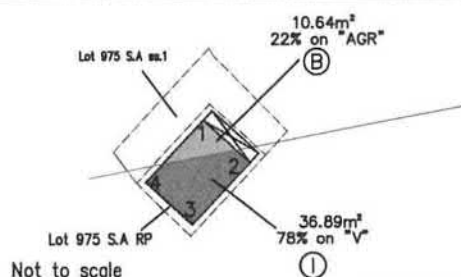
Connect to public sewage

Scale

Proposed Small House

Side	Bearing ° ' "	Distance in Metres	Pt.	Co-ordinate Data (1980 Datum)		Remarks
				Northing (m)	Easting (m)	
1 - 2	132 22 52	5.950	1	836123.989	832996.036	
2 - 3	222 22 52	7.987	2	836119.978	833000.431	
3 - 4	312 22 52	5.950	3	836114.078	832995.047	
4 - 1	42 22 52	7.987	4	836118.089	832990.652	

Ref	Colour
B	BROWN
G	GREEN
I	INDIGO
O	ORANGE
P	PINK
R	RED
V	MOLE
Y	YELLOW
GY	GREY
L' Prefixes light shades of above	

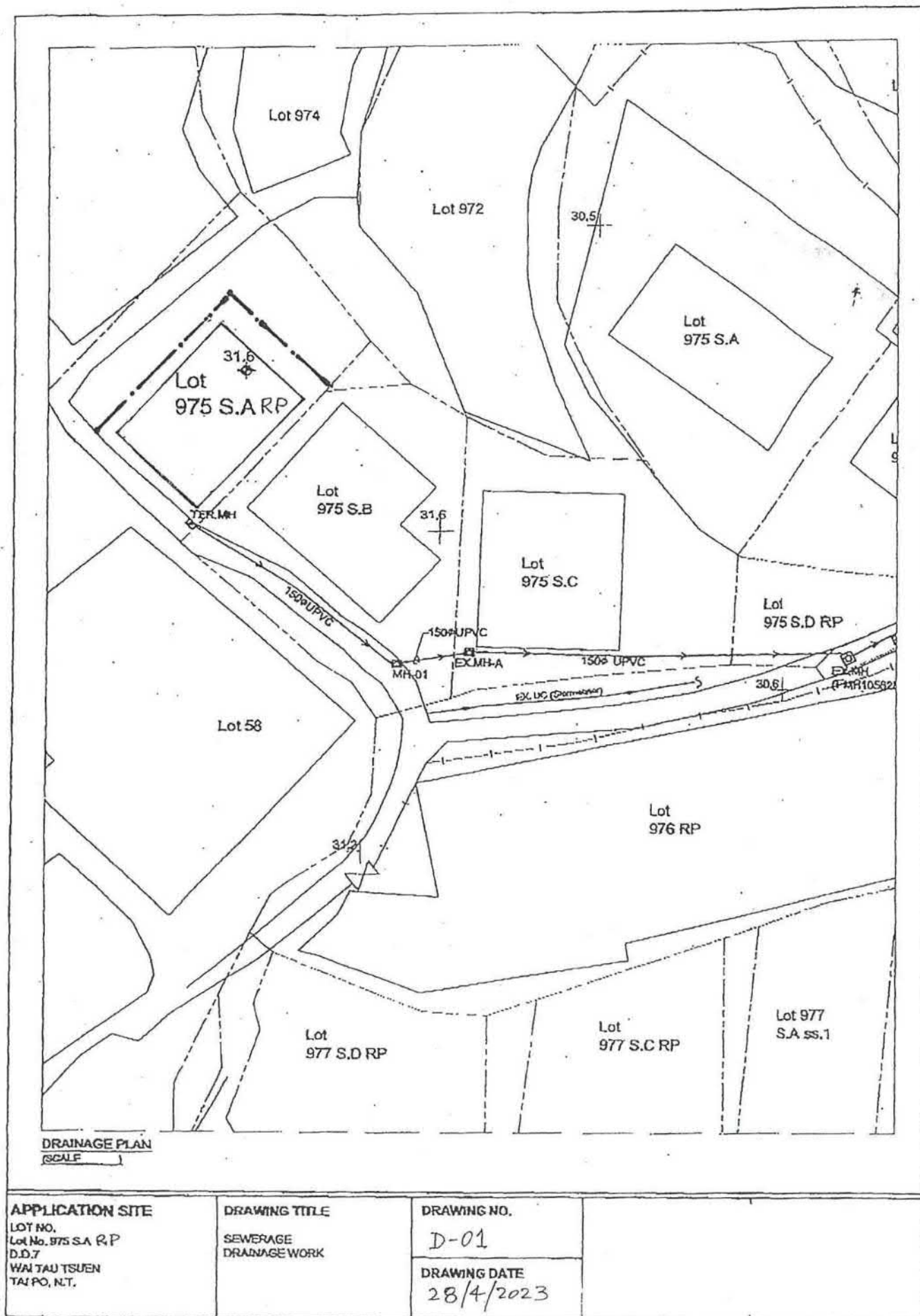


Survey District: Tai Po	Survey Sheet No.: 3-SW-22D	Certified by:
Ref. Plan: ---	Plan No.: PSH/TP/7/975ARP/REV01	C. K. LAU MSc. FHKIS FRICS RPS(LS) ALS Authorized Land Surveyor Date: 21 December 2022
Ref. SRP No.: ---	Date: 1 December 2022	King Fung Surveying Company Tel.: E-mail:

參考編號
REFERENCE No. A/NE-KLH/623

繪圖 DRAWING A-1

(來源：申請人建議書)
(SOURCE: APPLICANT'S SUBMISSION PLAN)



參考編號
 REFERENCE No.

A/NE-KLH/623

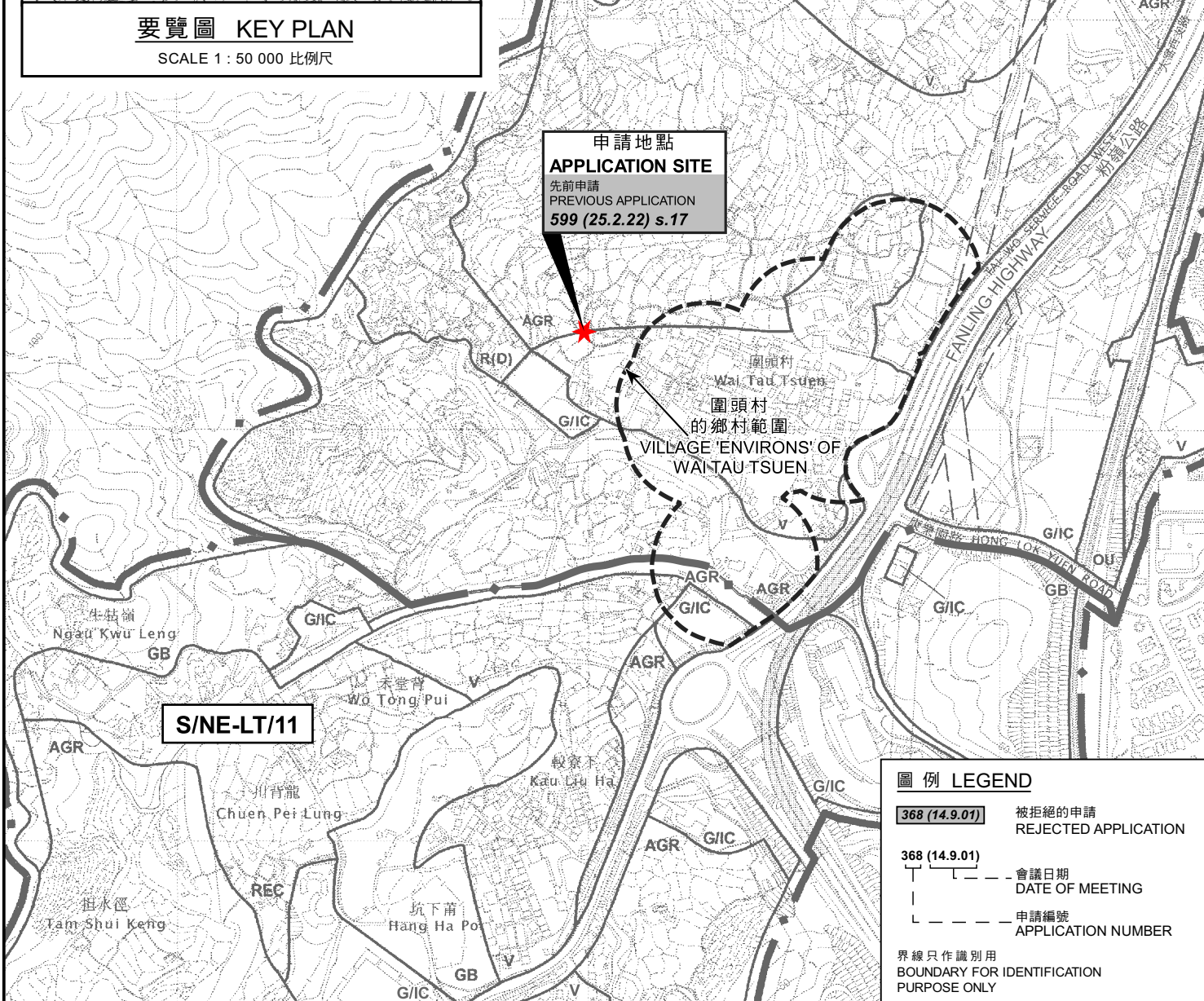
繪圖 DRAWING A-2

(來源：申請人建議書)
 (SOURCE: APPLICANT'S SUBMISSION PLAN)



要覽圖 KEY PLAN

SCALE 1 : 50 000 比例尺



圖例 LEGEND

- 368 (14.9.01) 被拒絕的申請
REJECTED APPLICATION
- 368 (14.9.01) 會議日期
DATE OF MEETING
- 申請編號
APPLICATION NUMBER

界線只作識別用
BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY

位置圖 LOCATION PLAN

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
新界大埔圍頭丈量約份第7約地段第975號A分段餘段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 975 S.A RP IN D.D. 7,
WAI TAU, TAI PO, NEW TERRITORIES

米 100 0 100 200 300 米
METRES SCALE 1 : 7 500 比例尺 METRES

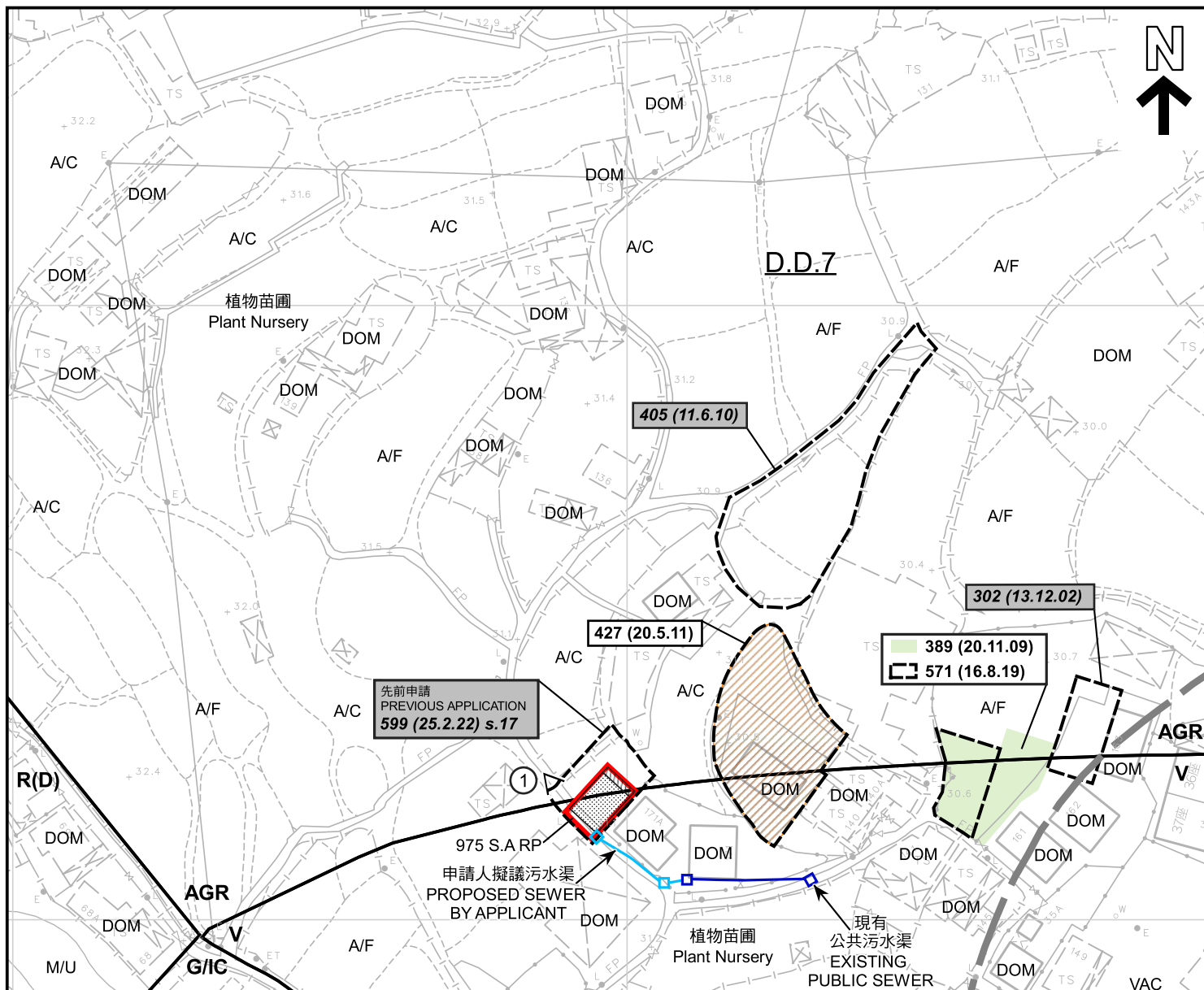
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/623

圖 PLAN
A-1

本摘要圖於2023年6月5日擬備，
所根據的資料為：
於2006年10月17日核准的
分區計劃大綱圖編號S/NE-KLH/11及
於2006年10月31日核准的
分區計劃大綱圖編號S/NE-LT/11
EXTRACT PLAN PREPARED ON 5.6.2023
BASED ON OUTLINE ZONING PLANS No.
S/NE-KLH/11 APPROVED ON 17.10.2006 AND
S/NE-LT/11 APPROVED ON 31.10.2006



圖例 LEGEND

	申請地點 (界線只作識別用) APPLICATION SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)	A/C	常耕農地 ACTIVE AGRICULTURAL LAND
	擬議屋宇 PROPOSED HOUSE	A/F	休耕農地 FALLOW AGRICULTURAL LAND
	擬議露台 PROPOSED BALCONY	DOM	住用構築物 DOMESTIC STRUCTURE
	獲地政處批准的小型屋宇批地/ 重建新界豁免管制屋宇申請 SMALL HOUSE GRANT/ NTEH REDEVELOPMENT APPLICATION APPROVED BY DLO	M/U	荒地 UNUSED LAND
	正在處理中的小型屋宇批地申請 SMALL HOUSE GRANT APPLICATION BEING PROCESSED	VAC	空置 VACANT
R(D)	住宅(丁類) RESIDENTIAL (GROUP D)	①	實地照片的觀景點 VIEWING POINT OF SITE PHOTO
V	鄉村式發展 VILLAGE TYPE DEVELOPMENT	139 (7.11.97)	獲批准的申請 APPROVED APPLICATION
G/IC	政府、機構或社區 GOVERNMENT, INSTITUTION OR COMMUNITY	368 (14.9.01)	被拒絕的申請 REJECTED APPLICATION
AGR	農業 AGRICULTURE	139 (7.11.97)	會議日期 DATE OF MEETING
			申請編號 APPLICATION NUMBER

註釋 Notes :

- (1) 2023年5月19日勘测的土地用途
Land uses shown on this plan are in accordance with the land use survey conducted by the Planning Department on 19.5.2023

平面圖 SITE PLAN

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
新界大埔圍頭丈量約份第7約地段第975號A分段餘段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 975 S.A RP IN D.D. 7,
WAI TAU, TAI PO, NEW TERRITORIES

SCALE 1 : 1 000 比例尺
米 20 0 20 40 米
METRES

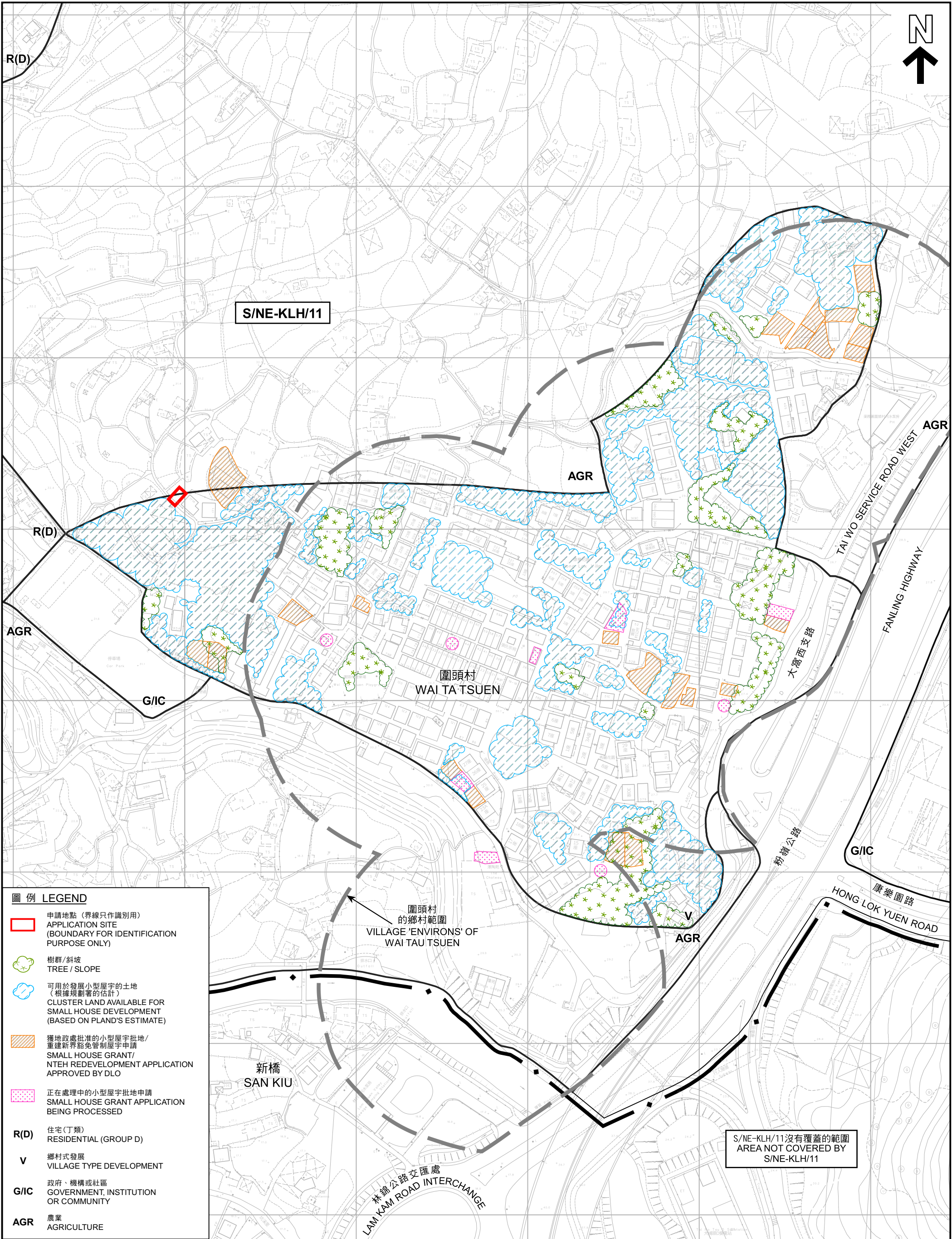
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/623

圖 PLAN
A-2a

本摘要圖於2023年6月8日擬備，
所根據的資料為測量圖編號
3-SW-22D及23C
EXTRACT PLAN PREPARED ON 8.6.2023
BASED ON SURVEY SHEETS No.
3-SW-22D & 23C



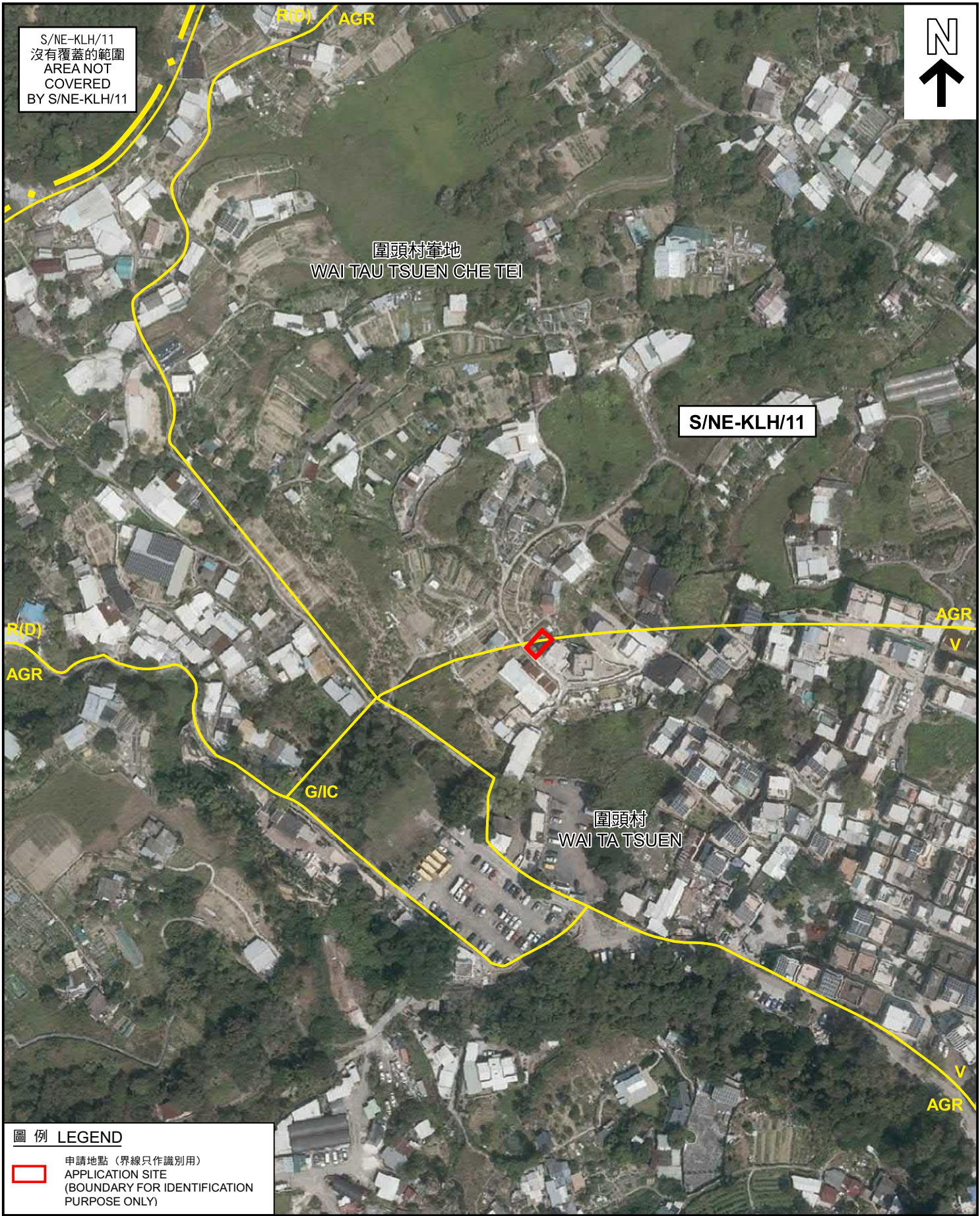
本摘要圖於2023年6月8日擬備，
所根據的資料為測量圖編號
3-SW-22D、23C、7-NW-2B及3A
EXTRACT PLAN PREPARED ON 8.6.2023
BASED ON SURVEY SHEETS No.
3-SW-22D, 23C, 7-NW-2B & 3A

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/623

圖 PLAN
A-2b



<p>航攝照片 AERIAL PHOTO</p> <p>擬議屋宇 (新界豁免管制屋宇-小型屋宇) 新界大埔圍頭丈量約份第7約地段第975號A分段餘段 PROPOSED HOUSE (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE) LOT 975 S.A RP IN D.D. 7, WAI TAU, TAI PO, NEW TERRITORIES</p>		<p>規劃署 PLANNING DEPARTMENT</p> <p>參考編號 REFERENCE No. A/NE-KLH/623</p>	
<p>本摘要圖於2023年6月1日擬備 所根據的資料為地政總署 於2022年3月11日拍得的航攝照片 編號E156401C EXTRACT PLAN PREPARED ON 1.6.2023 BASED ON AERIAL PHOTO No. E156401C TAKEN ON 11.3.2022 BY LANDS DEPARTMENT</p>		<p>圖 PLAN A-3</p>	

1



申請地點界線只作識別用
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTO

擬議屋宇（新界豁免管制屋宇-小型屋宇）
新界大埔圍頭丈量約份第7約地段第975號A分段餘段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 975 S.A RP IN D.D. 7,
WAI TAU, TAI PO, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-KLH/623

圖 PLAN
A-4

本摘要圖於2023年6月1日擬備，所根據
的資料為攝於2023年5月19日
的實地照片
PLAN PREPARED ON 1.6.2023 BASED ON
SITE PHOTO TAKEN ON 19.5.2023

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/623 Proposed House (New Territories Exempted House - Small House) in
“Village Type Development” and “Agriculture” Zones, Lot 975 S.A
RP in D.D. 7, Wai Tau, Tai Po
(RNTPC Paper No. A/NE-KLH/623)

Presentation and Question Sessions

59. With the aid of some plans, Mr Jeffrey P.K. Wong, STP/STN, briefed Members on the background of the application, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department did not support the application.

60. Members had no question on the application.

Deliberation Session

61. A Member remarked that the area of the application site (the Site) had been reduced significantly (from 165m² to 81 m²) as compared to the previous application No. A/NE-KLH/599 rejected by the Town Planning Board, and the roofed over area under the current application was only 47.53m². Members noted that the applicant had tried to minimise the site area as far as practicable, however, about 28% of the footprint of the proposed small house fell within the “Agriculture” (“AGR”) zone and the site was relatively distant from the village cluster of Wai Tau Tsuen. While a Member considered that the site boundary should be drawn in a manner that minimised the encroachment onto the “AGR” zone, another Member said that the portion of the Site within the “V” zone might not be adequate for accommodating a small house. In that regard, the Chairman said that the Committee should consider the scheme as submitted, though the applicant might further explore different design options in future submission, if considered necessary.

62. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which 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. There is no strong planning 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 Wai Tau Tsuen 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 infrastructure and services.”

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LCW/7 Proposed Shop and Services in “Village Type Development” Zone, Ground Floor, Nos. 49A and 49B Lai Chi Wo Village, Taxlot Lot 286 S.B (Part) in D.D. 145, Sha Tau Kok
(RNTPC Paper No. A/NE-LCW/7)

63. The Secretary reported that the application was submitted by The Hong Kong Countryside Foundation Limited (HKCFL). Professor John C.Y. Ng had declared an interest on the item for being an ex-director and advisor of HKCFL.

64. The Committee noted that Professor John C.Y. Ng had tendered an apology for not being able to attend the meeting.

Presentation and Question Sessions

65. With the aid of some plans, Mr Jeffrey P.K. Wong, STP/STN, briefed Members

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/NE-KLH/623

By Email

14 July 2023

Lau Chee Sing

Dear Sir/Madam,

Proposed House (New Territories Exempted House - Small House) in "Village Type Development" and "Agriculture" Zones, Lot 975 S.A RP in D.D. 7, Wai Tau, Tai Po

I refer to my letter to you dated 18.5.2023.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the proposed development is not in line with the planning intention of the "Agriculture" zone, which 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. There is no strong planning 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 Wai Tau Tsuen 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 infrastructure and services.

A copy of the TPB Paper in respect of the application is available at TPB website at this link (https://www.info.gov.hk/tpb/en/meetings/RNTPC/Agenda/721_rnt_agenda.html). The relevant extract of minutes of the TPB meeting held on 23.6.2023 is enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 4.8.2023). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Mr. Jeffrey Wong of Sha Tin, Tai Po & North District Planning Office at 2158 6372.

Yours faithfully,



(Leticia LEUNG)

for Secretary, Town Planning Board

Our Ref.: C931/L8
TPB Ref.: TPB/A/NE-KLH/623



Lau Chee Sing, A.P.

28th July 2023

The Secretary,
Town Planning Board,
15/F., North Point Government Offices,
333 Java Road,
North Point,
Hong Kong.

By Fax & Post : 2877 0245

Dear Sirs,

Re: **Proposed Small House in 'V' and 'Agriculture' zones**
Lot No. 975ARP in D.D. 7, Wai Tau Village., Tai Po, N. T.

In response to the rejection of the captioned application by the Town Planning Board (TPB) given in your letter dated 14 July 2023, I apply to the TPB for a review of the decision.

Thank you for your kind attention.

Yours faithfully,

A handwritten signature in black ink, appearing to be "Lau Chee Sing".

Lau Chee Sing
Authorized Person

c.c. Chung Hin Yung

Our Ref.: C931/L10
TPB Ref.: TPB/A/NE-KLH/623

Lau Chee Sing, AP,

26th October 2023

The Secretary,
Town Planning Board,
15/F., North Point Government Offices,
333 Java Road,
North Point,
Hong Kong.

Dear Sirs,

Re: **Proposed Small House in 'V' and 'Agriculture' zones
Lot No. 975ARP in D.D. 7, Wai Tau Village,, Tai Po, N. T.**

Further to my letter ref. C931/L9 dated 29 September 2023, I submit herewith the following justifications to support the Review Application.

Approved Application No.	Grounds of Approval by TPB	Date of Consideration
(i) A/NE-KLH/389	(1) Both cases satisfied Interim Criteria paragraph (b) – over 50% of the Small House footprint located within V Zone.	(i)20/11/2009
(ii)A/NE-KLH/427	(2) Able to be connected to the planned sewage system. (3) A general shortage of land to meet the demand for Small House Development in 'V' Zone.	(ii)20/5/2011
(iii)A/NE-KLH/571	(1)Sympathetic consideration for being the subject of a previously approved application and the Small House grant application was under processing by Lands Department.	(iii)16/8/2019

I provide here-below reasons to support the Review Application :-

- (i) The Small House on Application No. A/NE-KLH/623 falls within an area zone 'V' (about 72%) and 'AGR' (about 28%). Over 50% of the Small House is located within 'V' Zone. This is very similar to Application Nos. A/NE-KLH/389 and KLH/427 which were approved by TPB on the grounds of over 50% of the Small House located within 'V' Zone.
- (ii) Interim Criteria was implemented in year 2000 to provide a guide-line on applications fall outside 'V' Zone whether wholly or partially. If the application site falls partially outside 'V' Zone, Paragraph (b) of the Interim Criteria states that if not less than 50% of the proposed NTEH/Small House footprint falls within the 'V' Zone and there is a general shortage of land in meeting the demand for Small House development in the 'V' Zone, favourable consideration would be given by the Board.

With regard to the two rejections given under TPB's letter dated 14 July 2023, my view is as follows (in the same ordering) :-

- (a) This is applicable to an application area which falls 100% in 'Agriculture' Zone. In this application (A/NE-KLH/623) just over 1/4 of the house area (28% or 13.3 m²) falls within 'Agriculture' Zone. About 72% (or 34.23 m²) falls within 'V' Zone. It satisfies Paragraph (b) of the Interim Criteria.
- (b) 'V' Zone is primarily intended for Small House Development, and is appropriate to concentrate Small House development within 'V' Zone for orderly development pattern. 72% of the house footprint falls within 'V' Zone and is appropriate to classify this application to be on the fringe of 'V' Zone boundary.

The Board has adopted a 'more cautious approach' in considering applications for Small House Development since August 2015. 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 provided by Lands Department.

At the time of this Application, the number of outstanding Small House application is 9 while the 10 years Small House demand forecast is 305. Among the 9 outstanding Small House applications, 8 fall within 'V' Zone. The remaining one falls outside the 'V' Zone and is not covered by valid planning permission. In order to satisfy both the Interim Criteria and the 'more cautious approach', am I right to interpret that the board would only give favourable consideration if the number of outstanding Small House application provided by Lands Department exceeds the 10 years Small House demand forecast of 305?

In my opinion, the number of outstanding Small House application provided by Lands Department bears no relationship to the shortage of land in meeting the demand for Small House development in the 'V' Zone.

Conclusion

- (i) Over 70% of the house footprint of this application falls within 'V' Zone.
- (ii) Approval for the two cases near the application site (A/NE-KLH/389 and 427) with over 50% of the house footprint within 'V' Zone was favorably considered under the Interim Criteria by the Board.
- (iii) The number of outstanding Small House application provided by Lands Department bears no relationship to the shortage of land in meeting the demand for Small House development in the 'V' Zone.
- (iv) Under the Interim Criteria promulgated on 7/9/2007, favorable consideration should be given to our application (A/NE-KLH/623) by the Board.

Thank you for your kind attention.

Yours faithfully,



Lau Chee Sing
Authorized Agent

c.c. Cheung Hin Yeung

Our Ref.: C931/L11
TPB Ref.: TPB/A/NE-KLH/623

Lau Chee Sing, AP,



23rd November 2023

The Secretary,
Town Planning Board,
15/F., North Point Government Offices,
333 Java Road,
North Point,
Hong Kong.

Dear Sirs,

Re: **Proposed Small House in 'V' and 'Agriculture' zones
Lot No. 975ARP in D.D. 7, Wai Tau Village., Tai Po, N. T.**

Further to my letter ref. C931/L9 dated 29 September 2023, I submit herewith the following justifications to support the Review Application.

Approved Application No.	Grounds of Approval by TPB	Date of Consideration
(i) A/NE-KLH/389 (ii) A/NE-KLH/427	(1) Both cases satisfied Interim Criteria paragraph (b) – over 50% of the Small House footprint located within V Zone. (2) Able to be connected to the planned sewage system. (3) A general shortage of land to meet the demand for Small House Development in 'V' Zone.	(i) 20/11/2009 (ii) 20/5/2011
(iii) A/NE-KLH/571	(1) Sympathetic consideration for being the subject of a previously approved application and the Small House grant application was under processing by Lands Department.	(iii) 16/8/2019

I provide here-below reasons to support the Review Application :-

- (i) The Small House on Application No. A/NE-KLH/623 falls within an area zone 'V' (about 72%) and 'AGR' (about 28%). Over 50% of the Small House is located within 'V' Zone. This is very similar to Application Nos. A/NE-KLH/389 and KLH/427 which were approved by TPB on the grounds of over 50% of the Small House located within 'V' Zone.
- (ii) Interim Criteria was implemented in year 2000 to provide a guide-line on applications fall outside 'V' Zone whether wholly or partially. If the application site falls partially outside 'V' Zone, Paragraph (b) of the Interim Criteria states that if not less than 50% of the proposed NTEH/Small House footprint falls within the 'V' Zone and there is a general shortage of land in meeting the demand for Small House development in the 'V' Zone, favourable consideration would be given by the Board.

With regard to the two rejections given under TPB's letter dated 14 July 2023, my view is as follows (in the same ordering) :-

- (a) This is applicable to an application area which falls 100% in 'Agriculture' Zone. In this application (A/NE-KLH/623) just over 1/4 of the house area (28% or 13.3 m²) falls within 'Agriculture' Zone. About 72% (or 34.23 m²) falls within 'V' Zone. It satisfies Paragraph (b) of the Interim Criteria.
- (b) 'V' Zone is primarily intended for Small House Development, and is appropriate to concentrate Small House development within 'V' Zone for orderly development pattern. 72% of the house footprint falls within 'V' Zone and is appropriate to classify this application to be on the fringe of 'V' Zone boundary.

The Board has adopted a 'more cautious approach' in considering applications for Small House Development since August 2015. 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 provided by Lands Department.

At the time of this Application, the number of outstanding Small House application provided by Lands Department is 9 while the latest estimate by Planning Department is about 2.71ha of land available to build about 108 Small House Sites. Among the 9 outstanding Small House applications, 8 fall within 'V' Zone. The remaining one falls outside the 'V' Zone and is not covered by valid planning permission. In order to satisfy both the Interim Criteria and the 'more cautious approach', the Board would only give favourable consideration if the number of outstanding Small House application provided by Lands Department exceeds the 108 Small House Sites. This is not logical, un-realistic and unfair to the indigenous villagers.

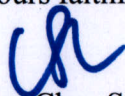
In my opinion, the number of outstanding Small House application provided by Lands Department bears no relationship to the shortage of land in meeting the demand for Small House development in the 'V' Zone.

Conclusion

- (i) Over 70% of the house footprint of this application falls within 'V' Zone.
- (ii) Approval for the two cases near the application site (A/NE-KLH/389 and 427) with over 50% of the house footprint within 'V' Zone was favorably considered under the Interim Criteria by the Board.
- (iii) The number of outstanding Small House application provided by Lands Department bears no relationship to the shortage of land in meeting the demand for Small House development in the 'V' Zone.
- (iv) Under the Interim Criteria, favorable consideration should be given to our application (A/NE-KLH/623) by the Board.

This letter supersedes my letter ref. C931/L10 dated 26 October 2023.

Yours faithfully,



Lau Chee Sing
Authorized Agent

c.c. Cheung Hin Yeung

By Email to: tplpd@pland.gov.hk
& by Post.

P.1/2

致：城市規劃委員會

香港北角渣華道333號

北角政府合署15樓

有關：原居民張顯揚申請「小型屋宇」事宜
申請編號：A/NE-KLH/623

本人張國耀是大埔圍頭村原居民代表。

有關上述申請，本人對文件(RNTPC Paper No. A/NE-KLH/623)所提及「臨時準則」(Interim Criteria)和下列三個數字提出意見：

- (i) 數字A：未來10年「小型屋宇」需求預測為305間
- (ii) 數字B：規劃署估計圍頭村V Zone範圍可建「小型屋宇」為108間。
- (iii) 數字C：大埔地政處提供尚未處理申請圍頭村「小型屋宇」個案為9間。

2000年設立「臨時準則」，城規會處理 V-Zone 以外的申請個案，會採取數字 A 與數字 B 之比較，當數字 A 大於數字 B，一般會有條件批准 V Zone 以外的申請，適當有效發揮設立「臨時準則」的目的。

2015年8月以後，貴會採取「更為審慎的做法」(More Cautious Approach)。採用數字 B 與數字 C 之比較，當數字 C (9間) 是少於數字 B (108間)，貴會便否決 V Zone 範圍以外的申請。換句話說，若大埔地政處提供數字 C 為 109間或以上，貴會便會考慮有條件批准本申請個案，這種做法是為極之合理。

再者，本申請個案的小型屋宇有 72 名位於 V Zone 邊界內，應能滿足 V Zone 的規劃意向。盼望城規會能有條件批准張顯揚的申請。

張國耀
大埔圍頭村 原居民代表 張國耀

日期: 2023年11月22日

回郵地址:

Previous s.16 Application

Rejected Application

Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
A/NE-KLH/599	Proposed House (New Territories Exempted House - Small House)	25.2.2022 (on Review)	R1 – R2

Rejection Reasons

- R1. The proposed development was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention; and
- R2. Land was still available within the “Village Type Development” (“V”) zone of Wai Tau Tsuen which was primarily intended for Small House development. It was 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 infrastructure and services.

Similar Applications

Approved Applications

Application No.	Uses/ Development	Date of Consideration
A/NE-KLH/389 ¹	Proposed Two Houses (New Territories Exempted Houses - Small Houses)	20.11.2009
A/NE-KLH/427	Proposed House (New Territories Exempted House (NTEH) - Small House)	20.5.2011
A/NE-KLH/571 ¹	Proposed House (New Territories Exempted House (NTEH) - Small House)	16.8.2019

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-KLH/302	Proposed New Territories Exempted House (NTEH) (Small House)	13.12.2002	R1 - R2
A/NE-KLH/405	Proposed Three Houses (New Territories Exempted Houses)	11.6.2010	R1, R3 - R4

¹ Application No. A/NE-KLH/571 covers part of the site of Application No. A/NE-KLH/389.

Rejection Reasons

- R1. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation and/or for cultivation and other agricultural purposes. There was no strong justification in the submission/had been provided for a departure from the planning intention.
- R2. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories in that the application site was located mostly outside the village ‘environs’ (‘VE’) and the “Village Type Development” (“V”) zone.
- R3. The proposed development, which was located within the water gathering grounds (WGG) and was close to a stream course, would not be able to be connected to the planned sewerage system in the area. The applicant failed to demonstrate in the submission that the proposed development would not cause adverse impact on the water quality in the area.
- R4. The approval of the application would set an undesirable precedent for similar applications within the “AGR” zone, the cumulative effect of which would result in adverse impact on the rural landscape of the area.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department that:
- (i) if and after planning application has been approved by the Town Planning Board, the applicant is required to apply for Small House grant application. However, there is no guarantee at this stage that the Small House grant application would be approved. If the Small House grant application is approved by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access (EVA) thereto;
 - (ii) the south-western side of footprint of the proposed Small House under application will be encroached into an existing footpath serving the villagers in the vicinity. Provision of alternative access will be required;
 - (iii) a Consent Letter (for septic tank) is registered in the Land Register of the subject lot with Memorial No. 12121300940062 as an encumbrance. The subject lot should rescind the said Consent Letter before approval of Small House grant application, if any; and
 - (iv) should any private lot is affected by the proposed sewer, the applicant is required to obtain prior consent in the form of Deed of Consent from the lot owner(s) concerned for connection of sewerage pipes to public sewers and register it in the Land Registry. Besides, the applicant has to obtain approval from District Lands Officer/Tai Po if any Government land is involved;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
- (i) the applicant should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify/modify the nearby existing/original drainage systems if they are found to be inadequate or ineffective to accommodate the additional runoff arisen from the development of the Site. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure or ineffectiveness of the modified drainage systems caused by their works. The runoff within the subject premise including the runoff from the rooftop shall be served by a designated stormwater collection and discharge system and shall not be drained to the public sewerage network;
 - (ii) there is existing public sewers in the vicinity of the Site but the feasibility of sewerage connection is subject to the invert level of discharge connection pipe

leading from the proposed site. No stud pipe is reserved for sewage connection. The applicant shall demonstrate the technical feasibility of sewerage connection. Should the applicant choose to dispose of the sewage of the proposed development through other means, views and comments from EPD should be sought;

- (iii) prior written consent and agreement from LandsD and/or relevant private lot owners for laying new drains/channels and/or modifying/upgrading existing ones outside the Site or on government land should be sought; and
 - (iv) the cost and work of drainage and sewerage connection as well as future maintenance responsibility shall be borne by the applicant.
- (c) to note the comments of the Chief Engineer/Construction, Water Supplies Department that:
- (i) the foul water drainage system of the proposed New Territories Exempted House (NTEH)/Small House can be connected to the public sewerage system in the area and the applicant shall connect the whole of the foul water drainage system to the public sewerage system;
 - (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the water gathering grounds; and
 - (iii) the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed NTEH/Small House to the sewerage system via relevant private lot(s);
- (d) to note the comments of the Director of Fire Services that the applicant is advised to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note that the permissions are only given to the developments under applications. If provision of an access road is required for the proposed developments, the applicants should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from Town Planning Board where required before carrying out the road work.

☐ Urgent ☐ Return Receipt Requested ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand personal&publi



Re: A/NE-KLH/623 DD 7 Wai Tau Tsuen, Kau Lung Hang
20/11/2023 02:00

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
File Ref:

Seq 1
R-1

Dear TPB Members,

The Small House Demand of 300+ quoted by the Applicant would appear to be more aspirational than factual or legitimate. This is supported by the fact that the current number of outstanding applications is under ten.

There is therefore no justification to the review.

Mary Mulivhill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Thursday, 8 June 2023 2:31 AM HKT
Subject: A/NE-KLH/623 DD 7 Wai Tau Tsuen, Kau Lung Hang

A/NE-KLH/623

Lot 975 S.A in D.D. 7, Wai Tau Tsuen, Kau Lung Hang

Site area : 81sq.m

Zoning : "Agriculture" and "VTD"

Applied development : NET House

Dear TPB Members,

Shrinking the size of the footprint does not resolve the core issue as outlined in rejection of review

"land is still available within the "Village Type Development" ("V") zone of Wai Tau Tsuen 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 infrastructure and services."

There is still encroachment into "AG' zone.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Friday, 12 November 2021 3:11 AM CST
Subject: Re: A/NE-KLH/599 DD 7 Wai Tau Tsuen, Kau Lung Hang

Dear TPB Members,

The site located within the water gathering ground would not be able to be connected to the existing or planned public sewerage system in the area, and the applicant failed to demonstrate that the proposed development would not cause adverse water quality impact in the area.

The JR ruling last week underlined that the Small House Policy has always been subject to government discretion.

The review has no merit.

Mary Mulvihill

From: [REDACTED]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Wednesday, September 1, 2021 3:44:11 AM
Subject: A/NE-KLH/599 DD 7 Wai Tau Tsuen, Kau Lung Hang

A/NE-KLH/599
Lot 975 S.A in D.D. 7, Wai Tau Tsuen, Kau Lung Hang
Site area : 165sq.m

Zoning : "Agriculture" and "VTD"
Applied development : NET House

Dear TPB Members,

Minutes from recent application:
While land available within the "V" zone was insufficient to fully meet the Small House demand, it was capable to meet the 130 outstanding Small House applications. It was 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.

There is also the issue of Septic Tank. With the advent of global warming and

severe flooding forecast for NT this form of drainage should not be encouraged.

Mary Mulvihill