

RNTPC Paper No. A/NE-LT/749  
For Consideration by the  
Rural and New Town Planning  
Committee on 3.3.2023

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

**APPLICATION NO. A/NE-LT/749**

- Applicant** : Mr. CHUNG Mei Wah represented by Mr. HUI Kwan Yee
- Site** : Government Land in D.D. 19, Chung Uk Tsuen, Lam Tsuen, Tai Po
- Site Area** : About 65.03m<sup>2</sup>
- Land Status** : Government Land
- Lease** : Unallocated Government Land
- Plan** : Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
- Zonings** : “Agriculture” (“AGR”) (about 55%)  
Area shown as ‘Road’ (about 45%)
- Application** : Proposed House (New Territories Exempted House (NTEH) - Small House)

**1. The Proposal**

- 1.1 The applicant, an indigenous villager of Chung Uk Tsuen<sup>1</sup> as confirmed by the Indigenous Inhabitant Representative, seeks planning permission to build a NTEH (Small House) on the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ in the “AGR” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board). Moreover, according to the covering Notes of the OZP, in any area shown as ‘Road’, all uses or developments except those specified require permission from the Board.
- 1.2 Details of the proposed Small House development are as follows:
- |                  |   |                      |
|------------------|---|----------------------|
| Total floor area | : | 195.09m <sup>2</sup> |
| No. of storeys   | : | 3                    |
| Building height  | : | 8.23m                |
| Roofed over area | : | 65.03m <sup>2</sup>  |
- 1.3 Layout of the proposed Small House and the proposed septic tank are shown in **Drawings A-1**.
- 1.4 The Site is the subject of a previous application (No. A/NE-LT/713) submitted by the same applicant for the same proposed use (**Plans A-1 and A-2a**). It was

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<sup>1</sup> 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.

rejected by the Rural and New Town Planning Committee (the Committee) on 14.10.2022. Details of previous application are set out in paragraph 5 below. Compared with the pervious application, the development parameters of the proposed small house are generally the same but with a slightly different layout.

- 1.5 In support of the application, the applicant has submitted an Application Form with attachment received on 5.1.2023 (**Appendix I**).

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

The justifications put forth by the applicant in support of the application stated in Part 8 of the application form at **Appendix I** are summarized as follows:

- (a) the Site is currently an abandoned agricultural land. There are some approved Small Houses in the vicinity;
- (b) there is no other land available for the proposed Small House development; and
- (c) the proposed Small House is located away from the existing tree near the Site.

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

As the Site involves government land only, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) are not applicable to the application.

## **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 is the subject of a pervious application (No. A/NE-LT/713) submitted by the same applicant for the same proposed use. It was rejected by the Committee in 2022 mainly on the grounds of being not in line with the planning intention of the “AGR” zone; not complying with the Interim Criteria in that the applicant failed to demonstrate that the proposed development located within water gathering grounds (WGG) would be able to be connected to the existing or planned sewerage system and would not cause adverse water quality impact on the surrounding areas; and land was still available within the concerned “Village Type Development” (“V”) zones for Small House development.
- 5.2 Details of the above previous application are summarized at **Appendix III** and the location is shown on **Plans A-1 and A-2a**.

## **6. Similar Applications**

- 6.1 There are nine similar applications for Small House development in the vicinity of the Site within/straddling the same “AGR” zone and area shown as ‘Road’ since the first promulgation of the Interim Criteria, of which three were approved and six were rejected.
- 6.2 Application No. A/NE-LT/333 was approved in 2005 by the Board on review under sympathetic consideration for being the subject of a previous application approved in 1997 before promulgation of the Interim Criteria. Application No. A/NE-LT/386 was approved with conditions by the Committee in 2008 mainly for being in line with the Interim Criteria in that more than 50% of the Small House footprint was within the village ‘environs’ (‘VE’); there was a general shortage of land within the “V” zones to meet the demand for Small House development at the time of consideration; and being able to be connected with the planned public sewerage system. The planning permission of application No. A/NE-LT/386 lapsed in 2012 and the subsequent application No. A/NE-LT/580 submitted by the same applicant with minor changes in site boundary was approved in 2016.
- 6.3 The remaining six applications (No. A/NE-LT/385, 525, 527, 592, 621 and 631) were rejected by the Committee/the Board on review between 2008 and 2018 mainly for being not in line with the planning intention of the “AGR” zone; not complying with the Interim Criteria in that land was still available within the concerned “V” zones for Small House development; the applicant failed to demonstrate that the proposed developments located within WGG would be able to be connected to the existing or planned sewerage system and would not cause adverse water quality or landscape impacts on the surrounding areas; and setting of undesirable precedent. Application No. A/NE-LT/385 was rejected also on the ground that the proposed development fell within an area shown as ‘Road’ might affect the future widening of Lam Kam Road.
- 6.4 Details of the above similar applications are summarized at **Appendix IV** and their locations are shown on **Plan A-2a**.

## **7. The Site and Its Surrounding Area (Plans A-1 to A-4)**

- 7.1 The Site is:
- (a) currently vacant, partly covered with wild grass and partly paved;
  - (b) partly located on an existing local footpath;
  - (c) located entirely within the ‘VE’ of Chung Uk Tsuen;
  - (d) accessible via a footpath leading to Lam Kam Road; and
  - (e) located within the upper indirect WGG.
- 7.2 The surrounding areas are predominantly rural in character comprising village houses, vegetated areas and tree groups. Lam Kam Road is located to the west

of the Site. Some Small Houses are found about 10m to the east inside the “V” zone of Chung Uk Tsuen.

## 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 in **Appendix II**. The assessment is summarized in the following table:

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
1.	Within “V” zone?  - Footprint of the Small House  - Application site	-  -	100%  100%	- The Site and the proposed Small House footprint partly fall within the “AGR” zone and partly on an area shown as ‘Road’.
2.	Within ‘VE’?  - Footprint of the Small House  - Application site	100%  100%	-  -	- The Site and the proposed Small House footprint fall entirely within the ‘VE’ of Chung Uk Tsuen.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?		✓	<b><u>Land Required</u></b> - Land required to meet Small House demand in Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai: about 8.89 ha (equivalent to 359 Small House sites). The outstanding Small House applications are 20 <sup>2</sup> while the 10-year Small House demand forecast for the same villages is 339.  <b><u>Land Available</u></b> - Land available to meet Small House demand within the “V” zones of the villages concerned:
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		

<sup>2</sup> Among the 20 outstanding Small House applications, 16 of them fall within the “V” zones and 4 straddle or outside the “V” zones. For those 4 applications straddling or being outside the “V” zones, none of them has obtained any valid planning approval from the Board.



	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				about 2.81 ha (or equivalent to 112 Small House sites) ( <b>Plan A-2b</b> ).
4.	Compatible with the planning intention of “AGR” zone?		✓	- Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from the agricultural development point of view as the Site possesses potential for agricultural rehabilitation.
5.	Compatible with surrounding area/ development?	✓		- The surrounding areas are predominantly rural in character comprising village houses, tree groups and agricultural land.
6.	Within WGG?	✓		- Chief Engineer/ Construction, Water Supplies Department (CE/C, WSD) objects to the application as septic tank system is proposed for foul water disposal and the wastewater generated from the proposed Small House will have the potential to cause water pollution to WGG.  - Director of Environmental Protection (DEP) objects to the application as the site is located within WGG where no public sewer is available.
7.	Sewerage Impact	✓		
8.	Encroachment onto planned road networks and public works boundaries?		✓	- There is currently no plan for road widening programme for the concerned section of Lam Kam Road.
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.
10.	Traffic impact?	✓		- Commissioner for Transport (C

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				for T) considers that Small House applications should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the “V” zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding, he considers that the application only involving development of a Small House can be tolerated on traffic grounds.
11.	Drainage impact?	✓		<ul style="list-style-type: none"> <li>- Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no adverse comment on the application from public drainage viewpoint.</li> <li>- Approval condition on the submission and implementation of drainage proposal for the Site is required.</li> </ul>
12.	Landscape impact?		✓	<ul style="list-style-type: none"> <li>- Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&amp;L, PlanD) has no comment on the application from the landscape planning perspective.</li> </ul>
13.	Geotechnical impact		✓	
14.	Local objections conveyed by DO?		✓	

9.2 Comments from the following government departments have been incorporated in paragraph 9.1 above. Other detailed comments are at **Appendix V**.

- (a) DLO/TP, LandsD;
- (b) DAFC;
- (c) C for T
- (d) DEP;

- (e) CTP/UD&L, PlanD;
- (f) CE/MN, DSD;
- (g) D of FS; and
- (h) CE/C, WSD.

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

- (a) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD); and
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD).

## **10. Public Comments Received During Statutory Publication Period (Appendix VI)**

The application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals objecting to the application mainly on the grounds that the proposed development is not able to be connected to the existing sewerage system and will cause adverse environmental impact; the proposed development will block the access road of the villagers and the use of trolleys by the cleaners; and land is still available within the “V” zones of Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai for Small House development.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for a proposed Small House development at the Site partly zoned “AGR” and partly shown as ‘Road’ on the OZP. The proposed development 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 the agricultural development point of view as there are active agricultural activities in the vicinity; agricultural infrastructure such as road access and water source is available; and the Site possesses potential for agricultural rehabilitation. There is no strong planning justification in the current submission for a departure from the planning intention. As for the portion of the Site falling within an area shown as ‘Road’, it is noted that there is no plan for road works in the area.
- 11.2 The Site, located at the southeastern fringe of Chung Uk Tsuen across Lam Kam Road, is currently vacant and partly covered with wild grass and partly paved. The proposed development is not incompatible with the surrounding areas which is predominantly rural in character with a mix of village houses, vegetated areas and tree groups (**Plans A-2a and A-3**). CTP/UD&L of PlanD has no comment on the application from landscape planning perspective as the proposed Small House is located away to an existing tree *Michelia x alba* (白蘭) in the vicinity in order to ensure the concerned tree would not be affected by the proposed development (**Plan A-2a**).

- 11.3 Regarding the Interim Criteria (**Appendix II**), according to DLO/TP, LandsD, the number of outstanding Small House applications for Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai is 20 while the 10-year Small House demand forecast for the same villages is 339. Based on PlanD's latest estimate, about 2.81 ha of land (equivalent to 112 Small House sites) is available within the "V" zones concerned. While the amount of land available within the "V" zones (**Plan A-2b**) is insufficient to fully meet the future Small House demand, it is sufficient to accommodate the outstanding Small House applications. It should be noted that the Board has formally adopted a more cautious approach in considering applications for Small House development since August 2015. Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, the Board has put more weighting on the number of outstanding Small House applications as provided by LandsD. It is considered more appropriate to concentrate the proposed Small House developments within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 11.4 The Site falls within the upper indirect WGG and the applicant proposes to use septic tank system to treat wastewater. Both DEP and CE/C of WSD object to the application as the proposed development does not comply with the Interim Criteria in that the proposed Small House within WGG is not able to be connected to the public sewer for sewerage disposal. Other relevant government departments including DO(TP) of HAD, D of FS, C for T, CE/MN of DSD and CHE/NTE of HyD have no objection to or adverse comments on the application.
- 11.5 The Site is the subject of a pervious application (No. A/NE-LT/713) submitted by the same applicant for the same proposed use. It was rejected by the Committee in 2022 mainly on the grounds of being not in line with the planning intention of the "AGR" zone, land was still available within "V" zones for Small House development and not complying with the Interim Criteria in that the applicant failed to demonstrate that the proposed development located within WGG would be able to be connected to the existing or planned sewerage system and would not cause adverse water quality on the surrounding areas. The planning circumstances for rejecting the latest previous application are applicable to the current application.
- 11.6 As shown on **Plan A-2a**, there are nine similar applications for Small House development in close proximity to the Site. Three of which were approved and six were rejected. For the approved applications, two were approved before the Board's formal adoption of a more cautious approach in August 2015. The subsequent application was approved in 2016 mainly on consideration of being the subject of a previously approved application, which were not applicable to the subject application. For the rejected applications, the planning circumstances of the current application are similar in that land was still available within "V" zones for Small House development; the proposed development was not in line with the planning intention of the "AGR" zone; and the Small House was not able to be connected to the existing sewerage system causing adverse water quality impact on the surrounding areas.
- 11.7 Regarding the public comments objecting to the application on the grounds as detailed in paragraph 10, government departments' comments and the planning assessments and considerations above are relevant. With regards to the concern on blockage of an existing footpath, there are alternative footpaths

accessing to the nearby village houses.

## **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, 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;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for NTEH/Small House in New Territories in that the applicant fails to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the existing sewerage system and would not cause adverse impact on the water quality in the area; and
- (c) land is still available within the “Village Type Development” (“V”) zones of Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zones for more orderly development pattern, efficient use of land and provision of infrastructures and services.

12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 3.3.2027, 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 conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Condition

- the submission and implementation of 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 VII**.

## **13. Decision Sought**

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 conditions and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.

**14. Attachments**

Appendix I	Application form and attachment received on 5.1.2023
Appendix II	Relevant revised Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (promulgated on 7.9.2007)
Appendix III	Pervious applications
Appendix IV	Similar applications
Appendix V	Detailed comments from relevant government departments
Appendix VI	Public comments
Appendix VII	Recommended advisory clauses
Drawing A-1	Site plan submitted by the applicant
Plan A-1	Location plan
Plan A-2a	Site plan
Plan A-2b	Estimated amount of land available for Small House development within “V” zones
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT  
MARCH 2023**

2023年 1月 5日

此文件在 收到。城市規劃委員會  
只會於所有必需的資料及文件後才正式確認收到  
申請。

- 5 JAN 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](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](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-LT/749
	Date Received 收到日期	- 5 JAN 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 )

鍾美華 CHUNG MEI WAH

### 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 )

許軍兒 HUI KWAN YEE

### 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)	大埔林村鍾屋村D.D.19 政府土地
(b) Site area and/or gross floor area involved 涉及的地盤面積及/或總樓面面積	<input checked="" type="checkbox"/> Site area 地盤面積 65.03 sq.m 平方米 <input type="checkbox"/> About 約 <input checked="" type="checkbox"/> Gross floor area 總樓面面積 195.09 sq.m 平方米 <input type="checkbox"/> About 約
(c) Area of Government land included (if any) 所包括的政府土地面積 (倘有)	65.03 sq.m 平方米 <input type="checkbox"/> 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-LT/11 林村分區計劃大綱圖
(e) Land use zone(s) involved 涉及的土地用途地帶	農業、道路
(f) Current use(s) 現時用途	空地  (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”<sup>#&</sup> (please proceed to Part 6 and attach documentary proof of ownership).  
是唯一的「現行土地擁有人」<sup>#&</sup> (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”<sup>#&</sup> (please attach documentary proof of ownership).  
是其中一名「現行土地擁有人」<sup>#&</sup> (請夾附業權證明文件)。
- ☐ is not a “current land owner”<sup>#</sup>.  
並不是「現行土地擁有人」<sup>#</sup>。

- ☒ 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)”<sup>#</sup>.  
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」<sup>#</sup>。

(b) The applicant 申請人 –

- ☐ has obtained consent(s) of ..... “current land owner(s)”<sup>#</sup>.  
已取得 ..... 名「現行土地擁有人」<sup>#</sup>的同意。

Details of consent of “current land owner(s)” <sup>#</sup> obtained 取得「現行土地擁有人」 <sup>#</sup> 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)"<sup>#</sup>  
已通知 ..... 名「現行土地擁有人」<sup>#</sup>。

Details of the "current land owner(s)" <sup>#</sup> notified 已獲通知「現行土地擁有人」 <sup>#</sup> 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)<sup>#&</sup>  
於 \_\_\_\_\_ (日/月/年)向每一名「現行土地擁有人」<sup>#</sup>郵遞要求同意書<sup>&</sup>

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)<sup>&</sup>  
於 \_\_\_\_\_ (日/月/年)在指定報章就申請刊登一次通知<sup>&</sup>
- ☐ posted notice in a prominent position on or near application site/premises on \_\_\_\_\_ (DD/MM/YYYY)<sup>&</sup>  
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<sup>&</sup>
- ☐ sent notice to relevant owners' corporation(s)/owners' committee(s)/mutual aid committee(s)/management office(s) or rural committee on \_\_\_\_\_ (DD/MM/YYYY)<sup>&</sup>  
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，或有關係的鄉事委員會<sup>&</sup>

Others 其他

- ☐ others (please specify)  
其他（請指明）

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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

<b>6. Development Proposal 擬議發展計劃</b>			
(a) Name(s) of indigenous villager(s) (if applicable) 原居民姓名 (如適用)	鍾美華 CHUNG MEI WAH		
(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)	大埔林村鍾屋村		
(c) Proposed gross floor area 擬議總樓面面積	.....195.09..... sq.m 平方米 <input 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	.....65.03..... sq.m 平方米	Proposed building height of each house 每幢房屋的擬議高度	.....8.23..... m 米
(f) Proposed use(s) of uncovered area (if any) 露天地方 (倘有) 的擬議用途	NIL  (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 checked="" 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)) 林錦路..... <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 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 type="checkbox"/>          No 否 <input checked="" 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。

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?	Yes 是 <input type="checkbox"/> Please provide details 請提供詳情	<p>.....</p> <p>.....</p> <p>.....</p>
No 否 <input checked="" type="checkbox"/>		
Does the development proposal involve the operation on the right? 擬議發展是否涉及右列的工程?	Yes 是 <input type="checkbox"/>	<p>(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)</p> <p>(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</p> <p>Area of filling 填塘面積 ..... sq.m 平方米 <input type="checkbox"/> About 約</p> <p>Depth of filling 填塘深度 ..... m 米 <input type="checkbox"/> About 約</p> <p><input type="checkbox"/> Filling of land 填土</p> <p>Area of filling 填土面積 ..... sq.m 平方米 <input type="checkbox"/> About 約</p> <p>Depth of filling 填土厚度 ..... m 米 <input type="checkbox"/> About 約</p> <p><input type="checkbox"/> Excavation of land 挖土</p> <p>Area of excavation 挖土面積 ..... sq.m 平方米 <input type="checkbox"/> About 約</p> <p>Depth of excavation 挖土深度 ..... m 米 <input type="checkbox"/> About 約</p>
No 否 <input checked="" type="checkbox"/>		
Would the development proposal cause any adverse impacts? 擬議發展計劃會否造成不良影響?	<p>On environment 對環境 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/></p> <p>On traffic 對交通 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/></p> <p>On water supply 對供水 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/></p> <p>On drainage 對排水 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/></p> <p>On slopes 對斜坡 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/></p> <p>Affected by slopes 受斜坡影響 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/></p> <p>Landscape Impact 構成景觀影響 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/></p> <p>Tree Felling 砍伐樹木 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/></p> <p>Visual Impact 構成視覺影響 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/></p> <p>Others (Please Specify) 其他 (請列明) Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/></p>	<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <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)</p> <p>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>		

**8. Justifications 理由**

The applicant is invited to provide justifications in support of the application. Use separate sheets if necessary.  
 現請申請人提供申請理由及支持其申請的資料。如有需要，請另頁說明。

.....  
 (1) 在空置農地上建屋居住。  
 .....

.....  
 (2) 並無其他可選擇之土地。  
 .....

.....  
 (3) 申請地點毗鄰均有建成之同類屋宇。  
 .....

.....  
 (4) 已將擬建屋宇位置更改，以使遠離現坊之樹木。  
 .....

**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

(許軍兒 HUI KWAN YEE)

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

- 1 DEC 2022

(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 <u>as far as possible</u> . 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	大埔林村鍾屋村D.D.19 政府土地
Site area 地盤面積	65.03 sq. m 平方米 <input type="checkbox"/> About 約 (includes Government land of 包括政府土地 65.03 sq. m 平方米 <input type="checkbox"/> About 約)
Plan 圖則	S/NE-LT/11 林村分區計劃大綱圖
Zoning 地帶	農業、道路
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	195.09 sq.m 平方米 <input 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



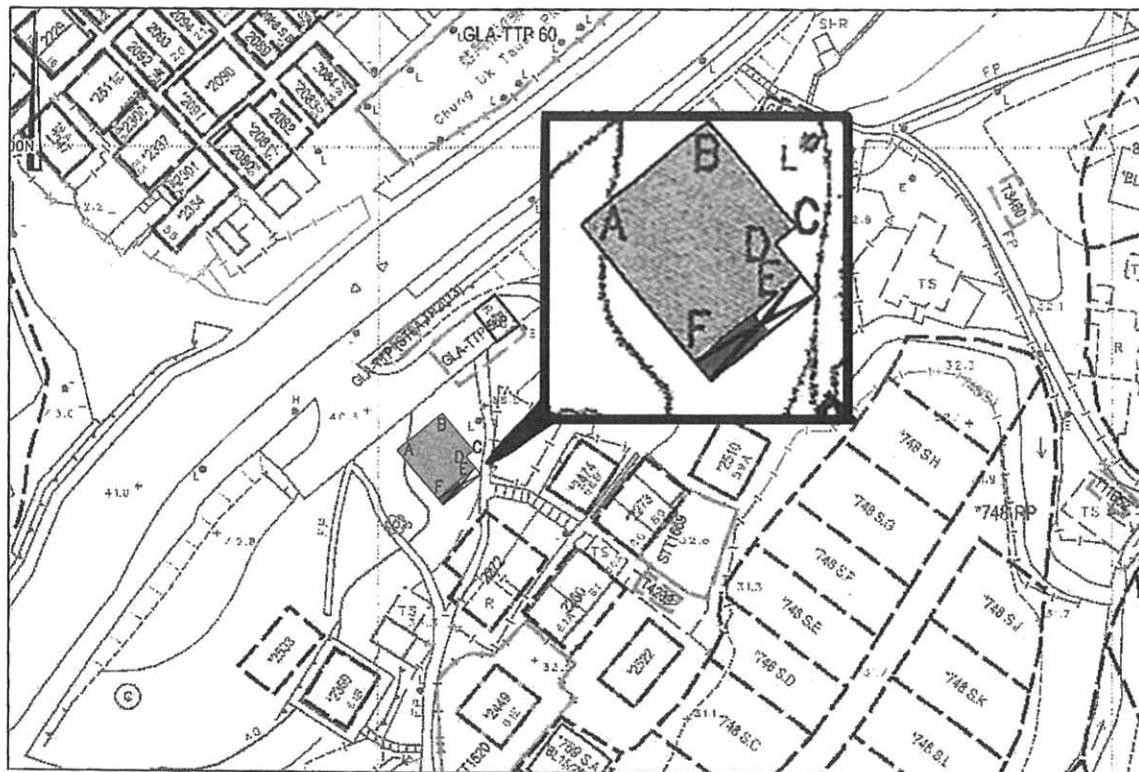
Submitted Plans, Drawings and Documents 提交的圖則、繪圖及文件		
	Chinese 中文	English 英文
<b>Plans and Drawings 圖則及繪圖</b>		
Master layout plan(s)/Layout plan(s) 總綱發展藍圖／布局設計圖	<input type="checkbox"/>	<input type="checkbox"/>
Block plan(s) 樓宇位置圖	<input type="checkbox"/>	<input type="checkbox"/>
Floor plan(s) 樓宇平面圖	<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"/>
Site Plan		
<hr/>		
<b>Reports 報告書</b>		
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"/>
<hr/>		
<hr/>		
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 Government Land near Lot 2272  
in D.D. 19, Chung Uk Tsuen, Tai Po



Proposed Small House Dimensions: (Area = 65.03 sq.m)

Side	Bearing	Distance in Metres	Pt.	Co-ordinate Data (1980 Datum)		Remarks
				Northing (m)	Easting (m)	
A - B	50 13 37	7.903	A	834958.577	832602.569	
B - C	140 13 37	6.649	B	834963.633	832608.643	
C - D	230 13 37	1.283	C	834958.522	832612.897	
D - E	140 13 37	1.885	D	834957.701	832611.911	
E - F	230 13 37	6.620	E	834956.253	832613.116	
F - A	320 13 37	8.534	F	834952.017	832608.028	

Legend:

Existing Michelia x alba Tree

Survey District: Tai Po	Survey Sheet No.: 7-NW-2D	King Fung Surveying Company 
Ref. Plan: ---	Plan No.: TP/GL/19/SH_rev02	
Ref. SRP No.: ---	Date: 24 July 2022	

**Relevant Revised Interim Criteria for Consideration of  
Application for 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<sup>^</sup>);

- (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.

<sup>^</sup>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 application covering the Application Site on the**  
**Lam Tsuen Outline Zoning Plan**

**Rejected Application**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejected Reason(s)</b>
A/NE-LT/713	Proposed House (New Territories Exempted House - Small House)	14/10/2022	R1-R3

**Rejection Reasons**

- R1. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was primary to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone 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.
- R2. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicant failed to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area.
- R3. Land was still available within the “Village Type Development” (“V”) zones of Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai which are 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 within the same “AGR” zone  
in the vicinity of the Site on the Lam Tsuen Outline Zoning Plan**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>
A/NE-LT/333	Proposed 2 Houses (New Territories Exempted Houses - Small Houses)	22/7/2005 (on Review)
A/NE-LT/386	Proposed House (New Territories Exempted House - Small House)	1/8/2008
A/NE-LT/580	Proposed House (New Territories Exempted House - Small House)	15/7/2016

### **Rejected Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejected Reason(s)</b>
A/NE-LT/385	Proposed House (New Territories Exempted House - Small House)	1/8/2008	R1, R2
A/NE-LT/525	Proposed House (New Territories Exempted House - Small House)	27/2/2015	R1 R3, R4, R5
A/NE-LT/527	Proposed House (New Territories Exempted House - Small House)	27/2/2015	R1, R3-R5
A/NE-LT/592	Proposed House (New Territories Exempted House - Small House)	11/11/2016	R1, R3, R5
A/NE-LT/621	Proposed House (New Territories Exempted House - Small House)	22/12/2017	R3, R5, R6
A/NE-LT/631	Proposed House (New Territories Exempted House - Small House)	13/7/2018 (on Review)	R1, R3, R5

### **Rejection Reasons**

- R1. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicant failed to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area.
- R2. The application site fell within an area shown as 'Road', which might affect the future widening of Lam Kam Road.
- R3. The proposed development was not in line with the planning intention of the “AGR” zone, which was primary to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone 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.
- R4. The approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.
- R5. Land was still available within the “V” zones of Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai which are 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.

- R6. The proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that it would cause adverse landscape impact on the surrounding areas.

**Detailed Comments from Relevant Government Departments**

**1. Land Administration**

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

- (a) the applicant, Mr. CHUNG Mei Wah (鍾美華) is an indigenous villager of Chung Uk Tsuen of Tai Po Heung, as confirmed by the Indigenous Inhabitant Representative of his village. However, his eligibility of Small House grant has yet to be ascertained;
- (b) the Site is situated on unallocated government land and not covered by Modification of Tenancy or Building Licence;
- (c) Small House application submitted by the applicant for the Site is still under processing;
- (d) there is no existing EVA or planned EVA near the proposed Small House; and
- (e) the number of outstanding Small House applications and the number of 10-year Small House demand for the villages concerned are as follows:

<u>Village</u>	<u>No. of outstanding Small House applications</u>	<u>No. of 10-year Small House demand*</u>
Chung Uk Tsuen	9	130
Tong Min Tsuen	4	152
Fong Ma Po	4	15
San Uk Tsai	3	42

(\*The figure of 10-year Small House demand is estimated and provided by the IIR of concerned villages (i.e. Chung Uk Tsuen, Tong Min Tsuen, Fong Ma Po and San Uk Tsai) and the information so obtained is not verified in anyway by DLO/TP, LandsD)

**2. Agriculture**

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

- (a) the Site is a piece of vacant land. There are active agricultural activities in the vicinity, and agricultural infrastructures such as road access and water source is available. The subject Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc; and
- (b) as the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view.

**3. Traffic**

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



- (a) such type of development should be confined within the “Village Type Development” zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the “V” zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and
- (b) notwithstanding the above, the application only involves development of a Small House could be tolerated on traffic grounds.

#### 4. **Environment**

Comments of the Director of Environmental Protection (DEP):

- to prevent contamination of waters which are designated by statute for potable supply, he objects to the application as the subject site is located within WGG where no public sewer is available.

#### 5. **Landscape**

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

- (a) no objection to the application from the landscape planning point of view; and
- (b) the Site is located in an area of settled valleys landscape character comprising village houses, vacant lands, vegetated areas and clusters of tree groups. The Site is partly covered by wild grass and partly paved. A *Michelia x alba* 白蘭 in good condition is observed at the southwest outside the site. According to the justification in **Appendix I**, the applicant claims that the proposed small house is located away from the existing trees. Significant adverse impact on the existing landscape character and landscape resources within the site arising from the proposed use is not anticipated.

#### 6. **Drainage**

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

- (a) no in-principle objection to the application from public drainage viewpoint; and
- (b) if the application is approved, a condition on submission and implementation of drainage proposal for the Site is required to ensure that it will not cause adverse drainage impact to the adjacent area.

#### 7. **Fire Safety**

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

- no in-principle objection to the application provided that the proposed Small Houses would not encroach on any existing or planned EVA.

**8. Water Supply**

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

- (a) objects to the application;
- (b) the Site is located within the upper indirect WGG and is about 34m away from the nearest stream. The applicant proposes to adopt septic tank system for foul water disposal and the wastewater generated from the proposed house will have the potential to cause water pollution to the WGG; and
- (c) it is considered that compliance with the “Interim Criteria for Consideration of Applications for NTEH/Small House in New Territories” item (i) cannot be established.

**9. Demand and Supply of Small House Sites**

According to the DLO/TP, LandsD’s record, the total number of outstanding Small House applications for Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai is 20 while the 10-year Small House demand forecast for the same villages is 339. Based on the latest estimate by the Planning Department, about 2.81 ha of land (or equivalent to about 112 Small House sites) is available within the “V” zone of the concerned villages. Therefore, the land available cannot fully meet the future demand of 359 Small Houses (equivalent to about 8.89 ha of land).

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



就有關於大埔林村鍾屋村，申請編號A/NE-LT/749意見  
04/02/2023 21:30

From:

To:

File Ref:

████████████████████  
tpbpd@pland.gov.hk

敬執事先生，

就有關申請編號A/NE-LT/749（大埔林村鍾屋村小型村屋）本人希望這工程另選地方，意見如下，

1. 擬建屋位置在於現時的唯一不用梯階上落行人路上，這路是老人、清潔工人用手推車，出入的唯一道路上。
2. 這附近污水處理未有“大渠”可以接駁，影響環境及衛生，請政府先做污水渠才批出建屋。
3. 這部份一直擺放垃圾站的後備垃圾桶，如果建屋，這些後備垃圾桶會無其他位放置。
4. 這一帶經常停滿車，建議這地方設立停車場

如有需要，請電郵：████████████████████

期待你們的回應

李小姐

2

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



**A/NE-LT/749 DD 19 Chung Uk Tsuen**

05/02/2023 03:36

From:

To:

File Ref:

[REDACTED]  
tpbpd <tpbpd@pland.gov.hk>

Dear TPB Members,

Reject on review 14 Oct 2022????????????? This is government land, no justification for further application.

Mary Mulvihill

**From:**

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

**Date:** Thursday, 3 February 2022 3:48 AM CST

**Subject:** A/NE-LT/713 DD 19 Chung Uk Tsuen

A/NE-LT/713

Government Land in D.D.19, Chung Uk Tsuen, Lam Tsuen, Tai Po

Site area : 65.03sq.m

Zoning : "Agriculture" and area shown as 'Road'

Applied development : NET House

Dear TPB Members,

This is government land and outside the 'V' zone.

Land is still available within the "Village Type Development" ("V") zones of Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai which are 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.

While CFA ruled that the right to build small houses is protected by the Basic Law, the policy had never had a statutory basis and is subject to the discretion of the Lands Department. This indicates that as the OZP stipulates that the sites are zoned for Agriculture then they are designated for other use.

The policy has always been subject to government discretion can cannot be an obstacle to effective land use.

Mary Mulvihill

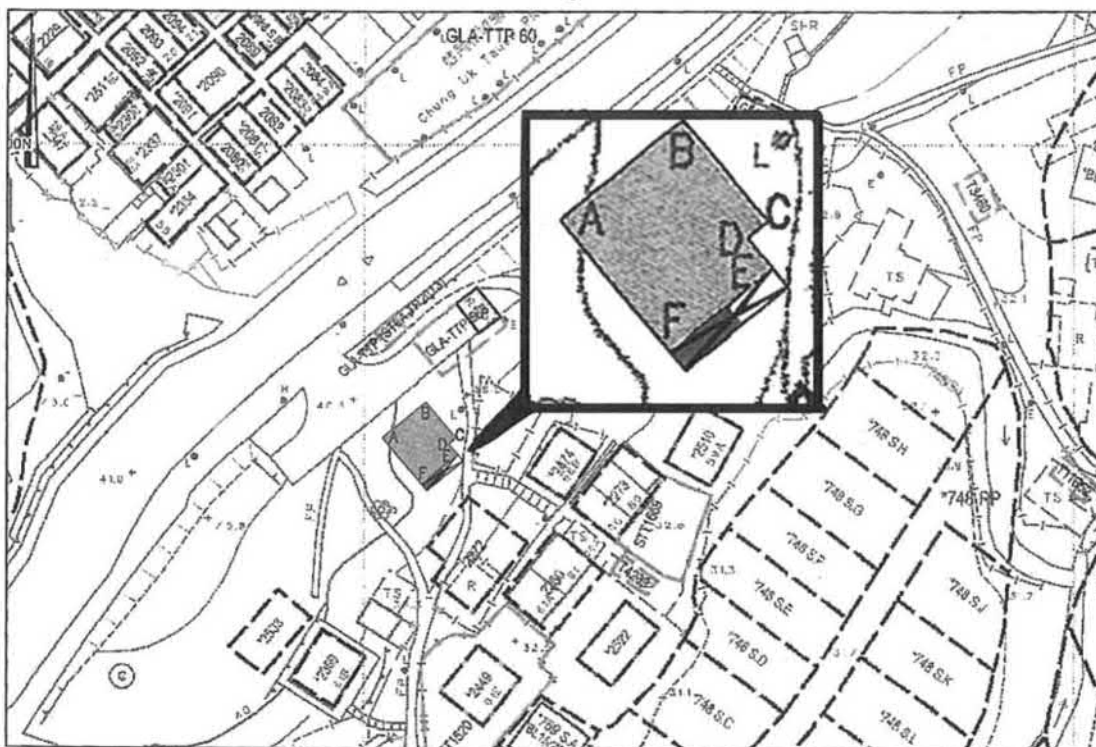
**Recommended Advisory Clauses**

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that if and after planning permission has been granted by the Town Planning Board (the Board), LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by 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 right of way to the Small Houses concerned or approval of Emergency Vehicular Access (EVA) thereto;
- (b) to note the comments of the Chief Engineer/Mainland North (CE/MN, DSD) that:
  - (i) the applicant should have his own stormwater collection and discharge system to cater for 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 should 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;
  - (ii) there are existing DSD's maintained public sewers in the vicinity but connection to the nearby public sewerage by gravity may not be possible unless there will be substantial landfilling at the existing ground. 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) the applicant should provide written consent(s) from relevant lot owner(s) and/or LandsD's permission for laying new drains/channels and/or modifying/upgrading existing ones outside the Site or on government land (where required); 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 Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. The applicant should seek approval for any proposed tree works from relevant departments prior to commencement of the works;
- (d) to note the comments of the Director of Fire Services (D of FS) that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the LandsD. Detailed fire safety requirements will be

formulated upon receipt of formal application referred by LandsD; and

- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant 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 the Town Planning Board where required before carrying out the road works.

Proposed Small House on Government Land near Lot 2272  
in D.D. 19, Chung Uk Tsuen, Tai Po



▨ Balcony (6.620 x 1.22)

■ Proposed Septic Tank (3.6 x 1.22)

Scale

Proposed Small House Dimensions: (Area = 65.03 sq.m)

Side	Bearing ° ' "	Distance in Metres	Pt.	Co-ordinate Data (1980 Datum)		Remarks
				Northing (m)	Easting (m)	
A - B	50 13 37	7.903	A	834958.577	832602.569	
B - C	140 13 37	6.649	B	834963.633	832608.643	
C - D	230 13 37	1.283	C	834958.522	832612.897	
D - E	140 13 37	1.885	D	834957.701	832611.911	
E - F	230 13 37	6.620	E	834956.253	832613.116	
F - A	320 13 37	8.534	F	834952.017	832608.028	

Legend:

⊗ Existing Michelia x alba Tree

Survey District: Tai Po	Survey Sheet No.: 7-NW-2D	King Fung Surveying Company
Ref. Plan: ---	Plan No.: TP/GL/19/SH_rev02	
Ref. SRP No.: ---	Date: 24 July 2022	

參考編號  
REFERENCE No. A/NE-LT/749

繪圖 DRAWING A-1

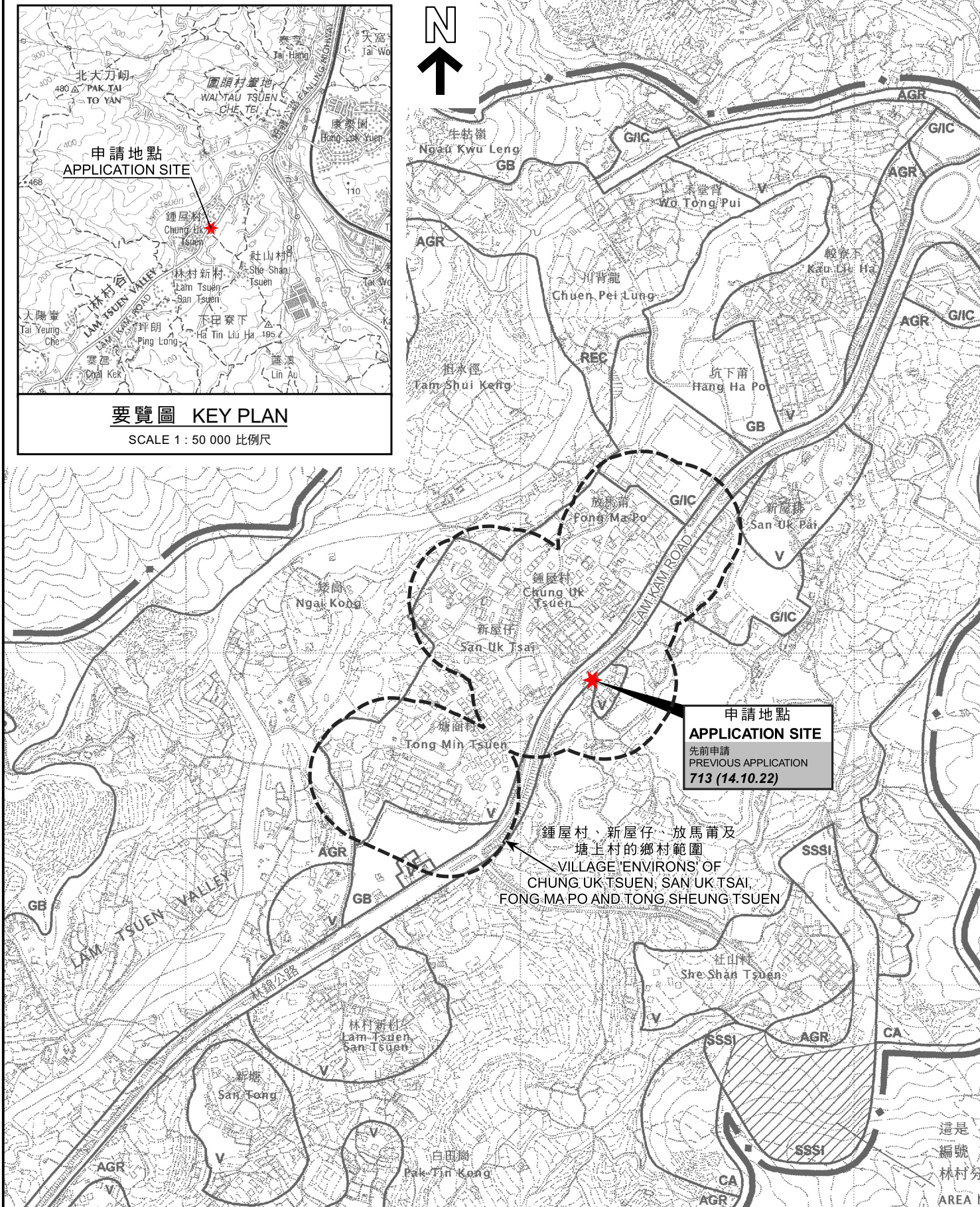
(來源：申請人建議書)  
(SOURCE: APPLICANT'S SUBMISSION PLAN)





### 要覽圖 KEY PLAN

SCALE 1 : 50 000 比例尺



### 申請地點 APPLICATION SITE

先前申請  
PREVIOUS APPLICATION  
713 (14.10.22)

鍾屋村、新屋仔、放馬莆及  
塘土村的鄉村範圍  
VILLAGE 'ENVIRONS' OF  
CHUNG UK TSUEN, SAN UK TSAI,  
FONG MA PO AND TONG SHEUNG TSUEN

### 位置圖 LOCATION PLAN

本摘要圖於2023年1月26日擬備，  
所根據的資料為於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 26.1.2023  
BASED ON OUTLINE ZONING PLAN  
No. S/NE-LT/11 APPROVED ON 31.10.2006

擬議屋宇（新界豁免管制屋宇-小型屋宇）  
大埔林村鍾屋村丈量約份第19約的政府土地  
PROPOSED HOUSE  
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
GOVERNMENT LAND IN D.D.19,  
CHUNG UK TSUEN, LAM TSUEN, TAI PO

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-LT/749

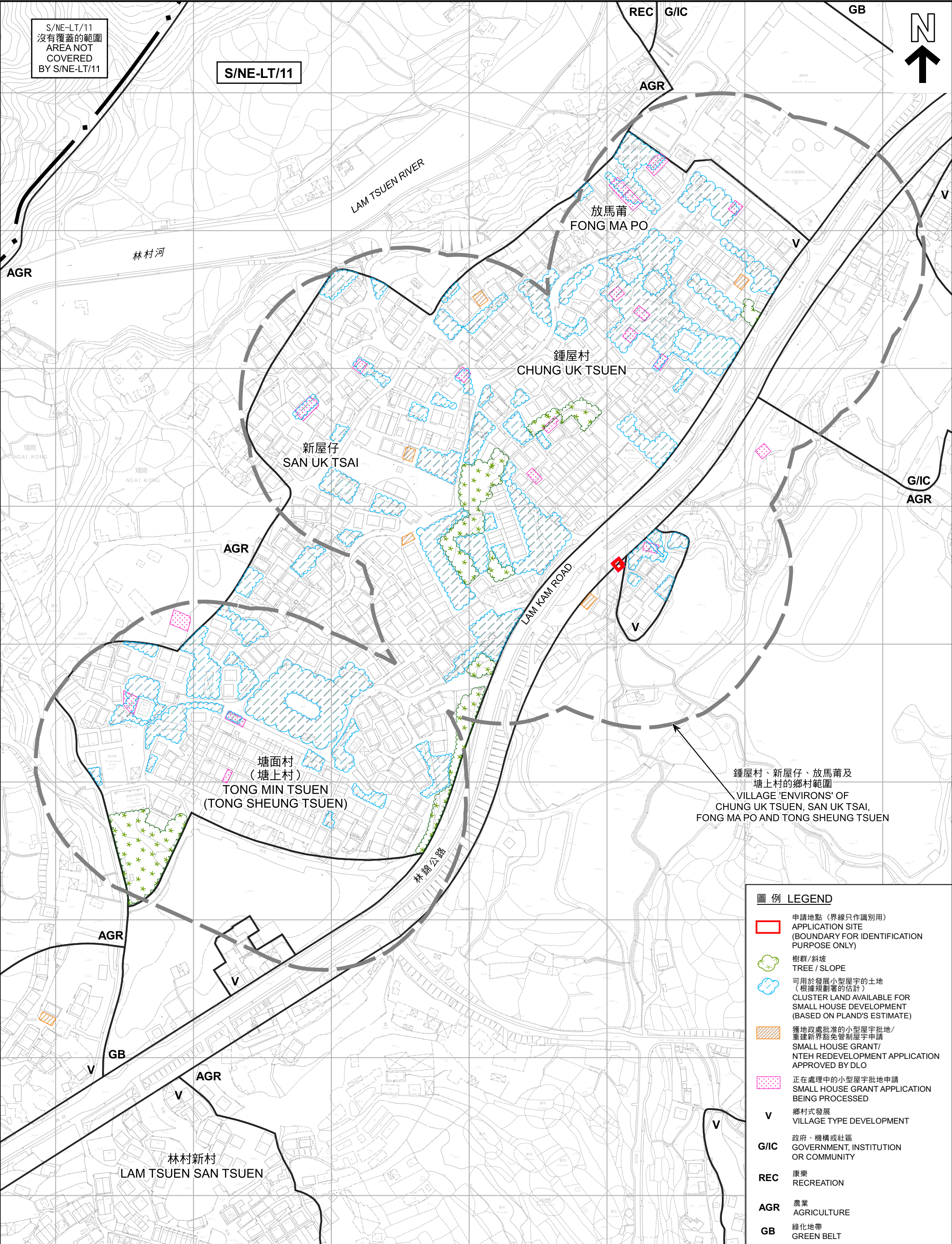
圖 PLAN

A-1









本摘要圖於2023年2月7日擬備，  
所根據的資料為測量圖編號  
7-NW-2C、2D、7A及7B  
EXTRACT PLAN PREPARED ON 7.2.2023  
BASED ON SURVEY SHEETS No.  
7-NW-2C, 2D, 7A & 7B

在「鄉村式發展」地帶內預計可供發展小型屋宇的土地數量  
ESTIMATED AMOUNT OF LAND AVAILABLE FOR  
SMALL HOUSE DEVELOPMENT WITHIN THE "V" ZONE

擬議屋宇（新界豁免管制屋宇-小型屋宇）  
大埔林村鍾屋村丈量約份第19約的政府土地  
PROPOSED HOUSE  
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
GOVERNMENT LAND IN D.D.19,  
CHUNG UK TSUEN, LAM TSUEN, TAI PO  
SCALE 1 : 2 500 比例尺

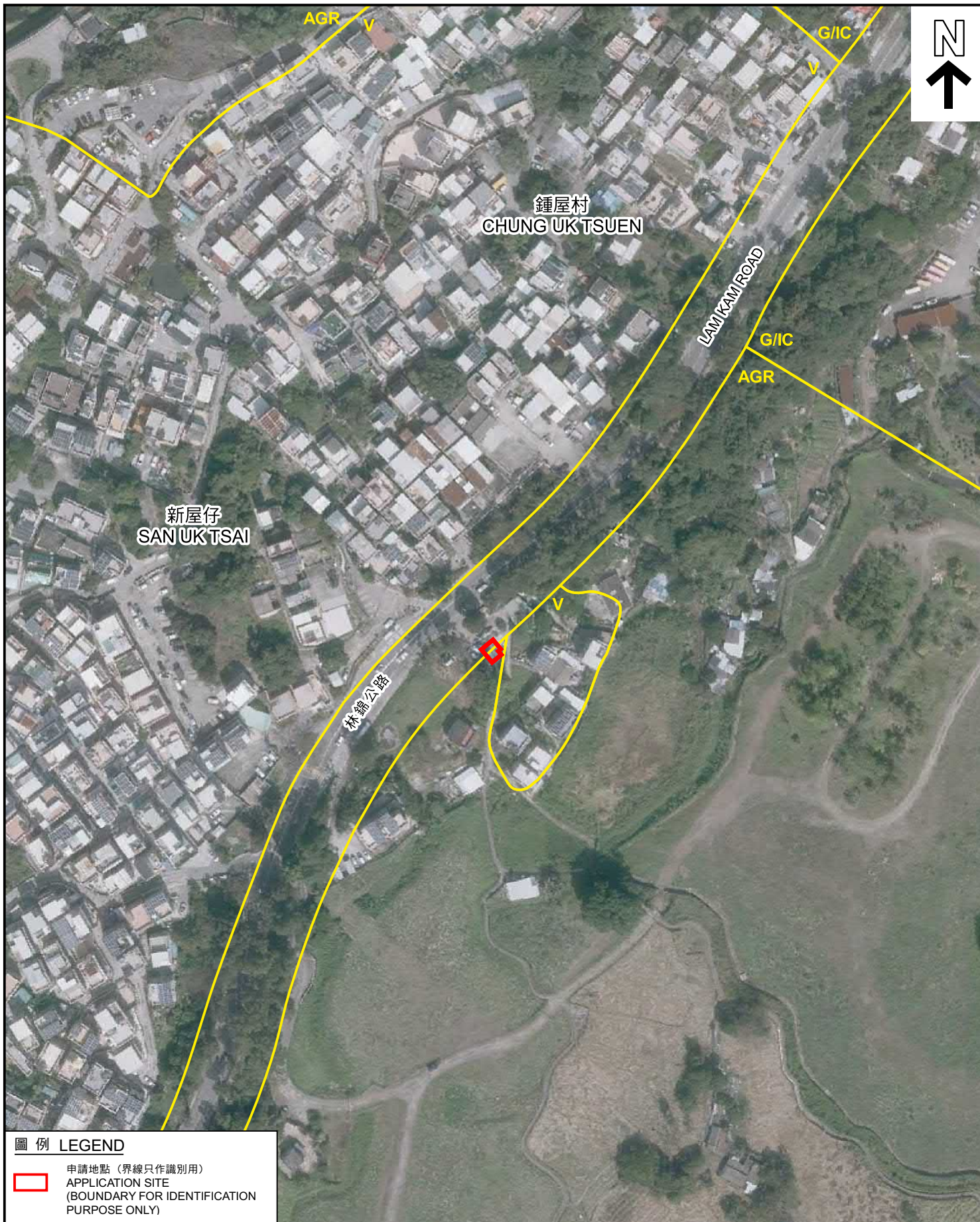
米 50 0 50 100 150 200 米  
METRES

規劃署  
PLANNING  
DEPARTMENT


參考編號  
REFERENCE No.  
A/NE-LT/749

圖 PLAN  
A-2b





圖例 LEGEND

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

本摘要圖於2023年1月12日擬備  
所根據的資料為地政總署  
於2022年2月14日拍得的航攝照片  
編號E147849C  
EXTRACT PLAN PREPARED ON 12.1.2023  
BASED ON AERIAL PHOTO No. E147849C  
TAKEN ON 14.2.2022 BY  
LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

擬議屋宇 (新界豁免管制屋宇-小型屋宇)  
大埔林村鍾屋村丈量約份第19約的政府土地  
PROPOSED HOUSE  
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
GOVERNMENT LAND IN D.D.19,  
CHUNG UK TSUEN, LAM TSUEN, TAI PO

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.

A/NE-LT/749

圖 PLAN

A-3



1



2



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

### 實地照片 SITE PHOTOS

本摘要圖於2023年1月26日擬備，所根據的資料為攝於2023年1月16日的實地照片  
PLAN PREPARED ON 26.1.2023 BASED ON SITE PHOTOS TAKEN ON 16.1.2023

擬議屋宇（新界豁免管制屋宇-小型屋宇）  
大埔林村鍾屋村丈量約份第19約的政府土地  
PROPOSED HOUSE  
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)  
GOVERNMENT LAND IN D.D.19,  
CHUNG UK TSUEN, LAM TSUEN, TAI PO

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/NE-LT/749

圖 PLAN  
A-4

**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/749                      Proposed House (New Territories Exempted House - Small House) in  
   “Agriculture” Zone and area shown as ‘Road’, Government Land in  
   D.D.19, Chung Uk Tsuen, Lam Tsuen, Tai Po  
   (RNTPC Paper No. A/NE-LT/749)

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**Presentation and Question Sessions**

27.                      With the aid of some plans, Mr Kevin K.W. Lau, 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 (PlanD) did not support the application.

28.                      A Member enquired whether the three justifications put forward by the applicant under the current application were generally the same as those indicated in the previously rejected application (No. A/NE-LT/713). In response, Mr Kevin K.W. Lau, STP/STN, stated that the justifications for the current and the previously rejected applications were basically similar. Besides, the applicant proposed to locate the proposed small house (SH) block further away from a tree (*Michelia x alba* (白蘭)) within the application site (the Site) under the current application with a view to addressing the comment of the Chief Town Planner/ Urban Design and Landscape, PlanD on application No. A/NE-LT/713 in respect of the close proximity between the proposed SH block and the tree. However, such concern on the existing tree did not form any of the rejection reasons for the application No. A/NE-LT/713.

29.                      A Member enquired about why the applicant claimed that there was no land available for the proposed development while PlanD’s presentation stated otherwise. With the aid of a plan, Mr Kevin K.W. Lau, STP/STN, explained that while the amount of land available within the “V” zone was insufficient to fully meet the future SH demand after taking into account both the 10-year SH demand forecast and the outstanding SH applications, it was sufficient to meet the outstanding SH applications which warranted more weighting

under the cautious approach adopted by the Town Planning Board in considering applications for SH developments.

30. A Member, noting that part of the Site fell within an area shown as ‘Road’ for Lam Kam Road abutting the Site, asked whether the application if approved would affect any widening proposal for Lam Kam Road. In response, Mr Kevin K.W. Lau, STP/STN, stated that widening of some sections of Lam Kam Road had already been completed and based on the latest information, there was no plan for further widening works. The area shown as ‘Road’ on the outline zoning plan (OZP), which was broad brush in nature, was delineated in consultation with the relevant government departments.

#### Deliberation Session

31. A Member raised concern if it was an abuse of the planning permission system that the applicant submitted the application for the Committee’s consideration, even though no major changes to the proposed scheme had been made in response to the rejection reasons for the previous application, which was rejected by the Committee only a few months ago. The Chairman remarked that the Secretariat of the Town Planning Board and PlanD were required to process all applications submitted under the statutory provisions of the Town Planning Ordinance.

32. Noting that there was currently no plan for further widening of Lam Kam Road, a Member was of the view that the area shown as ‘Road’ on the OZP should not be affected and asked if potential impact on future road widening works was a concern which could be incorporated as one of the rejection reasons for the application. The Chairman remarked that it was common to find the ‘Road’ area for roads in the New Territories being broadly reflected on the OZP. As there was currently no concrete plan for the further widening of Lam Kam Road and any future road widening works would be subject to review by the relevant government departments and hence, it would not be appropriate to incorporate this point as one of the rejection reasons for the application.

33. 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;

- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the applicant fails to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the existing sewerage system and would not cause adverse impact on the water quality in the area; and
- (c) land is still available within the “Village Type Development” (“V”) zones of Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zones for more orderly development pattern, efficient use of land and provision of infrastructures and services.”



**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-LT/749

By Post & Fax (2667 6441)

17 March 2023

Hui Kwan Yee

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House)  
in "Agriculture" Zone and area shown as 'Road',  
Government Land in D.D.19, Chung Uk Tsuen, Lam Tsuen, Tai Po**

I refer to my letter to you dated 16.1.2023.

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;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that you fail to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the existing sewerage system and would not cause adverse impact on the water quality in the area; and
- (c) land is still available within the "Village Type Development" ("V") zones of Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zones for more orderly development pattern, efficient use of land and provision of infrastructures 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/tc/meetings/RNTPC/Agenda/714\\_rnt\\_agenda.html](https://www.info.gov.hk/tpb/tc/meetings/RNTPC/Agenda/714_rnt_agenda.html)). A copy of the TPB Paper in Chinese in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 3.3.2023, in both English and Chinese, are 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 11.4.2023). 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. Kevin Lau of Sha Tin, Tai Po & North District Planning Office at 2158 6242.

Yours faithfully,



( Leticia LEUNG )

for Secretary, Town Planning Board

(With Chinese Translation)

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:

郵遞及傳真函件(2667 6441)

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/NE-LT/749

許軍兒

先生／女士：

擬在劃為「農業」地帶及顯示為「道路」的地方的  
大埔林村鍾屋村第 19 約的政府土地  
興建屋宇(新界豁免管制屋宇－小型屋宇)

我曾於二零二三年一月十六日發信給你。

城市規劃委員會(下稱「城規會」)在考慮這宗申請後，  
決定拒絕這宗申請，理由是：

- (a) 擬議發展不符合「農業」地帶的規劃意向。該地帶的規劃意向，主要是保存和保護良好的農地／農場／魚塘，以便作農業用途。設立此地帶的目的，亦是要保存在復耕及作其他農業用途方面具有良好潛力的休耕農地。申請書內並無有力的規劃理據，以支持偏離此規劃意向；
- (b) 擬議發展不符合「評審新界豁免管制屋宇／小型屋宇發展規劃申請的臨時準則」，因為你未能證明位於集水區內的擬議發展項目可接駁至現有的污水收集系統，不會對該區的水質造成不良影響；以及
- (c) 鍾屋村、放馬莆、塘面村及新屋仔的「鄉村式發展」地帶內仍有土地可供使用，而有關土地主要預算用作小型屋宇發展。為使發展模式較具條理，而在土地運用及基礎設施和服務的提供方面，較具經

濟效益，把擬議的小型屋宇發展集中在「鄉村式發展」地帶內會較為合適。

就這宗申請擬備的城規會文件已上載於城規會網頁的以下連結([https://www.info.gov.hk/tpb/tc/meetings/RNTPC/Agenda/714\\_rnt\\_agenda.html](https://www.info.gov.hk/tpb/tc/meetings/RNTPC/Agenda/714_rnt_agenda.html))。現隨函付上就這宗申請擬備的城規會文件中文本(補充規劃綱領／技術報告(如有的話)除外)及二零二三年三月三日城規會會議記錄的相關摘錄的中英文本，以供參閱。

根據《城市規劃條例》第 17(1)條，申請人如因城規會的決定而感到不滿，可向城規會申請對有關決定進行覆核。如欲提出覆核申請，你須在本信發出日期起計 21 天內(即二零二三年四月十一日或之前)通知我。其後，我會與你聯絡，邀請你及／或你授權的代表出席城規會的聆聽會。城規會須在收到覆核申請的日期起計三個月內考慮覆核申請。所有覆核申請均須予公布，為期三個星期，讓公眾提出意見。

根據《城市規劃條例》，城規會在覆核聆聽會上，只可因應申請人的進一步書面及／或口頭申述，重新考慮原來的申請。如你在現階段決定對原來的建議作出重大修改，便應根據《城市規劃條例》第 16 條的規定，就修改建議向城規會提交新的申請。

如對上述決定有任何疑問或需要進一步資料，請與沙田、大埔及北區規劃處劉家榮先生聯絡(電話：2158 6242)。

城市規劃委員會秘書  
(梁靜思代行)

二零二三年三月十七日

**Annex D**  
**of TPB Paper No. 10905**

傳真文件

傳真號碼：2877 0245

貴會檔號：TPB/A/NZ - 17/749

敬啟者：

根據「城市規劃條例」第 17(1)條要求覆核

D.D. 19 Lot No(s). Government Land

本人為上述申請之代理人，曾向 貴委員會提交上述申請，惟於 2023 年 3 月 5 日收到回覆有關申請被拒絕，現特此向 貴委員會根據「城市規劃條例」第 17(1)條要求覆核，懇請給予安排及回覆。祝安！

此致  
城市規劃委員會

代理人：

  
( 許 軍 兒 )

日期： 17 MAR 2023

聯絡地址：

聯絡電話：

**Previous application covering the Application Site on the**  
**Lam Tsuen Outline Zoning Plan**

**Rejected Application**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejected Reason(s)</b>
A/NE-LT/713	Proposed House (New Territories Exempted House - Small House)	14/10/2022	R1-R3

**Rejection Reasons**

- R1. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was primary to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone 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.
- R2. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicant failed to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area.
- R3. Land was still available within the “Village Type Development” (“V”) zones of Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai which are 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 within the same “AGR” zone**  
**in the vicinity of the Site on the Lam Tsuen Outline Zoning Plan**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>
A/NE-LT/333	Proposed 2 Houses (New Territories Exempted Houses - Small Houses)	22/7/2005 (on Review)
A/NE-LT/386	Proposed House (New Territories Exempted House - Small House)	1/8/2008
A/NE-LT/580	Proposed House (New Territories Exempted House - Small House)	15/7/2016

### **Rejected Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejected Reason(s)</b>
A/NE-LT/385	Proposed House (New Territories Exempted House - Small House)	1/8/2008	R1, R2
A/NE-LT/525	Proposed House (New Territories Exempted House - Small House)	27/2/2015	R1, R3, R4, R5
A/NE-LT/527	Proposed House (New Territories Exempted House - Small House)	27/2/2015	R1, R3, R4, R5
A/NE-LT/592	Proposed House (New Territories Exempted House - Small House)	11/11/2016	R1, R3, R5
A/NE-LT/621	Proposed House (New Territories Exempted House - Small House)	22/12/2017	R3, R5, R6
A/NE-LT/631	Proposed House (New Territories Exempted House - Small House)	13/7/2018 (on Review)	R1, R3, R5

### **Rejection Reasons**

- R1. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the applicant failed to demonstrate that the proposed development located within water gathering grounds would be able to be connected to the existing or planned sewerage system and would not cause adverse impact on the water quality in the area.
- R2. The application site fell within an area shown as ‘Road’, which might affect the future widening of Lam Kam Road.
- R3. The proposed development was not in line with the planning intention of the “AGR” zone, which was primary to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone 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.
- R4. The approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.
- R5. Land was still available within the “V” zones of Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai which are 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.

- R6. The proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that it would cause adverse landscape impact on the surrounding areas.

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



**Re: A/NE-LT/749 DD 19 Chung Uk Tsuen**  
19/04/2023 02:20

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

R-1

Dear TPB Members,

749 rejected. In addition  
the proposed development does not comply with the Interim Criteria for  
consideration of application for New Territories Exempted House/Small House in  
New Territories in that the applicant fails to demonstrate that the proposed  
development **located within water gathering grounds** would be able to be  
connected to the existing sewerage system and would not cause adverse impact on  
the water quality in the area;

Another rejection justified.

Mary Mulvihill

---

**From:** [REDACTED]  
**To:** tpbpd <tpbpd@pland.gov.hk>  
**Date:** Sunday, 5 February 2023 3:36 AM CST  
**Subject:** A/NE-LT/749 DD 19 Chung Uk Tsuen

Dear TPB Members,

Reject on review 14 Oct 2022????????????? This is government land, no  
justification for further application.

Mary Mulvihill

---

**From:** [REDACTED]  
**To:** tpbpd <tpbpd@pland.gov.hk>  
**Date:** Thursday, 3 February 2022 3:48 AM CST  
**Subject:** A/NE-LT/713 DD 19 Chung Uk Tsuen

A/NE-LT/713

Government Land in D.D.19, Chung Uk Tsuen, Lam Tsuen, Tai Po

Site area : 65.03sq.m

Zoning : "Agriculture" and area shown as 'Road'

Applied development : NET House

Dear TPB Members,

This is government land and outside the 'V' zone.

Land is still available within the "Village Type Development" ("V") zones of Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai which are 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.

While CFA ruled that the right to build small houses is protected by the Basic Law, the policy had never had a statutory basis and is subject to the discretion of the Lands Department. This indicates that as the OZP stipulates that the sites are zoned for Agriculture then they are designated for other use.

The policy has always been subject to government discretion and cannot be an obstacle to effective land use.

Mary Mulvihill

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



就有關於大埔林村鍾屋村，申請編號A/NE-LT/749意見  
21/04/2023 15:49

From:

To:

File Ref:

[REDACTED]  
tpbpd@pland.gov.hk

R-2

敬執事先生，

就有關申請編號A/NE-LT/749（大埔林村鍾屋村小型村屋）本人希望這工程另選地方，意見如下，

1. 擬建屋位置在於現時之唯一不用梯階上落行人路上，這路是老人、清潔工人用手推車，出入的唯一道路上。
2. 這附近污水處理未有“大渠”可以接駁，影響環境及衛生，請政府先做污水渠才批出建屋。
3. 這部份一直擺放垃圾站的後備垃圾桶，如果建屋，這些後備垃圾桶會無其他位放置。
4. 這一帶經常停滿車，建議這地方設立停車場

如有需要，請電郵：

期待你們的回應

李小姐

**Recommended Advisory Clauses**

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that if and after planning permission has been granted by the Town Planning Board (the Board), LandsD will process the Small House application. However, there is no guarantee at this stage that the Small House application would be approved. If the Small House application is approved by 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 right of way to the Small Houses concerned or approval of Emergency Vehicular Access (EVA) thereto;
- (b) to note the comments of the Chief Engineer/Mainland North (CE/MN, DSD) that:
  - (i) the applicant should have his own stormwater collection and discharge system to cater for 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 should 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;
  - (ii) there are existing DSD's maintained public sewers in the vicinity but connection to the nearby public sewerage by gravity may not be possible unless there will be substantial landfilling at the existing ground. 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) the applicant should provide written consent(s) from relevant lot owner(s) and/or LandsD's permission for laying new drains/channels and/or modifying/upgrading existing ones outside the Site or on government land (where required); 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 Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. The applicant should seek approval for any proposed tree works from relevant departments prior to commencement of the works;
- (d) to note the comments of the Director of Fire Services (D of FS) that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the LandsD. Detailed fire safety requirements will be

formulated upon receipt of formal application referred by LandsD; and

- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant 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 the Town Planning Board where required before carrying out the road works.