

RNTPC Paper No. A/NE-LT/755

For Consideration by the
Rural and New Town Planning
Committee on 21.4.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/755

- Applicant** : Mr. CHUNG Chor Hei represented by Mr. HUI Kwan Yee
- Site** : Lots 338 S.A and 408 S.B ss.6 in D.D.10, Chai Kek Village, Lam Tsuen, Tai Po
- Site Area** : About 112m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
- Zonings** : “Agriculture” (“AGR”) (about 93%) and “Village Type Development” (“V”) (about 7%)
- Application** : Proposed House (New Territories Exempted House (NTEH) - Small House)

1. The Proposal

- 1.1 The applicant, an indigenous villager of Chai Kek Village¹ 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).
- 1.2 Details of the proposed Small House development are as follows:
- | | | |
|------------------|---|----------------------|
| Total floor area | : | 195.09m ² |
| No. of storeys | : | 3 |
| Building height | : | 8.23m |
| Roofed over area | : | 65.03m ² |
- 1.3 Layouts of the proposed Small House and sewerage connection are shown in **Drawing A-1**.
- 1.4 The Site is the subject of a previous application (No. A/NE-LT/617) submitted by the same applicant for the same proposed use (**Plans A-1** and **A-2a**). It was rejected by the Rural and New Town Planning Committee (the Committee) on 22.9.2017. Details of previous application are set out in paragraph 5 below. Compared with the previous application, the footprint and development

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.

parameters of the proposed Small House are generally the same.

- 1.5 In support of the application, the applicant has submitted an Application Form with attachment received on 26.2.2023 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out at **Appendix I**, as summarized below:

- (a) the Site is currently a piece of abandoned agricultural land;
- (b) there is no other site available for the proposed Small House development; and
- (c) some similar village houses are built in the vicinity.

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

The applicant is the sole “current land owners”. 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 is the subject of a previous application (No. A/NE-LT/617) submitted by the same applicant for the same proposed use. It was rejected by the Committee in 2017 mainly on the grounds of being not in line with the planning intention of the “AGR” zone; and land was still available within the concerned “Village Type Development” (“V”) zone for Small House development.
- 5.2 Details of the above 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 10 similar applications for Small House development in the vicinity of the Site within or partly with the same “AGR” and “V” zones since the first promulgation of the Interim Criteria, of which three were approved and seven rejected.
- 6.2 Applications (No. A/NE-LT/ 307, 308 and 375) were approved with conditions by the Committee between 2003 and 2008 mainly on consideration that the proposed developments were in line with the Interim Criteria in that more than

50% of the respective Small House footprint was within the village ‘environs’ (‘VE’); there was a general shortage of land in meeting the demand for Small House development in the concerned “V” zone at the time of consideration; and the proposed developments were able to be connected to the planned public sewerage system.

- 6.3 Seven applications (No. A/NE-LT/310, 347, 365, 530, 535, 597 and 616) were rejected by the Committee/the Board upon review between 2004 and 2017. They were rejected mainly for being not in line with the planning intention of the “AGR” zone; the applicant failed to demonstrate that the proposed developments 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 or landscape impacts on the surrounding areas; and/or not complying with the Interim Criteria in that land was still available within the concerned “V” zone for Small House development. The applicant of application No. A/NE-LT/365 had lodged an appeal against the Board’s decision, subsequently the appeal was dismissed by the Town Planning Appeal Board on 29.4.2008 mainly for the aforesaid reasons.
- 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 Areas (Plans A-1 to A-4)

- 7.1 The Site is:
- (a) hard paved and occasionally occupied by private vehicles;
 - (b) situated at the northwestern fringe of village proper of Chai Kek ;
 - (c) accessible via a local track leading to Chai Kek Road; and
 - (d) located within the upper indirect WGG.
- 7.2 The surrounding areas are predominantly rural in character comprising village houses, vegetated areas and tree groups. A cluster of village houses are found to the immediate east of the Site. An area for temporary private car park with planning permission is found to the immediate north of the Site. Lam Kam Road is situated at about 45m to the west 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 Small House - Application site	3% 7%	97% 93%	- The Site and the proposed Small House footprint mainly fall within the “AGR” zone with minor portion in the “V” zone.
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 Chai Kek.
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 Chai Kek and Wo Liu: about 2.73 ha (equivalent to 109 Small House sites). The outstanding Small House applications are 19 ² while the 10-year Small House demand forecast for the same villages is 90. <u>Land Available</u> - Land available to meet Small House demand within the “V” zones of the villages concerned: about 1.63 ha (or equivalent to 65 Small House sites) (Plan A-2b).
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		
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.

² Among the 19 outstanding Small House applications in Chai Kek and Wo Liu, 18 fall within the “V” zone and 1 straddles the “V” zone. For the application straddling the “V” zone, no planning approval from the Board has been granted.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
6.	Within WGG?	✓		<ul style="list-style-type: none"> - Chief Engineer / Construction, Water Supplies Department (CE/C, WSD) has no objection to the application as the Small House is proposed to be connected to the existing public sewerage system. - Director of Environmental Protection (DEP) has no objection to the application provided that the applicant will provide adequate sewer connection for disposal of sewage from the Small House to the existing public sewer at their own costs and reserve adequate land for the sewer connection works.
7.	Sewerage Impact	✓		
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	Need for provision of fire services installations and emergency vehicular access (EVA)?		✓	<ul style="list-style-type: none"> - Director of Fire Services (D of FS) has no in-principle objection to the application.
10.	Traffic impact?	✓		<ul style="list-style-type: none"> - Commissioner for Transport (C for T) considers that Small House development should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the “V” zone, if permitted, will set an undesirable precedent case for similar applications in future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding, she considers that the application only involving development of one Small House can be tolerated on traffic grounds.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
11.	Drainage impact?	✓		<ul style="list-style-type: none"> - Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application from public drainage viewpoint. - Approval condition on the submission and implementation of drainage proposal for the Site is required.
12.	Landscape impact?		✓	<ul style="list-style-type: none"> - 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 the existing landscape resources within the Site arising from the proposed use is not anticipated.
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) CE/C, WSD; and
- (h) D of FS.

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, a public comment was received from an individual objecting to the application mainly on the grounds that land is still available within the “V” zone of Chai Kek and Wo Liu for Small House development and the Site is the subject of a previously rejected application .

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed Small House development at the Site mainly zoned “AGR” with a minor portion zoned “V” 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.
- 11.2 The Site is located at the northwestern fringe of Chai Kek and is hard paved and occasionally occupied by private vehicles. 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 objection to the application from the landscape planning perspective as significant adverse impact on the landscape character and the existing landscape resources within the site arising from the proposed development is not anticipated.
- 11.3 Regarding the Interim Criteria (**Appendix II**), according to DLO/TP, LandsD, the number of outstanding Small House applications for Chai Kek and Wo Liu is 19 while the 10-year Small House demand forecast for the same villages is 90. Based on PlanD’s latest estimate, about 1.63 ha of land (equivalent to 65 Small House sites) is available within the “V” zone concerned. While the amount of land available within the “V” zone (**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 connect the proposed Small House to the existing public sewerage system in the vicinity of the Site in Chai Kek. DEP and CE/C of WSD have no

objection on the application. CE/MN of DSD has no in-principle objection to the application on condition that the applicant should submit and implement drainage proposal for the Site. Other relevant government departments including C for T, CHE/NTE of HyD and D of FS have no objection to or adverse comment on the application.

- 11.5 The Site is the subject of a previous application (No. A/NE-LT/617) submitted by the same applicant for the same proposed use. It was rejected by the Committee in 2017 mainly on the grounds of being not in line with the planning intention of the “AGR” zone; and land was still available within the concerned “V” zones for Small House development. The planning circumstances for rejecting the previous application are applicable to the current application.
- 11.6 As shown on **Plan A-2a**, there are 10 similar applications for Small House development in close proximity to the Site. Three of which were approved and seven were rejected. All of the three approved applications were approved before the Board’s formal adoption of a more cautious approach in August 2015 and mainly on consideration of being in line with the Interim Criteria in that more than 50% of the Small House footprint was within the ‘VE’; there was a general shortage of land in meeting the demand for Small House development in the concerned “V” zone at the time of consideration; and the proposed development were able to be connected to the planned public sewerage system. The planning circumstances of these approved applications were not applicable to the current application. For the rejected applications, the planning circumstances of the current application are similar in that land is still available within “V” zone for Small House development; and the proposed development was not in line with the planning intention of the “AGR” zone.
- 11.7 Regarding the public comments objecting to the application on the grounds as detailed in paragraph 10, government departments’ comments and the planning considerations and 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 comment 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; and
 - (b) land is still available within the “Village Type Development” (“V”) zone of Chai Kek and Wo Liu which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of

infrastructures and services.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 21.4.2027, 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 26.2.2023
Appendix II	Relevant revised Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (promulgated on 7.9.2007)
Appendix III	Previous applications
Appendix IV	Similar applications
Appendix V	Detailed comments from relevant government departments
Appendix VI	Public comment
Appendix VII	Recommended advisory clauses
Drawing A-1	Layouts plan with sewerage connection 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" zone
Plan A-3	Aerial photo
Plan A-4a and 4b	Site photos

**PLANNING DEPARTMENT
APRIL 2023**

2023年 2月 28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。

28 FEB 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-17/755
	Date Received 收到日期	28 FEB 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)

鍾楚熙 Chung Chor Hei

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)	D.D.10 Lot Nos.338S.A,408S.Bss.6 in Chai Kek,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	<input checked="" type="checkbox"/> Site area 地盤面積 112.0 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) 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	V & AGR
(f) Current use(s) 現時用途	VACANT (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)	鍾楚熙 Chung Chor Hei		
(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)	大埔寨咀村		
(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 <input checked="" type="checkbox"/> No 否 <input type="checkbox"/>	<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)) 寨咀路 <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)	
(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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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。

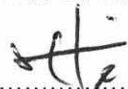
- (1) 在空置農地上建屋居住。
- (2) 並無其他可選擇之土地。
- (3) 申請地點毗鄰均有建成之同類屋宇。

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) ☐ Member 會員 / ☐ Fellow of 資深會員

專業資格

☐ 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

18 JAN 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。

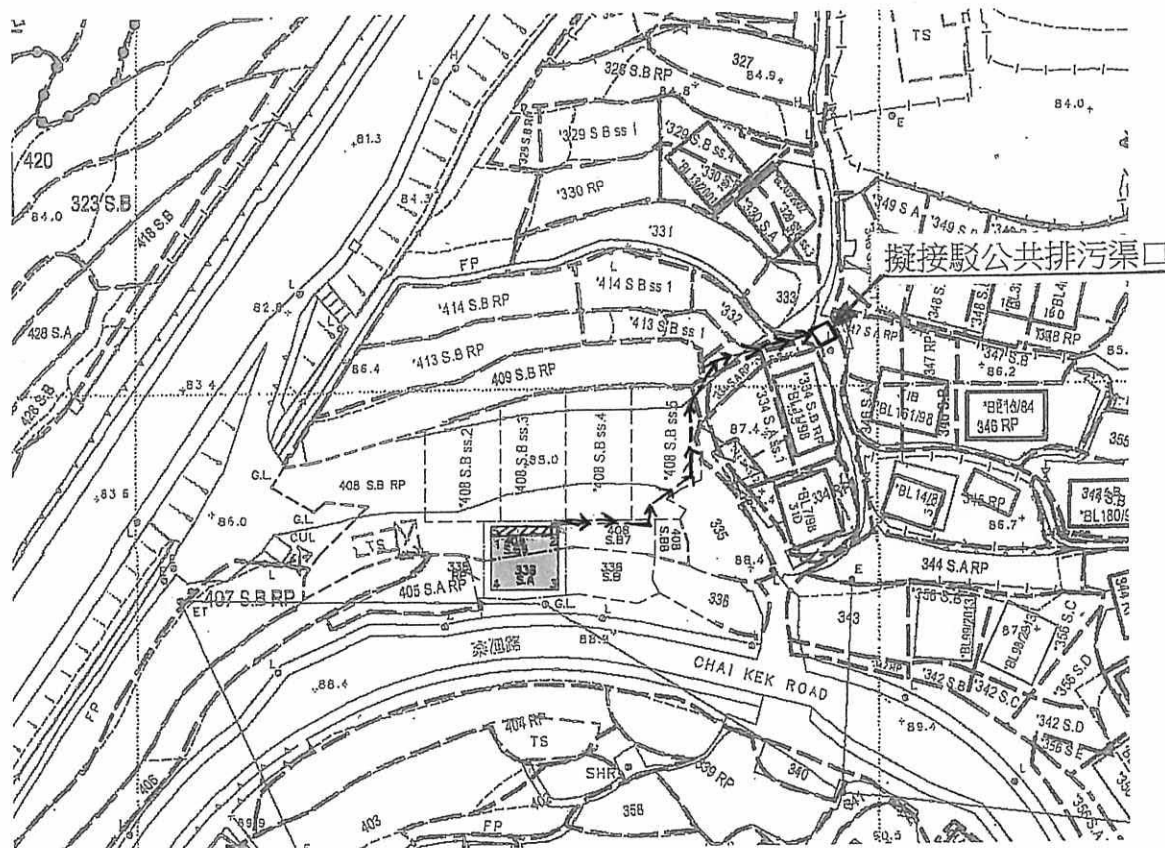
Gist of Application 申請摘要	
(Please provide details in both English and Chinese as far as possible. This part will be circulated to relevant consultees, uploaded to the Town Planning Board's Website for browsing and free downloading by the public and available at the Planning Enquiry Counters of the Planning 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	D.D.10 Lot Nos.338S.A,408S.Bss.6 in Chai Kek, Tai Po, N.T.
Site area 地盤面積	112.0 sq.m 平方米 <input 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-LT/11
Zoning 地帶	V & 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	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		
	<u>Chinese</u> 中文	<u>English</u> 英文
<u>Plans and Drawings 圖則及繪圖</u>		
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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Site Plan		
<hr/>		
<u>Reports 報告書</u>		
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。

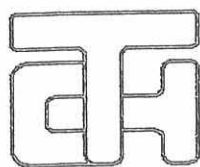
Dimension Plan of the Proposed Small House on Lots 338 S.A & 408 S.B ss.6 in D.D. 10 Chai Kek, Tai Po



Balcony

Coloured Pink Area 65.03 Square Metres (About)
Scale 1 : 1000

Side	Bearing ° ' "	Distance in Metres	Pt	Co-ordinate Data (1980 Datum)		Remarks
				N	E	
1 - 4	90 00 00	9.144	1	833581.284	831247.383	
2 - 3	180 00 00	7.112	2	833581.284	831256.527	
3 - 4	270 00 00	9.144	3	833574.172	831256.527	
4 - 1	0 00 00	7.112	4	833574.172	831247.383	
Co-ordinates of the balcony						
5 - 6	90 00 00	9.144	5	833582.504	831247.383	
6 - 2	180 00 00	1.220	6	833582.504	831256.527	
2 - 1	270 00 00	9.144	2	833581.284	831256.527	
1 - 5	0 00 00	1.220	1	833581.284	831247.383	



T.H. & ASSOCIATES LIMITED
(陳德慶測量有限公司)

Approved By

TH CHAN / AIS MUKIE MPIOC DDE/EN

Survey Sheet No: 7-NW-11B

Adopted Plan No: SRP/TP/008/1171/D1

PLAN No : TP/10/338A-SH

**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[^]);

- (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 Applications covering the Application Sites
on the Lam Tsuen Outline Zoning Plan

Rejected Application

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-LT/617	Proposed House (New Territories Exempted House - Small House)	22.9.2017	R1, R2

Rejection Reasons

- R1 The application was not in line with the planning intention of the "Agriculture" ("AGR") 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. No strong justifications have been provided in the submission for a departure from the planning intention
- R2 Land was still available within the "Village Type Development" ("V") zone of Chai Kek which was primarily intended for Small House development. It was considered more appropriate to concentrate Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services.

Similar Applications within the same “AGR” and “V” zone
In the vicinity of the Site on the Lam Tsuen Outline Zoning Plan

Approved Applications

Application No.	Proposed Development	Date of Consideration
A/NE-LT/307	Proposed House (New Territories Exempted House - Small House)	21.11.2003
A/NE-LT/308	Proposed House (New Territories Exempted House - Small House)	21.11.2003
A/NE-LT/375	Proposed Three Houses (New Territories Exempted Houses - Small House)	4.1.2008

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-LT/310	Proposed House (New Territories Exempted House - Small House)	6.8.2004 (Review)	R1
A/NE-LT/347	Proposed House (New Territories Exempted House - Small House)	9.12.2005	R2, R3
A/NE-LT/365	Proposed House (New Territories Exempted House - Small House)	29.4.2008 (Appeal)	R2, R3
A/NE-LT/530	Proposed House (New Territories Exempted House - Small House)	10.7.2015 (Review)	R2, R4
A/NE-LT/535	Proposed House (New Territories Exempted House - Small House)	8.5.2015	R2, R4
A/NE-LT/597	Proposed Two Houses (New Territories Exempted Houses - Small House)	13.1.2017	R2, R4
A/NE-LT/616	Proposed House (New Territories Exempted House - Small House)	8.9.2017	R2, R4

Rejection Reasons

- R1 The proposed Small House did not comply with the interim criteria for assessing planning application for New Territories Exempted House /Small House development in the New Territories in that the application site was not able to be connected to the existing or planned sewerage system in the area. There was no information in the submission to demonstrate that the proposed development located within the water gathering grounds would not cause adverse impact on water quality in the area.
- R2 The application was not in line with the planning intention of the "Agriculture" ("AGR") 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. No strong justifications have been provided in the submission for a departure from the planning intention

- R3 The proposed development did not comply with the interim criteria for assessing planning applications for NTEH/Small House development in that the proposed NTEH/Small House development fell within Water Supplies Department's upper indirect Water Gathering Grounds (WGG) and was not able to be connected to existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area
- R4 Land was still available within the "Village Type Development" ("V") zone of Chai Kek which was primarily intended for Small House development. It was considered more appropriate to concentrate Small House development close to the existing village cluster for more orderly development pattern, efficient use of land and provision of infrastructures and services.

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 Chor Hei is an indigenous villager of Chai Kek Village 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 held under the Block Government Lease demised for agriculture use and not covered by Modification of Tenancy or Building Licence;
- (c) no valid Small House application has been received from the applicant;
- (d) the proposed Small House would not encroach any existing EVA or planned EVA; 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>
Chai Kek (including Wo Liu)	19	90

(*The figure of 10-year Small House demand is estimated and provided by the IIR of concerned villages (i.e. Chai Kek and Wo Liu) 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 paved land. There are active agricultural activities in the vicinity, and agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant 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 involving development of one Small House could be tolerated on traffic grounds.

4. Environment

Comments of the Director of Environmental Protection (DEP):

- no in-principle objection to the application provided that the applicant will provide adequate sewer connection for disposal of sewage from the Small House to the existing public sewer at their own costs and reserve adequate land for the sewer connection works.

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 of small houses, farmlands, vegetated areas and clusters of tree groups. With reference to the site photos taken on 7.3.2023 (**Plan A-4a** and **4b**), the Site is hard paved and occupied by private vehicles. Significant adverse impact on the landscape character and the existing 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 on the adjacent areas.

7. Water Supply

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

- (a) no objection to the application;
- (b) the Site is located within the upper indirect WGG and is less than 30m away

from the nearest stream; and

- (c) it is noted that the Site is able to be connected to the planned public sewerage system in the area. Thus, compliance of the application with items (a) and (i) of the “Interim Criteria for Consideration of Applications for NTEH/Small House in NT” can be reasonably established.

8. Fire Safety

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

- no in-principle objection to the application.

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 Chai Kek and Wo Liu is 19 while the 10-year Small House demand forecast for the same villages is 90. Based on the latest estimate by the Planning Department, about 1.63 ha of land (or equivalent to about 65 Small House sites) is available within the “V” zone of the concerned villages. Therefore, the land available cannot fully meet the future demand of 109 Small Houses (equivalent to about 2.73 ha of land).

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



Re: A/NE-LT/755 DD 10 Chai Kek

27/03/2023 02:49

From:

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

File Ref:

A/NE-LT/755

Lots 338 S.A and 408 S.B ss.6 in D.D. 10, Chai Kek Village, Lam Tsuen

Site area ; 112sq.m

Zoning: "Agriculture" and "VTD"

Applied development: NET House

Dear TPB Members,

617 rejected in 2017. Land is still available within the "Village Type Development" ("V") zone of Chai Kek and Wo Liu which is primarily intended for Small House development.

There is no justification to the renewed application.

Mary Mulvihill

From:

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

Date: Thursday, 31 August 2017 1:34 AM CST

Subject: A/NE-LT/617 DD 10 Chai Kek

A/NE-LT/617

Lots 338 S.A and 408 S.B ss.6 in D.D.10, Chai Kek, Tai Po

Site area 107.8m²

Zoning : "Agriculture" and "VTD"

Applied Development : NET House

Dear TPB Members,

The site is obviously well removed from the village with spare VTD capacity.

Development is not appropriate for 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 and 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; Approval would set an undesirable precedent.

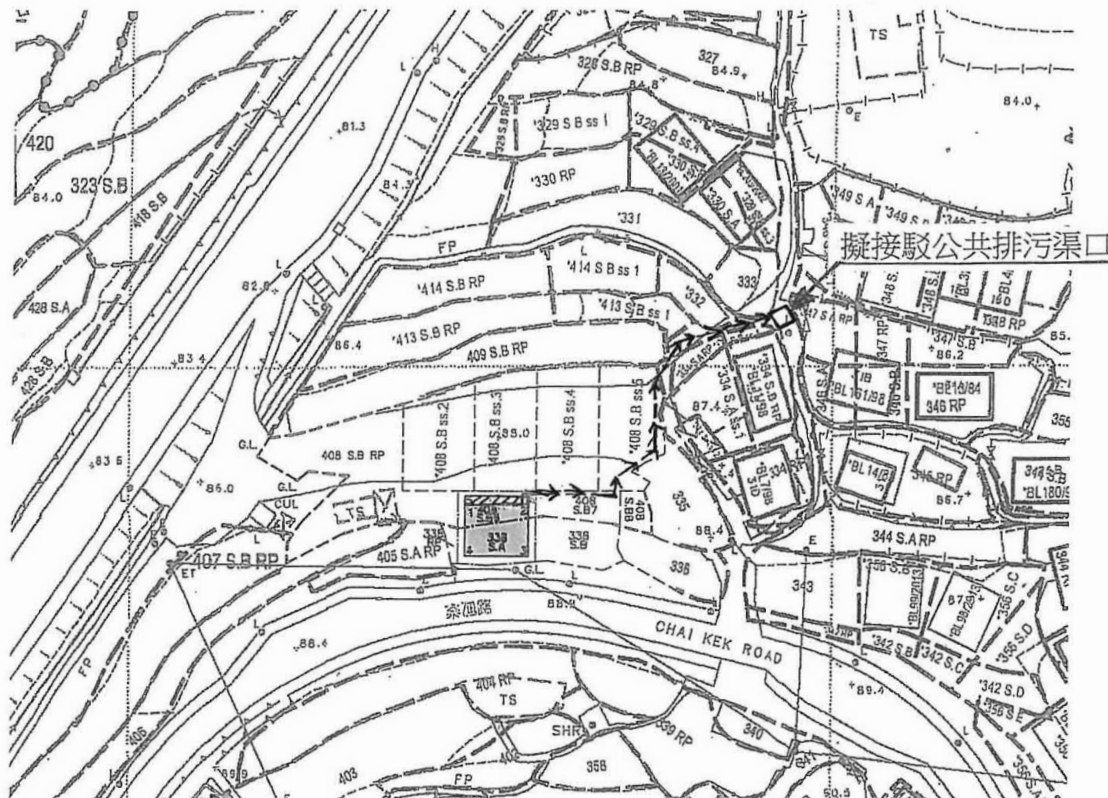
Mary Mulvihill

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) the runoff within the subject premises 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;
 - (iii) there are existing DSD's maintained public sewers in the vicinity 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) 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
 - (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 (CE/C, WSD) that:

- (i) the foul water drainage system of the proposed 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;
 - (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;
 - (iv) the whole of foul effluent from the proposed NTEH/Small House shall be conveyed through cast iron pipes or other approved material with sealed joints and hatch boxes; and
 - (v) since the proposed Small House is less than 30m from the nearest watercourse, the proposed Small House should be located as far away from the watercourse as possible.
- (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.

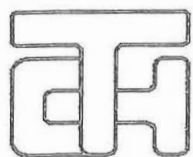
Dimension Plan of the Proposed Small House on
Lots 338 S.A & 408 S.B ss.6 in D.D. 10
Chai Kek, Tai Po



Balcony

Coloured Pink Area 65.03 Square Metres (About)
Scale

Side	Bearing ° ' "	Distance in Metres	Pt	Co-ordinate Data (1980 Datum)		Remarks
				N	E	
1 - 4	90 00 00	9.144	1	833581.284	831247.383	
2 - 3	180 00 00	7.112	2	833581.284	831256.527	
3 - 4	270 00 00	9.144	3	833574.172	831256.527	
4 - 1	0 00 00	7.112	4	833574.172	831247.383	
Co-ordinates of the balcony						
5 - 6	90 00 00	9.144	5	833582.504	831247.383	
6 - 2	180 00 00	1.220	6	833582.504	831256.527	
2 - 1	270 00 00	9.144	2	833581.284	831256.527	
1 - 5	0 00 00	1.220	1	833581.284	831247.383	



T.H. & ASSOCIATES LIMITED

(陳德慶測量有限公司)

Approved By

T.H.CHAN (ALS, MHKIS, MRICS, RPS(LS))

Authorized Land Surveyor

Date : 07 - 11 - 2014

Survey Sheet No: 7-NW-11B

Adopted Plan No: SRP/TP/008/1171/D1

PLAN No : TP/10/338A-SH

參考編號

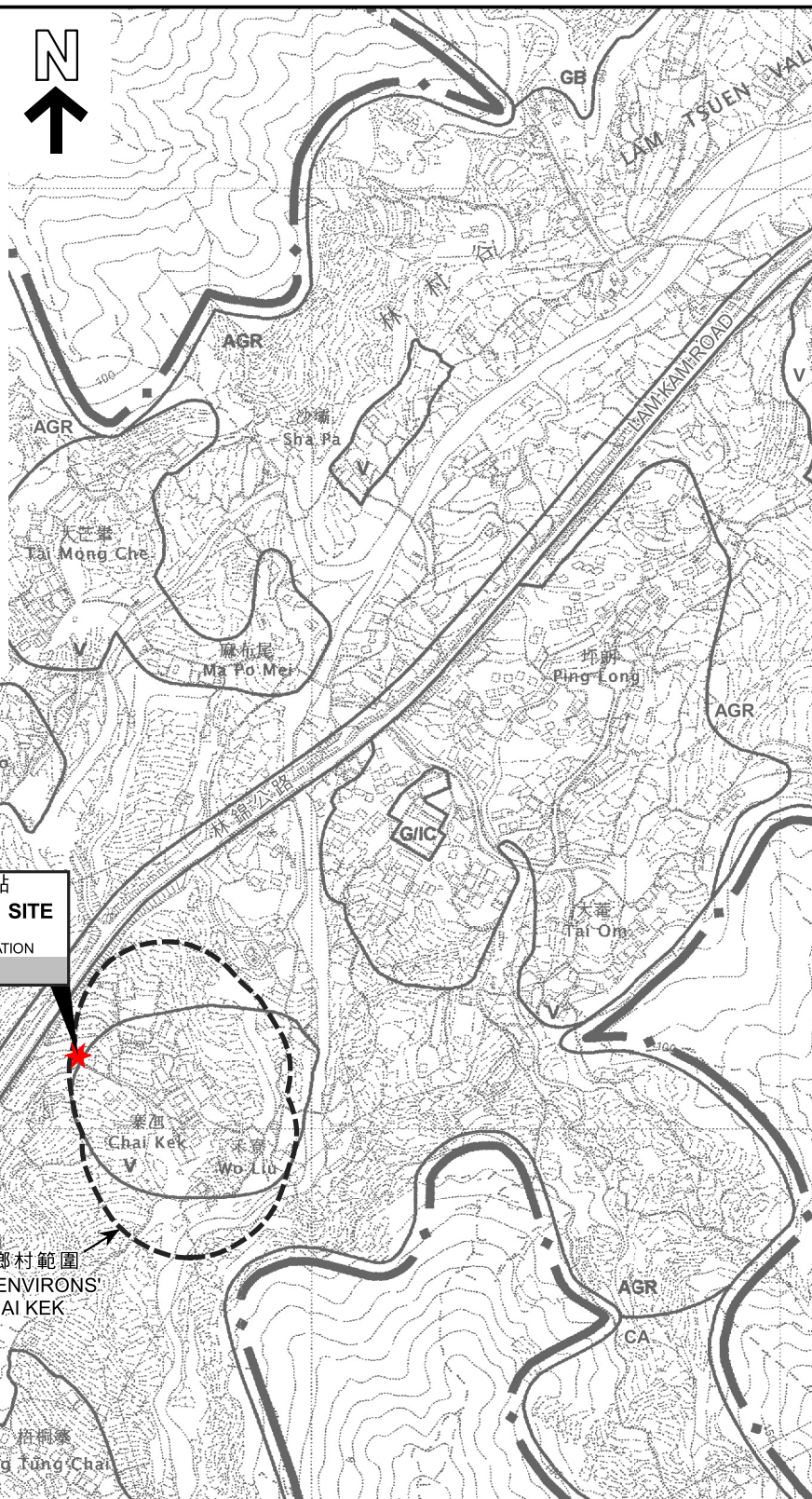
REFERENCE No. A/NE-LT/755

繪圖 DRAWING A-1



要覽圖 KEY PLAN

SCALE 1 : 50 000 比例尺



申請地點
APPLICATION SITE
先前申請
PREVIOUS APPLICATION
617 (22.9.17)

寨沔的鄉村範圍
VILLAGE 'ENVIRONS'
OF CHAI KEK

圖例 LEGEND

- 368 (14.9.01) 被拒絕的申請
REJECTED APPLICATION
- 139 (7.11.97) 會議日期
DATE OF MEETING
- 申請編號
APPLICATION NUMBER

位置圖 LOCATION PLAN

本摘要圖於2023年3月14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 14.3.2023
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）
新界大埔林村寨沔村丈量約份第10約
地段第338號A分段及第408號B分段第6小分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 338 S.A AND 408 S.B ss.6 IN D.D. 10,
CHAI KEK VILLAGE, LAM TSUEN, TAI PO, NEW TERRITORIES

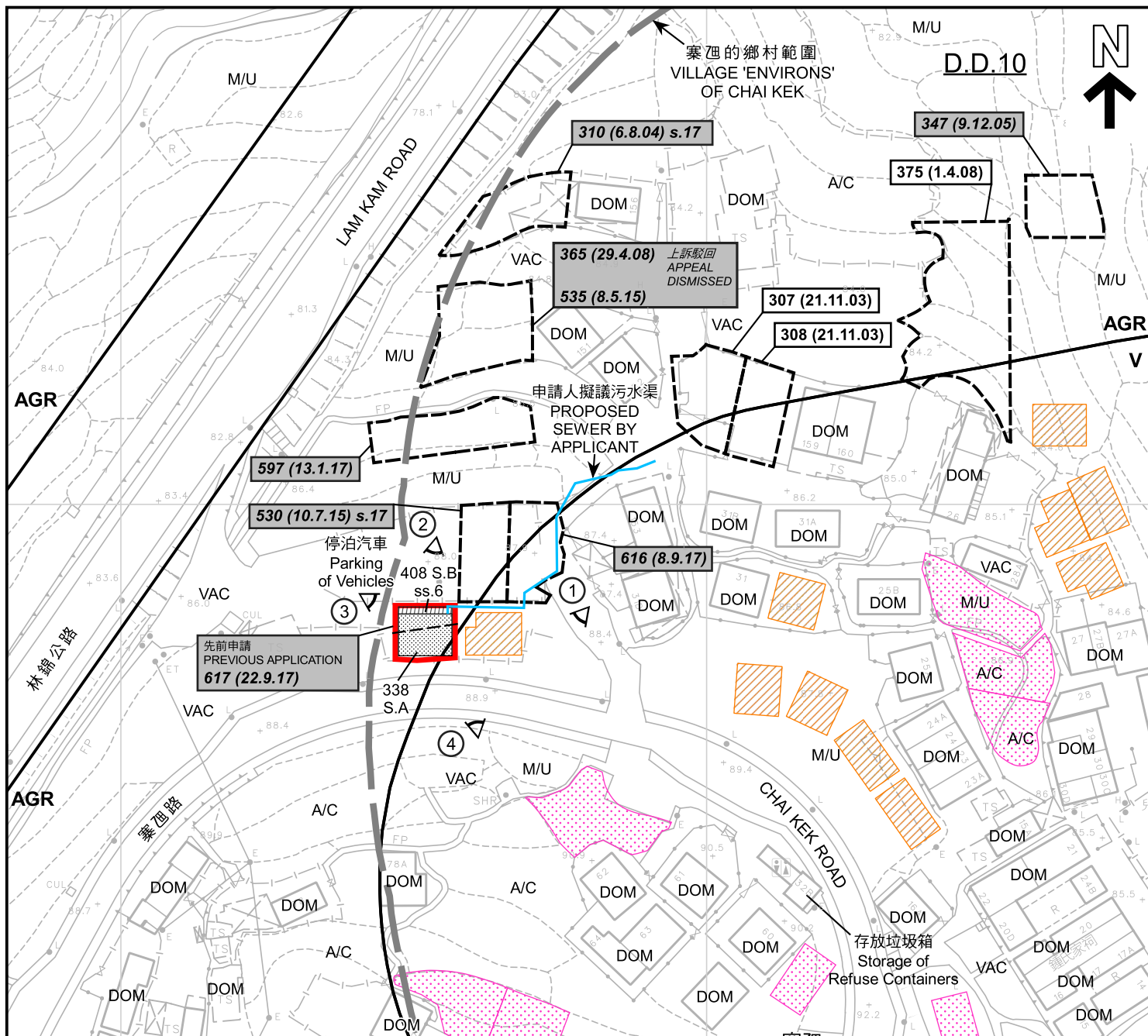
米 100 0 100 200 300 米
METRES SCALE 1 : 7 500 比例尺

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-LT/755

圖 PLAN
A-1



圖例 LEGEND

- 申請地點 (界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)
- 擬議屋宇
PROPOSED HOUSE
- 擬議露台
PROPOSED BALCONY
- 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
- 正在處理中的小型屋宇批地申請
SMALL HOUSE GRANT APPLICATION
BEING PROCESSED
- V
鄉村式發展
VILLAGE TYPE DEVELOPMENT
- AGR
農業
AGRICULTURE

- A/C 常耕農地
ACTIVE AGRICULTURAL LAND
- DOM 住用構築物
DOMESTIC STRUCTURE
- M/U 荒地
UNUSED LAND
- VAC 空置
VACANT
- ① 實地照片的觀景點
VIEWING POINT OF SITE PHOTO
- 139 (7.11.97) 獲批准的申請
APPROVED APPLICATION
- 368 (14.9.01) 被拒絕的申請
REJECTED APPLICATION
- 139 (7.11.97) 會議日期
DATE OF MEETING
- L 申請編號
APPLICATION NUMBER

註釋 Note:

- (1) 2023年3月7日勘測的土地用途
Land uses shown on this plan are in accordance with the land use survey
conducted by the Planning Department on 7.3.2023

平面圖 SITE PLAN

本摘要圖於2023年4月13日擬備，
所根據的資料為測量圖編號
7-NW-6D及11B
EXTRACT PLAN PREPARED ON 13.4.2023
BASED ON SURVEY SHEETS No.
7-NW-6D & 11B

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
新界大埔林村寨西村丈量約份第10約
地段第338號A分段及第408號B分段第6小分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 338 S.A AND 408 S.B ss.6 IN D.D. 10,
CHAI KEK VILLAGE, LAM TSUEN, TAI PO, NEW TERRITORIES

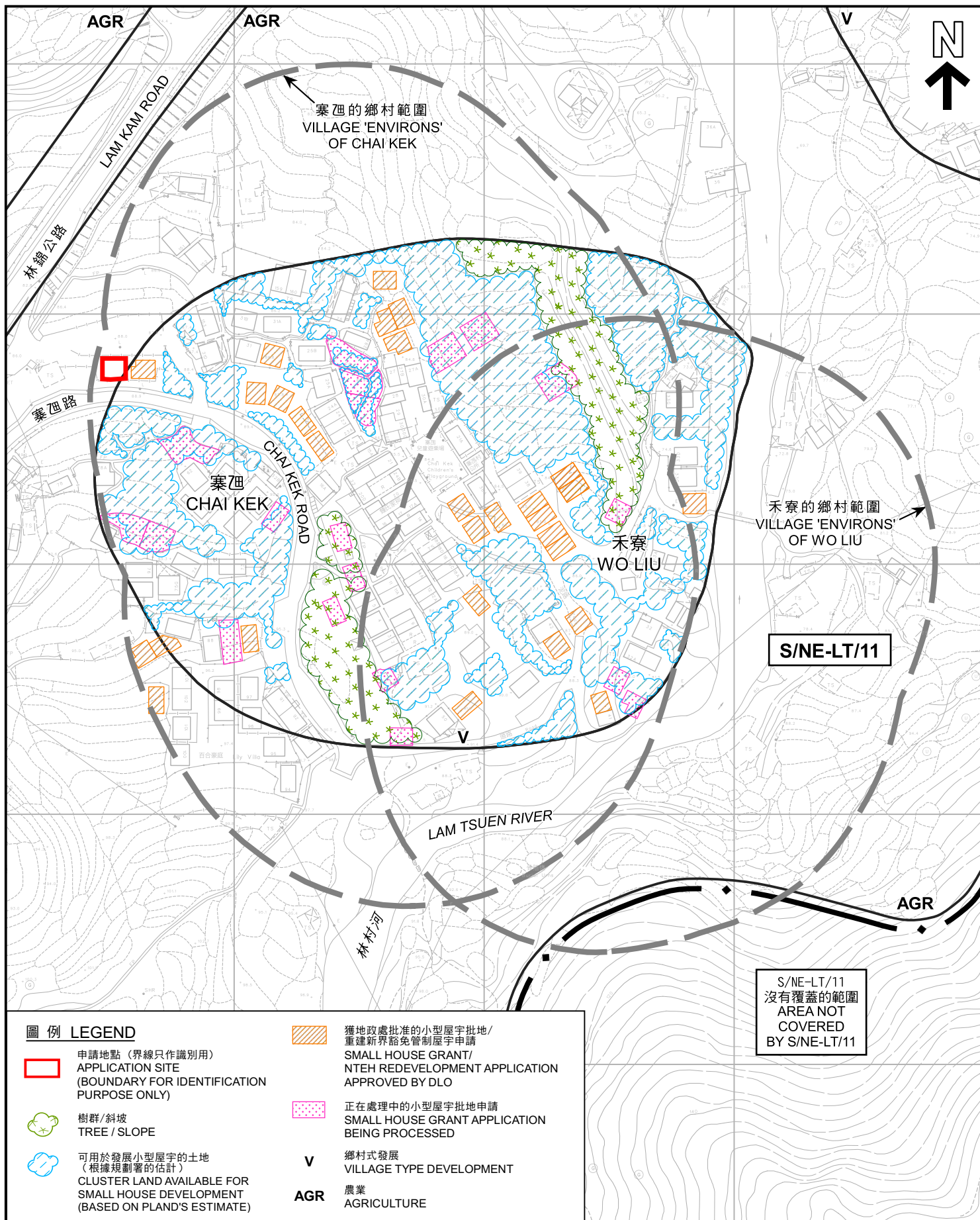
米 20 0 20 40 米
METRES SCALE 1: 1 000 比例尺

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-LT/755

圖 PLAN
A-2a



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)
新界大埔林村寒沺村丈量約份第10約
地段第338號A分段及第408號B分段第6小分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 338 S.A AND 408 S.B ss.6 IN D.D. 10,
CHAI KEK VILLAGE, LAM TSUEN, TAI PO, NEW TERRITORIES
SCALE 1 : 2 000 比例尺

米 40 0 40 80 米
METRES

規劃署
PLANNING
DEPARTMENT



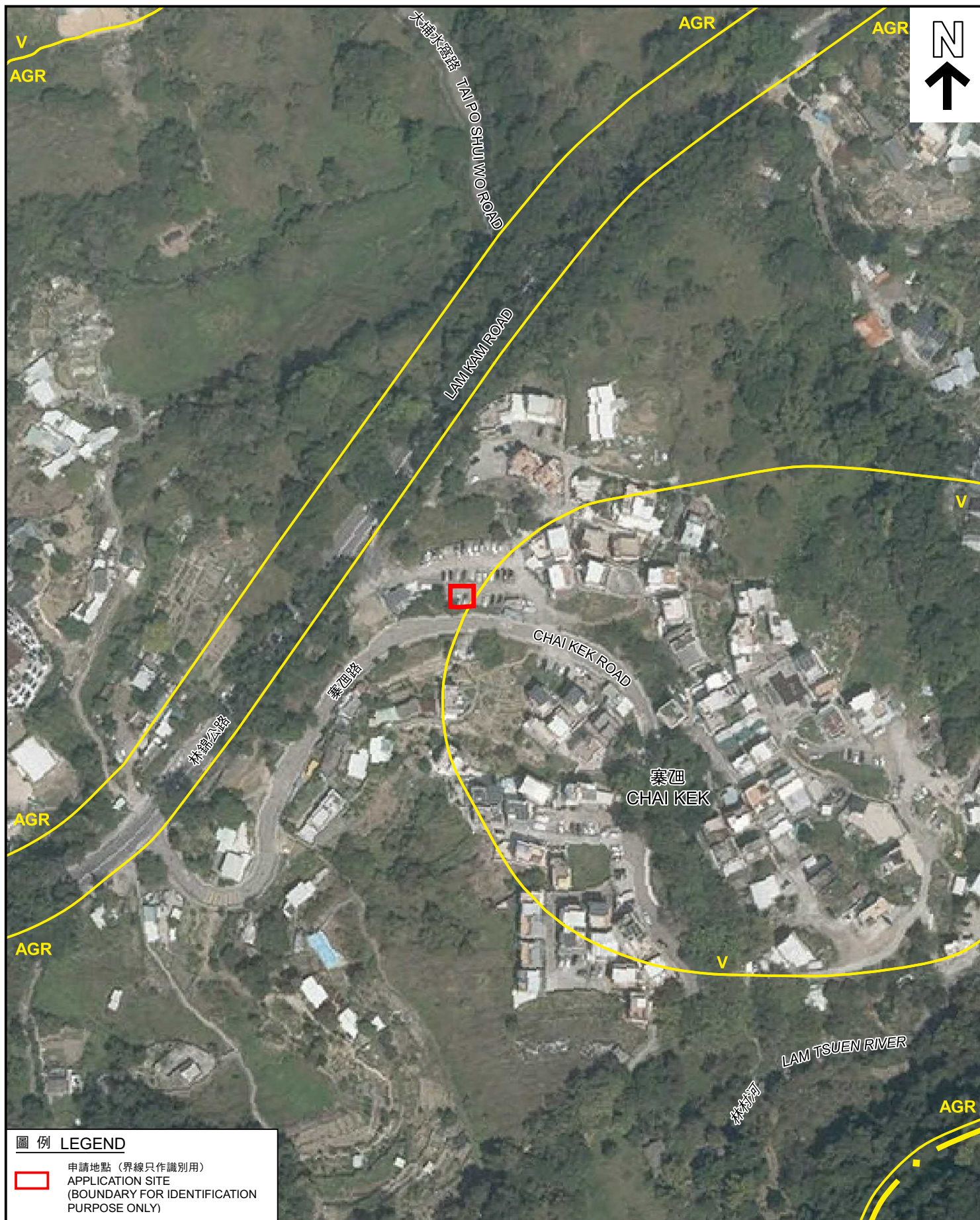
參考編號
REFERENCE No.

A/NE-LT/755

圖 PLAN

A-2b

本摘要圖於2023年3月28日擬備，
所根據的資料為測量圖編號
7-NW-6D、7C、11B及12A
EXTRACT PLAN PREPARED ON 28.3.2023
BASED ON SURVEY SHEETS No.
7-NW-6D, 7C, 11B & 12A



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3月14日擬備
所根據的資料為地政總署
於2022年3月10日拍得的航攝照片
編號E155382C

EXTRACT PLAN PREPARED ON 14.3.2023
BASED ON AERIAL PHOTO No. E155382C
TAKEN ON 10.3.2022 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)
新界大埔林村寨田村丈量約份第10約
地段第338號A分段及第408號B分段第6小分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 338 S.A AND 408 S.B ss.6 IN D.D. 10,
CHAI KEK VILLAGE, LAM TSUEN, TAI PO, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT

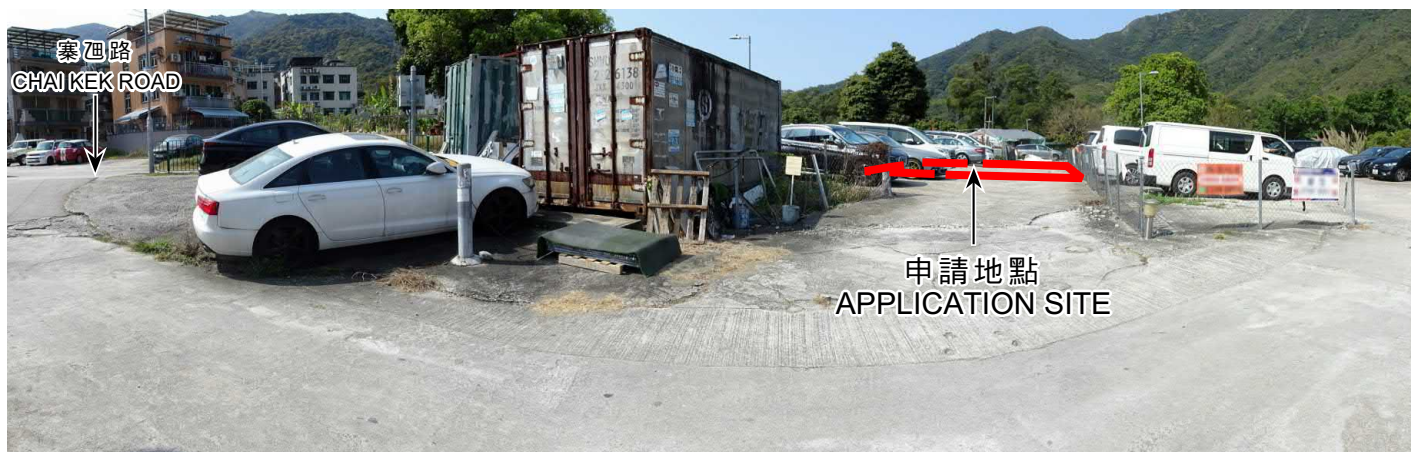


參考編號
REFERENCE No.

A/NE-LT/755

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

擬議屋宇（新界豁免管制屋宇-小型屋宇）
新界大埔林村寨田村丈量約份第10約
地段第338號A分段及第408號B分段第6小分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 338 S.A AND 408 S.B ss.6 IN D.D. 10,
CHAI KEK VILLAGE, LAM TSUEN, TAI PO, NEW TERRITORIES

本摘要圖於2023年3月15日擬備，所根據
的資料為攝於2023年3月7日
的實地照片
PLAN PREPARED ON 15.3.2023 BASED ON
SITE PHOTOS TAKEN ON 7.3.2023

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-LT/755

圖 PLAN
A-4a

3



4



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

實地照片 SITE PHOTOS

擬議屋宇（新界豁免管制屋宇-小型屋宇）
新界大埔林村寨西村丈量約份第10約
地段第338號A分段及第408號B分段第6小分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 338 S.A AND 408 S.B ss.6 IN D.D. 10,
CHAI KEK VILLAGE, LAM TSUEN, TAI PO, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-LT/755

圖 PLAN
A-4b

本摘要圖於2023年3月14日擬備，所根據的資料為攝於2023年3月7日的實地照片
PLAN PREPARED ON 14.3.2023 BASED ON SITE PHOTOS TAKEN ON 7.3.2023

議程項目15

第 16 條申請

[公開會議(限於簡介和提問部分)]

A/NE-LT/755 擬在劃為「農業」地帶及「鄉村式發展」地帶的大埔林村寨凹村丈量約份第 10 約地段第 338 號 A 分段及第 408 號 B 分段第 6 小分段興建屋宇(新界豁免管制屋宇—小型屋宇)(鄉郊及新市鎮規劃小組委員會文件第 A/NE-LT/755 號)

簡介和提問部分

26. 高級城市規劃師／沙田、大埔及北區劉家榮先生借助一些圖則，按文件詳載的內容，向委員簡介這宗申請的背景、擬議發展、政府部門和公眾的意見，以及規劃考慮因素和評估。規劃署不支持這宗申請。

27. 委員並無就這宗申請提出問題。

商議部分

28. 主席表示，申請地點主要位於「農業」地帶內，自先前的申請被拒絕以來，規劃情況並無重大改變。

29. 經商議後，小組委員會決定拒絕這宗申請，理由是：

- 「(a) 擬議發展不符合「農業」地帶的規劃意向。此地帶的規劃意向，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。申請書內並無提出有力的規劃理據，以支持偏離此規劃意向；以及

- (b) 寨乸和禾寮的「鄉村式發展」地帶內仍有土地可供使用。此地帶的土地主要預算供興建小型屋宇之用。為使發展模式較具條理，以及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。」

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

By Post & Fax (2667 6441)

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/755

5 May 2023

Hui Kwan Yee

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones,
Lots 338 S.A and 408 S.B ss.6 in D.D. 10, Chai Kek Village, Lam Tsuen, Tai Po**

I refer to my letter to you dated 6.3.2023.

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 Chai Kek and Wo Liu which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.

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/717_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 21.4.2023, 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

27.5.2023). 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,


PP (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,
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傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函編號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/NE-LT/755

郵遞及傳真函件(2667 6441)

許軍兒

先生／女士：

擬在劃為「農業」地帶及「鄉村式發展」地帶的
大埔林村寨凹村第 10 約地段第 338 號 A 分段及
第 408 號 B 分段第 6 小分段
興建屋宇(新界豁免管制屋宇—小型屋宇)

我曾於二零二三年三月六日發信給你。

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。此地帶的規劃意向，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。申請書內並無提出有力的規劃理據，以支持偏離此規劃意向；以及
- (b) 寨凹和禾寮的「鄉村式發展」地帶內仍有土地可供使用。此地帶的土地主要預算供興建小型屋宇之用。為使發展模式較具條理，以及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/717_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)及二零二三年四月二十一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(即二零二三年五月二十七日或之前)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)

二零二三年五月五日

傳真文件

傳真號碼：2877 0245

貴會檔號：TPB/A/NE-LT/755

敬啟者：

根據「城市規劃條例」第 17(1)條要求覆核

D.D. 10 Lot Nos.338S.A 408S.Bss.6

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 5 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： 24 MAY 2023

聯絡地址：

聯絡電話：

申請編號: TPB/A/NE-LT/755

敬啟者:

擬在劃為「農業」地帶的大埔林村寨凹村
第 10約地段第 338 號 A分段及第408號B分段第6小分段
興建小型屋宇(新界豁免管制屋宇-小型屋宇)


本人為上述申請之代理人，曾代表申請人於本年 1月向 貴委員會提交規劃許可申請，惟於本年4月上會時被 貴委員會拒絕有關申請，當中所列出其中一項理由表示寨凹村之「鄉村式發展」地帶內仍有土地可供興建小型屋宇之用，但請明白其他可提供適合申請地點的土地業權非申請人所擁有，更有不少位置是樹林及斜坡，其他已是本村之原居民圍村屋宇，申請人亦祇可以申請地段這一塊唯一祖先遺傳下來而又一直空置之私人土地用作申請興建小型屋宇，申請範圍更是完全座落寨凹的鄉村範圍(VE)；官方資料顯示申請地點附近曾有同類個案被接納，位置與擬建屋宇位置毗連地段已現存有已建成之屋宇，對構成市區範圍的擴展影響不大，故是項申請被批准絕對不可說是不良先例，況且申請人亦會委聘則師樓設計完善之渠務工程建議，故擬議發展不會對環境衛生造成不良影響，申請人祇務求在自己的原籍鄉安居生活。再者，相關政府部門(包括消防處、水務署、環境保護署、規劃署園境組、渠務署和運輸署)均不反對這宗申請。

申請地點地形平坦，可經由一條設有路燈的行人徑往返，發展小型屋宇並不會對交通有負面影響。鄰近更建有公廁，亦即表示此地點是民生範圍，特別一提直接負責處理小型屋宇申請的政府部門(包括大埔民政事務處和大埔地政處)都不反對這宗申請。

現特此致函希望 貴委員會給予仁慈考慮，申請人名下祇有此片土地可用作興建小型屋宇，申請人為該村原居民，興建屋宇以使一家大小可共聚安居，亦可與同鄉鄰里相應同住，如未能獲得批准，確實有點不近人情，附近亦已沒有太多人務農耕作，申請地點亦一直空置，為免讓荒廢之土地繁生雜草，影響衛生及破壞環境，在可接受程度上給予合資格村民建屋更為合適。

懇請 各專責委員體恤情況，提供適當之考慮，給予村民公平之待遇，在此先向 貴委員會將提供之協助致以萬二分謝意。祝安！

此致
城市規劃委員會

代理人: 
(許軍兒)

日期: -9 AUG 2023

敬啟者：

擬在劃為「農業」地帶的大埔林村寨凹村
第 10 約地段第 338 號 A 分段及
第 408 號 B 分段第 6 小分段
興建小型屋宇(新界豁免管制屋宇-小型屋宇)

本人為大埔寨凹村之原居民代表，日前接獲本村原居民鍾楚熙先生要求協助，他早於多年前已向大埔地政處提交申請擬在上述地段興建小型屋宇，其後依照該處指示，於早前向 貴委員會申請規劃許可，但於上會後卻接獲通知 貴會拒絕有關申請，早前申請人已有按照城市規劃條例第 17 條要求覆核。

本人特此致函表示支持是項申請，並把意見陳述如下，有關申請人是新界鄉村之原居民，申請興建小型屋宇對他來說可算是人生中的一件重要事情，他僅擁有上述土地可用作申請建屋，他為著是項申請已花費很多時間及精神，就祇為了可享用新界男性原居民一生人一次之建屋權利，以求建成屋宇供家人居住，達成全家老少十多年來之安居願望。是項申請由開始至安排審批，已花費多個政府部門不少人力和物力，而在徵詢相關政府部門時並無接獲任何負面意見，亦沒有接獲公眾的意見和區內人士反對，故在大埔地政處之審批程序中，可算是初步獲得全面通過，批核準則屬合情、合理。上述地段之公共排污系統，已於早前經由渠務署建成備用，於日後建屋時，絕對可配合建屋所需之接駁公共排污渠條件，申請人亦已委聘認可人仕完成接駁公共排污渠之建議圖則可供渠務署審閱。而本村可供建屋的土地甚少，相關申請地段完全座落於「鄉村範圍」內，毗連已有不少村屋，

懇請 貴委員會對是項申請給予酌情及仁慈之考慮，盡早就是項覆核申請給予批准，在此並多謝 貴委員會對事件之關注。祝工作順利！

此致
城市規劃委員會

大埔寨凹村原居民代表：



鍾元光 謹啟

日期：E 7 AUG 2023

聯絡地址：

《林村分區計劃大綱圖》上涵蓋申請地點的先前申請

被拒絕的申請

申請編號	擬議發展	考慮日期	拒絕理由
A/NE-LT/617	擬建屋宇 (新界豁免管制屋宇－ 小型屋宇)	2017年9月22 日	R1、R2

拒絕理由

- R1 擬議發展不符合「農業」地帶的規劃意向。此地帶的規劃意向，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。有關的申請書並無提供有力的規劃理據，以支持偏離此規劃意向。
- R2 寨廸的「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現有村落附近，會較為合適。

《林村分區計劃大綱圖》上位於申請地點附近
同一「農業」地帶及同一「鄉村式發展」地帶內的同類申請

獲批准的申請

申請編號	擬議發展	考慮日期
A/NE-LT/307	擬建屋宇 (新界豁免管制屋宇—小型屋宇)	2003年11月21日
A/NE-LT/308	擬建屋宇 (新界豁免管制屋宇—小型屋宇)	2003年11月21日
A/NE-LT/375	擬建三幢屋宇 (新界豁免管制屋宇—小型屋宇)	2008年1月4日

被拒絕／駁回的申請

申請編號	擬議發展	考慮日期	拒絕／駁回理由
A/NE-LT/310	擬建屋宇 (新界豁免管制屋宇— 小型屋宇)	2004年8月6日 (覆核)	R1
A/NE-LT/347	擬建屋宇 (新界豁免管制屋宇— 小型屋宇)	2005年12月9日	R2、R3
A/NE-LT/365 ¹	擬建屋宇 (新界豁免管制屋宇— 小型屋宇)	2008年4月29日 (上訴)	R2、R3
A/NE-LT/530	擬建屋宇 (新界豁免管制屋宇— 小型屋宇)	2015年7月10日 (覆核)	R2、R4
A/NE-LT/535 ¹	擬建屋宇 (新界豁免管制屋宇— 小型屋宇)	2015年5月8日	R2、R4
A/NE-LT/597	擬建兩幢屋宇 (新界豁免管制屋宇— 小型屋宇)	2017年1月13日	R2、R4
A/NE-LT/616	擬建屋宇 (新界豁免管制屋宇— 小型屋宇)	2017年9月8日	R2、R4

¹ 申請編號 A/NE-LT/365 及 535 涉及相同用地。

拒絕／駁回理由

R1 擬議屋宇不符合「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」，原因是申請地點未能接駁至區內現有或已計劃鋪設的污水收集系統。此外，申請書並無提供資料，以證明位於集水區的擬議發展不會對該區的水質造成負面影響。

R2 擬議發展不符合「農業」地帶的規劃意向。「農業」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。有關的申請書並無提供有力的規劃理據，以支持偏離此規劃意向。

- R 3** 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」，原因是擬建的新界豁免管制屋宇／小型屋宇位於水務署的上段間接集水區內，而且未能接駁至區內現有或已計劃鋪設的污水收集系統。此外，申請書並無提供足夠資料，以證明位於集水區的擬議發展不會對該區的水質造成負面影響。
- R 4** 寨廸的「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發展小型屋宇。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現有村落附近，會較為合適。

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



A/NE-LT/755 DD 10 Chai Kek
18/06/2023 03:07

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

R-1

Dear TPB Members,

Rejected again, absolutely no justification for review.

The board should remind the applicant that patriotic citizens do not incur additional time wasting by filing inappropriate applications.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Monday, 27 March 2023 2:49 AM CST
Subject: Re: A/NE-LT/755 DD 10 Chai Kek

A/NE-LT/755

Lots 338 S.A and 408 S.B ss.6 in D.D. 10, Chai Kek Village, Lam Tsuen

Site area ; 112sq.m

Zoning: "Agriculture" and "VTD"

Applied development: NET House

Dear TPB Members,

617 rejected in 2017. Land is still available within the "Village Type Development" ("V") zone of Chai Kek and Wo Liu which is primarily intended for Small House development.

There is no justification to the renewed application.

Mary Mulvihill

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

Date: Thursday, 31 August 2017 1:34 AM CST
Subject: A/NE-LT/617 DD 10 Chai Kek

A/NE-LT/617

Lots 338 S.A and 408 S.B ss.6 in D.D.10, Chai Kek, Tai Po

Site area 107.8m².

Zoning : "Agriculture" and "VTD"

Applied Development : NET House

Dear TPB Members,

The site is obviously well removed from the village with spare VTD capacity.

Development is not appropriate for 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 and 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; Approval would set an undesirable precedent.

Mary Mulvihill



大埔鄉事委員會 TAI PO RURAL COMMITTEE

本會檔號：23-21

香港北角渣華道 333 號北角政府合署 15 樓

敬啟者：



Seq 1

R-2

擬在劃為「農業」地帶的大埔林村寨凹村
第 10 約地段第 338 號 A 分段及
第 408 號 B 分段第 6 小分段
興建小型屋宇(新界豁免管制屋宇—小型屋宇)

茲接獲屬村寨凹村原居民代表鍾元光來函，指該村原居民鍾楚熙在上述地段申請建屋遭 貴會否決，故要求本會代為反映。

根據鍾元光原居民代表來函指出，寨凹村地少人多，可建屋的面積已所餘無幾，上述地段乃申請人鍾楚熙唯一可申請建屋土地。根據資料提供，知悉有關處理小型屋宇申請的大埔地政處並沒有反對該村民於上址興建小型屋宇，而相關政府部門包括水務署、消防處、渠務署、環保署和運輸署等亦不反對上述申請。

為維護新界原居民傳統權益，本會一直支持原居民申請建屋，實現安居樂業的夢想。現特函 貴會，祈請各位委員在審議上述地段之覆核申請時，應詳細考慮上述因素，予以批准為盼。隨函附上村代表來函副本，以供參閱。

專此函達，祈為諒察。

此致
城市規劃委員會秘書處

大埔鄉事委員會主 席：林奕權
副主席：陳笑權
張國棟



副本：寨凹村原居民代鍾元光

二〇二三年八月十一日

敬啟者：

擬在劃為「農業」地帶的大埔林村寨凹村
第 10 約地段第 338 號 A 分段及
第 408 號 B 分段第 6 小分段
興建小型屋宇(新界豁免管制屋宇-小型屋宇)

COPY

本人為大埔林村鄉寨凹村原居民代表，日前接獲本村原居民鍾楚熙君作出以下陳述及要求協助，他早於多年前向大埔地政處在上述地點提交小型屋宇申請，其後接獲大埔地政處之通知，表示由於擬訂的小型屋宇地盤是位於分區計劃大綱草圖的「鄉村式發展」範圍以外，故指示他須先取得城市規劃委員會的規劃許可，該處方能繼續辦理申請。

申請人已於數個月前向城規會提交規劃許可申請，惟於本年 4 月上會時被城規會拒絕有關申請，當中所列出其中一項理由表示大埔寨凹村之「鄉村式發展」地帶內仍有土地可發展小型屋宇，但請明白其他可提供適合申請地點的土地業權非申請人所擁有，官方資料更顯示申請地點附近曾有類似個案被接納，而擬建屋宇位置不足 30 米已現存有多座已建成之屋宇，況且申請人亦已有提供附近可供接駁之公共排污渠位，確定及聲明不會對附近衛生環境有任何影響，祇務求在自己的原籍鄉區安居生活。再者，相關政府部門（包括水務署、消防處、渠務署、環保署、規劃署總城市規劃師/城市設計及園境和運輸署）均不反對這宗申請。特別一提直接負責處理小型屋宇申請的政府部門（包括大埔民政事務處和大埔地政處）都不反對這宗申請，而申請屋宇完全座落在寨凹村的「鄉村範圍」內，批准原居民興建小型屋宇，是完全可接受的。

懇請 貴委員會體恤情況，為本鄉原居民提供適當之協助，向相關政府部門反映意見，為村民爭取公平之待遇，本人在此先向 貴委員會將提供之協助致以萬二分謝意。祝安！

此致
大埔鄉事委員會

大埔林村寨凹村原居民代表：


(鍾 元 光)

日期：17 AUG 2023

聯絡地址：



建議的指引性質的條款

- (a) 留意地政總署地政專員／大埔的意見，倘城市規劃委員會（下稱「城規會」）批給規劃許可，地政總署隨後便會處理有關的小型屋宇申請，但在該階段不保證申請會獲得批准。署方會以業主身分全權酌情處理有關申請，若予批准，或會附加條款和條件，但不保證申請人會獲通往有關小型屋宇的通道的通行權或獲批准闢設通往該處的緊急車輛通道；
- (b) 留意渠務署總工程師／新界北的意見：
- (i) 申請人須自設雨水收集和排放系統，以排走申請地點產生的徑流和附近地區的地面水流，例如沿申請地點的邊界鋪設尺寸夠大的明渠。如設圍牆／圍欄，則須在圍牆／圍欄底部建造足夠的排水口，使地面徑流可以穿越申請地點排走。申請人亦須重新設置任何受影響的現有流徑。此外，申請人須確保擬議發展不會阻礙地面水流或對現有天然河道、鄉村排水渠、溝渠及毗鄰地區造成不良影響。申請人須妥善維修保養排水系統。如發現附近的現有／原先的排水系統不足或未能有效應付擬議發展產生的額外徑流，申請人須作出補救／調整。如因申請人進行的工程導致經調整的排水系統故障或欠妥而造成損害或滋擾，申請人亦須就所引致的申索和要求，承擔責任及作出彌償；
 - (ii) 有關處所的徑流（包括天台的徑流）須由專用的雨水收集及排放系統處理，不得排放至公共污水收集系統；
 - (iii) 申請地點附近現時有由渠務署負責維修保養的公共污水渠，但接駁污水渠的可行性須視乎連接申請地點的排水管的內底水平。沒有預留套管供接駁污水收集系統。申請人須證明技術上可接駁至公共污水收集系統。倘申請人選擇以其他方式排放擬議發展的污水，須徵詢環境保護署的看法和意見；
 - (iv) 申請人須就於申請地段外或政府土地（如有需要）鋪設新排水管／明渠及／或調整／改善現有排水管／明渠提供相關地段擁有人的同意書及／或地政總署的許可；以及

(v) 申請人須負責排水及排污接駁的費用和工程，以及承擔日後的維修保養責任；

(c) 留意水務署總工程師／建設的意見：

(i) 擬建新界豁免管制屋宇／小型屋宇的污水排放系統可接駁至該區的公共污水收集系統，申請人須把整個屋宇污水排放系統接駁至該收集系統；

(ii) 須採取足夠的保護措施，以確保集水區不會受到污染或出現淤積情況；

(iii) 申請人須就每一個擬有接駁污水管穿越的私人地段提交已簽立的地役權批約，以證明在技術和法律上，可把污水管從擬建新界豁免管制屋宇／小型屋宇經相關的私人地段接駁至公共污水收集系統；

(iv) 從擬建新界豁免管制屋宇／小型屋宇排出的所有污水，須由設有密封接口和檢查箱的生鐵喉管或由其他許可物料所製的喉管輸送；以及

(v) 由於擬建小型屋宇距離最近的水道少於 30 米，擬建小型屋宇的位置應盡可能遠離該水道；

(d) 留意消防處處長的意見，申請人須遵守地政總署編訂的《新界豁免管制屋宇消防安全規定指引》。消防處收到地政總署轉介的正式申請後，便會制訂詳細的消防安全規定；以及

(e) 留意有關的規劃許可只批給申請所涉的發展項目。倘要為擬議發展闢設通道，申請人須確保有關通道(包括任何必須進行的填土／挖土工程)符合相關法定圖則的規定，並視乎情況所需，在進行道路工程前，向城規會申請規劃許可。