

RNTPC Paper No. A/NE-LYT/821
For Consideration by the
Rural and New Town Planning
Committee on 26.1.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/821

- Applicant** : Mr. LEE Lok Hang represented by Ching Wan Engineering Consultants Company
- Site** : Lot 1644 S.A in D.D. 76, Kan Tau Tsuen, Fanling, New Territories
- Site Area** : 161.51m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19
- Zonings** : (i) “Agriculture” (“AGR”) (about 99.6% of the Site)
(ii) “Village Type Development” (“V”) (about 0.4% of the Site)¹
- Application** : Proposed House (New Territories Exempted House (NTEH) - Small House)

1. The Proposal

1.1 The applicant, who claimed himself as indigenous villager of Lau Shui Heung of Fanling Heung², seeks planning permission to build a proposed NTEH (Small House) on the application site (the Site) in Kan Tau Tsuen, Fanling (**Plans A-1 and A-2a**). The Site falls within an area zoned “AGR” on the OZP. According to the Notes of the OZP, ‘House (NTEH only)’ is a Column 2 use within the “AGR” zone which requires planning permission from the Town Planning Board (the Board).

1.2 Details of the proposed NTEH (Small House) are as follows:

Total Floor Area	: 195.09m ²
Number of Storeys	: 3
Building Height	: 8.23m
Roofed over Area	: 65.03m ²

The applicant indicates that the uncovered area of the Site would be used as garden. The layout of the proposed Small House (including septic tank) are shown in **Drawing A-1**.

¹ About 0.7m² (i.e. 0.4%) of the Site falls within the “V” zone, which is considered as minor boundary adjustment and not included in the planning assessments.

² As advised by District Lands Officer/North, Lands Department (DLO/N, LandsD), the applicant’s eligibility for Small House concessionary grants has yet to be ascertained.

- 1.3 The Site is the subject of a previously approved application No. A/NE-LYT/629 submitted by a different applicant for the same use. Details of the previous application are set out in paragraph 5.1 below. Compared with the previous application, the major development parameters and layout of the Small House are generally the same as the current one.
- 1.4 In support of the application, the applicant has submitted an Application Form with attachment and Supplementary Information (SI) received on 13.12.2023 and 18.12.2023 (**Appendix I**).

2. Justifications from the Applicant

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

- (a) the Site is the subject of a previously approved application No. A/NE-LYT/629;
- (b) the Site falls within the village 'environs' ('VE') and the applicant is an indigenous villager who is entitled to Small House grant in accordance with the Small House Policy; and
- (c) the proposed Small House is compatible with the surrounding areas.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owner" of respective lot of the Site. Detailed information would be deposited at the meeting for Members' inspection.

4. Assessment Criteria

The set of Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories (the Interim Criteria) was first promulgated on 24.11.2000. The latest set of Interim Criteria, which was promulgated on 7.9.2007, is at **Appendix II**.

5. Previous Application

- 5.1 The Site is the subject of a previous application No. A/NE-LYT/629 submitted by a different applicant for the same use (**Plan A-2a**). The application was approved by the Rural and New Town Planning Committee (the Committee) on 23.6.2017 mainly on sympathetic consideration of being in line with the Interim Criteria in that more than 50% of the footprints of proposed Small House fell within the 'VE' of Kan Tau Tsuen; the site was in close proximity to the existing village proper of Kan Tau Tsuen; and there were approved Small House applications nearby. The planning permission lapsed on 24.6.2021.
- 5.2 Details of the previous application are summarized at **Appendix III** and its location is shown on **Plan A-2a**.

6. Similar Applications

- 6.1 There have been 39 similar applications for Small House development within/partly within the same “AGR” zone in the vicinity of the Sites in the Lung Yeuk Tau and Kwan Tei South area since the first promulgation of the Interim Criteria on 24.11.2000.
- 6.2 Among them, 20 applications were approved by the Committee between July 2002 and January 2015 before the Board’s formal adoption of a more cautious approach since August 2015³. 19 applications were approved by the Committee between December 2015 and October 2023 after the Board’s formal adaption of a more cautious approach mainly on sympathetic consideration that the sites were the subject of previous approvals and/ or there were Small House applications approved in the vicinity at different stages of development nearby which formed new village clusters in the locality.
- 6.3 Details of the similar applications are summarized at **Appendix IV** and their locations are shown on **Plan A-2a**.

7. The Site and Its Surrounding Areas (Plans A-1, A-2a and A-2b, A-3 and A-4)

- 7.1 The Site is:
 - (a) currently vacant and occasionally occupied by private vehicles;
 - (b) located to the immediate southeast of the “V” zone and village proper of Kan Tau Tsuen; and
 - (c) connected via a track to Sha Tai Kok Road – Ma Mei Ha.
- 7.2 The surrounding areas are in a rural landscape character dominated by village houses, farmlands, vegetated areas and tree clusters. To the west and northwest is the village proper of Kan Tau Tsuen. To the further southeast is existing village houses and Tan Shan River.

8. Planning Intention

The planning intention of the “AGR” zone in the Lung Yeuk Tau and Kwan Tei South area is intended 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:

³ Among others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting should be put on the number of outstanding Small House applications provided by LandsD.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone? - The Site - Footprint of the proposed Small House	0.4% -	99.6% 100%	The Site falls mostly within “AGR” zone with minor portion within “V” zone.
2.	Within ‘VE’? - The Site - Footprint of the proposed Small House	71.7% 78.7%	28.3% 21.3%	DLO/N advises that the majority of the footprint of proposed Small House falls within the ‘VE’ of Kan Tau Tsuen.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House application plus 10-year Small House demand)?		✓	<u>Land Required</u> - Land required to meet Small House demand in Kan Tau Tsuen: about 4.4 ha (equivalent to 176 Small House sites). The outstanding Small House applications for Kan Tau Tsuen village cluster are 46 ⁴ while the 10-year Small House demand forecast for the same village cluster is 130.
	Sufficient land in “V” zone to meet outstanding Small House application?	✓		<u>Land Available</u> - Land available to meet the Small House demand within the “V” zone of Kan Tau Tsuen village cluster: about 1.78 ha (equivalent to 71 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of “AGR” zone?		✓	Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. Agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.

⁴ Among the 46 outstanding Small House applications, 14 of them fall within the “V” zone and 32 straddle or outside the “V” zone. For those 32 applications straddling or being outside the “V” zone, 15 of them have obtained valid planning approvals from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
5.	Compatible with surrounding areas/development?	✓		The proposed Small House is not incompatible with the surrounding areas dominated by village houses, farmland, vegetated areas and tree clusters (Plan A-2a).
6.	Within Water Gathering Ground?		✓	
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	Director of Fire Services (D of FS) has no in-principle objection to the application. The applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD.
9.	Traffic impact?	✓		Commissioner for Transport (C for T) advises that Small House developments should be confined within the "V" zone as far as possible. Although additional traffic generated by the proposed development is not expected to be significant, such type of development outside the "V" zone, if permitted, will set an undesirable precedent case for similar applications in future. The cumulative adverse traffic impact could be substantial. Notwithstanding the above, the application only involves development of one Small House could be tolerated on traffic grounds.
10.	Drainage impact?		✓	Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application.
11.	Sewerage impact?		✓	Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed development, the application is unlikely to cause major pollution.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
12.	Landscape impact?		✓	Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the application from the landscape planning perspective. Significant adverse impact on existing landscape resources within the Site and the landscape character arising from the proposed use is not anticipated.
13.	Local objections conveyed by DO?	✓		District Officer (North), Home Affairs Department (DO(N), HAD) advises that he has consulted the locals. The Chairman, 1 st Vice-Chairman and Vice-Chairman of Fanling District Rural Committee, the Chairman of Lung Shan Area Committee, the Resident Representative of Kan Tau Tsuen object to the application mainly on the grounds that the applicant is not indigenous villager of Kan Tau Tsuen and the proposed development would cause traffic and drainage impacts on the surrounding areas. The Indigenous Inhabitant Representative of Kan Tau Tsuen has not replied.

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

- (a) DLO/N, LandsD;
- (b) CE/MN, DSD;
- (c) DEP;
- (d) DAFC;
- (e) CTP/UD&L, PlanD;
- (f) D of FS;
- (g) C for T;
- (h) DO(N), HAD;
- (i) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD).

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C,WSD); and
- (b) Project Manager (New Territories East), Civil Engineering and Development Department (PM(NTE), CEDD).

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

On 22.12.2023, the application was published for public inspection. During the first three weeks of the statutory public inspection period, four public comments were received. While the Chairman of Sheung Shui District Rural Committee indicates no comment on the application, the remaining three public comments from the Chairman, First Vice-Chairman, Vice-Chairman of Fanling District Rural Committee raise objection to the application mainly on the grounds that the applicant is not an indigenous villager and the proposed development would cause traffic and drainage impacts on the surroundings.

11. Planning Considerations and Assessment

- 11.1 The application is for a proposed Small House at the Site mostly zoned “AGR” on the OZP. The proposed development is not in line with the planning intention of the “AGR” zone as set out in paragraph 8 above. DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. Agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are also available. DAFC advises that the Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. There is no strong planning justification in the current submission for a departure from the planning intention.
- 11.2 The Site is situated in an area of rural landscape predominated by village houses, farmland, vegetated areas and tree clusters. The proposed Small House is not incompatible with the surrounding areas. As significant adverse impact on existing landscape resources within the Site and the landscape character arising from the proposed development is not anticipated, CTP/UD&L, PlanD has no objection to the application from landscape planning perspective. C for T considers that Small House developments should be confined within the “V” zone as far as possible but given that application involves construction of one Small House only, the application could be tolerated from traffic impact perspective. Other relevant government departments consulted, including DEP, CE/C of WSD, CE/MN of DSD and D of FS, have no objection to or no adverse comment on the application.
- 11.3 Regarding the Interim Criteria (**Appendix II**), more than 50% of the footprint of the proposed Small House falls within the ‘VE’ of Kan Tau Tsuen (**Plan A-2a**). DLO/N of LandsD advises that the number of outstanding Small House applications for Kan Tau Tsuen village cluster is 46 while the 10-year Small House demand forecast is 130. Based on PlanD’s latest estimate, about 1.78 ha (equivalent to 71 Small House sites) is available within the “V” zone concerned (**Plan A-2b**). While the amount of land available within the “V” zone of Kan Tau Tsuen 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. Among others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD. As such, it is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services. Although the Site is the subject of a previously approved application No. A/NE-LYT/629 for the same use, it was submitted by a different applicant and has

already lapsed in 2021.

- 11.4 There are 39 similar applications for Small House developments in the vicinity of the Site (**Plan A-2a**), of which 19 were approved by the Committee between December 2015 and October 2023 after the Board's formal adaption of a more cautious approach mainly on sympathetic consideration that the sites were the subject of previous approvals and/or there were Small House applications approved in the vicinity at different stages of development nearby which formed a new village clusters in the locality. The planning circumstances of the current application is different to those approved applications as there are vacant areas surrounding the Site and therefore may not be regarded as an infill site among existing NTEHs/Small Houses. Sympathetic consideration is not applicable to the subject application.
- 11.5 Regarding the local comments conveyed by DO(N) of HAD and public comments on the application as detailed in paragraphs 9.1 and 10 respectively, government departments' comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the local comments conveyed by DO(N) of HAD and public comments as detailed in paragraphs 9.1 and 10 respectively, the 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 "AGR" zone in the Lung Yeuk Tau and Kwan Tei South area 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; and
 - (b) land is still available within the "V" zone of Kan Tau Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 26.1.2028, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted commences or the permission is renewed. 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 advisory clause(s), 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 with attachment and SI received on 13.12.2023 and 18.12.2023
Appendix II	Relevant Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in New Territories
Appendix III	Previous Application
Appendix IV	Similar s.16 Applications for Proposed House (NTEH - Small House) in the vicinity of the Site within / partly within the same “AGR” Zone on the Lung Yeuk Tau & Kwan Tei South OZP
Appendix V	Detailed Comments from Relevant Government Departments
Appendix VI	Public Comments
Appendix VII	Recommended Advisory Clauses
Drawing A-1	Proposed Small House Layout Plan
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available within the “V” zone of Kan Tau Tsuen for Small House Development
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2024**

2023年12月13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。

13 DEC 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.tpb.gov.hk/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.tpb.gov.hk/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

2302960 By hand
15/11

Form No. S16-II 表格第 S16-II 號

For Official Use Only 請勿填寫此欄	Application No. 申請編號	A/NE-LYT/821
	Date Received 收到日期	13 DEC 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.tpb.gov.hk/>. 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.tpb.gov.hk/>),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)

李樂恆 LEE LOK HANG

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)

正宏工程顧問公司 CHING WAN ENGINEERING CONSULTANTS COMPANY

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. 76 Lot 1644S.A. 新界沙頭角鄉簡頭村
(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 161.51 sq.m 平方米 <input checked="" type="checkbox"/> About 約 <input checked="" type="checkbox"/> Gross floor area 總樓面面積 65.03 sq.m 平方米 <input checked="" type="checkbox"/> About 約
(c) Area of Government land included (if any) 所包括的政府土地面積(倘有)	NA 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	Lung Yeuk Tau & Kwan Tei South OZP S/NE-LYT/19
(e) Land use zone(s) involved 涉及的土地用途地帶	AGR & V
(f) Current use(s) 現時用途	VACANT LAND (If there are any Government, institution or community facilities, please illustrate on plan and specify the use and gross floor area) (如有任何政府、機構或社區設施，請在圖則上顯示，並註明用途及總樓面面積)

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

The applicant 申請人 –

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

- ☐ The application site is entirely on Government land (please proceed to Part 6).
申請地點完全位於政府土地上 (請繼續填寫第 6 部分)。

5. Statement on Owner's Consent/Notification 就土地擁有人的同意/通知土地擁有人的陳述

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

(b) The applicant 申請人 –

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

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

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

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

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

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

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

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

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

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

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

Others 其他

- ☐ others (please specify)
其他(請指明)

Note: May insert more than one 「✓」.

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

註: 可在多於一個方格內加上「✓」號

申請人須就申請涉及的每一地段(倘適用)及處所(倘有)分別提供資料

6. Development Proposal 擬議發展計劃			
(a) Name(s) of indigenous villager(s) (if applicable) 原居民姓名 (如適用)	李樂恆 LEE LOK HANG		
(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)	簡頭村		
(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	Garden (Please illustrate on plan the total number and dimension of each car parking space, and/or location of septic tank, where applicable) (請在圖則上顯示, 並註明車位總數, 以及每個車位的長度和寬度及/或化糞池的位置 (如適用))		
(g) Any vehicular access to the site/subject building? 是否有車路通往地盤/有關建築物?	Yes 是 No 否	<input type="checkbox"/> There is an existing access. (please indicate the street name, where appropriate) 有一條現有車路。(請註明車路名稱(如適用)) <input type="checkbox"/> There is a proposed access. (please illustrate on plan and specify the width) 有一條擬議車路。(請在圖則顯示, 並註明車路的闊度) <input checked="" type="checkbox"/>	
(h) Can the proposed house(s) be connected to public sewer? 擬議的屋宇發展能否接駁至公共污水渠?	Yes 是 <input 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 ☐ Please provide details 請提供詳情

No 否 ☒

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 ☐

(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)

☐ Diversion of stream 河道改道

☐ Filling of pond 填塘

Area of filling 填塘面積 sq.m 平方米 ☐ About 約

Depth of filling 填塘深度 m 米 ☐ About 約

☐ Filling of land 填土

Area of filling 填土面積 sq.m 平方米 ☐ About 約

Depth of filling 填土厚度 m 米 ☐ About 約

☐ Excavation of land 挖土

Area of excavation 挖土面積 sq.m 平方米 ☐ About 約

Depth of excavation 挖土深度 m 米 ☐ About 約

No 否 ☒

Would the development proposal cause any adverse impacts?
擬議發展計劃會否造成不良影響?

On environment 對環境

Yes 會 ☐

No 不會 ☒

On traffic 對交通

Yes 會 ☐

No 不會 ☒

On water supply 對供水

Yes 會 ☐

No 不會 ☒

On drainage 對排水

Yes 會 ☐

No 不會 ☒

On slopes 對斜坡

Yes 會 ☐

No 不會 ☒

Affected by slopes 受斜坡影響

Yes 會 ☐

No 不會 ☒

Landscape Impact 構成景觀影響

Yes 會 ☐

No 不會 ☒

Tree Felling 砍伐樹木

Yes 會 ☐

No 不會 ☒

Visual Impact 構成視覺影響

Yes 會 ☐

No 不會 ☒

Others (Please Specify) 其他 (請列明)

Yes 會 ☐

No 不會 ☒

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)

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. This application is made on urgent and bona fide need basis.
2. The application is the registered owner of the application site.
3. The applicant is an indigenous villager and is entitled to Small Village grant in accordance with the current Small House Policy.
4. The application site falls within Village "Environs".
5. The proposed development is compatible with surrounding area.
6. The site obtained the same planning application before (Case No.: TPB/A/NE-LYT/629).
7. The urgent and bona fide need for approving this planning application is clearly established.

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.

本人現准許委員會將本人就這宗申請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

.....

Man Ka Chai

Name in Block Letters

姓名（請以正楷填寫）

Project Engineer

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

CHING WAN ENGINEERING CONSULTANTS COMPANY

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

Date 日期

6-12-2023

(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 <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	D.D. 76 Lot 1644S.A. 新界沙頭角鄉簡頭村	
Site area 地盤面積	161.51 sq. m 平方米 <input checked="" type="checkbox"/> About 約 (includes Government land of 包括政府土地 sq. m 平方米 <input type="checkbox"/> About 約)	
Plan 圖則	Lung Yeuk Tau & Kwan Tei South OZP S/NE-LYT/19	
Zoning 地帶	AGR & V	
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
Plans and Drawings 圖則及繪圖		
Master layout plan(s)/Layout plan(s) 總綱發展藍圖／布局設計圖	<input type="checkbox"/>	<input type="checkbox"/>
Block plan(s) 樓宇位置圖	<input type="checkbox"/>	<input type="checkbox"/>
Floor plan(s) 樓宇平面圖	<input type="checkbox"/>	<input type="checkbox"/>
Sectional plan(s) 截視圖	<input type="checkbox"/>	<input type="checkbox"/>
Elevation(s) 立視圖	<input type="checkbox"/>	<input type="checkbox"/>
Photomontage(s) showing the proposed development 顯示擬議發展的合成照片	<input type="checkbox"/>	<input type="checkbox"/>
Master landscape plan(s)/Landscape plan(s) 園境設計總圖／園境設計圖	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他（請註明）	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Proposed House Plan		

Reports 報告書

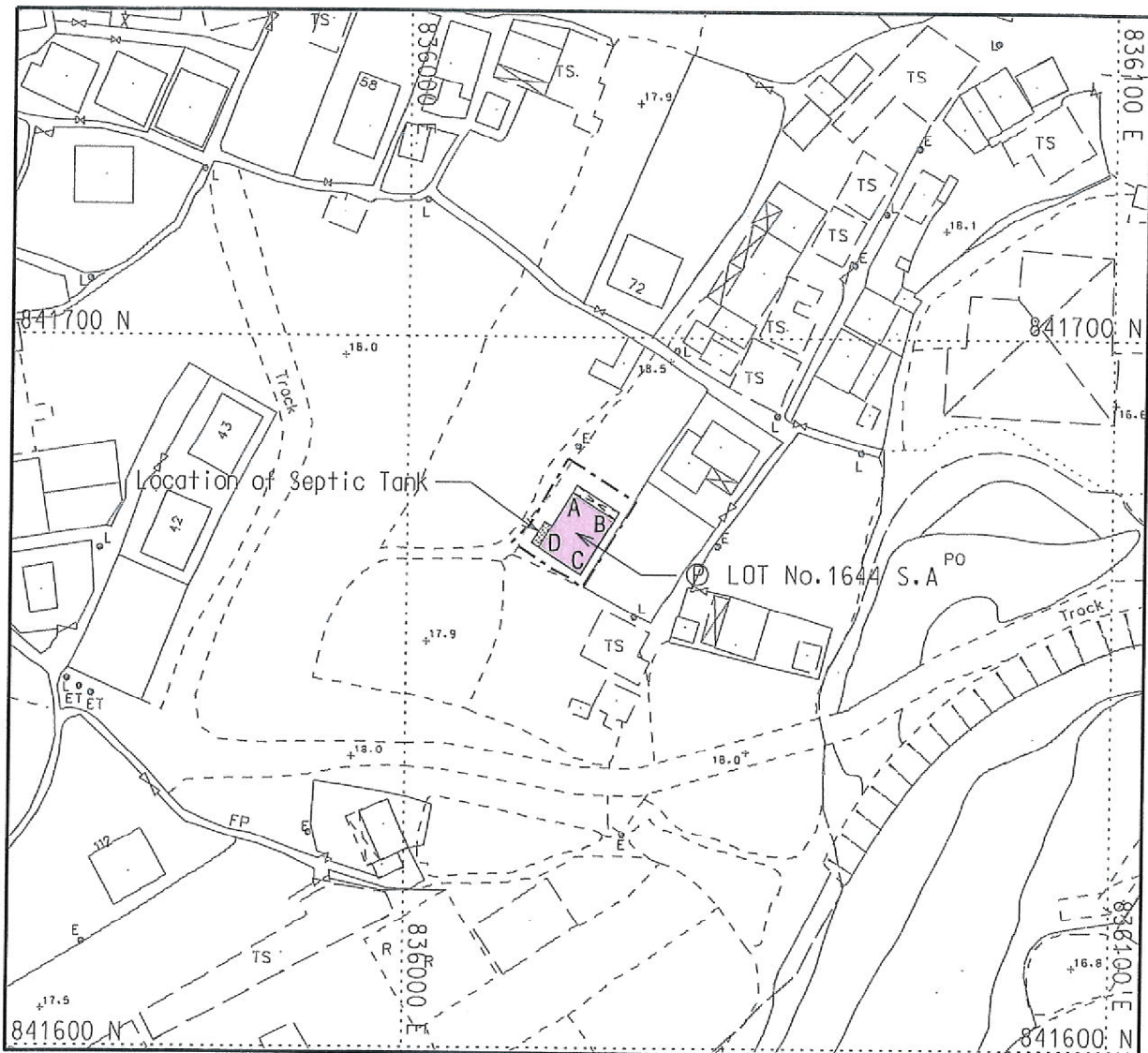
Planning Statement/Justifications 規劃綱領/理據	<input type="checkbox"/>	<input type="checkbox"/>
Environmental assessment (noise, air and/or water pollutions) 環境評估（噪音、空氣及／或水的污染）	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on vehicles) 就車輛的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on pedestrians) 就行人的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Visual impact assessment 視覺影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Landscape impact assessment 景觀影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Tree Survey 樹木調查	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical impact assessment 土力影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Drainage impact assessment 排水影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Sewerage impact assessment 排污影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Risk Assessment 風險評估	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他（請註明）	<input type="checkbox"/>	<input type="checkbox"/>

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

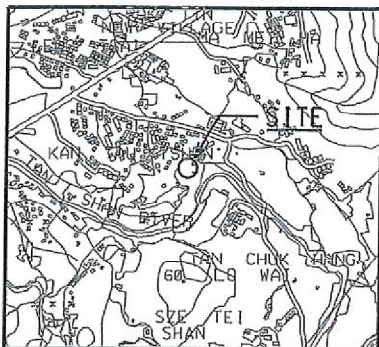
Note: The information in the Gist of Application above is provided by the applicant for easy reference of the general public. Under no circumstances will the Town Planning Board accept any liabilities for the use of the information nor any inaccuracies or discrepancies of the information provided. In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

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

PROPOSED SMALL HOUSE LOT No.1644 S.A IN D.D.76



LOCATION PLAN



SCALE 1:20 000

Balcony

Proposed Position of Septic Tank

COLOURED PINK AREA = 65.03 m² (ABOUT)

SIDE	DISTANCE	BEARING	NORTHING	EASTING	PT.
A-B	7.112	121° 55' 13"	841678.034	836023.548	A
B-C	9.144	211° 55' 13"	841674.274	836029.584	B
C-D	7.112	301° 55' 13"	841666.512	836024.749	C
D-A	9.144	31° 55' 13"	841670.273	836018.713	D

SURVEY DISTRICT:
NORTH

REF SRP:
SRP/DN/047/0118/D1

PLAN NO.:
DN/047/0118A/76/1644A-SH

SURVEY SHEET NO.:
3-SW-5A

SCALE:
1: 1 000

TANG & ASSOCIATES SURVEYORS LTD



I, TANG SZE KIN, an Authorized Land Surveyor registered under the Land Survey Ordinance (Cap.473), hereby certify that this land boundary plan has been prepared from land boundary surveys that were carried out by me, or under my direct supervision, in conformity with the Code of Practice approved by the Land Survey Authority under the above Ordinance, and that this plan correctly represents that survey completed on that 28th day of November, 2014.

Dated this 11th day of January, 2015:

Authorized Land Surveyor

☐Urgent ☐Return receipt ☐Expand Group ☐Restricted ☐Prevent Copy ☐Confidential

Benson Ka Chun LAU/PLAND

寄件者:
寄件日期: 2023年12月18日星期一 10:24
收件者: Yancy Yan Chuen FUNG/PLAND; Benson Ka Chun LAU/PLAND; tpbpd/PLAND
主旨: A/NE-LYT/821 Form P2
附件: A-NE-LYT-821 Form P2.pdf

Dear Sir,

Please find the revised P2 of the application form of the captioned case.

regards,



Dickson A-NE-LYT-821 Form P2.pdf

For Official Use Only 請勿填寫此欄	Application No. 申請編號	
	Date Received 收到日期	

- 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.tpb.gov.hk/>. 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.tpb.gov.hk/>), 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)

李樂恆 LEE LOK HANG

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)

正宏工程顧問公司 CHING WAN ENGINEERING CONSULTANTS COMPANY

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. 76 Lot 1644S.A. 新界沙頭角鄉簡頭村
(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 161.51 sq.m 平方米 <input checked="" type="checkbox"/> About 約 <input checked="" type="checkbox"/> Gross floor area 總樓面面積 195.09 sq.m 平方米 <input checked="" type="checkbox"/> About 約
(c) Area of Government land included (if any) 所包括的政府土地面積 (倘有) NA sq.m 平方米 <input type="checkbox"/> About 約

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

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

- (k) all other statutory or non-statutory requirements of relevant Government departments must be met. Depending on the specific land use zoning of the application site, other Town Planning Board guidelines should be observed, as appropriate.
- *i.e. the applicant can demonstrate that effluent discharge from the proposed development will be in compliance with the effluent standards as stipulated in the Water Pollution Control Ordinance Technical Memorandum.

Previous S. 16 Application

Approved Application

Application No.	Uses/ Development	Date of Consideration
A/NE-LYT/629	Proposed House (New Territories Exempted House – Small House)	23.6.2017

**Similar S.16 Applications for Proposed House (NTEH – Small House)
within/partly within the “Agriculture” zone in the vicinity of the Site in the
Lung Yeuk Tau and Kwan Tei South Area**

Approved Applications

Application No.	Uses/ Development	Date of Consideration
A/NE-LYT/238	Proposed New Territories Exempted House (NTEH) (Small House)	12.7.2002
A/NE-LYT/242	Proposed New Territories Exempted House (NTEH) (Small House)	13.9.2002
A/NE-LYT/367	Proposed House (New Territories Exempted House – Small House)	12.10.2007
A/NE-LYT/407	Proposed House (New Territories Exempted House – Small House)	29.1.2010
A/NE-LYT/473 ^{*1}	Proposed House (New Territories Exempted House – Small House)	24.8.2012
A/NE-LYT/474 ^{*2}	Proposed House (New Territories Exempted House – Small House)	24.8.2012
A/NE-LYT/475 ^{*3}	Proposed House (New Territories Exempted House – Small House)	24.8.2012
A/NE-LYT/476 ^{*4}	Proposed House (New Territories Exempted House – Small House)	24.8.2012
A/NE-LYT/478 ^{*5}	Proposed House (New Territories Exempted House – Small House)	24.8.2012
A/NE-LYT/479 ^{*6}	Proposed House (New Territories Exempted House – Small House)	24.8.2012
A/NE-LYT/480 ^{*7}	Proposed House (New Territories Exempted House – Small House)	24.8.2012
A/NE-LYT/481 ^{*8}	Proposed House (New Territories Exempted House – Small House)	7.9.2012
A/NE-LYT/482 ^{*9}	Proposed House (New Territories Exempted House – Small House)	7.9.2012

A/NE-LYT/483 ^{*10}	Proposed House (New Territories Exempted House – Small House)	7.9.2012
A/NE-LYT/484 ^{*11}	Proposed House (New Territories Exempted House – Small House)	7.9.2012
A/NE-LYT/485 ^{*12}	Proposed House (New Territories Exempted House – Small House)	7.9.2012
A/NE-LYT/486 ^{*13}	Proposed House (New Territories Exempted House – Small House)	7.9.2012
A/NE-LYT/494	Proposed House (New Territories Exempted House – Small House)	21.12.2012
A/NE-LYT/545 ^{*14}	Proposed 3 Houses (New Territories Exempted Houses – Small Houses)	22.8.2014
A/NE-LYT/557 ^{*15}	Proposed House (New Territories Exempted House – Small House)	16.1.2015
A/NE-LYT/583 ^{*16}	Proposed 2 Houses (New Territories Exempted Houses – Small Houses)	18.12.2015
A/NE-LYT/604 ^{*2}	Proposed House (New Territories Exempted House – Small House)	17.2.2017
A/NE-LYT/605 ^{*7}	Proposed House (New Territories Exempted House – Small House)	17.2.2017
A/NE-LYT/606 ^{*6}	Proposed House (New Territories Exempted House – Small House)	17.2.2017
A/NE-LYT/607 ^{*5}	Proposed House (New Territories Exempted House – Small House)	17.2.2017
A/NE-LYT/608 ^{*11}	Proposed House (New Territories Exempted House – Small House)	17.2.2017
A/NE-LYT/609 ^{*10}	Proposed House (New Territories Exempted House – Small House)	17.2.2017
A/NE-LYT/610 ^{*9}	Proposed House (New Territories Exempted House – Small House)	17.2.2017
A/NE-LYT/611 ^{*8}	Proposed House (New Territories Exempted House – Small House)	17.2.2017
A/NE-LYT/612 ^{*13}	Proposed House (New Territories Exempted	17.2.2017

	House – Small House)	
A/NE-LYT/613 ^{*12}	Proposed House (New Territories Exempted House – Small House)	17.2.2017
A/NE-LYT/614 ^{*1}	Proposed House (New Territories Exempted House – Small House)	17.2.2017
A/NE-LYT/615 ^{*4}	Proposed House (New Territories Exempted House – Small House)	17.2.2017
A/NE-LYT/616 ^{*3}	Proposed House (New Territories Exempted House – Small House)	17.2.2017
A/NE-LYT/665 ^{*14}	Proposed House (New Territories Exempted House – Small House)	5.10.2018
A/NE-LYT/666 ^{*14}	Proposed House (New Territories Exempted House – Small House)	6.7.2018
A/NE-LYT/667 ^{*14}	Proposed House (New Territories Exempted House – Small House)	6.7.2018
A/NE-LYT/787 ^{*15}	Proposed Four Houses (New Territories Exempted Houses – Small Houses)	13.1.2023
A/NE-LYT/808 ^{*16}	Proposed Two Houses (New Territories Exempted Houses – Small Houses)	27.10.2023

Remarks

*1: A/NE-LYT/473 and A/NE-LYT/614 are the same site.

*2: A/NE-LYT/474 and A/NE-LYT/604 are the same site.

*3: A/NE-LYT/475 and A/NE-LYT/616 are the same site.

*4: A/NE-LYT/476 and A/NE-LYT/615 are the same site.

*5: A/NE-LYT/478 and A/NE-LYT/607 are the same site.

*6: A/NE-LYT/479 and A/NE-LYT/606 are the same site.

*7: A/NE-LYT/480 and A/NE-LYT/605 are the same site.

*8: A/NE-LYT/481 and A/NE-LYT/611 are the same site.

*9: A/NE-LYT/482 and A/NE-LYT/610 are the same site.

*10: A/NE-LYT/483 and A/NE-LYT/609 are the same site.

*11: A/NE-LYT/484 and A/NE-LYT/608 are the same site.

- *12: A/NE-LYT/485 and A/NE-LYT/613 are the same site.
- *13: A/NE-LYT/486 and A/NE-LYT/612 are the same site.
- *14: A/NE-LYT/665 and A/NE-LYT/666 and A/NE-LYT/667 are portion of A/NE-LYT/545.
- *15: A/NE-LYT/557 and A/NE-LYT/787 are the same site.
- *16: A/NE-LYT/583 and A/NE-LYT/808 are the same site.

Detailed Comments from Relevant Government Departments

1. Land Administration

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) majority of the Site falls within the village ‘environs’ (‘VE’) of Kan Tau Tsuen;
- (b) the applicant claimed himself to be the indigenous villager of Lau Shui Heung, Fanling Heung. His eligibility for Small House grant has yet to be ascertained;
- (c) the Site is not covered by any Modification of Tenancy/ Building Licence;
- (d) the Small House application is still under processing;
- (e) there is no “Fung Shui” area at Kan Tau Tsuen; and
- (f) there is no existing or planned Emergency Vehicular Access (EVA) within Kan Tau Tsuen.

2. Traffic

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

- (a) she has reservation on the application. Such type of development should be confined within the “Village Type Development” (“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;
- (b) notwithstanding the above, the application only involves the construction of one Small House. She considers that the application can be tolerated unless being rejected on other grounds; and
- (c) the local village access leading to the Site from Sha Tau Kok Road - Ma Mei Ha is not managed by Transport Department.

Comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD):

- (a) no comment on the planning application; and
- (b) the access road adjacent to the Site is not maintained by HyD.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) in view of the small scale of the proposed development, the application is unlikely to cause major pollution; and

- (b) septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN 1/23 “Drainage Plans subject to Comment by the Environmental Protection Department” and are duly certified by an Authorized Person.

4. Landscape

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

- (a) she has no objection to the application from the landscape planning perspective; and
- (b) the Site is located in an area of rural inland plain landscape character comprising of village houses, farmland, vegetated areas and tree clusters. Compared with the aerial photo of 2017, there is no significant change in the landscape character surrounding the Site. Based on the aerial photo of 2022, the Site is vacant with no sensitive landscape resources within the Site. According to the application form, there is no change in the proposed layout. Significant adverse impact on existing landscape resources within the Site and the landscape character arising from the proposed use is not anticipated.

5. Drainage

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

- (a) no objection to the application from the public drainage viewpoint; and
- (b) the Site is in an area where no public sewerage connection is available. EPD should be consulted regarding the sewage treatment/disposal aspects for the proposed development and the provision of septic tank.

6. Nature Conservation and Agriculture

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

- (a) the Site falls within the “AGR” and “V” zones and is generally vacant. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the application is not supported from an agricultural perspective; and
- (b) nevertheless, he has no comment on the planning application from nature conservation perspective.

7. Fire Safety

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

- (a) he has no in-principle objection to the application provided that the application would not encroach on any existing or planned EVA under application in accordance with LandsD's record; and
- (b) the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application via LandsD.

8. District Officer's Comments

Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

- he has consulted the locals regarding the application. The Chairman, 1st Vice-Chairman and Vice-Chairman of Fanling District Rural Committee, the Chairman of Lung Shan Area Committee and the Resident Representative of Kan Tau Tsuen object the application mainly on the grounds that the applicant is not indigenous villager of Kan Tau Tsuen and the proposed development would cause traffic and drainage impacts on the surrounding areas. The Indigenous Inhabitant Representative of Kan Tau Tsuen has not replied HAD.

9. Demand and Supply of Small House Sites

According to DLO/N's records, the total number of outstanding Small House applications for Kan Tau Tsuen is 46 while the 10-year Small House demand forecast for the same village is 130. According to the latest estimate by PlanD, about 1.78 ha (equivalent to 71 Small House sites) of land are available within the "V" zone of Kan Tau Tsuen for Small House development. There is insufficient land in the "V" zone of Kan Tau Tsuen village cluster to meet the demand of land for Small House development (i.e. about 4.4ha of land which is equivalent to 176 Small House sites).

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

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

A/NE-LYT/821

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

無意見

「提意見人」姓名/名稱 Name of person/company making this comment 侯志強

簽署 Signature [Signature] 日期 Date 2024.1.2

2 to 4

P 1 of 4

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

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

A/NE-LYT/821

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

請看附頁反對資料

「提意見人」姓名/名稱 Name of person/company making this comment _____

簽署 Signature _____



日期 Date 3-1-2024

2

P-2 of 4.



香港新界粉嶺區鄉事委員會
Hong Kong Fanling District Rural Committee

敬啟者：

貴處檔號：TPB/A/NE-LYT-821
新界粉嶺簡頭村丈量約份第76約地段第1644號A分段
擬議屋宇(新界豁免管制屋宇 - 小型屋宇)
(申請編號：A/NE-LYT/821)

本會接獲村民對上述申請作出 投訴 及 強烈反對，其理由：

- 1) 申請者不是原居民。
- 2) 該地段排污系統欠缺完善，建屋會更影響周邊水浸。
- 3) 由沙頭角公路至申請地點的鄉村小路非常擠塞，建屋期的大型工程車出入會影響村民及危及行人安全。

懇請 貴處理解村民之憂慮，慎重處理上述申請。

此致
規劃署沙田、大埔
及北區規劃專員

粉嶺區鄉事委員會主席



(李國鳳)

敬上

2024年1月3日

3

P.3 of 4



香港新界粉嶺區鄉事委員會
Hong Kong Fanling District Rural Committee

敬啟者：

貴處編號：TPB/A/NE-LYT-821
新界粉嶺簡頭村丈量約份第76約地段第1644號A分段
擬議屋宇(新界豁免管制屋宇 - 小型屋宇)
(申請編號：A/NE-LYT/821)

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懇請 貴處理解村民之憂慮，慎重處理上述申請。

此致
規劃署沙田、大埔
及北區規劃專員

粉嶺區鄉事委員會副主席

劉永安
(劉永安)



敬上

2024年1月3日

4

P.4

2F 4



香港新界粉嶺區鄉事委員會
Hong Kong Fanling District Rural Committee

敬啟者：

貴處檔號：TPB/A/NE-LYT-821
新界粉嶺簡頭村丈量約份第76約地段第1644號A分段
擬議屋宇(新界豁免管制屋宇 - 小型屋宇)
(申請編號：A/NE-LYT/821)

本會接獲村民對上述申請作出 投訴 及 強烈反對，其理由：

- 1) 申請者不是原居民。
- 2) 該地段排污系統欠缺完善，建屋會更影響周邊水浸。
- 3) 由沙頭角公路至申請地點的鄉村小路非常擠塞，建屋期的大型工程車出入會影響村民及危及行人安全。

懇請 貴處理解村民之憂慮，慎重處理上述申請。

此致

規劃署沙田、大埔
及北區規劃專員

粉嶺區鄉事委員會副主席

鄧志佳
(鄧志佳)



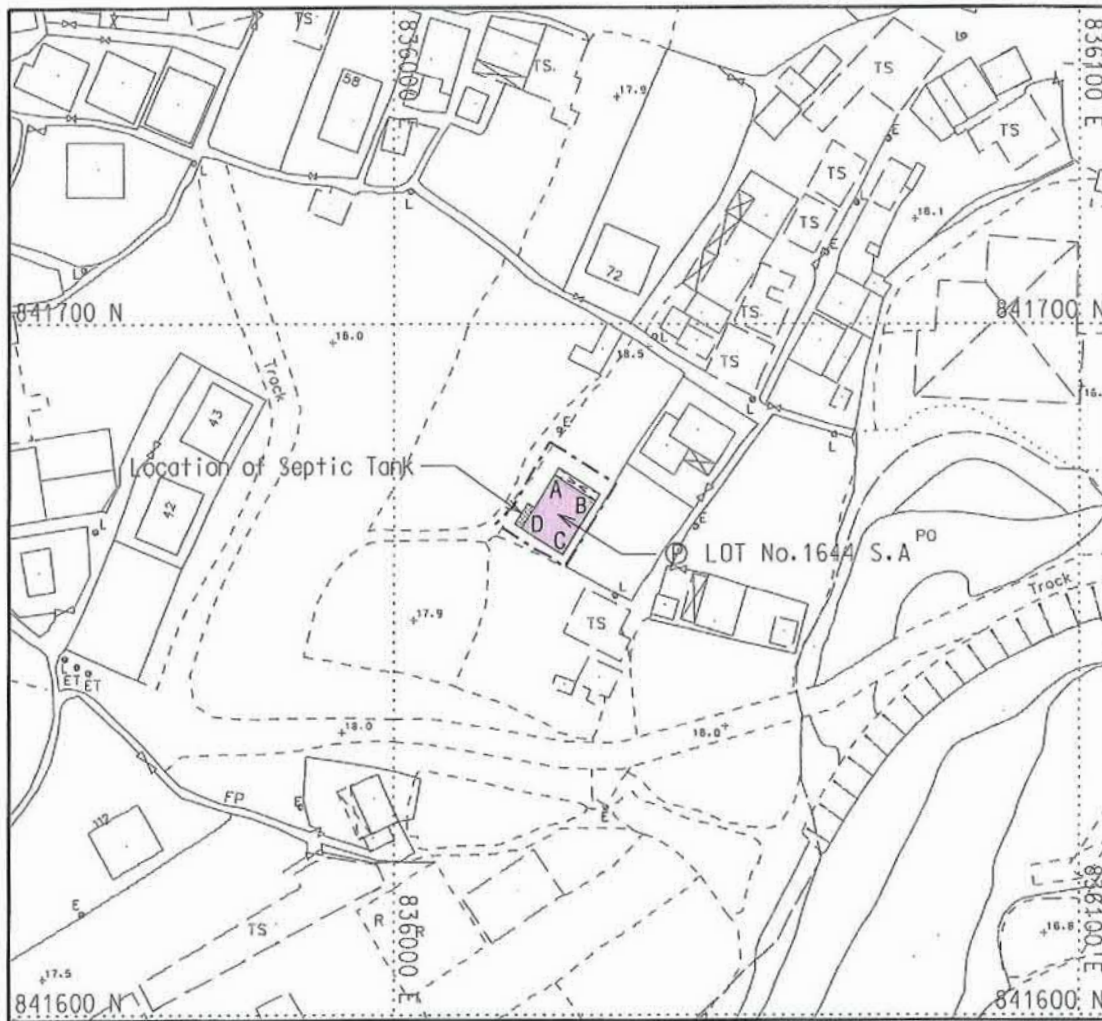
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2024年1月3日

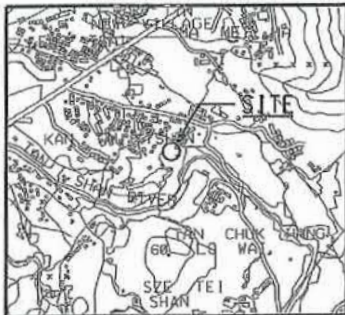
Recommended Advisory Clauses

- (a) to note the comments of the Commissioner for Transport that the local village access leading to the Site from Sha Tau Kok Road (Ma Mei Ha) is not managed by Transport Department;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant shall provide adequate stormwater drainage collection and disposal facilities to deal with the surface runoff of the Site or the same flowing on to the Site from the adjacent areas. All stormwater drainage facilities to be completed under the proposed development, whether within private lots or Government Lands, shall be solely maintained by the applicant and the successive owner of the proposed development at their own resources;
- (c) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (d) to note the comments of the Director of Environmental Protection that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN 1/23 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person;
- (e) to note the comments of Director of Fire Services that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application via LandsD; and
- (f) 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 LOT No.1644 S.A IN D.D.76



LOCATION PLAN



SCALE

- Balcony
- Proposed Position of Septic Tank
- COLOURED PINK AREA = 65.03 m² (ABOUT)

SIDE	DISTANCE	BEARING	NORTHING	EASTING	PT.
A-B	7.112	121° 55' 13"	841678.034	836023.548	A
B-C	9.144	211° 55' 13"	841674.274	836029.584	B
C-D	7.112	301° 55' 13"	841666.512	836024.749	C
D-A	9.144	31° 55' 13"	841670.273	836018.713	D

SURVEY DISTRICT:
NORTH

REF SRP:
SRP/DN/047/0118/D1

PLAN NO.:
DN/047/0118A/76/1644A-SH

SURVEY SHEET NO.:
3-SW-5A

SCALE:

TANG & ASSOCIATES SURVEYORS LTD



I, TANG SEE KUN, an Authorized Land Surveyor registered under the Land Survey Ordinance (Cap.473), hereby certify that this land boundary plan has been prepared from land boundary surveys that were carried out by me, or under my direct supervision, in conformity with the Code of Practice approved by the Land Survey Authority under the above Ordinance, and that this plan correctly represents that survey completed on that 28th day of November, 2014.

Dated this 11th day of January, 2015;

Authorized Land Surveyor

參考編號
REFERENCE No. A/NE-LYT/821

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



S/NE-WKS/10

S/NE-MUP/11

S/NE-TKL/14

S/NE-HT/7

S/NE-LYT/19

S/NE-HT/7

S/NE-HT/7

圖例 LEGEND

- 139 (7.11.97)** 獲批准的申請
APPROVED APPLICATION
- 139 (7.11.97)** 會議日期
DATE OF MEETING
- 申請編號
APPLICATION NUMBER

界線只作識別用
BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY

位置圖 LOCATION PLAN

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
新界粉嶺簡頭村丈量約份第76約地段第1644號A分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 1644 S.A IN D.D. 76,
KAN TAU TSUEN, FANLING, 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.

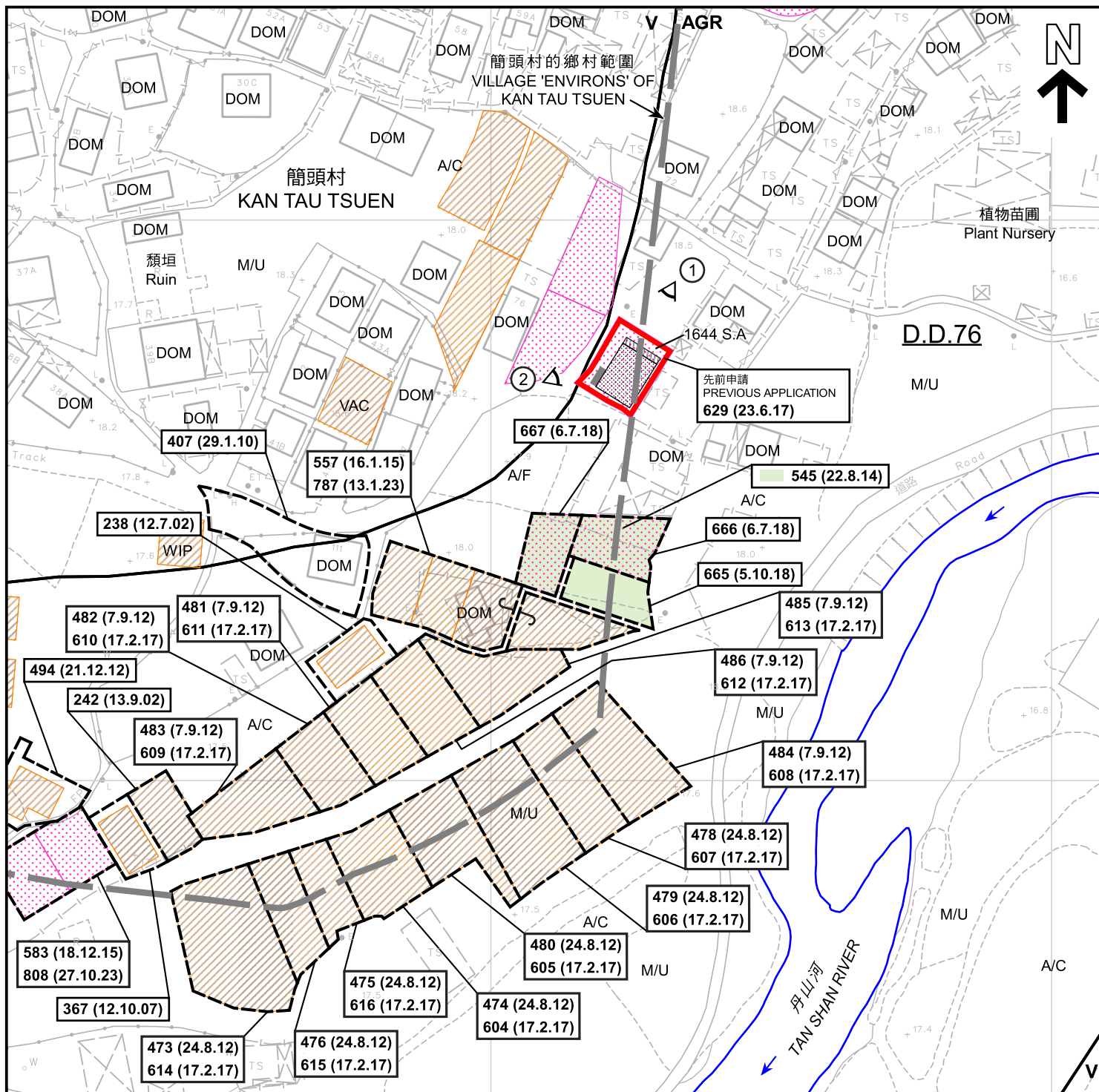
A/NE-LYT/821

圖 PLAN

A-1

本摘要圖於2024年1月3日擬備，
所根據的資料為：

於2022年12月6日核准的分區計劃大綱圖編號S/NE-HT/7、
於2022年12月6日核准的分區計劃大綱圖編號S/NE-LYT/19、
於2006年10月17日核准的分區計劃大綱圖編號S/NE-MUP/11、
於2010年2月2日核准的分區計劃大綱圖編號S/NE-TKL/14及
於2009年10月6日核准的分區計劃大綱圖編號S/NE-WKS/10
EXTRACT PLAN PREPARED ON 3.1.2024
BASED ON OUTLINE ZONING PLANS No.
S/NE-HT/7 APPROVED ON 6.12.2022,
S/NE-LYT/19 APPROVED ON 6.12.2022,
S/NE-MUP/11 APPROVED ON 17.10.2006,
S/NE-TKL/14 APPROVED ON 2.2.2010 AND
S/NE-WKS/10 APPROVED ON 6.10.2009



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
- 化糞池
SEPTIC TANK
- 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
- WIP 工程進行中
WORK IN PROGRESS
- A/C 常耕農地
ACTIVE AGRICULTURAL LAND
- A/F 休耕農地
FALLOW AGRICULTURAL LAND
- DOM 住用構築物
DOMESTIC STRUCTURE
- M/U 荒地
UNUSED LAND
- VAC 空置
VACANT
- 河流
RIVER

- 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
- 139 (7.11.97) 會議日期
DATE OF MEETING
- 申請編號
APPLICATION NUMBER

註釋 Note :
(1) 2023年12月18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 18.12.2023

本摘要圖於2024年1月16日擬備，
所根據的資料為測量圖編號
3-SW-4B及5A
EXTRACT PLAN PREPARED ON 16.1.2024
BASED ON SURVEY SHEETS No.
3-SW-4B & 5A

平面圖 SITE PLAN

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
新界粉嶺簡頭村丈量約份第76約地段第1644號A分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 1644 S.A IN D.D. 76,
KAN TAU TSUEN, FANLING, NEW TERRITORIES

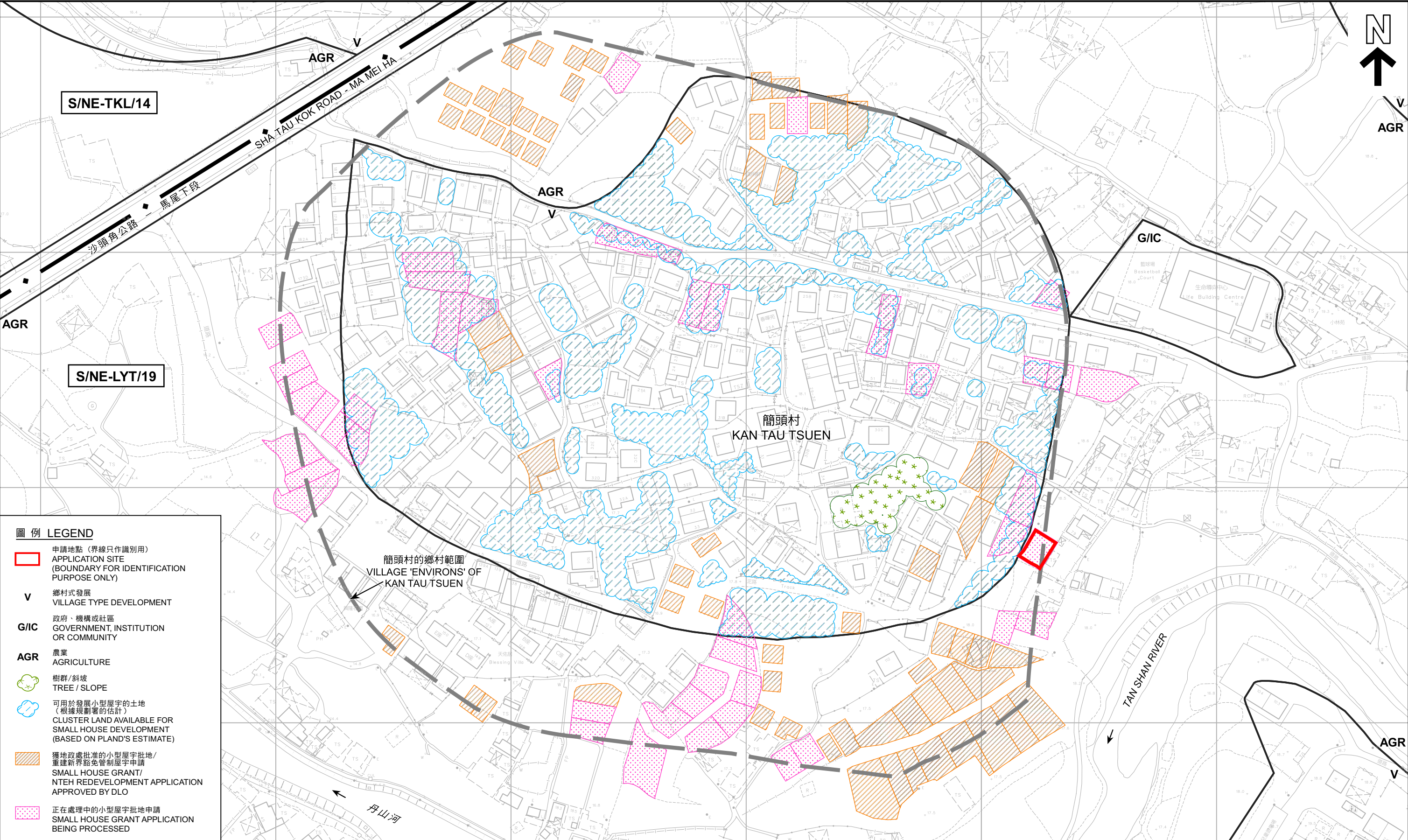
米 20 0 20 40 米
METRES SCALE 1 : 1 000 比例尺

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-LYT/821

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)
新界粉嶺簡頭村丈量約份第76約地段第1644號A分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 1644 S.A IN D.D. 76,
KAN TAU TSUEN, FANLING, NEW TERRITORIES

SCALE 1 : 1 500 比例尺
40 60 80 100 120 米
METRES

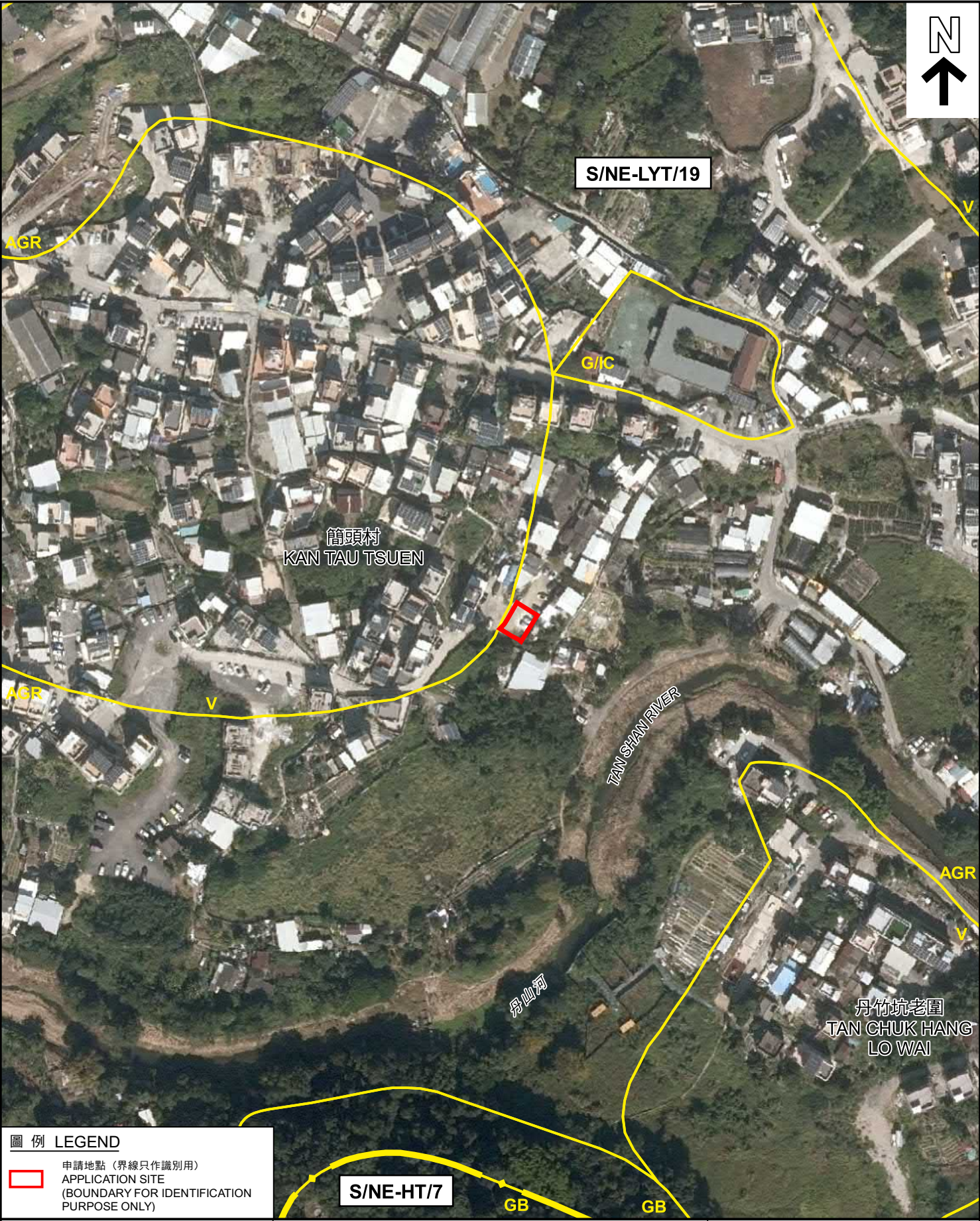
本摘要圖於2024年1月23日擬備，所根據的資料為測量圖編號3-SW-4B及5A
EXTRACT PLAN PREPARED ON 23.1.2024 BASED ON SURVEY SHEETS No. 3-SW-4B & 5A

規劃署
PLANNING DEPARTMENT



參考編號
REFERENCE No.
A/NE-LYT/821

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2024年1月3日擬備，
所根據的資料為地政總署
於2022年12月25日拍得的航攝照片
編號E179651C
EXTRACT PLAN PREPARED ON 3.1.2024
BASED ON AERIAL PHOTO No. E179651C
TAKEN ON 25.12.2022 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)
新界粉嶺簡頭村丈量約份第76約地段第1644號A分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 1644 S.A IN D.D. 76,
KAN TAU TSUEN, FANLING, NEW TERRITORIES

規劃署 PLANNING DEPARTMENT		
參考編號 REFERENCE No.	圖 PLAN	
A/NE-LYT/821	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）
新界粉嶺簡頭村丈量約份第76約地段第1644號A分段
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOT 1644 S.A IN D.D. 76,
KAN TAU TSUEN, FANLING, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-LYT/821

圖 PLAN
A-4

本摘要圖於2023年12月21日擬備，所根據的資料為攝於2023年12月18日的實地照片
PLAN PREPARED ON 21.12.2023 BASED ON SITE PHOTOS TAKEN ON 18.12.2023

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/821 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 1644 S.A
in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/821)

Presentation and Question Sessions

44. 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 did not support the application.

45. Noting that the Site was the subject of a previous application for the same use approved by the Committee in 2017 (i.e. Application No. A/NE-LYT/629), a Member asked about the reasons for rejecting the current application. Mr Kevin K.W. Lau, STP/STN, explained that the current application was submitted by a different applicant and the previous application was approved mainly on sympathetic consideration that there were Small House applications approved in the vicinity to form a village cluster. Nevertheless, the planning circumstances of the current application were different in that sufficient land was available in meeting the Small House demand within the “V” zone, the said approved Small House applications in the vicinity had not been implemented to form a village cluster, and the surrounding area of the Site was still vacant. As such, sympathetic consideration could not be given to the current application.

Deliberation Session

46. 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 in the Lung Yeuk Tau and Kwan Tei South area 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; and

- (b) land is still available within the “Village Type Development” (“V”) zone of Kan Tau Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/763 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 338 S.A. ss.1 in D.D.19, San Uk Pai, Lam
Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/763)

Presentation and Question Sessions

47. 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 had no objection to the application.

48. Members had no question on the application.

Deliberation Session

49. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should

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:

By Post & Fax (2443 9162)

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/NE-LYT/821

16 February 2024

Ching Wan Engineering Consultants Co.
Room 607A, 6/F, Keader Centre
129-149 On Lok Road
Yuen Long, New Territories
(Attn.: Man Ka Chai)

Dear Sir/Madam,

Proposed House (New Territories Exempted House - Small House) in "Agriculture" and "Village Type Development" Zones, Lot 1644 S.A in D.D. 76, Kan Tau Tsuen, Fanling

I refer to my letter to you dated 21.12.2023.

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 in the Lung Yeuk Tau and Kwan Tei South area 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; and
- (b) land is still available within the "Village Type Development" ("V") zone of Kan Tau Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.

A copy of the TPB Paper in respect of the application is available at TPB website at this link (https://www.tpb.gov.hk/en/meetings/RNTPC/Agenda/735_rnt_agenda.html). The relevant extract of minutes of the TPB meeting held on 26.1.2024 is enclosed herewith for your reference.

Under section 17(1) and 17(1A) of the Town Planning Ordinance (the Ordinance), an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. The application must be in writing and must set out the grounds for the review. If you wish to seek a review, you should inform me and provide the grounds for review within 21 days from the date of this letter (on or before 8.3.2024). 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 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 Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Mr. Tim Fung of the Sha Tin, Tai Po & North District Planning Office at 2158 6237.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Leticia', written over a horizontal line.

(Leticia LEUNG)

for Secretary, Town Planning Board

☐Urgent ☐Return receipt ☐Expand Group ☐Restricted ☐Prevent Copy

Katie Yuet Yee LEUNG/PLAND

From: Dickson
Sent: Friday, March 8, 2024 9:47 AM
To: tpbpd/PLAND <tpbpd@pland.gov.hk>
Subject: Review of the application - TPB/A/NE-LYT/821

Dear Sir,

I am writing this email to apply for a review of the captioned application with the following ground:

1. There is an approval record on the same application site, it is unreasonable that to disapprove the application with the reason "land is still available"
2. The application is the registered land owner with the right to grant a small village house. He definitely has no intention to carry out any agricultural activity on the application site.

Please kindly arrange for the review meeting of such application and I am looking forward to your reply.

Should you have any query, please feel free to contact me at

regards,
Dickson Man
Ching Wan Engineering Consultants Company

Recommended Advisory Clauses

- (a) to note the comments of the Commissioner for Transport that the local village access leading to the Site from Sha Tau Kok Road (Ma Mei Ha) is not managed by Transport Department;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant shall provide adequate stormwater drainage collection and disposal facilities to deal with the surface runoff of the Site or the same flowing on to the Site from the adjacent areas. All stormwater drainage facilities to be completed under the proposed development, whether within private lots or Government Lands, shall be solely maintained by the applicant and the successive owner of the proposed development at their own resources;
- (c) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (d) to note the comments of the Director of Environmental Protection that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person;
- (e) to note the comments of Director of Fire Services that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application via LandsD; and
- (f) 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.

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

R-1 to R-3

1/4

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

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

A/NE-LYT/821

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

反對資料請看附頁

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

簽署 Signature



日期 Date

22-3-2024

粉嶺區鄉事會

FDRC

香港新界粉嶺區鄉事委員會

Hong Kong Fanling District Rural Committee

R-1

2/4

敬啟者：

貴處檔號：TPB/A/NE-LYT-821

新界粉嶺簡頭村丈量約份第76約地段第1644號A分段

擬議屋宇(新界豁免管制屋宇 - 小型屋宇)

(申請編號：A/NE-LYT/821)

本會第2次接獲村民對上述申請作出 投訴 及 強烈反對，其理由：


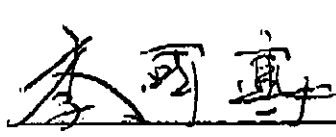
- 1) 申請者不是原居民。
- 2) 該地段排污系統欠缺完善，建屋會更影響周邊水浸。
- 3) 由沙頭角公路至申請地點的鄉村小路非常擠塞，建屋期的大型工程車出入會影響村民及危及行人安全。

懇請 貴處理解村民之憂慮，慎重處理上述申請。

此致

規劃署沙田、大埔
及北區規劃專員

粉嶺區鄉事委員會主席


(李國鳳)

2024年3月22日

粉嶺區鄉事會

FDRC

香港新界粉嶺區鄉事委員會

Hong Kong Fanling District Rural Committee

R-2
3/4

敬啟者：

貴處檔號：TPB/A/NE-LYT-821

新界粉嶺簡頭村丈量約份第 76 約地段第 1644 號 A 分段

擬議屋宇(新界豁免管制屋宇 - 小型屋宇)

(申請編號：A/NE-LYT/821)

本會第 2 次接獲村民對上述申請作出 投訴 及 強烈反對，其理由：

- 1) 申請者不是原居民。
- 2) 該地段排污系統欠缺完善，建屋會更影響周邊水浸。
- 3) 由沙頭角公路至申請地點的鄉村小路非常擠塞，建屋期的大型工程車出入會影響村民及危及行人安全。

懇請 貴處理解村民之憂慮，慎重處理上述申請。

此致
規劃署沙田、大埔
及北區規劃專員

粉嶺區鄉事委員會首副主席



劉永安

敬上

(劉永安)

2024 年 3 月 22 日

粉嶺區鄉事會

FDRC

香港新界粉嶺區鄉事委員會

Hong Kong Fanling District Rural Committee

R-3

M/4

敬啟者：

貴處檔號：TPB/A/NE-LYT-821

新界粉嶺簡頭村丈量約份第76約地段第1644號A分段

擬議屋宇(新界豁免管制屋宇 - 小型屋宇)

(申請編號：A/NE-LYT/821)

本會第2次接獲村民對上述申請作出 投訴 及 強烈反對，其理由：

- 1) 申請者不是原居民。
- 2) 該地段排污系統欠缺完善，建屋會更影響周邊水浸。
- 3) 由沙頭角公路至申請地點的鄉村小路非常擠塞，建屋期的大型工程車出入會影響村民及危及行人安全。

懇請 貴處理解村民之憂慮，慎重處理上述申請。

此致

規劃署沙田、大埔
及北區規劃專員

粉嶺區鄉事委員會副主席



敬上

(鄧志佳)

2024年3月22日

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

R-4

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

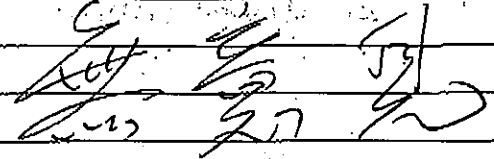
By e-mail : tpbpd@pland.gov.hk

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

A/NE-LYT/821

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)



「提意見人」姓名/名稱 Name of person/company making this comment _____

簽署 Signature



日期 Date

2024 3. 26