

## **8. Justifications**

The Applicant applies for the New Territories Exempted House – Small House (“to be referred to as Small House) at Lot No.334 S.G. in D.D.37, Man Uk Pin, Sha Tau Kok, New Territories.

### **Location and Environment**

The Application Site is located in the local settlement area known as Man Uk Pin. It is accessible via a local road leading from Wo Keng Shan Road. The locality is mainly used for agricultural purpose with village type houses constructed.

### **Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories**

According to the latest assessment criteria of Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (revised on 7/9/2007), sympathetic consideration should be given to the Application Site with a proposed Small House footprint of not less than 50% in Village Environ (“VE”).

### **Previous Planning Approval**

The current Application Site is in fact a portion of a previous Application Site (Lot Nos.334 S.F and S.G in D.D.37) as well as the Applicant is one of the Applicants in a previous planning approval No.A/NE/MUP/119 for 2 proposed Small House (whereas the currently applied Small House is one of the previously two). The planning approval No.A/NE/MUP/119 was lapsed because the Small Houses development could not be commenced before the permission validity until 7/8/2023 (after 2 approved S16A amendment on permission validity approved). Small House commencement work cannot be done without obtaining Building Licence consent from the Lands Department.

In fact, two corresponding Small Houses applications have been submitted to Lands Department (“LandsD”) since 2014 (Applicants : Messrs. CHUNG Kaiwan and FU Ah Chun, same as Applicants per planning approval No.A/NE/MUP/119) and approvals for building licences on the two Small Houses are yet approved until the current date.

### **Previous Planning Approval (Cont'd)**

Notwithstanding the above, the approval conditions of planning approval No.A/NE/MUP/119 have been fulfilled by the Applicants as far as feasible. Approval conditions (a) have been complied whilst conditions (b) & (c) have been partly complied with in 2016 and 2017 respectively regarding drainage and landscape proposals.

During the prolonged waiting queue time in the past few years, one of the Applicants of planning approval No.A/NE/MUP/119 and Building Licences of Small Houses, Mr. FU Ah Chun has unfortunately passed away in 2022 and Building Licence application is halt.

As a result of the above background, one of the Applicants, Mr. CHUNG Kaiwan now seeks an individual application to apply a Small House with all proposed parameters unchanged (i.e. Small House size, layout & dimensions etc) compared to his portion contained in planning approval No.A/NE/MUP/119.

### **No Adverse Implications**

The surroundings of the Application Site is generally a village environment which village type house are not uncommon. Also, landscape and drainage proposals on the Application Site have been found satisfactory and accepted by relevant government departments in 2016 and 2017 respectively. There is no change in the environment of the Application Site since then. There would be no adverse impact caused by the Application Site.

### **Strong Demand of Small House and Shortage of Local Land Supply**

According to information available to the public, up to year end of 2023, land required to meet the Small House demand in Man Uk Pin Village is about 12.28 ha and the number of outstanding Small House applications for Man Uk Pin Village is 433 while the 10-year Small House demand forecast for the same village is 448. However, land available to meet the Small House demand within the "V" zone of Man Uk Pin Village is only about 2.14 ha. It can be noted that there is a large shortage in supply of land for Small House demand in the Man Uk Pin Village.

## **Similar Planning Approvals**

There are many similar approved applications with application site situated within / partly within the same "AGR" zone in the same OZP as the subject Application Site, we have summarized cases approved after the previously approval No.A/NE/MUP/119 for reference:

<b>Application No.</b>	<b>Applied Use</b>	<b>Approval Date</b>
A/NE-MUP/196	Proposed House (New Territories Exempted House – Small House)	08/12/2023
A/NE-MUP/195	Proposed House (New Territories Exempted House – Small House)	08/12/2023
A/NE-MUP/191	Proposed House (New Territories Exempted House – Small House)	25/08/2023
A/NE-MUP/190	Proposed House (New Territories Exempted House – Small House)	25/08/2023
A/NE-MUP/189	Proposed House (New Territories Exempted House – Small House)	25/08/2023
A/NE-MUP/184	Proposed House (New Territories Exempted House – Small House)	19/05/2023
A/NE-MUP/165	Proposed House (New Territories Exempted House – Small House)	20/5/2022
A/NE-MUP/164	Proposed House (New Territories Exempted House – Small House)	10/12/2021
A/NE-MUP/163	Proposed House (New Territories Exempted House – Small House)	10/12/2021
A/NE-MUP/162	Proposed House (New Territories Exempted House – Small House)	10/12/2021
A/NE-MUP/127	Proposed House (New Territories Exempted House – Small House)	28/4/2017

## **Conclusion**

The Application Site is a re-applied case based on an previous approval No.A/NE/MUP/119 due to uncontrollable circumstances by the Applicants. There is no change in environment and site condition since the last approval. Based on the strong demand and limited local land supply for Small House for local villagers and considered the application fulfills technical assessment criteria, we week Town Planning Board's favourable consideration of the application be granted.

城市規劃委員會

香港北角渣華道三百三十三號  
北角政府合署十五樓

TOWN PLANNING BOARD

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

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/NE-MUP/119

By Registered Post & Fax (2524 0355)

21 August 2015

Lawson David & Sung Surveyors Ltd.



(Attn.: Camis Lee)

Dear Sir/Madam,

**Proposed House (New Territories Exempted House - Small House)  
in "Agriculture" zone, Lot 334 S.F and 334 S.G in D.D 37, Man Uk Pin, Sha Tau Kok**

I refer to my letter to you dated 31.7.2015.

After giving consideration to the application, the Town Planning Board (the TPB) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application as submitted to the TPB. The permission shall be valid until 7.8.2019; 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 permission is subject to the following conditions :

- (a) the provision of septic tank, as proposed by you, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

The TPB also agreed to advise you of the following :

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
  - (i) for provision of water supply to the development, you may need to extend the inside services to the nearest suitable government water mains for connection and to 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 lot to WSD's standards; and
  - (ii) the site is located within flood pumping gathering ground;

- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the existing access near the site is not maintained by HyD ;
- (d) to note the comments of the Director of Fire Services that you are reminded to 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 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, you 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 TPB where required before carrying out the road works.

The TPB also agreed to advise you that for the development of a Small House, a concessionary grant from the Land Authority under the Small House Policy will be required and that such grant will only be given to indigenous villagers.

If you wish to seek an extension of the validity of this permission, you may submit an application to the TPB for renewal of the permission no less than six weeks before its expiry. This is to allow sufficient time for processing of the application in consultation with the concerned departments. The TPB will not consider any application for renewal of permission if the time limit for commencement of development specified in the permission has already expired at the time of consideration by the TPB. Please refer to the TPB Guidelines No. 35B and 36A for details. The Guidelines and application forms are available at the TPB's website ([www.info.gov.hk/tpb/](http://www.info.gov.hk/tpb/)), the Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000) at 17/F, North Point Government Offices, 333 Java Road, North Point; 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin; and the Secretariat of the TPB at 15/F, North Point Government Offices.

For amendments to the approved scheme that may be permitted with or without application under section 16A, please refer to TPB Guidelines No. 36A for details.

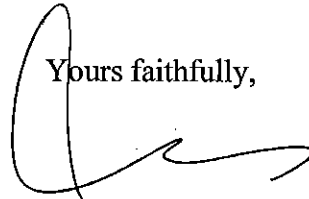
A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 7.8.2015 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 11.9.2015). 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.

This permission by the TPB under section 16 of the Town Planning Ordinance should not be taken to indicate that any other government approval which may be needed in connection with the development, will be given. You should approach the appropriate government departments on any such matter.

If you have any queries regarding this planning permission, please contact Mr. Wallace Tang of Sha Tin, Tai Po & North District Planning Office at 2158 6237. In case you wish to consult the relevant Government departments on matters relating to the above approval conditions, a list of the concerned Government officers is attached herewith for your reference.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Michael Chiu', written in a cursive style.

( Michael CHIU )  
for Secretary, Town Planning Board

## 規 劃 署

沙田、大埔及北區規劃處  
新界沙田上禾輦路1號  
沙田政府合署13樓



## Planning Department

Sha Tin, Tai Po & North  
District Planning Office  
13/F, Sha Tin Government Offices,  
1 Sheung Wo Che Road, Sha Tin, N.T.

本函檔號 Your Reference  
本署檔號 Our Reference ( ) in TPB/A/NE-MUP/119  
電話號碼 Tel. No. : 2158 6220  
傳真機號碼 Fax No. : 2691 2806 / 2696 2377

Grandmax Surveyors Limited



(Attn.: Mr. Wong Chi Wai)

**By Post and Fax (3628 3308)**

22 December 2016

Dear Mr. Wong,

**Proposed 2 Houses (New Territories Exempted Houses – Small Houses)  
in “Agriculture” zone, Lot 334 S.F and 334 S.G in D.D. 57, Man Uk Pin, Sha Tau Kok  
(Compliance with Approval Condition (a) for Application No. A/NE-MUP/119)**

I refer to your letter dated 13.12.2016 for compliance with approval condition (a) in relation to the provision of septic tank of the captioned planning application, which was approved with conditions by the Rural and New Town Planning Committee of the Town Planning Board on 7.8.2015.

District Lands Officer/North, Lands Department (DLO/N, LandsD) (Contact person: Ms. TANG Shuk-fan; Tel.: 2675 1528) has been consulted on your submission and advised that approval condition (a) is considered complied with.

Should you have any queries, please feel free to contact Ms. Cindy K.F. Wong of this department at 2158 6241.

Yours faithfully,

(Ms. Jessica CHU)  
for and on behalf of  
Director of Planning

# 規 劃 署

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## Planning Department

Sha Tin, Tai Po & North  
District Planning Office  
13/F, Sha Tin Government Offices,  
1 Sheung Wo Che Road, Sha Tin, N.T.

本函檔號 Your Reference PlanD3-OT-JP-721-15-Dx-310816-jp  
本署檔號 Our Reference ( ) in TPB/A/NE-MUP/119  
電話號碼 Tel. No.: 2158 6220  
傳真機號碼 Fax No.: 2691 2806 / 2696 2377

K & K Chartered Architect & Associates



(Attn.: Mr. Wally Wong)

**By Post and Fax (3186 2686)**

14 September 2016

Dear Sir,

**Proposed 2 Houses (New Territories Exempted Houses (NTEHs) – Small Houses)  
in “Agriculture” zone, Lot 334 S.F and 334 S.G in D.D. 37, Man Uk Pin, Sha Tau Kok  
(Compliance with Approval Condition (b) for Application No. A/NE-MUP/119)**

I refer to your letter dated 31.8.2016 enclosing a revised drainage proposal for compliance with approval condition (b) in relation to the submission and implementation of drainage proposal of the captioned planning application, which was approved with conditions by the Rural and New Town Planning Committee of the Town Planning Board (TPB) on 7.8.2015.

The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) (Contact person: Mr. Anthony L C WONG; Tel.: 2300 1274) has been consulted and he has no further comment on the submission. Therefore, approval condition (b) is considered partially complied with.

Please note that full compliance with the aforesaid approval condition rests upon the implementation of the accepted drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB. To facilitate compliance checking, you are reminded to inform this office and submit three sets of photographs of the drainage works upon completion.

Should you have any queries, please feel free to contact Ms. Cindy K.F. WONG of this department at 2158 6241.

Yours faithfully,

( C K SOH )  
for and on behalf of  
Director of Planning



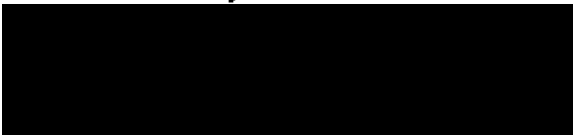
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Sha Tin, Tai Po & North  
District Planning Office  
13/F, Sha Tin Government Offices,  
1 Sheung Wo Che Road, Sha Tin, N.T.

本函檔號 Your Reference HK/TPB/DD37/334F&G  
本署檔號 Our Reference ( ) in TPB/A/NE-MUP/119  
電話號碼 Tel. No.: 2158 6220  
傳真機號碼 Fax No.: 2691 2806 / 2696 2377

Grandmax Surveyors Limited



(Attn.: Mr. Wong Chi Wai)

**By Post and Fax (3628 3308)**

16 March 2017

Dear Mr. Wong,

**Proposed 2 Houses (New Territories Exempted Houses – Small Houses)  
in “Agriculture” zone, Lot 334 S.F and 334 S.G in D.D. 37, Man Uk Pin, Sha Tau Kok  
(Compliance with Approval Condition (c) for Application No. A/NE-MUP/119)**

I refer to your submission dated 20.2.2017 enclosing a landscape proposal for compliance with approval condition (c) in relation to the submission of landscape proposal of the captioned planning application, which was approved with conditions by the Rural and New Town Planning Committee of the Town Planning Board (TPB) on 7.8.2015.

The Chief Town Planner/Urban Design and Landscape of this department (CTP/UD&L, PlanD) (Contact person: Ms. Jaime PONG; Tel.: 2231 4852) has been consulted on your submission and considered that the submitted landscape proposal is acceptable from the landscape planning perspective. Thus, approval condition (c) is considered partially complied with.

For full compliance with approval condition (c), please proceed to implement the accepted proposal. In order to facilitate compliance checking, you are reminded to provide a set of planting photo records with viewpoints indicated on the accepted landscape proposal for consideration upon completion of the landscape works.

Should you have any queries, please feel free to contact Ms. Cindy K.F. Wong of this department at 2158 6241.

Yours faithfully,

(Ms. Jessica CHU)  
for and on behalf of  
Director of Planning

