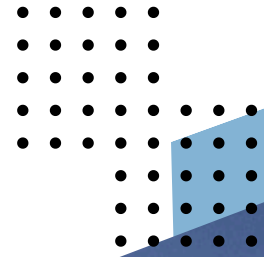


# SECTION 16 APPLICATION



FOR PROPOSED HOUSE (NEW TERRITORIES EXEMPTED HOUSE (NTEH) - SMALL HOUSE) IN "AGRICULTURE" AND "VILLAGE TYPE DEVELOPMENT" ZONES

APPROVED PINE CHE AND TA KWU LING OUTLINE ZONING PLAN NO. S/NE-TKL/14

LOT NOS. 1498A S.B AND 1502 S.C HUNG LENG VILLAGE, FANLING, NEW TERRITORIES

## SUPPLEMENTARY PLANNING STATEMENT

Prepared For:  
YAU ANDREW DEN BON  
(邱定邦)

Prepared By:



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## EXECUTIVE SUMMARY

The Applicant, **YAU ANDREW DEN BON** (邱定邦), the indigenous villager of Hung Leng, currently seeks town planning permission from the Town Planning Board (the TPB) for Proposed House (New Territories Exempted House – Small House) (NTEH) in Lot Nos. 1498A S.B and 1502 S.C in D.D. 76 in Hung Leng, Fanling, New Territories.

The Proposed Small House by the indigenous villager under the present application is inextricably affiliated with the current Small House Policy and in full compliance with the criteria laid out in the relevant Town Planning Board Guideline.

The proposed Small House is anticipated to incur no significant impacts to the surrounding environment from landscape, transportation and engineering points of view. It is noteworthy that the Applicant has been suffering for **more than nine years** of lengthy waiting time for processing the Small House grant application. Further delay renders additional time and monetary costs to be burdened by the Applicant. As a matter of fact, 99.4m<sup>2</sup> of the total application area is zoned “V” and is able to contain a small house of 65.03m<sup>2</sup> in terms of the building footprint. A minor extension to the adjoining AGR Zone is to archive a similar building form with better user efficiency.

Given the exceptional background, the TPB is respectfully invited to approve the present application. Subject to the granting of planning permission from the TPB, the Applicant will duly observe all town planning approval conditions of the planning permission that may be imposed by the TPB.

## 行政摘要

申請人 **邱定邦** 為孔嶺村原居民，現尋求城市規劃委員會（下稱城規會）的批准，於申請用地興建一間供原居民使用的小型屋宇。

擬議的一間小型屋宇的主要用途，完全符合小型屋宇現行的政策以及申請用地的規劃意向。

擬議計劃對毗連的環境沒有重大的負面景觀、交通及工程影響。值得注意的是申請人已苦苦輪候小型屋宇申請**超過九年**。若此申請批核一再拖延，必為申請人招致更多不必要的時間和金錢損失。實際上，是次申請用地有約 **99.4** 平方米位於「鄉村式發展」區域，足夠容納建築物佔地面積約 **65.03** 平方米的小型屋宇。為提供更佳使用效益，擬議的小型屋宇有一小部份位於鄰近的「農業」用地。

基於上述的特殊背景及考量，我們懇請城規會批出規劃許可。若城規會批出規劃許可，申請人將遵守所有城市規劃委員會所訂明實施規劃許可的條件。

## 1. INTRODUCTION

### 1.1. Project Background

- 1.1.1. The Applicant, **YAU ANDREW DEN BON (邱定邦)**, the indigenous villager of the Recognized Village in Hung Leng, currently seeks town planning permission from the Town Planning Board (the TPB) for building ONE (1) Proposed House (New Territories Exempted House – Small House) at Lot 1498A S.B and 1502 S.C in D.D. 76 in Hung Leng, Fanling, New Territories (the Application Site) **(Figure 1)**.
- 1.1.2. The Application Site is located within an area designated as “Village Type Development” (“V”) and “Agriculture” (“AGR”) on the Approved Pine Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/14 (the OZP) **(Figure 2)** and is within the existing Hung Leng Village **(Figure 3)**.
- 1.1.3. The Application Site is a piece of private land located at Lot No. 1498A S.B and 1502 S.C in D.D. 76 in Hung Leng, Fanling, New Territories. According to the latest Land Registry Record, the Application Site is held under Block Government Lease. The lease was extended to June 2047 by virtue of the New Territories Leases (Extension) Ordinance 1988. The subject lots are currently vacant land which is generally flat and surrounded by Village House development to the north, to the west, and to the south. The proposal does not involve land filling and excavation.
- 1.1.4. The subject lots fall outside of the Village Environs (“VE”) of Hung Leng Village **(Figure 2)**, and over 90% of the building footprint of the proposed Small House falls within the “V” Zone of the OZP.

### 1.2. Purpose of Submission

- 1.2.1. **DeSPACE (International) Limited** is an Authorized Agent commissioned to act on behalf of the Applicant, **YAU ANDREW DEN BON (邱定邦)**, the indigenous villager of the recognized village in Hung Leng. The current planning application is to seek town planning permission from the TPB for building ONE (1) Proposed NTEH (Small House) at Lot 1498A S.B and 1502 S.C in D.D. 76 in Hung Leng, Fanling, New Territories.
- 1.2.2. According to the Notes, House (New Territories Exempted House only) is a Column 1 use in the "V" zone, while it is a Column 2 use as per the "AGR" zone. Column 2 use requires town planning permission from the TPB before implementation.
- 1.2.3. According to the latest Land Registry Record, the Applicant is the sole “current land owner” of the Application Site.

### 1.3. Report Structure

1.3.1. This Planning Statement is substantiated with the project background, the purpose of the submission, Small House application history, town planning context, the proposal and planning justifications for the proposed revised scheme.

1.3.2. It is divided into six chapters:

- Chapter 1: Introduces project background and purpose of the submission;
- Chapter 2: Reviews the Small House application history;
- Chapter 3: Specifies the town planning context and of particular relevancy to the current application;
- Chapter 4: Points out the key aspects of the proposal;
- Chapter 5: Lays out the planning justifications for the proposal;
- Chapter 6: Concludes salient points discussed in the present planning submission.

## 2. SMALL HOUSE APPLICATION HISTORY

- 2.1. The subject case is a long-time Small House application which has been potentially processed for **nine years**. On 13.7.2015, the Applicant made an application to the District Lands Office/North (DLO/N) for the construction of a House (NTEH – Small House). This is not a cross-village Small House application. The Applicant is an indigenous villager of the recognized Hung Leng Village.
- 2.2. On 28.7.2015, a letter from the DLO/N was received, informing the Applicant that the Small House application was one of the outstanding existing Small House applications in Hung Leng Village (**Appendix 1**).
- 2.3. On 10.4.2017, the DLO/N wrote to the Applicant and invited the Applicant to attend an interview and to lodge a Statutory Declaration in order to scrutinize the Applicant's eligibility with the relevant documents (**Appendix 2**).
- 2.4. The Application Site is solely owned by the Applicant but not involved in any Government Land.

### 3. TOWN PLANNING CONTEXT

#### 3.1. Prevailing Town Planning Intention

3.1.1. According to the Notes of the OZP, “House (New Territories Exempted House only, other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes)” under “AGR” Zone falls into Column 2 use that may be permitted with or without conditions on application to the TPB. The “AGR” zone is not to prohibit Small House development but to establish planning control.

3.1.2. According to the *Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/ Small House in New Territories* revised on 09.07.2007 (“the Interim Criteria”), favourable consideration may be given if more than 50% of the proposed NTEH/Small House footprint is located outside the “VE”:

- ✓ ***“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”.***

3.1.3. It is noteworthy that the TPB has adopted a more cautious approach in approving applications for Small House Development in August 2015. Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD. In this regard, it is considered more appropriate to concentrate the proposed Small House development within the “V” Zone for a more orderly development, efficient use of land and provision of infrastructures and services.

3.1.4. Inasmuch, with due respect to the said “more cautious approach”, the Subject Application proposes a “V” Zone area of 99.4m<sup>2</sup>, together with an AGR-zone area of 99.3m<sup>2</sup>, as the Application Area. The “V” Zone area is hypothetically big enough to contain a building footprint of 65.03m<sup>2</sup> for a typical Small House. However, with a normal practice to maintain a reasonable setback from the lot boundary and adopt a similar building form to achieve an orderly village development pattern, a minor extension of the building layout of only 6.15m<sup>2</sup> to the adjoining “AGR” Zone is considered justified from a town planning point of view.

### **3.2. Local Planning Context**

- 3.2.1. The Application Site is currently vacant with some overgrown shrubs and grass at the west, and a hard-paved area at the east.
- 3.2.2. While the Application Site does not fall within the VE, over 90% of the building footprint of the proposed Small House falls within the “V” Zone under the OZP.
- 3.2.3. The non-built-up area of the Application Site is currently covered with common shrubs and herbs only. No rare/protected plant series and mature woodland is found within the Application Site.



## 4. THE PROPOSAL

**Applicant** YAU ANDREW DEN BON (邱定邦)

**Site** Lot Nos. 1498A S.B and 1502 S.C in Hung Leng, Fanling, New Territories

**Lease** Agricultural Lot held under Block Government Lease

**Plan** Approved Ping Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/14

**Zoning** “Village Type Development” (About 50.03%) and “Agriculture” (About 49.97%)

**Application** Proposed House (New Territories Exempted House (NTEH) – Small House) Development

4.1. The details of the proposed Small House are as follows:

<b>Main Features</b>	<b>Development Parameters</b>
Total Site Area	198.7m <sup>2</sup> (about)
Roofed-over Area	65.03m <sup>2</sup>
Height	8.23m
Number of storeys	3
Total Gross Floor Area*	195.09m <sup>2</sup> (about)
Plot Ratio*	0.98 (about)
Site Coverage*	32.73% (about)
Health and drainage	Provision of health and drainage facilities will be in full compliance with standard requirements

(\*Excluding Balcony)

4.2. The building footprint of the proposed Small House on Lot 1498A S.B and 1502 S.C in D.D. 76 is illustrated by the Dimension Plan in **Appendix 3**.

## 5. PLANNING JUSTIFICATIONS

### 5.1. Planning Considerations and Assessments

#### 5.1.1. The present planning application warrants sympathetic consideration as it is inextricably affiliated within the interim criteria for considering application for New Territories Exempted House (NTEH)/Small House Development

5.1.1.1. The proposed Small House development conforms to the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/ Small House in New Territories (“the Interim Criteria”) which was promulgated on 07.09.2007.

5.1.1.2. The Application is for a proposed Small House at the Site which falls mainly within “V” Zone (about 50.03%) with remaining portion within “AGR” Zone (about 49.97%) on the OZP. The planning intention of the “V” Zone is primarily intended for development of Small House by indigenous villagers whereas the planning intention of the “AGR” Zone is for agricultural purposes. The proposed development is not in line with the planning intention of the “AGR” Zone. Nevertheless, it is noted that the majority of the proposed Small House footprint (i.e. about 58.88m<sup>2</sup> or 90.54%) falls within “V” Zone. Only a minor portion of it (i.e. 6.15m<sup>2</sup> or 9.46%) encroaches onto the very fringe of the “AGR” Zone.

5.1.1.3. **Table 5.1** summarizes the Interim Criteria Assessment. The present planning application is systemically considered against the following assessment criteria to justify that the proposed Small House development give sufficient reason for sympathetic consideration.

**Table 5.1** Interim Criteria Assessment for the Application Site

	<b>Criteria</b>	<b>Yes</b>	<b>No</b>	<b>Remarks</b>
<b>1.</b>	Within “V” Zone? - Footprint of the Small House  - Application Site	<b>90.54%</b>	<b>9.46%</b>	<ul style="list-style-type: none"> <li>About 50% of the site area fall within the “V” Zone.</li> <li>Remaining portion of the Small House footprint fall within “AGR” Zone <b>(Figure 4)</b>.</li> <li>Over 90% of the footprint of the proposed House falls within the “V” Zone, with the remaining site area designated for private open space.</li> </ul>
		<b>50.03%</b>	<b>49.97%</b>	
<b>2.</b>	Within “Village Environs” (“VE”)?			<ul style="list-style-type: none"> <li>The Site and Footprint of the Small House fall entirely</li> </ul>

	- Footprint of the Small House - Application Site		100% 100%	outside the “VE” of Hung Leng Village.
3.	Sufficient land in “V” zone to satisfy outstanding Small House applications and 10-year Small House demand?	<b><u>Information to be provided by LandsD</u></b>		
4.	Compatible with the planning intention of the Planning Scheme Area - “V” Zone (50% of Site Area) - “AGR” Zone (50% of Site Area)	✓	✓	<ul style="list-style-type: none"> <li>The land within “V” zone is primarily intended for development of Small House by indigenous villagers, which aligns with the development proposal</li> <li>The “AGR” zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes.</li> </ul>
5.	Compatible with surrounding area/development?	✓		<ul style="list-style-type: none"> <li>The Application Site is contiguous to the existing recognized villages and lots which were approved for Small House development, with the northern, western and southern sides already developed by Small Houses.</li> <li>The surrounding areas are mainly comprised of clusters of village houses <b>(Figure 5)</b>.</li> </ul>
6.	Within Water Gathering Grounds (WGGs)?		✓	N/A
7.	Encroachment onto planned road networks and public works boundaries?		✓	<ul style="list-style-type: none"> <li>Vehicular access to the subject area is via Sha Tau Kok Road (Ma Mei Ha). There is an access connecting the subject lot with the Sha Tau Kok Road (Ma Mei Ha) <b>(Figure 5)</b>. Accessibility of the subject lot is considered good and this lot is suitable for Small House development.</li> </ul>
8.	Need for provision of fire services installations and emergency vehicular access (EVA)?		✓	<ul style="list-style-type: none"> <li>According to the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department in June 2006, the Application</li> </ul>

				Site is situated within a cluster of nine houses or less, the provision of EVA is not required.
9	Traffic impact/Access?			<ul style="list-style-type: none"> <li>The present planning application only involves the construction of one Small House. The additional traffic generated by the proposed development is not expected to be significant and thus, it is unlikely to set an undesirable precedent case for similar applications in the future. The cumulative adverse traffic impact is minimal. It is therefore considered that the subject planning application can be tolerated.</li> </ul>
10	Drainage impact?		✓	<ul style="list-style-type: none"> <li>There is no flooding patterns for the surrounding areas, and the proposed development will have no adverse drainage impacts to the Area.</li> </ul>
11.	Environmental and Sewerage Impact?		✓	<ul style="list-style-type: none"> <li>The Applicant will propose septic tank for the Small House. The septic tank will be designed up to Government standard.</li> </ul>
12.	Landscape impacts?		✓	<ul style="list-style-type: none"> <li>The Application Site is a piece of flat land that is currently vacant with no structures. Therefore, no mature trees will be felled to make way for the erection of the Small House.</li> </ul>
13.	Location objections conveyed by DO?		✓	<ul style="list-style-type: none"> <li>There are no local objections conveyed by the DO.</li> </ul>

### 5.1.2. A logical and spontaneous expansion of Village Type Development

5.1.2.1. The Application Site is deemed to be a logical and spontaneous expansion of Village Type Development (“V” Zone). The Application Site is close to the existing village proper of Hung Leng Village. It should be noted that one of the proposed Small House in application No. A/NE-TKL/313 was approved to be located outside the “VE” of Hung Leng Village and partly falls within the “AGR” Zone based on

the arguments. About 87.8% of the building footprint was located within the “V” Zone (Refer to **Table 5.2**).

- 5.1.2.2. In point of fact, the subject Application Site is contiguous to the “V” Zone of Hung Leng Village and immediately surrounded by other Small Houses by its northern, southern and western sides (**Figure 5**). The subject lots are flat areas of land. A new house can be easily erected on the land. Furthermore, there are no trees on the lots and there is an access connecting the Application Site with Sha Tau Kok Road (Ma Mei Ha). Making sense out of these grounds, coupled with the fact that the existing “V” Zone is saturated, it is feasible for a logical and spontaneous expansion of Village Type Development.
- 5.1.2.3. While the area of Application Site (about 99.4m<sup>2</sup>) falling within the “V” Zone adequately accommodates the proposed House, the building form of the proposed House remains a rectangular shape to best meet the Applicant’s needs, which over 90% of the building footprint remains in the “V” Zone.
- 5.1.3. Approval of this application would not be an undesirable “precedent” for other similar applications within the “AGR” Zone
  - 5.1.3.1. There are approved planning applications for Small Houses and fall within the “AGR” zone in the same OZP, namely, A/NE-TKL/231, A/NE-TKL/313, A/NE-TKL/470, A/NE-TKL/503, A/NE-TKL/637. Thus, the approval of this application based on favourable or sympathetic consideration would not set an undesirable precedent for other similar applications within the “AGR” Zone.
  - 5.1.3.2. Regarding to the Interim Criteria, the proposed Small House footprint falls entirely outside the “VE” of Hung Leng but about 90.54% of it falls within the “V” Zone. It should be noted that the Board has adopted a more cautious approach in approving applications for Small House Development in August 2015. Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD. In this regard, it is considered more appropriate to concentrate the proposed Small House development within the “V” Zone for a more orderly development, efficient use of land and provision of infrastructures and services.
  - 5.1.3.3. Nevertheless, the majority of the proposed Small House footprint (about 58.88m<sup>2</sup> or 90.54%) falls within “V” Zone. Only a minor portion of it (i.e. 6.15m<sup>2</sup> or 9.46%) encroaches onto the fringe of the “AGR” Zone. The Application Site is also surrounded by existing Village

House developments. In this regard, the proposed development will not significantly affect on the integrity of the “AGR” Zone. Therefore, it is unlikely that the approval of this application will form an undesirable precedent for similar applications leading to the proliferation of Small House developments into the “AGR” Zone. In view of the above, favourable consideration may be given to the current application.

5.1.4. The insignificant scale of the proposed Small House development would not render any adverse environmental impacts in the vicinity

5.1.4.1. Considering the fact that there is only one proposed Small House in the Application Site, the adverse impact to the environment is extremely limited and the cumulative effect of approving similar application would unlikely result in a general degradation of the rural environment.

5.1.4.2. Similar applications (Application nos. A/NE-TKL/138 and A/NE-TKL/211) to build 10 (ten) and 7 (seven) Small Houses in the same “AGR” Zone were approved with conditions on 16.06.2000 and 09.08.2002 respectively. In the present case, the Application Site only involves the building of one Small House. The scale of development is much smaller than that of Application Nos. A/NE-TKL/138 and A/NE-TKL/211. Therefore, the present planning application should be tolerated given the limited scale of the proposed Small House development.

5.1.4.3. The Site, currently vacant with no trees, is located at the eastern fringe of village proper of Hung Leng and is sandwiched between clusters of village houses to the north, west and south, and a hard-paved area to the east. The shrubs and herbs found on the Site are of common species, with no old and valuable trees nor trees of large size. Significant impact on the sensitive landscape resources arising from the proposed development is therefore not anticipated. Taken into account that the majority of the Site falls within “V” Zone, which is not a landscape sensitive zoning, the proposed development is not entirely incompatible with the surrounding environment. Significant changes or disturbances to the existing landscape character and resources arising from the proposed development were not anticipated.

5.1.5. Respect should be paid for the traditional rights of eligible indigenous male villagers to build Small Houses for their own use

5.1.5.1. The Applicant, as an indigenous villager, has a genuine need and strong intention to reside in the village and revive the village lifestyle.

The crux of the Small House policy lies in that the Small House being applied for should be genuine residence for the indigenous villager. He has plans to settle down and spend his lifetime in the recognized Hung Leng Village. He has a strong sense of home-belonging. He also has great aspirations for sustaining the development of his own village for their next generation. Inasmuch respect should be paid for the traditional rights indigenous villagers to build Small Houses for their own use.

5.1.6. The long waiting time for processing Small House grant applications renders the Applicant suffering both monetary and time cost

5.1.6.1. It has nearly been nine years since the Applicant has filed an application for building a Small House. The applicant deserves a sympathetic consideration from the TPB for such long waiting time. The longer the waiting time, the greater the monetary loss will be incurred due to inflated flat prices. The increasing waiting time for processing Small House grant applications renders the Applicant suffering grant monetary and time loss. Thus, the approval of the present application brooks no delay.

5.1.6.2. The Small House Application was submitted to the Lands Department on 13<sup>th</sup> July, 2015 whereas the “more cautious approach” was adopted by the TPB in August 2015. Without full knowledge of the “more cautious approach” by a lay Applicant, it is not until 2024 that the Applicant is reminded by DLO that a need for S16 town planning permission to proceed his Small House Application in the DLO. The Applicant has a long intention to build his Small House before the introduction of the “more cautious approach” and this warrants a sympathetic consideration by the TPB.

## 5.2. Similar Approved Applications

5.2.1. There have been **4 approved similar applications** to build the Small House out of the “V” Zone and outside the boundary of “VE”, namely A/NE-TKL/313, A/NE-LYT/682, A/NE-TK/708, and A/NE/KTS/513. The board paper and TPB meeting minutes of the application are reviewed. **Table 5.2** summarizes the key parameters for the proposed development:

**Table 5.2** Key parameters for the development

Key parameters	Application No.				Subject Application
	A/NE-TKL/313 (Approved with condition(s) on 19.12.2008)	A/NE-LYT/682 (Approved with condition(s) on 04.01.2019)	A/NE-TK/708 (Approved with condition(s) on 09.07.2021)	A/NE-KTS/513 (Approved with condition(s) on 09.09.2022)	
1) Is the Application Site fall within the “V” Zone?	✓	✓ (34.3%)	✓ (78%)	✓ (51.6%)	✓ (about 50%)
2) Is the building footprint located within “VE”?	×	✓ (26.4%)	×	×	×
3) Is the building footprint fall within the “V” Zone?	✓ (87.8%)	✓ (55.1%)	✓ (93%)	✓ (63%)	✓ (about 90.5%)
4) Other OZP Zones involved for the proposed development	“AGR”	“AGR”	“REC”	“AGR”	“AGR”
5) Is the proposed House performing an Orderly Development Pattern with the Village?	Yes	Yes	Yes	Yes	Yes

5.2.2. The key considerations of the aforementioned applications from minutes of TPB are outlined as follows in **Table 5.3**:

**Table 5.3** Highlights of TPB Minutes from TPB

Application No.	TPB Minutes
A/NE-TKL/313 (Approved with condition(s) on 19.12.2008)	<ul style="list-style-type: none"> <li>The entire building footprint of the proposed NTEH/ Small House was located outside the “VE” of Hung Leng Village, <b>not less than 50% of the proposed footprint (about 87.8%) fell within the “V” Zone</b> and</li> </ul>



	<p>there was a <b>general shortage of land in meeting the demand of Small House in the “V” Zone</b> of the same village.</p> <ul style="list-style-type: none"> <li>• The application site had been left <b>abandoned</b> and had a <b>low potential for agricultural rehabilitation</b>.</li> <li>• The proposed NTEH development was <b>not incompatible with the adjacent village setting</b> and surrounding environment of a rural character, and would have no adverse infrastructural impacts on the surrounding area.</li> <li>• WSD advised that the application site was <b>located within flood pumping gathering ground</b>; and the applicant should bear the cost of any necessary diversion works of an existing water main affected by the proposed development.</li> </ul>
<p><b>A/NE-LYT/682</b> (Approved with condition(s) on 04.01.2019)</p>	<ul style="list-style-type: none"> <li>• The Commissioner for Transport (C for T) had reservation on the application and considered that Small House development should be confined within the “V” zone as far as possible but given that the <b>proposed development involved one Small House, it could be tolerated</b>.</li> <li>• PlanD mentioned the site was not entirely incompatible with the surrounding rural landscape character dominated by village houses and active/fallow agricultural land. <b>Significant changes or disturbances to the existing landscape character and resources arising from the proposed development were not anticipated</b>.</li> <li>• While land available within the “V” Zone was insufficient to fully meet the future Small House demand, land was still available within the “V” Zone to meet the outstanding Small House applications. <b>The site was close to the existing village proper of Kwan Tei Village and there were approved Small House applications nearby</b>.</li> <li>• Members asked about the possibility to shift the proposed Small House further to the west so that more area would fall within the “V” Zone. STP/STN of PlanD responded that the <b>adjoining site to the west was occupied by a temporary domestic structure and there was no room for shifting the proposed Small House to the west</b>.</li> <li>• Members asked for the justification for approval of the application since less than 50% of the Site was within the “V” Zone. STP/STN of PlanD responded that according to the Interim Criteria for consideration of application for NTEH/Small House in New Territories, this application has <b>more than 50% of the footprint of the proposed NTEH/Small House that fell within the “V” Zone</b> and there was a shortage of land in meeting the demand for Small House development in “V” Zone, therefore, a favourable consideration could be given.</li> <li>• Members raised question about the scope for extending the village to the nearby “AGR” Zone. STP/STN of PlanD replied that the eastern boundary of the “VE” of Kwan Tei Village was largely within the “V” Zone, the <b>scope for extending the village to the “AGR” Zone to the further east was limited</b>.</li> </ul>
<p><b>A/NE-TK/708</b> (Approved with condition(s) on 09.07.2021)</p>	<ul style="list-style-type: none"> <li>• Members asked about the implications for a portion of the Application Site that fell within the “REC” Zone. In response, STP/STN of PlanD mentioned that <b>only a minor portion (about 7% or about 29m<sup>2</sup>) encroached onto the fringe of the “REC” Zone</b>, the proposed</li> </ul>

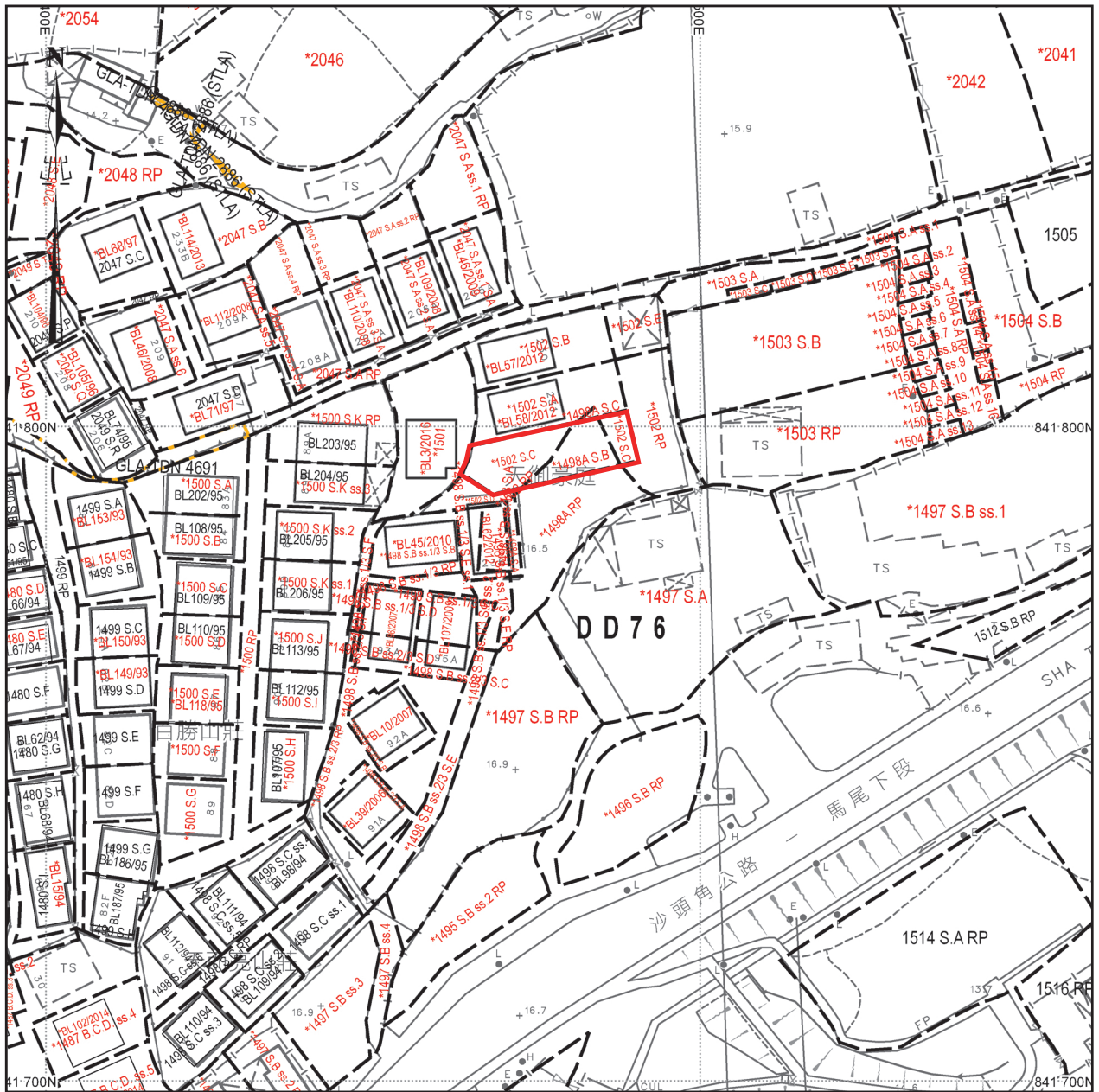
	<p>development would not significantly affect the integrity of the “REC” Zone.</p> <ul style="list-style-type: none"> <li>• PlanD mentioned a more cautious approach in considering applications for Small House development has been adopted in recent years. Still, <b>the Application Site was bounded by the existing clusters of village houses and only a minor portion of the proposed Small House footprint encroached onto the “REC” Zone, it was unlikely that approval of the application would form an undesirable precedent for similar applications</b> leading to the proliferation of the Small House developments into the “REC” Zone.</li> </ul>
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5.2.3. The subject application is similar to the above-reviewed cases, including but not limited to:

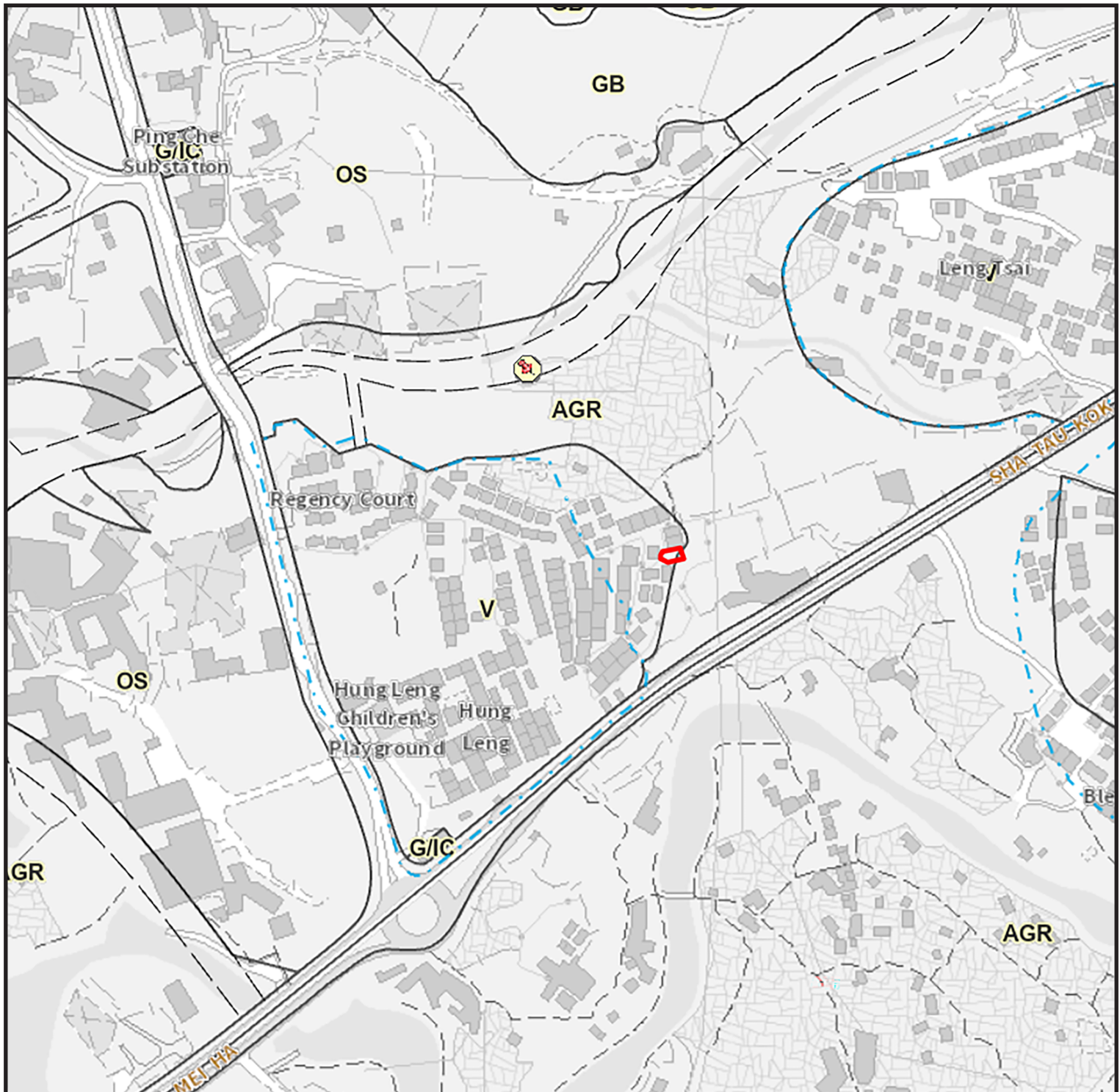
- ✓ The Application Site is completely outside the “VE” of Hung Leng Village, but over 90% of the building footprint falls within the “V” Zone that aligns with the favourable consideration as mentioned in the Interim Criteria and the cautious approach;
- ✓ The Application Site is close to the existing village proper of Hung Leng Village and there are approved Small House applications nearby;
- ✓ The Application Site is left vacant with a low potential for agricultural rehabilitation;
- ✓ The Application Site is bounded by a cluster of village houses, and the development is not incompatible with the adjacent village setting;
- ✓ Significant changes or disturbances to the existing landscape character and resources arising from the proposed development are not anticipated;
- ✓ No “V” Zone land will be curved out and the spatial opportunities to extend the village to the “AGR” Zone to the further east is unavoidable;
- ✓ Only a minor portion of the building footprint encroaches into the “AGR” Zone, it is unlikely that the approval of application would form an undesirable precedent for similar applications;
- ✓ With a good view to retain a reasonable similar and orderly building form, the Application has a low possibility of shifting the proposed House further west into the “V” zone due to existing Houses surrounding the site; and
- ✓ The proposal of building 1 Small House would not cause infrastructural impacts to the surrounding area.




## 6. CONCLUSION

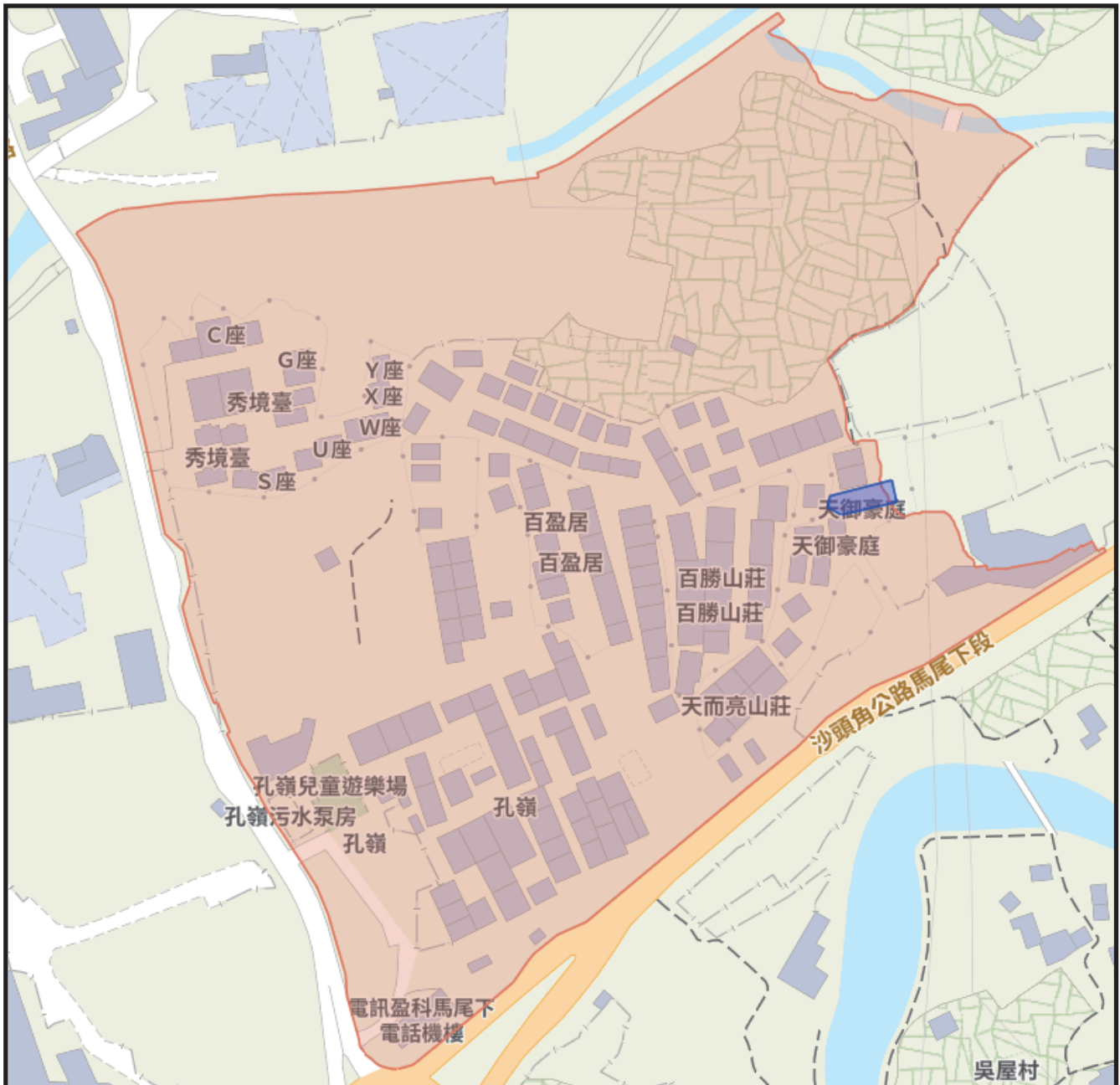
- 6.1. The present planning application aims to seek planning permission from the Town Planning Board to allow the Applicant to build one proposed House (New Territories Exempted House – Small House).
- 6.2. This application is fully justified based on the following grounds:
  - ✓ The present planning application warrants favourable consideration as it is inextricably affiliated with the interim criteria for considering application for New Territories Exempted House (NTEH) / Small House Development.
  - ✓ A logical and spontaneous expansion of Village Type Development.
  - ✓ Approval of this application would not be an undesirable “precedent” for other similar applications within the “AGR” Zone.
  - ✓ The insignificant scale of the proposed Small House development would not render any adverse environmental impacts in the vicinity.
  - ✓ Respect should be paid for the traditional rights of eligible indigenous male villagers to build Small Houses for their own use.
- 6.3. Substantiated with the above planning justifications, we would be much obliged to extend thanks if the Members of the Town Planning Board could favourably consider the present planning application and approve the present Small House application with all possible expedition.






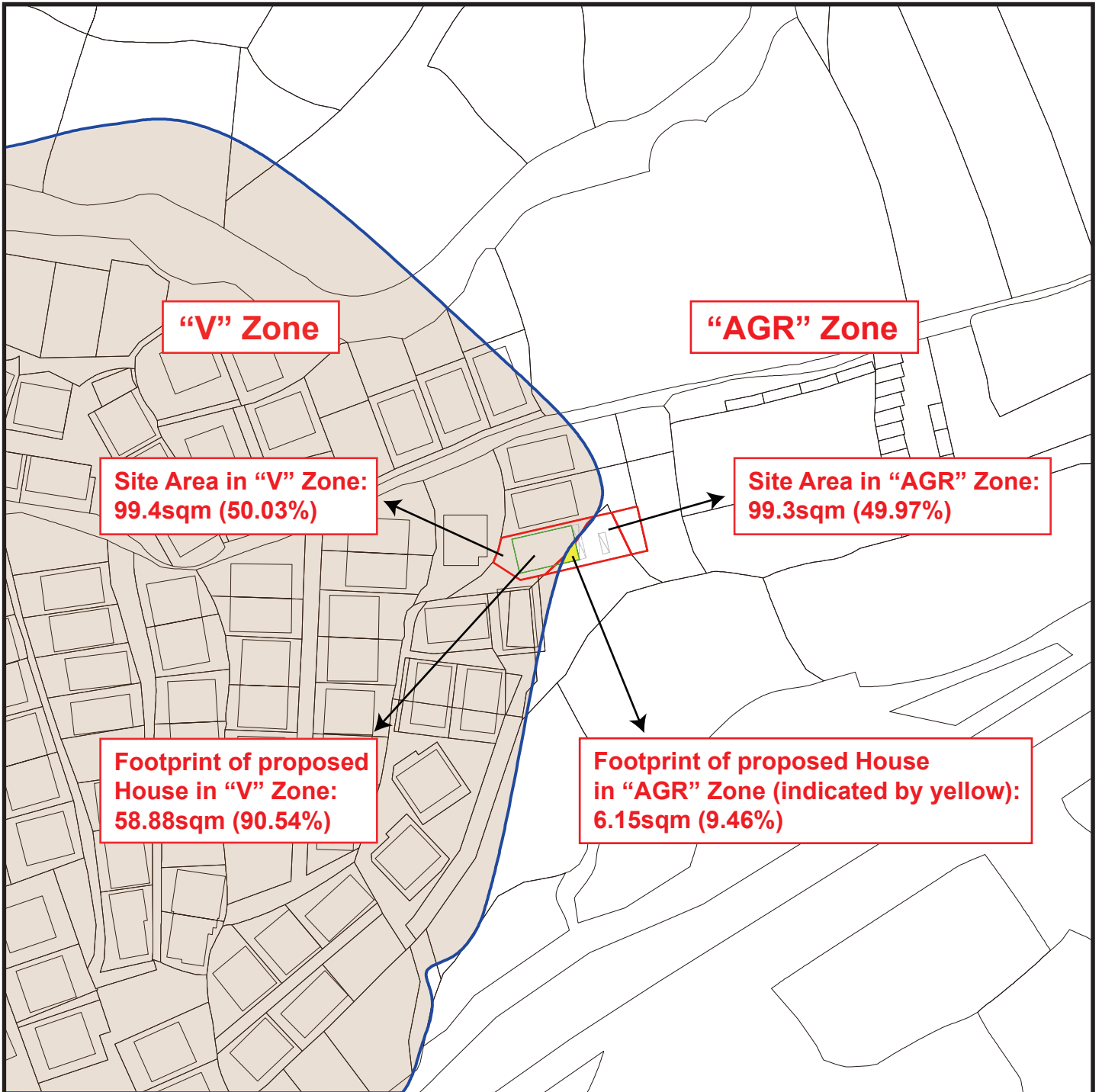
<p><b>LEGEND</b></p>  Application Site	<p><b>DATE</b></p> <p>August 2024</p>	<p><b>SCALE</b></p> <p>1: 1,000 at A4</p>	<p><b>FIGURE NO.</b></p> <p>Figure 1</p>
<p><b>FIGURE TITLE</b></p> <p>Location Plan (Extracted from the Lot Index No. ags_S00000130625_0001)</p>	<p><b>LOCATION</b></p> <p>Lots 1498A S.B and 1502 S.C in D.D. 76, Hung Leng, Fanling, New Territories</p>		<p><b>PREPARED BY:</b></p>  DeSPACE (International) Limited









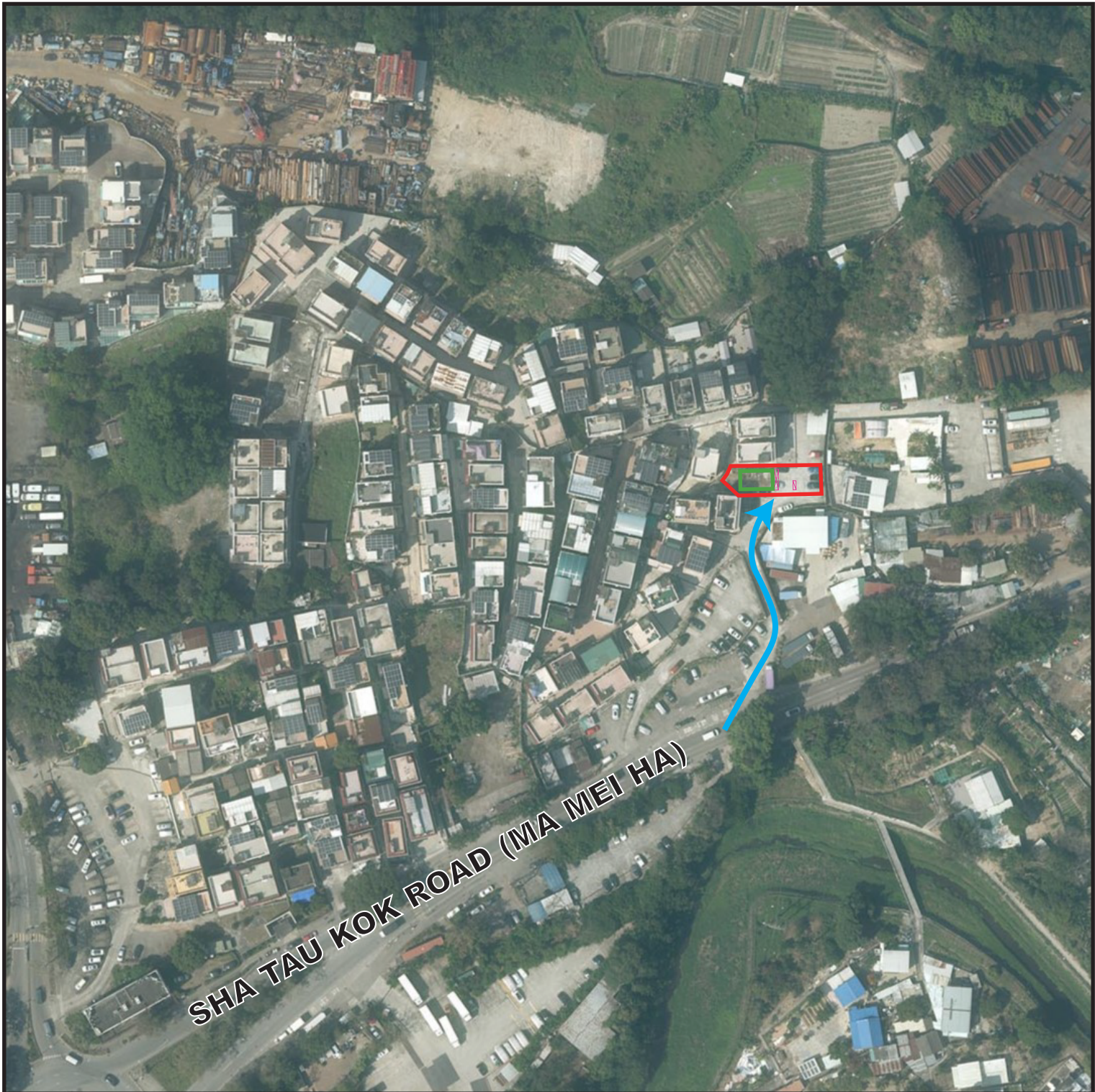
<p><b>LEGEND</b></p> <p> Application Site</p> <p> Boundary of Village Environs (VEs)</p>	<p><b>DATE</b></p> <p>August 2024</p>	<p><b>SCALE</b></p> <p>1: 5,000 at A4</p>	<p><b>FIGURE NO.</b></p> <p>Figure 2</p>
<p><b>FIGURE TITLE</b></p> <p>Outline Zoning Plan with Village Environs (VEs) (Extracted from Approved Ping Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/14)</p>	<p><b>LOCATION</b></p> <p>Lots 1498A S.B and 1502 S.C in D.D. 76, Hung Leng, Fanling, New Territories</p>	<p><b>PREPARED BY:</b></p> <p> DeSPACE (International) Limited</p>	








<p><b><u>LEGEND</u></b></p> <p> Application Site</p> <p> Delineation Area of Existing Village of Hung Leng</p>	<p><b><u>DATE</u></b></p> <p>August 2024</p>	<p><b><u>SCALE</u></b></p> <p>1: 2,000 at A4</p>	<p><b><u>FIGURE NO.</u></b></p> <p>Figure 3</p>
<p><b><u>FIGURE TITLE</u></b></p> <p>Delineation Area of Existing Village of Hung Leng (Extracted from Plan No. VEB/2002/N/F-02 in Apr 2022 from Home Affairs Department)</p>	<p><b><u>LOCATION</u></b></p> <p>Lots 1498A S.B and 1502 S.C in D.D. 76, Hung Leng, Fanling, New Territories</p>		<p><b><u>PREPARED BY:</u></b></p> <p> DeSPACE (International) Limited</p>



<p><b>LEGEND</b></p> <p> Application Site       Proposed Balcony</p> <p> Proposed House       Proposed Septic Tank</p> <p> Area in "V" Zone</p>	<p><b>DATE</b></p> <p>August 2024</p>	<p><b>SCALE</b></p> <p>1: 1,000 at A4</p>	<p><b>FIGURE NO.</b></p> <p>Figure 4</p>
<p><b>FIGURE TITLE</b></p> <p>Proposed House under Outline Zoning Plan No. S/NE-TKL/14</p>	<p><b>LOCATION</b></p> <p>Lots 1498A S.B and 1502 S.C in D.D. 76, Hung Leng, Fanling, New Territories</p>	<p><b>PREPARED BY:</b></p> <p> DeSPACE (International) Limited</p>	



**LEGEND**

-  Proposed House
-  Proposed Balcony
-  Application Site
-  Proposed Septic Tank
-  Existing Vehicular Access

**DATE**

August 2024

**FIGURE NO.**

Figure 5

**FIGURE TITLE**

Aerial Photograph  
with Vehicular Access Plan  
(Extracted from the Aerial Photo No. E184592C  
taken on 22.02.2023)

**LOCATION**

Lots 1498A S.B and  
1502 S.C in D.D. 76,  
Hung Leng, Fanling,  
New Territories

**PREPARED BY:**





# **Appendix 1**

**Letter from North District  
Lands Office, Lands  
Department dated 28.07.2015**



地政總署  
北區地政處  
DISTRICT LANDS OFFICE, NORTH  
LANDS DEPARTMENT

我們矢志努力不懈，提供盡善盡美的土地行政服務。  
We strive to achieve excellence in land administration.

新界粉嶺璧峰路三號北區政府合署六樓  
6/F., NORTH DISTRICT GOVERNMENT OFFICES  
3 PIK FUNG ROAD, FANLING, NEW TERRITORIES

網址 Website : [www.landso.gov.hk](http://www.landso.gov.hk)

電話 Tel: 2675 1751  
圖文傳真 Fax: 2675 9224  
電郵地址 Email: DLON: 265/SAL/15  
本署檔號 Our Ref:  
來函檔號 Your Ref:

來函請註明本署檔號  
Please quote our reference in your reply

新界粉嶺  
孔嶺村33號地下  
邱定邦先生

邱先生：

申請興建小型屋宇  
粉嶺鄉 孔嶺 村  
丈量約份第 76 約地段第 1502C 號

本處已於 2015 年 7 月 13 日收到你的小型屋宇申請表格。

你的申請將會列入本處的小型屋宇申請名單內，而本處會按照接獲申請表日期次序處理，本處會另函通知你有關資料或情況。

如欲進一步查詢關於你的申請，請致電2675 1751 與地政主任張偉綸先生聯絡。

北區地政專員

(伍聯英

代行)

2015 年 7 月 28 日

本信息及任何附件只供收件人使用，而其中可能載有機密及/或屬法律特權的資料。敬請注意，未經許可，不得擅自披露或使用本信息。倘本信息誤傳給你，請立即通知本署，並刪除或銷毀本信息。本署絕不承擔因使用本信息而引致的任何法律責任。

## **Appendix 2**

**Letter from North District  
Lands Office, Lands  
Department dated 10.04.2017**



地政總署  
北區地政處  
DISTRICT LANDS OFFICE, NORTH  
LANDS DEPARTMENT

電話 Tel: 2675 1751  
圖文傳真 Fax: 2675 9224  
電郵地址 Email:  
本署檔號 Our Ref: ( 6 ) in DLON 265/SHL/15  
來函檔號 Your Ref:

我們矢志努力不懈，提供盡善盡美的土地行政服務。  
We strive to achieve excellence in land administration.

新界粉嶺璧峰路三號北區政府合署六樓  
6/F., NORTH DISTRICT GOVERNMENT OFFICES  
3 PIK FUNG ROAD, FANLING, NEW TERRITORIES

網址 Website : www.landsd.gov.hk

來函請註明本署檔號

Please quote our reference in your reply

新界粉嶺  
孔嶺村33號地下  
邱定邦先生

邱先生：

### 資料審核會面

申請興建小型屋宇  
新界粉嶺鄉孔嶺村  
丈量約份第 76 約地段第 1502 號 C 分段及第 1498A 號 B 分段

本信與上述地點的小型屋宇申請有關。

現致函邀請你於 2017 年 4 月 11 日上午 9 時 30 分親臨本處，與本信代行人會晤，辦理資料審核及有關的宣誓手續。屆時請攜同本信及下列文件，以供查閱：

- 你的香港身份證及出生證明書正本。
- 你的父親及祖父的香港身份證及出生證明書正本。
- 原居民代表/鄉事委員會主席或副主席的聲明。
- 其他：宗族世系/家系圖或家系表（如有）。

「資料審核會面」是處理上述申請的必須程序，倘若你未能於該日出席會晤，本處將不能繼續處理你的申請，故請在 2017 年 4 月 10 日或之前致電 2675 1706 與本處劉先生聯絡，以便更改會面日期，否則閣下的申請將會被取消，敬請留意。

北區地政專員

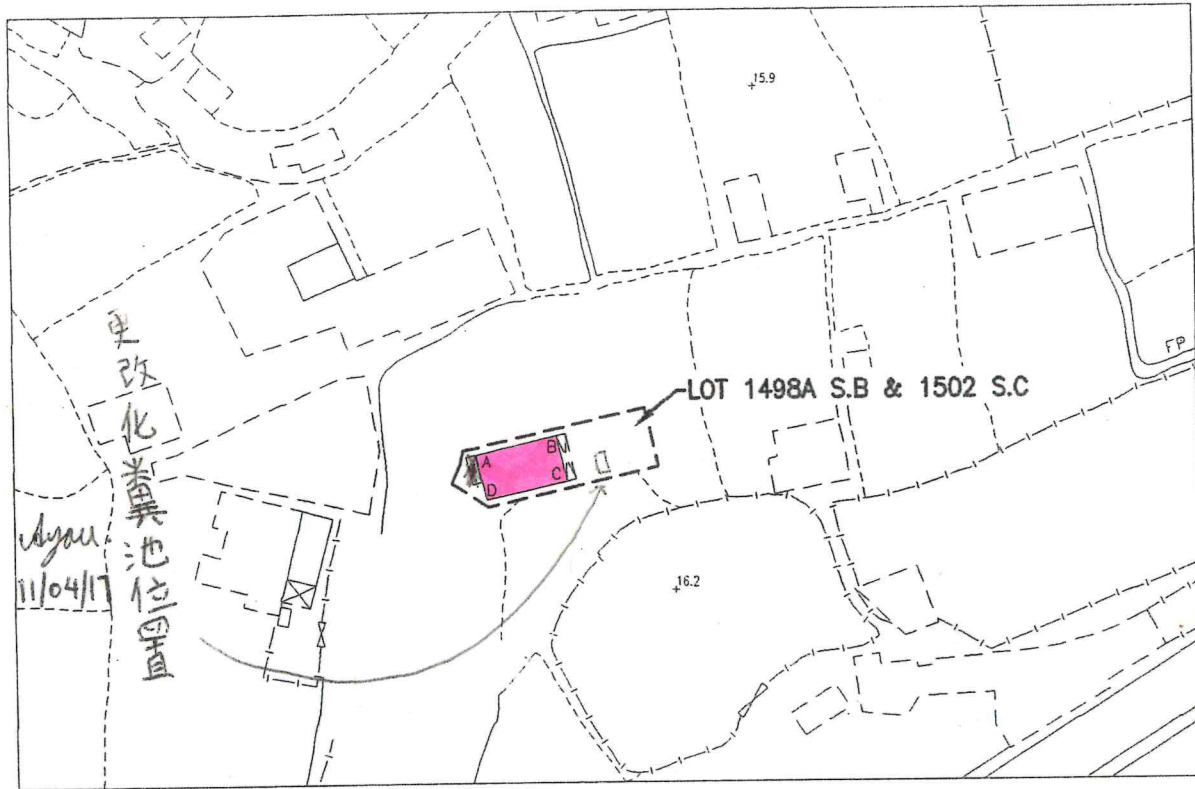
( 張偉綸  代行 )

2017 年 4 月 10 日

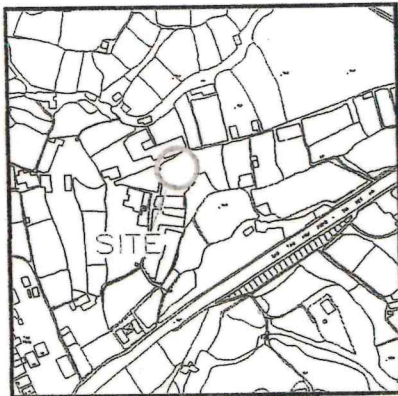
# **Appendix 3**

## **Survey Plan**

# PROPOSED SMALL HOUSE IN LOT NOS. 1498A S.B & 1502 S.C IN D.D.76



LOCATION PLAN



SCALE 1 : 5000

COLOURED PINK AREA : 65.03 SQUARE METRES (ABOUT)

Line	Bearing	Distance(m)	Northing(m)	Easting(m)	Pt.
A-B	77° 00' 56"	10.668	841796.485	835466.787	A
B-C	167° 00' 56"	6.096	841798.882	835477.182	B
C-D	257° 00' 56"	10.668	841792.942	835478.551	C
D-A	347° 00' 56"	6.096	841790.545	835468.156	D

**Remark:**

Please refer to SRP Nos. SRP/DN/054/0005/D2 and SRP/DN/054/0008/D1 for boundary information of Lot Nos. 1502 S.C and 1498A S.B in D.D.76.

**Legends:**

- Septic Tank (1.219m x 3.658m)
- Balcony (6.096m x 1.220m)

Scale 1:1000

Survey Sheet No.: 3-SW-4B

Date: June 2009

Dated this 15<sup>th</sup> day of June 2009.....



LEUNG Chi-yan, George  
MIS.Aust MNZIS MHKIS MRICS RPS(LS) ACI Arb  
Authorized Land Surveyor

GLand

GLand Surveying, Planning & GIS Co. Ltd.  
創領測量規劃及地理訊息系統有限公司

8B Kwong On Bank Mongkok Branch Building, Nos. 728-730 Nathan Road, Mongkok, Kowloon, Hong Kong  
Telephone : 2544 8939 Facsimile : 2544 1669 E-mail : gland@biznetvigator.com

**Plan No. : GL0109/SH/09**