



## Section 16 Planning Application

Proposed House (New Territories Exempted House)-Small House with Excavation and filling of Land) on Lot No. 847 S.B ss. 4 in DD 112 at Lin Fa Tei, Pat Heung, Yuen Long, New Territories.

### *Planning Statement*

Address:



Tel : (852) [REDACTED]

Fax : (852) [REDACTED]

Email: [REDACTED]

Prepared by

*Man Chi Consultants And Construction Ltd.*

August 2024

## EXECUTIVE SUMMARY

This Planning Statement is submitted to the Town Planning Board (hereinafter referred to as “the Board”) in support of a planning application (hereinafter referred to as “the current application”) under Section 16 of the Town Planning Ordinance for erection of a New Territories Exempted House (“NTEH-Small House”) of 65.03 sq. m in area (3-storey) and with a height of not more than 8.23 m and excavation & filling of land (hereinafter referred to as “the proposed use”) on Lot No. 847 S.B ss.4 in DD 112, Lin Fa Tei, Pat Heung, Yuen Long, New Territories (hereinafter referred to “the application site”). The application site has an area of approximately 167.5 m<sup>2</sup>. The Planning Statement serves to provide background information and planning justifications in support of the proposed use in order to facilitate the consideration by the Board.

According to the Small House Policy, a male indigenous villager aged over 18 years old of a recognized village in the New Territories is eligible to erect an NTEH on his own private lot which falls within the “Village Type Development” (V) zone area in the Outline Zoning Plan and the Village Environs (EV) or the Village Extension Area of a recognized village. This is the once-in-a-life time right for the indigenous villager. The applicant, Mr. KWOK Kam Wah (郭錦華), is an indigenous villager of the recognized village, Lin Fa Tei, Pat Heung, Yuen Long, New Territories and is eligible for applying to Lands Department for erection of a Small House under the current Small House Policy.

The current application aims to put forth the proposed use so as to secure a planning permission for the applicant to erect an NTEH (Small House) on the application site.

The application site currently falls within an area zoned “Residential (D)” (“R(D)”) and the Agriculture Zone (“AGR”) on the approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 dated 17.10.2006. However, the footprint of the proposed Small House is totally falling within the “Residential (D)” (“R(D)”) on the approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 dated 17.10.2006. According to the Schedule of Uses for “R(D)” zone, the proposed use is a Column 2 use. In this connection, the applicant is required to seek the planning permission from the Board for the proposed use. As detailed in this Planning Statement, the proposed use is well justified on the grounds that:-

- (a) *the applicant is an indigenous villager of a recognized village, namely Lin Fa Tei of Yuen Long District, New Territories, who is eligible for erection of a Small House once-in-a life time under the current Small House Policy;*
- (b) *the applicant’s Small House application on the application site was submitted to District Lands Office, Yuen Long (DLO/YL) on 28.12.2023 and is being actively considered by DLO/YL;*
- (c) *the application site falls within “R(D)” area but is very close to the “Village Type Development” (V) area of Lin Fa Tei (i.e. at a distance of about 8m) which is almost fully developed;*

Address :

地址

Tel 電話 : (852)

Fax 傳真 : (852)

Email 電郵 :

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- (d) *The application site and the footprint of the proposed Small House fall entirely within the village 'environs' of Lin Fa Tei;*
- (e) *the applicant is extremely in need of a Small House to accommodate his family members;*
- (f) *the proposed site is the sole land lot owned by the applicant;*
- (g) *the application site falls within an area of NTEH residential cluster, thus, the proposed use is compatible with the surrounding area and land use;*
- (h) *the application site falls within "R(D)" zone of the current OZP but several similar proposed uses applications in the close vicinity were also approved by the Town Planning Board ;*
- (i) *due to the small size of the application site and also surrounded by a large number of village houses, the application site is no longer a suitable area for large scale R(D) development;*
- (j) *the current application would not set an unfavourable precedent of development within "R(D)" zone due to the fact that it is in the close proximity of the approved Small House Development so the proposed use is compatible with the surrounding environment and only the indigenous villagers of Lin Fa Tei are eligible for erection of Small House thereat;*
- (k) *no significant adverse traffic impact is anticipated as the small development scale of the proposed use and no vehicular access leading to the application site so it would not generate any additional traffic flow;*
- (l) *there is currently no tree or vegetation (only weeds) within the application site. No significant adverse landscape or environmental impacts are anticipated due to the minimal scale of development and the proposed use only confines to its lot boundaries; and*
- (m) *significant adverse drainage or sewage impacts are not anticipated as the site meets the criteria for issuing of Certificates of Exemption for Site Formation Works, Drainage Works and Building Works by Lands Department under the Building Ordinance (Application to the New Territories), Hong Kong Ordinance Chapter 121. If relevant Certificates of Exemption for Site Formation Works and Drainage Works are unable to be issued by Lands Department, the applicant undertakes that he will apply to Building Authority for obtaining necessary approval in this respect. All the construction works will be supervised by qualified professionals.*

In view of the above and the list of detailed planning justifications in this Planning Statement, it is sincerely hoped that the Board will give sympathetic consideration to approve the current application.

Address :

地址 :

Tel 電話 : (852)

Fax 傳真 : (852)

Email 電郵 :

Man Chi Consultants And Construction Limited  
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## 行政摘要

此規劃報告書在支持一宗遞交予城市規劃委員會(以下簡稱「城規會」)根據城市規劃條例第 16 段的規劃申請(以下簡稱「該申請」)作擬議興建一幢新界豁免管制屋宇(小型屋宇)·面積不超過 65.03 平方米(三層)及高度不超過 8.23 米及挖掘及填土(以下簡稱「擬建用途」)。該申請涉及地點位於新界元朗蓮花地第 112 約第 847 號地段 B 分段第 4 小分段(以下簡稱「申請地點」)。申請地點面積約為 167.5 平方米。此規劃報告書提供該申請的背景及規劃理據以支持擬建用途作城規會考慮。

根據現行小型屋宇政策,一位年滿 18 歲·父系源自 1898 年時為新界認可鄉村的原居民男子,如以前未有接受過當局以任何形式批建小型屋宇,均可向當局申請興建一幢小型屋宇。唯其申請地點必須位於鄉村式規劃發展區及認可鄉村範圍或擴展區內。此乃原居民的一生一次權利。申請人郭錦華是一位新界認可村落元朗蓮花地的原居村民並符合根據現有小型屋宇政策向地政總署申請興建一幢小型屋宇。

該申請旨在提出「擬建用途」並希望能獲得規劃許可,使申請人能在「申請地點」興建一幢新界豁免管制屋宇(小型屋宇)。

申請地點位於現時於 2006 年 10 月 27 日刊憲公佈之石崗分區計劃大綱核准圖(編號:S/YL-SK/9)被劃為「住宅(丁類)」地帶及「農業)」地帶。但是擬議興建一幢新界豁免管制屋宇(小型屋宇)的位置完全位於現時於 2006 年 10 月 27 日刊憲公佈之石崗分區計劃大綱核准圖(編號:S/YL-SK/9)被劃為「住宅(丁類)」地帶內。而根據「擬建用途」屬於「住宅(丁類)」地帶內第二欄·建議用途須要先向「城規會」提交申請並獲得其規劃許可。此規劃報告書詳細闡述擬建用途的規劃理據·當中包括:

- (一) 申請人是新界認可村落蓮花地的原居村民·並已符合條件根據現行小型屋宇政策向地政處申請在自己名下地段興建一座新界豁免管制屋宇(小型屋宇);
- (二) 申請人亦已經於 2023 年 12 月 28 日向地政處呈交小型屋宇申請·地政處現已開始積極處理該申請;
- (三) 申請地點雖位於住宅(丁類)用途地帶·但與鄉村式用途地界相距不遠(相距只有 8 米)·而附近的「鄉村式發展」區的土地亦不敷應用;
- (四) 申請地點及擬建的新界豁免管制屋宇(小型屋宇)的位置均完全坐落於蓮花地村的村界範圍;
- (五) 申請人極度需要一個住所來解決家庭成員的居住問題;
- (六) 申請地點乃申請人的唯一土地物業;
- (七) 申請地點位於一羣新界豁免管制屋宇羣內·擬建用途實與周邊環境及土地用途相容;
- (八) 「申請地點」雖然位於住宅(丁類)用途地帶·但在此地帶內亦有多個同類申請獲得城規會批准;
- (九) 因為申請面積太少及已被一羣鄉村屋宇包圍;「申請地點」已經不適宜繼續作為住宅(丁類)用途;
- (十) 不會成為不良先例·皆因申請地點的毗鄰已建有大量已獲得批准興建的新界豁免管制屋宇。擬建用途亦與附近環境相符·而只有合資格的蓮花地原居民才能獲得批准興建小型屋宇;
- (十一) 不會帶來嚴重的交通影響·皆因擬建用途規模小及沒有車路到該申請地點·故不會帶來額外交通

Address :

地址 :

Tel 電話 : (852)

Fax 傳真 : (852)

Email 電郵 :

Man Chi Consultants And Construction Limited  
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量；

(十二) 現時申請地點內並無樹木或植被(只有野草)。擬建用途只是小規模及只在申請地點內進行，故不會造成園境及生態影響；及

(十三) 不會造成嚴重的排水或污水問題，皆因該地段位於較平坦的土地上，能夠符合(香港法例第 121 章) 建築條例(新界適用)內由地政專員發出建築工程，平整地盤工程及渠務工程三份豁免證明書的要求。如不能獲發有關施工豁免證明書，申請人亦承諾會向各有關政府部門(如屋宇署等) 再行申請。而各項目施工，亦會由認可人士監管。

鑒於以上及此規劃報告所提供的詳細規劃理據，懇請城規會各委員批准此申請。

Address :

地址:

Tel 電話: (852)

Fax 傳真: (852)

Email 電郵:

*Man Chi Consultants And Construction Limited*  
敏志顧問及建築工程有限公司

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# 1. INTRODUCTION

## 1.1 Purpose

- 1.1.1 This Planning Statement is submitted to the Town Planning Board (hereinafter referred to as “the Board”) in support of a planning application (hereinafter referred to as “the current application”) under Section 16 of the Town Planning Ordinance for erection of a New Territories Exempted House (“NTEH”)-Small House of 65.03 sq. m. in area (3-storey) and with a height of not more than 8.23 m and excavation & filling of land (hereinafter referred to as “the proposed use”) on Lot No. 847 S.B ss.4 in DD 112, Lin Fa Tei, Yuen Long, New Territories (hereinafter referred to “the application site”). The application site has an area of approximately 167.5 m<sup>2</sup>(Please refer to **Figure. 6**). Its location is shown on **Figure 1** whilst **Figure 2 & 3** indicate the surrounding area and the private lots in the close vicinity respectively. This Planning Statement serves to provide background information and planning justifications in support of the proposed use in order to facilitate the consideration by the Board.
- 1.1.2 According to the current Small House Policy, a male indigenous villager of a recognized village in the New Territories is eligible to erect an NTEH on his own private lot which falls within the “Village Type Development” (V) area in the Outline Zoning Plan and the Village Environs (EV) or the Village Extension Area of a recognized village. This is the once-in-a-life time right for the indigenous villager. The applicant, Mr. KWOK Kam Wah (郭錦華), is an indigenous villager of the recognized village, Lin Fa Tei, Pat Heung, Yuen Long, New Territories and is eligible to apply to Lands Department for erection of a Small House under the current Small House Policy.
- 1.1.3 The current application aims to put forth the proposed use so as to secure a planning permission for the applicant to erect an NTEH (Small House) on the application site.
- 1.1.4 Prepared on behalf of Mr. KWOK Kam Wah (郭錦華) who is an indigenous villager of Lin Fa Tei, Pat Heung, Yuen Long, New Territories, (hereinafter referred to as “the Applicant”), Mr. LIT Ying-cheung Edward has been commissioned to prepare and submit the current application so as to secure a Planning Permission from the Board to allow him to erect an NTEH on the application site.
- 1.1.5 The application site currently falls within an area zoned “Residential (D)” (“R(D)”) and the Agriculture Zone “(AGR)” on the approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 dated 17.10.2006. However, the footprint of the proposed Small House is totally falling within the “Residential (D)” (“R(D)”) on the approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 dated 17.10.2006 (Please refer to **Figure 4 and Figure 5**). According to the Schedule of Uses for “R(D)” zone, the proposed use is a Column 2 use. In this connection, the applicant is required to seek the planning permission from the Board for the proposed use.
- 1.1.6 The application site and the footprint of the proposed Small House entirely fall within the village ‘environ’ of Lin Fa Tei.

## 1.2 Objective

1.2.1 The current application serves to achieve the following objectives:-

- (a) To give an opportunity to the applicant to utilise the application site to erect an NTEH -Small House for accommodation of his family members under the current Small House Policy;
- (b) To supplement the serious shortage of “V” Zone land for development of Small House by the indigenous villagers of Lin Fa Tei, Pat Heung;
- (c) To improve the living standard of the indigenous villagers thereat and respect their once-in-a-life time right for erection of a Small House under the current Small House Policy;
- (d) To induce no adverse environmental nor traffic impacts on its surroundings by providing adequate protection and mitigation measures.

## 1.3 Background

1.3.1 The applicant, Mr. KWOK Kam Wah (郭錦華) is an indigenous villager of Lin Fa Tei, Pat Heung, Yuen Long, New Territories, who is also eligible for erection of an NTEH-Small House on his one and only one private lot (i.e. the application site) under the current Small House Policy.

1.3.2 The application site of an area of 167.5 sq. metres is currently a vacant fallow agricultural land. It situates on a flatted land (Please refer to **Illustration 1**).

1.3.3 The applicant submitted his Small House application for Small House to District Lands Officer, Yuen Long (hereinafter referred as “DLO/YL”) on 28.12.2023 at **Appendix 1** and the said application was rejected due to the site is outside “V” zone (Please refer to the DLO/YL’s Letter dated 8.2.2024. at **Appendix 2**).

1.3.4 The application site currently falls within an area zoned “Residential (D)” (“R(D)”) and the Agriculture Zone “(AGR)” on the approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 dated 17.10.2006. However, the footprint of the proposed Small House is totally falling within the “Residential (D)” (“R(D)”) on the approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 dated 17.10.2006. According to the Schedule of Uses for “R(D)” zone, the proposed use is a Column 2 use. In this connection, the applicant is required to seek the planning permission from the Board for the proposed use (Please refer to **Figure 4 & 5**).

1.3.5 The application site and the footprint of the proposed Small House entirely fall within the village ‘environ’ of Lin Fa Tei.

## 1.4 Structure of the Planning Statement

1.4.1 This Planning Statement is divided into 6 chapters. **Chapter 1** is the above introduction outlining the purpose and background of the current application. **Chapter 2** gives background details of the application site in terms of the current land-use characteristics and neighbouring developments. Planning context of the application site is reviewed in **Chapter 3** whilst **Chapter 4** provides details of the



proposed use. A full list of planning justifications is given in **Chapter 5** whilst **Chapter 6** summarizes the concluding remarks for the proposed use.

## 2. SITE PROFILE

### 2.1 Location and Current Condition of the Application Site

2.1.1 The application site is situated at Lin Fa Tei, Pat Heung, Yuen Long, New Territories. As shown on **Figure 7**, the application site is accessible via a small village footpath from Kam Sheung Road. The application site is currently a fallow vacant flatted land. The current situation of the application site is shown in **Illustration 1**.

### 2.2 Surrounding Land-use Characteristics

2.2.1 The application site currently falls within an area zoned “Residential (D)” (“R(D)”) and the Agriculture Zone “(AGR)” on the approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 dated 17.10.2006. However, the footprint of the proposed NTEH-Small House is totally falling within the “R(D)” area of the current OZP. It is located only at a distant of about 8m from the nearest boundaries of the “V” zone. However, due to the shortage of “V” zone land in this area, a number of Small House applications for erection of NTEH- (Small House) at the “R(D)” use land were approved by the Board. Small House applications were approved at the immediate adjacent lots of the application site, such as Lot Nos. 848 S.A in DD 112 (Application No. A/YL-SK139), Lot Nos. 848 S.B in DD 112 (Application No. A/YL-SK140), Lot Nos. 848 S.C in DD 112 (Application No. A/YL-SK141) and Lot Nos. 848 S.D in DD 112 (Application No. A/YL-SK198 & A/YL-SK198-1 ) (now known as 848 S.D RP in DD 112),etc ( Please refer to Appendix 3). As a result, new NTEH clusters are found thereat with quiet living environment. The NTEHs are all for non-industrial/residential purposes.

2.2.2 The proposed site is a vacant flatted land.

2.2.3 Given that similar uses are found in the surrounding areas (Please refer to **Appendix 3**), the proposed use is considered not incompatible with the surrounding areas.

### 3. PLANNING CONTEXT & LAND MATTERS

#### 3.1 The Current OZP

3.1.1 The application site currently falls within an area zoned “Residential (D)” (“R(D)”) and the Agriculture Zone “(AGR)” on the approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 dated 17.10.2006. However, the footprint of the proposed NTEH-Small House is totally falling within the “R(D)” area of the current OZP. It is located only at a distant of about 8m from the nearest boundaries of the “V” zone of the Approved Skek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 dated 27.10.2006. According to the Schedule of Uses for “R(D)” zone, the proposed use is a Column 2 use. In this connection, the applicant is required to seek the planning permission from the Board for the proposed use. (Please refer to **Figure 4 & 5**).

#### 3.2 New Territories Exempted House (NTEH)/ Small House in New Territories

3.2.1 There is a general shortage of land in meeting the Small House development in the “Village Type Development” zone in Lin Fa Tei.

3.2.2 Despite the fact that the application site and the footprint of the proposed Small House fall within “R(D)” area but they entirely fall within the Village ‘Environs’ (‘VE’) of Lin Fa Tei so the current application generally complies with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’.

3.2.3 Similar applications for erection of NTEH-Small House at “R(D)” use zone on the current OZP but fall within village of ‘environ’ of Lin Fa Tei have been approved by the Board. **Table 1** below shows some of the successful applications for reference. A location plan showing the previous approved applications and the application site is at **Appendix 3** for easy reference.

3.2.4 **Table 1:** Similar Applications Approved by the TPB.

Similar Applications Approved By TPB					
Application No.	Proposed Use	Site Area	No. of Houses	No. of Storeys	Date of TPB Decision
A/YL-SK/139	NTEH-Small House	133sq. m	1	3	11.05.2007
A/YL-SK/140	NTEH-Small House	191sq.m	1	3	11.05.2007
A/YL-SK/141	NTEH-Small House	152sq.m	1	3	11.05.2007
A/YL-SK/198	NTEH-Small House	174.2sq.m	1	3	03.01.2014
A/YL-SL/198-1	NTEH-Small House	Minor amendments & Extension			22.12.2017

## 4. Development Proposal

### 4.1 Site Configuration, Layout & Operation

4.1.1 The application site has a site area of approximately 167.5 sq. metres. The proposed use is to facilitate the erection an NTEH-Small House of 65.03 sq. m in area (3-storey) and with a height not more than 8.23m. on the application site (please refer to the layout plan of the proposed NTEH-Small House in **Figure 6**). The Dimension Plan of the proposed NTEH-Small House to be built on the application site is in **Figure 6**.

4.1.2 The major development parameters of the proposed use are in **Table 2**.

**Table 2:** Proposed Key Development Parameters

Item	Design Parameter(s)
Total Site Area	167.5 sq. m
No. of Structure	1
GFA	195.09 sq. m.
Building Height	8.23m
No of Storeys	3
Built-over-area	65.03 sq. m.
No. of Canopy	1(Projecting 1.22m from the NTEH and falls within the Lot Boundaries)
No. of Balcony	2(Projecting 1.22m from the NTEH and falls within the Lot Boundaries)
No. of Stairhood	1 (7.44 sq. m in area with the height of 2.14 m)

4.1.3 As the proposed site is situated on a generally flatted land, it is reasonably anticipated that the criteria for issuing of Certificates of Exemption for Site Formation Works, Drainage Works and Building Works by Lands Department under the Building Ordinance (Application to the New Territories), Hong Kong Ordinance Chapter 121 can be met.

### 4.2 Transport Consideration

4.2.1 The application site is currently accessible by an existing village footpath from Kam Sheung Road (Please refer to the **Figure 7**). When the NTEH-Small House is completed to the satisfaction of Lands Department, the applicant will only travel to and from the application site on foot.

4.2.2 Due to the small development scale of the proposed use, the traffic generation and attraction is anticipated to be very minimal.

4.2.3 As the application site is only accessible by an existing village footpath from Kam Sheung Road, hence, parking space is not required.

### 4.3 Environmental Consideration

4.3.1 The Applicant is well aware that the application site is located within “R(D)” zone and is thus committed to minimise the environmental impacts of the development. During the construction period, appropriate hoarding will be erected at the site

boundary to protect the adjacent environment whilst the construction works will only be carried out within the application site by means of labour-intensive construction methods.

- 4.3.2 Septic tank and soakaway system under the guidelines from the prospective Building Licence or Environment Protection Department (EPD) will properly be constructed to the satisfaction of the appropriate Authority.

#### **4.4 Landscape and Vision Impact**

- 4.4.1 The application site is a vacant flat land. Neither natural nor manmade slope is found in the vicinity.

- 4.4.2 The proposed standard Small House-NTEH thereat will not impose any unsightly vision impact on the environment. After the completion of the NTEH-Small House on the application site, the building will harmoniously merge with the existing NTEHs thereat and becomes NTEH cluster so its impact to the vision of the surrounding area is very minimal.

- 4.4.3 The remaining area of the application site would be retained as agricultural/garden purposes under the prospective Building Licence issued by Lands Department. The applicant would also carry out simple landscape gardening works to beautify the remaining area of the lot. Thus, no adverse landscape or vision impact on this area is anticipated.

#### **4.5 Drainage Impact**

- 4.5.1 Due to the fact that the application site is situated on a flatted land, the applicant is confident that Certificate of Drainage Works can be issued by the DLO/YL under Building Ordinance (Application to New Territories), Hong Kong Ordinance Chapter 131. Standard drain channels will be constructed to collect rain water and surface runoff from the proposed NTEH-Small House. As the site is not located in a flood prone area and all the agricultural activities in the vicinity have ceased for decades, drainage impact to the surrounding area is not anticipated.

#### **4.6 Land Use Compatibility**

- 4.6.1 The application site currently falls within an area zoned "Residential (D)" ("R(D)") and the Agriculture Zone "(AGR)" on the approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 dated 17.10.2006. However, the footprint of the proposed NTEH-Small House is totally falling within the "R(D)" area of the current OZP. It is located only at a distant of about 8m from the nearest boundaries of the "V" zone of the Approved Skek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 dated 27.10.2006. However, the application site together with the other adjacent private lots falling within this area have been left vacant and could not be arable for decades. The proposed use falls within "R(D)" zone, NTEH development falls within Column 2 use. The current application would not have any significant adverse implication to the surrounding area.

- 4.6.2 Given the fact that a number of similar rezoning applications in the close vicinity have

been approved by the Board (Please refer to **Table 1**), the proposed use is considered not incompatible with the surrounding area.

#### **4.7 Excavation and Filling of Land**

- 4.6.3 The application site currently falls within an area zoned “Residential (D)” (“R(D)”) and the Agriculture Zone “(AGR)” on the approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 dated 17.10.2006. According to Remarks (e) of the covering notes of the said OZP, any filling or excavation of land, including that to effect a change of use to any or those specified in Columns 1 and 2 of the use or developments always permitted under the covering notes shall not be undertaken or continued without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.
- 4.6.4 The site formation works together with ancillary drainage/sewage/septic tank and soakaway system works on the application site involve excavation / filling of land, therefore, permission of filling / excavation of land is essential to the development of NTEH. In this connection, the applicant wishes to seek permission of excavation and filling of land from the Town Planning Board. The excavation/filling of land will be confined to the lot boundaries only.

### **5. PLANNING JUSTIFICATIONS**

#### **5.1 Village Housing Demand for NTEH-Small House in Village/Heung**

- 5.1.1 The Small House Policy was introduced in 1972. After the development for almost 52 years, the suitable small house sites within “V” zone are almost exhausted. Moreover, only a few Indigenous villagers with sufficient financial support are able to locate and purchase suitable private land within the “V” zone or “Village Environ” to erect an NTEH-Small House for improving their standard of living. Thus, the need to expand the “V” area on the current OZP is reasonably required.
- 5.1.2 The application site is the only landed property of the applicant. The application site currently falls within an area zoned “Residential (D)” (“R(D)”) and the Agriculture Zone “(AGR)” on the approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 dated 17.10.2006 but it is entirely within the village ‘environ’ of Lin Fa Tei and is so close to the boundaries of the designed “V” zone of the current OZP. In particular, the footprint of the proposed small house is totally falling within the “R(D)” zone of the current OZP. The applicant has no alternative but to use this piece of private land for erection of an NTEH-Small House to accommodate his family members as well as to improve their standard of living.

## **5.2 The scale of works is kept to Minimal**

- 5.2.1 The proposed use only confines to the application site. The affected area is only 65.03 square metres in area. That is to say only standard NTEH-Small House of built-over-area not more than 65.03 square metres in area (3-storey) and with a height of not more than 8.23 metres will be built on the application site and the remaining area of the application site be still retained for agricultural/ garden purposes.
- 5.2.2 The excavation and filling works will adopt a labour-intensive method. Manpower will be used for transportation of the soil / construction materials onto site by trolley or wheelbarrow etc. Concrete delivery will be achieved by using concrete pump.

## **5.3 Relatively Low Landscape and Ecological Values within the Application Site**

- 5.3.1 The application site is the only landed property of the applicant. The application site currently falls within an area zoned “Residential (D)” (“R(D)”) and the Agriculture Zone “(AGR)” on the approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 dated 17.10.2006 The landscape and ecological value of the application site are not so significant as it is currently a vacant fallow land covered with weeds but it has been abandoned for several decades not to mention any cultivation. As the proposed use is only small in scale and would only confine to the proposed site, the impact to the surrounding environment would be minimal.

## **5.4 Unique and Exceptional Merit rather than Being an Undesirable Precedent**

- 5.4.1 The current application would not set an undesirable precedent of development within “R(D)” zone area. The proposed site is all along a deserted vacant fallow land. The applicant can fully utilize his landed property if the current application is able to be approved by the Board. It will undoubtedly ease the acute Small House need of the indigenous villagers of Lin Fa Tei, Yuen Long.
- 5.4.2 As only Indigenous Villagers of Lin Fa Tei or within same Heung who had acquired private lands in this area are eligible for erection of Small House thereat, approving the current application should therefore not entail to the approval of other similar applications under any circumstances.
- 5.4.3 Similar applications for erection of NTEH-(Small House) at land for “R(D)” use from the indigenous villagers of Lin Fa Tei have been approved by the Board (Please refer to **Table 1**).

## **5.5 No Adverse Traffic nor Environmental Impacts**

- 5.5.1 The current application involves works only confining within the application site and the method of construction is basically labour-intensive works. Due to the small development scale, the traffic generation and attraction of the proposed use is anticipated to be very minimal. Moreover, appropriate environmental mitigation measures would be applied during the construction and operation period to ensure no adverse environmental and drainage impacts would be generated.

## **5.6 Villagers' Perception and Reaction**

- 5.6.1 The applicant is confident that the proposed use will be welcomed by the Indigenous villagers and the residents thereat because the brotherhood and camaraderie among themselves have been inherent and cultivated into the bottom of their hearts for several generations. Thus, it is anticipated that there will be no objection to the proposed use.



## 6. CONCLUSION

- 6.1.1 This Planning Statement is submitted to the Town Planning Board (hereinafter referred to as “the Board”) in support of a planning application (hereinafter referred to as “the current application”) under Section 16 of the Town Planning Ordinance for erection of a New Territories Exempted House (“NTEH”)-Small House of 65.03 sq. m in area ( 3-storey) and with a height of not more than 8.23 m (hereinafter referred to as “the proposed use”) on Lot No. 847 S.B ss.4 in DD 112, Lin Fa Tei, Yuen Long, New Territories (hereinafter referred to “the application site”). The application site has an area of approximately 167.5 sq.m. The Planning Statement serves to provide background information and planning justifications in support of the proposed use in order to facilitate the consideration by the Board.
- 6.1.2 According to the Small House Policy, a male indigenous villager aged over 18 years old of a recognized village in the New Territories is eligible to erect an NTEH on his own private lot which falls within the “Village Type Development”(V) area in the Outline Zoning Plan and the Village Environs (EV) or the Village Extension Area of a recognized village . This is the once-in-a-life time right for the indigenous villager. The applicant, Mr. KWOK Kam Wah (郭錦華), is an indigenous villager of the recognized village, Lin Fa Tei, Pat Heung, Yuen Long, New Territories and is eligible to apply to Lands Department for erection of a Small House under current Small House Policy.
- 6.1.3 The current application aims to put forth the proposed use so as to secure a planning permission for the applicant to erect an NTEH (Small House) on the application site.
- 6.1.4 The application site is the only landed property of the applicant. The application site currently falls within an area zoned “Residential (D)” (“R(D)”) and the Agriculture Zone “(AGR)” on the approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 dated 17.10.2006. However, the footprint of the proposed Small House is totally falling within the “Residential (D)” (“R(D)”) on the approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9 dated 17.10.2006. According to the Schedule of Uses for “R(D)” zone, the proposed use is a Column 2 use. In this connection, the applicant is required to seek the planning permission from the Board for the proposed use. As detailed in this Planning Statement, the proposed use is well justified on the grounds that:-
- (a) *the applicant is an indigenous villager of a recognized village, namely Lin Fa Tei of Yuen Long District, New Territories, who is eligible for erection of a Small House once-in-a life time under the current Small House Policy;*
  - (b) *the applicant’s Small House application on the application site was submitted to District Lands Office, Yuen Long (DLO/YL) on 28.12.2023 and was rejected due to the site is outside “V” zone;*
  - (c) *the application site falls within “Residential (D)” “(R(D)” area but is very close to the” Village Type Development” (V) area of Lin Fa Tei (i.e. at a distance of about 8m) which is almost fully developed;*
  - (d) *the application site and the footprint of the proposed Small House fall entirely within the village ‘environ’ of Lin Fa Tei;*
  - (e) *the applicant is extremely in need of a Small House to accommodate his family members;*
  - (f) *the proposed site is the sole land lot owned by the applicant;*

- (g) the application site falls within an area of NTEH residential cluster, thus, the proposed use is compatible with the surrounding area and land use;*
- (h) the application site falls within "R(D)" zone of the current OZP but several similar proposed uses applications in the close vicinity were also approved by the Town Planning Board;*
- (i) due to the small size of the application site and also surrounded by a large number of village houses, the application site is no longer a suitable area for R(D) development;*
- (j) the current application would not set an unfavourable precedent of development within "R(D)" zone due to the fact that it is in the close proximity of the approved Small House Development so the proposed use is compatible with the surrounding environment and only the indigenous villagers of Lin Fa Tei are eligible for erection of Small House thereat;*
- (k) no significant adverse traffic impact is anticipated as the small development scale of the proposed use would not generate any additional traffic flow;*
- (l) there is currently no tree or vegetation (only weeds) within the application site. No significant adverse landscape or environmental impacts are anticipated due to the minimal scale of development and the proposed use only confines to its lot boundaries; and*
- (m) significant adverse drainage or sewage impacts are not anticipated as the site meets the criteria for issuing of Certificates of Exemption for Site Formation Works, Drainage Works and Building Works by Lands Department under the Building Ordinance (Application to the New Territories), Hong Kong Ordinance Chapter 121. If relevant Certificates of Exemption for Site Formation Works and Drainage Works are unable to be issued by Lands Department, the applicant undertakes he will apply to Building Authority for obtaining necessary approval in this respect. All the construction works will be supervised by qualified professionals.*

In view of the above and the list of detailed planning justifications in this Planning Statement, it is sincerely hoped that the Board will give sympathetic consideration to approve the current application.

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