

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1067

- Applicant** : Mr TANG Kai Chun represented by Chief Force Limited
- Site** : Lots 3003 S.D and 3005 RP in D.D. 111, Pat Heung, Yuen Long
- Site Area** : 117m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Residential (Group D)” (“R(D)”) (about 56% of the Site)
[restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- “Village Type Development” (“V”) (about 44% of the Site)
[restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Proposed House (New Territories Exempted House (NTEH) — Small House)

1. The Proposal

- 1.1 The applicant, who is an indigenous villager¹ of Wang Toi Shan of Pat Heung as confirmed by the Indigenous Inhabitant Representative, seeks planning permission to build a proposed NTEH (Small House) at the application site (the Site), which falls within an area partly zoned “R(D)” (about 56%) and partly zoned “V” (about 44%) on the OZP (**Plans A-1 and A-2a**). According to the Notes of the OZP, ‘House (NTEH only)’ is always permitted within the “V” zone, whilst ‘House (not elsewhere specified)’ (i.e. other than ‘House (Redevelopment; Addition, Alteration and/or Modification to existing house only)’ is a Column 2 use within the “R(D)” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and covered by grass (**Plan A-4**).

¹ As advised by the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD), the eligibility of the applicant for Small House have been scrutinised and the applicant is confirmed as an indigenous villager.

1.2 of the proposed Small House are as follows:

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

1.3 The Site is accessible via a local track leading to Kam Tin Road (**Plan A-1**). According to the applicant, the uncovered area of the Site (about 52m²) will be used as garden and circulation area. A septic tank will be provided to serve the proposed Small House. The layout plan submitted by the applicant is at **Drawing A-1**.

1.4 In support of the application, the applicant has submitted the following documents:

(a) Application Form with supporting documents (**Appendix I**)
received on 9.5.2025 and 13.5.2025

(b) Further Information (FI) of 27.6.2025* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements.*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendix I** and **Ia**, and can be summarised as follows:

- (a) The applicant, who is an indigenous villager of Wang Toi Shan Wing Ning Lei and the sole land owner of the Site, is entitled to apply for Small House grant in accordance with the prevailing policy.
- (b) The Site straddles the “V” zone and the “R(D)” zone. Although more than 50% (i.e. about 60%) of the proposed Small House footprint falls within the “V” zone, the proposed footprint is located outside the village ‘environs’ (‘VE’) of a recognised village. Hence, the applicant is advised by Lands Department (LandsD) that planning permission is required from the Board to facilitate the processing of the proposed Small House application.
- (c) Although the proposed Small House footprint is located outside the ‘VE’, about 60% of it falls within the “V” zone. According to the revised Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, if more than 50% of the proposed NTEH/Small House footprint is located outside the ‘VE’, favourable consideration could be given if not less than 50% of the proposed NTEH/Small House footprint falls within the “V” zone, provided that there is a general shortage of land in meeting the demand for Small House development and the other criteria can be satisfied.
- (d) The Site is in close proximity to an existing emergency vehicular access and fire hydrant. Suitable fire service installations will be installed at the proposed Small House to the satisfaction of the Fire Services Department.

3. **Compliance with the ‘Owner’s Consent/Notification’ Requirements**

The applicant is the sole ‘current land owner’ of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Assessment Criteria**

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

5. **Background**

The Site is not subject to any active enforcement action.

6. **Previous Application**

There is no previous application involving the Site.

7. **Similar Applications**

7.1 There are three similar applications, involving two sites, for Small House development within the same “R(D)” zone or straddling the same “R(D)” and “V” zones in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000. Among them, one application was approved and two were rejected by the Board upon review or by the Rural and New Town Planning Committee (the Committee). Details of these similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

Approved Application

7.2 Application No. A/YL-PH/540 was approved with conditions by the Committee on 11.5.2007 (i.e. before the formal adoption of a more cautious approach in considering Small House application by the Board in August 2015²), mainly on the considerations that the application generally complied with the Interim Criteria; the proposed development is not incompatible with the surrounding areas and not in conflict with the planning intention of “R(D)” zone; and the concerned government departments had no objection to or no adverse comment on the application.

² Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting shall be put on the number of outstanding Small House applications provided by LandsD.

Rejected Applications

- 7.3 The remaining two applications (No. A/YL-PH/798 and 835) at the same site zoned “R(D)” were rejected by the Board upon review in April 2019 and by the Committee in April 2020 respectively, mainly for the reasons that the proposed development did not comply with the Interim Criteria; land was available within the “V” zone for Small House developments; it was more appropriate to concentrate Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services; and there is no exceptional circumstance to justify approval of the application.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4)

- 8.1 The Site is:

- (a) vacant and covered by grass;
- (b) located at the southeastern fringe of Wang Toi Shan Wing Ning Lei and entirely outside the ‘VE’ of any recognised village; and
- (c) accessible via a local track leading to Kam Tin Road.

- 8.2 The surrounding areas are rural in character comprising mainly open storage/storage yards (one with valid planning permission under application No. A/YL-PH/937) and warehouses intermixed with a few residential structures, a vehicle park, a car repair workshop, a restaurant, vacant land, woodland and grassland.

9. Planning Intentions

- 9.1 The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.
- 9.2 The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

10.1 The application has been assessed against the assessment criteria set out in the Interim Criteria (**Appendix II**). The assessment is summarised in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone? - Footprint of the proposed Small House - The Site	60% 44%	40% 56%	- About 40% of the footprint of the proposed Small House falls within the “R(D)” zone. - About 56% of the Site falls within the “R(D)” zone.
2.	Within ‘VE’? - Footprint of the proposed Small House - The Site	- -	100% 100%	- DLO/YL, LandsD advises that the Site does not fall within the ‘VE’ of any recognised village.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House application plus 10-year Small House demand)?	✓		<u>Land Required</u> - Land required to meet Small House demand in Wang Toi Shan: about 27.6 ha (equivalent to about 1,105 Small House sites). The number of outstanding Small House applications for Wang Toi Shan is 85 whilst the 10-year Small House demand forecast is about 1,020.
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		<u>Land Available</u> - Land available to meet Small House demand within the “V” zone of Wang Toi Shan: about 27.9 ha (equivalent to about 1,116 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of “R(D)” zone?	✓		- The proposed Small House is not in conflict with the planning intention of the “R(D)” zone.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
5.	Compatible with surrounding area/development?	✓		- The proposed Small House is considered not incompatible with the surrounding areas which are rural in character comprising mainly open storage/storage yards and warehouses intermixed with a few residential structures, a vehicle park, a car repair workshop, a restaurant, vacant land, woodland and grassland (Plan A-2a).
6.	Within Water Gathering Grounds (WGGs)?		✓	- The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application.
7.	Encroachment onto planned road networks and public works boundaries?		✓	
8.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	- The Director of Fire Services (D of FS) has no in-principle objection to the application provided that the proposed Small House would not encroach on any existing EVA or planned EVA under application in accordance with LandsD's record. The applicant is reminded to observe 'New Territories Exempted House – A Guide to Fire Safety Requirements' which is administrated by LandsD.
9.	Traffic impact?	✓		- The Commissioner for Transport (C for T) has no comment on the application from traffic engineering perspective. - C for T considers that Small House development should be confined within "V" zone as far as possible. Although additional traffic generated by the proposed Small House is not expected to be significant, such type of development outside the "V" zone, if permitted, will set an undesirable precedent for similar applications

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding this, the application involving only one Small House could be tolerated on traffic grounds.
10.	Drainage impact?		✓	- The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application from public drainage point of view.
11.	Sewerage impact?		✓	- The Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed Small House, the application is unlikely to cause major pollution and has no objection to the application.
12.	Landscape impact?		✓	- The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no adverse comment on the application from landscape planning perspective. Significant adverse landscape impact arising from the proposed development is not anticipated.
13.	Local objections conveyed by District Office?		✓	- The District Officer (Yuen Long), Home Affairs Department has no comment on the application and has not received any comment from the locals upon close of consultation.

10.2 Comments from the following government departments have been incorporated in paragraph 10.1 above. Details of comments from government departments are at **Appendix IV**.

- (a) DLO/YL, LandsD;
- (b) D of FS;
- (c) C for T;

- (d) CHE/NTW, HyD
- (e) DEP;
- (f) CE/MN, DSD; and
- (g) CTP/UD&L, PlanD.

10.3 The following government departments have no objection to or no comment on the application:

- (a) CE/C, WSD; and
- (b) Project Manager (West), Civil Engineering and Development Department.

11. Public Comment Received During Statutory Publication Period

On 16.5.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual expressing concern on the application that the Site is not the subject of any previously approved application; and there is sufficient land in the “V” zone for Small House development as most of it is being used for vehicle parking (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for a proposed NTEH (Small House) at the Site partly zoned “R(D)” (56%) and partly zoned “V” (44%) (**Plan A-2a**). Whilst the proposed Small House is always permitted within the “V” zone, such use within the “R(D)” zone requires planning permission from the Board. The proposed Small House is not in conflict with the planning intention of the “R(D)” zone and there is currently no known proposal for long-term development at the Site or in its vicinity within the “R(D)” zone.
- 12.2 The proposed Small House at the Site, which is currently vacant and covered by grass, is not incompatible with the surrounding areas which are rural in character comprising mainly open storage/storage yards and warehouses intermixed with a few residential structures, a vehicle park, a car repair workshop, a restaurant, vacant land, woodland and grassland. CTP/UD&L, PlanD considers that significant adverse landscape impact arising from the proposed Small House is not anticipated and has no adverse comment on the application. C for T considers that whilst approval of the proposed Small House outside “V” zone will set an undesirable precedent for similar applications in the future, the current application involving only one Small House can be tolerated on traffic grounds and has no objection to the application. Other relevant government departments consulted, including DEP, CE/MN, DSD, D of FS and CE/C, WSD have no objection to or no adverse comment on the application.
- 12.3 Regarding the Interim Criteria (**Appendix II**), the entire footprint of the proposed Small House falls outside the boundary of ‘VE’ of any recognised village, while about 60% of the footprint falls within the “V” zone (**Plan A-2a**). DLO/YL, LandsD advises that the number of outstanding Small House applications for Wang Toi Shan is 85, while the 10-year Small House demand forecast is about

1,020. Based on PlanD's latest estimate, about 27.9 ha of land (equivalent to about 1,116 Small House sites) is available within the "V" zone concerned (**Plan A-2b**). Hence, there is sufficient land within the "V" zone to meet the outstanding Small House applications and even the 10-year Small House demand forecast, notwithstanding that more weighting is put on the number of outstanding Small House applications as provided by LandsD when considering whether there is a general shortage of land in meeting Small House demand under the more cautious approach in considering applications for Small House development adopted by the Board since August 2015. Since land is still available within the "V" zone, it is considered more appropriate to concentrate Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services, and favourable consideration is not recommended for the current application which involves a Small House footprint falling entirely outside any 'VE' although not less than 50% (i.e. about 60%) of which falls within the "V" zone.

- 12.4 There is one similar application for Small House development within the same "R(D)" and "V" zones in the vicinity of the Site which was approved by the Committee in 2007 before the Board's formal adoption of a more cautious approach in August 2015 as mentioned in paragraph 7.2 above. Given that land is still available in the "V" zone of the concerned village for Small House development, the planning circumstances of approving the similar application are not applicable to the current application.
- 12.5 Regarding the public comment mentioned in paragraph 11 above, the departmental comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, PlanD does not support the application for the following reason:
- land is still available within the "V" zone of Wang Toi Shan which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 4.7.2029, 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 recommended advisory clauses are attached at **Appendix V**.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

15. Attachments

Appendix I	Application Form with supporting documents received on 9.5.2025 and 13.5.2025
Appendix Ia	FI received on 27.6.2025
Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Similar Applications
Appendix IV	Detailed Comments from Relevant Government Departments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available for Small House Development within the “V” Zone
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2025**