

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATIONS NO. A/NE-LYT/855 and 856**

<b><u>Applicants</u></b>	:	Mr. TANG Lee Ming Mr. TANG Stefan both with Mr. YIP Tin Sang (葉天生) as Power of Attorney	(Application No. A/NE-LYT/855) (Application No. A/NE-LYT/856)
<b><u>Sites</u></b>	:	Lot 162 S.B ss.10 Lot 162 S.B ss.11 both in D.D. 46, Ma Mei Ha, Fanling, New Territories	(Application No. A/NE-LYT/855) (Application No. A/NE-LYT/856)
<b><u>Site Areas</u></b>	:	About 262.66m <sup>2</sup> About 265.92m <sup>2</sup>	(Application No. A/NE-LYT/855) (Application No. A/NE-LYT/856)
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)	
<b><u>Plan</u></b>	:	Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19	
<b><u>Zonings</u></b>	:	<u>Application No. A/NE-LYT/855</u> (i) “Agriculture” (“AGR”) (about 76%) (ii) “Green Belt” (“GB”) (about 24%)  <u>Application No. A/NE-LYT/856</u> (i) “AGR” (about 74%) (ii) “GB” (about 26%)	
<b><u>Applications</u></b>	:	Proposed House (New Territories Exempted House (NTEH) – Small House)	

**1. The Proposal**

- 1.1 The applicants, who claim to be indigenous villagers of Ma Mei Ha Tsuen, Fanling Heung, seek planning permission to build a NTEH (Small House) on each of the application sites (the Sites) falling within an area largely zoned “AGR” and partly zoned “GB” on the OZP (**Plans A-1 and A-2a**). According to the Notes of the OZP, ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ and

‘House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ are Column 2 uses within the “AGR” and “GB” zones respectively, which require planning permission from the Town Planning Board (the Board). The Sites, with minor portion encroaching onto an existing local access to the immediate east, are currently vacant and largely hard-paved (**Plan A-4**).

1.2 Details of each of the proposed NTEHs (Small Houses) are as follows:

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

1.3 The applicants indicate that the uncovered area of the Sites will be used as garden and pedestrian access. The applicants propose to connect the proposed developments to an existing public sewer (**Plan A-2a**). The layouts of the proposed Small Houses under applications No. A/NE-LYT/855 and 856 are shown in **Drawings A-1** and **A-2** respectively.

1.4 Each of the Sites is the subject of two previously approved applications for Small House development. The last previous applications (No. A/NE-LYT/633 and 634) for each of the Sites submitted by the same applicants as the current applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 8.9.2017. Details of the previous applications are set out in paragraph 6.1 below.

1.5 In support of the applications, the applicants have submitted Application Forms with attachments received on 25.7.2025 (**Appendices Ia** and **Ib**)

## 2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the applications are detailed in the Application Forms at **Appendices Ia** and **Ib**, as summarised below:

- (a) the applicants have submitted Small House grant applications to the Lands Department (LandsD), which are currently being processed, and the concerned Building Licenses are yet to be issued;
- (b) each of the Sites is the subject of a previously approved application (No. A/NE-LYT/633 and 634) for proposed Small House development submitted by the respective applicants; and
- (c) the proposed developments would not induce adverse environmental, traffic, drainage, sewerage and landscape impacts on the surroundings.

## 3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicants are the sole “current land owners” of their respective lots. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Assessment Criteria**

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

#### **5. Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) is relevant to the applications. The relevant assessment criteria are at **Appendix III**.

#### **6. Previous Applications**

- 6.1 Each of the Sites is the subject of two previous applications (No. A/NE-LYT/459, 460, 633 and 634) for proposed Small House development.
- 6.2 Applications No. A/NE-LYT/459 and 460 were approved with conditions by the Committee on 6.1.2012 (i.e. before the formal adoption of a more cautious approach by the Board in considering Small House application by the Board since August 2015<sup>1</sup>) mainly on the considerations that the footprint of the proposed Small House fell entirely within the village ‘environs’ (‘VE’) of Ma Mei Ha and there was a general shortage of land within the “V” zone of Ma Me Ha in meeting the demand for Small House development at the time of the consideration; the proposed development was generally not incompatible with the surrounding land uses; the proposed development would unlikely cause adverse impacts; and it generally complied with the TPB PG-No. 10. The planning permissions of both applications lapsed on 7.1.2016.
- 6.3 The last previous applications at the respective Sites (No. A/NE-LYT/633 and 634) submitted by the same applicants as the current applications were approved with conditions by the Committee on 8.9.2017 mainly on the sympathetic considerations that the Site was the subject of previous planning approval for Small House development; and the Site was in close proximity to the existing village proper and there were approved applications in the vicinity forming a new village cluster in the locality. The validity of the planning permissions have been extended but subsequently lapsed on 9.9.2025. Compared with the last approved applications, the major planning parameters and footprint of the proposed Small House in the current applications are generally remain unchanged.
- 6.4 Details of the previous applications are summarised at **Appendix IV** and their locations are shown on **Plans A-1 and A-2a**.

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<sup>1</sup> Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting should be put on the number of outstanding Small House applications provided by LandsD.

## **7. Similar Applications**

- 7.1 There are 21 similar applications involving 13 sites within/partly within the same “AGR” and “GB” zones in the vicinity of the Sites since the first promulgation of the Interim Criteria on 24.11.2000.
- 7.2 Among the 15 approved applications, eight of them (applications No. A/NE-LYT/224, 453 to 458 and 461) were approved with conditions by the Committee in 2001 and 2012 mainly on similar considerations<sup>2</sup> as detailed in paragraph 6.2 above. Subsequently, seven applications (No. A/NE-LYT/617 to 623), each involving a previous planning approval, were approved in 2017 mainly on the similar sympathetic considerations as detailed in paragraph 6.3 above.
- 7.3 The remaining six applications (No. A/NE-LYT/559, 713, 756, 757, 764 and 850) involving five sites, which were not subject to any previous approval for Small House development, were all rejected by the Committee between 2015 and 2025 mainly on the grounds that the proposed development was not in line with the planning intentions of “AGR” or “GB” zones and there was no strong planning justifications in the submission for a departure from the planning intentions; land was still available within the “V” zone of Ma Mei Ha for Small House development; and/or the approval of the application would set an undesirable precedent for similar applications within the “GB” zone.
- 7.4 Other than the 21 similar applications as detailed above, an application (No. A/NE-LYT/857) entirely falling within the “AGR” zone situated to the immediate west of the Sites, will be considered by the Committee at the same meeting.
- 7.5 Details of the similar applications are summarised at **Appendix V** and their locations are shown on **Plan A-2a**.

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

- 8.1 The Sites are:
- (a) currently vacant and largely hard-paved;
  - (b) located to the west of the village proper of Ma Mei Ha; and
  - (c) partly encroaching onto the existing local access to the immediate east, leading to Sha Tau Kok Road – Ma Mei Ha .
- 8.2 The surrounding areas are of rural character comprising village houses/domestic structures, active/fallow farmlands and tree groups or vegetated areas. To the immediate north, south and west are a cluster of Small House developments approved by LandsD. To the east across the local access are village houses within “Village Type Development” (“V”) zone of Ma Mei Ha. To the further north across Sha Tau Kok Road – Ma Mei Ha are village proper of Tai Tong Wu (**Plans A-1, A-3 and A-4**).

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<sup>2</sup> For those applications (No. A/NE-LYT/454 to 457) entirely fell within the “AGR” zone, the TPB-PG No. 10 was not applicable to the respective planning assessments.

## 9. Planning Intentions

- 9.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 9.2 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

## 10. Comments from Relevant Government Departments

- 10.1 The applications have been assessed against the assessment criteria at **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?  - Footprints of the proposed Small Houses  - The Sites	-  -	100%  100%	The footprints of the proposed Small Houses fall entirely within “AGR” zone, whilst the Sites fall mainly within “AGR” zone and partly within the “GB” zone.
2.	Within ‘VE’?  - Footprints of the proposed Small Houses  - The Sites	100%  100%	-  -	The District Lands Officer/North, LandsD (DLO/N, LandsD) advises that the Sites and footprints of the proposed Small Houses fall entirely within the ‘VE’ of Ma Mei Ha.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?		✓	<u>Land Required</u> - Land required to meet Small House demand in Ma Mei Ha: about 4.43ha (equivalent to 177 Small House sites). The outstanding Small House applications is 15 <sup>3</sup> while the 10-year Small House demand is 162.
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		<u>Land Available</u> - Land available to meet the Small House demand within the “V” zone of Ma Mei Ha: about 1.28ha

<sup>3</sup> Among the 15 outstanding Small House applications, 13 fall within the “V” zone, and two fall outside the “V” zone. For those two applications falling outside the “V” zone, they have obtained planning approvals from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				(equivalent to about 51 Small House sites) ( <b>Plan A-2b</b> ).
4.	Compatible with the planning intentions of “AGR” and “GB” zones?		✓	<p>The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications from agricultural perspective as the Sites possess potential for agricultural rehabilitation. There are some agricultural activities in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Sites can be used for agricultural activities such as greenhouses, plant nurseries and hydroponics etc.</p> <p>There is a general presumption against development within “GB” zone. DAFC has no comment on the applications from nature conservation perspective.</p>
5.	Compatible with surrounding area/development?	✓		The proposed developments are not incompatible with the surrounding areas of rural character comprising village houses/domestic structures, active/fallow farmlands and tree groups or vegetated areas.
6.	Within Water Gathering Grounds?		✓	
7.	Environmental and sewerage impacts?		✓	The Director of Environmental Protection (DEP) has no in-principle objection to the applications provided that the applicants will provide adequate sewer connection for disposal of sewage from the Small Houses to the existing public sewer at their own costs and reserve adequate land for the sewer connection work.
8.	Encroachment onto planned road networks and public works boundaries?		✓	

	<u><b>Criteria</b></u>	<u><b>Yes</b></u>	<u><b>No</b></u>	<u><b>Remarks</b></u>
9.	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 applications. The applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD.
10.	Traffic impact?	✓		The Commissioner for Transport (C for T) has no objection to the applications. She advises that the applications only involve the construction of one small house each, and considers that the applications can be tolerated on traffic grounds. Although additional traffic generated by the proposed developments is not significant, the permission of development outside the "V" zone will however set an undesirable precedent case for similar application in the future. The resulting cumulative adverse traffic impact has to be reviewed on case-by-case basis in the future.
11.	Drainage impact?		✓	The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the applications.
12.	Landscaping impact?		✓	The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no adverse comment on the applications from landscape planning perspective, and advises that significant adverse impact on existing landscape resources within the Sites is not anticipated.
14.	Local objections conveyed by DO?	✓		One comment from a resident of Ma Mei Ha was received indicating objection to application No. A/NE-LYT/855.

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 VI**.

(a) DLO/N, LandsD;

- (b) C for T;
- (c) DEP;
- (d) CE/MN, DSD;
- (e) D of FS;
- (f) CTP/UD&L, PlanD;
- (g) DAFC; and
- (h) District Officer (North), Home Affairs Department (DO(N), HAD).

10.3 The following government departments have no objection to/no comment on the applications:

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (a) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD).

## **11. Public Comments Received During Statutory Publication Period**

On 1.8.2025, the applications were published for public inspection. During the statutory public inspection period, two public comments were received for application No. A/NE-LYT/855 and three public comments were received for application No. A/NE-LYT/856 (**Appendix VIII**). One comment from an individual objects to both applications mainly on the grounds that there are still available land for Small House developments within the “V” zone of Ma Mei Ha; and the cases should be considered as fresh applications. One comment from a member of North District Council indicates no comment on both applications, whilst one comment from the Chairman of Lung Shan Area Committee indicates no comment on application No. A/NE-LYT/856.

## **12. Planning Considerations and Assessments**

- 12.1 The applications are for proposed Small House development at each of the Sites mainly zoned “AGR” (about 76% and 74% of the respective sites) and partly zoned “GB” (about 24% and 26% of the respective sites) on the OZP (**Plan A-2a**). The proposed developments are not in line with the planning intentions of “AGR” and “GB” zones. DAFC does not support the applications from agricultural perspective as the Sites possess potential for agricultural rehabilitation.
- 12.2 The Sites, which are current vacant and largely hard-paved, are located to the west of village proper of Ma Mei Ha and are generally bounded by the Small House developments approved by LandsD (**Plans A-2a and A-4**). The proposed developments are not incompatible with the surrounding areas which are of rural character comprising village houses/domestic structures, active/fallow farmlands and tree groups or vegetated areas. No extensive clearance of the existing natural vegetation including trees is anticipated. CTP/UD&L, PlanD has no adverse comment on the applications from landscape planning perspective, and advises that significant adverse impact on existing landscape resources within the Sites is not anticipated. DAFC has no comment on the applications from nature



conservation perspective. Other relevant government departments consulted, including C for T, CE/MN, DSD, D of FS and CE/C, WSD have no objection to or no adverse comment on the applications. In view of above, the applications are generally in line with TPB-PG No. 10.

- 12.3 Regarding the Interim Criteria (**Appendix II**), the footprints of the proposed Small Houses fall entirely within the 'VE' of Ma Mei Ha (**Plan A-2a**). According to DLO/N, LandsD, the number of outstanding Small House applications for Ma Mei Ha is 15 while the 10-year Small House demand forecast is 162. Based on PlanD's latest estimate, about 1.28ha (equivalent to about 51 Small House sites) is available within the "V" zone concerned (**Plan A-2b**). While the amount of land available within the "V" zone of Ma Mei Ha is insufficient to fully meet the future Small House demand, it is sufficient to accommodate the outstanding Small House applications. It should be noted that the Board has formally adopted a more cautious approach in considering applications for Small House development since August 2015. Among others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD. Nevertheless, each of the Sites is the subject of two previously approved applications for proposed Small House developments as detailed in paragraph 6 above. The relevant planning permissions under the last applications (No. A/NE-LYT/633 & 634) for the Sites lapsed recently on 9.9.2025. Besides, DLO/N, LandsD advises that the Small House grant applications submitted by the applicants are currently being processing. In view of the above, sympathetic consideration could be given to the applications.
- 12.4 There are 21 similar applications falling within/partly within the same "AGR" and/or "GB" zones in the vicinity of the Site, seven of which were approved with conditions by the Committee in September 2017 (i.e. after the formal adoption of a more cautious approach by the Board) mainly on the sympathetic considerations as detailed in paragraph 7.2 above that, amongst others, the site was the subject of previous planning approval. Regarding the six rejected applications, they were all rejected by the Committee on the grounds as detailed in paragraph 7.3 above. The planning circumstances of the current applications are similar to those of the above approved similar applications. As such, approval of the current applications is generally in line with the Committee's previous decisions.
- 12.5 Regarding the local views and public comments as detailed in paragraphs 10.1.14 and 11 above, the government departments' comments and the 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 local views in paragraph 10.1.14 and public comments in paragraph 11 above, PlanD has no objection to the applications.
- 13.2 Should the Committee decide to approve the applications, it is suggested that the permission for each application shall be valid until 19.9.2029, 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 VII**.

13.3 Alternatively, should the Committee decide to reject the applications, the following reasons for rejection are suggested for Members' reference:

- (a) the proposed development is not in line with the planning intentions of the "AGR" and "GB" zones, which are primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets respectively. There is no strong planning justification in the submission for a departure from the planning intentions; and
- (b) land is still available within the "V" zone of Ma Mei Ha which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House developments within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.

#### **14. Decision Sought**

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

#### **15. Attachments**

<b>Appendices Ia and Ib</b>	Application Form with Attachments received on 25.7.2025
<b>Appendix II</b>	Relevant Extracts of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
<b>Appendix III</b>	Relevant Extract of the Town Planning Board Guidelines No. 10 for Application for Development within "GB" Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10)
<b>Appendix IV</b>	Previous Applications
<b>Appendix V</b>	Similar Applications
<b>Appendix VI</b>	Government Departments' General Comments
<b>Appendix VIa</b>	Local Comment conveyed by DO(N), HAD
<b>Appendix VII</b>	Recommended Advisory Clauses
<b>Appendix VIII</b>	Public Comments
<b>Drawings A-1 and A-2</b>	Layout Plans
<b>Plan A-1</b>	Location Plan
<b>Plan A-2a</b>	Site Plan

<b>Plan A-2b</b>	Estimated Amount of Land Available for Small House Development within the “V” zone of Ma Mei Ha
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photo

**PLANNING DEPARTMENT  
SEPTEMBER 2025**