

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

**APPLICATION NO. A/NE-LYT/857**

**Applicant** : Mr. TANG Mark Kok Hung represented by Mr. LEE Wai Leung

**Site** : Lot 162 S.B ss.8 in D.D. 46, Ma Mei Ha, Fanling, New Territories

**Site Area** : About 271.8m<sup>2</sup>

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19

**Zoning** : “Agriculture” (“AGR”)

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

**1. The Proposal**

1.1 The applicant, who claims himself as an indigenous villager of Ma Mei Ha Tsuen, Fanling Heung, seeks planning permission to build a NTEH (Small House) at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). 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)’ is a Column 2 use within the “AGR” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant, largely hard-paved and partly vegetated (**Plan A-4**).

1.2 Details of the proposed Small House 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 applicant indicates that the uncovered area of the Site will be used as garden and pedestrian access. The applicant proposes to connect the proposed development to an existing public sewer (**Plan A-2a**). The layout of the proposed Small House is shown in **Drawing A-1**.

- 1.4 The Site is the subject of two previous applications (No. A/NE-LYT/457 and 621) submitted by the same applicant as the current application for proposed Small House development, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 6.1.2012 and 7.4.2017 respectively (**Plan A-1**). Details of the previous applications are set out in paragraphs 5.1 and 5.2 below.
- 1.5 In support of the application, the applicant has submitted an Application Form with attachment received on 25.7.2025 (**Appendix I**).

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**, as summarised below:

- (a) the applicant has submitted a Small House grant application to the Lands Department (LandsD), which is currently being processed, and the concerned Building License is yet to be issued;
- (b) the Site is the subject of a previously approved application (No. A/NE-LYT/621) for proposed Small House development submitted by the applicant; and
- (c) the proposed development would not induce adverse environmental, traffic, drainage, sewerage and landscape impacts on the surroundings.

## **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 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. Previous Applications**

- 5.1 The Site is the subject of two previous applications (No. A/NE-LYT/457 and 621) submitted by the same applicant as the current application for proposed Small House development. Application No. A/NE-LYT/457 was approved with conditions by the Committee on 6.1.2012 (i.e. prior to the formal adoption of a more cautious approach by the Board in August 2015<sup>1</sup>) mainly on the considerations that the proposed Small House fell within the village ‘environs’ (‘VE’) of Ma Mei Ha and there was a general shortage of land within the “V” zone of Ma Mei Ha in meeting the demand for Small House development at the time of

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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.

the consideration; the proposed development was not incompatible with the surrounding land uses; and the proposed development would unlikely cause adverse impacts. The planning permission lapsed on 7.1.2016.

- 5.2 Application No. A/NE-LYT/621 was approved with conditions by the Committee on 7.4.2017 after the formal adoption of a more cautious approach by the Board mainly on sympathetic considerations that the Site was the subject of a previous approval for Small House development; the Site was in close proximity to the existing village proper of Ma Mei Ha; and there were approved Small House applications at different stages of development nearby. The validity of the planning permission has been extended once and subsequently lapsed on 8.4.2025. Compared with the previous applications, the major development parameters and footprint of the proposed Small House in the current application are generally the same.
- 5.3 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

## **6. Similar Applications**

- 6.1 There are 19 similar applications involving 11 sites falling within/partly falling within the same “AGR” zone in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000.
- 6.2 Among the 16 approved applications, eight of them (No. A/NE-LYT/453 to 456 and 458 to 461) were approved with conditions by the Committee in 2012 (i.e. prior to the formal adoption of a more cautious approach by the Board in August 2015) mainly on similar considerations as detailed in paragraph 5.1 above. Subsequently, eight applications (No. A/NE-LYT/617 to 620, 622 to 623 and 633 to 634), each involving a previous approval for the site, were approved with conditions by the Committee in 2017 mainly on similar sympathetic considerations as detailed in paragraph 5.2 above.
- 6.3 The remaining three applications (No. A/NE-LYT/756, 757 and 764), which were not subject to any previous approval for Small House development, were all rejected by the Committee in 2022, mainly on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone and there was no strong planning justification for the departure from the planning intention; and land was still available within the “V” zone of Ma Mei Ha for Small House development.
- 6.4 Other than the 19 similar applications as detailed above, two applications (No. A/NE-LYT/855 and 856) partly falling within the same “AGR” zone to the immediate east of the Site will be considered by the Committee at the same meeting.
- 6.5 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-2a**.

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

### 7.1 The Site is:

- (a) currently vacant, largely hard-paved and partly vegetated;
- (b) located to the west of village proper of Ma Mei Ha; and
- (c) without vehicular access.

7.2 The surrounding areas are of rural character comprising village houses/domestic structures, active/fallow farmlands, vacant lands and tree clusters or vegetated areas. To the immediate north and east are a cluster of Small House developments approved by the Committee. To the east and southeast across the local access are village houses within the “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**).

## 8. **Planning Intention**

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. **Comments from Relevant Government Departments**

9.1 The application has been assessed against the assessment criteria at **Appendix II**. The assessment is summarised in the following table:

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
1.	Within “V” zone?  - Footprint of the proposed Small House  - The Site	-  -	100%  100%	The footprint of the proposed Small House and the Site fall within the “AGR” zone.
2.	Within ‘VE’?  - Footprint of the proposed Small House  - The Site	100%  73%	-  27%	The District Lands Officer/North, LandsD (DLO/N, LandsD) advises that the footprint of the proposed Small House falls entirely within the ‘VE’ of Ma Mei Ha, while the Site falls largely within the ‘VE’ of Ma Mei Ha.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
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>2</sup> while the 10-year Small House demand forecast 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 (equivalent to about 51 Small House sites) ( <b>Plan A-2b</b> ).
4.	Compatible with the planning intention of “AGR” zone?		✓	The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural perspective as the Site possesses 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 Site can be used for agricultural activities such as greenhouses and plant nurseries.
5.	Compatible with surrounding area/development?	✓		The proposed development is not incompatible with the surrounding areas of rural character comprising village houses/domestic structures, active/fallow farmlands, vacant land and tree clusters or vegetated areas.
6.	Within Water Gathering Grounds (WGGs)?		✓	
7.	Environmental and sewerage impacts?		✓	The Director of Environmental Protection (DEP) has no in-principle objection to the application provided that the applicant will provide adequate sewer connection for disposal of sewage from the Small House to the existing public sewer at his own costs and reserve adequate land for the sewer connection work.

<sup>2</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, both have obtained valid planning approvals from the Board.

	<u><b>Criteria</b></u>	<u><b>Yes</b></u>	<u><b>No</b></u>	<u><b>Remarks</b></u>
8.	Encroachment onto planned road networks and public works boundaries?		✓	
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 application. The applicant is 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 application. She advises that the application only involves the construction of one Small House, and considers that the application can be tolerated on traffic grounds. Although additional traffic generated by the proposed development is not significant, the permission of development outside the "V" zone will however set an undesirable precedent case for similar application. The resulting cumulative adverse traffic impact has to be reviewed on a 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 application.
12.	Landscaping 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 and advises that significant adverse impact on existing landscape resources within the Site is not anticipated.
13.	Local objections conveyed by DO?		✓	

9.2 Comments from the following government departments have been incorporated in paragraph 9.1 above. Details of comments from government departments are at **Appendix V**.

- (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).

9.3 The following government departments have no objection to/no comment on the application:

- (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
- (d) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD).

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

On 1.8.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VII**). One comment from an individual objects to the application mainly on the grounds that there are still available land for Small House development within the “V” zone of Ma Mei Ha and the case should be considered as a fresh application. The remaining two comments from a member of North District Council and the Chairman of Lung Shan Area Committee indicate no comment on the application.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed Small House development at the Site zoned “AGR” on the OZP (**Plan A-2a**). The proposed development is not in line with the planning intention of the “AGR” zone. DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation.
- 11.2 The Site, which is currently vacant, largely hard-paved and partly vegetated, is located to the west of the village proper of Ma Mei Ha (**Plans A-2a and A-4**). The proposed development is not incompatible with the surrounding areas which are of rural character mainly comprising village houses/domestic structures, active/fallow farmlands, vacant land and tree clusters or vegetated areas (**Plan A-3**). CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective as significant adverse impact on the existing landscape resources within the Site is not anticipated. Other relevant government departments consulted, including C for T, DEP, CE/MN, DSD, D of FS and CE/E, WSD have no objection to or no adverse comment on the application.
- 11.3 Regarding the Interim Criteria (**Appendix II**), the footprint of the proposed Small House falls 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, the Site is the subject of two previously approved applications (No. A/NE-LYT/457 and 621) submitted by the same applicant for the proposed Small House development as detailed in paragraphs 5.1 and 5.2 above. Furthermore, the Small House grant application submitted by the current applicant has been approved by DLO/N, LandsD and the acceptance letter from the applicant is pending. In view of the above, sympathetic consideration could be given to the application.

- 11.4 There are 19 similar applications within/partly within the same "AGR" zone in the vicinity of the Site (**Plan A-2a**), eight of which were approved by the Committee in 2017 (i.e. after the Board's formal adoption of a more cautious approach) mainly on the sympathetic considerations as detailed in paragraph 6.2 above that, amongst others, the site is the subject of previous planning approval. Regarding the three rejected applications, they were all rejected by the Committee on the grounds as detailed in paragraph 6.3 above. The planning circumstances of the current application are generally similar to those of the approved applications. As such, approval of the current application is generally in line with the Committee's previous decisions.
- 11.5 Regarding the public comments as detailed in paragraph 10 above, the government departments' comments and planning assessments above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission 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 at **Appendix VI**.
- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
- (a) the proposed development is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain



fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; 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 development within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 Alternatively, 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. Attachments**

<b>Appendix I</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>	Previous Applications
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Government Departments’ General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<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 Photos