

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/858

<u>Applicant</u>	:	Mr. PANG Hau Tung represented by Mr. HUI Kwan Yee
<u>Site</u>	:	Lot 691 S.B in D.D. 83, Kwan Tei Village, Fanling, New Territories
<u>Site Area</u>	:	About 129m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19
<u>Zonings</u>	:	(i) “Agriculture” (“AGR”) (about 80%) (ii) “Village Type Development” (“V”) (about 20%)
<u>Application</u>	:	Proposed House (New Territories Exempted House (NTEH) – Small House)

1. The Proposal

1.1 The applicant, who claims himself as an indigenous villager of Fanling Village, Fanling Heung, seeks planning permission to build a NTEH (Small House) at the application site (the Site) falling within an area mainly zoned “AGR” (about 80%) and partly zoned “V” (about 20%) on the OZP (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘House (NTEH only)’ is a Column 1 use always permitted within the “V” zone, while ‘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 and hard-paved (**Plan A-4**).

1.2 Details of the proposed Small House are as follows:

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

- 1.3 The layout of the proposed Small House (including septic tank) is shown in **Drawing A-1**.
- 1.4 The Site is the subject of two previously approved applications for proposed Small House development. The last previous application (No. A/NE-LYT/632) submitted by the same applicant as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 8.9.2017 (**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 the following documents.
- (a) Application Form with Attachments received on 31.7.2025 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 7.8.2025 (**Appendix Ia**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and SI at **Appendices I** and **Ia**, 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 Licence is yet to be issued;
- (b) the Site is the subject of a previously approved application (No. A/NE-LYT/632) for proposed Small House development submitted by the applicant. The validity of the planning permission has been extended once but lapsed recently. Since the planning permission cannot be further extended, a fresh planning application is required; 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/510 and 632) for proposed Small House development. Application No. A/NE-LYT/510 was

approved with conditions by the Committee on 5.7.2013 (i.e. prior to the formal adoption of a more cautious approach by the Board in August 2015¹) mainly on the considerations that the footprint of the proposed Small House fell entirely within the village ‘environs’ (‘VE’) of Kwai Tei and there was a general shortage of land within the “V” zone of Kwan Tei in meeting the Small House demand; the proposed development was not incompatible with the surrounding land uses; the proposed Small House development would unlikely cause adverse impacts; and there were similar approved applications in the vicinity. The planning permission of this application lapsed on 6.7.2017.

- 5.2 The last previous application (No. A/NE-LYT/632) submitted by the same applicant as the current application was approved with conditions by the Committee on 8.9.2017 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 Kwai Tei; and there were approved Small House applications at different stages of development nearby. The validity of the planning permission has been extended but subsequently lapsed on 9.9.2025. Compared with the last approved application, the major development parameters and footprint of the proposed Small House in the current application generally remain unchanged.
- 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 were 22 similar applications involving 15 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 20 approved applications, seven of them (applications No. A/NE-LYT/288, 390, 499, 517, 527, 553 and 563) were approved with conditions by the Committee between 2004 and 2015 (i.e. prior to the formal adoption of a more cautious approach by the Board in August 2015) mainly on the similar consideration as detailed in paragraph 5.1 above. Since then, 13 applications (No. A/NE-LYT/587, 588, 599, 603, 682, 721, 722, 732, 790, 791, 809, 832, 844) were approved by the Committee, with or without conditions, between 2016 and 2025, mainly on sympathetic consideration that the application site was the subject of previous approval; and/or there were approved Small House applications at different stages of development nearby.
- 6.3 For the remaining two applications (No. A/NE-LYT/399 and 400), they were both rejected by the Committee in 2009 mainly on the ground of being not complying with the Interim Criteria in that the application site entirely/largely fell outside the ‘VE’ and “V” zone of Kwan Tei.
- 6.4 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-2a**.

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

7.1 The Site is:

- (a) currently vacant and hard-paved; and
- (b) located at the southern fringe of the village proper of Kwan Tei, and sandwiched between existing village houses to the immediate north and south respectively.

7.2 The surrounding areas are of rural character comprising village houses/domestic structures, active/fallow farmlands, vacant land and tree groups or vegetated areas. To the north and east are Small House developments approved by LandsD.

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:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone? - Footprint of the proposed Small House - The Site	9% 20%	91% 80%	The footprint of the proposed Small House and the Site fall largely within the “AGR” zone and partly within the “V” zone.
2.	Within ‘VE’? - Footprint of the proposed Small House - The Site	100% 100%	- -	The District Lands Officer/North, LandsD (DLO/N, LandsD) advises that the Site and the footprint of the proposed Small House fall entirely within the ‘VE’ of Kwan Tei.
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 Kwan Tei: about 3.7ha (equivalent to 148 Small House sites). The outstanding Small House applications for Kwan Tei is

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		38 ² while the 10-year Small House demand is 110. <u>Land Available</u> - Land available to meet the Small House demand within the “V” zone of Kwan Tei: about 2.47ha (equivalent to about 98 Small House sites) (Plan A-2b).
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?		✓	
7.	Environmental and sewerage impacts?		✓	The Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution.
8.	Encroachment onto planned road networks and public works boundaries?		✓	

² Among the 38 outstanding Small House applications, 24 fall within the “V” zone, and 14 partly fall within or fall outside the “V” zone. For those 14 applications partly falling within or falling outside the “V” zone, 6 of them have obtained valid planning approvals from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</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 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 12.8.2025, the application was published for public inspection. During the statutory public inspection period, two public comments from a member of North District Council and the Chairman of Lung Shan Area Committee were received indicating no comment on the application (**Appendix VII**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed Small House development at the Site mainly zoned “AGR” (about 80%) and partly zoned “V” (about 20%) on the OZP (**Plan A-2a**). Whilst the proposed development is always permitted within the “V” zone, it is not in line with the planning intention of the “AGR” zone. DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation.
- 11.2 The Site, which is vacant and hard-paved, is located at the southern fringe of the village proper of Kwan Tei and sandwiched between existing village houses to immediate north and south respectively (**Plans A-2a** and **A-4**). The proposed development is not incompatible with the surrounding areas 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/C, 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 Kwai Tei (**Plan A-2a**). According to DLO/N, LandsD, the number of outstanding Small House applications for Kwai Tei is 38 while the 10-year Small House demand forecast is 110. Based on PlanD’s latest estimate, about 2.47ha (equivalent to about 98 Small House sites) is available within the “V” zone concerned (**Plan A-2b**). While the amount of

land available within the “V” zone of Kwai Tei 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 for proposed Small House development as detailed in paragraph 5 above. The planning permission for the last approved application submitted by the same applicant lapsed recently on 9.9.2025. As advised by DLO/N, LandsD, the relevant Small House grant application for the Site submitted by the current applicant is still being processed. In view of the above, sympathetic consideration could be given to the application.

- 11.4 There are 22 similar applications within/partly within the same “AGR” zone in the vicinity of the Site (**Plan A-2a**), 13 of which were approved after the Board’s formal adoption of a more cautious approach mainly on the sympathetic considerations as detailed in paragraph 6.2 above. The planning circumstances of the current application are similar to those of the approved similar applications. Regarding the two rejected applications, both were rejected by the Committee on the grounds as detailed in paragraph 6.3 above. The planning circumstances of the current application are different from those of the rejected applications which were not complying with the Interim Criteria in that the site fell entirely/largely outside the ‘VE’ and “V” zone. As such, approval of the current application is generally in line with the Committee’s previous decisions.

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 Kwai Tei 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

Appendix I	Application Form with Attachments received on 31.7.2025
Appendix Ia	SI received on 7.8.2025
Appendix II	Relevant Extracts of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments’ General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
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 of Kwai Tei
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**