

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

**APPLICATION NO. A/YL-TT/730**

- Applicant** : Mr. NG Michael Waikeong represented by R-riches Planning Limited
- Site** : Lot 2069 S.B in D.D.119, Muk Kiu Tau Tsuen, Tai Tong, Yuen Long, New Territories
- Site Area** : About 110.3 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zonings** : “Village Type Development” (“V”) (about 29.8%)  
*[Restricted to a maximum building height of 3 storeys (8.23m) except for those developments/uses specified in the Notes]*  
  
“Agriculture” (“AGR”) (about 70.2%)
- 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 Nam Pin Wai<sup>1</sup>, seeks planning permission to build a NTEH (Small House) at the application site (the Site) falling within an area partly zoned “V” (about 29.8%) and partly zoned “AGR” (about 70.2%) on the OZP (**Plans A-1 and A-2a**). According to the Notes of the OZP, whilst ‘House (NTEH only)’ is always permitted within “V” zone, ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ within the “AGR” zone requires planning permission from the Town Planning Board (the Board). The Site is currently fenced-off, vacant and covered with vegetation.

1.2 Details of the proposed Small House are as follows:

Total Floor Area	:	187.2 m <sup>2</sup>
Number of Storeys	:	3
Building Height	:	8.23m
Roofed Over Area	:	62.4 m <sup>2</sup>

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<sup>1</sup> As advised by the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD), the eligibility of the applicant for Small House concessionary grant is yet to be ascertained.

- 1.3 According to the applicant, over 50% of footprint of the proposed Small House falls within the “V” zone. No parking and loading/unloading spaces, nor direct vehicular access will be provided at the Site. Plan showing the site layout as submitted by the applicant is at **Drawing A-1**.
- 1.4 The Site is the subject of a previously approved application (No. A/YL-TT/390) (**Plan A-1**) submitted by the same applicant as the current application for the same use with the same layout, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 28.10.2016. Compared with the previous application, the development parameters and the footprint of the current proposed Small House remain unchanged. Details of the previous application are set out in paragraph 5.3 below.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 19.8.2025 (**Appendix I**)
  - (b) Supplementary Information (SI) received on 22.8.2025 (**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) about 51% footprint of the proposed use falls within the “V” zone near Muk Kiu Tau Tsuen. According to the latest ‘Interim Criteria for Consideration of Application for NTEH/Small House’, favourable consideration could be given to the applicant provided that there is a shortage of land meeting in demand for Small House development in the “V” zone and other criteria could be satisfied;
- (b) the proposed structure is low-rise and not incompatible with the surrounding areas. Approval of the planning application would better utilise the precious land resources in the New Territories;
- (c) the Site is the subject of a previously approved application No. A/YL-TT/390 submitted by the same applicant. However, the applicant did not manage to apply for an extension of time for commencement of development for the approved application. The previous planning permission was subsequently lapsed. As a valid planning permission is required for further processing of the NTEH – Small House application, the applicant submitted the current planning application; and
- (d) the site layout and major development parameters under the current application remain unchanged as compared to the approved application.

### 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, which was revised on 7.9.2007, is at **Appendix II**.

### 5. **Previous Applications**

- 5.1 The Site is the subject of two previous applications (No. A/YL-TT/382 and 390) for the same use (both were considered after the formal adoption of a more cautious approach by the Board in August 2015).

#### *Rejected Application*

- 5.2 Application No. A/YL-TT/382 submitted by the same applicant for the same use was rejected by the Committee on 15.7.2016 mainly on the grounds of there was no strong planning justification to support a departure from the planning intention of the “AGR” zone; non-compliance with the Interim Criteria in that more than 50% of the proposed Small House footprint fell outside “V” zone; and land was still available within the “V” zone of Muk Kiu Tau Tsuen.

#### *Approved Application*

- 5.3 Application No. A/YL-TT/390 submitted by the same applicant for the same use was approved by the Committee on 28.10.2016 mainly on favourable considerations that the proposed development was in line with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell within the “V” zone; although land was still available within the “V” zone of the concerned villages to meet the outstanding Small House applications, favourable consideration could be given to the application taking account of land use compatibility, compliance with the Interim Criteria and being adjacent to the existing village cluster. The planning permission of this application lapsed on 28.10.2020.
- 5.4 Details of these previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

### 6. **Similar Application**

There was one similar application No. A/YL-TT/213 for NTEH (Small House) development straddling the same “V” and “AGR” zones in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000 which was approved with conditions by the Committee in 2007 (i.e. prior to the formal adoption of a more

cautious approach by the Board in August 2015) mainly on the considerations that the application complied with the Interim Criteria in that more than 50% of the proposed Small House footprint fell within the “V” zone; not incompatible with the surrounding areas; and no local objection received. Details of the similar application are summarised at **Appendix IV** and its location is 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 fenced-off, vacant and covered with vegetation;
- (b) located at the eastern fringe of Muk Kiu Tau Tsuen; and
- (c) accessible via a local footpath connecting to Kung Um Road.

7.2 The surrounding areas are predominantly rural in character comprising village houses, farmland, public utility installation (solar photovoltaic system) covered with valid planning permission under application No. A/YL-TT/636 and unused land.

## 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	✓ (about 50.5%)		- The remaining portion of the proposed Small House footprint falls within the “AGR” zone (i.e. about 49.5%)
	- The Site	✓ (about 29.8%)		- The remaining portion of the Site falls within the “AGR” zone (i.e. about 70.2%)

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
2.	<p>Within ‘VE’?</p> <ul style="list-style-type: none"> <li>- Footprint of the proposed Small House</li> <li>- The Site</li> </ul>		-	<ul style="list-style-type: none"> <li>- According to the District Lands Officer/Yuen Long, Lands Departments (DLO/YL, LandsD), Muk Kiu Tau Tsuen is one of the recognized villages in Yuen Long, yet the ‘VE’ boundary of Muk Kiu Tau Tsuen has not yet been drawn up.</li> </ul>
3.	<p>Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?</p>		✓	<p><u>Land Required</u></p> <ul style="list-style-type: none"> <li>- Land required to meet Small House demand in Muk Kiu Tau Tsuen: about 5.9 ha (equivalent to 236 Small House sites). The number of outstanding Small House applications of Muk Kiu Tau Tsuen is 33 while the 10-year Small House demand forecast Muk Kiu Tau Tsuen is 203.</li> </ul> <p><u>Land Available</u></p> <ul style="list-style-type: none"> <li>- Land available to meet Small House demand within the “V” zone covering Muk Kiu Tau Tsuen: about 3.79 ha (equivalent to about 151 Small House sites) (<b>Plan A-2b</b>).</li> </ul>
	<p>Sufficient land in “V” zone to meet outstanding Small House application?</p>	✓		
4.	<p>Compatible with the planning intention of “AGR” zone?</p>		✓	<ul style="list-style-type: none"> <li>- The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application as agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site possesses potential for agricultural rehabilitation.</li> </ul>
5.	<p>Compatible with surrounding area/ development?</p>	✓		<ul style="list-style-type: none"> <li>- The proposed development is not incompatible with the surrounding areas of rural characters comprising village houses, farmland and unused</li> </ul>

	<b><u>Criteria</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Remarks</u></b>
				land.
6.	Within water gathering grounds?		✓	
7.	Environmental and Sewerage impacts?		✓	- The Director of Environmental Protection (DEP) has no in-principle objection to the application.
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	Need for provision of fire services 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 'NTEH – A Guide to Fire Safety Requirements' published by the 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. 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 in-principle objection to the application.
12.	Landscaping impact?		✓	- The Chief Town Planner/Urban Design and Landscape, Planning Department

	<u><b>Criteria</b></u>	<u><b>Yes</b></u>	<u><b>No</b></u>	<u><b>Remarks</b></u>
				(CTP/UD&L, PlanD) has no adverse comment on the application from the landscape planning perspective since no significant adverse impact arising from the proposed development is anticipated.
13.	Geotechnical impact?		✓	- Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) has no adverse geotechnical comment on the application.
14.	Local objections conveyed by DO?		✓	

9.2 Comments from the following government departments have been incorporated in paragraph 9.1 above. Other detailed comments and recommended advisory clauses are provided at **Appendices V** and **VI** respectively.

- (a) DLO/YL, LandsD;
- (b) C for T;
- (c) DAFC;
- (d) DEP;
- (e) CE/MN, DSD;
- (f) CTP/UD&L, PlanD;
- (g) D of FS;
- (h) H(GEO), CEDD; and
- (i) DO(YL), HAD.

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

- (a) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTE, HyD);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Project Manager (North), CEDD (PM(N), CEDD) and
- (e) Commissioner of Police.

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

On 26.8.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix VII**) expressing view that there was no record of extension for the approved planning application No. A/YL-TT/390 and the current application should be considered as a fresh application.

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

- 11.1 The application is for proposed Small House development at the Site straddling the subject “V” zone (about 29.8%) and “AGR” (about 70.2%) zone on the OZP. Whilst ‘House (NTEH only)’ 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 is located at the eastern fringe of Muk Kiu Tau Tsuen and is adjoining the existing village cluster (**Plan A-1**). The proposed Small House is not incompatible with the surrounding areas of rural characters comprising village houses, farmland and unused land. CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective as no significant adverse impact arising from the proposed development is anticipated. Other concerned government departments consulted including C for T, CE/MN, DSD, DEP, D of FS and CE/C, WSD have no objection to or no adverse comment on the application.
- 11.3 The applicant claimed to be an indigenous villager of Nam Pin Wai and over 50% of the footprint of the proposed Small House falls within the “V” zone of Muk Kiu Tau Tsuen. Regarding the Interim Criteria (**Appendix II**), according to DLO/YL, LandsD’s records, the total number of outstanding Small House applications for Muk Kiu Tau Tsuen is 33 while the 10-year Small House demand forecast is 230. Based on PlanD’s latest estimate, about 3.79 ha of land (or equivalent to about 151 Small House sites) is available within the “V” zone concerned (**Plan A-2b**). While the amount of land available within the “V” zone of Muk Kiu Tau Tsuen 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 as provided by LandsD. Nevertheless, the Site is the subject of a previously approved application submitted by the same applicant for the same proposed use lapsed in 2020. As advised by DLO/YL, LandsD, the relevant Small House grant application for the Site is still being processed and is already at an advance stage. In this regard, while the application is considered on its own merit, sympathetic consideration may be given.



- 11.4 There is a similar approved application for Small House development in the vicinity straddling the subject “V” and “AGR” zones as detailed in paragraph 6 above. The planning circumstances of the current application are similar to the approved similar application in that more than 50% of the proposed Small House footprint fell within “V” zone and it was not incompatible with the surrounding areas. As such, approval of the current application is generally in line with the Committee’s previous decision.
- 11.5 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 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 comment as mentioned in paragraph 10, the Planning Department 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 10.10.2029, 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 is suggested for Members’ reference:
- (a) the proposed development is not in line with the planning intention of the “Agriculture” 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 “Village Type Development” (“V”) zone of Muk Kiu Tau Tsuen 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 the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s) 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 19.8.2025
<b>Appendix Ia</b>	SI received on 22.8.2025
<b>Appendix II</b>	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar Application
<b>Appendix V</b>	Detailed Comments from Relevant Government Departments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Proposed 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 subject "V" Zone
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2025**