

RNTPC Paper No. A/NE-LYT/850
For Consideration by the
Rural and New Town
Planning Committee
on 18.7.2025

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

APPLICATION NO. A/NE-LYT/850

- Applicant** : Mr. TANG Wing Fai represented by Mr. HUI Kwan Yee
- Site** : Lots 917 RP and 919 in D.D. 46, Ma Mei Ha, Fanling, New Territories
- Site Area** : About 148.14m²
- 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
- Zonings** : (i) “Green Belt” (“GB”) (about 62%); and
(ii) “Village Type Development” (“V”) (about 38%)
- Application** : Proposed House (New Territories Exempted House (NTEH) – Small House)

1. The Proposal

- 1.1 The applicant, who claims himself as an indigenous villager¹, seeks planning permission to build a NTEH (Small House) at the application site (the Site) in Ma Mei Ha, Fanling, falling within an area mainly zoned “GB” (about 62%) and partly zoned “V” (about 38%) on the OZP (**Plans A-1 and A-2a**). According to the Notes of the OZP, ‘House (NTEH only)’ is a Column 1 use always permitted within the “V” zone, while ‘House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ is a Column 2 use within “GB” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently largely covered with grass, partly hard-paved and traversed by a footpath (**Plan A-4**).

¹ As advised by the District Lands Officer/North, Lands Department (DLO/N, LandsD), the applicant claimed himself as an indigenous villager of Ma Mei Ha, Fanling Heung. His eligibility for Small House grant is yet to be ascertained at this stage.

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 In support of the application, the applicant has submitted an Application Form with attachment received on 28.5.2025 (**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 LandsD. As part of the Site falls outside the “V” zone, planning permission is required for the proposed Small House development;
- (b) there are existing village houses in the vicinity of the Site. The applicant does not possess other available land for the Small House development within Ma Mei Ha Village;
- (c) the Site, which has been left vacant and is currently covered by grass, is not suitable for agricultural purpose. The proposed Small House development at the Site could fully utilise the vacant land resource; and
- (d) should the application be approved, the applicant will comply with all the approval conditions imposed. The proposed Small House development would not induce adverse environmental, traffic, drainage 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. 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 this application. The relevant assessment criteria are at **Appendix III**.

6. Previous Application

There is no previous application at the Site.

7. Similar Applications

- 7.1 There were 13 similar applications involving seven sites for proposed Small House development within or straddling the same “GB” zone in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000.
- 7.2 Among the 11 approved applications, six of them (No. A/NE-LYT/224, 453 and 458 to 461²) were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2001 and 2012 (i.e. prior to the formal adoption of a more cautious approach by the Board in August 2015³), mainly on the considerations that the application generally met the Interim Criteria in that more than 50% of the footprints of the proposed Small Houses fell within the village ‘environs’ (‘VE’) of Ma Mei Ha and there was a general shortage of land in meeting the demand for Small House development at the time of consideration. Subsequently, five applications (No. A/NE-LYT/617, 622, 623, 633 and 634) were approved with conditions by the Committee in April and September 2017 respectively, mainly on sympathetic considerations that the site was the subject of previous approval for Small House development; and there were Small House applications approved in the vicinity at different stages of development nearby forming new village clusters in the locality.
- 7.3 For the remaining two applications (No. A/NE-LYT/559 and 713) involving the same site entirely fell within the “GB” zone, both were rejected by the Committee in 2015 and 2019 respectively, mainly on the grounds that the proposed development was not in line with the planning intention of the “GB” zone; and 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 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-2a**.

² For applications No. A/NE-LYT/453 and 458 to 461, only a portion of the sites fell within the “GB” zone (ranging 3% to 20% of the site areas), while the majority part of the sites fell within the adjoining “AGR” zone (**Plan A-2a**).

³ 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.

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

8.1 The Site is:

- (a) currently largely covered with grass, partly hard-paved and traversed by a footpath;
- (b) located to the west of the village proper of Ma Mei Ha; and
- (c) accessible from Sha Tau Kok Road – Ma Mei Ha via a local access.

8.2 The surrounding areas are of rural character predominated by village houses/domestic structures, parking of vehicles, active/fallow farmlands, vegetated areas and tree clusters. To the immediate south is an existing village house with previous approval granted by the Committee in 2001. To the north, west and further south are mainly vegetated areas with tree clusters and marsh.

9. Planning Intentions

9.1 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.

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.

10. Comments from Relevant Government Departments

10.1 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	42% 38%	58% 62%	Less than 50% of the Site and footprint of the proposed Small House and the Site fall within the “V” zone.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
2.	<p>Within 'VE'?</p> <ul style="list-style-type: none"> - Footprint of the proposed Small House - The Site 	<p>100%</p> <p>100%</p>	-	<p>DLO/N, LandsD advises that the Site and the footprint of the proposed Small House fall entirely within the 'VE' of Ma Mei Ha.</p>
3.	<p>Sufficient land in "V" zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?</p> <p>Sufficient land in "V" zone to meet outstanding Small House applications?</p>	✓	✓	<p><u>Land Required</u></p> <ul style="list-style-type: none"> - 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 15⁴ while the 10-year Small House demand is 162. <p><u>Land Available</u></p> <ul style="list-style-type: none"> - 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) (Plan A-2b).
4.	<p>Compatible with the planning intention of "GB" zone?</p>		✓	<ul style="list-style-type: none"> - There is a general presumption against development within the "GB" zone. - The Director of Agriculture, Fisheries and Conservation (DAFC) has no comment on the application from nature conservation perspective.
5.	<p>Compatible with surrounding area/development?</p>	✓		<p>The proposed development is not incompatible with the surrounding areas which are of rural character predominated by village houses/domestic structures, active/fallow farmlands, vegetated areas, tree clusters and marsh.</p>
6.	<p>Within Water Gathering Grounds (WGGs)?</p>		✓	<p>The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application.</p>

⁴ Among the 15 outstanding Small House applications, 13 fall within the "V" zone, and two fall outside the "V" zone. For those two applications straddling or falling outside the "V" zone, all of them have obtained valid planning approvals from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
7.	Environmental and sewerage impact?		✓	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?		✓	
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) advises that Small House developments should be confined within the "V" zone as far as possible. Though additional traffic generated by the proposed development is not expected to be significant, such type of development outside the "V" zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding the above, the application only involves the development of one Small House and could be tolerated.
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) considers that approval of the application for the proposed Small House development at the Site partly zoned "GB" may alter the landscape character of the "GB" zone.
13.	Local objections conveyed by DO?		✓	

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 V**.

- (a) DLO/N, LandsD;
- (b) DAFC;
- (c) C for T;
- (d) DEP;
- (e) CE/MN, DSD;
- (f) D of FS;
- (g) CE/C of WSD; and
- (h) CTP/UD&L, PlanD.

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

- (a) District Officer (North), Home Affairs Department (DO(N), HAD);
- (b) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD).

11. Public Comments Received During Statutory Publication Period

On 6.6.2025, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix VII**). Two comments from the Kadoorie Farm & Botanic Garden Cooperation and an individual object to the application mainly on the grounds that the proposed development is not in line with the planning intention of the “GB” zone; land is still available within the “V” zone of Ma Mei Ha; and/or sympathetic consideration should not be given to the application as the Site is not subject of previous approval for Small House development. 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.

12. Planning Considerations and Assessments

12.1 The application is for proposed Small House development at the Site falling within the area mainly zoned “GB” (about 62%) and partly zoned “V” (about 38%) on the OZP (**Plan A-2a**). Whilst the proposed development is always permitted within “V” zone, it is not in line with the planning intention of the “GB” zone, which 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. There is no strong justification in the submission for a departure from the planning intention of this zone.

12.2 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. As such, 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.

- 12.3 The Site, which is located to the west of the village proper of Ma Mei Ha, is currently largely covered with grass, partly hard-paved and traversed by a footpath (**Plans A-2 and A-4**). Except the existing village house with planning approval to its immediate south, the Site is generally bounded by vacant land covered with grass. To its further north and south, tree clusters and marsh are found respectively (**Plans A-3 and A-4**). DAFC has no comment on the application from nature conservation perspective, while CTP/UD&L, PlanD considers that the approval of the current application for the proposed Small House development at Site partly zoned "GB" may alter the landscape character of the "GB" zone. C for T considers that while Small House developments should be confined within the "V" zone as far as possible, the application could be tolerated from traffic impact perspective given that it involves one Small House only. 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.
- 12.4 There are 13 similar applications for Small House developments within or straddling the same "GB" zone in the vicinity of the Site (**Plan A-2a**). Among them, six applications were approved with conditions prior to the formal adopting a more cautious approach by the Board, while five applications involving sites with previous approvals for Small House developments were approved by the Committee in 2017 mainly on sympathetic considerations as detailed in paragraph 7.2 above. The planning circumstances of the current application are different from those of the approved applications. Besides, the remaining two similar applications covering the same site located to the immediate southwest of the Site were rejected by the Committee mainly on the grounds that the proposed development was not in line with the planning intention of the "GB" zone; and land was still available within the "V" zone of Ma Mei Ha for Small House development. The planning considerations of the current application are similar to those of these rejected applications. Rejecting the current application is generally in line with the Committee's previous decisions.
- 12.5 Regarding the public comments on the application, government departments' 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 comments in paragraph 11 above, the Planning Department does not support the application for the following reasons:

- (a) the proposed development is not in line with the planning intention of the “GB” zone which 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. 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.

13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 18.7.2029, 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 at **Appendix VI**.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 Attachments received on 28.5.2025
Appendix II	Relevant Extracts of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	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)
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 Ma Mei Ha
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2025**

2025年 5月 28日

此文件在 2025年 5月 28日 收到。城市規劃委員會
只會在收到所有必要的資料及文件後才正式確認收到
申請的日期。

Form No. S16-II
表格第 S16-II 號

This document is received on 28 MAY 2025
The Town Planning Board will formally acknowledge
the date of receipt of the application only upon receipt
of all the required information and documents.

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF
THE TOWN PLANNING ORDINANCE
(CAP. 131)**

根據《城市規劃條例》(第131章)
第16條遞交的許可申請

**Applicable to Proposal Only Involving Construction of
“New Territories Exempted House(s)”**

適用於只涉及興建「新界豁免管制屋宇」的建議

Applicant who would like to publish the notice of application in local newspapers to meet one of the Town Planning Board's requirements of taking reasonable steps to obtain consent of or give notification to the current land owner, please refer to the following link regarding publishing the notice in the designated newspapers:
https://www.tpb.gov.hk/en/plan_application/apply.html

申請人如欲在本地報章刊登申請通知，以採取城市規劃委員會就取得現行土地擁有人的同意或通知現行土地擁有人所指定的其中一項合理步驟，請瀏覽以下網址有關在指定的報章刊登通知：
https://www.tpb.gov.hk/tc/plan_application/apply.html

General Note and Annotation for the Form
填寫表格的一般指引及註解

“Current land owner” means any person whose name is registered in the Land Registry as that of an owner of the land to which the application relates, as at 6 weeks before the application is made
「現行土地擁有人」指在提出申請前六星期，其姓名或名稱已在土地註冊處註冊為該申請所關乎的土地的擁有人的人

& Please attach documentary proof 請夾附證明文件

^ Please insert number where appropriate 請在適當地方註明編號

Please fill “NA” for inapplicable item 請在不適用的項目填寫「不適用」

Please use separate sheets if the space provided is insufficient 如所提供的空間不足，請另頁說明

Please insert a 「✓」 at the appropriate box 請在適當的方格內上加上「✓」號

For Official Use Only 請勿填寫此欄	Application No. 申請編號	A / NE - LYT / 850
	Date Received 收到日期	28 MAY 2025

- The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board (the Board), 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.
申請人須把填妥的申請表格及其他支持申請的文件 (倘有), 送交香港北角渣華道 333 號北角政府合署 15 樓城市規劃委員會(下稱「委員會」)秘書收。
- Please read the "Guidance Notes" carefully before you fill in this form. The document can be downloaded from the Board's website at <http://www.tpb.gov.hk/>. It can also be obtained from the Secretariat of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4810 or 2231 4835), and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories).
請先細閱《申請須知》的資料單張, 然後填寫此表格。該份文件可從委員會的網頁下載 (網址: <http://www.tpb.gov.hk/>), 亦可向委員會秘書處 (香港北角渣華道 333 號北角政府合署 15 樓 - 電話: 2231 4810 或 2231 4835) 及規劃署的規劃資料查詢處(熱線: 2231 5000) (香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輦路 1 號沙田政府合署 14 樓)索取。
- This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters. The processing of the application may be refused if the required information or the required copies are incomplete.
此表格可從委員會的網頁下載, 亦可向委員會秘書處及規劃署的規劃資料查詢處索取。申請人須以打印方式或以正楷填寫表格。如果申請人所提交的資料或文件副本不齊全, 委員會可拒絕處理有關申請。

1. Name of Applicant 申請人姓名/名稱

(Mr. 先生 / Mrs. 夫人 / Miss 小姐 / Ms. 女士 / Company 公司 / Organisation 機構)

鄧永輝 Tang Wing Fai

2. Name of Authorised Agent (if applicable) 獲授權代理人姓名/名稱 (如適用)

(Mr. 先生 / Mrs. 夫人 / Miss 小姐 / Ms. 女士 / Company 公司 / Organisation 機構)

許軍兒 Hui Kwan Yee

3. Application Site 申請地點

(a) Full address / location / demarcation district and lot number (if applicable) 詳細地址/地點/丈量約份及地段號碼 (如適用)	D.D.46 Lot Nos.917RP,919 in Ma Mei Ha, Fanling Heung,N.T.
(b) Site area and/or gross floor area involved 涉及的地盤面積及/或總樓面面積	<input checked="" type="checkbox"/> Site area 地盤面積 148.14 sq.m 平方米 <input type="checkbox"/> About 約 <input checked="" type="checkbox"/> Gross floor area 總樓面面積 195.09 sq.m 平方米 <input type="checkbox"/> About 約
(c) Area of Government land included (if any) 所包括的政府土地面積 (倘有) sq.m 平方米 <input type="checkbox"/> About 約

(d) Name and number of the related statutory plan(s) 有關法定圖則的名稱及編號	S/NE-LYT/19 龍躍頭及軍地南分區計劃大綱圖。
(e) Land use zone(s) involved 涉及的土地用途地帶	GB & V
(f) Current use(s) 現時用途	Vacant Land (If there are any Government, institution or community facilities, please illustrate on plan and specify the use and gross floor area) (如有任何政府、機構或社區設施，請在圖則上顯示，並註明用途及總樓面面積)

4. “Current Land Owner” of Application Site 申請地點的「現行土地擁有人」

The applicant 申請人 –

- is the sole “current land owner”^{#&} (please proceed to Part 6 and attach documentary proof of ownership).
是唯一的「現行土地擁有人」^{#&} (請繼續填寫第 6 部分，並夾附業權證明文件)。
- is one of the “current land owners”^{#&} (please attach documentary proof of ownership).
是其中一名「現行土地擁有人」^{#&} (請夾附業權證明文件)。
- is not a “current land owner”[#].
並不是「現行土地擁有人」[#]。
- The application site is entirely on Government land (please proceed to Part 6).
申請地點完全位於政府土地上 (請繼續填寫第 6 部分)。

5. Statement on Owner's Consent/Notification 就土地擁有人的同意/通知土地擁有人的陳述

- (a) According to the record(s) of the Land Registry as at (DD/MM/YYYY), this application involves a total of “current land owner(s)”[#].
根據土地註冊處截至 年 月 日的記錄，這宗申請共牽涉 名「現行土地擁有人」[#]。

(b) The applicant 申請人 –

- has obtained consent(s) of “current land owner(s)”[#].
已取得 名「現行土地擁有人」[#]的同意。

Details of consent of “current land owner(s)” [#] obtained 取得「現行土地擁有人」 [#] 同意的詳情		
No. of ‘Current Land Owner(s)’ 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where consent(s) has/have been obtained 根據土地註冊處記錄已獲得同意的地段號碼/處所地址	Date of consent obtained (DD/MM/YYYY) 取得同意的日期 (日/月/年)

(Please use separate sheets if the space of any box above is insufficient. 如上列任何方格的空間不足，請另頁說明)

- has notified “current land owner(s)”#
已通知 名「現行土地擁有人」#。

Details of the “current land owner(s)”# notified 已獲通知「現行土地擁有人」#的詳細資料		
No. of ‘Current Land Owner(s)’ 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where notification(s) has/have been given 根據土地註冊處記錄已發出通知的地段號碼／處所地址	Date of notification given (DD/MM/YYYY) 通知日期(日/月/年)

(Please use separate sheets if the space of any box above is insufficient. 如上列任何方格的空間不足，請另頁說明)

- has taken reasonable steps to obtain consent of or give notification to owner(s):
已採取合理步驟以取得土地擁有人的同意或向該人發給通知。詳情如下：

Reasonable Steps to Obtain Consent of Owner(s) 取得土地擁有人的同意所採取的合理步驟

- sent request for consent to the “current land owner(s)” on _____ (DD/MM/YYYY)#&
於 _____ (日/月/年)向每一名「現行土地擁有人」#郵遞要求同意書&

Reasonable Steps to Give Notification to Owner(s) 向土地擁有人發出通知所採取的合理步驟

- published notices in local newspapers on _____ (DD/MM/YYYY)&
於 _____ (日/月/年)在指定報章就申請刊登一次通知&
- posted notice in a prominent position on or near application site/premises on _____ (DD/MM/YYYY)&
於 _____ (日/月/年)在申請地點／申請處所或附近的顯明位置貼出關於該申請的通知&
- sent notice to relevant owners’ corporation(s)/owners’ committee(s)/mutual aid committee(s)/management office(s) or rural committee on _____ (DD/MM/YYYY)&
於 _____ (日/月/年)把通知寄往相關的業主立法法團/業主委員會/互助委員會或管理處，或有關的鄉事委員會&

Others 其他

- others (please specify)
其他（請指明）
- _____
- _____
- _____
- _____

Note: May insert more than one 「✓」.

Information should be provided on the basis of each and every lot (if applicable) and premises (if any) in respect of the application.

註：可在多於一個方格內加上「✓」號

申請人須就申請涉及的每一地段（倘適用）及處所（倘有）分別提供資料

6. Development Proposal 擬議發展計劃			
(a) Name(s) of indigenous villager(s) (if applicable) 原居民姓名 (如適用)	鄧永輝 Tang Wing Fai		
(b) 原居民所屬的原居鄉村 (如適用) The related indigenous village of the indigenous villager(s) (if applicable)	粉嶺馬尾下		
(c) Proposed gross floor area 擬議總樓面面積	195.09 sq.m 平方米 <input type="checkbox"/> About 約		
(d) Proposed number of house(s) 擬議房屋幢數	1	Proposed number of storeys of each house 每幢房屋的擬議層數	3
(e) Proposed roofed over area of each house 每幢房屋的擬議上蓋面積	65.03 sq.m 平方米	Proposed building height of each house 每幢房屋的擬議高度	8.23 m 米
(f) Proposed use(s) of uncovered area (if any) 露天地方 (倘有) 的擬議用途	NIL (Please illustrate on plan the total number and dimension of each car parking space, and/or location of septic tank, where applicable) (請在圖則上顯示, 並註明車位總數, 以及每個車位的長度和寬度及/或化糞池的位置 (如適用))		
(g) Any vehicular access to the site/subject building? 是否有車路通往地盤/有關建築物?	Yes 是 <input checked="" type="checkbox"/> No 否 <input type="checkbox"/>	<input checked="" type="checkbox"/> There is an existing access. (please indicate the street name, where appropriate) 有一條現有車路。(請註明車路名稱(如適用)) 沙頭角公路馬尾下段連接馬尾下村村路 <input type="checkbox"/> There is a proposed access. (please illustrate on plan and specify the width) 有一條擬議車路。(請在圖則顯示, 並註明車路的闊度)	
(h) Can the proposed house(s) be connected to public sewer? 擬議的屋宇發展能否接駁至公共污水渠?	Yes 是 <input type="checkbox"/> No 否 <input checked="" type="checkbox"/>	<input type="checkbox"/> (Please indicate on plan the sewerage connection proposal. 請用圖則顯示接駁公共污水渠的路線) <input checked="" type="checkbox"/> (Please indicate on plan the location of the proposed septic tank. 請用圖則顯示化糞池的位置)	

7. Impacts of Development Proposal 擬議發展計劃的影響

If necessary, please use separate sheets to indicate the proposed measures to minimise possible adverse impacts or give justifications/reasons for not providing such measures.

如需要的話，請另頁註明可盡量減少可能出現不良影響的措施，否則請提供理據/理由。

<p>Does the development proposal involve alteration of existing building? 擬議發展計劃是否包括現有建築物的改動?</p>	<p>Yes 是 <input type="checkbox"/> Please provide details 請提供詳情</p> <p>No 否 <input checked="" type="checkbox"/></p>																														
<p>Does the development proposal involve the operation on the right? 擬議發展是否涉及右列的工程?</p>	<p>Yes 是 <input type="checkbox"/> (Please indicate on site plan the boundary of concerned land/pond(s), and particulars of stream diversion, the extent of filling of land/pond(s) and/or excavation of land) (請用地盤平面圖顯示有關土地/池塘界線，以及河道改道、填塘、填土及/或挖土的細節及/或範圍)</p> <p><input type="checkbox"/> Diversion of stream 河道改道</p> <p><input type="checkbox"/> Filling of pond 填塘 Area of filling 填塘面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填塘深度 m 米 <input type="checkbox"/> About 約</p> <p><input type="checkbox"/> Filling of land 填土 Area of filling 填土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填土厚度 m 米 <input type="checkbox"/> About 約</p> <p><input type="checkbox"/> Excavation of land 挖土 Area of excavation 挖土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of excavation 挖土深度 m 米 <input type="checkbox"/> About 約</p> <p>No 否 <input checked="" type="checkbox"/></p>																														
<p>Would the development proposal cause any adverse impacts? 擬議發展計劃會否造成不良影響?</p>	<table border="0"> <tr> <td>On environment 對環境</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On traffic 對交通</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On water supply 對供水</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On drainage 對排水</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On slopes 對斜坡</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Affected by slopes 受斜坡影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Landscape Impact 構成景觀影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Tree Felling 砍伐樹木</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Visual Impact 構成視覺影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Others (Please Specify) 其他 (請列明)</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> </table> <p>.....</p> <p>Please state measure(s) to minimise the impact(s). For tree felling, please state the number, diameter at breast height and species of the affected trees (if possible) 請註明盡量減少影響的措施。如涉及砍伐樹木，請說明受影響樹木的數目、及胸高度的樹幹直徑及品種(倘可)</p> <p>.....</p>	On environment 對環境	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On traffic 對交通	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On water supply 對供水	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On drainage 對排水	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On slopes 對斜坡	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Affected by slopes 受斜坡影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Landscape Impact 構成景觀影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Tree Felling 砍伐樹木	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Visual Impact 構成視覺影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Others (Please Specify) 其他 (請列明)	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>
On environment 對環境	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																													
On traffic 對交通	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																													
On water supply 對供水	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																													
On drainage 對排水	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																													
On slopes 對斜坡	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																													
Affected by slopes 受斜坡影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																													
Landscape Impact 構成景觀影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																													
Tree Felling 砍伐樹木	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																													
Visual Impact 構成視覺影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																													
Others (Please Specify) 其他 (請列明)	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																													

8. Justifications 理由

The applicant is invited to provide justifications in support of the application. Use separate sheets if necessary.
現請申請人提供申請理由及支持其申請的資料。如有需要，請另頁說明。

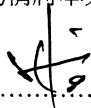
申請人已向地政處提交小型屋宇申請，惟由於申請地點有部分座落於鄉村式發展範圍以外，需要向貴委員會提交規劃許可申請，現特此向貴委員會申請，希望可獲得批准在空置土地上興建小型屋宇。申請地點毗鄰均有建成或獲得規劃許可之同類屋宇申請人在村中亦並無其他可選擇之土地，相關土地一直空置，而土地狀況亦不適合作農地耕作之用，雜草叢生並影響附近居住環境；申請人承諾，假如申請獲得批准，會絕對遵守貴會所批出之所有條款，同時不會影響附近樹木環境，懇請貴會可以接納此項申請。

9. Declaration 聲明

I hereby declare that the particulars given in this application are correct and true to the best of my knowledge and belief.
本人謹此聲明，本人就這宗申請提交的資料，據本人所知及所信，均屬真實無誤。

I hereby grant a permission to the Board to copy all the materials submitted in this application and/or to upload such materials to the Board's website for browsing and downloading by the public free-of-charge at the Board's discretion.
本人現准許委員會酌情將本人就此申請所提交的所有資料複製及/或上載至委員會網站，供公眾免費瀏覽或下載。

Signature
簽署



Applicant 申請人 / Authorised Agent 獲授權代理人

許軍兒 Hui Kwan Yee

Name in Block Letters
姓名 (請以正楷填寫)

Position (if applicable)
職位 (如適用)

Professional Qualification(s)
專業資格

Member 會員 / Fellow of 資深會員

HKIP 香港規劃師學會 / HKIA 香港建築師學會 /

HKIS 香港測量師學會 / HKIE 香港工程師學會 /

HKILA 香港園境師學會 / HKIUD 香港城市設計學會

RPP 註冊專業規劃師

Others 其他

on behalf of
代表

Company 公司 / Organisation Name and Chop (if applicable) 機構名稱及蓋章 (如適用)

Date 日期

- 9 APR 2025

..... (DD/MM/YYYY 日/月/年)

Remark 備註

The materials submitted in this application and the Board's decision on the application would be disclosed to the public. Such materials would also be uploaded to the Board's website for browsing and free downloading by the public where the Board considers appropriate.

委員會會向公眾披露申請人所遞交的申請資料和委員會對申請所作的決定。在委員會認為合適的情況下，有關申請資料亦會上載至委員會網頁供公眾免費瀏覽及下載。

Warning 警告

Any person who knowingly or wilfully makes any statement or furnish any information in connection with this application, which is false in any material particular, shall be liable to an offence under the Crimes Ordinance.

任何人在明知或故意的情況下，就這宗申請提出在任何要項上是虛假的陳述或資料，即屬違反《刑事罪行條例》。

Statement on Personal Data 個人資料的聲明

1. The personal data submitted to the Board in this application will be used by the Secretary of the Board and Government departments for the following purposes:

委員會就這宗申請所收到的個人資料會交給委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：

(a) the processing of this application which includes making available the name of the applicant for public inspection when making available this application for public inspection; and

處理這宗申請，包括公布這宗申請供公眾查閱，同時公布申請人的姓名供公眾查閱；以及

(b) facilitating communication between the applicant and the Secretary of the Board/Government departments.

方便申請人與委員會秘書及政府部門之間進行聯絡。

2. The personal data provided by the applicant in this application may also be disclosed to other persons for the purposes mentioned in paragraph 1 above.

申請人就這宗申請提供的個人資料，或亦會向其他人士披露，以作上述第 1 段提及的用途。

3. An applicant has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.

根據《個人資料(私隱)條例》(第 486 章)的規定，申請人有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署 15 樓。

Gist of Application 申請摘要

(Please provide details in both English and Chinese as far as possible. This part will be circulated to relevant consultees, uploaded to the Town Planning Board's Website for browsing and free downloading by the public and available at the Planning Enquiry Counters of the Planning Department for general information.)

(請盡量以英文及中文填寫。此部分將會發送予相關諮詢人士、上載至城市規劃委員會網頁供公眾免費瀏覽及下載及於規劃署規劃資料查詢處供一般參閱。)

Application No. 申請編號	(For Official Use Only) (請勿填寫此欄)	
Location/address 位置/地址	D.D.46 Lot Nos.917RP,919 in Ma Mei Ha, Fanling Heung,N.T.	
Site area 地盤面積	148.14	sq. m 平方米 <input checked="" type="checkbox"/> About 約
	(includes Government land of 包括政府土地	sq. m 平方米 <input type="checkbox"/> About 約)
Plan 圖則	S/NE-LYT/19	
Zoning 地帶	GB & V	
Applied use/ development 申請用途/發展	New Territories Exempted House 新界豁免管制屋宇 <input checked="" type="checkbox"/> Small House 小型屋宇	
(i) Proposed Gross floor area 擬議總樓面面積	195.09	sq.m 平方米 <input type="checkbox"/> About 約
(ii) Proposed No. of house(s) 擬議房屋幢數	1	
(iii) Proposed building height/No. of storeys 建築物高度/層數	8.23	m 米 <input type="checkbox"/> (Not more than 不多於)
	3	Storeys(s) 層

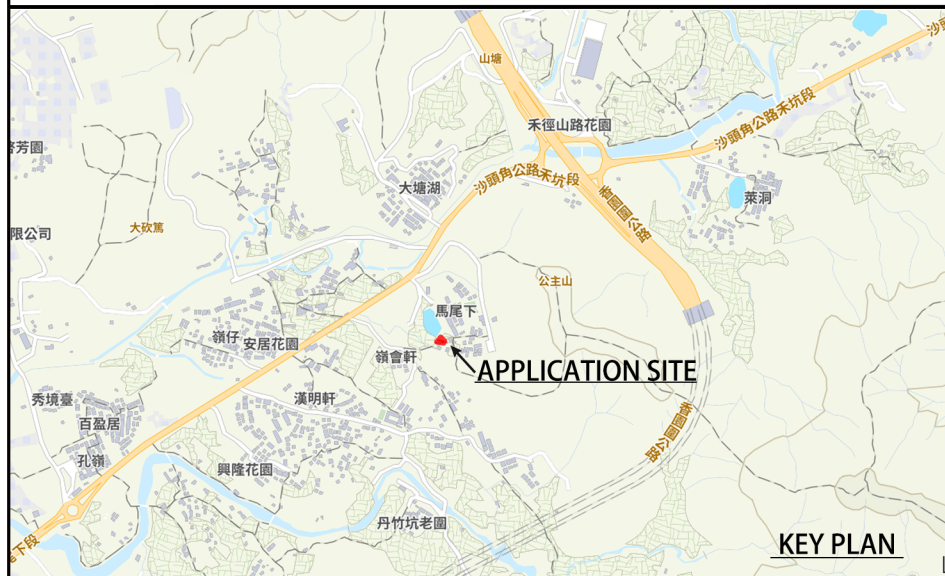
Submitted Plans, Drawings and Documents 提交的圖則、繪圖及文件

	<u>Chinese</u> 中文	<u>English</u> 英文
<u>Plans and Drawings 圖則及繪圖</u>		
Master layout plan(s)/Layout plan(s) 總綱發展藍圖／布局設計圖	<input type="checkbox"/>	<input type="checkbox"/>
Block plan(s) 樓宇位置圖	<input type="checkbox"/>	<input type="checkbox"/>
Floor plan(s) 樓宇平面圖	<input type="checkbox"/>	<input type="checkbox"/>
Sectional plan(s) 截視圖	<input type="checkbox"/>	<input type="checkbox"/>
Elevation(s) 立視圖	<input type="checkbox"/>	<input type="checkbox"/>
Photomontage(s) showing the proposed development 顯示擬議發展的合成照片	<input type="checkbox"/>	<input type="checkbox"/>
Master landscape plan(s)/Landscape plan(s) 園境設計總圖／園境設計圖	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他 (請註明)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Site Plan, Location Plan		
<hr/>		
<u>Reports 報告書</u>		
Planning Statement/Justifications 規劃綱領/理據	<input type="checkbox"/>	<input type="checkbox"/>
Environmental assessment (noise, air and/or water pollutions) 環境評估 (噪音、空氣及／或水的污染)	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on vehicles) 就車輛的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on pedestrians) 就行人的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Visual impact assessment 視覺影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Landscape impact assessment 景觀影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Tree Survey 樹木調查	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical impact assessment 土力影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Drainage impact assessment 排水影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Sewerage impact assessment 排污影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Risk Assessment 風險評估	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他 (請註明)	<input type="checkbox"/>	<input type="checkbox"/>
<hr/>		
<hr/>		
Note: May insert more than one 「✓」. 註：可在多於一個方格內加上「✓」號		

Note: The information in the Gist of Application above is provided by the applicant for easy reference of the general public. Under no circumstances will the Town Planning Board accept any liabilities for the use of the information nor any inaccuracies or discrepancies of the information provided. In case of doubt, reference should always be made to the submission of the applicant.

註：上述申請摘要的資料是由申請人提供以方便市民大眾參考。對於所載資料在使用上的問題及文義上的歧異，城市規劃委員會概不負責。若有任何疑問，應查閱申請人提交的文件。

Location Plan



Planning Application

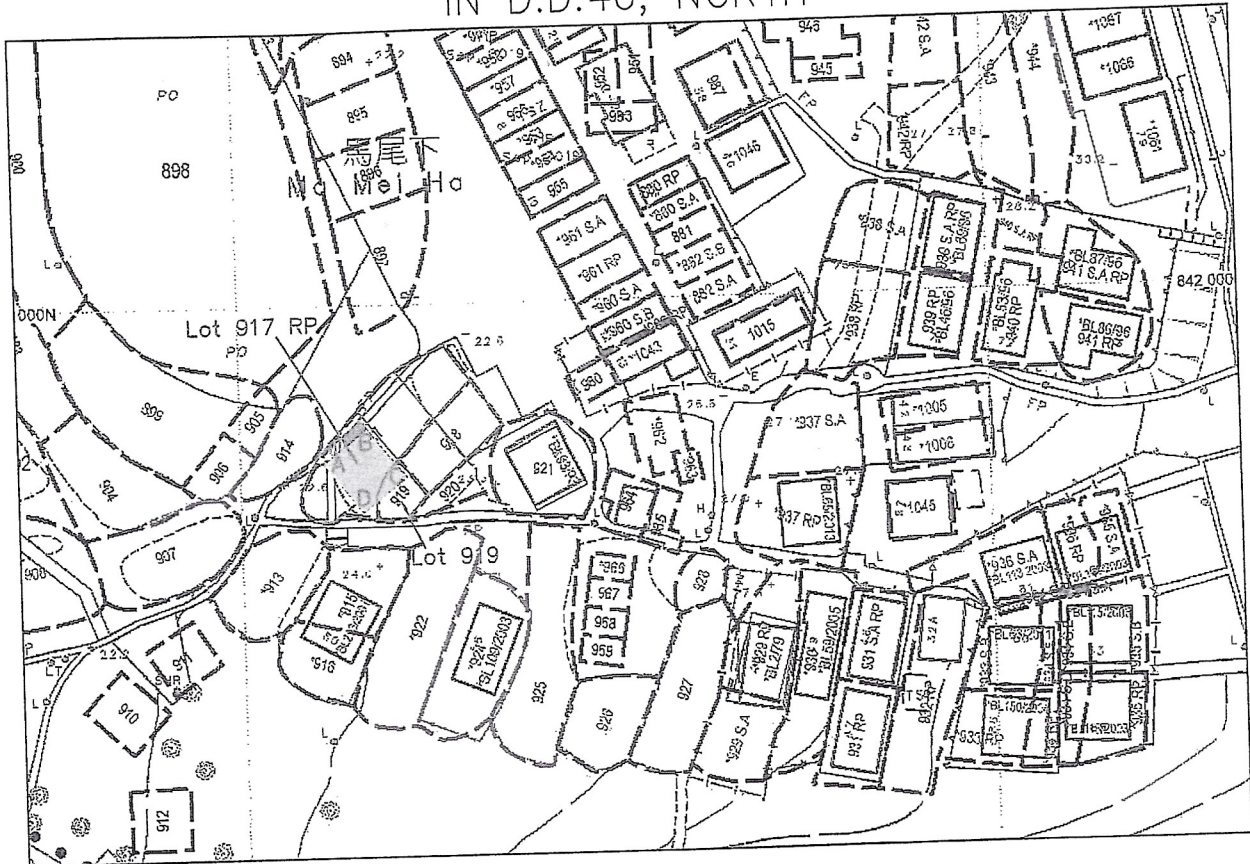
Proposed House
(New Territories exempted house - small house)

Application site:
D.D.46 Lot Nos.917RP,919

KEY PLAN



Proposed Small House on Lots 917 RP AND 919 IN D.D.46, NORTH



Coloured Pink Area 65.03 square metres (About)
Scale 1: 1000

- Proposed Balcony (5.803 x 1.22)
- Proposed Septic Tank (3.6 x 1.2)

Side	Bearing	Distance in Metres	Pt.	Co-ordinate Data (1980 Datum)		Remarks
				Northing (m)	Easting (m)	
A - B	51 21 28	7.620	A	841979.066	836211.159	
B - C	141 21 28	8.534	B	841983.824	836217.111	
C - D	231 21 28	7.620	C	841977.159	836222.440	
D - A	321 21 28	8.534	D	841972.400	836216.488	

Survey District: NORTH	Survey Sheet No.: 3-SW-5A	Certified by:
Ref. Plan: ---	Plan No.: DN/46/917RP/SH	C. K. LAU MSc. FHKIS MRICS RPS(LS) ALS Authorized Land Surveyor Date: 20 February 2020
Ref. SRP No.: SRP/DN/058/1308/D1	Date: 20 February 2020	King Fung Surveying Company

**Relevant Interim Criteria for Consideration of Application for
New Territories Exempted House (NTEH)/Small House in New Territories
(promulgated on 7.9.2007)**

- (a) sympathetic consideration may be given if not less than 50% of the proposed NTEH/Small House footprint falls within the village 'environs' ('VE') of a recognised village and there is a general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of the village;
 - (b) 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 in the "V" zone and the other criteria can be satisfied;
 - (c) development of NTEH/Small House with more than 50% of the footprint outside both the 'VE' and the "V" zone would normally not be approved unless under very exceptional circumstances (e.g. the application site has a building status under the lease, or approving the application could help achieve certain planning objectives such as phasing out of obnoxious but legal existing uses);
 - (d) application for NTEH/Small House with previous planning permission lapsed will be considered on its own merits. In general, proposed development which is not in line with the criteria would normally not be allowed. However, sympathetic consideration may be given if there are specific circumstances to justify the cases, such as the site is an infill site among existing NTEHs/Small Houses, the processing of the Small House grant is already at an advance stage;
 - (e) if an application site involves more than one NTEH/Small House, application of the above criteria would be on individual NTEH/Small House basis;
 - (f) the proposed development should not frustrate the planning intention of the particular zone in which the application site is located;
 - (g) the proposed development should be compatible in terms of land use, scale, design and layout, with the surrounding area/development;
 - (h) the proposed development should not encroach onto the planned road network and should not cause adverse traffic, environmental, landscape, drainage, sewerage and geotechnical impacts on the surrounding areas. Any such potential impacts should be mitigated to the satisfaction of relevant Government departments;
 - (i) the proposed development, if located within water gathering grounds, should be able to be connected to existing or planned sewerage system in the area except under very special circumstances (e.g. the application site has a building status under the lease or the applicant can demonstrate that the water quality within water gathering grounds will not be affected by the proposed development*);
 - (j) the provision of fire service installations and emergency vehicular access, if required, should be appropriate with the scale of the development and in compliance with relevant standards; and
 - (k) all other statutory or non-statutory requirements of relevant Government departments must be met. Depending on the specific land use zoning of the application site, other Town Planning Board guidelines should be observed, as appropriate.
- *i.e. the applicant can demonstrate that effluent discharge from the proposed development will be in compliance with the effluent standards as stipulated in the Water Pollution Control Ordinance Technical Memorandum.

**Relevant Extract of Town Planning Board Guidelines for
Application for Development within Green Belt Zone
under Section 16 of the Town Planning Ordinance
(TPB-PG No. 10)**

- (a) there is a general presumption against development (other than redevelopment) in the “Green Belt” (“GB”) zone;
- (b) an application for new development in a “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas;
- (c) applications for New Territories Exempted House (NTEH) with satisfactory sewage disposal facilities and access arrangements may be approved if the application sites are in close proximity to existing villages and in keeping with the surrounding uses, and where the development is to meet the demand from indigenous villagers;
- (d) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (f) the proposed development should not overstrain the overall provision of government, institution and community facilities in the general area; and
- (g) any proposed development on a slope or hillside should not adversely affect slope stability.

**Similar S.16 Applications
for Proposed House (New Territories Exempted House – Small House)
within or straddling the “Green Belt” zone in the vicinity of the Application Site
on the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/19**

Approved Applications

Application No.	Uses/ Development	Date of Consideration
A/NE-LYT/224	Proposed House (New Territories Exempted House – Small House)	3.8.2001
A/NE-LYT/453 ^[1]	Proposed House (New Territories Exempted House – Small House)	6.1.2012
A/NE-LYT/458 ^[2]	Proposed House (New Territories Exempted House – Small House)	6.1.2012
A/NE-LYT/459 ^[3]	Proposed House (New Territories Exempted House – Small House)	6.1.2012
A/NE-LYT/460 ^[4]	Proposed House (New Territories Exempted House – Small House)	6.1.2012
A/NE-LYT/461 ^[5]	Proposed House (New Territories Exempted House – Small House)	6.1.2012
A/NE-LYT/617 ^[1]	Proposed House (New Territories Exempted House – Small House)	7.4.2017
A/NE-LYT/622 ^[2]	Proposed House (New Territories Exempted House – Small House)	7.4.2017
A/NE-LYT/623 ^[5]	Proposed House (New Territories Exempted House – Small House)	7.4.2017
A/NE-LYT/633 ^[3]	Proposed House (New Territories Exempted House – Small House)	8.9.2017
A/NE-LYT/634 ^[4]	Proposed House (New Territories Exempted House – Small House)	8.9.2017

Remarks

- ^[1] Applications No. A/NE-LYT/453 and 617 are at the same location.
^[2] Applications No. A/NE-LYT/458 and 622 are at the same location.
^[3] Applications No. A/NE-LYT/459 and 633 are at the same location.
^[4] Applications No. A/NE-LYT/460 and 634 are at the same location.
^[5] Applications No. A/NE-LYT/461 and 623 are at the same location.

Rejected Applications

Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
A/NE-LYT/559 ^[6]	Proposed House (New Territories Exempted House – Small House)	27.2.2015	R1 to R3
A/NE-LYT/713 ^[6]	Proposed House (New Territories Exempted House – Small House)	18.10.2019	R1 & R2

Remarks

^[6] Applications No. A/NE-LYT/559 and 713 are at the same location.

Rejection Reasons:

- R1 The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was 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 and there was a general presumption against development within this zone. There was no strong planning justification in the submission for a departure from the planning intention.
- R2 Land was still available within the “Village Type Development” (“V”) zone of Ma Mei Ha for Small House development. It was considered more appropriate to concentrate the proposed Small House within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructure and services.
- R3 The approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in spreading Small Houses in the “GB” zone and a general degradation of the rural environment of the area.

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- the application site (the Site) falls within the village 'environs' ('VE') of Ma Mei Ha;
- the applicant has submitted a Small House application but rejected by his office. In his previous application, the applicant claimed himself as an indigenous villager of Ma Mei Ha, Fanling Heung. The eligibility of the applicant for Small House grant is yet to be ascertained;
- the Site is an Old Schedule Agricultural Lot held under Block Government Lease; and
- the Site is currently not covered by Modification of Tenancy/Building Licence.

2. Traffic

Comments of the Commissioner for Transport (C for T):

- no objection to the application from traffic engineering perspective;
- Small House developments should be confined within the "Village Type Development" ("V") zone as far as possible. Though additional traffic generated by the proposed development is not expected to be significant, such type of development outside the "V" zone, if permitted, will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact has to be reviewed on case-by-case basis in the future. Nevertheless, she considers that the application could be tolerated on traffic ground as it only involves the construction of one Small House; and
- her advisory comments are at **Appendix VI**.

Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- no comment on the application from highways maintenance perspective; and
- his advisory comments are at **Appendix VI**.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- in view of the small scale of the proposed development, the application is unlikely to cause major pollution; and
- his advisory comments are at **Appendix VI**.

4. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- no objection to the application from public drainage perspective;
- the Site is in an area where public sewerage connection is available; and
- her advisory comments are at **Appendix VI**.

5. Fire Safety

Comments of the Director of Fire Services (D of FS):

- no objection in principle to the application at this stage provided that the proposed Small House would not encroach on any existing Emergency Vehicular Access (EVA) or planned EVA under application in accordance with LandsD's record; and
- his advisory comments are at **Appendix VI**.

6. Landscape

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- the Site is located in an area of rural inland plains landscape character comprising village houses, farmlands, vegetated areas and tree clusters;
- based on the site photos taken on 20.6.2025, the Site is mostly covered by grass. Approval of the application for the proposed Small House development on the "Green Belt" ("GB") portion of the Site may alter the landscape character of the "GB" zone; and
- her advisory comments are at **Appendix VI**.

7. Nature Conservation

Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- no comment on the application from nature conservation perspective;
- based on the recent site inspection, the Site is covered with weeds. There is a marsh located in the adjacent Lot 898 in D.D. 46 (**Plan A-4**); and
- his advisory comments are at **Appendix VI**.

8. Demand and Supply of Small House Sites

According to the DLO/N, LandsD's records, the total number of outstanding Small House applications for Ma Mei Ha is 15 while 10-year Small House demand forecast for the same village is 162. According to the latest estimate by PlanD, about 1.28 ha (equivalent to about 51 Small House sites) of land are available within the "V" zone of Ma Mei Ha for Small House development. There is insufficient land in the "V" zone of Ma Mei Ha to meet the future demand of land for Small House development (i.e. about 4.43 ha of land which is equivalent to 177 Small House sites).

9. Other Departments

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

- (a) District Officer (North), Home Affairs Department (DO(N), HAD);
- (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).

Recommended Advisory Clauses

- (a) to note the comments of the Commissioner for Transport (C for T) that the local village access leading to the application site (the Site) from Sha Tau Kok Road – Ma Mei Ha is not managed by the Transport Department;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that:
 - (i) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public road and drains; and
 - (ii) his office is not/shall not be responsible for the maintenance of any access connecting the Site and the nearby public road;
- (c) to note the comments of the Director of Environmental Protection (DEP) that septic tank and soakaway system are acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Professional Persons Environmental Consultative Committee Practice Notes 1/23 ‘Drainage Plans subject to Comment by the Environmental Protection Department’ and are duly certified by an Authorised Person;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) adequate stormwater drainage collection and disposal facilities shall be provided to deal with the surface runoff of the Site or the same flowing on to the Site from the adjacent areas;
 - (ii) the applicant should check and ensure that the existing drainage system to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the Site. The applicant should also ensure that the flow from the Site will not overload the existing drainage system; and
 - (iii) the Site is in an area where public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant should observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ which is administrated by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application via LandsD;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant should be advised that approval of the application does not imply approval of tree works such as pruning, transplanting, felling and compensatory/ new tree planting. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant is advised to avoid causing any adverse impact to the nearby marsh during construction stage; and

- (h) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permissions from the Town Planning Board where required before carrying out the road works.

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

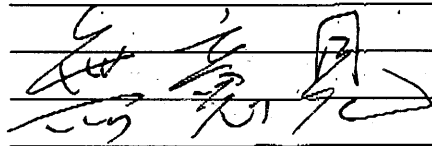
By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/NE-LYT/850

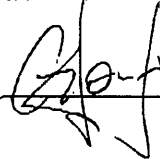
意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)



「提意見人」姓名/名稱 Name of person/company making this comment 侯志強議員

簽署 Signature



日期 Date

2025.6.11

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

2

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/NE-LYT/850

意見詳情 (如有需要，請另頁說明)

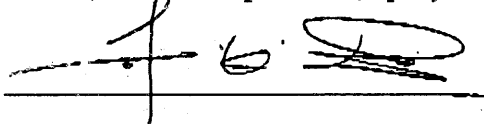
Details of the Comment (use separate sheet if necessary)

沒有意見

「提意見人」姓名/名稱 Name of person/company making this comment

新界區議會 葉英茂

簽署 Signature



日期 Date

16-6-2025

Urgent Return receipt Expand Group Restricted Prevent Copy

From:

Sent:

2025-06-25 星期三 02:38:43

To:

tpbpd/PLAND <tpbpd@pland.gov.hk>

Subject:

A/NE-LYT/850 DD 46 Ma Mei Ha, Fanling GB

3

A/NE-LYT/850

Lots 917 RP and 919 in D.D. 46, Ma Mei Ha, Fanling

Site area: About 148.14sq.m

Zoning: "Green Belt" and "VTD"

Applied development: NET House

Dear TPB Members,

Strong Objections. No previous approval and no justification to extend village into GB.

Land is still available within the "Village Type Development" ("V") zone of Ma Mei Ha Ma Mei Ha where land 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." (Application 764 and that was for Agriculture zoning)


Moreover, there have been many applications for parking lots in this village in recent months indicating that there is a lot of available land that could be used for NET.

Application should be rejected.

Mary Mulvihill

Urgent Return receipt Expand Group Restricted Prevent Copy

From:
Sent: 2025-06-26 星期四 17:16:29
To: tpbpd/PLAND <tpbpd@pland.gov.hk>
Subject: KFBG's comments on four planning applications
Attachment: 250626 s16 KTN 1094.pdf; 250626 s16 KTN 1115.pdf; 250626 s17 TKLN 96.pdf; 250626 s16 LYT 850.pdf



Dear Sir/ Madam,

Attached please see our comments regarding four applications. There are four pdf files attached to this email. If you cannot see/ download/ open these files, please notify us through email.

Please do not disclose our email address.

Thank You and Best Regards,

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

Email Disclaimer:

The information contained in this e-mail (including any attachments) is confidential and is intended solely for the addressee. If you are not the intended recipient, please notify the sender immediately and delete this e-mail from your system. Any unauthorised use, disclosure, copying, printing, forwarding or dissemination of any part of this information is prohibited. KFBG does not accept responsibility and shall not be liable for the content of any e-mail transmitted by its staff for any reason other than bona fide official purposes. There is no warranty that this e-mail is error or virus free. You should not rely on any information that is not transmitted via secure technology.



嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

26th June, 2025.

By email only

Dear Sir/ Madam,

Proposed House (New Territories Exempted House - Small House)
(A/NE-LYT/850)

1. We refer to the captioned.
2. There are two rejected applications for Small House close to the application site within the same Green Belt (GB) zone, and the reasons to reject the latest one (A/NE-LYT/713) are as follows:

‘(a) the proposed development is not in line with the planning intention of the “Green Belt” zone in the Lung Yeuk Tau and Kwan Tei South area which 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 and there is a general presumption against development within this zone. 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 Ma Mei Ha for Small House development. It is considered more appropriate to concentrate the proposed Small House within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.’

3. We recommend the Board to reject this application as the proposed use is not in line with the planning intention of the GB zone. We also recommend the Board to investigate with relevant authorities as to whether land is still available within the nearby V zone for Small House development before making a decision.

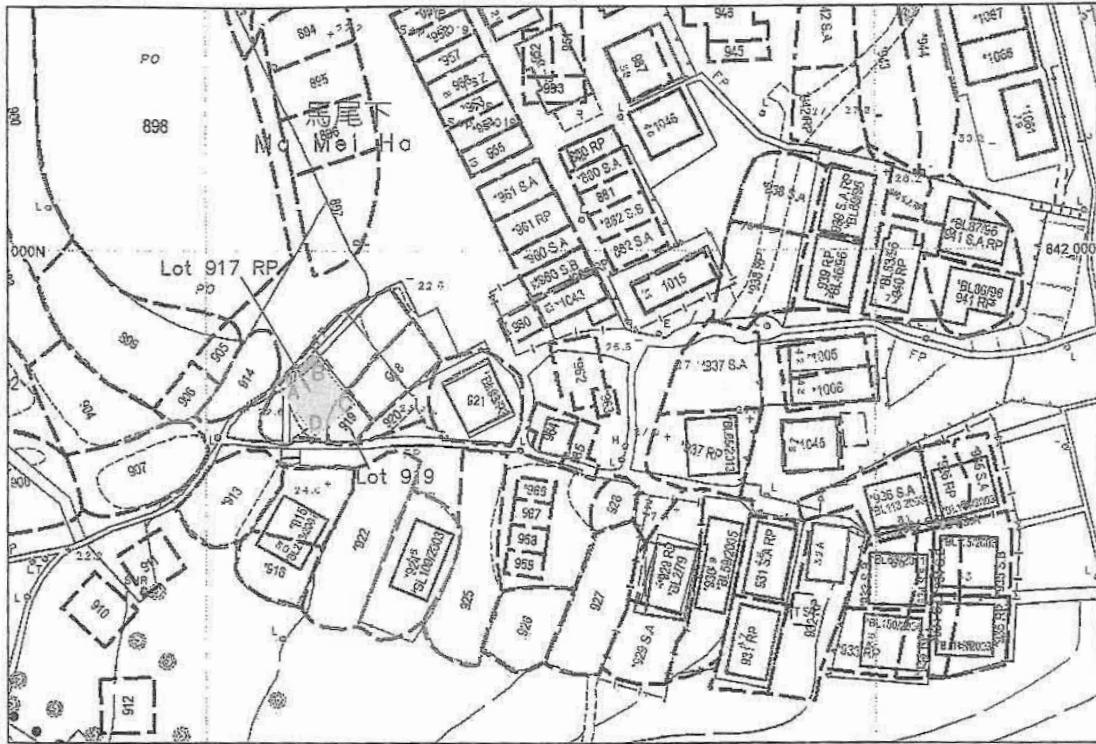


嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

4. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

Proposed Small House on Lots 917 RP AND 919
IN D.D.46, NORTH



Coloured Pink Area 65.03 square metres (About)

Scale 1: 1000

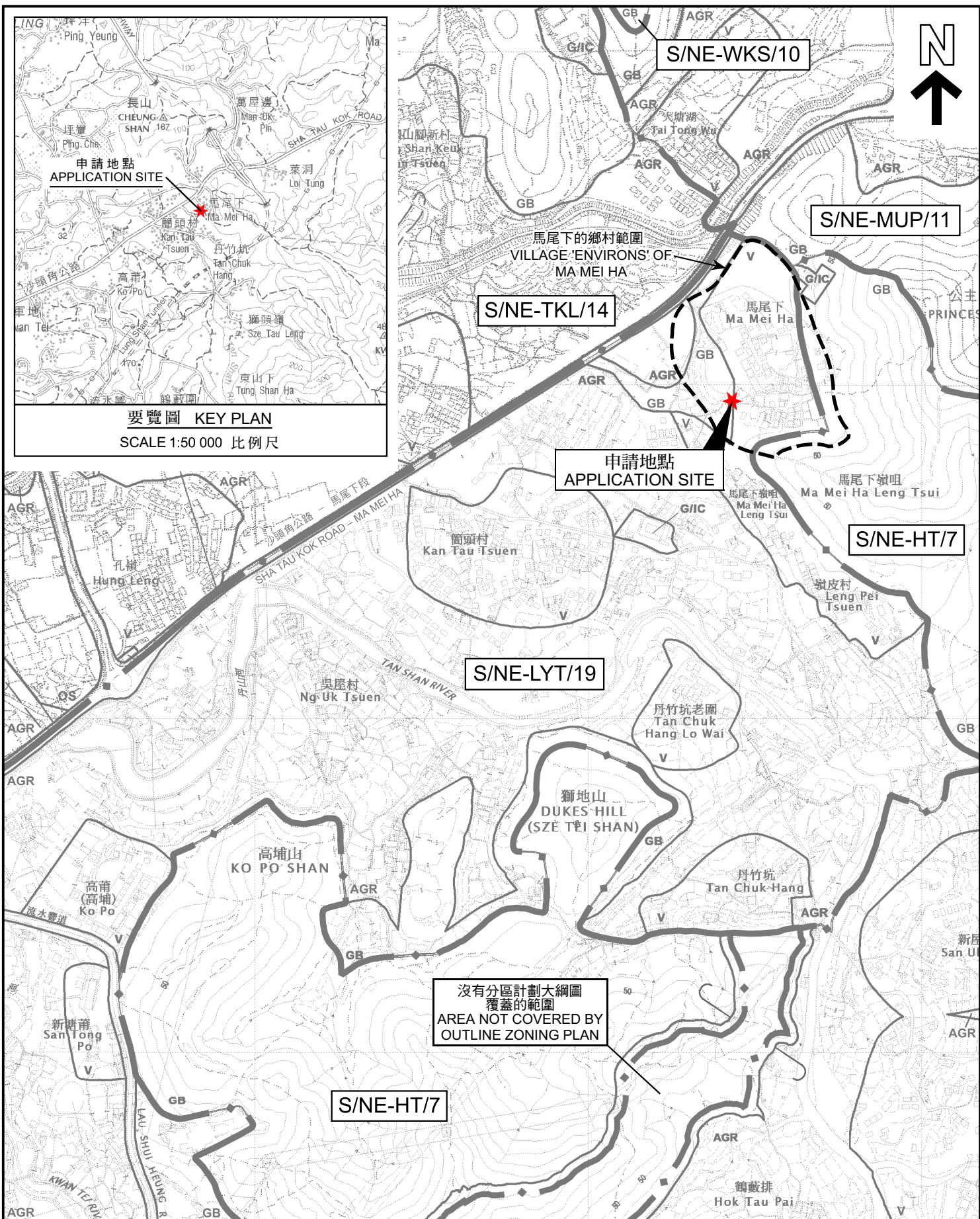
- Proposed Balcony (5.803 x 1.22)
- Proposed Septic Tank (3.6 x 1.2)

Side	Bearing	Distance in Metres	Pt.	Co-ordinate Data (1980 Datum)		Remarks
				Northing (m)	Easting (m)	
A - B	51 21 28	7.620	A	841979.066	836211.159	
B - C	141 21 28	8.534	B	841983.824	836217.111	
C - D	231 21 28	7.620	C	841977.159	836222.440	
D - A	321 21 28	8.534	D	841972.400	836216.488	

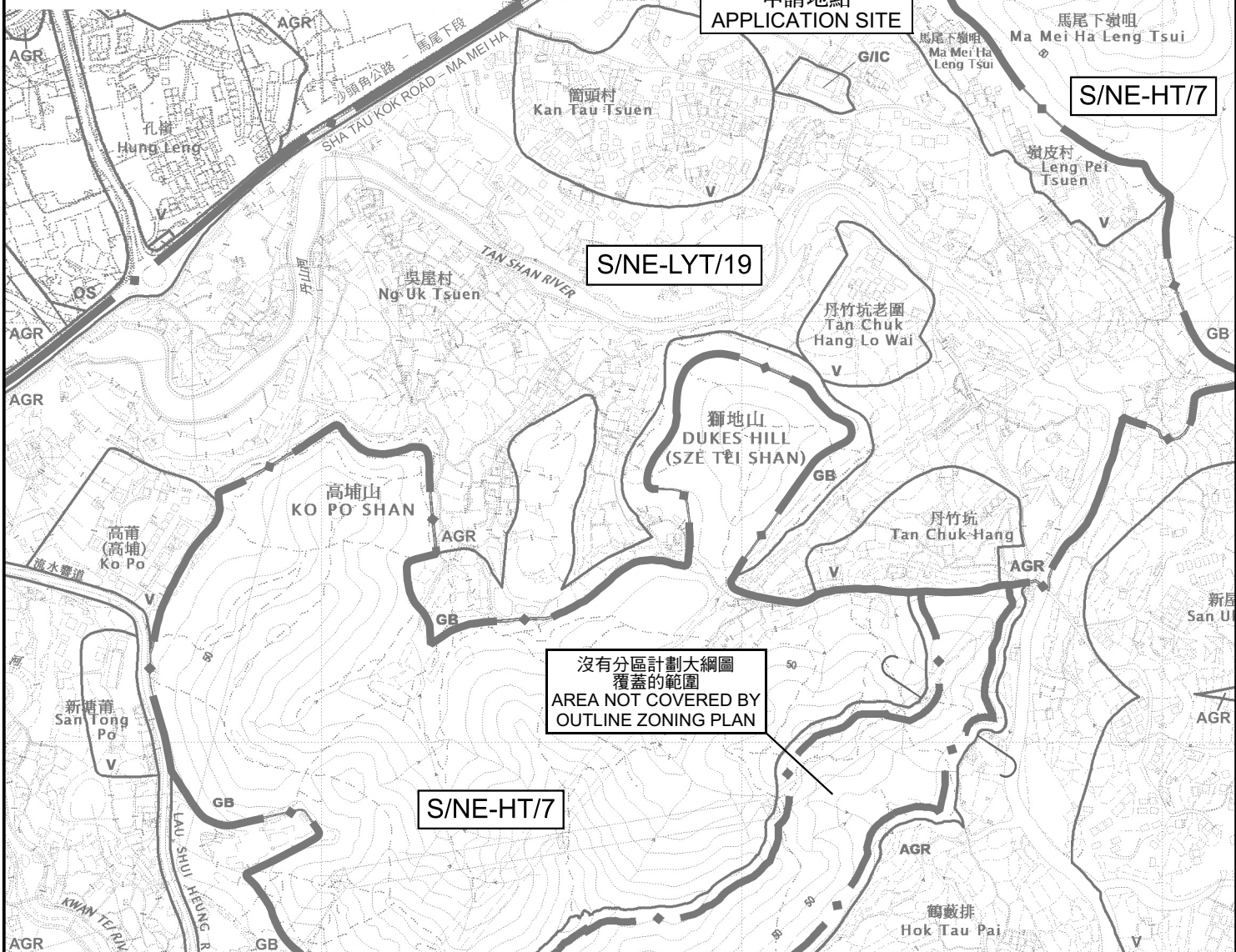
Survey District: NORTH	Survey Sheet No.: 3-SW-5A	Certified by:
Ref. Plan: ---	Plan No.: DN/46/917RP/SH	C. K. LAU MSc. FHKIS MRICS RPS(LS) ALS Authorized Land Surveyor Date: 20 February 2020
Ref. SRP No.: SRP/DN/058/1308/D1	Date: 20 February 2020	

參考編號 REFERENCE No. A/NE-LYT/850 繪圖 DRAWING A-1

(來源: 申請人於2025年5月28日呈交的規劃申請表內的繪圖)
(SOURCE: DRAWING IN THE APPLICANT'S SUBMITTED APPLICATION FORM ON 28.5.2025)

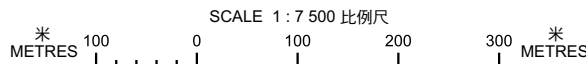


要覽圖 KEY PLAN
SCALE 1:50 000 比例尺



位置圖 LOCATION PLAN

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
 新界粉嶺馬尾下丈量約份第46約地段第917號餘段及第919號
 PROPOSED HOUSE
 (NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
 LOTS 917 RP AND 919 IN D.D. 46,
 MA MEI HA, FANLING, NEW TERRITORIES



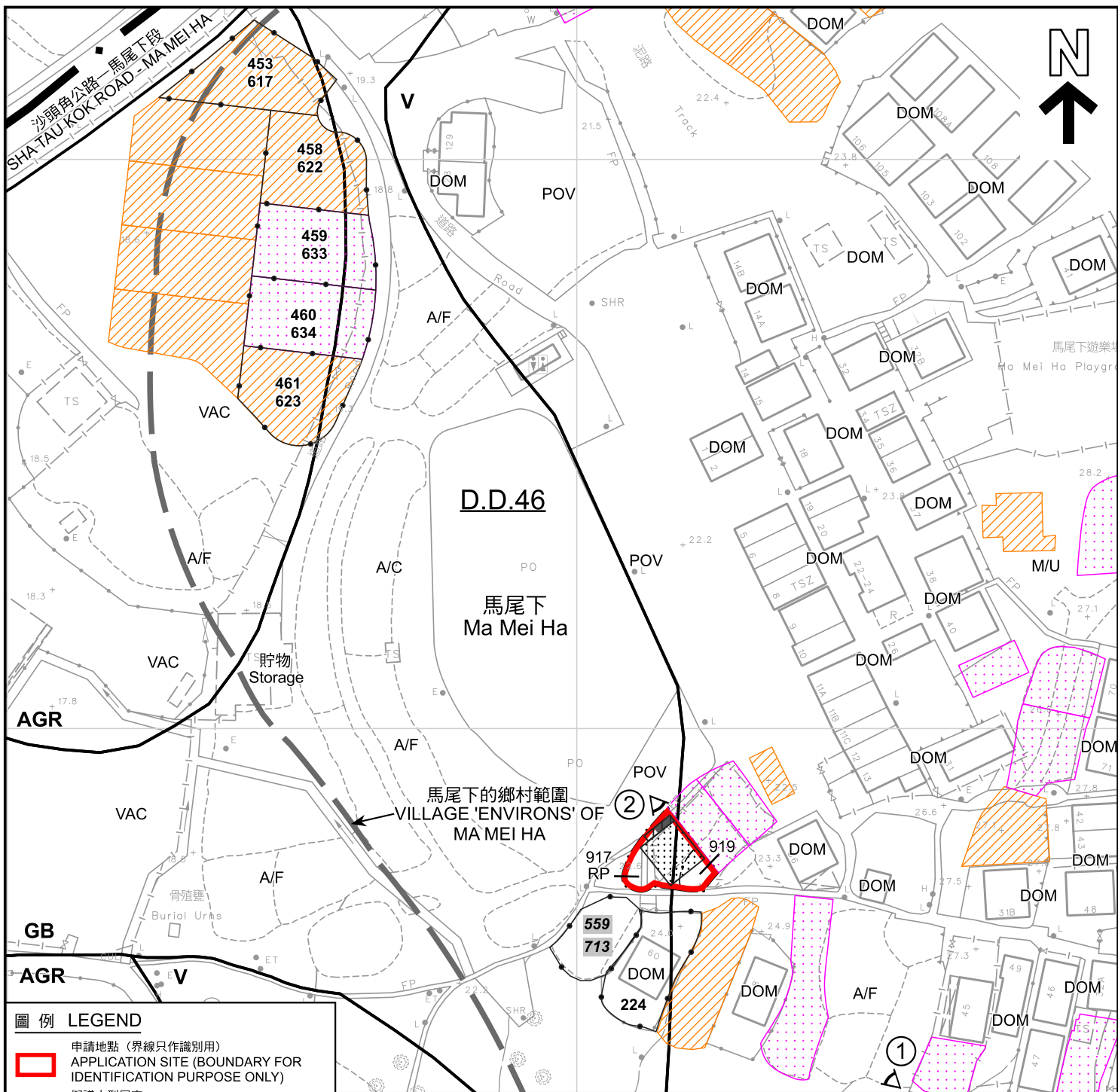
本摘要圖於2025年7月11日擬備，所根據的資料為：
 於2022年12月6日核准的分區計劃大綱圖編號S/NE-LYT/19、
 於2022年12月6日核准的分區計劃大綱圖編號S/NE-HT/7、
 於2006年10月17日核准的分區計劃大綱圖編號S/NE-MUP/11、
 於2010年2月2日核准的分區計劃大綱圖編號S/NE-TKL/14及
 於2009年10月6日核准的分區計劃大綱圖編號S/NE-WKS/10
 EXTRACT PLAN PREPARED ON 11.7.2025
 BASED ON OUTLINE ZONING PLANS No.
 S/NE-LYT/19 APPROVED ON 6.12.2022,
 S/NE-HT/7 APPROVED ON 6.12.2022,
 S/NE-MUP/11 APPROVED ON 17.10.2006,
 S/NE-TKL/14 APPROVED ON 2.2.2010 AND
 S/NE-WKS/10 APPROVED ON 6.10.2009

規劃署
 PLANNING
 DEPARTMENT



參考編號
 REFERENCE No.
 A/NE-LYT/850

圖 PLAN
 A-1



圖例 LEGEND

	申請地點 (界線只作識別用) APPLICATION SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)		擬議小型屋宇 PROPOSED SMALL HOUSE		常耕農地 ACTIVE AGRICULTURAL LAND		化糞池 SEPTIC TANK
	擬議露台 PROPOSED BALCONY		正在處理中的小型屋宇批地申請 SMALL HOUSE GRANT APPLICATION BEING PROCESSED		休耕農地 FALLOW AGRICULTURAL LAND		獲得規劃許可作小型房屋的地盤 (申請編號) SITES WITH PLANNING APPROVALS FOR SMALL HOUSES (APPLICATION NUMBER)
	獲地政處批准的小型屋宇批地/ 重建新界豁免管制屋宇申請 SMALL HOUSE GRANT / NTEH REDEVELOPMENT APPLICATION APPROVED BY DLO		DOM 住用構築物 DOMESTIC STRUCTURES		荒地 UNUSED LAND		被拒絕的規劃許可作小型房屋的地盤 (申請編號) SITES WITH PLANNING REJECTIONS FOR SMALL HOUSES (APPLICATION NUMBER)
	V 鄉村式發展 VILLAGE TYPE DEVELOPMENT		POV 停泊汽車 PARKING OF VEHICLES		VAC 空置 VACANT	註釋 Note : 2025年6月20日勘測的土地用途 Land uses shown on this plan are in accordance with the land use survey conducted by the Planning Department on 20.6.2025	
	AGR 農業 AGRICULTURE		POV 停泊汽車 PARKING OF VEHICLES		VAC 空置 VACANT		
	GB 綠化地帶 GREEN BELT		① 實地照片的觀景點 VIEWING POINT OF SITE PHOTO				

本摘要圖於2025年7月14日擬備，
所根據的資料為測量圖編號
3-NW-25C及3-SW-5A
EXTRACT PLAN PREPARED ON 14.7.2025
BASED ON SURVEY SHEETS No.
3-NW-25C & 3-SW-5A

平面圖 SITE PLAN

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
新界粉嶺馬尾下丈量約份第46約地段第917號餘段及第919號
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 917 RP AND 919 IN D.D. 46,
MA MEI HA, FANLING, NEW TERRITORIES

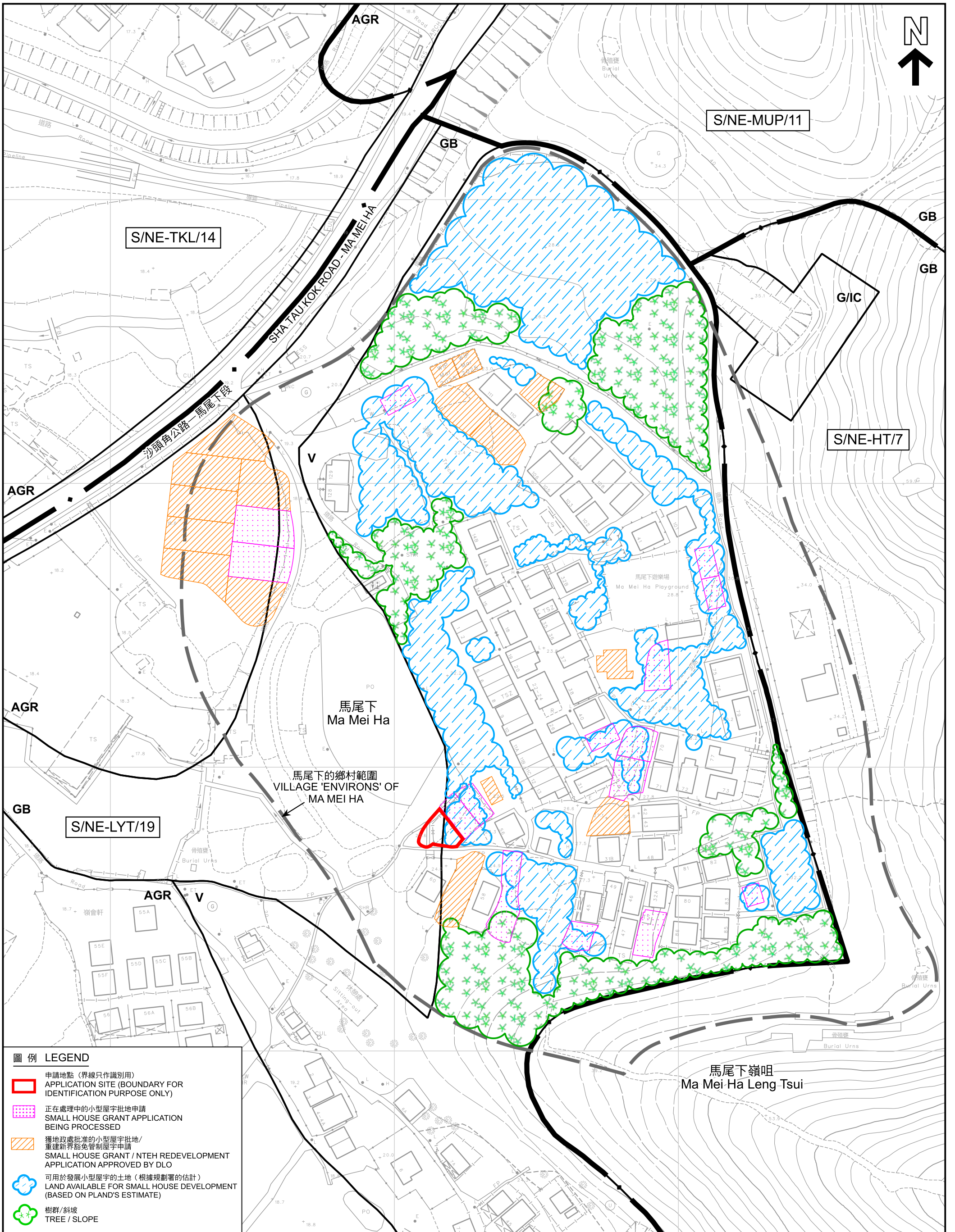
SCALE 1:1 000 比例尺

米 20 0 20 40 米
METRES

**規劃署
PLANNING
DEPARTMENT**

參考編號
REFERENCE No.
A/NE-LYT/850

圖 PLAN
A-2a

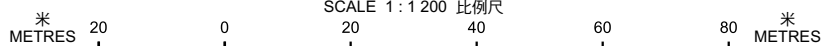


圖例 LEGEND

- 申請地點 (界線只作識別用)
APPLICATION SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
- 正在處理中的小型屋宇批地申請
SMALL HOUSE GRANT APPLICATION BEING PROCESSED
- 獲地政處批准的小型屋宇批地/
重建新界豁免管制屋宇申請
SMALL HOUSE GRANT / NTEH REDEVELOPMENT APPLICATION APPROVED BY DLO
- 可用於發展小型屋宇的土地 (根據規劃署的估計)
LAND AVAILABLE FOR SMALL HOUSE DEVELOPMENT (BASED ON PLAND'S ESTIMATE)
- 樹群/斜坡
TREE / SLOPE

**在「鄉村式發展」地帶內預計可供發展小型屋宇的土地數量
ESTIMATED AMOUNT OF LAND AVAILABLE FOR
SMALL HOUSE DEVELOPMENT WITHIN THE "V" ZONE**

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 917 RP AND 919 IN D.D. 46,
MA MEI HA, FANLING, NEW TERRITORIES
SCALE 1:1 200 比例尺



本摘要圖於2025年7月10日擬備，
所根據的資料為測量圖編號
3-NW-25C及3-SW-5A
EXTRACT PLAN PREPARED ON 10.7.2025
BASED ON SURVEY SHEETS No.
3-NW-25C & 3-SW-5A

**規劃署
PLANNING
DEPARTMENT**



參考編號
REFERENCE No.
A/NE-LYT/850

圖 PLAN
A-2b



馬尾下
Ma Mei Ha

馬尾下的鄉村範圍
VILLAGE 'ENVIRONS' OF
MAMEI HA

馬尾下嶺咀
Ma Mei Ha Leng Tsui

圖例 LEGEND



申請地點 (界線只作識別用)
APPLICATION SITE (BOUNDARY FOR
IDENTIFICATION PURPOSE ONLY)

航攝照片 AERIAL PHOTO

擬議屋宇 (新界豁免管制屋宇-小型屋宇)
新界粉嶺馬尾下文量約份第46約地段第917號餘段及第919號
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 917 RP AND 919 IN D.D. 46,
MA MEI HA, FANLING, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-LYT/850

圖 PLAN
A-3

本摘要圖於2025年6月24日擬備，
所根據的資料為地政總署
於2024年11月7日拍得的航攝照片
編號E241418C
EXTRACT PLAN PREPARED ON 24.6.2025
BASED ON AERIAL PHOTO No. E241418C
TAKEN ON 7.11.2024 BY
LANDS DEPARTMENT

1



2



申請地點界線只作識別用
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTO

本摘要圖於2025年7月15日擬備，
所根據的資料為攝於2025年6月20日
的實地照片
EXTRACT PLAN PREPARED ON 15.7.2025
BASED ON SITE PHOTOS
TAKEN ON 20.6.2025

擬議屋宇（新界豁免管制屋宇-小型屋宇）
新界粉嶺馬尾下文量約份第46約地段第917號餘段及第919號
PROPOSED HOUSE
(NEW TERRITORIES EXEMPTED HOUSE - SMALL HOUSE)
LOTS 917 RP AND 919 IN D.D. 46,
MA MEI HA, FANLING, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/NE-LYT/850

圖 PLAN
A-4

~~out in the appendix of the Paper.~~

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/850 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” Zones, Lots 917 RP
and 919 in D.D. 46, Ma Mei Ha, Fanling
(RNTPC Paper No. A/NE-LYT/850)

Presentation and Question Sessions

41. With the aid of some plans, Mr Ryan C.K. Ho, STP/STN, briefed Members on the background of the application, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department did not support the application.

42. Members had no question on the application.

Deliberation Session

43. After deliberation, the Committee decided to reject the application. The reasons were:

“(a) the proposed development is not in line with the planning intention of the “Green Belt” zone which 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. 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

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.”

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/798 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Agriculture” Zones, Lot 796 S.D in D.D. 84, Ha Shan Kai Wat, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/798)

Presentation and Question Sessions

44. With the aid of some plans, Ms Ivy C.W. Wong, STP/STN, briefed Members on the background of the application, the proposed development, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department (PlanD) did not support the application.

45. Members had no question on the application.

Deliberation Session

46. After deliberation, the Committee decided to reject the application. The reasons were:

- “(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

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

By Post & Fax (2667 6441)

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/NE-LYT/850

1 August 2025

Hui Kwan Yee

Dear Sir/Madam,

Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” Zones, Lots 917 RP and 919 in D.D. 46, Ma Mei Ha, Fanling

I refer to my letter to you dated 5.6.2025.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the proposed development is not in line with the planning intention of the “Green Belt” zone which 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. 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 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.

A copy of the TPB Paper in respect of the application is available at TPB website at this link (https://www.tpb.gov.hk/en/meetings/RNTPC/Agenda/769_rnt_agenda.html): A copy of the TPB Paper in Chinese in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 18.7.2025, in both English and Chinese, are enclosed herewith for your reference.

Under section 17(1) and 17(1A) of the Town Planning Ordinance (the Ordinance), an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. The application must be in writing and must set out the grounds for the review. If you wish to seek a review, you should inform me and provide the grounds for review within 21

days from the date of this letter (on or before 22.8.2025). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Mr. Ryan Ho of the Sha Tin, Tai Po & North District Planning Office at 2158 6367.

Yours faithfully,



(Leticia LEUNG)

for Secretary, Town Planning Board

(With Chinese Translation)

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/NE-LYT/850

郵遞及傳真函件(2667 6441)

許軍兒

先生／女士：

擬在劃為「綠化地帶」及「鄉村式發展」地帶的
粉嶺馬尾下第 46 約地段第 917 號餘段及第 919 號
興建屋宇(新界豁免管制屋宇—小型屋宇)

我曾於二零二五年六月五日發信給你。

城市規劃委員會(下稱「城規會」)在考慮這宗申請後，
決定拒絕這宗申請，理由是：

- (a) 擬議發展不符合「綠化地帶」的規劃意向，有關意向主要是利用天然地理環境作為市區和近郊的發展區的界限，以抑制市區範圍的擴展，並提供土地作靜態康樂場地。根據一般推定，此地帶不宜進行發展。申請書內並無有力的規劃理據，以支持偏離此規劃意向；以及
- (b) 馬尾下的「鄉村式發展」地帶內仍有主要預算用作興建小型屋宇的土地可供使用。為使發展模式較具條理，而在土地運用及基礎設施和服務的提供方面較具經濟效益，把擬議小型屋宇發展集中在「鄉村式發展」地帶內，會較為合適。

就這宗申請擬備的城規會文件，已上載於城規會網站的連結(https://www.tpb.gov.hk/tc/meetings/RNTPC/Agenda/769_rnt_agenda.html)。現隨函付上就這宗申請擬備的城規會文件中譯本

(補充規劃綱領／技術報告(如有的話)除外)及二零二五年七月十八日城規會會議記錄的相關摘錄的中英文本，以供參閱。

根據《城市規劃條例》(下稱「條例」)第 17(1)及第 17(1A)條，申請人如因城規會的決定而感到受屈，可以書面方式向城規會申請對有關決定進行覆核，並須列明覆核的理由。如欲提出覆核申請，你須在本信發出日期起計的 21 天內(即二零二五年八月二十二日或之前)通知我，並提供覆核的理由。其後，我會與你聯絡，邀請你及／或你的獲授權代表出席城規會的聆聽會議。城規會須在收到覆核申請的日期起計三個月內考慮覆核申請。所有覆核申請均須予公布，為期三個星期，讓公眾提出意見。

根據條例，城規會在覆核聆聽會議上，只可因應申請人的進一步書面及／或口頭申述，重新考慮原來的申請。如你在現階段決定對原來建議作出重大修改，便應根據條例第 16 條就該建議向城規會提交新的申請。

如對上述決定有任何疑問或需要進一步資料，請與沙田、大埔及北區規劃處何子健先生聯絡(電話：2158 6367)。

城市規劃委員會秘書
(梁靜思代行)

二零二五年八月一日

傳真文件

傳真號碼：

貴會檔號：TPB/A/NE-LYT/850

敬啟者：

根據「城市規劃條例」第 17(1)條要求覆核

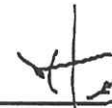
D.D. 46 Lot No(s). 9177, 919

本人為上述申請之代理人，曾向 貴委員會提交上述申請，惟於 2025 年 8 月 1 日收到回覆有關申請被拒絕，但其實申請地點毗鄰均有建成或獲得規劃許可之同類屋宇，而有關申請人在村中並無其他可選擇之土地，相關土地購入後一直空置荒廢，申請人認為有關申請被拒絕並不合理，現特此向 貴委員會根據「城市規劃條例」第 17(1)條要求覆核，懇請給予安排及回覆。祝安！

此致

城市規劃委員會

代理人：



(許艷兒)

日期： 22 AUG 2025

Similar S.16 Applications
for Proposed House (New Territories Exempted House – Small House)
within or partly within the “Green Belt” zone in the vicinity of the Application Site
on the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/19

Approved Applications

Application No.	Uses/ Development	Date of Consideration
A/NE-LYT/224	Proposed House (New Territories Exempted House (NTEH) – Small House)	3.8.2001
A/NE-LYT/453 ^[1]	Proposed House (NTEH – Small House)	6.1.2012
A/NE-LYT/458 ^[2]	Proposed House (NTEH – Small House)	6.1.2012
A/NE-LYT/459 ^[3]	Proposed House (NTEH – Small House)	6.1.2012
A/NE-LYT/460 ^[4]	Proposed House (NTEH – Small House)	6.1.2012
A/NE-LYT/461 ^[5]	Proposed House (NTEH – Small House)	6.1.2012
A/NE-LYT/617 ^[1]	Proposed House (NTEH – Small House)	7.4.2017
A/NE-LYT/622 ^[2]	Proposed House (NTEH – Small House)	7.4.2017
A/NE-LYT/623 ^[5]	Proposed House (NTEH – Small House)	7.4.2017
A/NE-LYT/633 ^[3]	Proposed House (NTEH – Small House)	8.9.2017
A/NE-LYT/634 ^[4]	Proposed House (NTEH – Small House)	8.9.2017
A/NE-LYT/855 ^[3]	Proposed House (NTEH – Small House)	19.9.2025
A/NE-LYT/856 ^[4]	Proposed House (NTEH – Small House)	19.9.2025

Remarks

- ^[1] Applications No. A/NE-LYT/453 and 617 are at the same location.
^[2] Applications No. A/NE-LYT/458 and 622 are at the same location.
^[3] Applications No. A/NE-LYT/459, 633 and 855 are at the same location.
^[4] Applications No. A/NE-LYT/460, 634 and 856 are at the same location.
^[5] Applications No. A/NE-LYT/461 and 623 are at the same location.

Rejected Applications

Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
A/NE-LYT/559 ^[6]	Proposed House (NTEH – Small House)	27.2.2015	R1 to R3
A/NE-LYT/713 ^[6]	Proposed House (NTEH – Small House)	18.10.2019	R1 & R2

Remarks

^[6] Applications No. A/NE-LYT/559 and 713 are at the same location.

Rejection Reasons:

- R1 The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was 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 and there was a general presumption against development within this zone. There was no strong planning justification in the submission for a departure from the planning intention.
- R2 Land was still available within the “Village Type Development” (“V”) zone of Ma Mei Ha for Small House development. It was considered more appropriate to concentrate the proposed Small House within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructure and services.
- R3 The approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in spreading Small Houses in the “GB” zone and a general degradation of the rural environment of the area.

鄧觀喜

新界粉岭马尾下村

我这对编号: A/NE-LYT/850 兴建小型屋宇

这对、这对、这对。

鄧觀喜

卷名: 101

Recommended Advisory Clauses

- (a) to note the comments of the Commissioner for Transport (C for T) that the local village access leading to the application site (the Site) from Sha Tau Kok Road – Ma Mei Ha is not managed by the Transport Department;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that:
 - (i) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public road and drains; and
 - (ii) his office is not/shall not be responsible for the maintenance of any access connecting the Site and the nearby public road;
- (c) to note the comments of the Director of Environmental Protection (DEP) that septic tank and soakaway system are acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Professional Persons Environmental Consultative Committee Practice Notes 1/23 ‘Drainage Plans subject to Comment by the Environmental Protection Department’ and are duly certified by an Authorised Person;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) adequate stormwater drainage collection and disposal facilities shall be provided to deal with the surface runoff of the Site or the same flowing on to the Site from the adjacent areas;
 - (ii) the applicant should check and ensure that the existing drainage system to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the Site. The applicant should also ensure that the flow from the Site will not overload the existing drainage system; and
 - (iii) the Site is in an area where public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant should observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ which is administrated by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application via LandsD;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of tree works such as pruning, transplanting, felling and compensatory/new tree planting. The applicant is reminded to seek approval for any proposed tree works from relevant department(s) prior to commencement of the works;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant is advised to avoid adverse impact to the nearby marsh during construction stage; and

- (h) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permissions from the Town Planning Board where required before carrying out the road works.

R-1

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/NE-LYT/850

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

「提意見人」姓名/名稱 Name of person/company making this comment 侯志強議員

簽署 Signature  日期 Date 2028. 9. 11

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

R-2

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/NE-LYT/850

意見詳情 (如有需要，請另頁說明)

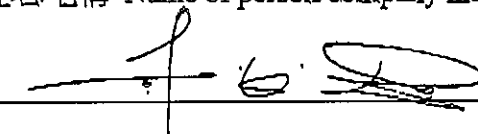
Details of the Comment (use separate sheet if necessary)

沒有意見

「提意見人」姓名/名稱 Name of person/company making this comment

龍記製餅有限公司

簽署 Signature



日期 Date

18.9.2025



嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

R-3

24th September, 2025.

By email only

Dear Sir/ Madam,

Proposed House (New Territories Exempted House - Small House)
(A/NE-LYT/850)
(Review under Section 17)

1. We refer to the captioned.
2. Part of the site is within Green Belt zone. We urge the Board to seriously consider with relevant authorities as to whether there is still sufficient space for Small House development within the nearby Village Type Development zone before making a decision.
3. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

