

# TOWN PLANNING BOARD

TPB Paper No. 11029

For Consideration by  
the Town Planning Board on 14.11.2025

REVIEW OF APPLICATION NO. A/NE-TK/836  
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

Proposed Four Houses (New Territories Exempted Houses – Small Houses)  
in “Green Belt” and “Village Type Development” Zones

Lots 146 S.A, 146 RP, 147 S.A, 147 S.B, 152 S.A, 152 S.B, 152 S.C, 153 S.A and 153 S.B  
in D.D. 28, Lung Mei, Tai Po, New Territories

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**1. Background**

- 1.1 On 26.5.2025, the applicants, Messrs YU Loi Hing, YU Siu Chung, LAW Chi Wai and LI Kwok Keung represented by Mr. HUI Kwan Yee, sought planning permission to build four proposed NTEHs (Small Houses) at the application site (the Site) under section 16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area mainly zoned “Green Belt” (“GB”) (about 99%) with a very minor portion zoned “Village Type Development” (“V”) (about 1%) on the approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19 (**Plan R-1**).
- 1.2 On 18.7.2025, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application for the following reasons:
- (a) the proposed development was not in line with the planning intention of the “GB” zone for the area 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. 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;
  - (b) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance’ in that the proposed development would involve extensive clearance of existing natural vegetation and affect the existing natural landscape on the surrounding environment; and
  - (c) land was still available within the “V” zone of Lung Mei and Tai Mei Tuk which was primarily intended for Small House development. It was 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.

1.3 For Members' reference, the following documents are attached:

- (a) RNTPC Paper No. A/NE-TK/836 (Annex A)
- (b) Extract of minutes of the RNTPC Meeting held on 18.7.2025 (Annex B)
- (c) Secretary of the Board's letter dated 1.8.2025 (Annex C)

## 2. Application for Review

On 22.8.2025, the applicants applied under section 17(1) of the Ordinance for a review of the RNTPC's decision to reject the application (Annex D).

## 3. Justifications from the Applicants

The justifications put forth by the applicants in support of the review application are detailed in the written representation at Annex D as summarised below:

- (a) as the Site has been left idle after land acquisition by the applicants, it is not reasonable to reject the application;
- (b) there are similar houses adjacent to the Site that have been built or granted with planning permissions; and
- (c) the applicants have no alternative land within the village.

## 4. The Section 16 Application

### The Site and its Surrounding Areas (Plans R-1 to R-4)

4.1 The situation of the Site and the surrounding areas at the time of consideration of the section 16 application by the RNTPC are set out in paragraph 9 of Annex A. There has been no material change in the situation of the Site and the surrounding areas since then.

4.2 The Site is:

- (a) currently covered with dense vegetation on hillslopes with a level difference of about 8m (Plan R-4);
- (b) located at the northern fringe of Ng Uk Tsuen and entirely within the village 'environs' ('VE') of Lung Mei and Tai Mei Tuk (Plans R-2a and R-2b); and
- (c) currently inaccessible by vehicle and pedestrian (Plan R-4).

4.3 The surrounding areas are predominantly rural in character comprising village houses, vegetated slopes and natural woodland (Plans R-2a, R-3 and R-4). To the east of the Site is a streamcourse running from north to south (Plan R-2a). To the south of the Site is the village proper of Ng Uk Tsuen, Wong Chuk Tsuen,

Lung Mei and Tai Mei Tuk (**Plans R-2a, R-2b and R-3**). To the north, east and west are vegetated slopes and natural woodland (**Plans R-3 and R-4**).

#### Planning Intention

- 4.4 There has been no change in the planning intention of the “GB” zone as mentioned in paragraph 10.1 of **Annex A**, 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.

#### Assessment Criteria

- 4.5 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 promulgated on 7.9.2007 is at **Appendix II** of **Annex A**.

#### Town Planning Board Guidelines

- 4.6 Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’, which is relevant to the consideration of the section 16 application, is still effective. Relevant extracts of the Guidelines are at **Appendix III** of **Annex A**.

#### Previous Applications

- 4.7 Part of the Site (i.e. Lots 146 S.A and 146 RP in D.D. 28) is the subject of two previous applications No. A/NE-TK/426 and 491 (**Plans R-1 and R-2a**) for the same use as the current application, which were rejected by the Board on review on 9.8.2013 and 15.8.2014 respectively, mainly for the reasons of not being in line with the planning intention of the “GB” zone; not complying with TPB PG-No. 10 due to involving extensive clearance of existing natural vegetation and affecting the existing natural landscape of the surrounding environment; and not complying with the Interim Criteria due to adverse landscape, water quality and/or sewerage impacts on the surrounding areas.
- 4.8 Details of the previous applications are summarised at **Appendix IV** of **Annex A** and their locations are shown on **Plans R-1 and R-2a**.

#### Similar Applications

- 4.9 When the section 16 application was considered by the RNTPC on 18.7.2025, there were 27 similar applications involving 17 sites for proposed Small House developments in the vicinity of the Site, of which 16 sites fall wholly within the same “GB” zone and one site straddles the same “GB” and “V” zones since the first promulgation of the Interim Criteria on 24.11.2000. There has been no change in the number of similar applications since then.

- 4.10 Among the similar applications, 12 applications (No. A/NE-TK/140, 192, 259 to 262, 362, 363, 367, 373, 440 and 450) were approved with conditions by the RNTPC between 2002 and 2013 (i.e. prior to the formal adoption of a more cautious approach by the Board in August 2015<sup>1</sup>), mainly on the considerations that the proposed Small House footprints fell mostly within the ‘VE’; there was a general shortage of land to meet the demand for Small House development in the “V” zone at the time of consideration; no significant adverse impact on the surrounding areas was anticipated; and/or the application sites were the subject of previously approved applications (for applications No. A/NE-TK/192, 373, 440 and 450).
- 4.11 The remaining 15 applications (No. A/NE-TK/486 to 490, 492, 493, 524, 555, 557, 558, 578, 677, 748 and 749) were rejected by the RNTPC/the Board on review in between 2014 and 2022, mainly for the reasons of not being in line with the planning intention of the “GB” zone; not complying with TPB PG-No.10 due to involving extensive clearance of existing natural vegetation and affecting the existing natural landscape, drainage and/or slope stability on the surrounding environments/areas; not complying with the Interim Criteria due to adverse landscape, water quality, sewerage, drainage, and/or geotechnical impacts on the surrounding areas; and/or land still being available in “V” zone for Small House development at the time of consideration (for applications No. A/NE-TK/555, 557, 558, 578, 677, 748 and 749).
- 4.12 Details of the similar applications are summarised at **Appendix V** of **Annex A** and their locations are shown on **Plan R-2a**.

## **5. Comments from Relevant Government Departments**

- 5.1 Comments on the section 16 application made by relevant government departments are set out in paragraph 11 and **Appendix VI** of **Annex A**. Their advisory comments in the Recommended Advisory Clauses, if any, are at **Appendix VII** of **Annex A** and recapped at **Annex E**.
- 5.2 For the review application, relevant government departments have been further consulted and they maintain their previous comments on the application. Comments from the District Lands Officer/Tai Po of Lands Department (DLO/TP, LandsD) as set out in **Appendix VI** of **Annex A** are recapitulated as follows:

### Land Administration

#### 5.2.1 Comments of DLO/TP, LandsD:

- (a) all of the four applicants are indigenous villagers as confirmed by their Indigenous Inhabitant Representative(s). However, the eligibilities of Small House grant of the applicants have yet to be ascertained;

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

- (b) the Site is held under Block Government Lease demised for agricultural use and is not covered by Modification of Tenancy or Building Licence. Small House applications submitted by the applicants for the Site are still under processing;
- (c) the total number of outstanding Small House applications for Lung Mei and Tai Mei Tuk is 38, while the 10-year Small House demand forecast is 271 (the same at the time of consideration of the section 16 application); and
- (d) his advisory comments are at **Annex E**.

5.2.2 In view of the comments of DLO/TP, LandsD, the assessment of the land required and land available for Small House development is as follows:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?		✓	<u>Land Required</u> Land required to meet Small House demand in Lung Mei and Tai Mei Tuk: about 7.73 ha (equivalent to 309 Small House sites). The number of outstanding Small House applications is 38 <sup>2</sup> while the 10-year Small House demand forecast is 271 <sup>3</sup> .
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		<u>Land Available</u> Land available to meet Small House demand within the “V” zone of Lung Mei and Tai Mei Tuk: about 1.61 ha (equivalent to about 64 Small House sites) ( <b>Plan R-2b</b> ).

<sup>2</sup> Among the 38 outstanding Small House applications, 29 fall within “V” zone and nine straddle or fall outside the “V” zone. For cases straddling or falling outside of “V” zone, two of them are the subject of approved planning applications.

<sup>3</sup> According to DLO/TP, LandsD, the figure of 10-year Small House demand forecast is estimated and provided by the Indigenous Inhabitant Representatives of the villages concerned, which has not been verified by his office.

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

- 6.1 On 5.9.2025, the review application was published for public inspection. During the statutory public inspection period, 27 public comments from the property owners of Dragon View Villa (a joint letter with 12 signatures), Residents' Association of Dragon View Villa (a joint letter with 20 signatures), villagers of Lung Mei<sup>4</sup>, local residents<sup>5</sup> and individuals<sup>6</sup> were received (**Annex F**).
- 6.2 All 27 comments object to the application mainly on the following grounds:
- (a) the proposed development is not in line with the planning intention of the "GB" zone and does not comply with TPB PG-No.10 due to extensive clearance of existing natural vegetation. It is doubtful on the necessity of developing the "GB" zone in proximity to Pat Sin Leng Country Park, which will cause destruction of natural environment, wild life habitats and biodiversity with adverse landscape and ecological impacts;
  - (b) there will be potential landslides and slope safety risks due to the proposed development, posing threats to lives of local residents under extreme weather;
  - (c) there will be flooding risks (especially during wet season) due to alteration of local topography and obstruction to the existing drainage system by construction wastes. Water quality of streamcourse(s) and effectiveness of sewerage facilities will be affected;
  - (d) the area is already subject to the problems of traffic congestion and insufficient car parking spaces. Village access will also be obstructed, leading to difficulties in delivery of emergency services;
  - (e) previous applications for Small House development at the Site were rejected, whereas additional information and mitigation measures have not been included under the current application; and
  - (f) local residents will be disturbed by the proposed development and land is available within the "V" zone of Lung Mei and Tai Mei Tuk for Small House development.
- 6.3 At the section 16 application stage, 11 public comments were received and set out in paragraph 12 of **Annex A**.

## **7. Planning Considerations and Assessments**

- 7.1 The application for a review of the RNTPC's decision on 18.7.2025 to reject the section 16 application for proposed four Small Houses at the Site mainly zoned

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<sup>4</sup> Among which, two comments are under two respective emails with 18 signatures each.

<sup>5</sup> Among which, two comments are under two respective emails with nine signatures each.

<sup>6</sup> Among which, three comments are under two respective emails with seven signatures each and one letter with five signatures.

“GB” (about 99%) with a very minor portion zoned “V” (about 1%) on the OZP (**Plan R-1**) with the reasons stated in paragraph 1.2 above. To support the review application, the applicants have submitted written representation as set out in paragraph 3 above. Since the consideration of the section 16 application by the RNTPC, there has been no material change in planning circumstances. Having considered the written representation, the planning assessments on the review application are detailed below. In gist, taking into account that (i) the proposed development is not in line with the planning intention of the “GB” zone and there is no strong planning justification in the submission for a departure from the planning intention; (ii) the proposed development does not comply with TPB PG-No.10; and (iii) there is still land available within the “V” zone of Lung Mei and Tai Mei Tuk for Small House development, no sympathetic consideration will be given to the current review application.

Planning Intention of the “GB” Zone and TPB PG-No.10

- 7.2 In response to applicants’ claim that the Site has been left idle after land acquisition by the applicants and it is not reasonable to reject the application, it should be noted that the Site mainly zoned “GB” is currently covered with dense vegetation on hillslopes (**Plans R-1** and **R-4**). The proposed Small House 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 of the “GB” zone.
- 7.3 According to TPB PG-No.10 (**Appendix III** of **Annex A**), an application for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The development should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape. Though the applicants propose to plant eight new trees within the Site, the existing vegetation will be removed for the proposed development. The Director of Agriculture, Fisheries and Conservation maintains his previous view and has no strong view on the review application from nature conservation point of view, given that the vegetation on the Site is covered with grasses and common vegetation. However, the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) maintains her previous view and advises that notwithstanding the landscape mitigation measure (i.e. eight new trees of not less than 2.75m in height) proposed by the applicants, the proposed Small Houses would alter the landscape character of the “GB” zone comprising lush vegetated areas and dense woodland where majority of the Site is located. In this regard, the application does not comply with TPB-PG No. 10 in that the proposed development would involve extensive clearance of existing natural vegetation and affect the existing natural landscape.



Land Available within the “V” Zone of Lung Mei and Tai Mei Tuk for Small House Development

7.4 In response to the applicants’ claim that similar houses adjacent to the Site have been built or granted with planning permissions, each planning application for Small House development would be considered by the Board on its individual merits, amongst others, that whether the Small House development fulfils the Interim Criteria. Regarding the Interim Criteria (**Appendix II of Annex A**), criterion (a) is relevant to the consideration of the current review application. While the Site falls entirely within the ‘VE’ of Lung Mei and Tai Mei Tuk (**Plan R-2a and R-2b**) and land available within the “V” zone (i.e. about 1.61ha of land or equivalent to about 64 Small Houses sites<sup>7</sup>) is insufficient to fully meet the future Small House demand of 309 in Lung Mei and Tai Mei Tuk, it should be noted that the Board has formally adopted a more cautious approach in considering applications for Small House development since August 2015, and more weighting has been put on the number of outstanding Small House applications provided by LandsD. In this regard, land available within the “V” zone of Lung Mei and Tai Mei Tuk (**Plan R-2b**) is sufficient to accommodate the outstanding 38 Small House applications. The applicants also claim that they have no alternative land within the village. However, land ownership and transaction are not the material planning considerations for Small House application. As there is no general shortage of land in meeting the outstanding Small House applications in the “V” zone, 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.

Similar Applications

7.5 There are 27 similar applications involving 17 sites for proposed Small House developments in the vicinity of the Site, of which 16 sites fall wholly within the same “GB” zone and one site straddles the same “GB” and “V” zones (**Plan R-2a**). 12 applications were approved with conditions by the RNTPC prior to the formal adoption of a more cautious approach by the Board in August 2015. The planning circumstances of the current review application are different from those of the approved similar applications. The remaining 15 applications were rejected by the RNTPC/the Board on review between 2014 and 2022 mainly for the reasons as mentioned in paragraph 4.11 above. The planning circumstances of the current review application are similar to those of the rejected similar applications. Rejecting the current review application is generally in line with the previous RNTPC/Board’s decisions.

Relevant Government Departments’ Comments

7.6 Other relevant government departments consulted including the Chief Engineer/Mainland North of Drainage Services Department, Commissioner for Transport and Director of Fire Services maintain no adverse comment on or no objection to the current review application. Noting that there are suspected unauthorized slope cutting and filling works at the Site and surrounding areas, Head of Geotechnical Engineering Office of Civil Engineering and

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<sup>7</sup> Same as the situation at the time of considering section 16 application.

Development Department maintains his previous comments and recommends the submission of a geotechnical investigation report and implementation of necessary geotechnical remedial works identified therein at the Small House grant application stage.

### Public Comments

7.7 Regarding the public comments on the review application as detailed in paragraph 6 above, the government departments' comments and planning considerations and assessments above are relevant.

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

8.1 Based on the assessments made in paragraph 7 above, having taken into account the public comments in paragraph 6 above and given that there has been no material change in the planning circumstances since the consideration of the subject application by the RNTPC, PlanD maintains its previous view of not supporting the review application for the following reasons:

- (a) the proposed development is not in line with the planning intention of the "GB" zone for the 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. 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;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" Zone under Section 16 of the Town Planning Ordinance' in that the proposed development would involve extensive clearance of existing natural vegetation and affect the existing natural landscape on the surrounding environment; and
- (c) land is still available within the "V" zone of Lung Mei and Tai Mei Tuk 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 more orderly development pattern, efficient use of land and provision of infrastructures and services.

8.2 Alternatively, should the Board decide to approve the application, it is suggested that the permission shall be valid until 14.11.2029, 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 advisory clauses at **Annex E** are also suggested for Members' reference.

**9. Decision Sought**

- 9.1 The Board is invited to consider the application for a review of the RNTPC's decision and decide whether to accede to the application.
- 9.2 Should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicants.
- 9.3 Alternatively, should the Board decide to approve the review 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.

**10. Attachments**

<b>Annex A</b>	RNTPC Paper No. A/NE-TK/836
<b>Annex B</b>	Extract of Minutes of the RNTPC Meeting held on 18.7.2025
<b>Annex C</b>	Secretary of the Board's Letter dated 1.8.2025
<b>Annex D</b>	Letter from the Applicants dated 22.8.2025
<b>Annex E</b>	Recommended Advisory Clauses
<b>Annex F</b>	Public Comments
<b>Plan R-1</b>	Location Plan
<b>Plan R-2a</b>	Site Plan
<b>Plan R-2b</b>	Estimated Amount of Land Available within the "V" zone of Lung Mei and Tai Mei Tuk for Small House Development
<b>Plan R-3</b>	Aerial Photo
<b>Plan R-4</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2025**