

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/NE-LYT/862 and 863

<u>Applicants</u>	:	Mr. PANG Chung Yin Mr. PANG Wai Kwan both represented by Mr. HUI Kwan Yee	(Application No. A/NE-LYT/862) (Application No. A/NE-LYT/863)
<u>Sites</u>	:	Lot 691 S.D Lot 691 S.E both in D.D. 83, Kwan Tei Village, Fanling, New Territories	(Application No. A/NE-LYT/862) (Application No. A/NE-LYT/863)
<u>Site Areas</u>	:	About 107.6m ² About 114.1m ²	(Application No. A/NE-LYT/862) (Application No. A/NE-LYT/863)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)	
<u>Plan</u>	:	Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19	
<u>Zonings</u>	:	<u>Application No. A/NE-LYT/862</u> (i) “Agriculture” (“AGR”) (about 98.7%) (ii) “Village Type Development” (“V”) (about 1.3%) <u>Application No. A/NE-LYT/863</u> “AGR”	
<u>Applications</u>	:	Proposed House (New Territories Exempted House (NTEH) – Small House) on each of the application sites	

1. The Proposals

- 1.1 The applicants, who claim themselves to be indigenous villagers of Fanling, Fanling Heung, seek planning permissions to build a NTEH (Small House) on each of the application sites (the Sites) (**Plan A-1**). The Site of application No. A/NE-LYT/862 falls within an area mainly zoned “AGR” (about 98.7%) with a very minor portion zoned “V” (about 1.3%), and that of application No. A/NE-LYT/863 falls entirely within an area zoned “AGR” on the OZP (**Plan A-2**). According to the Notes of the OZP, ‘House (NTEH only)’ is always permitted within the “V” zone, whilst ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the

covering Notes)’ is a Column 2 use within the “AGR” zone, which requires planning permission from the Town Planning Board (the Board). The Sites are generally hard-paved and currently vacant (**Plan A-4**).

1.2 Details of each of the proposed NTEHs (Small Houses) 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 applicants indicate that the uncovered area of the Sites will be used as garden. The layouts of the two proposed Small Houses (including septic tanks) under applications No. A/NE-LYT/862 and 863 are shown in **Drawings A-1** and **A-2** respectively.

1.4 The Sites are the subject of a previous application (No. A/NE-LYT/517) for the development of two Small Houses submitted by different applicants, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 11.10.2013. Details of the previous application are set out in paragraph 5.1 below.

1.5 In support of the applications, the applicants have submitted the following documents.

- (a) Application Form with Attachments received on 9.10.2025 (**Appendix Ia**)
(for application No. A/NE-LYT/862)
- (b) Application Form with Attachments received on 9.10.2025 (**Appendix Ib**)
(for application No. A/NE-LYT/863)
- (c) Supplementary Information (SI) received on 15.10.2025 (**Appendix Ic**)
(for both applications)

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the applications are detailed in the Application Forms and SI at **Appendices Ia to Ic**, as summarised below:

- (a) the Sites have been left vacant for a long time, and the applicants intend to utilise the Sites for Small House developments;
- (b) the applicants do not possess other available land for the Small House developments;
- (c) there are existing village houses and an approved Small House application (No. A/NE-LYT/632) in the vicinity of the Sites; and
- (d) the proposed developments would not induce adverse environmental, traffic, drainage, sewerage and landscape impacts on the surroundings.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicants are the sole “current land owners” of their respective lots. Detailed information would be deposited at the meeting for Members’ inspection.

4. Assessment Criteria

The set of Interim Criteria for Consideration of Application of NTEH/Small House in New Territories (the Interim Criteria) was first promulgated on 24.11.2000. The latest set of Interim Criteria, which was promulgated on 7.9.2007, is at **Appendix II**.

5. Previous Application

5.1 The Sites are the subject of a previous application (No. A/NE-LYT/517) submitted by different applicants¹ for the development of two Small Houses. The application was approved with conditions by the Committee on 11.10.2013 (i.e. prior to the formal adoption of a more cautious approach by the Board in August 2015²) mainly on the considerations that the proposed Small Houses’ footprints fell entirely within the village ‘environs’ (‘VE’) of Kwan Tei and there was general shortage of land within “V” zone in meeting the Small House demand at the time of consideration; the proposed development was considered not incompatible with the surrounding land uses; and the proposed development would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. The validity of the planning permission has been extended but subsequently lapsed on 12.10.2020. Compared with the previous application, the major development parameters and footprint of the two proposed Small Houses under the current applications are generally the same.

5.2 Details of the previous application are summarised at **Appendix III** and its location is shown on **Plans A-1 and A-2a**.

6. Similar Applications

6.1 There are 24 similar applications involving 15 sites within/partly within the same “AGR” zone in the vicinity of the Sites since the first promulgation of the Interim Criteria on 24.11.2000.

6.2 Amongst these similar applications, 22 of them were approved by the Committee. Seven applications (No. A/NE-LYT/288, 390, 499, 510, 527, 553 and 563) were approved with conditions by the Committee between 2004 and 2015 (i.e. prior to the formal adoption of a more cautious approach by the Board in August 2015) mainly on the similar considerations as detailed in paragraph 5.1 above. Since then, 15 applications (No. A/NE-LYT/587, 588, 599, 603, 632, 682, 721, 722, 732, 790, 791, 809, 832, 844 and 858) were approved by the Committee, with or without conditions, between 2016 and 2025, mainly on sympathetic

¹ Application No. A/NE-LYT/517 was submitted by Mr. CHUNG Chor Leung and Mr. CHUNG Yiu Hang.

² 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 the Lands Department (LandsD).

considerations that the application site was the subject of previous planning permission(s) and the relevant Small House grant applications were under active processing by LandsD; and/or there were Small House applications approved in the vicinity at different stages of development nearby.

- 6.3 For the remaining two applications (No. A/NE-LYT/399 and 400), they were both rejected by the Committee in 2009 mainly on the ground of being not complying with the Interim Criteria in that the application site entirely/largely fell outside the ‘VE’ and “V” zone of Kwan Tei.
- 6.4 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-2a**.

7. The Sites and Their Surrounding Areas (Plans A-1 to A-4)

7.1 The Sites are:

- (a) generally hard-paved and currently vacant; and
- (b) located at the southern fringe of village proper of Kwan Tei.

7.2 The surrounding areas are of rural landscape character comprising village houses/domestic structures, active/fallow farmlands, vacant land, tree groups or vegetated areas. For application No. A/NE-LYT/862, to the immediate north, west, south are a domestic structure, an existing village house and a vacant site (i.e. the Site of application No. A/NE-LYT/863) respectively. For application No. A/NE-LYT/863, to the immediate west and south are vacant areas with Small House grant applications currently being processed by LandsD with valid planning permissions.

8. Planning Intention

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Departments

9.1 The applications have 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? - Footprints of the proposed Small Houses	-	100%	The footprints of the proposed Small Houses fall entirely within “AGR” zone.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	- The Sites: A/NE-LYT/862 A/NE-LYT/863	1.3% -	98.7% 100%	The Site of application No. A/NE-LYT/862 mainly falls within the “AGR” with a minor portion zoned “V”, and that of application No. A/NE-LYT/863 falls entirely within the “AGR” zone.
2.	Within ‘VE’? - Footprints of the proposed Small Houses - The Sites	100% 100%	- -	The District Lands Officer/North, LandsD (DLO/N, LandsD) advises that the Sites and footprints of the proposed Small Houses fall entirely within the ‘VE’ of Kwan Tei.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?		✓	<u>Land Required</u> - Land required to meet Small House demand in Kwan Tei: about 3.65ha (equivalent to 146 Small House sites). The outstanding Small House applications is 36 ³ while the 10-year Small House demand is 110 ⁴ .
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		<u>Land Available</u> - Land available to meet the Small House demand within the “V” zone of Kwan Tei: about 2.47ha (equivalent to about 98 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of “AGR” zone?		✓	The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications from agricultural perspective as the Sites possess potential for agricultural rehabilitation. There are agricultural activities in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Sites can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries.

³ Among the 36 outstanding Small House applications, 24 fall within the “V” zone, and 12 partly fall within or fall outside the “V” zone, six of them have obtained valid planning approvals from the Board.

⁴ According to DLO/N, LandsD, the figure of 10-year Small House demand forecast is estimated and provided by the Indigenous Inhabitant Representative of the village concerned, which has not been verified by his office.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
5.	Compatible with surrounding area/development?	✓		The proposed developments are not incompatible with the surrounding areas of rural landscape character comprising village houses/domestic structures, active/fallow farmlands, vacant land, tree groups or vegetated areas.
6.	Within Water Gathering Grounds?		✓	
7.	Environmental and sewerage impacts?		✓	The Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed developments, the applications are 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 applications. The applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD.
10.	Traffic impact?	✓		The Commissioner for Transport (C for T) has no objection to the applications. She advises that the applications only involve the construction of one Small House each, and considers that the applications can be tolerated on traffic ground. Though additional traffic generated by the proposed developments is not significant, the permissions of development outside the "V" zone will set an undesirable precedent case for similar application in the future. The resulting cumulative adverse traffic impact has to be reviewed on case-by-case basis in the future.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
11.	Drainage impact?		✓	The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the applications.
12.	Landscaping impact?		✓	The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no adverse comment on the applications from landscape planning perspective, and advises that significant adverse impact on landscape character and existing landscape resources within the Sites is not anticipated.
13.	Local objections conveyed by DO?		✓	

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

- (a) DLO/N, LandsD;
- (b) C for T;
- (c) DEP;
- (d) CE/MN, DSD;
- (e) D of FS;
- (f) CTP/UD&L, PlanD;
- (g) DAFC; and
- (h) District Officer (North), Home Affairs Department (DO(N), HAD).

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

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD).

10. Public Comments Received During Statutory Publication Period

On 17.10.2025, the applications were published for public inspection. During the statutory public inspection period, three public comments were received for application No. A/NE-LYT/862 and two public comments were received for application No. A/NE-LYT/863 (**Appendices VIIa and VIIb**). One comment from an individual objects to

both applications mainly on the ground that there are still available land for Small House developments within the “V” zone of Kwan Tei. One comment from a member of North District Council indicates no comment on both applications, whilst one comment from the Chairman of Lung Shan Area Committee indicates no comment on application No. A/NE-LYT/862.

11. Planning Considerations and Assessments

- 11.1 The applications are for proposed Small House development at each of the Sites largely or entirely zoned “AGR” on the OZP (**Plans A-1 and A-2a**). The proposed developments are not in line with the planning intention of the “AGR” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the applications from agricultural perspective as the Sites possess potential for agricultural rehabilitation. There is no strong planning justification in the submissions for a departure from the planning intention.
- 11.2 The Sites, which are located on the southern fringe of village proper of Kwan Tei, are generally hard-paved and currently vacant (**Plans A-3 and A-4**). The proposed developments are not incompatible with the surrounding areas of rural landscape character comprising village houses/domestic structures, active/fallow farmland, vacant land and tree clusters or vegetated areas (**Plans A-2a to A-4**). CTP/UD&L, PlanD has no adverse comment on the applications from landscape planning perspective, and advises that significant adverse impact on existing landscape resources within the Sites is not anticipated. Other relevant government departments consulted, including C for T, DEP, CE/MN, DSD, D of FS and CE/C, WSD have no objection to or no adverse comment on the applications.
- 11.3 Regarding the Interim Criteria (**Appendix II**), the footprints of the proposed Small Houses fall entirely within the ‘VE’ of Kwan Tei (**Plan A-2a**). According to DLO/N, LandsD, the number of outstanding Small House applications for Kwan Tei is 36 while the 10-year Small House demand forecast is 110. Based on PlanD’s latest estimate, about 2.47ha (equivalent to about 98 Small House sites) is available within the “V” zone concerned (**Plan A-2b**). While the amount of land available within the “V” zone of Kwan Tei is insufficient to fully meet the future Small House demand, it is sufficient to accommodate the outstanding Small House applications. It should be noted that the Board has formally adopted a more cautious approach in considering applications for Small House development since August 2015. Among others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting has been put on the number of outstanding Small House applications provided by LandsD. As such, it is considered more appropriate to concentrate the proposed Small House developments within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 11.4 Though the Sites are the subject of a previously approved application (No. A/NE-LYT/517) (**Plan A-1**) for the development of two Small Houses, it was submitted by different applicants and the planning permission lapsed in October 2020. It should be noted that according to the Interim Criteria (**Appendix II**), application

with previous planning permission lapsed will be considered on its own merits and sympathetic consideration may be given if there are specific circumstances to justify the cases. The Sites could not be regarded as infill sites among existing NTEHs/Small Houses as there are vacant areas to the immediate west and/or south of the Sites (**Plans A-2a to A-4**). Besides, as advised by DLO/N, LandsD, the Sites are currently not the subject of any valid ongoing Small House grant applications. In this regard, there are no specific circumstances to justify the current applications for sympathetic consideration under the Interim Criteria.

- 11.5 There are 24 similar applications falling within/partly falling within the same “AGR” zone in the vicinity of the Sites (**Plan A-2a**), 15 of which were approved with conditions by the Committee between 2016 and 2025 after the formal adoption of a more cautious approach by the Board as detailed in paragraph 6.2 above. The planning circumstances of the current applications are generally different from those of the approved applications.
- 11.6 Regarding the public comments on the applications, government departments’ comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10 above, PlanD does not support the applications for the following reasons:
 - (a) the proposed development is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
 - (b) land is still available within the “V” zone of Kwan Tei which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House developments within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 12.2 Alternatively, should the Committee decide to approve the applications, it is suggested that the permission for each application shall be valid until 5.12.2029, 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 attached at **Appendix VI**.

13. Decision Sought

- 13.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permissions.
- 13.2 Should the Committee decide to reject the applications, Members are invited to

advise what reason(s) for rejection should be given to the applicants.

- 13.3 Alternatively, should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permissions, and the date when the validity of the permissions should expire.

14. Attachments

Appendices Ia and Ib	Application Form with Attachments received on 9.10.2025
Appendix Ic	SI received on 15.10.2025
Appendix II	Relevant Extracts of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous Application
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendices VIIa and VIIb	Public Comments
Drawings A-1 and A-2	Layout Plans
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 Kwan Tei
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2025**