

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/865

- Applicants** : Messrs. TANG Shao Gee and TANG Wai Kit represented by Mr. PANG Hing Yeun
- Site** : Lots 978 S.A and 978 S.B in D.D. 83, Tung Kok Wai, Lung Yeuk Tau, Fanling, New Territories
- Site Area** : About 183.5m²
- 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
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Two Houses (New Territories Exempted Houses (NTEHs) – Small Houses)

1. The Proposal

- 1.1 The applicants, who claim themselves to be indigenous villagers of Lung Yeuk Tau Tung Kok Wai, seek planning permission to build two NTEHs (Small Houses) at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plans A-1 and A-2a**). According to the Notes of the OZP for the “AGR” zone, ‘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, which requires planning permission from the Town Planning Board (the Board). The Site is hard-paved and generally vacant (**Plans A-4a and A-4b**).
- 1.2 Details of the applicants and their respective Lots (**Plan A-2a**) are as follows:

House	Applicant	Lot in D.D 83
H1	Mr. TANG Shao Gee	978 S.A
H2	Mr. TANG Wai Kit	978 S.B

1.3 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

1.4 The applicants indicate that the uncovered area of the Site will be used as circulation area for the proposed Small Houses. The applicants propose to connect the Small House development to an existing public sewer (**Plan A-2a**). The layout of the proposed Small Houses is shown in **Drawing A-1**.

1.5 In support of the application, the applicants have submitted the following documents:

- (a) Application Form with attachments received on (**Appendix I**) 13.10.2025
- (b) Supplementary Information (SI) received on 20.10.2025 (**Appendix Ia**)

2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the Application Form and SI at **Appendices I** and **Ia**, as summarised below:

- (a) the applicants, who are the indigenous villagers of Lung Yeuk Tau Tung Kok Wai, are entitled to build Small Houses under the prevailing Small House Policy;
- (b) there is limited land available for Small House developments within the area of Lung Yeuk Tau village cluster, and the Site is the available land for the applicants to build their Small Houses;
- (c) the Site, which is currently vacant without any landscape resource, is considered suitable for Small House development in that public transport services (i.e. minibus) and public sewer connection are available in the vicinity;
- (d) there are existing Small Houses or approved Small House developments in the vicinity of the Site; and
- (e) the proposed development is compatible with the surrounding environment, and would not induce adverse environmental, traffic, drainage, sewerage, landscape and visual 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

There is no previous application at the Site.

6. Similar Applications

- 6.1 There are 14 similar applications involving 11 sites within the same “AGR” in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000.
- 6.2 Among them, 13 applications (No. A/NE-LYT/247, 252, 286, 289, 310, 311, 312, 316, 332, 366, 386, 491 and 492) were approved with conditions by the Committee between 2002 and 2012 (i.e. before the Board formally adopted a more cautious approach in considering Small House application since August 2015) mainly on the considerations that the application generally met the Interim Criteria in that the footprint of the proposed Small House entirely fell within the village ‘environs’ (‘VE’) and there was a general shortage of land within the “Village Type Development” (“V”) zone in meeting the demand for Small House development at the time of consideration; the proposed development was not incompatible with the surroundings; and there were similar approved applications for Small House developments in the vicinity of the site.
- 6.3 The remaining one (application No. A/NE-LYT/398) was rejected by the Committee in 2009 mainly on the grounds that the application did not comply with the Interim Criteria in that the site fell entirely outside the “V” zone and ‘VE’ of a recognised village; and the approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone.
- 6.4 Besides, an application (No. A/NE-LYT/864) for proposed five Small Houses situated to the north of the Site within the same “AGR” zone will be considered by the Committee at the same meeting.
- 6.5 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-2a**.

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

- 7.1 The Site is:
 - (a) hard-paved and generally vacant;
 - (b) located to the eastern fringe of Lung Yeuk Tau Tung Kok Wai; and

(c) accessible from Sha Tau Kok Road – Lung Yeuk Tau via a local access.

7.2 The surrounding areas are of rural landscape character comprising village houses/domestic structures, active/fallow farmlands, vacant land and tree clusters or vegetated areas. To the immediate north is a cluster of village houses¹.

8. Planning Intention

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

9. Comments from Relevant Government Departments

9.1 The application has been assessed against the assessment criteria at **Appendix II**. The assessment is summarised in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	Within “V” zone? - Footprints of the proposed Small Houses - The Site	- -	100% 100%	The footprints and the Site of the proposed Small Houses fall entirely within “AGR” zone.
2.	Within ‘VE’? - Footprints of the proposed Small Houses - The Site	100% 100%	- -	The District Lands Officer/North, Lands Department (DLO/N, LandsD) advises that the Site and footprints of the proposed Small Houses fall entirely within the ‘VE’ of Lung Yeuk Tau Wing Ning Wai, Wing Ning Tsuen, Tung Kok Wai, Ma Wat Tsuen, Ma Wat Wai, Tsz Tong Tsuen and Lo Wai.
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 Yeuk Tau village cluster ² : about 17.2ha (equivalent to 687 Small House sites). The outstanding Small House applications for Lung Yeuk Tau

¹ The concerned village houses are either covered by previous planning permissions or in existence before the publication of the first publication of the Lung Yeuk Tau and Kwan Tei South Interim Development Permission Area Plan No. IDPA/NE-LYT/1 on 17.8.1990.

² Including San Uk Tsuen, San Wai, Wing Ning Tsuen, Wing Ning Wai, Ma Wat Tsuen, Tung Kok Wai and Lo Wai, Ma Wat Wai and Tsz Tong Tsuen.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				village cluster is 102 ³ while the 10-year Small House demand is 585 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” zones of Lung Yeuk Tau village cluster: about 10.26ha (equivalent to about 409 Small House sites) (Plans A-2b and A-2c).
4.	Compatible with the planning intention of “AGR” zone?		✓	The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. There are agricultural activities in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site could be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.
5.	Compatible with surrounding area/ development?	✓		The proposed development is not incompatible with the surrounding areas of rural landscape character comprising village houses/domestic structures, active/fallow farmlands, vacant land and tree groups or vegetated areas.
6.	Within Water Gathering Grounds?		✓	
7.	Environmental and sewerage impacts?		✓	The Director of Environmental Protection (DEP) has no in-principle objection to the application provided that the applicants will provide adequate sewer connection for disposal of sewage from the Small Houses to the existing public sewer at their own costs and reserve adequate land for the sewer connection.

³ Among the 102 outstanding Small House applications, 94 fall within the “V” zones, and eight fall outside or partly fall outside the “V” zones, two of which have obtained 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 Representatives of the villages concerned, which has not been verified by his office.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
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 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 application. She advises that the application only involves the construction of two Small Houses at the Site, and considers that the application can be tolerated on traffic ground. Though additional traffic generated by the proposed development is not significant, the permission of development outside the "V" zone 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.
11.	Drainage impact?		✓	The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application.
12.	Landscaping impact?		✓	The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no adverse comment on the application from landscape planning perspective, and advises that significant adverse impact on existing landscape resources within the Site is not anticipated.
13.	Local objections conveyed by DO?		✓	

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

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

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

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

10. Public Comments Received During Statutory Publication Period

On 21.10.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VI**). One comment from an individual objects to the application mainly on the grounds that the previously approved application at the Site lapsed for a long time⁵; there would be safety concern regarding the construction works for Small House development; and the development of the Small Houses would encourage vehicle parking issue on the roadsides and Government land. The remaining two comments from a member of North District Council and the Chairman of Lung Shan Area Committee both indicate no comment on the application.

11. Planning Considerations and Assessments

11.1 The application is for proposed development of two Small Houses at the Site zoned “AGR” on the OZP (**Plan A-1**). 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. DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. There is no strong planning justification in the submission for a departure from the planning intention.

⁵ According to our record, the Site is not the subject of any previous planning application.

- 11.2 The Site, which is hard-paved and generally vacant, is located at the eastern fringe of Lung Yeuk Tau Tung Kok Wai (**Plans A-2a, A-4a and A-4b**). The proposed development is not incompatible with the surrounding areas of rural landscape character mainly comprising village houses/domestic structures, active/fallow farmlands, vacant land and tree clusters or vegetated areas (**Plans A-2a and A-3**). CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective as significant adverse impact on the existing landscape resources within the Site is not anticipated. Other relevant government departments consulted, including C for T, DEP, CE/MN, DSD, D of FS and CE/C, WSD have no objection to or no adverse comment on the application.
- 11.3 Regarding the Interim Criteria (**Appendix II**), the footprints of the proposed Small Houses fall entirely within the 'VE' of Lung Yeuk Tau Wing Ning Wai, Wing Ning Tsuen, Tung Kok Wai, Ma Wat Tsuen, Ma Wat Wai, Tsz Tong Tsuen and Lo Wai (**Plan A-2a**). According to DLO/N, LandsD, the number of outstanding Small House applications for Lung Yeuk Tau village cluster is 102 while the 10-year Small House demand forecast is 585. Based on PlanD's latest estimate, about 10.26ha (equivalent to about 409 Small House sites) is available within the "V" zones concerned (**Plans A-2b and A-2c**). While the amount of land available within the "V" zones of Lung Yeuk Tau village cluster 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. Furthermore, the Site is not the subject of any previous planning permission for Small House development. As such, it is considered more appropriate to concentrate the proposed Small House development within the "V" zones for a more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 11.4 There are 14 similar applications within the same "AGR" zone in the vicinity of the Sites (**Plan A-2a**), among which 13 applications were approved with conditions by the Committee before the formal adoption of more cautious approach by the Board since August 2015 as detailed in paragraph 6.2 above. The planning circumstances of the current application are generally different from those of the approved applications.
- 11.5 Regarding the public comments on the application, 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 application 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” zones of Lung Yeuk Tau village cluster which are primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zones for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission 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 at **Appendix V**.

13. **Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to reject the application, 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 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.

14. **Attachments**

Appendix I	Application Form with Attachments received on 13.10.2025
Appendix Ia	SI received on 20.10.2025
Appendix II	Relevant Extracts of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plans A-2b and A-2c	Estimated Amount of Land Available for Small House Development within the “V” zones of Lung Yeuk Tau Village Cluster
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2025**