

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1104

Applicants : Mr. LEE, Kam Hung, Mr. LEE, Chi Hing and Mr. LEE, Chi Keung

Site : Lots No. 1906A and 1906B in D.D. 106, Yuen Kong San Tsuen, Pat Heung, Yuen Long

Site Area : 47.19m²

Lease : New Grant Lots (demised for “Building” purpose)

Plan : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15

Zoning : “Agriculture” (“AGR”)

Application : Proposed Houses (New Territories Exempted House (NTEH)) (not Small House)

1. The Proposal

1.1 The applicants, owners of the application site (the Site), seek planning permission to build two NTEHs (not Small House) at the Site which falls within an area zoned “AGR” on the OZP (**Plan A-1**). 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 currently hard-paved, largely vacant and minor portion occupied by storage use without valid planning permission (Lot No.1906A) (**Plans A-2 to A-4**).

1.2 Details of the proposed NTEHs are as follows:

Lot No.1906A in D.D. 106

Total Floor Area : 55.74m²
Number of Storeys : 3

Building Height : 8.23m
Roofed Over Area : 18.58m²

Lot No. 1906B in D.D. 106

Total Floor Area : 85.83m²
Number of Storeys : 3
Building Height : 8.23m
Roofed Over Area : 28.61m²

1.3 The Site is accessible via a local access which connects to Pat Heung Road. According to the applicants, no car parking space will be provided and a septic tank will be provided to serve the proposed NTEHs. The layout plans submitted by the applicants are at **Drawings A-1 and A-2**.

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

- (a) Application Form with attachments received on 13.11.2025 (**Appendix I**)
- (b) Further Information (FI) received on 16.12.2025* (**Appendix Ia**)
- (c) FI received on 24.12.2025* (**Appendix Ib**)

** accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Application Form and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The two private lots of the Site are classified as 'House' according to the Government Rent Roll, the application is to exercise the applicants' rights to rebuild two houses.
- (b) The proposed development could increase building area to meet housing needs and effectively utilise land resources.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicants are the sole "current land owners". Detailed information would be deposited at the meeting for Members' inspection.

4. Assessment Criteria

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

5. Previous Application

There is no previous planning application involving the Site.

6. Similar Application

There is no similar application for NTEH (not Small House) development within the same “AGR” zone in the vicinity of the Site.

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

7.1 The Site is:

- (a) accessible via a local access which connects to Pat Heung Road; and
- (b) currently hard-paved, largely vacant and minor portion occupied by storage use without valid planning permission (Lot No.1906A).

7.2 The surrounding areas are rural in character predominated by residential structures/dwellings, a low-rise residential development named Royal Crest, parking of vehicles, an animal boarding establishment with valid planning permission, plant nursery, pond and grassland. Yuen Tai Road and a nullah is located to the south of the Site.

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 following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) no adverse comment on the application;
- (b) the area of Lots No. 1906 S.A. and 1906 S.B both in D.D.106 is about 200ft² and 308ft² respectively¹;
- (c) according to the Lot History provided by the Land Registry (LR), the Original Grant, Lease Term, its dated of commencement and rent cannot be traced. With reference to C.S.O. 1456/1915 and C.S.O. 1568/1915 shown on LR's record, Lots No. 1906 S.A and 1906 S.B both in D.D.106 were granted by way of public auction on 20.4.1915 and 28.4.1915 respectively for "Building" purpose; and
- (d) should planning approval be given to the subject application and application for rebuilding of NTEHs is received and due for processing, his Office will consider the rebuilding application acting in the capacity as the landlord and its absolute discretion. There is no guarantee that such application would be approved. Any redevelopment application, if approved, would be subject to such terms and conditions including, among others, the payment of premium and/or administrative fees as may be imposed by the LandsD at its absolute discretion.

Traffic

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

- (a) no objection in-principle to the application from traffic engineering perspective; and
- (b) the application only involves construction of two houses and Transport Department considers that the application can be tolerated on traffic grounds. The resulting cumulative adverse traffic impact has to be reviewed on case-by-case basis in the future.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD):

- (a) no objection in-principle to the application from highways maintenance point of view; and
- (b) advisory comments are in **Appendix III**.

¹ 200ft² and 308ft² are equivalent to about 18.58m² and 28.61m² respectively, which tally with the proposed roofed over area of the NTEHs.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) no adverse comment on the application; and
- (b) advisory comments are in **Appendix III**.

Agriculture

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

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally vacant with some structures. Agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) no comment on the application from nature conservation perspective.

Fire Safety

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

- (a) no objection in-principle to the application provided that the proposed houses would not encroach on any existing emergency vehicular access (EVA) or planned EVA under application in accordance with LandsD’s record; and
- (b) advisory comments are in **Appendix III**.

Landscape

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

- (a) no adverse comment to the application from landscape planning perspective; and
- (b) with reference to the aerial photo, the Site occupies two pieces of land with a total area about 47.19m² which are vacant with no vegetation cover. It is located in an area of miscellaneous rural fringe landscape character comprising village houses, farmlands, temporary structures and scattered tree groups. The proposed development is considered not incompatible with the surrounding landscape character and adverse landscape impact arising from the proposed development is not anticipated.

District Office's Comments

9.1.8 Comments of the District Officer (Yuen Long), Home Affairs Department:

- (c) no comment on the application; and
- (d) there is no comment from locals received upon close of consultation.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C,WSD);
- (b) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD);
- (d) Project Manager (West), CEDD;
- (e) Chief Engineer/Railway Development 1-1, HyD;
- (f) Director of Electrical and Mechanical Services; and
- (g) Commissioner of Police.

10. Public Comments Received During Statutory Publication Period

On 2.12.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for two proposed NTEHs (not Small House) development at the Site zoned "AGR". The proposed two NTEHs development are not in line with the planning intention of the "AGR" zone and DAFC does not support the application from agricultural point of view as agricultural infrastructures such as road access and water source are available and the Site can be used for agricultural activities and possesses potential for agricultural rehabilitation.
- 11.2 The proposed two NTEHs development are considered not incompatible with the surrounding areas which are rural in character predominated by residential structures/dwellings, a low-rise residential development, parking of vehicles, an animal boarding establishment with valid planning permission, plant nursery, pond, grassland and nullah. CTP/UD&L, PlanD considers that the proposed two NTEHs development are not incompatible with the surrounding landscape character and adverse landscape impact arising from the proposed development is not anticipated and has no adverse comment on the application from landscape planning perspective.

- 11.3 DLO/YL, LandsD has no adverse comment on the application and advises that the Site is held under New Grant Lots demised for “Building” purpose. In accordance with the Interim Criteria (c) (**Appendix II**), development of NTEH with more than 50% of the footprint outside “V” zone would normally not be approved unless under exceptional circumstances, e.g. the application site has a building status under the lease. In this regard, the Site has building status under the lease and approval of the application does not contravene with the Interim Criteria and would unlikely set an undesirable precedent for similar applications within the “AGR” zone.
- 11.4 Other relevant government departments consulted including DEP, CE/MN, DSD, CE/C, WSD and D of FS have no objection to or no adverse comment on the application. C for T also has no in-principle objection to the application from traffic engineering perspective and considers that construction of only two NTEHs as proposed in the application could be tolerated on traffic grounds.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 9.1.2030, 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 following advisory clauses are also suggested for Members’ reference:

Advisory Clauses

The recommended advisory clauses are attached at **Appendix III**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member’s reference:

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. It is also intended 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.

13. Decision Sought

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

- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with attachments received on 13.11.2025
Appendix Ia	FI received on 16.12.2025
Appendix Ib	FI received on 24.12.2025
Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Recommended Advisory Clauses
Drawings A-1 and A-2	Proposed Layout Plans
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2026**