

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MUP/219

- Applicant** : 黃建飛先生 represented by Honest Land Surveys Company
- Site** : Lot 264 in D.D. 46, Loi Tung, Sha Tau Kok, New Territories
- Site Area** : About 40.08m²
- Lease** : Block Government Lease (demised for ‘House’ use)
- Plan** : Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed House (New Territories Exempted House (NTEH)) (not Small House)

1. The Proposal

- 1.1 The applicant seeks planning permission to build a NTEH at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘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 Site is largely vacant.
- 1.2 Details of the proposed NTEH are as follows:
- | | | |
|-------------------|---|----------------------------|
| Total Floor Area | : | About 120.24m ² |
| Number of Storeys | : | 3 |
| Building Height | : | 8.23m |
| Roofed Over Area | : | 40.08m ² |
- 1.3 According to the applicant, septic tank will be provided to serve the proposed NTEH. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.4 In support of the application, the applicant has submitted the following documents:
- | | |
|---|------------------------|
| (a) Application Form with attachments received on 2.9.2025 | (Appendix I) |
| (b) Further Information (FI) received on 6.10.2025 and 8.10.2025 [#] | (Appendix Ia) |
| (c) FI received on 15.10.2025 [#] | (Appendix Ib) |
| (d) FI received on 1.12.2025 [#] | (Appendix Ic) |

(e) FI received on 23.12.2025[#]

(Appendix Id)

(f) FI received on 13.1.2026[#]

(Appendix Ie)

[#]accepted and exempted from publication and recounting requirements

1.5 On 24.10.2025 and 9.1.2026, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each as requested by the applicant.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Ie**, as summarised below:

- (a) the subject lot is an Old Schedule House Lot held under the Block Government Lease. The area of the subject lot (about 40.08m²) is based on the land boundary survey report. There are similar planning applications on the same OZP;
- (b) the proposed septic tank will be constructed in accordance with Professional Persons Environmental Consultative Committee (ProPECC) Practice Note 1/23 under the supervision of relevant professionals. The village representative of Loi Tung advises that he agrees with the application provided that the sewerage system is complied with relevant requirements;
- (c) the applicant will appoint professionals to prepare geotechnical and slope stability reports and supervise the construction works; and
- (d) no tree felling will be involved and the applicant agrees to comply with relevant approval conditions imposed by the Board.

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

The applicant is the sole “current land owner”. 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, which was promulgated on 7.9.2007, is at **Appendix II**.

5. **Previous Application**

The Site is not the subject of any previous application.

6. **Similar Applications**

6.1 There are three similar applications (No. A/NE-MUP/23, 38 and 105) involving two sites for proposed house(s) (NTEH(s)) (not Small House) within the same “AGR” zone in the vicinity of the Site. All of them were approved with conditions by the Committee

between 1997 and 2014 mainly on the considerations that the application site had building status under lease; and the proposed development was not incompatible with the surrounding area and would not have significant adverse traffic, drainage and environmental impacts.

- 6.2 Details of the similar applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

7. The Site and its Surrounding Areas (Plans A-2 to A-4)

7.1 The Site is:

- (a) largely vacant;
- (b) falling within the village ‘environs’ (‘VE’) of Loi Tung and located at the northern fringe of its village proper; and
- (c) not served by direct vehicular access.

7.2 The surrounding areas are of rural character mainly comprising village houses, parking of vehicles, fallow agricultural land and plant nursery. There are existing village houses to the immediate north and 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/North, Lands Department (DLO/N, LandsD):

- (a) the Site is an Old Schedule House Lot held under the Block Government Lease;
- (b) the applicant submitted an application for redevelopment of 3-storey NTEH with roofed-over area of 40.08m² and height of 8.23m on the lot to his office. The redevelopment application is under his office’s processing; and
- (c) according to his record, the Site would not encroach on any existing emergency vehicular access (EVA) or planned EVA under application.

Agriculture

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

the Site falls within the “AGR” zone and is generally abandoned. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective.

Traffic

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

- (a) she has no objection to the application;
- (b) the application only involves the construction of one NTEH. It is considered that the application can be tolerated on traffic grounds;
- (c) although additional traffic generated by the proposed development is not significant, the permission of development outside the “V” zone will however set an undesirable precedence case for similar application. The resulting cumulative adverse traffic impact has to be reviewed on a case-by-case basis in the future; and
- (d) her advisory comments are at **Appendix IV**.

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

- (a) he has no comment on the application from the highways maintenance point of view; and
- (b) his advisory comments are at **Appendix IV**.

Landscape

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

- (a) according to the applicant, there is no existing tree within the Site and no tree felling will be involved, she has no comment on the application from landscape planning perspective;
- (b) based on the aerial photo of 2024, the Site is located in an area of uplands and hillsides landscapes character comprising village houses, clusters of tree groups, vegetated areas and woods. The proposed development is not entirely incompatible with the landscape character of the surroundings; and
- (c) her advisory comments are at **Appendix IV**.

Environment

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

- (a) he has no objection to the application from the environmental planning perspective;
- (b) in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution;
- (c) ‘septic tank and soakaway pit’ is considered an acceptable mean for collection, treatment and disposal of sewage provided that its design and construction follow the requirements of the ProPECC Practice Note 1/23 “Drainage Plans subject to Comment by the Environmental Protection Department, Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I) Section 40(1), 40(2), 41(1) and 90”;
- (d) no environmental complaint against the Site was received in the past three years; and
- (e) his advisory comments are at **Appendix IV**.

Geotechnical

9.1.7 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) he has no geotechnical comment on the application;
- (b) the proposed NTEH is not overlooked by steep natural terrain and does not meet the alert criteria for a natural terrain hazard study (NTHS); and
- (c) his advisory comments are at **Appendix IV**.

Fire Safety

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

- (a) he has no objection in principle to the application at this stage provided that the proposed house would not encroach on any existing EVA or planned EVA under application in accordance with LandsD’s record; and
- (b) his advisory comments are at **Appendix IV**.

Drainage

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

- (a) no objection to the application from the public drainage viewpoint; and

(b) his advisory comments are at **Appendix IV**.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Project Manager (North), CEDD (PM(N), CEDD); and
- (c) District Officer (North), Home Affairs Department (DO(N), HAD).

10. Public Comments Received During Statutory Publication Period

On 12.9.2025, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix V**). Two comments from a representative of Loi Tung residents and an individual object to the application mainly on the grounds that the Site is not served by direct vehicular access; there are adverse geotechnical and drainage impacts; no proof is provided to demonstrate the relationship between the applicant and the lot owner under Block Government Lease; there is the lack of supporting documents/technical assessment; the proposed septic tank is located on Government Land (GL); and land is still available within the “V” zone for Small House development. The remaining two comments from a member of the North District Council and the Chairman of Lung Shan Area Committee indicate no comment on the application.

11. Planning Considerations and Assessments

11.1 The application is for proposed development of a NTEH (not Small House) at the Site falling within an area zoned “AGR” on the OZP. The proposed NTEH is not in line with the planning intention of the “AGR” zone. DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. Taking into account the planning assessments below, sympathetic consideration could be given to the proposed development.

11.2 The Site, which is largely vacant, falls within the ‘VE’ of Loi Tung and locates at the northern fringe of its village proper. There are existing village houses to the immediate north and south of the Site. CTP/UD&L, PlanD has no comment on the application from landscape planning perspective and considers that the proposed development is not entirely incompatible with the landscape character of the surroundings. Other relevant government departments consulted, including DEP, C for T, D of FS, H(GEO), CEDD and CE/MN, DSD, have no objection to or no adverse comments on the application.

11.3 In accordance with the Interim Criteria (**Appendix II**), it has been the existing practice of the Board to take into account building status under the lease in considering planning application for NTEH development. As advised by DLO/N, LandsD, the Site is an Old Schedule House Lot held under the Block Government Lease, and the applicant, who is the land owner of the Site, has submitted an application for redevelopment of a NTEH which is under processing. Hence, sympathetic consideration could be given to the application. As each application would be considered on its individual merits, approval of the current application would unlikely set an undesirable precedent for similar applications within the “AGR” zone.

- 11.4 There are three similar applications (No. A/NE-MUP/23, 38 and 105) for proposed house(s) (NTEH(s)) within the same “AGR” zone in the vicinity of the Site approved by the Committee between 1997 and 2014 mainly on the considerations as detailed in paragraph 6.1 above. The planning circumstances of the such applications are largely similar to those of the current application. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comments as detailed in paragraph 11, 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 as detailed in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permissions shall be valid until 23.1.2030, and after the said date, the permissions 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 IV**.
- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ 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, 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.

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 and advisory clause(s) 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 2.9.2025
Appendix Ia	FI received on 6.10.2025 and 8.10.2025
Appendix Ib	FI received on 15.10.2025
Appendix Ic	FI received on 1.12.2025
Appendix Id	FI received on 23.12.2025
Appendix Ie	FI received on 13.1.2026

Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Similar Applications
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Proposed NTEH Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
JANUARY 2026**