

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/602

<u>Applicant</u>	Mr. MAK Tsz Lok (麥子樂) represented by Mr. WONG Wing Kin (黃榮健)
<u>Site</u>	Lots 538 S.K and 553 S.C in D.D. 130, To Yuen Wai, Tuen Mun, New Territories
<u>Site Area</u>	About 190.8m ²
<u>Lease</u>	Block Government Lease (demised for agricultural use)
<u>Plan</u>	Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/41 (TM OZP) and Draft Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/13 (LTY Y OZP)
<u>Zoning</u>	(i) Area shown as ‘Road’ on TM OZP (about 44.97%) (ii) “Village Type Development” (“V”) on LTY Y OZP (about 55.03%) <i>[Restricted to a maximum building height of 3 storeys (8.23m), except for those developments / uses specified in the Notes]</i>
<u>Application</u>	Proposed House (New Territories Exempted House (NTEH) - Small House)

1. The Proposal

1.1 The applicant, who claims to be an indigenous villager of Tsz Tin Tsuen, seeks planning permission to build a NTEH (Small House) at the application site (the Site) which falls within an area partly zoned “V” on LTY Y OZP (about 55.03%) and partly shown as ‘Road’ on TM OZP (about 44.97%) (**Plans A-1 and A-2a**). While ‘House (NTEH only)’ use is always permitted within the “V” zone on the LTY Y OZP, the covering Notes of the TM OZP stipulate that all uses or developments within an area shown as ‘Road’ require permission from the Town Planning Board (the Board). The Site is formed and currently used for parking of vehicles without planning permission.

1.2 Details of the proposed NTEH (Small House) are as follows:

Total Floor Area	:	195.09m ²
Number of Storeys	:	3
Building Height	:	8.23m
Roofed Over Area	:	65.03m ²

1.3 The Site is accessible via a local track leading to Castle Peak Road – Lam Tei Section (**Plan A-2a**). According to the applicant, the proposed Small House will be erected at the eastern corner of the Site with over 50% of its footprint falling within the “V” zone on the LTY Y OZP. The uncovered area of the Site will be left vacant. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.4 Part of the Site is the subject of a previously approved application (No. A/TM/509) (**Plans A-1 and A-2a**) submitted by a different applicant for the same use as the current application, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 13.10.2017. Compared with the previous application, the development parameters of the current proposed Small House remain unchanged, except for the enlarged site area (i.e. by about 49m² or about 35%) and disposition of Small House. Details of the previous application are set out in paragraph 6.2 below.
- 1.5 In support of the application, the applicant has submitted an Application Form with attachments received on 16.12.2025 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) the applicant has submitted a Small House grant application to the Lands Department (LandsD), which is still under processing; and
- (b) part of the Site is the subject of a previously approved application (No. A/TM/509) for Small House development and there are other Small Houses in the vicinity of the Site with planning approvals granted by the Committee. Approval of this application is in line with the Committee's previous decisions.

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. Background

The Site is currently not subject to planning enforcement action¹.

5. 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 revised on 7.9.2007, is at **Appendix II**.

6. Previous Applications

- 6.1 The Site was involved in three previous applications. The first two applications (No. A/TM-LTY/194 and 201) both covering a larger site for temporary private vehicle park (private cars and light goods vehicles) and recreation and village affairs centre (with or without self-help car cleansing facilities) for a period of three years were

¹ The TM OZP is not previously covered by an Interim Development Permission Area (IDPA) Plan/Development Permission Area (DPA) Plan, and the Planning Authority is not empowered to take enforcement action under the Town Planning Ordinance.

rejected by the Committee or the Board on review in 2010. The considerations of these applications are not relevant to the current application which involves a different use.

- 6.2 The last application No. A/TM/509 submitted by a different applicant for the same use was approved by the Committee on 13.10.2017 mainly on the considerations that the site was no longer required for road purpose; the proposed Small House was not incompatible with the surroundings; approval of the application would not lead to an indefinite expansion of the “V” zone under the draft Lam Tei Local Centre Layout Plan; and relevant government departments had no objection to/no adverse comment on the application. The planning permission lapsed on 14.10.2021.
- 6.3 Details of these previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are seven similar applications (No. A/TM/367, 368, 506, 507, 508, 510 and 597) for proposed House (NTEH - Small House) straddling the same “V” zone on the LTYO OZP and area shown as ‘Road’ on the TM OZP since the first promulgation of the Interim Criteria on 24.11.2000, of which, the later five applications were approved after the Board’s formal adoption of a more cautious approach in considering Small House application since August 2015². These five similar applications were approved with conditions by the Committee between 2017 and 2025 on similar considerations as stated in paragraph 6.2 above.
- 7.2 Details of these similar applications are summarised in **Appendix IV** and their locations are shown on **Plans A-1 and A-2a**.

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

- 8.1 The Site is:
- (a) formed and currently used for parking of vehicles without valid planning permission;
 - (b) bounded by existing road and cycle track to the west, and existing village house cluster to the east; and
 - (c) accessible via a local track leading to Castle Peak Road – Lam Tei Section.
- 8.2 The surrounding areas are predominantly low-rise village houses intermixed with vehicle parks, storage and elderly homes. The Site is also bounded by amenity areas, Castle Peak Road – Lam Tei Section and a cycle track in the west.

9. Planning Intentions

- 9.1 The planning intention of the “V” zone on the LTYO OZP is to reflect existing recognized and other villages, and to provide land considered suitable for village

² Among others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting shall be put on the number of outstanding Small House applications provided by LandsD.

expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

- 9.2 The area shown as 'Road' on the TM OZP is intended for the construction of Lam Tei Interchange and its related works, which have been completed.

10. Comments from Relevant Government Departments

- 10.1 The application has been assessed against the assessment criteria in **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? - Footprint of the proposed Small House - The Site	 ✓ (88.89%) ✓ (55.03%)		The remaining portion of the proposed Small House footprint falls within an area shown as 'Road' on the TM OZP (i.e. about 11.11%). The remaining portion of the Site falls within an area shown as 'Road' on the TM OZP (i.e. about 44.97%).
2.	Within 'Village Environs'? - Footprint of the Small House - The Site		 ✓ ✓	
3.	Sufficient land in "V" zone to meet outstanding Small House demand (outstanding Small House applications plus 10-year Small House demand)?	(insufficient information on 10-year Small House demand)		<u>Land Required</u> - Land required to meet Small House demand in Lam Tei, Lam Tei San Tsuen and To Yuen Wai: about 2ha (equivalent to 80 Small House sites). The number of outstanding Small House applications are 33 ³ while the 10-year Small House

³ Among the 33 outstanding Small House applications, three of them straddle across an area shown as 'Road' on TM OZP, including one which has obtained valid planning approval from the Board.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	Sufficient land in “V” zone to meet outstanding Small House application?	✓		<p>demand forecast for To Yuen Wai is 47⁴ and the District Lands Officer/Tuen Mun (DLO/TM), LandsD has no information on the 10-year Small House demand forecast for Lam Tei and Lam Tei San Tsuen as the Indigenous Inhabitant Representatives (IIRs) have not provided the figures.</p> <p><u>Land Available</u></p> <ul style="list-style-type: none"> - Land available to meet Small House demand within the “V” zones of covering the concerned villages: about 4.68ha (equivalent to 187 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of area shown as ‘Road’?	✓		The area shown as ‘Road’ on the TM OZP is for the construction of Lam Tei Interchange and its related works, which have been completed. The Commissioner for Transport (C for T) and Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) advise that there is no planned road project at the Site.
5.	Compatible with the surrounding area/development?	✓		The proposed Small House is considered not incompatible with the surroundings which are predominantly low-rise village houses.
6.	Within Water Gathering Ground (WGG)?		✓	The Chief Engineer/Construction of Water Supplies Department (CE/C, WSD) has no objection to the application.
7.	Encroachment onto planned road networks and public works boundaries?		✓	<p>C for T and CHE/NTW, HyD advise that there is no planned road project at the Site.</p> <p>CHE/NTW, HyD has no comment on the application from the highway maintenance point of view.</p>

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

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
8.	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 provided that the proposed development would not encroach on any existing EVA or planned EVA under application in accordance with LandsD's record.
9.	Traffic impact?		✓	C for T has no comment from traffic engineering perspective.
10.	Drainage impact?		✓	The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application.
11.	Sewerage impact?		✓	The Director of Environmental Protection (DEP) has no adverse comment on the application as the scale of the proposed development is small which will unlikely cause major pollution.
12.	Landscape 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.
13.	Geotechnical impact?		✓	The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) has no comment on the application.
14.	Gas safety impact?		✓	The Director of Electrical and Mechanical Services (DEMS) has no comment from regulatory services perspectives.
15.	Local objections conveyed by DO?		✓	The District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD) advises that no public comment was received.

10.2 Comments from the following government departments have been incorporated in paragraph 10.1 above. Other detailed comments and recommended advisory clauses, if any, are provided at **Appendices V** and **VI** respectively.

- (a) DLO/TM, LandsD;
- (b) C for T;
- (c) CHE/NTW, HyD;

- (d) D of FS;
- (e) CE/MN, DSD;
- (f) DEP;
- (g) DEMS; and
- (h) DO(TM), HAD.

10.3 The following Government departments have no objection to/no comment on the application:

- (a) CE/C, WSD;
- (b) CTP/UD&L, PlanD;
- (c) Project Manager (West), CEDD (PM(W), CEDD);
- (d) H(GEO), CEDD; and
- (e) Director of Agriculture, Fisheries and Conservation (DAFC).

11. Public Comments Received During Statutory Publication Period

On 21.2.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VII**). Two individuals object to the application mainly on the grounds that the proposed development would bring traffic impact to the surrounding areas. Another comment from the Hong Kong and China Gas Company Limited (HKCGCL) provides views that the applicant should consult his company in detailed design stage on the potential interface with the nearby pipeline and provide protective measures.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed NTEH (Small House) development at the Site straddling “V” zone on the LTYO OZP (about 55.03%) and an area shown as ‘Road’ on the TM OZP (about 44.97%). While ‘House (NTEH only)’ is always permitted within the “V” zone of the LTYO OZP, all uses or developments within an area shown as ‘Road’ require planning permission. The area shown as ‘Road’ on the TM OZP is for the construction of Lam Tei Interchange and its related works, which have been completed. Both C for T and CHE/NTW, HyD advise that there is no planned road project at the Site. In view of the above and taking into account the planning assessments below, sympathetic consideration could be given to the proposed development.
- 12.2 The Site is adjoining the existing village clusters of Lam Tei, Lam Tei San Tsuen and To Yuen Wai and is surrounded predominantly by low-rise village houses intermixed with vehicle parks, storage and elderly homes (**Plan A-2a**). The proposed Small House is considered not incompatible with the surrounding areas. CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective. Other concerned departments consulted including C for T, CE/MN of DSD, DEP, D of FS and DEMS have no objection to/no comment on the application.
- 12.3 The applicant claims to be an indigenous villager of Tsz Tin Tsuen and over 50% of the footprint of the proposed Small House falls within the “V” zone of Lam Tei, Lam Tei San Tsuen and To Yuen Wai. Regarding the Interim Criteria (**Appendix II**), according to DLO/TM, LandsD’s record, the total number of outstanding Small House applications for Lam Tei, Lam Tei San Tsuen and To Yuen Wai is 33 while the 10-year

Small House demand forecast for To Yuen Wai is 47. DLO/TM, LandsD has no information on the 10-year Small House demand forecast for Lam Tei and Lam Tei San Tsuen as the IIRs have not provided the figures. Based on the latest estimate by PlanD, about 4.68ha of land (or equivalent to about 187 Small House sites) is available within the “V” zone concerned (**Plan A-2b**) which is sufficient to accommodate the 33 outstanding Small House applications plus the 47 future Small House demand of To Yuen Wai. 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 as provided by LandsD. As such, 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. Nevertheless, the Site is the subject of a previous approved planning application (No. A/TM/509) submitted by a different applicant for the same use as the current submission lapsed in 2021. Compared with the previous approved application, the Site is larger but the development parameters of the Small House remain unchanged. DLO/TM, LandsD advises that the Small House grant application by the current applicant is already at an advance stage. In this regard, sympathetic consideration may be given to the current application.

- 12.4 There are seven similar applications straddling the same “V” zone and area shown as ‘Road’, five of which were approved by the Committee between 2017 and 2025 after the Board’s formal adoption of a more cautious approach as detailed in paragraph 7.1 above. The planning circumstances of the current application are largely similar to the approved similar applications. Approval of the current application is in line with the previous decisions of the Committee.
- 12.5 Regarding the public comments as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.4 above are relevant. Should the application be approved, the applicant will be advised to liaise with HKCGCL regarding the nearby pipeline during the design and construction stages.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments as mentioned in paragraph 11 above, PlanD has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **6.2.2030**, 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 recommended advisory clauses are at **Appendix VI**.
- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:

land is still available within the “Village Type Development” (“V”) zone of Lam Tei, Lam Tei San Tsuen and To Yuen Wai 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.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s) to be attached to the permission, and the date when the validity of the permission should expire.
- 14.3 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.

15. Attachments

Appendix I	Application Form with Attachments received on 16.12.2025
Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available for Small House Development within "V" zone
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
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