

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1113

- Applicant** : Mr. 鄧堅庭 (with Ho Chi Fai as power of Attorney) represented by WinLi Group Limited T/A WinLi Consulting Engineers
- Site** : Lot 451 S.C ss.1 in D.D. 109, Kam Tin South, Yuen Long
- Site Area** : 111.6m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Residential (Group C)” (“R(C)”) (about 83m²/75%)
[restricted to a maximum plot ratio (PR) of 0.8, a maximum site coverage (SC) of 40% and a maximum building height (BH) of 4 storeys (12m)]
- “Village Type Development” (“V”) (about 28m²/25%)
[maximum BH of 3 storeys (8.23m)]
- Application** : Proposed Minor Relaxation of PR and SC Restrictions for Permitted House Development (New Territories Exempted House (NTEH) – Small House (SH))¹

1. The Proposal

- 1.1 The applicant, who claims himself to be an indigenous villager of Kat Hing Wai, seeks planning permission for proposed minor relaxation of PR restriction from 0.8 to 1.59 (+0.79/+98.8%) and SC restriction from 40% to 53.3% (+13.3%/+33.3%) for a permitted house development (NTEH – SH)¹, which falls within an area mainly zoned “R(C)” (75%) and partly zoned “V” (25%) on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘House’ and ‘House (NTEH only)’ are always permitted in the “R(C)” and “V” zones respectively. Besides, according to the Remarks of the “R(C)” zone of the OZP, based on the individual merits of a development, minor relaxation of the PR and SC restrictions may be considered by the Town Planning Board (the Board). The Site is currently hard-paved and vacant (**Plans A-2 to A-4**).

¹ ‘House’ and ‘House (NTEH only)’ are always permitted within the “R(C)” and “V” zones respectively. While there is no PR and SC restrictions for the “V” zone, the PR of 1.59 and SC of 53.3% for the permitted SH will exceed the PR and SC restrictions of the “R(C)” zone (i.e. maximum PR of 0.8 and maximum SC of 40%). The proposed minor relaxation of PR and SC restrictions is for the “R(C)” portion of the Site.

1.2 Details of the proposed SH is as follows:

PR	: 1.59	+0.79 (+98.8% against the maximum PR of the “R(C)” zone)
SC	: 53.3%	+13.3% (+33.3% against the maximum SC restriction of “R(C)” zone)
Roofed Over Area	: Not exceeding 59.46m ²	
Total Domestic GFA	: 178.38m ²	
No. of Storeys	: 3	
Building Height (BH)	: 8.23m	

1.3 The Site is accessible from Kam Tin Road via a local track. According to the applicant, no car parking space will be provided within the Site. Septic tank will be provided within the Site. The site layout plan submitted by the applicant is at **Drawing A-1**.

1.4 The Site is the subject of a previous application (No. A/YL-KTS/726) for proposed minor relaxation of PR and SC restriction for permitted SH development which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 13.1.2017 and the planning permission lapsed on 13.1.2021 (**Plan A-1**) (details at paragraph 5 below). Compared with the previous approved application, the current application is submitted by the same applicant at the same site for the same use with the same BH (3 storeys/8.23m) and reductions in the SC (from 54.44% to 53.3%) and PR (from 1.63 to 1.59).

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments and Supplementary Information (SI) received on 15.1.2026 and 26.1.2026 respectively (**Appendix I**)
 - (b) Further Information (FI) received on 27.2.2026* (**Appendix Ia**)
 - (c) FI received on 10.3.2026* (**Appendix Ib**)
- * accepted and exempted from the publication and recounting requirements*

2. Justifications from the Applicant

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

- (a) The proposed minor relaxation of PR and SC for the proposed SH in the “R(C)” and “V” zones is to accommodate the permitted development scale of NTEH(SH)² as proposed by the applicant, i.e. roofed-over area not exceeding 59.46m² and BH of not more than 3 storeys/8.23m (**Drawing A-1**). There are many village houses in the vicinity of the Site, and thus the proposed SH will blend in with the existing development.

² According to the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121), the exemption criteria for a NTEH is (i) not more than three storeys, (ii) height not more than 8.23m (about 27 feet); and (iii) roofed-over area not exceeding 65.03m² (about 700 square feet).

- (b) The Site is for low-density residential development and there is no other available land for the applicant to develop the SH. The proposed development would not cause adverse impact on the surrounding areas and no tree felling will be involved.
- (c) The applicant has submitted application for a SH grant in 2016 but approval is yet to be granted, and thus a new planning application for minor relaxation of PR and SC restrictions is submitted.

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 not the subject of any active enforcement action.

5. Previous Application

The Site is the subject of a previous application (No. A/YL-KTS/726) for the same use with minor relaxation in PR and SC restrictions which was approved by the Committee on 13.1.2017, mainly on the considerations that the proposed development was in line with the planning intentions of the “R(C)” and “V” zones; the proposed development was not incompatible with the surroundings; and the relevant government departments consulted in general had no adverse comment on the application. The planning permission subsequently lapsed on 13.1.2021. Compared with the previous approved application, the current application is submitted by the same applicant at the same site for the same use with minor reduction in development parameters as set out in paragraph 1.5 above. Details of the previous application is summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Application

There is no similar application within the same “R(C)” and “V” zones in the vicinity of the Site in the past five years.

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

7.1 The Site is:

- (a) accessible from Kam Tin Road via a local track;
- (b) currently hard-paved and vacant; and
- (c) falls within the village ‘environs’ (‘VE’) of Wing Lung Wai.

7.2 The surrounding areas are rural in character predominated by village settlements of Wing Lung Wai and Tsz Tong Tsuen in the “V” zone and low-rise residential developments in

the ‘R(C)’ zone intermixed with parking of vehicles, open storage/storage yards, car beauty/services, vehicle repair/metal workshops, shops, restaurants, a vegetable marketing organisation, primary school, youth centre, open space and cultivated agricultural land. Kam Tin Road is located to the north of the Site.

8. Planning Intention

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

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 from the District Lands Officer/Yuen Long, Lands Department (LandsD):

- (a) no adverse comment on the application;
- (b) the Site falls within the ‘VE’ of Wing Lung Wai of Kam Tin Heung;
- (c) the Site is an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (d) according to his records, the Site is under one SH grant application submitted by the registered lot owner³. His office has not yet verified the indigenous villager status and eligibility of the applicant for the SH grant. Besides, the Site is not covered by any Modification of Tenancy or Building Licence; and
- (e) advisory comments are in **Appendix III**.

Traffic

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

- (a) no adverse comment on the application from traffic engineering perspective.

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

³ According to the Application Form, the applicant is the sole “current land owner” of the Site.

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

Drainage

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

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

Environment

9.1.5 Comments from the Director of Environmental Protection (DEP):

- (a) no objection to the application from environmental planning perspective; and
- (b) advisory comments are in **Appendix III**.

Fire Safety

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

- (a) no objection in-principle to the application provided that the proposed house 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**.

Urban Design and Landscape

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

Visual

- (a) no adverse comment on the application from visual perspective; and
- (b) the Site is set within an area characterised by village type developments and low-rise buildings of three to four storeys. The proposed minor relaxation of PR and SC restrictions for permitted house development is not incompatible with the surrounding neighbourhood.

Landscape

- (a) no adverse comment on the application from landscape planning perspective;
- (b) based on the aerial photo taken in October 2024, the Site is located in an area of miscellaneous rural fringe landscape character comprising village houses, temporary structures, vacant land and scattered tree groups. The proposed minor relaxation of PR and SC restrictions for permitted house development is not incompatible with the landscape setting in the proximity; and
- (c) according to site photos, the Site is paved and no vegetation is observed. According to the applicant, no tree felling will be involved. Significant adverse landscape impact arising from proposed development is not anticipated.

District Officer's Comments

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

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

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

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD);
- (c) Project Manager (West), CEDD;
- (d) Chief Building Surveyor/New Territories West, Buildings Department;
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C,WSD);
- (f) Chief Engineer/Railway Development 1-1, HyD;
- (g) Director of Electrical and Mechanical Services; and
- (h) Commissioner of Police.

10. Public Comment Received During the Statutory Publication Period

On 15.1.2026, 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 proposed minor relaxation of PR restriction from 0.8 to 1.59 (+0.79/+98.8%) and SC restriction from 40% to 53.3% (+13.3%/+33.3%) at the Site largely zoned "R(C)" (75%) and partly zoned "V" (25%) (**Plan A-1**) for a permitted SH development, with a roofed-over area not exceeding 59.46m² and a BH of not more than

3 storeys (8.23m). The resulted PR and SC of the permitted SH exceed the PR and SC restrictions of the “R(C)” zone, while there is no PR and SC restrictions for the “V” zone. The proposed SH development is in line with the planning intentions of the “R(C)” and “V” zones, and the scale of the proposed SH with the relaxed PR and SC is in compliance with the permitted development scale of an NTEH(SH). Taking into account the nature and scale of the proposed development and the planning assessments below, there is no objection to the proposed minor relaxation of PR and SC restrictions to facilitate the permitted SH development at the Site.

- 11.2 The Site, sandwiched between a number of existing SHs, is located at the fringe areas of the “V” zone and the “R(C)” zone, and falls entirely within the ‘VE’ of Wing Lung Wai. The proposed SH development is considered compatible with the surrounding areas which are rural in character predominated by village settlements of Wing Lung Wai and Tsz Tong Tsuen in the “V” zone and low-rise residential developments in the “R(C)” zone intermixed with parking of vehicles, open storage/storage yards, car beauty/services, vehicle repair/metal workshops, shops, restaurants, a vegetable marketing organisation, primary school, youth centre, open space and cultivated agricultural land. CTP/UD&L, PlanD has no adverse comment on the application from visual and landscape planning perspectives and considers that the proposed minor relaxation of PR and SC for a permitted SH is not incompatible with the surrounding neighbourhood and the landscape setting in the proximity, and significant adverse landscape impact arising from proposed SH development is not anticipated.
- 11.3 According to DLO/YL, LandsD, the Site is under a SH grant application submitted by the registered lot owner (i.e. the applicant of the current application). Other relevant government departments consulted including C for T, DEP, CE/MN, DSD, CE/C, WSD and D of FS have no objection to or no adverse comment on the application.
- 11.4 There is one approved previous application for minor relaxation of PR and SC restrictions for SH development of a slightly reduced scale as detailed in paragraph 5 above. Approving the application is in line with the Committee’s previous decision.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, 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 13.3.2030, 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 attached at **Appendix III**.
- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:

there is no strong planning justification in the submission to support the proposed minor relaxation of plot ratio and site coverage restrictions.

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 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 and SI received on 15.1.2026 and 26.1.2026 respectively
Appendix Ia	FI received on 27.2.2026
Appendix Ib	FI received on 10.3.2026
Appendix II	Previous Application
Appendix III	Recommended Advisory Clauses
Drawing A-1	Site Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2026**