

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/603

- Applicant** : Mr. YIP Wai Keung (葉偉強) represented by Mr. WONG Wing Kin (黃榮健)
- Site** : Lot 538 S.L ss.1 in D.D. 130, To Yuen Wai, Tuen Mun
- Site Area** : 120.9m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : Approved Tuen Mun Outline Zoning Plan No. S/TM/41 (TM OZP) and Approved Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/14 (LTY Y OZP) (*currently in force*)
- Approved TM OZP No. S/TM/41 and Draft LTY Y OZP No. S/TM-LTY Y/13 (*in force at the time of submission*)
- [no change to zonings for the application site]*
- Zonings** : (i) Area shown as ‘Road’ on TM OZP (about 20%)
- (ii) “Village Type Development” (“V”) on LTY Y OZP (about 80%)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed House (New Territories Exempted House (NTEH) - Small House)

1. The Proposal

1.1 The applicant, who claims to be an indigenous villager of Lam Tei, seeks planning permission to build a NTEH (Small House) at the application site (the Site) which falls within an area mainly zoned “V” on LTY Y OZP (about 80%) and partly shown as ‘Road’ on TM OZP (about 20%) (**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 vacant.

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 LTYO OZP. A septic tank will be provided at the Site to serve the proposed NTEH and the uncovered area of the Site will be left vacant. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.4 In support of the application, the applicant has submitted an Application Form with attachments received on 27.1.2026 (**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) and permission from the Board is required for the processing of the Small House grant application; and
- (b) there are other Small Houses in the vicinity of the Site with planning approvals granted by the Rural and New Town Planning Committee (the Committee) of the Board. Approval of the current 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

- 4.1 Part of the Site (about 20%) is shown as ‘Road’ on the TM OZP for the construction of Lam Tei Interchange and its related works, which have been completed.
- 4.2 The Site is located within an area designated as “V” on the draft Lam Tei Local Centre Layout Plan No. L/TM-LT/K (**Plan A-2c**). The latest Lam Tei Local Centre Layout Plan was amended on 23.10.2014 to redesignate the Site and its surrounding land from “Local Open Space” (“LO”) to “V” with a view to reflecting the existing village houses and the possible area for future village houses.

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

The Site was involved in two previous applications (No. A/TM-LTY/194 and 201) 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. Both applications were 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. 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 nine similar applications (No. A/TM/367, 368, 506, 507, 508, 509, 510, 597 and 602) for proposed house (NTEH - Small House) straddling the same “V” zone on the LTY OZP and area shown as ‘Road’ on the TM OZP since the first promulgation of the Interim Criteria on 24.11.2000. The first two applications were approved by the Committee in 2008 and the remaining seven applications were approved after the Board’s formal adoption of a more cautious approach in considering Small House application since August 2015¹.
- 7.2 Two similar applications (No. A/TM/367 and 368) were approved on 7.3.2008 on the considerations that the proposed Small Houses complied with the Interim Criteria as there was a shortage of land in meeting the demand for Small House in the “V” zone; the sites were no longer required for road purpose; and the resultant area of “LO” on the relevant layout plan would still be sufficient to meet the demand of villagers.
- 7.3 Seven similar applications (No. A/TM/506 to 510, 597 and 602) were approved with or without conditions between 2017 to 2026 mainly on the considerations that the sites were no longer required for road purpose; the proposed Small Houses were not incompatible with the surroundings; approval of the applications 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 applications. Details of all similar applications are summarised in **Appendix IV** and their locations are shown on **Plans A-2a** and **A-2c**.

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

- 8.1 The Site is:
- (a) formed and vacant; and
 - (b) 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, a cycle track and Castle Peak Road – Lam Tei Section to the west.

¹ 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.

9. Planning Intention

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	98.4% 80%	- -	The remaining portion of the proposed Small House footprint falls within an area shown as ‘Road’ on the TM OZP (i.e. about 1.6%). The remaining portion of the Site falls within an area shown as ‘Road’ on the TM OZP (i.e. about 20%).
2.	Within ‘Village Environs’ (‘VE’)? - Footprint of the Small House - The Site	- -	100% 100%	
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 is 33 ² while the 10-year Small House demand forecast for To Yuen Wai is 47 ³ and the District Lands Officer/Tuen Mun (DLO/TM), LandsD has no information on the 10-year Small House

² Among the 33 outstanding Small House applications, three of them straddle across areas shown as ‘Road’ on TM OZP, including two which have obtained valid planning approval (under applications No. A/TM/597 and A/TM/602) from the Board.

³ According to DLO/TM, LandsD, the figure of 10-year Small House demand forecast was estimated and provided by the IIRs of To Yuen Wai in 2020, which has not been verified by his office.

	<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 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> <p>- Land available to meet Small House demand within the “V” zone covering the concerned villages: about 4.61ha (equivalent to 184 Small House sites) (Plan A-2b).</p>
4.	Compatible with the planning intention of area shown as ‘Road’?	✓		<p>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 Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) advises that there is no planned road project at the Site.</p>
5.	Compatible with the surrounding area/development?	✓		<p>The proposed Small House is considered not incompatible with the surroundings which are predominantly low-rise village houses.</p>
6.	Within Water Gathering Ground (WGG)?		✓	<p>The Chief Engineer/Construction of Water Supplies Department (CE/C, WSD) has no objection to the application.</p>
7.	Encroachment onto planned road networks and public works boundaries?		✓	<p>The Commissioner for Transport (C for T) and CHE/NTW, HyD have no comment on the application from the traffic engineering and highway maintenance points of view respectively.</p> <p>CHE/NTW, HyD advises that there is no planned road project at the Site.</p>

	<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 adverse 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) CE/C, WSD;
- (e) D of FS;
- (f) CE/MN, DSD;
- (g) DEP;
- (h) CTP/UD&L, PlanD;
- (i) DEMS;
- (j) H(GEO), CEDD; and
- (k) DO(TM), HAD.

10.3 The following Government departments have no objection to/no comment on the application. Other recommended advisory clauses, if any, are provided at **Appendix VI**.

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (b) Project Manager (West), CEDD (PM(W), CEDD);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (d) Commissioner of Police (C of P).

11. Public Comments Received During Statutory Publication Period

On 3.2.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VII**). An individual supports the application and another comment from the Hong Kong and China Gas Company Limited (HKCGCL) provides views that the applicant should consult his company in the 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 80%) and an area shown as ‘Road’ on the TM OZP (about 20%). 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’ on the TM OZP 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. CHE/NTW, HyD advises that there is no planned road project at the Site.

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 the 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 Lam Tei. While the Site is not within the ‘VE’ of Lam Tei, Lam Tei San Tsuen and To Yuen Wai, over 50% of the footprint of the proposed Small House falls within the “V” zone of the said villages. 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 47³. 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 4.61ha of land (or equivalent to about 184 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 10-year 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.
- 12.4 Nevertheless, the current application may warrant sympathetic consideration in that 98.4% of the Small House footprint falls within the “V” zone on the LTYO OZP and only about 1.6% encroaches onto the area shown as ‘Road’ on the TM OZP; the entire Site is designated as “V” on the Lam Tei Local Centre Layout Plan No. L/TM-LT/K for village house development and is adjoined by the existing village cluster of Lam Tei, Lam Tei San Tsuen and To Yuen Wai to the east and northeast; and the Site is also surrounded by approved Small Houses at different stages of development in the vicinity (**Plan A-2b**). Besides, given that the “V” zone area designated on the layout plan is limited in size, and bounded by concerned amenity areas, cycle track and existing road to the west and existing village house cluster to the east, approval of the application would not lead to indefinite expansion of the “V” zone in this area.
- 12.5 There are nine similar applications straddling the same “V” zone and area shown as ‘Road’, seven of which were approved by the Committee between 2017 and 2026 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 similar to the approved similar applications. Approval of the current application is in line with the Committee’s previous decisions.
- 12.6 Regarding the public comment providing views as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant. Should the application be approved, the applicant will be advised to liaise with HKCGCL regarding the nearby pipeline during the detailed 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 **27.3.2030**, 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 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 27.1.2026
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	Layout Plan
Plan A-1	Location Plan with Previous Applications
Plan A-2a	Site Plan with Similar Applications
Plan A-2b	Estimated Amount of Land Available for Small House Development within "V" zone
Plan A-2c	Comparison Between Previous and Current Layout Plans

Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2026**