

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/NE-LYT/873 and 874

- Applicants** : Mr. TANG Hin Fung (Application No. A/NE-LYT/873)
Mr. WAN Keith Man Kit (Application No. A/NE-LYT/874)
both represented by Sunford Construction Engineering Limited
- Sites** : Lot 1588 S.A (Application No. A/NE-LYT/873)
Lot 1588 S.B (Application No. A/NE-LYT/874)
both in D.D. 83, Tung Kok Wai, Lung Yeuk Tau, Fanling
- Site Areas** : About 143m² (Application No. A/NE-LYT/873)
About 192m² (Application No. A/NE-LYT/874)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP)
No. S/NE-LYT/19
- Zonings** : Application No. A/NE-LYT/873
(i) “Agriculture” (“AGR”) (about 100.1m² or 70% of the Site)
(ii) “Village Type Development” (“V”) (about 42.9m² or 30% of the Site)
- Application No. A/NE-LYT/874
- (i) “AGR” (about 114.4m² or 59.6% of the Site)
(ii) “V” (about 77.6m² or 40.4% of the Site)
- Applications** : Proposed House (New Territories Exempted House (NTEH) – Small House)
on each of the Application Sites

1. The Proposals

- 1.1 The applicants, who claim themselves as indigenous villagers of Lung Yeuk Tau (Tung Kok Wai) and Kwai Tau Leng respectively, seek planning permissions to build a NTEH (Small House) on each of the application sites (the Sites) falling within areas largely zoned “AGR” and partly zoned “V” on the OZP (**Plans A-1 and A-2a**). According to the Notes of the OZP, while ‘House (NTEH only)’ is always permitted within the “V” 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 within the “AGR” zone, which requires

planning permission from the Town Planning Board (the Board). The Sites are fenced-off, largely hard-paved, partly covered by vegetation, and currently occupied by vacant temporary or dilapidated structures (**Plans A-4a and A-4b**).

1.2 Details of each of the proposed NTEHs (Small Houses) are as follows:

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

1.3 The applicants propose to connect the proposed developments to an existing public sewer (**Plan A-2a**), and the uncovered area of the Sites will be used as gardens. The layouts of the proposed Small Houses under applications No. A/NE-LYT/873 and 874 are shown in **Drawings A-1 and A-2** respectively.

1.4 Each of the Sites is the subject of a previously approved application for Small House development. The previous applications (No. A/NE-LYT/744 and 745) for each of the Sites submitted by the same applicants as the current applications were approved with condition by the Rural and New Town Planning Committee (the Committee) of the Board on 18.2.2022. Details of the previous applications are set out in paragraph 5 below.

1.5 In support of the applications, the applicants have submitted the following documents:

- (a) Application Form with attachments received on 26.3.2026 (**Appendix Ia**)
(for application No. A/NE-LYT/873)
- (b) Application Form with attachments received on 26.3.2026 (**Appendix Ib**)
(for application No. A/NE-LYT/874)
- (c) Supplementary Information (SI) received on 1.4.2026 (**Appendix Ic**)
(for application No. A/NE-LYT/873)
- (d) SI received on 1.4.2026 (**Appendix Id**)
(for application No. A/NE-LYT/874)

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the applications are detailed in the Application Forms and SIs at **Appendices Ia to Id**, as summarised below:

- (a) the applicants, who are the indigenous villagers of Lung Yeuk Tau (Tung Kok Wai) and Kwai Tau Leng respectively, are entitled to build Small Houses under the prevailing Small House Policy;
- (b) the applicants have submitted Small House grant applications to the Lands Department (LandsD), which are currently being processed;
- (c) each of the Sites is the subject of a previously approved application (No. A/NE-LYT/744 and 745) for proposed Small House development submitted by the respective applicants. As the applicants could not submit applications in time for extension of time for commencement of development before the previous planning

permissions lapsed, the subject fresh applications have been submitted to seek planning approvals to proceed with the proposed developments under the land administration regime; and

- (d) the proposed developments would not induce adverse environmental, traffic, drainage, sewerage and landscape impacts on the surroundings.

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

The applicants are the sole “current land owners” of their respective lots. Detailed information would be deposited at the meeting for Members’ inspection.

4. Assessment Criteria

The set of Interim Criteria for Consideration of Application of 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 Applications

5.1 Each of the Sites is the subject of a previous application (No. A/NE-LYT/744 and 745) for proposed Small House development, both of which were approved with conditions by the Committee on 18.2.2022, mainly on the sympathetic considerations that the footprint of the proposed Small House fell entirely within the village ‘environs’ (‘VE’) of Lung Yeuk Tau Wing Ning Wai, Wing Ning Tsuen, Tung Kok Wai, Ma Wat Tsuen, Ma Wat Wai, Tsz Tong Tsuen and Lo Wai; and the Site was in close proximity to the existing village proper with existing and approved Small Houses nearby. The validity of the planning permissions lapsed on 19.2.2026. Compared with the previously approved applications, except for a reduction in site area (from about 192m² to 143.4m²) due to a land boundary survey¹, and the corresponding revision to the proposed Small House footprint under application No. A/NE-LYT/873, the major planning parameters of the proposed developments under the current applications generally remain unchanged.

5.2 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plans A-1** and **A-2a** respectively.

6. Similar Applications

6.1 There are 10 similar applications involving 10 sites within or straddling the same “AGR” zone in the vicinity of the Sites since the first promulgation of the Interim Criteria on 24.11.2000².

¹ According to the records, a survey record plan and a survey report for the boundary resurvey of Lot 1588 S.A in D.D. 83 were submitted to LandsD for consideration. The said Lot boundary has been reflected in the current application No. A/NE-LYT/873.

² Excluding application No. A/NE-LYT/89 for development of two Small Houses at a site, which was approved prior to the first promulgation of the Interim Criteria on 24.11.2000 (**Plan A-2a**).

- 6.2 Of them, nine applications (No. A/NE-LYT/294, 306, 309, 333, 334, 377, 522, 523 and 525) were approved with conditions by the Committee between 2005 and 2014, prior to the formal adoption of a more cautious approach in considering Small House application by the Board in August 2015³ mainly on the considerations that the application generally met the Interim Criteria in that more than 50% of the footprint(s) of the proposed Small House(s) fell within the ‘VE’ and there was a general shortage of land within the “V” zones of Lung Yeuk Tau village cluster in meeting the demand for Small House development at the time of consideration; the proposed development was not incompatible with the surrounding areas; and the proposed development was not expected to have significant adverse traffic, drainage, environmental or landscape impacts on the surrounding areas.
- 6.3 The remaining one application (No. A/NE-LYT/812), situated at a site entirely zoned “AGR” to the northeast of the Site, was rejected by the Committee in 2023 mainly on the grounds that the proposed development was not in line with the planning intention of “AGR” zone and there was no strong planning justification in the submission for a departure from the planning intention; and land was still available within the “V” zones of Lung Yeuk Tau village cluster for Small House development.
- 6.4 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-2a**.

7. The Sites and Their Surrounding Areas (Plans A-1 and A-4b)

- 7.1 The Sites are:
- (a) fenced-off, largely hard-paved, partly covered by vegetation, and currently occupied by vacant temporary or dilapidated structures;
 - (b) located at the northwestern fringe of Tung Kok Wai; and
 - (c) accessible by a footpath without direct vehicular access.
- 7.2 The surrounding areas are of rural character comprising village houses/domestic structures, active/fallow farmlands, vacant land or unused land and tree clusters or vegetated areas. To the immediate west are two sites with Small House grant applications under processing by LandsD⁴. To the south is the village proper of Tung Kok Wai, with existing village houses and Small House developments approved by LandsD, within the concerned “V” zone.

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.

³ Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, more weighting should be put on the number of outstanding Small House applications provided by LandsD.

⁴ According to the Interim Criteria, planning permission will not be required for the Small House development at the concerned sites if not less than 50% of the Small House footprint falls within the “V” zone and ‘VE’ of a recognised village.

9. Comments from Relevant Government Departments

9.1 The applications have been assessed against the assessment criteria at **Appendix II**. The assessment is summarised in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	<p>Within “V” zone?</p> <ul style="list-style-type: none"> - Footprints of the proposed Small Houses <ul style="list-style-type: none"> (i) Application No. A/NE-LYT/873 (ii) Application No. A/NE-LYT/874 - The Sites <ul style="list-style-type: none"> (i) Application No. A/NE-LYT/873 (ii) Application No. A/NE-LYT/874 	<p>0.4%</p> <p>1.6%</p> <p>30%</p> <p>40.4%</p>	<p>99.6%</p> <p>98.4%</p> <p>70%</p> <p>59.6%</p>	<p>The footprints of the proposed Small Houses fall largely within “AGR” zone, whilst the Sites fall largely within “AGR” zone and partly within “V” zone.</p>
2.	<p>Within ‘VE’?</p> <ul style="list-style-type: none"> - Footprints of the proposed Small Houses - The Sites 	<p>100%</p> <p>100%</p>	<p>-</p> <p>-</p>	<p>The District Lands Officer/North (DLO/N), LandsD advises that the Sites and footprints of the proposed Small Houses fall entirely within the ‘VE’ of Lung Yeuk Tau Wing Ning Wai, Wing Ning Tsuen, Tung Kok Wai, Ma Wat Tsuen, Ma Wat Wai, Tsz Tong Tsuen and Lo Wai.</p>
3.	<p>Sufficient land in “V” zones to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?</p>		<p>✓</p>	<p><u>Land Required</u></p> <ul style="list-style-type: none"> - Land required to meet Small House demand in Lung Yeuk Tau village cluster⁵: about 17.2ha (equivalent to 685 Small House sites). The number of outstanding Small House applications is 100⁶ while the 10-year Small House demand is 585⁷.

⁵ Including San Uk Tsuen, San Wai, Wing Ning Tsuen, Wing Ning Wai, Ma Wat Tsuen, Tung Kok Wai and Lo Wai, Ma Wat Wai and Tsz Tong Tsuen.

⁶ Among the 100 outstanding Small House applications, 94 fall within the “V” zones, and six fall outside or partly fall outside the “V” zones. For those six applications falling outside the “V” zones, apart from the two applications currently seeking planning approvals from the Committee at this meeting, others are not covered by any valid planning permissions.

⁷ According to DLO/N, LandsD, the figure of 10-year Small House demand forecast is estimated and provided by the Indigenous Inhabitant Representatives (IIR) of the villages concerned, which has not been verified by his office.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	Sufficient land in “V” zones to meet outstanding Small House applications?	✓		<u>Land Available</u> - Land available to meet the Small House demand within the “V” zones of Lung Yeuk Tau village cluster: about 10.2ha (equivalent to about 407 Small House sites) (Plans A-2b and A-2c).
4.	Compatible with the planning intention of “AGR” zone?		✓	The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the applications from agricultural perspective as the Sites possess potential for agricultural rehabilitation. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Sites can be used for agricultural activities such as open-field cultivation, greenhouses, and plant nurseries, etc.
5.	Compatible with surrounding area/ development?	✓		The proposed developments are not incompatible with the surrounding areas of rural character comprising village houses/domestic structures, active/fallow farmlands, vacant land or unused land, and tree clusters or vegetated areas.
6.	Within Water Gathering Grounds?		✓	The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the applications.
7.	Environmental and sewerage impacts?		✓	The Director of Environmental Protection (DEP) has no in-principle objection to the applications provided that the applicants will provide adequate sewer connection for disposal of sewage from the Small Houses to the existing public sewer at their own costs and reserve adequate land for the sewer connection work.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	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 applications. The applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD.
10.	Traffic impact?	✓		The Commissioner for Transport (C for T) has no objection to the applications. She advises that the applications only involve the construction of one Small House on each of the Sites, and considers that the applications can be tolerated on traffic grounds. Although additional traffic generated by the proposed developments is not significant, the permission of development outside the “V” zone will however set an undesirable precedent case for similar application in the future. The resulting cumulative adverse traffic impact has to be reviewed on case-by-case basis in the future.
11.	Drainage impact?		✓	The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the applications.
12.	Landscape impact?		✓	The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no adverse comment on the applications from landscape planning perspective, and advises that significant adverse landscape impact arising from the proposed developments is not anticipated.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
14.	Local objections conveyed by DO?		✓	The District Officer (North), Home Affairs Department (DO(N), HAD) advises that she has issued consultation letters to the Fanling District Rural Committee, and IIR and Resident Representative of Lung Yeuk Tau.

9.2 Comments from the following government departments have been incorporated in paragraph 9.1 above. Other details comments and Recommended Advisory Clauses, if any, are provided at are at **Appendix V** and **VI** respectively.

- (a) DLO/N, LandsD;
- (b) C for T;
- (c) DEP;
- (d) CE/MN, DSD;
- (e) D of FS;
- (f) CTP/UD&L, PlanD;
- (g) DAFC;
- (h) CE/C, WSD; and
- (i) DO(N), HAD.

9.3 The following government departments have no objection to/no comment on the applications:

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Director of Electrical and Mechanical Services (DEMS); and
- (a) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD).

10. Public Comments Received During Statutory Publication Period

On 10.4.2026, the applications were published for public inspection. During the statutory public inspection period, two public comments on each of the applications were received (**Appendices VIIa** and **VIIb**). One comment from an individual objects to both applications mainly on the ground that there is still available land for Small House developments within the concerned “V” zones. One comment from a member of North District Council indicates no comment on both applications.

11. Planning Considerations and Assessments

11.1 The applications are for proposed Small House development at each of the Sites largely zoned “AGR” and partly zoned “V” on the OZP (**Plan A-2a**). While the proposed developments are always permitted within the “V” zone, they are not in line with the planning intention of “AGR” zone. DAFC does not support the

applications from agricultural perspective as the Sites possess potential for agricultural rehabilitation. Nevertheless, having taken into account the planning assessments below, sympathetic consideration could be given to the proposed developments.

- 11.2 The Sites, which are fenced-off, largely hard-paved, partly covered by vegetation, and currently occupied by vacant temporary or dilapidated structures, are located at the northwestern fringe of Tung Kok Wai, with clusters of existing village houses situated to the east and south (**Plans A-2a, A-4a and A-4b**). To the immediate west are the sites with Small House grant applications currently being processed by LandsD. The proposed developments are not incompatible with the surrounding areas of rural character comprising village houses/domestic structures, active/fallow farmlands, vacant land and unused land, and tree clusters or vegetated areas (**Plans A-2a and A-3**). CTP/UD&L, PlanD has no adverse comment on the applications from landscape planning perspective, and advises that significant adverse landscape impact arising from the proposed developments are not anticipated. Other relevant government departments consulted, including C for T, DEP, CE/MN, DSD, D of FS and CE/C, WSD have no objection to or no adverse comment on the applications.
- 11.3 Regarding the Interim Criteria (**Appendix II**), the footprints of the proposed Small Houses fall entirely within the 'VE' of the concerned villages (**Plan A-2a**). According to DLO/N, LandsD, the number of outstanding Small House applications for Lung Yeuk Tau village cluster is 100 while the 10-year Small House demand forecast is 585. Based on PlanD's latest estimate, about 10.2 ha (equivalent to about 407 Small House sites) is available within the "V" zones concerned (**Plans A-2b and A-2c**). While the amount of land available within the "V" zones of Lung Yeuk Tau village cluster is insufficient to fully meet the future Small House demand, it is sufficient to accommodate the outstanding Small House applications. 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 provided by LandsD. Nevertheless, each of the Sites is the subject of a previously approved application (No. A/NE-LYT/744 and 745) submitted by the same applicant for proposed Small House development as detailed in paragraph 5.1 above. The planning permissions under the previous applications for the Sites lapsed recently on 19.2.2026. As advised by DLO/N, LandsD, the relevant Small House grant applications for the Sites are being actively processed. The departmental consultation for the Small House grant application at the Site of application No. A/NE-LYT/873 is currently in progress. For the Small House grant application at the Site of application No. A/NE-LYT/874, the departmental circulation and local consultation have been generally completed and the processing of Small House grant is already at an advance stage. In view of the above, sympathetic consideration could be given to the current applications.
- 11.4 There are 10 similar applications falling within or straddling the same "AGR" zone in the vicinity of the Sites (**Plan A-2a**), nine of which applications were approved with conditions by the Committee before the formal adoption of more cautious approach by the Board since August 2015 as detailed in paragraph 6.2 above. Besides, an application (No. A/NE-LYT/812) situated at a site entirely

zoned “AGR” to the further northeast of the Site, which had no previous planning approval, was rejected by the Committee in 2023 as detailed in paragraph 6.3 above. The planning circumstances of the current applications are different from the above rejected similar application.

- 11.5 Regarding the public comments as detailed in paragraph 10 above, the government departments’ comments and the 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 in paragraph 10 above, PlanD has no objection to the applications.
- 12.2 Should the Committee decide to approve the applications, it is suggested that the permission for each application shall be valid until 22.5.2030, 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 VI**.
- 12.3 Alternatively, should the Committee decide to reject the applications, the following reasons for rejection are suggested for Members’ reference:
- (a) 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; and
 - (b) land is still available within the “V” zones of Lung Yeuk Tau village cluster which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House developments within the “V” zones for more orderly development pattern, efficient use of land and provision of infrastructures and services.

13. Decision Sought

- 13.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permissions.
- 13.2 Should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permissions, and the date when the validity of the permissions should expire.
- 13.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicants.

14. Attachments

Appendix Ia	Application Form with Attachments received on 26.3.2026 (for application No. A/NE-LYT/873)
Appendix Ib	Application Form with Attachments received on 26.3.2026 (for application No. A/NE-LYT/874)
Appendix Ic	SI received on 1.4.2026 (for application No. A/NE-LYT/873)
Appendix Id	SI received on 1.4.2026 (for application No. A/NE-LYT/874)
Appendix II	Relevant Extracts of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VIIa	Public Comments (for application No. A/NE-LYT/873)
Appendix VIIb	Public Comments (for application No. A/NE-LYT/874)
Drawing A-1	Layout Plan (for application No. A/NE-LYT/873)
Drawing A-2	Layout Plan (for application No. A/NE-LYT/874)
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plans A-2b and A-2c	Estimated Amount of Land Available for Small House Development within the "V" zones of Lung Yeuk Tau Village Cluster
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2026**