

**Relevant Interim Criteria for Consideration of Application for
New Territories Exempted House (NTEH)/Small House in New Territories
(promulgated on 7.9.2007)**

- (a) sympathetic consideration may be given if not less than 50% of the proposed NTEH/Small House footprint falls within the village 'environs' ('VE') of a recognised village and there is a general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of the village;
 - (b) if more than 50% of the proposed NTEH/Small House footprint is located outside the 'VE', favourable consideration could be given if not less than 50% of the proposed NTEH/Small House footprint falls within the "V" zone, provided that there is a general shortage of land in meeting the demand for Small House development in the "V" zone and the other criteria can be satisfied;
 - (c) development of NTEH/Small House with more than 50% of the footprint outside both the 'VE' and the "V" zone would normally not be approved unless under very exceptional circumstances (e.g. the application site has a building status under the lease, or approving the application could help achieve certain planning objectives such as phasing out of obnoxious but legal existing uses);
 - (d) application for NTEH/Small House with previous planning permission lapsed will be considered on its own merits. In general, proposed development which is not in line with the criteria would normally not be allowed. However, sympathetic consideration may be given if there are specific circumstances to justify the cases, such as the site is an infill site among existing NTEHs/Small Houses, the processing of the Small House grant is already at an advance stage;
 - (e) if an application site involves more than one NTEH/Small House, application of the above criteria would be on individual NTEH/Small House basis;
 - (f) the proposed development should not frustrate the planning intention of the particular zone in which the application site is located;
 - (g) the proposed development should be compatible in terms of land use, scale, design and layout, with the surrounding area/development;
 - (h) the proposed development should not encroach onto the planned road network and should not cause adverse traffic, environmental, landscape, drainage, sewerage and geotechnical impacts on the surrounding areas. Any such potential impacts should be mitigated to the satisfaction of relevant Government departments;
 - (i) the proposed development, if located within water gathering grounds, should be able to be connected to existing or planned sewerage system in the area except under very special circumstances (e.g. the application site has a building status under the lease or the applicant can demonstrate that the water quality within water gathering grounds will not be affected by the proposed development*);
 - (j) the provision of fire service installations and emergency vehicular access, if required, should be appropriate with the scale of the development and in compliance with relevant standards; and
 - (k) all other statutory or non-statutory requirements of relevant Government departments must be met. Depending on the specific land use zoning of the application site, other Town Planning Board guidelines should be observed, as appropriate.
- *i.e. the applicant can demonstrate that effluent discharge from the proposed development will be in compliance with the effluent standards as stipulated in the Water Pollution Control Ordinance Technical Memorandum.

Previous S.16 Applications

Approved Applications

Application No.	Uses / Development	Date of Consideration
A/NE-LYT/744 ^[1]	Proposed House (New Territories Exempted House – (NTEH) Small House)	18.2.2022
A/NE-LYT/745 ^[2]	Proposed House (NTEH – Small House)	18.2.2022

Remarks

^[1] Previous case of application No. A/NE-LYT/873.

^[2] Previous case of application No. A/NE-LYT/874.

**Similar S.16 Applications for Proposed House
(New Territories Exempted House – Small House)
within or straddling the “Agriculture” zone in the vicinity of the Application Site
on the approved Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/19**

Approved Applications

Application No.	Uses / Development	Date of Consideration
A/NE-LYT/294	Proposed Two Houses (New Territories Exempted Houses – (NTEHs) Small Houses)	28.1.2005
A/NE-LYT/306	Proposed House (NTEH – Small House)	24.6.2005
A/NE-LYT/309	Proposed House (NTEH – Small House)	28.10.2005
A/NE-LYT/333	Proposed House (NTEH – Small House)	7.7.2006
A/NE-LYT/334	Proposed House (NTEH – Small House)	7.7.2006
A/NE-LYT/377	Proposed Four Houses (NTEHs – Small Houses)	20.6.2008
A/NE-LYT/522	Proposed House (NTEH – Small House)	3.1.2014
A/NE-LYT/523	Proposed House (NTEH – Small House)	3.1.2014
A/NE-LYT/525	Proposed House (NTEH – Small House)	17.1.2014

Rejected Application

Application No.	Uses / Development	Date of Consideration	Rejection Reasons
A/NE-LYT/812	Proposed House (NTEH – Small House)	22.12.2023	R1 and R2

Rejection Reasons:

- R1 The proposed development was not in line with the planning intention of the “Agriculture” zone in the Lung Yeuk Tau and Kwan Tei South area which was 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 was no strong planning justification in the submission for a departure from the planning intention.
- R2 Land was still available within the “Village Type Development” (“V”) zones of Lung Yeuk Tau village cluster which was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development within the “V” zones for more orderly development pattern, efficient use of land and provision of infrastructures and services.

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- the application sites (the Sites) fall 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;

For application No. A/NE-LYT/873

- the Small House grant application was received on 31.3.2015, but was rejected on 23.10.2020 as there was no valid planning approval from the Town Planning Board (the Board). Subsequently, the Small House grant application was re-activated in 2022 since the planning approval was obtained. The departmental circulation of the Small House grant application, with a revised proposal received on 18.4.2024, is still under processing. The applicant claimed himself as the indigenous villager of Lung Yeuk Tau, Fanling Heung. His eligibility for Small House grant is yet to be ascertained;

For application No. A/NE-LYT/874

- the Small House grant application was received on 17.7.2014, but was rejected on 23.10.2020 as there was no valid planning approval from the Board. Subsequently, the Small House grant application was re-activated in 2022 since the planning approval was obtained. The departmental circulation and local consultation (posting notice) were generally completed. The processing of the Small House grant application is already at an advance stage. The applicant claimed himself as the indigenous villager of Kwai Tau Leng, Fanling Heung. His eligibility for Small House grant is yet to be ascertained;
- the Sites are Old Schedule Agricultural Lots held under Block Government Lease; and
- the Sites are currently covered by Modification of Tenancy No. 37214 and Letter of Approval No. 4322 for the purpose of "domestic, kitchen and shade" and "pigeon shed and chicken sheds" respectively.

2. Traffic

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

- no objection to the applications from traffic engineering perspective;
- the applications only involve construction of one Small House on each of the Sites, she considers that the applications can be tolerated on traffic ground;
- although additional traffic generated by the proposed developments is not expected to be significant, such type of development outside the "Village Type Development" ("V") zone will set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact has to be reviewed on case-by-case basis in the future; and
- her advisory comments are at **Appendix VI**.

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

- no comment on the applications from highways maintenance perspective; and
- his advisory comments are at **Appendix VI**.

3. **Environment**

Comments of the Director of Environmental Protection (DEP):

- 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; and
- his advisory comments are at **Appendix VI**.

4. **Drainage**

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

- no objection to the applications from public drainage perspective;
- the Sites are in an area where public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage impact assessments and sewage treatment/disposal facilities for the proposed developments; and
- her advisory comments are at **Appendix VI**.

5. **Fire Safety**

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

- no objection in principle to the applications at this stage provided that the proposed Small Houses would not encroach on any existing Emergency Vehicular Access (EVA) or planned EVA under application in accordance with LandsD's record; and
- his advisory comments are at **Appendix VI**.

6. **Landscape**

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

- no adverse comment on the applications from landscape planning perspective;
- based on the aerial photo taken in 2025 (**Plan A-3**), the Sites are located in an area of rural inland plain landscape character comprising village houses, farmlands, warehouse,

vegetated areas and tree clusters. The proposed developments are considered not entirely incompatible with the surrounding environment;

- based on the site photos taken on 10.4.2026 (**Plan A-4a**), the Sites were partly formed and occupied by some temporary structures, and some self-seeded vegetation were observed. It is noted that no tree felling is anticipated. Significant adverse landscape impact arising from the applications are not anticipated; and
- her advisory comments are at **Appendix VI**.

7. Agriculture

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

- does not support 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.

8. Water Supplies

Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- no objection to the applications; and
- his advisory comments are at **Appendix VI**.

9. Demand and Supply of Small House Sites

According to the DLO/N, LandsD's records, the total number of outstanding Small House applications for Lung Yeuk Tau village cluster is 100 while 10-year Small House demand forecast for the same village is 585. According to the latest estimate by PlanD, about 10.2 ha (equivalent to about 407 Small House sites) of land are available within the "V" zones of Lung Yeuk Tau village cluster for Small House development. There is insufficient land in the "V" zones of Lung Yeuk Tau village cluster to meet the future demand of land for Small House development (i.e. about 17.2 ha of land which is equivalent to 685 Small House sites).

10. Other Departments

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

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD); and
- (c) District Officer (North), Home Affairs Department (DO(N), HAD).

Recommended Advisory Clauses

- (a) to note the comments of the Commissioner for Transport (C for T) that the local village access leading to the application sites (the Sites) from Sha Tau Kok Road – Lung Yeuk Tau is not managed by the Transport Department (TD);
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that:
 - (i) HyD is not/shall not be responsible for the maintenance of any access connecting the Sites and the nearby public roads; and
 - (ii) adequate drainage measures should be provided to prevent surface water running from the Sites to the nearby public roads and drains;
- (c) to note the comments of the Director of Environmental Protection (DEP) that public sewage connection is available in the vicinity of the Sites and the applicants shall obtain the written consent(s) from the adjacent lot owner(s) and/or the Lands Department (LandsD) for laying and maintaining sewers, if any, may be required;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) the Sites are in an area where public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed developments. Should the applicants choose to connect the proposed sewerage systems to DSD's networks, they shall submit a connection proposal to DSD for approval. Upon acceptance, the applicants shall carry out the connection works in accordance with DSD Standard Drawings at the applicants' own costs;
 - (ii) adequate stormwater drainage collection and disposal facilities shall be provided to deal with the surface runoff of the Sites or the same flowing on to the Sites from the adjacent areas; and
 - (iii) the applicants should check and ensure that the existing drainage system to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the Sites. The applicants should also ensure that the flow from the Sites will not overload the existing drainage system; and
- (e) to note the comments of the Director of Fire Services (D of FS) that the applicants should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' which is administrated by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application via LandsD;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the applications does not imply approval of tree works such as pruning, transplanting and felling. The applicants are reminded to seek approval for any proposed tree works from relevant department(s) prior to commencement of the works;

- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) for the provision of water supply to the proposed developments, the applicants may need to extend their inside services to the nearest suitable government water mains for connection; and
 - (ii) the applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard; and
- (h) to note that the permissions are only given to the developments under applications. If provision of an access road is required for the proposed developments, the applicants should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permissions from the Town Planning Board where required before carrying out the road works.

Urgent Return receipt Expand Group Restricted Prevent Copy

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年04月28日星期二 1:19
收件者: tpbpd/PLAND
主旨: A/NE-LYT/873 and 874 DD 83, Tung Kok Wai, Lung Yeuk Tau
類別: Internet Email

Dear TPB Members,

A/NE-LYT/873

A/NE-LYT/773 (744)

Lot 1588 S.A in D.D.83, Tung Kok Wai, Lung Yeuk Tau, Fanling

Site area : About 195.09sq.m

Zoning : "Agriculture" and "VTD"

Applied development : NET House

Dear TPB Members,

Approved 18 Feb 2021 despite "Land available to meet the Small House demand within the "V" zone of Lung Yeuk Tau village cluster: about 13.9 ha (**equivalent to 554 Small House sites**).

But small houses approved to further expand the village footprint while the lots intended for Net Houses are occupied by large parking lots.

Previous objections upheld.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Monday, 1 March 2021 3:05 AM HKT
Subject: A/NE-LYT/745 DD 83, Tung Kok Wai, Lung Yeuk Tau

A/NE-LYT/745 (874)
Lot 1588 S.B in D.D.83, Tung Kok Wai, Lung Yeuk Tau, Fanling
Site area : About 191.95sq.m
Zoning : "Agriculture" and "VTD"

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Applied development : NET House

Dear TPB Members,

Strong objections. The Lung Yeuk Tu district has abundant supply of V, so much so that approval has been given for a large vehicle parking.

Regarding the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, **more than 50% of the footprint of the proposed Small House fell outside the "V"** zone and the lot is not close to the village cluster. Approval of 744 and 745 would encourage further encroachment onto AG zoning while abundant V lots are still available.

There is no justification to approve the application.

Mary Mulvihill

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

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To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

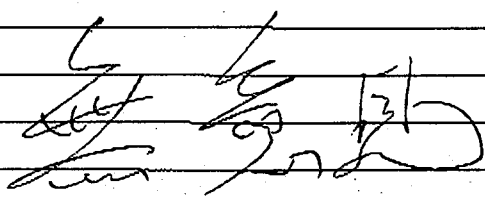
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有關的規劃申請編號 The application no. to which the comment relates

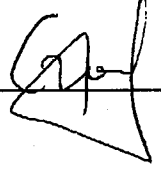
A/NE-LYT/873

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)



「提意見人」姓名/名稱 Name of person/company making this comment 侯志強議員

簽署 Signature  日期 Date 2026.4.15

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tpbpd/PLAND

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To : Secretary, Town Planning Board

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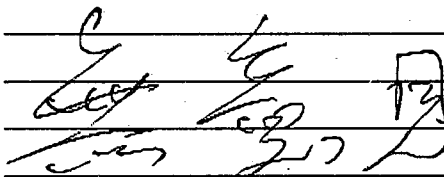
By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/NE-LYT/874

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)



「提意見人」姓名/名稱 Name of person/company making this comment

侯志強議員

簽署 Signature _____

日期 Date

2012.4.15