

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-LYT/876**

- Applicant** : Mr. PANG Garry Kuen Cheung with NG Chi Keung as the Power of Attorney
- Site** : Lot 1759 S.B in D.D. 76, Ma Mei Ha Leng Tsui, Fanling
- Site Area** : About 162m<sup>2</sup>
- 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
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed House (New Territories Exempted House (NTEH) – Small House)

**1. The Proposal**

1.1 The applicant, who claims himself as an indigenous villager of Fanling, Fanling Heung, seeks planning permission to build a NTEH (Small House) at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “AGR” 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, which requires planning permission from the Town Planning Board (the Board). The Site is partly hard-paved, partly covered by vegetation and currently vacant (**Plan A-4**).

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

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

1.3 The applicant indicates that the uncovered area of the Site will be used as circulation area and garden. The layout of the proposed Small House (including septic tank) is shown in **Drawing A-1**.

- 1.4 The Site is the subject of a previous application (No. A/NE-LYT/584) for proposed Small House development submitted by the same applicant as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 22.1.2016. Details of the previous application are set out in paragraph 5 below.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 13.4.2026 (**Appendix I**)
  - (b) Further Information (FI) received on 1.6.2026<sup>^</sup> (**Appendix Ia**)  
*^ 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**, as summarised below:

- (a) the applicant, who is an indigenous villager of Fanling Tsuen, is entitled to build a Small House under the prevailing policy;
- (b) the applicant has submitted a Small House grant application to the Lands Department (LandsD), which is still under processing;
- (c) the Site, which falls entirely within the village ‘environs’ (‘VE’) of Ma Mei Ha Leng Tsui and Leng Pei Tsuen, is located in close proximity to clusters of existing village houses/approved Small House developments;
- (d) the Site is the subject of a previously approved application (No. A/NE-LYT/584) for Small House development submitted by the same applicant. There are no changes to the major development parameters under the current application. As the applicant could not submit an application for extension of time for commencement of development before the previous planning permission lapsed, the current fresh application has been submitted to seek planning approval to proceed with the Small House grant application under the land administration regime; and
- (e) the proposed development would not induce adverse environmental, traffic, drainage, sewerage and landscape impacts on the surroundings.

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

The applicant is the sole “current land owner” of the Site. 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 Application**

- 5.1 The Site is the subject of a previous application (No. A/NE-LYT/584) for proposed Small House development submitted by the same applicant as the current application, which was approved with conditions by the Committee on 22.1.2016 mainly on sympathetic considerations that it generally complied with the Interim Criteria in that the footprint of the proposed Small House fell entirely within the ‘VE’ of Ma Mei Ha Leng Tsui and Leng Pei Tsuen and there was a general shortage of land within the concerned “Village Type Development” (“V”) zone in meeting the outstanding Small House applications at the time of consideration. The planning permission lapsed on 23.1.2020. Compared with the previous application, the major development parameters and footprint of the proposed Small House under the current application are the same.
- 5.2 Details of the previous application are summarised at **Appendix III** and its location is shown on **Plans A-1** and **A-2a**.

## **6. Similar Applications**

- 6.1 There are 85 similar applications involving 49 sites within or straddling the same “AGR” zone in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000.
- 6.2 Of them, 35 applications (No. A/NE-LYT/327, 342, 343, 373, 374, 376, 378, 379, 391, 404, 451, 452, 463, 464, 472, 489, 497, 518 to 520, 529 to 540, 547, 550 and 561) were approved with conditions by the Committee between April 2006 and May 2015 before the formal adoption of a more cautious approach by the Board in August 2015<sup>1</sup> mainly on the consideration that the footprint(s) of the proposed Small House(s) fell entirely within the ‘VE’ of Ma Mei Ha Leng Tsui and Leng Pei Tsuen and there was a general shortage of land within the concerned “V” zone in meeting the demand for Small House development at the time of the consideration; and/or the site was the subject of previous planning permission(s) and the relevant Small House grant application(s) was/were under active processing by LandsD.
- 6.3 Since then, 50 applications (No. A/NE-LYT/579 to 581, 585, 589, 597, 635, 648, 649, 653 to 661, 663, 673, 675, 676, 709, 724, 728, 729, 740, 753, 758, 759, 765, 778 to 786, 793, 799, 801, 802, 810, 811, 817, 818, 843 and 867) were approved by the Committee, with or without condition(s), between November 2015 and January 2026, mainly on similar consideration as detailed in paragraph 5.1 above; and/or the site was the subject of previous planning permission(s) and the relevant Small House grant application(s) was/were under active processing by LandsD.
- 6.4 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-2a**.

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<sup>1</sup> 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.

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

7.1 The Site is:

- (a) partly hard-paved, partly covered by vegetation and currently vacant;
- (b) located to the west of the existing village proper of Leng Pei Tsuen; and
- (c) partly encroaching onto the existing local access to the immediate west, leading to Sha Tau Kok Road – Ma Mei Ha.

7.2 The surrounding areas are of rural character mainly comprising village houses/domestic structures, active/fallow farmland, vacant land and tree groups or vegetated areas. Clusters of existing village houses with previously granted planning permissions and the sites with approved planning applications for Small House development can be found in the close vicinity within the subject “AGR” zone. To the further southeast is a temporary public vehicle park with a valid planning permission under application No. A/NE-LYT/845.

**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.

**9. Comments from Relevant Government Departments**

9.1 The application has 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.	Within “V” zone?  - The Site  - Footprint of the proposed Small House	-  -	100%  100%	The Site and footprint of the proposed Small House fall entirely within the “AGR” zone.
2.	Within ‘VE’?  - The Site  - Footprint of the proposed Small House	100%  100%	-  -	The District Lands Officer/North (DLO/N), LandsD advises that the Site and footprint of the proposed Small House fall entirely within the ‘VE’ of Ma Mei Ha Leng Tsui and Leng Pei Tsuen.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?		✓	<u>Land Required</u> - Land required to meet Small House demand in Ma Mei Ha Leng Tsui and Leng Pei Tsuen village cluster: about 5.1ha (equivalent to 202 Small House sites). The number of outstanding Small House applications for Ma Mei Ha Leng Tsui and Leng Pei Tsuen village cluster is 27 <sup>2</sup> while the 10-year Small House demand is 175 <sup>3</sup> .
	Sufficient land in “V” zone to meet outstanding Small House applications?		✓	<u>Land Available</u> - Land available to meet the Small House demand within the “V” zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen village cluster: about 0.53ha (equivalent to about 21 Small House sites) ( <b>Plan A-2b</b> ).
4.	Compatible with the planning intention of “AGR” zone?		✓	The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. There are active agricultural activities in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.
5.	Compatible with surrounding area/ development?	✓		The proposed development is not incompatible with the surrounding areas of rural character mainly comprising village houses/domestic structures, active/fallow farmland, vacant land and tree groups or vegetated areas.
6.	Within Water Gathering Grounds (WGGs)?		✓	The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application.

<sup>2</sup> Among the 27 outstanding Small House grant applications, seven fall within the “V” zone, and 20 straddle or fall outside the “V” zone. Out of 20, 14 have obtained valid planning approvals from the Board.

<sup>3</sup> According to DLO/N, LandsD, the figure of 10-year Small House demand forecast is estimated and provided by the Indigenous Inhabitant Representatives of the villages concerned, which has not been verified by his office.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
7.	Environmental and sewerage impacts?		✓	The Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed development, the application is unlikely to cause major pollution.
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 application. The applicant is 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 application. She advises that the application only involves the construction of one Small House at the Site, and considers that the application can be tolerated on traffic ground. Though additional traffic generated by the proposed development is not significant, the permission of development outside the “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.
11.	Drainage impact?		✓	The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no objection to the application.
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, and advises that significant adverse landscape impact arising from the proposed development is not anticipated.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
13.	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, Lung Shan Area Committee, and Indigenous Inhabitant Representatives and Resident Representatives of Kan Tau Tsuen, Leng Pei Tsuen, Leng Tsui and Ma Mei Ha.

9.2 Comments from the following government departments have been incorporated in paragraph 9.1 above. Other detailed comments and Recommended Advisory Clauses, if any, are provided at **Appendices 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 application:

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

## **10. Public Comments Received During Statutory Publication Period**

On 21.4.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VII**). One comment from an individual objects to the application mainly on the grounds that it should be considered as a fresh application, and that village sprawl should be confined within the “V” zone in accordance with current practices; and there is still available land for Small House developments within the concerned “V” zone. The remaining comment from a member of North District Council indicates no comment on the application.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed Small House development at the Site zoned “AGR” on the OZP (**Plans A-1 and A-2a**). The proposed development is not in line with the planning intention of the “AGR” zone. DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. Nevertheless, having taken into account the planning assessments below, sympathetic consideration could be given to the proposed development.
- 11.2 The Site, which is partly hard-paved, partly covered by vegetation and currently vacant, is located to the west of the village proper of Leng Pei Tsuen, and in close proximity to clusters of existing village houses as well as Small House developments with valid planning permission within the subject “AGR” zone (**Plans A-2a and A-4**). The proposed development is not incompatible with the surrounding areas which are of rural character mainly comprising village houses/domestic structures, active/fallow farmland, vacant land and tree groups or vegetated areas (**Plan A-3**). CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective, and advises that significant adverse landscape impact arising from the proposed development is not anticipated. Other relevant government departments consulted have no objection to or no adverse comment on the application.
- 11.3 Regarding the Interim Criteria (**Appendix II**), the footprint of the proposed Small House falls entirely within the ‘VE’ of Ma Mei Ha Leng Tsui and Leng Pei Tsuen (**Plan A-2a**). According to DLO/N, LandsD, the number of outstanding Small House applications for Ma Mei Ha Leng Tsui and Leng Pei Tsuen village cluster is 27, while the 10-year Small House demand forecast is 175. Based on PlanD’s latest estimate, about 0.53ha (equivalent to about 21 Small House sites) is available within the “V” zone concerned (**Plan A-2b**). In this regard, there is insufficient land within the “V” zone to meet the outstanding Small House applications. Furthermore, the Site is the subject of a previously approved application (No. A/NE-LYT/584) submitted by the same applicant as the current application for Small House development as detailed in paragraph 5.1 above. The planning permission under the previous application subsequently lapsed on 23.1.2020. As advised by DLO/N, LandsD, the relevant Small House grant application is being actively processed, with departmental consultation generally completed and local consultation to be conducted shortly. As such, the application generally complies with the Interim Criteria (**Appendix II**) and sympathetic consideration could be given to the proposed development.
- 11.4 There are 85 similar applications for Small House developments in the vicinity of the Site (**Plan A-2a**), 50 of which were approved after the Board’s formal adoption of a more cautious approach in August 2015 mainly on the considerations as detailed in paragraph 6.3 above. The planning circumstances of the current application are generally similar to those of the approved applications. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comments as detailed in paragraph 10 above, the government departments’ comments and 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 mentioned in paragraph 10, 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 5.6.2030, 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 application, the following reason for rejection is suggested for Members' reference:

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.

## 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

<b>Appendix I</b>	Application Form with Attachments received on 13.4.2026
<b>Appendix Ia</b>	FI received on 1.6.2026
<b>Appendix II</b>	Relevant Extracts of the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
<b>Appendix III</b>	Previous Application
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2a</b>	Site Plan
<b>Plan A-2b</b>	Estimated Amount of Land Available for Small House

Development within the “V” zone of Ma Mei Ha Leng Tsui and  
Leng Pei Tsuen village cluster

**Plan A-3**

Aerial Photo

**Plan A-4**

Site Photos

**PLANNING DEPARTMENT  
JUNE 2026**