

TOWN PLANNING BOARD

TPB Paper No. 11065

For Consideration by
the Town Planning Board on 3.7.2026

**REVIEW OF APPLICATION NO. A/YL-PH/1067
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed House (New Territories Exempted House— Small House)
in “Residential (Group D)” and “Village Type Development” zones
Lots 3003 S.D and 3005 RP in D.D. 111, Pat Heung, Yuen Long**

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1. Background

1.1 On 9.5.2025, the applicant, Mr TANG Kai Chun represented by Chief Force Limited, sought planning permission to build a proposed NTEH (Small House) at the application site (the Site) under section 16 (the s.16 application) of the Town Planning Ordinance (the Ordinance). The Site falls within an area partly zoned “Residential (Group D)” (“R(D)”) (about 56%) and partly zoned “Village Type Development” (“V”) (about 44%) on the approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11 (**Plans R-1 and R-2a**).

1.2 On 4.7.2025, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the s.16 application and the reason was:

land was still available within the “V” zone of Wang Toi Shan which was primarily intended for Small House development. It was 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.

1.3 During the deliberation, while majority of Members did not support the s.16 application having considered the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria), i.e. when there was sufficient land within the “V” zone to meet the Small House demand, Small House developments falling outside “V” zones would not normally be approved, there were queries on whether the s.16 application warranted sympathetic consideration as the Site straddled two development zones, i.e. the “R(D)” and “V” zones, and whether land within the “R(D)” zone or the “V” zone might become undevelopable if proposals not entirely in line with the planning intention of either zone were rejected. In this regard, the RNTPC noted that although both zones were development zones, the “R(D)” zone was not intended for Small House development, which should be concentrated within the “V” zone, and rejecting the application would not deprive the development right and potential of the Site. It was also considered that since there was sufficient land within the “V” zone for Small House development, more evidence of practical difficulties and justifications as to why the proposed Small House development could not be confined within the “V” zone should be provided for

reconsideration based on individual merits of the case should the applicant choose to reapply.

1.4 For Members' reference, the following documents are attached:

- (a) RNTPC Paper No. A/YL-PH/1067 (Annex A)
- (b) Extract of minutes of the RNTPC meeting held on 4.7.2025 (Annex B)
- (c) Secretary of the Board's letter dated 18.7.2025 (Annex C)

2. Application for Review

2.1 On 6.8.2025, the applicant applied under section 17(1) of the Ordinance for review of RNTPC's decision to reject the application (Annex D1). In support of the review application, the applicant has also submitted the following documents:

- (a) Further Information (FI) received on 31.12.2025* (Annex D2)
- (b) FI received on 9.4.2026* (Annex D3)

* accepted and exempted from publication and recounting requirements

2.2 On 31.10.2025 and 20.3.2026, the Board agreed to defer making a decision on the review application for two months each as requested by the applicant.

3. Justifications from the Applicant

The justifications put forth by the applicant in support of the review application are detailed in Annexes D1 to D3, and can be summarised as follows:

- (a) The Site is the only land parcel allocated by the applicant's Tso Tong (祖堂) and owned by the applicant, who is an indigenous villager of Wang Toi Shan Wing Ning Lei and the sole land owner of the Site. Most of the land within the subject "V" zone has already been developed for Small Houses or recreational/public facilities. Undeveloped land within the "V" zone is either privately owned or occupied by steep slopes, graves or woodland which is either not available for the applicant or unsuitable for Small House development. The applicant has already purchased the Site and is unable to afford acquiring other private lots or Government land for Small House development. Besides, as a descendant of the Tang Clan (鄧氏), the applicant is eligible to develop Small House only within land parcels owned by his Tso Tong in Wang Toi Shan Wing Ning Lei. As land parcels in other villages are held by different Tso Tong and the land available to meet their own Small House demand is limited, land transactions outside Wang Toi Shang Wing Ning Lei are not feasible.
- (b) The applicant has been in liaison with the District Lands Officer/Yuen Long (DLO/YL), Lands Department (LandsD) and revised the proposal three times to ensure that more than 50% of the Small House footprint falls within the "V" zone, understanding that such proposal would be more favourably considered by the

Board. However, it appears from the RNTPC Paper No. A/YL-PH/1067 (the RNTPC Paper) that the assessment was based on the entire application site rather than the footprint of the Small House.

- (c) According to the Interim Criteria, if not less than 50% of the footprint of a Small House falls within the “V” zone and the village ‘environs’ (‘VE’) of a recognised village, planning permission will not be required. The proposed Small House development under the application meets such criteria and planning permission should not be required. However, to ensure that the proposed Small House development complies with the prevailing ordinances and facilitate the processing of the Small House application, the applicant was advised by LandsD to seek planning permission from the Board.
- (d) According to the RNTPC Paper, it was estimated that about 27.9 ha of land are available within the subject “V” zone for Small House development. However, it appears that such estimation was based on the entire “V” zone instead of the actual extent of Wang Toi Shan Wing Ning Lei. As such, the estimation does not accurately reflect the specific circumstances of Wang Toi Shan Wing Ning Lei.
- (e) The Site straddles the “R(D)” and “V” zones on the OZP, with nearly half falling in each of the two zones. If the Small House development was not permitted within the “R(D)” zone, the applicant would be unable to exercise his Small House concessionary rights, given that the Site is the only land parcel owned by the applicant. The “R(D)” zone is intended for low-rise residential development, and the proposed Small House development is similar in form and scale with such development. Besides, adjoining lots are subject to Small House applications under processing by LandsD, and the surrounding areas within the “R(D)” zone have already been developed. It is therefore anticipated that the Site will form part of a village cluster within a developed area in the future. In addition, the Site only occupies a small area within the “R(D)” zone and approval of the review application would not jeopardise the long-term development of the entire “R(D)” zone. In view of these circumstances, sympathetic consideration based on individual merits should be given to the subject Small House application. The Small House application has been under processing by LandsD for more than 10 years.

4. The S.16 Application

The Site and Its Surrounding Areas (Plans R-1 to R-4)

- 4.1 The situation of the Site and the surrounding areas at the time of consideration of the s.16 application by RNTPC were described in paragraphs 8.1 and 8.2 of **Annex A**. There has been no material change of the situation of the Site and the surrounding areas since then.

4.2 The Site is:

- (a) currently vacant and covered by grass;
- (b) located at the southeastern fringe of Wang Toi Shan Wing Ning Lei, which is a recognised village, and entirely outside the ‘VE’ of any recognised village; and
- (c) accessible via a local track leading to Kam Tin Road.

4.3 The surrounding areas are rural in character comprising mainly open storage/storage yards (one with valid planning permission) and warehouses intermixed with a few residential structures, a vehicle park, a car repair workshop, vacant land, grassland and woodland. The village settlements of Wang Toi Shan Wing Ning Lei are located to the north of the Site.

Planning Intentions

4.4 There has been no change in the planning intentions of the “R(D)” and “V” zones as mentioned in paragraph 9 of **Annex A**.

4.5 The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

Assessment Criteria

4.6 The set of Interim Criteria was first promulgated on 24.11.2000. The latest set of Interim Criteria promulgated on 7.9.2007 is at **Annex E**.

Previous Application

4.7 There is no previous application involving the Site.

Similar Applications

4.8 When the s.16 application was considered by RNTPC on 4.7.2025, there were three similar applications for Small House development within the same “R(D)” zone or straddling the same “R(D)” and “V” zones in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000. There has been no change in the number of similar applications since then.

4.9 Among the three similar applications, one application (No. A/YL-PH/540), straddling the same “R(D)” and “V” zones, was approved with conditions by RNTPC in May 2007 (i.e. before the formal adoption of a more cautious approach in considering Small House application by the Board in August 2015¹), mainly on

¹ Amongst 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.

the considerations that the application generally complied with the Interim Criteria; the proposed Small House was not incompatible with the surrounding areas and not in conflict with the planning intention of “R(D)” zone; and the concerned government departments had no objection to or no adverse comment on the application.

- 4.10 The remaining two applications (No. A/YL-PH/798 and 835) at the same site falling entirely within the “R(D)” zone were rejected by the Board upon review in April 2019 and by RNTPC in April 2020 respectively, mainly for the reasons that the proposed Small House did not comply with the Interim Criteria; land was available within the “V” zone for Small House developments; it was more appropriate to concentrate Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructures and services; and there was no exceptional circumstance to justify approval of the application.
- 4.11 Details of these similar applications are summarised at **Appendix III** of **Annex A** and their locations are shown on **Plan R-1**.

5. Comments from Relevant Government Departments

- 5.1 Comments on the s.16 application made by relevant government departments are stated in paragraph 10 and **Appendix IV** of **Annex A**. Their advisory comments, if any, are at **Appendix V** of **Annex A** and recapped at **Annex F**.
- 5.2 For the review application, relevant government departments have been further consulted and they maintained their previous views of having no objection to or no adverse comment on the s.16 application and have no further comments on the review application, except that DLO/YL, LandsD has updated his comments in view of the review application.

Land Administration

5.2.1 Comments of DLO/YL, LandsD:

- (a) the applicant is the sole registered lot owner of the Site. The eligibility of the applicant for Small House grant has been scrutinised and the applicant is confirmed as an indigenous villager;
- (b) the Small House application at the Site was received in 2015 and the applicant has revised the proposed Small House footprint/proposal to address departmental comments;
- (c) the figures of the 10-year Small House demand forecast of Wang Toi Shan, Leung Uk Tsuen, Lo Uk Tsuen, Chuk Hang and Sheung Che (Shui Kan Shek area) were provided by the Indigenous Inhabitant Representatives of these villages²;

² According to DLO/YL, LandsD, the figures of the 10-year Small House demand forecast are estimated and provided by the Indigenous Inhabitant Representatives of the villages concerned, which have not been verified

- (d) Wang Toi Shan is one of the recognised villages in Yuen Long, but no ‘VE’ boundary has been delineated for it. As such, the proposed Small House development does not fall within the ‘VE’ of any recognised village. However, the absence of ‘VE’ boundary of Wang Toi Shan will not lead to the subject Small House unable to be processed by DLO/YL, LandsD. Any Small House application will be handled by DLO/YL, LandsD at its sole discretion in accordance with the New Territories Small House Policy. There is no guarantee that such Small House will be approved;
- (e) the total number of outstanding Small House applications for Wang Toi Shan is 93 (85 at the time of consideration of s.16 application), while the 10-year Small House demand forecast is 1,020 (the same at the time of consideration of s.16 application). When the figures of the other concerned recognised villages (namely Leung Uk Tsuen, Lo Uk Tsuen, Chuk Hang and Sheung Che (Shui Kan Shek area)) which fall within the same subject “V” zone are included, the total number of outstanding Small House applications is 181, while the 10-year Small House demand forecast is 1,317; and
- (f) there are other Small House applications at the five private lots adjacent to the Site, i.e. Lots 3003 S.E, 3003 S.F, 3003 S.G, 3002 S.A and 3002 RP in D.D. 111 (**Plan R-2a**), which were submitted by different applicants from the current review application. Among these five Small House applications, the application at Lot 3002 RP is under processing while the applicants of Lots 3003 S.E, 3003 S.F, 3003 S.G, and 3002 S.A have been informed that planning permission is required from the Board for their Small House developments. Since then, his office has not been informed of any planning application in connection with these four Small House applications. The current review application is the first one where the Site is located along the common boundary of the “V” and “R(D)” zones.

5.2.2 In view of the latest comments of DLO/YL, LandsD, the revised assessment of the land required and land available for Small House development (stated in paragraph 10.1(3) of **Annex A**) is as follows:

	Criteria	Yes	No	Remarks
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House application)		✓	<u>Land Required</u> ³ - Land required to meet Small House demand in the concerned recognised villages (namely Wang Toi Shan, Leung Uk Tsuen, Lo

by his office.

³ In respect of Wang Toi Shan alone, land required to meet Small House demand is about 27.83 ha (equivalent to about 1,113 Small House sites). The number of outstanding Small House applications is 93 whilst the 10-year Small House demand forecast is about 1,020.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
	plus 10-year Small House demand)?			Uk Tsuen, Chuk Hang and Sheung Che (Shui Kan Shek area)) within the same subject “V” zone: about 37.45 ha (equivalent to about 1,498 Small House sites). The number of outstanding Small House applications for the abovementioned villages is 181 whilst the 10-year Small House demand forecast is about 1,317. <u>Land Available</u> - Land available to meet Small House demand within the “V” zones of the abovementioned villages: about 27.4 ha (equivalent to about 1,096 Small House sites) (Plan R-2b).
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		

6. Public Comment Received During Statutory Publication Period

- 6.1 On 22.8.2025, the review application was published for public inspection. During the statutory public inspection period, one public comment was received from the Indigenous Inhabitant Representative of Wang Toi Shan Wing Ning Lei supporting the review application mainly on the grounds that the Site was the only land parcel allocated to the applicant, who is an indigenous villager, for Small House development by the applicant’s Tso Tong and there is no alternative land available in the village; the subject Small House application has been under processing by LandsD for more than 10 years which is longer than the average waiting time for public rental housing; and sympathetic consideration should be given to the review application (**Annex G**).
- 6.2 At the s.16 application stage, one comment was received from an individual expressing concerns on the application. The summary of the comment is set out in paragraph 11 of **Annex A**.

7. Planning Considerations and Assessments

- 7.1 The application is for a review of the RNTPC’s decision on 4.7.2025 to reject the s.16 application for proposed Small House development at the Site partly zoned “R(D)” (56%) and partly zoned “V” (44%) on the OZP with reasons stated in paragraph 1.2 above. To support the review application, the applicant has submitted written representations providing justifications as set out in paragraph

3 above. Having considered the written representations and the latest information on the planning circumstances of the area, the planning considerations and assessments on the review application are detailed below.

The Interim Criteria

(A) Exemption from Planning Permission

7.2 In response to the applicant's claim that the proposed Small House development meets the Interim Criteria for exemption from planning application, it should be noted that, according to criterion (A)(b) of the Interim Criteria (**Annex E**), for proposed Small House development on a site straddling the "V" zone and other land use zones, planning permission is not required provided that not less than 50% of the Small House footprint falls within both the "V" zone and the 'VE' of a recognised village. As advised by DLO/YL, LandsD, since no 'VE' boundary has been delineated for Wang Toi Shan, the proposed Small House does not fall within the 'VE' of any recognised village (**Plan R-2a**). Therefore, for the current review application, although more than 50% of the Small House footprint falls within the "V" zone, exemption from planning permission is not applicable according to the Interim Criteria.

(B) Favourable Considerations

7.3 The applicant claims that, according to criterion (B)(b) of the Interim Criteria, favourable consideration could have been given to the current review application if the assessment was based the Small House footprint, which has more than 50% falling within the "V" zone. However, according to criterion (B)(b) of the Interim Criteria, for application with more than 50% of the proposed Small House footprint located outside the 'VE', even if not less than 50% of the proposed Small House footprint falls within the "V" zone, as per the current review application, favourable consideration could be given only if there is a general shortage of land in meeting the demand for Small House development in the "V" zone (to be discussed in paragraphs 7.4 to 7.6 below) and the other criteria can be satisfied.

(C) Land Availability

7.4 The applicant also claims that the estimation of available land for Small House development should be confined to the extent of Wang Toi Shan Wing Ning Lei rather than the entire "V" zone of Wang Toi Shan involved. It should be noted that designation of "V" zone on the OZP is primarily for development of Small Houses by indigenous villagers. The estimation of land availability for Small House development should be based on the entire "V" zone concerned. Hence, for the current review application, the two "V" neighbouring zones involved for Wang Toi Shan have been taken into account in the estimation of land availability.

7.5 Regarding the applicant's claims that the available land within the "V" zone is either privately owned or occupied and therefore unavailable or unsuitable for Small House development, it should be noted that in estimating land available for Small House development, areas occupied by existing Small Houses, graves, woodland, tree groups, slopes, footpaths, roads, rivers, fish ponds, recreational

and public facilities, and land already by granted by LandsD for Small House development etc. have been excluded. In other words, the estimated available land is considered suitable for Small House development.

- 7.6 The assessments of the number of outstanding Small House applications and the 10-year Small House demand forecast have been reviewed and updated taking into account the data of Wang Toi Shan and the nearby recognised villages within the same concerned “V” zones, namely Leung Uk Tsuen, Lo Uk Tsuen, Chuk Hang and Sheung Che (Shui Kan Shek area). According to DLO/YL, LandsD, the number of outstanding Small House applications for the abovementioned villages is 181, while the 10-year Small House demand forecast is about 1,317. Since August 2015, the Board has formally adopted a more cautious approach in considering applications for Small House development and, amongst 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 DLO/YL, LandsD. Based on the Planning Department (PlanD)’s latest estimate, about 27.4 ha of land (equivalent to about 1,096 Small House sites) is available within the “V” zones concerned (**Plan R-2b**). Whilst the amount of land available within the concerned “V” zones is insufficient to fully meet the future Small House demand, it is sufficient to accommodate the outstanding Small House applications.
- 7.7 Based on the Interim Criteria and land availability as assessed in paragraphs 7.2 to 7.6 above, since land is still available within the concerned “V” zones, it is generally considered more appropriate to concentrate Small House development within the “V” zones for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

Considerations on the Applicant’s Further Justifications

- 7.8 Notwithstanding the above, in assessing the current review application, further consideration has been given to whether there are any special circumstances that warrant sympathetic consideration. As set out in paragraph 1.3, when deliberating on the s.16 application, the RNTPC noted that the case could be reconsidered based on its own merit if more evidence of practical difficulties and justifications as to why the proposed Small House development could not be confined within the “V” zone could be provided by the applicant. In this regard, the applicant has provided in his written representations with further justifications for the proposed Small House development at the Site in relation to the difficulties in land acquisition and the site context as summarised in paragraph 3 above. The latest information regarding the status of Small House applications on the private lots adjacent to the Site is also available from DLO/YL, LandsD.
- 7.9 The Site straddles the “R(D)” and “V” zones, with the zoning boundary almost bisecting it by half, and the “V” portion of the Site is insufficient in size to accommodate a Small House. According to the applicant, he has already purchased the Site and is unable to afford acquiring other private lots or Government land for Small House development, and the development proposal has been revised three times to ensure that more than 50% of the Small House footprint falls within the “V” zone. According to the latest information from

DLO/YL, LandsD, the land adjoining the Site to the southwest and northwest within the “V” zone is already subject to various ongoing Small House applications by others (**Plan R-2a**). Hence, alternative land around the Site would be highly unlikely available for the applicant to shift and confine the proposed Small House development within the “V” zone.

- 7.10 In respect of site context, as mentioned above, there are a number of Small House applications under processing and approved by DLO/YL, LandsD within the “V” zone to the southwest and northwest of the Site (**Plan R-2a**). It is therefore anticipated that the proposed Small House will become part of a village cluster to be formed in the future. As assessed under the s.16 application, the Site, which is currently vacant and covered by grass, is located at the southeastern fringe of Wang Toi Shan Wing Ning Lei and the proposed Small House development is considered not incompatible with the surrounding areas which are rural in character comprising mainly open storage/storage yards and warehouses intermixed with a few residential structures, a vehicle park, a car repair workshop, vacant land and grassland within the “V” and “R(D)” zones. The Chief Town Planner/Urban Design and Landscape, PlanD has no adverse comment on the review application from landscape planning perspective and considers that no significant adverse landscape impact is anticipated.
- 7.11 While not being entirely in line with the planning intention of “R(D)” zone, which is for improvement and upgrading of existing temporary structures within the rural areas through redevelopment as well as for low-rise and low-density residential development subject to planning permission from the Board, the proposed Small House as a low-rise residential development, which can also help improve the rural environment, is not in conflict with the planning intention and permissible development intensity of the “R(D)”. Besides, the Site occupies only a very small portion (about 65m²) at the periphery of the entire “R(D)” zone (about 11 ha) and the proposed Small House at the Site is small in scale which would not frustrate the planning intention of the “R(D)” zone.
- 7.12 In light of all considerations set out in paragraphs 7.8 to 7.11 above, there are special circumstances that warrant sympathetic consideration for the current review application. While there are five Small House applications under processing by DLO/YL, LandsD to the southwest of the Site which also straddle the “V” and “R(D)” zones and four might require planning permissions, it should be emphasised that each planning application will be considered by the Board on a case-by-case basis.

Relevant Government Departments’ Comments

- 7.13 C for T considers that whilst approval of the proposed Small House outside “V” zone will set an undesirable precedent for similar applications in the future, the current review application involving only one Small House can be tolerated on traffic grounds and has no objection to the review application. Other relevant government departments consulted including the Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services maintained their previous views of having no objection to or no adverse comment on the review application.

Similar Application

7.14 There is one similar application for Small House development straddling the same “R(D)” and “V” zones in the vicinity of the Site which was approved by the RNTPC in May 2007 before the Board’s formal adoption of a more cautious approach in August 2015 as mentioned in paragraph 4.9 above.

8. Planning Department’s Views

8.1 Based on the assessments made in paragraph 7 above, PlanD has no objection to the review application.

8.2 Should the Board decide to approve the application, it is suggested that the permission shall be valid until 3.7.2030, 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 at **Annex F** are also suggested for Members’ reference.

8.3 Alternatively, should the Board decide to reject the review application, the following reason for rejection is suggested for Members’ consideration:

land is still available within the “V” zones of Wang Toi Shan, Leung Uk Tsuen, Lo Uk Tsuen, Chuk Hang and Sheung Che (Shui Kan Shek area) which are 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.

9. Decision Sought

9.1 The Board is invited to consider the application for review of the RNTPC’s decision and decide whether to accede to the application.

9.2 Should the Board decide to approve the review 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.

9.3 Alternatively, should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

10. Attachments

Annex A	RNTPC Paper No. A/YL-PH/1067
Annex B	Extract of minutes of the RNTPC Meeting held on 4.7.2025
Annex C	Secretary of the Board's letter dated 18.7.2025
Annex D1	Applicant's letter received by the Board on 6.8.2025 applying for a review of the RNTPC's decision
Annex D2	FI received on 31.12.2025
Annex D3	FI received on 9.4.2026
Annex E	Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Annex F	Recommended Advisory Clauses
Annex G	Public Comment
Plan R-1	Location Plan
Plan R-2a	Site Plan
Plan R-2b	Estimated Amount of Land Available for Small House Developments within the "V" Zone
Plan R-3	Aerial Photo
Plan R-4	Site Photos

**PLANNING DEPARTMENT
JULY 2026**