RNTPC Paper No. A/NE-LYT/878
For Consideration by the
Rural and New Town
Planning Committee
on 28.8.2026

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

**APPLICATION NO. A/NE-LYT/878**

| | | |
|---|---|---|
| **Applicant** | : | Mr. PANG Hing Lung |
| **Site** | : | Lot 1603 S.A in D.D. 76, Kan Tau Tsuen, Fanling |
| **Site Area** | : | About 119m$^2$ |
| **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 Tsuen, Fanling Heung, seeks planning permission to build a NTEH (Small House) on 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 currently vacant and covered by vegetation (**Plan A-4**).

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

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

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

1.4 The Site is the subject of two previously approved applications (No. A/NE-LYT/545 and 665) for Small House development. The last previous application (No. A/NE-LYT/665), submitted by the same applicant as the current application, was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 5.10.2018. Details of the previous applications are set out in paragraph 5 below.

1.5 In support of the application, the applicant has submitted an Application Form with attachment received on 6.7.2026 (**Appendix I**).

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**, as summarised below:

(a) the applicant, who is an indigenous villager of Fanling Tsuen, is entitled to build a Small House under the prevailing Small House Policy;

(b) the applicant has submitted a Small House grant application to the Lands Department (LandsD), which is currently being processed;

(c) the Site is the subject of a previously approved application (No. A/NE-LYT/665) for Small House development submitted by the current applicant. The validity of the planning permission under application No. A/NE-LYT/665 was extended once until 5.10.2026. Since no further extension of time can be granted, the applicant has submitted the current fresh application to seek planning permission to proceed with the Small House grant application; and

(d) 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 Applications

5.1 The Site is the subject of two previously approved applications (No. A/NE-LYT/545 and 665) for Small House development. Application No. A/NE-LYT/545, covering a larger site area for development of three Small Houses (including one at the Site by a different applicant), was approved with conditions

by the Committee on 22.8.2014, prior to the formal adoption of a more cautious approach in considering Small House application by the Board in August 2015[1], mainly on sympathetic considerations that more than 50% of the footprint of each proposed Small House fell within the village 'environs' ('VE') of Kan Tau Tsuen and there was insufficient land within the "V" zone of Kan Tau Tsuen to meet the Small House demand; and the proposed Small House development was not incompatible with the surrounding areas.

5.2 The last previous application (No. A/NE-LYT/665) for Small House development at the Site, submitted by the same applicant as the current application, was approved with conditions by the Committee on 5.10.2018, mainly on sympathetic considerations that the Site, with previous planning permission lapsed, was generally considered as an infill site among approved Small House developments in the immediate vicinity; and there were Small House applications approved in the vicinity at different stages of development nearby forming new village clusters. The validity of the planning permission was extended to 5.10.2026. Compared with the previously approved applications, the footprint and other major planning parameters of the proposed Small House development at the Site under the current application remain unchanged.

5.3 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 49 similar applications involving 31 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[2].

6.2 For the 42 approved applications, 22 applications (No. A/NE-LYT/238, 242, 367, 407, 473 to 476, 478 to 486, 494, 513 to 515 and 557) were approved with conditions by the Committee between July 2002 and January 2015, prior to the formal adoption of a more cautious approach by the Board in August 2015. Since then, the other 20 applications (No. A/NE-LYT/583, 604 to 616, 629, 666, 667, 787, 808 and 877) were approved by the Committee, with or without conditions, between December 2015 and July 2026, mainly on sympathetic considerations that the site was the subject of previous planning permission and the relevant Small House grant application(s) was/were under active processing by LandsD; and/or there were Small House applications approved in the vicinity at different stages of development nearby forming new village clusters.

6.3 For the seven rejected applications, three (No. A/NE-LYT/267, 417 and 440) were rejected by the Committee or the Board on review between 2003 and 2011, mainly on the grounds of not complying with the Interim Criteria in that the footprint of the proposed Small House entirely or largely fell outside the 'VE' and "V" zone of Kan Tau Tsuen; and land was still available within the "V" zone of Kan Tau Tsuen for Small House development.

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[1] 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.

[2] Excluding applications No. A/NE-LYT/22, 67, 158, 200 and 202 for Small House developments, which were approved prior to the first promulgation of the Interim Criteria on 24.11.2000 (**Plan A-2a**).

6.4 The remaining four applications (No. A/NE-LYT/821, 847, 870 and 871) were rejected by the Committee or the Board on review between 2024 and 2026, mainly on the grounds that the proposed development was not in line with the planning intention of the "AGR" zone and there was no strong planning justification in the submission for a departure from the planning intention; land was still available within the "V" zone for Small House development; and/or the proposed development was not in line with the Interim Criteria in that the site was not considered as an infill site among existing NTEHs/Small Houses, nor was the processing of the Small House grant application at an advance stage. For application No. A/NE-LYT/821, the concerned applicant lodged an appeal against the Board's decision to reject the case (i.e. Town Planning Appeal No. 2 of 2024) under section 17(B) of the Town Planning Ordinance. The appeal was subsequently dismissed by the Town Planning Appeal Board on 30.12.2025.

6.5 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-2a**.

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

7.1 The Site is:

(a) currently vacant and covered by vegetation;

(b) located to the southeast of the existing village proper of Kan Tau Tsuen; and

(c) without vehicular access.

7.2 The surrounding areas are of rural character comprising village houses/domestic structures, active/fallow agricultural land, and vacant land/unused land covered by tree clusters and vegetated areas. To the immediate west is a site covered by a valid planning permission (under application No. A/NE-LYT/877) recently granted by the Committee in July 2026, with the relevant Small House grant application currently being processed by LandsD at an advanced stage. To the immediate south is a cluster of Small House developments approved by LandsD with previous planning permissions. To the further east is Tan Shan River.

## 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:

| | **Criteria** | **Yes** | **No** | **Remarks** |
|---|---|---|---|---|
| 1. | Within "V" zone?<br><br>- The Site<br><br>- Footprint of the proposed Small House | <br><br>-<br><br>- | <br><br>100%<br><br>100% | The Site and footprint of the proposed Small House fall entirely within the "AGR" zone. |
| 2. | Within 'VE'?<br><br>- The Site<br><br>- Footprint of the proposed Small House | <br><br>52%<br><br>68% | <br><br>48%<br><br>32% | The District Lands Officer/North (DLO/N), LandsD advises that the Site partly falls within the 'VE' of Kan Tau Tsuen, and more than 50% of the footprint of the proposed Small House falls within the 'VE' of Kan Tau Tsuen. |
| 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><br>- Land required to meet the Small House demand in Kan Tau Tsuen: about 3.13ha (equivalent to 125 Small House sites). The number of outstanding Small House applications is 27[3] while the 10-year Small House demand is 98[4]. |
| | Sufficient land in "V" zone to meet outstanding Small House applications? | ✓ | | <u>Land Available</u><br>- Land available to meet the Small House demand within the "V" zone of Kan Tau Tsuen: about 1.68ha (equivalent to about 67 Small House sites) (**Plan A-2b**). |
| 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 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 |

[3] Among the 27 outstanding Small House applications, 14 fall within the "V" zone, and 13 fall outside or partly fall outside the "V" zone. Out of 13 applications falling outside or partly falling outside the "V" zone, five have obtained valid planning approval from the Board.

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

| | Criteria | Yes | No | Remarks |
|---|---|---|---|---|
| | | | | cultivation, greenhouses, and plant nurseries, etc. |
| 5. | Compatible with surrounding area/ development? | ✓ | | The proposed development is not incompatible with the surrounding areas of rural character comprising village houses/domestic structures, active/fallow agricultural land, and vacant land/unused land covered by tree clusters and vegetated areas. |
| 6. | Within Water Gathering Grounds? | | ✓ | The Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application. |
| 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 involve the construction of one Small House on the Site, and considers that the application can be tolerated on traffic grounds. Although additional traffic generated by the proposed development 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 |

| | Criteria | Yes | No | Remarks |
|---|---|---|---|---|
| | | | | 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. |
| 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, Lung Shan Area Committee, as well as IIRs and Resident Representatives of Kan Tau Tsuen and Tan Chuk Hang. |

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 **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 14.7.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received from a member of the North District Council and the Chairman of the Lung Shan Area Committee, both indicating no comment on the application (**Appendix VII**).

## 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 currently vacant and covered by vegetation, is located to the southeast of the existing village proper of Kan Tau Tsuen, and is in close proximity to a cluster of approved Small House developments, with previous planning permissions, to the immediate south (**Plans A-2a** and **A-4**). The proposed development is not incompatible with the surrounding areas of rural character comprising village houses/domestic structures, active/fallow agricultural land, and vacant land/unused land covered by tree clusters or vegetated areas (**Plans A-2a** and **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**), more than 50% of the footprint of the proposed Small House falls within the 'VE' of Kan Tau Tsuen (**Plan A-2a**). According to DLO/N, LandsD, the number of outstanding Small House applications for Kan Tau Tsuen is 27, while the 10-year Small House demand forecast is 98. Based on PlanD's latest estimate, about 1.68ha (equivalent to about 67 Small House sites) is available within the "V" zone concerned (**Plan A-2b**). While the amount of land available within the "V" zone of Kan Tau Tsuen 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, the Site is the subject of two previously approved applications (No. A/NE-LYT/545 and 665) for proposed Small House development (**Plan A-2a**) as detailed in paragraph 5 above. The planning permission under the last application (No. A/NE-LYT/665) submitted by the same applicant as the current application remains valid until 5.10.2026. As advised by DLO/N, LandsD, the processing of the relevant Small House grant application at the Site is at an advance stage, with the departmental circulation and local consultation generally completed. In this regard, sympathetic

consideration could be given to the current application.

11.4 There are 49 similar applications within or straddling the same "AGR" zone in the vicinity of the Site (**Plan A-2a**), 20 of which were approved by the Committee after the formal adoption of a more cautious approach by the Board since August 2015 as detailed in paragraph 6.2 above. The planning circumstances of the current application are generally the same as those of approved similar applications. Approval of the current application is in line with the Committee's previous decisions.

## 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 application.

12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 28.8.2030, 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 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" zone of Kan Tau Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the "V" zone for more orderly development pattern, efficient use of land and provision of infrastructures and services.

## 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

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| **Appendix I** | Application Form with Attachment received on 6.7.2026 |
| **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 VII** | Public Comments |
| **Drawing A-1** | Layout Plan |
| **Plan A-1** | Location Plan |
| **Plan A-2a** | Site Plan |
| **Plan A-2b** | Estimated Amount of Land Available for Small House Development within the "V" zone of Kan Tau Tsuen |
| **Plan A-3** | Aerial Photo |
| **Plan A-4** | Site Photo |

**PLANNING DEPARTMENT**
**AUGUST 2026**