

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1114

- Applicant** : 羅俊雄 represented by 夏佩娟
- Site** : Lot 2811 S.A in D.D. 111, Pat Heung, Yuen Long
- Site Area** : 121.5m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Agriculture” (“AGR”) (about 57% of the Site)
“Village Type Development” (“V”) (about 43% of the Site)
[restricted to maximum building height of 3 storeys (8.23m)]
- 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 Wang Toi Shan Lo Uk Tsuen, seeks planning permission to build a proposed NTEH (Small House) at the application site (the Site), which falls within an area partly zoned “AGR” (about 57%) and partly zoned “V” (about 43%) on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘House (NTEH only)’ is always permitted within the “V” zone, whilst ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ is a Column 2 use within the “AGR” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently fenced off, vacant and overgrown with weeds (**Plan A-4**).
- 1.2 Details of the proposed 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 Site is accessible via local tracks leading to Kam Tin Road and Fan Kam Road (**Plan A-1**). According to the applicant, the uncovered area of the Site will be used as garden and circulation area, and a septic tank will be provided to serve the proposed Small House. The layout plans submitted by the applicant are at **Drawings A-1 and A-2**.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with supporting documents received (**Appendix I**) on 19.3.2026
 - (b) Further Information (FI) received on 8.7.2026* (**Appendix Ia**)
** accepted and exempted from publication and recounting requirements*
- 1.5 On 8.5.2026, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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 **Appendix I and Ia**, and can be summarised as follows:

- (a) The applicant is an indigenous villager of Wang Toi Shan Lo Uk Tsuen and the sole land owner of the Site.
- (b) The Small House grant application was submitted to the Lands Department (LandsD) in 2019. During the processing of the Small House grant application, since the Site is located outside the village 'environs' ('VE') of a recognised village and less than 50% of the proposed Small House footprint falls within the "V" zone, the applicant was advised to obtain planning permission from the Board to facilitate the processing of the proposed Small House application. Under the current application, the applicant has revised the Small House footprint to ensure more than 50% of it falls within the "V" zone.
- (c) Most of the land within the subject "V" zone has already been developed for recreational and public facilities including public transport facilities, football pitches and ancestral halls etc. The remaining land within "V" zone is either privately owned or held by other Tso/Tong. The applicant acquired the Site through private purchase for Small House development after negotiating with other landowners within the village and its vicinity. The Site is the applicant's sole land parcel available for Small House development, with no structure previously erected thereon, and involves no alienation or trading of Small House concessionary rights.
- (d) The Site has been vacant with no active agricultural activity. The proposed Small House is considered compatible with the surrounding areas comprising mainly vehicle parks, motor vehicle showrooms and open storage yards, as well as low-rise village cluster.

- (e) The proposed Small House will not cause any adverse impacts on traffic, fire safety, drainage or environmental aspects. No car parking space or loading/unloading bay will be provided within the Site. Suitable fire service installations and drainage facilities will be installed at the Site.

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 for NTEH/Small House in New Territories (the Interim Criteria) was first promulgated on 24.11.2000. The latest set of Interim Criteria promulgated on 7.9.2007 is at **Appendix II**.

5. Background

The Site is not subject to any active enforcement action.

6. Previous Application

There is no previous application involving the Site.

7. Similar Application

There is no similar application within the same “AGR” zone in the vicinity of the Site.

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

8.1 The Site is:

- (a) currently fenced off, vacant and overgrown with weeds;
- (b) located to the southeast of the village settlement of Wang Toi Shan Shan Tsuen and at the fringe of the subject “V” zone, and falls entirely outside the ‘VE’ of any recognised village; and
- (c) accessible via local tracks leading to Kam Tin Road and Fan Kam Road.

8.2 The surrounding areas are rural in character comprising mainly vehicle parks (four with valid temporary planning permissions within the same “V” zone or straddling the same “V” and “AGR” zones), motor vehicle showrooms (two with valid

temporary planning permissions within the same “V” zone), open storage/storage yards, scattered residential structures, a mosque (with valid temporary planning permission), vacant land and grassland. The main village settlements of Wang Toi Shan Shan Tsuen are located to the further west within the same “V” zone (**Plans A-1, A-2a and A-2b**).

9. Planning Intention

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fishponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

10. Comments from Relevant Government Departments

10.1 The application has been assessed against the assessment criteria set out in the Interim Criteria (**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? - Footprint of the proposed Small House - The Site	51% 43%	49% 57%	- About 49% of the footprint of the proposed Small House falls within the “AGR” zone (Plan A-2a). - About 57% of the Site falls within the “AGR” zone (Plan A-2a).
2.	Within ‘VE’? - Footprint of the proposed Small House - The Site	- -	100% 100%	District Lands Officer/Yuen Long (DLO/YL), LandsD advises that the Site does not fall within the ‘VE’ of any recognised village.
3.	Sufficient land in “V” zone to meet Small House demand (outstanding Small House application)		✓	<u>Land Required</u> ¹ - Land required to meet Small House demand in the concerned recognised villages (namely Wang Toi Shan, Leung Uk Tsuen, Lo Uk Tsuen, Chuk Hang and Sheung Che

¹ 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)?			(Shui Kan Shek area)) within the same subject “V” zones: 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 A-2b).
	Sufficient land in “V” zone to meet outstanding Small House applications?	✓		
4.	Compatible with the planning intention of “AGR” zone?		✓	Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. The Site falls within the “AGR” and “V” zones and is generally vacant or abandoned. Agricultural infrastructures such as road access and water source are available within the Site. The Site could be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries.
5.	Compatible with surrounding area/development?	✓		The proposed Small House is not incompatible with the surrounding areas which are rural in character comprising mainly open storage/storage yards, vehicle parks, motor vehicle showrooms, scattered residential structures, a mosque, vacant land, grassland and main village settlements of Wang Toi Shan Shan Tsuen (Plans A-2a and A-3).
6.	Within Water Gathering Grounds (WGGs)?		✓	Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
7.	Environmental and sewerage impacts		✓	Director of Environmental Protection (DEP) advises that in view of the small scale of the proposed Small House, the application is unlikely to cause major pollution and has no objection to the application.
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	Need for provision of fire service installations and emergency vehicular access (EVA)?		✓	Director of Fire Services (D of FS) has no objection to the application provided that the proposed Small House would not encroach on any existing EVA or planned EVA under application in accordance with LandsD's record. The applicant is reminded to observe 'New Territories Exempted House – A Guide to Fire Safety Requirements' which is administrated by LandsD.
10.	Traffic impact?	✓		Commissioner for Transport (C for T) advises that Small House development should be confined within the "V" zone as far as possible. Although additional traffic generated by the proposed Small House is not significant, the Small House development outside the "V" zone will however set an undesirable precedent case in the future. The resulting cumulative traffic impact could be substantial. The application involving construction of one Small House only could be tolerated on traffic grounds.
11.	Drainage impact?		✓	Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has no in-principle objection to the application from public drainage point of view.

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
12.	Landscape impact?		✓	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 considers that no significant landscape impact is anticipated.
13.	Local objections conveyed by District Office?		✓	District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) has no comment on the application and has not received any comment from the locals upon close of consultation.

10.2 Comments from the following government departments have been incorporated in paragraph 10.1 above. Their detailed comments and advisory comments, if any, are at **Appendices III and IV** respectively.

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

10.3 The following government departments have no objection to or no comment on the application:

- (a) Chief Highway Engineer/New Territories West, Highways Department; and
- (b) Project Manager (West), Civil Engineering and Development Department.

11. Public Comment Received During Statutory Publication Period

On 27.3.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds that the applicant is not a resident of Wang Toi Shan and the concessionary rights for NTEH could not be transferred; and there is sufficient land in the “V” zone for Small House development as most of it is being used for vehicle parking or other uses (**Appendix V**).

12. Planning Considerations and Assessments

- 12.1 The application is for a proposed NTEH (Small House) at the Site partly zoned “AGR” (57%) and partly zoned “V” (43%) (**Plan A-2a**). The proposed Small House 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 and the agricultural infrastructures such as road access and a water source are available within the Site; and considers that the Site can be used for agricultural activities. There is no strong planning justification in the submission for a departure from the planning intention of the “AGR” zone.
- 12.2 The Site, which is currently fenced off, vacant and overgrown with weeds, is located to the southeast of the village settlements of Wang Toi Shan Shan Tsuen and at the fringe of the subject “V” zone (**Plans A-2a and A-2b**). Being immediately surrounded by several vehicle parks, the proposed Small House at the Site is not incompatible with the surrounding areas which also comprise mainly open storage/storage yards, motor vehicle showrooms, scattered residential structures, a mosque, vacant land and grassland. CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective and considers that no significant adverse landscape impact is anticipated. C for T considers that whilst the approval of the proposed Small House outside “V” zone will set undesirable precedent for similar applications in the future, the application involving only one Small House can be tolerated on traffic grounds and has no adverse comment on the application. Other relevant government departments consulted, including DEP, CE/MN, DSD, D of FS and CE/C, WSD, have no objection to or no adverse comment on the application.
- 12.3 Regarding the Interim Criteria (**Appendix II**), the Site and the footprint of the proposed Small House fall entirely outside the ‘VE’ of any recognised village, while about 51% of the footprint falls within the “V” zone (**Plan A-2a**). DLO/YL, LandsD advises that the number of outstanding Small House applications for 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), is 181, while the 10-year Small House demand forecast is about 1,317. Based on PlanD’s latest estimate, about 27.4 ha of land (equivalent to about 1,096 Small House sites) is available within the “V” zones of the abovementioned villages (**Plan A-2b**). Since August 2015, the Board has formally adopted a more cautious approach in considering applications for Small House development. Amongst others, in considering whether there is a general shortage of land in meeting Small House demand, the Board would put more weighting on the number of outstanding Small House applications provided by DLO/YL, LandsD. While the amount of land available within the “V” zone is insufficient to fully meet the 10-year Small House demand, it is sufficient to accommodate the outstanding Small House applications. As a matter of principle, given that land is still available in the subject “V” zone for Small House development, it is considered more appropriate to concentrate the proposed Small House development within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Besides, there is no previous planning permission for Small House development at the Site and

there is no special circumstance that warrant special consideration of the application. In view of the above, sympathetic or favourable consideration under the Interim Criteria is not recommended for the current application.

- 12.4 Regarding the public comment as mentioned in paragraph 11, the departmental comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above, PlanD does not support the application for the following reasons:

- (a) the proposed Small House development is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the "V" zones of 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 a more orderly development pattern, efficient use of land and provision of infrastructures and services.

- 13.2 Alternatively, 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 IV**.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

15. Attachments

Appendix I	Application Form with supporting documents received on 19.3.2026
Appendix Ia	FI received on 8.7.2026
Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Detailed Comments from Relevant Government Departments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawings A-1 and A-2	Layout Plans
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available for Small House Developments within the “V” Zone
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2026**