RNTPC Papers No. A/NE-MUP/240
For Consideration by the
Rural and New Town Planning
Committee on 6.11.2026

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MUP/240

Applicant : Mr. CHUNG Chee Man represented by Mr. LIU Wai Koon

Site : Lot 328 S.A in D.D. 37, Man Uk Pin Village, New Territories

Site Area : 163.4m² (about)

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11

Zoning : "Agriculture" ("AGR")

Application : Proposed House (New Territories Exempted House (NTEH) – Small House)

1. The Proposals

1.1 The applicant, who claims himself as an indigenous villager of Man Uk Pin village, 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 largely vacant and partly covered with vegetation.

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

Total Floor Area	:	195.09m²
Number of Storeys	:	3
Building Height	:	8.23m
Roofed Over Area	:	65.03m²

1.3 According to the applicant, septic tank will be provided at the Site, and the uncovered area of the Site will be used as garden. Layout of the proposed Small House and the location of the septic tank are shown at **Drawing A-1**.

1.4 The Site is the subject of two previous applications (No. A/NE-MUP/91 and 165) submitted by the same applicant as the current application for the same use, which were approved by the Rural and New Town Planning Committee (the Committee) of the Board

in 2014 and 2022 respectively. Details of the previous applications 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 14.9.2026 **(Appendix I)**
(b) Further Information (FI) received on 30.10.2026* **(Appendix Ia)**

* *accepted and exempted from 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 Site is subject to previous planning approvals for the same use; and

(b) the applicant has engaged consultant for the planning of the proposed house. Construction works will be carried out in accordance with all relevant regulations and departmental requirements, and measures will be implemented to minimise potential impacts on the nearby streamcourse, such as locating construction works away from the streamcourse. Considering that the Site is located at the downstream of the Ecologically Important Stream (EIS) at Man Uk Pin, significant adverse impact is not anticipated.

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, which was promulgated on 7.9.2007, is at **Appendix II**.

5. Previous Applications

5.1 The Site is the subject of two previous applications (No. A/NE-MUP/91 and 165) submitted by the same applicant as the current application for the same use, which were approved by the Committee in 2014 and 2022 respectively.

5.2 Application No. A/NE-MUP/91 was approved by the Committee on 9.5.2014 (i.e. before the Board formally adopted a more cautious approach in considering Small House application since August 2015[1]) mainly on the considerations that the application generally complied with the Interim Criteria in that more than 50% of the proposed Small House footprint fell within the village 'environs' ('VE') and there was insufficient land

[1] Among 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 the Lands Department (LandsD).

within the "Village Type Development" ("V") zone to meet the Small House demand at the time of consideration; the proposed Small House was considered not incompatible with the surrounding area; and there were no major adverse departmental comments received. The planning permission of the application has been extended twice and was subsequently lapsed in 2022.

5.3 Application No. A/NE-MUP/165 was approved by the Committee on 20.5.2022 mainly on sympathetic considerations that the application site was the subject of a previously approved application submitted by the same applicant and the relevant Small House grant application was under processing by the Lands Department (LandsD). The planning permission of the application lapsed on 21.5.2026. Compared with the last previously approved application, the major development parameters and footprint of the proposed Small House under the current application generally remain unchanged.

5.4 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1** and **A-2a**.

6. Similar Applications

6.1 There are 39 similar applications involving 22 sites falling within the same "AGR" zone in the vicinity of the Site since the first promulgation of the Interim Criteria on 24.11.2000.

6.2 Among the 38 approved applications, 24 applications (No. A/NE-MUP/56 to 62, 64, 81, 88 to 90, 92 to 98 and 115 to 119) were approved by the Committee or by the Board on review between July 2008 and August 2015 before the formal adoption of a more cautious approach by the Board mainly on the considerations similar to those detailed in paragraph 5.2 above.

6.3 14 applications were approved by the Committee after the Board's formal adoption of a more cautious approach in considering Small House application since August 2015. 13 of them (applications No. A/NE-MUP 127, 162 to 164, 189 to 191, 195, 196, 201 and 221 to 223) were approved between 2017 and 2026 mainly on sympathetic considerations that the application sites were subject to previously approved applications submitted by the same applicants for Small House developments and the applications for Small House grant were being processed by LandsD. For application No. A/NE-MUP/184, it was approved in 2023 mainly on sympathetic consideration that the application site was considered as an infill site among existing and approved Small House sites.

6.4 The remaining application No. A/NE-MUP/206 was rejected by the Committee in 2024 mainly on the grounds that there was no strong planning justification in the submission for a departure from the planning intention; and land is still available within the "V" zone of Man Uk Pin.

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-2a to A-4b)

7.1 The Site is:

(a) largely vacant and partly covered with vegetation;

(b) falling within the 'VE' of Man Uk Pin and located at the southern fringe of its village proper; and

(c) not served by direct vehicular access.

7.2 The surrounding areas are rural in character mainly comprising village houses, active and fallow agricultural land and tree clusters. The downstream of EIS at Man Uk Pin is locating to the east of the Site.

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?			
	- Footprint of the proposed Small House	-	100%	- The footprint and the Site of the proposed Small House fall entirely within the "AGR" zone.
	- The Site	-	100%	
2.	Within 'VE'?			
	- Footprint of the proposed Small House	100%	-	- District Lands Officer/North, LandsD (DLO/N, LandsD) advises that the footprint and the Site of the proposed Small House fall within the 'VE' of Man Uk Pin.
	- The Site	100%	-	
3.	Sufficient land in "V" zone to meet Small House demand (outstanding		✓	Land Required - Land required to meet Small House demand in Man Uk Pin: about 12.5 ha (equivalent to 500 Small House sites). The number of outstanding Small House

	Criteria	Yes	No	Remarks
	Small House applications plus 10-year Small House demand forecast)? Sufficient land in "V" zone to meet outstanding Small House applications?	✓		applications is 52 [2] while the 10-year Small House demand forecast is 448[3]. Land Available - Land available to meet the Small House demand within the "V" zone of Man Uk Pin: about 2.15 ha (equivalent to 86 Small House sites) (**Plan A-2b**).
4.	Compatible with the planning intention of "AGR" zone?		✓	Agriculture - The Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application from agricultural perspective. Agricultural activities are active 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. The Site possess potential for agricultural rehabilitation. Nature Conservation - the Site is currently covered by herbaceous plants. A natural stream, which is the downstream section of the EIS at Man Uk Pin, is located to the east of the Site. Noting the applicant's proposed measures, he has no comment on the application from nature conservation perspective.
5.	Compatible with surrounding area/ development?	✓		The proposed Small House is not incompatible with the surrounding areas of rural character mainly comprising village houses, active and fallow agricultural land and tree clusters.
6.	Within Water Gathering Grounds (WGGs)?		✓	

[2] Among the 52 outstanding Small House applications, 39 of them fall within the "V" zone, and 13 (including the Site) straddle or fall outside the "V" zone, 8 of which have obtained valid planning approval from the Board.

[3] 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 village concerned, which has not been verified by his office.

	Criteria	**Yes**	**No**	**Remarks**
7.	Environmental and sewerage impacts?		✓	The Director of Environmental Protection (DEP) has no objection to the application, and advises that in view of the small scale of the proposed development, the application alone 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, 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 applications in the future. The resulting cumulative adverse traffic impact has to be reviewed on a case-by-case basis in the future.
11.	Drainage impact?		✓	The Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) has no objection to the application.
12.	Landscaping impact?		✓	The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) has no adverse comment on the application from the landscape planning perspective and advises that significant adverse landscape impact arising from the application is not anticipated.
13.	Local objections conveyed by District Officer?		✓	

9.2 Comments from the following government departments have been incorporated in paragraph 9.1 above. Other detailed comments and recommended advisory clauses are provided at **Appendices V** and **VI** respectively.

(a) DLO/N, LandsD;
(b) DAFC;
(c) DEP;
(d) D of FS;
(e) C for T;
(f) CE/MN, DSD;
(g) CTP/UD&L, PlanD; and
(h) District Officer (North), Home Affairs Department (DO(N), HAD).

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

(a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
(b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
(c) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD); and
(d) Head of the Geotechnical Engineering Office, CEDD (H(GEO), CEDD).

10. Public Comments Received During Statutory Publication Period

On 22.9.2026, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix VII**). Two comments from two individuals object to the application mainly on the grounds that there is no access right granted by the adjacent landowners to access the Site; and the Site is the subject of repeated applications. The remaining two comments from two individuals indicate no comment on the application.

11. Planning Considerations and Assessments

11.1 The application is for proposed NTEH/Small House development at the Site falling within an area zoned "AGR" on the OZP. The proposed development is not in line with the planning intention of the "AGR" zone and DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. Taking into account the planning assessments below, sympathetic consideration could be given to the proposed development.

11.2 The Site, located at the southern fringe of Man Uk Pin village proper, is largely vacant and partly covered with vegetation. The surrounding areas are rural in character mainly comprising village houses, active and fallow agricultural land and tree clusters. CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective, and considers that the proposed development is not incompatible with the surrounding environment and significant adverse landscape impact arising from the application is not anticipated. The downstream of EIS at Man Uk Pin is locating to the east of the Site. In this regard, the applicant advises that relevant works for the proposed Small House will be carried out in accordance with all relevant regulations and departmental requirements, and measures will be implemented to minimise potential

impacts on the nearby streamcourse, such as locating construction works away from the streamcourse. DAFC has no comment on the application from nature conservation perspective, and DEP advises that in view of the small scale of the proposed development, the application alone is unlikely to cause major pollution. The applicant will be advised that the proposed septic tank and soakaway pit should follow the requirements of the Professional Persons Environmental Consultative Committee Practice Note 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department'. Other relevant government departments consulted, including C for T, CE/MN, DSD, D of FS and CE/C, WSD, have no objection to or no adverse comment on the application.

11.3 Regarding the Interim Criteria (**Appendix II**), the Site and footprint of the proposed Small House fall entirely within the 'VE' of Man Uk Pin. According to DLO/N, LandsD, the number of outstanding Small House applications for Man Uk Pin is 52 while the 10-year Small House demand forecast is 448. Based on PlanD's latest estimate, about 2.15 ha of land (equivalent to 86 Small House sites) is available within the "V" zone concerned (**Plan A-2b**). While the amount of land available within the "V" zone of Man Uk Pin 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. In this regard, 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. Notwithstanding the above, the Site is the subject of two previously approved applications submitted by the same applicant for the same use as the current application as detailed in paragraphs 5.2 and 5.3 above. The last planning approval under application No. A/NE-MUP/165 lapsed on 21.5.2026. As advised by DLO/N, LandsD, the relevant Small House grant application for the Site is being processed and departmental circulation is in progress. In view of the above, sympathetic consideration could be given to the application.

11.4 There are 38 approved similar applications falling within the same "AGR" zone in the vicinity of the Site, 14 of which were approved by the Committee between 2017 and 2026 after the formal adoption of a more cautious approach by the Board mainly on the considerations as detailed in paragraph 6.3 above. The planning circumstances of the current application are similar to those of the approved similar 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, the government departments' comments and planning assessments above are relevant. In relation to the access road to the Site, the applicant is advised to liaise with the concerned land owner(s).

12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments as detailed 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 6.11.2030, 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 Man Uk Pin 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 the 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

Appendix I	Application Form with attachments received on 14.9.2026
Appendix Ia	FI received on 30.10.2026
Appendix II	Relevant Interim Criteria for Consideration of Application for NTEH/Small House in New Territories
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Detailed Comments from Relevant Government Departments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawing A-1	Proposed Small House 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 Man Uk Pin
Plan A-3	Aerial Photo
Plan A-4	Site Photos

PLANNING DEPARTMENT
NOVEMBER 2026