RNTPC Paper No. A/NE-KTS/585
For Consideration by the
Rural and New Town
Planning Committee on 20.11.2026

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/585

Applicant	:	Mr. LAU Wai Yin represented by Man Chi Consultants and Construction Limited
Site	:	Lots 835 S.B and 839 RP (Part) in D.D. 100, Hang Tau, Kwu Tung South, Sheung Shui
Site Area	:	About 159.1m^2
Lease	:	Block Government Lease (demised for agricultural use)
Plan	:	Approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/22
Zoning	:	"Agriculture" ("AGR")
Application	:	Temporary Private Swimming Pool and Private Garden for an Existing House (New Territories Exempted House (NTEH) – Small House) for a Period of Three Years

1. The Proposal

1.1 The applicant seeks planning permission for temporary private swimming pool and private garden for an existing house (NTEH – Small House)[1] for a period of three years at the application site (the Site), which falls within an area zoned "AGR" on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently fenced-off, mainly hard-paved and used for the applied uses without valid planning permission (**Plans A-3** to **A-4b**).

1.2 The Site is accessible from Hang Tau Road via a local track (**Plans A-1** to **A-3**). According to the applicant, the applied uses involve a swimming pool (with an area of 44.1m^2 and depth of 1.2m-1.5m) with a single-storey pump room (with a floor area of 3.14m^2 and height of not more than 1.6m) as well as a private garden (about 111.86m^2) (**Drawing A-1**). The applicant will pump away the swimming pool water not more than once per year and hence, connection to foul water drainage system

[1] The subject house (NTEH – Small House) adjoining the southwestern boundary of the Site falling within the same "AGR" zone was approved by the Rural and New Town Planning Committee (the Committee) of the Board under application No. A/NE-KTS/190 on 19.11.2004 and the Certificate of Compliance was issued by the Lands Department on 2.6.2011.

nearby for discharging the water is not required. The applied swimming pool with pump room and garden have been completed since 2013 upon approval of the previous application (No. A/NE-KTS/307) in 2011 (details at paragraph 5 below). The layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The Site, in part or in whole, is involved in three previous applications (details at paragraph 5 below). The last application (No. A/NE-KTS/459) submitted by the same applicant for the same use was approved with conditions by the Committee on 21.12.2018 for a period of three years. All approval conditions under the last application were complied with and the planning permission subsequently expired on 22.12.2021. Comparing with the last application, the current application involves a smaller site area (-11.82m^2 / -6.9%) following the configuration of the as-built private garden with corresponding reduction in area for garden use (-11.82m^2 / -9.6%).

1.4 In support of the application, the applicant has submitted the following documents:

(a)	Application Form with attachments and Supplementary Information (SI) received on 5.10.2026 and 7.10.2026 respectively	(**Appendix I**)
(b)	Further Information (FI) received on 17.11.2026[#]	(**Appendix Ia**)

[#] *accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

The justification put forth by the applicant in support of the application is detailed in the Application Form and FI at **Appendices I** and **Ia**, and can be summarised as follows:

(a) The application is for renewal of the previous approval granted under application No. A/NE-KTS/459 which expired on 22.12.2021. The applicant missed the deadline for renewal of the previous approval, hence a fresh application is submitted to regularise the existing private swimming pool and private garden at the Site, which have been completed since 2013;

(b) The Site is the subject of three previous planning approvals for the same/similar uses under applications No. A/NE-KTS/307, 363 and 459. All approval conditions of these previous approvals have been complied with. The existing drainage system, fire service installations, trees and plants under the previous planning approvals are all well maintained.

(c) The applied uses are for private leisure purposes of the residents of the adjoining completed small house development, with planning permission obtained in 2004 under application No. A/NE-KTS/190.

(d) The applicant will pump away the swimming pool water not more than once per year. The swimming pool does not require connection to any foul water drainage system and it will be cleaned and maintained four times per month during June to September and two times per month during October to May by a swimming pool maintenance company appointed by the applicant.

(e) The applied uses are small in scale and would not cause adverse traffic, environmental,

drainage and landscape impacts on the surrounding area.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owners" of the Site. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The southeastern part of the Site (i.e. the private swimming pool and the pump room) is subject to active planning enforcement action against unauthorized development (UD) involving use for swimming pool under case No. E/NE-KTS/330 (**Plan A-2**). Enforcement Notice (EN) was issued on 28.7.2026 requiring discontinuation of the UD by 28.10.2026. Site inspection after the EN expiry will be conducted to ascertain the latest site condition. If the notice is not complied with, prosecution action would be considered.

5. Previous Applications

The Site is the subject of three previous applications (No. A/NE-KTS/307, 363 and 459) for temporary private swimming pool with pump room and/or private garden which were approved with conditions by the Committee in 2011, 2014 and 2018 respectively, mainly on the grounds of that the proposed/applied uses for exclusive use of residents of adjoining house were not incompatible with the surrounding areas; adverse impacts on the surrounding areas were not anticipated; and the relevant government departments consulted generally had no adverse comments or their concerns could be addressed by approval conditions. All approval conditions under all the three previous applications have been complied with and the planning permission under the last application (No. A/NE-KTS/459) expired on 22.12.2021. Comparing with the last application, the current application is submitted for the same uses, but with a smaller site area and garden area as mentioned in paragraph 1.3 above. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

6. Similar Applications

6.1 There are six similar applications (No. A/NE-KTS/318, 319, 391, 393, 463 and 464), covering two sites, for temporary private swimming pool and/or private garden and/or private car parking spaces within the same "AGR" zone in the vicinity of the Site. The six applications were approved by the Committee between 2012 and 2019 mainly on the similar considerations as mentioned in paragraph 5 above. Details of these similar applications are summarised at **Appendix III** and their locations are shown on **Plans A-1** and **A-2**.

6.2 For Members' information, applications No. A/NE-KTS/582 and 583 for the same applied uses at sites to the south and immediate southeast of the Site respectively, falling within the same "AGR" zone (**Plans A-1** and **A-2**), will be considered by the Committee at the same meeting on 20.11.2026.

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

7.1 The Site is:

(a) accessible from Hang Tau Road via a local track and located to the south of an electricity substation;

(b) currently fenced-off, mainly hard-paved and used for the applied uses without valid planning permission; and

(c) located within the village 'environs' of Hang Tau.

7.2 The surrounding areas are rural in character comprising mainly village settlements of Hang Tau within the "Village Type Development" zone to the north, residential structures, fallow agricultural land with vegetation cover, car park, open storage and vacant land (**Plan A-2**).

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 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment or no strong views on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses, if any, are provided in **Appendices IV** and **V** respectively.

9.2 The following government department has adverse comment on the application:

Land Administration

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

(a) has adverse comment on the application;

(b) the Site comprises Old Schedule Agricultural Lot Nos. 835 s.B and 839 RP in D.D. 100 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The proposed ingress/egress point requires to pass through Government land (GL) and some private lots. No right of access via GL is granted to the Site. Also, the applicant has to make his own arrangement for acquiring access on private lots as there is no such right granted to the Site.

(c) the following irregularities covered by the application have been detected by his office:

there are unauthorised structures on Lot No. 839 RP in D.D. 100. The lot owner should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

(d) subject to the approval of the planning application by the Board which shall have reflected the rectification as aforesaid required, the lot owner shall apply to his office for a Short Term Waiver (STW) to permit the proposed structures. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future. Besides, given the applied uses are temporary in nature, only erection of temporary structures will be considered; and

(e) unless and until the unauthorised structures are duly rectified by the lot owner, his office's adverse comment to the application must be brought to the attention of the Board.

10. Public Comments Received During Statutory Publication Period

On 9.10.2026, the application was published for public inspection. During the statutory publication period, four public comments were received, including two objecting to the application from an individual and a resident of Hang Tau and two indicating no comment on the application by a member of the North District Council and the Indigenous Inhabitant Representative of Hang Tau. The objecting comments are mainly on the grounds that the applied uses will cause environmental, noise and light pollution to the surrounding area; the applied uses would induce traffic congestion and safety issues; and the applied uses are not in line with the planning intention of "AGR" zone (**Appendix VI**).

11. Planning Considerations and Assessments

11.1 The application is for temporary private swimming pool with a pump room and private garden for an existing house (NTEH – Small House) for a period of three years at the Site zoned "AGR" (**Plan A-1**). While the applied uses are not in line with the planning intention of the "AGR" zone, the Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural point of view as the Site is currently occupied as private yard with low potential for agricultural rehabilitation. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the "AGR" zone. Taking into account the above and the planning assessments below, there is no objection to the applied uses on a temporary basis for a period of three years.

11.2 The applied uses are considered not incompatible with the surrounding areas which are mainly village settlements, residential structures, fallow agricultural land with vegetation cover, car park, open storage and vacant land (**Plan A-2**). The Chief Town

Planner/Urban Design and Landscape, Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that the applied uses are not entirely incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from the applied uses is not anticipated. As the Site is zoned "AGR", an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the "AGR" zone and restore the Site to an amenity area is recommended in paragraph 12.2 below should the Committee decide to approve the application.

11.3 Regarding DLO/N, LandsD's concerns on the unauthorised structures erected within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. Other relevant government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department, Chief Highway Engineer/New Territories East, Highways Department and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of the concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the relevant guidelines and requirement issued by the Environmental Protection Department and comply with the statutory requirements set out in relevant pollution control ordinances to minimise potential environmental nuisance on the surrounding areas.

11.4 There are three approved previous applications involving the Site for the same applied uses and six approved similar applications within the same "AGR" zone in the vicinity of the Site as respectively mentioned in paragraphs 5 and 6.1 above. Approving the current application is in line with the Committee's previous decisions.

11.5 Regarding the public comments as mentioned in paragraph 10 above, the departmental comments and planning assessments above are relevant.

12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, PlanD has no objection to the application.

12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 20.11.2029. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval conditions

(a) the existing drainage facilities at the application site should be maintained properly at all times during the planning approval period;

(b) the submission of a revised condition record of the existing drainage facilities implemented on the application site within **3** months from the date of planning

approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.2.2027;

(c) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.5.2027;

(d) in relation to (c) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.8.2027;

(e) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

(f) if any of the above planning condition (b), (c) or (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

(g) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied uses are not in line with the planning intention of the "Agriculture" 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, even on a temporary basis.

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 period of which the permission should be valid on a temporary basis.

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 and SI received on 5.10.2026 and 7.10.2026 respectively
Appendix Ia	FI received on 17.11.2026
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

PLANNING DEPARTMENT
NOVEMBER 2026