

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/698

- Applicant** : Mr. CHEUNG Fong Tai represented by A-Tech Engineering Consultants Limited
- Site** : Lot 168 S.A in D.D. 118, Tai Tong, Yuen Long, New Territories
- Site Area** : About 135m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zonings** : “Village Type Development” (“V”) (about 46.1%)
[Restricted to a maximum building height of 3 storeys (8.23m) except for those developments/uses specified in the Notes]

“Agriculture” (“AGR”) (about 53.9%)
- 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 Nam Hang Tsuen¹, seeks planning permission to build a NTEH (Small House) at the application site (the Site) falling within an area partly zoned “V” (about 46.1%) and partly zoned “AGR” (about 53.9%) on the OZP (**Plans A-1 and A-2**). According to the Notes of the OZP, whilst ‘House (NTEH only)’ is always permitted within “V” zone, ‘House (NTEH only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ within the “AGR” zone requires planning permission from the Town Planning Board (the Board). The Site is current paved and largely vacant.

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 As advised by the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD), the eligibility of the applicant for Small House concessionary grant is yet to be ascertained.

- 1.3 According to the applicant, over 50% of footprint of the proposed Small House and the septic tank fall within the “V” zone. The applicant indicates that the proposed Small House development would not involve tree felling and the uncovered area of the Site will be used for garden purpose. Plans showing the site layout, drainage and landscape proposals as submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.4 The Site is the subject of a previously approved application (No. A/YL-TT/386) (**Plans A-1 and A-2**) submitted by the same applicant as the current application for the same use, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 26.8.2016. Compared with the previous application, the major development parameters and the footprint of the current proposed Small House remain unchanged. Details of the previous application are set out in paragraph 5.1 below.
- 1.5 In support of the application, the applicant has submitted the following document:
- (a) Application Form with attachments received on 21.1.2025 **(Appendix I)**
 - (b) Further Information (FI) received on 19.2.2025* **(Appendix Ia)**
 - (c) FI received on 24.2.2025* **(Appendix Ib)**
*[*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 the FI at **Appendices I and Ib**, as summarised below:

- (a) the applicant is the registered owner of the Site and an indigenous villager of Nam Hang Tsuen, Shap Pat Heung, Yuen Long. He is entitled to a Small House grant in accordance with the current Small House Policy of Lands Department. The Small House grant application is under processing by Lands Department (LandsD). This planning application is made on an urgent and bona fide need basis;
- (b) the Site is the subject of a previously approved application No. A/YL-TT/386 submitted by the same applicant. The site layout and major development parameters under the current application remain unchanged as compared to the approved application;
- (c) over 50% of the footprint of the proposed Small House and the septic tank fall within the “V” zone; and
- (d) the proposed development is compatible with the surroundings areas and there are similar cases approved in the vicinity of 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, which was revised on 7.9.2007, is at **Appendix II**.

5. Previous Applications

5.1 The Site is the subject of two previous applications (No. A/YL-TT/363 and 386) for the same use. Details of these previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

Rejected Application

5.2 Application No. A/YL-TT/363 submitted by the same applicant for the same use, which was rejected by the Committee on 20.11.2015 mainly on the grounds of not in line with the planning intention of the “AGR” zone; and non-compliance with the Interim Criteria in that more than 50% of the proposed Small House footprint fell outside “V” zone or the ‘Village Environs’ (‘VE’).

Approved Application

5.3 Application No. A/YL-TT/386 submitted by the same applicant for the same use, which was approved by the Committee on 26.8.2016 mainly on considerations that the proposed development was in line with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell within the “V” zone; although land is still available within the “V” zone of the concerned villages to meet the outstanding Small House applications, favourable consideration could be given to the application giving considerations of land use compatibility, compliance with the Interim Criteria and being adjacent to the existing village cluster. The planning permission of this application lapsed on 26.8.2020.

6. Similar Applications

6.1 There have been two similar applications for NTEH/Small House developments within or straddling the same “V” and/or “AGR” zones since the first promulgation of the Interim Criteria on 24.11.2000. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

Rejected Applications

- 6.2 Application No. A/YL-TT/150 for proposed NTEH (Small House) within the subject “AGR” zone was rejected by the Committee in 2003 mainly on the considerations that the proposed development was not in line with the planning intention of the “AGR” zone; non-compliance with the Interim Criteria in that the site entirely fell outside both the ‘VE’ of any recognized villages and the “V” zone; and setting an undesirable precedent.

Approved Application

- 6.3 Application No. A/YL-TT/341 for proposed NTEH (Small House) straddling the subject “AGR” and “V” zones was approved with conditions by the Committee in 2015 mainly on similar considerations as those mentioned in paragraph 5.3 above.

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

7.1 The Site is:

- (a) current paved and largely vacant;
- (b) located at the southern fringe of Nam Hang Tsuen;
- (c) straddling the “V” zone covering Nam Hang Tsuen, Shung Ching San Tsuen and Shui Tsui Lo Wai; and
- (d) accessible via a local footpath connecting to Tai Tong Road.

- 7.2 The surrounding areas are predominantly rural in character comprising village houses, farmland and unused land.

8. Planning Intentions

- 8.1 The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within the zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of an NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.
- 8.2 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 had been assessed against the assessment criteria at **Appendix II**. The assessment is summarised in the following table:

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
1.	<p>Within “V” zone?</p> <ul style="list-style-type: none"> - Footprint of the proposed Small House - The Site 	<p>✓ (about 55%)</p> <p>✓ (about 46.1%)</p>		<ul style="list-style-type: none"> - The remaining portion of the proposed Small House footprint falls within the “AGR” zone (i.e. about 45%) - The remaining portion of the Site falls within the “AGR” zone (i.e. about 53.9%)
2.	<p>Within ‘VE’?</p> <ul style="list-style-type: none"> - Footprint of the proposed Small House - The Site 		<p>✓</p> <p>✓</p>	
3.	<p>Sufficient land in “V” zone to meet Small House demand (outstanding Small House applications plus 10-year Small House demand)?</p> <p>Sufficient land in “V” zone to meet outstanding Small House application?</p>	<p>✓</p>	<p>✓</p>	<p><u>Land Required</u></p> <ul style="list-style-type: none"> - Land required to meet Small House demand in Nam Hang Tsuen, Shung Ching San Tsuen and Shui Tsui Lo Wai: about 23.28ha (equivalent to 931 Small House sites). The number of outstanding Small House applications of Nam Hang Tsuen, Shung Ching San Tsuen and Shui Tsui Lo Wai is 285 while the 10-year Small House demand forecast Nam Hang Tsuen, Shung Ching San Tsuen and Shui Tsui Lo Wai is 646. <p><u>Land Available</u></p> <ul style="list-style-type: none"> - Land available to meet Small House demand within the “V” zone covering Nam Hang Tsuen, Shung Ching San Tsuen and

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				Shui Tsui Lo Wai: about 15.7ha (equivalent to about 627 Small House sites) (Plan A-2b).
4.	Compatible with the planning intention of “AGR” zone?		✓	- Director of Agriculture, Fisheries and Conservation (DAFC) does not support the application as agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site possesses potential for agricultural rehabilitation.
5.	Compatible with surrounding area/ development?	✓		
6.	Within water gathering grounds?		✓	
7.	Sewerage impact?		✓	- Director of Environmental Protection (DEP) has no objection to the application.
8.	Encroachment onto planned road networks and public works boundaries?		✓	
9.	Need for provision of fire services installations and emergency vehicular access (EVA)?		✓	- Director of Fire Services (D of FS) has no in-principle objection to the application.
10.	Traffic impact?		✓	- Commissioner for Transport (C for T) has no adverse comment to the application.
11.	Drainage impact?		✓	- Chief Engineer/Mainland North, Drainage Services

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
				Department (CE/MN, DSD) has no objection to the application.
12.	Landscape impact?		✓	- Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has no comment on the application as the Site is located in an area of rural fringe landscape predominated by temporary structures, village houses and scattered tree groups; and the applicant proposed to plant four new trees (<i>Bauhinia purpurea</i>) at the Site. The proposed development is considered not incompatible to the landscape character of the surrounding area.
13.	Geotechnical impact?		✓	- Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) has no geotechnical comment on the application.
14.	Local objections conveyed by DO?		✓	- District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) advises that his office has not received any comments on the application from the village representatives in the vicinity of the Site.

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/YL, LandsD;
- (b) C for T;
- (c) DAFC;
- (d) DEP;
- (e) CE/MN, DSD;

- (f) CTP/UD&L, PlanD;
- (g) D of FS;
- (h) H(GEO), CEDD; and
- (i) DO(YL), 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) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (d) Project Manager (North), CEDD (PM(N), CEDD).

10. Public Comments Received During Statutory Publication Period

On 28.1.2025, the application was published for public inspection. During the statutory public inspection period, two public comments (**Appendix VII**) were received. One from the Village Representative of Nam Hang Tsuen supporting the application mainly on the ground that the applicant is the indigenous villager while one individual expressing views that the Site was the subject of a previously approved application which lapsed in 2020.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed Small House development at the Site straddling the subject “V” zone (about 46.1%) and “AGR” (about 53.9%) zone on the OZP. While ‘House (NTEH only)’ is always permitted within the “V” zone, planning permission is required for the proposed development in the “AGR” zone. The proposed Small House development is not in line with the planning intention of the “AGR” zone, which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. DAFC does not support the application from agricultural perspective, as the Site possesses potential for agricultural rehabilitation.
- 11.2 The Site is located at the southern fringe of Nam Hang Tsuen and is adjoining the existing village cluster (**Plan A-1**). The proposed Small House is not incompatible with the surrounding areas which are predominantly rural in character comprising village houses/residential dwellings, farmland and vacant/unused land. CTP/UD&L, PlanD has no comment on the application as the proposed use is considered not incompatible to the landscape character of the surrounding area and the applicant proposed to plant four new trees at the Site. Other concerned government departments consulted including C for T, CE/MN, DSD, DEP and D of FS have no objection to or no adverse comment on the application.

- 11.3 The applicant claimed to be an indigenous villager of Nam Hang Tsuen and over 50% of the footprint of the proposed Small House falls within the “V” zone of Nam Hang Tsuen. Regarding the Interim Criteria (**Appendix II**), according to DLO/YL, LandsD’s records, the total number of outstanding Small House applications for Nam Hang Tsuen, Shung Ching San Tsuen and Shui Tsiu Lo Wai are 285 while the 10-year Small House demand forecast is 646. Based on the latest estimate by PlanD, about 15.7 of land (or equivalent to about 627 Small House sites) is available within the “V” zone concerned (**Plan A-2b**) which is insufficient to meet the said future Small House demand. Nevertheless, the land available within the “V” zone concerned (i.e. about 15.7ha, equivalent to about 627 Small House sites) is sufficient to accommodate the 285 outstanding Small House applications of Nam Hang Tsuen, Shung Ching San Tsuen and Shui Tsui Lo Wai. 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 as provided by LandsD. As such, 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. Nevertheless, the Site is the subject of a previous approved application submitted by the same applicant for the same proposed use as set out in paragraph 5 above. As advised by DLO/YL, LandsD, the Small House application for the Site is still being processed and is already at an advance stage. In this regard, sympathetic consideration may be given to the application.
- 11.4 There is a similar approved application for Small House development straddling the subject “V” and “AGR” zones. The planning circumstances of the current application is largely similar to the approved similar application. Approval of the current application is not in conflict with the previous decision of the Committee.
- 11.5 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments as mentioned in paragraph 10, the Planning Department 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 14.3.2029, 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 at **Appendix VI**.
- 12.3 Alternatively, should the Committee decide to reject the application, the

following reason for rejection is suggested for Members' reference:

the proposed development is 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.

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) 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 21.1.2025
Appendix Ia	FI received on 19.2.2025
Appendix Ib	FI received on 24.2.2025
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 Layout Plan
Drawing A-2	Drainage Proposal
Drawing A-3	Landscape Proposal
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available for Small House Development within the subject "V" Zone
Plan A-3	Aerial Photo
Plan A-4	Site Photo

**PLANNING DEPARTMENT
MARCH 2025**