

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-KTS/960

- Applicant** : Pok Oi Hospital represented by AECOM Asia Company Limited
- Site** : Lots 472 (Part), 587 RP (Part), 591, 592, 600, 1276 (Part), 1277 RP, 1318, 1321, 1322, 1324, 1325 S.A & S.B-E, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335 S.A, 1335 RP, 1336 RP, 1337 RP (Part), 1338 (Part), 1339 (Part), 1340, 1341 (Part), 1342 (Part) and 1343 RP (Part) in D.D. 106 and Adjoining Government Land, Kong Ha Wai, Kam Tin, Yuen Long
- Site Area** : About 44,769.22m² (including Government land of about 1,093.1m²)
- Land Status** : (i) Block Government Lease (demised for agricultural use) (about 98% of the Site)
(ii) Government Land (GL) (about 2% of the Site)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Residential (Group D)” (“R(D)”) [restricted to a maximum plot ratio (PR) of 0.2 and a maximum building height (BH) of 2 storeys (6m)]
- Application** : Renewal of Planning Approval for Temporary Transitional Housing Development for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary transitional housing development for a period of 3 years. According to the covering Notes of the OZP, temporary use or development not exceeding a period of three years requires planning permission from the Town Planning Board (the Board)¹. The Site is currently

¹ While ‘flat’ and ‘residential institution’ are Column 2 uses in the “R(D)” zone, the PR and BH of the development exceed the development restrictions of the “R(D)” zone and temporary approval is applied.

used for the applied use under the last approved application (No. A/YL-KTS/847). All the approval conditions have been complied with and the planning permission is valid until 26.6.2023.

- 1.2 According to the applicant, the transitional housing is already completed through Modular Integrated Construction (MiC) method and in operation with population intake in May 2022 (Phase 1) and February 2023 (Phase 2) (**Drawing A-1**); and the occupancy rate of the development is about 74% (as at 30.5.2023). The development aims to provide transitional housing to meet the short-term needs of people waiting for public housing and to serve low-income people. The applicant, which is a non-government organisation (NGO), is responsible for the construction, management and maintenance of the development. While the application is on a temporary basis of 3 years, the applicant intends to operate the transitional housing for a total of 7 years and will further submit renewal application in due course if the current renewal application is approved.
- 1.3 The development involves eight 4-storey residential blocks and two 2-storey amenity blocks with a maximum PR of not more than 1.5, providing 1,998 units (**Drawings A-1 and A-2**). The residential blocks consist of three types of flats with unit sizes of about 16m² to 33m² (**Drawing A-3**) and equipped with toilets and pantries/kitchens for singletons, families, the elderly and disabled. Two amenity blocks are provided to accommodate social welfare amenities and shared services such as convenience store, small-scale market, community centre/office, multi-purpose community room and health corner, etc. for the residents and the neighbourhood (**Plans A-4c and A-4d**). The applicant is responsible for the operation and management of facilities in the amenity blocks. The major development parameters are shown in the table below:

	Development Parameters
Site Area	About 44,769.22m ² (including about 1,093.1m ² GL)
Max. PR	Not more than 1.5
Max. Total Gross Floor Area (GFA)	About 62,178.5m ²
Non-domestic GFA	Not more than 2,000m ²
Total Site Coverage	Not more than 60%
No. of Blocks²	8 Residential Blocks 2 Amenity Blocks
No. of Storeys	Residential Blocks: 4 Amenity Blocks: 2
Building Heights (Main Roof)	Residential Blocks: Not more than +27mPD Amenity Blocks: Not more than +19mPD
No. of Units	1,998
Estimated population	About 6,292
Open Space	Not less than 6,292m ²

² There are additional ancillary structures for E&M/sewerage treatment plant/sewerage pumping station within the Site.

- 1.4 The Site is accessible from Kam Sheung Road on the west provided with vehicular ingress/egress. Additional pedestrian access is also provided at Kam Shui South Road on the east. Nine loading/unloading spaces are provided within the Site (**Drawing A-1**). No residential car parking spaces are provided. A bus bay is provided near the ingress/egress for the franchised bus service connecting the Site to Kam Sheung Road Railway Station³ (**Plan A-4a**).
- 1.5 Open space of not less than 6,292m² including communal play area, fitness corner, garden and courtyard serving the residents as well as buffer planting along the periphery of the Site to improve visual amenity have been provided in the development. 32 trees originally existing at the Site have been retained and a total of 118 trees are planted in the development (**Drawing A-4**).
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 20.4.2023 (**Appendix I**)
 - (b) Planning Statement (**Appendix Ia**)
 - (c) Further Information (FI) received on 22.5.2023* (**Appendix Ib**)
 - (d) FI received on 24.5.2023* (**Appendix Ic**)
 - (e) FI received on 30.5.2023* (**Appendix Id**)
 - (f) FI received on 31.5.2023* (**Appendix Ie**)
 - (g) FI received on 1.6.2023* (**Appendix If**)
 - (h) FI received on 6.6.2023* (**Appendix Ig**)

** 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, planning statement and FIs at **Appendices I to Ig** respectively, which can be summarised as follows:

- (a) The application is for renewal of the approval under the last application No. A/YL-KTS/847 granted by the Board. All the approval conditions have been complied with. The development is in line with the Government's housing policy in providing housing units in the short term for needy families. Continuation of operation of the development can enhance the cost efficiency of the project.
- (b) The development is in close proximity to public transport and community facilities. Sufficient open space and on-site communal facilities are provided.

³ KMB (bus route No. 251C) service connecting the Site to Kam Sheung Road Railway Station has been in operation since June 2022.

- (c) The development has phased out the brownfield activities previously occupying the Site and improved the overall environment of the area. The use of MiC technology allows the structures to be easily dismantled and relocated upon expiry of the temporary approval with minimal impact.
- (d) The existing traffic, drainage, sewage and fire service installation arrangements as well as the noise impact mitigation measures and contamination remediation actions will be continued and properly maintained at all times during the planning approval period.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not the “current land owner” of the private land portion of the Site but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining land owners’ consents, publishing newspaper notices and posting site notices. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s consent/Notification” Requirements are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

5. Background

The Site is not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in four previous planning applications (No. A/YL-KTS/174, 412, 439 and 847). Applications No. A/YL-KTS/174 and 439 covering the southeastern part of the Site and the adjoining area outside the Site for proposed residential development were approved with conditions by the Rural and New Town Planning Committee (the Committee) in 1999 and 2008 respectively mainly on considerations that the proposed development was in line with the planning intention and would improve the general environment of the area; the proposed development was compatible with the surrounding land uses; and the departments consulted generally had no adverse comment on the application. The proposed developments under both applications had not commenced and the planning permissions lapsed in 2003 and 2012 respectively. Application No. A/YL-KTS/412 for temporary open storage is not related to the current application.

- 6.2 Application No. A/YL-KTS/847 for proposed temporary transitional housing development for a period of 3 years and excavation of land was approved with conditions by the Committee on 26.6.2020 on similar considerations as stated in paragraph 6.1 above; and policy support was given to the transitional housing development. Subsequently, the approved scheme was revised including minor amendments to site area, site boundary, number of residential blocks, building block disposition, changes in Emergency Vehicle Access (EVA) layout and loading/unloading locations, which was approved on 30.9.2020 under application No. A/YL-KTS/847-1 by the Director of Planning under the delegated authority of the TPB.
- 6.3 Compared with the development scheme incorporated with the Class B amendments approved under application No. A/YL-KTS/847-1, the applied use, site area/boundary, layout and major development parameters of the current application remain unchanged. The planning permission is valid until 26.6.2023 and all the approval conditions have been complied with.
- 6.4 Details of the previous applications are summarised in **Appendix III** and the locations are shown on **Plan A-1b**.

7. Similar Application

There is no similar application for temporary housing development within the same “R(D)” zone on the Kam Tin South OZP. There is also no application for permanent residential development within the same “R(D)” zone, other than the previous applications mentioned in paragraph 6.1 above.

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

- 8.1 The Site is:
- (a) currently used for the applied use covered by valid planning permission under application No. A/YL-KTS/847; and
 - (b) accessible via Kam Sheung Road and Kam Shui South Road.
- 8.2 The surrounding areas are rural in character mainly occupied by residential structures/dwellings, open storage yards, warehouses, parking of vehicles, vacant land, plant nurseries and active/fallow agricultural land:
- (a) to the immediate southeast is a Grade 3 historic building, namely Main Building, Entrance Gate and Servant’s Quarters of Kong Ha Wai;
 - (b) to the east, north and northeast are warehouses, open storage yards, residential dwellings/structures and vacant land. To the further east across Kam Shui South Road and Kam Tin River is the village settlement of Kam Tsin Wai. Ng Ka Tsuen is located to the further

north;

- (c) to the immediate west are open storage yards, warehouses, parking of vehicles, residential dwellings/structures and vacant land. To the further west across Kam Sheung Road are open storage yards, warehouses and residential dwellings/structures; and
- (d) to south are plant nurseries, active/fallow agriculture land, residential dwellings/structures and vacant land.

9. Planning Intention

The planning intention of the “R(D)” zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

10. Comments from Relevant Government Bureau/Departments

10.1 Apart from the government bureau’s comments as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

10.2 The following government bureau supports the application:

Comments of the Secretary for Housing (S for H):

The Housing Bureau (HB) supports the subject application with Policy Support Agreement already executed with the applicant.

11. Public Comment Received During Statutory Publication Period

The application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual supporting the application.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary transitional housing development for a period of three years within an area zoned “R(D)”. The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and

for low-rise and low-density residential developments subject to planning permission from the Board. The development of temporary transitional housing is generally in line with the planning intention of the “R(D)” zone to replace the previous open storage uses at the Site by residential development. The development is also in line with the Government’s policy to increase the supply of transitional housing. S for H supports the renewal application and advised that a Policy Support Agreement was executed with the applicant.

- 12.2 The development implemented in accordance with the approved scheme consists of building blocks with 2 to 4 storeys in height. The completed development is considered not incompatible with the surrounding area which is rural in character intermixed with residential dwellings/structures, active/fallow agricultural land, open storage/warehouse and vacant land. The landscape proposals under the approval scheme including open space provision and trees for retention and compensation have been accordingly implemented. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L of PlanD) considers that there is no significant change to the landscape character of the surrounding area and adverse landscape impact arising from the continuous use is not anticipated.
- 12.3 The application is generally in line with the TPB PG-No. 34D in that all the approval conditions under the last approved application No. A/YL-KTS/847 are complied with. Compared with the development scheme incorporated with the last approved amendments under application No. A/YL-KTS/847-1, the current application submitted by the same applicant is the same in terms of the applied use, site area/boundary and major development parameters. Relevant departments consulted, including the Commissioner for Transport (C for T), the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW of HyD), the Director of Environmental Protection (DEP), the Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD) and the Director of Fire Services (D of FS), have no objection to or no adverse comment on the renewal application. As there is no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current renewal application for a further period of 3 years.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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 3 years, and be renewed from 27.6.2023 until 26.6.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period;
- (b) the provision of a bus bay and bus stacking area within the site for public transport services at all times during the planning approval period;
- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted 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 27.12.2023;
- (e) if any of the above planning condition (a), (b) or (c) 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; and
- (f) if the above planning condition (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.

[The above approval conditions are the same as the last approved application No. A/YL-KTS/847, except deletion/revision to conditions on the traffic, environmental, drainage and fire safety aspects based on the latest comments of C for T, CHE/NTW of HyD, DEP, CE/MN of DSD and D of FS.]

Advisory clauses

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

- 13.3 There is no strong reason to recommend rejection of the renewal application.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning permission.
- 14.2 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.

- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form with supplementary information received on 20.4.2023
Appendix Ia	Planning Statement
Appendix Ib	FI received on 22.5.2023
Appendix Ic	FI received on 24.5.2023
Appendix Id	FI received on 30.5.2023
Appendix Ie	FI received on 31.5.2023
Appendix If	FI received on 1.6.2023
Appendix Ig	FI received on 6.6.2023
Appendix II	Relevant extracts of TPB PG-No. 34D
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comment
Drawing A-1	Master layout plan
Drawing A-2	Section
Drawing A-3	Unit layout plans
Drawing A-4	Landscape master plan
Plan A-1a	Location plan
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a to 4d	Site photos

**PLANNING DEPARTMENT
JUNE 2023**