

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

APPLICATION NO. A/YL-LFS/509

- Applicant** : Tung Wah Group of Hospitals represented by Lanbase Surveyors Limited
- Site** : Lots 3 S.A ss.1, 3 S.B, 4, 5 S.A RP, 9, 10 RP, 12 S.A, 12 RP, 13, 14 S.A ss.1 S.A, 14 S.A ss.1 RP, 14 S.A ss.2, 14 S.A RP, 14 S.B ss.1 S.A, 14 S.B ss.1 RP, 14 S.B RP, 14 RP, 15 S.A ss.1, 15 S.A RP, 15 S.B, 15 RP, 16 S.A, 16 S.B, 16 RP, 17 S.A ss.1, 17 S.A RP, 17 S.B, 17 S.C and 17 RP in D.D. 128, Lots 2128 (Part), 2129, 2136 RP, 2138 RP, 2148, 2153 S.A (Part) and 2388 S.A ss.2 (Part) in D.D. 129, and adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 18,866m² (including GL of about 3,151m² or 16.7%)
- Leases** : (i) New Grant Lot held under Tai Po New Grant No. 4855 for Lots 16 S.A, 16 S.B, 16 RP, 17 S.A ss.1, 17 S.A RP, 17 S.B, 17 S.C and 17 RP in D.D.128 (demised for agricultural use)
- (ii) Block Government Lease for remaining lots (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11
- Zonings** : (i) “Residential (Group D)” (“R(D)”) (about 51%)
[restricted to a maximum plot ratio (PR) of 0.2 and a maximum building height (BH) of 2 storeys (6m)]
- (ii) “Residential (Group C)” (“R(C)”) (about 49%)
[restricted to a maximum PR of 0.4 and a maximum BH of 3 storeys (9m) including car park]
- Application** : Renewal of Planning Approval for Proposed Temporary Transitional Housing with Ancillary Uses for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for proposed temporary transitional housing with ancillary uses for a period of three years at the application site (the Site) partly zoned “R(D)” and partly “R(C)” on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town

Planning Board (the Board)¹. Construction works are being undertaken at the Site to take forward the transitional housing development approved under application No. A/YL-LFS/425, and the planning permission is valid until 24.6.2025 (**Plans A-4a to A-4c**).

- 1.2 The previous application (No. A/YL-LFS/425) for the same applied use submitted by the same applicant was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 24.6.2022 (the s.16 scheme). Subsequently, a s.16A application (No. A/YL-LFS/425-3) for minor amendments to the approved development scheme was approved with conditions by the Director of Planning under the delegated authority of the Board on 1.12.2023 (the s.16A scheme) (details at paragraph 6 below). According to the applicant, it is their intention to implement the approved s.16A scheme.
- 1.3 The proposed scheme under the current application is the same as the s.16A scheme, which involves two 4 to 5-storey residential compounds, i.e. Blocks A and B, with a domestic gross floor area (GFA) of about 27,124m² (i.e. a domestic PR of about 1.438) and a maximum BH of not more than 22mPD (**Drawings A-1 to A-3**). It will provide about 1,233 self-contained units equipped with kitchens/pantries and toilets for households. Three types of housing units, namely those for 1-2 persons (1,123 units), for 3-4 persons (108 units), as well as accessible units (for 2 persons) (2 units), with size ranging from 15.318m² to 30.636m² will be provided. Also, two non-domestic blocks including a 2-storey activity hall (for holding activities and events for residents²) and a 1-storey administration office (for security use), with a total non-domestic GFA of about 350m² (i.e. a non-domestic PR of about 0.019) and a maximum BH of not more than 11mPD will be provided (**Drawing A-1**). Private open space of not less than 2,774m², with recreational facilities such as multi-purpose sports court, community farm and children's play area will be provided (**Drawings A-4**). A summary of the major development parameters is as follows:

Development Parameters	Proposed Scheme under the current application (Same as s.16A Scheme)
Site Area <i>Government Land</i>	About 18,866m ² <i>About 3,151m²</i>
PR <i>Domestic</i> <i>Non-domestic</i>	About 1.456 (Total) <i>About 1.438</i> <i>About 0.019</i>
GFA <i>Domestic</i> <i>Non-domestic</i>	About 27,474m ² (Total) <i>About 27,124m²</i> <i>About 350m²</i>
Site Coverage	About 40%
No. of Blocks <i>Domestic</i> <i>Non-domestic</i>	4 (Total) 2 2 (<i>Activity Hall: 1; Office: 1</i>)
BH <i>Domestic</i> <i>Non-domestic</i>	<i>Max. 22mPD</i> <i>Activity Hall: Max. 11mPD</i> <i>Office/Guard House: Max. 9mPD</i>

¹ While 'Residential Institution' is a Column 2 use in the "R(C)" and "R(D)" zones, the PR and BH of the proposed development exceed the development restrictions of the "R(C)" and "R(D)" zones. As such, temporary approval is applied.

² Including activities classes, workshops, lectures, supportive activities and events for residents.

Development Parameters	Proposed Scheme under the current application (Same as s.16A Scheme)
No. of Storeys <i>Domestic</i> <i>Non-domestic</i>	<i>Max. 5 storeys</i> Activity Hall: 2 storeys Office/Guard House: 1 storeys
Number of Units	1,233
Estimated Population	About 2,774 persons
Green Coverage	About 20%
Private Open Space	Not less than 2,774m ²
Internal Transport Facilities	<ul style="list-style-type: none"> • Parking space: Nil • Loading / unloading space: 2 for heavy goods vehicles • Minibus lay-by: 1
Completion Year	2024

- 1.4 As Modular Integrated Construction (MiC) method will be adopted to speed up the proposed transitional housing, its anticipated completion year would remain at 2024. The applicant, which is a non-profit making organization, will be responsible for the construction and management of the proposed development including the operation of the activity hall.
- 1.5 The Site is accessible from a track branching off Deep Bay Road. It is in proximity to existing public transport services at the Lau Fau Shan Roundabout to the north of the Site within about 300m walking distance (**Plan A-2**). While no parking space would be provided, a minibus lay-by and two loading/unloading spaces for heavy goods vehicle would be provided at the Site.
- 1.6 To mitigate the adverse noise impact from the brownfield operation to the east, acoustic fins will be provided at the eastern end of Block A. Also, single-aspect design for the eastern façade of Block A, as well as orientation of peripheral façade to north and south facing (**Drawing A-1**) are also proposed to avoid direct line of sight or minimise view angle to the industrial noise source.
- 1.7 Amongst the 64 existing trees, 36 trees are proposed to be retained in-situ whilst 28 would be fell (**Drawing A-7**). 28 new trees are proposed to be planted within the Site.
- 1.8 The Master Layout Plan, floor plan, section plan, landscape plan, greenery plan, open space demarcation plan and tree treatment plan are at **Drawings A-1 to A-7** respectively.
- 1.9 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 2.2.2024 with replacement (Appendix I)
pages
 - (b) Supplementary Information received on 7.2.2024 (Appendix Ia)
 - (c) Further Information (FI) received on 20.2.2024* (Appendix Ib)
 - (d) FI received on 1.3.2024* (Appendix Ic)
 - (e) FI received on 7.3.2024*

* accepted and exempted from publication 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 Ib**. They can be summarised as follows:

- (a) Due to lands matter and change in building design, the construction schedule is delayed. Building contract was awarded only on 22.9.2023 and the general building plan was only approved on 26.1.2024. As 12 to 15 months are required to complete the construction works from tender award, the approval conditions on implementation of technical proposals could not be discharged by the specified time limit. A renewal application is thereby sought to complete the construction works and comply with the approval conditions.
- (b) Genuine effort have been made to comply with the approval conditions of the last application No. A/YL-LFS/425. Approval conditions on the submission of revised drainage, sewerage, water supplies for firefighting and fire service installation proposals have been complied with.
- (c) The development parameters of the current application are the same as those of the s.16A scheme. Moreover, there is a reduction in site area, GFA, PR, BH and estimated population, and an increase in retained trees as compared to the s.16 scheme. Also, the completion year remains in 2024. Therefore, the technical assessments undertaken under the last application remain valid.
- (d) Upon completion of the proposed transitional housing development, there would be merely about six to nine months left before expiry of the previous planning permission. Early approval of renewal of the planning permission is required in order to plan ahead for tenancy arrangement.

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

The applicant is not a “current land owner” 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. 31B) by notifying the current land owner by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31B are not applicable.

4. Town Planning Board Guidelines

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

5. **Background**

On-going Planning Application

- 5.1 Majority of the Site is the subject of an on-going s.12A application (No. Y/YL-LFS/14) (**Plan A-1**) submitted by the landowner of the concerned lots on 1.3.2022, which seeks to rezone the application site (about 20,455m²) from “R(C)” and “R(D)” to “Residential (Group B)” for proposed residential development and child care centre at a total PR of 3.057 and a maximum BH of 90mPD (25 storeys, excluding 2 storeys of basement).

Planning Enforcement

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

6. **Previous Applications**

- 6.1 The Site is involved in four previous applications for residential development and temporary recreational uses. Details of these previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-LFS/156 for proposed residential development with minor relaxation of PR from 0.2 to 0.2334 at the “R(C)” and “R(D)” zones covering the southern portion of the Site was approved with conditions by the Committee on 27.7.2007 mainly on considerations that the proposed development was in line with the planning intentions of both “R(C)” and “R(D)” zones; the minor relaxation in aggregate PR was purely technical in nature and not incompatible with the surrounding rural environment; concerned government departments had no adverse comment on the proposed development or the technical concerns could be addressed by approval conditions. However, the proposed development was not implemented and the planning permission lapsed on 28.7.2011.
- 6.3 Applications No. A/YL-LFS/323 and 403 for temporary place of recreation, sports or culture, and temporary barbecue area with filling of land were approved with conditions by the Committee in 2018 and 2021 respectively. The considerations for them were not relevant to the current application for residential use.
- 6.4 Application No. A/YL-LFS/425 for proposed temporary transitional housing with ancillary use for a period of three years and filling and excavation of land was approved with conditions by the Committee on 24.6.2022 mainly on considerations that it was generally in line with the planning intentions and the Government policy to increase the supply of transitional housing for meeting the short-term needs of people waiting for public housing; not incompatible with the surrounding area; concerned Government departments had no objection to/no adverse comments on the application supported by various technical assessments; and the technical concerns could be addressed by approval conditions. Subsequently, a s.16A application (No. A/YL-LFS/425-3) for minor amendments to approved development scheme was approved with conditions by the Director of Planning under the delegated authority of the Board on 1.12.2023, which involves minor amendments such as changes in internal layout, building form and building disposition of the residential blocks, activity hall and office/guardhouse; increase in site coverage from

37% to 40%; change in the layout of the emergency vehicular access; addition of one minibus lay-by and change in landscape design. While the time-limited approval conditions on submission of drainage, sewerage and fire service installation proposals have been complied with, those related to implementation of these proposals have yet to be complied with.

7. Similar Application

There is no similar application for temporary residential development within the same “R(C)” and “R(D)” zones on the OZP.

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

8.1 The Site is:

- (a) under works in progress; and
- (b) located to the west of Deep Bay Road, and is accessible via a track on Government Land branching off Deep Bay Road.

8.2 The surrounding areas comprise mainly commercial cum residential developments to the north, brownfields (i.e. open storage yards, warehouse and parking of vehicles) to the east, village settlement to the southwest and shrubland to the west. Other uses such as open space, church, telephone exchange and sewage pumping station are also found in the vicinity. Some of these uses are suspected unauthorised developments (UDs) subject to planning enforcement action.

9. Planning Intentions

9.1 The “R(C)” zone is intended primarily for low-rise, low density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

9.2 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 All government 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:

Policy Aspect

10.2.1 Comments of the Secretary for Housing (SH):

Policy support would be provided by the Housing Bureau for the proposed transitional housing development.

11. Public Comment Received During Statutory Publication Period

On 9.2.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix VI**) was received raising concern over the compliance of approval conditions of the previous application.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for proposed temporary transitional housing with ancillary uses for a period of three years at the site partly zoned “R(D)” (about 51%) and partly “R(C)” (about 49%) on the OZP (**Plan A-1**). The proposed temporary transitional housing is generally in line with the planning intentions of the “R(D)” and “R(C)” zones for low-rise and low-density residential developments. The proposed development is also in line with the Government policy to increase the supply of transitional housing for meeting the short-term needs of people waiting for public housing. In this regard, SH confirms that policy support would be given to the applicant for the proposed development.
- 12.2 The Site is located to the immediate south of the low-rise residential development of Deep Bay Grove (i.e. BH of about 14.5mPD), and sandwiched between the low-rise commercial cum residential cluster of the Lau Fau Shan township and the village settlement of Hang Hau Tsuen (**Plan A-2**). The temporary nature and low-rise built form (not more than 22mPD or 5 storeys) of the proposed development, together with the provision of amenity facilities and open space, is considered not incompatible with the land uses and rural character of the surrounding area. Although there are brownfield operations to the east of the Site, various design and mitigation measures are proposed for the residential block near the east to address the potential environmental interface problem. In this regard, the Director of Environmental Protection has no objection to the application from environmental planning point of view.
- 12.3 According to TPB PG-No. 34D for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’, application for renewal of a planning approval should normally be submitted to the Board no less than two months and no more than four months before expiry of the temporary approval. Applications submitted more than four months before expiry of the temporary approval may only be considered based on individual merits and exceptional circumstances of each case. The current renewal application was submitted to the Board on 2.2.2024, which is more than 16 months earlier than the expiry of the temporary approval under application No. A/YL-LFS/425. In this regard, the applicant contends that early approval from the Board for renewal of the planning permission is necessary in order to plan ahead for tenancy arrangement.

Considering the social benefits that the proposed transitional housing would offer, especially to those on public rental housing waiting list and those inadequately housed; the practical need for planning of tenancy arrangement; and there are no major change in planning circumstances since the last approval; and policy support would be given by SH, consideration could be given to processing the subject renewal application at this stage on the basis of exceptional circumstances.

- 12.4 The approval conditions on the implementation of drainage, sewerage, as well as fire service installations and water supplies for firefighting proposal of the previous permission have yet to be complied with. In this regard, the applicant has given explanations for the delay as mentioned in paragraph 2(a) above. Whilst genuine effort, such as making general building plan submissions and liaising with relevant departments, has been made to take forward the development and comply with the approval conditions, those approval conditions on implementation aspect can only be discharged upon the completion of the proposed development. Considering longer lead time is generally required for implementation of temporary transitional housing development, sympathetic consideration may be given to the subject renewal application. In this regard, if the renewal application is approved, it is suggested that the planning permission should be valid for a period of three years counting from the meeting date. Moreover, as the implementation of drainage and sewerage facilities as well as fire service installations could be monitored by the Building Authority, the relevant approval conditions would be deleted under the subject renewal application. For information, the general building plan of the proposed development was approved on 26.1.2024.
- 12.5 Other concerned government departments including the Commissioner for Transport, Chief Town Planner/Urban Design and Landscape of Planning Department, Chief Engineer/Construction of the Water Supplies Department, Chief Engineer/Mainland North of the Drainage Services Department, Director of Agriculture, Fisheries and Conservation and Director of Fire Services have no adverse comment on the application from traffic, visual and landscape, water supply, drainage, ecological and fire safety perspectives.
- 12.6 Given the previous approvals granted for residential development and temporary transitional housing as detailed in paragraph 6 above, approval of the current application is in line with the previous decisions of the Committee.
- 12.7 A public comment raising concern over the application was received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant.

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 15.3.2024 until 15.3.2027. The recommended advisory clauses are attached at **Appendix V**.

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

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 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 reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 2.2.2024
Appendix Ia	SI received on 7.2.2024
Appendix Ib	FI received on 20.2.2024
Appendix Ic	FI received on 1.3.2024
Appendix Id	FI received on 7.3.2024
Appendix II	Extracts of Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D)
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments Received During the Statutory Publication Period
Appendix VIIa	Existing Water Mains Plan
Appendix VIIb	Proposed Water Mains Plan
Drawing A-1	Master Layout Plan
Drawing A-2	Fourth Floor Plan
Drawing A-3	Sections Plan
Drawing A-4	Landscape Plan
Drawing A-5	Greenery Plan
Drawing A-6	Open Space Demarcation Plan
Drawing A-7	Tree Treatment Plan
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
MARCH 2024**