

RNTPC Paper No. A/YL-MP/341
For Consideration by
the Rural and New Town
Planning Committee
on 9.6.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/341

<u>Applicant</u>	: Project Management Branch, Architectural Services Department represented by Townland Consultants Limited
<u>Site</u>	: Various Lots in D.D. 104 and Adjoining Government Land (GL), Yau Pok Road, Mai Po, Yuen Long
<u>Site Area</u>	: About 89,774m ² (including GL of about 8,029m ² (about 8.9% of the Site))
<u>Land Status</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Mai Po & Fairview Park Outline Zoning Plan No. S/YL-MP/6
<u>Zoning</u>	: “Recreation” (“REC”) (about 98% of the Site) [maximum plot ratio (PR) of 0.2 and maximum building height (BH) of 2 storeys (9m)] “Residential (Group C)” (“R(C)”) (about 2% of the Site) [maximum PR of 0.4 and maximum BH of 3 storeys (9m)]
<u>Application</u>	: Proposed Temporary Light Public Housing Development for a Period of 3 Years and Associated Filling and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary light public housing (LPH) development for a period of 3 years and associated filling and excavation of land at the application site (the Site). The Site mainly falls within an area zoned “Recreation” (“REC”) with a minor portion encroaching onto an area zoned “Residential (Group C)” (“R(C)”) on the approved Mai Po & Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6 (**Plan A-1**). According to the Notes of the OZP, ‘Residential Institution’ is a Column 2 use in both “REC” and “R(C)” zones, the PR and BH of the proposed development exceed the development restrictions of the respective zones. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years and filling/excavation of land require planning permission from the Town Planning Board (the Board). The Site is currently vacant, vegetated and fenced off.

- 1.2 According to the applicant, the proposed development aims to provide LPH to meet the short-term needs of people waiting for public housing. The applicant intends to operate the proposed LPH development for at least 5 years until 2030. Renewal application will be submitted in future if the current application is approved by the Committee.
- 1.3 The Site comprises two portions of land which is connected by a narrow strip of land near the nullah (**Plan A-2**). The proposed temporary LPH development has a total PR of 0.64 (including domestic and non-domestic PRs of 0.63 and 0.01 respectively). A total of 2,150 units accommodating a population of about 5,500 persons will be provided in 17 residential blocks with a domestic gross floor area (GFA) and BH of 54,435m² and 3 storeys (not more than 16.8 mPD) respectively. Another 14 single-storey non-residential blocks are proposed including two amenity blocks providing retail and community facilities, one sewage pumping station, two guardhouses and nine building services blocks (including E&M and two refuse collection points). Major development parameters of the proposed development are as follows:

Major Development Parameters	Proposed Development
Site Area (about)	89,774 m ²
Total PR (about)	0.64 ⁽¹⁾
- Domestic (about)	0.63
- Non-domestic (about)	0.01
Total GFA (about)	55,510 m ²
- Domestic (about)	54,435 m ²
- Non-domestic (about) ⁽²⁾	1,075 m ²
Total Site Coverage (about)	25%
No. of Blocks	17 Residential Blocks 2 Amenity Blocks 1 Sewage Pumping Station 2 Guardhouse 9 Building Service Blocks (including E&M blocks and 2 Refuse Collection Point)
BH	
- Residential Blocks	3 storeys (not more than 16.8mPD)
- Non-Residential Blocks	1 storey
No. of Units (about)	about 2,150
Design Population	not more than 5,500
Private Open Space	not less than 5,500 m ²
At-grade Greenery	Not less than 20%
Transport Facilities	
- Bicycle Parking Spaces	not less than 71
- Light Good Vehicle Loading/Unloading Spaces	6
- Taxi Spaces	2
- Light Bus Lay-bys	2

Major Development Parameters	Proposed Development
- Bus Lay-bys	2

- (1) Plot ratio calculation based on the Development Site Area, i.e., 86,854m², which has excluded two small strips of land on Yau Pok Road along the southeastern site boundary which are required for related site works (e.g. site formation and slope modification) as shown in **Drawing A-1**.
- (2) Non-domestic GFA include retail and community facilities. The GFA of building service blocks are assumed to be exempted from the GFA calculation.

- 1.4 The proposed LPH development involves excavation/filling of land of the whole site mainly for site formation, construction and provision of associated utility works and provision of the various building blocks for the proposed LPH development. The southern portion will be formed at 6mPD while the northern portion at 4mPD to 4.7mPD.
- 1.5 The Master Layout Plan (MLP), elevations and Landscape Master Plan (LMP) are at **Drawings A-1 to A-5**. In support of the application, the applicant has submitted LMP, Tree Preservation Proposal, Visual Appraisal, Traffic Impact Assessment (TIA), Environmental Assessment (EA), Ecological Impact Assessment (EcoIA), Sewerage Impact Assessment (SIA) and Drainage Impact Assessment (DIA).

Visual and Landscape

- 1.6 The applicant has prepared a Visual Appraisal for assessing the potential visual impacts (**Drawings A-7 to A-13**). Although the proposed development will cause visual changes to nearby areas, according to the visual appraisal, the applicant indicated that the massing, BH and development intensity of the proposed development are compatible with the surrounding rural settlement and will not result in any adverse visual impact to surrounding sensitive view receivers with the implementation of façade treatment, boundary fencing design and provision of greenery along the site boundary which help blend in with the proposed development to the surroundings and mitigate the visual impact.
- 1.7 According to the LMP (**Drawings A-3 to A-5**) and tree preservation proposal submitted by the applicant, there are about 339 existing trees within the Site, which are largely comprising common species and with no rare and protected species. About 94 of the existing trees are proposed to be retained including the retention of a *Ficus Microcarpa* (細葉榕) at the southernmost corner of the Site, which has a DBH larger than 1m and may be defined as a Tree of Particular Interest. About 245 trees including 133 nos. of *Leucaena leucocephala* (銀合歡) are recommended to be felled. Compensatory tree planting for 112 nos. of trees will be provided as offsite planting at a 1:1 ratio with the exclusion of the number of *Leucaena leucocephala* to be felled. Possible locations for off-site plantings include government land in the vicinity and at new sites of permanent government projects currently under construction such as public parks. New small tree planting of native species are also proposed to provide effective screening. Peripheral greenery/planting treatment along the site boundary is proposed to screen off the proposed development from the adjacent residential development. Not less than 5,500 m² of private open space will be provided within the Site and not less than 20% of the Site will be covered with at-grade greenery area.

Ecology and Environment

- 1.8 The proposed LPH development is a designated project (DP) under the Environmental Impact Assessment Ordinance (EIAO). An EIA Report (AEIAR-182/2014) for a residential scheme on the Site as detailed in paragraph 5.2 was previously approved under EIAO in 2014. According to the 2014 approved EIA Report, with implementation of the proposed design and mitigation measures identified for the proposed residential scheme on the Site, the proposed residential use at the Site would not result in insurmountable environmental impacts. The applicant has conducted an EA to address the key environmental issues arising from the construction and operation of the proposed LPH development. According to the EA, potential air quality, noise, water quality and waste management aspects of the proposed development have been assessed and no adverse impacts are anticipated with the implementation of mitigation measures. With the provision of solid fence wall of 4m in height and 86m in length along the southern boundary of the southern portion of the Site, traffic noise impact, as well as fixed noise impact could be alleviated (**Drawings A-19 to A-21**).
- 1.9 The applicant has prepared an EcoIA to assess the potential ecological impacts. According to the EcoIA submitted by the applicant, the habitats (mainly shrubland/grassland) within the Site support low numbers of wildlife species of conservation importance (**Drawing A-22**). Moreover, the Site does not lie on any main bird flight lines and the low BH of the proposed development shall not create blockage to any adjacent bird flight path. With the implementation of the appropriate mitigation measures, the predicted ecological impacts arising from the proposed development are reduced to at least of low significance and no unacceptable residual ecological impacts are anticipated. Construction timeline will be planned carefully to minimise site formation during peak wintering season for migratory birds (i.e. October – March) in the northeastern corner of the Site where it abuts the temporary ponds in Yau Mei San Tsuen (YMST). The adoption of Modular Integrated Construction (MIC) method will reduce on-site construction activities and shorten construction period and therefore minimising the air/noise impact induced by construction on Site. Non-transparent screening will be provided along the site boundary of YMST so as to screen out the potential visual disturbances from the proposed development.

Transport and Traffic

- 1.10 The Site is accessible from Yau Pok Road (**Plan A-2**). Two vehicular run-in/out points will be provided, one located at the northern portion and the other one located at the southern portion of the Site (**Drawing A-1 and A-3**). Junction Improvement works (including provision of pedestrian crossings, signalized crossings, additional traffic signs and length restriction traffic signs etc.) along Yau Pok Road and Kam Pok Road connecting to the site entrance are proposed to enhance the safety of pedestrians and cyclists (**Drawings A-15 to A-18**). While no private car parking spaces is proposed, six loading/unloading spaces for light goods vehicles and not less than 71 bicycle parking spaces will be provided. Two separate public transport termini are proposed in both portions of the Site in order to cater the transportation demands of the proposed development, each containing one 18m taxi lay-by, one green minibus bay accommodating three green

minibuses and one bus bay accommodating two buses. During peak hour, 10 nos. of buses and 10 nos. of public light buses are proposed to be provided at the Site to serve the future residents of the LPH development. Additional public transport services of franchised bus and green minibus connecting the Site and Yuen Long, Sheung Shui and Tai Lam Tunnel Bus Interchange are proposed by the applicant, subject to further liaison with relevant government departments. A minimum 7.3m-wide Emergency Vehicular Access will be provided within the Site (**Drawing A-1**).

Sewerage and Drainage

- 1.11 A sewage pumping station located at the southern portion of the Site is proposed to be constructed (**Drawing A-23**). The sewage generated from the proposed development will be collected by the proposed sewage pumping station and discharged to the Nam Sang Wai Pumping Station through a proposed 200mm diameter twin rising main that will be mounted with pipe rack sitting on the upper part of the Ngau Tam Mei Drainage Channel along Yau Pok Road and Pok Wai South Road. Two new stormwater pipes are proposed to ensure the stormwater system have sufficient capacity to cater for the stormwater runoff from the proposed development (**Drawing A-24**).
- 1.12 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 21.4.2023 (**Appendix I**)
 - (b) Supplementary planning statement (SPS) (**Appendix Ia**)
 - (c) Further Information (FI) received on 18.5.2023 in response to departmental comments with replacement pages of assessments[#] (**Appendix Ib**)
 - (d) FI received on 25.5.2023 in response to departmental and public comments with replacement pages of assessments[#] (**Appendix Ic**)
 - (e) FI received on 2.6.2023 in response to departmental comments and replacement page of SIA[#] (**Appendix Id**)

Remarks:

[#] *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 **Appendices I to Id**. They can be summarised as follows:

- (a) The proposed LPH development is in support of Government Housing Policy by providing 2,150 residential units in the short term for needy families and individual. The proposed development will contribute to the Government's target of 30,000 LPH units as mentioned by the Chief Executive's 2022 Policy Address.

- (b) The Site is situated within a predominantly low-rise residential neighbourhood adjacent to existing residential developments including Fairview Park, Palm Spring and various villages. The proposed 3-storey temporary residential developments are fully compatible with the surrounding developments. The proposed LPH development is temporary in nature, and will not jeopardise the long-term planning intention of the Site.
- (c) The proposed LPH development, using modular housing units, is laid out in a well-planned and organised manner. It does not only provide a harmonious and liveable community, but also ensure the connectivity through the Site to surrounding areas for residents. The large area of the Site allows for a comprehensive community planning, including on-site provision of amenities, open space and SPS. The idle site also ensures the immediate availability for implementation of the proposed LPH development.
- (d) There is no increased pressure on the existing community facilities, as the proposed LPH development is planned with sufficient open space, on-site communal amenities to cater for the planned temporary population. Throughout the operational stage of the proposed development, the on-site community facilities will be opened for the local community.
- (e) Communal open space are provided to encourage social interactions between the residents and serves as recreational spaces for public enjoyment of the community. The proposed LPH development will also provide two multipurpose amenity blocks with a total area of about 1,075m² to provide social services and retail facilities in order to meet the needs of residents as well as the wider neighbourhood. The proposed LPH development is seen as an opportunity to make optimal use of scarce land resources and to enhance the community's aspiration for better quality of life and create a sense of place and neighbourhood.
- (f) Technical assessments including LMP, Visual Appraisal, TIA, EA, EcoIA, SIA and DIA have been conducted and concluded that the proposed development will not result in adverse impacts in terms of traffic, drainage, sewerage, water supply, environment, ecological, and visual aspects. With appropriate mitigation measures implemented, the proposed development will not cause any insurmountable problems to the surrounding areas.

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

The applicant is not a “current land owner” 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 consent of the current land owner. Detailed information would be deposited at the meeting for Members’ inspection. For the portion of GL, the “Owner’s Consent/ Notification” Requirements are not applicable.

4. Town Planning Board Guidelines

Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12C) are relevant to this application. The northern portion of the Site (about 52% of the site area) falls within the Wetland Buffer Area (WBA) of the TPB PG-No. 12C and relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

Light Public Housing Policy

- 5.1 The Chief Executive’s 2022 Policy Address has put forward that the Government will make use of government and private land, the long-term development plan of which will not be implemented in the near future, and adopt standardised simple design and the MIC approach to build LPH units expeditiously in order to fill the short-term gap of public housing supply and improve the living conditions and quality of life of people living in inadequate housing at the soonest. In order to scale up the project and expedite its implementation, LPH will be built under a Government-led approach. The target is to construct about 30,000 units in the coming five years (i.e. from 2023-24 to 2027-28). LPH will mainly cater for applicants who have been on the waiting list for traditional public rental housing for three years or more, with priority given to family applicants. The proposed LPH project at Yau Pok Road is one of the first batch of LPH projects. It is estimated that the LPH units at Yau Pok Road in Yuen Long can be completed in 2024-25 at the earliest.

Environmental Permit Issued in 2014

- 5.2 An EIA of a proposed private residential cum passive recreation development within the Site proposed by the land owner of the Site was approved under the EIAO on 15.7.2014 (EIAO Register No. AEIAR-182/2014, Environmental Permit No. EP-484/2014), in which, three development options (**Appendix VI**) had been evaluated. While all three development options were not considered environmentally and ecologically unacceptable, the option to develop the proposed residential development in the southern portion of the Site was selected as it was considered favourable in land-use planning, visual and landscape points of view. This option together with the corresponding development parameters were taken forward as the indicative scheme for a subsequent rezoning application No. Y/YL-MP/3 covering the current Site as discussed below.

Application No. Y/YL-MP/3 (Plan A-1)

- 5.3 The Site is subject to a rezoning application (No. Y/YL-MP/3) for rezoning from “REC” and “R(C)” zones to alternative zoning(s) for a proposed residential cum commercial development with a total GFA of about 17,832 m² (including a non-domestic GFA of about 607 m²) (equivalent to PR 0.2) and a BH of 3 storeys (i.e. 2 storeys above one storey basement car park/6.6m above ground).
- 5.4 The rezoning proposal was agreed by the Committee on 13.5.2016 mainly on the considerations that the proposed development was not incompatible with the

surrounding uses which is a residential neighbourhood with existing and approved low-rise and low-density residential development; the proposed development intensity was comparable to the residential neighbourhood in the area; the northern portion of the Site, which was located within the WBA, was proposed for landscaping area and a pond in the northern corner of the northern portion of the Site¹ would be retained and enhanced; the EcoIA concluded that the proposed development would adhere to the “no-net-loss in wetland” principle of and was in compliance with TPB-PG No. 12C; DAFC has no adverse comment on the submitted EcoIA; an EIA Report for the proposed development was approved with EP issued in July 2014 and DEP had no objection to the application; and relevant departments had no objection to or no adverse comments on the submitted technical assessments. Subsequently, the applicant indicated that a revised proposal with a higher development intensity would be submitted for the site. The OZP amendment for the rezoning application has not yet been pursued.

New s.12A Applications (Nos. Y/YL-MP/7 and 8) (Plan A-1)

- 5.5 The Site is also subject to two other on-going s.12A applications (No. Y/YL-MP/7 and 8) submitted by the applicant of the rezoning application (No. Y/YL-MP/3) for rezoning the Site to “R(C)1” for proposed comprehensive residential developments with proposed maximum PR of 1.23 to 1.28, BH of 3-16 storeys (maximum 57.85mPD) and a total flat production of 2,477 (each with 1,228 and 1,249 units respectively). The applications are being processed.

6. Previous Applications (Plan A-1)

- 6.1 The southern part of the Site was the subject of three previous s.16 Applications Nos. A/YL-MP/57, 74 and 107. Details of the previous application are at **Appendix III**.
- 6.2 Application No. A/YL-MP/57 submitted by a different applicant for a temporary golf driving range with ancillary facilities and parking area was approved by the Committee on 10.9.1999 for a period of three years on the consideration that the development was in line with the planning intention of the “REC” zone and was compatible with the adjoining developments. The planning permission expired on 10.9.2002.
- 6.3 Application No. A/YL-MP/74 covered a larger area than that of the Application No. A/YL-MP/57 and submitted by a different applicant for a temporary golf driving range with ancillary facilities and parking area was rejected by the Committee on 1.6.2001 for the reason that there was insufficient information in the submission to demonstrate that the development would not pose danger to the safety of the public in the surrounding areas.
- 6.4 Application No. A/YL-MP/107 submitted by a different applicant for a fishing pond cum field study centre and residential development was rejected by the Committee on 23.8.2002 mainly for the reasons that the residential development was not in line

¹ The location of the pond corresponds to the small patch of reedbed area and seasonal wet grassland as shown in the Habitat Plan at **Drawing A-2**.

with the planning intention of the “REC” zone in that the residential development was not ancillary to the recreational use; insufficient information to demonstrate that the development would not lead to traffic and environmental nuisances to the local residents; and approval of the application would set an undesirable precedent.

7. Similar Applications

There is no similar application in the same “REC” and “R(C)” zones on the OZP.

8. The Site and Its Surrounding Areas (Plans A-2, A-4a and A-4b)

8.1 The Site:

- (a) is divided into two portions, i.e. northern and southern portions, and currently vacant and fenced off;
- (b) is largely (about 90%) covered with shrubland/grassland and developed land with isolated seasonally wet grassland (approx. 0.46ha) and reedbed (approx. 0.27ha) (**Drawing A-22**);
- (c) is accessible via Yau Pok Road; and
- (d) is partially covered by the WBA of Deep Bay (about 52% of the site area in the northern portion).

8.2 The surrounding areas have the following characteristics:

- (a) to its north, west and south across a watercourse are the residential development of Fairview Park and a secondary school in the “R(C)” zone. To its further north is the site for the approved low-density residential development with wetland restoration area under application No. A/YL-MP/247, as well as the residential developments of Palm Springs and Royal Palms in the “R(C)” zone;
- (b) to its east across the cycling track and Yau Pok Road is the Ngau Tam Mei Drainage Channel. To the further east are a mix of uses including vacant land, a pumping station, two proposed house developments under approved applications Nos. A/YL-MP/205 and 287 in the “R(D)” zone and the village settlements of Ha San Wai Tsuen and Ha Chuk Yuen Tsuen in “Village Type Development” zone; and
- (c) to its south across Fairview Park Boulevard is a mix of commercial and residential uses in the “R(C)” zone.

9. Planning Intention

- 9.1 The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of

active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

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

10. Comments from Relevant Government Departments and Bureau

- 10.1 The following Government bureau and departments have been consulted and their views on the application are summarised as follows:

Policy Aspect

10.1.1 Comments of the Secretary for Housing (SH):

- (a) LPH, a large-scale social project with very significant social function and value, helps narrow the wealth gap by optimising social resources to assist the disadvantaged. Focusing on people’s livelihood and the difficult problems that have beset our community, LPH is not just an empty talk but an initiative which truly addresses people’s concerns and difficulties in daily life, so that those with the most pressing need in the society can receive the most practical assistance. In order to scale up the project and expedite its implementation, LPH will be built under a Government-led approach. The LPH proposal of Yau Pok Road is considered to be in line with the government policy generally and the Housing Bureau (HB) confirmed that in-principle policy support has been given to LPH project at Yau Pok Road and hence supports this planning application.
- (b) In order to expedite the assistance to those in pressing need for improving the living environment, the development schedule of LPH is very tight. The construction of LPH at Yau Pok Road is the first batch of LPH projects. Based on the current estimation, the design and construction of the first batch of LPH projects will have to be commenced in 2023-24, the anticipated earliest commencement date of works and anticipated earliest completion date of works of LPH at Yau Pok Road are Q4 2023 and Q1 2025 respectively.
- (c) The Government will be spearheading the operation and management of LPH and the tentative plan is to invite organisations with sufficient size, management capability and experience to participate in the tendering exercises for operation of LPH. The Government will maintain on-going monitoring on the operation of LPH to ensure that areas requiring improvement will be followed up in a timely manner.

Land Administration

10.1.2 Comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD):

- (a) The Site comprises various private lots in D.D. 104, which are all old schedule agricultural lots, and adjoining GL. As quoted by the applicant, the Site has an area of about 89,774m² (including about 8,029m² of GL), which should be subject to further verification and survey.
- (b) Part of the Site encroaches onto Simplified Temporary Land Allocation No. GLA-TYL 2653 allocated to CEDD for construction of cycle track. The site boundary is subject to further liaison between Government departments upon the land application stage.
- (c) Advisory comments as detailed in **Appendix IV**.

Traffic

10.1.3 Comments of the Commissioner for Transport (C for T):

- (a) The subject s.16 planning submission is for residential development which would provide about 2,150 nos. of units and target to be completed by 2025 for operation till 2030. On the basis of the findings of the TIA submitted in support of the application, it is noted that the traffic generation from the proposed development is minimal as the traffic demand will be fulfilled by public transport provision with no private car parking space therein. Notwithstanding, the following road improvement works have to be completed before the commissioning of the development to the satisfaction of C for T:
 - (i) modification of the existing cycle track and footpath at Yau Pok Road for the entrances to both northern and southern portions of the Site; and
 - (ii) signalisation of two junctions at Kam Pok Road to allow smooth maneuvering of vehicles to/from the northern and southern portions of the Site.
- (b) A public transport terminus will be provided at each of the northern and southern portion of the Site. Each terminus will provide adequate public transport terminating facilities including a bus bay, a green mini-buses bay and a general lay-by to facilitate the provision of relevant public transport services. Furthermore, a total of 71 nos. bicycle parking spaces and 6 loading/unloading bays will be provided in the proposed development to cater for the needs of the future residents.

- (c) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period, including construction and operation stages.
- (d) With the aforementioned road improvement works, transport termini and other transport provisions proposed, Transport Department (TD) has no in-principle objection to the planning application from the traffic engineering perspective.

Nature Conservation

10.1.4 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) AFCD does not have objection to the proposed development from nature conservation point of view and considers that the proposed temporary low-rise development would not cause unacceptable adverse ecological impacts given that mitigation measures and good site practices as proposed in the submitted EcoIA would be implemented to mitigate the potential disturbances to nearby wetland habitats and birds.
- (b) Regarding the compliance to the “no net loss principle” of TPB PG-No. 12C, according to s.4.7.3 of the SPS, a majority (about 90%) of the Site is covered with shrubland/grassland and developed land. There are isolated seasonally wet grassland (approx. 0.46ha) and reedbed (approx. 0.27ha) within the Site which are evaluated to be of “low” and “low to moderate” ecological value, respectively. Both of the areas are small in area and with very low faunal abundance (especially wetland species) recorded, and are not functioning as a feeding, roosting or breeding sites for wetland birds. These habitats are also isolated from the Mai Po Inner Deep Bay Ramsar Site. Therefore, there shall be no decline in wetland or ecological functions of the Ramsar Site wetland due to the proposed temporary LPH development.

Environment

10.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) She has no objection to the application.
- (b) The applicant submitted the EA and SIA to support the application. The EA and SIA demonstrated that with implementation of mitigation measures, the proposed development will unlikely cause/subject to adverse environmental impacts exceeding HKPSG criteria. The key mitigation measures proposed in the EA/SIA are highlighted below :

- (i) noise mitigation measures (i.e. solid fence wall of 4m height and 86m length as shown **Drawing A-21**) will be provided to ensure that the predicted traffic and fixed noise impacts on future residents will comply with the noise criteria under HKPSG; and
 - (ii) the subject development will be connected to the public sewerage system (via provision of rising mains and on-site sewage pumping station) for sewage disposal.
- (c) Should the application be approved by the Board, planning approval conditions on the submission and implementation of the noise mitigation plan before occupation of the proposed development to the satisfaction of the Director of Environmental Protection or of the Board should be stipulated in the planning permission.
- (d) The applicant is advised to note that the design of the sewage tank shall follow the guidelines in Section 4 of the Sewage Manual Part 2 and subject to the agreement of the Drainage Services Department (DSD).
- (e) The proposed residential development is a DP under Item P.1, Schedule 2 of the EIAO (i.e. a residential development or recreational development, other than New Territories exempted houses within Deep Bay Buffer Zone 1 or 2) and an environmental permit under the EIAO is required before the construction and operation of the proposed residential development. Environmental Protection Department (EPD) received an application for permission to apply directly for environmental permit (DIR application) under 5(1)(b) (pursuant to Section 5(9)) of the EIAO for the LPH development from ArchSD on 28.4.2023. On 2.6.2023, DEP permitted the applicant to apply directly for environmental permit subject to conditions which will be included as enforceable conditions in the future environmental permit.
- (f) Advisory comments as detailed in **Appendix IV**.

Visual and Landscape

10.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

Urban Design and Visual

- (a) The Site is partly formed and partly vegetated land. The Site is located in an area which is rural in character mainly surrounded by existing low-rise low-density residential developments such as Fairview Park and Palm Springs (up to 3 storeys), village houses, ponds and open storages. There are some approved residential developments in the immediate surroundings, including proposed 105 houses of three storeys under Application No. A/YL-MP/247 to

the north, proposed 71 houses of three storeys under Application No. A/YL-MP/205 to the northeast, and proposed 65 houses of 2 storeys under Application No. A/YL-MP/287 to the east.

- (b) According to the submitted visual appraisal, the proposed development with a building height of not more than three storeys (16.8mPD) would bring forth some visual change to the existing rural setting and the resultant visual impact is rated negligible to slightly adverse. It is noted that the applicant has proposed greenery along the site boundary and façade treatment to mitigate potential visual impact. The proposed development is considered not incompatible with the surrounding context and would not significantly alter the visual character of the area.

Landscape

- (a) According to aerial photo of 2022, the site is located in Comprehensive Residential Development Landscape and Miscellaneous Rural Fringe Landscape character comprising of low-rise residential buildings within the “R(C)” zone, village houses, drainage channel, open storage, vacant lands, ponds and scattered tree groups. According to the Supplementary Planning Statement, buildings of 1 to 3 storeys with building height not more than 10.65m are proposed. The proposed development is not incompatible with the surrounding landscape character albeit it would bring noticeable change to the landscape character of the area.
- (b) With reference to the Landscape Master Plan, new landscape treatment, including recreational lawn, landscape buffer (with preserved trees, shrubs and large specimen shrubs, bamboo planting) and preserved marsh/reedbed area are proposed. Open space provision, including recreational facilities such as community plaza, children's activities areas and elderly leisure areas is not less than 5,500 sq. m. Also, not less than 20% site coverage of greenery will be provided.
- (c) Based on the Tree Preservation Proposal (TPP), 339 nos. of existing trees of common species are identified within the site. No rare/protected tree species nor champion trees are identified within the site. 94 nos. of trees and a large tree with DBH >1.0 m (*Ficus microcarpa*, T239) are proposed to be retained. 112 nos. of trees (excluding invasive species) are in conflict with the site formation work and proposed to be removed. According to the application form, filling of land of 15,700 sq. m and excavation of land of 7,600 sq. m are required. Impact on the existing landscape resources is anticipated. It is noted that 112 nos. of new small tree plantings within the Site and another 112 nos. of off-site compensatory tree plantings on government land in the vicinity and at new sites of permanent government projects currently under construction such as public parks are proposed to mitigate the landscape impact.

(d) As such, she has no objection from landscape planning perspective.

10.1.7 Comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD):

It is noted that the proposed development consists of 17 residential blocks with building height of 3 storeys and ancillary facilities of 1 storey, which appears to be compatible with the building height of 3 storeys. She has no comment from architectural and visual impact point of view.

Drainage

10.1.8 Comments of the Chief Engineer/Mainland North, DSD (CE/MN, DSD):

- (a) Having considered the applicant's submissions on the DIA and relevant response to comments, he has no further comments on the DIA. The alignment and level of the two new stormwater pipes should be further determined on site subject to the actual site condition (e.g. the existing UU's arrangement, etc.). The drainage provisions on site should be implemented in accordance with the DIA and the proposed development should neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas. Notwithstanding, should there be any changes of design parameters in the course of the developments which would materially affect the validity of the DIA report, the applicant should review/revise the DIA report and submit to DSD for comment. Should the application be approved by the Board, planning approval conditions on the submission of the revised DIA, implementation of the mitigation measures as identified in the revised DIA before occupation of the proposed development and maintenance of the implemented drainage facilities to the satisfaction of the Director of Drainage Services or of the Board should be stipulated in the planning permission.
- (b) On the sewerage aspect, he has no adverse comment on the SIA. The sewerage provisions on site should be implemented in accordance with the SIA and the proposed development should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas. Notwithstanding, should there be any changes of design parameters in the course of the developments which would materially affect the validity of the SIA report, the applicant should review/revise the SIA report and submit to DSD and EPD for comment. Should the application be approved by the Board, planning approval conditions on the submission of the revised SIA, implementation of the mitigation measures as identified in the revised SIA before occupation of the proposed development and maintenance of the implemented sewerage facilities to the satisfaction of the Director of Drainage Services and the Director

of Environmental Protection or of the Board should be stipulated in the planning permission.

- (c) Advisory comments as detailed in **Appendix IV**.

Fire Safety

10.1.9 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to water supplies and fire service installations (FSIs) being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority.
- (c) Advisory comments as detailed in **Appendix IV**.

Building Matters

10.1.10 Comments of the Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD):

Noting that the proposed development is related to public housing development, he is not in the position to provide comments under the Building Ordinance.

10.2 The following government departments have no objection to/no adverse comment on the application and their advisory comments, if any, are in **Appendix IV**:

- (a) Chief Highway Engineer/New Territories West, Highways Department;
- (b) Chief Engineer/Railway Development 2-1, Highways Department;
- (c) Project Manager (West), Civil Engineering and Development Department;
- (d) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (e) Chief Engineer/Construction, Water Supplies Department;
- (f) Director of Social Welfare;
- (g) Director of Electrical and Mechanical Services;
- (h) Director of Food and Environmental Hygiene;
- (i) Commissioner of Police; and
- (j) District Officer (Yuen Long).

11. Public Comments Received During Statutory Publication Period

- 11.1 On 28.4.2023, the application was published for public comment. During the statutory public period, a total of 21 public comments were received from management advisory committee, owners' association and property management limited of Fairview Park, 3 green groups (viz. Hong Kong Bird Watching Society,

Kadoorie Farm & Botanic Garden Corporation and The Conservancy Association), owners and tenants of Fairview Park and individuals objecting to or raising concerns on the application. Full set of the public comments are at **Appendix V**. Their major views are summarised as follows:

- (a) the proposed development is partly within the WBA and close to the WCA, there are concerns about the adverse impacts on the bird flight line, noise, glare and human disturbance to the wetland species and the ecological impacts on the NTMDC, nearby fish ponds and other wetland habitat. There are also concerns about the cumulative impacts on the environment arising from all the new planning applications and developments in the area and the effectiveness of the proposed mitigation measures is in doubt;
- (b) the proposed development would reduce the area of wetland and grass land in the area and would cause direct loss in wetland habitats, leading to degradation of habitat quality of the wetland in Deep Bay Area;
- (c) the proposed development is not in line with planning intention of the “REC” zone and the WBA of TPB PG-No. 12C;
- (d) the proposed development would have adverse environmental, noise, air quality, drainage, water supply and landscape impacts on the surrounding area and would cause pollution, flooding and hygiene problems;
- (e) the nearby infrastructure is insufficient and road network is already saturated. The proposed development would worsen the nearby traffic especially Fairview Park Boulevard and Roundabout. The proposed development will exert pressure to the existing transport services nearby;
- (f) there is a lack of commercial and community facilities in the proposed development. The induced population would use the existing provisions in Fairview Park which will overstrain the existing infrastructure and facilities in the area and cause disturbance and conflicts with the local residents;
- (g) the EcoIA submitted is inadequate that underestimates the ecological value of the site and the potential adverse impacts of the proposed development on the wetland ecosystem and it is not sufficient to demonstrate that the proposed development will not adversely affect the ecological system; and
- (h) approval of this application would set an undesirable precedent to future similar applications in the same neighbourhood.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary LPH development with about 2,150 units for a period of 3 years mainly in “REC” zone with filling of land and excavation of land at the Site. The applicant is seeking a temporary planning permission for a period of 3 years in which the LPH is intended to be operated at the Site for at least 5 years until 2030. Renewal application will be submitted in future if the current application is approved by the Committee.

Planning Intention

- 12.2 The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission. Although the proposed development for temporary residential use is not entirely in line with the planning intention of the “REC” zone, the low-rise temporary LPH with ancillary community facilities is beneficial to the society by providing housing and community facilities for the low-income community. S for H points out that the LPH proposal of Yau Pok Road is considered to be in line with the government policy generally and confirmed that in-principle policy support has been given to LPH project at Yau Pok Road and hence support this planning application. The proposed filling and excavation of land which is to facilitate the LPH development is also considered not unacceptable.

Land Use Compatibility

- 12.3 The proposed development is adjacent to the existing low-rise residential development of Fairview Park. The temporary nature and low-rise built form (3 storeys) of the proposed development, together with the provision of landscape buffer (with preserved trees, shrubs, large specimen shrubs and bamboo planting), is considered not incompatible with the generally low-rise, low-density sub-urban neighbourhood of the Mai Po and Fairview Park area with building height ranging from 2 to 3 storeys. Supporting facilities including grocery store, convenience store and social/community centre, multi-purpose room, restaurants and management office will be provided to serve the daily needs of the residents.

Environmental and Ecological Considerations

- 12.4 The proposed LPH development is a DP under EIAO, which requires an environmental permit under the EIAO prior to the construction and operation of the proposed residential development. An environmental permit was issued to a proposed low-rise private residential development in 2014 as detailed in para. 5.2. According to s5(9) of EIAO, DEP may permit an applicant to apply directly for an environmental permit if he satisfies DEP, having regard to the project profile, that (a) the environmental impact of the project is adequately assessed in an environmental impact assessment report in the register; and (b) the information and findings of the environmental impact assessment report in the register are still relevant. In this connection, the applicant has submitted a DIR application under the EIAO for the LPH development, which was permitted by DEP on 2.6.2023. Design and mitigation measures proposed therein would be reflected in the environmental permit where appropriate. On other environmental aspects, DEP has no objection to the application and considers that the submitted EA and SIA demonstrated that with implementation of mitigation measures, the proposed development will not cause/subject to adverse environmental impacts exceeding the HKPSG criteria.

- 12.5 According to TPB PG-No. 12C, the northern part of the Site (about 52%) falls within the WBA which is intended to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have off-site disturbance impact on the ecological value of fish ponds. The Site is situated in the landward part of WBA adjacent to the low-rise residential development of Fairview Park (**Plan A-2**). According to the EcoIA, there is no direct ecological impact on flora species and that on fauna species is considered to be of low significance. As with the bird flight line, majority of the water birds flew along the NTMDC, coupled with the low-rise nature of the LPH development, potential ecological impact on the bird flight line is of low significance. Regarding the compliance to the “no net loss principle” of TPB PG-No. 12C, a majority (about 90%) of the Site is covered with shrubland / grassland and developed land. There are isolated seasonally wet grassland (approx. 0.46ha) and reedbed (approx. 0.27ha) within the Site which are evaluated to be of “low” and “low to moderate” ecological value, respectively. Both of the areas are small in area and with very low faunal abundance (especially wetland species) recorded, and are not functioning as a feeding, roosting or breeding sites for wetland birds. These habitats are also isolated from the Mai Po Inner Deep Bay Ramsar Site. Therefore, there shall be no decline in wetland or ecological functions of the Ramsar Site wetland due to the proposed temporary LPH development. In view of the above, AFCD does not object to the proposed development from nature conservation point of view and considers that the proposed low-rise development would not cause unacceptable adverse ecological impact and mitigation measures and good site practice as proposed in the submitted EcoIA would be implemented to mitigate the potential disturbance to nearby ecologically sensitive habitats during construction.

Visual and Landscape

- 12.6 CTP/UD&L of PlanD considered that the proposed development is not incompatible with the surrounding context and would not significantly alter the visual character of the area. She also notes that the applicant has proposed greenery along the site boundary and façade treatment to mitigate the potential visual impact.
- 12.7 It is noted that about 94 of the existing trees are proposed to be retained including the retention of a *Ficus Microcarpa* (細葉榕) at the southernmost corner of the Site, which has a DBH larger than 1m. While 245 trees including 133 nos. of *Leucaena leucocephala* (銀合歡) are recommended to be felled, the applicant proposes that 112 nos. of new small tree plantings within the Site and another 112 nos. of off-site compensatory tree plantings on government land in the vicinity and in new sites of permanent government projects under construction are proposed to mitigate the landscape impact. As such, CTP/UD&L of PlanD has no objection from landscape planning perspective.

Transport and Traffic

- 12.8 According to the TIA, the future residents of the proposed LPH development will mainly rely on public transport services with no provision of private car parking

spaces in the LPH development. With the strong need of public transport facilities, a public transport terminus will be provided at each of the northern and southern portion of the Site. Each terminus will provide a bus bay, a green mini-buses bay and a general lay-by and a total of 71 nos. bicycle parking spaces and 6 loading/unloading bays will be provided to cater for the transport needs of the future residents. During the peak hour, 10 nos. of buses and 10 nos. of public light buses will be provided at the Site to serve the future residents of the LPH development. Junction improvement works (including provision of pedestrian crossings, signalized crossings, additional traffic signs and length restriction traffic signs etc.) along Yau Pok Road and Kam Pok Road connecting to the site entrance are proposed to enhance the safety of pedestrians and cyclists.

- 12.9 Provided that the road improvement works as identified in the TIA are completed before commissioning of the LPH development and with the provision of the transport termini and other transport provisions as proposed by the applicant, TD has no in-principle objection to the planning application from the traffic engineering perspective. Besides, the public transport services will be strengthened to support the proposed development.

Other Technical Aspects

- 12.10 Relevant government departments consulted including CE/MN of DSD, CE/C of WSD, DEMS, D of FS, BD, ArchSD and DSW have no adverse comment on the application. According to the SIA, a sewage pumping station located at the southern portion of the Site is proposed to be constructed (**Drawing A-23**). The sewage generated from the proposed development will be collected by the proposed sewage pumping station and then discharged to the Nam Sang Wai Pumping Station without discharge to the adjoining NTMDC. Concerns of the relevant departments could be addressed by approval conditions in paragraph 13.2 below.

Previous Approval for Residential Use

- 12.11 The Site is the subject of a previously approved rezoning application for a proposed residential cum commercial development as detailed in paragraph 5 above. There are similar applications approved by the Committee for residential development in the adjoining “OU(CDWRA)” and “R(D)” zones on both sides of Kam Pok Road as detailed in paragraph 8.2 above. Approval of the current application is therefore in line with the previous decisions of the Committee.
- 12.12 As detailed in paragraph 11 above, a total of 21 public comments were received during the statutory publication periods. The planning assessments and considerations set out in the above paragraphs are relevant.
- 12.13 Taking into account the scale and implementation timeframe of the proposed development, a longer compliance period (i.e. 9 months for submissions) and implementations before occupation of the proposed development as compared with the common temporary uses are suggested to allow more time to fulfil the approval conditions and provision of the relevant on-site facilities for operation

of the proposed LPH proposal, should the Committee decide to approve the application.

13. **Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, 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 up to 9.6.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of 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 9.3.2024;
- (b) in relation to (a) above, the implementation of the fire service installations proposal before the occupation of the proposed development to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (c) the submission of a revised drainage impact assessment within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.3.2024;
- (d) in relation to (c) above, the implementation of the mitigation measures as identified in the revised drainage impact assessment before the occupation of the proposed development to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) the implemented drainage facilities for the proposed development shall be maintained at all times during the planning approval period;
- (f) the submission of a revised sewerage impact assessment within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services and the Director of Environmental Protection or of the Town Planning Board by 9.3.2024;
- (g) in relation to (f) above, the implementation of the mitigation measures as identified in the revised sewerage impact assessment before the occupation of the proposed development to the satisfaction of the Director of Drainage Services and the Director of Environmental Protection or of the Town Planning Board;
- (h) the implemented sewerage facilities for the proposed development shall be maintained at all times during the planning approval period;

- (i) the submission of the noise mitigation plan within **9** months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 9.3.2024;
- (j) in relation to (i) above, the implementation of the noise mitigation measures as identified in the noise mitigation plan before the occupation of the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (k) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period, including construction and operation stages;
- (l) the implementation of the road improvements works and transport facilities as identified in the traffic impact assessment submitted by the applicant before the occupation of the proposed development to the satisfaction of the Commissioner of Transport or of the Town Planning Board; and
- (m) if any of the above planning condition (a), (c), (f) or (i) 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.

Advisory Clauses

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

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

the scale of the proposed development is excessive and is not compatible with the rural character of the area.

14. Decision Sought

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

15. Attachments

Appendix I	Application form received on 21.4.2023
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI dated 18.5.2023
Appendix Ic	FI dated 25.5.2023
Appendix Id	FI dated 2.6.2023
Appendix II	Extract of TPB PG-No. 12C
Appendix III	Previous Applications
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Appendix VI	Three Development Options Evaluated under EIAO Register No. AEIAR-182/2014
Drawing A-1	Master Layout Plan
Drawings A-2	Elevations
Drawings A-3 to A-5	Landscape Master Plan
Drawings A-6	Open Space Provision
Drawings A-7 to A-13	Location of View Points and Photomontages
Drawings A-14 to 18	Traffic Routings and Proposed Junction Improvements
Drawings A-19 to 21	Buffer Distances and Traffic Noise Mitigation Measures
Drawing A-22	Habitat Map
Drawing A-23	Location of Proposed Sewage Pumping Station
Drawing A-24	Proposed Drainage Connection
Drawing A-25	Landscape Resources
Drawing A-26	Typical Section Showing Planter Soil Depth and Drainage Arrangement
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2023**