

RNTPC Paper No. A/YL-NSW/321
For Consideration by
the Rural and New Town
Planning Committee
on 22.9.2023

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

APPLICATION NO. A/YL-NSW/321

- Applicant** : Hong Kong Sheng Kung Hui Welfare Council Limited (HKSKHWCL)
represented by KTA Planning Limited
- Site** : Lots 1212 S.B RP (part) and 1212 S.C ss.3 RP in D.D. 115 and the adjoining
Government Land (GL) in Tung Tau, Yuen Long
- Site Area** : About 23,337 m² (including GL of about 1,870 m²)
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
- Zoning** : “Other Specified Uses” annotated “Comprehensive Development to include
Wetland Restoration Area” (“OU(CDWRA)”) [restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 6 storeys including car park]
- Application** : Renewal of Planning Approval for Temporary Transitional Housing and
Ancillary Uses for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of the planning permission under the previous application No. A/YL-NSW/281 to continue to use the application site (the Site), which falls within an area zoned “OU(CDWRA)” on the Nam Sang Wai OZP, for temporary transitional housing and ancillary uses for a period of 3 years (**Plan A-1a**). 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 used for the applied use under the last approved application (No. A/YL-NSW/281). All the approval conditions have been complied with and the planning permission is valid until 23.10.2023.

¹ While ‘Flat’ and ‘Residential Institution’ are Column 2 uses in the “OU(CDWRA)” zone, the PR and BH of the development exceed the development restrictions of the “OU(CDWRA)” zone. Thus, temporary approval of three years is applied.

- 1.2 According to the applicant (i.e. the HKSKHWCL), the approved transitional housing development (i.e. United Court) has already been completed with the first population intake in May 2022; and the occupancy rate of the development is about 89% (as at 31.8.2023). The United Court is operating in a non-profit making nature to alleviate imminently the hardship of families on the public rental housing waiting list and those currently inadequately housed. The applicant intends to continue the operation of the transitional housing for a total of eight years as proposed in the last approved application, and the current land owner has also agreed to lend the Site to the applicant for the operation of transitional housing for eight years.
- 1.3 The transitional housing development involves three 4-storey residential blocks and four 1 to 2-storey ancillary blocks, providing a total of 1,800 units (**Drawing A-1**). Five types of flats with toilet and kitchen/pantry and unit size from about 16.5m² to 39.5m² for singletons, families and disabled are provided (**Drawing A-5**). The four ancillary blocks accommodate ancillary services such as integrated social services centre, estate office, communal pantry and laundry, small-scale shop and services (e.g. shared goods store and low-cost convenience stores) and multi-purpose rooms for non-governmental organisations (NGOs) to offer services or arrange activities for the future residents (e.g. after school child care services). The development parameters are largely the same compared with the last approved application with minor increase in total gross floor area, minor reduction in building height, and addition of bicycle parking spaces to address the concern of the Rural and New Town Planning Committee (the Committee), and are summarised as follows:

	Previous Application (No. A/YL-NSW/281) (A)	Current Application (No. A/YL-NSW/321) (B)	Changes (B) – (A)
Site Area	about 23,337m ² (including about 1,870m ² of GL)	about 23,337m ² (including about 1,870m ² of GL)	No change
Total Plot Ratio (PR)	not more than 1.7	about 1.7	No change
Total Gross Floor Area (GFA)	about 38,724m ²	about 39,307m ²	+583m ² (+1.5%)
Domestic GFA	about 37,479m ²	about 38,054m ²	+575m ² (+1.5%)
Non-domestic GFA	about 1,245m ²	about 1,253m ²	+8m ² (+0.6%)
Total Site Coverage	not more than 60%	about 50.2%	-9.8% (-16.3%)
No. of Blocks	3 Residential Compounds 4 Ancillary Blocks	3 Residential Compounds 4 Ancillary Blocks	No change
No. of Storeys/ Building Height (BH)	Residential Compounds: 4 storeys/ 20mPD	Residential Compounds: 4 storeys/ 18.5mPD	-1.5m (-7.5%)

	Previous Application (No. A/YL-NSW/281) (A)	Current Application (No. A/YL-NSW/321) (B)	Changes (B) – (A)
	Ancillary Blocks: 2 storeys/14mPD	Ancillary Blocks: 1 to 2 storeys/12.5mPD	-1.5m (-10.7%)
No. of Units	about 1,800	about 1,800	No change
Estimated Population	about 3,840	about 3,840	No change
Communal Open Space	not less than 3,840m ²	about 6,262m ²	+2,422m ² (+63.1%)
Green Coverage	not less than 15.8%	not less than 15.8%	No change
Loading/Unloading Bay	3	3	No change
Bicycle Parking Spaces	N/A	150	N/A

1.4 The Site is accessible by vehicles from Shan Pui Road, while the access at Chung Yip Road only serve as emergency vehicular access and maintenance purpose. Pedestrian accesses are available at both Chung Yip Road and Shan Pui Road (**Drawing A-2**). Three loading/unloading spaces and 150 bicycle parking spaces are provided within the Site. No residential car parking space is provided. While the Site is served by public transport and rail transport with MTR Yuen Long and Long Ping Stations (**Plan A-1a**) within walking distance, the existing stop of a green mini bus (GMB) route has been relocated near the pedestrian entrance at Shan Pui Road with a 24m long GMB stand to better serve the tenants (**Plan A-4a and Drawing A-6**).

1.5 Communal open space of about 6,262m² has been provided, including open plaza, play area, communal garden, sitting courtyard and multi-purpose plan area/fitness area (**Drawing A-2 and Plans A-4a and A-4b**). 45 new trees have been planted in the development. Landscape buffer with bamboo and shrub planting (**Drawing A-2**) along the Site boundary is provided to allow adequate greening and visual screening for the development.

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

- (a) Application form received on 4.8.2023 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Further Information (FI) received on 19.9.2023 # (Appendix Ib)

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 Ib**. They can be summarized as follows:

- (a) The continuation of the transitional housing development is in line with Government's short-term housing initiative which imminently alleviates hardship of vulnerable families. The development contributed a significant number of transitional housing units (1,800 units) in the territory. The Housing Bureau (HB) has recently launched a central common application form to facilitate the public to make one-stop application for transitional housing projects.
- (b) The temporary nature of the transitional housing development will not jeopardise the planning intention of the "OU(CDWRA)" zone. No planning permission for proposed permanent comprehensive residential development with wetland restoration proposal within the subject zone has been granted by the Board. The Site has been left idle for a long time without active development programme. The temporary use, which only built on formed land with no net loss in wetland, shall not affect the planning intention in the long run and is considered an effective interim approach prior to the presence of a comprehensive development with wetland restoration.
- (c) The transitional housing development is compatible with the surrounding existing residential developments and the proposed residential development on the opposite side of Chung Yip Road under construction, as well as the 3-storey village type developments in the vicinity.
- (d) The renewal of the planning approval adhere to 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) in that there is no change in planning circumstances and all approval conditions have been complied with. The existing facilities and arrangement 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 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. 31A) by obtaining consent of the current land owner. Detailed information would be deposited at the meeting for Members' inspection. As regards the GL, the "owner's consent/notification" requirements as set out in the TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for "Application for Developments within Deep Bay Area" (TPB PG-No. 12C) and 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) are relevant to the application. The relevant assessment criteria are attached at **Appendix II**.

5. **Background**

The Site is not subject to active planning enforcement action.

6. **Previous Application**

6.1 The Site (or part of) was subject to four previous applications. Details of the previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

6.2 While three of the previous applications (No. A/DPA/YL-NSW/2 and 25, and A/YL-NSW/189) are irrelevant to the current renewal application, the last application (No. A/YL-NSW/281) for the current use covering the Site applied by the same applicant was approved by the Committee in 2020. The application was approved mainly on the considerations that in-principle policy support had been given for the transitional housing project; the development would not jeopardise the long term planning intention and was not incompatible with the surrounding area; the development would not violate the “no-net-loss in wetland” principle under the TPB PG-No.12C; and the development would unlikely generate adverse traffic, environment, ecological, sewerage, drainage, water supply, visual and landscape impacts and the concerned departments had no adverse comments on the proposed development. The planning permission is valid until 23.10.2023 and all the approval conditions have been complied with.

7. **Similar Application**

During the past five years, there is a similar application (No. A/YL-NSW/319) for proposed temporary centralised quarter for imported labour in construction sector within the “OU(CDWRA)” zone on the OZP. The application was approved by the Committee in 2023 mainly on the considerations that policy support had been given for the proposed development; the development would not jeopardise the long term planning intention and was not incompatible with the surrounding area; and the development would unlikely generate adverse traffic, environment, ecological, sewerage, drainage, visual and landscape impacts. Details of the similar application are summarised in **Appendix III** and its locations is shown on **Plan A-1a**.

8. **The Site and its Surrounding Areas (Plans A-1a to A-4b)**

8.1 The Site is:

- (a) currently used for the applied use covered by valid planning permission under application No. A/YL-NSW/281 until 23.10.2023;
- (b) within the Wetland Buffer Area (WBA) of the Deep Bay Area; and
- (c) accessible via Shan Pui Road and Chung Yip Road.

8.2 The surrounding areas have the following characteristics:

- (a) to its north across Chung Yip Road are the proposed residential development under construction with valid planning permission (No. A/YL-NSW/282), and Shan Pui Chung Hau Tsuen; to its further north is the Hong Kong School of Motoring under approved application No. A/YL-NSW/287;
- (b) to its immediate east are grassland and a pond; to the further east across the Kam Tin River are the Wetland Conservation Area;
- (c) to its southeast are residential dwellings; and to its south across the Shan Pui Road is the residential development of Parcville; and
- (d) to its immediate west are a pond and vacant/unused land; and to the further west is the Tung Tau Industrial Area.

9. Planning Intention

The “OU(CDWRA)” zone is intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay.

10. Comments from Relevant Government Departments

10.1 Apart from the government bureau’s comment 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/*department* supports/*provide comments on* the application:

Policy Aspect

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

HB supports the subject transitional housing project with Policy Support Agreement already executed with the applicant, i.e. the HKSKHWCL.

District Officer’s Comments

10.2.2 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has received two letters from Indigenous Inhabitant Representative (IIR) and a resident of Shan Pui Tsuen (Appendix VII). The IIR and the resident of Shan Pui Tsuen objected the application

mainly on the grounds that the applied use would induce sewerage and traffic impacts to the surrounding area.

11. Public Comments Received During Statutory Publication Period

On 15.8.2023, the application was published for public comments. During the statutory publication period, two comments were received from the Conservancy Association and an individual (**Appendix VI**) objecting to/raising concerns on the application mainly on the grounds that the development was not in line with the planning intention; it was incompatible with the surrounding area in terms of development scale; and the original application involved multiple extension of time for condition compliance.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary transitional housing development for a period of 3 years in “OU(CDWRA)” zone on the OZP. The planning intention of the “OU(CDWRA)” zone is primarily to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area, and to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Although the development is not entirely in line with the planning intention of the “OU(CDWRA)” zone, the Site does not involve any wetland or habitat of high ecological value and the low-rise temporary transitional housing with ancillary community facilities is beneficial to society by providing housing for the low-income community. The development is also in line with the Government policy to increase the supply of transitional housing to relieve the pressure of families living in unpleasant condition and waiting for public housing for a long time. S for H supports the renewal application and confirms that Policy Support Agreement was executed with the applicant. According to the applicant, the current land owner has agreed to lend the Site to HKSKHWCL for the operation of transitional housing for eight years as stated in first approval of the application. As there is no known development programme for comprehensive residential development with wetland restoration proposal, approval of the renewal application for transitional housing on a temporary basis would not jeopardise the long term planning intention of the area.
- 12.2 The transitional housing development is situated at the landward part of WBA close to existing urban developments. The temporary nature and low-rise built form of the development, as implemented in accordance with the approved scheme, is considered not incompatible with the surrounding area with low to medium-rise residential developments, vacant/unused land, a driving school and the Tung Tau business area in the vicinity.
- 12.3 While the Site is located within the WBA and an abandoned pond is located at the immediate west of the Site, Director of Agriculture, Fisheries and Conservation has no comment on the application. The transitional housing development has been implemented and currently in operation, it is unlikely that the development would cause adverse ecological impacts and therefore renewal of the application would not violate the TPB PG-No.12C.

- 12.4 The renewal 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-NSW/281 have been complied with. Compared with the scheme of the last approved application, the current application submitted by the same applicant is largely the same in terms of the applied use, site area/boundary and major development parameters. Relevant department consulted, including Director of Environmental Protection, Commissioner for Transport, Chief Town Planner/Urban Design and Landscape, Planning Department, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services, have no objection to/ 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 three years.
- 12.5 There is a similar application (No. A/YL-NSW/319) for proposed temporary centralised quarter for imported labour in construction sector within the “OU(CDWRA)” zone on the Nam Sang Wai OZP as detailed in paragraph 7 above. Considerations of the last approved application No. A/YL-NSW/281 are also relevant to the current application. Approval of the current application is in line with the previous decision of the Committee.
- 12.6 Regarding the public comments received during the statutory public inspection period of the application *and comments conveyed by DO(YL)* as detailed in paragraphs *10 and 11*, the planning assessment and departmental comments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessment 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 24.10.2023 until 23.10.2026. 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 the Site at any time during the planning approval period;
- (b) the submission of revised records of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.1.2024;
- (c) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the existing fire services installations implemented on the Site shall be maintained in efficient working order during the planning approval period;

- (e) if any of the above planning condition (a), (c) or (d) 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 (b) 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 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.
- 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 4.8.2023
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 19.9.2023
Appendix II	Relevant extracts of TPB PG-No. 12C and 34D
Appendix III	Previous and Similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Appendix VII	<i>Comments conveyed by DO(YL)</i>
Drawing A-1	Master Layout Plan
Drawings A-2 to A-4	Landscape plans and sections
Drawing A-5	Unit layout plan
Drawing A-6	Location of 24m GMB stand

Plan A-1a	Location Plan with similar application
Plan A-1b	Plan showing previous applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

PLANNING DEPARTMENT
SEPTEMBER 2023