

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/431

<u>Applicant</u>	: Evangelical Lutheran Church Social Service - Hong Kong represented by PlanPlus Consultancy Limited
<u>Site</u>	: Various Lots in D.D. 105 and the adjoining Government Land (GL), Ngau Tam Mei, Yuen Long
<u>Site Area</u>	: About 21,731 m ² (including GL of about 2,131 m ² (9.8%))
<u>Land Status</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. A/YL-NTM/12
<u>Zoning</u>	: “Residential (Group C)” (“R(C)”) [restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 3 storeys (9m) including car park.]
<u>Application</u>	: Proposed Temporary Transitional Housing with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary transitional housing with ancillary facilities for a period of 3 years at the application site (the Site) (**Plan A-1a**). According to the Notes of the OZP, while ‘Residential Institution’ is a Column 2 use in the “R(C)” zone, the PR and BH of the proposed development exceed the development restrictions of the “R(C)” zone. Nevertheless, 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), notwithstanding that the use or development is not provided for in terms of the OZP. Thus, temporary approval of three years for the proposed transitional housing development is applied. The Site is mostly formed, currently occupied by open storage yards, shops, temporary structures, residential dwellings and vacant land.
- 1.2 Part of the Site involves six previous applications all for various temporary uses, namely logistics use and container vehicle park, sales centre of private vehicles and lorries, shops and services and eating place (**Plan A-1b**). Details of the

previous applications are at **Appendix II**.

- 1.3 According to the applicant, the proposed development aims to provide transitional housing to meet the short-term needs of people waiting for public housing. The applicant tentatively intends to operate the proposed transitional housing development until 2027. Renewal application will be submitted in future if the current application is approved by the Committee.
- 1.4 The proposed development involves four 4-storey residential blocks (**Drawing A-1**) providing about 1,076 units with self-contained kitchen/pantry and toilet facilities for households. Three types of housing units with unit size of 16.64m² (for 1-2 persons) (584 units), 24.33m² (for 3 persons) (460 units) and 33.28m² (for 4 persons/disabled) (32 units) will be provided (**Drawing A-3**). Also, two non-domestic blocks including a 3-storey amenity block and a 2-storey sewage treatment plant (STP)/E&M building will be provided. The ancillary amenity provision includes facilities management/ project offices, a small market/store, laundry and social services (e.g. career development services for youth, after-school care/ education programmes for families and vocational training) to serve the future residents and neighbourhood. An open space will be provided at the southern portion of the Site (**Drawings A-1 and A-4**). The proposed development parameters are as follows:

Site Area	about 21,731 m ² (including about 2,131 m ² of GL)
Total Plot Ratio (PR)	not more than 1.53
Total Gross Floor Area (GFA) Domestic GFA Non-domestic GFA ¹	about 33,042 m ² - about 30,004 m ² - about 3,038 m ²
Total Site Coverage	not more than 60%
No. of Blocks	6 - Residential: 4 - Ancillary Uses: 2 (1 amenity block and 1 STP/E&M building)
No. of Storeys/ Building Height (BH)	- Residential Blocks: 4 storeys (not more than 17m (25mPD)) - Ancillary Block: 3 storeys (not more than 16m (23mPD)) - STP/E&M Building: 2 storeys (not more than 14m (21mPD))
No. of Units	about 1,076
Estimated Population	about 2,676
Open Space	not less than 2,676 m ²
Loading/Unloading (L/UL) Bay	4 Heavy Goods Vehicles (HGV)

- 1.5 The Master Layout Plan (MLP), sections, unit layout plans, landscape master plan (LMP) and photomontages are at **Drawings A-1 to A-8**. In support of the

¹ Non-domestic GFA include facilities management/project offices, laundry, market/store and social services facilities. STP and E&M are assumed to be exempted from GFA calculation.

application, the applicant has submitted Landscape Proposal, Tree Preservation and Removal Proposal, Visual Appraisal, Traffic Impact Assessment (TIA), Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA), Environmental Assessment (EA), Ecological Impact Assessment (EcoIA) and Quantitative Risk Assessment (QRA).

Traffic

- 1.6 The Site is accessible from San Tam Road (**Plan A-2**). Four L/UL spaces for HGV will be provided to meet the operational needs (**Drawing A-1**), with no car parking spaces proposed. The Site is served by public transport services in walking distance with a number of existing bus and green mini bus (GMB) routes along San Tam Road and Castle Peak Road – Mai Po, providing connections to Sheung Shui, Yuen Long Town Centre and other Yuen Long areas. The applicant proposes to enhance the public transport services by strengthening the frequency of some of the existing bus and GMB services or providing shuttle services to/from Kam Sheung Road MTR Station to cater for the additional public transport demand from the proposed development. An internal transport layby (**Drawing A-1**) accommodating at least two GMBs in size will be provided within the Site to serve the future tenants. The detailed arrangement of public transport enhancement is subject to further review with relevant operators and government departments.

Environment and Ecology

- 1.7 According to the EA, potential noise, air and water quality and waste management aspects of the proposed development have been assessed and no adverse impacts are anticipated. A buffer separation of 20m to 57m between the residential blocks and San Tin Highway/San Tam Road will be provided, and all housing blocks will have the openable windows facing away from the nearest noise sources. The on-site STP will be completely enclosed with vent opening designed away from the housing blocks to maximise separation such that there will be no unacceptable odour and noise impact.
- 1.8 According to the EcoIA, the Site is located over 50m away from Wetland Buffer Area (WBA) and 400m away from Wetland Conservation Area (WCA) with no ecologically important habitat identified within the Site. It is also far from any ecologically sensitive habitats with the Mai Po Village Site of Special Scientific Interest (SSSI) and Mai Po Village Egrettry over a distance of 200m and 500m respectively without impeding the birds' flight lines. Despite no record of faunal species sensitive to artificial lighting are identified adjacent to the Site, minimal outdoor lighting with downward-pointing design is proposed to minimise any potential glare impact. The Site will neither involve major land excavation/filling works nor night time construction works.

Sewerage and Drainage

- 1.9 According to the SIA, an on-site STP with tertiary treatment level is proposed thereby meeting EPD's effluent discharge standard in that pollution load to Deep Bay is negligible. According to the DIA, the runoff of the Site will be conveyed to the open channel along San Tam Road through proposed stormwater drains.

Flood attenuation tank with sufficient storage capacity is proposed to store excessive stormwater temporarily during heavy rains to mitigate flood risks. No adverse sewerage and drainage impacts are anticipated.

Landscape and Visual

- 1.10 For the 123 existing trees at the Site, 10 trees are proposed to be retained, and 113 trees which are of common species in poor condition/low amenity value and in direct conflict with the development layout are recommended to be felled. New trees are proposed to be planted at a 1:1 compensation ratio. Peripheral planting along the site boundary is proposed to provide visual screening for the Site (**Drawing A-4**).
- 1.11 According to the VIA, the proposed development would largely be screened off by the existing vegetation and the low-rise nature of the development is visually compatible with the surrounding developments and village landscape (**Drawings A-5 and A-8**).

Archaeological Considerations

- 1.12 The western portion of the Site falls within the Mai Po Site of Archaeological Interest (SAI) (**Plan A-1a**). A licensed archaeologist will be appointed to conduct an Archaeological Watching Brief (AWB) for constructions works. The AWB will be submitted before commencement of construction works and relevant licence will be obtained in accordance with the Antiquities and Monuments Ordinance.
- 1.13 In support of the application, the applicant has submitted the following documents:
- (a) Application form and supplementary information received on 19.11.2021 (**Appendix I**)
 - (b) Supplementary Planning Statement (**Appendix Ia**)
 - (c) Further Information (FI) received on 11.1.2022 in response to departmental comments (**Appendix Ib**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices I to Ia**. They can be summarized as follows:

- (a) The proposed development is in line with the Government's objectives in increasing transitional housing provision and alleviates the hardship faced by the inadequately housed households/ individuals. It is estimated that construction will be completed by 2023 and population intake by 2024. MiC and prefabrication method will be adopted to ensure that these temporary housing units could be delivered in a quick and sustainable manner without involving massive site formation and piling works as well as to allow easy dismantling and relocation for reassembly.

- (b) The proposed transitional housing will be constructed and operated by the applicant, an experienced NGO offering a wide range of social services to the grassroots and disadvantaged. Social services are proposed to be provided within the development to meet the needs of the future residents as well as the neighbourhood.
- (c) The proposed transitional housing is in line with the planning intention of “R(C)” zone for low-rise and low-density residential developments, and is compatible with the surrounding low-rise housing developments, namely Maple Garden, Scenic Heights and Royal Palms.
- (d) The development layout has utilised the Site in spite of the irregular configuration with a bottleneck at the centre restricting vehicular access and design flexibility of residential blocks. While the residential and ancillary blocks are concentrated at the northern portion of the Site, the southern portion is dedicated for a substantial area of open space with ample recreational facilities (including children play area, fitness area, jogging trail, garden/courtyard and community farm) serving both the future residents and the neighbourhood. Not less than 20% at-grade greenery is proposed at the Site.
- (e) The Site is mostly vacant and occupied by brownfield uses. The proposed development could enhance the overall environment by replacing the existing brownfield uses at the Site.
- (f) Technical assessments have been conducted in support of the proposed development. The TIA demonstrates that the proposed development has no adverse traffic impact to the adjacent road network and public transport services. The EcoIA concludes that no adverse ecological and off-site disturbance impact is anticipated. A QRA was also conducted that risk posed by the existing high pressure pipeline in the vicinity of the Site is not expected. The EA demonstrates that no adverse environmental and waste impacts are anticipated during construction and operational phases. A QRA was conducted that risk posed by the existing high pressure pipeline in the vicinity of the Site is not expected. Drainage, sewerage, visual and landscape impact are also not anticipated.
- (g) Regarding the interface with the San Tin/Lok Ma Chau Development Node (ST/LMC DN), the applicant proposed that the transitional housing development shall be pursued to optimise scarce land resources for the timely provision of over 1,000 transitional housing units in the interim period for the benefit of the public. The applicant will communicate with the project team of the ST/LMC DN on the implementation programme and potential interface.
- (h) In response to the public comments on the claim of adverse possession and encroachment onto existing pedestrian access by a group of villagers, the applicant supplemented that the Site is not involved in any court cases or legal proceedings and it is not subject to any registered right-of-way. The adjacent private lots are still accessible by existing footpaths or local tracks upon implementation of the proposed development.

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. The remaining part of the Site is GL, and the “owner’s consent/notification” requirements are not applicable.

4. Background

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

4.2 Part of the Site is subject to an on-going s12A application (no. Y/YL-NTM/5), submitted by one of the subject landowners on 30.9.2021, which seeks to rezone the application site (2.23 ha) to “Residential (Group B)” for proposed residential development at a total PR of 5 and maximum BH of 31 storeys excluding basement (**Plan A-1a**). The applicants have been preparing FI to address departmental comments.

5. Previous Application

The Site involves six previous applications (no. A/YL-NTM/175, 227, 368, 381, 407 and 419) covering four application sites for temporary logistics use and container vehicle park, sales centre for new private vehicles and lorries (include medium goods vehicles and container tractors), shop and services (sales of building and/or gardening materials) and eating place. Four of the approved applications for shop and services and eating place uses while the remaining two were rejected by the Committee. All the previous applications are not related to residential use. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

6. Similar Application

Another application (no. A/YL-NTM/432) for proposed temporary transitional housing with ancillary facilities for a period of 3 years with filling of land and excavation of land at a “Residential (Group D)” zone (**Plan A-1a**) submitted by a different applicant will be considered at the same meeting.

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

7.1 The Site is:

- (a) mostly formed, currently occupied by open storage yards, shops, temporary structures, residential dwellings and vacant land; and
- (b) accessible via San Tam Road connecting to Castle Peak Road-Mai Po.

7.2 The surrounding areas are intermixed with residential dwellings, shops, vacant land, fallow agricultural land, grassland, woodland, storages and open storage yards. Some of these uses are suspected Unauthorized Developments (UDs) subject to enforcement action by Planning Authority:

- (a) to its immediate north are shops, planter, storages, a nullah and San Tam Road; across San Tam Road is the Mai Po Substation falling within the “Other Specified Use (Electric Sub-station)” zone;
- (b) to its east are open storage yards of construction materials, residential dwellings, vacant land, fallow agricultural land and woodland;
- (c) to its south are the Scenic Heights, some residential dwellings, a temple, open storage yard of bamboo, vacant land and grassland; and
- (d) to its west are a storage and woodland.

8. Planning Intention

The planning intention of the “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.

9. Comments from Relevant Government Departments

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

Policy Aspect

9.1.1 Comments of the Secretary for Transport and Housing (STH):

- (a) The transitional housing proposal of Evangelical Lutheran Church Social Service - Hong Kong (ELCHK) is considered to be in line with the government policy generally and the Transport and Housing Bureau (THB) confirmed that in-principle policy support has been given to ELCHK for the proposed transitional housing project and hence support this planning application.
- (b) For the transport service enhancement as mentioned in the TIA, THB will liaise closely with the Transport Department (TD) for timely provision of the planned service enhancement to tie in with the population intake.

Land Administration

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

- (a) The Site comprises 57 private lots all in D.D. 105 and adjoining GL, of which actual site area and boundary of the lots and GL involved will be subject to verification upon processing of Short Term Waiver (STW) and Short Term Tenancy (STT) applications.
- (b) The 57 private lots are Old Schedule Agricultural lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (c) In the event that planning permission is granted by the Board, subject to the availability of the GL involved, necessary policy support from STH for STW and STT applications of the Site would be required to implement the proposal. Upon receipt of the STW and STT applications with policy support being given by STH, LandsD will consider the applications in accordance with applicable policy and practice and there is no guarantee that the applications will be approved. The said applications if approved would be subject to such terms and conditions, to be imposed by LandsD in the landlord capacity at its sole discretion.

Traffic

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

- (a) He has no strong view on the proposed development from public transport operation and traffic engineering point of view.
- (b) With the limitation that only 7m shuttle bus can access into the development, road improvement works cannot tie in with the population intake of the development and the demand for public transport services may vary subject to various factors, he has no strong view on the proposed arrangement on public transport services to cater for the new demand from the proposed development.
- (c) The applicant shall submit timely application for introducing the residential shuttle service and to keep TD informed of the latest population intake programme for planning of public transport services.
- (d) The applicant shall ensure vehicles would not encroach the opposite lane when turning to San Tam Road from the development via the vehicular access, and vice versa.
- (e) The applicant is advised that no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

9.1.4 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The proposed access arrangement of the application site from San Tam Road should be commented and approved by TD.
- (b) The structure across the nullah is not and will not be maintained by HyD.
- (c) If the proposed run-in/out is agreed by TD, the applicant should provide the run-in/out at San Tam Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (d) The applicant shall be responsible for any modification of the existing street furniture and road drainage for the proposed run-in/out. The proposed modification works should be submitted to TD/HyD for comments before commencement of the modification works.
- (e) Adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains. An interception channel should be provided at the entrance to prevent surface water flowing from the lot onto the public road/footpath via the run-in/out.
- (f) The local improvement works for the proposed public transport facilities shall not be implemented by HyD.

Environment

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

- (a) He has no objection to the application.
- (b) The submitted EA and SIA demonstrated that with implementation of mitigation measures, the proposed development will not cause/ be subject to adverse environmental impacts exceeding the HKPSG criteria. The key measures proposed in the EA and SIA are highlighted below:
 - i. special building design will be adopted (with corridors facing San Tin Highway and ventilation openings of noise sensitive rooms locating away from San Tin Highway) for the development to ensure that all flat units will comply with relevant traffic noise criteria;
 - ii. on-site tertiary STP (adopting Membrane Bioreactor (MBR) technology) with design capacity of about 520m³/day will be provided for sewage treatment; and

- iii. land contamination assessment and contamination remediation (if any) will be conducted and completed prior to the commencement of construction works.
- (c) The following planning approval conditions on environmental issues are suggested:
 - i. submission of documentary justification to substantiate whether there is any land contamination issue for the Site and, where appropriate, the implementation of appropriate land decontamination works in accordance with relevant prevailing guidelines prior to the construction works or development of the Site; and
 - ii. submission of a Noise Impact Assessment (NIA) and the implementation of mitigation measures identified therein.
- (d) His advisory comments on the NIA submission is detailed at **Appendix IV**.
- (e) According to record, three substantiated complaints relating to the Site on waste disposal and asbestos control were received in the past 3 years. A Fixed Penalty Notice on waste disposal was settled and asbestos abatement works were completed.

Nature Conservation

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

- (a) He has no strong view against the planning application from nature conservation perspective.
- (b) The Site falls within an area zoned “R(C)” and comprises mainly of developed area and wasteground with low ecological values. The Site is located over 50m from WBA. According to the submitted EcoIA, the proposed low-rise development would not cause unacceptable adverse ecological impact and off-site disturbance to some nearby recognised sites of conservation importance, i.e. WBA, WCA and Mai Po Inner Deep Bay Ramsar Site, and etc. In addition, mitigation measures and good site practice would be implemented to mitigate the potential disturbance to wildlife and nearby habitats during construction.

Visual and Landscape

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

Urban Design and Visual

- (a) The Site is predominantly rural in character with low-rise low density developments of about 2 to 3 storeys to the south and further southwest, village type development of about 1 to 3 storeys across San Tin Highway to the northwest, and some open storage yards and vacant land to the immediate north and east.
- (b) Judging from the photomontages in the Visual Appraisal, out of the four viewing points (VP), the proposed temporary development with a maximum BH of 25mPD is only visible from VP4 and would result in slightly adverse visual impact as rated by the applicant. It is noted that peripheral planting along the boundary is proposed to provide visual screening and soften the building profile. The proposed temporary development is considered not incompatible with the surrounding context and would not significantly alter the visual character of the area.

Landscape

- (c) He has no objection from landscape planning perspective in view that significant adverse landscape impact caused by the development is not anticipated and adequate landscape provisions are proposed to mitigate the landscape impact and improve the landscape quality of the development.
- (d) According to the aerial photo of 2021, the Site is situated in an area of comprehensive residential development landscape character comprising of low-rise residential developments, temporary structures, farmlands and scatter tree groups. With reference to the Planning Statement (PS), the proposed development consists of four residential blocks of 4-storeys and two amenity blocks of 3-storeys. The proposed development is considered not incompatible with the surrounding landscape setting.
- (e) According to the PS, the open space provision would not be less than 2,676m² for the estimated population of 2,676 residents. According to Tree Preservation and Removal Proposal, no rare or endangered trees species and registered OVT is found within the Site. 123 nos. of invasive weed trees and common trees species in poor to fair conditions was surveyed within the Site, of which 10 nos. are proposed to be retained, 113 nos. are proposed to be felled, and about 113 new trees are proposed. According to the Landscape Proposal, landscape provisions e.g. peripheral buffer planting, courtyard gardens, children play area, fitness station, tai chi court, jogging trail, strolling garden, etc. are proposed.
- (f) Since significant adverse landscape impact arising from the proposed development is not envisaged and the Site is surrounded by existing trees, it is considered not necessary to impose any landscape-related condition should the application be approved by the Board.

- (g) Approval of the planning application does not imply approval of tree preservation/removal scheme under the Lease. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate.

9.1.8 Comments of the Chief Architect/CMD2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) It is noted that the proposed transitional housing development mainly consist of four residential blocks with BH of 14.3m, which is marginally higher than adjacent “R(C)” developments with BH restriction of 9m permitted on OZP. The proposed development may not be incompatible with the adjacent developments.
- (b) Barrier free access shall be provided to comply with “Design Manual” Barrier Free Access 2008”.

Drainage

9.1.9 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from public drainage point of view.
- (b) Should the Board approve the application, approval conditions requiring (i) the submission of a drainage proposal and (ii) implementation and maintenance of the drainage proposal to the satisfaction of the Director of Drainage Services should be included.
- (c) His detailed comments are at **Appendix IV**.

Buildings Matters

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

- (a) Before any new building works (including containers/open sheds as temporary buildings, demolition and land fullings etc.) are to be carried out on application site, prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO).
- (b) Detailed checking under the BO will be carried out at building plan submission stage.
- (c) His detailed comments are at **Appendix IV**.

Fire Safety

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

- (a) He has no objection in principle to the proposed transitional housing development subject to fire service installations (FSI) and water supplies for fire fighting being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) Furthermore, the EVA provision at the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety which is administered by the Buildings Department.
- (d) The applicant is advised to observe the FSD Circular Letter No. 3/2019 on “Guidance Notes on Submission, Approval and Acceptance Inspection of FSI in Modular Integrated Construction Building Projects”.

Water Supply

9.1.12 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) Existing water mains will be affected as shown on the plan. The cost of any necessary diversion shall be borne by the proposed development.
- (c) In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5 metres from the center line of the water main shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (d) No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on the plan.
- (e) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Others

9.1.13 Comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES (A&M), AMO):

- (a) She has no objection in principle to the application from the archaeological and built heritage conservation perspective provided that the following planning approval condition will be supplemented for developing the section of the Mai Po SAI into transitional housing:

the applicant is required to engage a qualified archaeologist with a licence under the Antiquities and Monuments Ordinance (Cap. 53) to conduct an Archaeological Watching Brief for the construction works within the Mai Po Site of Archaeological Interest with recommendation and implementation of appropriate mitigation measures to the satisfaction of the Antiquities and Monuments Office.

- (b) The AWB proposal for the construction works within the Mai Po SAI is required to be submitted for consideration by AMO before the commencement of works for the proposed transitional housing project within the Mai Po SAI upon the approval of the planning application.
- (c) The archaeologist to undertake the AWB has to apply for a licence under the Antiquities and Monuments Ordinance (Cap. 53) through AMO. He/she should be a qualified archaeologist and is required to submit a proposal to state clearly the aim, method, and recommended mitigation measures for the AWB for consideration by AMO.

9.1.14 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no comment on the submitted QRA from town gas safety point of view and no comment on the application from electricity supply safety aspect.
- (b) In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned works should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

9.1.15 Comments of the Director of Social Welfare (DSW):

Given the temporary nature of the development, he has no proposed welfare facilities for this development yet he stands ready to review in case there are welfare facilities to be proposed by the applicant.

9.1.16 Comments of the Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD):

The Site is within the proposed boundary of San Tin / Lok Ma Chau Development Node (ST/LMC DN). According to the latest target programme of ST/LMC DN, it is targeted to commence works in phases from 2024, and thus to seek the funding approval from Finance Committee in 2024. Therefore, the Site, within the boundary of ST/LMC DN, may probably be required for timely clearance and construction.

9.1.17 Comments of the Chief Town Planner/Study and Research Section 1, Planning Department (CTP/SR1, PlanD):

- (a) The Site falls within the proposed boundary of ST/LMC DN. The Site slightly encroaches onto the areas of early phase implementation of ST/LMC DN that timely resumption, clearance and construction is expected. In end October 2021, the Government commenced a 2-year Investigation Study to review the coverage, land uses, development intensity and implementation programme of ST/LMC DN with a view to taking forward the policy initiative of San Tin Technopole.
- (b) Although the proposed transitional housing development is temporary in nature and subject to renewal for 3 years, the transitional housing development shall not be in conflict with the development programme of ST/LMC DN. The applicant/project proponent should consult the Project Team of the Investigation Study (SR1 Section of PlanD; North Development Office of CEDD) on the programme and project interface.

District Officer's Comments

9.1.18 Comments of the District Officer (Yuen Long) (DO(YL)):

His office has received a letter from a group of villagers from Mai Po Tsuen which was also submitted to the Board during the statutory public inspection period (**Appendix IIIa**).

9.2 The following Government departments have no objection to or no comment on the application:

- (a) Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD);
- (b) Commissioner of Police (C of P);
- (c) Comments of the Director of Food and Environmental Hygiene (DFEH);
- (d) Director of Leisure and Cultural Services (DLCS);
- (e) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (f) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

10. Public Comments Received During Statutory Publication Period

On 26.11.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 17.12.2021, 15 public comments (**Appendices IIIa to IIIb**) were received from Palm Springs Owners' Committee and its management team, Hong Kong and China Gas Company, local villagers and individuals. Among the comments received, 12 comments raise objection to and 3 comments raise concerns on the application mainly on the grounds of adverse traffic, drainage, flood, risk, environment and ecological impacts; and a group of villagers expressed that some areas within the Site are subject to claim of adverse possession (**Appendix IIIa**) and shall not be developed into the proposed development.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary transitional housing development with a PR of 1.53 and BH of 2 to 4 storeys, providing 1,076 units for a period of 3 years in "R(C)" zone. The planning intention of the "R(C)" zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application from the Board. The proposed transitional housing development is generally in line with the planning intention of the "R(C)" zone. It 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. STH supports the application and confirms that in-principle policy support has been given to the applicant for the proposed development.
- 11.2 The temporary nature and low-rise built form (2 to 4 storeys) of the proposed development, together with the provision of amenity facilities and open space, is considered not incompatible with the surrounding area which is predominantly low-rise residential developments, vacant land and fallow agricultural land. Besides, the social welfare and amenity facilities within the proposed development will also serve the future residents and neighbourhood.
- 11.3 The Site is located away from the ecologically sensitive habitats with the Mai Po Village SSSI and WCA located at 200m and 400m away from the Site respectively (**Plan A-1a**). AFCD considers that the proposed low-rise development would not cause unacceptable adverse ecological impact and off-site disturbance to some nearby recognised sites of conservation importance (i.e. WBA, WCA and Mai Po Inner Deep Bay Ramsar Site) and mitigation measures and good site practice would be implemented to mitigate the potential disturbance to wildlife and nearby habitats during construction. In view that the western portion of the Site falls within the Mai Po SAI, a licenced archaeologist will be appointed to conduct an AWB before construction as required by AMO. Subject to the incorporation of the above condition, AMO has no objection in principle from archaeological and built heritage conservation perspective.
- 11.4 Technical assessments submitted by the applicant including TIA, EA, EcoIA, SIA, DIA, QRA, visual appraisal and landscape proposal concluded that there will not be significant adverse traffic, environment, ecological, sewerage, drainage, risk, visual and landscape impact caused by the proposed development. 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. The peripheral planting along the site boundary could provide landscape and visual screening for the proposed development. In relation to transport provision, a 24-seater shuttle bus service is proposed to run between the Site and Kam Sheung Road MTR Station during AM peak hour, subject to review at detailed design stage. Besides, the public transport services will be strengthened to support the proposed development. TD has no strong view on the proposed development from public transport operation and traffic engineering point of view. On environmental aspect, 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. 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, and concerns of the relevant departments could be addressed by approval conditions in paragraph 12.2 below.

- 11.5 Since the Site falls within the proposed boundary of the ST/LMC DN, CTP/SR1 of PlanD advises that the proposed development shall not be in conflict with the development programme of ST/LMC DN, and PM(N) of CEDD points out that the Site may be required for timely clearance and construction. While noting the development of the ST/LMC DN, the applicant considers that the transitional housing development shall still be pursued to optimise scarce land resources in the interim period and the applicant will communicate with the project team for the implementation programme and potential interface. Besides, the housing modules are constructed in MiC method which could be easily dismantled, reused and reassembled at other locations.
- 11.6 The Site is involved in six previous planning applications for different temporary uses, including logistics use and container vehicle park, sales centre for new private vehicles and lorries, shop and services and eating place (**Plan A-1b**). Their considerations are not relevant to the subject application which is for temporary residential use.
- 11.7 Regarding the 15 public comments objecting to/raising concerns on the application as detailed in paragraph 10, the departmental comments and planning assessments above are of relevance. With respect to the land issues raised by a group of villagers and occupiers, it shall be separately dealt with by the land owners at the subsequent land administrative procedures.
- 11.8 Taking into account the scale and implementation timeframe (completion by 2023) of the proposed development, a longer compliance period (i.e. 9 months for submissions and 12 months for implementations) as compared with the common temporary uses is suggested to allow more time to fulfil the approval conditions, should the Committee decide to approve the application.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11, and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department has no objection to the application.

- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years up to 14.1.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) submission of Archaeological Watching Brief (AWB) for the construction works within the Mai Po Site of Archaeological Interest with recommendation and implementation of appropriate mitigation measures within **9** months from the date of planning approval to the satisfaction of the Antiquities and Monuments Office or of the Town Planning Board by 14.10.2022;
- (b) submission of documentary justification to substantiate whether there is any land contamination issue for the Site 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 14.10.2022;
- (c) in relation to (b) above, the implementation of appropriate land decontamination works, where appropriate, prior to the commencement of construction works or development of the Site, to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the submission of a noise impact assessment (NIA) 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 14.10.2022;
- (e) in relation to (d) above, the implementation of the mitigation measures identified in the NIA within **12** months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 14.1.2023;
- (f) the submission of a run-in/out proposal at San Tam Road within **9** months from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board by 14.10.2022;
- (g) in relation to (f) above, the implementation of the run-in/out proposal at San Tam Road within **12** months from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board by 14.1.2023;
- (h) 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 14.10.2022;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within **12** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 14.1.2023;

- (j) the submission of a drainage proposal 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 14.10.2022;
- (k) in relation to (j) above, the implementation of the drainage proposal within **12** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 14.1.2023;
- (l) in relation to (k) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (m) if the above planning condition (l) 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
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (h), (i), (j) or (k) 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**.

- 12.3 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.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I

Application form and supplementary information received on 19.11.2021

Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI dated 11.1.2022 from Applicant
Appendix II	Previous applications
Appendices IIIa to IIIb	Public comments received
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Indicative Master Layout Plan
Drawing A-2	Section Plans
Drawing A-3	Typical Floor Plans
Drawing A-4	Landscape Master Plan
Drawings A-5 to 8	Photomontages
Plans A-1a to b	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to b	Site Photos