

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

APPLICATION NO. A/YL-NTM/470

- Applicant** : New Territories Association of Societies (Community Services) Foundation
- Site** : Various Lots in D.D. 104 and the adjoining Government Land (GL), Ngau Tam Mei, Yuen Long
- Site Area** : About 24,079m² (including GL of about 3,482m² (about 14.5% of the Site))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/13
(*currently in force*)
- Approved Ngau Tam Mei OZP No. S/YL-NTM/12
(*at the time of submission*)
- [the zoning and development restrictions of the application site remain unchanged on OZP No. S/YL-NTM/13]
- Zoning** : “Residential (Group D)” (“R(D)”)
- [restricted to a maximum plot ratio (PR) of 0.2 and a maximum building height (BH) of 2 storeys (6m)]
- Application** : Renewal of Planning Approval for Proposed Temporary Transitional Housing with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for proposed temporary transitional housing with ancillary facilities for a period of three years at the application site (the Site) which falls within an area zoned “R(D)” on the Ngau Tam Mei OZP. While ‘Residential Institution’ is a Column 2 use in the “R(D)” zone under the Notes of the OZP, the PR and BH of the proposed development exceed the development restrictions of the zone. Nevertheless, according to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from

the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. Apart from the proposed temporary transitional housing, the previously approved planning application (No. A/YL-NTM/432) also involves proposed filling of ponds (about 5,200m²) and excavation of land (about 18,753m² of about 1m to 3m in depth). Since the required pond filling and site formation works had already been completed in early August 2023, only the temporary transitional housing and its ancillary facilities are proposed under the current renewal application. In fact, the construction works for the transitional housing has been in progress since January 2024 to take forward the proposed development approved under application No. A/YL-NTM/432, of which the planning permission is valid until 14.1.2025 (**Plans A-3 and A-4a to A-4b**).

- 1.2 The proposed development involves three 4-storey residential blocks (**Drawing A-1**) providing 1,208 units with self-contained open kitchen and toilet facilities for households. Four types of flats with toilet and kitchen/pantry with unit size ranging from 16.8m² to 33.6m² for singletons, families and disabled will be provided (**Drawing A-3**). Also, five ancillary non-domestic blocks including a two-storey amenity block, a one-storey sewage treatment plant (STP), a one-storey refuse collection point (RCP), two one-storey E&M buildings will be provided (**Drawing A-1**). The amenity block will include convenience store, self-service laundry, community centre, multi-purpose community room, health service centre and child care facility and multi-purpose rooms for non-governmental organisations to offer services or arrange activities serving the future residents. A communal open space of about 4,800m², including open plaza, pocket garden and sitting-out area will be provided (**Drawing A-4**). The previous application (No. A/YL-NTM/432) for the same proposed use with filling of pond and excavation of land as mentioned in paragraph 1.1 above, which was submitted by the same applicant, was approved with conditions for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board on 14.1.2022. A comparison of the major development parameters of the current application and the previous application is summarised as follows:

Development Parameters	Previous Approved Application No. A/YL-NTM/432 (a)	Current Application No. A/YL-NTM/470 (b)	Difference (b)-(a)
Site Area <i>Government Land</i>	About 23,953m ² <i>About 3,482m²</i>	About 24,079m ² <i>About 3,482m²</i>	+126m ² (+0.5%)* <i>No change</i>
Total PR	About 1.5	About 1.3	-0.2 (-13.3%)
Total Gross Floor Area (GFA) <i>Domestic</i> <i>Non-domestic</i>	About 34,000m ² <i>About 28,840m²</i> <i>About 5,160m²</i>	About 31,000m ² <i>About 28,840m²</i> <i>About 2,160m²</i>	-3,000m ² (-8.8%) <i>No change</i> <i>-3,000m² (-58.1%)*</i>
Site Coverage	About 41%	About 40%	-1% (-2.4%)
No. of Blocks <i>Domestic</i> <i>Non-domestic</i>	10 6 4 (2 amenity blocks, 1 STP/E&M building, 1 RCP/E&M building)	8 3 5 (1 amenity block [#] , 1 STP building, 1 RCP building, 2 E&M buildings)	-2 (-20%) -3 (-50%) +1 (+25%)

Development Parameters	Previous Approved Application No. A/YL-NTM/432 (a)	Current Application No. A/YL-NTM/470 (b)	Difference (b)-(a)
No. of Storeys/ BH <i>Domestic</i>	4 storeys (not more than 15m (21mPD))	4 storeys (not more than 13.35m (18.75mPD))	-1.65m (-11%) in absolute height
<i>Non-domestic</i>	Amenity blocks: 2 storeys (not more than 8m (14mPD)) STP/RCP/E&M building: 2 storeys (not more than 11m (17mPD))	Amenity block: 2 storeys (not more than 8m (13.4mPD)) STP/RCP/E&M building: 1 storey (not more than 8m (13.15mPD))	No change -3m (-27%) in absolute height
No. of Units	About 1,208	About 1,208	No change
Estimated Population	About 2,772	About 2,772	No change
Green Coverage	About 20%	About 20%	No change
Communal Open Space	Not less than 2,772m ²	Not less than 4,800m ²	+2,028m ² (+73.2%)
Loading/Unloading (L/UL) Bay	5 Lights Goods Vehicles (LGV)	5 LGV	No change
Bicycle Parking	41	246	+205 (+83.3%)^

* The slight increase in site area is due to the setting out of site boundary based on the site survey carried out by authorised land surveyor appointed by the applicant.

The reduction in non-domestic GFA is attributed to the combination of two amenity blocks proposed in the previous application into one due to operational needs and budgetary concerns.

^ The increase in bicycle parking spaces is due to internal transport need for the future residents.

- 1.3 As Modular Integrated Construction method will be adopted to speed up the proposed transitional housing, its anticipated completion target would be in February 2025. The applicant, which is a non-profit making organisation, will be responsible for implementation and operation of the proposed transitional housing for seven years after completion (i.e. tentatively until 2032).
- 1.4 The Site is accessible from Chun Shin Road branching off from San Tam Road via a run-in/out (7.3m in width) at its northern boundary (**Plans A-2 and A-3**). 246 bicycle parking spaces and five L/UL spaces for LGV will be provided (**Drawing A-1**), with no car parking spaces proposed. The Site is served by public transport services along San Tam Road and Castle Peak Road – Tam Mei within walking distance, providing connections to Sheung Shui and Yuen Long. Shuttle bus services will also be provided for the proposed development.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 21.2.2024 (Appendix I)
 - (b) Planning Statement (Appendix Ia)
 - (c) Further Information (FI) received on 21.3.2024 and 22.3.2024# (Appendix Ib)

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 the Planning Statement and FI at **Appendices Ia to Ib** which can be summarised as follows:

- (a) There was a delay in pond filling and subsequent site formation works due to liaisons between land owners and villagers on land issues. The works were eventually completed in early August 2023, followed by the approval of the foundation plan by the Buildings Department in September 2023. The construction of the transitional housing development then commenced on 24.1.2024 for tentative completion in February 2025.
- (b) The renewal of the planning approval adheres 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 the outstanding approval conditions will be complied with. The associated facilities and arrangement will be continued and properly maintained at all time during the planning approval period. The tentative completion of transitional housing development is in February 2025, while the planning permission for application No. A/YL-NTM/432 will be expired on 14.1.2025. Early approval of renewal is required to facilitate the implementation of the transitional housing and plan ahead of tenancy agreement.
- (c) Four out of eight approval conditions of the planning permission for application No. A/YL-NTM/432 relating to the submission of noise impact assessment (NIA), drainage impact assessment (DIA), fire service installations (FSIs) proposal and run-in/out proposal have already been complied with. For implementation part of relevant approval conditions, they could only be discharged upon completion of the proposed development.
- (d) The continuation of the transitional housing development is in line with the Government's short-term housing initiative which imminently alleviates hardship of vulnerable families. The development contributed to a significant number of transitional housing units (about 1,208 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.
- (e) The proposed temporary transitional housing development is low-rise in nature and considered in line with the planning intention of "R(D)" zone, which is primarily for residential development of low-rise, low-density residential developments. The proposed development also blends in well with the surrounding existing 3-storey village type developments in the vicinity.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not a "current land owner" but has complied with the requirements as set

out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consent of the current land owner. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the requirements as set out in TPB PG-No. 31B are not applicable.

4. Town Planning Board Guidelines

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

5. Background

The Site is not subject to active planning enforcement action.

6. Previous Applications

6.1 The Site is the subject of a previous application (No. A/YL-NTM/432) submitted by the same applicant for the same proposed use with filling of pond and excavation of land, which was approved with conditions by the Committee for a period of three years on 14.1.2022 mainly on considerations that it was generally in line with the planning intention and the Government policy to increase the supply of transitional housing for meeting the short-term needs of people waiting for public housing; the proposed development was not incompatible with the surrounding areas; concerned government departments had no objection to/no adverse comments on the application which was supported by various technical assessments; and the technical concerns could be addressed by approval conditions. Amongst all time-limited approval conditions, those on the submission of NIA, DIA, FSIs proposal and run-in/out proposal have already been complied with; whereas the remaining relating to the implementations of noise mitigation measures, drainage proposal, FSIs proposal and run-in/out proposal have yet to be complied with.

6.2 Details of the previous application is summarised at **Appendix III** and its location is shown on **Plan A-1b**.

7. Similar Applications

7.1 During the past five years, there was a similar application (No. A/YL-NTM/431) submitted by a different applicant for the same proposed use within a “Residential (Group C)” (“R(C)”) zone on the then approved Ngau Tam Mei OZP No. S/YL-NTM/12. That application was approved by the Committee for a period of three years on 14.1.2022 mainly on the same considerations as stated in paragraph

6.1 above. A renewal of this similar application¹ (No. A/YL-NTM/471) will be considered by the Committee at the same meeting.

- 7.2 Details of the similar application is summarised at **Appendix III**. Its location 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) formed with construction works in progress for the proposed use; and
- (b) accessible via Chun Shin Road connecting to San Tam Road.

- 8.2 The surrounding areas are intermixed with residential dwellings, ponds, grassland, storages yards and vehicle parks. Some of these uses are suspected unauthorised developments subject to planning enforcement action.

9. Planning Intention

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

10. Comments from Relevant Government Departments

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

- 10.2 The following government bureau supports the application:

Policy Aspect

- 10.2.1 Comments from the Secretary for Housing (S for H):

HB supports the transitional housing project with policy support agreement already executed with the applicant, i.e. New Territories Association of Societies (Community Services) Foundation.

¹ The site of the renewal application (No. A/YL-NTM/471) currently falls within an area zoned “Government, Institution or Community”, “Residential (Group A)1” and area shown as ‘Road’ on the extant draft San Tin Technopole OZP No. S/STT/1.

11. Public Comments Received During Statutory Publication Period

On 27.2.2024, the application was published for public comment. During the statutory publication period, two public comments were received from the Royal Palms Owners' Committee and an individual raising objection to the application mainly on the grounds that the proposed transitional housing would cause adverse traffic impacts and approval conditions of previous application have not been complied with.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for proposed temporary transitional housing with ancillary facilities for a period of three years at the Site which is zoned "R(D)" on the OZP (**Plan A-1**). The planning considerations of the previously approved planning application (No. A/YL-NTM/432) remains valid as set out in paragraphs 12.2 and 12.3 below.
- 12.2 The proposed transitional housing development is generally in line with the planning intention of the "R(D)" zone which is primarily intended for low-rise and low density residential developments. The proposed development is also in line with the Government policy to increase the supply of transitional housing for meeting the short-term needs of people waiting for public housing. In this regard, S for H supports the application and confirms that policy support agreement already executed with the applicant for the proposed development.
- 12.3 The temporary nature and low-rise built form (1 to 4 storeys) of the proposed development, together with the provision of amenity facilities and open space, is considered not incompatible with the surrounding areas which comprise predominantly residential dwellings intermixed with ponds, grassland, storages yards and vehicle parks. In this regard, the Director of Environmental Protection (DEP) has no objection to the application, while requiring the implementation of the mitigation measures identified in the approved NIA.
- 12.4 There has been no material change in planning circumstances of the Site since the granting of the previous approval. According to TPB PG-No. 34D for 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development', application for renewal of a planning approval should normally be submitted to the Board no less than two months and no more than four months before expiry of the temporary approval. Applications submitted more than four months before expiry of the temporary approval may only be considered based on individual merits and exceptional circumstances of each case. The current renewal application was submitted to the Board on 21.2.2024, which is more than 10 months earlier than the expiry of the temporary approval under application No. A/YL-NTM/432. In this regard, the applicant explained that by the time when the proposed development is completed, the approval will be expired and early approval from the Board for renewal of the planning permission is necessary in order to implement the proposed transitional housing and plan ahead of tenancy arrangement. Considering the social benefits that the proposed transitional housing would offer, especially to those on public rental housing waiting list and those inadequately housed; the practical need for planning of tenancy arrangement; and

policy support has been given by S for H, consideration could be given to processing the subject renewal application at this stage on the basis of exceptional circumstances.

- 12.5 Four out of eight time-limited approval conditions on the submission of NIA, DIA, FSIs and run-in/out proposal have been complied with. The time-limited approval conditions relating to the implementations of noise mitigation measures, drainage proposal, FSIs proposal and run-in/out proposal have yet to be complied with. The applicant explained that there was a significant delay to the implementation programme of the proposed transitional housing due to delay in pond filling works. Genuine efforts, such as making general building plan submissions and liaising with relevant departments to discharge the submission parts of the approval conditions, have been made to take forward the development and comply with relevant approval conditions. As for those approval conditions on implementation aspect, they can only be discharged upon the completion of the proposed development. Considering the above, sympathetic consideration could be given to processing the subject renewal application. In this regard, if the renewal application is approved, it is suggested that the planning permission should be valid for a period of three years counting from the meeting date. Moreover, as the implementation of drainage proposal and FSIs proposal could be monitored by the Building Authority, the relevant approval conditions would be deleted under the subject renewal application. For information, the latest general building plan of the proposed development was approved by the Building Authority on 12.10.2023.
- 12.6 Concerned government departments including the Commissioner for Transport (C for T), Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD), DEP, CTP/UD&L, Planning Department, Chief Engineer/Construction, Water Supplies Department, Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and Director of Fire Services have no adverse comment on the application from traffic, environmental, urban design and landscape, water supply, drainage and fire safety perspectives. The technical requirements of DEP, C for T, CHE/NTW, HyD and CE/MN, DSD could be addressed by imposing approval conditions in paragraph 13.2 below. In view of the above, the renewal application is considered generally in line with the TPB PG-No. 34D.
- 12.7 Given the previous and similar approvals granted for temporary transitional housing as detailed in paragraphs 6 and 7 above, approval of the current application is in line with the previous decisions of the Committee.
- 12.8 Regarding the public comments raising objection as detailed in paragraph 11 above, the planning considerations and assessments and departmental comments above are relevant.
- 12.9 Taking into account the scale and implementation timeframe of the proposed development, a longer compliance period for the time-limited approval conditions (i.e. before occupation of the proposed development) as compared with those imposed to the common temporary uses is suggested to allow more time to fulfil the approval conditions and provision of the relevant on-site

facilities for operation of the proposed transitional housing, 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 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 5.4.2024 until 5.4.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the implementation of the mitigation measures identified in the noise impact assessment before occupation of the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the provision of a run-in/out at Chun Shin Road before occupation of the proposed development to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board;
- (c) if any of the above planning condition (a) or (b) is not complied with before occupation of the proposed development, 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 reject the 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 21.2.2024
Appendix Ia	Planning Statement
Appendix Ib	FI received on 21.3.2024 and 22.3.2024
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Master Layout Plan
Drawing A-2	Section Plan
Drawing A-3	Typical Unit Plan
Drawing A-4	Landscape Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2024**