

RNTPC Paper No. A/YL-PH/1016
For Consideration by the
Rural and New Town
Planning Committee
on 16.8.2024

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

APPLICATION NO. A/YL-PH/1016

<u>Applicant</u>	: Hong Kong Lutheran Social Service, The Lutheran Church – Hong Kong Synod
<u>Site</u>	: Lots 111 (Part), 116, 117, 118 and 119 in D.D. 108 and Adjoining Government Land, Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	: About 8,757m ² (including Government land of about 954m ² (about 11%))
<u>Land Status</u>	Short Term Tenancy (STT) No. STTYL0091 and Short Term Waiver (STW) No. 5295 for the purpose of Temporary Transitional Housing Development
<u>Plan</u>	: Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<u>Zoning</u>	: “Residential (Group D)” (“R(D)”)
<u>Application</u>	: Renewal of Planning Approval for Temporary Transitional Housing Development for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for renewal of planning approval for temporary transitional housing development for a period of three years at the application site (the Site), which falls within an area zoned “R(D)” on the OZP (**Plan A-1a**). According to the Notes of the OZP, ‘Residential Institution’ is a Column 2 use in the “R(D)” zone, which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site is subject to a previous application (No. A/YL-PH/887) submitted by the same applicant for the same use, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 27.8.2021. All approval conditions had been complied with and the planning permission is valid until 27.8.2024. The Site is currently used for the applied use with a valid planning permission.

- 1.3 According to the applicant, the development has been completed and the Occupation Permit for the development was issued on 21.3.2024 to take forward the approved scheme under application No. A/YL-PH/887. The transitional housing development involves a total of four four-storey building blocks including two composite blocks (i.e. composite Blocks 1 and 2) for domestic use with ancillary communal spaces such as community hall/multi-function rooms and two non-domestic blocks (i.e. Non-domestic Blocks 1 and 2) for ancillary commercial and electrical and mechanical facilities (**Drawing A-1**). A total of 535 units in four unit types with different average unit size (i.e. 10.5m² (for 1 person), 16.9m² (for 2 persons), 22.7m² (for 3 to 4 persons) and 22.6m² (for 2 persons/universal-accessible units)) are provided (**Drawing A-5**). The applicant is responsible for the management and maintenance of the transitional housing development. The population intake commenced in late March 2024, and the occupancy rate of the development is about 40% as at August 2024.
- 1.4 The Site is directly accessible from Fan Kam Road. Two loading/unloading spaces for heavy goods vehicle and light bus respectively are provided within the Site for operational needs, and no parking space for private car is provided.
- 1.5 The layout plan, section plan, elevation plan, landscape master plan and flat mix plan submitted by the applicant are at **Drawings A-1 to A-5** respectively.
- 1.6 Compared with the previous application (No. A/YL-PH/887), the current application has a slightly larger site area with similar layout for the same use. The comparison of the major development parameters between the previous application and the current application is summarised as follows:

Major Development Parameters	Previous Application No. A/YL-PH/887 (a)	Current Application No. A/YL-PH/1016 ⁽¹⁾ (b)	Difference (b) - (a)
Site Area (about)	8,716m ²	8,757m ² ⁽²⁾	+41m ² (+0.5%)
Maximum PR	1.347	1.307	-0.04 (-3.0%)
- Domestic	1.315	1.282	-0.033 (-2.5%)
- Non-domestic	0.032	0.025	-0.007 (-21.9%)
Maximum Gross Floor Area (about)	11,737m ²	11,441.4m ²	-295.6m ² (-2.5%)
- Domestic	11,460m ²	11,225.6m ²	-234.4m ² (-2.0%)
- Non-domestic	277m ²	215.8m ²	-61.2m ² (-22.1%)

Major Development Parameters	Previous Application No. A/YL-PH/887 (a)	Current Application No. A/YL-PH/1016 ⁽¹⁾ (b)	Difference (b) - (a)
Maximum No. of Storeys/BH - Non-domestic - Composite	2 (about 8m) 4 (about 15m)	1 (about 4.3m) 4 (about 11.72m)	-1 (-50%) No Change
Site Coverage	66.6%	38.226%	-28.4% (-42.6%)
No. of Blocks - Non-domestic - Composite	5 3 2	4 2 2	-1 (-20%) -1 (-33.3%) No change
No. of Units	About 510	535	+25 (+4.9%)
Estimated Population	About 860	About 817	-43 (-5%)
Open Space	Not less than 860m ²	About 2,416m ²	+1,556m ² (+181.0%)

Note:

- (1) The major development parameters reflect the existing transitional housing development at the Site which are in line with the building plans approved by the Building Authority.
- (2) The slight increase in site area is due to setting out at the processing of STT and STW.

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

- (a) Application form with supplementary information (**Appendix I**) received on 26.6.2024
- (b) Further Information (FI) received on 12.8.2024* (**Appendix Ia**)

** 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 application form, supplementary information and FI at **Appendices I** and **Ia**. They can be summarised as follows:

- (a) The transitional housing development echoes with the Government's prevailing policy to increase supply of transitional housing to relieve housing shortage in the short term. The proposed transitional housing is also in line with the planning intention of the "R(D)" zone.
- (b) The applicant intends to operate the transitional housing development for not less than seven years to optimise the potential of the Site. The subject renewal application could allow the applicant to continuously provide the transitional

housing to meet the public needs of people waiting for public housing.

- (c) The construction of the transitional housing development has been completed. The population intake commenced in late March 2024.
- (d) The applicant had complied with all approval conditions under the previous approval (No. A/YL-PH/887). The implemented facilities and trees on the Site would be well maintained in a good condition at all times during the operation period.

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

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

4. The 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) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

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

6. Previous Applications

- 6.1 The Site, in part or in whole, is the subject of nine previous applications. Among these applications, eight for various temporary workshop, open storage, vehicle park and sales centre of second-hand are not relevant to the current application.
- 6.2 The latest previous application (No. A/YL-PH/887) submitted by the same applicant for the same use for a period of three years with filling and excavation of land, was approved with conditions by the Committee on 27.8.2021 mainly on the considerations that the proposed transitional housing development was in line with the Government’s policy to increase the supply of transitional housing and policy support had been solicited from the then Secretary for Transport and Housing (STH); the proposed uses were not incompatible with the surrounding uses; relevant technical assessments had been submitted to demonstrate that the proposed development would not cause significant adverse impacts; and

concerned government departments had no objection to/no adverse comment on the application. All approval conditions in relation to the run-in/out proposal, drainage proposal, contamination assessment plan and remediation plan, and fire service installations had been complied with and the planning permission is valid until 27.8.2024.

- 6.3 Details of the applications are summarised in **Appendix III** and the locations are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 While there is no similar application for temporary transitional housing development within the same “R(D)” zone in the vicinity of the Site, there are four similar applications (including renewal of planning approval granted), involving two sites, for temporary transitional housing developments, within the “Agriculture” (“AGR”) and/or “Industrial (Group D)” (“I(D)”) zones on the Pat Heung OZP. These four applications were approved by the Committee between March 2021 and April 2024 mainly on the same considerations as stated in paragraph 6.2 above.
- 7.2 Three applications (No. A/YL-PH/876, 913 and 999) involving the same site for temporary transitional housing development with hobby farm, submitted by the same applicant as the current application, are partly within the “AGR” zone on the Kam Tin North OZP and partly within the “I(D)” zone on the Pat Heung OZP. The latest application (No. A/YL-PH/999) is a renewal application for the transitional housing development which was approved by the Committee on 19.4.2024 and the planning permission is valid until 19.4.2027.
- 7.3 Another similar application (No. A/YL-PH/919) for temporary transitional housing development with ancillary eating place, shop and services and community centre in the “AGR” zone on the Pat Heung OZP was approved with conditions by the Committee in August 2022. The proposed transitional housing development was not implemented, and the planning permission was revoked due to non-compliance with the approval conditions.
- 7.4 Details of the similar applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
- (a) currently used for the applied use operated by the applicant; and
 - (b) directly accessible from Fan Kam Road.
- 8.2 The surrounding areas are rural in character comprising residential structures/dwellings intermixed with storage/open storage yards and warehouse,

vehicle park, dog training ground/boarding establishment centre, grassland and woodland. Some of the warehouses and open storage yards are suspected unauthorized 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 Bureau/Departments

10.1 Government bureau/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 V and VI** respectively.

10.2 The following government bureau supports the application:

Policy Aspect

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

supports the subject transitional housing project with the Policy Support Agreement already executed with the applicant, The Lutheran Church – Hong Kong Synod.

11. Public Comment Received During Statutory Publication Period

During the statutory public inspection period, one public comment was received by an individual expressing concern that the approval conditions under the last previous planning approval have not been complied with (**Appendix VII**).

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary transitional housing development for a period of three years at the Site which is zoned “R(D)” on the Pat Heung OZP (**Plan A-1a**). The proposed development is generally not in conflict with the planning intention of the “R(D)” zone. It is also in line with the Government’s policy to increase the supply of transitional housing. S for H supports the current renewal application with the Policy Support Agreement executed with the applicant.

12.2 The temporary nature and low-rise built form (not more than four storeys) of the transitional housing development is considered not incompatible with the

surrounding areas, which are rural in character comprising residential structures/dwellings intermixed with storage/open storage yards and warehouse, vehicle park, dog training ground/boarding establishment centre, grassland and woodland. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that there is no significant change in the landscape character of the surrounding areas since the last application was approved.

- 12.3 The application is considered generally in line with TPB PG-No.34D in that there is no major change in planning circumstances since the granting of the previous approval; all approval conditions under the previous application have been complied with; there is no adverse departmental comment on the renewal application and the three-year approval period sought which is the same as the last approval granted by the Committee is not unreasonable. As compared with the last previous application No. A/YL-PH/887, the current application is submitted by the same applicant for the same applied use with a similar layout at a slightly larger site. In this regard, sympathetic consideration may be given to the application.
- 12.4 Other concerned departments including the Commissioner for Transport, the Chief Engineer/Mainland North, Drainage Services Department, the Director of Fire Services and the Director of Environmental Protection have no objection to or no adverse comment on the application. As the technical requirements of the concerned departments could be addressed/regulated under the STT, STW and other control regimes, relevant approval conditions are considered not necessary.
- 12.5 Given the previous and similar approvals granted for temporary transitional housing as detailed in paragraphs 6 and 7 above, approving the current application is in line with the previous decisions of the Committee.
- 12.6 Regarding the public comment as detailed in paragraph 11 above, all approval conditions under the previous application approval have been complied with.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment as 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 three years, and be renewed from **28.8.2024 to 27.8.2027**. The recommended advisory clauses are attached at **Appendix VI**.
- 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 with Supplementary Information received on 26.6.2024
Appendix Ia	FI received on 12.8.2024
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	Section Plan
Drawing A-3	Elevation Plan
Drawing A-4	Landscape Master Plan
Drawing A-5	Flat Mix Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2024**