

RNTPC Paper No. A/YL-PH/919A
For Consideration by
the Rural and New Town
Planning Committee
on 12.8.2022

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/919

- Applicant** : Siu Chi Residents Association (兆置區居民協會) represented by Top Bright Consultants Limited
- Site** : Lots 1689 S.A (Part), 1689 S.B, 1689 S.B ss.1, 1689 S.C, 1689 S.D, 1695 and 1696 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long
- Site Area** : About 10,721.42m² (including Government land of about 3,095m²)
- Land Status** : (i) Block Government Lease (demised for agricultural use)(about 71% of the Site)
(ii) Government Land (about 29% of the Site)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Transitional Housing Development with Ancillary Eating Place, Shop and Services and Community Centre for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary transitional housing development with ancillary eating place, shop and services and community centre for a period of 3 years and filling of land at the application site (the Site) (**Plan A-1**). The Site is zoned “AGR” on the Pat Heung OZP. The proposed use is neither a Column 1 nor Column 2 use in the “AGR” zone. 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. Filling of land within “AGR” zone also requires planning permission from the Board. The Site is vacant, mostly formed and covered by weeds (**Plans A-2, A-4a and A-4b**).

- 1.2 The Site is involved in three previous applications (No. A/YL-PH/645, 678 and 687) for various temporary open storage uses (details at paragraph 5 below), all of which are not relevant to the current application.
- 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. Modular Integrated Construction (MiC) method will be adopted for the transitional housing development to speed up the time required for flat production. The applicant, which is a non-government organization (NGO), will be responsible for the construction, management and maintenance of the proposed development. While the application is on a temporary basis of 3 years, the applicant intends to operate the proposed development for not less than 7 years and will submit renewal application if the current application is approved.
- 1.4 The Site is accessible from Leung Shing Road (**Plan A-2**). The proposed development involves five 4-storey residential blocks providing about 607 units with self-contained kitchen / pantry and toilet facilities for households. Three types of housing units with unit size of 17.1m² (for 1-3 persons) (602 units), 25.5m² (for 2-3 persons / disabled) (4 units) and 22.7m² (1-2 persons / disabled) (1 unit) will be provided. Ancillary commercial and community facilities such as youth care and social work services, shop and services and eating places will be provided at the non-domestic blocks along Leung Shing Road (**Drawing A-1**) to meet the needs of the future residents and local community. An on-site sewage treatment plant at tertiary treatment level will be provided to treat the sewage generated from the proposed development prior to discharge to the stormwater drainage / course outside the Site. The proposed development will involve filling of land of the entire site at levels between +0.5m and +2.5m in depth for site formation of the development. Major development parameters of the proposed development are shown in the table below:

	Development Parameters
Site Area (m²)	About 10,721.42 (including about 3,095m ² (about 29%) of government land)
Max. Gross Floor Area (GFA) (m²)	About 14,546 - Domestic: About 13,106 - Non-domestic: About 1,440
Max. Plot Ratio	About 1.356 - Domestic: About 1.222 - Non-domestic: About 0.134
Site Coverage	About 44%
No. of Blocks	9 - Domestic blocks: 5 - Non-domestic blocks: 4 (i.e. 2 commercial and community blocks, 1 electrical and mechanical (E/M) building and 1 sewage treatment plant (STP))
No. of Storeys / Building Height	- Domestic blocks: 4 storeys (about 13m (+29mPD)) - Non-domestic blocks: 1 storey (about 4.5m)

	Development Parameters
	(+20.5mPD))
No. of Units	About 607
Estimated Population	About 1,500
Private Open Space	Not less than 1,500 m ²
Loading/Unloading (L/UL) Spaces	4 - 2 loading/unloading spaces for heavy goods vehicles - 1 minibus layby - 1 taxi drop off

- 1.5 The Master Layout Plan (MLP), conceptual design plans, section plan, unit layout plans, landscape master plan and photomontages of the proposed development are at **Drawings A-1 to A-9**. In support of the application, the applicant has submitted, together with the application form, a Supporting Planning Statement, with Traffic Impact Assessment (TIA), Environmental Assessment (EA), Sewerage Treatment and Disposal Proposal (STDP), Drainage Consideration (DC), Visual Impact Assessment (VIA) and Landscape Proposal included, to help justify the application (**Appendices Ia to Id**).

Traffic

- 1.6 The Site is accessible from Leung Shing Road (**Plan A-1**). Two loading/unloading spaces for heavy goods vehicles, one green mini bus (GMB) layby and one taxi drop off will be provided within the Site to meet the needs of the proposed development. An existing bus stop is located within 200m radius from the Site, providing transport connection to the Tuen Ma Line Kam Sheung Road Station, Yuen Long, Tsuen Wan and Sheung Shui districts. Besides, there is a GMB Route No. 608 along Kam Tin Road. To cater for the additional public transport demand from the proposed development, the applicant proposes a new green mini bus (GMB) layby (**Drawing A-1**) with an en-route stop within the Site. The applicant also proposes to strengthen the frequency of the special peak hour of GMB Route No. 608 (serving between Wan Toi Shan and Kam Sheung Road Station). According to the submitted TIA (**Appendix E of Appendix Ia**), no significant adverse traffic impact on the adjacent road network is anticipated.

Environment

- 1.7 According to the submitted EA (**Appendix D of Appendix Ia**), the proposed development is not anticipated to generate or subject to adverse impact including the air quality, noise, water quality, waste management, land contamination and ecological aspects. With implementation of the commonly adopted mitigation measures, design measures and good site practices, no adverse impacts on air quality, water quality, traffic noise and odour impacts are anticipated.

Drainage and Sewerage

- 1.8 According to the applicant's STDP (**Appendix C of Appendix Ia**), the sewage generated from the proposed development will be treated at a STP adopting tertiary

treatment level using membrane bioreactor on-site for subsequent discharge to an existing nullah in the vicinity. As regards the outgoing drainage, they will be collected and discharged to the existing public drainage system. All the above will comply with the prevailing environmental and drainage regulations. No adverse sewerage and drainage impacts are anticipated (**Appendices B and C of Appendix Ia**).

Landscape and Visual

- 1.9 According to the landscape proposal submitted by the applicant (**Appendix G of Appendix Ia and Appendix Ic**), there is no existing tree within the Site. 46 new trees are proposed and landscape treatments, such as at-grade shrub planting, multi-purpose play area and sitting areas, are proposed within the development. Not less than 1,500 m² of private open space are proposed for the design population of about 1,500 persons. The applicant has submitted photomontages for the proposed development (**Appendix F of Appendix Ia and Drawings A-7 to A-9**). According to the viewpoints selected for assessing the possible visual impact of the proposed development, no adverse visual impact is anticipated.
- 1.10 In support of the application, the applicant has submitted the following documents:
- | | | |
|-----|--|------------------------|
| (a) | Application form | (Appendix I) |
| (b) | Supporting planning statement | (Appendix Ia) |
| (c) | Further information (FI) received on 14.6.2022 | (Appendix Ib) |
| (d) | FI received on 17.6.2022 | (Appendix Ic) |
| (e) | FI received on 21.6.2022 | (Appendix Id) |
| (f) | FI received on 9.8.2022 | (Appendix Ie) |
- 1.11 On 24.6.2022, the Committee agreed to defer making a decision on the application for two months as requested by the applicant. On 9.8.2022, FI was received from the applicant (**Appendix Ia**). The application is now scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form, supporting planning statement and FIs at **Appendices I to Ie**. They can be summarized as follows:

- (a) The proposed transitional housing development echoes with the Government's policy to increase supply of transitional housing to relieve the acute housing shortage in the short-term.

- (b) The proposed temporary transitional housing will be constructed, managed and maintained by the applicant, an experienced NGO offering a wide spectrum of quality social services. MiC will be adopted to provide more, and in a speedy manner, transitional housing units for the needed people in Hong Kong.
- (c) The proposed development is temporary in nature and would not jeopardise the long term planning intention of the “AGR” zone. The use of the Site, which has been left idle for a long time, is a better utilisation of the scarce land resources. The applicant undertakes to reinstate the Site to an amenity area upon expiry of the planning permission.
- (d) The Site is in the vicinity of several residential settlements, including the adjacent Leung Uk Tsuen and Wang Toi Shan San Tsuen in “Village Type Development” (“V”) zone. It is also abutting a public road. The proposed transitional housing development is compatible with the surroundings. It will not induce significant adverse traffic, environmental, drainage, visual and landscape impacts on the surrounding areas.
- (e) The proposed provision of eating place, shop and services and G/IC facilities within the proposed development can benefit not only the future residents but also the adjacent neighbourhood.
- (f) The Site is a piece of flat land which is vacant and partly paved. This allows minimum site formation work and can shorten the construction time for timely delivery of housing units. Besides, similar planning applications for temporary transitional housing in both Kam Tin South and Pat Heung areas have been approved by the Rural and New Town Planning Committee (the Committee).

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. 31A) by publishing newspaper notices and posting site notices. 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. Background

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

5. Previous Applications

Part of the Site is the subject of three previous planning applications (No. A/YL-PH/645, 678 and 687) for various temporary open storage uses, which are not related to the current application which is for temporary transitional housing development. Details of the previous applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

6. Similar Application

There is no similar application for temporary transitional housing development within the “AGR” zone in the vicinity of the Site on the Pat Heung OZP.

7. The Site and Its Surrounding Areas (Plans A-2 to A-4b)

7.1 The Site is:

- (a) vacant, formed and covered by weeds with a section of watercourse situated at the northern part;
- (b) located to the immediate west of the “V” zone of Leung Uk Tsuen and Wang Toi Shan San Tsuen; and
- (c) accessible from Leung Shing Road.

7.2 The surrounding areas have the following characteristics:

- (a) to its east are village houses in the “V” zone of Leung Uk Tsuen and Wang Toi Shan San Tsuen, residential structures/dwellings, graves, cultivated / fallow agricultural land, vacant land and grass land;
- (b) to its southeast and south are an orchard, residential structures/dwellings located in the “V” zone, parking of vehicles, an open storage yard, a car park with valid planning permission, cultivated agricultural land and grassland;
- (c) to its west and southwest across Leung Shing Road is the Shek Kong Stabling Sidings of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL), with XRL’s railway tunnel located beneath it; and
- (d) to its north and northwest are residential structures/dwellings, a watercourse, open storage yards (one of which with valid planning permission), a workshop and a dog kennel.

8. Planning Intention

- 8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 8.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government bureau and department’s comments as set out in paragraphs 9.2 and 9.3 respectively 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.

- 9.2 The following government bureau supports the application:

Policy Aspect

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

The Housing Bureau (HB) states that in-principle policy support from the Task Force on the Transitional Housing Project of HB has been given to the subject application.

- 9.3 The following government department has objection to / reservation on the application.

Agriculture and Nature Conservation

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

- (a) The Site falls within the “AGR” zone and is abandoned. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the development proposal falling within the "AGR" zone is not supported from agricultural perspective;
- (b) from nature conservation point of view, DAFC has no adverse comment on the application; and

- (c) should the planning application be approved, the applicant shall be reminded to minimise disturbance to the watercourse located to the southeast of the subject site.

10. Public Comments Received During the Statutory Publication Period (Appendix III)

The application was published for public inspection. Four public comments were received during the statutory public inspection period. One of them submitted by a Yuen Long District Councillor supports the application mainly on the grounds that the proposed development can ease the pressing demand for public housing. Two of them submitted by individuals raise concern / object to the application mainly on the grounds that it is not justified to employ public money and the government land for such short term transitional housing development and the Site should instead be used for public housing development; the proposed run in/out is too close to private land in the vicinity of the Site and widening the road junction of Kam Tin Road and Leung Shing Road and the surrounding pedestrian roads would be required. The remaining comment submitted by MTR Corporation Limited provides views that adequate noise mitigation measures should be provided as the Site is situated close to the High Speed Rail Emergency Rescue Sidings and Shek Kong Stabling Sidings.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary transitional housing development with ancillary eating place, shop and services and community centre for a period of 3 years and filling of land of not exceeding 2.5m in depth for site formation of the proposed development. The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish pond for agricultural purpose, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The proposed development is not in line with the planning intentions of the “AGR” zone and DAFC does not support the application from agricultural perspective as the Site falling within the “AGR” zone has potential for agricultural rehabilitation. Nevertheless, the proposed transitional housing development is in line with the Government’s policy to increase the supply of transitional housing. S for H supports the application and in-principle policy support is given for proposed transitional housing development at the Site. In addition, the applicant states that the Site has not been put to agricultural use for more than 10 years. Given the transient nature of the development, it is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone.
- 11.2 The Site is adjoining the “V” zone of Leung Uk Tsuen and Wang Toi Shan San Tsuen to the east (**Plans A-1 and A-2**). The residential nature and low-rise built form (maximum 4 storeys) of the proposed development is considered not incompatible with the surrounding land uses which are rural in character intermixed with residential settlements, open storage yards, workshops, cultivated / fallow agricultural land, an orchard and vacant land. Besides, the social welfare

and supporting facilities proposed within the Site will also serve the neighbourhood, apart from the future residents.

- 11.3 Technical assessments submitted by the applicant including TIA, EA, STDP, DC, VIA and landscape proposal (**Appendices Ia to Id**) concluded that there will not be significant adverse traffic, environmental, sewerage, drainage, visual and landscape impact caused by the proposed development. CTP/UD&L of PlanD considers that the proposed development of 13m in height is considered not incompatible with the surrounding context, including the landscape character, and would not significantly alter the visual character of the area nor result in significant adverse landscape impact. In this regard, CTP/UD&L of PlanD has no objection to the application. CA/CMD(2) of ArchSD also has no adverse comment on the application from architectural and visual impact points of view.
- 11.4 In relation to transport provision, the applicant proposes to provide a new GMB layby within the Site and that public transport services could be strengthened to support the future residents. C for T has no comment on the application from traffic engineering perspective. On sewerage and environmental aspects, a STP at tertiary treatment level will be provided on-site to treat the sewage generated from the proposed development. DEP has no objection to the application and considers that the proposed development, with implementation of the relevant mitigation measures as recommended in the EA and STDP, would not induce significant adverse environmental impacts on the surrounding areas (**Appendices Ia to Ic**). Other relevant government departments consulted including CE/MN of DSD, CE/C of WSD, CHE/NTW of HyD and D of FS also have no adverse comment on the application, and their technical concerns could be addressed by appropriate approval conditions in paragraph 12.2 below.
- 11.5 Four public comments were received during the statutory publication period. While two of which indicating support to / providing comments on the application as detailed in paragraph 10 above, the other two comments object to / raise concern on the application as detailed in paragraph 10 above. In this regard, the above departmental comments as well as planning considerations and assessments are relevant.
- 11.6 Taking into account the scale and implementation timeframe (completion by 2023) of the proposed development, a longer compliance period (i.e. 9 months for submission and 12 months for implementation) 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 assessments made in paragraph 11 and having taken into account the public comments 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 until 12.8.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the provision of public transport layby and the corresponding stacking area within the Site for public transport services before occupation;
- (b) the submission of an updated noise impact assessment 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 12.5.2023;
- (c) in relation to (b) above, the implementation of the noise mitigation measures identified therein 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 12.8.2023;
- (d) the submission of a drainage impact assessment within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 12.5.2023;
- (e) in relation to (d) above, the implementation of the drainage proposal(s) identified therein 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 12.8.2023;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a proposal for water supplies for fire-fighting and fire service installations 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 12.5.2023;
- (h) in relation to (g) above, the provision of water supplies for fire-fighting and fire service installations 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 12.8.2023;
- (i) if any of the above planning condition (a) or (f) 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
- (j) if any of the above planning condition (b), (c), (d), (e), (g) or (h) 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**.

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

the proposed development is not in line with the planning intention of the "AGR" zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis.

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 received on 28.4.2022
Appendix Ia	Supporting Planning Statement
Appendix Ib	FI received on 14.6.2022
Appendix Ic	FI received on 17.6.2022
Appendix Id	FI received on 21.6.2022
Appendix Ie	FI received on 9.8.2022
Appendix II	Previous applications covering the Site
Appendix III	Public comments

Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Drawing A-1	Master layout plan
Drawing A-2	Section plan
Drawing A-3	Unit layout plans
Drawing A-4	Landscape master plan
Drawings A-5 & A-6	Conceptual design plans
Drawings A-7 to A-9	Photomontages
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a & A-4b	Site photos

**PLANNING DEPARTMENT
AUGUST 2022**