

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/999

<u>Applicant</u>	:	Hong Kong Lutheran Social Service
<u>Site</u>	:	Government land (GL) near Kam Tai Road, Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	:	About 23,932m ²
<u>Land Status</u>	:	GL
<u>Plans</u>	:	Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11 and approved Kam Tin North OZP No. S/YL-KTN/11
<u>Zonings</u>	:	“Open Storage” (“OS”) (about 13,163m ² or 55%) “Agriculture” (“AGR”) (about 8,615 m ² or 36%) “Industrial (Group D)” (“I(D)”) (about 2,154m ² or 9%) [maximum plot ratio of 1.6, maximum site coverage of 80% and maximum building height of 13m]
<u>Application</u>	:	Renewal of Planning Approval for Proposed Temporary Transitional Housing Development and Place of Recreation, Sports or Culture (Hobby Farm) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for proposed temporary transitional housing development and place of recreation, sports or culture (hobby farm) for a period of three years at the application site (the Site) partly zoned “OS” and “I(D)” on the Pat Heung OZP, and partly zoned “AGR” on the Kam Tin North OZP (**Plan A-1a**). The proposed transitional housing is neither a Column 1 nor Column 2 use within the “OS”, “I(D)” and “AGR” zones. ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’ is a Column 2 use in the “AGR” zone, but it is neither a Column 1 nor Column 2 use within the “OS” and “I(D)” zones. According to the covering Notes of the two OZPs, temporary use or development not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Construction works are being undertaken at the Site to take forward the proposed development previously approved under application No. A/YL-PH/913, of which the planning permission is valid until 22.4.2025 (**Plans A-3 to A-4b**). According to the applicant,

the construction works for the proposed development are expected to be completed before the population intake in around June 2024.

- 1.2 The Site is separated into north-western and south-eastern portions by a local track (**Drawings A-1 and A-4**). The proposed development comprises 14 four-storey residential blocks adopting Modular Integrated Construction method to provide 909 units in five types of flats (with toilet and kitchen) ranging from about 12.7m² (for 1 person) to 28.8m² (for 5 persons / universal-accessible units) (**Drawing A-3**). Seven non-domestic blocks including communal blocks for community facilities (such as multi-function hall and retail shops) as well as utility blocks for plant rooms (including a sewage treatment plant) will also be provided within the Site (**Drawing A-2**). Besides, a hobby farm taking up a total area of about 8,161m² (about 34% of the Site) is proposed in the north-western, middle and south-eastern portions of the Site (**Drawing A-4**). According to the applicant, the hobby farm, capable of accommodating about 70 visitors during the weekends and public holidays, and about 30 visitors during weekdays, will be open to both the residents of the transitional housing and the general public. The operation hours will be 9:00 a.m.to 6:00 p.m. daily, including public holidays. The applicant, which is a non-government organisation (NGO), is responsible for the management and maintenance of the proposed transitional housing and hobby farm.
- 1.3 The Site is accessible from Kam Tai Road via a local track. While no car parking spaces will be provided within the Site, six loading/unloading (L/UL) spaces for heavy goods vehicles will be provided. To cater for the additional public transport demand from the proposed development, the applicant also proposes a new franchised bus stop within the Site.
- 1.4 A comparison of the major development parameters of the proposed development under the current application and the previous application (No. A/YL-PH/913) is summarised in the table below:

Development Parameters	Previous Application No. A/YL-PH/913 (a)	Current Application No. A/YL-PH/999 (b)	Difference (b) – (a)
Site Area (m²) (about)	24,000	23,932	-68 (-0.28%)
Plot Ratio (about)	0.85	0.8	-0.05 (-5.9%)
Gross Floor Area (m²) (about)	20,400	19,228.34	-1,171.66 (-5.7%)
Domestic	18,300	18,245.45	-54.55 (-0.3%)
Non-domestic	2,100	982.89	-1,117.11 (-53.2%)
Site Coverage (about)	33%	30.48%	- 2.52% (-7.6%)
No. of Residential Blocks	14	14	No change
Maximum No. of Storeys/ Building Height	4 (not more than 15m)	4 (not more than 15m)	No change
Transport Facilities			No change
L/UL	6	6	
Franchised Bus Stop	1	1	
No. of Units	901	909	+8 (+0.9%)

Estimated Population (about)	2,067	2,010	-57 (-2.8%)
Open Space (m²)	Not less than 2,067	Not less than 2,010	-57 (-2.8%)

Note: While there is no major change to the approved scheme under application No. A/YL-PH/913, the minor amendments to the above development parameters were due to detailed design upon general building plan submission stage.

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

- (a) Application form with supplementary information received (**Appendix I**) on 29.2.2024
- (b) Further Information (FI) received on 16.4.2024* (**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) In view of the underground railway tunnel for Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) running across the Site, initial survey and installation of monitoring instrument in the tunnel are required before the construction works. The site works for the proposed development had been significantly delayed for about six months due to the resumption of XRL services which hindered the regular visit to the tunnel. The development programme was also affected by the reduction in the extent of excavation works, which consequently resulted in slippage in the progress of water pipe installation and cable laying at the Site, as well as delaying the inspection required by the relevant government departments.
- (b) The applicant had made genuine efforts to comply with the approval conditions under application No. A/YL-PH/913. The approval conditions on the submission of noise impact assessment, drainage proposal, contamination assessment plan and remediation action plan, sewerage impact assessment, air quality impact assessment, and proposal for water supplies for fire-fighting and fire services installations (FSIs); as well as the implementation of noise mitigation measures and remedial actions have been complied with. Although the applicant also applied for extension of time to comply with the two outstanding approval conditions on the implementation of drainage proposal and proposal for water supplies for fire-fighting and FSIs by 22.4.2024, it is expected that such implementation could not be discharged by the specified time limit due to the slippage of development programme. A renewal application is thereby sought to allow the applicant to complete the construction works fulfilling the relevant technical requirements under the approval conditions and to prepare for future tenancy and operation arrangements.
- (c) The proposed development aims to provide temporary transitional housing to relieve the acute housing shortage in the short-term, and to meet the public's aspiration of having a hobby farm in the area for promoting organic and community farming as identified during the previous public consultation on the XRL Project.

The development parameters of the current application remain largely the same as the approved scheme under application No. A/YL-PH/913, and the technical assessments undertaken for the approved scheme remain valid.

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

As the Site involves GL only, the “owner’s consent/notification” 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) are not applicable to this application.

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 also 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 seven previous planning applications. The north-western portion of the Site within the “AGR” zone on the Kam Tin North OZP is involved in five previous applications (No. A/YL-KTN/130, 149, 161, 263 and 303) for various temporary open storage uses which are not relevant to the current application.
- 6.2 The Site is the subject of two previous applications (No. A/YL-PH/876 and 913) submitted by the same applicant for the same proposed uses, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) for periods of three years each on 26.3.2021 and 22.4.2022 respectively 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 areas; 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. Application No. A/YL-PH/913 was submitted for enhancing the design to the approved scheme under application No. A/YL-PH/876, and the permission under application No. A/YL-PH/876 was subsequently revoked in June 2022 due to non-compliance with approval conditions. The planning permission for application No. A/YL-PH/913 is valid until 22.4.2025. Amongst the ten time-limited approval conditions, those on the submissions of noise impact assessment,

drainage proposal, contamination assessment plan and remediation action plan, sewerage impact assessment, air quality impact assessment, and proposal for water supplies for fire-fighting and FSIs and on the implementation of noise mitigation measures and remedial actions, have already been complied with; whereas the two remaining on the implementation of drainage, water supplies and FSIs proposals have yet to be complied with.

- 6.3 Details of the previous 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 “OS”, “AGR” and “I(D)” zones in the vicinity of the Site on the Kam Tin North and the Pat Heung OZPs, there is one 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 in the vicinity of the Site on the Pat Heung OZP, which was approved with conditions by the Committee in August 2022 mainly on the similar considerations as mentioned in paragraph 6.2 above. The proposed transitional housing development was not implemented and the planning permission was revoked due to non-compliance with approval conditions.
- 7.2 There are five similar applications for temporary hobby farm concerning four sites (No. A/YL-KTN/720, 746, 812, 933 and 977) within the same “AGR” zone in the vicinity of the Site on the Kam Tin North OZP in the past five years. All the applications were approved with conditions by the Committee between August 2020 and February 2024 mainly on the considerations that temporary approval would not frustrate the long-term planning intention; the proposed developments were not incompatible with the surrounding land uses; and concerned departments had no objection to the applications. Applications No. A/YL-KTN/746 and 812 were subsequently revoked in November 2021 and November 2023 respectively due to non-compliance with approval conditions. There is no similar application for temporary hobby farm within the same “OS” and “I(D)” zones on the Pat Heung OZP.
- 7.3 Details of the similar applications are summarised in **Appendix III** and the locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
- (a) separated into north-western and south-eastern portions by a local track and with construction works for the proposed temporary transitional housing development in progress;
 - (b) above the XRL railway tunnel; and

(c) accessible from Kam Tai Road via a local track.

8.2 The surrounding areas are rural in character mainly intermixed with open storage/storage yards (two sites with valid planning permission under applications No. A/YL-KTN/827 and A/YL-PH/936), warehouse (with valid planning permission under application No. A/YL-KTN/872), vehicle parks (two sites with valid planning permission under applications No. A/YL-KTN/888 and 915), workshops, grassland and residential dwellings. The village settlements of Wang Toi Shan Tsoi Yuen Tsuen (North) and a low-rise residential development, namely Seasons Villas, are to the south and southwest of the Site respectively across a drainage reserve. To the further south across Kam Tin Road is the Shek Kong Barracks.

9. Planning Intentions

- 9.1 The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.
- 9.2 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.
- 9.3 The planning intention of the “I(D)” zone is primarily for industrial uses that cannot be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. It is also intended for the redevelopment of existing informal industrial uses, which are operated in workshop premises in rural area, to properly designed permanent industrial buildings.

10. Comments from Relevant Government Bureau/Departments

- 10.1 All the 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 IV** and **V** respectively.
- 10.2 The following government bureau provides comment on the application:

Policy Aspect

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

A Policy Support Agreement has been executed between the Government and the applicant, and he has nil comment on the application.

11. Public Comment Received During Statutory Publication Period (Appendix VI)

The application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received mainly raising concern that the approval conditions under the previously approved application have not fully complied with.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for proposed temporary transitional housing and place of recreation, sports or culture (hobby farm) for a period of three years at the Site which is zoned “OS” and “I(D)” on the Pat Heung OZP and “AGR” on the Kam Tin North OZP (**Plan A-1a**). The planning considerations of the previously approved application No. A/YL-PH/913 remain valid as set out in paragraphs 12.2 and 12.3 below.
- 12.2 The proposed transitional housing is in line with the Government policy to increase the supply of transitional housing. In this regard, the then STH supported the previous application No. A/YL-PH/913 for proposed development of transitional housing and hobby farm; and S for H has no comment on the current renewal application and advises that a Policy Support Agreement has been executed between the Government and the applicant. It is considered that making use part of the Site (about 34%) for hobby farm will not affect the achievement of production target of transitional housing after balancing the community’s aspiration for having a hobby farm. Besides, part of the proposed hobby farm falls within the portion zoned “AGR” and is generally not in conflict with the planning intention of the zone.
- 12.3 The temporary nature and low-rise built form (not more than 4 storeys) of the proposed development is considered not incompatible with the surrounding areas intermixed with open storage/storage yards, warehouse, vehicle parks, workshops, grassland and residential dwellings/village settlements. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that there is no significant change to the landscape character of the surrounding areas since the last application was approved.
- 12.4 There has been no material change in planning circumstances of the Site since granting of the previous approval. According to TPB PG-No. 34D on ‘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 29.2.2024, which is more than 13 months earlier than the expiry of the temporary approval under application No. A/YL-PH/913. In this regard, the applicant explains that an early approval from the Board for renewal of the planning permission is necessary in order to complete the concerned construction works meeting the technical requirements and prepare ahead for tenancy and

operation arrangements. Taking into account 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 and operation arrangement and for implementation of technical requirements before occupation; as well as the executed Policy Support Agreement between the Government and the applicant, consideration could be given to processing the subject renewal application at this stage on the basis of exceptional circumstances.

- 12.5 Eight out of the ten time-limited approval conditions under the previously approved application No. A/YL-PH/913 have been complied with. The two outstanding time-limited approval conditions on the implementation of drainage proposal, and proposal for water supplies for fire-fighting and FSIs have yet to be complied with. The applicant has explained that there was a significant delay to the implementation programme of the proposed development due to delay in site investigation works and reduction in the extent of excavation works. Genuine efforts including submission of general building plans have been made by the applicant to take forward the proposed development and comply with the approval conditions. For information, the latest general building plans of the proposed development were approved by the Building Authority on 3.4.2024. In view of the above, sympathetic consideration could be given to 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 proposal for water supplies for fire-fighting and FSIs; and the provision of public transport lay-by and stacking area within the Site could be monitored upon general building plan submission to the Building Authority, the relevant requirements would not be imposed as approval conditions under the subject renewal application.
- 12.6 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.
- 12.7 Given the previous and similar approvals granted for temporary transitional housing and hobby farm as detailed in paragraphs 6 and 7 above, approving the current application is in line with the previous decisions of the Committee.
- 12.8 For the public comment raising concern on the application as stated in paragraph 11, the departmental comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years, and be

renewed **from 19.4.2024 until 19.4.2027**. 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 with supplementary information received on 29.2.2024
Appendix Ia	FI received on 16.4.2024
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 comment
Drawing A-1	Master Layout Plan
Drawing A-2	Elevation plan
Drawing A-3	Flat mix plan
Drawing A-4	Area calculation 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
Plans A-4a & 4b	Site photos

**PLANNING DEPARTMENT
APRIL 2024**