

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/622

- Applicant** : Light Be (Tin Shui Wai Social Housing) Co. Ltd. represented by LWK & Partners (HK) Limited
- Site** : Lots 387 S.B ss.1 RP, 387 S.B ss.4 and 387 S.B RP in D.D. 122 and the adjoining Government Land (GL), Ping Shan, Yuen Long, New Territories
- Site Area** : About 1,180 m² (including GL of about 30m² or 2.5%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19 (currently in force)
- Approved Ping Shan OZP No. S/YL-PS/18
(at the time of submission)
- Zonings** : “Other Specified Uses” annotated “Heritage and Cultural Tourism Related Uses” (“OU(HCTRU)”) (about 97%); and
[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 10mPD]
- “Village Type Development” (“V”) (about 3%)
[Restricted to a maximum building height of 3 storeys (8.23 m)]
- (the zoning and development restrictions remain unchanged on the current OZP)*
- Application** : Proposed Temporary Transitional Housing and Ancillary Uses for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary transitional housing and ancillary uses (including activity room and kiosk) for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site largely falls within an area zoned “OU(HCTRU)” (97%) with a very minor portion within “V” (3%) zone on the OZP. ‘Flat’ or ‘Residential Institution’ is neither Column 1 nor Column 2 use under “OU(HCTRU)” 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. The Site forms part of a proposed temporary transitional housing project named Light Village

that comprises three sites, namely South Site (i.e. the Site under the current application), Middle Site and North Site (**Drawing A-1**). The Middle Site and North Site are under another planning application (No. A/YL-PS/623) submitted by the same applicant (**Plan A-1a**), which will be considered at the same meeting. The Site is currently vacant.

- 1.2 The Site involves 12 previous applications (No. A/YL-PS/4, 156, 171, 189, 215, 237, 272, 293, 366, 468, 522 and 594) for temporary public vehicle park, flea market and barbecue area (**Plan A-1b**). The last application submitted by a different applicant for temporary public vehicle park for a period of 3 years was approved by the Committee on 4.10.2019.
- 1.3 According to the applicant, the proposed development project aims to provide transitional housing to meet the short-term needs of people awaiting public housing. The proposed development involves a 1 to 3-storey residential compound with a total maximum plot ratio (PR) of about 1.14 and a maximum building height of about +12.13mPD (8.23m), providing a total of 19 residential units (average flat size of about 35m²); a Creative Learning and Culture Activity Room for cultural education activities related to Ping Shan Heritage Trail and creative learning activities for tenants; and an ancillary kiosk to provide small-scale shop and services for daily necessities to serve the future residents and surrounding villagers (**Drawings A-2a to A-3**). No car parking facilities are proposed. The proposed development parameters are as follows:

Site Area	about 1,180m ² (including 30m ² GL)
Total Plot Ratio	about 1.14
Total GFA	about 1,345m ²
- Domestic	1,180m ²
- Non-domestic (Creative Learning and Culture Activity Room and Kiosk)	165m ²
No. of Block	1
No. of Storeys	Residential Use: Not more than 3 storeys Non-domestic portion: 1 storey
Maximum Building Height (about)	Residential Use: +12.13mPD (8.23m) Ancillary Use: +6.74mPD (2.84m)
Site Coverage	Not more than 60%
Average Flat Size	About 35m ²
No. of Units	19
Estimated Population	about 60
Public Open Space	About 400m ²
Bicycle Parking Spaces	3
Parking and Loading/Unloading Spaces	Nil
Anticipated Completion Year	2023

- 1.4 The applicant, who is a non-profit making organisation, will be responsible for construction, management and maintenance of the proposed development. While the application is on a temporary basis of 3 years, the applicant intends to run the proposed development for 10 years in total and will submit renewal application before the expiry of the planning permission if the current application is approved. An overview of the proposed development parameters of the whole transitional housing development is at **Appendix II**.
- 1.5 The Master Layout Plan, floor plans, sections, landscape plan, artist impression, photomontages of the visual impact and public transport facilities are at **Drawings A-1 to A-8** respectively. In support of the application, the applicant has submitted Traffic Impact Assessment (TIA), Environmental Review, Visual Impact Assessment (VIA), and Drainage and Sewerage Impact Assessment (DSIA) in **Appendices Ia and Ic**.

Traffic

- 1.6 The Site is accessible via Ping Shan Heritage Trail leading to Tsui Sing Road and opposite to Tin Shui Wai MTR and Light Rail Stations (**Plan A-2**). Pedestrian access will be available along Tsui Sing Road and Ping Shan Heritage Trail leading to Ping Ha Road (**Plan A-1a**). According to the applicant, the Site is well served by frequent public transport facilities, including Tuen Ma Line (TML), Light Rail Transit (LRT), buses and green mini buses (**Drawing A-8**). No residential car parking spaces will be provided within the Site as tenants are expected to commute by public transport considering their income level. Since the residential units to be provided are small in size, the demand for the use of goods vehicle is low. As such, no parking and loading and unloading spaces will be provided. Nevertheless, 3 bicycle parking spaces will be provided for the residents.

Environment

- 1.7 Noise mitigation measures such as fixed/maintenance windows (**Drawing A-2a**) and architectural fin are proposed to address potential railway noise impact from TML and LRT.
- 1.8 Buffer distance (5m) from Tsui Sing Road, which is a local distributor, and Ping Shan Heritage Trail is provided for all air sensitive receivers to address potential adverse air quality impact on the Site.

Visual and Landscape

- 1.9 A public open space with an area of about 400m² is proposed at the eastern part of the Site (**Drawings A-2a, A-4 and A-5**), serving as a buffer (at least 15m) between the proposed development and Tsui Sing Lau Pagoda. A stepped building height profile increasing from 1 to 3 storeys southward will be adopted to minimise visual impact to Tsui Sing Lau Pagoda (**Drawing A-5**). A buffer distance of about 30m would be provided from the south wing of the proposed development (**Drawings A-2b and A-2c**). Buffer planting would also be provided along the eastern and southern boundaries of the Site to visually soften the building façade (**Drawing A-4**). Mitigation measures

such as adopting construction materials and colour scheme (i.e. light grey and brown) to echo the ambience of the heritage and local characteristics in the vicinity (**Drawing A-5**) will also be adopted at the Site to minimise adverse visual impact.

- 1.10 Communal courtyard will be provided in the centre of the Site to create an intact and close-knit community with social interaction. Existing planter box will be beautified and existing roadside trees will be retained as far as practicable and utilised to screen off the building structure of the proposed development (**Drawings A-4 and A-5**).

Drainage and Sewerage

- 1.11 According to DSIA, surface run-off and sewage generated from the proposed development will be diverted to the existing public drainage and sewerage systems.

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

- (a) Application form received on 13.11.2020 with **(Appendix I)** supplementary information and replacement pages
- (b) Planning Statement **(Appendix Ia)**
- (c) Further Information (FI) received on 16.8.2021 **(Appendix Ib)** providing responses to departmental comments
- (d) Consolidated FI received on 17.8.2021 (superseding **(Appendix Ic)** FIs submitted between 5.3.2021 and 3.8.2021)
- (e) FI received on 18.8.2021 to respond to departmental **(Appendix Id)** comments
- (f) FI received on 24.11.2021 to respond to departmental **(Appendix Ie)** and public comments
- (g) FI received on 2.12.2021 to clarify the number of **(Appendix If)** flats

((c) to (g) were exempted from publication and recounting requirement)

[FIs received on 5.3.2021, 9.4.2021, 21.4.2021, 29.6.2021, 2.8.2021 and 3.8.2021 were superseded and not attached]

- 1.13 On 8.1.2021 and 30.4.2021, the Committee agreed to the applicant's request to defer making a decision on the application for two months each so as to allow time for preparation of FI to address departmental comments. On 27.8.2021 and 15.10.2021, the Committee agreed to further defer a decision

on the application each for two months¹ as requested by the Planning Department (PlanD) in order to allow time for relevant government bureaux/departments to discuss with concerned parties so as to address the outstanding issues related to the proposed development before it is ready for submission to the Committee for consideration. Subsequently, the applicant submitted FIs providing a revised scheme of reduced development scale to address departmental and public concerns. Therefore, the application is submitted to the Committee for consideration at this meeting.

2. **Justifications from the Applicant**

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

- (a) The proposed development is in line with the Government's objective to ease the short-term housing need by increasing supply of transitional housing. The applicant is renowned for the high social impact of its project. Tenant programmes will be provided to promote upward mobility, distinctive community building and other social values.
- (b) The Site is a typical brownfield site of irregular shape and was previously used for temporary car park. The proposed development will generally improve the urban environment. It also optimises the development potential of the Site and is considered more compatible with the adjacent declared monuments and village neighbourhood setting.
- (c) The Site is suitable for the proposed development which is well served by public transport, including Tin Shui Wai MTR and Light Rail Stations which are within about 5 minutes walking distance (about 100m); and GMB and buses running between the Yuen Long and Tin Shui Wai area/other urban areas. The Site is also well supported by existing community facilities such as wet market, shopping malls, schools, kindergarten and community facilities in nearby public housing estates which is within 10 minutes walking distance (about 500m) (**Plan A-3**).
- (d) The local village setting and characteristics have been taken into account in determining the building mass, height and colour scheme of the proposed transitional housing development. The building materials used for the transitional housing are mainly grey-brick, wood, fair-faced concrete and metal screens which are the design elements of Tsui Sing Lau Pagoda, Tang Ancestral Hall and Ping Shan Tin Shui Wai Library.
- (e) The proposed development is environmentally compatible with its surrounding environment and uses which are predominantly 2-3 storey village houses and parking of vehicles.
- (f) The proposed public open space has a less vibrant atmosphere, hence visitors

¹ The number of deferments to be granted stipulated under TPB PG-No. 33A is not applicable to this application which was received before the promulgation of the revised guidelines on 24.8.2021.

or local villagers can better appreciate the pagoda in a spacious and serene environment.

- (g) VIA has been conducted to assess the potential visual impact of the proposed development. The scale and building height of the proposed development at the Site is visually compatible with Tsui Sing Lau Pagoda and the surrounding village type developments. Mitigation measures including the adoption of stepped height profile, the provision of buffer distance of 30m and buffer planning, and adoption of a colour scheme to echo the ambience of the heritage and local characteristics are proposed to mitigate the visual impact to an acceptable level (**Drawings A-2a and A-5**).
- (h) Technical assessments including TIA, DSIA and VIA concluded that the proposed development is technically feasible and no insurmountable impacts are anticipated. Moreover, since the proposed development is temporary in nature and small in scale, environmental impact resulting from the proposed development is not expected.

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. For GL, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Background

The Site is not subject to active planning enforcement action.

5. Previous Applications

The Site involves 12 previous applications (No. A/YL-PS/4, 156, 171, 189, 215, 237, 272, 293, 366, 468, 522 and 594) for temporary public vehicle park, flea market and barbecue area (**Plan A-1b**). 10 of them were approved by the Committee/the Board upon review while the other 2 were rejected by the Committee. Since all the previous applications are not related to residential use, details of the previous applications are not elaborated in this paragraph but summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

6. Similar Application

- 6.1 There is no similar application in the same “OU(HCTRU)” and “V” zones.
- 6.2 For members information, application No. A/YL-PS/623 for temporary residential institution (transitional housing) for a period of 7 years within the “V” zone submitted by the same applicant will also be considered at this meeting (**Plan A-1a**).

7. The Sites and Its Surrounding Areas (Plans A-1a to A-4)

7.1 The Site is:

- (a) currently vacant; and
- (b) accessible via Ping Shan Heritage Trail leading to Tsui Sing Road. **(Plans A-2 and A-3).**

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is the declared monument of Tsui Sing Lau Pagoda. To the further north are the other sites of the same proposed transitional housing development under application No. A/YL-PS/623 which will be considered at the same meeting, and another declared monument of Tat Tak Communal Hall (**Plan A-2**);
- (b) to the east are temporary public vehicle parks with valid planning permissions under applications No. A/YL-PS/625 and 635 intermixed with residential dwellings;
- (c) to the south are eating place and parking of vehicles which are suspected unauthorised development (UD), and temporary public vehicle park with valid planning permission under application No. A/YL-PS/628; and
- (d) to the west and southwest are Tsui Sing Road, TWGHs Kwok Yat Wai College and the elevated structures of Tin Shui Wai MTR and Light Rail Stations.

8. Planning Intention

The “OU(HCTRU)” zone is intended primarily to facilitate provision of heritage and cultural tourism related facilities or uses that are complementary to Tsui Sing Lau Pagoda and Tat Tak Communal Hall as heritage attractions and visually compatible with the historical buildings.

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):

The proposed development is in line with the Government’s policy to increase the supply of transitional housing and in-principle

policy support has been given by the Transport and Housing Bureau (THB). However, taking account of the serious local concern expressed by the Tang's clan who owns the historical sites including Tsui Sing Lau Pagoda along Ping Shan Heritage Trail and the neighbouring villagers of Sheung Cheung Wai in particular, THB recommends the Board to require the applicant to further communicate with the above-mentioned stakeholders on the details of proposed development before the commencement of the works for the Site, if approval would be granted.

Land Administration

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

- (a) The Site falls within Lots No. 387 s.B ss.1 RP, 387 s.B ss.4 and 387 s.B RP in D.D. 122 which are for agricultural purposes and a piece of GL at northwestern side for the purpose of access staircase. The Site is currently vacant and subject to a Short Term Waiver (STW 3586) for carpark purpose. As the Site is no longer used for carpark purpose, STW 3586 will be cancelled as to facilitate the implementation of the proposed development accordingly.
- (b) For the Executive Summary at **Appendix Ia**, paras. 1.2.3, 2.1.1, 3.1.2 and 3.1.5, etc. the applicant is required to clarify if that piece of GL at northwest side is included in the application area of 1,180m² at the Site as mentioned in the submission, the actual area of the Site including private lots and GL concerned will be subject to further verification.
- (c) In order to rationalise the site boundary of the Site so as to have better management of adjacent unallocated and unleased government land (UUGL) to the Site, the applicant is advised to consider including that part of UUGL to the northwest of the South Site and apply for a Short Term Tenancy (STT) of GL concerned for the proposed development.
- (d) The registered owner of the private lots has submitted an application to LandsD for a STW covering the private lots concerned and a STT covering GL to implement the proposed development.
- (e) Tree removal and compensation proposal for the Site is noted in para. 3.1.4 of **Appendix Ia**. As there is no tree preservation clause under the lease(s) which the lots are held, LandsD will handle any proposed tree removal/felling proposal within the Site according to the established procedure.

- (f) To facilitate further processing of STW/STT applications, the applicant is advised to indicate the temporary vehicular access points for construction vehicles in the Site of the subject application and their STW/STT application.
- (g) Should the Board approve the planning application, his office will process STT and STW applications according to the established procedure. However, there is no guarantee that the said STT and STW applications will be approved. Such applications will be dealt with by LandsD acting in the capacity as the landlord at his discretion, and if they are approved, the approval will be subject to such terms and conditions including among others, the payment of such appropriate fees as may be imposed.

Traffic

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

He has no comment from traffic engineering point of view.

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

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) Only a section of Tsui Sing Road of about 120m abutting Ping Ha Road is maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the Sites and the section of Tsui Sing Road being maintained by HyD.

9.1.5 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

The Site falls within the railway protection boundary of TML. As the operation of the existing railway system is not under his jurisdiction, the applicant should consult MTRCL with respect to operation, maintenance, safety and future construction of the existing railway network with reference to the procedures in PNAP APP-24 and DEVB TC(W) No. 1/2019 for private and public works respectively.

Urban Design and Landscape

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

Urban Design and Visual

- (a) The Site is located to the east of Tin Shui Wai MTR and Light Rail Stations with their elevated structures and mainly surrounded by existing low rise village developments intermixed with temporary vehicle park and eating place and shop and services. Two declared monuments (i.e. Tsui Sing Lau Pagoda and Tat Tak Communal Hall) are located in the immediate northeast and further northeast respectively. (**Plan A-2**). Some high-rise developments and temporary uses are also located in close proximity (**Plan A-3**).
- (b) According to the FI at **Appendix Ie**, the layout of the Site has been rearranged to mitigate visual impact from Tsui Sing Road viewing towards Tsui Sing Lau Pagoda, and the proposed building height has been reduced to +12.13mPD. The buffer distance from the Tsui Sing Lau Pagoda has been widened to 15m.
- (c) To visually blend with the surrounding rural settings and village characters and be more responsive to ambience of local heritage feature, various design measures have been proposed at the Site (**Appendices Ia and Ie**) including design of perimeter block with opening facing to Tsui Sing Lau Pagoda; provision of front yard as a public open space at the entrance; adoption of stepping height pattern; use of appropriate building materials for façade treatment and fence wall; and retention of existing roadside vegetation (**Drawings A-2a, A-4 and A-5**).
- (d) Considering the temporary nature of the proposed developments with its low-rise in scale, it is expected that the long-term adverse visual impacts would not appear.

Landscape

- (e) According to the aerial photo of 2019, the Site is mainly hard paved with temporary structures occupying the northern corner. It is located in an area of miscellaneous urban fringe landscape character predominated by tree groups, woodlands, village houses and open storage yards. The proposed development is considered not incompatible with the landscape character of the surrounding area.

- (f) According to **Appendix Ia**, 4 small to medium-sized existing *Ficus microcarpa* (細葉榕) of poor structural condition, of which 3 within the Site and 1 outside the Site, are proposed to be felled. Shrub planting is proposed on the periphery of the Site (**Drawing A-5**).
- (g) In view that significant adverse landscape impact arising from the proposed development is not envisaged with the consideration of the proposed tree replacement mitigation, he has no objection to the planning application from the landscape planning perspective.
- (h) The applicant should note her detailed comments at **Appendix VI**.

Heritage Conservation

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

- ~~(a)~~ ~~He has no in principle objection to the application from heritage conservation point of view.~~
- ~~(b)~~(a) According to his understanding, the Tang's clan of Ping Shan strongly objects to the transitional housing at the Site, which is very close to their *fung shui* pagoda. According to the Tang's clan, if the application is approved by the Board, the private monuments and graded buildings under the clan's ownership along the Ping Shan Heritage Trail will be closed to the public. From the heritage perspective, he certainly does not wish to see the general public being deprived from visiting and appreciating the historic buildings along the heritage trail. He believes that support/agreement from the local community is crucial for the proposed transitional housing development. In view of the above, it is advisable for the Board to critically assess whether the provision of the proposed transitional housing at the Site is to the benefits of the society in general.
- ~~(c)~~(b) The applicant should note his detailed comments at **Appendix VI**.

Drainage

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

He has no objection in principle to the application from a drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the

applicant to submit a detailed drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to water supplies for firefighting and fire service installations being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant should note his detailed comments at **Appendix VI**.

Building Matters

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

- (a) Before any building works (including containers/open sheds as temporary buildings, demolition, land filling and excavation, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorised building works (UBW) under BO. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed buildings works in accordance with BO.
- (b) The applicant should note his detailed comments at **Appendix VI**.

Water Supply

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

- (a) He has no objection to the application.
- (b) The applicant should note his detailed comments at **Appendix VI**.

Others

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

- (a) He has no particular comment on the application from electricity supply safety aspect.

- (b) The applicant should note his detailed comments at **Appendix VI**.

District Officer's Comments

9.1.13 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

- (a) While his office has no specific comment on the proposal, he noted Ping Shan Rural Committee (PSRC) and the Village Representatives (VRs) of 屏山三圍六村 including Hang Mei Tsuen, Hang Tau Tsuen, Tong Fong Tsuen, Hung Uk Tsuen, Ping Shan San Tsuen, Kiu Tau Wai, Sheung Cheung Wai and Fu Sha Wai raise strong objections to the application mainly on grounds of not in line with planning intention of the zoned uses, incompatible with the surrounding environment and historical buildings, and adverse traffic impact. Copies of the same objection letters with signatures from villagers received by the Board during the public inspection period are at **Appendices V-1 to V-3**.
- (b) He also relays an objection letter dated 3.5.2021 from PSRC and VRs of 屏山三圍六村 (**Appendix IV**) expressing views as above, and advising that should the planning application be approved, they would escalate actions to protect the monuments and heritages in Ping Shan.
- (c) He understands that PSRC and Sheung Cheung Wai VRs have sent the same objection letters to the Board separately.

9.2 The following government departments have no comment on the application:

- (a) Director of Environmental Protection (DEP);
(b) Commissioner of Police (C of P);
(c) Director of Agriculture, Fisheries and Conservation (DAFC);
(d) Director of Social Welfare (DSW);
(e) Director of Food and Environmental Hygiene (DFEH);
(f) Director of Leisure and Cultural Services (DLCS); and
(g) Project Manager (West) (PM(W)), CEDD.

10. Public Comments Received During the Statutory Publication Period

10.1 The application and FIs were published for public inspection. During the statutory public inspection periods, a total of 148 public comments were received, and all comments raise objection to the application. Among them, 137 public comments are in the form of 2 types of standard letters (samples

at **Appendices V-5 and V-8**). A full set of public comments received is deposited at the Board's Secretariat for Members' inspection and reference.

10.2 The objections submitted by PSRC and Sheung Cheung Wai VRs (**Appendices V-1 to V-4**) are the same as those relayed by DO(YL), HAD in paragraph 9.1.13 above. VRs of Ping Shan Heung and residents of Sheung Cheung Wai also submitted individual letters objecting to the application (samples are at **Appendices V-5 to V-10**). The Conservancy Association (**Appendix V-11**) and 10 individuals (samples are at **Appendices V-12 to V-14**) also raise objections to the application. Their major views are summarised as follows:

- (a) not in line with the planning intentions of "OU(HCTRU)" and "V" zones;
- (b) the demand for transitional housing is mainly in the urban areas. The Site is located in the rural area and is considered not suitable for transitional housing use;
- (c) incompatible with the village setting;
- (d) neglecting the historical significance of the declared monuments of Tsui Sing Lau Pagoda and Tat Tak Communal Hall and Ping Shan Heritage Trail;
- (e) adverse traffic impact and traffic congestion in the vicinity;
- (f) inadequate parking spaces at Sheung Cheung Wai;
- (g) existing environmental hygiene facilities and public services could not cope with increased population;
- (h) the proposed development does not conform with the development restrictions/parameters as stipulated on the OZP; and
- (i) insufficient technical assessments, including Heritage Impact Assessment (HIA) as required under the "OU(HCTRC)" zone, and justifications to support the application.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary transitional housing with 19 units and ancillary uses (including activity room and kiosk) for a period of 3 years at the Site mainly zoned "OU(HCTRU)" on the OZP. The planning intention of the "OU(HCTRU)" zone is primarily to facilitate provision of heritage and cultural tourism related facilities or uses that are complementary to Tsui Sing Lau Pagoda and Tat Tak Communal Hall as heritage attractions and visually compatible with the historical buildings. Although the proposed development is not in line with the planning intention of "OU(HCTRU)" zone, there is no known programme/intention to implement

the zoned heritage and cultural tourism related use on the Site for the time being. The proposed temporary transitional housing with ancillary uses is beneficial to society by providing housing and social welfare for the low-income community, and can relieve the pressure of families living in unpleasant condition and waiting for public housing for a long time. STH has given in-principle policy support to the proposed development which is in line with the Government's policy to increase the supply of transitional housing. In this regard, approval of the proposed transitional housing on a temporary basis would not jeopardise the long-term planning intention of the "OU(HCTRU)" zone.

- 11.2 The Site is located at the fringe of the village settlements of Sheung Cheung Wai mainly surrounded by residential dwellings, parking of vehicles, school, declared monuments of Tsui Sing Lau Pagoda and Tat Tak Communal Hall and elevated structures of Tin Shui Wai MTR and Light Rail Stations (**Plan A-2**). The temporary nature and low-rise built form (1 to 3 storeys) of the proposed development, with set back from Tsui Sing Lau Pagoda through the provision of a public open space, proposed stepped height profile, provision of buffer planting along the eastern and southern boundaries of the Site, beautification of existing roadside planters and adoption of suitable building materials respecting the rural setting and heritage character (**Drawings A-3, A-5, A-6 and A-7**), is considered not incompatible with the surrounding land uses.
- 11.3 The applicant will provide a public open space of 400m² between the proposed development and Tsui Sing Lau Pagoda for public to appreciate Tsui Sing Lau Pagoda. Moreover, a Creative Learning and Culture Activity Room is also proposed for cultural education activities related to Ping Shan Heritage Trail (**Drawing A-4**). In addition, various design measures have been proposed at the Site to visually blend with the surrounding rural settings and village characters and be more responsive to the ambience of local heritage feature (**Drawing A-5**). ES(A&M), AMO has no ~~in-principle objection to~~ **adverse comment on** the proposed development from heritage conservation perspective.
- 11.4 Technical assessments submitted by the applicant, including DSIA, TIA, VIA and landscape proposal, conclude that there will not be significant adverse drainage, sewerage, traffic, visual and landscape impacts caused by the proposed development. With the incorporation of proposed noise mitigation measures such as fixed/maintenance windows and architectural fin, no adverse railway noise impact from TML and LRT on the Site is anticipated. CTP/UD&L of PlanD considers that the proposed development is not incompatible with the surrounding context and would not significantly alter the visual character of the area. Relevant government departments including C for T, DEP, CE/MN of DSD, D of FS and CBS/NTW of BD have no adverse comment on or objection to the planning application, and concerns of the relevant departments could be addressed by approval conditions in paragraph 12.2 below.
- 11.5 The Site is involved in 12 previous planning applications for different temporary uses, including vehicle park, flea market and barbeque area (**Plan**

A-1b). Their considerations are not relevant to the subject application which is for residential use.

- 11.6 A total of 148 public comments objecting to the application mainly on grounds of not in line with planning intention, incompatible with surrounding land uses and adverse traffic, environmental and heritage impacts were received during the statutory publication periods as mentioned in paragraph 10 above. Besides, PSRC and Sheung Cheung Wai VRs raised objection via DO(YL) of HAD as stated in paragraph 9.1.13 above. The planning assessments and considerations in the paragraphs 11.1 to 11.5 above are relevant. Given the local objection expressed and taking into account the suggestions/comments of THB and AMO, the applicant is advised to further liaise with the locals and relevant stakeholders on the details of proposed development prior to the commencement of the works at the Site. In this regard, an advisory clause is suggested at **Appendix VI**. Regarding the comment on the proposed development exceeding the OZP restrictions and the lack of HIA as stipulated on the OZP, since the application is for temporary use not exceeding a period of 3 years, according to the covering Notes of the OZP, the Board may grant permission for a maximum period of 3 years notwithstanding that the use or development is not provided for in terms of the OZP.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the local views relayed by DO(YL), HAD in paragraphs 9.1.13 and the public comments mentioned in paragraph 10 above, the Planning Department considers that the proposed transitional housing and ancillary uses could be tolerated for a period of 3 years.
- 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 **10.12.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **10.6.2022**;
- (b) in relation to (a) above, the implementation of the 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 **10.9.2022**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (d) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **10.6.2022**;
- (e) in relation to (d) above, the implementation of the 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 **10.9.2022**;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning conditions (a), (b), (d) or (e) 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 VI**.

- 13.3 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 "OU(HCTRU)" zone which is primarily to facilitate provision of heritage and cultural tourism related facilities or uses that are complementary to Tsui Sing Lau Pagoda and Tat Tak Communal Hall as heritage attractions and visually compatible with the historical buildings. No strong planning justification has been 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 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 13.11.2020 with supplementary information and replacement pages
Appendix Ia	Planning Statement
Appendix Ib	FI received on 16.8.2021
Appendix Ic	Consolidated FI received on 17.8.2021
Appendix Id	FI received on 18.8.2021
Appendix Ie	FI received on 24.11.2021
Appendix If	FI received on 2.12.2021
Appendix II	Overall parameters of the Proposed Transitional Housing Development
Appendix III	Previous applications
Appendix IV	Objection letter from PSRC and 屏山三圍六村
Appendices V-1 to V-14	Samples of public comments
Appendix VI	Advisory clauses
Drawing A-1	Indicative Master Layout Plan
Drawings A-2a to A-2c	Floor plans
Drawing A-3	Cross section
Drawing A-4	Landscape plan
Drawing A-5	Artist Impression
Drawings A-6 and A-7	Photomontages
Drawing A-8	Public Transport Facilities in the vicinity of the Site
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2021**