

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/623

- Applicant** : Light Be (Tin Shui Wai Social Housing) Co. Ltd. represented by LWK & Partners (HK) Limited
- Site** : Lots 360 and 377 in D.D. 122 and the adjoining Government Land (GL), Ping Shan, Yuen Long, New Territories
- Site Area** : About 2,230 m² (including GL of about 694m² or 31.1%)
- 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)
- Zoning** : “Village Type Development” (“V”)
[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 Residential Institution (Transitional Housing) for a Period of 7 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary transitional housing for a period of 7 years at the application site (the Site) (**Plan A-1a**). The Site falls within an area zoned “V” on the OZP. According to the Notes for “V” zone of the OZP, ‘Residential Institution’ is a Column 2 use which requires planning permission of the Town Planning Board (the Board). The Site, which comprises two portions namely the North Site and the Middle Site, forms part of a temporary transitional housing project named Light Village that comprises three sites, namely North, Middle and South Sites (**Drawing A-1**). The South Site is under another planning application (No. A/YL-PS/622) submitted by the same applicant (**Plan A-1a**), which will be considered at the same meeting. The North Site is currently used for temporary vehicle park without valid planning permission while the Middle Site is currently vacant.

- 1.2 The Site involves 3 previous applications (No. A/YL-PS/18, 561 and 588) for temporary public vehicle park and temporary animal boarding establishment (**Plan A-1b**). The last application submitted by a different applicant for temporary animal boarding establishment for a period of 3 years was approved by the Committee on 31.5.2019.
- 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 at the Site involves two 3-storeys residential compounds (1 in the North Site and 1 in the Middle Site), with a total plot ratio (PR) of about 1.96 and providing a total of 68 residential units (average flat size of about 35m²) (**Drawings A-2a to A-2c**). No car parking facilities are proposed. The proposed development parameters are as follows:

	Middle Site	North Site	Total
Site Area	about 950m ² (including 490m ² government land)	about 1,280m ² (including 204m ² government land)	about 2,230m ² (including 694m ² government land)
Maximum PR	about 1.9	about 2	about 1.96
Total Domestic GFA	about 1,805m ²	about 2,560m ²	about 4,365m ²
No. of Blocks	1	1	2
No. of Storeys	Not more than 3 storeys		
Maximum Building Height (about)	Not more than +12.63mPD (8.23m)	Not more than +13.13mPD (8.23m)	---
Total Site Coverage	Not more than 60%		
Average Flat Size	About 35m ²		
No. of Units	29	39	68
Estimated Population	92	123	215
Bicycle Parking Spaces	5	6	11
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 7 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 development parameters of the whole transitional housing development is at **Appendix II**.
- 1.5 The Master Layout Plan, floor plans, sections, landscape plans, artist impressions, photomontages of the visual impact and public transport

facilities are at **Drawings A-1 to A-9** respectively. In support of the application, the applicant has submitted Traffic Impact Assessment (TIA), Railway Noise Impact Assessment (RNIA), Visual Impact Assessment (VIA), and Drainage and Sewerage Impact Assessment (DSIA) and 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-9**). 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, a total of 11 bicycle parking spaces will be provided for the residents. A 24-hour pedestrian access along the southern boundary of the North Site will also be provided for the adjoining lot (**Drawing A-2a**).

Environment

- 1.7 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 air quality impact on the Site.

Visual and Landscape

- 1.8 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 be adopted at the Site to minimise adverse visual impact. The layouts at the Site has also been rearranged to enhance visual permeability to/from Tat Tak Communal Hall.
- 1.9 Communal courtyard will be provided in the centre of each development portion at 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 and to create a pleasant street environment for the neighbourhood (**Drawings A-4 and A-5**).

Drainage and Sewerage

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

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

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

((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]

1.12 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.

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.

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 typical small size brownfield site and currently 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) 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 are visually compatible with Tat Tak Communal Hall and the surrounding village type developments. Given that the maximum height of the proposed development is not more than 3 storeys (not more than +12.63mPD and +13.13mPD respectively), it is compatible with the surrounding village type development which are mainly 2 to 3 storeys in height (**Drawings A-2a and A-5**). As the proposed development is temporary in nature and small in scale, no adverse environmental impact resulting from the proposed development is expected.
- (f) Technical assessments including TIA, RNIA, 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. Nevertheless, the current use of parking of vehicles would be subject to planning enforcement action.

5. Previous Applications

The Site involves in 3 previous applications (No. A/YL-PS/18, 561 and 588) for temporary public vehicle park and temporary animal boarding establishment covering different extent of the Site (**Plan A-1b**). All of them were approved 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 "V" zone.

6.2 For members information, application No. A/YL-PS/622 for temporary transitional housing and ancillary uses for a period of 3 years within the "Other Specified Uses" annotated "Heritage and Cultural Tourism Related Use" ("OU(HCTRU)") and "V" zones submitted by the same applicant will also be considered at this meeting (**Plan A-1a**).

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

7.1 The Site is:

- (a) currently partly vacant (the Middle Site) and partly being used as vehicle park without valid planning permission (the North Site) (**Plans A-2 and A-4**); 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 (**Plans A-2 and A-3**):

- (a) to the north is Tin Shui Wai Light Rail Substation;
- (b) to the east are temporary eating place and shop and services with valid planning permission under application No. A/YL-PS/610 intermixed with residential dwellings. Tat Tak Communal Hall, a declared monument, is located in between the North and Middle Sites;

- (c) to the south are temporary public vehicle park with valid planning permission under application No. A/YL-PS/625 and 635, the other site of the same proposed transitional housing development under application No. A/YL-PS/622 which will be considered at the same meeting, and another declared monument of Tsui Sing Lau Pagoda (**Plan A-3**); and
- (d) to the west and southwest are Tsui Sing Road and the elevated structures of Tin Shui Wai MTR and Light Rail Stations.

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

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, 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 two private lots (i.e. Lot No. 360 for the North Site and Lot No. 377 for the Middle Site in D.D. 122) which are for agricultural purpose with two pieces of unleased and unallocated GL adjoining to the Middle and North Sites respectively. The Middle Site is currently vacant and Lot No. 377 is subject to a licence M18520 for agricultural structure (store) purpose. As the Middle Site is no longer used for agricultural purpose, the licence M18520 will be cancelled as to facilitate the implementation of the proposed development accordingly.
- (b) For the Executive Summary at **Appendix Ia**, paras. 2.1.1, 3.1.2 and 3.1.4, etc. the applicant is required to clarify if two pieces of GL are included in the application area of 2,230m² of the Middle and North Sites as mentioned in the submission, the actual area of the Middle and North Sites including private lots and GL concerned will be subject to further verification.
- (c) The registered owner of the private lots has submitted an application to LandsD for a Short Term Waiver (STW) covering the private lots concerned and a Short Term Tenancy (STT) covering GL to implement the proposed development.
- (d) A landscaping proposal is noted in Figure 3.6 of **Appendix Ia** with removal and compensation of trees involved. Subject to approval of the said submission, any tree preservation and removal proposal will be handled by his office as per the established procedure.
- (e) 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 and the STW/STT applications.
- (f) Noting the applicant proposed a 24-hour pedestrian access within the North Site for the adjoining Lot No. 357 in D.D. 122 in Figure 3.2 of **Appendix Ia**, the applicant is reminded to provide proper maintenance and management for the pedestrian access.
- (g) There is no Small House application approved or under processing at the Site.
- (h) 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 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 Sites 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 the West Rail Line. 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 and heritage features especially Tat Tak Communal Hall are located in the east and Tsui Sing Lau Pagoda in the southwest (**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 Ic**, the layouts at the Site has been rearranged to enhance visual permeability to/from Tat Tak Communal Hall. The proposed building heights have been reduced to +12.63mPD for the Middle Site and +13.13mPD for the North Site respectively.
- (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 Ic**) including staggered disposition of residential compounds at the Site; use of appropriate building materials for façade treatment and fence wall; and retention of existing roadside vegetation (**Drawings A-2, A-4 to A-6**).
- (d) Considering the temporary nature of the proposed development 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 Middle Site is primarily occupied by temporary structure, and the North Site is hard paved with parking of vehicles. 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) At the Site, 39 small to medium-sized existing trees of common species are located respectively. Among which, 5 palm trees in fair condition at Middle Site are proposed to be removed with replanting of 5 *Ilex rotunda* Thunb. var. *microcarpa* (Lindl. ex Paxton) S. Y. Hu (小果鐵冬青), while other existing trees to be preserved in-situ.
- (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) 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**.

Others

9.1.11 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

9.1.12 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 use, 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.
- (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 or no objection to 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) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (g) Director of Leisure and Cultural Services (DLCS); and
- (h) Project Manager (West) (PM(W)), CEDD.

10. Public Comments Received During the Statutory Publication Period

- 10.1 The application and its FI were published for public inspection. During the statutory public inspection periods, a total of 150 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 9.1.12 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 12 individuals (samples are at **Appendices V-12 to V-16**) also raise objections to the application. Their major views are summarised as follows:
- (a) not in line with the planning intention of "V" zone;
 - (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) unreasonable lengthy temporary use for 7 years.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary transitional housing with 68 units for a period of 7 years at the Site zoned “V” on the OZP. The planning intention of the “V” zone is primarily for development of Small Houses by indigenous villagers. Although the proposed development is not entirely in line with the planning intention of “V” zone, there is no Small House application approved or under processing at the Site. The proposed temporary transitional housing 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 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 “V” 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 (3 storeys) of the proposed development, with beautification of existing roadside planters and adoption of suitable building materials respecting the rural setting and heritage character (**Drawing A-5**), is considered not incompatible with the surrounding land uses.
- 11.3 The applicant has proposed various design measures 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**). The layouts at the Site has also been rearranged to enhance visual permeability to/from Tat Tak Communal Hall. 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, RNIA, TIA, VIA and landscape proposal, conclude that there will not be significant adverse drainage, sewerage, noise, traffic, visual and landscape impacts caused by the proposed development. CTP/UD&L of PlanD consider 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 3 previous planning applications for temporary vehicle park and animal boarding establishment (**Plan A-1b**). All of the applications were approved by the Committee between 1997 and 2019. The considerations are not relevant to the subject application which is for residential use.

- 11.6 A total of 150 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 9.1.12 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 of THB, 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 restrictions as stipulated on the OZP, the applicant has revised the proposed building height to 8.23m which is in line with the height restriction for Small House developments. Nevertheless, according to the Notes of “V” zone, ‘Residential Institution’ is not subject to the maximum building height restriction of 8.23m. Despite the period of approval sought, the applied use is temporary in nature.

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 paragraph 9.1.12 and 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 permissions shall be valid on a temporary basis for a period of 7 years up to **10.12.2028**. 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;
- (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**.

- 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 "V" zone which is primarily for development of Small Houses by indigenous villagers. 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
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-16	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	Typical cross section
Drawing A-4	Landscape plan
Drawing A-5	Artist Impression
Drawings A-6 to and A-8	Photomontages
Drawing A-9	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
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2021**