

RNTPC Paper No. A/YL-KTS/847
For Consideration by
the Rural and New Town
Planning Committee
on 26.6.2020

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/847

- Applicant** : Pok Oi Hospital represented by Townland Consultants Limited
- Site** : Lots No. 472 (Part), 587 RP, 591, 592, 600, 1276 (Part), 1277 RP, 1318, 1321, 1322, 1324, 1325 S.A & S.B-E, 1326, 1327, 1329, 1330 (Part), 1334, 1335 S.A, 1335 RP, 1336 RP, 1337 RP (Part), 1338 (Part), 1339 (Part), 1340, 1341 (Part), 1342 (Part) and 1343 RP (Part) in D.D. 106 and Adjoining Government Land, Kong Ha Wai, Kam Tin, Yuen Long
- Site Area** : About 41,452.3m² (including Government land (GL) of about 1,093.1m² (about 2.6%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Residential (Group D)” (“R(D)”) [restricted to a maximum plot ratio of 0.2 and a maximum building height (BH) of 2 storeys (6m)]
- Application** : Proposed Temporary Transitional Housing Development for a Period of 3 Years and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary transitional housing development for a period of 3 years and excavation of land at the application site (the Site) (**Plan A-1a**). According to the 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 OZP¹. Excavation of land in the “R(D)” zone also requires planning permission from the Board. The

¹ While ‘flat’ and ‘residential institution’ are Column 2 uses in the “R(D)” zone, the plot ratio and building height of the proposed development exceed the development restrictions of the “R(D)” zone. Thus, temporary approval of three years is applied.

Site is currently occupied by open storage yards and warehouses (without planning permission), farmland and vacant land. The open storage yards and warehouses are being vacated.

- 1.2 Part of the Site is subject to three previous s.16 applications for temporary open storage and residential uses. The last application (No. A/YL-KTS/ 439) for proposed houses was approved with conditions by the Rural and New Town Planning Committee (the Committee) in 2008. However, the proposed development had not commenced and the planning permission lapsed on 16.8.2012.
- 1.3 According to the applicant, the proposed development aims to provide transitional housing to meet the short-term needs of people awaiting for public housing. The proposed development involves ten 4-storey residential blocks and two 2-storey amenity blocks with a maximum plot ratio of 1.5, providing 1,988 units. Three types of flats with toilet and pantry/kitchen with unit size of about 16m² to 33m² for singletons, families, elderly and disabled will be provided. The two amenity blocks will provide social welfare amenities and ancillary services such as shop and services (e.g. convenience store, small-scale market), community centre/office, multi-purpose community room, health corner, kindergarten/child care facility and management office to serve the future residents and neighbourhood. The development parameters are shown in the table below:

	Development Parameters
Site area (m²)	About 41,452.3 (including about 1,093.1 of GL)
Max. Plot Ratio (PR)	Not more than 1.5
Max. Total Gross Floor Area (GFA) (m²)	About 62,178.5
Non-domestic GFA (m²)	Not more than 2,000
Total Site Coverage	Not more than 60%
No. of Blocks²	10 Residential Blocks 2 Amenity Blocks
No. of Storeys	Residential Blocks: 4 Amenity Blocks : 2
Building Height (Main Roof)	Not more than 15m
Absolute Building Height	Residential Blocks: Not more than +27mPD Amenity Blocks : Not more than +19mPD
No. of Units	1,998
Estimated population	About 6,292
Open Space (m²)	Not less than 6,292
At-grade greenery	Not less than 20%

² There are also 3 structures for E&M/sewerage treatment plant/sewerage pumping station within the Site which are proposed to be exempted from GFA calculation.

- 1.4 The proposed development will involve excavation of land to accommodate the proposed underground sewerage treatment plant (STP)/sewerage pumping station (SPS)/E&M facilities (about 1,023m² and maximum 7m in depth). There will also be minor excavation of land for site formation during construction stage which will be filled and formed upon completion of construction work. Modular Integrated Construction (MiC) method will be adopted to enable the proposed transitional housing to be provided readily. The applicant, who is a non-profit making organization, will be responsible for the construction and management of the proposed development including the operation of the facilities in the amenity blocks. While the application is on a temporary basis of 3 years, the applicant intends to operate the proposed transitional housing for 7 years and will submit renewal application if the current application is approved. The anticipated completion year is 2022.
- 1.5 The Master Layout Plan (MLP), section, unit layout plans, conceptual landscape proposal, photomontages, artist's impression, sewerage plan and drainage plan of the proposed development and land excavation plan are at **Drawings A-1 to A-13**. In support of the application, the applicant has submitted Broad Visual Appraisal, Landscape Proposal, Traffic Review, Environmental Assessment (EA), Sewerage Impact Assessment (SIA), Drainage Impact Assessment (DIA) and Water Supply Impact Assessment (WSIA).

Traffic

- 1.6 The Site is accessible from Kam Sheung Road on the west and Kam Shui South Road on the east. The applicant proposed an ingress/egress at the strip of the Site abutting Kam Sheung Road. Pedestrian access will be available at Kam Sheung Road and Kam Shui South Road, which will be open to the public 24-hours a day. Bicycle parking spaces and nine loading/unloading spaces will be provided within the Site, while no residential car parking spaces will be provided. To cater for the additional public transport demand from the proposed development, the applicant suggested that the frequency of the existing bus/green mini bus (GMB) services could be strengthened, and/or a new bus service could be introduced between the Site and West Rail Kam Sheung Road Station (KSRS). A bus bay and bus stacking area are proposed within the Site to cater for the additional bus services (**Drawing A-14**). The applicant also proposed to convert an existing zebra crossing at Kam Sheung Road near the Site into signal light controlled crossing to facilitate pedestrian movement and enhance safety (**Drawing A-15**).

Environment

- 1.7 For the potential land contamination at the Site due to the existing industrial uses, the applicant will submit a contamination assessment prior to commencement of construction works and remedial actions will be undertaken to tackle any identified land contamination issues.

Drainage and Sewerage

- 1.8 According to the SIA, sewage generated from the proposed development will be discharged to the SPS and then to the STP within the Site for treatment (**Drawing A-11**). According to the DIA, the stormwater at the Site will be discharged through a proposed outfall to an existing nullah leading to Kam Tin River (**Drawing A-12**).

Landscape and visual

- 1.9 For the 108 existing trees within the Site, which are all common species, 39 trees are proposed to be retained and 69 trees are proposed to be felled. Buffer planting along the periphery of the Site are proposed to improve visual amenity. Outdoor open spaces including playground, fitness corner, garden and courtyard will be provided at the Site.

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

- (a) Application form and clarification letter received on 29.4.2020 (**Appendix I**)
- (b) Supplementary Planning Statement (**Appendix Ia**)
- (c) Further Information received on 18.6.2020 in response to departmental comments (**Appendix Ib**)
[exempted from publication requirement]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement at **Appendix Ia**. They can be summarized as follows:

- (a) The proposed transitional housing development is fully in line with and supporting the Government's policy in providing housing units in the short-term to alleviate the pressing housing demand and accommodate people who are living in substandard conditions. The proposed development is considered to be a desirable precedent as it will bring public benefits, as well as snowball effect to encourage more supply of interim housing from private sector.
- (b) The irregular shape of the site boundary is due to minimizing multiple ownership as far as possible, respecting the Kong Ha Wai Complex which is a Grade 3 historic building, and aligning with the zoning boundary of the "R(D)" and "Agriculture" ("AGR") zones. The proposed development will not result in land

locking of any private lots not in the control of the applicant and the applicant will ensure sufficient access to lots adjacent to the Site at all times.

- (c) The technical assessments submitted in the application concluded that no adverse traffic, environmental, engineering, visual and landscape impact is anticipated. The Site is within walking distance to the West Rail KSRS and there are various public transport services (i.e. bus and GMB) near the Site connecting to the West Rail KSRS, Tai Lam Tunnel Bus Interchange, Yuen Long Town, etc. According to the Traffic Review, the traffic impact imposed on the local road network due to the proposed development is insignificant, and the railway is anticipated to be operated within capacity even with the proposed development.
- (d) The EA concluded that adverse air quality, noise and water quality impacts arising from road traffic and the nearby industrial uses, as well as the proposed STP and SPS at the Site are not anticipated. No adverse sewerage and drainage impact is expected. The Broad Visual Appraisal concluded that the proposed development with a maximum Building Height (BH) of 4-storey is visually compatible with the adjacent environment.
- (e) The proposed transitional housing aims to provide a comfortable, harmonious and convenient living environment for the future residents, and to create an environment that supports community interaction and sense of place. The Modular Units are arranged in blocks that facilitate interactions between neighbours and can provide a real sense of community. Architectural elements, such as open staircases, architectural fins and colourful array of cladding panels on the facades break up and soften the bulkiness of the building blocks. Community gathering space, fitness area and various gardens are also proposed to promote social interaction and cohesiveness of the future residents.
- (f) The Site is in close proximity to existing community services such as shops, schools, social welfare facilities, etc. Besides, the proposed development is planned with communal amenities and sufficient open space to cater for the needs of the future residents. Moreover, the proposed facilities in the amenity blocks will provide services not only to the residents but also the nearby neighbourhoods, thus benefiting the local community.
- (g) The Site is a large area immediately available for implementation. To ensure speedy implementation for the proposed development, MiC technology will be adopted which will not only reduce on-site construction processes, but also contribute to sustainable development by using cleaner and more resource saving production process. It will also allow the housing modules to be easily dismantled and relocated upon expiry of the planning approval with minimal impact on the Site. The proposed maximum BH of 4 storeys avoids the need for foundation works to enable timely implementation.
- (h) The proposed development could phase out the existing brownfield use at the Site and improve the overall environmental condition in the area.

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

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

4. **Background**

The Site is not subject to planning enforcement action.

5. **Previous Applications**

- 5.1 Part of the Site was subject to three previous s.16 applications and one withdrawn s.12A application. Details of the applications are summarised in **Appendix II** and their locations are shown on **Plan A-1b**.

s.16 applications

- 5.2 Application No. A/YL-KTS/412 covering a small part of the Site for temporary open storage and assembly of internal equipment and installations (seats and electronic circuits) of public and franchised buses for a period of 3 years was rejected by the Board on review in 2008 mainly on the grounds that the development was not in line with the planning intention of the “R(D)” zone; did not comply with Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that there was no previous approval granted at the site and there was adverse departmental comments; there was insufficient information to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding areas; and the approval of the application would have a cumulative effect and result in a general degradation of the rural environment of the area.
- 5.3 Applications No. A/YL-KTS/174 and 439 covering the southeastern part of the Site and the adjoining area outside the Site for proposed residential development were approved with conditions by the Committee in 1999 and 2008 respectively mainly for the reasons that the proposed development was in line with the planning intention and would improve the general environment of the area; the proposed development was compatible with the surrounding land uses; and departments consulted generally had no adverse comment on the application. The proposed developments under both applications had not commenced and thus the planning permissions lapsed in 2003 and 2012.

s.12A rezoning application

- 5.4 The southern part of the Site and the adjoining “AGR” zone is also subject to a rezoning application (No. Y/YL-KTS/4) (**Plan A-1b**) for proposed rezoning from “R(D)” and “AGR” to “Residential (Group B)” to facilitate a proposed residential development comprising 16 towers of 13 to 19 storeys and providing 1,566 units. The application was withdrawn in 2015.

6. Similar Application

There is no similar application for temporary housing development and excavation of land within the same “R(D)” zone on the Kam Tin South OZP. There is also no application for permanent residential development within the same “R(D)” zone, other than the previous applications mentioned in paragraph 5.3 above.

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

7.1 The Site is:

- (a) mostly paved, occupied by open storage yards and warehouses (without planning permission), farmland and vacant land; and
- (b) accessible via Kam Sheung Road and Kam Shui South Road.

7.2 The surrounding areas are rural in character mainly occupied by residential structures/dwellings, open storage yards, warehouses, parking of vehicles, vacant/unused land, plant nurseries and active/fallow agricultural land. Some of the uses are suspected unauthorized development subject to enforcement action by the Planning Authority:

- (a) adjoining the Site on the southeast is a Grade 3 historic building, namely Main Building, Entrance Gate and Servant’s Quarters of Kong Ha Wai;
- (b) to the east, north and northeast are warehouses, open storage yards, residential dwellings/structures and vacant/unused land. To the further east across Kam Shui South Road and Kam Tin River is the village settlement of Kam Tsin Wai. Ng Ka Tsuen is located to the further north;
- (c) to the immediate west are open storage yards, warehouses, parking of vehicles, residential dwellings/structures and vacant land. To the further west across Kam Sheung Road are open storage yards, warehouses and residential dwellings/structures; and
- (d) to south are plant nurseries, active/fallow agriculture land, residential dwellings/structures and unused land.

8. Planning Intention

The planning intention of the “R(D)” zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Policy Aspect

9.1.1 Comments of the Secretary for Transport and Housing (STH):

- (a) The transitional housing development proposed by Pok Oi Hospital is considered to be in-line with the government policy to provide 15,000 units within three years (from 2020-21 to 2022-23) as announced by the government on 14.1.2020 and the Transport and Housing Bureau (THB) confirmed that in-principle policy support has been given to Pok Oi Hospital for the proposed transitional housing development and hence he support this planning application.
- (b) He noted that the private developer, Henderson Land Development Company Limited, leased the subject private lots to Pok Oi Hospital at a nominal rent for the development of the proposed transitional housing development for at least 7 years.
- (c) For the transport service enhancement as mentioned in the Traffic Review, it is advised that, with THB’s policy support, Transport Department will work closely with the relevant public transport operators for timely provision of the planned service enhancement to tie in with the population intake.

Land Administration

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

- (a) The Site affects a number of private lots which are not under single ownership. It is noted that one of the private lots is held by

a Tso (hereinafter referred to as “the Tso’s Lot”) (**Plan A-2**). District Officer’s comments on inclusion of the Tso’s Lot should therefore be sought in this regard. The ownership particulars of the lots and the site areas would have to be verified later during the land application stage.

- (b) It is noted that the private lots of the Site are not owned by the applicant, the applicant should demonstrate how to implement the proposed scheme as a whole if the planning application is approved by the Board. The applicant advised that they have sought the owners’ consent to provide the vehicular access to connect the Site to and from Tso’s Lot. He is not in a position to comment the above arrangement and there is no guarantee that the vehicular access can be available for the proposed development.
- (c) The Site would affect various short term waivers and modifications of tenancy within private lots (details of which will be checked upon receipt of the formal application) which would need to be cancelled for the proposed development.
- (d) The tree felling and compensatory proposal as stated in the application should be submitted separately for formal approval upon the implementation of the development proposal.
- (e) Should the Board decide to approve the planning application, the registered owners of the lots concerned and the applicant have to apply for short term waiver (STW) and short term tenancy (STT) respectively to give effect to the proposal. However, there is no guarantee at this stage that the STW and STT would be approved. Such application will be dealt with by his department acting in the capacity of the landlord at his discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including amongst others, the payment of waiver fee/rent and administrative fee as may be imposed by his department.

Traffic

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

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, the following conditions should be imposed:

- (i) no vehicle is allowed to queue back to or reverse onto/ from public road at any time during the planning approval period; and
- (ii) to provide a bus bay and bus stacking area within the Site for public transport services as stated in the traffic review after commencement of the development at all times during the planning approval period.

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

- (a) HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Sheung Road/Kam Shui South Road.
- (b) If the proposed run-in/out or vehicular entrance/exit at Kam Sheung Road is agreed by Transport Department (TD), the applicant should design and construct it in accordance with the latest Transport Planning and Design Manual of TD and the relevant standard drawings of his department.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

9.1.5 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD (CE/RD2-2, RDO, HyD):

He notes the proposed transitional housing development is temporary in nature. Also, the Site falls outside any administrative route protection boundary, gazetted railway scheme boundary or existing railway protection boundary of any railway systems. He has no comment on the application from railway development point of view.

Environment

9.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application.
- (b) The following approval conditions to his satisfaction are suggested:
 - (i) submission of a Contamination Assessment Plan (CAP) and if land contamination is confirmed, a Remediation Action Plan (RAP) and completion of the agreed remedial

actions prior to commencement of construction for the contaminated areas of the proposed development;

- (ii) submission of updated sewerage impact assessment and implementation of the sewerage improvement measures identified therein; and
- (iii) submission of an updated noise impact assessment and the implementation of mitigation measures identified therein.

Drainage

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

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) Should the Board approve the application, approval conditions requiring the submission and implementation of a revised DIA for the development to the satisfaction of the Director of Drainage Services or of the Board should be included.
- (c) His detailed comments on the submitted SIA and DIA are in **Appendix III**.

Urban Design and Landscape

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

Urban Design and Visual

- (a) The Site is located in proximity to West Rail KSRS bounded by Kam Tin River in the east and Kam Sheung Road to the west. The Site is located within an area rural in character, comprising open storage yards, temporary uses and village type developments that are subject to maximum 3 storeys in height. Judging from the photomontages submitted by the applicant, the proposed transitional housing with ten 4 storeys residential blocks is considered not incompatible with the surrounding context and would not significantly alter the visual character of the area.

Landscape

- (b) He has no objection to the application from the landscape planning point of view.
- (c) Based on the aerial photo taken on 29.9.2019, the Site is situated in an area of disturbed rural landscape character comprising of scattered tree groups, open storages, temporary structures, village clusters, active and abandoned farmlands. The proposed development is considered not incompatible with the landscape character in proximity.
- (d) Referring to the planning statement and site visit on 12.5.2020, the Site is partly paved and occupied with temporary structures and partly vacant. 108 nos of existing trees including undesirable species *Leucaena leucocephala* (銀合歡) and common species such as *Bauhinia variegata* (宮粉羊蹄甲), *Bombax ceiba* (木棉), *Celtis sinensis* (朴樹), *Cinnamomum camphora* (樟), *Dimocarpus longan* (龍眼) and *Macaranga tanarius* (血桐) in fair to poor condition are found within the Site, of which 69 nos are proposed to be felled due to poor condition and conflict with proposed buildings. About 56% of felled trees are undesirable invasive species *Leucaena leucocephala*. Buildings deposition has been taken into account to maximize the tree preservation in which several large trees (*Ficus microcarpa* (細葉榕) with diameter at breast height 0.5-0.9m) are preserved. 30 nos of native and exotic trees planting, and buffer planting with bamboo and shrubs are proposed within the Site to mitigate the landscape impact. With the design population of approximately 6,292 not less than 6,292m² open space including pocket gardens and courtyards are proposed within the Site.
- (e) The applicant is reminded that approval of the planning application under the Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the Lease. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate.
- (f) The applicant is reminded that 1.2m soil depth should be provided for new tree plantings and tall shrubs should be selected for the proposed buffer planting.

9.1.9 Comments of the Chief Architect/CMD(2), Architectural Services Department (CA/CMD (2), ArchSD):

Based on the information provided, it is noted that the proposed development consists of 10 residential blocks and 2 amenity blocks with height ranging from 19mPD to 27mPD which may not be incompatible with adjacent future housing developments with BH of 69mPD. As such, he has no comment from architectural and visual impact point of view.

Nature Conservation

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

- (a) He has no adverse comment on the application from the nature conservation point of view.
- (b) The Site is mainly occupied by temporary structures for brownfield activities and hence is primarily disturbed in nature. The upper section of Kam Tin River is located to the west of the Site. A planting site along Kam Shui South Road (established as ecological mitigation measures for the Main Drainage Channels for Yuen Long and Kam Tin) (**Plan A-2**) managed by the Agriculture, Fisheries and Conservation Department (AFCD) is located immediately to the east of the Site.
- (c) The applicant is reminded to perform good site practice to avoid adverse impact on the upper section of Kam Tin River and the planting area managed by the AFCD should the application be approved.

Heritage Conservation

9.1.11 Comments of the Antiquities and Monuments Office, Development Bureau (AMO, DEVB):

- (a) Although there is no graded building situated within the Site, there are three Grade 3 historic buildings, namely Main Buildings, Entrance Gate and Servants' Quarters of Kong Ha Wai, located in close vicinity to the Site.
- (b) Given the close proximity of the Site to the three Grade 3 historic buildings, the applicant is reminded to conduct assessments on the possible impacts arising from the proposed temporary transitional housing development on the graded buildings,

including but not limited to physical and visual impacts; and propose mitigation, protective and/or monitoring measures to be agreed by his office before implementation so as to ensure that no adverse and undesirable impacts will be brought to the three Grade 3 historic buildings.

Building Matters

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

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the Site under the BO.
- (c) Before any new building works (including container/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (d) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage.
- (f) The excavation and backfilling works should be carried out under the supervision of a competent person.
- (g) Attention is drawn to Building (Minor Works) Regulation that excavation with a depth between 0.3m to 3m falls within the items of Class I or Class II minor works and subject to the Minor

Work Control System. The excavation works should be supervised by competent persons, who are Professional and / or Prescribed Registered Contractor. The applicant may visit BD's website (<http://www.bd.gov.hk/english/index.html>) for details.

- (h) Adequate precautionary measures and suitable working procedures should be adopted in carrying out the above works to safeguard the stability of any building, structure, land, street or services. Any precautionary measures, which involve new building works, are subject to (c) above.
- (i) When any natural, formed or man-made land has due to any cause been rendered so dangerous or liable to become so dangerous that it will collapse, or be likely to collapse, and thereby will cause, or will be likely to cause, a risk of injury to any person or damage to any property, enforcement action may be taken by the BD.
- (j) For features applied to be excluded from the calculation of the total GFA, it shall be subject to compliance with the requirements laid down in the relevant Joint Practice Notes and Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP). For example, the requirements of building set back, building separation and site coverage of greenery as stipulated in PNAP APP-152.
- (k) Detailed comments under BO will be provided at building plan submission stage.

Fire Safety

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

- (a) He has no in-principle objection 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 or referral from the relevant licensing authority.
- (c) Furthermore, the emergency vehicular access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulations 41D which is administered by the BD.

Water Supply

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

- (a) He has no objection to the application.
- (b) Existing water mains will be affected as shown on **Plan A-2**. A waterworks reserve within 1.5m from the centre line of the water main shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (c) No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main.
- (d) The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Electricity

9.1.15 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) In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

Environmental Hygiene

9.1.16 Comments of the Director of Food and Environmental Hygiene (DFEH):

If any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD.

Others

9.1.17 Comments of the Director of Social Welfare (DSW):

He has no comment on the proposed transitional housing development from the welfare perspective. Given the temporary nature of the development, he has no proposed welfare facilities for this development yet he stands ready to review in case there are welfare facilities to be proposed by the applicant.

District Officer's Comments

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

His office has not received any locals' comment on the application and he has no particular comment on the application.

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

- (a) Project Manager (West), Civil Engineering and Development Department; and
- (b) Commissioner of Police.

10. Public Comments Received During Statutory Publication Period

- 10.1 On 5.5.2020, the application was published for public inspection. During the three-week statutory publication period, 41 public comments from Yuen Long District Council members, Chairman of Pat Heung Rural Committee, Village Representatives of various villages (25 comments in the form of standard letters), local residents (8 of them in the form of standard letters) and individuals were received (**Appendices IV-1 to IV-41**).

10.2 40 of them object to the application mainly on the following grounds:

- (i) the proposed development would cause adverse traffic (insufficient road capacity and public transport including bus, GMB and railway), drainage and sewerage impacts. Improvement to traffic and infrastructure works should be provided before development of the Pat Heung area;
- (ii) there is insufficient community and amenity facilities to cater for the increased population in the area. The recreational space in the proposed development is insufficient;
- (iii) affect fung shui of Kam Tsin Wai and Ng Ka Tsuen and the living environment of the locals. The construction works will affect the historic ancestral hall of Kam Tsin Wai;
- (iv) the nearby villages (including Kam Tsin Wai and Ng Ka Tsuen) and Pat Heung Rural Committee have not been consulted on the proposal;
- (v) the transitional housing for 3 years is too short and it seems that the project is to help facilitate the developer's private development at the Site. The transitional housing should be at least 10 years. The building materials of the proposal development would be disposed at landfill after 7 years;
- (vi) the Site should be used for permanent public housing development; and
- (vii) one of the comments states that an existing footpath between Kam Tsin Wai and Kam Sheung Road will be blocked by the proposed development, and proposes to keep this footpath. Another comment suggests to improve Kam Shui South Road to provide convenience to villages in Kam Tsin Wai village.

10.3 The remaining comment is submitted by the Chairman of Pat Heung Rural Committee/ Yuen Long District Council member who generally supports the application to meet the dire housing need. However, the increase in population may cause adverse traffic impact and suggests to improve the transport network of Pat Heung area.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary transitional housing development with 1,998 units for a period of 3 years in "R(D)" zone and excavation of land at part of the Site (1,023m² and maximum 7m in depth). The planning intention of the "R(D)" zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise and low-density residential developments subject to planning permission from the Board. The proposed

development for temporary transitional housing is generally in line with the planning intention of the “R(D)” zone to replace the existing temporary open storage uses at the Site by residential development. Besides, the proposed excavation of land is to facilitate the proposed SPS/STP/E&M in support of the proposed development. The proposed development is also in line with the Government policy to increase the supply of transitional housing to relieve the pressure of families living in unpleasant conditions and waiting for public housing for a long time. STH supports the application and confirms that in-principle policy support has been given to the applicant for the proposed transitional housing project.

- 11.2 The nature and low-rise built form (2 to 4 storeys) of the proposed development is considered not incompatible with the surrounding area which is rural in character intermixed with residential dwellings/ structures, active/fallow agricultural land and vacant/ unused land. Although there are some open storage yards and warehouses in the vicinity of the Site, most of them are unauthorized developments subject to enforcement action by the Planning Authority. The proposed temporary transitional housing will remove the existing open storage and warehouse operations on the Site that are not compatible with the residential and agricultural uses in the surrounding area, thereby improving the condition of the area and eliminating environmental nuisances to the existing nearby residents. In this regard, the proposed development are providing planning gains benefiting the existing residents in the neighbourhood. The proposed two amenity blocks at the Site will also provide social welfare and amenities for the future residents as well as the neighbourhood.
- 11.3 Technical assessments submitted by the applicant including traffic review, EA, SIA, DIA, landscape proposal and visual appraisal concluded that there will not be significant adverse traffic, environment, sewerage, drainage, visual and landscape impact caused by the proposed development. In particular, it is noted that a bus bay will be provided within the Site and it is proposed to strengthen public transport services to support the proposed development. Buffer planting will be provided along the periphery of the Site. Sewage treatment facilities will also be provided on-site to treat the sewage generated from the proposed development. Relevant government departments consulted including C for T, CE/MN of DSD, DEP, D of FS and CTP/UD&L of PlanD have no adverse comment on the application, and concerns of the relevant departments could be addressed by approval conditions in paragraph 12.2 (a) to (n). AMO’s concerns on the adjoining Grade 3 historic building would be addressed in detailed design stage.
- 11.4 The Site is subject to 3 previous s.16 planning applications. One for open storage was rejected in 2008. The other two (No. A/YL-KTS/174 and 439) at the south eastern part of the Site for proposed residential development were approved with conditions by the Committee in 1999 and 2008 respectively. Both of them had not commenced and their planning permissions have lapsed.

- 11.5 A total of 41 public comments were received during the statutory publication period. Forty object and one supports the application mainly on the grounds as detailed in paragraphs 10.2 and 10.3 above. Regarding the objecting comments, technical assessments on relevant aspects have been conducted, and the concerned departments consulted raised no objection to/ no adverse comment on the application. According to the applicant, the pedestrian access between Kam Shui South Road and Kam Sheung Road will be provided and open to the public. Also, any future development at the Site, if not permitted under the OZP, would require planning permission from the Board. The current application is not related to future permanent development at the Site. The above departmental comments as well as planning considerations and assessments are also relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 26.6.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (b) the provision of a bus bay and bus stacking area within the Site for public transport services after commencement of the development at all times during the planning approval period;
- (c) the submission of a run-in/out proposal at Kam Sheung Road within **6** months from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board by 26.12.2020;
- (d) in relation to (c) above, the implementation of the run-in/out proposal at Kam Sheung Road within **9** months from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board by 26.3.2021;
- (e) the submission of an updated sewerage impact assessment within **6** months from the date of planning approval to the satisfaction of the Director of Environmental Protection and the Director of Drainage Services or of the Town Planning Board by 26.12.2020;

- (f) in relation to (e) above, the implementation of the sewerage improvement measures within **9** months from the date of planning approval to the satisfaction of the Director of Environmental Protection and the Director of Drainage Services or of the Town Planning Board by 26.3.2021;
- (g) the submission of an updated noise impact assessment within **6** months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 26.12.2020;
- (h) in relation to (g) above, the implementation of the noise mitigation measures within **9** months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 26.3.2021;
- (i) the submission of a revised drainage impact assessment 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 26.12.2020;
- (j) in relation to (i) above, the implementation of the revised 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 26.3.2021;
- (k) the submission of a contamination assessment plan and remediation action plan (if necessary) within **6** months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 26.12.2020;
- (l) in relation to (k) above, the implementation of the remedial actions prior to commencement of construction for the contaminated areas of the development within **9** months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 26.3.2021;
- (m) 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 26.12.2020;
- (n) in relation to (m) above, the implementation of the fire service installations proposal 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 26.3.2021;
- (o) if any of the above planning condition (a) or (b) 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

- (p) if any of the above planning condition (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

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

the scale of the proposed development is excessive and is not compatible with the rural character of the area.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 29.4.2020
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 18.6.2020
Appendix II	Previous applications covering the Site
Appendix III	Detailed comments of CE/MN, DSD
Appendices IV-1 to IV-41	Public comments received during the statutory publication period
Appendix V	Advisory Clauses

Drawing A-1	Master Layout Plan
Drawing A-2	Section
Drawing A-3 & A-4	Unit Layout Plans
Drawings A-5	Conceptual Landscape Proposal
Drawings A-6 & A-7	Artist's impression
Drawings A-8 to A-10	Photomontages
Drawing A-11	Sewerage Proposal
Drawing A-12	Drainage Proposal
Drawing A-13	Land excavation plan
Drawing A-14	Bus bay and bus stacking area
Drawing A-15	Proposed pedestrian crossing improvement
Plans A-1a	Location Plan
Plan A-1b	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4d	Site Photos

**PLANNING DEPARTMENT
JUNE 2020**