

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-NSW/281**

- Applicant** : Hong Kong Sheng Kung Hui Welfare Council Limited represented by Kenneth To & Associates Limited
- Site** : Lots 1212 S.B RP (part) and 1212 S.C ss.3 RP in D.D. 115 and the adjoining Government Land (GL) in Tung Tau, Yuen Long
- Site Area** : About 23,337 m<sup>2</sup> (including GL of about 1,870 m<sup>2</sup>)
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
- Zoning** : “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”)  
[restricted to a maximum plot ratio of 0.4 and a maximum building height of 6 storeys including car park.]
- Application** : Proposed Temporary Transitional Housing and Ancillary Uses for a Period of 3 Years with Filling of Land and Excavation of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary transitional housing and ancillary uses for a period of 3 years with filling of land 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 OZP<sup>1</sup>. Filling of land and excavation of land in the “OU(CDWRA)” zone also requires planning permission from the Board. The Site falls within Wetland Buffer Area (WBA) of the Deep Bay area, currently vacant and covered with vegetation.

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

- 1.2 The Site is subject to three previous applications for driving school, residential development and temporary container tractor/trailer park. The last application (No. A/YL-NSW/189) for temporary container tractor/trailer park was rejected by the Rural and New Town Planning Committee (the Committee) in 2009 and the Board on review in 2010.
- 1.3 According to the applicant, the proposed development aims to provide transitional housing to meet the short-term needs of people waiting for public housing. The proposed development involves three 4-storey residential compounds and four 2-storey ancillary blocks with a maximum plot ratio of 1.7, providing 1,800 units (**Drawing A-1**). Four types of flats with toilet and kitchen/pantry and unit size from about 16.5m<sup>2</sup> to 39.5m<sup>2</sup> for singletons, families and disabled will be provided (**Drawings A-4 to 5**). The 4 ancillary blocks will provide ancillary services such as integrated social services centre, estate office, communal pantry and laundry, shared goods store/library and small-scale shop and services (e.g. convenience stores) and multi-purpose rooms for NGOs to serve the future residents and neighbourhood. The proposed development parameters are as follows:

<b>Site Area</b>	about 23,337 m <sup>2</sup> (including about 1,870 m <sup>2</sup> of GL)
<b>Total Plot Ratio (PR)</b>	not more than 1.7
<b>Total Gross Floor Area (GFA)</b>	about 38,742 m <sup>2</sup>
Domestic GFA	about 37,479 m <sup>2</sup>
Non-domestic GFA <sup>2</sup>	about 1,245 m <sup>2</sup>
<b>Total Site Coverage</b>	not more than 60%
<b>No. of Blocks<sup>2</sup></b>	3 Residential Compounds 4 Ancillary Blocks
<b>No. of Storeys/ Building Height (BH)</b>	Residential Compounds: 4 storeys/ 14m(20mPD) Ancillary Blocks: 2 storeys/ 8m(14mPD)
<b>No. of Units</b>	about 1,800
<b>Estimated Population</b>	about 3,840
<b>Open Space</b>	not less than 3,840 m <sup>2</sup>
<b>Green Coverage</b>	not less than 15.8%
<b>Loading/Unloading Bay</b>	3

- 1.4 The proposed development will involve filling and excavation of land covering an area of about 19,300 m<sup>2</sup> with soil depth of about 1.5m mainly for site formation, construction of building footing and provision of sewerage, drainage and other utility works (**Drawing A-10**). Modular Integrated Construction (MiC) method and pre-fabricated construction components will largely be adopted to enable delivery of the transitional housing units in a quick and sustainable manner, without involving massive piling works. The applicant, who is a non-profit making organization, will be responsible for the construction and

<sup>2</sup> Excluding 2 caretaker offices/guard houses, 8 E&M rooms, 2 Refuse Collection Points and 1 Refuse Storage & Material Recovery Room which are assumed to be exempted from GFA calculation.

management of the proposed development including the operation of the facilities in the ancillary blocks. While the application is on a temporary basis of 3 years, the applicant intends to run the development for 8 years in total (including about 6 years of operation and 2 years of construction/removal/relocation works) and will submit renewal application if the current application is approved. The anticipated completion year is 2022 and the population intake is around mid-2022.

- 1.5 The Master Layout Plan (MLP), sections, unit layout plans, conceptual landscape proposal, photomontages and indicative land excavation plan are at **Drawings A-1 to A-10**. In support of the application, the applicant has submitted Landscape Proposal, Visual Impact Assessment (VIA), Traffic Impact Assessment (TIA), Ecological Impact Assessment (EcoIA), 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 Chung Yip Road and Shan Pui Road. While vehicular accesses of the Site are proposed at these two roads, the access at Chung Yip Road will only serve the EVA/maintenance purpose. Pedestrian access will be available at both Chung Yip Road and Shan Pui Road. Three loading/unloading spaces will be provided, and no residential car parking spaces will be provided within the Site considering the income level of the tenants. While the Site is well served by public road and rail transport with MTR Yuen Long and Long Ping stations in walking distance, the applicant proposed further enhancements to the existing public transport services that the frequency of some of the existing bus/green mini bus (GMB) services could be strengthened, and the existing GMB stop is proposed to be relocated near the pedestrian entrance of the Site at Shan Pui Road to provide a 32m long GMB stand to better serve the future tenants (**Drawing A-1**).

#### *Environment*

- 1.7 According to the EA, potential noise, air quality and land contamination impacts have been assessed and no adverse impacts are anticipated at the Site. A minimum 5m buffer distance between the proposed residential units and the adjacent local roads will be provided. On-site survey confirms that there are no chimney or industrial activities within 200m from the Site. No adverse land contamination impact is anticipated as the Site was previously vacant or used as a plant nursery only.

#### *Drainage and Sewerage*

- 1.8 The area is served by public sewer and drain. According to the SIA, sewage generated from the proposed development will be discharged to the Yuen Long Kau Hui Sewage Pumping Station through public sewers and then to the Yuen Long Sewage Treatment Works for centralized treatment. According to the DIA, u-channels are proposed surrounding the Site to collect stormwater runoff at the Site which will be discharged through the public drainage system. The proposed development will not cause net increase in pollution load to Deep Bay.

*Landscape and visual*

- 1.9 The 90 existing trees of common and invasive species in poor condition and low amenity value, which are in direct conflict with the development layout, are recommended to be felled and replaced by 45 new trees. A landscape buffer with bamboo and shrub planting of 0.5m to 3m wide along the site boundary is proposed to provide adequate greening and visual screening for the Site. The abandoned pond next to the Site will be screened off by the fence wall and existing trees. Outdoor open spaces including playground, fitness area, garden and courtyard will be provided at the Site (**Drawing A-6**).
- 1.10 According to the VIA, the proposed development would largely be screened off by the tall and dense vegetation and it does not appear incompatible with the existing medium-rise developments and flatted factories in the vicinity (**Drawings A-7 to 9**).

*Ecology*

- 1.11 There is no wetland habitat identified within the Site and no net loss in wetland will be involved. No adverse impact on the natural habitat (including bird flight path, firefly habitat and cormorant roost) due to the proposed development is anticipated. While a small abandoned pond is located outside the Site (**Plans A-2 to 3**) which previously served the irrigation purpose for the plant nursery at the Site, the pond is isolated from other wetlands and has been abandoned for years that a gradual shrink of the pond size is observed due to natural degradation and hydrological changes over years. Site management measures (e.g. removing solid wastes and garbage from the pond, replacing with clean water and fencing off with perimeter planting, etc.) will be made by the respective land owner before the population intake of the proposed development to ensure environmental hygiene and public safety for future residents.
- 1.12 The applicant indicated that there will be no massive piling works with the proposed MiC and prefabrication method, and there will be no night time construction works. This will minimise adverse ecological impacts. Besides, best management practices will be adopted for collecting surface runoff at the construction stage and for stormwater discharge to avoid potential water quality impacts from the proposed development. All these will ensure no net increase in pollution load to Deep Bay.
- 1.13 In support of the application, the applicant has submitted the following documents:
- (a) Application form and clarification letters received on 3.9.2020 (**Appendix I**)
  - (b) Supplementary Planning Statement (**Appendix Ia**)
  - (c) Further Information (FI) received on 21.10.2020 in response to departmental comments (**Appendix Ib**)

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Appendices I to Ib**. They can be summarized as follows:

- (a) The proposed transitional housing development is 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 MiC and prefabrication method ensures delivery of these temporary housing units in a quick and sustainable manner without involving massive piling works. 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.
- (b) The temporary nature of the proposed transitional housing development will not jeopardise the planning intention of the "OU(CDWRA)" zone. No planning permission for proposed permanent comprehensive residential development with wetland restoration proposal within the subject zone has been granted by the Board. The Site has been left idle for a long time without active development programme. The proposed temporary use, which only builds on formed land with no net loss in wetland, shall not affect the planning intention in the long run and is considered an effective interim use at the Site.
- (c) The proposed transitional housing is compatible with the surrounding residential developments, namely Twin Regency, Wang Fu Court, the Spectra, the Parcville and One Regent Place, as well as the 3-storey village type developments in the vicinity.
- (d) The Site is suitable for proposed transitional housing development. It is well served by public transport with MTR Yuen Long Station and Long Ping Station in only 10 to 12-minute walking distance (about 800-900m) as well as GMB and bus stops nearby running between the Tung Tau area and Yuen Long Town Centre/other urban areas. The Site is also well supported by existing infrastructure on road, sewerage and drainage systems as well as community facilities such as grocery markets, shopping malls, schools, kindergarten and sports ground.
- (e) The proposed development has adopted a people-oriented design supplemented by social services and communal activities offered by the applicant. The transitional housing development is designed in 3 main residential compounds comprising a number of sub-blocks linked up by covered footbridges to create visual openness and facilitate air ventilation, with provision of public open space with landscape treatment to promote social interaction and integration. The ancillary community facilities are located throughout the Site to provide easy and convenient access from the residential units as well as the surrounding neighbourhoods to establish a harmonious and inclusive community in the Tung Tau area.
- (f) The technical assessments concluded that no adverse traffic, environmental, ecological, engineering, visual and landscape impact is anticipated. The EA concluded that adverse noise, air quality, water quality impact and land contamination are not anticipated. No adverse sewerage and drainage impact is expected. The VIA concluded that the proposed development with a maximum

BH of 4-storey is visually compatible with the adjacent environment. The EcoIA confirmed that the development complies with the Town Planning Board Guidelines No. 12C that there will be no net-loss in wetland, no net increase in pollution load to Deep Bay and it will not cause off-site disturbance impact to the ecologically sensitive area within the “Conservation Area” zone, WCA and the ponds located further north and northeast of the Site that no adverse impact on the natural habitat (including bird flight path, firefly habitat and cormorant roost) due to the proposed development is anticipated.

### **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. As regards the GL, the “owner’s consent/notification” requirements as set out in the TPB PG-No. 31A are not applicable.

### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12C) are relevant to the application. According to the said Guidelines, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarised as follows:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds;
- (b) an EcoIA would need to be submitted for application for planning permission within the WBA; and
- (c) proposals for appropriate level of residential/recreation developments on degraded sites to remove/replace existing open storage or container back-up uses and/or to restore lost wetlands may be given sympathetic consideration by the Board subject to satisfactory ecological and other impact assessments.

### **5. Background**

5.1 The Site is not subject to active planning enforcement action.

5.2 The Site is subject to an on-going s12A application (no. Y/YL-NSW/6), submitted by other applicants and not the subject landowner, which seeks to rezone the entire subject “OU(CDWRA)” zone (10.5ha) to “OU(CDWRA)1” for proposed comprehensive residential development at a total plot ratio of 3.68 and maximum building height of 41 storeys excluding basement (**Plan A-1a**). The applicants have been preparing additional FI to address departmental comments.

## **6. Previous Application**

- 6.1 The Site was subject to 3 previous applications. Details of the applications are summarised in **Appendix II** and their locations are shown on **Plan A-1b**.
- 6.2 Application no. A/DPA/YL-NSW/2 covering the eastern part of the Site for driving school under the then “Unspecified Use” (“U”) zone was approved with conditions for a period of 3 years by the Committee in 1991 mainly for the reasons that there seemed to be a need for such a driving school at that time to serve the northwest New Territories. Upon expiry of the permission in 1994, the proposed driving school had never been implemented.
- 6.3 The Site was rezoned to “R(D)” on the draft Nam Sang Wai OZP No. S/YL-NSW/1 in 1994. Application no. A/DPA/YL-NSW/25 for residential development (912 flats) with proposed PR of 3 and BH of 19 storeys over 2 car parking levels was rejected by the Board on review in 1997 mainly on the grounds that the proposed PR and BH were excessive; there was insufficient capacity to accommodate the traffic generated; the feasibility of the long-term sewage disposal facilities had not been satisfactorily addressed; and approval would set an undesirable precedent for similar applications.
- 6.4 In 2005, the Site was rezoned to “OU(CDWRA)” on the draft Nam Sang Wai OZP No. S/YL-NSW/7. The last application (no. A/YL-NSW/189) covering the northern part of the Site for proposed temporary container tractor/trailer park for a period of 3 years was rejected by the Board on review in 2010 mainly on the grounds that it was not in line with the planning intention of the “OU(CDWRA)” zone and the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E); the approval would set an undesirable precedent; and the cumulative effect of approving such applications would result in a general degradation of the environment of the area.

## **7. Similar Application**

There is no similar application for temporary housing development and filling and excavation of land within the same “OU(CDWRA)” zone on the Nam Sang Wai OZP. There is also no application for permanent residential development within the same “OU(CDWRA)” zone.

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

- 8.1 The Site is:
  - (a) currently vacant and covered by vegetation;
  - (b) within the WBA; and
  - (c) accessible via Shan Pui Road and Chung Yip Road.
- 8.2 The surrounding areas are intermixed with residential dwellings, vacant/unused land and parking of vehicles. Some of these uses are suspected Unauthorized

Developments (UDs) subject to enforcement action by Planning Authority:

- (a) to the north across Chung Yip Road are vacant/unused land, parking of vehicles, and Shan Pui Chung Hau Tsuen in the “Residential (Group D)1” (“R(D)1”) zone, further north is a driving school, Hong Kong School of Motoring (HKSM), under approved application No. A/YL-NSW/272 in the subject “OU(CDWRA)” zone;
- (b) to its immediate east are unused land and a pond in the subject “OU(CDWRA)” zone; to the further east across the Kam Tin River are the WCA zoned “CA” and “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” (“OU(CDWEA)”);
- (c) to its southeast are residential dwellings in the subject “OU(CDWRA)” zone and the “Village Type Development” zone; and to its immediate south is a piece of vacant land, across which is the Parcville zoned “Comprehensive Development Area”; and
- (d) to its immediate west are a pond, vacant/unused land, and parking of vehicles in the subject “OU(CDWRA)” zone; and to the further west is the Tung Tau Industrial Area zoned “OU(Business)”.

## **9. Planning Intention**

The “OU(CDWRA)” zone is intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay.

## **10. Comments from Relevant Government Departments**

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

### **Policy Aspect**

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

- (a) The transitional housing proposal of Hong Kong Sheng Kung Hui Welfare Council Limited (SKH) is considered to be in line with the government policy generally and the Transport and Housing Bureau (THB) confirmed that in-principle policy support has been given to SKH for the proposed transitional housing project.
- (b) He noted that the landlord of the private lots committed to rent the lots to SKH at a nominal rent for at least 8 years for implementation and operation of the proposed transitional housing.



- (c) For the transport service enhancement as mentioned in the TIA, THB will liaise closely with Transport Department (TD) for timely provision of the planned service enhancement to tie in with the population intake scheduled for Q2-Q3 2022.

### **Land Administration**

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

- (a) The Site involves 2 private lots and adjoining GL. The Site involves portion of Lot No. 1212 S.B RP in D.D. 115 and the whole of Lot No. 1212 S.C ss.3 RP in D.D.115 in which they should be used for agricultural purpose under General Conditions of Government Notification No. 365 of 1906, Special Conditions of GN 697 of 1909 and GN 278 of 1911.
- (b) According to MLP, the Site covers a narrow strip of GL at its south-western portion abutting Shan Pui Road and a piece of GL at its north-western portion abutting the Chung Yip Road (the “said government land”). Both GL are currently unleased and unallocated GL. The applicant advised that the GL of about 1,870 m<sup>2</sup> mentioned in para. 2.2.1 of the Planning Statement (PS) refers to the “said government land”.
- (c) According to the PS and TIA, two vehicular accesses of the Site were proposed at Chung Yip Road and Shan Pui Road. Shan Pui Road is currently maintained and managed by HyD and TD respectively. As for Chung Yip Road, it is a non-exclusive Right-of-way (“ROW”) delineated as Brown Area under Short Term Waiver (“STW”) No. 1781 held by the owner of the Lot No. 1347 RP in D.D. 115. Chung Yip Road is currently not maintained or managed by HyD or TD respectively. According to the STW No. 1781, the owner of Lot No. 1347 RP in D.D. 115 shall uphold, maintain and repair the ROW and shall be responsible for the whole. However, the grant of such ROW shall not give the owner the exclusive right to use the access road. The Government reserves the right to grant rights-of-way over such access road to the owners of any other lots in the vicinity or to take over the whole or any portion of the ROW for the purpose of a public street or to other owners to whom rights-of-way over the whole or any portion of the such access road may have been granted. As such, there is no guarantee that the proposed vehicular access points could be connected to the Chung Yip Road, and the applicant may wish to approach relevant parties to obtain respective access rights.
- (d) According to proposed salt water supply layout, there would be salt water facilities connecting to the Chung Yip Road. As illustrated in para. (c) above, there is no guarantee that the proposed salt water facilities could be connected to the Chung Yip Road.

- (e) Should TPB approve the planning application, the owners / applicant are required to apply to LandsD for STT (for the GL) and Waiver (for the private lot), if appropriate, for the proposed scheme. However, there is no guarantee that the said application, including the granting of any GL (if any), will be approved. Such application will be dealt with by LandsD acting in the capacity as the landlord at our discretion, and if it is approved will be subject to such terms and conditions including among others, the payment of such appropriate fees as may be imposed by LandsD.

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

- (a) He has no comment on the application from traffic engineering perspective.
- (b) The Site is connected to the public road network via a section of a local access road which is not managed by TD. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (c) Should the application be approved, the following condition should be imposed:

no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

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

- (a) Chung Yip Road is not maintained by HyD.
- (b) The proposed access arrangement of the Site from Chung Yip Road/Shan Pui Road should be commented and approved by TD.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Shan Pui Road.
- (d) If the proposed run-in/out is agreed by TD, the applicant should provide the run in/out at Shan Pui Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (e) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

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

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

### **Environment**

#### 10.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application.
- (b) The applicant submitted the SIA and EA to support the application.
- (c) With the implementation of environmental mitigation measures committed by the applicant (i.e. the provision of sewer (of 300mm diameter) connecting the proposed development to the existing public sewer in the vicinity), the subject development would unlikely be subject to or cause adverse environmental impacts exceeding the HKPSG criteria.

### **Nature Conservation**

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

- (a) He does not object to the application from nature conservation point of view.
- (b) The proposed development is low-rise, temporary in nature, situated in the landward part of WBA and in close proximity to existing urban development, and the construction method will not involve massive piling works.
- (c) He notes there is no wetland habitat existing on the Site and there would be no direct loss of wetland habitats; and as indirect disturbance impact has been assessed and mitigated as appropriate, unacceptable off-site disturbance impacts on the surrounding fishponds/wetlands in WBA and WCA is unlikely. He considers that the proposed temporary development would not violate the “no-net-loss in wetland” principle as stipulated in TPB PG-No. 12C.
- (d) Regarding the habitat of firefly and Great Cormorant roost, given that the building height of the project is low and the development will be of considerable distance from the firefly habitat and Great Cormorant roost, the habitat of firefly and Great Cormorant roost will not be adversely affected by the proposed temporary development.
- (e) Given that there is no wetland on the Site, the Site and the immediate surrounding habitats are of low ecological value, and the Site is at a

considerable distance from the areas of relatively higher ecological value along the Shan Pui River Channel, Kam Tin River Meander and in Nam Sang Wai, and that the EcoIA has recommended mitigation measures to avoid and minimize any adverse impacts identified, it is unlikely that the proposed development would cause adverse ecological impacts.

### **Urban Design and Landscape**

#### 10.1.8 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 within a cluster of existing and planned low to medium-rise developments consisting of 1 to 3-storey village houses as well as The Parcville and Tung Tau Business Area with BH up to about 93mPD. According to the indicative MLP submitted by the applicant, the proposed transitional housing development is composed of 3 compounds of residential blocks of 4 storeys (up to 20mPD) and 4 blocks for ancillary uses of 1-2 storeys (up to 14mPD) with a total PR not more than 1.7. Judging from the photomontages in the VIA, the proposed temporary development 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 from landscape planning perspective.
- (c) Based on the aerial photo taken in 2019, the Site is situated in an area of urban fringe landscape character within WBA. Scattered tree groups are found within the Site, while village houses and medium-rise residential developments are observed to the east and south of the Site. Vacant lands are found to the west and north of the Site. Noting the proposed building height (i.e. 4-storeys) and medium-rise residential development is located to the south of the Site, the proposed development is not entirely incompatible with the surrounding environment of the area.
- (d) Referring to our site visit in September 2020, the Site is vacant and covered with self-seeded vegetation. Numbers of existing trees of invasive species *Leucaena leucocephala* (銀合歡) are found within the Site. Referring to the submitted Landscape Proposal, all existing trees (i.e. 90 nos.) proposed to be felled are invasive and common species. Noting that 45 nos. new trees are proposed within the Site and the landscape treatment such as quality open spaces with new trees, shrubs and groundcovers and buffer planting along the periphery of the Site are proposed within the Site, the landscape impact arising from the development is considered acceptable with the mitigation measures.

- (e) Should the application be approved by the TPB, the following approval condition is recommended to be included in the planning permission:

The submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Board.

- (f) The applicant is reminded that approval of the planning application under 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.

### **Drainage**

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

- (a) He has no objection in principle to the application from public drainage point of view.
- (b) Should the Board approve the application, approval conditions requiring the submission and implementation of a revised DIA to the satisfaction of the Director of Drainage Services or of the Board should be included.

### **Buildings Matters**

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

- (a) before any new 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 unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (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 building works or UBW on the Site under the BO;
- (c) 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) Regulation

(B(P)R) respectively;

- (d) 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 B(P)R at the building plan submission stage;
- (e) 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; and
- (f) detailed checking under BO will be carried out at building plan submission stage.

### **Fire Safety**

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

- (a) He has no objection in principle to the application 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.
- (c) Furthermore, the EVA provision at 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) Regulation 41D which is administered by the Buildings Department.

### **Water Supply**

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

He has no objection to the application for about 1,800 flats with 3,840 population on a 3 year temporary basis.

### **Environmental Hygiene**

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

- (a) He has no comment on the application.
- (b) If any 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;

- (c) If FEHD is requested to take up management responsibility of new public toilets and refuse collection points, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to us;
- (d) If provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas etc, is required, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to us;
- (e) No environmental nuisance should be generated to the surroundings. Also, for any waste generated from the operations and works, the project proponent should arrange its disposal properly at their own expenses; and
- (f) If the captioned project will lead to significant population increase, sufficient amount of recurrent costs must be provided to FEHD in order to provide various types of environmental hygiene services for increased population, such as inspection to food premises, hawker control, handling of complaints, etc.

### **Others**

#### 10.1.14 Comments of the Director of Social Welfare (DSW):

He has no comment on the proposed transitional housing 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**

#### 10.1.15 Comments of the District Officer (Yuen Long) (DO(YL)):

His office has received a total of 4 letters, including one supporting letter from the Shap Pat Heung Rural Committee Chairman (**Appendix III-1**) and 3 identical objecting letters from the Indigenous Inhabitant Representative of Shan Pui Tsuen, a resident of Shan Pui Tsuen and the Indigenous Inhabitant Representatives and Residents Representatives of Shan Pui Tsuen (**Appendices III-2 to III-4**). Among the 4 letters relayed by DO, 3 of them (**Appendices III-1 to III-3**) were also received during the statutory public inspection period.

10.2 The following Government departments have no objection to or no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Director of Leisure and Cultural Services (DLCS);

- (c) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (e) Director of Electrical and Mechanical Services (DEMS).

## **11. Public Comments Received During Statutory Publication Period**

11.1 On 11.9.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 3.10.2020, 244 public comments were received, with 201 supporting and 43 objecting to the application. A full set of public comments received is deposited at the Board's Secretariat for Members' inspection and reference. Samples of the supporting comments are at **Appendices IVa-1 to IVa-11** and objecting comments at **Appendices IVb-1 to IVb-9**. Their major views are summarized as follows:

### Supporting Comments

11.2 A total of 201 supporting comments were received from the Shap Pat Heung Rural Committee Chairman (which was also received by DO(YL) at **Appendix III-1**), principals of some local schools (**Appendices IVa-1 to IVa-5**), president/representatives of some local organizations (including Women's International Guild, The Urban Peacemaker Evangelistic Fellowship Ltd. and Sheng Kung Hui St. Joseph's Church) (**Appendices IVa-6 to IVa-8**) and individuals (samples at **Appendices IVa-9 to IVa-11**). The supporting reasons are summarised as follows:

- (i) the proposed development will be beneficial to society by alleviating the hardship faced by families waiting for public housing or living in substandard housing by providing temporary housing units in a quick manner;
- (ii) the proposed development can enhance the living standard of those living in poor conditions that the proposed transitional housing ensures affordable rent, quality public open space, environmental hygiene and public security;
- (iii) the Site is suitable for transitional housing development as it is well supported by commercial and community facilities as well as transportation network; and
- (iv) the proposed development, which is low-rise in nature, is compatible with the surrounding areas. The proposed development also utilizes land resources by providing quality and affordable temporary housing to the low-income group without compromising the environment and ecological value of the area, in particular no wetland is involved within the Site.

### Objecting Comments

11.3 There are 43 objecting comments received from six green groups (viz. Green Sense, Hong Kong Bird Watching Society, World Wide Fund for Nature Hong



Kong, Kadoorie Farm & Botanic Garden Corporation, the Conservancy Association and Hong Kong Wild Bird Conservation Concern Group) (**Appendices IVb-1 to IVb-6**), Indigenous Inhabitant Representative of Shan Pui Tsuen (which was also received by DO(YL) at **Appendix III-2**), Village Representatives of Shap Pat Heung Sai Pin Wai (**Appendices IVb-7**) and individuals (samples at **Appendices IVb-8 to IVb-9**). The objecting comments are summarized as follows:

- (i) it is not in line with the TPB PG-No. 12C and planning intention of the “OU(CDWRA)” zone that scale of development is too large and there is no restoration of wetland. The proposed development with filling of land and excavation of land would pose irreversible ecological impact and negative off-site disturbance to the WCA, Ramsar Sites and ponds nearby;
- (ii) the applicant cannot demonstrate that the proposed development would not cause adverse impacts on ecology, environment, water quality, traffic and visual aspects;
- (iii) community facilities are lacking in the area, and the capacity of the transport and traffic network would not be able to support the proposed development;
- (iv) it is a waste of land resources that the temporary transitional housing development is for only a period of 3 years. The Board shall consider permanent residential developments and comprehensive planning for the area in order to enhance living environment and achieve better land utilization; and
- (v) the Government shall explore the feasibility of using other sites for transitional housing developments such as brownfield sites away from ecologically sensitive areas or vacant school sites, instead of wetland of ecological value; and
- (vi) the proposed development would set an undesirable precedent in the Deep Bay area and help facilitate developer’s private development at the Site and the surrounding areas;

## **12. Planning Considerations and Assessments**

- 12.1 The application is for proposed temporary transitional housing development with 1,800 units for a period of 3 years in “OU(CDWRA)” zone with filling of land and excavation of land at part of the Site (about 19,300 m<sup>2</sup> and about 1.5m in depth). The planning intention of the “OU(CDWRA)” zone is primarily to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area, and to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Although the proposed development is not entirely in line with the planning intention of the “OU(CDWRA)” zone, the Site does not involve any wetland or habitat of high ecological value and the low-rise temporary transitional housing with ancillary community facilities is beneficial to society by providing housing and social

welfare for the low-income community. The proposed filling and excavation of land is to facilitate site formation, construction and provision associated utility works. The proposed development is in line with the Government policy to increase the supply of transitional housing to relieve the pressure of families living in unpleasant condition 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. As there is no known development programme/planning permission granted for comprehensive residential development with wetland restoration proposal, approval of the proposed transitional housing on a temporary basis would not jeopardise the long term planning intention for the area.

- 12.2 The proposed development is situated in the landward part of WBA close to existing urban developments. The temporary nature and low-rise built form (2 to 4 storeys) of the proposed development, together with the provision of buffer planting of 0.5m to 3m in width along the periphery of the Site, is considered not incompatible with the surrounding area with low to medium-rise residential developments, vacant/unused land, a driving school and the Tung Tau business area in the vicinity.
- 12.3 While the Site is located within WBA and an abandoned pond is located at its immediate west outside the Site, AFCD does not object to the proposed development from nature conservation point of view. AFCD advised that there is no wetland within the Site and that the Site together with the immediate surrounding habitats are of low ecological value. He also pointed out that the Site is at a considerable distance from the areas of relatively higher ecological value along the Shan Pui River Channel, Kam Tin River Meander and in Nam Sang Wai, and unacceptable off-site disturbance impacts on the surrounding fishponds/wetlands in WBA and WCA is unlikely. AFCD considers that the proposed development would not violate the “no-net-loss in wetland” principle under the TPB PG-No.12C and that the indirect disturbance impact has been assessed and mitigated as appropriate, it is unlikely that the proposed development would cause adverse ecological impacts.
- 12.4 Technical assessments submitted by the applicant including TIA, EA, EcoIA, SIA, DIA, WSIA, VIA and landscape proposal concluded that there will not be significant adverse traffic, environment, ecological, sewerage, drainage, water supply, visual and landscape impact caused by the proposed development. CTP/UD&L of PlanD considered that the proposed development is not incompatible with the surrounding context and would not significantly alter the visual character of the area. In relation to transport provision, it is noted that a GMB stand will be relocated at the entrance of the Site at Shan Pui Road and it is proposed that public transport services will be strengthened to support the proposed development. Relevant government departments consulted including C for T, DEP, CE/MN of DSD, CE/C of WSD, D of FS, BD and DSW have no adverse comment on the application, and concerns of the relevant departments could be addressed by approval conditions in paragraph 13.2 (a) to (i).
- 12.5 The Site is subject to 3 previous planning applications. One for driving school was approved with conditions by the Committee in 1991 which had not commenced and the planning permission lapsed in 1994. The other two

applications for proposed residential development and temporary container tractor/trailer park were rejected by the Board in 1997 and 2010 respectively.

- 12.6 A total of 244 public comments were received during the statutory publication period. 201 support and 43 object to the application mainly on the grounds as detailed in paragraphs 11.2 and 11.3 above. Regarding the objecting comments, technical assessments on relevant aspects have been conducted, and the concerned departments raised no objection to/no adverse comment on the application. Regarding the feasibility of using other sites for transitional housing, THB is proactively identifying suitable sites in consultation with relevant bureaus and departments. The above departmental comments as well as planning considerations and assessments are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessment made in paragraph 12, and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years up to 23.10.2023. 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 the Site at any time during the planning approval period;
- (b) the submission of a run-in/out proposal at Shan Pui 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 23.4.2021;
- (c) in relation to (b) above, the implementation of the run-in/out proposal at Shan Pui 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 23.7.2021;
- (d) the submission of revised landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 23.4.2021;
- (e) in relation to (d) above, implementation of the revised landscape proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 23.7.2021;
- (f) 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 23.4.2021;

- (g) in relation to (f) 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 23.7.2021;
- (h) the submission of 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 23.4.2021;
- (i) in relation to (h) 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 23.7.2021;
- (j) if the above planning condition (a) 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
- (k) if any of the above planning conditions (b), (c), (d), (e), (f), (g), (h) or (i) 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**.

- 13.3 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.

#### **14. Decision Sought**

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

#### **15. Attachments**

##### **Appendix I**

Application form and supplementary letters received on 3.9.2020

<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI dated 21.10.2020 from Applicant
<b>Appendix II</b>	Previous applications
<b>Appendix III-1 to III-4</b>	Letters relayed by DO(YL)
<b>Appendix IVa-1 to IVa-11</b>	Public comments received (supporting)
<b>Appendix IVb-1 to IVb-9</b>	Public comments received (objecting)
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Indicative Master Layout Plan
<b>Drawings A-2 to 3</b>	Indicative Site Sections
<b>Drawings A-4 to 5</b>	Typical Floor Plans
<b>Drawing A-6</b>	Conceptual Landscape Master Plan
<b>Drawings A-7 to 9</b>	Photomontages
<b>Drawing A-10</b>	Indicative Land Filling/Excavation Plan
<b>Plans A-1a to b</b>	Location Plan with Previous Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to b</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2020**