

**APPLICATION FOR AMENDMENT OF PLAN**  
**UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. Y/KC/15**

<b><u>Applicant</u></b>	Gainful Sky Hong Kong Limited represented by Lawson David & Sung Surveyors Limited
<b><u>Site</u></b>	Lot 984 RP in D.D. 450, Kwai Chung, New Territories
<b><u>Site Area</u></b>	About 10,796.2m <sup>2</sup>
<b><u>Lease</u></b>	Held under New Grant No. 4275 dated 3.7.1964 - Restricted to non-profit making educational and/or social welfare purposes with no restriction on gross floor area (GFA), site coverage/building height (BH)
<b><u>Plan</u></b>	Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/29
<b><u>Zoning</u></b>	“Open Space” (“O”)
<b><u>Proposed Amendments</u></b>	To rezone the application site from “O” to “Other Specified Uses” annotated “Buildings with Historical and Architectural Interests Preserved for Social Welfare Facility Use” (“OU(BHAI)”)

**1. The Proposal**

- 1.1 The applicant, owner of the application site (the Site), proposes to rezone the Site for the development of a ‘Residential Care Home for the Elderly’ (RCHE) with the preservation of graded buildings under a conservation-cum-development approach. The Site is zoned “O” on the draft Kwai Chung OZP No. S/KC/29 and was previously occupied by the former Salvation Army Kwai Chung Girls’ Home (**Plans Z-1 to Z-2**), which has ceased operation since 1994. According to the Notes of the OZP for “O” zone, there is no provision for ‘Social Welfare Facility’<sup>1</sup> use given that it is neither a Column 1 nor 2 use. To facilitate the proposed RCHE development, the applicant submits the subject s.12A application to rezone the Site from “O” to “OU (BHAI)”.
- 1.2 According to the applicant’s proposal, the proposed “OU (BHAI)” zone is subject to a maximum total GFA of about 8,767m<sup>2</sup>, maximum BH of five storeys and provision

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<sup>1</sup> Means any place or premises used for rendering services to meet the welfare needs of an individual or a group of people in the community as recommended by the Director of Social Welfare, and for providing community services to the general public. Social welfare facilities with residential care include boys'/girls' homes, residential care home for the elderly, residential home for people with disabilities, drug treatment and rehabilitation centre, half way houses, long stay care home, etc.

of a public open space of not less than 1,270m<sup>2</sup>. Under the proposed Notes for the zone, there is no Column 1 use and ‘Social Welfare Facility’ is the only Column 2 use. It is also proposed in the Remarks of the Notes stipulating that any new development, major addition, alteration and/or modification to, or any demolition of the existing building would require planning permission from the Board. The Notes for the proposed zoning submitted by the applicant is at **Appendix II**.

- 1.3 The proposed RCHE dormitories would provide about 140 bed places and other basic RCHE facilities including dining/multi-purpose room, reception, administration office, kitchen, laundry, rehabilitation area, common/activity room and nurse station, etc. The existing vehicular access connecting the Site at Lei Muk Road to the south-east will be retained for the development (**Plan Z-2**). The major development parameters of the indicative scheme are summarised as follows:

Site Area	About 10,796.2m <sup>2</sup>
Total GFA	About 8,767m <sup>2</sup> #
PR	About 0.8
SC	About 30.4%
BH	Not exceeding 5 storeys (Not more than 23.85m and 44.91mPD)
No. of Blocks	5
No. of Bed Places	140
Carparking Spaces	18 (1 disabled)
Coach Parking Space	1
Light Bus/Ambulance	4
Light Goods Vehicles	1
Communal Open Space :	About 3,066m <sup>2</sup> (Total)
Non-Public	About 1,796m <sup>2</sup>
Public	About 1,270m <sup>2</sup>
Greenery	About 32% (About 3,407m <sup>2</sup> )

# It includes the GFA of about 1,237m<sup>2</sup> and 7,530m<sup>2</sup> for the retained buildings and new buildings respectively

- 1.4 Currently, there are seven existing buildings/structures on the Site (**Drawing Z-3**). Three buildings (i.e. the Main Building, Corps Hall and Garage) have been accorded with a Grade 2 status collectively by the Antiquities Advisory Board (“AAB”) on 11.6.2020 (i.e. buildings 1-3 on **Drawing Z-3** and **Plan Z-5**). In line with the conservation intention, the applicant has adopted a “conservation-cum-development” approach by conserving, renovating and adaptive re-use of the three Graded buildings for RCHE development. Apart from these three graded buildings, other remaining structures/facilities would be demolished (i.e. structures 4 to 7 on **Drawing Z-3**). The proposed RCHE mainly consists of five low-rise developments, i.e. Blocks A to E (Master Layout Plan on **Drawing Z-2**):

- Block A is the existing three-storey Main Building (**Drawing Z-2** and **Plan Z-7**) to be preserved in-situ and forming the welcome gateway, which will be

converted to exhibition space/function room and staff dormitory, etc.;

- Block B is a new five storey building for entrance lobby, dormitories, activity room, dining/multi-purpose room, rehabilitation area, etc. (**Drawing Z-2**);
  - Block C is a new one-storey building for multi-purpose hall, activity room and A.V. room, etc. (**Drawing Z-2**);
  - Block D is the existing two-storey Corps Hall (**Drawing Z-2** and **Plan Z-8**) to be preserved in-situ and converted to multi-purpose room and administration office, etc.; and
  - Block E is the existing two-storey Garage (**Plan Z-9**) to be preserved in-situ and converted to security office and security control area.
- 1.5 The proposed development would provide a total of about 3,066m<sup>2</sup> of communal open space where 1,270m<sup>2</sup> would be opened for public use from 8:00 am to 6:00pm. The proposed layout and demarcation of open space is at **Drawing Z-14**. There would be design measures to ensure that there is a clear demarcation between the open space for public and non-public use, including the proposed gate and fencing along the intersection point for segregation. According to the applicant, he will be responsible to manage and maintain the open space for public use at his own cost. The design of open space, including landscape planning, planting, types of facilities, signage, etc., will be developed at the detailed design stage.
- 1.6 The applicant has submitted a Heritage Assessment Report (HAR) to evaluate the cultural, historic and conservation value of the Site and propose the adaptive re-use of graded buildings for the proposed RCHE. The applicant has undertaken to prepare a Conservation Management Plan prior to the commencement of development to properly manage the conversion/renovation work of the graded buildings to the satisfaction of concerned Government departments.
- 1.7 The applicant has submitted an indicative development proposal with Master Layout Plan (MLP), Tree Survey and Landscape Master Plan (LMP), Visual Impact Assessment (VIA), Environmental Assessment (EA) (including Sewerage Impact Assessment (SIA)), Drainage Impact Assessment (DIA)), Traffic Impact Assessment (TIA), Air Ventilation Review and Heritage Assessment Report in the submission (**Appendices Ia to If**). The Master Layout Plan, schematic floor layout, elevations, sections and development schedule are at **Drawings Z-1 to Z-13**.
- 1.8 In support of the application, the applicant has submitted the following documents:
- |     |   |                      |
|-----|---|----------------------|
| (a) | Application form and letter received on 22.8.2019 | <b>(Appendix I)</b>  |
| (b) | Planning Statement                                | <b>(Appendix Ia)</b> |
| (c) | Further Information (FI) 1 dated 15.1.2020*       | <b>(Appendix Ib)</b> |
| (d) | FI 2 dated 4.2.2020 <sup>#</sup>                  | <b>(Appendix Ic)</b> |
| (e) | FI 3 dated 5.3.2020*                              | <b>(Appendix Id)</b> |
| (f) | FI 4 dated 29.7.2020*                             | <b>(Appendix Ie)</b> |
| (g) | FI 5 dated 24.9.2020 <sup>#</sup>                 | <b>(Appendix If)</b> |

Remarks:

\* FI accepted but not exempted from publication and recounting requirement

# FI accepted and exempted from publication and recounting requirement

- 1.9 At the request of the applicant, the Committee agreed to defer making a decision on the application for two months each on 15.11.2019 and 29.5.2020 in order to allow sufficient time for preparation of FI to address departmental comments received. With the FI received on 29.7.2020, the application is scheduled for consideration by the Committee at this meeting.

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

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement at **Appendix Ia** and FIs at **Appendices Ib to If**. They are summarized as follows:

### Unique Site Background and Respecting the Lease Entitlement

- (a) The Site has a unique site history, which was originally zoned “G/IC” on the draft Kwai Chung OZP and previously occupied by the Salvation Army Girls’ Home for nearly 23 years, and later rezoned to the current “O” zone. Since the closure of the former Salvation Army Girl’s Home, the Site has been left vacant. The planning intention of “O” zone has not been realized on the Site. While the Site is governed by a New Grant with land entitlement for non-profit making educational and/or social welfare uses, the rezoning proposal can realize the full development potential of the site under the lease entitlement and will not become an undesirable precedent. The operation of the RCHE would be undertaken by a non-profit making organization (the operator) which is tax-exempted under the Inland Revenue Department to ensure that it will stay operating on a non-profit making basis as stipulated under the lease.

### Responsive Land Use to Meet Future Ageing Population Growth and in line with Government Policy

- (b) The number of elderly persons aged 65 and over is projected to more than double in the coming 20 years, i.e. from 1.16 million (16.6% of the total population) in 2016 to 2.37 million (31.1%) in 2036 (2016 Census). The elderly population will increase much faster as compared to the growth of about half a million in the last 20 years (from 1996 to 2016). Kwai Chung also has the highest proportion of elderlies, i.e. 17.2%. Hence, there is a dire demand for elderly facilities.
- (c) According to Policy Address 2018, the Government will implement a new phase of the Special Scheme on Privately Owned Sites for Welfare Uses to provide appropriate assistance to facilitate the provision of diversified subvented and self-financing facilities, in particular additional places of elderly, etc. The proposed RCHE is in line with the latest Government’s Policy Address, including easing the demand for RCHE.

### In Line with the Territorial Development Strategy of “Hong Kong 2030+”

- (d) The proposal is in line with Hong Kong 2030+ which adopts the concepts of ‘age-

friendly' planning and 'ageing in place' to provide more diverse housing choices and provision of elderly/long-term care services.

#### No Loss of Open Space in the area

- (e) The open space development for the proposed "O" zone has not been realized. With the applicant's initiative to provide public open space within the development, the open space provision would not be diminished under the scheme.
- (f) Although the proposed rezoning will occupy a large part of the "O" zone, it will not jeopardize the integrity of the remaining "O" zone as a transition of land use where the north-western portion of the Site will maintain as open space and undisturbed area. This proposed open space will serve as a buffer between the proposed RCHE and the public open space on Government land.

#### Meeting the Public Aspirations on Preserving the Old Buildings

- (g) There is a community desire to preserve the old buildings on the Site. Although there is no statutory requirement for the existing buildings to be preserved, and that the owner could demolish the buildings, the owner has chosen to find a practical and economic way to retain it. The "conservation-cum-development" approach has recognized the value of old buildings so as to enhance the community's sense of belonging.

#### Compatible with Surrounding Land Uses

- (h) The Site is an island site and the surrounding areas are mainly occupied by industrial, office and residential developments. Due to economic restructuring, commercial and ancillary industrial uses (e.g. warehouse/storage) of non-polluting nature are emerging. As the surrounding industrial buildings are no longer industrial in nature, the proposal will not give rise to interface problems with the predominant non-polluting uses in the surroundings.

#### Better Utilization of the Site for RCHE Development

- (i) The "residential" nature of RCHE is compatible with the existing/future neighbourhood of its surroundings. The Site is within a walkable distance to public transport facilities and close to nearby hospital. Given its convenient location, the proposed scale and provision of public open space, a 140-place RCHE would be of an appropriate scale to meet the demand in Kwai Chung District.

#### Design Considerations

- (j) The development scale, design and layout of the proposed development have been carefully considered to integrate with the surrounding development. For instance, the living area of the elderly will be oriented towards the courtyard and screened from road traffic noise. Moreover, a mixed use concept is adopted within the proposed development with common activities areas scattered on each floor, and provision of landscape open space at grade and Roof Garden. The public open space will serve as passive open space and activities area for the elderly. The area of dormitory per capita will be 8m<sup>2</sup>, which is higher than the legislation requirement and the design allows efficient use of single site for multiple uses.

### Ease of Implementation

- (k) The Site is owned solely by the applicant. If the application is approved and upon completion of rezoning amendment, the proposal can be implemented readily.

### Insignificant Landscaping and Visual Impact

- (l) Careful construction arrangement and tree protection measures would be adopted to avoid any disturbance on the trees during construction. 38 out of a total of 80 trees would be retained in-situ. 4 of them are classified as potential Old and Valuable Trees which are proposed to be preserved in-situ. Planting of 147 heavy standard trees would be proposed to compensate for the loss of 42 existing trees. Soft landscaping will be provided to ensure hard lines of the built form are visually softened and reduce the visual impact to the surroundings. The landscape proposal will turn the currently unproductive and visually unpleasant site to a RCHE development with about 3,407m<sup>2</sup> greenery, i.e. about 32% greenery ratio.

### Insignificant Environmental Impacts

- (m) The proposed development will be provided with centralized mechanical ventilation system, and will not rely on openable window for ventilation purposes. Adequate buffer separation distance will be maintained between the future fresh air intake location for the proposed development and the nearby road carriageways/chimney and complies with relevant HKPSG standard. The potential fixed noise sources of the proposed development would be designed at later stage and comply with HKPSG standard regarding fixed noise source.

### Insignificant Traffic and Sewerage Impacts

- (n) According to the TIA and SIA reports, it is not anticipated to induce significant traffic and sewerage impacts to the surroundings.

### Planning Gains

- (o) The proposed RCHE is a private initiative development for serving the needs of the local community. It also provides public open space to the local community while also provide job opportunities in the area. The positive impacts and planning gains outweigh the risks of losing underutilized parcel of land. Approval of the rezoning application would set a desirable precedent to encourage more private initiatives to meet the growing demand and provide quality/comfortable living environment for the elderly.

### Proposed Zoning Amendment

- (p) The zoning of "OU(BHAI)" is specifically formulated for preserving the historic buildings and the implementation of the proposed social welfare facilities and open space. This zoning emphasizes the need of the protection of privately-owned historic buildings with the integration of public open space provision. The proposal would commensurate with the heritage value of the site and the proposed zoning will ensure control on the future implementation of the planning intention/through the subsequent s.16 planning application.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

### 4. **Background**

- 4.1 The Site, Lot 984 in DD 450, was acquired by the Salvation Army in 1947. It was previously occupied by the former Salvation Army Kwai Chung Girls’ Home, the Chapel and the pastors’ quarters while the Girls’ Home was closed in 1994. AAB accorded Grade 2 status to the Main Building, Corps Hall (ex-chapel) and Garage at its meeting held on 11.6.2020 for their heritage value (**Appendix III**). By definition, historic buildings accorded with a Grade 2 status are buildings of special merits in Hong Kong. Efforts are required to preserve the buildings selectively. The grading system provides an objective basis for determining the heritage value<sup>2</sup>, and hence the preservation need, of historic buildings in Hong Kong.
- 4.2 The ground floor of the Main Building was previously occupied by a sitting room, dining room, kitchen, cook’s quarters, an office for staff and a storeroom. The first floor was for the girls’ bedrooms, classrooms, a laundry and a sick bay, while the second floor was used as staff quarters. According to AMO’s assessment, the Main Building of the Girls’ Home is a very good example of historic buildings with Art Deco influences in Hong Kong. The spiral staircase inside the building, which adopts a polygonal design, is an iconic feature of the interior, with a terrazzo finished balustrade and mosaic tiles at the dado area of the wall.
- 4.3 The two-storey Garage adopts a similar design with some Art Deco features. The two-storey Corps Hall was previously used as a school for learning the Bible and served as living quarters and clinic. In 1960, it became the premises of a primary school for the home’s girls.
- 4.4 The Site was previously zoned as “G/IC” on the draft Kwai Chung OZP No. LTW/145E since 23.10.1981 to reflect the then Salvation Army development. The Site was the subject of a previous planning application (No. A/KC/78) within the “G/IC” zone for a comprehensive commercial/residential development with GIC facilities submitted by the Salvation Army. The application was rejected by the Board on 14.8.1987 mainly on environmental ground (details see para. 5.1 below). In September 1988, a proposal was submitted to the Government by the Salvation Army to redevelop the Site for industrial and godown purposes but were considered unacceptable on environmental, traffic and land use grounds. Hence, the proposal was not further pursued.
- 4.5 Since the redevelopment proposals submitted by the Salvation Army was found not acceptable, it was considered that the Site should be developed for open space purpose, and negotiation could be made with the Salvation Army if reprovisioning and relocation for the Girls’ Home to facilitate the open space

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<sup>2</sup> The heritage value is assessed in accordance with the six prevailing criteria, namely historical interest, architectural merit, group value, social value and local interest, authenticity and rarity.

development was required. The open space proposal was included in the then Regional Council's Capital Works Programme (1989/90- 1993/94). The Site was rezoned from "G/IC" to "O" on the draft Kwai Chung OZP No. S/KC/7 exhibition for public inspection on 19.10.1990, which was subject to no restriction on BH and PR/GFA in the Notes of OZP. No objection against the rezoning of the Site to "O" was received during the OZP amendment. The "O" zone has been maintained since then.

- 4.6 The Salvation Army further submitted a rezoning request for a comprehensive residential/GIC development and a planning application for theology seminary in 1999 and 2001 respectively, which were rejected by the Committee (details see paras. 5.2 and 5.3).

## **5. Previous Applications**

- 5.1 The Site is subject to two previous planning applications and a rezoning request all submitted by the Salvation Army. Application No. A/KC/78, which was for a development with a PR of about 5.7 and three 30-storey residential towers, a 10 storey commercial/recreational complex and GIC uses within the previous "G/IC" zone, was rejected by the Board on 14.8.1987 on the ground that the proposed residential development would be subject to environmental problems caused by the industrial buildings and roads surrounding the Site.
- 5.2 On 16.4.1999, the Committee rejected a rezoning request (Z/KC/1) for the Site and the adjoining Government land from "O" to "Comprehensive Development Area", which was for a development with a PR of 4.47 and three 45-storey residential towers, one GIC building (accommodating a church and home-for-the-aged) and open space uses. The application was rejected on the grounds that the proposed development would result in a shortfall of district open space in Kwai Chung, give rise to possible industrial/residential interface problems, aggravate traffic problems in the area, have potential drainage impact and result in significant loss of trees on the Site.
- 5.3 Application No. A/KC/260 for a proposed two-storey theology seminary and cadets/officers' quarters at a proposed PR of 0.14 was submitted in 2001. At the Committee's meeting on 21.12.2001, PlanD was requested to explore alternative site for the theological seminary so that open space could be developed on the Site. A total of 8 sites were subsequently identified by PlanD but none of them was considered acceptable by the applicant. The applicant subsequently withdrew the application on 13.6.2002.

## **6. Similar Application**

There is no similar application for OZP amendment for rezoning the "O" site for 'Social Welfare Facility' use within the Kwai Chung OZP.



**7. The Site and Its Surrounding Areas (Plans Z-1 to Z-2, aerial photo on Plan Z-3 and photos on Plans Z-4 to Z-11)**

**7.1 The Site :**

- (a) occupies about 87% of the entire “O” zone to the east of Cheung Wing Road (12,435m<sup>2</sup>). It is a triangular island site bounded by Kwok Shui Road to the north and east, Lei Muk Road to the south and Cheung Wing Road to the west. Both the pedestrian and vehicular accesses are via Lei Muk Road to its south-east (**Plans Z-2 to Z-4**);
- (b) was previously occupied by the Salvation Army Girls’ Home which was closed in 1994. Three buildings within the Site, i.e. the Main Building, Corps Hall and Garage have been accorded with a Grade 2 status collectively by AAB on 11.6.2020 (**Drawing Z-3 and Plans Z-7 to Z-9**);
- (c) is located within a well-vegetated knoll with mature trees on a sloping area with platform at various levels (**Plans Z-4 and Z-5**); and
- (d) is located about 600m from Kwai Hing MTR station and about 850m from Tai Wo Hau MTR station (**Plan Z-1b**).

**7.2 The surrounding areas have the following characteristics (Plans Z-1 to Z6 and Plan Z-10) :**

- (a) to the north separated by Kwok Shui Road is the Tung Chun (Soy & Canning) Co. which is zoned “CDA” on the OZP. An s.16 application (No. A/KC/444) for a comprehensive residential and commercial uses was approved with conditions by the Committee on 22.3.2019 (**Plans Z-2, Z-3 and Z-10**);
- (b) to the north-east and south-east separated by Kwok Shui Road and Lei Muk Road respectively are clusters of predominantly industrial buildings (e.g. Milo’s Industrial Building) with some office developments within the adjoining “OU (Business)” zones (**Plans Z-2, Z-3 and Z-10**);
- (c) to the south-west separated by Lei Muk Road is the residential development, namely Hutchison Estate (**Plans Z-2, Z-3 and Z-10**); and
- (d) to the immediate west within the minor portion of the “O” zone is a strip of Government land which is currently maintained by the Leisure and Cultural Services Department as amenity area and planted with shrubs. (**Plan Z-11**). To the further west across Cheung Wing Road is the Kwai Chung Castle Peak Sitting-out Area and the industrial/office developments (including Topy Tower) within the “OU(Business)” zone (**Plans Z-2, Z-3 and Z-10**).

## 8. **Planning Intention**

The Site is zoned “O” on the draft Kwai Chung OZP No. S/KC/29 and is intended to provide land for both active and passive recreational purposes.

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

9.1 The following government departments have been consulted and their views on the application and the public comments received are summarized as follows:

### **Policy Perspective**

#### **Heritage Conservation and RCHE Provision**

9.1.1 Joint comments from the Commissioner for Heritage’s Office (CHO) and Antiquities and Monuments Office (AMO):

- (a) the three buildings of the Girls’ Home, namely Main Building, Corps Hall (chapel building) and Garage (“the Graded Buildings”) were accorded with a Grade 2 status collectively by the AAB on 11.6.2020. Grade 2 historic buildings, by definition, are “buildings of special merits; efforts should be made to selectively preserve”. The grading system provides an objective basis for determining the heritage value, and hence the preservation need, of historic buildings in Hong Kong;
- (b) under the prevailing heritage conservation policy, the Government recognises the need to provide economic incentives in order to encourage and facilitate private owners to preserve their historic buildings. In implementing this policy, the Government aims to strike a balance between preservation of historic buildings and respect of private property rights. The requisite economic incentives to achieve the policy objective would be considered on a case-by-case basis. To encourage heritage conservation as far as possible, the Government is willing to explore with the owner the forms of assistance required and any possible economic incentives commensurate with the heritage value of the buildings;
- (c) it is noted from the proposal that all three Grade 2 buildings will be preserved in-situ. As this preservation-cum-development approach is commensurate with the collective heritage value of the buildings, CHO and AMO support the application from the heritage conservation perspective. With regard to the future uses of the Graded Buildings, it is noted that the Main Building is proposed to be reused for exhibition space/function room, cafe, kitchen and staff dormitory uses; the Corps Hall as administration office and multi-purpose room; and the Garage as security office, security control and waiting area. In view of the proposed new uses, it is anticipated that much conversion works will be carried out in the Graded Buildings. A Conservation Management Plan (“CMP”), is required to be devised for agreement by AMO and implemented by the applicant for the purpose of conserving the

Graded Buildings properly during the course of conversion. Specifically, it is suggested to include the submission and implementation of CMP for AMO's agreement before commencement of any works as an approval condition in the context of the consequential planning application;

- (d) a new barrier-free access path is proposed to connect the Garage and the Corps Hall. The proposed access will enhance the accessibility between the two Graded buildings to facilitate visitation by future users/visitors and staff members of the elderly home, which in return will facilitate public appreciation to the Graded Buildings. It is therefore supported from the heritage conservation perspective. As the construction of the new barrier-free access involves some road works which are in close proximity to the Garage and the Corps Hall, the applicant is reminded to carry out the works with great care to avoid disturbance or damages to these Graded buildings; and
- (e) the applicant is advised to refer to the Historic Building Appraisal available on AAB's website and conduct land search at the Land Registry to ensure accuracy of all the information of the Graded Buildings.

#### 9.1.2 Comments of Secretary for Labour and Welfare (SLW):

- (a) with Hong Kong's ageing population, the demand for residential care services for the elderly is growing. Hence, he has no objection in-principle to developing a RCHE at the Site. Notwithstanding that, the applicant should note the licensing requirements of RCHEs and other comments from the Social Welfare Department; and
- (b) the applicant may wish to note that the area of floor space means the net floor area for the exclusive use of the RCHE. Such floor space is not limited to the dormitory area of the elderly residents, and may include other facilities such as those described in the Code of Practice for Residential Care Homes (Elderly Persons). In determining the area of floor space per resident, the area of any staff dormitory, open space, podium, garden, flat roof, bay window, staircase, column, walls, staircase hall, lift, lift landing, any space occupied by machinery for any lift, air-conditioning system or any similar service provided for the building, or any other area in the RCHE which the Director of Social Welfare considers unsuitable for the purposes of an RCHE shall be disregarded. Based on the preliminary schedule of accommodation filed by the applicant in September 2019, which seems to have considered only the dormitory areas in its own estimation of area of floor space, the RCHE in question should be able to meet the future 9.5m<sup>2</sup> per resident requirement applicable to care and attention home in future.

**RCHE Licensing Aspect**

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

- (a) he has no objection in-principle to the application in view of the growing demand for residential care services for the elderly in the community and the favourable site location, provided that there will be no capital or recurrent financial implication to the government, and that the design and construction of the proposed RCHE shall comply with all relevant licensing and statutory requirements including but not limited to the (i) Buildings Ordinance and Regulations, (ii) the Residential Care Homes (Elderly Persons) Ordinance, its subsidiary legislation and the latest version of the Code of Practice for Residential Care Homes (Elderly Persons). Particular attention is drawn to Section 20(1) of the Residential Care Homes (Elderly Persons) Regulation (Cap 459A) which states that “no part of a residential care home shall be situated at a height more than 24m above the ground floor, measuring vertically from the ground of the building to the floor of the premises in which the residential care home is to be situated”. The applicant is advised to follow up DSW’s comments on the design of RCHE at a later stage. According to statistics, as at 31.8.2020 there are a total of 39,708 applicants being waitlisted for various types of subsidised residential care services for the elderly in the Central Waiting List for subsidised long term care services;
- (b) his Office of Licensing of Residential Care Homes for the Elderly (LORCHE) has not received any licence application nor enquiries so far from the applicant. While there is no adverse comments at the moment in respect of the building and fire safety perspectives for licensing of RCHE based on the information available in the Planning Statement, LORCHE reserves detailed comments on the licensing matters of the RCHE, until its submission of licence application to LORCHE which will then be thoroughly assessed on the basis of the information and documents provided by the applicant; and
- (c) the applicant should note that for a licence of RCHE to be issued, the prospective RCHE has to comply with the prevailing licensing requirements as stipulated in the Residential Care Homes (Elderly Persons) Ordinance, Cap. 459, its subsidiary legislation and the latest version of the Code of Practice for Residential Care Homes (Elderly Persons). The applicant is advised to take note of the proposed upward adjustment of the statutory minimum area of floor space per resident of high care level homes from the existing 6.5m<sup>2</sup> to 9.5m<sup>2</sup> as recommended by the Working Group on the Review of Ordinances and Codes of Practice for Residential Care Homes in its report submitted in May 2019. Hence, should the proposed legislative amendments be effective in future, “care and attention home’ type of RCHEs for which licence applications are made on or after the commencement date shall comply with the new requirement of statutory minimum area of floor space per resident, i.e. 9.5m<sup>2</sup>.

Land Administration

9.1.4 Comments of the District Lands Officer/ Tsuen Wan & Kwai Tsing, LandsD (DLO/TW&KT, LandsD):

- (a) the Site falls within the Remaining Portion of Lot No. 984 in D.D. 450 (“the Lot”), which is held under New Grant No. 4275 dated 3.7.1964. The Lot is restricted to non-profit making educational and/or social welfare purposes and there is no restriction on GFA or site coverage or building height;
- (b) the applicant proposed to provide open space to be opened from 8am to 6pm daily. Such open space within private development to be opened for use by the public falls within the definition of “Public Open Space in Private Developments” (“POSPD”) as contained in the “Public Open Space in Private Developments Design and Management Guidelines”. The proposed open space for public use/enjoyment is not a lease requirement. In this regard, LandsD is not in a position to comment on the size, accessibility, connectivity, layout, design etc; and
- (c) the Lot is restricted to the use for non-profit making educational and/or social welfare purposes. *The applicant indicated that t*The proposed development for a RCHE would be a non-profit making social welfare facility. In this regard, the applicant should clarify and demonstrate how the proposed RCHE is in compliance with the said user restriction under lease.

Urban Design, Visual and Air Ventilation

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

Urban Design and Visual Perspective

- (a) the proposal is to rezone the “O” site to “OU(BHAI)” for the development of a RCHE under the proposed development parameters. The wider context for the relatively low-density low-rise development is mainly characterized by built up area, mostly existing industrial buildings with BH ranging from 49mPD to 150mPD. To the southwest across Castle Peak Road is a group of existing residential buildings with BH ranging from about 30mPD to 92mPD. To the north across Kwok Shui Road is a “Comprehensive Development Area” (“CDA”) site with an approved s.16 application (No. A/KC/444) for a residential/commercial development with a maximum BH of 140mPD. Given the setting, the relatively modest scale of the proposed development and as illustrated in the visual appraisal, **(Drawings Z-15 to Z-21)** significant adverse effects on the visual character of the surrounding townscape will be unlikely;
- (b) as gathered from the application, about 1,270m<sup>2</sup> communal open space for public use will be provided within the proposed

development accessible via footpath and lift. Landscape treatment in form of tree plantings, shrubs and vertical greening have been incorporated at various levels of the proposed development. Three graded buildings, i.e. the main building (Block A), the Corps Hall (Block D) and the Garage (Block E) will be preserved. The above design measures may promote visual interest and pedestrian comfort, and help endowing a sense of character for the area. The applicant is advised that provision of clear signage may facilitate public use of the proposed communal open space. It may also be worth considering reflecting the intention that the proposed development should adopt responsive design respecting the landscape and heritage settings within and surrounding the Site in the Explanatory Statement of the OZP;

#### Air Ventilation Perspective

- (c) according to the Expert Evaluation on Air Ventilation Assessment of Kwai Chung Area, the subject site has been identified as a major open space forming part of the breezeway network in Kwai Chung. Nevertheless, given that the proposed development is low rise and low intensity in nature, significant adverse impact on the surrounding pedestrian wind environment is not anticipated; and

#### Landscape Perspective

- (d) Of the existing trees, 38 would be retained in-situ and 42 to be felled while 147 heavy standard trees would be planted for compensation. In this regard, she has no objection to the application from landscape planning perspective.

#### 9.1.6 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) it is noted that the proposed development consists of building blocks with height ranging from 28.31mPD to 44.91mPD which may not be incompatible with adjacent developments with building height ranging from 63.8mPD to 110.2mPD. In this regard, he has no comment from visual impact point of view; and
- (b) the applicant is recommended to follow the “Elderly-friendly Design Guidelines” issued by ArchSD as far as possible.

#### **Open Space Provision**

#### 9.1.7 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) when the two former Municipal Council (MCs) were dissolved in 1999, they had a total of 139 Leisure and Cultural Services (LCS) projects under planning. The Leisure and Cultural Services Department (LCSD) was established in 2000 and took over the planning of these 139 projects. LCSD also took over former MC projects that were under construction and the Department has also

initiated new projects since 2000. This “O” zone (including the Site) is not one of the 139 Ex-MC projects identified for priority implementation when the two former Municipal Councils were dissolved in 1999;

- (b) according to the “Projected Population by District Council District, 2019-2028” published by PlanD, the projected population in 2019 for Kwai Tsing District would be 510,800 and would decrease slightly to 506,800 by 2028. According to the Hong Kong Planning Standards and Guidelines (HKPSG), about 102 hectare of open space should be provided for the district. At present, about 148 hectare of open space have been provided in Kwai Tsing District. Currently, he has no open space development plan for the Site; and
- (c) the remaining part of the “O” zone (the strip of land to the east of Cheung Wing Road, **Plans Z-2 and Z-11**) is under his management and on the understanding that the vegetation therein is proposed to be retained, he has no comment from district management angle. If any amenities under management of his Department would be affected, comment and consent should be sought before any commencement of works.

### **Traffic**

#### 9.1.8 Comments of the Commissioner for Transport (C for T):

she has no in-principle objection to the rezoning proposal from traffic engineering perspective subject to the provision of the proposed carparking facilities and loading/unloading spaces for the dormitory and exhibition/events purposes. Besides, she reserves the rights to provide detailed comments on the s.16 application. It is also noted that the applicant and would formulate a pre-booking system for those parking spaces.

### **Environment**

#### 9.1.9 Comments of the Director of Environment Protection (DEP):

- (a) according to the information provided by the applicant, no insurmountable environmental impact would be anticipated given that:
  - (i) adequate buffer distance as required in the HKPSG could be maintained between the future fresh air intake location for the proposed development and nearby roads and chimney;
  - (ii) the proposed development will be equipped with central mechanical ventilation without relying on opened window for ventilation;
  - (iii) the E&M facilities will be designed to meet the HKPSG standard for fixed noise sources;
  - (iv) no potential land contaminating use associated with the historical and current use of the site has been identified; and
  - (v) the SIA concluded that no adverse sewerage impact is

anticipated.

- (b) in view of the above and that the proposed 'Social Welfare Facility' use is under Column 2 which requires a subsequent s.16 application to ensure the environmental acceptability, there is no objection to the rezoning application from the environmental planning perspective. Yet, detailed technical comments on the waste management assessment and SIA should be addressed by the applicant during the s.16 planning application stage.

### **Drainage and Sewerage**

#### 9.1.10 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

the sewerage impact assessment (SIA) needs to meet the full satisfaction of EPD, the planning authority of sewerage infrastructure. Comments of his department on the SIA are subject to views and agreement of EPD.

### **Building Aspect**

#### 9.1.11 Comments of the Chief Building Surveyor/NTW, Buildings Department (CBS/NTW, BD):

- (a) no objection to the application;
- (b) the proposed development parameter should not exceed the limitation under the First Schedule of Building (Planning) Regulations;
- (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) Regulations respectively. The issue of site abuttal should be checked for site classification purpose under Buildings Ordinance;
- (d) for features to be excluded from the calculation of the total gross floor area, it shall be subject to compliance with the requirements laid down in the relevant Joint Practice Notes and Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAPs) including APP-151 as appropriate. If the applicant applies for the GFA concession, Building Set Back, Building Separation and Site Coverage of Greenery as required under PNAP APP-152 also apply;
- (e) if the proposed use under application is subject to the issue of a licence, the applicant is required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and
- (f) detailed comments will be given during the building plan submission stage.



**Fire Safety**

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

- (a) no in-principle objection 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 and referral from relevant licensing authority; and
- (c) the EVA provision 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.

**District Officer's Comments**

9.1.13 Comments of the District Officer (Kwai Tsing), Home Affairs Department (DO(K&T), HAD):

- (a) no comment on the application; and
- (b) did not receive any comment from the public during the public inspection period.

9.2 The following government bureau/departments have no comments/objection to the application:

- (a) Chief Highways Engineer/NT West, Highways Department;
- (b) Commissioner of Police;
- (c) Director of Electrical and Mechanical Services; and
- (d) Director of Food and Environmental Hygiene; and
- (e) Director of Water Supplies.

**10. Public Comments Received During Statutory Publication Period**

During the statutory public inspection periods, ninety public comments were received (**Appendix IV**). Eighty-five of them supported the application and the major grounds are that the society is in need of good quality accommodation facilities for the elderly and open space; the proposed development can retain the architectural characteristic of the historic buildings; and sufficient greenery coverage would be provided to enhance the living environment for the elderly. The remaining five objecting comments are submitted by a green group, an owner of a unit in the opposite industrial building and an individual (submitting three comments). The major grounds of objection are that there is no detailed heritage assessment report included in the submission; the proposal would involve demolition of historic buildings; the obstruction of views/natural lighting and that the proposal would leave the green area open for further development.

## 11. Planning Considerations and Assessment

- 11.1 The application is to rezone the Site, which was previously occupied by the former Salvation Army Kwai Chung Girls' Home, from "O" to "OU(BHAI)" to facilitate a conservation-cum-development of RCHE with provision of public open space. Under the proposed Notes of the OZP, 'Social Welfare Facility' is the only Column 2 use where planning permission for RCHE development is required. According to the proposal, the three Grade 2 historic buildings (Blocks A, D and E) would be retained, renovated and converted with two new building blocks (Blocks B and C). Under the indicative scheme, the proposed RCHE will have 140 bed places which is subject to a maximum GFA of about 8,767m<sup>2</sup>, a maximum building height of five storeys and provision of public open space of 1,270m<sup>2</sup>. The applicant has also submitted various technical assessments including TIA, VIA, HAR and EA, etc. to demonstrate the feasibility of the proposal on various aspects.

### Heritage Conservation

- 11.2 According to the heritage conservation policy, the Government recognizes the need for economic incentives in order to encourage and facilitate private owners to preserve historic buildings under their ownership. As the conservation-cum-development approach is commensurate with the collective heritage value of the buildings, CHO has rendered policy support to this rezoning proposal from heritage conservation perspective. The formulation of a Conservation Management Plan ("CMP") would be required for agreement by AMO and implementation by the applicant for the purpose of converting the graded buildings properly during the course of conversion. AMO's concerns on this aspect can be addressed at the planning application stage.
- 11.3 According to the applicant, the public would also be allowed to view and appreciate the exterior of the Main Building at day-time. Part of G/F and 1/F of the Main Building will be converted into an exhibition area for the public and access/visit can be arranged by appointment. It is considered that these measures can revitalize the connectivity and integrity between the historic buildings and the community for heritage appreciation. CHO and AMO comment that a barrier-free access path connecting the Garage and the Corps Hall would enhance the accessibility between the two Graded buildings to facilitate visitation by future users/visitors and staff members of the elderly home, which in return would facilitate public appreciation to the Graded Buildings. Given the above, the proposal is considered acceptable from the heritage conservation perspective.

### Land Use Compatibility and Development Intensity

- 11.4 The indicative proposal of the RCHE development will have a maximum GFA of about 8,767m<sup>2</sup> (equivalent to a maximum PR of 0.8) and a maximum BH of five storeys. It is considered the proposed RCHE, which is essentially residential in nature for elderly accommodation, is not incompatible with the neighbourhood and the surrounding land uses primarily intended for business/non-polluting industrial uses and residential developments. LWB and SWD have no objection to the proposed RCHE development.

- 11.5 CTP/UD&L of PlanD considered that given the setting and the relatively modest scale of development, the proposal would unlikely have significant adverse effects on the visual character of the surrounding townscape. The proposed low-rise development with a relatively low development intensity is regarded as an appropriate balance of the relevant planning considerations and conservation of the private-owned historic buildings. CA/CMD2 of ArchSD also considers that the proposed development may not be incompatible with the adjacent developments. Of the existing trees, 38 would be retained in-situ and 42 to be felled while 147 heavy standard trees would be planted for compensation. In this regard, CTP/UD&L has no objection to the proposed development.

#### Open Space Provision

- 11.6 The current “O” zone of the Site is intended for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. Yet, LCSD has no development programme of the planned “O” zone on the Site where a minor portion of the adjoining “O” zone to the west within the Government land is currently maintained by LCSD as amenity area that has partially realized the planning intention of the “O” zone. It is considered that the portion of “O” zone currently maintained by LCSD should be retained to serve the purpose of improving the local amenity of the area.
- 11.7 The existing open space provision for Kwai Tsing District is about 140 ha while the existing requirement under HKPSG is about 100 ha. The planned open space provision upon full development will have a surplus of about 68.5 ha after deducting the open space at the Site should the subject application be approved. Given the above, the planned open space provision for Kwai Chung area is generally sufficient to meet the HKPSG requirement, and the rezoning proposal would not jeopardize the overall provision of open space. Besides, the applicant has also proposed a public open space of 1,270m<sup>2</sup> within the development and the applicant has undertaken the management and maintenance responsibilities for the proposed public open space development.

#### Other Technical Considerations

- 11.8 Relevant government departments including DEP, C for T, CTP/UD&L of PlanD, CE/C of WSD and D of Drainage Services, etc, have no objection to or no adverse comment on the application. The issues and technical concerns raised including the waste management issue, the need to comply with the “POSPD” guidelines for open space development and the formulation of a CMP, etc. can be further addressed at the planning application and implementation stage.

#### Planning Mechanism and Implementation

- 11.9 The proposed “OU (BHAI)” zone has set out the planning intention primarily for the preservation and adaptive re-use of the existing historical building for social welfare facility use with the provision of public open space. While there is no Column 1 use which is always permitted, ‘Social Welfare Facility’ use is a Column 2 use which requires planning permission. Any new development, major addition, alteration and/or modification to, or any demolition of the existing buildings also require planning permission. The proposed specified zoning is

considered appropriate to reflect the planning intention for the preservation of graded buildings within the Site which allows development control on the future implementation of proposed development. With the proposed zoning and Notes, the Board can therefore further examine the detailed scheme and layout of the proposed development through the planning application system and impose suitable approval condition(s) to require the applicant to submit/implement the relevant technical assessments and CMP. Should the Board agree to rezone the Site to “OU (BHAI)”, appropriate revision to the applicant’s proposed Notes in **Appendix II** and corresponding amendments to the Explanatory Statement would be recommended to allow flexibility on the future application for social welfare facility in the s.16 application, and reflect salient concerns of the Board and relevant government departments when the proposed amendments are submitted to the Board for consideration.

### Public Comments

11.10 There are 85 supportive and five opposing public comments. As for the adverse public comments, the planning assessments above and the departmental comments in paragraph 9.1 above are relevant.

## **12. Planning Department’s Views**

12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD has no in-principle objection to the application.

12.2 Should the Committee decide to agree or partially agree to the subject application, the relevant proposed amendments to the draft Kwai Chung No. S/KC/29, together with the corresponding amendments to the Explanatory Statement of the OZP, would be submitted to the Committee for agreement prior to gazetting under the Town Planning Ordinance.

12.3 Alternatively, should the Committee decide not to agree to the proposed amendments, the following reasons are suggested for Members’ reference:

- (a) the applicant fails to demonstrate that the proposed rezoning would not undermine the provision of open space for the Kwai Chung area under the current “Open Space” zoning of the Site; and
- (b) the proposed development is considered incompatible with the planning context, local setting, surrounding uses and heritage characteristic of the existing historic buildings on the Site.

## **13. Decision Sought**

13.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.

13.2 Should the Committee decide not to agree or partially agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

**Attachments**

<b>Appendix I</b>	Application Form and Letter received on 22.8.2019
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	FI dated 15.1.2020
<b>Appendix Ic</b>	FI dated 4.2.2020
<b>Appendix Id</b>	FI dated 5.3.2020
<b>Appendix Ie</b>	FI dated 29.7.2020
<b>Appendix If</b>	FI dated 24.9.2020
<b>Appendix II</b>	Proposed Notes of OZP for “OU(BHAI)” Zone
<b>Appendix III</b>	Historic Building Appraisal for the ex-Kwai Chung Salvation Army Girls’ Home prepared by AMO
<b>Appendix IV</b>	Public comments received
<b>Drawing Z-1</b>	Proposed Zoning Amendment for “OU(BHAI)” zone
<b>Drawing Z-2</b>	Master Layout Plan
<b>Drawings Z-3</b>	Existing Building and Structures on Site
<b>Drawing Z-4 to Z-9</b>	LG/F to R/F Plans
<b>Drawings Z-10 and Z-11</b>	Section Plans
<b>Drawings Z-12 to Z-14</b>	Master Landscape Plan and Open Space Provision
<b>Drawings Z-15 to Z-21</b>	Visual Impact Assessment
<b>Plan Z-1a and Z-1b</b>	Location Plans
<b>Plan Z-2</b>	Site Plan
<b>Plan Z-3</b>	Aerial Photo
<b>Plans Z-4 to Z-11</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2020**