

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

**APPLICATION NO. A/NE-KTS/457**

- Applicant** : Perfect Fellowship Limited
- Site** : 48 Ki Lun Village, Kwu Tung South, Sheung Shui, New Territories
- Site Area** : 755 m<sup>2</sup>
- Lease / Land Status** : Government Land  
(Covered by Short Term Tenancy (STT) No. 2253 for the purpose of Drug Rehabilitation and Recreation Centre for Problem Youths (Social Welfare Facility))
- Plan** : Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/16
- Zoning** : “Green Belt” (“GB”)
- Application** : Social Welfare Facility (Drug Rehabilitation Centre)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for social welfare facility (drug rehabilitation centre) (DRC) on the application site (the Site) which falls within an area zoned “GB” on the approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/16 (**Plan A-1**). According to the Notes for the “GB” zone, ‘Social Welfare Facility’ is Column 2 use, which requires planning permission from the Town Planning Board (the Board).
- 1.2 A DRC is being operated within the Site without valid planning permission. There are 4 structures on the Site. It is the subject of 3 previous planning applications (No. A/NE-KTS/154, 254 and 282) all for drug rehabilitation and recreation centre (DRRC)<sup>1</sup> use submitted by the same applicant. They were all approved with conditions in 2002, 2006 and 2010. These permissions were revoked or had not been implemented. The last application No. A/NE-KTS/282 lapsed on 6.3.2018.
- 1.3 The applicant proposes to redevelop the Site for the applied use to provide treatment and rehabilitation for drug addicts. The proposed development comprises 5 single storey buildings for dormitory (20 beds for residents of the DRC and 4 beds for staffs), activity,

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<sup>1</sup> As clarified by the applicant, the recreation part of the development is to serve the residents of the DRC and is an ancillary facility of the DRC.

administration and utility, as well as lavatory and plant room uses. A 2.5m high fence along the site boundary will be provided. The layout plan is at **Drawing A-1**. A comparison of the major development parameters between the current application and the previously approved application No. A/NE-KTS/282 is as follows:

	<b>Previous Approved Application (No. A/NE-KTS/282) (a)</b>	<b>Current Application (No. A/NE-KTS/457) (b)</b>	<b>Difference (b) – (a)</b>
Site Area	755 m <sup>2</sup>	755 m <sup>2</sup>	0
Gross Floor Area (GFA)	330 m <sup>2</sup>	273 m <sup>2</sup>	-57 m <sup>2</sup> (- 17%)
Plot Ratio	0.44	0.36	-0.08 (-18%)
Site Coverage	43.7%	36%	-7.7% (-18%)
No. of Structure	4	5	+1
Building Height	4m / 1 storey	4m / 1 storey	0

- 1.4 The Site is accessible via a village road connecting Kwu Tung Road. The proposed development will generate 0.7 trip/day with a van. No car parking and loading/unloading space is proposed within the Site. According to the tree preservation and landscape proposal submitted by the applicant (**Drawings A-2 and A-3**), there are 3 existing trees within the Site. Amongst them, one existing tree is proposed to be retained and the remaining 2 will be felled. 5 new trees are proposed along the south-eastern boundary of the Site. Septic tank is proposed within the Site. A Geotechnical Assessment Report (**Appendix Ib**) is submitted to support the application.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 28.5.2018 (**Appendix I**)
  - (b) Further Information (FI) dated 28.6.2018 (**Appendix Ia**)
  - (c) FI dated 21.7.2018 (**Appendix Ib**)  
(*Not exempted from publication and recounting requirements*)
  - (d) FI dated 10.8.2018 (**Appendix Ic**)
  - (e) FI dated 17.8.2018 (**Appendix Id**)
  - (f) FI dated 29.8.2018 (**Appendix Ie**)
  - (g) FI dated 31.8.2018 (**Appendix If**)
  - (h) FI dated 13.9.2018 (**Appendix Ig**)
  - (i) FI dated 23.10.2018 (**Appendix Ih**)
  - (j) FI dated 25.10.2018 (**Appendix Ii**)
- 1.6 The application was originally scheduled for consideration by the Rural and New Town Planning Committee (the Committee) of the Board on 20.7.2018. On 20.7.2018 and 21.9.2018, the Committee agreed to defer a decision on the application as requested by the applicant to allow time for the applicant to prepare FI to address departmental comments. Upon receipt of the FI by the applicant on 23.10.2018, the application is rescheduled for consideration by the Committee at this meeting on 7.12.2018.

## 2. Justifications from the applicant

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the Application Form at **Appendix I** and the FI at **Appendices Ia to Ii**. They are summarized as follows:

- (a) The applicant is a non-Government organisation (NGO) which provides treatment and rehabilitation for drug addicts with Christian values and activities. The Site was originally used as a farm with some structures and subsequently converted to a DRC for 21 years. Since the commencement of the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566) in 2002, the applicant has applied for a licence for the DRC. The DRC has not yet obtained a licence and is operated under a Certificate of Exemption (CoE). To satisfy the requirement of obtaining a licence, the planning application for redevelopment of the DRC is submitted. The existing facilities within the Site are dilapidated and inadequate to meet the growing needs of its residents. The Site is granted with a STT No. 2253 for the purpose of DRRC on 17.9.2009, with site area of 755 m<sup>2</sup> and built-over area of 330 m<sup>2</sup>.
- (b) The applicant has applied for the Beat Drugs Fund for funding for redevelopment before the first planning application. A lot of time was used to liaise with consultants and Government departments on the redevelopment project. Before the commencement of the advance works in 2017, it was found that some of the requirements of Buildings Department could not be met. After the applicant revised the layout plans of the redevelopment and submitted to relevant Government department for approval, the previous planning permission lapsed and fresh application is required.
- (c) Site formation works will be very minimal. The proposed redevelopment will not cause adverse impact on the environment. A van is used to deliver materials to the DRC and pick up and drop off the residents of the DRC. The van is not used everyday. No vehicles accessing the Site will reverse on the village road to the southeast of the Site.
- (d) The DRC currently accommodates 8 residents. The residents could be accommodated in one of the existing structures. Once the first redeveloped structure was completed, the residents could be moved to the new one. The daily life of the existing residents of the DRC would not be affected.
- (e) The DRC would be an enclosed rehabilitation centre. Residents of the DRC are not allowed to leave the DRC without permission. Visit is not advised. In the past year, there are 2 visits by relatives to the DRC only. If necessary, the residents could be sent to other centre or halfway house for visiting by relatives.
- (f) There is no criminal record such as theft, criminal damage and fighting, or warning from relevant Government departments on hygiene in relation to the DRC. Some villagers are the volunteers of the DRC. The DRC will be operated by full-time staffs and the Site will be fenced off to avoid causing nuisance to the neighbourhood. The Site is relatively quiet and remote.
- (g) It is difficult to look for alternative site to accommodate the DRC. The proposed development is expected to operate in the Site continuously without time limit.

- (h) There is no increase in the built over area and population under the application. Therefore, no increase in geotechnical risk of the Site is envisaged. Instead of carrying out a natural terrain hazard study (NTHS), the applicant is willing to take up appropriate mitigation measures suggested by Civil Engineering and Development Department (CEDD).

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

The Site involves Government land only and the “owner’s consent/notification” requirements as set out on 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) is not applicable.

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

The Site falls within the “GB” zone. The Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) are relevant to this application. The relevant assessment criteria are summarized as follows:

- (a) there is a general presumption against development (other than redevelopment) in a “GB” zone. In general, the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use;
- (b) the scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of the surrounding areas;
- (c) applications for G/IC uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available. The plot ratio of the development site may exceed 0.4 so as to minimize the land to be allocated for G/IC uses;
- (d) the design and layout of any proposed development should be compatible with the surrounding areas. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (e) the vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided;
- (f) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (g) the proposed development should not overstrain the overall provision of G/IC facilities in the general area;

- (h) the proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution; and
- (i) any proposed development on a slope or hillside should not adversely affect slope stability.

## 5. Previous Application

- 5.1 The Site is the subject of 3 previous applications (No. A/NE-KTS/154, 254 and 282) for almost the same use submitted by the same applicant, which were approved by the Committee between 2002 and 2010. Details of the previous applications are summarized at **Appendix II** and their locations are shown on **Plan A-2**.
- 5.2 Application No. A/NE-KTS/154 for redevelopment of existing facilities on the Site for DRRC with GFA of 500 m<sup>2</sup> was approved with conditions on 9.8.2002 mainly on grounds that the scale of the proposed development was compatible with the surrounding rural and village environment; it was difficult to find a site suitable for such use; the proposed development is generally complied with the TPB PG-No. 10; and it would unlikely have significant adverse environmental and traffic impacts on the surrounding areas. The proposed development had not proceeded and the planning permission lapsed on 10.8.2006.
- 5.3 Application No. A/NE-KTS/254 for regularisation of the existing facilities on the Site for DRRC use with GFA of 200.2 m<sup>2</sup> was approved with conditions on 24.8.2007 mainly on similar grounds of the previously approved application (A/NE-KTS/154). However, in view of the local objections and there was no submission for compliance with approval conditions under the previous planning permission, the application was approved on a temporary basis until 23.12.2010 to be co-terminated with the expiry of the CoE issued by the Social Welfare Department (SWD). The planning permission was subsequently revoked on 24.11.2009 due to non-compliance with the approval conditions on implementation of drainage proposal, provision of water supplies for fire fighting and FSI, and implementation of tree preservation and landscape proposals.
- 5.4 Application No. A/NE-KTS/282 for redevelopment for DRRC use with GFA of 330 m<sup>2</sup> was approved with conditions on 5.3.2010 mainly on similar grounds; and funding available from the Beat Drugs Fund under the Commissioner for Narcotics (C for N) to redevelop all the existing dilapidated structures to fulfill the licensing requirements of Cap. 566. The validity of the planning permission was extended to 5.3.2018. The redevelopment had not commenced and the planning permission lapsed on 6.3.2018.

## 6. Similar Application

There is no similar application for DRC within the same “GB” zone of the OZP.

7. **The Site and Its Surrounding Areas** (Plans A-1 and A-2, aerial photo on Plan A-3 and site photos on Plans A-4a and 4b)

7.1 The Site is:

- (a) fenced and with 4 structures;
- (b) occupied by a DRC in operation;
- (c) located in the south-eastern part of a hillslope; and
- (d) accessible by a village road connecting Kwu Tung Road.

7.2 The surrounding areas are predominantly rural in character and have the following characteristics:

- (a) to its immediate east is a public toilet; to its further east are domestic structures and a store;
- (b) to its south across the village road is New Territories Kwu Tung Kei Lun Village Neighbourhood Welfare Association; and to the further south are domestic structures, storage, fallow agricultural land and vacant land; and
- (c) to the north and west are the sloping area of Ki Lun Shan covered with natural vegetation.

8. **Planning Intention**

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

9. **Comments from Relevant Government Departments**

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

**Land Administration**

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

- (a) the Site comprises Government land which is covered by a STT No. 2253 issued on 17.9.2009 for the purpose of DRRC for Problem Youths (Social Welfare Facility). Under the tenancy terms, any structure or structures to be erected on the Premises is subject to, inter alia, built over area of not exceeding 330 m<sup>2</sup>, and height of not exceeding 4m above the level of the ground on which it is erected. In addition, the design and location of the

structure or structures hereinafter mentioned shall be subject to the prior written approval of the DLO;

- (b) STT 2253 is now running on quarterly term and is terminable by at least 3 calendar months' notice in writing. At the termination of the tenancy, the tenant is required under the tenancy to yield up the Premises with vacant possession and free of all structures to the Landlord; and
- (c) if planning permission is granted, the applicant might need to apply to his department for private treaty grant, subject to policy support being granted by appropriate bureau to the applicant, to effect the proposed development. Such application will be considered by his department acting in its capacity as a landlord at its sole discretion and there is no guarantee that the private treaty grant for the proposed redevelopment will be approved. In the event that the private treaty grant application is approved, they would be subject to such terms and conditions, including, among other things, the payment of premium and administrative fee, as may be imposed by his department at its sole discretion.

### **Policy and Social Welfare**

#### 9.1.2 Comments of the Commissioner for Narcotics, Security Bureau (C for N, SB):

- (a) he has no objection to the application for redeveloping and operating the drug treatment and rehabilitation centre (DTRC) on the Site from the anti-drug policy perspective;
- (b) the Government adopts a multi-modality approach for drug treatment and rehabilitation services in Hong Kong to cater for drug abusers from varying backgrounds and under the changing drug trends. Under this approach, different voluntary treatment and rehabilitation services are being provided, including residential programmes implemented by NGOs in a number of DTRCs as well as community-based counselling centres run by NGOs in various districts. Koo Tung Rehabilitation Centre as operated by the applicant at the Site is one of the DTRCs, and has been in continued operation for years. The centre's voluntary residential treatment and rehabilitation services have contributed to assisting people in need to quit drugs and live a rehabilitated life in the society;
- (c) Cap. 566 was enacted in April 2002 to protect the well-being of drug abusers undergoing residential treatment and rehabilitation programme at DTRCs through a licensing system. SWD is the licensing authority. To obtain a licence, DTRCs should fulfil the licensing requirements which are mainly related to building safety, fire safety, and administration and management of the DTRCs. At present, some DTRCs, which had been in operation before the commencement of Cap. 566 but were unable to fully comply with the statutory licencing requirements, are operating on CoEs issued by SWD. At present, there are 37 DTRCs in Hong Kong with 11 operating on CoEs;

- (d) the Government has committed to assisting DTRCs operating on CoEs in relocating to new sites or upgrading/redeveloping their facilities in-situ with a view to fulfilling the statutory requirements for obtaining licences under Cap. 566. In this connection, the Special Funding Scheme for Drug Depending Persons Treatment and Rehabilitation Centres (SFS) under the Beat Drugs Fund, a funding scheme administrated by the Beat Drugs Fund Association, is to provide funding support for DTRCs to carry out the needed capital works for meeting the licensing requirements;
- (e) the applicant was set up in 1996. It is a charitable organisation operating a self-financing residential DTRC at the Site for providing drug treatment and rehabilitation services to male drug abusers voluntarily undergoing treatment or rehabilitation. The subject DTRC is operating on a CoE issued by the SWD pending obtaining a licence;
- (f) to obtain a licence under Cap. 566, the applicant has proposed to carry out an in-situ redevelopment project and is conducting a Technical Feasibility Study (TFS) for the proposed project. This TFS is fully funded by SFS. A draft TFS report has been submitted to the Architectural Services Department (ArchSD) for examination. Subject to approval of the TFS and hence technical feasibility established, it is expected that the applicant would apply for further funding under SFS for the detailed design and construction works of the proposed redevelopment with a view to meeting all statutory requirements for obtaining the licence under Cap. 566. It should be noted that the proposed redevelopment aims to redevelop the existing DTRC, not to launch a completely new DTRC. C for N will continue to provide assistance to the applicant in the process of SFS funding application and carrying out the redevelopment; and
- (g) some locals have raised some concerns on the application including, among others, security and order issues. SB would, in coordination with SWD, remind the applicant to take note of the local concerns raised and ensure the proper operation and management of the DRC in accordance with the relevant Code of Practice for DTRCs.

#### 9.1.3 Comments of the Director of Social Welfare (D of SW):

- (a) he has no objection to the application from anti-drug service perspective;
- (b) since the subject DTRC has been in operation before the commencement of Cap. 566 on 1.4.2002 but is unable to comply fully with the licensing requirements, his department has issued a CoE to the subject DTRC with a capacity of 20 since 24.12.2002, which would be subject to renewal. The current renewed CoE covers the period from 16.6.2018 to 15.6.2019. As noted in the application, the number of residents remains unchanged;
- (c) given that the future provision of new essential facilities and equipment after redevelopment which could help the centre to become more self-contained, it may be constructive to reduce the applicant's sharing of public facilities at the locality and address possible local concerns; and



- (d) from the licensing point of view, the applicant has to operate in compliance with the licensing requirements as well as those in the Code of Practice for Drug Dependent Persons Treatment and Rehabilitation Centres, the latter of which sets out principles, procedures or guidelines for the operation, management or control of DTRCs.

### **Traffic**

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

- (a) according to applicant's submission, which confirms that no car parking and loading/unloading spaces will be provided on the Site and no vehicles accessing the Site will reverse on village road, he considers that the application can be tolerated from traffic view point; and
- (b) the village road connecting the Site and Castle Peak Road - Kwu Tung is not managed by his department. The applicant should check the land status of the access with the lands authority, and clarify its management and maintenance responsibilities with the relevant lands and maintenance authorities accordingly.

### **Environment**

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

- (a) in view of the small-scale, the proposed development would unlikely cause major pollution;
- (b) there is no environmental complaint received by DEP in the past three years; and
- (c) there is no existing public sewer in the vicinity of the Site. The applicant should also be reminded to observe relevant pollution control legislations such as Noise Control Ordinance, Air Pollution Control Ordinance, Water Pollution Control Ordinance, Waste Disposal Ordinance, etc. during construction and operation stages of the proposed redevelopment.

### **Landscape**

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

- (a) he has no objection to the application from the landscape planning perspective;
- (b) compared the aerial photo of 2009 to the latest photo of 2017, there is no significant change in the area of rural landscape character where the Site is located. It comprises of village houses, some active farmlands and patches of woodland. The Site is at the periphery of Ki Lun Village separated by a village road. The remaining surrounding areas are natural woodland. The proposed development is not entirely incompatible with the surrounding

area;

- (c) the Site is hard paved with some temporary structures. One mature *Ficus elastic* (印度橡) of medium amenity value is found in the centre of the Site. A few young fruit trees of low amenity value are also found scattered within the Site. Having reviewed the tree preservation and landscape proposal, the current development layout has allowed adequate space to preserve the existing mature *Ficus elastic*. The landscape proposal (**Drawing A-3**) has also provided some tree planting for environmental enhancement;
- (d) should the application be approved, a condition should be included to request the applicant to submit and implement a tree preservation and landscape proposal; and
- (e) the advisory comments on the tree preservation and landscape proposal are at **Appendix IV**.

### **Drainage**

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

- (a) he has no objection in principle to the application from public drainage viewpoint; and
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area.

### **Nature Conservation**

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

- (a) he has no strong view against the application from nature conservation point of view, provided that the trees on and adjoining the Site would be properly preserved; and
- (b) the Site has been occupied for the applied use for some time and it is noted that the mature tree on the Site would be retained.

### **Fire Safety**

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

- (a) he has no in-principle objection to the application subject to fire service installations and water supplies for fire fighting being provided to the satisfaction of his department. Emergency vehicular access (EVA) arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by the Buildings Department; and

- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

### **Geotechnical**

#### 9.1.10 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD)

- (a) he has no objection to the application;
- (b) he understands that the applicant will continue to run the DRC at the Site by means of STT subject to renewal on quarterly term and DLO/YL has reserved a right to terminate the STT, and that the intention of the proposed redevelopment is to “validate the DRC from existing dilapidated conditions for compliance with current licensing requirements” and “there is no increase in built over area and population initiated by the proposed redevelopment and general building plans submission to deviate from STT agreement” as stated in the applicant’s submission; and
- (c) taking account of the current policy in association with the existing STT, he has no objection to the applicant’s suggestion of not imposing the requirement of a NTHS for the application. As it is an STT, the applicant should be reminded that if the Site is found to be subject to significant natural terrain landslide hazards in the future, he should request DLO/YL, LandsD to cancel the existing STT and vacate and/or fence off the structures affected on safety grounds. His other advisory comment is at **Appendix IV**.

### **Buildings Matters**

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

- (a) according to his record, General Building Plans based on the previous approved scheme (application No. A/NE-KTS/282) were disapproved on 9.1.2018; and
- (b) the advisory comments are at **Appendix IV**.

### **District Officer’s Comments**

#### 9.1.12 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

- (a) he consulted the locals regarding the application and applicant’s FIs; and
- (b) the Chairman of the Sheung Shui District Rural Committee (SSDRC), the North District Council (NDC) member of the subject constituency and the Chairman of the New Territories Kwu Tung Kei Lun Village Neighbourhood Welfare Association (with about 200 signatures each for

the first and second rounds of consultation) raised strong objection to the application mainly on the grounds that the DRC causes adverse traffic impact as well as public order and security problem; the residents of the DRC can enter and exit the Site without any supervision and stole from villagers' homes; tools for taking drug were found in the public toilet next to the DRC; male residents of the DRC were found in the female public toilet; the DRC causes nuisance to the villagers; and it is not suitable to have a DRC in the area as the village is populous.

9.2 The following Government departments have no comment/no objection to the application:

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Commissioner of Police (C of P);
- (d) Director of Electrical and Mechanical Services (DEMS); and
- (e) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD).

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

10.1 On 5.6.2018 and 31.7.2018, the application and the FI dated 21.7.2018 were published for public inspection respectively. During the first three weeks of the statutory public inspection periods, a total of 26 public comments were received, as summarised below:

<b>Public Inspection Period</b>	<b>Supportive comment</b>	<b>No comment</b>	<b>Objecting/ Adverse Comments</b>	<b>Total</b>
5.6.2018 - 26.6.2018 (Original Submission received on 28.5.2018)	1	1	5	7*
31.7.2018 – 21.8.2018 (FI dated 21.7.2018)	12	2	5	19
<b>Total</b>	<b>13</b>	<b>3</b>	<b>10</b>	<b>26</b>

\* A public comment submitted by a member of the general public is received by the Board outside the public inspection periods.

10.2 The supportive comment is from 13 members of general public (**Appendices III-1 to III-13**). Major supportive views are summarised as follows:

- (a) the DRC with Christian values was operated for more than 20 years. The development benefits and contributes to the society. The Government should consider the need of drug rehabilitation in the society. There is a gap in detoxification and drug rehabilitation services. The proposed redevelopment can fill the service gap to provide holistic care for the drug addicts;
- (b) spiritual and pastoral support provided by the DRC helps the drug addicts to overcome problematic substance use and to avoid relapse from substances addictive

behaviours; and

- (c) the residents of the DRC have never committed a crime in the village. Such a meaningful development should not be inhibited.
- 10.3 3 comments submitted by 2 members of general public indicate no comment on the application (**Appendices III-14 to III-16**).
- 10.4 The 10 objecting comments are from the NDC member of the subject constituency, the SSDRC and 6 members of the general public (**Appendices III-17 to III-25**). Major objecting views are summarised as follows:
- (a) the village road to and from Ki Lun Village is a narrow one-way road and is busy. The proposed development would generate vehicular trips and increase the traffic flow of the road. The proposed development would cause adverse traffic impact on the area. Moreover, the service of public transport, i.e. minibus, is insufficient to serve the increasing number of visitors to the development, it will cause inconvenience to the local villagers;
  - (b) the proposed development would cause adverse impacts on public order and security of the area and nuisance to the villagers. The development is not entirely fenced off and the residents of the DRC can enter and exit the Site without any supervision, even at mid-night. Tools for taking drug were found in the public toilet next to the DRC. The villagers express that the residents trespassed against and stole from their homes. Male residents of the DRC were found in the female public toilet. The security and order are getting worse. DRC should be away from villagers;
  - (c) the proposed development would cause environmental and noise impacts during construction period. Tree will be felled. The development will destroy the ecological environment; and
  - (d) some empty school sites in remote area may be suitable for the applied use.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for social welfare facility (DRC) with 20 beds by redevelopment of the existing DRC on the Site. The Site falls within “GB” zone. The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. Although the applied use is not in line with the planning intention of the “GB” zone, DAFC has no strong view on the application from nature conservation point of view as the Site has been occupied for the applied use for some time and the mature tree on the Site would be preserved by the applicant.
- 11.2 As advised by SWD, the existing DRC within the Site has been in operation before the commencement of Cap. 566 on 1.4.2002. As the development has not yet fully met the licensing requirements, a CoE has been granted by SWD since 24.12.2002, and obtaining planning permission is part of the conditions of the CoE. C for N has advised that the Government is committed to provide assistance to the DRC in upgrading/redeveloping

the facilities in-situ with a view to fulfilling the statutory requirements for obtaining the licence to provide drug treatment and rehabilitation services to male drug abusers. With funding support from the Beat Drugs Fund, the applicant has submitted a draft TFS report to ArchSD, and would apply for further funding under SFS for the detailed design and construction works of the proposed redevelopment project. DSW has no objection to the application and advises that should licence be granted to the DRC in future, the applicant has to operate and manage in compliance with the licensing requirements as well as those in the relevant Code of Practice. As advised by DLO/YL, LandsD, a STT for the purpose of DRRC at the Site with site area of 755 m<sup>2</sup> and built-over area of 330 m<sup>2</sup> was granted on 17.9.2009.

- 11.3 As stated in the TPB PG-No. 10, the proposed development in the “GB” zone should be compatible with the surrounding areas, and should not involve extensive vegetation clearance and overstrain the capacity of existing and planned infrastructure. The Site covers an area of 755 m<sup>2</sup> and is occupied by existing structures. The proposed development is for 5 one-storey structures with a total GFA of 273 m<sup>2</sup>. The use and scale of the proposed development is not incompatible with the surrounding areas. The surrounding areas of the Site are predominantly rural in nature. The Site is surrounded by hill-slope in 3 sides. There are some domestic structures, a store, a public toilet, storage use and fallow agricultural land in the vicinity. CTP/UD&L, PlanD considers that it is not entirely incompatible with the surrounding area from landscape planning perspective.
- 11.4 For technical aspects, DEP, CE/MN, DSD, CE/C, WSD and H(GEO), CEDD have no adverse comment on the application. TD considers that the application can be tolerated from traffic view point. The applicant has submitted a tree preservation and landscape proposal (**Drawing A-3**), in which 2 existing trees are proposed to be fell; 1 existing tree will be retained and 5 new trees will be planted within the Site. CTP/UD&L, PlanD has no objection from landscape planning viewpoint. It is envisaged that the proposed development would not cause adverse impacts on landscape, traffic, environment, sewerage, drainage, water supply and geotechnical aspects. The proposed development does not involve land filling, excavation and extensive clearance of existing natural vegetation. In view of the small scale of the development, significant adverse impact on visual, and existing and planned infrastructure is not anticipated.
- 11.5 The Site is the subject of 3 previous applications (No. A/NE-KTS/154, 254 and 282) for the same use submitted by the same applicant approved in 2002, 2006 and 2010. As explained in paragraph 5, these applications were approved based on similar considerations: compatible with the surrounding rural environment; difficult to find alternative site; and unlikely have significant adverse environmental and traffic impacts on the surrounding areas. The planning permission for A/NE-KTS/254 was revoked on 24.11.2009 due to non-compliance with approval conditions. The redevelopment under the other two permissions had not commenced and the planning permissions lapsed on 10.8.2006 and 6.3.2018. As compared with the last approved application, the current application is for similar use with reduced development scale. Approval of the current application is in line with the previous decision of the Committee.
- 11.6 There are 3 local objections (one with about 200 signatures each in the two rounds of consultation) as conveyed by DO(N). Out of the 26 public comments, 13 support the application; 3 have no comment; and 10 raised objection. The objections are mainly on the grounds that the proposed development would cause adverse impacts on traffic, environment, public order and security problems, nuisance to the villagers; and there are

alternative sites for the proposed development. In this regard, relevant Government departments' comments and planning assessments as stated in paragraphs 11.2 to 11.4 above are relevant. For public order and security as well as alternative site, the applicant has clarified that the DRC would be an enclosed rehabilitation centre and the residents are not allowed to leave the DRC without permission (**Appendix Ia**), and it is difficult to find alternative sites for the applied use. Besides, C for N has advised that SB would, in coordination with SWD, remind the applicant to take note of the local concerns raised and ensure the proper operation and management of the DRC in accordance with the Code of Practice for Drug Dependent Persons Treatment and Rehabilitation Centres. Moreover, the operation and management of the DRC is subject to the license issued by SWD. SWD comments that after redevelopment, the DRC will become more self-contained and this may help addressing possible local concerns. An advisory clause on this aspect is suggested in **Appendix IV**. C of P has no comment on the application.

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

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the local views and public comments mentioned in paragraphs 9.1.12 and 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 7.12.2022, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following approval conditions and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (c) the submission and implementation of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

### Advisory Clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
- (a) the development is not in line with the planning intention of the "Green Belt" zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there is a general presumption against development within

this zone. There is no strong planning justification in the submission for a departure from the planning intention; and

- (b) the development is not in line with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that the submission has not demonstrated that the proposed development is essential and no alternative sites are available.

### **13. Decision Sought**

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

### **14. Attachments**

<b>Appendix I</b>	Application Form with Attachments received on 28.5.2018
<b>Appendix Ia</b>	FI dated 28.6.2018
<b>Appendix Ib</b>	FI dated 21.7.2018
<b>Appendix Ic</b>	FI dated 10.8.2018
<b>Appendix Id</b>	FI dated 17.8.2018
<b>Appendix Ie</b>	FI dated 29.8.2018
<b>Appendix If</b>	FI dated 31.8.2018
<b>Appendix Ig</b>	FI dated 13.9.2018
<b>Appendix Ih</b>	FI dated 23.10.2018
<b>Appendix Ii</b>	FI dated 25.10.2018
<b>Appendix II</b>	Previous Applications
<b>Appendices III-1 to III-25</b>	Public Comments
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Tree Felling Plan
<b>Drawing A-3</b>	Tree Compensation Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4a and A-4b</b>	Site Photos