

Similar Planning Application for Residential Care Home for the Elderly

Application No.	Location	Zoning	Date of Consideration	Decision of the RNTPC/TPB	Reasons for Rejection/ Approval Conditions
A/SK-PK/195 Residential Care Home for the Elderly	G/F and 2/F, No. 5F to 5G Pak Kong Au, Po Lo Che, Sai Kung, New Territories (Lots 1387 and 1388 in D.D. 222)	“V”	30.3.2012	Approved with condition	(a)

Approval Condition:

- (a) Provision of fire service installations proposals and water supplies for firefighting

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) that the use of government land surrounding the Lots should require separate application for Short Term Tenancy (“STT”). Even the applicants’ planning application is approved, there is no guarantee that their STT application by direct grant would be entertained;
- (b) to note the comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department (CBS/NTE2 & Rail, BD) that for Unauthorized Building Works (UBW), if any, erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with his department’s enforcement policy against UBW as necessary and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW, if any, on the Site under the Buildings Ordinance. The applicants should be reminded that the existing premises on the Site intended to be used for Residential Care Home for the Elderly (RCHE) is required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (c) to note the comments of the Commissioner for Transport (C for T) that as the access road leading to the Site, Nam Shan San Tsuen Road and part of Po Lo Che Road are not under Transport Department’s purview, the applicants may wish to consult the relevant management and maintenance authorities;
- (d) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) that adequate stormwater drainage facilities should be provided in connection with the proposed developments to deal with the surface runoff of the Site without causing any adverse drainage impacts or nuisance to the adjoining areas;
- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD) that existing water mains might be affected. The applicants are required to either divert or protect the water mains found on Site:
 - (i) if diversion is required, existing water mains inside the proposed Site are needed to be diverted outside the site boundary of the proposed development to lie in government land. A strip of land of minimum 1.5 metres width should be provided for the diversion of the existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the applicants. The applicants shall submit all the relevant proposal to WSD for consideration and agreement before the works commence;
 - (ii) if diversion is not required, the following conditions shall apply:
 - a. existing water mains are affected and no development which requires resitting of water mains will be allowed;

- b. details of site formation works shall be submitted to the Director of Water Supplies (DWS) for approval prior to commencement of works;
 - c. no structures shall be built or materials stored within 1.5 metres from the centre lines of water mains. Free access shall be made available at all times for staff of the DWS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - d. no trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water mains. No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the DWS. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5 metres or less, and the barrier must extend below the invert level of the pipe;
 - e. no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 metres around the cover of any valve or within a distance of 1 metre from any hydrant outlet;
 - f. tree planting may be prohibited in the event that DWS considers that there is any likelihood of damage being caused to water mains;
- (f) to note the comments of the Director of Fire Services (D of FS) that the statutory restrictions as stipulated in Residential Care Homes (Elderly Persons) Ordinance Cap. 459 should be observed. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. Since Social Welfare Department is the licensing authority of RCHE, detailed requirements, among others, in relation to fire safety aspects will be issued by them upon formal application. In the meantime, the requirements as stipulated in the CoP of RCHE should be observed; and
- (g) to note the comments of the Director of Social Welfare (D for SW) to comply with all statutory and licensing requirements for RCHE. Policy support at nominal premium for a particular project would only be considered when there is a concrete proposal /application from the applicants and each application would be considered on a case-by-case basis.