

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

**APPLICATION NO. A/TKO/114**

<b><u>Applicant</u></b>	:	Christian Family Service Centre
<b><u>Application Premises</u></b>	:	G/F, House 9A, Hang Hau Village, Tseung Kwan O
<b><u>Total Area of Premises</u></b>	:	65m <sup>2</sup>
<b><u>Land Status</u></b>	:	(a) Lot No. 481 in D.D. 224 under New Grant No. 7603 (b) Restricted to non-industrial (excluding godown) purposes
<b><u>Plan</u></b>	:	Draft Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/25
<b><u>Zoning</u></b>	:	“Village Type Development” (“V”)
<b><u>Application</u></b>	:	Proposed Social Welfare Facility (Day Care Centre for the Elderly)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed social welfare facility (day care centre for the elderly) on ground floor of an existing New Territories Exempted House (NTEH) in Hang Hau Village (the Premises). The Premises fall within an area zoned “V” on the draft Tseung Kwan O OZP No. S/TKO/25. According to the Notes of the OZP, ‘Social Welfare Facility’ is a Column 2 use in “V” zone which requires planning permission from the Town Planning Board (the Board) (**Plans A-1 and A-2**). The Premises have been recently renovated, but not in use at present.
- 1.2 According to the applicant, the proposed day care centre will serve elderly with mild to severe impairment level. The operator will provide physical training, social activities and caring services for them. The proposed day care centre will accommodate a maximum of 15 service users and 8 staff at a time. The operation hours will be 8:00 a.m. to 6:00 p.m. from Monday to Saturday (except public holiday). The applicant will provide shuttle bus for the service users to and from the Premises, using a loading/unloading area on Yue On Lane near the Premises. Ramps will be provided at all exits of the Premises.

- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form with location plan and layout plan received on 23.8.2018 **(Appendix I)**
  - (b) Supplementary Information received on 28.8.2018 and 29.8.2018 providing information on operation details **(Appendix Ia)**
  - (c) Further Information (FI) received on 4.10.2018 providing details on transport, car parking, loading/unloading, disabled access arrangements and service programme (exempted from publication and recounting requirements) **(Appendix Ib)**
- 1.4 The layout plan of the proposed development submitted by the applicant is shown in **Drawing A-1**.

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

The justifications put forth by the applicant in support of the application are detailed in **Appendix I**. They are summarized as follows:

- (a) Christian Family Service Centre (CFSC) has been dedicated to providing services to support and facilitate family functions. Since its establishment in 1954, CFSC has offered various types of services to residents in Kowloon East, and keeps upgrading and expanding the scope of existing services in response to the changing needs of the society.
- (b) CFSC has more than 20-year experience in elderly care service, serving the elderly in areas including Kwun Tong and Wong Tai Sin with different types of services. In view of the general increase in service demand and rising number of senior citizens in Tseung Kwan O, CFSC would like to expand its elderly care service coverage to Tseung Kwan O area. However, the rental level in Tseung Kwan O is unaffordable and the Premises are the only viable option.
- (c) Since the service users will be of mild to severe impairment level, shuttle bus service will be provided to and from the Premises. A loading/unloading area on Yue On Lane will be available for shuttle bus and ambulance, and ramps for wheelchair users will be provided at all exits of the Premises.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning

Ordinance (TPB PG-No. 31A) by obtaining consent of the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Previous Application**

The Premises were the subject of one previous application (No. A/TKO/17) for proposed school (tutorial centre) approved with conditions by the Rural and New Town Planning Committee (the Committee) on 3.7.1998. It was approved mainly on the consideration that the proposed school was not incompatible with the surrounding residential development, and it would provide supporting educational facility for the residents nearby. Details of the application are summarized in **Appendix II** and its location is shown on **Plans A-1 and A-2**.

**5. Similar Application**

There is no similar planning application for day care centre for the elderly within “V” zone on the OZP.

**6. The Site and Its Surrounding Areas (Plans A-1 and A-2 and photos on Plans A-3, A-4a to A-4c)**

6.1 The Premises are:

- (a) located on the ground floor of a 3-storey NTEH within Hang Hau Village and upper floors of the building are for residential use;
- (b) recently renovated and the proposed day care centre is not yet in operation; and
- (c) accessible from Yue On Lane.

6.2 The surrounding areas have the following characteristics:

- (a) to the east, south and north are village houses;
- (b) to its immediate west is an open-air communal carpark; and further northwest is a basketball court; and
- (c) there are some non-domestic uses on the ground floor of the surrounding village houses such as restaurants, bakery, beauty salon, pet grooming shops and car repairing workshop.

## **7. Planning Intention**

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

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

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

### **Land Administration**

8.1.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) He has no comment on the planning application.
- (b) The subject premises are situated at Lot No. 481 in D.D 224, which is held under New Grant No. 7603.
- (c) The user permitted under the lease conditions governing the above lot is non-industrial (excluding godown) purposes.

### **Social Welfare**

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

- (a) Day care centre for the elderly is regarded as a social welfare facility.
- (b) Given the growing demand for day care centre for the elderly due to the ageing population in Sai Kung District, he has no in-principle objection to develop a day care centre for the elderly at the Premises to increase the provision of day care centre for the elderly places provided that there will be no financial implications on SWD, and the proposed day care centre would be privately run.
- (c) There is no licensing requirement for operation of a day care centre for the elderly.

### **Traffic**

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

Since the proposed development only consists of ground floor of a small building, she considers that the application can be tolerated from traffic engineering point of view.

### **Environment**

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

In view of the small scale and nature of the proposed development, it will unlikely cause major pollution.

### **Building Matters**

#### 8.1.5 Comments of the Chief Building Surveyor/New Territories East (2) & Rail, Buildings Department (CBS/NTE(2)&Rail, BD):

- (a) The granting of the planning approval should not be construed as an acceptance of any unauthorized structures on site under the Buildings Ordinance. Enforcement action may be taken to effect the removal of all unauthorized works, if any, in the future.
- (b) The building is also required to comply with the building safety and other relevant requirements as may be imposed by the relevant licensing authority.

### **Fire Safety**

#### 8.1.6 Comments of the Director of Fire Services (D of FS):

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. Detailed fire services requirements will be formulated upon receipt of formal submission of fire service installation proposal.

#### 8.2 The following departments have no comment on the application:

- (a) Chief Highway Engineer/NT East, Highways Department (CHE/NTE, HyD);
- (b) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (c) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD);
- (e) Commissioner of Police (C of P);

- (f) Director of Electrical and Mechanical Services (DEMS);
- (g) Project Manager (East), Civil Engineering and Development Department (PM(E), CEDD); and
- (h) District Officer (Sai Kung), Home Affairs Department (DO(SK), HAD).

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

On 31.8.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 21.9.2018, two comments from two Sai Kung District Council members were received (**Appendix III**). They object to the application mainly on the grounds that the location of the Premises is remote with limited public transport service. Moreover, the surrounding area is occupied by private cars and lorries, and the footpath connecting to the Premises is narrow and there is no disabled access.

## **10. Planning Considerations and Assessments**

- 10.1 The application seeks planning permission to use ground floor of an existing 3-storey NTEH for a proposed day care centre on a site zoned “V”. The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH, while other community and recreational uses may be permitted on application to the Board. According to the applicant, the proposed day care centre is to serve elderly with mild to severe impairment living in Tseung Kwan O. DSW has no in-principle objection to the development to increase the provision of day care centre for the elderly places. As such, while the development is not entirely in line with the planning intention of the “V” zone, the proposed use is generally acceptable given its nature of serving community needs.
- 10.2 The proposed day care centre for the elderly is on ground floor of a 3-storey existing NTEH. The Premises are surrounded by village houses in Hang Hau Village and there are some non-domestic uses such as restaurants, bakery, beauty salon and pet grooming shops on G/F of the surrounding village houses. The proposed development is not incompatible with the surrounding land uses (**Plan A-2**).
- 10.3 The day care centre is of small scale with a total floor area of 65m<sup>2</sup> accommodating a maximum of 15 service users and 8 staff at a time. The applicant proposes to use shuttle bus to carry the service users to and from the day care centre and use the loading/unloading area on Yue On Lane near the Premises for ambulance and shuttle bus. Disabled access in the form of ramps will be installed at both the front and back doors of the Premises to cater for wheelchair users. C for T has no adverse comment on the proposed transport arrangement from traffic engineering point of view. The proposed day care centre will not have any adverse impacts on

the environment and infrastructure provisions. Relevant government departments have no objection to the application.

- 10.4 There are two public comments objecting the application received during the statutory publication period as mentioned in paragraph 9 above. In this regard, the planning considerations and assessments as stated above are relevant.

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

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments in paragraph 9 above, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 19.10.2022, 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 condition of approval and advisory clauses are also suggested for Members' reference.

### Approval Condition

The provision of fire service installations and water supplies for fire-fighting before operation of the proposed use 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**.

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

The proposed development is not in line with the planning intention of the "V" zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. No strong planning justification has been given in the submission for a departure from the planning intention.

**12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

**13. Attachments**

<b>Appendix I</b>	Application Form received on 23.8.2018
<b>Appendix Ia</b>	Supplementary Information received on 28.8.2018 and 29.8.2018 from Applicant providing information on operation details
<b>Appendix Ib</b>	Further Information received on 4.10.2018 from Applicant providing details on transport, car parking, loading/unloading, disabled access arrangements and service programme
<b>Appendix II</b>	Previous Application covering the Premises
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan submitted by the applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2018**