

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TP/656

<u>Applicant</u>	: Social Welfare Department of the Government of the Hong Kong Special Administrative Region
<u>Site</u>	: Government land at the Junction of Yau King Lane and Pok Yin Road, Pak Shek Kok, Tai Po, New Territories
<u>Floor Area</u>	: About 1 354m ² (net operational floor area) (equivalent to an estimated gross floor area of about 3 000m ²)
<u>Land Status</u>	: Government Land
<u>Plan</u>	: Approved Tai Po Outline Zoning Plan (OZP) No. S/TP/28
<u>Zoning</u>	: “Residential (Group B)9” (“R(B)9”) [Restricted to a maximum GFA of 88 200m ² and a maximum building height (BH) of 50mPD]
<u>Application</u>	: Proposed Social Welfare Facility (Residential Care Home for the Elderly (RCHE))

1. The Proposal

- 1.1 The applicant, Social Welfare Department (SWD), seeks planning permission for a proposed Social Welfare Facility (RCHE) at the junction of Yau King Lane and Pok Yin Road, Pak Shek Kok, Tai Po (the Site) (**Plan A-1**). The Site, with an area of about 3.3 ha, falls within an area zoned “R(B)9” on the approved Tai Po OZP No. S/TP/28. According to the Notes for the “R(B)9” zone, ‘Social Welfare Facility’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board).
- 1.2 The Site has been included in the 2018-19 Land Sale Programme for private residential development. Upon obtaining planning permission, relevant special conditions will be included in the land sale document requiring the purchaser of the Site to design and construct bare shell premises for the proposed 100-place RCHE as part of the development. The proposed RCHE will not involve any relaxation of the GFA and BH restrictions stipulated under the Notes for the “R(B)9” zone.

- 1.3 According to SWD, the proposed RCHE will provide 100 bed spaces with a total net operational floor area (NOFA) of about 1 354m², which is equivalent to an estimated Gross Floor Area (GFA) of about 3 000m². The Labour and Welfare Bureau (LWB) has given policy support for the proposal and the cost of design and construction will be met by the Lotteries Fund. The proposed RCHE will be operated by a service operator to be identified by the SWD through invitation of tender.
- 1.4 Basic facilities of the proposed RCHE will include dormitories, dining/sitting area, toilet/bathroom/shower, kitchen, laundry, office area, isolation facility/room, etc. It has to be located on the ground floor or lower floors of a building (below 24m above ground with a designated lift) in order to be easily accessible by the users, visitors and emergency services. For the efficient operation of the RCHE, it will be provided with a designated parking space for a private light bus with tail-lift (8m x 3m with minimum headroom of 3.3m). It will also be provided with a lay-by (11m x 3.5m with headroom of 4.7m) in close proximity of the RCHE for ambulances and private light bus. The parking space and lay-by will be for exclusive use by the RCHE.
- 1.5 In order to provide design flexibility for the future successful bidder of the sale site, the detailed design and layout of the proposed RCHE are not specified in this application. Detailed design of the proposed RCHE, including the floor area requirements, disposition of component facilities, accessibility, transport, environmental and fire safety aspects, would be controlled through relevant ordinances and regulations including the statutory requirements governing the licensing of RCHEs¹, the building plan submission and the land sale conditions.
- 1.6 In support of the application, the applicant has submitted the following documents:
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|-----|--|---------------|
| (a) | Application form received on 31.8.2018 | (Appendix I) |
| (b) | Supplementary Planning Statement received on 31.8.2018 | (Appendix Ia) |
| (c) | Further Information received on 12.10.2018 | (Appendix Ib) |

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out in the supplementary planning statement at **Appendix Ia**. They can be summarized as follows:

Demand for RCHE

- (a) There has been a persistent demand for RCHEs in view of the aging population. The provision of RCHEs by the private and public sectors is inadequate to cope with the keen demand. As at June 2018, there were more than 39 200 waitlistees on the

¹ The Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and the Residential Care Homes (Elderly Persons) Regulation (Cap. 459A) regulate the operation of RCHEs in Hong Kong. The legislation aims at ensuring that residents in these homes receive services of acceptable standards that are of benefit to them physically, emotionally and socially. All RCHEs are regulated through a licensing scheme to ensure the provision of a high level of care services by the RCHEs and the effective protection of the interests of their residents.

Central Waiting List for various types of subsidised residential care services (RCS) places for the elderly, with the average waiting time for Care-and-attention places and Nursing places at 23 months and 24 months respectively. As at 30 June 2018, there were a total of 27 338 subsidised RCS places in the territory. Against this background, the Government has incorporated the requirement for the provision of residential and day care services for the elderly in the Conditions of Sale for the land sale site at Site 1F1 of Kai Tak Development. The land sale was concluded in May 2018 at an encouraging price. This successful endeavour has reinforced the Government's determination to seriously consider including RCHEs in suitable private developments in the Land Sale Programme. This application is in line with the Government's overall policy of augmenting the provision of welfare facilities.

Land Use Compatibility

- (b) The Site is located at the fringe of Tai Po New Town and its surrounding areas are mainly occupied by low to medium density residential developments, education facilities and village settlements. The tranquil environment is considered suitable for the proposed RCHE, which is primarily to provide residential care services for the elderly. The elderly facility is also considered not incompatible with the private residential development to be erected on the Site. The provision of the proposed RCHE in the private residential development on the Site will comply with all relevant regulations and statutory / licensing requirements.
- (c) With regard to the location and the parameters of the development on the Site including the maximum GFA and building height as well as the requirement for the provision of retail facilities, it is considered that a 100-place RCHE would be at an appropriate scale to be set up on the Site that would help meeting the demand for RCS for the elderly in Tai Po District.

Insignificant Traffic, Environmental, Drainage and Sewerage Impacts

- (d) The proposed RCHE will not result in any exceedance of the maximum GFA and BH restrictions stipulated under the Notes. The proposed 100-place RCHE will not induce major increase in the population for the whole development. Having regard to the scale of the proposed RCHE and the normal operation of an RCHE, the impacts on environmental, drainage and sewerage would be insignificant.
- (e) As regards the impact on traffic, the traffic impact assessment (TIA) conducted for the proposed rezoning of the Site from "Government, Institution or Community" ("G/IC") to "R(B)9" has demonstrated that there would not be any significant adverse traffic impact arising from the proposed development in the "R(B)9" zone. The elderly residents living in the proposed 100-place RCHE will generally stay in the facility and the number of vehicular trips arising from escort of the elderly residents to and from medical appointments or outdoor programmes, the routine deliveries of goods and materials and other management and maintenance services on a daily basis will be minimal. The proposed RCHE will also be provided with a private light bus to enable the operator to arrange the escort services for the elderly. Like other RCHEs subsidised by SWD, staff and visitors (including medical officers, community geriatric assessment teams, para-medical staff, etc.) are presumed to use public transport and therefore would not incur significant traffic impact on the vicinity. Transport

Department (TD) has no adverse comment on the proposed RCHE from the traffic point of view.

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

As the Site involves Government land only, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) is not applicable to the application.

4. Previous Application

There is no previous application at the Site.

5. Similar Application

There is no similar application for the same use within “R(B)” zones on the Tai Po OZP.

6. The Site and Its Surrounding Areas (Plans A-1 to A-4)

6.1 The Site is:

- (a) located at the junction of Yau King Lane and Pok Yin Road, Pak Shek Kok, Tai Po. It is currently vacant and covered with grasses and scattered trees mainly along its north-western edge (**Plans A-2 and A-3**); and
- (b) accessible via Yau King Lane which is served by public transport facilities, e.g. buses and public light buses.

6.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) predominantly sub-urban in character comprising mainly low- to medium-density residential developments, education facilities and village settlements;
- (b) to its immediate north is the sports centre of the Hong Kong Education University and to its immediate east is a “G/IC” site reserved for campus development of the Chinese University of Hong Kong;
- (c) to the southwest across Yau King Lane is Cheung Shue Tan Village and some existing low-density residential developments including Deerhill Bay, Villa Castell and Villa Costa on hill slope; and
- (d) there are medium-density residential developments fall within the “R(B)” zones on the other side of Tolo Highway to the further east in Pak Shek Kok.

7. Planning Intention

The planning intention of the “R(B)9” zone is primarily for medium-density residential developments, and commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. According to the Explanatory Statement (ES) of the OZP, relevant technical assessments including Noise Impact Assessment (NIA), Sewerage Impact Assessment (SIA) and Drainage Impact Assessment (DIA), etc. would be incorporated into the lease for the Site at the land disposal stage.

8. Comments from Relevant Government Bureaux / Departments

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

Policy Aspect

8.1.1 The Secretary for Labour and Welfare (SLW) has given policy support for the proposal to incorporate a 100-place RCHE in the Site.

Land Administration

8.1.2 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the application site falls within the proposed Tai Po Town Lot 244 which has been included in the 2018-19 Land Sale Programme; and
- (c) the sale conditions of the Lot are under preparation and a NOFA of not less than 1 354m² is proposed for the RCHE. If the planning application is approved, Special Conditions in respect of the proposed RCHE would be incorporated into the sale conditions.

Building Matters

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

- (a) no in-principle objection to the application under the Buildings Ordinance;
- (b) the proposed use under application is subject to the issue of licence, building safety and other relevant requirements shall be imposed during building plan submission stage and/or licence application stage;
- (c) adequate access and facilities for persons with a disability should be provided. Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008 are relevant; and

- (d) detailed comments will be given at building plan submission stage.

Traffic

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

- (a) no in-principle objection to the application from traffic point of view;
- (b) TIA has been conducted before and the assessment demonstrated that the proposed private residential development at the Site would have no insurmountable impact on the surrounding areas. The additional traffic and pedestrian flow due to the proposed RCHE is minimal and would not incur adverse traffic impact. Suitable amount of parking spaces complying with the Hong Kong Planning Standards and Guidelines would be provided within the proposed residential development; and
- (c) from traffic point of view, he has no comment on the proposed parking and lay-by requirements as they are required by SWD to meet the operational need of the RCHE.

8.2 The following Government bureaux/ departments consulted have no objection to / no comment on the application:

- (a) Chief Town Planner/Urban Design & Landscape, Planning Department;
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (d) Chief Highway Engineer/New Territories East, Highways Department;
- (e) Commissioner of Police;
- (f) District Officer/Tai Po, Home Affairs Department;
- (g) Director of Agriculture, Fisheries and Conservation;
- (h) Director of Electrical and Mechanical Services;
- (i) Director of Environmental Protection (DEP);
- (j) Director of Fire Services (D of FS);
- (k) Director of Food and Environmental Hygiene;
- (l) Director of Leisure and Cultural Services
- (m) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (n) Project Manager/North, Civil Engineering and Development Department.

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

On 7.9.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, a total of six public comments were received (**Appendix II**). Among the six public comments received, five public comments submitted by the nearby villagers oppose to the application mainly on the grounds of the potential traffic and environmental impacts. One public comment was submitted by the MTR Corporation

Limited expressing concerns on operational railway noise. The public comments from the nearby villagers also opined that they were not fully informed about the proposed RCHE.

10. Planning Considerations and Assessments

The Site and the Proposal

- 10.1 The Site is zoned “R(B)9” on the OZP which is intended primarily for medium-density residential developments, and commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. To provide more elderly facilities for the community, the applicant, SWD, applies for provision of a 100-place residential care home for the elderly at the Site. The estimated GFA for the proposed use (i.e. about 3 000m²) will take up about 3.4% of the total maximum GFA of 88 200m² for the whole development on the Site. The successful bidder of the Site will be required to design and construct the proposed RCHE as part of the future development on site.
- 10.2 While the proposed RCHE is not entirely in line with the planning intention of “R(B)9” zone to provide residential flats, it can provide residential care accommodation for the elderly to meet the keen demand for our aging society. As the provision of the RCHE in private residential development is in line with Government’s policy, and it is compatible with the surrounding uses with no adverse traffic and environmental impacts on the surrounding areas, the application may warrant special and favourable consideration from the Board.

Policy Support

- 10.3 There has been a persistent demand for RCHEs in view of the aging population and the provision of RCHEs by the private and public sectors is inadequate to cope with the keen demand. In view of this, the Government has adopted a multi-pronged approach to identify suitable accommodation in different types of development for the provision of welfare facilities for meeting the needs of the localities or the community at large for welfare services. This application is in line with the Government’s overall policy of augmenting the provision of welfare facilities, which is in the public interest. The Labour and Welfare Bureau (LWB) has given policy support for the proposal.

Land Use Compatibility

- 10.4 The Site is located at a predominately sub-urban area at the fringe of Tai Po New Town and its surrounding areas are mainly occupied by low to medium density residential developments, education facilities and village settlements. The elderly facility is considered not incompatible with the private residential development to be developed on the Site. There are also many examples of incorporating RCHEs in private residential developments, such as those at the sites of ex-Kwong Choi Market in Tuen Mun and West Rail Long Ping Station.

Infrastructure and Environmental Aspects

- 10.5 The proposed RCHE will not result in any increase in the total permissible GFA for the Site. It will only provide 100 service places and will not induce major increase in the population for the whole development. Moreover, the provision of the proposed RCHE in the private residential development on the Site will comply with requirements of the relevant Government departments and relevant regulations. Relevant departments consulted including C for T, CE/MN of DSD, CE/C of WSD, D of FS and DEP have no objection to the application. As the proposed RCHE will form part of the future development at the Site and the requirements for relevant technical assessments including Noise Impact Assessment (NIA), Sewerage Impact Assessment (SIA) and Drainage Impact Assessment (DIA), etc. would be incorporated into the lease for the Site, significant adverse traffic, environmental, sewerage and drainage impacts on the surrounding areas and fire safety concern are not anticipated.

Implementation Aspects

- 10.6 According to DLO/TP, LandsD, the sale conditions of the subject land sale site are under preparation. If the planning application is approved, Special Conditions in respect of the proposed RCHE including the requirement of a designated parking space and a lay-by for exclusive use by the RCHE as submitted under the application would be incorporated into the sale conditions. According to SWD, the cost of design and construction of the proposed RCHE will be met by the Lotteries Fund. The developer of the Site will be responsible to design and construct bare shell premises of the proposed RCHE as part of the private development on the Site in accordance with the sale conditions. Detailed design of the proposed RCHE would be controlled through relevant ordinances and regulations including the statutory requirements governing the licensing of RCHEs, the building plan submission and the land sale conditions.

Public Comments

- 10.7 Regarding the concerns on the potential impacts from the proposed RCHE on the traffic and environment of the area and the concerns on railway noise issues, the assessments in paragraph 10.5 above are relevant. There are also public comments objecting to the application on the grounds that they have not been fully informed about the proposed RCHE. It should be noted that the publication of the application for public comments has duly followed the Board's established procedures and practices. In addition, as an administrative measure, a notice informing the public about the availability of the application for public inspection was also uploaded to the Board's website, posted at the Secretariat of the Board, the Planning Enquiry Counters of the Planning Department, the Tai Po District Office and Tai Po Rural Committee office and sent to members of the Tai Po District Council.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 and having taking into account the public comments mentioned in paragraph 9, 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.
- 11.3 There is no strong reason to recommend rejection of the application.

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 that no approval condition(s) or advisory clause(s) will 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

Appendix I	Application form received on 31.8.2018
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Further Information received on 12.10.2018
Appendix II	Public Comments
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
October 2018**