

RNTPC Paper No. A/HSK/67B
For Consideration by
the Rural and New Town
Planning Committee
on 12.4.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/67

- Applicant** : Pronto Star Limited represented by PlanArch Consultants Limited
- Site** : Lot 793 in D.D.124, Lots 70, 71, 72, 73, 74, 75, 76, 77, 215 RP and 216 in D.D.127, Ping Shan, Yuen Long, New Territories
- Site Area** : About 3,091 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK & HT) Outline Zoning Plan (OZP) No. S/HSK/2 (currently in force)
[Draft HSK & HT OZP No. S/HSK/1 at the time of submission]
- Zoning** : “Government, Institution or Community” (“G/IC”) (85.32%)
[Restricted to a maximum building height (BH) of 80 mPD/8 storeys]
and area shown as ‘Road’ (14.68%)
- Application** : Proposed Social Welfare Facility (Private Elderly Home) and Residential Institution (Senior Citizen Housing)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed social welfare facility (private elderly home) and residential institution (senior citizen housing) uses. The Site falls within an area partly zoned “G/IC” (85.32%) and partly shown as ‘Road’ (14.68%) on the approved HSK & HT OZP (**Plan A-1a**). The Site is currently occupied by a concrete batching plant under a valid planning application No. A/YL-PS/143 submitted by the same applicant which was approved with conditions on review by the Town Planning Board (the Board) on 22.8.2003.
- 1.2 According to the Notes of the OZP, ‘Social Welfare Facility’ is a Column 1 use in “G/IC” zone and is always permitted whereas ‘Residential Institution’ is a Column 2 use in the zone which requires planning permission from the Board. However, planning permission is also required for both uses in area shown as ‘Road’.

1.3 The applicant proposes to surrender the southern portion of the Site (Lots No. 72(Part), 77(Part), 216(Part) and 215RP in DD127) which is partly shown as 'Road' and partly zoned "G/IC" on the OZP (**Drawings A-1, A-2 and Plan A-2**) to the Government to facilitate the implementation of the proposed public road and other Government projects. The applicant indicates that if the concerned public road is not yet constructed and the proposed lots have already been surrendered to the Government, the applicant will apply to Lands Department (LandsD) for Short Term Tenancy in order to have vehicular access to the Site from Hung Chi Road. The proposed surrender area is about 891m².

1.4 The major development parameters are as follows:

Site Area	About 3,091m ²
Development Site Area (after surrender)	About 2,200 m ²
Applied Uses	Proposed Social Welfare Facility (Private Elderly Home) and Residential Institution (Senior Citizen Housing)
Total GFA	About 8,500m ² <ul style="list-style-type: none"> • about 5,000m² (non-domestic GFA) for Private Elderly Home • about 3,500m² (domestic GFA) for Senior Citizen Housing
Total Plot Ratio (PR) (based on development site)	3.9 (including 2.3 for non-domestic and 1.6 for domestic)
No. of Blocks	1
No. of Storeys	10 Storeys (34m high / 39.6 mPD)
No. of Bed Spaces at Private Elderly Home	200
No. of Units at Senior Citizen Housing	56
Major Use by Floor	
G/F	<ul style="list-style-type: none"> • Lobby • Office • Canteen • Landscaped Recreation Space and Landscaped Space
1/F- 5/F	Private Elderly Home <ul style="list-style-type: none"> • 40 bed spaces per floor • Communal space (e.g. living, dining and activity rooms) • Terrace (1/F only)
6/F- 9/F (from 22m above ground onward)	Senior Citizen Housing <ul style="list-style-type: none"> • 14 self-contained units per floor • Communal space
Open Space	330 m ²

Designed Population	200 for Private Elderly Home 100 for Senior Citizen Housing
No. of Parking Spaces - Private Car - Motorcycle - Light Bus	7 (5m x 2.5m each) and 1 for disabled (5m x 3.5m) 1 (2.4m x 1m) 1 (8m x 3m)
No. of Loading/unloading Spaces	1 (11m x 3.5m)

- 1.5 The Site is accessible via a local track leading to Hung Chi Road (**Plan A-2**). The vehicular access plans, landscape plan, typical floor plans and sectional plan are at **Drawings A-1 to A-8**.
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 11.4.2018 (**Appendix I**)
 - (b) Supplementary planning statement received on 11.4.2018 (**Appendix Ia**)
 - (c) Further information (FI)(1) received on 26.11.2018 (**Appendix Ib**)
(accepted and exempted from publication and recounting requirements)
 - (d) FI(2) received on 21.2.2019 enclosing a revised Environmental Impact Assessment and “Response-to-Comment” (“R-to-C”) table (**Appendix Ic**)
(accepted and exempted from publication and recounting requirements)
 - (e) FI(3) received on 27.2.2019 enclosing a replacement page for the “R-to-C” table (**Appendix Id**)
(accepted and exempted from publication and recounting requirements)
 - (f) FI(4) received on 25.3.2019 enclosing a “R-to-C” table (**Appendix Ie**)
(accepted and exempted from publication and recounting requirements)
- 1.7 As the Site was subject to a representation (**R113**) of the draft HSK & HT OZP No. S/HSK/1, on 1.6.2018, the Rural and New Town Planning Committee (the Committee) of the Board decided to defer a decision on the application pending the submission of the OZP together with the representations to Chief Executive in Council (CE in C) and CE in C’s final decision on the representations in respect of the OZP.

- 1.8 On 16.10.2018, CE in C approved the draft OZP and the approved HSK & HT OZP No. S/HSK/2 was gazetted on 26.10.2018.
- 1.9 On 18.1.2019, the Committee decided to defer a decision on the application for two months as requested by the applicant, to allow more time for the applicant to prepare FI to address departmental comments. The application is scheduled to be considered 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 at **Appendices Ia to Ie**. The major justifications are summarised as follows:

- (a) There is an increasing demand for elderly services. The proposed development would serve to meet the demand for private elderly home and senior citizen housing in the local communities for the elderly aged 65 or above, as well as alleviating government pressure on provision of such facilities.
- (b) The proposed development advocates a “mixed development” concept. It includes elderly categorised as “young-olds” (aged 65-85) and “old-olds” (aged 85 or above) to promote generational interactions and age integration, which is in line with the policy on supporting all ages.
- (c) The proposed development is in line with the planning intention of “G/IC” zone and Hong Kong Planning Standards and Guidelines (HKPSG). According to the Notes of the OZP, “Social Welfare Facility” is a Column 1 use of the “G/IC” zone, which is always permitted, whereas “Residential Institution” is a Column 2 use which requires planning permission from the Board. Adequate floor space is provided to meet the requirement from HKPSG.
- (d) As the Site is located at the fringe of the “G/IC” zone, excising the Site from the “G/IC” zone for the proposed development would not have significant impact to the configuration on planned hospital and specialist clinic/polyclinic in the “G/IC” zone in HSK Planning Area 20.
- (e) The Site is a suitable location for private elderly home cum senior citizen housing given its proximity to Tin Shui Wai West Rail Station, Hang Mei Tsuen Light Rail stop and the planned hospital and specialist clinic/polyclinic. The low-rise setting near Hung Uk Tsuen is suitable for local elderly who is used to live in rural village setting. Future users will have access to the health service nearby.
- (f) The proposed development will phase out the existing concrete batching plant, which is more compatible to the surrounding land uses. It also helps early implementation of the “G/IC” zone to provide community services to the local residents in the area.
- (g) There is no adverse environmental, traffic, urban design and visual impacts caused by the proposed development. The proposed building height will be

limited to 39.6mPD, which will not exceed the height restriction of 80mPD of the subject “G/IC” zone and fits in the surrounding areas. Adequate parking facilities and loading/unloading spaces will be provided within the Site. Well-gasketed windows with good acoustic insulation will be provided to minimise noise impact.

- (h) The proposed development is regarded as residential use, and the private elderly home is commercially operated, therefore it is compatible with the General Criteria for Consideration of Lease Modification (including In-situ Land Exchange) Applications in the HSK New Development Area.

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

The applicant is not a “current land owner”. He has complied with the 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) by publishing a notice of application in 3 newspapers on 26.3.2018 and posting site notice on 23.3.2018. The applicant has obtained consents of 6 out of 16 current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

- 4.1 The HSK NDA Planning and Engineering (P&E) Study, which was commissioned in 2011, formulated a land use framework for the development of NDA. The revised Recommended Outline Development Plan (revised RODP) under the Study was promulgated in 2016. The revised RODP provided the basis for the formulation of HSK & HT OZP and future provision of a wide range of Government, Institution or Community (GIC) facilities including hospital, clinics, educational facilities, markets and Residential Care Homes for the Elderly (RCHE) meeting the needs of different ages and families.
- 4.2 The revised RODP was also translated into the HSK & HT Outline Development Plan (ODP) which provides a comprehensive planning framework to guide the future development of the NDA in an integrated and co-ordinated manner. According to the adopted HSK & HT ODP No. D/HSK/1, the Site is designated for “Government” use for the development of a hospital including polyclinic/specialist clinic, and “Education” use for a primary school and secondary school (**Plan A-1b**).
- 4.3 The draft HSK & HT OZP No. S/HSK/1, which was prepared on the basis on the revised RODP, was gazetted on 26.5.2017. A total of 117 valid representations were received. The Site was the subject of a representation (**R113**) in respect to the draft HSK & HT OZP No. S/HSK/1 submitted by the applicant. The representation opposed the “G/IC” zoning of the Site, and proposed to rezone the Site to “G/IC(1)” for the development of a private RCHE cum senior citizen housing. The Board heard the representation and decided not to amend the OZP to meet the representation on the grounds that the “G/IC” site in HSK Planning Area

20 is reserved for a hospital development including polyclinic/specialist clinics with an aim to providing medical services to serve the future population in the New Territories West (NTW).

4.4 The Site is not subject to any active planning enforcement case.

5. Town Planning Board Guidelines

5.1 The Town Planning Board Guidelines No. 16 (TPB PG-No. 16) for ‘Application for Development/Redevelopment within “Government, Institution or Community” Zone for Uses other than Government, Institution or Community (GIC) Uses under Section 16 of the Town Planning Ordinance’ (**Appendix II**) is relevant to the application. The relevant planning criteria are as follows:

- (a) The applicant should satisfactorily demonstrate that the proposed development/ redevelopment would not adversely affect the provision of GIC facilities in the district on a long-term basis.
- (b) The proposed development should not adversely affect the normal operation of the existing GIC facilities nor delay the implementation of the planned GIC facilities, if any, within the “G/IC” site.
- (c) The proposed development should be compatible in land-use term with the GIC uses on the site, if any, and with the surrounding areas.
- (d) The scale and intensity of the proposed development should be in keeping with that of the adjacent area.
- (e) The scale and design of the proposed development should have regard to the character and massing of the buildings in the surrounding areas and should not cause significant adverse visual impact on the townscape of the area.
- (f) The proposed development should be sustainable in terms of capacities of the existing and planned infrastructure such as drainage, sewerage, roads, water supply and utilities in the locality and its surrounding areas.
- (g) There should be adequate provision of parking and loading/unloading facilities to serve the proposed development in accordance with the HKPSG and to the satisfaction of the Transport Department. Adequate vehicular access arrangements should also be provided to the satisfaction of the Transport Department.
- (h) The proposed development should be sustainable in terms of the overall planned provision of open space and GIC facilities in the area.
- (i) The proposed development should not cause, directly or indirectly, the surrounding areas to be susceptible to adverse environmental impacts and should not be susceptible to adverse environmental impacts from pollution

sources nearby including heavily trafficked road; otherwise adequate environmental mitigation, monitoring and audit measures must be provided.

- (j) For “G/IC” sites covered by mature trees and vegetation or located in areas of high landscape or amenity value, the design and layout of the proposed development should be compatible and should blend in well with the surrounding areas. The proposed development should not involve extensive clearance of existing natural vegetation, adversely affect the existing natural landscape, or cause adverse visual impact on the natural environment in the surrounding areas.

5.2 According to the TPB PG-No. 16, if the development is for predominantly non-GIC uses (e.g. more than 50% of the total site area or gross floor area of the development, as the case may be, are for non-GIC uses), the Board might consider rezoning the site to an appropriate zoning if the applicant could demonstrate that all the planning criteria (as summarised in paragraph 5.1 above) have been met.

6. Previous Applications

The Site was involved in two previous applications (No. A/YL-PS/36 and A/YL-PS/143¹) for proposed concrete batching plant with minor relaxation of building height. They were approved with conditions by the Committee and the Board upon review on 25.9.1998 and 22.8.2003 respectively. The applications were approved on the ground that the proposed development was in line with the planning intention of the then “Industrial (Group D)” (“I(D)”) zone; not incompatible with the surrounding areas; the height of cement silos considered acceptable; and no adverse visual, traffic, drainage and environmental impacts. Details of these applications are summarised at **Appendix III**. The locations of these applications are shown on **Plan A-1a**.

7. Similar Application

There is no similar application within the same “G/IC” zone on the OZP.

8. The Site and Its Surrounding Areas (Plans A-1a to A-4c)

8.1 The Site is:

- (a) currently used as a concrete batching plant under a valid planning permission No. A/YL-PS/143; and
- (b) accessible from Hung Chi Road via a local track (**Plan A-2**).

¹ Application No. A/YL-PS/143 was submitted by the same applicant of the current application.

- 8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):
- (a) the surrounding areas are predominated by workshops, warehouses and storage uses intermixed with parking of vehicles;
 - (b) to the southeast of the Site is a temporary warehouse for storage of vehicles and vehicle parts under a valid planning permission No. A/HSK/88. To the north is a vehicle repair workshop; and
 - (c) to the further west across Hung Tin Road is a village cluster at Shek Po Tsuen with village houses and to its southwest across the road is a public housing development (Hung Fuk Estate).

9. Planning Intention

- 9.1 The “G/IC” zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.
- 9.2 According to the adopted HSK & HT ODP No. D/HSK/1, the Site is designated for “Government” use for the development of a hospital including polyclinic/specialist clinic, “Education” use for a primary school and secondary school, and a public road.

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) According to the latest Land Registry records, the Site, comprising 11 private lots, is currently owned by different owners. All the 11 private lots are old schedule lots held by Block Government Lease demised as agricultural uses. The ownership particulars of the lots, permitted uses and actual site areas are subject to verifications.
- (b) Noting that none of the private lots of the Site is owned by the applicant, the applicant should demonstrate how to implement the proposed scheme in the event that it is approved by the Board. It is noted that the applicant has yet to obtain consent/full consent for some lots included in the subject application from the respective

owners. The lots without consent/ full consent are held by Tsos and Tongs².

- (c) Portions of the Site (i.e. Lot No. 793 in D.D.124, Lot Nos. 70, 71, 73-77, 215 RP and 216 in D.D.127) are subject to a short term waiver (viz. STW 3430) which is now running on quarterly basis in permitting the building(s) on the concerned lots to be used for concrete production.
- (d) Noting that the applicant proposes to surrender the southern portion of the Site to the government, he has reservation on the land grant arrangement proposed by the applicant regarding the vehicular access arrangement from land administration point of view. However, the detailed land grant arrangement would be further liaised upon submission of any land exchange application in the later stage.
- (e) Should the scheme be approved by the Board, it has to be implemented by way of land exchange. Upon receipt of any such application from owners of the Lots, there is no guarantee that the application including the surrender proposal will be considered or approved by the LandsD who is acting its capacity as the landlord at its absolute discretion. The applicant is also reminded to observe the requirements set out in the Lands Administration Office Practice Notes No. 4/2007 upon submission of any land exchange application to LandsD. In approving the application, if any, it will be subject to such terms and conditions including but not limited to the payment of premium and administrative fee as may be imposed by the LandsD.
- (f) The applicant's attention is drawn to the Legislative Council Paper No. CB(1)817/16-17(08) issued in April 2017 regarding the "Implementation Arrangements for Hung Shui Kiu New Development Project", in particular, the general criteria for consideration of lease modification (including in-situ land exchange) application³ (**Appendix IV**).

Environment

10.1.2 Comments of the Director of Environmental Protection (DEP):

- (a) As proposed by the applicant, centralised air conditioning system and well-gasketed windows with good acoustic insulation will be provided for the whole development. Given the proposed development would not rely on openable windows for ventilation,

² The private lots under Tsos/Tongs are Lot Nos. 72 and 216 in D.D. 127 and Lot No. 793 in D.D. 124.

³ The paper could be downloaded at <https://hsknda.hk/implementation-arrangement-r/> or <https://www.legco.gov.hk/yr16-17/english/panels/dev/papers/dev20170425cb1-817-8-e.pdf>

DEP has no adverse comment on the application.

- (b) The applicant concluded that the sewerage impact arising from the proposed development will be acceptable. DEP has no comment on the sewerage impact assessment report provided that the figures quoted, assumption and calculation made are correct. The applicant and its consultant should seek agreement from DSD about the proposed sewer works with respect to the actual alignment and connection point, maintenance of new sewer to be built by the applicant.
- (c) When the applicant makes connection to the public sewerage, they are required to seek agreement from DSD about the proposed sewer works with respect to the need of upgrading of public sewer, actual alignment and connection point, maintenance of new sewer to be built by the applicant. Since the proposed development is located inside the HSK NDA, the actual connection arrangement may be subject to changes if there is new public sewer provided under the HSK NDA project.
- (d) There was no substantiated environmental complaint related to the Site in the past three years.

Traffic

10.1.3 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

He has no adverse comment to the application from traffic engineering point of view.

10.1.4 Comments of the Chief Highways Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The proposed access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Hung Chi Road.

Drainage

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

- (a) He has no objection in principle to the proposed development from

a drainage point of view.

- (b) Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated requiring the applicant to submit a revised drainage impact assessment (DIA) and sewerage impact assessment (SIA), to implement and maintain the proposed drainage and sewerage facilities to the satisfaction of his Division.

Building Matters

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

- (a) A permit for temporary occupation [(Permit No. NT 7/2016(TOP)] for a concrete batching plant was issued on 18.10.2016 and valid until 17.10.2018.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of BD, they are unauthorised building works (UBW) under Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO.
- (d) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations (B(P)R) at the building plan submission stage.
- (e) 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 B(P)R respectively.
- (f) The accessible parking space(s) shall be provided in accordance with B(P)R 72 and paragraph 8 in Schedule 3 of the B(P)R.
- (g) Before any new building works (including containers/ open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO.

- (h) If the proposed use under application is subject to the issue of a license, any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.
- (i) 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 Notes for Authorised Persons (PNAP) including APP-151 as appropriate. If the applicant applies for the GFA concession, Buildings Set Back, Building Separation and Site Coverage of Greenery as required under PNAP APP-152 also apply.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to water supplies for fire fighting and fire service installations (FSIs) 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.
- (c) The Emergency Vehicular Access (EVA) provision in the Site 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 administrated by the Buildings Department.
- (d) Should the proposal be deemed as “residential care home for the elderly” under Residential Care Homes (Elderly Persons) Regulation, the stipulated height restriction⁴ should be observed.

Landscape

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

- (a) He has no comment on the application.
- (b) It is observed that the Site is hard paved and operating as a concrete batching plant. With reference to his office records, the existing

⁴ According to s.20(1) of Cap. 459A Residential Care Homes (Elderly Persons) Regulation, “... 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.”

trees observed generally along the site boundary were planted as amenity trees under a previous approved application. The Site is situated in an area of rural landscape character disturbed by open storage yards and temporary structures. Significant change to the landscape character arising from the application is not envisaged.

- (c) As only areas of “landscaped space”, “landscape recreation space” and “landscape terrace” are indicated on the landscape plan (**Drawing A-4**), there is inadequate information (such as layout design or proposed facilities) to ascertain the function and proposed use. Should the Board approve the application, he would recommend the inclusion of the approval condition regarding the submission and implementation of a landscape proposal.
- (d) The proposed development is located amongst temporary structures for brownfield and port back-up uses mainly of single-storey, and is connected to Hung Tin Road on its west by village road. To its further west across Hung Tin Road is Shek Po Tsuen with village houses and to its southwest across the road is high rise public housing development of Hung Fuk Estate. There is a vegetated knoll zoned “Green Belt” (“GB”) to its east and some village houses to the further east. Considering the planned use of the Site and its surrounding environment, the proposed development is not incompatible in the context. The northern portion of the “G/IC” zone has a building height restriction of 80mPD, considering the medium rise nature of the proposed development, significant visual impact is not anticipated.

Others

10.1.9 Comments of the Secretary for Food and Health (SFH):

- (a) It has been agreed to releasing no more than 2.8 ha⁵ of the hospital site for other use, conditional on the timely relocation of the Food and Environmental Hygiene Department vehicular depot at Tin Shui Wai not later than 2025 for the expansion of Tin Shui Wai Hospital.
- (b) If the hospital site area is further reduced as per the above planning application, the permitted number of storeys for the hospital development should be increased and the building height restriction should also be amended accordingly to ensure that adequate area is available for the future hospital development. The proposed reduction of hospital site area can only proceed after

⁵ Taking into account the comments/views from the Community Engagement of the Hung Shui Kiu New Development Area (HSK NDA) Planning and Engineering (P&E) Study in 2016, the boundary of the hospital site has been adjusted. The revised hospital site on the approved HSK & HT OZP No. S/HSK/2 is about 7.29 ha. The current application will reduce the planned hospital site by about 0.22 ha.

successful relaxation of building height restriction.

- (c) The location and irregular shape of the application site will greatly impact on both the access to and on the planning efficiency of the future hospital development.

10.1.10 Comments of the Secretary for Education (SED):

- (a) It is noted that part of the Site falls within two reserved school site areas.
- (b) Adequate education provisions should be included for the zoning concerned according to the HKPSG. Please note that reservation of sites for primary schools should be made on a district basis. So long as a suitable site can be identified within the district by the Planning Department, EDB would not have specific preference over the exact location of the school site.

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

- (a) He has no adverse comments for the proposed RCHE to be classified as a social welfare facility.
- (b) He supports RCHE on a self-financing basis.
- (c) His detailed comments on the application are in **Appendix V**.

10.1.12 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

- (a) The application site falls within the boundary of HSK NDA. According to the P&E Study for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned encroaches upon a proposed public road, as well as sites to be formed for the development of hospital and schools, as shown in the OZP. The proposed public road and sites are currently planned to be constructed and formed under Stage 3 of the HSK NDA project. While the detailed implementation programme for the project is still being formulated, the detailed design of the proposed public road, together with the site formation and other infrastructure works, is yet to be carried out. Moreover, the location and extent of land resumption will be subject to the outcome of the detailed design of HSK NDA.
- (b) Given the conflict of the proposed development with the proposed public road and sites to be formed, the Applicant is requested to make provision for allowing future land resumption, as well as

construction, operation and maintenance of the proposed public road and site formation works.

District Officer's Comments

10.1.13 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

- (a) His office has not received any comment from the locals on the application.
- (b) Lot Nos. 72 and 216 in D.D. 127 and Lot No. 793 in D.D. 124 are held by Tso/ Tong. He has not received any applications for the surrender and regrant of the above land. As stipulated in Section 15 of New Territories Ordinance, the manager shall have full power to dispose of or in any way deal with the land subject to the consent of the Secretary for Home Affairs. If the manager wishes to dispose of or in any way deal with the land, he should apply the consent from DO/YL's office.

10.2 The following Government departments have no comment on the application:

- (a) Antiquities and Monuments Office, Commissioner for Heritage's Office (AMO, CHO);
- (b) Director of Food and Environmental Hygiene (DFEH);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) Director of Leisure and Cultural Services (DLCS);
- (e) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (f) Commissioner of Police (C of P);
- (g) Director of Housing (D of Housing);
- (h) Director of Health (D of Health);
- (i) Director of Electrical and Mechanical Services (DEMS); and
- (j) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

On 20.4.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 11.5.2018, one public comment was received (**Appendix VI**). The comment was from Village Representatives (VRs) of Hung Uk Tsuen objecting the proposed development as it would jeopardise the development of a new road as proposed in their representation⁶ in respect of the draft Hung Shui Kiu and Ha Tsuen OZP.

⁶ Representation No. **R86** submitted by VRs of Hung Uk Tsuen proposed to shift a road to the west of Hung Uk Tsuen to further west with a connection to Kiu Fat Street. On 30.1.2018, 1.2.2018 and 7.2.2018, the Board heard the representations, including Representation No. **R86**, and decided not to amend the OZP to meet the representations.

12. Planning Considerations and Assessments

- 12.1 The subject application is for proposed social welfare facility (private elderly home) and residential institution (senior citizen housing) uses at the Site which is mostly zoned “G/IC” with minor encroachment onto an area shown as ‘Road’ on the OZP. The applicant proposes to surrender the southern portion of the Site i.e. ‘Road’ and the southern “G/IC” portion, to the Government to facilitate the implementation of the proposed public road (**Plans A-1a, 1b and 2**).

Planning intention

- 12.2 According to the Notes of the OZP, ‘Social Welfare Facility’ is a Column 1 use, whereas ‘Residential Institution’ is a Column 2 use in “G/IC” zone. According to the HSK & HT ODP No. D/HSK/1, the northern portion of the Site is designated for “Government” use for the development of a hospital including polyclinic/specialist clinic while the southern portion is designated for a public road and “Education” use reserved for the development of a primary school and secondary school (**Plan A-1b**). The proposed ‘Residential Institution’ use i.e. senior citizen housing is not entirely in line with the planning intention of the “G/IC” zone and may pose unnecessary constraint to the detailed planning and design of these Government projects. In this regard, there is no strong planning justification given in the submission to support a departure from the planning intention.

Provision of GIC facilities

- 12.3 The HSK & HT OZP has been formulated on the basis of the revised RODP which was the outcome of a comprehensive planning and engineering study. Provision of a wide range of Government, Institution or Community (GIC) facilities including hospital, clinics, educational facilities, markets and Residential Care Homes for the Elderly (RCHE) have been allowed for meeting the needs of existing and planned population in the area. The reserved hospital site (including the Site) in HSK Planning Area 20 is proposed for the development of a hospital and clinics, which will operate in coordination with the hospitals in the NTW Cluster serving the residents of HSK, Tin Shui Wai, Yuen Long, Tuen Mun, and the proposed Yuen Long South development. As advised by SFH, the proposed development will reduce the site area of the reserved hospital site and jeopardise the design and provision of GIC facilities to meet the growing healthcare demand of the population in the NTW (**Plan A-1b**). Also, the resulting area for the hospital site will be of irregular shape and will greatly impact on both the access to and the planning efficiency of the future hospital development. As such, the proposed development does not comply with the relevant TPB-PG No. 16 (**Appendix II**) in that there is no information to demonstrate that the proposed development would not adversely affect the provision of GIC facilities in the district on a long term basis.

Land use compatibility

- 12.4 The Site is presently located amongst temporary structures for brownfield and

port back-up uses (**Plans A-2 and 3**). The applied use is not compatible with the current land uses in the surrounding areas. According to the applicant, the proposed development will be completed before the first population intake of HSK NDA in 2024. The applicant further claimed that he is willing to accept a condition to tie-in the programme of the proposed development with the development schedule/phasing of the HSK NDA project. However, PM(W) of CEDD advised that the proposed public road and sites are planned to be constructed and formed under Stage 3 of the HSK NDA project. While the detailed implementation programme for the project is still being formulated, the detailed design of the proposed public road, together with the site formation and other infrastructure works, is yet to be carried out.

Development Scale and Intensity

- 12.5 The proposed development occupies a development site area of about 2,200m² (after surrender) with a total GFA of about 8,500m². Private elderly home of 40 bed spaces per floor is proposed on 1/F to 5/F, and senior citizen housing of 14 self-contained units per floor is proposed on 6/F to 9/F (from 22m above ground onward). The proposed building will be 10 storeys high (39.6mPD) which is within the building height restriction of 80mPD as stipulated on the OZP. Such scale of development is considered compatible with the planned development in the area.

Implementation Prospect

- 12.6 As mentioned in the Explanatory Statement of the OZP, the Government will resume and clear the private land planned for public works projects, public and private development, carry out site formation works, and provide infrastructure before allocating land for various purposes. According to the ‘General Criteria for Consideration of Lease Modification (including In-situ Land Exchange) Applications in the HSK Development Area’ attached to the LegCo paper No. CB(1)817/16-17(08) on “Implementation Arrangements for HSK NDA” dated 25.4.2017 (**Appendix IV**), surrender of lots within the “G/IC” sites of the ODP will not be accepted. In this regard, DLO/YL of LandsD advises that there is no guarantee that any proposed land exchange application including the surrender proposal will be considered and approved. He also has reservation on the proposed land grant arrangement. Yet, the applicant has not demonstrated in the submission that there is a reasonable prospect to implement the proposed development.
- 12.7 Other relevant departments, including DEP, AC for T/NT, CE/MN of DSD and D of FS have no objection to or adverse comment on the application. The proposed use will unlikely create significant adverse environmental, traffic, drainage and landscape impacts to the surrounding areas.
- 12.8 There is one public comment objecting to the application as summarised in paragraph 11. The planning considerations and assessment above are relevant.

13. Planning Department's Views

13.1 Based on the assessment made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department does not support the application for the following reasons:

(a) the site falls mainly within a "G/IC" zone reserved for a planned hospital and specialist clinic/ polyclinic. There is no strong justification for the proposed development which may adversely affect the planned development; and

(b) the applicant fails to demonstrate in the submission that there is a reasonable prospect to implement the proposed development.

13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 12.4.2023 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 conditions of approval and advisory clauses are also suggested for Members' consideration:

Approval conditions

(a) the submission of revised drainage impact assessment and implementation of drainage proposals identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

(b) the submission of revised sewerage impact assessment and implementation of sewerage proposals identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;

(c) the submission and implementation of fire services installations and water supply for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board;

(d) the submission of a Land Contamination Assessment Report and implementation of the mitigation measures proposed in the Land Contamination Assessment Report prior to the commencement of the foundation works for the proposed development at the applicant's cost to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

(e) the design and provision of car parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and

- (f) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

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

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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 period of which the permission should be valid on a temporary basis.

15. Attachments

Appendix I	Application form
Appendix Ia	Supplementary planning statement
Appendix Ib	FI(1) received on 26.11.2018
Appendix Ic	FI(2) received on 21.2.2019
Appendix Id	FI(3) received on 27.2.2019
Appendix Ie	FI(4) received on 25.3.2019
Appendix II	Extracts of Town Planning Board Guidelines for Application for Development / Redevelopment within “G/IC” Zone for Uses other than GIC Uses under s.16 of the Town Planning Ordinance (TPB PG-No. 16)
Appendix III	Previous applications covering the Site
Appendix IV	General Criteria for Consideration of Lease Modification (including in-situ Land Exchange) Application
Appendix V	Detailed departmental comments
Appendix VI	Public comment received
Appendix VII	Advisory Clauses
Drawings A-1 and 2	Proposed Vehicular Access Plans
Drawing A-3	Proposed Pedestrian Access Plan
Drawing A-4	Proposed Landscape Plan
Drawings A-5 and 6	Proposed Typical Floor Plans
Drawing A-7	Proposed Sectional Plan
Drawing A-8	Existing Public Transport Services

Plans A-1a and 1b	Location Plans
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2019**