

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

APPLICATION NO. A/HSK/67

<u>Applicant</u>	: Pronto Star Limited represented by PlanArch Consultants Limited
<u>Site</u>	: 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
<u>Site Area</u>	: About 3,091 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: 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]
<u>Zoning</u>	: “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%)
<u>Application</u>	: 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 (*accepted and exempted from publication and recounting requirements*) (**Appendix Ib**)
 - (d) FI(2) received on 21.2.2019 enclosing a revised Environmental Impact Assessment and “Response-to-Comment” (“R-to-C”) table (*accepted and exempted from publication and recounting requirements*) (**Appendix Ic**)
 - (e) FI(3) received on 27.2.2019 enclosing a replacement page for the “R-to-C” table (*accepted and exempted from publication and recounting requirements*) (**Appendix Id**)
 - (f) FI(4) received on 25.3.2019 enclosing a “R-to-C” table (*accepted and exempted from publication and recounting requirements*) (**Appendix Ie**)
- 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 in 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

**TOWN PLANNING BOARD GUIDELINES FOR
APPLICATION FOR DEVELOPMENT/REDEVELOPMENT WITHIN
"GOVERNMENT, INSTITUTION OR COMMUNITY" ZONE FOR USES OTHER THAN
GOVERNMENT, INSTITUTION OR COMMUNITY USES
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

(Important Note :-

The Guidelines are intended for general reference only. The decision to approve or reject an application rests entirely with the Town Planning Board (the Board) and will be based on individual merits and other specific considerations of each case.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17/F, North Point Government Offices, 333 Java Road, Hong Kong - Tel. No. 22315000.

The Guidelines are liable to revision without prior notice. The Board will only make reference to the Guidelines current at the date on which it considers an application.)

1. Scope and Application

- 1.1 "Government, Institution or Community" ("G/IC") zones are designated on statutory plans to reflect the existing Government, Institution or Community (GIC) uses and to reserve sites for future provision of GIC facilities in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) to meet the present and future needs of the community. Some GIC developments, especially the low-rise and low-density ones, also serve as "breathing space" within a high-rise and high-density environment. Some areas/sites are also zoned "G/IC" to cater for unforeseen future demands and for which no specific GIC uses have been designated for the time being.
- 1.2 Over the years, due to changing demographic structure and revisions to the standards and requirements of provision of GIC facilities, some existing or planned facilities may become surplus, obsolete or under-utilised while some others may require in-situ expansion or reprovisioning elsewhere so as to meet the current and anticipated future operational needs. In these circumstances, opportunities exist for some "G/IC" sites to be developed/redeveloped for non-GIC uses or for a mixture of GIC and non-GIC uses.
- 1.3 Use of "G/IC" sites for non-GIC uses which fall within Column 2 of the Notes for the "G/IC" zone may or may not be permitted with or without conditions on application to the Town Planning Board (the Board) under section 16 of the Town Planning Ordinance. The planning permission system will enable the Board to maintain adequate planning control over the use of "G/IC" sites and yet allow sufficient flexibility in accommodating the changing aspirations and requirements of the community, and sometimes to meet demand for better utilisation of the site potential.
- 1.4 Applications for development/redevelopment within a "G/IC" zone for non-GIC uses will be considered by the Board on individual merits and in accordance with the main planning criteria set out in paragraph 2 below.
- 1.5 As a general rule, for sites zoned "G/IC", a major portion of the proposed development should be dedicated to GIC and other public uses including public open spaces. Otherwise, the proposed development is considered to constitute a significant departure from the planning intention of the "G/IC" zone and, unless with very strong justifications and under special circumstances, planning permission for such development would not be granted.
- 1.6 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 proponent could demonstrate that all the planning criteria have been met. Through zoning amendment to the relevant statutory plan, members of the public would be informed of the change in planning intention, and an opportunity could be provided

for the public to comment on the zoning amendments and lodge objections for the consideration of the Board under the provisions of the Town Planning Ordinance.

- 1.7 This set of Guidelines is applicable to both development and redevelopment of "G/IC" sites for non-GIC uses, including a mixture of GIC and non-GIC uses.

2. Main Planning Criteria

- 2.1 In general, sites zoned "G/IC" are intended to be developed or redeveloped solely for GIC uses unless it can be established that the provision of GIC facilities would not be jeopardised and the concerned Government departments have no objection to releasing a particular "G/IC" site or a certain part of it for non-GIC uses. For applications for development/redevelopment for non-GIC uses within a "G/IC" site, the applicant should satisfactorily demonstrate the following:
- a. in the case of a "G/IC" site designated with specific uses,
 - i. the application site is no longer required for the designated GIC uses, or adequate reprovisioning of the designated GIC uses is provided either in-situ or elsewhere; and
 - ii. there is adequate provision of other GIC facilities in the district, or the application site is not suitable for other GIC facilities; or
 - b. in the case of an undesignated "G/IC" site, the application site is no longer required to be reserved for any GIC uses; and
 - c. the proposed development/redevelopment would not adversely affect the provision of GIC facilities in the district on a long-term basis.
- 2.2 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. Temporary reprovisioning, if necessary, should be provided prior to the completion of the proposed development.
- 2.3 The proposed development should be compatible in land-use terms with the GIC uses on the site, if any, and with the surrounding areas.
- 2.4 The scale and intensity of the proposed development should be in keeping with that of the adjacent area. In this regard, development restrictions stipulated on the statutory plan for similar development in the locality and the prevailing development restrictions administratively imposed by the Government on nearby similar developments (e.g. development restrictions in Special Control Areas and plot ratios in accordance with the density zones under the HKPSG) would be taken into consideration.
- 2.5 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. Where one of the planning intentions of the existing/designated GIC development on the site is to serve as a "breathing space" or visual break within a high-rise and high-density environment, the proposed development should be designed in such a way that this planning intention would not be undermined.
- 2.6 The proposed development should be sustainable in terms of the capacities of existing and planned infrastructure such as drainage, sewerage, roads, water supply and utilities in the locality and its surrounding areas.
- 2.7 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.
- 2.8 The proposed development should be sustainable in terms of the overall planned provision of open space and GIC facilities in the area.
 - 2.9 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.
 - 2.10 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. A master landscape plan (including a detailed survey of the existing trees, proposals on preservation of the trees, tree transplanting, compensatory planting and, where appropriate, an indication of the proposed hard finishes of all landscape areas, slopes and retaining structures) should be submitted to the Board for consideration.
 - 2.11 The design and layout of the proposed development should have regard to the preservation of any existing buildings of historical or architectural values on or adjoining the application site.
 - 2.12 The financial viability of a development/redevelopment proposal in support of the GIC elements to be provided, the status of the land under lease and the planning gains to be brought about by the proposed development would also be part of the considerations of the Board when assessing the proposal. However, the amount of weight to be given to these considerations would depend on the circumstances and merits of each case. Under normal circumstances, planning considerations such as land-use compatibility, traffic and environmental impacts, and landscape and urban design concerns would take precedence.
 - 2.13 All other statutory or non-statutory requirements of relevant Government departments should be met.

3. In-situ Conversion of "G/IC" Building for non-GIC Uses

- 3.1 With the exception of the criteria under para. 2.4, 2.5, 2.10 and 2.11 mentioned above, this set of Guidelines is also applicable to proposed in-situ conversion for non-GIC uses of an existing "G/IC" building, or part thereof, within the "G/IC" zone.

Previous s.16 Applications covering the Application Site

Approved Applications

<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/YL-PS/36	Concrete Batching Plant with Minor Relaxation on Building Height on the draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/2	25.9.1998	(1) to (6)
A/YL-PS/143	Concrete Batching Plant with Minor Relaxation on Building Height on the approved Ping Shan OZP No. S/YL-PS/9	approved on review on 22.8.2003	(1), (3), (6) and (7)

Approval Conditions

- (1) Submission and implementation of landscape proposal
- (2) Submission of drainage impact assessment and implementation of flood mitigation measures
- (3) Provision of drainage facilities
- (4) Design and provision of vehicular access
- (5) Design and provision of appropriate environmental mitigation measures
- (6) Permission shall cease to have effect prior the expiry date unless the permitted development is commenced or the permission is renewed
- (7) Provision of emergency vehicular access, water supplies for fire fighting and fire services installations

**General Criteria for Consideration of Lease Modification
(including In-situ Land Exchange) Applications
in the Hung Shui Kiu New Development Area**

General Planning Criteria

1 **Location** – confined to sites planned for private development in the adopted Hung Shui Kiu and Ha Tsuen Outline Development Plan (ODP).

2 **Confinement within the planned private development site for specific uses** – only private lots lying within a planned private residential, mixed residential and commercial, or commercial development site in the ODP will be considered. Surrender of lots within the following sites in the ODP will not be accepted –

- a) earmarked for “Other Specified Uses” (“OU”) annotated “Enterprise and Technology Park”, “Logistics Facility”, or “Port Back-up, Storage and Workshop Uses” in the ODP which is subject to further study on the implementation mechanism;
- b) earmarked for “Industrial” use in the ODP, of which the sites will be disposed through open tender to provide an opportunity for existing industrial operators to bid the sites;
- c) planned for public use such as road, Government, Institution or Community use, public facility within “OU” zones in the ODP, open space, public/subsidised housing, local rehousing, etc.;
- d) earmarked for “OU” annotated “Commercial & Residential Development with Light Rail Facilities” in the ODP as piece-meal development of the private land within the site may severely constrain the development of the portion currently occupied by the Light Rail facilities;
- e) earmarked for “Residential – Zone 4” use intended for village resite or “Village Type Development” in the ODP; and
- f) designated as “Green Belt” or “Amenity” in the ODP.

3 **Size** – the proposed site to be surrendered (i.e. the Surrender Site) should have an area meeting the following criteria –

- a) for site earmarked for “Commercial”, “OU” annotated “Commercial & Residential”, or “OU” annotated “Commercial cum Public Transport Interchange and Public Carpark” in the ODP – not less than the total area of the private land within the corresponding development site designated in the ODP, excluding land subject to minor adjustments of the development site boundary that will not adversely affect the development layout of the site concerned. The planning intention is to pursue a single development for

each of these development sites designated in the ODP. Thus the re-grant site (i.e. the site to be re-granted in exchange of the surrendered sites if approved) shall conform to the site boundary of the corresponding development site as shown in the ODP, subject to minor adjustment of the development site boundary that would not adversely affect the development layout of the site concerned. For avoidance of doubt, this does not imply any intention or obligation on the part of the Government to make available government land adjoining or intervening the private land within the development site to enable the re-grant site to conform to the development site layout as shown in the ODP (see paragraph 12 below); and

- b) for other – not less than 4 000 m² (which is a reasonable size to achieve a decent residential development with supporting facilities).

4 **Ownership** – all private lots contained within the Surrender Site should be under the ownership of a single owner or joint venture owners as the applicant.

5 **Configuration** – the application site should be reasonably regular in shape with no intervening private lots not owned by the applicant. Lots to be surrendered comprising the Surrender Site should be contiguous and fragmented lots will not be accepted.

6 **Access** – the provision of proper vehicular access to the application site is feasible.

7 **Compliance with Outline Zoning Plan** – proposed use and development parameters of the application site should comply with the relevant prevalent Outline Zoning Plan.

8 **No adverse implications** – the proposed development at the application site should not cause insurmountable problems to the planning, layout and urban design of the surrounding area, and will not jeopardize or hamper the development potential or vehicular access of adjacent lands under different ownerships. For application not including all private land within the corresponding development site shown in the ODP¹, submission of layout plan is required to demonstrate the feasibility of decent and practical development(s) fully utilising the land of the concerned development site as shown in the ODP, without resulting in any loss of the development potential as planned under the ODP.

Land Administration Criteria (The approval of applications for modification of lease including in-situ land exchange is subject to the fulfillment of these requirements.)

9. **Unification, proof of land titles and vacant possession** – application may be submitted by a single owner or joint venture with unified land title. Lots to be surrendered should be subject to vacant possession by a specified deadline and free from encumbrances before execution of the lease modification/land exchange if the application is approved.

¹ The planned development sites would be subject to adjustment during the detailed design of the project.

10. **Comparable compensation package** – the landowner(s) as the applicant should offer a compensation package to the occupants [those occupants who are existing on the land at the time of announcement of the criteria for lease modification (including in-situ land exchange) applications within the Hung Shui Kiu New Development Area (i.e. 13 April 2017) or thereafter]. The compensation package offered by the landowner should be comparable to the prevailing monetary ex-gratia compensation (excluding rehousing entitlement) that would have been offered by the Government to eligible occupants had the private land been resumed by the Government under the Hung Shui Kiu New Development Area development. Compensation to occupants paid by the applicant in securing vacant possession is not a premium-deductible item. The offer and acceptance of such a comparable compensation package is a matter between the landowner and the occupants. The Government would deem the case as settled if the landowner is able to deliver vacant possession with documentary evidence indicating that this requirement for comparable compensation package has been met.

11. **Time limit** – the lease modification/land exchange application (if approved) has to be concluded within a specified time period and in any event earlier than the government land resumption programme. In case there are any disputes between the occupants on site and the applicant, Lands Department may suspend the processing of the application until the disputes have been satisfactorily resolved. However, the specified time period will remain unless it is extended by the Government.

12. **Government land** – the re-grant site for a lease modification/land exchange application may include adjoining or intervening government land which is incapable of reasonable separate alienation or development. For avoidance of doubts, Government would not normally make available government land adjoining or intervening the private land within the development site to enable the re-grant site to conform to the development site layout as shown in the ODP if the government land is capable of reasonable separate alienation or development.

13. Compliance with other general lease modification/land exchange application criteria and requirements (as may be revised) promulgated by the Lands Department from time to time.

Detailed departmental comments

Comments of the Director of Social Welfare (DSW):

- (i) Subject to the comments from other government departments, she supports the setting up of a RCHE on a self-financing basis provided that
 - (a) there shall be no financial implications, both capital and recurrent, to the government; and
 - (b) the proposed RCHE complies with the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and Residential Care Homes (Elderly Persons) Regulation (Cap. 459A), as well as the Code of Practice for Residential Care Homes (Elderly Persons).
- (ii) Her preliminary observation/suggestion on the proposal is that
 - (a) Bathroom/Shower Room shall be attached to the Dormitory Room to better serve the needs of the users;
 - (b) Nursing Station shall be stationed per dormitory floor to better meet the nursing/personal care needs of users in particular at the time of emergency;
 - (c) The Isolation Room shall be provided with natural lighting and ventilation as well as Bathroom/Shower Room for infection control purpose.
- (iii) She has the following comments from the licensing point of view:
 - (a) Licensing requirements as stipulated in the Residential Care Homes (Elderly Persons) Ordinance, Cap. 459, its subsidiary legislation and the latest version of the Code of Practice for Residential Care Homes (Elderly Persons) have to be strictly adhered to before a license of RCHE could be issued;
 - (b) Laundry room should be provided to the proposed RCHE;
 - (c) The isolation rooms from 1/F to 5/F do not have prescribed windows and hence their locations are not acceptable;
 - (d) Requirement of fire safety for the building will be formulated by FSD and will have to be complied with upon formal submission of building plans.

Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to liaise with locals on their concerns on access of villagers and business operators nearby;
- (c) to note that the Site might be resumed at any time during the planning approval period for the implementation of government project;
- (d) to note the comments of the Food and Health Bureau (FHB) that it has been agreed to releasing no more than 2.8 ha 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. 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 successful relaxation of building height restriction. 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;
- (e) to note the comments of the Secretary for Education (SED) that it is noted that part of the Site falls within two reserved school site areas. Adequate education provisions should be included for the zoning concerned according to the Hong Kong Planning Standards and Guidelines. 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;
- (f) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that 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. 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 TPB. 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 Tongs. 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. Noting that the applicant proposes to surrender the southern portion of the Site to the government, he has reservation on the land grant arrangement to be proposed by the applicant regarding the vehicular access arrangement from land administration points of view. However, the detailed land grant arrangement would be further liaised upon submission of any land exchange application in the later

stage. Upon receipt of any such land exchange 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 in 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. 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) application

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that 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. If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application. For UBW erected on leased land, enforcement action may be taken by the 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 the BO. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development density shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. 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. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If the proposed use under application is subject to the issue of a license, any existing structures on the application 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. 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 Authorized 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;
- (h) to note the comments of the Director of Environmental Protection (DEP) that centralised air conditioning system and well-gasketed windows with good acoustic insulation should be provided for the whole development, as proposed by the applicant. While the applicant concluded that the sewerage impact arising from the proposed development will be acceptable, the applicant and its consultant should seek agreement from Drainage Services Department (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. 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. There was no substantiated environmental complaint related to the Site in the past three years;

- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Hung Chi Road;
- (j) to note the comments of the Director of Fire Services (D of FS) that he has no objection in principle to the application subject to water supplies for fire fighting and fire service installations being provided to the satisfaction of Director of Fire Services. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. 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. Should the proposed RCHE be deemed as “residential care home for the elderly” under section 3 of Residential Care Homes (Elderly Persons) Regulation, Cap. 459A, the height restriction as stipulated in section 20 should be observed;
- (k) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that it is observed that the Site is hard paved and operating as a concrete batching plant. With reference to her site records, the existing 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. As only areas of “landscaped space”, “landscape recreation space” and “landscape terrace” is indicated on the landscape plan (Plan 4.1), there is inadequate information (such as layout design or proposed facilities) to ascertain the function and proposed use. Should the TPB approve this application, she would recommend the inclusion of the approval condition to submit and implement a landscape proposal to the satisfaction of the Director of Planning or of the TPB. The proposed development is located amongst temporary structures for brownfield and port backup 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;

- (l) to note the comments of the Director of Social Welfare (DSW) that she supports the setting up of a RCHE on a self-financing basis provided that there shall be no financial implications, both capital and recurrent, to the government. The proposed RCHE complies with the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and Residential Care Homes (Elderly Persons) Regulation (Cap. 459A), as well as the Code of Practice for Residential Care Homes (Elderly Persons). Bathroom/Shower Room shall be attached to the Dormitory Room to better serve the needs of the users. Nursing Station shall be stationed per dormitory floor to better meet the nursing/personal care needs of users in particular at the time of emergency. The Isolation Room shall be provided with natural lighting and ventilation as well as Bathroom/Shower Room for infection control purpose. Licensing requirements as stipulated in the Residential Care Homes (Elderly Persons) Ordinance, Cap. 459, its subsidiary legislation and the latest version of the Code of Practice for Residential Care Homes (Elderly Persons) have to be strictly adhered to before a license of RCHE could be issued. Laundry room should be provided to the proposed RCHE. The isolation rooms from 1/F to 5/F do not have prescribed windows and hence their locations are not acceptable. Requirement of fire safety for the building will be formulated by FSD and will have to be complied with upon formal submission of building plans;
- (m) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) that the Site falls within the boundary of the Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (the 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 Site falls under Stage 3 Works stage. While the detailed implementation programme for the project is still being formulated, based on the Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024; and
- (n) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that for any waste generated from such operation/work, the applicant should arrange disposal properly at his/her own expenses. Proper license/permit issued by FEHD is required if there is any catering service/activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.

**Minutes of 624th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 12.4.2019**

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/HSK/67 Proposed Social Welfare Facility (Private Elderly Home) and Residential Institution (Senior Citizen Housing) in “Government, Institution or Community” Zone and an area shown as ‘Road’, Lot 793 in D.D. 124, and Lots 70, 71, 72, 73, 74, 75, 76, 77, 215 RP and 216 in D.D. 127, Ping Shan, Yuen Long
(RNTPC Paper No. A/HSK/67B)

Presentation and Question Sessions

149. Mr Simon P.H. Chan, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed social welfare facility (private elderly home) and residential institution (senior citizen housing);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) noted that none of the private lots of the site was owned by the applicant, and the applicant had yet to obtain consent/full consent for some lots from the respective owners including those lots held by Tsos and Tongs. The applicant should demonstrate how the proposed scheme could be implemented. Moreover, DLO/YL, LandsD had reservation on the applicant’s proposal to surrender the southern portion of the site to the Government. For the northern portion of the site, the Secretary for Food and Health advised that the proposed development would reduce the area reserved for a hospital development. Besides, the irregular shape of the remaining site would greatly impact on both the access to and the planning efficiency of the

future hospital. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from the Village Representatives of Hung Uk Tsuen. Major objection grounds were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. According to the Hung Shui Kiu and Ha Tsuen (HSK & HT) Outline Development Plan No. D/HSK/1, the northern portion of the site was designated for the development of a hospital including polyclinic/specialist clinic while the southern portion was designated for a public road and reserved for the development of a primary school and secondary school. The proposed senior citizen housing was not entirely in line with the planning intention of the "Government, Institution or Community" ("G/IC") zone and might pose unnecessary constraint to those government projects. There was no strong planning justification given in the submission to support a departure from the planning intention. The application did not comply with the Town Planning Board Guidelines No. 16 in that there was no information to demonstrate that the proposed development would not adversely affect the provision of Government, institution or community facilities in the district on a long-term basis. In addition, the applied use was not compatible with the current land uses in the surrounding areas. The applicant had not demonstrated in the submission that there was a reasonable prospect to implement the proposed development. Regarding the adverse public comment, comments of concerned departments and the planning assessments above were relevant.

150. The Chairman and some Members raised the following questions:

- (a) whether decontamination works would be required given that the site was currently used as a concrete batching plant;

- (b) the details of the proposed land surrender arrangement given that the applicant was not the “current land owner”; and
- (c) as the subject site was on private lands which would be resumed by the Government in the future to carry out the government projects, whether the impact on HSK New Development Area (NDA) development would be different in comparing the current concrete batching plant with the proposed development.

151. Mr Simon P.H. Chan, STP/TMYLW, made the following responses:

- (a) the applicant would need to compile a Land Contamination Assessment Report prior to the commencement of the proposed development;
- (b) the applicant had yet to obtain the consents of the concerned Tsos and Tongs, but some of the land owned by Tsos and Tongs was proposed to be surrendered to the Government under the applicant’s proposal. Thus, the implementation prospect for the proposed development was in doubt; and
- (c) the current concrete batching plant was running on a short term waiver while the proposed development was a proposal for permanent development which might involve more complicated land grant arrangements. It was expected that the proposed development could only operate for a short span of time before land was resumed by the Government for HSK NDA development.

[Mr Philip S.L. Kan left the meeting at this point.]

Deliberation Session

152. The Secretary briefed Members that the site was the subject of a representation to the draft HSK & HT Outline Zoning Plan (OZP) No. S/HSK/1 (gazetted on 26.5.2017) submitted by the same applicant. The representation opposed the “G/IC” zoning of the site,

and proposed to rezone the site to “G/IC(1)” for the development under the current application. The Town Planning Board heard the representation and decided not to amend the OZP to meet the representation on the grounds that the site was 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. Relevant details were included in paragraph 4.3 of the Paper. Members noted.

153. A Member expressed that given medical facilities were in serious shortage in Hong Kong and the site had already been reserved for future hospital development, the current application which might affect the implementation of the hospital was not supported.

154. Members noted that as none of the private lots of the site was owned by the applicant, the applicant would need to assemble the ownership of all the private lots within the application site prior to commencing the land grant arrangement with LandsD.

155. A Member was of the view that while noting the implementation prospect of the proposed development, the individual merits of the proposed scheme should be considered. Given that the surrounding areas, in particular the area to the north of the site, were mainly occupied by open storage uses, the Member considered the proposed elderly home would be incompatible with the surrounding. Another Member however considered that in comparing with the existing concrete batching plant, the current proposal might bring improvement to the environment.

156. A Member pointed out that as the site had already been designated for hospital development, approving an application for permanent use would not be appropriate. In this connection, the rejection reason (a) as recommended by PlanD under paragraph 13.1 of the Paper was relevant. As rejection reason (a) had sufficiently elaborated the major consideration of the Committee, Members agreed that rejection reason (b) under paragraph 13.1 of the Paper was not required.

157. After deliberation, the Committee decided to reject the application. The reason was:

“the site falls mainly within a “Government, Institution or Community” 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.”

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

Annex C of TPB
Paper No. 10576

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號
In reply please quote this ref.: TPB/A/HSK/67

By Registered Post & Fax (2620 6022)

3 May 2019

PlanArch Consultants Ltd.
Suite 1710, Concordia Plaza
1 Science Museum Road
Tsim Sha Tsui East, Kowloon
(Attn.: Betty S.F. Ho)

Dear Sir/Madam,

**Proposed Social Welfare Facility (Private Elderly Home) and
Residential Institution (Senior Citizen Housing) in “Government, Institution
or Community” Zone and an area shown as ‘Road’, Lot 793 in D.D. 124, and
Lots 70, 71, 72, 73, 74, 75, 76, 77, 215 RP and 216 in D.D. 127, Ping Shan, Yuen Long**

I refer to my letter to you dated 27.3.2019.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reason is :

- the site falls mainly within a “Government, Institution or Community” 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.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 12.4.2019 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 24.5.2019). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Mr. Simon Chan of Tuen Mun & Yuen Long West District Planning Office at 2158 6373.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to liaise with locals on their concerns on access of villagers and business operators nearby;
- (c) to note that the Site might be resumed at any time during the planning approval period for the implementation of government project;
- (d) to note the comments of the Food and Health Bureau (FHB) that it has been agreed to releasing no more than 2.8 ha 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. 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 successful relaxation of building height restriction. 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;
- (e) to note the comments of the Secretary for Education (SED) that it is noted that part of the Site falls within two reserved school site areas. Adequate education provisions should be included for the zoning concerned according to the Hong Kong Planning Standards and Guidelines. 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;
- (f) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that 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. 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 TPB. 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 Tongs. 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. Noting that the applicant proposes to surrender the southern portion of the Site to the government, he has reservation on the land grant arrangement to be proposed by the applicant regarding the vehicular access arrangement from land administration points of view. However, the detailed land grant arrangement would be further liaised upon submission of any land exchange application in the later

stage. Upon receipt of any such land exchange 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 in 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. 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) application

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that 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. If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application. For UBW erected on leased land, enforcement action may be taken by the 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 the BO. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development density shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. 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. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If the proposed use under application is subject to the issue of a license, any existing structures on the application 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. 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 Authorized 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;
- (h) to note the comments of the Director of Environmental Protection (DEP) that centralised air conditioning system and well-gasketed windows with good acoustic insulation should be provided for the whole development, as proposed by the applicant. While the applicant concluded that the sewerage impact arising from the proposed development will be acceptable, the applicant and its consultant should seek agreement from Drainage Services Department (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. 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. There was no substantiated environmental complaint related to the Site in the past three years;

- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Hung Chi Road;
- (j) to note the comments of the Director of Fire Services (D of FS) that he has no objection in principle to the application subject to water supplies for fire fighting and fire service installations being provided to the satisfaction of Director of Fire Services. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. 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. Should the proposed RCHE be deemed as “residential care home for the elderly” under section 3 of Residential Care Homes (Elderly Persons) Regulation, Cap. 459A, the height restriction as stipulated in section 20 should be observed;
- (k) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that it is observed that the Site is hard paved and operating as a concrete batching plant. With reference to her site records, the existing 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. As only areas of “landscaped space”, “landscape recreation space” and “landscape terrace” is indicated on the landscape plan (Plan 4.1), there is inadequate information (such as layout design or proposed facilities) to ascertain the function and proposed use. Should the TPB approve this application, she would recommend the inclusion of the approval condition to submit and implement a landscape proposal to the satisfaction of the Director of Planning or of the TPB. The proposed development is located amongst temporary structures for brownfield and port backup 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;

- (l) to note the comments of the Director of Social Welfare (DSW) that she supports the setting up of a RCHE on a self-financing basis provided that there shall be no financial implications, both capital and recurrent, to the government. The proposed RCHE complies with the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and Residential Care Homes (Elderly Persons) Regulation (Cap. 459A), as well as the Code of Practice for Residential Care Homes (Elderly Persons). Bathroom/Shower Room shall be attached to the Dormitory Room to better serve the needs of the users. Nursing Station shall be stationed per dormitory floor to better meet the nursing/personal care needs of users in particular at the time of emergency. The Isolation Room shall be provided with natural lighting and ventilation as well as Bathroom/Shower Room for infection control purpose. Licensing requirements as stipulated in the Residential Care Homes (Elderly Persons) Ordinance, Cap. 459, its subsidiary legislation and the latest version of the Code of Practice for Residential Care Homes (Elderly Persons) have to be strictly adhered to before a license of RCHE could be issued. Laundry room should be provided to the proposed RCHE. The isolation rooms from 1/F to 5/F do not have prescribed windows and hence their locations are not acceptable. Requirement of fire safety for the building will be formulated by FSD and will have to be complied with upon formal submission of building plans;
- (m) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) that the Site falls within the boundary of the Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (the 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 Site falls under Stage 3 Works stage. While the detailed implementation programme for the project is still being formulated, based on the Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024; and
- (n) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that for any waste generated from such operation/work, the applicant should arrange disposal properly at his/her own expenses. Proper license/permit issued by FEHD is required if there is any catering service/activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.