

Tsuen Wan and West Kowloon District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/KC/17 Application for Amendment to the Approved Kwai Chung Outline Zoning Plan No. S/KC/32, To rezone the application site from “Other Specified Uses” annotated “Business” to “Residential (Group E)2” and amend the Notes of the zone applicable to the site, 97-107 Wo Yi Hop Road, Kwai Chung
(MPC Paper No. Y/KC/17A)

5. The Secretary reported the application site (the Site) was located in Shek Lei. Mr Stanley T.S. Choi had declared an interest on the item for being a supervisor of a primary school in the vicinity of the Site. The Committee noted that Mr Stanley T.S. Choi had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

6. The following representatives from the Planning Department (PlanD) and the applicant’s representatives were invited to the meeting at this point:

PlanD

Mr Steven Y.H Siu	-	District Planning Officer/ Tsuen Wan and West Kowloon (DPO/TWK)
Mr W.C. Lui	-	Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK)
Mr Sam K.S. Ho	-	Town Planner/Tsuen Wan and West Kowloon

Applicant's Representatives

Lai Sun Textiles Company Limited – Applicant

Mr P.O. Lee

Ms Vicky Lam

Mr W.P. Tsang

Ms Annisa Chan

DeSPACE (International) Limited

Mr Greg Lam

Ms Rebecca Lau

Mr Mario Li

Mr Kenji Wong

Index Architecture Limited

Mr Anderson Lee

Mr Louis Hung

DF Consultant

Mr D.F. Lam

7. The Chairperson extended a welcome and explained the procedures of the meeting. To ensure smooth and efficient conduct of the meeting, a time limit of 15 minutes was set for presentation of the applicant. He then invited PlanD's representatives to brief Members on the background of the application.

8. With the aid of a PowerPoint presentation, Mr W.C. Lui, STP/TWK, briefed Members on the background of the application, the proposed rezoning of the Site from "Other Specified Uses" annotated "Business" ("OU(B)") to "Residential (Group E) 2" ("R(E)2") to facilitate the redevelopment of an existing 15-storey industrial building (IB), namely Park Sun Building, into a 28-storey residential-cum-social welfare facilities (i.e. Residential Care Home for the Elderly (RCHE) and/or Residential Care Home for Persons with Disabilities (RCHD)) and commercial development, departmental comments, and planning considerations and assessments as detailed in the Paper. While PlanD had no in-principle objection to the application, it was considered more appropriate to stipulate the requirement for the provision of a minimum gross floor area (GFA) of 7,200m² for government, institution and community (GIC) facilities in the Remarks of the Notes of the

Kwai Chung Outline Zoning Plan (OZP) for the proposed “R(E)2” subzone, instead of confining the GFA to RCHE and/or RCHD use as proposed by the applicant, so as to provide more flexibility for other complementary GIC facilities alongside the RCHE and/or RCHD uses. The intention to provide RCHE and/or RCHD at the Site would be reflected in the Explanatory Statement (ES) of the OZP. Should the application be agreed by the Committee, the exact stipulation of development restrictions (i.e. whether in terms of GFA as proposed by the applicant or in terms of plot ratio (PR) in accordance with the prevailing restriction in the Notes of the OZP for the “Residential (Group E)” (“R(E)”) zone) would be subject to further consideration. Regarding the applicant’s proposal to include a clause excluding areas occupied or intended to be occupied by free-standing purpose-designed buildings solely for accommodating GIC facilities including school(s) that might be required by the Government from the site area for the purpose of determining the PR of the Site within the proposed “R(E)2” subzone, it was considered not relevant as the proposed development would be a composite development and no free-standing GIC facility as required by the Government was proposed. Should the Committee agree in principle to the application, appropriate revisions to the Notes and ES of the OZP would be recommended when the proposed amendments to the OZP were submitted to the Committee for consideration.

9. The Chairperson then invited the applicant’s representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr Greg Lam, the applicant’s representative, made the following main points:

- (a) Park Sun Building was built in 1974. Being an aged IB, more frequent maintenance and repair works were anticipated to maintain the building conditions with increasing costs, while there was a decrease in the occupancy rate of the building in the past few years. The revenue from rental was unable to cover the maintenance costs in recent years;
- (b) a previous section 16 application for minor relaxation of the PR restriction for a commercial/office building submitted by the current applicant was approved in 1994 but was not implemented due to the limited PR gain upon redevelopment and the significant amount of land premium required for commercial development. Subsequently, a special waiver for wholesale conversion to a commercial/office building was approved in

2018 but was not implemented due to changes in market situation during the outbreak of COVID-19 between 2020 and 2023;

- (c) since the rezoning of the Wo Yi Hop Road Industrial/Business Area (WYHRIBA) from “Industrial” (“I”) to “OU(B)” in 2001, there were 10 (re)developments for non-polluting industrial uses, business/offices, hotels and data centres. Some existing IBs had been demolished but the sites were left vacant due to the changing market situation for commercial development;
- (d) across Wo Yi Hop Road in Shek Lei were residential developments. According to the applicant’s estimation, a total population of about 300,000 (equivalent to about 100,000 households based on an assumption of an average household size of three persons) lived in the vicinity of the Site, with a significant portion of the residents being elderly. The ES of the OZP stated that the planned population of the Kwai Chung area would be about 376,000 and there would be further population growth and hence an increase in the elderly population;
- (e) there was a keen demand for RCHE and/or RCHDs in the vicinity of the Site, as revealed by the presence of such facilities in the non-domestic portion of nearby residential developments, as well as the long waiting list for these facilities. As these existing facilities were not situated in purpose-designed buildings dedicated to RCHEs and/or RCHDs, various design aspects, including floor-to-floor height, ventilation and lighting, might not be optimal for their operation;
- (f) the Site was proposed to be rezoned from “OU(B)” to “R(E)2” with a planning intention of phasing out the existing industrial uses through redevelopment. Under the indicative scheme, a total GFA of 28,589m² was proposed with a maximum domestic GFA of about 16,458m², providing a total of 253 units. Of these, 60% of the units had a floor area of about 40m² while 40% of the units had a floor area of about 60m² to 70m². Given the limited supply of new residential developments within

the Kwai Chung OZP in the past 20 years, the proposed rezoning could facilitate the prompt delivery of 253 new private housing units without the need for land resumption;

- (g) in response to the Government's policy initiatives on RCHE and RCHD as announced in successive Policy Addresses and the Incentive Schemes to Encourage Provision of RCHE/RCHDs in New Private Development promulgated by the Lands Department in 2023, a minimum GFA of 7,200m² would be provided for RCHD and RCHE in the proposed development, equivalent to 113 beds and 185 beds respectively, which could help alleviate the strong local demand for RCHEs and/or RCHDs. In addition, a GFA of 131m² was proposed for 'Shop and Services' use on the ground floor of the proposed development to serve the local community; and
- (h) PlanD's recommendations to stipulate a minimum GFA of 7,200m² for GIC facilities in the Remarks of the Notes for the proposed "R(E)2" subzone, and not to include the "R(E)2" subzone in the clause excluding areas occupied or intended to be occupied by free-standing purpose-designed buildings solely for accommodating GIC facilities including school(s) as might be required by the Government from the site area for the purpose of determining the PR of the Site were acceptable to the applicant.

10. With the aid of a PowerPoint presentation, Mr D.F. Lam, the applicant's representative, made the following main points:

- (a) the proportion of the ageing population in Hong Kong would rise to 36% by 2064, which would increase the demand for RCHE. As regards the supply of RCHD, there were only 26 private RCHDs participating in the Bought Place Scheme for Private Residential Care Homes for Persons with Disabilities. The provision of more high-quality private RCHDs would therefore be welcomed;

- (b) the waiting lists for subvented RCHE places and subvented RCHD places were about 17,664 applicants and 10,323 applicants respectively. The average waiting time for a subvented RCHE place was about 21 months while that for a subvented RCHD place ranged from 4.2 months to 150.8 months. While the number of applicants on the waiting list for a subvented RCHD place was smaller than that for a subvented RCHE place, the slow turnover rate of RCHD places would exert greater pressure on the demand for subvented RCHD places; and
- (c) the RCHEs and/or RCHDs in the vicinity of the Site were located on the lower floors of existing buildings, were not purpose-built, and lacked functional areas to meet the recreational and outdoor needs of the users. The proposed development would provide high-quality purpose-built RCHEs and RCHDs.

11. With the aid of a PowerPoint presentation and a physical 3D model at 1:100 scale, Mr Anderson Lee, the applicant's representative, made the following main points:

- (a) the porous design of the proposed development allowed ventilation and penetration of sunlight to the street level. Carved voids would be provided in the residential towers to facilitate cross ventilation through common areas, and voids were also provided in the RCHE and RCHD portions;
- (b) a 5m-wide voluntary setback from Wo Yi Hop Road and a 2.3m-wide voluntary setback along the southern site boundary would be provided for streetscape enhancement and to reduce the wall effect on the neighbourhood. The setbacks would be open for public access, with the latter setback along the southern site boundary to be opened for public use from 9:00 am to 6:00 pm daily;
- (c) an outdoor leisure sky garden of about 300m in length (i.e. Green Ring) would be provided on 4/F for the enjoyment of the users of the proposed RCHE and/or RCHD;

- (d) separate entrance lobbies would be provided to segregate to the residential development with the RCHE and/or RCHD; and
- (e) the design would achieve operational synergy between the residential use and RCHE and/or RCHD in the proposed composite development, thereby facilitating social interaction.

12. As the presentations of PlanD's representative and the applicant's representatives had been completed, the Chairperson invited questions from Members.

Precedent Effect on WYHRIBA

13. The Vice-chairperson asked whether the current application was the first section 12A (s.12A) application within the "OU(B)" zone in WYHRIBA, and whether approval of the application would set a precedent for any subsequent s.12A application within the same "OU(B)" zone. In response, Mr Steven Y.H. Siu, DPO/TWK, with the aid of some PowerPoint slides, said that the current application was the first s.12A application for rezoning a site from "OU(B)" to "R(E)" within WYHRIBA. Since the rezoning of WYHRIBA from "I" to "OU(B)" in 2001, wholesale conversion or redevelopment of IBs had been implemented or proposed at 15 sites, all of which were under single ownership (except iCity to the south of the Site which was once under single ownership but had since been alienated and sold off after redevelopment). Most of them were proposed or implemented under the policy initiatives of Revitalisation of IBs. Eight of the 15 sites involved planning permission granted by the Town Planning Board (the Board). For the current application, the Site was located at the eastern fringe of WYHRIBA with residential developments in Shek Lei located to its immediate east across Wo Yi Hop Road. Besides, the Site was one of the few remaining single-ownership sites that had not undergone conversion or redevelopment in WYHRIBA, and redevelopment of sites under multiple ownership tended to be more difficult to pursue. In any case, each s.12A application would be considered on its individual merits.

Interface of the Proposed RCHE and/or RCHD and IBs

14. The Chairperson and a Member asked the following questions:

- (a) the existing uses and/or conditions of Cheung Wing Industrial Building and Kam Chong Industrial Building to the north and west of the Site respectively; and
- (b) whether the IBs would have any adverse impacts on the environmental aspects or the provision of natural lighting to the proposed RCHE and/or RCHD and residential development.

15. In response, Messrs Greg Lam, Anderson Lee and Mario Li, the applicant's representatives, with the aid of some PowerPoint slides, made the following main points:

- (a) according to the site visit conducted by the applicant, office, storage and non-polluting industrial uses were observed in Cheung Wing Industrial Building and Kam Chong Industrial Building; and
- (b) a separation distance of about 5m would be available between the proposed RCHE and/or RCHD and Kam Chong Industrial Building to the west of the Site. Besides, there would be setbacks from Wo Yi Hop Road and along the southern site boundary. Relevant statutory requirements on lighting and ventilation could be complied with. Various technical assessments, including air quality and noise impact assessments, had been conducted, which demonstrated that the proposed development would be technically feasible without insurmountable environmental problems. The Environmental Protection Department had no objection to the application. Further technical assessments would be submitted during the s.16 application stage.

Design and Operation of the proposed RCHE and/or RCHD

16. The Chairperson, Vice-chairperson and two Members asked the following questions:

- (a) the applicant's vision for the proposed RCHE and/or RCHD;
- (b) whether the applicant would operate the proposed RCHE and/or RCHD, and whether the services would be affordable to the residents in the area;
- (c) noting the inclusive concept of the proposed development whereby the elderly could live in the proposed RCHE and/or RCHD while their families might live in the residential portion, whether families with elderly member(s) residing in the proposed RCHE/RCHD would be the targeted buyers of the residential units; and
- (d) whether the sky gardens on 4/F and 7/F would be dedicated to different users.

17. In response, Messrs P.O. Lee, Greg Lam, Mario Li and D.F. Lam, the applicant's representatives, made the following main points:

- (a) the application could better utilise the scarce land resources by phasing out the obsolete industrial uses while providing quality RCHE and/or RCHD services to the local area. The proposed development with residential element co-located with RCHE and/or RCHD under the indicative scheme could achieve synergy effect, whereby members of younger generation of a family living in the proposed residential portion, could conveniently visit and take care of their elderly family members residing in the proposed RCEH and/or RCHD on the lower floors without long travelling time. In addition, residents of the proposed RCHE might perform voluntary services for residents in the proposed RCHD or vice versa. The model of co-locating residential element with RCHE and/or RCHD facilities could be considered a novel development model that

might set a good example for similar developments in the future;

- (b) the proposed RCHE and/or RCHD might be operated by the applicant or by an RCHE and/or RCHD operator. If the latter option was adopted, a vetting committee would be established to select a suitable operator for the operation and provision of quality services. The proposed RCHE and/or RCHD was not aiming at profit maximisation. Having considered the socio-economic composition of residents in the area, the proposed RCHE and/or RCHD would not target at the high-end market;
- (c) residents of the proposed RCHE and/or RCHD would not be limited to those living in the area but to the general public. Residence in or purchase of units in the proposed residential portion would not be a prerequisite for admission to the RCHE and/or RCHD on the lower floors of the proposed development; and
- (d) elderly-friendly design features would be adopted for the sky garden on 4/F for the enjoyment of residents of the RCHE and/or RCHD. An inclusive design concept would be adopted for the sky garden on 7/F for the enjoyment of residents of the residential units as well as their elderly family members residing in the proposed RCHE and/or RCHD.

GFA Requirements for RCHE and/or RCHD under the Notes

18. Noting that a minimum GFA of 7,200m² for GIC facilities was recommended to be stipulated in the Remarks of the Notes of the proposed “R(E)2” subzone as stated in paragraph 10.13(a) of the Paper, the Vice-chairperson asked about the rationale for the recommendation. In response, Mr Steven Y.H. Siu, DPO/TWK, said that while the applicant intended to provide a GFA of 12,000m² for RCHE and/or RCHD under the indicative scheme, the applicant proposed a non-domestic GFA of not less than 7,200m² for RCHE and/or RCHD in the Notes of the proposed “R(E)2” subzone as a more conservative figure in the event that no operator for an RCHE and/or RCHD of such scale could be secured. The recommendation to stipulate a minimum GFA of 7,200m² for GIC facilities in the Notes could allow flexibility for the introduction of other complementary GIC facilities in

the event that a GFA of 7,200m² for RCHE and/or RCHD could not be realised at the implementation stage. The intention to provide a minimum GFA of 7,200m² for RCHE and/or RCHD would be stated in the ES of the OZP to guide future development of the Site. Mr Greg Lam, the applicant's representative, supplemented that such flexibility was welcomed by the applicant as it would obviate the need for a separate planning application to introduce complementary GIC facilities, such as day care centres or dental clinics for the elderly, should the need for such complementary GIC facilities emerge during the implementation stage.

19. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairperson informed the applicant's representatives that the hearing procedure of the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairperson thanked PlanD's and the applicant's representatives for attending the meeting. They left the meeting at this point

Deliberation Session

20. The Chairperson remarked that the application sought to rezone the Site from "OU(B)" to "R(E)2". In considering the application, Members might focus on the suitability of the proposed "R(E)2" subzone, while details of the proposed scheme could be further scrutinised at the s.16 application stage.

21. Noting the long average waiting time for a subvented RCHE and/or RCHD place and the relatively constrained conditions of some existing RCHEs and RCHDs in the area, Members generally supported the application mainly on the consideration that the proposed RCHE and/or RCHD would constitute the key planning gain, together with the provision of building voids, sky gardens and voluntary setbacks. Two Members expressed concerns on land use compatibility in locating the proposed residential use and RCHE and/or RCHD uses near existing IBs, and considered that there might be impacts on the integrity of the "OU(B)" zone in WYHRIBA. A Member opined that the application could provide residential units together with RCHE and/or RCHD facilities in a residential neighbourhood dominated by ageing public housing developments, where the existing old RCHEs/RCHDs were only located within the podia of residential buildings. This Member and another Member

considered that the co-location concept, which was a new design concept, could help the elderly live close to their family members in the area. They also considered that the proposed setbacks could be regarded as a planning gain, and the design had incorporated separate areas for the activities of the elderly and the residents.

22. On the other hand, the Vice-chairperson and three Members generally had reservation about stipulating the provision of not less than a GFA of 7,200m² for GIC facilities in the Notes as recommended by PlanD, which was different from the Notes proposed by the applicant (a GFA of not less than 7,200m² for RCHE and/or RCHD) and the indicative scheme (which reflected a GFA of 12,000m² for RCHE and/or RCHD). As GIC facilities did not necessarily confine to RCHE and/or RCHD, it was considered that a clear intention to provide RCHE and/or RCHD at the Site, which was the main planning gain, should be set out in the Notes to ensure that the proposed RCHE and/or RCHD would be materialised.

23. The Chairperson summarised that Members generally supported the application. With regard to Members' concern on the industrial/residential interface issue, the Chairperson said that the planning intention of the "OU(B)" zone was to phase out the existing industrial uses. Since the rezoning of WYHRIBA from "I" to "OU(B)" in 2001, WYHRIBA had undergone transformation, with a number of non-polluting industrial uses, commercial/office buildings, hotels and data centres. The applicant had also conducted technical assessments, including air quality and noise assessments, to demonstrate the feasibility of the indicative scheme. The Site was located at the fringe of WYHRIBA and there were residential developments located near the Site across Wo Yi Hop Road. The proposed development could provide RCHE and/or RCHD of considerable scale, incorporate the inclusive concept of co-locating RCHE and/or RCHD with residential element, and provide sky garden for residents of the RCHE and/or RCHD, which could be considered as planning gains.

24. With regard to the stipulation of the GFA requirement for RCHE and/or RCHD, the Chairperson said that under the indicative scheme, a maximum non-domestic GFA of 12,000m² could be provided for RCHE and/or RCHD. Taking into account potential market changes and operator capacity, the applicant proposed to stipulate the requirement of providing a non-domestic GFA of not less than of 7,200m² for RCHE and/or RCHD in the

Notes of the proposed “R(E)2” subzone. As stated in paragraph 10.13(a) of the Paper, in order to allow greater flexibility to provide other complementary GIC uses alongside the RCHE and/or RCHD uses, especially if the intended non-domestic GFA of 12,000m² could not be fully utilised for RCHE and/or RCHD uses at the implementation stage, PlanD recommended stipulating a minimum GFA of 7,200m² for GIC facilities in the Notes. The intention to provide RCHE and/or RCHD at the Site would be reflected in the ES of the OZP. Details of the proposed development, including the uses and design, could be scrutinised at the s.16 application stage. For Members’ reference, there was a case in the Mid-level area in which the Notes of the “Residential (Group C) 3” zone on the approved Mid-level East OZP No. S/H12/14 had stipulated a maximum GFA of 11,010m², of which not less than 2,258m² should be for the provision of RCHE and related elderly facilities, following the Committee’s consideration of a s.12A application on the site. For the current application, stipulating the provision of a non-domestic GFA of 12,000m² for RCHE and/or RCHD or stipulating the provision of a non-domestic GFA of 12,000m² for GIC facilities of which not less than 7,200m² should be for RCHE and/or RCHD in the Notes for the proposed “R(E)2” subzone, both of which were not proposed by the applicant, would require justifications. Members were invited to consider (i) whether a minimum non-domestic GFA of 7,200m² should be confined to RCHE and/or RCHD, or flexibility could be allowed to include other complementary GIC facilities to fulfil such GFA requirement; and (ii) whether flexibility should be allowed for the use of the remaining non-domestic GFA of 4,800m² for other non-domestic uses (including commercial uses).

25. The Vice-chairperson and some Members considered that the provision of a minimum GFA of 7,200m² for RCHE and/or RCHD should be stipulated in the Notes of the proposed “R(E)2” subzone, as it could genuinely reflect the applicant’s commitment to provide RCHE and/or RCHD as proposed, while the remaining non-domestic GFA of 4,800m² should be confined to GIC uses. Noting that uncertainty in market demand for RCHE and/or RCHD at the implementation stage was one of the reasons for stipulating a non-domestic GFA of not less than 7,200m² for RCHE and/or RCHD in the Notes, and that the previous approval for minor relaxation of PR for commercial/office development granted in 1994 and special waiver for wholesale conversion to a commercial/office building approved in 2018 had not been implemented, a Member considered that flexibility should be allowed in the use of the remaining non-domestic GFA for non-GIC uses. The imposition of stringent GFA requirements might have adverse impact on the financial viability of the

proposal. Should there be genuine market demand for RCHE and/or RCHD, the applicant could still pursue its original intention having regard to the supply and demand conditions of the market, and the proposed scheme would be considered at the s.16 application stage.

26. The Chairperson remarked that Members generally agreed that a minimum non-domestic GFA of 7,200m² for RCHE and/or RCHD should be stipulated in the Notes of the proposed “R(E)2” subzone. Regarding the remaining non-domestic GFA (i.e. 4,800m²), the Chairperson invited Members’ views on whether flexibility should be allowed for the provision of non-GIC uses, including commercial uses, and whether the intention that more GIC uses on top of the statutory requirement of 7,200m² should be explored and provided at the Site could be stipulated in the ES of the OZP.

27. Noting that a non-domestic GFA of 12,000m² for RCHE and/or RCHD and a GFA of 131m² for ‘Shop and Services’ use were proposed by the applicant under the indicative scheme, some Members considered that stipulating a non-domestic GFA of 12,000m² for GIC facilities, of which not less than 7,200m² should be for RCHE and/or RCHD, did not fall beyond the scope of the applicant’s proposal while allowing flexibility for complementary GIC facilities. A Member considered that if there was no statutory requirement for the remaining non-domestic GFA to be used for GIC purposes, it would be probable that the remaining non-domestic GFA would be utilised for commercial uses. While the intention to maximise the remaining non-domestic GFA for GIC uses could be incorporated in the ES of the OZP, it would be uncertain whether there would be well-justified grounds for rejecting the s.16 application if the remaining portion of the non-domestic GFA of 4,800m² was proposed for commercial uses. Another Member considered that the financial viability of the indicative scheme should have been carefully assessed by the applicant prior to submission.

28. The Chairperson concluded that Members agreed that a minimum non-domestic GFA of 12,000m² for GIC facilities, of which not less than 7,200m² should be for RCHE and/or RCHD, should be stipulated in the Notes of the proposed “R(E)2” subzone.

29. After deliberation, the Committee decided to partially agree to the application to rezone the application site to “Residential (Group E) 2” with stipulation of appropriate development parameters and requirements for provision of government, institution and

community facilities (including the minimum provision for the residential care home for the elderly and/or residential care home for persons with disabilities) in the Notes of the Outline Zoning Plan (OZP). The relevant proposed amendments to the Kwai Chung OZP, together with the revised Notes and Explanatory Statement, would be worked out in consultation with relevant government departments and submitted to the Committee for consideration prior to gazetting under the Town Planning Ordinance.

[Messrs W.C. Lui, Michael K.K. Cheung and Kervis W.C. Chan, Senior Town Planners/Tsuen Wan and West Kowloon (STPs/TWK), Mr Sam K.S. Ho and Ms Ivy H.Y. Fok, Town Planners/Tsuen Wan and West Kowloon (TPs/TWK), and Mr Safin S.A. Wakim and Ms Sharon T.T. Wan, Town Planning Graduates/Tsuen Wan and West Kowloon, were invited to the meeting at this point.]