

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TW/531

<u>Applicant</u>	: Dear Wing Engineering Consultant Company Limited
<u>Premises</u>	: Portion of Level 2, Greenview Court Shopping Centre, 644-654 Castle Peak Road – Tsuen Wan, Tsuen Wan
<u>Floor Area of Premises</u>	: 199.74m ²
<u>Lease</u>	: Tsuen Wan Town Lot (TWTL) No. 96 Section A (the Lot) (a) Governed by New Grant No. 4616 (b) No user or gross floor area (GFA) restriction under the New Grant (c) To be expired on 30.6.2047
<u>Plan</u>	: Draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/34
<u>Zoning</u>	: “Residential (Group B) 4” (“R(B)4”) (a) maximum domestic and non-domestic GFA of 47,520m ² and 3,720m ² respectively (b) maximum building height of 140 metres above Principal Datum (mPD)
<u>Application</u>	: Proposed Social Welfare Facility (Neighbourhood Elderly Centre (NEC))

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for proposed social welfare facility (NEC). The Premises falls within an area zoned “R(B)4” on the draft Tsuen Wan OZP No. S/TW/34. According to the Notes of the OZP, ‘Social Welfare Facility’ is a Column 2 use in the “R(B)4” zone, which requires planning permission from the Town Planning Board (the Board).

- 1.2 The Premises, which is originally built for restaurant and currently vacant, is located at portion of Level 2 of the 4-storey Greenview Court Shopping Centre¹ which falls within the non-domestic portion of the Greenview Court (**Plans A-1 to A-3**). The main entrance to Level 2 of the shopping centre is located at the sloped internal road of Greenview Court.
- 1.3 The applicant proposes to convert the Premises to a social welfare facility which consists of a 25-place NEC. The estimated number of staff is 5 persons. The Premises involves a non-domestic GFA of about 200m². The layout plan of the Premises is shown on **Drawing A-1**. The internal circulation between the Premises and the main entrance of the shopping centre at Level 2 is indicated on **Drawing A-2**.
- 1.4 Within the subject shopping centre, the same applicant also submitted Application No. A/TW/523 for a proposed school on Level 2 (whole floor including the Premises, involving a non-domestic GFA of about 1,190m²) which is currently being processed², and Application No. A/TW/526 for a proposed social welfare facility (50-place day care centre (DE) and 50-bed residential care home for the elderly (RCHE)) on Level 3 which was approved with conditions by the Metro Planning Committee (MPC) of the Board on 10.12.2021.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form with supplementary information received on 3.1.2022 (**Appendix I**)
 - (b) Supplementary information received on 5.1.2022 (**Appendix Ia**)
 - (c) Further Information (FI) 1 received on 27.1.2022 providing responses to departmental comments* (**Appendix Ib**)
 - (d) FI 2 received on 8.2.2022 providing clarification on the proposed lay-by arrangement* (**Appendix Ic**)

Remarks:

** accepted and exempted from publication and recounting requirement*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application as set out in **Appendix I** are summarised as follows:

- (a) the Premises has been vacant for more than 10 years and no services could be provided to the surrounding residents. Due to the changes in demographic patterns

¹ The Greenview Court Shopping Centre has 4 storeys with an open carpark on top (at Level 5). Level 1 is a supermarket and a laundry shop; both Levels 2 and 3 are currently vacant; Level 4 is a covered carpark and Level 5 is an open carpark leading to the podium of residential Block 1 (**Plan A-3**).

² The applicant submitted Application No. A/TW/523 on 24.3.2021. On the request of the applicant, the MPC deferred the application three times on 14.5.2021, 9.7.2021 and 15.10.2021 for a total of six months for the applicant to prepare further information to address departmental comments. On 21.12.2021 and 9.2.2022, the applicant submitted a revised Sewerage Impact Assessment and a new Traffic Impact Assessment respectively, and the application is currently being processed. Under the current application, the applicant indicated that the proposed NEC is the first priority and if the application is approved by MPC, they will consider to adjust the application boundary of the proposed school or withdraw the Application No. A/TW/523 (**Appendix Ib**).

and ageing population, the provision of the proposed elderly facilities is considered of utmost importance for the society. Despite the proposed use is small in scale, it could help ease the immediate demand of the ageing society;

- (b) the proposed NEC will provide additional space to support the elderly services currently provided by the Tung Wah Group of Hospitals (TWGHs) Mrs Wang Li Ming Tzun Tsuen Wan NEC³, which aims to provide support and services to the elders residing in the western Tsuen Wan area. The proposed NEC will meet the keen demand for NEC in the neighbourhood;
- (c) the entrance to the Premises is separated from the rest of the development and is also leading to the internal access road of Greenview Court. This could minimise nuisances to the residents;
- (d) the proposed NEC will primarily serve the elders (aged 60 years or above) residing within the walking distance of the subject premises, and be supported by staff residing within the same district. Therefore no insurmountable traffic impact is anticipated;
- (e) the Premises is originally designed for restaurant/kitchen use, therefore it is well equipped with water supply and sewerage facilities and would not bring insurmountable environmental and sewerage problems; and
- (f) emergency vehicles may use the lay-by located next to Block 3 of Greenview Court. As the same lay-by will be used by the DE/RCHE at Level 3, the applicant has committed to formulate a contingency plan with the future operator of the DE/RCHE and the Greenview Court management office regarding the lay-by arrangement (**Appendix Ic**).

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

The applicant is not a “current land owner” but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by giving notification to the current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Application

There is no previous application at the subject premises.

5. Similar Application

Level 3 of the subject shopping centre is the subject of a previous application (No. A/TW/526) for proposed social welfare facility (50-place DE and 50-bed RCHE), which

³ The TWGHs Mrs Wang Li Ming Tszun Tsuen Wan NEC is located at Belvedere Garden Phase II.

was submitted by the same applicant and was approved with conditions by MPC on 10.12.2021 as the proposed use was considered compatible with the nearby developments and no adverse impacts would be generated.

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

6.1 The Premises is:

- (a) located on Level 2 (portion) of Greenview Court Shopping Centre;
- (b) currently vacant (photo 4 on **Plan A-4**); and
- (c) accessible via the main entrance of the shopping centre at Level 2 (photo 3 on **Plan A-4**) which is located at the internal road of Greenview Court (**Plan A-3**).

6.2 The surrounding areas where the Premises located have the following characteristics (Plans A-1 and A-2):

- (a) located at the eastern portion of Greenview Court⁴, which comprises three 32-storey residential blocks served by the internal road sloping up from Castle Peak Road – Tsuen Wan;
- (b) situated amid residential cluster of western Tsuen Wan. To the east, south and southeast are other private housing developments such as Belvedere Garden Phase I to III, Bayview Garden, as well as some primary schools and a sports centre. There is a RCHE operated in the non-domestic podium of Belvedere Garden Phase II;
- (c) to the further west are other private housing developments such as Greenview Terrace; and
- (d) are well served by various modes of public transport including bus, public light bus and taxi along Castle Peak Road - Tsuen Wan. A bus terminus is located to the southeast of the Premises at Bayview Garden.

7. Planning Intention

The “R(B)” zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board.

⁴ Greenview Court was the subject of an application (No. NT/TW/8P) for residential development with ancillary commercial uses, subject to a maximum domestic plot ratio of 3.3, domestic GFA of 47,520m² for residential development plus non-domestic GFA of 3,720m² for ancillary commercial use, which was approved by the Board on 20.4.1979. On 7.8.1981, the Board agreed to rezone the Lot from “Other Specified Uses” annotated “Low Density Residential Development” to “R(B)” with no GFA restriction was stipulated. On 17.9.2004, the site was further rezoned from “R(B)” to “R(B)4” to reflect the approved scheme under application No. NT/TW/8P with PR and BH restrictions.

8. Comments from Relevant Government Departments

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

Land Administration

8.1.1 Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing (DLO/TW&KT):

- (a) the Premises falls within Section A of TWTL No. 96 which is held under New Grant No. 4616. There is no user or GFA restriction under the New Grant. The proposed social welfare facility (NEC) at the Premises generally conforms with the New Grant; and
- (b) her office reserves comments on the schematic design of the proposed social welfare facility (NEC) which would only be examined in detail during the building plan submission stage.

Social Welfare

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

- (a) the subject planning application is supported from district welfare perspective;
- (b) the subject premises is located in Greenview Court. The proposed NEC is considered convenient and beneficial to the elderly residents in the locality and nearby community; and
- (c) the application is arose from TWGHs Mrs Wang Li Ming Tzun Tsuen Wan NEC's plan to rent the subject premises for setting up its sub-base. DSW has no adverse comment on the proposal from district welfare perspective.

Traffic

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

- (a) no objection in-principle from traffic management viewpoint;
- (b) the applicant has committed to formulate a contingency plan with the future operator of the DE and RCHE at 3/F and the Greenview Court management office for the use of the proposed lay-by under emergency situation; and
- (c) should the application be approved, the following condition is recommended to be incorporated:

the design and provision of lay-by under emergency situation for the proposed development to the satisfaction of C for T or of the Board.

Environment

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

- (a) no objection to the application as the proposed NEC is considered as environmentally compatible with the land use zoning of the site; and
- (b) should the application be approved, it is recommended to impose the following conditions:
 - (i) the submission of a Sewerage Impact Assessment (SIA) for the proposed development to the satisfaction of DEP or of the Board; and
 - (ii) the implementation of any mitigation measure as recommended in the updated SIA in condition (i) above to the satisfaction of the Director of Drainage Services or of the Board.

8.1.5 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

no adverse comment to the application subject to the imposition of approval condition as recommended in paragraph 8.1.4(b)(ii) above.

Building Matters

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

- (a) no objection to the application under the Buildings Ordinance (BO);
- (b) under the BO, no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulation;
- (c) any proposed building works should comply with the prevailing requirements under the BO and allied regulations and Code of Practices; and
- (d) detailed comments will be given in the building plan submission stage. Other detailed comments are provided at **Appendix IV**.

Fire Safety

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

no objection in principle to the proposed social welfare facility (NEC) subject to fire service installations being provided to the satisfaction of the Fire Services Department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans or referral from the licensing authority.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Highway Engineer/New Territories West, Highways Department;
- (c) Commissioner of Police; and
- (d) District Officer (Tsuen Wan), Home Affairs Department.

9. Public Comments Received During Statutory Publication Period

During the statutory public inspection periods, a total of seven public comments were received from individuals (**Appendix II**). Six commenters were in support of the application on the grounds that the proposed NEC could meet the local community's need and shorten the waiting time for such facility. The remaining commenter indicated that there should be more high-end and large-scale private elderly nursing home in the Tsuen Wan area.

10. Planning Considerations and Assessments

Planning Intention and Land Use Compatibility

10.1 The planning intention of the "R(B)" zone is primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. Notwithstanding this, the application is to make use of the vacant premises of the existing shopping centre, which is intended for non-domestic use, for the provision of a social welfare facility consisting a 25-place NEC. According to the Hong Kong Planning Standards and Guidelines (HKPSG), NEC is a centre-based community support facility for elderly persons to promote active ageing and to provide outreaching and referral services as well as social and recreational activities. At present, there is a NEC located in the vicinity of the subject premises, i.e. the TWGHs Mrs Wang Li Ming Tzun Tsuen Wan NEC in Belvedere Garden Phase II (**Plan A-1**). DSW indicated that TWGHs proposes to rent the subject premises for setting up its sub-base in order to extend its services. DSW supports the application from district welfare perspective in view that the proposed NEC is considered convenient and beneficial to the elderly residents in the locality and nearby community.

10.2 The Premises is located amid the residential cluster in the western Tsuen Wan area, comprising high density residential developments such as Belvedere Garden Phases I-III, where shopping and car parking facilities are located within these residential developments. As the proposed NEC is located within the purpose-designed non-domestic portion of Greenview Court which is separated from the domestic blocks and only involves a total floor area of about 200m², nuisance to the residents could be minimised. In addition, a proposed social welfare facility (50-place DE and 50-bed RCHE) on one level above (i.e. Level 3 of the subject shopping centre) was approved with conditions by MPC on 10.12.2021. As such, approval of the current application would be in line with the previous decision of a similar application. Overall, the proposed use is considered not incompatible with the surrounding land use.

Technical Aspects

10.3 The applicant indicated that proposed NEC, involving 25 users intended to be primarily residing within walking distance from the subject premises and 5 staff who mainly reside within the same district, will not bring traffic impact to the surroundings. In addition, no environmental and sewerage impacts are envisaged. C for T, DEP and CE/MS of DSD have no in-principle objection to the application subject to the imposition of approval conditions in respect of traffic and sewerage aspects.

Public Comments

10.4 There are five comments supporting the application and one providing view on the market positioning of the elderly nursing home received.

11. Planning Department's Views

11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9 above, the Planning Department has no objection to the application.

11.2 Should the Committee decide to approve the application on the terms of the application as submitted to the Board, it is suggested that the permission shall be valid until 18.2.2026, 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 suggested for Members' reference:

Approval conditions

- (a) the design and provision of lay-by under emergency situation for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

- (b) the submission of an updated Sewerage Impact Assessment (SIA) for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (c) the implementation of any mitigation measure as recommended in the updated SIA in condition (b) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory clauses

11.3 The recommended advisory clauses are attached in **Appendix III**.

11.4 There is no strong reason to recommend rejection of the application.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or to refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

13. Attachments

Appendix I	Application form with clarification received on 3.1.2022
Appendix Ia	Supplementary information received on 5.1.2022
Appendix Ib	FI 1 received on 27.1.2022
Appendix Ic	FI 2 received on 8.2.2022
Appendix II	Public comments received during the statutory publication period
Appendix III	Recommended advisory clauses
Appendix IV	Detailed departmental comments
Drawing A-1	Proposed layout of the Premises
Drawing A-2	Proposed internal circulation on Level 2
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3 to A-4	Site Photos