

**APPLICATION FOR AMENDMENT OF PLAN  
UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. Y/K14S/2**

<b><u>Applicants</u></b>	: Merry Gain International Limited, Kind Rich International Limited and China Full Treasure Limited represented by DeSpace (International) Limited
<b><u>Application Site</u></b>	: 90 Hung To Road, Kwun Tong, Kowloon
<b><u>Site Area</u></b>	: About 464.515m <sup>2</sup>
<b><u>Lease</u></b>	: (a) Kwun Tong Inland Lot (KTIL) No. 203 (b) Restricted to a restaurant, ancillary offices and quarters for persons employed on the premises
<b><u>Plan</u></b>	Approved Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/26 (currently in force)  Draft Kwun Tong (South) OZP No. S/K14S/25 (at the time of submission)
<b><u>Zoning</u></b>	: “Commercial (1)” “(C(1))” (about 84.5%) and “Other Specified Uses” Annotated “Business” (“OU(B)”) (about 15.5%) <i>[No change to the zoning and development restriction. Both restricted to a maximum plot ratio (PR) of 12.0 and a maximum building height (BH) of 100 metres above Principal Datum (mPD), or the PR and height of the existing building(s), whichever is the greater]</i>
<b><u>Proposed Amendment</u></b>	: To rezone the application site from “C(1)” and “OU(B)” to “C(3)”

**1. The Proposal**

- 1.1 The applicants propose to rezone the application site (the Site) from “C(1)” (about 84.5%) and “OU(B)” (about 15.5%) to “C(3)” to facilitate the partial in-situ conversion of an existing commercial building to a proposed social welfare facility (residential care home for people with disabilities) (RCHD) with ancillary office and staff quarters (**Plan Z-1** and **Drawing Z-1**). To effectuate the proposal, the applicants propose to amend the Notes of “C” zone stipulating social welfare facilities with residential care under Column 1 uses at land designated “C(3)” on the OZP. According to the applicants, the proposed “C(3)” subzone will be restricted to a maximum PR of 12.0 and a maximum BH of 100mPD, which remain the same as the extant development restrictions. The

applicants' proposed amendment to the Notes of the OZP for the "C" zone is at **Appendix II**.

*The In-situ Conversion Proposal*

- 1.2 According to the indicative scheme (**Drawings Z-1 to Z-8**), eight storeys (out of nine storeys) of the existing commercial building will be converted to RCHD with ancillary office and staff quarters resulting in a total gross floor area (GFA) of 3,044m<sup>2</sup>, including non-domestic GFA and domestic GFA of 2,312m<sup>2</sup> and 732m<sup>2</sup> respectively (excluding non-domestic GFA of 894m<sup>2</sup> for permitted restaurant use on G/F and M/F under a different owner<sup>[1]</sup>).
- 1.3 The proposed RCHD would be located at 1/F to 5/F with the ancillary staff quarters at 6/F-7/F. A minor portion on G/F would be converted into an ancillary office. There is currently no internal parking and loading/unloading (L/UL) facility provided within the Site. The applicants propose that L/UL activities could be carried out at the setback area within the Site abutting the back alley (**Plans Z-2 and Z-3**).
- 1.4 The major development parameters under the current proposal are tabulated below. The indicative floor plans and section plans are at **Drawings Z-1 to Z-8**.

Major Development Parameters	Proposed Scheme of RCHD with ancillary office and staff quarters
Site Area (about)	464.515m <sup>2</sup>
PR/GFA of the RCHD with ancillary office and staff quarters	PR: 6.55 <sup>[#]</sup> GFA: 3,044m <sup>2</sup>
- RCHD and Ancillary Office	2,312m <sup>2</sup>
- Ancillary Staff Quarters	732m <sup>2</sup>
BH (Main Roof Level)	31.39mPD
No. of Beds in RCHD	120-180
No. of Beds for Staff	10-30

Notes:

<sup>[#]</sup> The existing commercial building has a total PR of about 8.48 based on the set of building plans approved in 10.8.1962. According to the applicants, the total PR of the existing building remains unchanged since the proposed scheme only involves partial conversion of certain floors for RCHD use.

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 30.4.2024 (Appendix I)
  - (b) Supporting Planning Statement (SPS) (Appendix Ia)
- 1.6 On 21.6.2024, the Metro Planning Committee (the Committee) of the TPB agreed to the applicants' request to defer making a decision on the application for two months.

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<sup>[1]</sup> The permitted restaurant uses on G/F and M/F are not owned by the applicants and do not form part of the applicants' proposed conversion scheme to RCHD use.

No further information was received upon the expiry of the specified two months period.

- 1.7** *In light of ‘gale/storm signal No. 8’ announced by the Government on 5.9.2024, the Committee agreed on 8.9.2024 to defer considering of the application to this meeting.*

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the SPS at **Appendix Ia**. They can be summarised as follows:

### Demand and Supply of RCHD

- (a) A consistent rise in the number of people with disabilities (PWDs) in Hong Kong was observed by the Equal Opportunity Commission and the current and planned RCHD beds are insufficient to meet the rising demand. The rising trend is expected to continue due to an aging population. PWDs constitute 7.1% of the population, totaling 543,200 individuals, with over half being over 60. There are about 11,068 cases on the waiting list for RCHD as of September 2023. Despite recent initiatives by the Government to expand rehabilitation services for PWDs, the waiting list remains extensive due to a slow turnover rate of PWD residents compared to that in Residential Care Homes for the Elderly (RCHE).
- (b) Among the 340 RCHDs that are currently operating, 82% is operated by the Government whereas 18% is operated by the private sector. As of September 2023, the Bought Place Scheme (BPS)<sup>[2]</sup> contributes 1,328 private sector beds, equating to 8% of total places. New policy incentives proposed under the 2023-24 Budget encourage the private sector to supply more RCHD beds. The applicants’ proposal for partial conversion for RCHD could address the service shortage and reduce waiting times.
- (c) The proposed RCHD would be operated privately under the BPS of the Social Welfare Department (SWD) in providing high level of care for the PWDs on the waiting lists for Long Stay Care Home or Hostel for Moderately Mentally Handicapped Persons. The proposed RCHD will provide about 120 - 180 beds with full range of amenities such as multi-functional rooms for therapy activities, nursing rooms and isolation rooms in meeting the various needs of PWDs. The proposed RCHD would comply with all statutory requirements, including the Residential Care Homes Ordinance (Cap. 613), its regulations, and related requirements. While the current proposal is indicative, the applicants would review specifications against RCHD licensing requirements and update relevant assessments and facilities.

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<sup>[2]</sup> The SWD launched the "BPS for Private RCHDs" to encourage private RCHDs to upgrade their service standards, to increase the supply of subsidised residential care places and to help the market develop more service options for PWDs.

Permitted Domestic Use in the Building under Lease and Occupation Permit

- (d) The 6/F and 7/F of the existing building (**Drawings Z-6 and Z-7**), currently used for domestic purposes under the land lease, were already in existence before the gazettal of first statutory plan in 1987. The building was erected at the same time as the surrounding pre-1987 industrial buildings (IBs). Despite being largely surrounded by manufacturing activities, its residential use has been considered acceptable. The proposed partial conversion for RCHD development will likely encounter less nuisance than before.
- (e) Dah Way Industrial Building (**Plan Z-2**), located northwest of the Building, was approved for transitional housing development by the Panel of Housing of the Legislative Council on 24.12.2020 which set an example in demonstrating government policy to motivate the private market to address acute need for residential units<sup>[3]</sup>. Similarly, with measures to address industrial and residential (I/R) interface problems, the subject building would be suitable for providing the RCHD development.

Planning Intention and Land Use Compatibility

- (f) The proposed partial conversion for RCHD development is in line with the "C(3)" zone by reflecting the evolving needs of the community. The revision to the Notes for "C" zone aligns with the Master Schedule of Notes adopted by the Town Planning Board (TPB), which includes 'Social Welfare Facilities' with residential care as a Column 1 use. The rezoning from "C(1)" and "OU(B)" to "C(3)" has a minimal impact on the loss of commercial floor space and would not infringe on the interests of other owners. Before the Site was rezoned in 2001, 'Social Welfare Facility' and 'Staff Quarters' were permitted uses. Most IBs at the building's surrounding have converted to commercial/office (C/O) buildings so industrial-related nuisances are anticipated to be minimal. Given the site history and recent changes in land use, this application warrants sympathetic consideration.
- (g) The proposed RCHD development is located at the fringe of the former Kwun Tong Industrial Area (KTIA) with minimal I/R interface issues. The area is now occupied by new C/O buildings while many old factories have been revitalised. The proposed development is near to the revitalised Tsui Ping River. The riverside public space and riverine amenity for the community would have positive effect on mental health and

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<sup>[3]</sup> Upon the introduction of revitalization of IB policy in 2009, the lot owners applied for a special waiver to convert the IB into C/O uses which was granted in 2018 with subsequent building works completed in 2020. The Chief Executive announced in the 2018 Policy Address to reactivate the revitalization of IB policy while one of the measures is to facilitate transitional housing. In this connection, the TPB agreed on 9.11.2018 to regard transitional housing projects in permanent buildings monitored by the Task Force of the Housing Bureau (the Task Force) and with a tenure of not more than 5 years as temporary use. According to the covering Notes of the OZP, temporary uses are always permitted as long as they comply with any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, and there is no need for these to conform to the zoned use. Given the situation, the Assessment Committee of the Task Force granted funding for the Society for Community Organization' proposal in providing about 116 transitional housing units at the former Dah Way Industrial Building under the 'Funding Scheme to Support Transitional Housing Projects by Non-Government Organisations. Subsequently, the lot owners applied for a temporary waiver for transitional housing use to the Lands Department (LandsD) in 2021, however, such waiver was not executed and the project was not proceeded with.

wellbeing for residents. Thus, the proposed "C(3)" subzone is compatible with the surrounding areas.

#### No Adverse Impact to the Surrounding Areas

- (h) There is no vehicular access and internal parking and L/UL facility provided on G/F. As G/F is not under the applicants' ownership, modification works to provide such facilities is infeasible. L/UL activities would be carried out at the setback area within the Site abutting the back alley (**Drawing Z-1**). The Site is easily accessible via franchised bus and green minibus, with the MTR Kwun Tong Station within walking distance, public transportation is anticipated to be the primary mode of transport for both staff and visitors. In view of the nature and scale of the proposed RCHD development, adverse traffic impact is not anticipated.
- (i) The Air Quality Impact Assessment (AQIA) and Noise Impact Assessment (NIA) concluded that the proposed use would not generate any adverse environmental impacts while drainage and sewerage impacts are not anticipated given the subject building is well-connected to the existing public drainage and sewer networks.

### **3. Compliance with the 'Owner's Consent/Notification' Requirements**

The applicants do not own the whole building. In respect of the other 'current land owner', the applicants have 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. 31B) by publishing notices in local newspapers and posting notice in a prominent position on or near the Site. Detailed information would be deposited at the meeting for Members' inspection.

### **4. Background**

Transformation of KTIA to Kwun Tong Business Area (KTBA)

- 4.1 The KTIA, bounded by King Yip Street, Kwun Tong Road and Shun Yip Street to the East, North and West respectively, has been a well-established industrial area since 1950s. To better cater for the changing needs of industrial and business sectors, the Planning Department commenced the Area Assessments of Industrial Land in the Territory (the Area Assessments 2000) and the findings and suggestions were considered by the TPB on 20.10.2000 (TPB Paper No. 5739). In particular, the Area Assessments 2000 proposed a new zoning mechanism, namely the "OU(B)" zone, which intended to be an employment zone to accommodate a wide range of economic activities, inter alia, clean industries, general office and commercial uses.
- 4.2 The Town Planning Board Guidelines No. 22D (TPB PG-No. 22D) for 'Development within "OU(B)" zone' was promulgated and revised to guide the development within "OU(B)" zone (**Appendix III**). To facilitate the transition from industrial to business

uses, the planning intention of “OU(B)” zone is clearly stated for general employment uses. A mix of non-polluting industrial, office and other commercial uses will be permitted as of right in new developments of business buildings while industrial uses involving offensive trades declared under the Public Health and Municipal Services Ordinance will not be permitted. In order to ensure that the concerns on fire safety and environmental impacts are properly addressed, only less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public will be permitted as of right in existing industrial and industrial-office (I-O) buildings within an “OU(B)” zone. As it is not possible to phase out existing polluting and hazardous industrial uses all at once, it is necessary to ensure compatibility of the uses within the same building and in existing industrial areas until the whole area is transformed to cater for the new non-polluting business uses.

- 4.3 KTIA was originally zoned “Industrial” (“I”) with seven small and isolated sites zoned “C”. In the Area Assessments 2000, KTIA was identified to be rezoned for ‘business’ use, rather than for other non-industrial uses, as it possessed characteristics for being a vibrant industrial area that is relatively accessible, there are planning approvals for I-O and commercial uses, and avoidance of I/R interface problem. The isolated “C” sites, being located near road junctions or major transport interchanges, had already been developed to provide a range of commercial uses including banks, office, restaurants, fast food shops and retail shops for the workers. To take forward the decision of the TPB, all industrial sites in KTIA were rezoned from “I” to “OU(B)” in 2001 with inclusion of the Notes for “OU(B)” aligning with the Master Schedule of Notes of the TPB, in which all domestic-related uses, inter alia, ‘Flat’, ‘Residential Institution’ and residential care of ‘Social Welfare Facility’, were explicitly excluded from Column 1 and Column 2 as per the Master Schedule of Notes. In tandem, the seven “C” sites within KTIA were rezoned to “C(1)” with the Notes tailor-made to be consistent with those for “OU(B)” zones. In “C(1)”, all uses with ‘living-in’ elements save for hotel are specifically excluded to reinforce the character and intention of KTBA being an economic and employment hub. Such designation is also consistent with the commercial zones within the Kowloon Bay business district having the same planning background and intention.

## **5. Previous Applications**

- 5.1 The Site is the subject of two previous s.16 planning applications (No. A/K14/593 and 762) submitted by one of the applicants for proposed hotel and hotel (guesthouse) which were approved by the Board upon review on 25.9.2009 and on 16.11.2018 respectively. Details of the previous planning applications are summarised at **Appendix IV** and their locations are shown on **Plan Z-1**.
- 5.2 Application No. A/K14/593 involving conversion of 4/F and 5/F of the existing commercial building for proposed hotel with 52 guestrooms (without any parking and L/UL facility) was approved with conditions upon review by the Board on 25.9.2009 as majority of Members generally supported the application in that the proposed guesthouse use would not jeopardize the planning intention of the “C(1)” zone and other case specific considerations, such as the concerns on natural lighting and

ventilation could be addressed by the revised layout and there was no adverse comment/objection from the concerned Government departments. Application No. A/K14/762 involving conversion of 2/F to 5/F of the existing commercial building for proposed hotel (guesthouse) with 49 guestrooms (without any parking and L/UL facility) was approved with conditions by the Board on 16.11.2018 in that the proposed development is considered not in conflict with the planning intention of the “C(1)” zone and compatible with the changing land use character of KTBA and there was no adverse comment/objection from the concerned Government departments.

- 5.3 Both planning permissions have lapsed since the developments thereby permitted were not commenced.

## 6. Similar Application

There is no similar application in respect of “C(1)” and “OU(B)” zones of the OZP.

## 7. Site and Its Surrounding Areas (Plans Z-1 to Z-5 and Drawing Z-1)

### 7.1 The Site:

- (a) is occupied by a nine-storey commercial building built in 1965 currently under multiple ownerships:

Floor <sup>[^]</sup>	Main Uses
G/F	Eating place, lift lobby of the building
M/F- 2/F	Eating place
3/F- 4/F	Vacant
5/F	Eating place
6/F to 7/F	Staff quarters <sup>[+]</sup>

<sup>[^]</sup> 1/F to 7/F are numbered as 2/F to 8/F on site, i.e. 1/F is omitted. The building is served by two common lifts and two common staircases while the restaurant on G/F is served by a separate entrance.

<sup>[+]</sup> The applicants indicate that, according to the Occupation Permit (OP) issued by the Building Authority (BA) in 1965, 6/F and 7/F of the subject building are designated for staff quarters, which are also allowed under the lease conditions of the Site. In other words, such uses were in existence before the publication in the Gazette of the notice of the first statutory plan (the first plan) covering the land or building in 1987. In the current submission, the existing staff quarters remain unchanged and the applicants stated that it will only be used by the staff employed by the RCHD.

- (b) has no internal transport facilities except the setback area (about 3.05m (W) × 23.7m (L)) at G/F of the Site being designated for the parking and L/UL of motor vehicles under lease conditions; and
- (c) is located about 500m to the southwest of Kwun Tong MTR Station.

7.2 The surrounding areas have the following characteristics (**Plans Z-1 to Z-3**) :

- (a) the buildings along Hung To Road are mainly IBs and I-O buildings which are generally under industrial/warehousing and office uses;
- (b) besides Yue Xiu Industrial Building<sup>[4]</sup> locating directly across Hung To Road, some IBs and I-O buildings, namely Ray Centre<sup>[5]</sup>, Kras Asia Industrial Building, Milkyway Building, Joint Venture Factory Building, Lee On Industrial Building and Ever Win Centre are located along Hung To Road;
- (c) some C/O buildings (redevelopments or wholesale conversions) can also be found in the surroundings, namely Rich China Center (the former Dah Way Industrial Building), KOHO, EGL Tower, Contempo Place, the Vision and Manulife Financial Centre, as well as a hotel development known as Dorsett Kwun Tong;
- (d) the G/F units of the nearby buildings are mainly used as a recycling store, motor repair services, courier services, retail shops and eating places; and
- (e) a comprehensive residential development, Laguna City, is approximately 200m to the southeast across Tsui Ping River and Kwun Tong By-pass.

## **8. Planning Intentions**

- 8.1 The planning intention of the “C(1)” zone is primarily for commercial developments, which may include shop, services, place of entertainment and eating place serving the needs of local workers.
- 8.2 The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings. Less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial or industrial-office buildings.

## **9. Comments from Relevant Government Bureau/Departments**

- 9.1 The following Government bureau/departments have been consulted and their views on the application are summarized as follows:

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<sup>[4]</sup> A licence for storage of dangerous goods (DG) was issued to a jean manufacturing operation at 4/F of the IB which was revoked.

<sup>[5]</sup> A special waiver for conversion of Ray Centre, which is an IB, for office, eating place and shop and services uses was granted to the lot owner on 1.2.2013. The waiver was terminated by LandsD on 1.2.2019 subsequent to non-completion of the associated conversion works by 31.1.2019.



### **Land Administration**

9.1.1 Comments of the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD):

- (a) the Site falls within KTIL No. 203 (“the Lot”) which is held under Conditions of Sale No. UB6678 executed in 1961 with lease term to be expired on 30.6.2047. The lease conditions of the Lot contain, inter alia, the following restrictions:
  - (i) the Lot shall be used only for the purpose of a restaurant;
  - (ii) no building shall be erected on the lot except a restaurant, ancillary offices and quarters for persons employed on the premises; and
  - (iii) the persons to be subject to approval of the Commissioner of Labour.
- (b) the proposed use of the Premises for RCHD is in breach of the relevant lease conditions. The applicants should note his detailed comments at **Appendix IV**.

### **Social Welfare**

9.1.2 Comments of the Secretary for Labour and Welfare (SLW) and the Director of Social Welfare (D of SW):

to enable market diversity in the provision of residential care services for PWDs for addressing demand for quality service, they have no in-principle objection to the proposed private RCHD on the conditions that:

- (a) the proposed RCHD shall incur no financial implication, both capital and recurrent, on the Government;
- (b) the design and all relevant works for the proposed RCHD shall be in full compliance with all relevant statutory and licensing requirements; and
- (c) no guarantee and commitment that residential care places of the proposed RCHD would be purchased by SWD under the BPS.

### **Energizing Kowloon East Initiative**

9.1.3 Comments of the Head of Energizing Kowloon East Office, Development Bureau (Head of EKEO, DEVB):

she has no adverse comment on the application. It is noted that the application is seeking for inclusion of ‘Social Welfare Facility (involving residential care)’ as an always permitted use for the subject site to facilitate the proposed partial

conversion of the existing building at the site for the proposed RCHD. Some of the existing premises within the application site are currently used as restaurants, the proposal will inevitably reduce some supporting catering services in the KTBA, however the involvement of the floor space is not substantial and that the “C” zone of the site has remained unchanged. We trust the feasibility and merit of the proposal would be duly assessed by the relevant bureaux/departments from the policy and technical perspectives.

### **Environmental Aspect**

#### **9.1.4 Comments of the Director of Environmental Protection (DEP):**

he cannot support the application as there is insufficient information to demonstrate the environmental acceptability of the proposed development.

#### *AQIA and NIA*

- (a) the submitted AQIA is of low quality and incomplete. His technical comments on the AQIA and NIA are at **Appendix IV**.

#### *Sewerage Impact Assessment (SIA)*

- (b) a SIA is required to assess the potential impact on the existing sewerage system and, where appropriate, to demonstrate the effectiveness of mitigation measures, if any. No submission has been made by the applicants.

### **Drainage Aspect**

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

he has reservation to the application from the public drainage maintenance viewpoint as there is insufficient information provided by the applicants to demonstrate that the proposed development would not exceed the service capacity of the existing provision and would not generate adverse impact to the public sewerage system and drainage system downstream. His technical comments are at **Appendix IV**.

### **Fire Safety**

#### **9.1.6 Comments of the Director of Fire Services (D of FS):**

he has no in-principle objection to the applications subject to fire service installations and equipment being provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. His detailed comments are at **Appendix IV**.

### **Building Safety Aspect**

9.1.7 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD):

he has no objection to the application and his comments are at **Appendix IV**.

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

- (a) Chief Architect/Advisory and Statutory Compliance, Architectural Services Department;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Highway Engineer/Kowloon, Highways Department;
- (d) Chief Town Planner/Urban Design and Landscape, PlanD;
- (e) Commissioner for Transport;
- (f) Commissioner of Police;
- (g) Director of Food and Environmental Hygiene;
- (h) Director of Leisure and Cultural Services; and
- (i) District Officer (Kwun Tong), Home Affairs Department.

## **10. Planning Considerations and Assessments**

10.1 The application is to rezone the Site from “C(1)” (the building area) and “OU(B)” (the building setback area) to “C(3)” and stipulate social welfare facilities with residential care as Column 1 use for the “C(3)” subzone to facilitate partial in-situ conversion (portion of G/F, 1/F to 7/F) of an existing commercial building at the KTBA to a proposed RCHD with ancillary office and staff quarters. The maximum PR of 12.0 and a maximum BH of 100mPD for the Site would remain unchanged.

### **Planning Intention and Land Use Compatibility**

10.2 To better cater for the changing needs of industrial and business sectors, all industrial sites and the isolated commercial sites in KTIA were rezoned to “OU(B)” and “C(1)” in 2001. Under both “C(1)” and “OU(B)” zones, all uses with ‘living-in’ element<sup>[6]</sup> save for hotel were expressly excluded from Column 1 and Column 2 of the Notes. It represents a clear planning intention to sustain KTBA as a key economic and employment hub. Later with the Government’s initiatives including IB revitalisation, many industrial floor space in KTBA have been changed into various commercial and business developments. Commercial uses, previously limited to seven sites zoned “C(1)” and intended to support KTIA, are now permissible in redeveloped or wholesale-converted developments in “OU(B)” sites.

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<sup>[6]</sup> ‘Flat’, ‘Residential Institution’ and ‘Social Welfare Facility’ with residential care are excluded.

- 10.3 The Site is located at a corner site abutting Hung To Road and King Yip Lane at the fringe of KTBA, neighbouring the revitalized Tsui Ping River and a mature residential development Laguna City. Its immediate neighbours on the same streets in KTBA are largely converted or redeveloped into C/O and hotel developments (**Plan Z-2**), except two IBs which are mainly for warehouse and office uses. Considering the small size of the site and the area transformation in the locality, the loss of commercial floor spaces for KTBA arising from this application can be considered insignificant. In fact, while RCHD is considered more a residential/ community facility than an employment-oriented use, there may be scope to enable such use at the Site subject to technical feasibility, given its unique site context and circumstances, so that the building/ land can be put to gainful uses that are timely and beneficial to its residential neighbour. In this connection, Head of EKEO has no adverse comment on the proposed RCHD.
- 10.4 The proposed RCHD is considered compatible with the permitted uses of the “C” zone including the current restaurant(s) on G/F and M/F of the same building. While the said premises/ restaurant(s) has a separate access at G/F, access to the M/F has to be shared with the proposed RCHD via the common areas of the building (i.e. lifts and staircases). Such kind of interface in general could generally be dealt with at detailed design and operation stages. However, as the proposal involves conversion and share use with commercial activities at lower floors, the scale of RCHD that is operationally feasible would hinge on the operation/ activities of the lower floors and be subject to constraints such as internal access to different floors and lift capacity of the existing building.

#### Demand and supply for RCHD

- 10.5 According to the Legislative Council Brief<sup>[7]</sup> dated 13.12.2023, there is a keen demand for RCHDs, particularly for subsidized places. As at September 2023, there was a total supply of 15,344 subsidised RCHD places and there were 11,068 persons on the waiting list. At the same time, there were 77 private RCHDs, providing 3,973 places. It is clear that the current supply falls short of meeting the demand. Among other measures to increase the supply of subsidized RCHDs, the Government in its 2023 Policy Address announced the Incentive Scheme to Encourage Provision of Residential Care Homes for Persons with Disabilities in New Private Developments (Incentive Scheme). Despite the proposed RCHD only involves partial conversion of an existing building and is not eligible for the Incentive Scheme, it is formulated in line with the government policies to increase supply in RCHD places. According to the applicants, the private RCHD can provide about 120 to 180 beds with full range of amenities in meeting the various needs of PWDs, and is capable of providing high level of care for the PWDs on the waiting lists for Long Stay Care Home or Hostel for Moderately Mentally Handicapped Persons. In this connection, in order to enable market diversity in the provision of residential care services for PWDs for addressing demand for quality service, SLW and D of SW have no in-principle objection to the application.

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[7] Legislative Council Brief jointly prepared by the Labour and Welfare Bureau, DEVB, and SWD on the Incentive Scheme to Encourage Provision of Residential Care Homes for Persons with Disabilities in New Private Developments.

### Technical Aspects

- 10.6 As the Site is situated in a mixed industrial, I-O and office area, the proposed RCHD might be vulnerable to interface problems such as emissions and noise (**Plan Z-2**) as well as storage and use of dangerous goods arising from the industrial operations in the locality. It is noted, nevertheless, that such industrial operation and impacts must conform to relevant legislations and licensing requirements. While TD and FSD have no adverse comments on the submissions in respect technical issues under their purview, there are concerns on environmental aspects. Although the findings of the submitted AQIA states that the air quality impact on residents at the proposed RCHD would not be significant, DEP considers that the submission of AQIA is of low quality and incomplete. In terms of noise impact, despite the NIA findings that no adverse noise impact is anticipated with incorporation of mitigation measures, like prescribed windows, DEP has reservation on the applicants' submission noting that the applicants have failed to address his comments.
- 10.7 In addition, the proposed RCHD itself would generate impacts to the infrastructure of the area. On sewerage and drainage aspects, DEP and CE/MS, DSD consider that SIA and DIA should be submitted to demonstrate the RCHD would not generate adverse impact to the public sewerage system and drainage system downstream. However, no submission of the requested SIA and DIA has been made by the applicants. On the whole, DEP and CE/MS, DSD have reservations on the applicants' indicative conversion scheme as the applicants fail to demonstrate that the Site will not be subject to adverse air and noise impacts and the proposed RCHD would not generate adverse sewerage and drainage impacts.

### Development Restrictions to be stipulated on the OZP

- 10.8 In view of the above assessments, consideration could be given to rezone the Site from "C(1)" and "OU(B)" to "C(3)" to facilitate the private RCHD. Nevertheless, in the absence of measures on detailed design and operation to address the issues with the other users of the building as well as technical support from EPD and DSD to address the impacts on and generated by the RCHD, it is suggested to amend the Notes of the OZP for "C(3)" zone to include residential care of 'Social Welfare Facility' as a Column 2 use, rather than Column 1 use as proposed by the applicants, requiring planning permission from the TPB to ensure that the applicants will demonstrate the technical feasibility of the proposed RCHD scheme at the s.16 planning application stage.

## **11. Planning Department's Views**

- 11.1 Based on the assessments made in paragraph 10 above, the Planning Department has no in-principle objection to rezone the Site and recommends the Committee to partially agree to the application to amend the Notes of "C" zone by stipulating *Social Welfare Facilities (not elsewhere specified) (on land designated "C(3)" only)* under Column 2 uses to facilitate the proposed RCHD at the Site.

- 11.2 Should the Committee decide to agree or partially agree to the application, details of the amendments to the approved Kwun Tong (South) OZP No. S/K14S/26 would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance.
- 11.3 Alternatively, should the Committee decided not to agree to the application, the following reasons are suggested for Members' consideration:
- (a) the Site is situated at KTBA which is intended for and established as an economic and employment hub. The use applied for under the application is not in line with the planning intention of KTBA. There is no strong planning justification to amend the Notes for "C" zone to allow RCHD development in KTBA; and
  - (b) RCHD development is considered not compatible with the industrial uses which are still active at present in the vicinity of the Site. The applicants fail to demonstrate in the submission that the Site will not be subject to adverse air and noise impacts and the proposed RCHD would not generate adverse sewerage and drainage impacts.

**12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 12.2 Should the Committee decide not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicants.

**13. Attachments**

<b>Appendix I</b>	Application form received on 30.4.2024
<b>Appendix Ia</b>	SPS received on 30.4.2024
<b>Appendix II</b>	Proposed Amendments to the Notes of the "C" Zone
<b>Appendix III</b>	TPB PG-No. 22D on Development within "OU(B)" Zone
<b>Appendix IV</b>	Summary of Previous Planning Applications
<b>Appendix V</b>	Detailed Comments from Government Departments
<b>Drawings Z-1 to Z-7</b>	Indicative Floor Plans
<b>Drawing Z-8</b>	Indicative Section
<b>Plan Z-1</b>	Location plan
<b>Plan Z-2</b>	Site Plan
<b>Plan Z-3</b>	Aerial Photo
<b>Plans Z-4 to Z-5</b>	Site Photos