

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/I-CC/25

- Applicant** : Chung Shak Hei (Cheung Chau) Home for The Aged Limited represented by Chung Wah Nan Architects Ltd.
- Site** : Junction of Ping Chong Road and Pak She Praya Road, Cheung Chau
- Site Area** : About 760m²
- Lease** : Government Land (GL)
- Plan** : Draft Cheung Chau Outline Zoning Plan No. S/I-CC/8
- Zoning** : “Government, Institution or Community (4)” (“G/IC(4)”) [restricted to maximum building height of 2 storeys (7.62m)]
- Application** : Proposed Minor Relaxation of Building Height Restriction for Permitted Social Welfare Facility (Residential Care Home for the Elderly)

1. The Proposal

- 1.1 The applicant seeks planning permission for the proposed relaxation of the building height (BH) restriction from 2 storeys to 3 storeys (from 7.62m to 11.5m) for permitted social welfare facility (residential care home for the elderly (RCHE)) at the application site (the Site) (**Plan A-1**). According to the applicant, the proposed RCHE is to replace the existing Chung Shak Hei (Cheung Chau) Home for the Aged which does not meet current-day requirements. The Site falls within an area zoned “G/IC (4)” on the draft Cheung Chau Outline Zoning Plan No. S/I-CC/8 (the OZP). According to the Notes of the OZP, social welfare facility is always permitted in the “G/IC(4)” zone. Minor relaxation of the BH restriction requires planning permission from the Town Planning Board (the Board).
- 1.2 According to the application, the G/F of the building will include a parking space for golf cart (village vehicle), kitchen, laundry, transformer room and office. Facilities such as dormitory rooms, rehabilitation areas, dining/multi-purpose rooms, activity rooms and isolation rooms will be provided on G/F, 1/F and 2/F. The development will provide 20 dormitories to accommodate 114 elderly.

- 1.3 The Site is a piece of undesignated GL and has an area of 760m². The proposed development comprises a 3-storey block with a height of 11.5m, total gross floor area of about 2,180m², plot ratio of about 2.9 and site coverage of about 98.4%. The proposed minor relaxation will result in an increase of 1 storey (3.88m) as compared to the current BH restrictions stipulated on the OZP.
- 1.4 Relevant technical assessments including visual impact assessment (VIA), preliminary environmental review (PER) and preliminary geotechnical review (PGR) are also included in the application (**Appendix I**).
- 1.5 Floor layouts and section plans of the proposed development and photomontages submitted by the applicant are at **Drawings A-1 to A-12**.
- 1.6 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 3.3.2021 (**Appendix I**)
 - (b) Supplementary Information received on 9.3.2021 submitting replacement pages for revised layout plans (**Appendix Ia**)
 - (c) Further Information received on 15.4.2021 providing responses to departmental comments (*exempted from publication and recounting requirements*) (**Appendix Ib**)
 - (d) Further Information received on 21.4.2021 providing responses to departmental comments (*exempted from publication and recounting requirements*) (**Appendix Ic**)

2. Justifications from the Applicant

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

- (a) the proposed development is in line with Government's policy with the objective to promote a sense of worthiness among the elderly;
- (b) the existing Chung Shak Hei (Cheung Chau) Home for the Aged is subject to a lot of constraints that it could not be converted to long term care (LTC) services to meet the current standard and area required by Social Welfare Department (SWD);
- (c) in accordance with the guidelines of the Schedule of Accommodation (Elderly Services) issued by SWD, the proposed increase of 1 storey (BH of 3.88m) is due to a standard requirement of a 1m high double slab over the transformer room and to accommodate all required facilities for the 114 residents;
- (d) the proposed increase of BH will be in tune with the existing urban context. Only the highest floor and part of the upper roof structure will be visible to pedestrians and residents surrounding the proposed development. The original sea view enjoyed by the residents of Cheung Kwai Estate at a high platform

will be largely maintained. The VIA concludes that the proposed increase in BH is acceptable in terms of visual impact; and

- (e) the PER and PGR confirm that the proposed development has no adverse impacts on environmental performance and geotechnical conditions.

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

As the Site only involves GL, the ‘Owner’s consent/notification’ requirements as set out in the TPB PG-No. 31A are not applicable to the application.

4. Background

- 4.1 The proposed RCHE at the Site is to replace the existing 2-storey Chung Shak Hei (Cheung Chau) Home for the Aged located at Pak Che, Cheung Chau (**Plan A-1**). The original site has an area of about 850m² and is a piece of GL. The applicant has joined the conversion programme initiated by SWD in 2005 which aims at phasing out self-care hostel and home for the aged places and re-engineering the resources to provide LTC services for elderly. There are however technical constraints to convert the existing premises to provide LTC services and there is also decanting problem of existing residents. Renovation works are also considered not technically viable as the existing premises are not equipped with lift facility to meet current-day barrier-free access requirements. The redevelopment and expansion of the Chung Shak Hei (Cheung Chau) Home for the Aged at the Site is therefore proposed and supported by SWD. Formal GL allocation to facilitate the proposed development will be submitted by SWD.
- 4.2 The existing Home for the Aged at Pak Che is currently providing 106 residential places for the elderly (35 Meal places and 71 Care-and-Attention (C&A) places). The proposed redevelopment at the Site will provide 114 C&A places and offer facilities in accordance with the guidelines of the Schedule of Accommodation (Elderly Services) issued by the SWD. Upon completion of the proposed development at the Site, the existing site at Pak Che will be returned to the Government.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

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

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

7.1 The Site is:

- (a) at the foothills of Cheung Kwai Estate along the north-west coast of Cheung Chau (**Plan A-1**);
- (b) generally flat, vacant and overgrown with shrubs and grass (**Plans A-4a to A-4c**); and
- (c) accessible from Ping Chong Road and Pak She Praya Road.

7.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) the surrounding area is occupied by several commercial uses, GIC facilities and rural industrial uses;
- (b) to its east is the 2-storey Cheung Chau Commercial Centre under renovation;
- (c) to its south and further south is a 2-storey industrial building and ship repairing workshop and a waterfront area with a pier;
- (d) to its west is an existing sitting-out area and a loading and unloading area;
- (e) to its north and further north is an ice-making plant and Cheung Kwai Estate, a mid-rise public housing estate located uphill; and
- (f) Cheung Chau Ferry Pier is about 580m to the southeast of the Site.

8. Planning Intention

The planning intention of “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):

- (a) he has no in-principle objection to the subject planning application from the land administration point of view;
- (b) the Site is on unleased and unallocated GL. The Director of Social Welfare (DSW) has advised that they would formally apply for a permanent government land allocation (PGLA). If DSW submits an application for PGLA, it will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that the PGLA will be approved by LandsD; and
- (c) proposed architectural features of the proposed development would protrude outside the subject site and onto the adjoining public roads / public lane and the adjoining GL let under Short Term Tenancy (STT No. CX1533).

Social Welfare

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

- (a) the proposal submitted by the applicant is generally in line with the agreed scope of development for the proposed RCHE made in October 2019 between the SWD and the applicant for seeking approval of Lotteries Fund for the conduct of a technical feasibility study. With a view of accommodating all the required facilities for the proposed 114-place RCHE in the limited area at the Site, he from the welfare service perspective has no adverse comment on the application for minor relaxation of BH restriction subject to any considerations of the Board and relevant government departments; and
- (b) the applicant should take this opportunity to ensure the design and construction of the proposed RCHE be in full compliance with all relevant prevailing ordinances, regulations and codes of practice enforcing in Hong Kong and any licensing requirements issued by the SWD.

Environment

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

- (a) no objection to the application from environmental planning and sewerage point of view; and

- (b) the applicant is required to submit a Sewerage Impact Assessment to the Environmental Protection Department to confirm proper discharge to the existing sewerage.

Urban Design and Visual

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

- (a) according to the Town Planning Board Guidelines No. 41 on Submission of Visual Impact Assessment for Planning Applications to the Town Planning Board, Visually Sensitive Receivers (VSRs) should be in the interest of the public and at human eye level. According to the public views of some VSRs in the VIA (e.g. VSRs 2.1, 2.2 and 3.1), it is noted that while there will be a slight loss in sky view and the spatial openness, it is considered not incompatible with the existing character of the area and overall height profile (**Drawings A-9 to A-12**); and
- (b) given the lack of greenery and high site coverage in the proposed development on G/F, the applicant may consider the provision of more permeable design on G/F and other design measures, including but not limited to façade treatment, green-roof, vertical greening, peripheral planting, setback to minimize the potential visual impact from the proposed development, and enhance its compatibility with the surrounding environment.

9.1.5 Comments of Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

it is noted that the proposed social welfare facility (RCHE) consists of a 3-storey building with BH of 16.1mPD, which is marginally higher than adjacent 2-storey developments, such as Sing Yip Industrial Building and 2-5 Pak Sha Praya Road. The proposed development may not be incompatible with adjacent developments.

Landscape

9.1.6 Comments of CTP/UD&L, PlanD:

- (a) the Site is situated in an area of rural township landscape character predominated by surrounding village houses and neighbouring G/IC facilities. The proposed development is considered not incompatible with the landscape character of the surrounding area. As such, she has no objection to the application from landscape planning perspective; and
- (b) the applicant is advised to provide recreational facilities, and amenity planting, such as peripheral planting, benches and outdoor fitness equipment for enjoyment of the users.

Fire Safety

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

- (a) no specific comment on the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his Department;
- (b) EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 administered by Buildings Department (BD); and
- (c) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Traffic

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

since the applicant only seeks planning permission for permitted social welfare facility with minor relaxation of BH restriction, she has no in-principle objection to the captioned application from the traffic engineering point of view.

Building Matters

9.1.9 Comments of the Chief Building Surveyor/New Territories East 1 & Licensing, Buildings Department (CBS/NTE1&L, BD):

- (a) the Site is currently located on GL, which is exempted from the provisions of the Buildings Ordinance (BO) under Section 41(I) of the BO. If the Site becomes a leased land and/or there will be a tenancy agreement signed between SWD and the non-government organization, the new building works thereon should be subject to the control under the BO; and
- (b) other detailed comments provided under the BO are in **Appendix II**.

District Officer's Comments

9.1.10 Comments of District Officer (Islands), Home Affairs Department (DO/Is, HAD):

her office has not received any comment on the application from the public.

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

- (a) Head of Sustainable Lantau Office, Civil Engineering and Development Department;
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Chief Engineer/Hong Kong & Islands, Drainage Services Department; and
- (e) Director of Electrical and Mechanical Services Department.

10. Public Comment Received During Statutory Publication Period

On 12.3.2021, the application was published for public inspection. During the first 3-week statutory public inspection period, which ended on 7.4.2021, one public comment was received from an individual, raising question on whether the roof top area will be landscaped for the enjoyment of the residents of the RCHE (**Appendix II**).

11. Planning Considerations and Assessments

- 11.1 The applicant seeks planning permission for minor relaxation of BH restriction for the permitted RCHE within an area zoned “G/IC(4)” which is subject to a maximum BH of 2 storeys (7.62m) on the OZP. The application involves an increase in BH of 1 storey (3.88m) (+ about 50%), leading to a total BH of 3 storeys (11.5m) of the proposed RCHE development. The proposed development is to replace the existing Home for the Aged at Pak Che, Cheung Chau (**Plan A-1**) with upgrading of facilities from self-care hostel to LTC services. According to the applicant, the existing premises are not equipped with lift facility and there are technical constraints to convert the existing premises to provide LTC services. There is also decanting problem of the existing residents. The increase in 1 storey for the proposed development at the Site is to accommodate all the required facilities for the 114 residents. As confirmed by DSW, the proposed scheme is generally in line with the agreed scope of development between the SWD and the applicant. Furthermore, the RCHE at the Site will be subject to relevant licensing requirements administered by the SWD. In this connection, the proposed minor relaxation of BH restriction merits special consideration.
- 11.2 Technical assessments including PER, VIA and PGR have been conducted for the proposed development. While DEP has no objection to the application, he advises that a SIA to confirm proper discharge to the existing sewerage is necessary. To this end, an approval condition to address DEP’s concern is recommended in para 12.2 (b) for Members’ consideration.
- 11.3 In terms of urban design and landscape, the Site is surrounded by 2-storey commercial, industrial, and ship repairing workshop buildings (**Plan A-2**). As advised by CTP/UD&L, PlanD, the proposed relaxation in BH restriction is

considered not incompatible with the landscape character of the surrounding area. While there will be a slight loss in sky view and the spatial openness as viewed from some VSRs as noted from the VIA, the proposal is not incompatible with the existing character of the area and overall height profile (**Drawings A-9 to A-12**). CA/CMD2, ArchSD also advises that the proposed BH of 16.1mPD is marginally higher than adjacent 2-storey developments and may not be incompatible with adjacent developments. Regarding CTP/UD&L's concerns on lack of greenery and high site coverage of the proposed development, an advisory clause on provision of more permeable design on G/F and other design measures is recommended in paragraph (b) of **Appendix III** for Members' consideration.

- 11.4 Head of Geotechnical Engineering Office, Civil Engineering and Development Department has no comment on the PGR and other relevant government departments consulted have no objection to / adverse comments on the application on technical aspects.
- 11.5 Regarding the public comment raising question on landscaping the roof top area for the use of the residents in the RCHE, paragraph 11.3 is relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decided to approve the application, it is suggested that the planning permission shall be valid until 30.4.2025, 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 and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the provision of fire service installations and water supplies for firefighting to the satisfaction of Director of Fire Services or of the Town Planning Board; and
- (b) the submission of a Sewerage Impact Assessment to the satisfaction of Director of Environmental Protection or of the Town Planning Board.

Advisory Clauses

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

- 12.3 There is no strong reason to reject the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

14. Attachments

Appendix I	Application form received on 3.3.2021
Appendix Ia	Supplementary Information received on 9.3.2021
Appendix Ib	Further Information received on 15.4.2021
Appendix Ic	Further Information received on 21.4.2021
Appendix II	Detailed Comments of the Chief Building Surveyor/New Territories East 1 & Licensing, Buildings Department
Appendix III	Public Comment received during the Statutory Publication Period from 12.3.2021 to 7.4.2021
Appendix IV	Advisory Clauses
Drawings A-1 to A-8	Location plans, floor layout plans and section plans submitted by the applicant
Drawing A-9	VSR and photomontage viewpoints submitted by the applicant
Drawings A-10 to A-12	Photomontages submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

PLANNING DEPARTMENT

APRIL 2021