

RNTPC Paper No. A/NE-KTS/537
For Consideration by
the Rural and New Town
Planning Committee
on 21.6.2024

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/537

- Applicant** : Crown Ace Limited
- Site** : Lots 382 S.A, 382 S.B, 382 S.C, 382 S.D and 382 RP in D.D.94, Hang Tau, Sheung Shui, New Territories
- Site Area** : 1,100 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/21 (currently in force)
- Approved Kwu Tung South OZP No. S/NE-KTS/20 (at the time of submission)
[no change to the zoning of the application site on the OZP]
- Zoning** : “Agriculture” (“AGR”) (about 53%)
- “Village Type Development” (“V”) (about 47%)
[Maximum building height of 3 storeys (8.23m)]
- Application** : Renewal of Planning Approval for Temporary Social Welfare Facility (Private Residential Care Home for Persons with Disabilities) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary social welfare facility (private residential care home for persons with disabilities) (RCHD) for a period of 3 years at the application site (the Site). The Site currently falls within an area partly zoned “AGR” and partly zoned “V” on the draft Kwu Tung South OZP No. S/NE-KTS/21 (**Plan A-1**). According to the Notes of the OZP, ‘Social Welfare Facility’ is a Column 2 use within the “V” zone which requires planning permission from the Town Planning Board (the Board). For the “AGR” zone, the use is neither a Column 1 nor Column 2 use. Nevertheless, temporary use not exceeding a period of three years could seek planning permission from the Board notwithstanding that the use is not provided

for under relevant Schedule of Uses of the OZP. The Site is currently used for the applied use with valid planning permission under the previous application No. A/NE-KTS/496. All the approval conditions have been complied with and the planning permission is valid until 20.7.2024.

- 1.2 According to the applicant's submission, the three existing New Territories Exempted Houses (NTEHs) on the Site for RCHD use are 3-storey (8.23m) in height with house footprint of 65.03 m² each with total gross floor area of about 585.27 m² for provision of 75 beds. It is for rehabilitation of disabled persons and ex-mentally ill persons. The RCHD operates daily and the visiting hours are from 10 a.m. to 6 p.m. daily. The Site is accessible from Fan Kam Road via a village road. An ingress/egress is at the eastern tip of the Site (**Plan A-2**). It is estimated that the RCHD generates one vehicle trip/day which would be a small van. The site plan and floor plans submitted by the applicant are at **Drawings A-1 to A-4**.
- 1.3 The Site is involved in 5 previous applications (details in paragraph 6 below). Compared with the last application No. A/NE-KTS/496, the current application is the same in terms of applied use, site area/boundary, layout and major development parameters.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with supplementary information (**Appendix I**)
received on 25.4.2024
 - (b) Further Information (FI) received on 4.6.2024* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary information and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The applied use would provide 75 beds for rehabilitation of disabled persons and ex-mentally ill persons. The operation time of the RCHD is 24 hours daily. The Licence of Residential Care Home for Persons with Disabilities has been issued by the Social Welfare Department (SWD) to operate the RCHD since November 2019. The applicant has satisfied the standards on fire safety, building safety and general management.
- (b) The applicant had complied with all the approval conditions under the last planning permission. The existing fire service installations (FSIs), drainage facilities, lawns, trees and shrubs are all well maintained. There is no change in the setting, layout and structure in the applied use.
- (c) No complaint from the neighbourhood has been received since the operation of the RCHD on the Site from 2011. To prevent disturbance to the neighbourhood, the

residents are usually accompanied by the staff or relatives when they leave the RCHD and the main gate is closed at all times. The resting time of the residents is at 9 p.m..

- (d) The Site is accessible from Fan Kam Road via a village road. The use generates 1 trip/day with a small van. Visitors are advised to travel to/from the Site by public transport.

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

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

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Uses or Development” (TPB PG-No. 34D) are relevant to this application. The relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The Site is currently not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 The Site, in part or in whole, is involved in 5 previous applications (No. A/NE-KTS/146, 344, 406, 458 and 496) which were all approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board. Application No. A/NE-KTS/146 covering a small portion of the Site for a proposed house (NTEH – Small House) was approved with conditions by the Committee in 2001. The NTEH is one of the 3 existing houses in this application.
- 6.2 The remaining 4 planning applications No. A/NE-KTS/344, 406, 458 and 496 covering the whole Site for the same use submitted by the same applicant as the current application were approved with conditions on a temporary basis by the Committee between 2013 and 2021, mainly on the considerations that the use could provide residential care home services to person with disabilities; the use was not incompatible with the surrounding areas; and no significant adverse traffic, environmental, drainage, sewerage, fire safety and landscape impacts on the surrounding areas were anticipated. Notwithstanding, the planning permissions under applications No. A/NE-KTS/344 and

406 were revoked in 2015 and 2018 respectively due to non-compliance with the approval conditions on the implementation of the proposals of emergency vehicular access arrangement, water supplies for firefighting and FSIs. All the approval conditions were complied with under applications No. A/NE-KTS/458 and 496.

- 6.3 Compared with the last approved application (No. A/NE-KTS/496), the current application is the same in terms of the site area/boundary, layout and major development parameters. The planning permission is valid until 20.7.2024.
- 6.4 Details of the previous applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.

7. Similar Application

- 7.1 There is one similar application (No. A/NE-KTS/446) for social welfare facility (RCHD) within the same “V” zone in the vicinity of the Site. The application was approved with conditions by the Committee in 2017 on similar considerations as stated in paragraph 6.2 above.
- 7.2 There is no similar application within the same “AGR” zone in the vicinity of the Site.
- 7.3 Details of the similar application is summarised in **Appendix III** and the location is shown on **Plan A-1**.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

- 8.1 The Site is:
 - (a) currently fenced-off, occupied by three 3-storey NTEHs, and used for the applied use known as “Comfort Rehabilitation Home (Hang Tau Branch)” with valid planning permission under the last application No. A/NE-KTS/496; and
 - (b) accessible from Fan Kam Road via local tracks, and a footpath at its eastern side connecting a village road leading to Hang Tau Road.
- 8.2 The surrounding areas are rural in character intermixed with village houses, domestic structures, active and fallow agricultural land, plant nursery and unused land. To the further east is the Hong Kong Golf Club.

9. Planning Intention

- 9.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other

agricultural purposes.

- 9.2 The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

- 10.1 All the government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

- 10.2 The following government department provided comments on the application:

District Officer's Comments

- 10.2.1 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

- (a) he has consulted the locals from 10.5.2024 to 24.5.2024;
- (b) two North District Council (NDC) members support the application, one of them considers that the applied use could provide more beds for the elderly; and
- (c) the Chairman of Sheung Shui District Rural Committee, two Indigenous Inhabitant Representatives and the Resident Representative of Hang Tau, the Chairlady of Fung Shui Area Committee and five NDCs have no comment on the application.

11. Public Comment Received During Statutory Publication Period

The application was published for public inspection. During the statutory public inspection period, one comment from an individual was received indicating no comment on the application (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary social welfare facility (RCHD) for a period of 3 years on the Site. The Site is partly zoned “AGR” and partly zoned “V” (**Plan A-1**). Although the applied use is not in line with the planning intention of the “AGR” and “V” zones, all government departments consulted, including the Director of Agriculture, Fisheries and Conservation have no objection to or no adverse comment on the application. The applied use in operation within the three existing NTEHs on the Site could provide residential care home services to person with disabilities.
- 12.2 The residential nature of the RCHD within the existing NTEHs is considered not incompatible with the surrounding developments which are predominantly rural in nature with village houses, domestic structures, and active and fallow agricultural land in the vicinity. SWD has advised that the RCHD in the Site is in operation with a licence under the Residential Care Homes (Persons with Disabilities) Ordinance, Cap. 613.
- 12.3 The renewal application is generally in line with TPB PG-No. 34D in that there has been no material change in the planning circumstances since the granting of the previous approval; the relevant departments consulted, including the Director of Fire Services, the Chief Engineer/Mainland North of the Drainage Services Department, the Director of Environmental Protection and the Chief Town Planner/Urban Design and Landscape, Planning Department have no objection to or no adverse comment on the application; all the approval conditions under the last application No. A/NE-KTS/496 had been complied with; and the renewal of planning approval period sought is of the same time frame as the previous approval. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.4 There are four previous applications for the same applied use at the same Site submitted by the same applicant. Approval of the current application is in line with the Committee’s previous decisions.
- 12.5 The local views as conveyed by DO(N) and/or the public comment as mentioned in paragraphs 10.2.1 and 11 are either in support to, or indicated no comment on, the application.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the local views and public comments in paragraphs 10.2.1 and 11, the Planning Department has no objection to the application for renewal of planning approval for temporary social welfare facility (RCHD) for a period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years and be renewed

from 21.7.2024 to 20.7.2027. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period; and
- (b) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory Clauses

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

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

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for the renewal of the planning approval.
- 14.2 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 period of which the permission should be valid on a temporary basis.
- 14.3 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.

15. Attachments

Appendix I	Application Form and Supplementary Information received on 25.4.2024
Appendix Ia	FI received on 4.6.2024
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Departmental Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Site Plan
Drawings A-2 to A-4	Floor Plans

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2024**