

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SLC/168

<u>Applicant</u>	: Christian Zheng Sheng Association Limited (CZSA) represented by Brighspect Limited
<u>Site</u>	: Government Land in D.D. 339 L, Ha Keng, Lantau Island
<u>Site Area</u>	: About 1,689m ²
<u>Land Status</u>	: Government Land (Short Term Tenancies (STT) No. CX2218 and CX2609)
<u>Plan</u>	: (i) Approved South Lantau Coast Outline Zoning Plan No. S/SLC/21; and (ii) Area not covered by any statutory plan
<u>Zoning</u>	: “Green Belt” (“GB”) (99.7%) and area not covered by any statutory plan (0.3%)
<u>Application</u>	: Proposed Social Welfare Facility (Drug Rehabilitation Centre) with associated Utility Installation

1. The Proposal

- 1.1 The applicant seeks planning permission for a social welfare facility (drug rehabilitation centre) with associated utility installation at the application site (the Site) (**Plans A-1 to A-3a and A-3b**). The majority of the Site (area of about 1,683m² (about 99.7%)) falls within an area zoned “GB” on the approved South Lantau Coast Outline Zoning Plan No. S/SLC/21 (the OZP). According to the Notes of the OZP, ‘Social Welfare Facility’ within the “GB” zone require planning permission from the Town Planning Board (the Board). A minor portion of the Site at the Ha Keng Pier (area of about 6m² (0.3% of the Site)) is not covered by any statutory plan.
- 1.2 The application comprises a drug rehabilitation centre with three 2-storey blocks (the Centre), a pump house and utility pipes. The Site has already been developed for the uses in a temporary nature under two STTs granted in 2016 and 2017 for the above purposes both up to 18.9.2021 (**Drawing A-1**). The construction works of the development have been completed. On 2.11.2020, Temporary Occupation Permits (TOPs) to use the structures at the Site as drug rehabilitation centre and plant building have been issued by the Building Authority (BA). Internal fitting-out works is being carried out. According to the applicant, the Centre is scheduled for operation

by November 2021. The applicant seeks to extend the relevant STTs and to continue to operate a drug rehabilitation centre. However, for temporary use expected to be over 5 years, the uses must conform to the zoned use or the Notes of the OZP. Hence, this planning application was submitted.

- 1.3 According to the applicant, Blocks A and B of the Centre will provide resource centre/computer room, meeting room, store rooms, office, workshop, sewage treatment plant, plant rooms, kitchen, multi-functional rooms and open courtyard and training area, while Block C is for multi-functional rooms / dormitory use (**Drawings A-2 to A-9**). The Centre could accommodate up to 56 students and 25 teachers / instructors / supporting staff.
- 1.4 A 1-storey pump house is built about 210m to the south of the Centre with the associated utility pipes (including fire services water pipe, sprinkler pipe, fresh, flush and waste water pipes and cables) connecting between the Centre, the pump house and the Ha Keng pier (total site area of about 449m² and length for the associated utility pipes of about 605m). The utility pipes are mainly aboveground along the footpath with minor section on vegetated slopes and underground near the pump house (**Drawings A-1 and A-10**). The development parameters are shown in the following table:

Site Area	About 1,689m ² (the Centre: about 1,240m ² the pump house and associated utility pipe: about 449m ²)		
Built-over Area	About 772.592m ² (the Centre: about 709.348m ² the pump house: about 63.244m ²)		
GFA (about)	Non-domestic	Blocks A and B	682.471m ²
		Pump house	63.244m ²
	Domestic	Block C	406.557m ²
Building Height	the Centre:		7m (2 storeys)
	the pump house:		3.65m (1 storey)
Length (about)	associated utility pipe:		605m
Uses	Block A	G/F	Resource Centre / Computer Room, Meeting Room and Store Room
		1/F	Office and Multifunction Room
	Block B	G/F	Workshop, Sewage Treatment Plant Room, Sprinkler Tank, Sprinkler Pump Room, Fire Service Tank and Rainwater Harvesting Tank
		1/F	Kitchen, Open Courtyard and Training Area and Multifunction Room
	Block C	G/F	Multifunction Room (for female dormitory use) and Toilet
		1/F	Multifunction Room (for male dormitory use) and Toilet

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 7.4.2021; (Appendix I)
- (b) Planning Study Report including location plans, floor plans, tree compensation plan, elevation drawings, site photos and other supporting documents (tenancies documents and TOPs of the two STTs, fire service certificates, licence granted by the Director of Environmental Protection (DEP) under Water Pollution Control Ordinance (WPCO) and etc.); (Appendix Ia)
- (c) Responses to departmental comments with Drainage Impact Assessment Report and Site Formation Amendment Plan; (Appendix Ib)
- (d) Supplementary information received on 14.4.2021 with a revised site layout plan; and (Appendix Ic)
- (e) Further Information received on 14.5.2021 with responses to departmental comments. (Appendix Id)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Planning Study Report and the responses to departmental comments at **Appendices Ia to Id**. They are summarised as follows:

- (a) the applicant has operated a drug rehabilitation centre in Ha Keng since 1994 which is an essential social welfare facility in Hong Kong and supported by relevant government departments. In view of the sub-standard condition of the existing structures, improvement project is required to have a permanent building with adequate facilities for more efficient rehabilitation service;
- (b) with the Government's assistance, alternative site has been explored in Cheung Chau and Mui Wo for the improvement project. However, no suitable alternative site could be identified due to the nature of the drug rehabilitation service and public reaction. The Site under the planning application is considered the most viable from geographical and community aspects;
- (c) planning applications for similar social facilities within "GB" zone in the New Territories have been approved by the Board since 2010, including 3 drug rehabilitation centres in Kwu Tong and Tai Tong and one residential care home for the elderly in Fanling/Sheung Shui;
- (d) the Centre has been built under the STT for a fixed term of 5 years granted by Lands Department (LandsD) and relevant development requirements have already been satisfied;
- (e) the construction of the Centre and the pump house has been completed. The debris

and construction waste in the vicinity of the Site will be removed upon completion of the construction works. Tree compensation has been implemented by the applicant. A Self-Certificate of Compliance (SCC) for the tree works will be submitted to LandsD by a Registered Landscape Architect (RLA) appointed by the applicant. No further clearance of vegetation would be undertaken and there is no adverse landscape and visual impact to the environment by the development;

- (f) the Site is accessible only by kaito to Cheung Chau via the Ha Keng Pier provided by the applicant. There is no environmental impact by traffic as no vehicular traffic would be generated by the development;
- (g) a sewage treatment plant is located on G/F of Block B with auto computer monitoring system for wastewater treatment by combined membrane separation, biological treatment and aeration technologies (**Drawing A-2**). The treated wastewater will be separated into disposable water which would be discharged into inland water and sludge to be transported away physically. DEP has granted a licence under WPCO in regard to sewerage treatment;
- (h) fire service certificate for the two STTs have been issued by the Director of Fire Services (D of FS). There is no emergency vehicular access provided by the applicant for the development;
- (i) Drainage Impact Assessment (DIA) has been undertaken and the drainage facilities for the Centre have been installed to the satisfaction of relevant departments. There is no major concern on aggravating flooding issue in the area; and
- (j) upon planning approval, relevant building plan and licensing plan submissions for alteration of the layout in Block C regarding the dormitory use will be submitted to Buildings Department (BD) and Social Welfare Department (SWD) respectively.

3. **Background**

- 3.1 CZSA is currently operating drug rehabilitation services for juvenile with ancillary teaching and accommodation uses in the existing structures in the immediate vicinity of the Site (highlighted in yellow on **Plan A-2a**, site photos on **Plans A-5a to A-5d**). The majority of these existing structures were covered by a Government Land Licence issued to Everlasting Light Mission for 'non-profit making charitable and welfare use' in 1963. These structures were once used to accommodate new immigrant families from the mainland China who made living by farming and livestock rearing. Several years after the immigrants vacated the area, the applicant took up the structures in 1993 for operation of the rehabilitation service for drug dependent youths since 1994. These structures have all along been used as social welfare uses.
- 3.2 In view of the sub-standard building condition of the existing structures, the applicant and the Government have been exploring a suitable location on Lantau and outlying islands, including Mui Wo and Cheung Chau, to accommodate a centre for a long-run rehabilitation service with adequate facilities. However, no suitable site has been identified due to strong local sentiment against the provision of a drug rehabilitation centre in the community.

- 3.3 In view of the above, CZSA reviewed the possibility to improve the existing facilities at Ha Keng. It is considered viable to carry out improvement works to the existing drug rehabilitation centre from geographical and community perspectives. In 2012, the applicant submitted a STT application to LandsD for the purposes of a non-profit-making drug dependent persons treatment and rehabilitation centre together with ancillary educational facilities and treatment centres at the northern part of the Site for a fixed term of 5 years (i.e. the Centre). The applicant advised that he would undertake, within the limits of its abilities, to relocate the drug rehabilitation centre to another site upon expiry of the STT. Besides, the Commissioner for Narcotics (C for N) was assisting the applicant to identify a permanent site suitable for reprovisioning of its facilities at Ha Keng.
- 3.4 On 19.9.2016, the northern part of the Site, with the policy support of the Narcotics Division of the Security Bureau (ND of SB), was granted to the applicant under a STT (No. CX2218) for a fixed term of 5 years up to 18.9.2021 for the purposes of a non-profit-making drug dependent persons treatment and rehabilitation centre together with ancillary educational facilities and treatment centres. The remaining part of the Site, covered by another STT No. CX2609, was granted to the applicant for a fixed term from 4.9.2017 to 18.9.2021 for the purposes of construction, operation and maintenance of a pump house and pipes, cables and supporting structures ancillary to the Centre. The construction of the Centre and the pump house under temporary building works is recently completed. On 2.11.2020, TOPs to use the structures at the Site as drug rehabilitation centre and plant building have been issued by the BA.
- 3.5 As the STTs are approaching to its expiry, the applicant seeks to extend the STTs and to continue to operate the drug rehabilitation centre.

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

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

5. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone’ (TPB PG-No. 10) is relevant to this application. The relevant assessment criteria are attached at **Appendix II** and are summarised below:

- (a) there is a general presumption against development (other than redevelopment) in the “GB” zone;
- (b) applications for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas;

- (c) applications for government, institution or community (G/IC) uses and public utility installations must demonstrate that the proposed development is essential and that no alternative sites are available. The plot ratio of the development site may exceed 0.4 so as to minimize the land to be allocated for G/IC uses;
- (d) the design and layout of any proposed development should be compatible with the surrounding areas. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (e) the vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscape proposals should be provided;
- (f) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, road and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (g) the proposed development should not overstrain the overall provision of G/IC facilities in the general area;
- (h) the proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution; and
- (i) any proposed development on a slope or hillside should not adversely affect slope stability.

6. Previous Application (Plans A-1, A-2a and A-2b)

Part of the Site falls within the boundary of a previous application No. A/SLT/52 for a special school and a residential institution for drug rehabilitation purposes, by redevelopment of the existing single-storey structures into modern standard buildings with a total GFA of 2,372.31m² (PR of 0.09), site coverage of 5% and building height of 1 to 2 storeys (2.44m to 5.18m), by the same applicant (layout plan on **Plan A-2b**). The application was approved with conditions by the Committee on 16.1.1998 mainly on the consideration that the proposed development to redevelop the existing temporary structures used as a drug rehabilitation centre into permanent buildings could upgrade the general living conditions and basic facilities at the application site; the proposed development generally complied with the planning criteria as set out in the TPB Guidelines; extensive tree felling and vegetation clearance was not anticipated; and the application was supported by the C for N and the then Director of Education. However, the proposed development was not commenced before the expiry date of the planning permission on 16.1.2001 mainly due to technical and financial constraints.

7. Similar Application

There is no similar application for the same use within the same “GB” zone.

8. The Site and Its Surrounding Areas (Plans A-1 to A-2a and photos on Plans A-3a, A-3b, A-4a to A-4d and A-5a to A-5d)

8.1 The Site:

- (a) is situated in a valley in Chi Ma Wan Peninsula and is enclosed by a natural woodland/shrubland;
- (b) is occupied by three 2-storey blocks for drug rehabilitation centre and a 1-storey pump house. The utility pipes have been laid at the Site from the fire service inlet at the Ha Keng Pier to the pump house and the Centre mainly aboveground along the footpath with minor section on vegetated slopes and underground near the pump house; and
- (c) is not accessible by any land transport nor footpath but only marine transport via the Ha Keng Pier. While there is no public transport to the Site, private marine transportation between the Site and Cheung Chau is provided by the applicant where necessary.

8.2 The surrounding areas have the following characteristics:

- (a) rural in character and predominantly covered by woodland/shrubland. The Lantau South Country Park is located to the further northeast and west of the Site;
- (b) some stone houses, temporary structures and a basketball court scattering in /locating at the sloping area of the valley are currently used as a special school and rehabilitation centre operated by the applicant; and
- (c) the Site is isolated from other residential dwellings. The nearest village, Tai Long Tsuen and the Chi Ma Wan Correctional Institution are located approximately 1.3km to the southwest and northwest of the Site respectively.

9. Planning Intention

The planning intention of the “GB” zone is primarily to define the limits of development areas, to preserve existing well-wooded hillslopes and other natural features, as well as to provide passive recreational outlets for the local population and visitors. There is a general presumption against development within this zone.

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) the Site covers both the site of STT No. CX2218 and the site of STT No. CX2609 (**Plan A-2a**). STT No. CX2218 is let to the applicant for a fixed term of 5 years certain commencing on 19.9.2016 (i.e. up to 18.9.2021) and for the purposes of a non-profit-making drug dependent persons treatment and rehabilitation centre together with ancillary educational facilities and treatment centres. Developments on STT No. CX2218 are restricted to, inter alia, a total built-over area not exceeding 70% of the STT area (i.e. $70\% \times 1,240\text{m}^2 = 868\text{m}^2$) and a building height not exceeding 2 storeys and 7m above ground level. On the other hand, STT No. CX2609 is let to the applicant for a fixed term from 4.9.2017 to 18.9.2021 and for the purposes of construction, operation and maintenance of a pump house and pipes, cables and supporting structures ancillary to the buildings erected on the area hold under STT No. CX2218. Developments on STT No. CX2609 are restricted to the following:
- (i) 1 pump house containing no more than 1 storey and having a height not exceeding 3.65m above ground level and a total GFA not exceeding 66m^2 and a fire services water pipe not exceeding 61mm in outer diameter and 150m in length;
 - (ii) 1 fire services dry pipe not exceeding 115mm in outer diameter and 605m in length with its ancillary supporting structures;
 - (iii) 1 fire services water pipe not exceeding 61mm in outer diameter and 352m in length with its ancillary supporting structures;
 - (iv) 1 sprinkler pipe not exceeding 61mm in outer diameter and 352m in length with its ancillary supporting structures;
 - (v) 1 fresh water pipe not exceeding 52mm in outer diameter and 352m in length with its ancillary supporting structures;
 - (vi) 1 flush water pipe not exceeding 42mm in outer diameter and 352m in length with its ancillary supporting structures;
 - (vii) 4 cables having their respective outer diameters not exceeding 20mm, 20mm, 25mm and 50mm and length not exceeding 352m together with their ancillary supporting structures; and
 - (viii) 1 waste water pipe not exceeding 61mm in outer diameter and 352m in length with its ancillary supporting structures;
- (b) according to the submission, developments under the application involve (I) 3 blocks of 2-storey drug rehabilitation centre (having a total GFA, a site coverage and a building height of $1,089.028\text{m}^2$,

57.205% and 7m respectively) within the boundary of STT No. CX2218; and (II) a 1-storey pump house (having a total GFA and a building height of 63.244m² and 3.65m respectively) and the ancillary pipes and cables within the boundary of STT No. CX2609 which tally with the items listed on paragraph 10.1.1(a)(i) to (viii)

- (c) if the application is approved by the Board, the applicant has to apply for his office's approval to materialise the developments approved by the Board. There is however no guarantee that such approval will be given by LandsD. The said approval, if given, will be subject to such terms and conditions as imposed by LandsD;
- (d) the applicant has advised that a RLA would be appointed to prepare a SCC upon completion of the tree works. In this connection, the applicant shall be reminded that (i) the tree works should be implemented in compliance with the latest Tree Preservation and Removal Proposal(s) approved by his office and (ii) the RLA's SCC submission should be prepared and submitted to his Office in accordance with Land Administration Office (LAO) Practice Note No. 2/2020; and
- (e) STT CX2218 is let to CZSA under a Tenancy Agreement dated 4.1.2017 as varied by a Supplemental Agreement dated 14.9.2017 (collectively to be referred to as "the TA"). S.C. No. (29) of the TA provides that CZSA shall at his own expense carry out and complete to the satisfaction of the DLO such geotechnical investigations and such landslide preventive, mitigation and remedial works, including boulder stabilization and/or boulder fall mitigation works, in respect of any boulder on the Premises and on such adjacent areas as the DLO in his absolute discretion shall require. Also, CZSA is obligated under S.C. No. (31) of the TA to carry out and complete to the satisfaction of the DLO such geotechnical investigations and such slope treatment, landslide preventive, mitigation and remedial works on the adjoining Government as shown coloured Green Hatched Black and Brown Hatched Black on the latest tenancy plan of the TA as the DLO in his absolute discretion may require, and shall thereafter at his own expense maintain the areas. In this respect, the applicant submitted to BD site formation plans (including but not limited boulder stabilization works) and 2 revised submissions on 16.5.2019, 20.8.2019 and 19.11.2019 respectively. Head of Geotechnical Engineering Office of Civil Engineering and Development Department (H(GEO) of CEDD) had no geotechnical objection to all the 3 submissions. BD approved the 3 submissions on 14.6.2019, 16.9.2019 and 18.12.2019 respectively.

Anti-drug Policy Perspective

10.1.2 Comments of the C for N:

- (a) CZSA is a charitable non-government organisation exempted from tax under Section 88 of the Inland Revenue Ordinance (Cap. 122). It

has been operating two drug treatment and rehabilitation centres (one for male and one for female) at Ha Keng, Lantau Island with Certificates of Exemption (CoEs) issued by the Social Welfare Department (SWD) in accordance with the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566). With funding support of the Beat Drug Funds Special Funding Scheme for Drug Dependent Persons Treatment and Rehabilitation Centres administered by her office, CZSA has recently completed an in-situ improvement works project at Ha Keng, comprising the construction of three 2-storey structures for non-domestic use on the area covered by STT No. CX2218 and a pump house on the area covered by STT No. CX2609. According to her understanding, CZSA will make application to SWD to include the said new facilities into the CoEs; and

- (b) as the application by CZSA would enable the continued operation of the drug treatment and rehabilitation centres which should be regarded as social welfare facilities, her office would give policy support to the application from the anti-drug policy perspective subject to the application being in compliance with relevant ordinances and regulations.

Social Welfare

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

- (a) the applicant is operating two self-financing and voluntary drug dependent persons treatment and rehabilitation centres, namely Ha Keng Treatment and Rehabilitation Youth Centre for Male and Ha Keng Treatment and Rehabilitation Female Centre, with respective licensing capacity of 50 and 14, in Ha Keng, Lantau Island under CoEs of the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566);
- (b) as the planning application regarding the Site at STT CX2218 and CX2609, which is considered a part of facilities of the existing drug dependent persons treatment and rehabilitation centres of CZSA at Ha Keng with improvement works approved under Beat Drugs Fund Special Funding Scheme, he has no adverse comment from both service and licensing perspectives;
- (c) however, it is noted from paragraphs 5.5, 5.7 and 5.8 of the Planning Study Report that the two multi-function rooms on G/F and 1/F of Block C are for residential purpose, as 'Proposed for Boys Dormitory Use' and 'Proposed for Girls Dormitory Use' respectively while 'the centre will accommodate up to 56 students and a total of 25 teachers/instructors/ and supportive staff'. In this regard, the applicant is required to clarify whether the two multi-function rooms are for training/activity use or dormitory use. If any area/facility/room is intended for residential accommodation for drug dependent persons, the applicant shall make application to Licensing

Office of Drug Dependents Treatment Centres of SWD for change of layout to include such into the licensed area of the concerned DTRCs, and on which comments from relevant government bureau/departments will be sought in due course in order to determine whether approval will be granted.

Lantau Development

10.1.4 Comments of the Head of Sustainable Lantau Office (H(SLO)), CEDD:

- (a) the Sustainable Lantau Blueprint, promulgated in 2017, embraces the overarching principle of ‘Development in the North; Conservation for the South’. The predominant part of Lantau, in particular the South Lantau, would be conserved for its natural and cultural resources, with sustainable leisure and recreational uses; and
- (b) noting that the new drug rehabilitation centre is located within the same “GB” zone of the existing old centre of Christian Zheng Sheng College, he has no comment on the application.

Environment

10.1.5 Comments of the DEP:

he has no objection to the application as it will unlikely cause major pollution in view of the small scale and nature of the development.

Landscape

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

- (a) she has no objection to the application from landscape planning perspective;
- (b) according to the aerial photo of 2020 and the site photos taken on 26.3.2021, the Site is currently occupied by a newly built drug rehabilitation centre at the northern end, a pump house around the mid-point and some utility pipes running through the Site. The Site is situated in an area of coastal upland landscape character surrounded by woodlands with some temporary structures. An application No. A/SLT/52 for a proposed special school and a residential institution for drug rehabilitation purposes within the same “GB” zone adjacent to the Site was approved by the Board on 16.1.1998. The proposed development is considered not entirely incompatible with the landscape character of the surrounding environment;
- (c) ***~~the tree compensation plan is under review by LandsD and the tree rectification works are under processing by the applicant. With reference to paragraph 7.7 of the Planning Study Report, there will not be further clearance of existing vegetation. It is also noted in the tree compensation plan that new trees are proposed generally surrounding the buildings within the Site to soften the development.~~*** Further significant adverse impact arising from the development is not anticipated;

- (d) it is noted from the site photos (**Plans A-3a, A-3b and A-4c**) that land excavation for temporary water retention use, piling of construction waste and debris are observed near the new centre, adjoining and outside the site boundary. The applicant is reminded to reinstate the disturbed area as soon as possible; and
- (e) having regard that the proposed development is buffered by existing trees at the surrounding, a landscape condition is considered not necessary should the application be approved by the Board.

Urban Design and Visual Impact

10.1.7 Comments of the CTP/UD&L, PlanD:

the proposed development is considered not incompatible with the surrounding environment and no significant visual impact to the surrounding is envisaged as the proposed development is located in a remote area and only consists of low-rise and low-density blocks with basic and minimalist design.

Nature Conservation

10.1.8 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

he has no particular comment on the application from nature conservation perspective as the Centre, the pump house and the utility pipes have already been built at the Site.

Water Supply

10.1.9 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no objection to the application; and
- (b) the Site has interfered with existing water mains and the applicant should note the Conditions of Working in the Vicinity of Waterworks Installations (Annex A of **Appendix IV**).

Drainage

10.1.10 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD):

- (a) no current/existing DSD project nor facilities would be affected by the application based on his latest record; and
- (b) the applicant shall check and ensure that the proposed drainage works and their downstream drainage systems have adequate capacity and are in good conditions to accommodate the surface runoff collected from the Site and its upstream catchment.

Building Matters

10.1.11 Comments of the Chief Building Surveyor/New Territories East 1 & Licence (CBS/NTE1&L), BD:

- (a) two TOPs were issued by his department on 2.11.2020 with expiry date on 2.9.2025 for the three Centre buildings (Blocks A, B and C) and one plant building all for non-domestic use at the Site. It is noted a change in use of Block C from the non-domestic use under TOP to dormitories of domestic use in the submission. The proposed change in use and associated new building works, if any, should be subject to the control under the Buildings Ordinance (BO) and he has the following comments under the BO:
 - (i) before any new building works are to be carried out at the Site, prior approval and consent from the BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person (AP) must be appointed to coordinate all new building works in accordance with the BO;
 - (ii) if the Site does not abut on a specified street of width not less than 4.5m, the development intensities and building height shall be determined by the BA under the Building (Planning) Regulations (B(P)R) 19(3) upon formal submission of building plans (BP) to his department;
 - (iii) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access (EVA) in accordance with B(P)R5 and 41D respectively;
 - (iv) detailed comments under the BO on the private development / building such as permissible plot ratio, site coverage, EVA, provision of means of escape, fire resisting construction, barrier free access and facilities, open space, service lane, compliance with the sustainable building guidelines, etc. will be formulated at the formal BP submission stage;
 - (v) if the proposed use under application is subject to the issue of a licence, please be reminded that the building safety and other relevant requirements as may be imposed by the licensing authority would need to be complied with; and
 - (vi) any intended material change in use of building should comply with section 25 of the BO.

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

- (a) Chief Highway Engineer/NT East, Highways Department (CHE/NTE, HyD);
- (b) Commissioner for Transport (C for T);

- (c) D of FS;
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) District Officer (Islands), Home Affairs Department (DO/Is, HAD) and
- (f) H(GEO), CEDD.

11. Public Comments Received During Statutory Publication Period

On 16.4.2021, the application was published for public inspection. During the first three-week statutory public inspection periods which ended on 7.5.2021, three public comments from the World Wild Fund for Nature Hong Kong (WWF), Save Lantau Alliance and an individual were received. The major grounds / concerns raised include insufficient information of the application and suspected unauthorised development.

12. Planning Considerations and Assessments

- 12.1 The applicant seeks permission for proposed social welfare facility (drug rehabilitation centre) with associated utility installation at the Site within an area mainly zoned “GB” with a minor portion at the Ha Keng Pier not covered by any statutory plan. The development comprises a three 2-storey blocks drug rehabilitation centre (with built-over area, GFA and building height of about 709.348m², 1,089.028m² and 7m respectively), a 1-storey pump house (with built-over area, GFA and building height of about 63.244m², 63.244m² and 3.65m respectively) and utility pipes (length of 605m).
- 12.2 CZSA is currently operating drug rehabilitation services for juvenile with ancillary teaching and accommodation uses in other existing structures in the immediate vicinity of the Site (**Plan A-2a**). The building condition of these existing structures is sub-standard in view of their existence for a long period of time which could be traced back to the 1960s. In order to improve the living and studying environment, site search had been carried out for a suitable location on Lantau and outlying islands, including Mui Wo and Cheung Chau, to accommodate a centre for a long-run rehabilitation service with adequate facilities. However, no suitable site has been identified due to strong local sentiment against the provision of a drug rehabilitation centre in the community. In view of the above and after CZSA’s review, it is considered viable to carry out improvement works to the existing drug rehabilitation centre at Ha Keng from geographical and community perspectives. With the policy support of the ND of SB, two STTs were granted to CZSA for a fixed term up to 18.9.2021 for the purposes as detailed in paragraph 10.1.1(a).
- 12.3 The construction of the Centre and the pump house under temporary building works is recently completed. As the fixed term of the abovementioned STTs is approaching to its expiry, the applicant seeks to extend the STTs and to continue to operate the drug rehabilitation centre. However, for temporary use expected to be over 5 years, the uses must conform to the zoned use or the Notes of the OZP. Hence, this planning application was submitted. C for N would give policy support on the application from anti-drug policy perspective as the proposed development would enable the continued operation of the drug rehabilitation centre which should be regarded as an essential social welfare facility in Hong Kong. The planning intention of the “GB” zone is primarily to define the limits of development areas, to preserve

existing well-wooded hillslopes and other natural features, as well as to provide passive recreational outlets for the local population and visitors. There is a general presumption against development within this zone. While the drug rehabilitation centre is not in line with the planning intention of the “GB” zone, sympathetic consideration should be given for the application.

- 12.4 The Site is located in a valley in Chi Ma Wan Peninsula which is rural in character and enclosed by natural woodland/shrubland. Some stone houses, temporary structures and a basketball court scattering in /locating at the sloping area of the valley are currently used as a special school and rehabilitation centre operated by the applicant (**Plans A-2a and A-5a to A-5d**). The Site is not accessible by any land transport nor footpath but only marine transport via the Ha Keng Pier operated by the applicant. In view of the remoteness of the Site and minimalist design with low-rise and low density blocks, CTP/UD&L of PlanD considers that the proposed development is not incompatible with the surrounding environment and no significant visual impact to the surrounding is envisaged. The construction of the Centre and the pump house is recently completed and the Centre is scheduled for operation in November 2021. The applicant has submitted a tree compensation plan and tree rectification works is in process. No further clearance of vegetation would be undertaken. Thus, no adverse landscape impact to the environment is anticipated. Having reviewed the submission, CTP/UD&L of PlanD has no objection to the application from landscape planning perspective. Nevertheless, she notes from the site photos that land excavation for temporary water retention use, piling of construction waste and debris are observed near the new centre, adjoining and outside the Site. The applicant should be reminded to reinstate the disturbed area as soon as possible. The applicant responds that the debris and construction waste in the vicinity of the Site upon will be removed completion of the construction works.
- 12.5 The applicant has submitted relevant information, including fire service certificates, approved DIA and licence granted by DEP under WPCO on sewerage treatment, to demonstrate that the proposed development has already complied with the government requirements from fire services, drainage and sewerage impacts perspectives. Relevant departments have no objection to / no adverse comment on the application.
- 12.6 The application generally complies with the TPB PG-No. 10 in that the buildings of one to two storeys with small built-over areas (i.e. about 772.592m² in total) are compatible with the rural character of surrounding area; would not overstrain the capacity of existing and planned infrastructure; not be susceptible to adverse environmental effects, nor a source of pollution themselves; and would not adversely affect slope stability.
- 12.7 There is one previous application No. A/SLT/52 for a special school and a residential institution for drug rehabilitation purposes approved with conditions by the Committee in 1998 (**Plan A-2b**) mainly for the grounds that the proposed development to redevelop the existing temporary structures used as a drug rehabilitation centre since 1993 into permanent buildings could upgrade the general living conditions and basic facilities at the application site; the proposed development generally complied with the planning criteria as set out in the TPB Guidelines; extensive tree felling and vegetation clearance was not anticipated; and the application was supported by the C for N and the then Director of Education. However, the

approved development was not commenced mainly due to technical and financial constraints. Approving the subject application is in line with the Committee's previous decision on the previously approved application as the proposed development, which was supported by the C for N, could upgrade the general living conditions and basic facilities.

- 12.8 As per the public comments as detailed in paragraph 11 above, the planning assessments in paragraph 12.1 to 12.7 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **28.5.2025**, 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 advisory clauses at **Appendix V** are also suggested for Members' reference.
- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of the "GB" zone which is primarily to define the limits of development areas, to preserve existing well-wooded hillslopes and other natural features, as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 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 received on 7.4.2021
Appendix Ia	Planning Study Report
Appendix Ib	Responses to departmental comments
Appendix Ic	Supplementary information received on 14.4.2021

Appendix Id	Further Information received on 14.5.2021
Appendix II	Town Planning Board Guidelines No. 10
Appendix III	Previous application
Appendix IV	Public Comments received during the Statutory Publication Period
Appendix V	Advisory Clauses
Drawing A-1	Site Layout Plan
Drawings A-2 to A-6	Floor Plans of the drug rehabilitation centre
Drawings A-7 to A-9	Elevation Plans of the drug rehabilitation centre
Drawing A-10	Floor and Elevation Plans of the pump house
Drawing A-11	Tree Compensation Plan
Plan A-1	Location Plan
Plans A-2a to A-2b	Site Plans
Plans A-3a to A-3b	Aerial Photos
Plans A-4a to A-4d	Site Photos of the drug rehabilitation centre and pump house
Plans A-5a to A-5d	Site Photos of the existing condition of Zheng Sheng College

PLANNING DEPARTMENT
MAY 2021