

RNTPC Paper No. A/TM/578B
For Consideration by
the Rural and New Town
Planning Committee
on 28.7.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/578

- Applicant** : Mark Luck Holdings Limited represented by Vision Planning Consultants Limited
- Application Site** : Lots 491(Part), 492(Part), 495RP(Part), 498RP, 500(Part), 501(Part), 502RP(Part), 503 and 717RP in D.D. 374 and adjoining Government Land (GL), So Kwun Wat, Tuen Mun, New Territories
- Site Area** : About 984m² (including GL of about 123m² or 12.5%)
- Lease** : (i) Lot 717RP in D.D. 374 (building lot)
(ii) Block Government Lease for remaining lots (demised for agricultural use)
- Plan** : Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/37 currently in force
- Draft Tuen Mun OZP No. S/TM/36 at the time of submission
(The zoning and development restrictions for the application site remain unchanged on the current OZP)
- Zoning** : “Government, Institution or Community (1)” (“G/IC(1)”) *[Restricted to a maximum gross floor area (GFA) of 2,825m², a maximum site coverage (SC) of 60% and a maximum building height (BH) of 35mPD; and a public open space of not less than 615m² should be provided at street level]*
- Application** : Proposed Social Welfare Facility (Residential Care Home for the Elderly) (RCHE) and Permitted Public Open Space (POS)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed social welfare facility (RCHE) with permitted POS (**Plan A-1a**). According to the Notes of the OZP for the “G/IC(1)” zone¹, ‘Social Welfare Facility’ requires planning permission from the Town Planning Board (the Board). The Notes for the “G/IC(1)” zone also requires provision of a POS of not less than 615m² at street level.

¹ Under this “G/IC” sub-zone, the primary intention is for the development of a religious institution.

- 1.2 The Site is currently paved for vehicle parking (**Plan A-4**). According to the applicant's submission, the proposed RCHE involves a 7-storey building (excluding one level basement carpark) with a total GFA of not exceeding 2,825m², a SC of not more than 60% and a maximum BH of 32.4mPD at main roof level. The vehicular run in/out and pedestrian entrance of the RCHE will be located at So Kwun Wat Road (**Drawing A-1**).
- 1.3 The proposed RCHE will be privately operated and funded. It will provide 209 beds with treatment/massage/physiatrics rooms and pharmacy on the 1/F to 5/F, and laundry and kitchen on the 6/F of the development. To meet the operational needs, six private car parking spaces, two taxi lay-bys, one ambulance parking space and one loading and unloading (L/UL) space will be provided on the basement and ground floors of the development. All beds and supporting facilities from the G/F to 5/F will not exceed 24m from ground level (**Drawings A-2 to A-10**). The visiting hours of the proposed RCHE will be from 11:00 a.m. to 3:00 p.m. and 7:00 p.m. to 9:00 p.m.
- 1.4 According to the submitted landscape proposal, a POS of not less than 615m² would be provided on the G/F (at street level) of the Site and open to the public from 7 a.m. to 8 p.m. daily (**Drawing A-1**). A pedestrian entrance for entering/exiting the POS, with proper signage at prominent location, will be located at So Kwun Wat Road. The POS will be designed and constructed by the applicant, and managed and maintained through the management office of the proposed RCHE. All the three existing trees within the Site aligning near the western boundary fronting So Kwun Wat Road are proposed to be felled and six new trees with heavy standard are proposed to be planted within the POS for compensation. To enhance visual amenity of the proposed development, the applicant also proposes to install hanging planter boxes along the main façade of the building fronting So Kwun Wat Road from 1/F to 5/F. Besides, a roof garden is proposed on 6/F for enjoyment of the future residents of the proposed RCHE (**Drawing A-11**).
- 1.5 The Site is involved in a number of previous rezoning/s.12A applications and s.16 applications (**Plan A-1b**). Among these, there is an agreed s.12A application No. Y/TM/14 for proposed religious institution (church) development with POS² at the same site (detailed at paragraphs 4 and 5 below). A comparison of the major development parameters of current application with this previous application is summarised as follows:

² Subsequent to the agreement to the s.12A application No. Y/TM/14 for rezoning the Site from "Open Space" ("O") to "G/IC" to facilitate a church development with POS by the Rural and New Town Planning Committee of the Board (the Committee) in 2014, amendment to the OZP from "O" to "G/IC(1)" to reflect this agreed s.12A application was gazetted in 2017.

Development Parameters	Previous s.12A Application (Y/TM/14) (a)	Current s.16 Application (A/TM/578) (b)	Difference (b) – (a)
Proposed Development	Church with POS	RCHE with POS	--
Site Area	About 984m ²	About 984m ²	No Change
Non-domestic GFA^(#)	2,825m ²	2,825m ²	No Change
PR	2.87	2.87	No Change
SC^(#)	Not more than 60%	Not more than 60%	No Change
No. of Block	1	1	No Change
No. of Bed	N/A	209 beds	--
BH (Main roof)^(#)	35mPD	32.4mPD	-2.6m (-7.4%)
No. of Storeys	7 storeys (excluding one basement level)	7 storeys (excluding one basement level)	No Change
Car Parking Spaces <i>Private Car</i> <i>Ambulance</i>	14 N/A	6 1	-8 +1
L/UL Bays	1	1	No Change
Lay-bys	1	2	+1
POS^(#)	615m ²	615m ²	No Change

[#]Development restrictions stipulated under the prevailing OZP

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

- (a) Application form received on 18.8.2022 **(Appendix I)**
- (b) Further Information (FI) received on 14.7.2023 providing a Consolidated Report which supersedes all previous FI submissions³ and the original Supporting Planning Statement *[accepted and exempted from publication]* **(Appendix Ia)**

1.7 On 14.10.2022 and 3.2.2023, the Committee agreed to defer making a decision on the application for two months respectively as requested by the applicant.

³ A total of four previous FI submissions (dated 14.12.2022, 31.3.2023, 9.5.2023 and 9.6.2023) were made in response to departmental comments and providing revised technical assessments.

2. **Justifications from the Applicant**

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

- (a) Although the Government has accorded priority to the provision of RCHE since 2018, there is still a long waiting time for subsidised RCHE bed spaces. The proposed RCHE is in line with the Government's policy to support and encourage the provision of RCHE to meet the pressing demand of the society. Approval of the application will contribute a total of 209 RCHE bed spaces to the community by 2027.
- (b) There is a shortfall of 1,308 RCHE bed spaces in Tuen Mun New Town and there are only two registered RCHE facilities located within 2km catchment area of the Site. Approval of the application would relieve the high demand for proper RCHE and slightly improve the extremely uneven distribution of registered RCHE facilities in the Tuen Mun area.
- (c) The proposed RCHE is considered as a 'Social Welfare Facility' which is a Column 2 use within the "G/IC(1)" zone. The proposed RCHE is one of the suitable uses at the Site.
- (d) The proposed development is formulated in accordance with the planning requirements in terms of GFA, SC, BH and provision of POS as stipulated in the Notes of the OZP. The scale of the development is compatible with the surroundings.
- (e) The proposed POS will be designed, constructed, managed and maintained by the applicant and open to the general public from 7 a.m. to 8 p.m. daily. The proposed POS may serve as a catalyst to speed up the planned open space to the immediate east of the Site and improve the living quality of So Kwun Wat area.
- (f) The technical studies submitted in support of the application (including Traffic Impact Assessment (TIA), Environmental Assessment (EA), Sewerage Impact Assessment (SIA) and landscape proposal) conclude that the proposed development will not be subject to any unacceptable impact with the adoption of mitigation measures, nor would it generate unacceptable impact to the surrounding areas:
 - With the junction improvement works at Castle Peak Road – So Kwun Wat/So Kwun Wat Road proposed under a planned development to be implemented by another party as well as the widening of Castle Peak Road – Castle Peak Bay project to be implemented by the Highways Department (HyD), the proposed development would be feasible from a traffic perspective and will not lead to adverse traffic impact on the surrounding road network.
 - The potential traffic noise and fixed noise sources in the vicinity of the proposed development including the water pumping station, electricity substation, petrol filling station (PFS), car parking area and planned fire station have been assessed in the EA. With adoption of mitigation measures such as centralized air conditioning system, architectural fins, acoustic windows and locating openable windows at strategic locations, no noise impact on the proposed development is anticipated. As no air sensitive uses

will be located within the 20m buffer from trunk road and 5m buffer from local distributor, no adverse air quality impact on the proposed development is anticipated.

- As there is sufficient capacity in the existing sewers to cater for the sewage to be generated from the proposed development, no mitigation measures/upgrading works to the existing sewers are considered necessary.
 - Six new trees with heavy standard are proposed for compensating the removal of three existing trees in direct conflict with the layout of the proposed development.
- (g) Minimum 12m buffer zones between the existing fill points of the PFS to the north of the Site and the proposed RCHE have been incorporated in the proposed scheme and no off-site fire risk on the proposed RCHE from the existing PFS is anticipated (**Drawing A-3**).
- (h) The proposed change of land use from church to RCHE is due to financial reason and the Site is no longer required for church development. Should the application be approved, the applicant will collaborate with the operator of Lok Sin Kui (Caring Foundation) Elderly Care Limited 樂善居(愛心基金)護老院有限公司 (an operator of a registered private RCHE) to implement the RCHE.

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

The applicant is not a “current land owner” of the private lots⁴ within 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 (the Ordinance) (TPB PG-No. 31A) by obtaining consent(s) of “current land owner(s)”. Detailed information would be deposited at the meeting for Members’ inspection. For the portion of GL, the “Owner’s Consent/Notification” Requirements are not applicable.

4. Background

- 4.1 On 6.9.2013, a s.16 application for church development (No. A/TM/440) within the “O” zone was approved by the Committee with conditions. Under this application, the applicant also proposed to provide a landscape garden at G/F with 558m² which would be open for public use. On 23.5.2014, a s.12A application (No. Y/TM/14) for rezoning the Site from “O” to “G/IC” to facilitate a church development with major development parameters largely similar to those proposed under application No. A/TM/440 (detailed at paragraph 1.5 above) was partially agreed by the Committee to rezone the Site to an appropriate “G/IC” sub-zone restricted for church use only, and to include BH, GFA, SC and the amount of POS to be provided in the Notes of the OZP. In this rezoning application, the applicant proposed to provide 615m² POS.

⁴ The applicant is the new owner of the private lots within the Site and is in the process to become the new Registered Owner in the Land Registry.

- 4.2 On 3.11.2017, the draft Tuen Mun OZP No. S/TM/34 was exhibited under section 5 of the Ordinance. The rezoning of the Site from “O” to “G/IC(1)” to reflect the s.12A application No. Y/TM/14 for church development was one of the amendment items. After hearing the representations and comments in August and October 2018, the Board decided not to uphold the representations. The draft OZP was subsequently approved by the Chief Executive in Council and the approved Tuen Mun OZP No. S/TM/35 was exhibited on 11.12.2018.

5. **Previous Applications**

- 5.1 The Site is the subject of five previous rezoning/ s.12A applications (No. Z/TM/1, Y/TM/3, Y/TM/14, Y/TM/18 and Y/TM/22) and one s.16 application (No. A/TM/440)⁵. The application site boundaries are shown in **Plan A-1b** and the details are at **Appendix II**.
- 5.2 Application No. Z/TM/1 for rezoning a larger site from “O” to “G/IC” for a home for the elderly was rejected by the Committee on 28.1.2000 mainly on grounds of adverse environmental impacts. On 7.5.2010, the Committee rejected a s.12A application (No. Y/TM/3) for rezoning a larger site from “O” to “G/IC” to facilitate a church development. The Committee considered it was premature to consider the application as the proposal would affect the reservation of land for development of a fire station, a police station as well as open space.
- 5.3 A s.16 application (No. A/TM/440) for proposed church with POS at the Site was approved by the Committee on 6.9.2013 mainly on grounds that the proposed development would not frustrate the planning intention of the larger “O” zone, was not incompatible with the surrounding areas and would not cause any significant adverse environmental, traffic and drainage impacts on the surrounding areas with conditions, amongst these the applicant would be required to design, implement, maintain and manage the POS. On 23.5.2014, a s.12A application (No. Y/TM/14) for rezoning the same site as application No. A/TM/440 to “G/IC” to facilitate a church development with POS based on a largely similar proposal of application No. A/TM/440 was partially agreed by the Committee. The Committee decided that the Site should be rezoned to an appropriate “G/IC” sub-zone to restrict the Site to allow only for church use and to include the BH, GFA, SC and the amount of POS to be provided in the Notes of the OZP in order to restrict the use and development parameters approved under application No. A/TM/440.
- 5.4 A s.12A application (No. Y/TM/18) for rezoning the Site to facilitate private primary school development and to remove the requirement to provide the POS was rejected by the Committee on 9.12.2016 mainly on grounds that the applicant failed to demonstrate that the site was suitable for accommodating a properly designed primary school and the proposed school development would not cause adverse traffic impact on the surrounding areas.
- 5.5 On 6.9.2019, a s.12A application (No. Y/TM/22) to amend the Notes of the “G/IC(1)” zone to facilitate RCHE development was rejected by the Committee. Although the Committee agreed that the proposed use was considered not

⁵ Except application No. Z/TM/1 and Y/TM/22 which were submitted by Jatamaka Company Limited and Mascot Enterprise Limited (i.e. the current Registered Owner of the Site) respectively, the remaining applications were submitted by another applicant (i.e. United Christian Faith Limited).

incompatible with its surroundings, the proposed scheme was inferior to the previous scheme agreed under application No. Y/TM/14 since no POS would be provided within the Site. The applicant also failed to demonstrate that the proposed RCHE development with increased development intensity (involving a GFA of 4,812m², SC of 65% and BH of 40mPD) would not cause unacceptable visual and landscape impacts on the surrounding areas. Moreover, there is insufficient information to support the prospect of implementation of the proposed RCHE.

6. Similar Application

There is no similar application for RCHE development with POS within “G/IC” zones on the Tuen Mun OZP area.

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

7.1 The Site is:

- (a) paved and currently used for vehicle parking. Trees are found at the western part of the Site (**Plan A-4**); and
- (b) accessible via So Kwun Wat Road to its west (**Plan A-2**).

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) to its immediate north are a PFS, a refuse collection point and storage use;
- (b) to its east is parking of vehicles. To its further northeast is Tuen Mun Road;
- (c) to its west across So Kwun Wat Road is a cluster of GIC facilities including an electricity substation, a water pumping station and two primary schools; and
- (d) to its south are vegetated area and an access road, and further south across the road are vegetation and temporary uses including property agencies, parking of vehicles and storage use. This area is zoned “G/IC” mainly reserved for development of a fire station and a police station with a maximum BH of 8 storeys. To its further southwest (about 100m away) is Aegean Coast which is a medium-density residential development with commercial facilities.

8. Planning Intention

The planning intention of the “G/IC(1)” zone is primarily to provide land for the development of a religious institution. Any development on land zoned “G/IC(1)” shall be compatible and blend in harmoniously with its surrounding environment.

9. Comments from the Relevant Government Departments

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

Land Administration

9.1.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) The Site comprises private lots and the adjoining GL. Except for Lot 717RP, the other lots are held under block government lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The proposed development therefore contravenes the relevant lease conditions.
- (b) In the event that planning permission is given, the lot owner(s) have to apply to LandsD for an in-situ land exchange prior to any development on the Site. The proposal would only be considered upon the receipt of a formal application from the applicant. As the current proposal has also involved a piece of GL, the applicant should note that there is no guarantee that the application, if received by LandsD, will be approved, and his comments are all reserved on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it will be subject to such terms and conditions as the Government shall deem fit to do so, including the charging of premium and administrative fees and such other conditions as may be imposed by LandsD.
- (c) Notwithstanding the above, his office reserves the right to take enforcement actions as may be considered appropriate against any unauthorised occupation of GL and unauthorised erection or extensions or alternations of structures that may be found on the Site irrespective of whether planning permission will be given or not.

Provision of Welfare Services and Licensing

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

- (a) According to SWD's record, as at end-December 2022, there are 2,092 subsidised Residential Care Service (RCS) places and 2,986 non-subsidised RCS places provided in Tuen Mun District.
- (b) In view of the increasing demand for residential care services for the elderly over the territory and providing more choices for the elderly with residential care needs, she has no in-principle objection to the development of the proposed private RCHE at the Site from the service perspective on conditions that:
 - (i) the design and construction of the proposed RCHE is in full

compliance with relevant prevailing Ordinances, Regulations and Codes of Practice enforcing in Hong Kong and any licensing requirements issued by the Social Welfare Department (SWD); and

- (ii) there shall have no financial implication, both capital and recurrent, to the Government.
- (c) The applicant is reminded that, for a RCHE licence to be issued, the intended RCHE has to comply with the prevailing licensing requirements at the time of the licence application as stipulated in the Residential Care Homes (Elderly Persons) Ordinance, Cap. 459, its subsidiary legislation and the latest version of Code of Practice for Residential Care Homes (Elderly Persons). Detailed comments are set out at **Appendix III**.

Traffic

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

She has no in-principle objection to the application from traffic engineering perspective subject to the below approval conditions:

- (a) the design and implementation of the proposed traffic improvement measures, as proposed by the applicant, to the satisfaction of the C for T or of the Board; and
- (b) the design and provision of vehicular access, car parking spaces, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the C for T or of the Board.

9.1.4 Comments of the Chief Highway Engineer/New Territories West, HyD (CHE/NTW, HyD):

The access arrangement of the Site from So Kwun Wat Road should be commented and approved by Transport Department. The applicant should also note his advisory comments at **Appendix V**.

Environment and Sewerage

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

As the revised EA and SIA have addressed all his previous comments, he has no further comments on the revised submission and proposes the following approval condition:

the submission of a revised noise impact assessment and implementation of the noise mitigation measures identified therein to meet the relevant requirements of Hong Kong Planning Standards and Guidelines (HKPSG) to the satisfaction of the DEP.

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

He has no comment on the revised SIA. The applicant should be responsible for the implementation of required sewerage works. The SIA report needs to meet the full satisfaction of Environmental Protection Department, the planning authority of sewerage infrastructure.

Landscape

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

- (a) She has no adverse comment on the application from landscape planning perspective.
- (b) The Site is situated in an area of miscellaneous rural fringe landscape character predominated by high rise residential building, educational and utility facilities and scattered tree groups. The Site is already hard paved and currently occupied by a temporary car park, the proposed use is considered not incompatible with the landscape character of the surrounding setting.
- (c) According to the applicant's submission, three existing Ficus microcarpa (細葉榕) with DBH > 1000mm are observed within the Site and all are proposed to be felled. Six heavy standard new trees and shrub planting will be provided at the public open space on G/F and the roof garden of the proposed RCHE. As the existing trees are rated "poor form, health and structural condition" with "heavy leaning" in the Tree Assessment Schedule and as observed from the tree photos in **Appendix Ia**, and the loss of existing trees will be compensated, landscape impact anticipated due to the proposed development is considered mitigated.
- (d) Should the Board approve the application, the following approval condition is recommended to be included in the planning permission:

submission and implementation of a Landscape Proposal to the satisfaction of the Director of Planning or of the Board.

Architectural and Building Matters

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

It is noted that the proposed RCHE consists of one block with building height of 7 storeys (about 32.4mPD). Since the adjacent "G/IC" zone with building height restriction of 8 storeys are permitted on the OZP, he has no comment from architectural and visual impact point of view.

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

The proposed development intensity shall not exceed the permissible as stipulated under the First Schedule of the Building (Planning) Regulations (B(P)R). Based on the proposed development parameters provided, the PR and SC do not exceed the First Schedule of B(P)R for non-domestic building. The applicant should note his advisory comments at **Appendix V**.

Fire Safety

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

He has no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of D of FS and that the height restriction as stipulated in relevant regulations governing the proposed social welfare facilities being observed. Detailed fire safety requirements, including but not limited to any additional requirements in relation to the close proximity between the site and the PFS, will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. As the Site is in close proximity to the proposed fire station cum ambulance depot, there is no guarantee that the daily operation of the fire station would make no nuisance to the residents of the RCHE. The applicant should note his advisory comments at **Appendix V**.

Open Space Provision

9.1.11 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) The Site is currently a private carpark and no venue or roadside planter under Tuen Mun District Leisure Services Office is located within the Site.
- (b) Two giant Ficus microcarpa (細葉榕) with DBH of 870mm and 1300mm and 12m in height are located within the Site. Should any tree under Leisure and Cultural Services Department (LCSD)'s maintenance be inevitably affected, the project proponent should act in accordance with the prevailing DEVB TC(W) No. 4/2020.
- (c) It is understood that an open space within the Site would be managed and maintained by the project proponent.

Nature Conservation

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

He has no comment on the application from nature conservation perspective noting that the Site mainly falls within private lots within the

“G/IC(1)” zone. The applicant should be reminded to adopt good site practices to avoid impacts on the trees at the Site and its vicinity as far as technically feasible. Should tree felling on government land be unavoidable, prior approval from LandsD should be obtained.

District Officer’s Comments

9.1.13 Comments of the District Officer (Tuen Mun), Home Affairs Department (DO/TM, HAD):

Technical issues aside, members of Tuen Mun District Council (TMDC) and the locals have been dissatisfied with the traffic congestion problem and nuisance caused by the heavy traffic on Castle Peak Road – So Kwun Wat Section and the junction of Castle Peak Road. It is envisaged that the locals living in the vicinity will raise concerns about the deteriorating traffic conditions, potential adverse air and noise impacts brought to the surrounding areas during the construction and operation of proposed development.

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

- (a) Commissioner of Police;
- (b) Director of Electrical and Mechanical Services;
- (c) Project Manager (West), Civil Engineering and Development Department;
- (d) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (e) Chief Engineer/Construction, Water Supplies Department.

10. Public Comments Received During Statutory Publication Periods

- 10.1 On 26.8.2022, 20.12.2022, 11.4.2023, 12.5.2023 and 16.6.2023, the application and its FIs were published for public inspection. During the statutory public inspection periods, a total of ten public comments were received (**Appendices IV-1 to 10**).
- 10.2 Seven out of ten public comments from individuals supporting the application/ agreeing with provision of more RCHE were received (**Appendices IV-1 to 7**). They are mainly on the grounds that the proposed development might relieve the pressing demand for RCHE in Hong Kong/the community with one of the comments also requests the provision of facilities such as improved transport facilities, car parking spaces and waste management facilities, etc. to support the residents in the area and visitors of the proposed RCHE.
- 10.3 One commenter objects to the application on the grounds that the Site is next to an existing PFS and the proposed development may be subject to air, noise and light pollutions (**Appendix IV-8**).
- 10.4 The remaining two comments mainly express concerns on the insufficient medical, transport and other facilities for supporting the proposed development and the So Kwun Wat area, and suggest incorporating some GIC facilities such as

library and clinic into the proposed development (**Appendices IV-9 and 10**).

11. Planning Considerations and Assessments

- 11.1 The applicant seeks planning permission for development of the Site of about 984m² which is zoned “G/IC(1)” on the OZP into a 7-storey building (excluding one level basement carpark) for proposed social welfare facility (RCHE) with a POS of not less than 615m² provided at street level.

Planning Intention

- 11.2 The planning intention of the “G/IC(1)” zone is primarily for providing land for the development of a religious institution to facilitate a church development previously approved under a s.16 application (No. A/TM/440) and agreed under a s.12A application (No. Y/TM/14) in 2013 and 2014 respectively. The applicant (i.e. the new owner of the Site) confirms that the Site is no longer required for church development due to financial reason. In view of the pressing demand for RCHE beds and uneven distribution of the exiting registered RCHE operations in Tuen Mun concentrating in the town centre area, the applicant proposes to develop the Site located in the Tuen Mun East area for a private RCHE with 209 beds under the current application.
- 11.3 According to SWD, there are 2,092 subsidised RCS places and 2,986 non-subsidised RCS places provided in Tuen Mun District. It is estimated that there are deficits of 1,208 and 181 RCHE subsidised beds for the planned population within the Tuen Mun OZP planning scheme area and Tuen Mun District respectively according to the requirements under the HKPSG. The proposed RCHE providing about 209 beds could help address the shortfall in elderly residential care facilities. In view of the increasing demand for residential care services for the elderly in the community and providing more choices for the elderly with residential care needs, DSW has no objection to the development of the proposed private RCHE at the Site from service perspective. While the proposed development is not entirely in line with the planning intention of the “G/IC(1)” sub-zone which is intended for the development of a religious institution, the proposed RCHE as a kind of GIC facilities providing much needed residential care places for the elderly in Tuen Mun is considered not unacceptable under the “G/IC” zone.

Compatibility of Land Use and Development Intensity

- 11.4 The Notes of the “G/IC(1)” zone stipulate that any development within the zone shall be compatible and blend in harmoniously with its surrounding environment. The proposed RCHE involving a 7-storey building (excluding one level basement carpark) with a total GFA of not exceeding 2,825m², a SC of not more than 60% and a maximum BH of 32.4mPD at main roof level follows entirely the development restrictions for the “G/IC(1)” zone. The Site is in close proximity to a number of existing G/IC and public facilities including two primary schools, an electricity substation and a water pumping station with heights ranging from one to eight storeys to its west across So Kwun Wat Road, and the planned fire station and police station in the “G/IC” zone (with BH restriction of 8 storeys) to its south. Further to its southwest (about 100m away) is Aegean Coast which is a medium-density residential development (with BH restriction of 100mPD) with

commercial facilities. The proposed use and development intensity are considered not incompatible with its surroundings. CTP/UD&L, PlanD also considers that as the Site is situated in an area of rural fringe landscape character predominated by high-rise residential buildings, educational and utility facilities and scattered tree groups, the proposed RCHE is not incompatible with the landscape character of the surrounding setting.

Open Space Provision and Landscaping

- 11.5 To meet the POS requirement as stipulated in the Notes of the “G/IC(1)” zone, a POS of not less than 615m² would be provided on the G/F (at street level) of the Site and open to the public from 7 a.m. to 8 p.m. daily under the current proposal. A pedestrian entrance for entering/exiting the POS, with proper signage at prominent location, will be located at So Kwun Wat Road. In this regard, DLCS understands that the POS will be designed and constructed by the applicant, and managed and maintained through the management office of the proposed RCHE.
- 11.6 The applicant proposes to fell all three existing trees on the Site with compensatory planting of six new trees with heavy standard. Roof-top garden, planting areas at the POS and hanging planter boxes along the main façade of the building are also proposed under the landscape proposal. DAFC and CTP/UD&L, PlanD have no adverse comment on the application from landscape planning and tree preservation perspectives. An approval condition requiring the submission and implementation of a landscape proposal is recommended to be imposed should the application be approved.

Technical Assessments

- 11.7 The applicant has submitted relevant technical assessments including TIA, EA and SIA to demonstrate that the proposed RCHE development would not generate significant adverse impacts on the surrounding areas. The TIA demonstrates that with the junction improvement works at Castle Peak Road – So Kwun Wat/So Kwun Wat Road proposed under a planned development to be implemented by another party as well as the widening of Castle Peak Road – Castle Peak Bay project to be implemented by the HyD, the proposed development would not lead to adverse traffic impact to the surrounding road network. The EA demonstrates that the proposed development will not be subject to any unacceptable noise impact with the adoption of mitigation measures, nor would it generate unacceptable noise impact to the nearby residents. For the planned fire station-cum-ambulance depot located to the immediate south of the Site, while D of FS could not guarantee that the daily operation of the planned fire station would not cause nuisance to the residents of the RCHE, the EA concludes that as the major noise sources of the fire station would be the siren noise which is expected to be occurred only during emergency, no significant adverse environmental impact from the planned fire station is anticipated. Sufficient buffer distances have also been incorporated in the proposed layout to mitigate potential air quality impact. There is sufficient capacity in the existing sewers to cater for the sewage to be generated from the proposed development. Concerned government departments including C for T, DEP and CE/MN of DSD have no comment on the applicant’s submitted TIA, EA and SIA reports and have no objection to or no adverse comments on the application.

- 11.8 The Site also adjoins an existing PFS to its north. According to the applicant, minimum 12m buffer zones between the proposed RCHE and the existing fill points of the PFS have been incorporated under the proposed scheme and therefore no off-site fire risk on the proposed RCHE due to the existing PFS is anticipated. D of FS has no comment on the applicant's submission and advises that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. Significant adverse traffic, environmental, sewerage and fire safety impacts are not anticipated.

Previous Applications

- 11.9 The Site was the subject of five previous rezoning/s.12A applications (No. Z/TM/1, Y/TM/3, Y/TM/14, Y/TM/18 and Y/TM/22) and one s.16 application (No. A/TM/440). Since the Site was rezoned to "G/IC(1)" in 2017, one s.12A application (No. Y/TM/22) for facilitating RCHE development was rejected by the Committee in 2019. Compared with this application, the proposed RCHE development under the current application would provide a POS of not less than 615m² at street level within the Site; the proposed development parameters do not exceed the development restrictions stipulated on the Notes; CTP/UD&L of PlanD and CA/CMD2, ArchSD have no adverse comment on the application from landscape planning and visual perspectives; and the applicant has identified a potential operator which is currently operating a registered private residential care home and has indicated prospect of implementing the proposed RCHE with tentative operation year set in 2027. Approving the current application is not in conflict with the previous decision of the Committee.

Public Comments

- 11.10 There are ten public comments, of which seven comments support the application/provide positive comments, one objects to the application and two raises concerns on grounds as summarised in paragraph 11 above. Justifications from the applicant in paragraph 2, comments from relevant Government departments in paragraph 9 and the planning considerations and assessments in paragraphs 11.1 to 11.9 above are relevant. Regarding the concern of possible air quality impact arising from the existing PFS on the proposed RCHE, the applicant explains that the existing PFS should adopt good practices during petrol unloading and vehicle refuelling under the current statutory control requirements. Petrol dispensers and petrol storage tanks of the PFS and petrol vehicles should also be equipped with effective vapour recovery system in accordance with relevant regulation. No adverse air quality impact is anticipated from the existing PFS on the proposed RCHE, and DEP has no comment on the applicant's submitted EA. As for the provision of additional emergency and medical services and other supporting facilities to serve the area, they would be monitored and assessed by the relevant departments.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the

permission shall be valid until **28.7.2027**, 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 approval conditions and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the design and implementation of the proposed traffic improvement measures, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the design and provision of vehicular access, car parking spaces, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) the submission of a noise impact assessment and implementation of the noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (e) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

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

- 12.3 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 "Government, Institution or Community(1)" zone which is primarily intended to provide land for the development of a religious institution. There is no strong justification in the submission for a departure from the planning intention.

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.
- 13.2 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 18.8.2022
Appendix Ia	FI received on 14.7.2023 enclosing a Consolidated Report with technical assessments
Appendix II	Previous Applications
Appendix III	Detailed Departmental Comments
Appendices IV-1 to 10	Public Comments
Appendix V	Recommended Advisory Clauses
Drawings A-1 to A-12	Master Layout Plan, Floor Plans, Section Plan and Landscape Plans
Plan A-1a	Location plan
Plan A-1b	Site Plan (with previous applications)
Plan A-2	Site Plan (with site photos viewing points)
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2023**