

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-PS/702**

- Applicant** : Joint Great Properties Limited represented by DeSPACE (International) Limited
- Site** : Lots 257 (Part) and 258 RP (Part) in D.D.122, and adjoining Government Land (GL), Ping Shan, Yuen Long, New Territories
- Site Area** : About 3,300 m<sup>2</sup> (including GL of about 1,365m<sup>2</sup> or 41.4%)
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zonings** : “Government, Institution or Community” (“G/IC”)
- Application** : Proposed Composite Social Welfare Facility (Residential Care Home for the Elderly) (RCHE) and Residential Institution (Senior Hostel (SH)) development

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed composite ‘Social Welfare Facility’ (RCHE) and ‘Residential Institution’ (SH) development at the application site (the Site) (**Plan A-1a**). According to the Notes of the OZP for the “G/IC” zone, ‘Social Welfare Facility’ is always permitted while ‘Residential Institution’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently largely hard-paved and partly occupied by a warehouse without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The proposed development consists of a 9-storey composite building for RCHE and SH uses including one basement floor for ancillary car parking facilities. Nine units of SH will be provided at G/F and about 400 RCHE beds (or a range from 380 to 420 beds) will be provided between 1/F to 6/F (**Drawings A-3 to A-8**). For the proposed SH, elderly-friendly design and considerations including stepless entryways, wider doorways, emergency call bells, handrails in corridors and bathroom, easy-access drawers and ample lighting etc. are adopted to cater for the needs and daily conveniences for elderly tenants. A private garden will also be designated in every single unit for their leisure uses (**Drawing A-4**). The permitted RCHE would comply with the licensing requirement as stipulated in the Residential Care Homes (Elderly Persons) Ordinance (Cap.459) and all the facilities provided for elderly would be located at a height of not more than 24m above ground level

(i.e. +36.4mPD) (**Drawing A-9**). Both the RCHE and SH will be privately-operated. The applicant will be responsible for selection of future operator who will be responsible for the operation, management and maintenance of both the RCHE and SH. The applicant also proposes to formulate a committee to audit the service quality provided by the future operator annually.

- 1.3 According to the applicant, the Site will be accessible via a proposed new vehicular access with a width ranging from 3.4m to 6m along with 1.5m wide pedestrian path leading to Tsui Sing Road. About 108 m<sup>2</sup> of land filling and 130 m<sup>2</sup> of excavation works, with a depth from 1m to 1.65m, are required for the proposed new vehicular access (**Drawing A-11 and Plans A-2 to A-3**). Should slope works be involved for constructing the proposed new vehicular access, the applicant has committed to conduct a geotechnical assessment during detailed design/construction stage. The proposed new vehicular access will serve as an emergency vehicular access (EVA) for the proposed development to avoid infringing local access under private land ownership. It will be constructed, managed and maintained by the applicant. Sufficient car parking spaces for the RCHE portion and transport provision for the SH will be provided in accordance with the operational requirements and the Hong Kong Planning Standards and Guidelines (HKPSG).
- 1.4 Private open space of not less than 440m<sup>2</sup> comprising the landscape gardens on G/F, 1/F and R/F are proposed (**Drawing 13**) in accordance with HKPSG. No less than 20% of overall greenery coverage will be provided according to the submitted Landscape Master Plan (LMP) (**Drawing A-12**). Since the proposed new vehicular access will require the felling of 24 trees of poor condition and low amenity value, 24 new trees are proposed for compensation at G/F and R/F of the proposed development. The proposed development is anticipated to be completed in 2029. The location plan, vehicular access plan with proposed filling and excavation operation, master layout plan, floor plans, section plan, landscape master plan and open space demarcation plan are shown at **Drawings A-1 to A-13** respectively.
- 1.5 The proposed development parameters are summarised as follows:

	RCHE Portion	SH Portion	Total
Proposed Use	Social Welfare Facility (RCHE) and Residential Institution (SH)		
Site Area	About 3,330m <sup>2</sup>		
Development Area	About 2,090m <sup>2</sup> (a)		
Total Gross Floor Area (GFA)	About 7,500m <sup>2</sup>	About 500m <sup>2</sup>	About 9,800m <sup>2</sup> (Including About 1,800m <sup>2</sup> for Car Park)
Plot Ratio (PR)	3.59	0.24	4.69 (including 0.86 for Car Park)
Site Coverage	--	--	Not more than 75%
No. of Blocks	--	--	1
No of Storeys	8	1 (Located at G/F)	9 (including 1 basement floor for car park)

	RCHE Portion	SH Portion	Total
Building Height (BH)	42.65mPD		
No. of Units	--	9	--
No. of RCHE beds	About 400 (or within a range of 380-420)	--	--
Estimated population	Not more than 420	About 20	Not more than 440
Private Open Space	Not less than 420m <sup>2</sup>	Not less than 20m <sup>2</sup>	About 502m <sup>2</sup>
No. of Car Parking Spaces			
-Private Car	16 (including 3 for the disabled)	2 (including 1 for the disabled)	18
- Light Bus	1	--	1
No. of Loading/Unloading Spaces	1 (LGV)	1 (LGV)	2
Tentative Completion Year	2029		

(a) Based on a net site area excluding the proposed vehicular access of about 1,240m<sup>2</sup> on GL.

1.6 In support of the application, the applicant has submitted Traffic Impact Assessment (TIA), Tree Preservation and Removal Proposal and Landscape Proposal, Noise Impact Assessment (NIA), Sewerage Impact Assessment (SIA) and Drainage Impact Assessment (DIA) to demonstrate that the proposed development would not result in adverse impacts on the surrounding areas.

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

- (a) Application form received on 30.10.2023 **(Appendix I)**
- (b) Supplementary Information (SI) received on 9.11.2023 **(Appendix Ia)**
- (c) Consolidated Report received on 15.4.2024 **(Appendix Ib)**

*[Supporting planning statement received on 30.10.2023 and further information (FIs) received on 28.11.2023<sup>#</sup>, 18.12.2023\*, 20.2.2024\*, 27.3.2024<sup>#</sup> and 15.4.2024<sup>#</sup> were superseded and not attached]*

*\*not exempted from publication and recounting requirements*

*<sup>#</sup>exempted from publication and recounting requirements*

1.8 On 16.2.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and the SI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The proposed development aims to provide social services to meet community needs. It is compatible with the surrounding area and in compliance with the intention of the “G/IC” zone.
- (b) The proposed development promotes an ageing-in-place and an one-stop service for the elderly, with an integration of elderly living models with the provisions of living, medical and nursing care, and rehabilitation and wellness services. The SH aims at serving the elderly who can live independently while the RCHE is to serve the elderly who need long term and day-to-day care services.
- (c) The proposed development is in line with the latest Government’s policies on providing wider range of elderly accommodation options with services and support in the market and more bed spaces of purpose-built RCHE by developers in new private developments.
- (d) The proposed development could also help meeting the shortfall in RCHEs in the district and catering for the projected aging population in the community.
- (e) The Site is currently accessible via a local village track through the private lands from Tsui Sing Road. The proposed access road is essential to the proposed development serving as a vehicular access/ EVA.
- (f) Technical assessments have concluded that no significant adverse visual, landscape, traffic, geotechnical, air, noise, sewerage and drainage impacts are anticipated.

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

The applicant is not a “current land owner” 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 of the current land owner of Lot 258RP and written notifications have been mailed to inform the current land owners of Lot 257. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the requirements as set out in TPB PG-No. 31B are not applicable.

## **4. Background**

- 4.1 The Site was zoned “G/IC” on the draft Ping Shan OZP No. S/YL-PS/1 gazetted on 14.6.1996 to accommodate future developments of primary/secondary schools. There has been no change in the zoning and development restrictions on the OZP since then. The “G/IC” site was de-reserved for school development in 2005 and currently there is no designated GIC use for the Site.
- 4.2 The Site is not subject to active planning enforcement action.

## **5. Previous Applications**

The Site is involved in seven previous applications (A/YL-PS/8, 23, 27, 226, 530, 555 and 624) for various temporary vehicle park, open storage, workshop, shop and wholesale uses. The considerations for the said applications are not relevant to the current application which involves a different use. Details of these previous applications are shown in **Appendix III** and their locations are shown on **Plan A-1b**.

## **6. Similar Application**

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

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

7.1 The Site is:

- (a) accessible from Tsui Sing Road via a local track; and
- (b) largely hard paved and partly occupied by a temporary warehouse structure.

7.2 The surrounding areas have the following characteristics:

- (a) comprise predominantly village settlements of Hang Tau Tsuen intermixed with brownfield operations including parking of vehicles and shop and wholesale uses, some of which are covered with valid planning permissions and some are suspected unauthorized developments (UDs);
- (b) to its immediate west is a permitted burial ground zoned “Green Belt” (“GB”) and an open storage yard which is a suspected UD; and
- (c) to the north are Tsui Sing Road, MTR Tuen Ma Line and Tin Shui Wai West Rail Substation. High-rise and high-density housing developments are located to the further north within Tin Shui Wai New Town (**Plan A-1a, A-2 and A-3**).

## **8. Planning Intention**

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

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

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

### **Social Welfare**

9.1.1 Comments of the Secretary for Labour and Welfare (SLW):

- (a) he has no objection to the application;
- (b) he is not in a position to provide support for the proposed SH and has no objection in-principle for the applicant's proposal to provide a RCHE at the application site in Ping Shan, Yuen Long, on the conditions that –
  - (i) the proposed RCHE shall comply with all relevant statutory and licensing requirements; and
  - (ii) the proposed RCHE shall not incur any financial implication, both capital and recurrent, to the Government; and
- (c) the applicant should note his advisory comments at **Appendix III**.

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

she has no comment on the application at this stage. The applicant should note her advisory comments at **Appendix III**.

**Land Administration**

9.1.3 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) no adverse comment on the application from land administration point of view;
- (b) the Site comprises two lots (Lots 257 and 258RP in D.D. 122) and adjoining GL in D.D. 122. The private lots are held by Block Government Lease demised for agricultural purposes which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The proposed social welfare facility (RCHE) and SH uses are not permitted under Block Government Lease. Lot 258RP in D.D. 122 is covered by Short Term Waiver No. 4753 to permit structures erected thereon for the purpose of "Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) and Shop and Wholesale of Construction Materials". The actual site area and entitlement of the private lots involved will be subject to further verification if a land exchange application is submitted by the applicant to implement the proposal; and
- (c) the applicant should note his advisory comments at **Appendix III**.

**Traffic**

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

- (a) she has no comment from traffic engineering perspective; and
- (b) the applicant should note her advisory comments at **Appendix III**.

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

- (a) he has no objection to the application from the highways maintenance point of view; and
- (b) the applicant should note his advisory comments at **Appendix III**.

**Environment**

9.1.6 Comments of the Director of Environment Protection (DEP):

Having reviewed the information submitted, no insurmountable environmental and sewerage problems arising from the proposed development are anticipated. Should the Committee consider to approve the application, a land contamination review report, a revised NIA and an updated SIA report should be submitted; and the mitigation measures identified in the reports should be implemented to the satisfaction of the DEP or of the Board. Given the above-mentioned, he has no objection to the application.

**Drainage**

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

- (a) he has no objection in principle to the proposed application from drainage and sewerage viewpoint. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that an approval condition should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his office; and
- (b) he has no comment on the DIA and SIA submitted by the applicant. However, the management and maintenance responsibility for proposed drainage facilities to be constructed at the proposed vehicular access road (**Drawing A-11**) shall be subject to the land status of the captioned access road.

**Fire Safety**

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

- (a) he has no specific comment on the application;
- (b) detailed fire services requirements will be formulated upon receipt of a formal submission of general building plans or referral of application via relevant licensing authority;

- (c) the EVA provision in the captioned work shall comply with the requirements as stipulated in Section 6, Part D of the ‘Code of Practice for Fire Safety in Buildings 2011’, which is administered by the Building Authority; and
- (d) the applicant should note his advisory comment at **Appendix III**.

### **Urban Design and Landscape**

#### **9.1.9 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD(2), ArchSD):**

It is noted that the proposed development consists of construction of an 8-storey (excluding one basement floor) composite building with a BH of not more than 42.65mPD. It is noted that there is no development restriction under the OZP for the subject zoning. Therefore, he has no comment on the proposed BH.

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

### **Urban Design and Visual**

- (a) the Site is located in the “G/IC” zone which is adjoining Long Tin Road on the east and a green knoll on the west, and occupied by temporary structures and Tin Shui Wai West Rail/Light Rail Substations (with BHs ranging from about 11.5mPD to 18.5mPD). Its surrounding area mainly comprises clusters of temporary structures and village houses to the east across Long Tin Road, to the south and to the west across the green knoll. High-rise housing estates (with BHs up to about 114mPD) in the Tin Shui Wai New Town are located across Tuen Ma Line to the north. The proposed development with a BH of 9 storeys/42.65mPD (including basement level) is considered not incompatible with the existing surrounding context and no significant adverse visual impact on the surrounding area is anticipated. Besides, various mitigation measures such as landscaping and rooftop greening are proposed to minimise the potential visual impacts;

### **Landscape**

- (b) according to the aerial photo of 2022, the Site is situated in area of miscellaneous rural fringe landscape character predominated by temporary structures, public vehicle parks, village houses, graveyard and woodland. The Site is occupied by temporary structures. The proposed use is considered not incompatible to the landscape character of the surrounding area; and
- (c) having reviewed the revised landscape proposal, 24 existing trees of common species within the Site are proposed to be felled. In Section 4.3 “Tree Compensatory Proposal” and Section 8.0 “Soft Landscape (Planting design/materials), 12 new trees of native species, shrubs and



groundcovers planting and vertical greening on the fence wall are proposed at G/F; shrubs and groundcovers planting are proposed at 1/F; and 12 new trees in hedge form and shrubs and groundcovers planting are proposed on roof floor. She has no comment on the application from landscape planning perspective.

#### **District Officer's Comments**

9.1.11 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received any feedback from locals.

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

- (a) Chief Building Surveyor/New Territories West (CBS/NTW), BD;
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Head of Geotechnical Engineering Office (Head (GEO)), CEDD;
- (d) Project Manager (West) (PM(W)), CEDD;
- (e) Director of Agriculture, Fisheries and Conservation (DAFC);
- (f) Director of Electrical and Mechanical Services (DEMS);
- (g) Director of Leisure and Cultural Services (DLCS); and
- (h) Commissioner of Police (C of P).

#### **10. Public Comments Received During Statutory Publication Period**

10.1 On 14.11.2023 and 29.12.2023, the application and FI were published for public inspections. During the statutory public inspection periods, a total of 148 public comments were received with 146 supporting and two expressing concerns on the application.

10.2 The 146 supporting comments were submitted by Yan Oi Tong Limited, Granyet Care Group, village representative of Hang Mei Tsuen, local villagers and individuals (**Appendices IVa**). The major supporting grounds are summarised as follows:

- (a) the proposed development complies with the planning intention of the "G/IC" zone;
- (b) the location is suitable for provision of RCHE to meet the demand in Tin Shui Wai and Ping Shan areas; and
- (c) the proposed development would phase out the existing brownfield operations, improve the local environment and provide elderly facilities that benefit the neighbourhood. More job opportunities would also be brought by the proposed development.

10.3 Two public comments submitted by the same individual (**Appendix IVb**) expressed concern on the ownership and purpose of the proposed new vehicular access that involves GL and opine that alternative access to the south of the Site should be considered.

## **11. Planning Considerations and Assessments**

### *Planning Intention*

- 11.1 The application is for a proposed development for ‘Social Welfare Facility’ (RCHE) and ‘Residential Institution’ (SH) uses with a total PR and BH of 4.69 and 9-storey (including one basement floor car park) (+42.65mPD) respectively at the Site zoned “G/IC”. The proposed development will provide about 400 RCHE’s beds (or within a range from 380 to 420 beds) and nine SH units. According to the Notes of the OZP, ‘Social Welfare Facility’ is always permitted while ‘Residential Institution’ requires planning permission from the Board. There is no designated GIC use involving the Site which has been occupied with brownfield operations. The proposed development can meet the acute demand for residential care services for elderly. Both the RCHE and SH will provide various care and supporting services to the elderly with different levels of caring. The proposed SH will serve those elderly who can live independently while the proposed RCHE will serve those elderly with long-term care need but cannot be taken care of at their domestic homes. In this regard, SLW and DSW have no objection in principle to/no comment on the application. In view of the above, the proposed development is considered in line with the planning intention for the “G/IC” zone for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory.

### *Land Use Compatibility and Development Intensity*

- 11.2 The Site is mainly surrounded by temporary warehouses with planning permissions on the same “G/IC” zone, village settlements intermixed with brownfield operations within “V” zone, and a permitted burial ground zoned “GB” (**Plan A-2**). The proposed use is generally not incompatible with the surrounding land uses and the long-term development of the area.
- 11.3 The immediate surroundings area of the Site are mainly low-rise, low-density village type developments, and temporary structures of one to two storeys (8.5m in height). To the further north of the Site is the viaduct of MTR Tuen Ma Line and high-rise and high-density public housing developments in Tin Shui Wai New Town (**Plans A-1a and A-2**). Various mitigation measures such as landscaping and rooftop greening are proposed to minimise the potential visual impacts. CA/CMD2, ArchSD has no comment on the proposed BH of the proposed development. CTP/UD&L, PlanD considers that the proposed development is not incompatible with the existing surrounding context and no significant adverse visual impact on the surrounding area is anticipated. In this regard, the proposed BH of 9-storey (including one basement floor car park) (+42.65mPD) is considered generally not incompatible with the existing and planned developments in the area.

### *Technical Aspects*

- 11.4 A new vehicular access will be constructed, managed and maintained by the applicant to serve the proposed development. It will also serve as an EVA for the proposed development. The applicant has committed to conduct a geotechnical assessment during detailed design/construction stage in relation to the potentially affected slope works resulting from the construction of the new vehicular access. Both C for T and H(GEO), CEDD have no comment on the proposed new vehicular from traffic and geotechnical engineering perspectives respectively.

- 11.5 The applicant has submitted various technical assessments, including TIA, NIA, DIA and SIA to demonstrate that the proposed development is acceptable from traffic, environmental, drainage and sewerage perspectives. Relevant government departments, including C for T, DEP and CE/MN of DSD have no in-principle objection to/no adverse comment on the application. Technical concerns of relevant departments can be addressed through imposition of approval conditions and appropriate control under lease at the detailed design stage.

Public Comments

- 11.6 There are 146 supporting comments and two public comments received during the public inspection period expressing concerns on the application on grounds as detailed in paragraph 10 above. The planning considerations and assessments in paragraph 11.1 to 11.6 above are relevant.

**12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned 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 **19.4.2028**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised drainage proposal and implementation of the measures identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the design and provision of vehicle parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission of a land contamination assessment and the implementation of the necessary remedial works before the commencement of construction works of the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the submission of a revised noise impact assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (e) the submission of a revised sewerage impact assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

### Advisory Clauses

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

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

### **13. Decision Sought**

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

13.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.

13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

### **14. Attachments**

<b>Appendix I</b>	Application Form received on 30.10.2023
<b>Appendix Ia</b>	SI received on 9.11.2023
<b>Appendix Ib</b>	Consolidated Report received on 15.4.2024
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Appendix IVa</b>	Supporting Public Comments
<b>Appendix IVb</b>	Public Comments Expressing Concerns
<b>Drawing A-1</b>	Proposed Location Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawings A-3 to A-8</b>	Floor Plans
<b>Drawings A-9 to A-10</b>	Section Plans
<b>Drawing A-11</b>	Vehicular Access Plan
<b>Drawing A-12</b>	Proposed Landscape Master Plan
<b>Drawing A-13</b>	Open Space Demarcation Plan
<b>Plan A-1</b>	Location Plan with Previous Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2024**