

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K22/22

- Applicant** : Social Welfare Department, Government of the Hong Kong Special Administrative Region
- Site** : Kai Tak Area 4A Site 1, Kai Tak Development, Kowloon (to be known as New Kowloon Inland Lot No. 6577)
- Floor Area** : Not more than 6,600m²
- Land Status** : Government Land
- Plan** : Approved Kai Tak Outline Zoning Plan (OZP) No. S/K22/6
- Zoning** : “Residential (Group B)5” (“R(B)5”)
[subject to the following restrictions/requirement:
(a) maximum plot ratio (PR) of 6.1;
(b) maximum site coverage (SC) of 40% (excluding basement(s));
(c) maximum building height (BH) of 110mPD; and
(d) non-building area (NBA).]
- Application** : Proposed Social Welfare Facility (Residential Care Home for the Elderly (RCHE) and Child Care Centre (CCC))

1. The Proposal

- 1.1 The applicant, Social Welfare Department (SWD), seeks planning permission for a proposed social welfare facility (RCHE and CCC) at Kai Tak Area 4A Site 1, Kowloon (the Site) (**Plan A-1**). The Site, with an area of about 16,400m², falls within an area zoned “R(B)5” on the approved Kai Tak OZP No. S/K22/6. According to the Notes for the “R(B)” zone, ‘Social Welfare Facility’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The total gross floor area (GFA) of the proposed RCHE and RCC is not more than 6,600m² which will be counted towards the permitted maximum PR of 6.1 for the Site.
- 1.2 The Site has been included in the 2018-19 Land Sale Programme for private residential development. Upon obtaining planning permission, relevant special conditions will be included in the land sale document requiring the purchaser of the Site to design and construct bare shell premises for the proposed RCHE and CCC as part of the development. The proposed RCHE

and CCC will not involve any relaxation of the PR and BH restrictions stipulated under the Notes for the “R(B)” zone.

- 1.3 According to SWD, the proposed RCHE will provide 200 bed spaces and require a net operational floor area (“NOFA”) of about 2,475m². The basic facilities of the RCHE include dormitories, dining/sitting area, toilet/bathroom/shower, kitchen, laundry, office area, isolation facility/room, etc. It has to be located on the ground floor or lower floors of a building (not to be more than 24m above ground) with a designated lift in order to be easily accessible by the users, visitors and emergency services.
- 1.4 The proposed CCC will provide 100 day child care service places for children aged below three and require an NOFA of about 488m². The basic facilities of the CCC include play cum dining area, playroom/music room, indoor big muscle area, small group tuition room, dormitories, children’s toilet, staff toilet, kitchen, milk room, laundry, store room, office/staff area, medical/isolation room and entrance/reception/health inspection area, etc. It should not be located more than 12m above ground.
- 1.5 A parking space for private light bus with tail-lift (8m x 3m with a minimum headroom of 3.3m) is required for the exclusive use of the RCHE. A loading/unloading area for the shared use of the RCHE and CCC to be located in close proximity to the RCHE is also required.
- 1.6 In order to provide design flexibility for the future purchaser of the sale site, the detailed design and layout of the proposed RCHE and CCC are not specified in this application. Detailed design of the proposed RCHE and CCC, including the floor area requirements, disposition of component facilities, accessibility, transport, environmental and fire safety aspects, would be controlled through relevant ordinances and regulations including the statutory requirements governing the licensing of RCHE¹ and CCC², the building plan submission and the land sale conditions.
- 1.7 The proposed RCHE and CCC will be designed and constructed by the future purchaser of the Site and handed back to the Government upon completion. The Labour and Welfare Bureau (LWB) has given policy support for the proposal and the cost of design and construction for the facilities will be met by the Lotteries Fund. The proposed RCHE and CCC will be operated by service operators to be identified by SWD through invitation of tender and invitation for proposals open to non-governmental organisations respectively.

¹ The Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and the Residential Care Homes (Elderly Persons) Regulation (Cap. 459A) regulate the operation of RCHEs in Hong Kong. The legislation aims at ensuring that residents in these homes receive services of acceptable standards that are of benefit to them physically, emotionally and socially. All RCHEs are regulated through a licensing scheme to ensure the provision of a high level of care services by the RCHEs and the effective protection of the interests of their residents.

² The CCC shall also comply with the statutory requirements laid down in the Child Care Services Ordinance (Cap. 243) and the Child Care Services Regulations (Cap. 243A) regarding the maximum height of centres, minimum height of parapets and window openings, ventilation and lighting, ceiling height and toilet facilities.

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

- (a) Application Form received on 14.9.2018 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are set out in the supplementary planning statement at **Appendix Ia**. They are summarised as follows:

Demand for RCHE and CCC

- (a) There has been a persistent demand for RCHEs in view of the ageing population. The provision of RCHEs by the private and public sectors is inadequate to cope with the keen demand. As at July 2018, there were more than 39,800 waitlistees on the Central Waiting List for various types of subsidised residential care services places (RCS) for the elderly, with the average waiting time for care-and-attention places and nursing places at 23 months. A trend of the ageing population in Hong Kong, with the projected median age of the population from 44.3 in 2016 to 50.9 in 2036, implies that it is essential to have a steady supply of RCHEs. As at 31 July 2018, there were a total of 27,375 subsidised RCS places in the territory.
- (b) At present, there are about 33,000 CCC places, of which about 7,000 are aided places. The average utilisation rate of the existing 12 aided standalone CCCs, which provide full-day child care service, has reached 100% in 2017-18. Requests have been raised by different political parties, Legislative Council members, pressure groups, women associations and stakeholders to increase aided CCC places to meet the demand.
- (c) With regard to the location and the parameters of the planned development on the Site including the maximum GFA and BH, it is considered that a 200-place RCHE and a 100-place CCC would be at an appropriate scale to be set up on the Site that would help meet the demand for RCS for the elderly in Kai Tak Area as well as child care services from the existing and the new population arising from the various residential developments in Kai Tak.

Land Use Compatibility

- (d) The Site is located within a cluster of medium-density residential developments. The environment is considered suitable for the proposed RCHE and CCC which are targeted for the elderly persons requiring suitable institutional care and toddlers/young children respectively. It is also considered not incompatible with the private residential development to be erected on the Site. There are many examples of incorporating welfare facilities in private residential developments, such as those at the sites of ex-Kwong Choi Market in Tuen Mun, West Rail Long Ping Station (North), Site 1F1 of Kai Tak Development and West Rail Nam Cheong Station. There

is also an example of providing a kindergarten-cum-CCC in the MTRCL development at Nam Cheong Station. The provision of the proposed RCHE and CCC in the private residential development on the Site will comply with relevant sections of the Hong Kong Planning Standards and Guidelines, other relevant regulations and statutory/licensing requirements including but not limited to the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459), Residential Care Homes (Elderly Persons) Regulation (Cap. 459A), Code of Practice for Residential Care Homes (Elderly Persons), Child Care Services Ordinance (Cap. 243), Child Care Services Regulations (Cap. 243A), and Buildings Ordinance (Cap. 123) and Regulations, as appropriate.

Insignificant Traffic, Environmental, Drainage and Sewerage Impacts

- (e) The proposed RCHE and CCC will form part of the private residential development to be erected on the Site. Its GFA will be counted towards the permitted maximum plot ratio of 6.1 for the Site under the OZP. Hence, it will not result in any increase in the total permissible GFA for the Site. Moreover, as the proposed RCHE only provides 200 service places, it will not induce major increase in the population for the whole development. Unlike the proposed RCHE, the proposed CCC is not providing residential service and it is set up to alleviate the burden of child care of the families living in the vicinity.
- (f) For the proposed RCHE, the 200 elderly residents will generally stay in the facilities and the number of vehicular trips arising from the escort of the elderly residents to and from medical appointments or outdoor activities, the routine deliveries of goods and materials and other management and maintenance services on a daily basis will be minimal. The proposed RCHE will also be provided with a private light bus to enable the operator to arrange escort services for the elderly. For the proposed CCC, its service hours are generally from 8 a.m. to 6 p.m. Mondays to Fridays, and from 8 a.m. to 1 p.m. on Saturdays. The parents will escort the children to and from the centre before and after the daily operating hours. It will mainly serve local residents living in Kai Tak Area and parents working in the vicinity. Other than local residents, most of the service users will probably take public transport. Like other RCHEs and CCCs subsidised by the SWD, staff and visitors of the centres are presumed to use public transport and therefore would not incur significant traffic impact on the vicinity.
- (g) Having regard to the scale and operation mode of the proposed RCHE and CCC, significant environmental, drainage, sewerage and traffic impacts on the surrounding areas are not envisaged.

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

As the Site involves government land only, the “owner’s consent/notification” 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. 31A) is not applicable to the application.

4. Previous Application

The Site, among 20 other sites in Kai Tak Development, was involved in a previous planning application (No. A/K22/16) submitted by Civil Engineering and Development Department (CEDD) for proposed minor relaxation of PR/BH restrictions, which was approved with conditions by the Metro Planning Committee (the Committee) on 17.4.2015 when the previous approved Kai Tak OZP No. S/K22/4 was in force and the Site was zoned “R(C)”. With the planning permission granted by the Committee, the maximum PR and BH of the Site were relaxed from 3.0 to 3.4 and from 65mPD/80mPD to 80mPD respectively. Nevertheless, the Site was subsequently rezoned from “R(C)” to “R(B)5” with its boundary adjusted and subject to new development restrictions of maximum PR of 6.1, maximum SC of 40% and maximum BH of 110mPD on the draft Kai Tak OZP No. S/K22/5 exhibited on 17.2.2017 for reflecting the recommended development proposals under the Review Study of Kai Tak Development.

5. Similar Application

There is no similar application for the same use within “R(B)” zones on the Kai Tak OZP.

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

6.1 The Site is:

- (a) located at the Runway Area (i.e Area 4) of Kai Tak Development and is situated at the junction of Road D3 (i.e. the realigned Shing Fung Road that connects with Kai Tak City Centre) and Road D4 (i.e. Kai Tak Bridge that connects with the South Apron area); and
- (b) currently connected to Kowloon Bay/Kwun Tong via Shing Fung Road, Kai Tak Bridge and Shing Cheong Road.

6.2 The surrounding areas have the following characteristics:

- (a) mostly planned residential sites which are zoned “R(B)4”, “R(B)5” and “R(B)7” and intended for medium-density residential developments;
- (b) to its immediate southwest is the Central Boulevard of the Runway Area with an elevated landscaped deck above the at-grade Road D3;
- (c) to its immediate northeast is a waterfront promenade zoned “Open Space” facing the Kai Tak Approach Channel (KTAC); and
- (d) the Hong Kong Children’s Hospital and the planned New Acute Hospital are located on the opposite side of the KTAC, which can be directly accessed from the Site via Road Kai Tak Bridge.

7. Planning Intention

The planning intention of “R(B)5” zone is primarily for medium-density residential development. Residential developments in the Runway Area should comprise podium-free residential towers and low blocks to achieve diversity in building mass/form for a more interesting building height profile in the area. According to the Explanatory Statement of the OZP, developments at sites zoned “R(B)4”, “R(B)5” and “R(B)7” in the Runway Area would feature an undulating and varied building height profile, with the tallest band of developments in the middle portion.

8. Comments from Relevant Government Departments

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

Land Administration

8.1.1 Comments of the District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD):

- (a) He has no objection to the application.
- (b) If the planning application is approved, the requirement for provision of the RCHE and CCC would be incorporated into the land sale conditions as appropriate, subject to the approval of the District Lands Conference. Details of the provisions would be worked out with relevant bureaux/departments when the proposed land sale is processed.

Building Matters

8.1.2 Comments of the Chief Building Surveyor/Kowloon, Buildings Department:

- (a) He has no objection to the application.
- (b) A RCHE which is for habitation is a domestic use under the Buildings Ordinance (BO).
- (c) His comments on the building proposal of the development would be subject to submission of more detailed plans or application for approval under the BO.

Environment

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

- (a) He has no objection to the application from the environmental perspective.

- (b) The Environmental Permit (EP) for 'Kai Tak Development – Roads D3A & D4A' No. EP-445/2013/A has designated Non-noise Sensitive Use (NNSU) Areas for the Site. Further to issuance of the EP, the supplementary Environmental Assessment for the further proposed changes to the Rethink 2 Study at the former runway (Urban Design Review at Former Runway) indicated that additional NNSU apart from the originally proposed NNSU specified in the EP is required. Therefore, a Noise Impact Assessment (NIA) clause shall be imposed in the land sale condition for the Site.
- (c) Based on the Supplementary Infrastructure Assessment carried out by CEDD for the Rethink 2 Study, a Sewerage Impact Assessment (SIA) clause is required for the proposed development (i.e. the private residential development and the social welfare facilities) to address the potential sewerage impact arising from the proposed developments on the local sewerage system and the mitigation measures as appropriate.

Harbourfront Planning

8.1.4 Comments of the Harbour Office, Development Bureau (DEVB):

- (a) The Site falls within the harbourfront area under the purview of Harbourfront Commission's Task Force on Kai Tak Harbourfront Development (KTTF). SWD (i.e. the applicant) circulated a consultation paper to KTTF on the subject proposal.
- (b) During the consultation period (from 19.10.2018 to 26.10.2018), some KTTF members were concerned about using the ground and lower levels of the Site for the proposed social welfare facility uses. They preferred more vibrant uses for capitalising the waterfront location, creating synergy with the adjacent KTAC and activating the harbourfront. On the other hand, there were also views that the application would allow the elderly and children users of the services to gain access and enjoy the harbourfront. Housing them in the ground and lower floors of the development would enhance their mobility.

Fire Safety

8.1.5 Comments of the Director of Fire Services:

- (a) As regard the RCHE, he has no specific comment on the application subject to the applicant has observed the statutory height restriction as stipulated in Residential Care Homes (Elderly Persons) Ordinance, Cap. 459.

- (b) Since SWD is the licensing authority of RCHE, details requirements, among others, in relation to fire safety aspects will be issued by them upon receipt of formal application. In the meantime, the requirements as stipulated in the Code of Practice for RCHE should be observed.
- (c) As for the CCC, he also has no specific comment provided that the height restriction as stipulated in Reg. 19 of Child Care Services Regulations, Cap. 243A is being observed. The fire safety requirements would be imposed upon receipt of formal application via Licensing Authority.

District Officer's Comments

8.1.6 Comments of the District Officer (Kowloon City), Home Affairs Department (HAD):

He has no comment on the application and notes that the Planning Department has notified the interested Kowloon City District Council (DC) members as well as the Owners' Committee/Mutual Aid Committees/ Management Committees of buildings near the Site about the planning application and that the notified parties have been invited to contact the Planning Department about any enquiries or comments. The Board should take into account all the comments gathered in the consultation exercise in the decision making process. Should the application be eventually approved, the applicant should take appropriate measures to address the concerns of relevant stakeholders.

8.2 The following government bureau/departments have no objection to or no adverse comment on the application:

- (a) Head of Energizing Kowloon East Office, DEVB;
- (b) Commissioner for Transport (C for T);
- (c) Chief Highway Engineer/Kowloon, Highways Department;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Chief Engineer/Mainland South, Drainage Services Department;
- (f) Director of Electrical and Mechanical Services;
- (g) Project Manager (East) (PM(E)), CEDD;
- (h) Chief Town Planner/Urban Design and Landscape, Planning Department;
- (i) Chief Project Manager 303, Architectural Services Department;
- (j) Chief Architect/CMD2, Architectural Services Department;
- (k) Director of Leisure and Cultural Services; and
- (l) District Officer (Kwun Tong), HAD.

9. Public Comments Received During Statutory Publication Period

On 21.9.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 12.10.2018, one public comment submitted by an individual (**Appendix II**) was received. The commenter fully supported the intended use but opined that it was impossible to make informed comment in view of the insufficient information provided in the application.

10. Planning Considerations and Assessments

The Site and the Proposal

- 10.1 The Site is zoned “R(B)5” on the OZP which is intended primarily for medium-density residential development. To provide more elderly and child care facilities for the community, the applicant, SWD, seeks planning permission to set up a proposed social welfare facility comprising a 200-place RCHE and a 100-place CCC at the Site. The GFA of the proposed RCHE and CCC is not more than 6,600m², which is equivalent to about 6.6% of the total maximum GFA of 100,040m² (i.e. PR of 6.1) of the Site. The future purchaser of the Site will be required to design and construct the proposed RCHE and CCC as part of the development on the Site.
- 10.2 While the proposed RCHE and CCC are not entirely in line with the planning intention of the “R(B)5” zone to provide residential flats, the proposed RCHE can provide residential care accommodation for the elderly to meet the keen demand for our aging society. The proposed CCC will provide full-day child care services that help meet the demand for child care services from the existing and the new population arising from the various residential developments in Kai Tak.

Policy Support

- 10.3 The initiative of augmenting the provision of welfare facilities in different types of developments has been stated in the 2017 Policy Agenda. In addition to the need for implementation of new measures to enhance the provision and planning of elderly services as recommended in the Elderly Services Programme Plan, it was set out in the 2017 Policy Agenda that the Government would explore measures that would encourage private developers to provide various welfare facilities, including, inter alia, elderly and day child care services in their development projects. Pursuant to the Population Policy, the Government has also been enhancing child care services (which are in acute demand) to support women in fulfilling their work and family commitments and to reduce the barriers for women joining/staying in the workforce. The application is in line with the Government’s overall policy of augmenting the provision of welfare facilities, which is in the public interest. According to the applicant, LWB has given policy support for the proposal.

Land Use Compatibility

- 10.4 The Site is located in an urban area predominately occupied by newly developed and planned medium-density residential developments. The proposed RCHE and CCC are considered not incompatible with the surrounding residential developments and the private residential development to be development on the Site as they are facilities for the serving the need of the neighbourhood. There is a precedent case of incorporating social welfare facility in private residential development in Kai Tak Development, i.e. the Government incorporated the requirement for the provision of two RCHEs and two day care centres for the elderly in the Conditions of Sale for Site 1F1 which is zoned “Other Specified Uses” annotated “Mixed Use (2)” and sold in May 2018.

Harbourfront Planning

- 10.5 The proposed RCHE and CCC to be incorporated in a residential development on a waterfront site are considered not incompatible with the waterfront setting of the locality. Some KTTF members are of the view that the provision of such social welfare facilities at the Site could facilitate the elderly and children users to access and enjoy the harbourfront. Some other KTTF members prefer other uses that could capitalise the waterfront location of the Site and activate the harbourfront. In fact, uses that could bring vibrancy to the waterfront have already been catered for during the course of planning for the Runway Area. Under the OZP, ‘Shop and Services’ and ‘Eating Place’ uses are always permitted on the lowest two floors of buildings in all residential zones in the Runway (i.e. the “R(B)4”, “R(B)5” and “R(B)7” zones). To enhance the vibrancy of the waterfront promenade, retail frontage abutting open space, waterfront promenade or pedestrian street are proposed in the residential sites along the western side (i.e. those facing the Victoria Harbour) of the Runway. Such a planning intention has been stated in the Explanatory Statement of the OZP.

Technical Aspect

- 10.6 The proposed RCHE and CCC will not result in any increase in the total permissible GFA for the Site. As the proposed RCHE only provides 200 service places, it will not induce major increase in the population for the whole development. On the other hand, the proposed CCC is not providing residential service. Relevant departments consulted including DLO/KE of LandsD, C for T, DEP and PM(E) of CEDD have no objection to the application. As the proposed RCHE and CCC will form part of the future development at the Site, the requirements for a NIA and SIA for the proposed development at the Site as raised by DEP would be incorporated into the Conditions of Sale for the Site as appropriate.

Implementation Aspect

- 10.7 As advised by DLO/KE of LandsD, if the planning application is approved, the requirement for provision of the proposed RCHE and CCC would be incorporated into the land sale conditions. According to SWD, the cost of

design and construction of the proposed RCHE and CCC will be met by the Lotteries Fund. The developer of the Site will be responsible for the design and construction of bare shell premises of the proposed RCHE and CCC as part of the private development on the Site and hand back the facilities to the Government upon completion in accordance with the land sale conditions. Detailed design of the proposed RCHE and CCC would be controlled through relevant ordinances and regulations including the statutory requirements governing the licensing of RCHEs and CCCs, the building plan submission and the land sale conditions. The proposed RCHE and CCC will be operated by service operators to be identified by SWD through invitation of tender and invitation for proposals open to non-governmental organisations respectively.

Public Comment

- 10.8 One public comment supporting the intended use was received. Regarding the concern on insufficient information in the application, the detailed design of the proposed RCHE and CCC is not specified in the application to provide flexibility for future purchaser.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 and having taking into account the public comment mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 2.11.2022, 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.
- 11.3 There is no strong planning reason to recommend rejection of the application.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

13. Attachments

Appendix I	Application Form received on 14.9.2018
Appendix Ia	Supplementary Planning Statement
Appendix II	Public Comment
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2018**