

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

**APPLICATION NO. A/K22/23**

- Applicant** : Super Great Limited represented by Kenneth To & Associates Limited
- Site** : New Kowloon Inland Lot (NKIL) No. 6568, Muk Yuen Street, Kai Tak, Kowloon
- Floor Area** : not less than 6,435m<sup>2</sup>
- Lease** : (a) for a term of 50 years commencing from 15.5.2018  
(b) restricted to non-industrial (excluding godown and petrol filling station) purposes  
(c) requirements for provision of two residential care homes for the elderly (with net operational floor area (NOFA) of not less than 4,950m<sup>2</sup>) and two day care centres for the elderly within the lot
- Plan** : Approved Kai Tak Outline Zoning Plan (OZP) No. S/K22/6
- Zoning** : “Other Specified Uses” annotated “Mixed Use(2)” (“OU(MU)(2)”) [subject to the following restrictions/requirements:  
(a) maximum domestic plot ratio (PR) of 5.0;  
(b) maximum non-domestic PR of 2.0;  
(c) maximum site coverage (SC) of 65% (excluding basement(s));  
(d) maximum building heights (BHs) of 125mPD for the eastern portion and 150mPD for the western portion; and  
(e) on land designated ‘Shop and Services’ and ‘Eating Place’ uses only, buildings not exceeding 2 storeys to accommodate ‘Shop and Services’ and ‘Eating Place’ uses shall be provided.]
- Application** : Proposed Social Welfare Facility (Residential Care Home for the Elderly (RCHE)) in Non-residential Portion of a Mixed Use Development

**1. The Proposal**

- 1.1 The applicant seeks planning permission to provide two proposed RCHEs in the non-residential portion of a mixed use development at the application site (the Site) (**Plan A-1**). The Site, with an area of about 16,234m<sup>2</sup>, falls within an area zoned “OU(MU)(2)” on the approved Kai Tak OZP No. S/K22/6. According to Schedule I of the Notes of the OZP for the “OU(MU)(2)” zone, ‘Social Welfare Facility (excluding those involving residential care)’ is a Column 1 use while ‘Social Welfare Facility (not elsewhere specified)’ is a Column 2 use for non-residential building or non-residential portion of a

building upon development. As such, the proposed RCHEs, which are social welfare facilities involving residential care, in the non-residential portion of the proposed mixed use development requires planning permission from the Town Planning Board (the Board).

- 1.2 The Site is a sale site sold to the applicant in May 2018, permitting the development of a maximum gross floor area (GFA) of 99,027m<sup>2</sup> (i.e. PR of 6.1) for private residential purposes and a maximum GFA of 32,468m<sup>2</sup> (i.e. PR of 2.0) for non-industrial (excluding private residential, godown and petrol filling station) purposes. The Conditions of Sale of the Site also requires the purchaser to design and construct a building enclosure (bare shell premises) for two 200-place RCHEs and two 60-place day care centres for the elderly (DCCs)<sup>[1]</sup> with parking spaces and lay-bys as Government Accommodation within the lot in accordance with a Technical Schedule, which should be to the satisfaction of the Director of Social Welfare (DSW) for their functional and operational needs. The RCHEs and DCCs will be handed back to the Government upon completion, and will be operated by service operators to be identified by DSW.
- 1.3 According to the applicant, the Government Accommodation for the proposed RCHEs and DCCs will be located at the north-eastern corner of the non-residential portion of the mixed use development to be developed at the Site (**Drawings A-1 to A-9**). The proposed Government Accommodation building will be of six storeys with the following uses:

Floor	Use
B1/F	8 private light bus parking spaces (2 for RCHEs and 6 for DCCs)
G/F	two DCCs; entrance lobby of the RCHEs; 2 lay-bys (for shared use of the RCHEs and DCCs)
1/F to 2/F	RCHE 1
3/F to 4/F	RCHE 2

- 1.4 The two proposed RCHEs, with a total GFA of not less than 6,435m<sup>2</sup><sup>[2]</sup>, will each provide 200 residential places for the elderly. The basic facilities that may be accommodated in the RCHEs include dormitories, dining/multi-purpose room, toilet/bathroom/shower, sick/isolation/ quiet room, kitchen, laundry, office area, etc. The applicant proposes that the GFA of the proposed social welfare facilities (i.e. both the RCHEs and DCCs) will be counted towards the maximum permissible non-domestic PR of 2.0 (i.e. GFA of 32,468m<sup>2</sup>) of the Site.
- 1.5 While vehicular access to the Government Accommodation building will be via the internal road of the mixed use development, the building will have separate pedestrian access from Concorde Road. As environmental measures, the Government Accommodation will be slightly set back from Concorde Road so

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<sup>[1]</sup> DCC being a ‘Social Welfare Facility (excluding those involving residential care)’ is always permitted in a non-residential building or non-residential portion of a building within the “OU(MU)(2)” zone.

<sup>[2]</sup> and a total NOFA of not less than 4,950m<sup>2</sup>

that there will be at least 10m buffer distance from the kerbside of the road. It would also be equipped with centralised air conditioning with proper insulation so that the whole premises would become noise tolerant.

- 1.6 As only a bare shell premises is to be handed back to Government, the submitted scheme is indicative to demonstrate that the RCHEs with required floor area are achievable. The detailed design and layout of the proposed social welfare facilities would be controlled through relevant ordinances and regulations including the statutory requirements governing the licensing of RCHEs and DCCs, the building plan submission and the Conditions of Sale<sup>[3]</sup>.
- 1.7 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with supplementary information received on 8.11.2018 **(Appendix I)**
  - (b) Supplementary Planning Statement with Environmental Assessment received on 8.11.2018 **(Appendix Ia)**
  - (c) Supplementary information received on 15.11.2018 clarifying the B1/F layout **(Appendix Ib)**
  - (d) Supplementary information received on 21.11.2018 clarifying the site boundary/area and the indicative GFA of the social welfare facilities **(Appendix Ic)**
  - (e) Supplementary information received on 22.11.2018 providing replacement pages of the Application Form **(Appendix Id)**
  - (f) Further information received on 21.12.2018 providing responses to departmental comments and updated layout plans **(Appendix Ie)**
  - (g) Further information received on 24.12.2018 providing clarifications on mainly pedestrian access arrangement **(Appendix If)**
  - (h) Further information received on 2.1.2019 providing clarifications on updated scheme design **(Appendix Ig)**

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

The justifications put forth by the applicant in support of the application are set out in Section 4 of the Supplementary Planning Statement, supplementary information and further information in **Appendices Ia to Ig**. They are summarised as follows:

- (a) The provision of RCHEs and DCCs in the mixed use development is a development requirement stipulated under the Conditions of Sale for the Site.
- (b) The provision of RCHEs is compatible with the mixed use development at the Site and the surrounding area as RCHE is always permitted in residential building or residential portion of a building in the subject “OU(MU)(2)” zone. The current application, precisely, is about placing the RCHEs in the

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<sup>[3]</sup> The Conditions of Sale is attached with a detailed Technical Schedule for the Government Accommodation setting out the detailed design requirements for the provision of RCHEs and DCCs at the Site.

non-residential portion of the mixed use development, rather than in the residential portion, and would not result in any changes of the overall development parameters of the Site. The application is technical in nature.

- (c) In order to increase the short-to-medium housing supply, the Civil Engineering and Development Department (CEDD) submitted a planning application (No. A/K22/16) to relax the PR and BH of 21 sites in Kai Tak in 2015 with the domestic PR of the Site increased from 5.0 to 6.1. In the event that the required RCHEs are placed in the residential portion of the development and accountable for domestic GFA, it would inevitably jeopardise the housing supply at the Site which would not be in line with the government policy. Having the required RCHEs in the non-residential portion of the development could meet the residential care need of the ageing population without compromising the flat production capacity of the Site.
- (d) Though the proposed Government Accommodation portion will be physically attached to the commercial portion and residential tower of the mixed use development, it will have separate pedestrian access from Concorde Road. The proposed arrangement for the Government Accommodation and the RCHEs could avoid possible nuisance and interface problem with other uses in the mixed use development.
- (e) Provision of RCHE in non-residential portion of a development is common in Hong Kong. In the past years, the Board has approved comprehensive development projects with RCHEs locating in the non-domestic podium portions of developments.
- (f) Environmental Assessment (Appendix 2 of **Appendix Ia**) has been conducted to assess the environmental air quality and noise impacts associated with the proposed RCHEs. The result revealed that unacceptable air quality impact would not be anticipated on the proposed RCHEs as no chimney stack was identified within the 200m assessment area and adequate buffer separation would be maintained between the proposed RCHEs and the nearby road carriageways.
- (g) Centralised air conditioning with proper insulation is proposed for the Government Accommodation, including the RCHEs, so that it will be noise tolerant in nature. As a lease requirement, a detailed noise impact assessment (NIA) will be conducted in the detailed design stage and appropriate noise mitigation measures would be identified.

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

The applicant is the sole “current land owner”. Detail information would be deposited at the meeting for Members’ inspection.

### 4. **Town Planning Board Guideline**

The Town Planning Board Guidelines on Designation of “OU(MU)” Zone and

Application For Development Within “OU(MU)” Zone under Section 16 of The Town Planning Ordinance (TPB PG-No. 42) promulgated in November 2011 is relevant in the following aspects:

- (a) an application for development within “OU(MU)” zone should demonstrate that the proposed development is in line with the planning intention of the zone. The applicant should demonstrate that the proposed development is not incompatible with the surrounding land uses/other uses within the same building, would not adversely affect the character and environment of the neighbourhood, and would not overstrain the capacity of existing and planned infrastructure in the area including transport, drainage, sewerage and water supply. The applicant should also demonstrate through proper assessment that no environmental pollution or nuisance would be created by the proposed mixed-use development;
- (b) notwithstanding (a) above, any proposed development that will bring variety of uses and enhance the character, vitality and vibrancy to the area will be given favourable consideration;
- (c) for any application involving a new development, the applicant should demonstrate that physical segregation has been provided to separate residential uses from non-residential uses within the same building to ensure that the proposed use in either the residential portion or non-residential portion of the building would not create interface problems with uses within the other portion of the building. The building designs for physical segregation include the provision of separate access/entrance/lift lobbies/staircases and any other appropriate means;
- (d) adequate parking and loading/unloading spaces should be provided in accordance with the relevant standards in the Hong Kong Planning Standards and Guidelines (HKPSG) for the various uses proposed within the development; and
- (e) all other statutory and non-statutory requirements of relevant government departments including fire safety and building safety requirements must also be met.

## **5. 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 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. With the planning permission granted by the Committee, the maximum domestic PR and BHs of the Site are relaxed from 5.0 to 6.1 (i.e. the total PR from 7.0 to 8.1) and from 125mPD/150mPD to 145mPD/170mPD respectively.

**6. Similar Application**

- 6.1 There is no similar application for the same use within “OU(MU)” zone on the Kai Tak OZP.
- 6.2 One application (No. A/K22/22) for incorporating proposed social welfare facility (RCHE and Child Care Centre (CCC)) in a sale site falling within the “Residential (Group B)5” zone in the Runway Area was approved by the Committee on 2.11.2018.

**7. The Site and Its Surrounding Areas (Plans A-1 and A-2, and photos on Plan A-3)**

7.1 The Site is:

- (a) located in the North Apron area of Kai Tak Development. It falls within the central part of Kai Tak City Centre and commands a convenient location with Shatin to Central Link (SCL) Kai Tak Station to its southwest;
- (b) bounded by Concorde Road to its north, Muk Yuen Street to its west and the Station Square to its south; and
- (c) currently vacant.

7.2 The surrounding areas have the following characteristics:

- (a) mixed with residential, commercial, Government, institution or community (GIC) and open space uses;
- (b) to its north is a belt of “Government, Institution or Community” (“G/IC”) sites, including Kai Tak Community Hall, Trade and Industry Tower, and the planned Inland Revenue Tower and the Kowloon East Police Headquarters & Operational Base cum Ngau Tau Kok Divisional Police Station (under construction);
- (c) to its north and east are several commercial sites. The commercial development at the two sites (NKIL 6557) zoned “Commercial (6)” will be developed into twin towers to serve as iconic gateway of Kai Tak City Centre;
- (d) to its further north across Prince Edward Road East is San Po Kong area, which will be linked up with Kai Tak City Centre by subway and elevated walkway;
- (e) a site (NKIL 6556) zoned “Comprehensive Development Area (1)” for comprehensive development for office, shop and services, eating place and public transport terminus (with planning permission granted under Application No. A/K22/20 on 15.6.2018) is situated to its southwest across Muk Yuen Street, and is currently under construction;

- (f) to its south and southeast is the planned Station Square, which is a major public open space circumscribing the SCL Kai Tak Station; and
- (g) the main residential cluster of Kai Tak City Centre, including the public housing estates (Kai Ching Estate, Tak Long Estate and Kai Long Court) and the private housing developments in the Grid Neighbourhood, are located to the further south and southwest across the Station Square.

## **8. Planning Intention**

The planning intention of the “OU(MU)(2)” zone is primarily for mixed non-industrial land uses. Flexibility for the development of residential or other uses, or a combination of various types of compatible uses including commercial, residential, educational, cultural, recreational and entertainment uses, either vertically within a building or horizontally over a spatial area, is allowed to meet changing market needs. Physical segregation has to be provided between the non-residential and residential portions within a new building to prevent non-residential uses from causing nuisance to the residents.

## **9. Comments from 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/Kowloon East, Lands Department (DLO/KE, LandsD):

- (a) He has no objection to the application.
- (b) The Site falls within NKIL 6568 which is held under Conditions of Sale No. 20320. The user of the lot is restricted to non-industrial (excluding godown and petrol filling station) purposes.
- (c) Under Special Condition (16)(a) of the lease, the Purchaser shall provide within the lot the Government Accommodation in accordance with the Technical Schedule and to the satisfaction of DSW and the Director of Architectural Services which includes two RCHEs each with a NOFA of not less than 2,475m<sup>2</sup> and two DCCs each with a NOFA of not less than 358m<sup>2</sup>. The provision of one private light bus parking space for each RCHE, three private light bus parking spaces for each DCC and two lay-bys is required in the Government Accommodation.
- (d) Should the application be approved, LandsD would process the proposal in accordance with the lease conditions in the

capacity of a landlord at its detailed proposal stage in consultation with the concerned departments.

### **Building Matters**

9.1.2 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD):

- (a) He has no objection to the application.
- (b) All building works are subject to compliance with the Buildings Ordinance (BO).
- (c) A RCHE which is for habitation is a domestic use under the BO, and modification may be granted by the Building Authority for treating RCHE as non-domestic building for the purposes of Building (Planning) Regulations 20, 21, 25, 30 and 32.
- (d) 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.

### **Traffic**

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

- (a) He has no objection to the application.
- (b) He notes that the provision of light bus parking spaces and lay-by for the two proposed RCHEs has followed the requirement stipulated in the Technical Schedule attached to the Conditions of Sale for the Site.

### **Environment**

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

- (a) He notes that the proposed social welfare facility (RCHE) will be equipped with centralised air conditioning with proper insulation and will not rely on opened windows for ventilation, and the applicant has committed to conduct a detailed NIA and identify appropriate noise mitigation measures for the proposed development at the detailed design stage (e.g. submission under lease). He also notes that the proposed development has satisfied the buffer distance requirements for vehicles and chimney emissions as stipulated in the HKPSG.
- (b) On the above basis and the understanding that the applicant (who is also the purchaser of the subject lot) will be required to submit NIA and sewerage impact assessment (SIA) as well as

implement noise and sewerage mitigation measures under the lease conditions, he considers that insurmountable environmental impacts associated with the proposed development are not anticipated and he has no objection to the application from the environmental perspective. The applicant should implement the environmental mitigation measures as proposed in the NIA.

### **Social Welfare Perspective**

#### 9.1.5 Comments of DSW:

- (a) On the understanding that the applicant will ensure all requirements regarding their welfare facilities as stipulated in the Conditions of Sale for NKIL 6568 as well as all current and prevailing ordinance and regulations will be fulfilled and there will be ongoing liaison with them at detailed design stage, he has no adverse comment on the application.
- (b) The developer will be responsible for the design and construction of bare shell premises for the proposed social welfare facilities. Under the established funding arrangement, the construction cost of the proposed welfare facilities will be met by the Lotteries Fund. Upon satisfactory completion of the works, the developer will be reimbursed the construction cost and the purpose-built facilities will be handed over to the Government as Government Accommodation.

### **Fire Safety**

#### 9.1.6 Comments of the Director of Fire Services:

- (a) He has no specific comment on the application.
- (b) The applicant should observe the statutory height restriction in section 20 of the Residential Care Homes (Elderly Persons) Regulation (Cap. 459A).

### **Electricity Supply**

#### 9.1.7 Comments of the Director of Electrical and Mechanical Services:

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) In the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans to find out whether there is any

underground cable within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

### **Harbourfront Planning**

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

- (a) The site falls within the harbourfront area under the purview of Harbourfront Commission (HC)’s Task Force on Kai Tak Harbourfront Development (KTTF). In accordance with the established practice, the applicant had previously agreed to consult the KTTF from a specific harbourfront enhancement perspective so that Members’ views could be taken into account by the Board when the latter considers the application. However, the applicant later considered that such consultation could only be arranged after the Board’s meeting.
- (b) In the absence of a dedicated consultation for the HC, the gist of the subject application was circulated to KTTF Members on 27.11.2018 and no comments had been received.

### **District Officer’s Comments**

9.1.9 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, the To Kwa Wan Area Committee as well as the Owners’ Committee/Mutual Aid Committees/ Management Committees of buildings near the Site about the planning application and that 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.

9.2 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) Chief Highway Engineer/Kowloon, Highways Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Chief Engineer/Mainland South, Drainage Services Department;
- (e) Project Manager (East), CEDD;
- (f) Chief Town Planner/Urban Design and Landscape, Planning Department;

- (g) Chief Project Manager 303, Architectural Services Department (ArchSD);
- (h) Chief Architect/CMD2, ArchSD;
- (i) Director of Leisure and Cultural Services; and
- (j) District Officer (Wong Tai Sin), HAD.

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

- 10.1 On 23.11.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 14.12.2018, three public comments submitted by individuals (**Appendix II**) were received.
- 10.2 One commenter expressed that he would support the application if the proposed building was of 20 storeys or more as it would be more cost-effective. Another commenter indicated no comment on the application.
- 10.3 One commenter raised concerns on locating the elderly facilities alongside the road and the lack of cross air ventilation in the proposed RCHEs, which might cause the elderly living in the RCHEs to suffer from air and noise pollution. The void proposed in the building for natural lighting and ventilation could trap stagnant air and lead to hygiene problem and no visual stimulation for the elderly. There was also no open space, roof garden or balcony provided in the RCHEs for the enjoyment of the elderly.

## **11. Planning Consideration and Assessments**

- 11.1 The Site is zoned “OU(MU)(2)” on the OZP which is primarily intended for mixed non-industrial land uses. Flexibility for the development of residential or other uses, or a combination of various types of compatible uses, either vertically within a building or horizontally over a spatial area, is allowed to meet changing market needs. Physical segregation has to be provided between the non-residential and residential portions within a new building to prevent non-residential uses from causing nuisance to the residents.
- 11.2 The initiative of augmenting the provision of welfare facilities in different types of developments was stated in the 2017 Policy Agenda. As a measure to encourage private developers to provide welfare facilities in their development projects, the requirements for provision of RCHEs and DCCs are stipulated in the Conditions of Sale for the Site, which was put up for sale by way of public tender in March 2018. To comply with the development requirements under the Conditions of Sale, the applicant has to provide two 200-place RCHEs and two 60-place DCCs as Government Accommodation within the Site. In order not to affect the planned housing provision of the Site, the applicant proposes to place both the RCHEs and the DCCs in the non-domestic portion of the mixed development, thereby requiring planning permission for the RCHEs.

- 11.3 According to the applicant, the mixed use development to be developed at the Site will have the non-residential portion on the lower floors comprising commercial uses and the Government Accommodation, and the residential towers on top. The Government Accommodation for the RCHEs and DCCs will be located at the north-eastern corner of the Site fronting onto Concorde Road (**Drawing A-1**), with the DCCs on G/F and the RCHEs on 1/F to 4/F served by lifts. While the Government Accommodation will be physically attached to the commercial portion and residential tower of the mixed use development, it will have a separate pedestrian access from Concorde Road. In effect, the Government Accommodation is physically segregated from other commercial and residential uses in the mixed use development.
- 11.4 The proposed RCHEs are considered not incompatible with the surrounding commercial, residential and GIC uses and the commercial and residential uses within the mixed use development at the Site. The two types of social welfare facilities for the elderly (i.e. the RCHEs and DCCs) being placed within the same Government Accommodation building are also not incompatible with each other. The arrangement of having a separate Government Accommodation building for the RCHEs and DCCs in the mixed use development has the merits of better management for the elderly facilities as well as minimization of possible nuisance and interface problem among the various uses within the Site. This is generally in line with the planning intention of the "OU(MU)(2)" zone and complies with TPB PG-No. 42 as regards land use compatibility and prevention of interface problem. DSW has no adverse comment on such arrangement.
- 11.5 While RCHE is a sensitive use, the applicant has proposed to provide centralised air conditioning with proper insulation for the Government Accommodation (including the RCHEs) and committed to conducted a detailed NIA and identify appropriate noise mitigation measures for the proposed development at the detailed design stage to fulfill the relevant lease requirements. In this regard, DEP has no objection to the application from the environmental perspective.
- 11.6 The two RCHEs in any case have to be provided within the Site and accountable for GFA pursuant to the Conditions of Sale. The proposed placing of the RCHEs in the non-residential portion, instead of the residential portion, of the mixed use development will allow the maximum permissible domestic PR of 6.1 (i.e. GFA of 99,027m<sup>2</sup>) of the Site be fully used for development of flats, and hence maintaining the planned housing supply from the Site. In view of the current acute shortage of housing supply in Hong Kong, such an arrangement is supported in principle. The GFA of the proposed RCHEs of not less 6,435m<sup>2</sup> will be counted towards the maximum permissible non-domestic PR of 2.0 (i.e. GFA of 32,468m<sup>2</sup>) of the mixed use development, and will not result in any increase in the total permissible PR or GFA for the Site. Other relevant departments consulted, including DLO/KE of LandsD, CBS/K of BD, C for T and CTP/UD&L of PlanD, also have no objection to the application.
- 11.7 Three public comments were received during the public inspection period. Two of the commenters have no comment on the proposed RCHEs. As

regards the concerns raised by one commenter on the design of proposed RCHEs, both DSW and DEP have no adverse comment on the application. Furthermore, the detailed design and layout of the proposed social welfare facilities to be handed back to Government will be controlled through relevant legislation, the building plan submission and the Conditions of Sale, and the design and construction of the facilities should be to the satisfaction of DSW to meet their functional and operational needs. As a new development area, Kai Tak is planned with ample public open space and developments in Kai Tak are also subject to higher greening standards.

## 12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comment 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 4.1.2023, 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 design and construction of the proposed Residential Care Homes for the Elderly to the satisfaction of the Director of Social Welfare or of the Town Planning Board; and
- (b) the submission of a revised Noise Impact Assessment (NIA) and the implementation of the noise mitigation measures as proposed in the revised NIA to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

### Advisory Clauses

- 12.3 The suggested advisory clauses are attached at **Appendix III**.
- 12.4 There is no strong planning 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 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.

13.3 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 with supplementary information received on 8.11.2018
<b>Appendix Ia</b>	Supplementary Planning Statement received on 8.11.2018
<b>Appendix Ib</b>	Supplementary information received on 15.11.2018 clarifying the B1/F layout
<b>Appendix Ic</b>	Supplementary information received on 21.11.2018 clarifying the site boundary/area and the indicative GFA of the social welfare facilities
<b>Appendix Id</b>	Supplementary information received on 22.11.2018 providing replacement pages of the Application Form
<b>Appendix Ie</b>	Further information received on 21.12.2018 providing responses to departmental comments and updated layout plans
<b>Appendix If</b>	Further information received on 24.12.2018 providing clarifications on mainly pedestrian access arrangement
<b>Appendix Ig</b>	Further information received on 2.1.2019 providing clarifications on updated scheme design
<b>Appendix II</b>	Public Comments
<b>Appendix III</b>	Advisory Clauses
<b>Drawings A-1 to A-9</b>	Proposed Government Accommodation for RCHEs and DCCs
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Site Photos