

REVIEW OF APPLICATION NO. A/HSK/67
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

**Proposed Social Welfare Facility (Private Elderly Home)
and Residential Institution (Senior Citizen Housing) in
“Government, Institution or Community” Zone and an area shown as ‘Road’,
Lot 793 in D.D.124, Lots 70, 71, 72, 73, 74, 75, 76, 77, 215 RP and 216 in D.D.127,
Ping Shan, Yuen Long, New Territories**

1. Background

1.1 On 11.4.2018, the applicant, Pronto Star Limited represented by PlanArch Consultants Limited, sought planning permission for proposed social welfare facility (private elderly Home) and Residential Institution (Senior Citizen Housing) at the application site (the Site) under s.16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area partly zoned “Government, Institution or Community” (“G/IC”) (85.32%) and partly shown as ‘Road’ (14.68%) on the approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2 (**Plan R-1a**).

1.2 On 12.4.2019, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reason was:

the site falls mainly within a “G/IC” zone reserved for a planned hospital and specialist clinic/ polyclinic. There is no strong justification for the proposed development which may adversely affect the planned development.

1.3 For Members’ reference, the following documents are attached:

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| (a) RNTPC Paper No. A/HSK/67B | (Annex A) |
| (b) Extract of minutes of the RNTPC Meeting held on 12.4.2019 | (Annex B) |
| (c) Secretary of the Board’s letter dated 3.5.2019 | (Annex C) |

2. Application for Review

On 14.5.2019, the applicant, under section 17(1) of the Ordinance applied for a review of the RNTPC’s decision to reject the application (**Annex D**). In support of the review, the applicant submitted the following documents:

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| (a) Letter from the applicant applying for review received on 14.5.2019 | (Annex D) |
| (b) Further Information (FI)(1) dated 4.7.2019 (received on 5.7.2019) enclosing response-to-departmental comments
<i>(accepted but not exempted from publication and recounting requirements)</i> | (Annex E) |

- (c) FI(2) received on 13.8.2019 providing clarification of owners' consent **(Annex F)**
(*accepted and exempted from publication and recounting requirements*)

3. Justifications from the Applicant

The justifications/responses put forward by the applicant in support of the review application are detailed in the letter at **Annex E and F**. They are summarised as follows:

- (a) In comparison with other hospitals in New Territories West (NTW) cluster under Hospital Authority and with consideration of a planned population of about 218,000 in HSK NDA, the site area of the planned hospital and specialist clinic/polyclinic in HSK Planning Area 20 is unreasonably large. The proposed social welfare facility (private elderly home) and residential institution (senior citizen housing), which would only take up 0.22 ha of the entire 7.2 ha "G/IC" zone, would not jeopardise the development of the entire hospital development or cause any major amendment to its design.
- (b) As proposed by the applicant, part of the Site will be surrendered to facilitate the development of the proposed road through land administration process. The configuration of the Site can be further modified to accommodate and optimise land utilisation of Planning Area 20. Through compatible building design, the potential impact to the planned hospital and specialist clinic/polyclinic is minimal.
- (c) The proposed development is in compliance with TPB PG-No.16 main criteria for planning of development in GIC sites.
- (d) The proposed use is compatible with the proposed hospital and specialist clinic/polyclinic, since they are Government, Institution or Community (GIC) facilities of similar nature. It would not adversely affect the normal operation of the existing GIC facilities, nor the implementation of the planned GIC facilities.
- (e) The applicant agreed to tie-in the programme of the proposed development with the development schedule/ phasing of the HSK NDA project, and will make provision for future land resumption, construction, operation and maintenance of the proposed public road and site formation works.
- (f) The scale, intensity and design of the proposed development will be compatible with the surrounding areas, as well as the character and massing of the buildings in the surrounding areas.
- (g) No adverse drainage, sewerage, environmental and traffic impact is anticipated as demonstrated in the submitted technical assessments. Adequate parking spaces, open space and not less than 15% green coverage will be provided to the users of the proposed development.
- (h) The applicant provided owners' consent and the resolution of the Board of Directors from respective lot owners to show the in principle support to the application.

4. **The Section 16 Application**

The Site and Its Surrounding Areas

- 4.1 The situation of the Site and its surrounding areas at the time of the consideration of the s.16 application by RNTPC was described in paragraphs 8.1 and 8.2 of **Annex A**. There has been no major change in the situation since then.
- 4.2 The Site is:
- (a) currently used as a concrete batching plant under a valid planning permission No. A/YL-PS/143; and
 - (b) accessible from Hung Chi Road via a local track (**Plan R-2**).
- 4.3 The surrounding areas have the following characteristics: (**Plans R-2 and R-3**)
- (a) the surrounding areas are predominated by workshops, warehouses and storage uses intermixed with parking of vehicles;
 - (b) to the southeast of the Site is a temporary warehouse for storage of vehicles and vehicle parts under a valid planning permission No. A/HSK/88. To the north is a vehicle repair workshop; and
 - (c) to the further west across Hung Tin Road is a village cluster at Shek Po Tsuen with village houses and to its southwest across the road is a public housing development (Hung Fuk Estate).

Planning Intention

- 4.4 There has been no change in planning intention of the concerned “G/IC” zone and area shown as ‘Road’ as mentioned in paragraph 9 of **Annex A** which is recapitulated below.
- 4.5 The “G/IC” zone is primarily for the provision of 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.
- 4.6 According to the adopted HSK and HT Outline Development Plan (ODP) No. D/HSK/1, the Site is partly designated for “Government” use for the development of a hospital including polyclinic/specialist clinic, partly “Education” use for a primary school and secondary school, and partly a public road (**Plan R-1b**).

Representation received during Plan Making Process

- 4.7 The HSK NDA Planning and Engineering (P&E) Study, which was commissioned in 2011, formulated a land use framework for the development of NDA. The revised Recommended Outline Development Plan (revised RODP) under the Study was promulgated in 2016. The revised RODP provided the basis for the formulation of HSK and HT OZP and future provision of a wide range of Government, Institution or Community (GIC) facilities including hospital, clinics, educational facilities, markets and Residential Care Homes for the Elderly (RCHE) meeting the needs of different ages and families.

- 4.8 The draft HSK and HT OZP No. S/HSK/1, which was prepared on the basis on the revised RODP, was gazetted on 26.5.2017. A total of 117 valid representations were received. The Site was the subject of a representation (**R113**) in respect to the draft HSK and HT OZP No. S/HSK/1 submitted by the applicant. The representation opposed the “G/IC” zoning of the Site, and proposed to rezone the Site to “G/IC(1)” for the development of a private RCHE cum senior citizen housing. The Board heard the representation and decided not to amend the OZP to meet the representation on the grounds that the “G/IC” site in HSK Planning Area 20 is reserved for a hospital development including polyclinic/specialist clinics with an aim to providing medical services to serve the future population in the NTW.

Town Planning Board Guidelines

- 4.9 The Town Planning Board Guidelines No. 16 (TPB PG-No. 16) for ‘Application for Development within “Government, Institution or Community” zone for Uses other than Government, Institution or Community (GIC) Uses under section 16 of the Town Planning Ordinance’, which is relevant to the consideration of the s.16 application, is still effective. The relevant assessment criteria of the Guidelines are mentioned in paragraph 5 of **Annex A**.

Previous Applications

- 4.10 The Site was involved in two previous applications (No. A/YL-PS/36 and A/YL-PS/143¹) for proposed concrete batching plant with minor relaxation of building height. They were approved with conditions by the RNTPC and the Board upon review on 25.9.1998 and 22.8.2003 respectively. The applications were approved on the ground that the proposed development was in line with the planning intention of the “Industrial (Group D)” (“I(D)”) zone on the then Ping Shan OZP; not incompatible with the surrounding areas; the height of cement silos considered acceptable; and no adverse visual, traffic, drainage and environmental impacts. Details of these applications are summarised at **Appendix III of Annex A** and their locations are shown on **Plan R-1a**.

Similar Application

- 4.11 There is no similar application within the same “G/IC” zone on the OZP.

5. Comments from Relevant Government Departments

- 5.1 Comments on the s.16 application made by relevant government departments are stated in paragraphs 10.1 and 10.2 of **Annex A**.
- 5.2 For the review application, relevant government departments have been further consulted and their views on the review application are summarized as follows:

¹ Application No. A/YL-PS/143 was submitted by the same applicant of the current application.

Land Administration

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

- (a) Having checked (i) the consent letter from the respective lot owners and (ii) the resolution of the Board of Directors from respective lot owners (for lots held under the identity of company), it is found that some consents provided are incomplete in nature, e.g. not duly signed by all managers for lots held under Tsos and Tongs. In addition, a resolution from the Board of Directors for one of the lots is not included in the submission. Nonetheless, the legal title of the private lots involved will be subject to verification in land exchange stage if a land exchange application is received by his office.
- (b) Should the scheme be approved by the Board, it has to be implemented by way of land exchange. Upon receipt of any such application from owners of the Lots, there is no guarantee that the application including the surrender proposal will be considered or approved by the Lands Department who is acting in its capacity as the landlord at its absolute discretion. The applicant is also reminded to observe the requirements set out in the Lands Administration Office Practice Notes No. 4/2007 upon submission of any land exchange application to his office. In approving the application, if any, it will be subject to such terms and conditions including but not limited to the payment of premium and administrative fee as may be imposed by the LandsD.
- (c) The applicant's attention is also drawn to the Legislative Council Paper No. CB(1)817/16-17(08) issued in April 2017 regarding the implementation arrangements for HSK New Development Project (<https://hsknda.hk/tc/implementation-arrangement-r/>), in particular, the general criteria for consideration of lease modification (including in-situ land exchange) application in Enclosure 2 as in the website in **Appendix IV of Annex A**.

5.2.2 Comment of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

The land lots within the Site are all held under the name of Tso/Tong. He considered the agreements signed by the respective Tso/Tong managers as stated in **Annex F** are merely documents showing the intention of the managers that they agreed with the proposed development in the said lots. These agreements do not have any implication that the DO/YL, HAD has given consent to the proposed sale of the properties held under the name of the respective Tso/Tong. Under Section 15 of the New Territories Ordinance (Cap. 97), the manager shall have full power to dispose of or in any way deal with the said land as if he were sole owner thereof, subject to the consent of the Secretary of Home Affairs. If the respective Tso/Tong managers want to sell the above mentioned land lots, they should seek consents from his District Officer. Besides, the applicant may wish to note that his office has not received any application from the managers for the proposed sale of the above mentioned land lots so far.

5.2.3 Comments of the Secretary for Food and Health (SFH) has the following further comment on the review application:

She notes that a comparison of the planned hospital in the site with Pok Oi Hospital and Tin Shui Wai Hospital in the New Territories West Cluster was made in the review application. In regard to this, Hospital Authority (HA) plans its services on a cluster basis. In planning for its services, HA has taken into account a number of factors, including the increase of service demand as a result of population growth and demographic changes, advancement of medical technology, manpower availability as well as organisation of services of the clusters and hospitals and the service demand of the local community. Population is only one of the factors under consideration. HA monitors the service utilisation and updates the service demand projection regularly according to the latest population parameters and development plan of the Government to formulate service planning.

5.2.4 SFH also maintains her previous view on the s.16 application stated in paragraph 10.1.9 of the **Annex A** are relevant as recapitulated below:

- (a) It has been agreed to releasing no more than 2.8 ha² of the hospital site for other use, conditional on the timely relocation of the Food and Environmental Hygiene Department vehicular depot at Tin Shui Wai not later than 2025 for the expansion of Tin Shui Wai Hospital.
- (b) If the hospital site area is further reduced as per the above planning application, the permitted number of storeys for the hospital development should be increased and the building height restriction should also be amended accordingly to ensure that adequate area is available for the future hospital development. The proposed reduction of hospital site area can only proceed after successful relaxation of building height restriction.
- (c) The location and irregular shape of the application site will greatly impact on both the access to and on the planning efficiency of the future hospital development.

5.3 The following government departments have no further view/comments on the review application and maintain their previous views on the s.16 application as stated in paragraph 10.1 of **Annex A**, which are recapitulated as follows:

5.3.1 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

- (a) The Site falls within the boundary of HSK NDA. According to the P&E Study for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned encroaches upon a proposed

² Taking into account the comments/views from the Community Engagement of the Hung Shui Kiu New Development Area (HSK NDA) Planning and Engineering (P&E) Study in 2016, the boundary of the hospital site has been adjusted. The revised hospital site on the approved HSK and HT OZP No. S/HSK/2 is about 7.29 ha. The current application will reduce the planned hospital site by about 0.22 ha.

public road, as well as sites to be formed for the development of hospital and schools, as shown in the OZP. The proposed public road and sites are currently planned to be constructed and formed under Stage 3 of the HSK NDA project. While the detailed implementation programme for the project is still being formulated, the detailed design of the proposed public road, together with the site formation and other infrastructure works, is yet to be carried out. Moreover, the location and extent of land resumption will be subject to the outcome of the detailed design of HSK NDA.

- (b) Given the conflict of the proposed development with the proposed public road and sites to be formed, the Applicant is requested to make provision for allowing future land resumption, as well as construction, operation and maintenance of the proposed public road and site formation works.

5.3.2 Comments of the Assistant Commissioner for Transport/New Territories (AC for T/NT):

He has no adverse comment to the application from traffic engineering point of view.

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

- (a) The proposed access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

5.3.4 Comments of the Director of Environmental Protection (DEP);

- (a) As proposed by the applicant, centralised air conditioning system and well-gasketed windows with good acoustic insulation will be provided for the whole development. Given the proposed development would not rely on openable windows for ventilation, DEP has no adverse comment on the application.
- (b) The applicant concluded that the sewerage impact arising from the proposed development will be acceptable. DEP has no comment on the sewerage impact assessment report provided that the figures quoted, assumption and calculation made are correct. The applicant and its consultant should seek agreement from DSD about the proposed sewer works with respect to the actual alignment and connection point, maintenance of new sewer to be built by the applicant.
- (c) When the applicant makes connection to the public sewerage, they are required to seek agreement from DSD about the proposed sewer works with respect to the need of upgrading of public sewer, actual alignment and connection point, maintenance of new sewer to be built by the applicant. Since the proposed development is located inside the HSK NDA, the actual connection arrangement may be subject to changes if there is new public sewer provided under the HSK NDA project.

- (d) There was no substantiated environmental complaint related to the Site in the past three years.

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

- (a) He has no comment on the application.
- (b) It is observed that the Site is hard paved and operating as a concrete batching plant. With reference to his office records, the existing trees observed generally along the site boundary were planted as amenity trees under a previous approved application. The Site is situated in an area of rural landscape character disturbed by open storage yards and temporary structures. Significant change to the landscape character arising from the application is not envisaged.
- (c) As only areas of “landscaped space”, “landscape recreation space” and “landscape terrace” are indicated on the landscape plan (**Drawing A-4 in Annex A**), there is inadequate information (such as layout design or proposed facilities) to ascertain the function and proposed use. Should the Board approve the application, he would recommend the inclusion of the approval condition regarding the submission and implementation of a landscape proposal.
- (d) The proposed development is located amongst temporary structures for brownfield and port back-up uses mainly of single-storey, and is connected to Hung Tin Road on its west by village road. To its further west across Hung Tin Road is Shek Po Tsuen with village houses and to its southwest across the road is high rise public housing development of Hung Fuk Estate. There is a vegetated knoll zoned “Green Belt” (“GB”) to its east and some village houses to the further east. Considering the planned use of the Site and its surrounding environment, the proposed development is not incompatible in the context. The northern portion of the “G/IC” zone has a building height restriction of 80mPD, considering the medium rise nature of the proposed development, significant visual impact is not anticipated.

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

- (a) He has no objection in principle to the proposed development from a drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated requiring the applicant to submit a revised drainage impact assessment (DIA) and sewerage impact assessment (SIA), to implement and maintain the proposed drainage and sewerage facilities to the satisfaction of his Division.

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

- (a) A permit for temporary occupation [(Permit No. NT 7/2016(TOP))] for a concrete batching plant was issued on 18.10.2016 and valid until 17.10.2018.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of BD, they are unauthorised building works (UBW) under Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO.
- (d) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations (B(P)R) at the building plan submission stage.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the B(P)R respectively.
- (f) The accessible parking space(s) shall be provided in accordance with B(P)R 72 and paragraph 8 in Schedule 3 of the B(P)R.
- (g) Before any new building works (including containers/ open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO.
- (h) If the proposed use under application is subject to the issue of a license, any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.
- (i) For features to be excluded from the calculation of the total gross floor area, it shall be subject to compliance with the requirements laid down in the relevant Joint Practice Notes and Practice Notes for Authorised Persons (PNAP) including APP-151 as appropriate. If the applicant applies for the GFA concession, Buildings Set Back, Building Separation and Site Coverage of Greenery as required under PNAP APP-152 also apply.

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

- (a) He has no objection in principle to the proposal subject to water supplies for fire fighting and fire service installations (FSIs) provided to his satisfaction.

- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority.
- (c) The Emergency Vehicular Access (EVA) provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administrated by the Buildings Department.
- (d) Should the proposal be deemed as “residential care home for the elderly” under Residential Care Homes (Elderly Persons) Regulation, the stipulated height restriction³ should be observed

5.4 The following government departments maintain their previous views of having no comment on the s.16 application as stated in paragraph 10.2 of **Annex A**.

- (a) Antiquities and Monuments Office, Commissioner for Heritage’s Office (AMO, CHO);
- (b) Director of Food and Environmental Hygiene (DFEH);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) Director of Leisure and Cultural Services (DLCS);
- (e) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (f) Commissioner of Police (C of P);
- (g) Director of Housing (D of Housing);
- (h) Director of Health (D of Health);
- (i) Director of Electrical and Mechanical Services (DEMS); and
- (j) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

6. Public Comments Received During Statutory Publication Periods

6.1 On 24.5.2019 and 19.7.2019, the review application and its FI were published for public inspection for three weeks accordingly. During the first and second statutory public inspection periods, which ended on 14.6.2019 and 9.8.2019 respectively, one public comment was received (**Annex G**). The comment was from the Village Representatives (VRs) of Hung Uk Tsuen objecting the proposed development as it would jeopardise the development of a new road as proposed in their representation⁴ in respect of the draft HSK and HT OZP.

6.2 One public comment was received at the s.16 application stage which was submitted from the same VRs of Hung Uk Tsuen objecting the proposed development on the same ground as above.

³ According to s.20(1) of Cap. 459A Residential Care Homes (Elderly Persons) Regulation, “... no part of a residential care home shall be situated at a height more than 24m above the ground floor, measuring vertically from the ground of the building to the floor of the premises in which the residential care home is to be situated.”

⁴ Representation No. **R86** submitted by VRs of Hung Uk Tsuen proposed to shift the planned road to the west of Hung Uk Tsuen to further west with a connection to Kiu Fat Street. On 30.1.2018, 1.2.2018 and 7.2.2018, the Board heard the representations, including Representation No. **R86**, and decided not to amend the OZP to meet the representations.

7. Planning Considerations and Assessments

- 7.1 The application is for a review of RNTPC's decision on 12.4.2019 to reject the subject application for proposed social welfare facility (private elderly home) and residential institution (senior citizen housing) uses at the Site which is mostly zoned "G/IC" with minor encroachment onto an area shown as 'Road' on the OZP (**Plan R-1**). According to the Notes of the OZP, 'Social Welfare Facility' is a Column 1 use in "G/IC" zone and is always permitted whereas 'Residential Institution' is a Column 2 use in the zone which requires planning permission from the Board. Planning permission is required for both uses in area shown as 'Road'. The proposed block for both facilities will be situated at the northern portion of the "G/IC" zone (the Development Site in **Drawing A-2 in Annex A**). The application⁵ was rejected for the reason that the site falls mainly within a "G/IC" zone reserved for a planned hospital and specialist clinic/ polyclinic. There is no strong justification for the proposed development which may adversely affect the planned development.
- 7.2 To support the review application, the applicant has put forward justifications that the proposed development with its small size and compatible building design would not jeopardise the planned hospital development; its compliance with TPB PG-No.16 main criteria for planning of development in GIC sites; being compatible with the proposed hospital and specialist clinic/polyclinic; not adversely affect the normal operation of the existing GIC facilities nor the implementation of the planned GIC facilities; the scale, intensity and design of the proposed development be compatible with the surrounding areas; and no adverse impact is anticipated.

Planning intention

- 7.3 The Site is mostly zoned "G/IC" on the OZP primarily for the provision of GIC facilities. According to the HSK and HT ODP No. D/HSK/1, the northern portion of the Site is designated for "Government" use for the development of a hospital including polyclinic/specialist clinic while the southern portion is designated for a public road and "Education" use reserved for the development of a primary school and secondary school (**Plan R-1b**). The proposed 'Residential Institution' use, i.e. senior citizen housing, is not entirely in line with the planning intention of the "G/IC" zone and may pose unnecessary constraint to the detailed planning and design of these Government projects. In this regard, there is no strong planning justification given in the submission to support a departure from the planning intention.

Land use compatibility

- 7.4 The Site is presently located amongst temporary structures for brownfield and port back-up uses (**Plans R-2 and 3**). The applied use is not compatible with the current land uses in the surrounding areas. According to the applicant, the proposed development will be completed before the first population intake of HSK NDA in 2024. The applicant further claimed that he is willing to accept a condition to tie-in the programme of the proposed development with the development schedule/phasing of the HSK NDA project. However, PM(W) of CEDD advises that the proposed public road and sites are

⁵ The application with a development site area of about 2,200m² will be developed into a block with a total GFA of about 8,500m² for private elderly home (about 5,000m²) and senior citizen housing (about 3,500m²). Private elderly home of 40 bed spaces per floor is proposed on 1/F to 5/F, and senior citizen housing of 14 self-contained units per floor is proposed on 6/F to 9/F. The proposed block is 10 storey in height (34m high / 39.6 mPD).

planned to be constructed and formed under Stage 3 of the HSK NDA project. While the detailed implementation programme for the project is still being formulated, the detailed design of the proposed public road, together with the site formation and other infrastructure works, is yet to be carried out.

Development Scale and Intensity

- 7.5 The proposed development occupies a development site area of about 2,200m² (after surrender) with a total GFA of about 8,500m². Private elderly home of 40 bed spaces per floor is proposed on 1/F to 5/F, and senior citizen housing of 14 self-contained units per floor is proposed on 6/F to 9/F (from 22m above ground onward). The proposed building will be 10 storeys high (39.6mPD) which is within the building height restriction of 80mPD as stipulated on the OZP. Such scale of development is considered compatible with the planned development in the area.

Provision of GIC facilities

- 7.6 The HSK and HT OZP has been formulated on the basis of the revised Recommended Outline Development Plan (revised RODP) which was the outcome of a comprehensive planning and engineering study. Provision of a wide range of GIC facilities including hospital, clinics, educational facilities, markets and Residential Care Homes for the Elderly (RCHE) have been allowed for meeting the needs of the existing and planned population in the area. According to the Hong Kong Planning Standards and Guidelines, there are a great number of shortfall of existing and planned hospital beds of 1,412 and 3,002 beds⁶ respectively in the NTW Cluster. It is noted that the reserved hospital site (including the Site) in HSK Planning Area 20 is proposed for the development of a hospital and clinics, which will operate in coordination with the hospitals in the NTW Cluster serving the residents of HSK, Tin Shui Wai, Yuen Long, Tuen Mun, and the proposed Yuen Long South development. In this regards, SFH advises that Hospital Authority (HA) plans its services on cluster basis and takes into account a number of factors in planning its services, including the increase of service demand as a result of population growth and demographic changes, advancement of medical technology, manpower availability as well as organisation of services of the clusters and hospitals. Population is only one of the factors for consideration. In view of the genuine needs of hospital beds in the NTW Cluster, the applicant's claim that the "G/IC" site being too large for the reserved Hung Shi Kiu Hospital is not well substantiated.
- 7.7 The applicant claims that the configuration of the Site can be further modified to accommodate and optimize utilization of land in Planning Area 20, and it is located at the southern fringe of the "G/IC" zone and is in compliance with TPB PG-No. 16. However, it should be noted that the Site is located at nearly the central portion of the southern part of the planned hospital site (**Plan R-1b**). Should the application be approved and excised from the reserved hospital site, the remaining area for the hospital site will be of irregular shape and will greatly impact on both the access to and the planning efficiency of the future hospital development since a number of ingress/egress points have already been planned for the access road (**Plan R-1b**). As such, the proposed development does not comply with the relevant TPB PG-No. 16 (**Appendix II of Annex A**) in that there is no information to demonstrate that the proposed development would not adversely affect the provision of planned GIC facilities in the district.

⁶ Excluding psychiatric hospitals such as Castle Peak Hospital and Siu Lam Hospital.

Technical Assessment Aspects

- 7.8 Other relevant departments, including DEP, AC for T/NT, CE/MN of DSD and D of FS have no objection to or adverse comment on the application. The proposed use will unlikely create significant adverse environmental, traffic, drainage and landscape impacts to the surrounding areas.

Implementation

- 7.9 According to the applicant's FI (**Annex F**) providing owners' consent, DLO/YL of LandsD advises that some consents are incomplete in nature. Besides, DO/YL, HAD advises that the consents on Lot No. 793 in D.D. 124 and Lots No. 72 and 216 in D.D. 127 were only provided by the managers of the concerned Tso/Tong to the applicant in making the present application, which does not indicate their intention to sell the land to the applicant to implement the proposed development. Furthermore, DO/YL advises that he has not received any application from the managers for the proposed sale of the above mentioned lots.
- 7.10 As set out in the Explanatory Statement of the OZP, the Government will resume and clear the private land planned for public works projects, public and private development, carry out site formation works, and provide infrastructure before allocating land for various purposes. According to the 'General Criteria for Consideration of Lease Modification (including In-situ Land Exchange) Applications in the HSK Development Area' (**Appendix IV of Annex A**), surrender of lots within the "G/IC" sites of the ODP will not be accepted. In this regard, DLO/YL of LandsD advises that there is no guarantee that any proposed land exchange application including the surrender proposal by the applicant will be considered and approved.

Public comment

- 7.11 There is one public comment objecting to the review application as summarised in paragraph 6. The planning considerations and assessment above are relevant.

8. Planning Department's Views

- 8.1 Based on the assessments made in paragraph 7, having taken into account the public comments as mentioned in paragraph 6, and given that there is no major change in the planning circumstances since the consideration of the subject application by the RNTPC on 12.4.2019, the Planning Department maintains its previous view of not supporting the review application for the following reason:

the site falls mainly within a "G/IC" zone reserved for a planned hospital and specialist clinic/polyclinic. There is no strong justification for the proposed development which may adversely affect the planned development.

- 8.2 Alternatively, should the Board decide to approve the application on review, it is suggested that the permission shall be valid until **27.9.2023** 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 submission of revised drainage impact assessment and implementation of drainage proposals identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) the submission of revised sewerage impact assessment and implementation of sewerage proposals identified therein to the satisfaction of the Director of Environmental Protection and Director of Drainage Services or of the Town Planning Board;
- (c) the submission and implementation of fire services installations and water supply for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (d) the submission of a Land Contamination Assessment Report and implementation of the mitigation measures proposed in the Land Contamination Assessment Report prior to the commencement of the foundation works for the proposed development at the applicant's cost to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (e) the design and provision of car parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
- (f) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Annex H**.

9. Decision Sought

- 9.1 The Board is invited to consider the application for a review of RNTPC's decision and decide whether to accede to the application.
- 9.2 Should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 9.3 Alternatively, should the Board decide to approve the review 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.

10. Attachments

Plans R-1a and 1b	Location Plans
Plan R-2	Site Plan
Plan R-3	Aerial Photo
Plans R-4a and 4b	Site Photos
Annex A	RNTPC Paper No. A/HSK/67B
Annex B	Extract of minutes of the RNTPC Meeting held on 12.4.2019
Annex C	Secretary of the Board's letter dated 3.5.2019
Annex D	Letter from the applicant applying for review received on 14.5.2019
Annex E	FI(1) received on 5.7.2019
Annex F	FI(2) received on 13.8.2019
Annex G	Public comment received during statutory publication periods of the review application
Annex H	Recommended advisory clauses

**PLANNING DEPARTMENT
SEPTEMBER 2019**

TPB Paper No. 10576

**For Consideration by
the Town Planning Board on 27.9.2019**

REVIEW OF APPLICATION NO. A/HSK/67
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

**Proposed Social Welfare Facility (Private Elderly Home)
and Residential Institution (Senior Citizen Housing) in
“Government, Institution or Community” Zone and an area shown as ‘Road’,
Lot 793 in D.D.124, Lots 70, 71, 72, 73, 74, 75, 76, 77, 215 RP and 216 in D.D.127,
Ping Shan, Yuen Long, New Territories**
