

**Residential Care Homes for the Elderly and
Residential Care Homes for Persons with Disabilities**

The Government has been formulating policies and initiatives to encourage the provision of residential care homes for the elderly (RCHE) and residential care homes for persons with disabilities (RCHD) to meet the increasing demand. This practice note sets out the facilitating measures and factors that the Building Authority (BA) will take into consideration, for the purposes of granting modifications under the Buildings Ordinance (BO) to facilitate the provision of RCHE and RCHD.

Modification to Treat RCHE/RCHD as Non-domestic Use

2. Notwithstanding RCHE and RCHD, which are for habitation, are domestic uses under the BO, the BA may grant modifications to treat a building or part of a building that is constructed or intended to be used as RCHE or RCHD (the premises) as a non-domestic building or a non-domestic part of a composite building for the purposes of regulations 19, 20, 21 and 22 of the Building (Planning) Regulations (B(P)R) and to allow the non-provision of open space for the premises under regulation 25 of the B(P)R, provided that the following criteria are met:

- (a) there are no adverse comments, including comments on the provision of access for ambulant residents of the premises, from the Social Welfare Department (SWD);
- (b) there is no objection from the Fire Services Department;
- (c) the premises comply with the BO and its subsidiary regulations on all aspects including structural suitability and fire safety provisions, and has adequate headroom, and natural lighting and ventilation;
- (d) the premises comply with the requirements under regulations 49(1) and 49B of the B(P)R. In case of genuine hardship, application for modification will also be considered taking into account the special circumstances of the case;
- (e) the premises comply with section 20 of the Residential Care Homes (Elderly Persons) Regulation (Cap. 459A) or section 21 of the Residential Care Homes (Persons with Disabilities) Regulation (Cap. 613A), and are not located in the basement; and
- (f) the premises are not situated in an industrial building.

/Incentive ...

Incentive Schemes to Encourage Provision of RCHE and RCHD in New Private Developments

3. To encourage the provision of RCHE and RCHD in new private developments, the Government has introduced two incentive schemes with time-limited arrangements promulgated in the Practice Notes¹ issued by the Lands Department (LandsD) and the Guidance Notes² issued by the Social Welfare Department (SWD), which can be downloaded from the LandsD's and SWD's websites respectively.

4. RCHE and RCHD are accountable for gross floor area (GFA) calculations under the B(P)R. During the pilot period of the two incentive schemes as described in paragraph 3 above, the BA is prepared to grant modification to permit a higher plot ratio to accommodate the additional GFA of eligible RCHE/RCHD premises³ in a development under the BO, taking into account the Planning Department's advice on the planning intention as well as whether the provisions and requirements under the relevant Outline Zoning Plan or planning approval have been complied with when processing the general building plans. The RCHE/RCHD should fulfil the relevant parameters under the respective incentive schemes as well as the criteria set out in paragraph 2 above.

Application

5. The facilitating measures in paragraph 2 above are applicable to all new building developments as well as alteration and addition proposals for the provision of new or additional RCHE/RCHD in an existing building.

6. The facilitating measure in paragraph 4 above is only applicable to RCHE/RCHD premises in new building developments eligible for the two incentive schemes as described in paragraph 3 above.

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¹ Lands Administration Office Practice Notes Issue Nos. 5/2023 and 10/2023.

² The Incentive Scheme to Encourage Provision of Residential Care Home for the Elderly Premises in New Private Developments and The Incentive Scheme to Encourage Provision of Residential Care Homes for Persons with Disabilities in New Private Developments.

³ General guideline on the calculation of GFA for RCHE/RCHD premises is set out at Annex of the Practice Notes issued by LandsD and the Guidance Notes issued by SWD.