

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

**APPLICATION NO. A/K12/43**

**Applicant** : Keyman One Development Limited represented by MY Planning Limited

**Site** : Lot 1663 (part) in S.D. 2, Ngau Chi Wan Village, Kowloon

**Site Area** : About 61.2 m<sup>2</sup>

**Lease** : Old schedule building lot held under a Block Government lease

**Plan** : Approved Ngau Chi Wan Outline Zoning Plan (OZP) No. S/K12/16

**Zoning** : - “Government, Institution or Community” (“G/IC”) (about 62%)  
- “Road” (about 38%)

**Application** : Proposed House

**1. The Proposal**

- 1.1 The applicant seeks planning permission for amendment to an approved scheme under application No. A/K12/39, which was for a 3-storey house at the application site (the Site) by increasing one number of storey, i.e a 4-storey house under the current application. Application No. A/K12/39 was allowed with conditions by the Town Planning Appeal Board (TPAB) on 26.11.2013. The Site<sup>[1]</sup> straddles over area partly zoned “G/IC” and partly onto area shown as ‘Road’ on the approved Ngau Chi Wan OZP No. S/K12/16 (**Plan A-1**). According to the Notes of the OZP, ‘House’ is a Column 2 use under the “G/IC” zone which requires planning permission from the Town Planning Board (the Board). Also, any ‘House’ development in area shown as ‘Road’ requires planning permission from the Board.
- 1.2 A comparison of the major development parameters of application No. A/K12/39 and the current application are summarized as follows:

<b>Major Development Parameters</b>	<b>Previous Application (A/K12/39) (a)</b>	<b>Current Application (A/K12/43) (b)</b>	<b>Difference (b)-(a)</b>
Site Area	About 61.2 m <sup>2</sup>	About 61.2 m <sup>2</sup>	-
Total GFA	About 183.60 m <sup>2</sup>	About 183.60 m <sup>2</sup>	-
No. of Blocks	1	1	-
Building Height (BH)	3 storeys	4 storeys	+1 (+33.3%)
	8.23m*	13m / 24.45mPD	+4.77m (+58%)

\*No information on BH in terms of mPD was provided in Application No. A/K12/39

<sup>[1]</sup> About 2m<sup>2</sup> of the Site encroaches onto the adjacent area zoned “Open Space” (“O”) on the OZP, which can be considered as minor boundary adjustment in zoning boundaries and is always permitted under the Covering Notes of the OZP. The site area/footprint is exactly the same as the one under application No. A/K12/39.

- 1.3 As the proposed increase in building height by 33% (in terms of number of storeys) or 58% (in terms of the absolute building height) exceeds 20% of the approved absolute building height / number of storeys, the proposed change is beyond Class B amendment under the Town Planning Board Guidelines No. 36B and thus a fresh section 16 planning application is required.
- 1.4 The previous application (No. A/K12/39) allowed by TPAB is subject to an approval condition (b) requiring the submission of design and layout of the proposed house that would not jeopardize the future road works (i.e. planned Wing Ting Road extension within the area shown as 'Road' (**Plan A-3**)) to the satisfaction of the Commissioner for Transport or of the Board.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 5.3.2021 **(Appendix I)**
  - (b) Supplementary Planning Statement enclosing architectural drawings and Visual Appraisal (VA) received on 5.3.2021 **(Appendix Ia)**

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

The justifications put forth by the applicant in support of the application are summarized as follows:

- (a) The previous application (No. A/K12/39) was allowed by TPAB at a GFA of 183.6m<sup>2</sup>. Subsequently, the building plans of the development have been approved with a reduced GFA of 119.12m<sup>2</sup> in which setback is required in the northern portion of the Site for the future road works of Wing Ting Road extension (i.e. with smaller building area) in order to comply with the approval condition as mentioned in para. 1.4 above. While the applicant is willing to allow the aforesaid setback, in order to accommodate the unachieved GFA of 64.48m<sup>2</sup>, the applicant proposes to increase the BH of the proposed house from the approved 3 storeys to 4 storeys.
- (b) The Site is located in an area that is predominantly residential in character. The "G/IC" zone, where the Site falls within, is reserved for the development of a community hall. According to the Policy Address, Ngau Chi Wan Village is planned to be redeveloped into an integrated high-density public housing. Given the small scale development and the fringe location of the Site as well as the character of the surrounding areas, it is expected that the proposed development would not have any adverse effect on the current context and future redevelopment of Ngau Chi Wan Village. Approval of the proposed 4-storey house is not anticipated to jeopardise/undermine the land use planning of the area including the development of the proposed community hall. The proposed scheme has followed the same site boundary of the previous approved scheme without including additional adjoining land.
- (c) The proposed development would not generate adverse traffic, environmental, drainage, visual and landscape impacts. The proposed house would not frustrate the future extension of Wing Ting Road. The visual appraisal in **Appendix Ia** demonstrated that the proposed 4-storey house would not generate adverse visual impact.
- (d) An assessment on the proposed scheme has been made in respect of the Town Planning Board Guidelines No. 16 for "Application for Development/ Redevelopment within "Government, Institution or Community" Zone for Uses Other than Government,

Institution or Community Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 16) (details are in section 5 below). The proposed development is not affecting existing GIC facilities. There is no implementation programme on the planned community hall since the approval of application No. A/K12/39. As demonstrated above, the proposed development is compatible to surrounding areas and would not create adverse impacts.

### 3. Background

#### Planning History of Ngau Chi Wan Village

- 3.1 Ngau Chi Wan Village is located to the east of Choi Hung Estate, and comprises mainly low-rise village houses and temporary structures. In the 1970s, Ngau Chi Wan Village was zoned “Village Type Development” (“V”) on the OZP. In 1980s, a Layout Plan for Ngau Chi Wan Village was prepared to resite the southern part of the Village for the construction of the Mass Transit Railway Choi Hung Mass Transit Railway (MTR) Station, and to provide the planning and development framework for the northern part of the Village with a view to improving the environmental conditions. The then Wong Tai Sin District Board (WTSDB) and the local communities were consulted on the Layout Plan in 1986, and considered the land use proposal acceptable. The Layout Plan was adopted by then Development Progress Committee on 11.4.1988, and the proposal were then incorporated into the Ngau Chi Wan Outline Development Plan (ODP). According to the ODP, the resited village in the south is zoned “V”, while the northern part is rezoned for residential, open space, a community hall and road uses. It aims to enhance the environment and provide supporting recreation and community facilities.
- 3.2 Subsequently, the proposals in the ODP were incorporated into the Ngau Chi Wan OZP. The northern part of the “V” zone was proposed to be rezoned to “Residential (Group B)” (“R(B)”), “Open Space”, “G/IC” and area shown as ‘Road’ The WTSDB, the then Ngau Tsuen Area Committee, Ngau Chi Wan Rural committee and the local communities were consulted on the rezoning proposal in 1989 and they indicated no objection to the proposals. In particular, the majority of land owners and tenants had indicated their support to the proposal as it would result in general improvement to the environment of the area. The view of the local communities had been taken into account in the plan making process prior to the gazetting of the OZP in 1990. The zonings of the Village and the Site remain unchanged since then (**Plan A-1**). Over the years, some of the “R(B)” zones have been developed for residential use (including Bayview Garden, Wealth Garden and Fire Services Department Married Quarters) and portion of the planned road leading to these developments (i.e. Wing Ting Road) have been completed (**Plan A-1 to A-4**).
- 3.3 On the draft Ngau Chi Wan ODP No. D/K12/2D, the southern part of the Site falls within a “Government” site (28%) designated for ‘Community Hall’ while the northern and eastern parts fall within an area shown as ‘Road’ (72%) for Wing Ting Road Extension and access road (**Plan A-2**). At present, there is no implementation programme for the proposed community hall and Wing Ting Road Extension.
- 3.4 As announced under the 2019 Policy Address (PA), the Government will adopt a Government-led approach to expedite the planning of land use and infrastructure and will resume private land for established public purpose by invoking the Land Resumption Ordinance and other applicable ordinance. Amongst others, there is policy direction to resume urban private land in Ngau Chi Wan Village for high density public housing development and other established public purposes, with a view to expediting

the development and rebuilding a new community. By doing so, the living environment of residents in the Ngau Chi Wan squatter area will be improved with compensation and rehousing to be provided in accordance with the prevailing policy.

- 3.5 The Civil Engineering and Development Department (CEDD) commenced an engineering feasibility study titled “Agreement No. CE 32/2019 (CE) – Site Formation and Infrastructure Works for Proposed Public Housing Developments at Ying Fung Lane, Wong Tai Sin Community Centre and Ngau Chi Wan Village - Feasibility Study” in January 2020 for substantially completion in late 2021. The objective of the Study, amongst others, is to carry out respective engineering assessments to determine the scope of site formation and infrastructure works and provide necessary engineering information to support rezoning for proposed public housing development (**Plan A-3**). Subject to the outcomes of the Study, amendments to the OZP would be made in a timely manner.

#### **4. Compliance with the “Owner Consent/Notification” Requirements**

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

#### **5. Town Planning Guidelines**

- 5.1 TPB PG-No. 16 promulgated in January 1999 are relevant to this application. The relevant planning criteria are as follows:
- (a) The applicant should satisfactorily demonstrate the proposed development/redevelopment would not adversely affect the provision of GIC facilities in the district on a long-term basis.
  - (b) The proposed development should not adversely affect the normal operation of the existing G/IC facilities nor delay the implementation of the planned GIC facilities, if any, within the “G/IC” site.
  - (c) The proposed development should be compatible in land-use term with the GIC uses on the site, if any, and with the surrounding areas.
  - (d) The scale and intensity of the proposed development should be in keeping with that of the adjacent area.
  - (e) The scale and design of the proposed development should have regard to the character and massing of the buildings in the surrounding areas and should not cause significant adverse visual impact on the townscape of the area.
  - (f) The proposed development should be sustainable in terms of capacities of the existing and planned infrastructure such as drainage, sewerage, roads, water supply and utilities in the locality and its surrounding areas.
  - (g) There should be adequate provision of parking and loading/unloading facilities to serve the proposed development in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) and to the satisfaction of the Transport Department. Adequate vehicular access arrangements should also be provided to the satisfaction of the Transport Department.

- (h) The proposed development should be sustainable in terms of the overall planned provision of open space and GIC facilities in the area.
- (i) The proposed development should not cause, directly or indirectly, the surrounding areas to be susceptible to adverse environmental impacts and should not be susceptible to adverse environmental impacts from pollution sources nearby including heavily trafficked road; otherwise adequate environmental mitigation, monitoring and audit measures must be provided.
- (j) For “G/IC” sites covered by mature trees and vegetation or located in areas of high landscape or amenity value, the design and layout of the proposed development should be compatible and should blend in well with the surrounding areas. The proposed development should not involve extensive clearance of existing natural vegetation, adversely affect the existing natural landscape, or cause adverse visual impact on the natural environment in the surrounding areas.

5.2 According to the TPB PG-No. 16, if the development is for predominantly non-GIC uses (e.g. more than 50% of the total site area or gross floor area of the development, as the case may be, are for non-GIC uses), the Board might consider rezoning the site to an appropriate zoning if the applicant could demonstrate that all the planning criteria in paragraph 5.1 above have been met.

## **6. Previous Application**

- 6.1 The Site is subject to the previous planning application (No. A/K12/39) submitted by a different applicant for developing a 3-storey house with total GFA of 183.6m<sup>2</sup> which was rejected by the Committee on 1.6.2012 and upon review by the TPB on 28.9.2012 mainly on the grounds of being not in line with the planning intention of the “G/IC” zone i.e. primarily for the provision of GIC facilities serving the needs of local residents and/or a wider district, region or the territory; not complying with the TPB PG-No. 16 in that the approval of the application in a piecemeal manner would frustrate the planning and development of GIC facilities to meet community needs and other institutional establishments in the district; approval of the application would affect the implementation of the planned road project; and approval of the application would jeopardize the land use planning of the area and set an undesirable precedent for other similar applications in the area.
- 6.2 Subsequently, the applicant of application (No. A/K12/39) lodged an appeal (No. 14/2012) to the TPAB against the TPB’s decision. On 26.11.2013, TPAB allowed the appeal on a majority of 3 to 2 with two conditions requiring (a) the provision of firefighting installations and water supplies to the satisfaction of the Director of Fire Services (D of FS) or of the Board; and (b) the submission of design and layout of the proposed house that would not jeopardise the future road works to the satisfaction of the Commissioner for Transport (C for T) or of the Board respectively. The main considerations of the majority view were as follows:
  - (a) the appeal site had been zoned “G/IC” by the Government since 1990 and part of the appeal site was reserved for community hall use years ago. Yet, the proposed community hall had not been developed. This had sterilized the appellant’s land and he was not allowed to develop it. This was unfair to the appellant;

- (b) there were a lot of structures in the vicinity of the appeal site, the appellant's proposed development would not be incompatible with its surroundings. If the fire in the past had not ruined the structure previously on the site, it would have existed and be an integral part of the Ngau Chi Wan Village;
  - (c) approval of the application would not set an undesirable precedent because the land was and would continue to be zoned "G/IC", and any proposal for development or redevelopment in the said "G/IC" zone would be subject to risk factors. As most people were not willing to take such risks, it was anticipated that there would not be many similar application;
  - (d) after the authorities decided on the planning intention for the area around the appeal site, several community facilities such as wet market, sports centre, civic centre and fire station etc. had been provided and no other facilities have been built thereafter. There were doubts on whether there was an imminent need to provide a community hall; and
  - (e) approving the application would not jeopardize the planning intention of the appeal site. If necessary, the Government could resume the land under the relevant ordinance. It was reasonable to approve the application when there was no action from the Government.
- 6.3 Notwithstanding the above, the minority of the TPAB Members considered that approval of the application in a piecemeal manner would frustrate the integrity of the planning and development in the area and set an undesirable precedent. They considered that it was more appropriate to consider the proposed development by way of a s.12A application to change the land use zoning of the appeal site. In such case, a comprehensive local consultation could be undertaken by the Authorities. This would avoid piecemeal approval of the application and was in line with the planning intention emphasizing public interest.
- 6.4 Subsequently, a set of general building plan for the proposed 3-storey house under application No. A/K12/39 with a smaller GFA of about 119m<sup>2</sup> was approved by the Building Authority on 6.9.2017, 14.3.2018 and 17.2.2020. C for T had no in-principle objection to the compliance of the aforesaid approval condition (b).

## **7. Similar Applications**

- 7.1 There are four similar applications for proposed house development within the same "G/IC" zone of the OZP (**Plan A-1**). One application (No. A/K12/13) for a proposed house at the middle part of the "G/IC" zone was rejected by the Committee on 3.6.1994 on the ground that the proposed development would frustrate the future development of the site zoned "G/IC" in a comprehensive manner. The remaining three applications (No. A/K12/20, 35 and 41) are for a house/two houses at the same site at the northern corner of the "G/IC" zone. Applications No. A/K12/20 and A/K12/35 were rejected by the Committee and the Board upon review on 22.12.2000 and 15.6.2007 respectively mainly on the grounds of being not in line with the planning intention of the "G/IC" zone, not complying with the **TPB** Guidelines in that the site was still required for GIC purposes and setting of an undesirable precedent. Application No. A/K12/41 was approved with conditions upon review by the TPB on **14.12.2018** mainly on the following grounds:

- (a) given the planned community hall development had already been delayed for some 20 years and there was still no firm implementation programme at that time, sympathetic consideration should be given to the application to allowing the applicant to develop houses in accordance with his lease entitlement. Delay in implementation of the “G/IC” zone was unjust to that applicant;
- (b) sympathetic consideration should be given since there was an existing house at that site and it was unfortunate that the house was demolished instead of repaired;
- (c) allowing the redevelopment of the houses would unlikely affect the community hall development in a substantial way while that applicant had stated clearly that they were well-aware that that site might be resumed by the Government at any moment for provision of public facilities. It would be up to that applicant to decide whether to implement the proposal knowing the possible land resumption in future; and
- (d) given the small scale of development, it should not have any significant adverse precedent effect.

7.2 Details of these applications are summarised at **Appendix II**.

## **8. The Site and its Surrounding Areas (Plans A-1 to A-4 and site photo on Plan A-5)**

8.1 The application site is:

- (a) currently a vacant site located at the northern fringe of the Ngau Chi Wan Village and surrounded by squatter structures;
- (b) to its immediate north is vegetated area shown as ‘Road’ planned for Wing Ting Road extension;
- (c) accessible by local footpath from Lung Chi Path; and
- (d) close to but not directly accessible by Wing Ting Road (a public road).

8.2 The surrounding areas have the following characteristics:

- (a) the existing Ngau Chi Wan Village is occupied by temporary and low-rise structures of one to three storeys, which are mainly for residential purpose with some ‘eating place’ and ‘shop and services’ uses on the ground floors of the buildings;
- (b) the resited village within “V” zone occupied by two-storey houses is situated about 40m away to its south. A 3-storey house, Choi Hung Villa, is situated at the northeastern fringe of the “V” zone;
- (c) private residential developments namely Wealth Garden, Fortune Garden and Bayview Garden are situated to its north whereas Wing Ting Road Fire Services Married Quarters are situated to its east;
- (d) GIC facilities, including market, sports centre, fire station, library, civic centre in the southeast; and
- (e) Choi Hung MTR Station is to the south.

## **9. Planning Intention**

The planning intention of the “G/IC” zone is primarily for the provision of GIC facilities serving the needs of 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 Government, organizations providing social services to meet community needs, and other institutional establishments. According to para. 7.5.3 of the Explanatory Statement of the OZP No. S/K12/16, the “G/IC” site has been reserved for the development of a community hall with possible inclusion of other Government uses.

## **10. Comments from Relevant Government Departments**

10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

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

- (a) No objection to the application.
- (b) The Site falls within part of Lot 1663 in S.D. 2 which is an old schedule building lot held under a Block Government Lease dated 18.3.1905 as varied or modified by the Deed of Rectification dated 17.4.2008.
- (c) Her comments on the detailed design of the proposed house is reserved until processing of the building plans through the Centralized Processing System.

### **Interface with On-going Government Study**

10.1.2 Comments of Project Manager/South, Civil Engineering and Development Department (PM/S, CEDD):

He has no specific comment on the application except that the proposed house falls within the study area of the ongoing EFS for the proposed public housing development at Ngau Chi Wan Village.

### **Traffic**

10.1.3 Comments of the C of T:

- (a) It is noted that the northern portion of the Site has been demarcated as Non-Building Area (NBA) reserved for future road works. He has no adverse comment on the application.
- (b) The approval condition (b) of the previous Application No. A/K12/39 on “the submission of design and layout of the proposed house that would not jeopardize the future road works to the satisfaction of Commissioner for Transport or of the Board” is still valid.



### **Provision of Community/Government Facilities**

#### 10.1.4 Comments of District Officer (Wong Tai Sin), Home Affairs Department, (DO/WTS, HAD):

- (a) There is still a demonstrated need for a community hall in the area as the Ngau Chi Wan, King Fu and Choi Hung areas do not have a community hall and no similar facilities in the area can cater for the hosting of various types of community activities. It is anticipated that the demand will only grow stronger with the increasing population brought by different residential development projects in the vicinity. It is a community wish that a community hall be constructed and locals are well aware that a site has been reserved for the development of a community hall and have high expectation that it could be delivered.
- (b) According to the EFS for proposed public housing development at Ngau Chi Wan Village commissioned by CEDD, it is noted that the proposed community hall in Ngau Chi Wan Village will be integrated into the future comprehensive development in the Ngau Chi Wan Village (including the Site).

#### 10.1.5 Comments of Director of Social Welfare (DSW):

It is noted that the proposed house falls within the study area of the ongoing EFS for proposed public housing development at Ngau Chi Wan Village. In this regard, Social Welfare Department (SWD) is in close liaison with CEDD in the proposed incorporation of suitable welfare facilities at the study area in meeting the keen demand on welfare service of the community. On the understanding that welfare facilities will be incorporated upon development, details of which are to be discussed and agreed upon among various parties including SWD, SWD has no comment on the current planning application so long as the provision of welfare facilities will not be adversely affected in the long run.

### **Urban Design and Visual Aspects**

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

The proposed one 4-storey house with BH of 13m at the Site of about 61.2m<sup>2</sup> forms part of a low-rise cluster at Ngau Chi Wan Village. The BH of the proposed house is higher than that of the 3-storey house (8.23m, +58%) under the previously approved application (No. A/K12/39), as well as those of the existing village houses of about 1 to 3 storeys within the low-rise cluster zoned "O", "G/IC" and "V". It is noted that floor-to-floor height at G/F and 3/F of the current scheme, amounting to 4.2m and 3.6m respectively, are much higher than the average floor height of 2.74m of the approved scheme.

10.1.7 Comments of the Chief Architect/Central Management Division, Architectural Services Department (CA/CMB, ArchSD):

The proposed development is revised to a 4-storey block with a height of 13m, which is significantly higher than the approved scheme. With reference to the submitted photomontages (**Drawings A-3 and A-4**), it may be undesirable from visual impact point of view and may not be compatible to adjacent Ngau Chi Wan Village with mainly low-rise and temporary structure with height of one to three storeys.

**Building Matters**

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

He has no objection to the application. There is no comment under the Buildings Ordinance on the applicant's calculation of the number of storeys. His other comments are included in the advisory clauses in **Appendix IV**.

**Fire Safety**

10.1.9 Comments of the D of FS :

No objection in the application subject to fire service installation and water supplies for firefighting being provided to the satisfaction of his department. His other comments are included in the advisory clauses in **Appendix IV**.

**Environmental Aspect**

10.1.10 Comments of the Director of Environmental Protection:

In the view of the small scale of the proposed development, the application alone is unlikely to cause any major pollution.

10.2 The following Government departments have no comment on/objection to the application:

- (a) Chief Highway Engineer/Kowloon, Highways Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Commissioner of Police; and
- (e) Chief Estate Surveyor/Acquisition, Lands Department.

**11. Public Comment Received During Statutory Publication Period**

On 12.4.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 7.4.2021, one public comment was received (**Appendix III**) from an individual objecting to the application on the ground that there is no justification to approve the application given there are plans for development of community facilities at the Site.

## 12 Planning Consideration and Assessment

- 12.1 The proposed development is for construction of a 4-storey house, with a site area of 61.2m<sup>2</sup> and domestic GFA of 183.6 m<sup>2</sup> at the Site partly within the “G/IC” zone and partly within an area shown as ‘Road’ on the OZP. The planning intention of the “G/IC” zone is primarily for the provision of GIC facilities serving the needs of 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 Government, organizations providing social services to meet community needs, and other institutional establishments. As stated in the Explanatory Statement of the OZP, the concerned “G/IC” site is reserved for development of a community hall and other Government facilities. Although the proposed house development is considered not incompatible with the surrounding area which are predominantly village houses and GIC facilities with some temporary structures and would not have any significant environmental impacts, it is not in line with the planning intention of the “G/IC” zone.

### TPB PG-No. 16

- 12.2 The proposed development does not comply with TPB PG-No. 16 in that it would adversely affect the provision of the planned community hall and other Government facilities in the district on a long-term basis. As commented by DO/WTS, there is still a demonstrated need for a community hall in the area as the Ngau Chi Wan, King Fu and Choi Hung areas do not have a community hall and no similar facilities in the area can cater for the hosting of various types of community activities. It is anticipated that the demand will only grow stronger with the increasing population brought by different residential development projects in the vicinity. It is a community wish that a community hall be constructed and locals are well aware that a site has been reserved for the development of a community hall and have high expectation that it could be delivered. Besides, as advised by DO/WTS, HAD, the planned community hall will be integrated into the future comprehensive development for public housing with GIC facilities in Ngau Chi Wan Village (including the Site), being studied under the EFS. Although the EFS is still on-going and that the Site is located at the northern edge of the village, approval of the application within the proposed development site for public housing with community hall in piecemeal manner is not desirable.

### Previous and Similar Applications

- 12.3 The Site is subject to the previous application No. A/K12/39 for the proposed 3-storey house submitted by a different applicant was allowed by the TPAB with conditions on 26.11.2013 on a majority of 3 to 2 mainly on considerations that (i) it was unfair to the appellant as the proposed community hall had not been developed since the zoning of “G/IC” in 1990; (ii) any proposal for development or redevelopment in the said “G/IC” zone would be subject to risk factors; (iii) there were doubts on whether there was an imminent need to provide a community hall and (iv) it was reasonable to approve the application when there was no action from the Government. Notwithstanding, the minority of the TPAB considered that the approval would set an undesirable precedent as mentioned in para. 6.3 above. As compared with application No. A/K12/39, the major difference is increase in building height (i.e. from 3-storey to 4-storey / 8.23m to 13m) under the current application. In this regard, CA/CMB, ArchSD considers the 4-storey block with a height of 13m, which is significantly higher than the approved scheme, may be undesirable from visual impact point of view and may not be compatible to adjacent Ngau Chi Wan Village with mainly low-rise and temporary structure with height of one to three storeys. CTP/UD&L, PlanD

also shares the similar views that the current scheme is higher than that under application No. A/K12/39 and those of the existing houses in the village.

- 12.4 While the similar application No. A/K12/41 for proposed two houses at the same “G/IC” site was approved by the TPB upon review 28.9.2018 mainly on sympathetic considerations as mentioned in para. 7.1 above, each proposal should be considered by on case-by-case basis. As stated in paras. 12.1 and 12.3 above, the proposed development is not in line with the “G/IC” zone, does not comply with TPB PG-No. 16 and the proposed height is higher than the existing structures in the village and may not be desirable from visual point of view.
- 12.5 Regarding public comment objecting to the application, the planning assessment above and departments’ comments in paragraph 10 are relevant.

### **13 Planning Department’s Views**

- 13.1 Based on the assessment made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11 , the Planning Department does not support the application for the following reasons:
- (a) the proposed house development is not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone which was intended primarily for the provision of government, institution or community (G/IC) facilities serving the needs of the residents in the area/ district; and
  - (b) the proposed house development does not comply with the Town Planning Board Guidelines for “Application for Development/ Redevelopment within “G/IC” Zone for Uses other than GIC Uses” in that the proposed development would adversely affect the provision of the planned community hall and other Government facilities in the district on a long-term basis.
- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 30.4.2025, 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 suggested for Members’ reference:

#### Approval Conditions

- (a) the provision of fire services installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission of design and layout of the proposed house that would not jeopardize the future road works to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

## **14     Decision Sought**

- 14.1    The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2    Should the Committee decide to reject this application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3    Alternatively, 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.

## **15     Attachments**

<b>Appendix I</b>	Application Form received on 5.3.2021
<b>Appendix Ia</b>	Supplementary Planning Statement received on 5.3.2021
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Public Comment
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Plan A-1</b>	Location Plan
<b>Plans A-2 and A-3</b>	Site Plan
<b>Plan A-4</b>	Aerial Photo
<b>Plan A-5</b>	Site Photo
<b>Drawings A-1 and A-2</b>	Floor Plans and Section Plans submitted by the applicant
<b>Drawings A-3 and A-4</b>	Photomontages submitted by the applicant

**PLANNING DEPARTMENT  
APRIL 2021**