

# TOWN PLANNING BOARD

TPB Paper No. 10760  
For Consideration by  
The Town Planning Board on 20.8.2021

REVIEW OF APPLICATION NO. A/K12/43  
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

PROPOSED HOUSE  
IN "GOVERNMENT, INSTITUTION OR COMMUNITY" ZONE AND AREA SHOWN AS "ROAD"  
LOT 1663 (PART) IN S.D.2, NGAU CHI WAN VILLAGE, KOWLOON

**REVIEW OF APPLICATION NO. A/K12/43**  
**UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed House**  
**in “Government, Institution or Community” Zone and area shown as “Road”**  
**Lot 1663 (part) in S.D.2, Ngau Chi Wan Village, Kowloon**

**1 Background**

- 1.1 On 5.3.2021, the applicant, Keyman One Development Limited represented by MY Planning Limited, sought planning permission for amendment to an approved scheme under planning application No. A/K12/39 for a house at the application site (the Site) by increasing the number of storey of the house from 3 storeys to 4 storeys, under s.16 of the Town Planning Ordinance (the Ordinance). The Site straddles over an area partly zoned “Government, Institution or Community” (“G/IC”) (about 62%) and partly shown as “Road” (about 38%) on the approved Ngau Chi Wan Outline Zoning Plan (OZP) No. S/K12/16 <sup>[1]</sup> (**Plan R-1**).
- 1.2 On 30.4.2021, the Metro Planning Committee (MPC) of the Town Planning Board (the Board) decided to reject the application on the following grounds:
- (a) the proposed house development was not in line with the planning intention of the “Government, Institution or Community” zone which was intended primarily for the provision of Government, institution and community facilities serving the needs of the residents in the area/district;
  - (b) the proposed house development did not comply with the Town Planning Board Guidelines for ‘Application for Development/ Redevelopment within “Government, Institution or Community” Zone for Uses other than Government, Institution or Community Uses’ in that the proposed development would adversely affect the provision of the planning community hall and other Government facilities in the district on a long-term basis; and
  - (c) the building height (BH) of the proposed development was not in keeping with the surrounding low-rise structures in Ngau Chi Wan Village and would result in undesirable visual impact.
- 1.3 The Site has an area of about 61.2m<sup>2</sup> and is accessible by local footpath from Lung Chi Path (**Plan R-3**). The applicant proposes to build one 4-storey house

---

<sup>1</sup> About 2m<sup>2</sup> of the Site encroaches onto the adjacent area zoned “Open Space” 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.

with total gross floor area (GFA) of about 183.6m<sup>2</sup> and BH of 13m / 24.45mPD at the Site (Drawings A-1 and A-2 in **Annex A**). Compared with the approved scheme, which was allowed by the Town Planning Appeal Board (TPAB) on 26.11.2013 (paragraphs 4.11 to 4.13 below), there is an increase in number of storeys from 3 to 4 (+1 storey, +33.3%) and building height from 8.23m to 13m (+4.77m, +58%).

1.4 For Member's reference, the following documents are attached:

- (a) MPC Paper No. A/K12/43 **(Annex A)**
- (b) Extract of minutes of the MPC meeting held on 30.4.2021 **(Annex B)**
- (c) Secretary of the Board's letter dated 14.5.2021 **(Annex C)**

## **2 Application for Review**

On 1.6.2021, the applicant applied, under section 17(1) of the Ordinance, for review of the MPC's decision to reject the application (**Annex D**). The applicant has submitted a written statement with photomontages in support of the review.

## **3 Justifications from the Applicant**

The justifications put forth by the applicant in support of the review application are detailed in the written representation at **Annex D**, and are summarized as follows:

### Planning Intention

- (a) A proposed house development (under application No. A/K12/39) was allowed by the TPAB on 26.11.2013 with a BH of 3 storeys (8.23m) and GFA of 183.6m<sup>2</sup>. The proposed house development is deemed to have commenced with the relevant building plans approved but with GFA reduced to 119.12m<sup>2</sup> due to the set back of northern portion (about 21.027m<sup>2</sup>) of the Site for compliance with the approval condition in relation to the submission of design and layout of the proposed house that would not jeopardise the future road works. The proposed increase of BH to 4 storeys can achieve the previously approved GFA of 183.6m<sup>2</sup> so that the living quality can be enhanced. Thus, the rejection reason of being not in line with the planning intention of the "G/IC" zone cannot be considered as valid for the house development which has already been approved and the development deemed to have commenced.

### Town Planning Board Guidelines

- (b) The proposed house development complies with the Town Planning Board Guidelines for 'Application for Development/Redevelopment within "G/IC" Zone for Uses other than Government, Institution or Community (GIC) Uses' (TPB PG-No. 16) and would not adversely affect the provision of the planned community hall and other Government facilities in the district:
  - (i) The proposed house development will not affect the existing GIC facilities. The Site with an area of 61.2m<sup>2</sup> is located at the periphery of the subject "G/IC" zone in the north-west that is planned for community hall but without implementation programme. The site area, which accounts for 0.4% of the

subject “G/IC” zone, is considered insignificant and would unlikely undermine the planning and provision of the community hall in a substantial way. The proposed development has not encroached upon and will not affect the adjacent “Open Space” (“O”) zone (OZP extract at p. 8 of **Annex D**);

- (ii) the Government is carrying out an integrated and holistic planning for public housing development / open space / GIC facilities at the Ngau Chi Wan Village (NCWV) covering the subject “G/IC” zone. The proposed scheme following the site boundary of the approved one would not frustrate the Government’s plan for an integrated and holistic planning of the area; and
- (iii) In respect to other relevant planning criteria in TPB PG-No. 16, the proposed development is compatible in land use with the existing residential developments zoned “Residential (Group B)” (“R(B)”), the future comprehensive residential/commercial/GIC development at the St. Joseph’s Home for the Aged zoned “Comprehensive Development Area” (“CDA”) located at the end of Wing Ting Road to the east and the proposed public housing development at NCWV under study as well as the GIC uses in the surrounding area (OZP extract at p. 8 of **Annex D**). Besides, the proposed development is acceptable on sewerage, drainage, traffic, environmental, landscape and visual aspects. Relevant departments have no objection to the proposed developments.

#### Building Height of Proposed Development

- (c) The scale of the proposed 4-storey house is in keeping with the adjacent area zoned “R (B)” and the future comprehensive development zoned “CDA” with BH of over 50 storeys and the proposed public housing under study by the Government. The comments from the Architectural Services Department (i.e. the proposed 4-storey house might be undesirable from visual impact and not compatible with the adjacent NCWV) are considered unfair without taking into consideration the aforesaid existing and future residential developments in the surrounding.
- (d) Regarding the comments from the Urban Design Unit (i.e. the proposed floor heights of G/F (4.2m) and 3/F (3.6m) are higher than the average floor height of 2.74m in the approved scheme), the floor heights proposed (i.e. 2.6m to 4.2m) are in compliance with Building (Planning) Regulations 24(1) and PNAP APP-5<sup>2</sup> in that the minimum height of rooms for habitation for health reason is 2.5m and the storey height for house should not exceed 4.5m. The proposed development (average floor height of 3.25m) has no adverse visual impact as demonstrated by the photomontages (**Drawings R-1 to R-5**). Therefore, the rejection reason (c) alleging that the proposed scheme having adverse visual impact cannot be justified.

---

<sup>2</sup> Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers on Height of Storeys Regulations 3(3) & 24 of Building (Planning) Regulations

#### **4 The Section 16 Application**

##### **The Site and Its Surrounding Areas (Plans R-1 to R-4, and photos on Plans R-5 to R-7)**

- 4.1 The situation of the Site and its surrounding areas at the time of the consideration of the s.16 application by the MPC were described in paragraph 8 of **Annex A**. There has been no major change of the situation since then.
- 4.2 The Site is:
- (a) currently a vacant site located at the northern fringe of the NCWV 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).
- 4.3 The surrounding areas have the following characteristics:
- (a) the existing NCWV 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 "Village Type Development" ("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.

##### **Planning Intention**

- 4.4 There has been no change to the planning intention of the concerned "G/IC" zone, which is mentioned in paragraph 9 of the MPC Paper in **Annex A**. 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.

## Background

- 4.5 NCWV is located to the east of Choi Hung Estate, and comprises mainly low-rise village houses and temporary structures. In the 1970s, NCWV was zoned “Village Type Development” (“V”) on the OZP. In 1980s, a Layout Plan for NCWV 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.
- 4.6 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 R-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 (**Plans R-1 to R-4 and R-6**).
- 4.7 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 NCWV 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.
- 4.8 The Civil Engineering and Development Department (CEDD) commenced an engineering feasibility study (EFS) 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 NCWV - Feasibility Study” in January 2020 for substantially completion in late 2021. The objective of the EFS, 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. The Site falls within the boundary of the aforesaid EFS (**Plan R-3**). Subject to the outcomes of the Study, amendments to the OZP would be made in a timely manner.

#### Town Planning Board Guidelines

- 4.9 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.

- 4.10 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 4.9 above have been met.

#### Previous Application

- 4.11 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.
- 4.12 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 NCWV;
  - (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.

4.13 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.

4.14 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).

#### Similar Applications

4.15 There are four similar applications for proposed house development within the same “G/IC” zone of the OZP (**Plan R-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.

4.16 Details of these applications are summarised at Appendix II of **Annex D**.

## **5 Comments from Relevant Government Departments**

- 5.1 Comments on the s.16 application made by relevant Government departments are stated in paragraph 10 of **Annex A**.
- 5.2 For the review application, the following Government departments have no further comments on the review application and maintain their previous views on the s.16 application as stated in paragraph 10.1 of **Annex A**. Their main views are recapitulated as follows:

### **Land Administration**

5.2.1 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**

5.2.2 Comments of the 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 NCWV.

### **Traffic**

5.2.3 Comments of the C for T:

- (a) It is noted that the northern portion of the Site has been demarcated as Non-Building Area 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 C for T or of the Board” is still valid.

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

#### 5.2.4 Comments of the 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 NCWV commissioned by CEDD, it is noted that the proposed community hall in NCWV will be integrated into the future comprehensive development in the NCWV (including the Site).

#### 5.2.5 Comments of the 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 NCWV. 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**

#### 5.2.6 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 NCWV. 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 one to three 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.

5.2.7 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 of **Annex A**), it may be undesirable from visual impact point of view and may not be compatible to adjacent NCWV with mainly low-rise and temporary structure with height of one to three storeys.

**Building Matters**

5.2.8 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 **Annex F**.

5.3 The following government departments maintain their views on the s.16 application as stated in paragraph 10.1 of **Annex A** :

- (a) Director of Environmental Protection (DEP); and
- (b) Director of Fire Services.

5.4 The following Government departments maintain their previous views of having no objection to or no comment on the review application as stated in paragraph 10.2 of **Annex A**:

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

**6 Public Comment Received During Statutory Publication Period**

- 6.1 On 4.6.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 25.6.2021, one public comment was received from an individual objecting to the application on the grounds that the review is not justified since there are plans for development of public housing and community facilities at the Site, and it would be undesirable to encourage piecemeal development in the area that could impact the integrity of the community vision.

- 6.2 At the section 16 application stage, one public comment was received objecting to the application. The summary of the comment is set out in paragraph 11 of **Annex A**.

## **7 Planning Consideration and Assessment**

- 7.1 The application is for a review of the MPC's decision on 30.4.2021 to reject the subject application for one 4-storey (13m) house at the Site partly within the "G/IC" zone (about 62%) and partly within an area shown as 'Road' (about 38%) on the OZP. The application was rejected by the MPC for the reasons that (a) the proposed house development was not in line with the planning intention of the "G/IC" zone; (b) the proposed house development did not comply with TPB PG-No. 16 in that the proposed development would adversely affect the provision of the planning community hall and other Government facilities in the district on a long-term basis; and (c) BH of the proposed development was not in keeping with the surrounding low-rise structures in NCWV and would result in undesirable visual impact. In support of the review application, the applicant has submitted a written statement with photomontages (**Annex D**).

### Planning Intention

- 7.2 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 (**Plan R-2**). While 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, and that a scheme for a 3-storey house (8.23m) was allowed by TPAB at the Site and building plans were approved, the planning intention of the subject "G/IC" zone has not been changed and the intention for a community hall development in the subject "G/IC" zone remains. The current proposal is for a 4-storey house (13m) in the subject "G/IC" zone, it is considered that the proposed house development is not in line with the planning intention of the "G/IC" zone.

### TPB PG-No. 16

- 7.3 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. DO/WTS, HAD maintains his views that 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.

- 7.4 The applicant argues that the Site at the periphery and accounting for only 0.4% of the subject “G/IC” zone would unlikely undermine the planning and provision of the community hall in a substantial way, and the planned community hall is without implementation programme. DO/WTS, HAD advises that the planned community hall will be integrated into the future comprehensive development for public housing with GIC facilities in NCWV (including the Site), and PM/S, CEDD informs that the EFS for proposed public housing development is on-going. In this regard, approval of the application within the proposed development site for public housing with community hall in piecemeal manner is not desirable.
- 7.5 With regard to the various technical aspects including traffic, environmental, drainage, sewerage, concerned departments including C for T, CHE/K, HyD, DEP, CE/MS, DSD and CE/C, WSD have no adverse comment/no objection to the application.

#### BH of Proposed Development

- 7.6 As stated in paragraph 3(c) above, the applicant argues that the scale of the proposed house development is in keeping with existing/future residential developments in the surrounding area, the floor heights are in compliance with B(P)R and PNAP APP-5 and the visual appraisal (**Drawings R-1 to R-5**) has demonstrated that it would not generate adverse visual impact to the locality and surrounding area. As compared with the approved scheme under Application No. A/K12/39, the major difference is increase in BH (i.e. from 3-storey to 4-storey / 8.23m to 13m) under the current application. In this regard, as mentioned in paragraph 5.2 above, CA/CMB, ArchSD maintains the views that the proposed house is significantly higher than the approved scheme, and may be undesirable from visual impact point of view and may not be compatible to adjacent NCWV with mainly low-rise and temporary structure with height of one to three storeys. CTP/UD&L, PlanD also maintains the views that the BH of the proposed house is higher than that of the approved scheme and those of the existing village houses of about one to three storeys within the low-rise cluster, and 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.

#### Public Comments

- 7.7 Regarding the public comment objecting to the application, the planning assessment above and departments’ comments in paragraph 5 above are relevant.

## **8 Planning Department’s Views**

- 8.1 Based on the assessment made in paragraph 7, having taken into account the public comment mentioned in paragraph 6 above and given that there is no major change in the planning circumstances since the consideration of the

subject application by MPC, PlanD maintains its previous view of not supporting the review 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 is intended primarily for the provision of government, institution or community (GIC) facilities serving the needs of the residents in the area/district;
- (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 planning community hall and other Government facilities in the district on a long-term basis; and
- (c) the building height of the proposed development is not in keeping with the surrounding low-rise structures in Ngau Chi Wan Village and would result in undesirable visual impact.

8.2 Alternatively, should the Board decide to approve the review application, it is suggested that the permission shall be valid until 20.8.2025, 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 building height of the proposed development (at main roof) should not exceed 4 storeys and 13m;
- (b) 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
- (c) 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 **Annex F**.

## **9 Decision Sought**

- 9.1 The Board is invited to consider the application for a review of the MPC’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**

<b>Annex A</b>	MPC Paper No. A/K12/43
<b>Annex B</b>	Extract of minutes of the MPC meeting held on 30.4.2021
<b>Annex C</b>	Secretary of the Board's letter dated 14.5.2021
<b>Annex D</b>	Letter received by the Board on 1.6.2021 applying for a review of the MPC's decision enclosing a Review Statement
<b>Annex E</b>	Public Comment
<b>Annex F</b>	Recommended Advisory Clauses
<b>Drawings R-1 to R-5</b>	Photomontages submitted by the Applicant
<b>Plan R-1</b>	Location Plan
<b>Plans R-2 and R-3</b>	Site Plan
<b>Plan R-4</b>	Aerial Photo
<b>Plans R-5 to R-7</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2021**