



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

Urgent

30 April 2015

The Honourable Alan LEONG Kah-kit
Chairman, Public Works Subcommittee
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Chairman

**Public Works Subcommittee (PWSC) Meeting on 31 March 2015:
Reprovisioning of Refuse Collection Point (RCP) at Fuk Wa Street/Fuk
Wing Street/Camp Street site, Sham Shui Po, Kowloon (land sale site)**

**List of issues requiring follow-up actions to be taken by the
Government before the Finance Committee meeting on 8 May 2015**

Introduction

I write to provide the information sought by Members when the captioned subject was discussed at the PWSC meeting on 31 March 2015.

(A) The Development Potential of this Site

2. The Honourable Cyd HO asked about –

- (a) the respective maximum plot ratios (PRs) for a site, according to the classes of sites as defined in the Building (Planning) Regulations (Cap. 123F) (B(P)Rs);
- (b) whether the inclusion of the RCP will change the sale site to a Class C site (abutting on three streets); and
- (c) the maximum PRs of the sale site with and without the inclusion of the RCP.

3. It should be noted that the development intensity of the site would be subject to control under the approved Cheung Sha Wan Outline Zoning Plan No. S/K5/35 (OZP), the B(P)Rs and the lease conditions as explained in paragraph 4 below. According to the OZP, the maximum permissible PR for the subject site which falls within the “Residential (Group A) 10” (R(A)10) zone is 7.5 for a domestic building, or 9.0 for a building that is partly domestic and partly non-domestic. The RCP is to be integrated into the future development of this government sale site. According to the Notes of the approved OZP, on land designated R(A)10, the RCP, amongst others, shall be provided and included in calculating the non-domestic PR.

4. Regulation 18A of the B(P)Rs defines three different classes of sites¹. According to regulation 21 of and the First Schedule to the B(P)Rs, depending on the height of the building, the maximum PRs for a domestic building on a

¹ According to regulation 18A of the B(P)Rs –

- (a) “Class A site” means a site, not being a class B site or class C site, that abuts on one specified street not less than 4.5 metres (m) wide or on more than one such street;
- (b) “Class B site” means, a corner site that abuts on two specified streets (with at least 40 per cent of the boundary of the site abuts on the streets) neither of which is less than 4.5 m wide; and
- (c) “Class C site” means a corner site that abuts on three specified streets (with at least 60 per cent of the boundary of the site abuts on the streets) none of which is less than 4.5 m wide.

Class A site, Class B site and Class C site are 8, 9 and 10 respectively, and that for a non-domestic building is 15. This land sale site is a Class C site as defined under the B(P)Rs, by the fact that it abuts on three specified streets not less than 4.5m wide. However, it should be noted that in order to comply with the Town Planning Ordinance (Cap. 131), the maximum gross floor area (GFA) to be stipulated in the lease conditions is based on the maximum PR permissible under the approved OZP instead of the B(P)Rs.

5. By way of background, back on 15 January 2013, the Sham Shui Po District Council (SSPDC) was consulted on the proposed rezoning of the temporary public car park site (of a site area of around 2 250 square metres (m²)) from “Government, Institution or Community” (GIC) for residential development (the original proposal). Some Members suggested that the temporary RCP site be combined with the temporary car park site to form a larger lot for the proposed land sale. We took this on (the current proposal) as it would optimise development potential and better utilise scarce land resources as follows –

	Original Proposal (the RCP site not forming part of the land sale site)	Current Proposal (the RCP site forming part of the land sale site)	Difference
(a) Site Area (about)	2 250 m ²	3 173 m ²	923 m ²
(b) Maximum Total GFA	20 250 m ²	28 557 m ²	8 307 m ²
(c) Of (b) above, Maximum Domestic GFA	16 875 m ²	23 797 m ²	6 922 m ²
(d) Estimated Number of Flats ² (about)	338	476	138 (an increase of about 41%)

² The number of flats is not specified in the land sale conditions. The above estimated number of flats, which is indicative in nature, is based on an assumption of an average flat size of 50 m². The actual number of flats built is subject to the final design of the developer.

It would also allow the existing RCP to be upgraded to modern standards, meeting the demands of residents in the neighbourhood. The subsequent rezoning proceeded on the basis of the current proposal (see paragraph 3 for the development parameters).

(B) Provision of Public Facilities in Private Development

6. The Honourable Cyd HO enquired about –
- (a) the Government's consideration for incorporating the RCP in land sale site; and
 - (b) the justifications for requesting the developer concerned to take up the design and construction of the RCP instead of conducting a tender exercise.

The Chairman of PWSC asked how the Government would ensure that its objectives of implementing the project could be achieved by the developer concerned. The Honourable Emily LAU asked whether there would be a mechanism for local residents to express views and lodge complaints on the possible nuisances caused by the operation of the RCP, if any, during or after its construction.

Incorporation of Public Facilities in Private Development

7. From time to time, public facilities (which include GIC facilities) are incorporated as part of private developments. This enables needed public facilities to be provided within the private developments to serve a wider district or territorial need in a timely manner and through integrated design, provides for better site planning and utilisation, and optimises the use of limited land resources. In the case of the current proposal, as mentioned in paragraph 5 above, we have taken on board suggestions from members of the SSPDC having regard to optimising development potential as well as taking the opportunity to modernise the RCP.

8. In general, for provision of GIC facilities to be incorporated in a private development project, the costs for construction of GIC facilities are

sought by the Government through the normal public works procedures, and are reimbursed to the developer, subject to a pre-determined financial ceiling worked out on the notional basis of the Government building the facility as a normal public works item. Upon completion, the facilities will be handed over to the Government for recurrent operation, management and maintenance. It should be noted that the construction cost of any such facilities, if not reimbursed by the Government, will be factored in as development costs by bidders when they bid for the sale site, resulting in a lower land sale price.

9. The incorporation of an RCP in this sale site is intended to achieve a more holistic and integrated design with the surrounding residential development. This will optimise the land use of the site and allow better site planning and utilisation. Furthermore, the timely and integrated provision of the RCP by the developer concerned will also be ensured through the commence-to-operate requirement and the deferred possession area arrangements stipulated in the land sale conditions³. If the RCP is not incorporated in this sale site (i.e. the site of the RCP (about 900 m²) is excised) and the RCP has to stay-put, then the site area, development potential (in terms of the maximum GFA, hence flat production) and the premium receivable from this sale site will be reduced (see the table in paragraph 5 for details).

Specifications for Construction of RCP

10. To ensure that the developer would design and construct the RCP according to the Government's specifications and to the Government's satisfaction, a technical schedule detailing the relevant specifications and requirements will be annexed to the land sale conditions. The requirement of an RCP to be constructed according to the technical schedule is enforceable under the lease as a legally binding agreement between the Government and the developer. The developer is required to obtain agreement from the Government on the design proposal of the RCP before commencing the construction of the RCP, and satisfy the Government on the satisfactory

³ Under the land sale conditions –

- (a) the Purchaser shall complete the permanent RCP and make it fit for occupation and operation on or before a stipulated deadline; and
- (b) possession of the temporary RCP site shall be on a date to be within three calendar months after the issue of the certificate of completion of the permanent RCP.

completion of the permanent RCP, before securing deferred possession of the temporary RCP site for its development.

11. Upon completion of a private development, the Buildings Department and the Lands Department will, in consultation with relevant Bureaux or Departments as necessary, check the completed development to ensure that all the requirements in the approved building plans and the land sale conditions are complied with, before issuing an occupation permit and a certificate of compliance respectively.

Reimbursement of Construction Cost for RCP

12. The estimated cost of the project is \$58.6 million in money-of-the-day prices. This amount, after deducting the provision for contingencies and cost of furniture and equipment where procurement will be carried out by the Food and Environmental Hygiene Department (FEHD) for the project, will be set out in the land sale conditions as the ceiling of reimbursement to the developer. In deriving the estimated cost for this project, we have made reference to the construction cost of other recent Government projects to ensure that the cost of this project would be comparable to the cost had the project been undertaken by the Government through a competitive bidding process.

13. Upon completion of the RCP, the developer will have to submit to the Government a written statement, certified by an Authorised Person, which sets out the actual expenditure incurred for the purpose of constructing the RCP. The Government will vet and scrutinise the written statement as well as the plans submitted by the developer, and will, if necessary, require the developer to provide detailed explanation and supporting documents, to prove to the Government's satisfaction that the actual cost corresponds to the actual works completed for the project, after which the Government will reimburse the developer the actual cost of design and construction, subject to the pre-determined financial ceiling (hereinafter called "the cap").

14. In this way, if the developer spends less than the cap, he would only be reimbursed the actual amount spent. If he spends more than the cap, he would have to bear the excess amount himself. In other words, the Government would not have to reimburse the developer more than what is absolutely necessary for the purpose of designing and constructing the RCP.

Management and Operation of RCP

15. The temporary RCP and the permanent RCP are operated, managed and maintained by FEHD during and after construction respectively. As with other RCP under FEHD, local residents who would like to express their views or lodge complaints in respect of any nuisance caused by the operation of the RCP could approach FEHD, and FEHD would handle them according to established procedures.

(C) The technical suggestions concerning the RCP

16. The Honourable Albert CHAN suggested making the pedestrian entrance and exit and the vehicular ingress and egress of the RCP further apart from each other to enhance pedestrian safety at the vehicular ingress and egress. We wish to clarify that the pedestrian entrance and exit, which is solely for serving the RCP, would be totally separated from the pedestrian entrance and exit of the residential development. In order to enhance pedestrian safety, we would stipulate under the technical schedule that the pedestrian entrance and exit of the RCP facing Fuk Wa Street should be separated from the vehicular ingress and egress of the RCP as far as practicable and should also be subject to the agreement of the Government (as shown in Annex).

17. The Honourable WONG Kwok-hing enquired whether the proposed RCP would be operated under negative pressure. The provision of water scrubber in the ventilating system of the RCP is an effective measure to prevent odour nuisance during the RCP operation. Its effectiveness in odour removal has been well demonstrated in other similar RCP projects. When the ventilating system of the RCP is put in operation, the mechanical fan will create a differential air pressure between the building external environment and the RCP hall, making the outside air flowing into the RCP hall, and the odourous mixed air will then be treated by the water scrubber before it is discharged back to the external environment. Similar to the Tannar Road RCP referred to by the Honourable WONG, we will stipulate similar requirements in the proposed RCP for effective odour control.

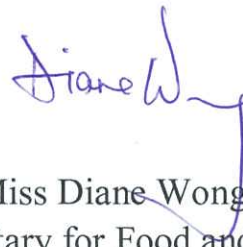
18. The Honourable Emily LAU enquired whether we would refine the technical design of the RCP to address Members' views raised at the meeting, and whether we would adjust the estimated project cost in light of the

refinement. As explained in paragraphs 16 to 17 above, Members' views and suggestions on the technical design of the RCP at the PWSC meeting have been taken on board. These refinements should not entail significant additional expenditure.

Summing Up

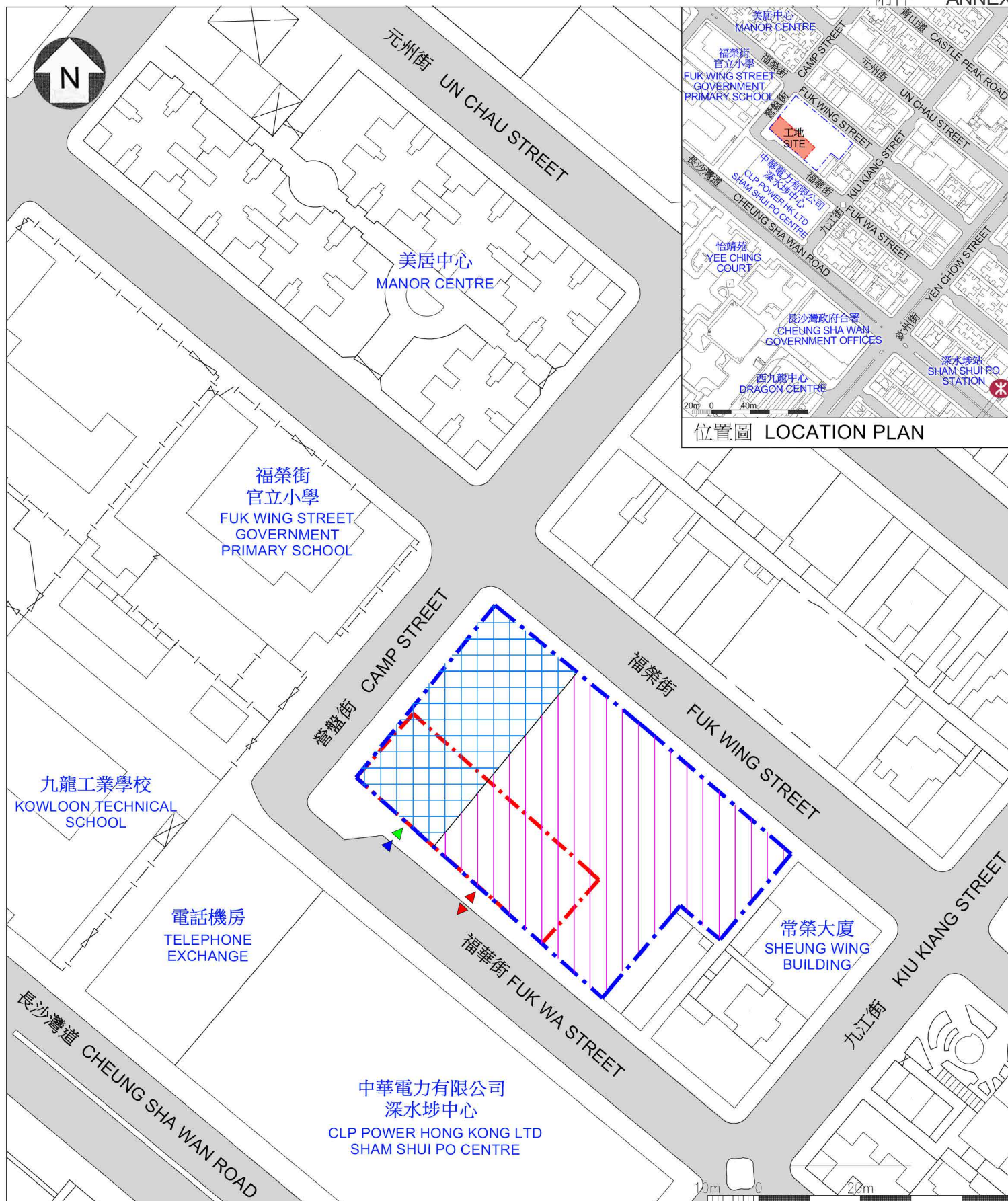
19. In the interest of meeting the development needs of our community and the local needs for the RCP, we are proceeding with putting the captioned item before the Finance Committee on 8 May 2015 for funding approval.

Yours sincerely,



(Miss Diane Wong)
for Secretary for Food and Health

c.c.: All Members of Legislative Council
Clerk to Public Works Subcommittee
Secretary for Financial Services and the Treasury
(Attn: Ms Jasmine Choi)
Secretary for Development
(Attn: Mr Chong Wing-wun)
Director of Food and Environmental Hygiene
(Attn: Mr Lam Wing-hong)
Director of Architectural Services
(Attn: Mr Edwin Wong)
Director of Planning
(Attn: Mr Lawrence Chau)
Director of Lands
(Attn: Ms Sophia Chiang)
Director of Buildings
(Attn: Mr TC Yu)



位置圖 LOCATION PLAN

LEGEND 圖例

- | | | |
|---|---|--|
| <p>擬建永久垃圾收集站
(此乃參考界線, 最終的界線以發展商將來的設計獲得用戶部門/相關政府部門的同意為準)</p> <p>--- Proposed Permanent RCP
(Indicative boundary of the permanent RCP. The exact boundary is subject to the future developer's design to the satisfaction of user department/relevant government departments)</p> <p>--- 擬賣土地界線
Boundary of Proposed Land Sale Site</p> | <p>營盤街現有臨時垃圾收集站
Existing Temporary RCP at Camp Street</p> <p>福華街/福榮街工地 (現有臨時收費停車場)
Fuk Wa Street/Fuk Wing Street Site (Currently temporary fee-paying public carpark)</p> | <p>▲ 垃圾站行人出入口
Pedestrian Entrance/Exit of RCP</p> <p>▲ 垃圾站無障礙出入口
Barrier-Free Entrance/Exit of RCP</p> <p>▲ 垃圾站車輛出入口
Vehicular Ingress/Egress of RCP</p> |
|---|---|--|

工地平面圖 SITE PLAN

3006 NR
於九龍深水埗福華街/福榮街/營盤街用地重置垃圾收集站
REPROVISIONING OF REFUSE COLLECTION POINT AT
FUK WA STREET/FUK WING STREET/CAMP STREET SITE,
SHAM SHUI PO, KOWLOON



ARCHITECTURAL
SERVICES
DEPARTMENT 建築署