

Building Authority Conference**Minutes of the 6/02 Meeting
held on Wednesday, 23 April 2002 at 3:15 pm
in DB's Office**

Present	:	Chairman	
		Mr C M LEUNG	BA
		Members	
		Mr H W CHEUNG	DD
		Mr K M MO	AD/NB1
		Mr C K AU	AD/Sup
		Mr C C TSANG	AD/EB2
		Secretary	
		Ms Pauline PANG	BS/TS3
In attendance	:	Mr K K LING	DPO/HK, PlanD
		Mr S J McMillan	SES/2, LandsD
		Mr Ernest WONG	ES/SKW, LandsD
		Mr David NG	E/E3G, TD
		Mr W K AU YEUNG	E/D(NP), HyD
		Mr K P CHOW	CBS/HKE

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Meeting No.: 06/02 (23.4.2002)

Case No.: BAC 6/02

Address: Sai Wan Ho Ferry Concourse, Sai Wan Ho, Hong Kong
I.L. 8955

File Reference: BD 2/3002/01

Subject Matter: Dedication of G/F areas for Public Transport Terminus use under
B(P)R 22(1)

1. CBS/HKE tabled the G/F plan and the Control Drawing of the development. He briefed Members on the background as follows :
 - (a) The proposed development comprised 5 residential tower blocks over a 6-storey podium with a Marine Police Operation Area (MPOA) and a Public Transport Terminus (PTT) (which consisted of a Public Transport Interchange (PTI) and a Cross Boundary Coach Terminus (CBCT)) on the G/F. The layout and the design of the MPOA and PTT were governed by the Technical Schedules and the Control Drawing under the lease conditions. According to the Control Drawing, some areas on the G/F would be reserved for entrance lobbies and other facilities for upper floors (the “reserved areas”).
 - (b) In connection with a revised layout of the MPOA and PTT, BAC 5/01 on 1.8.2001 accepted the proposed dedication of the ‘reserved areas’ to form part of the PTT in return for bonus plot ratio (PR) subject to that the layout of the PTT was acceptable to all relevant government departments and that the owner would not seek any further compensation from the Government. Building plans were subsequently approved on 1.9.2001 with bonus PR being granted in accordance with B(P)R 22(1).
 - (c) DLO/HKE, LandsD commented in their letter of 7.2.2002 that the proposed dedication of the “reserved area” was not required from their point of view as the concerned departments including TD, HyD and ArchSD had confirmed that the Control Drawing could cope with the government accommodation requirements in the Technical Schedules. In addition, based on his legal advice, the Government could revise the Technical Schedules and the Control Drawing without compensation. Therefore, he requested BD to consider withdrawing the granting of the bonus PR.
 - (d) Foundation works had been completed in February, 2002 and pile cap works were now in progress on site.

2. SES/2, LandsD briefly explained to Members of their concern on the granting of the bonus PR by BD. He said that the developer had made an application to LandsD for amendments to the Technical Schedules based on the argument that the Control Drawing could not cope with the requirements set out in the Technical Schedules.
3. SES/2, LandsD also apologized for their late advice as mentioned in para. 1(c) due to the belated comments from the concerned technical departments on the proposed revised layout of the PTT. ArchSD had commented that the MPOA could be constructed in accordance with the Technical Schedules, and that the proposed deviation from the Control Drawing stemmed from the lot owner's design to accommodate not the government accommodation but the rest of the development. It was the view of ArchSD that the developer was not entitled to any claims arising, or to be risen out of any deviations from the original Technical Schedules and the Control Drawing.
4. SES/2, LandsD pointed out that the Control Drawing was marked "for information only" and "Not to Scale". The purpose of the Control Drawing was not for dictating the layout of the future development and demarcating the specific areas that the Grantee was entitled to use. As the Control Drawing was not drawn to scale, SES/2, LandsD had doubts on how the area for the bonus PR was determined.
5. E/E3G, TD opined that the PTI and CBCT could be constructed in accordance with the Technical Schedules. He tabled a sketch showing the surplus areas designated for planting and circulation purpose within the PTT as proposed by the AP. He added that by deducting the said surplus areas, the resultant areas of the proposed PTT would be similar to that as stipulated in the Technical Schedules.
6. E/D(NP), HyD concurred with the view of E/E3G, TD that the PTI and CBCT could be constructed in accordance with the Technical Schedules and the Control Drawing. From maintenance point of view, he had no objection to the proposed deviation from the Control Drawing provided that a physical demarcation between PTI/CBCT and developer's areas could be clearly defined to the satisfaction of HyD.
7. DPO/HK, PlanD confirmed their previous advice to BAC 5/01 that from the planning point of view, the proposed PTT would be an improvement to the one shown on the Control Drawing in terms of operation and environmentally friendly design. He supported the dedication of the 'reserved areas' in return for bonus PR.
8. Members exchanged views and had the following observations :
 - (a) The Control Drawing was only a preliminary sketch indicating the disposition of the different accommodation on G/F. Together with the Technical Schedules, they set out the minimum requirements of the government accommodation.
 - (b) Both the Control Drawing and the Technical Schedules formed part of the lease which was a legally binding contractual agreement between the owner and the Government. SES/2, LandsD agreed that while it would be a matter for LandsD to decide whether the developer would be entitled to any compensation under the lease, it would be another matter for the BA to decide whether any concessions would be given in the form of bonus PR under BO.

- (c) The surplus areas of the proposed PTT as pointed out by E/E3G, TD in para. 5 were in fact designated either as landscaped area or circulation space which served to improve the environment, and both the vehicular and pedestrian traffic flow respectively.
 - (d) DPO/HK, PlanD had confirmed that the proposed layout would be an improvement to that of the Control Drawing from planning point of view as detailed in para. 7.
 - (e) The layout of the proposed PTT was technically acceptable to all concerned departments.
 - (f) Members agreed that the provision of landscaped areas and a larger area of PTT as a result of the proposed layout would benefit the public. It would serve the public interest to accept the dedication of reserved areas at G/F as proposed by the AP. Furthermore, the developer should be entitled to bonus PR under the B(P)R 22(1) in return for the dedication of such areas which could otherwise be used for other purposes.
9. Having considered all the relevant issues, Conference advised and the Chairman agreed to uphold the previous decision of BAC 5/01 in accepting the proposed dedication of the “reserved areas” for use as a PTT and granting the bonus PR subject to an undertaking from the owner that he would not seek further compensation from the Government.