

Previous s.16 Application covering the Application Site

Approved Application

No.	Application No.	Location and Proposed Use(s)	Date of Consideration (MPC/TPB/TPAB)	Approval Conditions
1.	A/H9/75	3 A Kung Ngam Village Road Proposed Hospital	8.1.2016 Approved by MPC	See below

Approval Conditions

- (1) The design and provision of car parking spaces, loading/unloading bays and vehicular access.
- (2) The submission of an assessment to demonstrate that the residual water head at the supply point will be sufficient to provide the water supply for the proposed development.
- (3) The provision of fire service installations and water supplies for firefighting.
- (4) The submission and implementation of a landscape proposal.

Other Comments of STH

- (a) to consider whether the proposed footbridge should be considered as major works under section 5 of the Roads (Works, Use and Compensation) Ordinance (Chapter 370) (i.e. gazettal under the Roads (Works, Use and Compensation) Ordinance is required), there is a need to determine from the factual and technical perspectives whether the works concerned satisfied the following conditions, and thus could be regarded as “minor works” under section 4 of the Roads (Works, Use and Compensation) Ordinance:
- (i) the proposed road works is minor in respect of any physical or structural operations involved (see section 4(1)(a) of the Roads (Works, Use and Compensation) Ordinance);
 - (ii) the only power required to be exercised is the closure of road and the closure arrangements fall under either of the following circumstances:
 - the road does not serve any useful purpose or lawful purpose (see section 4(1)(b)(i));
 - duration of the closure of the road does not exceed 14 days in any period of 3 months (see section 4(1)(b)(ii));
 - closure of part of the width of the road does not interfere unreasonably with the normal flow of traffic on that road and for no longer than is reasonably necessary to execute the works (see section 4(1)(b)(iii)); and
 - (iii) it is not anticipated that there would be public objection against the proposed works;
- (b) the above points are matter of fact, which need to be confirmed in the positive before a case can be established to take forward the proposed road works as minor works under the Roads (Works, Use and Compensation) Ordinance.

Recommended Advisory Clauses

- (a) to note comments of Secretary for Transport and Housing regarding the need for the proposed footbridge to be gazetted under section 5 of the Roads (Works, Use and Compensation) Ordinance (Chapter 370). There is a need to determine from the factual and technical perspectives that if the works concerned satisfied the following conditions, and thus could be regarded as “minor works” under section 4 of the Roads (Works, Use and Compensation) Ordinance:
- (i) the proposed road works is minor in respect of any physical or structural operations involved (see section 4(1)(a));
 - (ii) the only power required to be exercised is the closure of road and the closure arrangements fall under either of the following circumstances:
 - the road does not serve any useful purpose or lawful purpose (see section 4(1)(b)(i));
 - duration of the closure of the road does not exceed 14 days in any period of 3 months (see section 4(1)(b)(ii));
 - closure of part of the width of the road does not interfere unreasonably with the normal flow of traffic on that road and for no longer than is reasonably necessary to execute the works (see section 4(1)(b)(iii); and
 - (iii) it is not anticipated that there would be public objection against the proposed works;

The above points are matter of fact, which need to be confirmed in the positive before a case can be established to take forward the proposed road works as minor works under the Roads (Works, Use and Compensation) Ordinance. As long as the proposed road works is confirmed to be minor works, gazettal under section 5 of the Roads (Works, Use and Compensation) Ordinance is not required. Under Transport and Housing Bureau Technical Circular (Transport) No. 1/2018, the appropriate officers in Lands Department (LandsD) may exercise the delegated authority to approve road works as minor works.

- (b) to note comments of District Lands Officer/Hong Kong East, LandsD regarding the gross floor area implication arising from the footbridge connection, if any, will be examined at building plan stage and in case the planning application is approved, the applicant has to apply to her office to implement the proposed footbridge. It should however not be construed that approval will be given. In case approval is given, it will be subject to such terms and conditions as may be imposed, including premium. Furthermore, whether road gazette is required for the proposed footbridge would only be considered after the Town Planning Board’s approval and at the lease modification stage by LandsD;
- (c) to note comments of Chief Building Surveyor/Hong Kong East and Heritage Unit, Buildings Department (BD) that detailed comments under Buildings Ordinance can only be formulated at building plans submission stage;
- (d) to note comments of Chief Engineer/Construction, Water Supplies Department that his department shall have the right of unrestricted access for the purpose of inspecting,

operating, maintaining, repairing and renewing the existing water main within the proposed construction area i.e. Tung Wong Road. Furthermore, a minimum clearance of at least 5.1m shall be maintained during and after the construction stage;

- (e) to note comments of Director of Fire Services regarding the formulation of detailed fire services requirements upon receipt of formal submission of general building plans and to observe the requirements of Emergency Vehicular Access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building in 2011 which is administered by the BD;
- (f) to note comments of Commissioner of Police regarding the need to seek comments from the Hong Kong Police Force and the Transport Department when the temporary traffic arrangement is formulated; and
- (g) to note comments of Commissioner for Transport regarding the management and maintenance of the footbridge by the applicants at their own costs at all times.