

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/543

- Applicant** : Lingnan University (Lingnan U) represented by Spence Robinson Limited
- Site** : Main Building (Patrick Lee Wan Keung Academic Building), 8 Castle Peak Road – Lingnan, Tuen Mun
- Site Area** : About 3,343.887 m²
- Lease** : Tuen Mun Town Lot (TM TL) No. 376 (Part)
- Plan** : Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/35
- Zoning** : “Government, Institution or Community” (“G/IC”)
[restricted to a maximum building height of 4 storeys, or the height of the existing building (excluding basement floor(s)) (whichever is greater), with a minor relaxation clause]
- Application** : Proposed Minor Relaxation of Building Height (BH) Restriction for Permitted Educational Institution Use (Addition of Mezzanine Floor of the Library)

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of BH restriction from the existing 5 storeys (excluding basement floor) to 6 storeys (excluding basement floor) for a permitted educational institution development (addition of mezzanine floor of the Library) at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “G/IC” on the approved Tuen Mun OZP No. S/TM/35. According to the Notes of the OZP for the “G/IC” zone, ‘Educational Institution’ is always permitted and the developments are restricted to a maximum BH of 4 storeys, or the height of the existing building, whichever is greater. Based on the individual merits of a development or redevelopment proposal, minor relaxation of the BH restriction may be considered by the Town Planning Board (the Board) upon application under section 16 of the Town Planning Ordinance.
- 1.2 The Site is currently occupied by the 5-storey Main Building mainly accommodating the Library, lecture theatres, exhibition area, office and basement parking facilities. The existing Library is accommodated on the 1/F to

4/F of the Main Building. As the proposed addition of a mezzanine floor between the 1/F and 2/F of the Library would exceed the maximum BH restriction as stipulated on the OZP, planning permission from the Board for minor relaxation of BH restriction is required.

1.3 The Site was involved in four previous applications (No. A/TM/149, 180, 209 and 381) for the development of tertiary educational institution, student and staff accommodation and shop and services (mini-bank) use within the campus. All the previous applications were approved by the Rural and New Town Planning Committee (the Committee) of the Board. Details of the previous applications are summarised at paragraph 5 and at **Appendix II**.

1.4 The major development parameters of the proposed development are as follows:

Site Area (about) (Main Building)	3,433.887 m ²
Total Gross Floor Area (GFA) (about)	10,155.29m ²
<ul style="list-style-type: none"> • <i>GFA of Proposed Mezzanine Floor</i> 	1,122.008m ²
Plot Ratio (about)	3.037
<ul style="list-style-type: none"> • <i>Plot Ratio of Proposed Mezzanine Floor</i> 	0.336
Site Coverage (about)	52.44%
No. of Block	1
Building Height	
<ul style="list-style-type: none"> • No. of Storeys • Height in mPD 	6 storeys (excluding basement) +43.8mPD (no change)
Major Uses by Floor (Drawing A-3)	
LG/F	Basement car park
G/F	Lecture theatre and ancillary facilities
1/F	Library
<i>Proposed Mezzanine Floor</i>	<i>Learning hub for library use</i>
2/F	Library, other offices, exhibition area and ancillary facilities
3/F	Library, other offices and ancillary facilities
4/F	Library office, computer room and ancillary facilities

1.5 According to the applicant, the Site is accessible from Tuen Kwai Road leading to Castle Peak Road - Lingnan. Taking the advantage of headroom of 1/F, a mezzanine floor is proposed to increase floor space of the Library to meet the evolving needs of users and to support the education mission of Lingnan U. The mezzanine floor will not increase the existing BH or mass (**Drawings A-1 to A-4**). The expected completion time of the construction of proposed mezzanine floor is August 2020.

1.6 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 25.6.2019 with supplementary information (Appendix I)
- (b) Supplementary Planning Statement attached to Appendix I (Appendix Ia)
- (c) Email received on 17.7.2019 providing response to the Transport Department (TD)'s comment (*accepted and exempted from publication and recounting requirement*) (Appendix Ib)
- (d) Email received on 1.8.2019 providing replacement of sectional drawing (*accepted and exempted from publication and recounting requirement*) (Appendix Ic)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendices Ia and Ib**. They can be summarised as follows:

Institutional Need

- (a) The Library on 1/F to 4/F of the Main Building was built over 20 years ago. The advance in technology has been changing the needs of library users. In the context of the digital age, modern library is no longer just a place for stacking books for reading. It is turning into a Learning Hub which library users may collaborate and work together with the help of digital tools. In order to fulfil users' changing demands and to rationalise the arrangement of the existing facilities so that more research, exhibition and group learning activities can be taken place, an extension of the Library within a close proximity of existing library function is needed.

University Grants Committee's Support

- (b) The Library is under provision of around 2,634m² than the entitlement, which is based on the space formula adopted by the University Grants Committee (UGC). Therefore, UGC has already approved the plan to provide more space to the Library. The proposed addition of mezzanine floor is a follow-up of UGC's approval.

No Change to Building Mass

- (c) The existing Main Building consists of 5 storeys (G/F to 4/F, excluding basement car park). As the rationale behind OZP is to control the height of buildings in the designated area, the proposed addition of mezzanine floor between the existing 1/F and 2/F of the building complies with that rationale by not causing any change to the height and overall massing of the building. There would be no visual impact to the surroundings.

Minor Scope of Works

- (d) The new mezzanine floor covers only approximately 2.41% of the total Gross Floor Area of the existing Main Building. There is no works beyond the building envelope for the construction of the new mezzanine floor. It is only an interior alteration works.

Traffic Load and Emergency Vehicular Access (EVA)

- (e) The proposed works involves merely the internal spaces of the Library. Moreover, the additional mezzanine floor is only accessibly by library users limited to staff and student of Lingnan U. The additional mezzanine floor is to compensate the current deficient floor area according to UGC standard, the number of students and staff shall remain the same. The proposed works would not change pedestrian flow to the Site and no traffic burden would be created in the adjacent area. Existing EVA would be able to serve the new mezzanine floor of the building. Fire Services Certificate has been issued by the Fire Services Department for the proposed works.

3. Compliance with the “Owner’s Consent/Notification” Requirements

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

4. Background

A comprehensive review of the Tuen Mun OZP No. S/TM/25 has been undertaken to address land use and planning issues, including imposition of restrictions on BH and development intensity and rezoning for various development zones. After review, a maximum BH restriction of 4 storeys was incorporated for the western part of Lingnan U campus mainly to reflect the height of predominant buildings among the academic buildings (including the Site) and a maximum BH of 10 storeys for the eastern and southern parts of Lingnan U campus to reflect the tallest buildings among the student hostels, quarters and the academic block. The BH restrictions were incorporated in the draft Tuen Mun OZP No. S/TM/26 exhibited on 16.10.2009 and have remained unchanged since then (**Plan A-1**).

5. Previous Applications

- 5.1 The Sites involve four previous applications (No. A/TM/149, 180, 209 and 381) for the development of tertiary education centre, student and staff accommodation and shop and services (mini-bank) use within the campus. All the previous applications were approved by the Committee. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1a**.

- 5.2 Applications No. A/TM/149 and 180 for tertiary education centre and student and staff accommodation were approved by the Committee on 3.7.1992 and 22.4.1994 respectively to facilitate the relocation and expansion of the former Lingnan College (now Lingnan U) on considerations that the proposed development for tertiary education was compatible with surrounding planned land uses; a balanced spatial distribution of tertiary education in Hong Kong; and support of the University and Polytechnic Grants Committee and the Secretary for Education and Manpower had been obtained.
- 5.3 Applications No. A/TM/209 and 381 for shop and services (mini-bank) use were approved by the Committee on 24.5.1996 and 27.3.2009 respectively on consideration that the mini-bank provided convenient banking services to staff and student of Lingnan U; the general tertiary education nature would not be affected; and concerned departments had no adverse comment on/no objection to the proposed mini-bank use.

6. Similar Application

There is no similar application within the same “G/IC” zone.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

7.1 The Site is:

- (a) located on the western part of the campus of Lingnan U;
- (b) currently occupied by the Main Building of 5 storeys (excluding car parking facilities at lower ground basement level); and
- (c) accessible from Tuen Kwai Road leading to Castle Peak Road – Lingnan.

7.2 The surrounding areas have the following characteristics:

- (a) the Main Building is connected to other academic buildings to its east via walkways. The Administration Building and Indoor Sports Complex are annexed to south and north of the Main Building respectively;
- (b) to the north and northeast of the Lingnan U campus are mainly high-rise residential developments;
- (c) to the east and south of the Lingnan U campus are green belt and the Tuen Mun Water Treatment Works (TMWTW); and
- (d) to the west across Castle Peak Road – Lingnan are high-rise residential development, religious institutions and school.

8. Planning Intention

- 8.1 The planning intention of “G/IC” zones is primarily for the provision of GIC facilities serving the needs of the 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 the Government, organisations providing social services to meet community needs, and other institutional establishments.
- 8.2 A minor relaxation clause in respect of BH restrictions is incorporated into the Notes in order to provide incentive for developments/redevelopments with planning and design merits. Each application for minor relaxation will be considered on its own merits and the relevant criteria for consideration of such relaxation in paragraph 7.7 of the Explanatory Statement (ES) of the OZP are as follow:
- (a) amalgamating smaller sites for achieving better urban design and local area improvements;
 - (b) accommodating the bonus PR granted under the Buildings Ordinance in relation to surrender/dedication of land/area for use as public passage/street widening;
 - (c) providing better streetscape/good quality street level public urban space;
 - (d) providing separation between buildings to enhance air ventilation and visual permeability; and
 - (e) other factors, such as site constraints, need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, provided that no adverse landscape and visual impacts would be resulted from the innovative building design.
- 8.3 However, for existing buildings with building heights already exceeding the building height restrictions in terms of mPD and/or number of storey(s) as shown on the Notes of the Plan and/or stipulated on the Plan, there is a general presumption against application for minor relaxation unless under exceptional circumstances.

9. Comments from Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Policy Support

- 9.1.1 Comments of the Secretary for Education (SED) and Secretary-General, University Grant Committee (SG, UGC):

The planning application is to facilitate Lingnan U's proposal for adding a mezzanine floor to the subject building for the provision of additional learning space within the University Library. The proposed works are within the project scope of an approved "Alterations, Additions, Repairs and Improvements" project, namely, "Renovation of Library with addition of mezzanine level at Patrick Lee Wan Keung Academic Building". Policy support is given for the proposed works.

Land Administration

9.1.2 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) According to the application form and supplementary planning statement, the application concerned a proposal for the addition of a mezzanine floor at the existing Main Building of Lingnan U. The Site as shown on the site plan is within TMTL No. 376 ("the Lot").
- (b) The Lot, having a site area of 85,940m² (about), was granted to the Lingnan College (now known as Lingnan U) by way of private treaty grant under New Grant No. 3136 dated 17.3.1995 at nominal premium, and as modified and varied by a modification letter dated 28.1.2015 (hereinafter collectively referred to as "the New Grant"). The Lot is subject to, inter alia, the following salient lease conditions:
 - (i) total GFA of buildings erected on the Lot shall not exceed 96,000m²;
 - (ii) height of any buildings erected on the Lot shall not contain more than 20 storeys or be more than 62m above the mean formation level of the land on which it stands save that roof structures including water-tanks, stairhoods, machine rooms, or other similar vertical projections may subject to the prior written approval of the Director exceed the height limit;
 - (iii) the design, external finish, colour and disposition of any buildings erected on the Lot shall be subject to prior written approval of the Director;
 - (iv) the Lot shall not be used for any purpose other than for the purpose of a tertiary education institution operated in accordance of the Lingnan College Ordinance, or such other purposes as, in the absolute discretion of the Director, may be ancillary to the purpose of or necessarily associated with the Lingnan College.
- (c) An application for lease modification to provide additional academic space and ancillary facilities for the expansion of

existing university campus was submitted by the applicant, and is currently under processing by his office. It is noted that the proposed development under the lease modification application does not include the subject proposal under the planning application.

- (d) The application seeks the permission of the Board to a proposed minor relaxation of BH restriction in respect of the number of storeys arising from the proposed addition of mezzanine floor of an existing building in the Lot. Details of the proposed development parameters were set out in paragraph 4.1 of Appendix 1, and Appendix 3 of the planning statement.
- (e) It is noted from paragraph 4.1 of Appendix 1 of the planning statement that the proposed development would not result in any change in roof level (+43.80mPD) of the existing Main Building. Besides, according to the information provided, the proposed development will not exceed the gross floor area restriction under lease conditions governing the Lot, and the proposed use is directly related or ancillary to the operation of Lingnan U.
- (f) Irrespective of whether planning approval will be given to the proposed development, LandsD reserves the right to comment on the development submissions when received. If it is revealed that any lease conditions would have been breached by the proposed development subsequent to the approval of application, he would advise that the applicant will need to apply to the LandsD for a lease modification to effect the proposal and the application will only be considered upon their receipt of formal application from the applicant. However, there is no guarantee that the development submissions will be approved and there is also no guarantee that any application for lease modification, if required, will be approved and he reserves his comment on such. The lease modification will be considered by the LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of payment and administrative fee. LandsD reserves the right to take any enforcement action should any breaches of lease conditions be found.

Environment

9.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application in view that the proposed development would have limited potential for environmental impacts. Notwithstanding the above, the applicant is reminded to comply with all relevant environmental pollution control ordinance during construction and to implement appropriate

mitigation measures/practices as set out in the Recommended Pollution Control Clauses for Construction Contracts which are available at the following website: http://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc_1.html;

- (b) He has no objection to the application from chlorine risk point of view.
- (c) There was no environmental complaint pertaining to the Site received in the past 3 years.

Urban Design

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

Since the application involves the additional mezzanine floor between 1/F and 2/F within the existing library and its BH still maintains, it would not result any visual impact to the external appearance of the building. As such, he has no comment on the application from visual point of view.

9.1.5 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

Based on the information provided, it is noted that the application involves no changes of massing and BH in mPD. In this regard, he has no comment from architectural and visual impact point of view.

Fire Safety

9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to fire services installations and water supplies for firefighting being provided to the satisfaction of his Department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.
- (b) As no details of the emergency vehicular access (EVA) have been provided, comments could not be offered by his Department at the present stage. Nevertheless, the applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administrated by the Buildings Department.

Building Matters

9.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) He has no in-principle objection under the Buildings Ordinance (BO) to the proposal provided that the development intensity shall not exceed the permissible as stipulated under the First Schedule of the Building (Planning) Regulations; and the clear headroom of any floor of the building should not be less than 2m.
- (b) Detailed comments under the BO will be provided at the building plan submission stage, if any.

Water Supply

9.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) The Site falls within the Consultation Zone of Tuen Mun Water Treatment Works, which is a Potentially Hazardous Installation. Comment from EPD should be sought in this respect.

District Officer's Comments

9.1.9 Comments of the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

He has distributed consultation letters to the concerned locals and understand that they will provide their comments (if any) to the Board direct. He trusts the Board would take into account the local views comprehensively when further deliberating on the subject application.

9.2 The following Government departments have no comment on the application:

- (a) Director of Food and Environmental Hygiene (DFEH);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Commissioner for Transport (C for T);
- (d) Chief Highways Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (e) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (f) Commissioner of Police (C of P); and
- (g) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

10. Public Comment Received During Statutory Publication Period

On 2.7.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 23.7.2019, no comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed minor relaxation of BH restriction for permitted educational institution use (addition of mezzanine floor of the Library) at Lingnan U. The Site falls within an area zoned “G/IC” on the Tuen Mun OZP and is subject to a maximum BH of 4 storeys, or the height of the existing building, whichever is greater. The proposed use of the mezzanine floor of the Library is ancillary facility to Lingnan U which is an ‘Educational Institution’ and thus always permitted within the “G/IC” zone. However, as the addition of the mezzanine floor exceeds the existing BH, planning permission from the Board for minor relaxation of BH restriction is required.
- 11.2 The proposed development is in line with the planning intention of the “G/IC” zone which is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments. The proposed addition of mezzanine floor of the Library of Lingnan U is in line with the planning intention. SED advised that policy support is given for the proposed works and the proposed works are within the project scope of an approved project for renovation of the Library with the addition of a mezzanine floor at the Site.
- 11.3 The proposed works only involves technical amendment and internal layout conversion of the Library. The addition of mezzanine floor will not increase the existing BH or mass of the Main Building. In this regard, CA/CMD2, ArchSD considers that the proposed development involves no changes of massing and BH in mPD and has no comment from architectural and visual impact point of view. CTP/UD&L, PlanD opines that the addition of mezzanine floor would not result any visual impact to the external appearance of the building. The proposed development would have no adverse impact to the surrounding.
- 11.4 The proposed minor relaxation in BH restriction would not create adverse traffic, fire safety, environmental and sewerage impacts on the surrounding areas. Concerned departments including AC for T/NT, TD; D of FS; DEP and CE/MN, DSD have no adverse comment on the application.
- 11.5 There is no public comment received on the application during the statutory publication period.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **16.8.2023**, 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 condition of approval and advisory clauses are also suggested for Members' reference:
- Approval condition*
- 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.
- Advisory clauses*
- The recommended advisory clauses are attached at **Appendix III**.
- 12.3 There is no strong reason to recommend rejection of the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s) to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 25.6.2019 with supplementary information
Appendix Ia	Supplementary Planning Statement attached to Appendix I
Appendix Ib	Email received on 17.7.2019 providing response to TD's comment
Appendix Ic	Email received on 1.8.2019 providing replacement of sectional drawing
Appendix II	Previous Applications covering the Site
Appendix III	Advisory Clauses

Drawing A-1	Proposed Floor Layout Plan (1/F and mezzanine floor)
Drawing A-2	Axonometric Drawing – Proposed Mezzanine Floor
Drawings A-3 to A-4	Section Drawings
Drawings A-5 to A-6	Photos Showing No Adverse Visual Impact
Plan A-1	Location Plan
Plan A-1a	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2019**