

A Residential Development located at
Lots NKML 25 R.P. and NKML 25 S.B
(near Phase 8 of Mei Foo Sun Chuen)

- In 1971, the developer of Mei Foo Sun Chuen acquired a land lot NKML 25. According to the land lease, NKML 25 can be used for non-industrial purposes, which include residential use.
- In 1976, the owner divided the above lot into four separate lots, namely NKML 25 S.A R.P., NKML 25 R.P., NKML 25 S.B and NKML 25 S.A ss.1 (see site plan attached). NKML 25 S.A R.P. was developed into Phase 8 of Mei Foo Sun Chuen in 1978 and sold. NKML 25 R.P. was developed into a liquefied petroleum gas (LPG) storage plant. NKML 25 S.B is a narrow strip adjacent to the LPG site while NKML 25 S.A ss.1 forms part of a private road. The two lots (i.e. NKML 25 R.P. and NKML 25 S.B) included in the concerned residential development do **not** form part of the Mei Foo Sun Chuen Phase 8 development.
- In 1985, the first Lai Chi Kok Outline Zoning Plan covering Mei Foo Sun Chuen was gazetted, in which the whole site of Lot NKML 25 has been zoned “Residential (Group A)”. The zoning process was carried out in accordance with the statutory requirements stipulated in the Town Planning Ordinance (Cap 131), and included an opportunity for public inspection and objections.
- From 1995 to 1996, the then Sham Shui Po Provisional District Board

raised concern over the potential hazard of the LPG storage plant at NKML 25 R.P. to residents of Phase 8 of Mei Foo Sun Chuen, and requested the relocation of the LPG storage plant away from the site. The relevant Government department did explore the option of a land exchange with the owner of the LPG site but to no avail. However, the owner subsequently relocated the facility in 1999 on its own volition. The former LPG site has been left vacant since.

- The owner of the former LPG site and the adjacent strip of land (i.e. NKML 25 R.P. and NKML 25 S.B) began to pursue development of the site about a decade ago. In 2000, the Building Authority (BA) considered and rejected a set of building plans for developing a residential building at NKML 25 R.P. and NKML 25 S.B on grounds that the emergency vehicular access in the nearby Lai Chi Kok Park should not be regarded as a “street” for the purpose of site classification and thus the site should not be regarded as a Class C site which, in that particular case, would allow a higher plot ratio for development than classes of A and B. This site classification dispute was the subject of appeals to the Appeal Tribunal (Buildings) and the High Court. Both the Tribunal and the High Court considered that on the strength of the then legislation the emergency vehicular access could be regarded as a “street” for site classification purpose and hence ruled against the BA’s decision. Subsequently in 2003, the BA considered and approved a set of building plans based on a Class C site (i.e. with greater development density).
- In 2005, the Government made a new regulation (Clause 18A) to the

Building (Planning) Regulations (Cap 123 sub. leg. F) (B(P)R) to introduce a clearer definition of “specified street” for the purpose of site classification, under which the aforesaid emergency vehicular access can no longer be regarded a “specified street”.

- In 2010, the developer submitted a new set of building plans to the BA, featuring a new building design. The newly designed residential development project is compliant with the prevailing Outline Zoning Plan and lease conditions. Specifically, in accordance with the new regulation 18A of the B(P)R introduced in 2005, the concerned site is no longer treated as a Class C site, which would have otherwise provided a higher plot ratio for the proposed development project. According to the current set of approved building plans, the 20-storey development at the site has a plot ratio of 3.535, which is far below the 7.5 permissible under the above-mentioned Outline Zoning Plan, and a building height similar to that of the existing buildings in Mei Foo Sun Chuen.
- In accordance with the provisions of the BO and its subsidiary regulations, the BA granted in April 2010 his consent to the developer to allow the commencement of foundation works of the proposed development.
- Since 2009, representatives of the Administration have been attending meetings of a working group established under the Sham Shui Po District Council on this case as well as meetings with residents of Mei Foo Sun Chuen to explain to them the latest developments. The Administration also attended case conferences held by the Legislative Council in 2004,

2009 and 2010 (twice in 2010).

Development Bureau

April 2011