

**Summary of Decisions of the Building Committee
Building Committee II 4/2011 held on 25.1.2011**

(a) BCII 1 4/2011

- Issue : (i) Proof of ownership or realistic prospect of control of the land forming the site.
- (ii) Exemption from payment of fees for processing plans.
- Decision : (i) The committee noted the nature of the proposed development and the advice of LandsD. Noting that the site was reserved for such particular development, the committee accepted the proof of realistic prospect of control of the land forming the site.
- (ii) Having considered the unique nature of the proposal, the committee agreed to the granting of exemption from payment of fees for processing plans.

(b) BCII 2 4/2011

- Issue : Proof of ownership or realistic prospect of control of the land forming the site.
- Decision : Noting from the LR record submitted by the AP that the applicant had acquired 100% ownership of the site, and that the name of the owner tallied with that shown on Form BA4, the committee accepted the proof of ownership of the site.

(c) BCII 3 4/2011

- Issue : Proof of ownership or realistic prospect of control of the land forming the site.
- Decision : Noting from the LR record submitted by the AP that the applicant and the other joint tenant had acquired 100% ownership of the site, the committee accepted in principle the proof of ownership of the site.

(d) BCII 4 4/2011

- Issue : Proof of ownership or realistic prospect of control of the land forming the site.
- Decision : Noting from the LR record submitted by the AP that the applicant had acquired 100% ownership of the site, and that the name of the owner tallied with that shown on Form BA4, the committee accepted the proof of ownership of the site.

(e) BCII 5 4/2011

- Issue : (i) Proof of ownership or realistic prospect of control of the land forming the site.
- (ii) Non-provision of EVA for student's quarters.
- Decision : (i) Noting from the assignment documents and LR record submitted by the AP that the applicant had acquired 100% ownership of the site, the committee accepted the proof of ownership of the site.
- (ii) The committee, having noted the site constraint and the advice of FSD, accepted the non-provision of EVA subject to the provision of enhanced fire safety measures to the satisfaction of D of FS.

(f) BCII 6 4/2011

- Issue : (i) Non-provision of EVA for residential houses.
- (ii) Proof of ownership or realistic prospect of control of the land forming the site.
- Decision : (i) The committee, having noted the site constraint, accepted the non-provision of EVA subject to acceptance of the same by FSD
- (ii) Noting from the LR record submitted by the AP that the applicant had acquired 100% ownership of the site, the committee accepted the proof of ownership of the site.

(g) BCII 7 4/2011

- Issue : Proof of ownership or realistic prospect of control of the land forming the site.
- Decision : The committee noted from the LR record submitted by the AP that the applicant acquired 19 out of 115 shares of ownership of the site. Noting that the applicant did not have 100% ownership of or realistic prospect of control of the land forming the site, the committee did not accept the proof of realistic prospect of control of the land forming the site, and agreed that the plans be disapproved.

(h) BCII 8 4/2011

- Issue : Proof of ownership or realistic prospect of control of the land forming the site.
- Decision : Noting from the LR record submitted by the AP that the applicant had acquired 100% ownership of the site, and that the name of the owner tallied with that shown on Form BA4, the committee accepted the proof of ownership of the site.

(i) BCII 9 4/2011

Issue : (i) Proof of ownership or realistic prospect of control of the land forming the site.
(ii) Areas located more than 9m from prescribed windows in hotel guestrooms.

Decision : (i) Noting from the LR record submitted by the AP that the applicant had acquired 100% ownership of the site, and that the name of the owner tallied with that shown on Form BA4, the committee accepted the proof of ownership of the site.
(ii) Noting that the areas in questions were circulation spaces or not for habitation, and that there would be no adverse impact on the provision of natural lighting and ventilation for areas to be used for habitation, the committee agreed to the granting of modification under B(P)Reg 32.

(j) BCII 10 4/2011

Issue : Proof of ownership or realistic prospect of control of the land forming the site.

Decision : Noting from the LR record submitted by the AP that the applicant had acquired 100% ownership of the site, and that the name of the owner tallied with that shown on Form BA4, the committee accepted the proof of ownership of the site.

(k) BCII 11 4/2011

Issue : (i) Non-provision of EVA for a residential development.
(ii) Proof of ownership or realistic prospect of control of the land forming the site.

Decision : (i) The committee, having noted the site constraint, accepted the non-provision of EVA subject to acceptance of the same by FSD
(ii) Noting from the LR record submitted by the AP that the applicant had acquired 100% ownership of the site, the committee accepted the proof of ownership of the site.

(l) BCII 12 4/2011

Issue : Proof of ownership or realistic prospect of control of the land forming the site.

Decision : Noting from the Agreement for Sale and Purchase and LR record submitted by the AP that the applicant would complete the transaction for the acquisition of 100% ownership of the site soon, the committee

accepted the realistic prospect of control of the land forming the site.

(m) BCII 13 4/2011

Issue : Proof of ownership or realistic prospect of control of the land forming the site.

Decision : From the documents submitted by the AP, the committee noted that the documentary proof of ownership was incomplete and insufficient, and that the applicant did not have 100% ownership of or realistic prospect of control of the land forming the site. The committee did not accept the proof of realistic prospect of control of the land forming the site, and agreed that the plans be disapproved.

(n) BCII 14 4/2011

Issue : Proof of ownership or realistic prospect of control of the land forming the site.

Decision : Noting from the LR record that the applicant had acquired 100% ownership of the site, and that the name of the owner tallied with that shown on Form BA4, the committee accepted the proof of ownership of the site.

(o) BCII 15 4/2011

Issue : Proof of ownership or realistic prospect of control of the land forming the site.

Decision : Noting from the assignment documents and LR record submitted by the AP that the applicant had acquired 100% ownership of the site, and that the name of the owner tallied with that shown on Form BA4, the committee accepted the proof of ownership of the site.

(p) BCII 16 4/2011

Issue : (i) Proof of ownership or realistic prospect of control of the land forming the site.

(ii) EVA to be steeper than 1 in 10.

Decision : (i) For a development site comprising two private lots, the committee noted from the documents and LR record submitted by the AP that the applicant had acquired 100% ownership of one of the lots and obtained the authorization of the owner of the other lot for submission of plans. The committee accepted the proof of ownership of the lot being owned with 100% ownership and realistic prospect of control of the land forming the site.

- (ii) The committee, having noted the site situation and the advice of FSD, accepted the deficiency of the EVA subject to acceptance of the same by FSD.

(q) BCII 17 4/2011

Issue : Proof of ownership or realistic prospect of control of the land forming the site.

Decision : Noting from the LR record that the applicant had acquired 100% ownership of the site, and that the updated Form BA4 and Form BA5 would be submitted by the AP soon, the committee accepted the proof of ownership of the site.

(r) BCII 18 4/2011

Issue : Proof of ownership or realistic prospect of control of the land forming the site.

Decision : Noting from the documents submitted by the AP and the relevant ordinance that the applicant was empowered to carry out the works at the area in question, and that the name of the applicant tallied with that shown on Form BA5, the committee accepted the proof of realistic prospect of control of the land forming the site.

(s) BCII 19 4/2011

Issue : Proof of ownership or realistic prospect of control of the land forming the site.

Decision : From the assignment documents submitted by the AP, the committee noted that the applicant acquired not more than 82% ownership of the site. Noting that the applicant did not have 100% ownership of or realistic prospect of control of the land forming the site, the committee did not accept the proof of realistic prospect of control of the land forming the site, and agreed that the plans be disapproved.

(t) BCII 20 4/2011

Issue : PPE establishment located in a composite building.

Decision : Having studied the circumstances, the committee agreed to the granting of modification to permit the proposed PPE establishment located in a composite building provided that the revised fire engineering report and fire safety management plan were also accepted by FSD.

(u) BCII 21 4/2011

Issue : Proof of ownership or realistic prospect of control of the land forming the site.

Decision : The committee noted that the applicant acquired not more than 84% ownership of the site. Noting that the applicant did not have 100% ownership of or realistic prospect of control of the land forming the site, the committee did not accept the proof of realistic prospect of control of the land forming the site, and agreed that the plans be disapproved.

(v) BCII 22 4/2011

Issue : Proof of ownership or realistic prospect of control of the land forming the site.

Decision : For a development site comprising two existing buildings, the committee noted that the applicant had acquired 100% ownership of one of the buildings and obtained the authorization of the owners of the other building to apply for approval of building plans for redevelopment of the property. The committee accepted the proof of ownership and realistic prospect of control of the land forming the site.

(w) BCII 23 4/2011

Issue : Proof of ownership or realistic prospect of control of the land forming the site.

Decision : From the documents submitted by the AP, the committee noted that the documentary proof of ownership was incomplete and insufficient to demonstrate that the applicant as stated in the Form BA4 & Form BA5 had the ownership or realistic prospect of control of the land forming the site. The committee did not accept the proof of ownership and realistic prospect of control of the land forming the site, and agreed that the plans be disapproved.

(x) BCII 24 4/2011

Issue : Proof of ownership or realistic prospect of control of the land forming the site.

Decision : Noting from the LR record submitted by the AP that the applicant had acquired 100% ownership of the site, and that the name of the owner tallied with that shown on Form BA4, the committee accepted the proof of ownership of the site.

(y) BCII 25 4/2011

Issue : Proof of ownership or realistic prospect of control of the land forming the site.

Decision : Noting that the AP did not submit Form BA5 or any documentary proof of ownership to demonstrate that the applicant had the ownership or realistic prospect of control of the land forming the site, the committee did not accept the proof of ownership and realistic prospect of control of the land forming the site, and agreed that the plans be disapproved.

(z) BCII 26 4/2011

Issue : Proof of ownership or realistic prospect of control of the land forming the site.

Decision : Noting from the LR record submitted by the AP that the applicant had acquired 100% ownership of the site, and that the name of the owner tallied with that shown on Form BA4, the committee accepted the proof of ownership of the site.

(aa) BCII 27 4/2011

Issue : Proof of ownership or realistic prospect of control of the land forming the site.

Decision : Noting from the LR record submitted by the AP that the applicant had acquired 100% ownership of the site, the committee accepted the proof of ownership of the site.

(bb) BCII 28 4/2011

Issue : Proof of ownership or realistic prospect of control of the land forming the site.

Decision : Noting from the LR record and solicitor's certification submitted by the AP that all the owners of the site had entered into a joint venture agreement for the development, the committee accepted the proof of realistic prospect of control of the land forming the site.