

**Minutes of 1193rd Meeting of the
Town Planning Board held on 17.1.2019**

Present

Permanent Secretary for Development
(Planning and Lands)
Ms Bernadette H.H. Linn

Chairperson

Professor S.C. Wong

Vice-chairperson

Mr Lincoln L.H. Huang

Mr Sunny L.K. Ho

Dr F.C. Chan

Mr David Y.T. Lui

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Dr C.H. Hau

Mr Alex T.H. Lai

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Chief Traffic Engineer (Hong Kong)
Transport Department
Mr Eddie S.K. Leung

Chief Engineer (Works)
Home Affairs Department
Mr Martin W.C. Kwan

Deputy Director of Environmental Protection (1)
Environmental Protection Department
Mr. Elvis W.K. Au

Assistant Director (Regional 1)
Lands Department
Mr. Simon S.W. Wang

Director of Planning
Mr Raymond K.W. Lee

Deputy Director of Planning/District
Ms Jacinta K.C. Woo

Secretary

Absent with Apologies

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Stephen H.B. Yau

Mr K.K. Cheung

Mr Thomas O.S. Ho

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Mr Stanley T.S. Choi

Mr L.T. Kwok

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

In Attendance

Assistant Director of Planning/Board

Ms Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Ms April K.Y. Kun (a.m.)

Mr Kepler S.Y. Yuen (p.m.)

Senior Town Planner/Town Planning Board

Mr T.C. Cheng (a.m.)

Ms Anissa W.Y. Lai (p.m.)

Hong Kong District

Agenda Item 1

[Open meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in respect of the Draft Wan Chai Outline Zoning Plan No. S/H5/28
(TPB Paper No. 10512)

[The item was conducted in English and Cantonese.]

Declaration of Interests

1. The Secretary reported that the proposed amendments were formulated upon review of the draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/26 in order to give effect to the Court's orders in respect of the judicial reviews (JRs) lodged by Lee Theatre Realty Limited (Lee Theatre) and Leighton Property Company Limited (Leighton), both were subsidiaries of Hysan Development Company Limited (Hysan). The following Members had declared interests on the item for owning properties in the Wan Chai area and/or having affiliation/business dealings with Lee Theatre (R2), Leighton (R3) or their consultant, Masterplan Limited (Masterplan) (representative of R2 to R4), and Ms Mary Mulvihill (R110/C5) :

Mr Thomas O.S. Ho	-	having current business dealings with Hysan
Mr Stephen L.H. Liu	-	having past business dealings with Hysan
Mr K.K. Cheung]	their firm hiring Mary Mulvihill on a contract basis from time to time
Mr Alex T.H. Lai]	
Mr Ivan C.S. Fu	-	having current business dealings with Masterplan

- Mr Ricky W.Y. Yu - having Lee Hysan Foundation sponsored some of his projects and being the Director and Chief Executive Officer of Light Be which had received donation from the Foundation before
- Ms Lilian S.K. Law - having Lee Hysan Foundation sponsored some of the activities of the Boys' and Girls' Clubs Association of Hong Kong, in which she was an ex-Executive Director and committee member, and spouse serving an honorary post at Ruttonjee Hospital
- Professor Jonathan W.C. Wong] having Lee Hysan Foundation sponsored
] some of their projects before
Mr L.T. Kwok]
- Mr David Y.T. Lui - co-owning with spouse a flat at Star Street, Wan Chai
- Miss Winnie W.M. Ng - her company owning an office at Queen's Road East, Wan Chai
- Mr Stephen H.B. Yau - his office locating at Southorn Centre, Wan Chai

[Mr David Y.T. Lui left the meeting at this point.]

2. The meeting noted that Mr Thomas O.S. Ho, Mr Stephen L.H. Liu, Mr Ivan C.S. Fu, Mr Stephen H.B. Yau, Mr K.K. Cheung, Miss Winnie W.M. Ng, Mr L.T. Kwok, Professor Jonathan W.C. Wong and Mr Ricky W.Y. Yu had tendered apologies for not being able to attend the meeting, and Mr David Y.T. Lui had left the meeting. As the interests of Mr Alex T.H. Lai and Ms Lilian S.K. Law were indirect, Members agreed that they should be

allowed to stay in the meeting. In addition to Members' declaration of interests above, Mr Peter K.T. Yuen said that he was a member of the Board of Governor of the Hong Kong Arts Centre in Wan Chai North outside the OZP boundary. The Chairperson considered that the circumstances should not constitute a relevant interest to be declared and it should suffice to record the remark in the minutes.

3. The Chairperson said that reasonable notice had been given to the representers and commenters inviting them to attend the hearing, but other than those who were present or had indicated that they would attend the hearing, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers and commenters, Members agreed to proceed with the hearing of the representations and comments in their absence.

Presentation Session

4. The following government representatives, representers/commenters and their representatives were invited to the meeting :

Planning Department's (PlanD's) representatives

Mr Louis K.H. Kau - District Planning Officer/Hong Kong
(DPO/HK)

Mr Anthony K.O. Luk - Senior Town Planner/Hong Kong
(STP/HK)

Representers/Commenters and their Representatives

R2 – Lee Theatre Realty Limited

R3 – Leighton Property Company Limited

C2 – Yun Fan Lai

C3 – Dora Chan

<i>Hysan Development Co.</i>]	
<i>Ltd.(Hysan)</i>]	
Ms Cheung Ka Ki]	
Mr Tung Yin Kwun Mark]	Representers' and Commenters'
Ms Winnie Wong]	representatives
<i>Masterplan Limited</i>]	
Ms Kira Brownlee]	
<i>Ronald Lu & Partners</i>]	
Mr Ip Kar Wai Kelvin]	
Mr Ip Yiu Kong Kenneth]	

R4 – Cherish Shine Limited

C4 – Chu Siu Sze Cecilia

<i>Cherish Shine Limited</i>]	
Ms Joey Fong]	Representer's and Commenter's
<i>Masterplan Limited</i>]	representatives
Ms Cynthia Chan]	

R5 – The Real Estate Developers Association of Hong Kong (REDA)

C6 – Lau Shun Wah Maggie

<i>Masterplan Limited</i>]	Representer's and Commenter's
Ms Wong Oi Chu]	representatives
Ms Cynthia Chan]	

R7/C7 – Yeung Suet Ying Clarisse (Wan Chai District Council (WCDC) member)

R9 – 陳樂行

R13 – Wong Kieu Cleo

R17 – Tam Kai Hei Daniel

R20 – Liz Lau

R22 – Yvette Yanne

R24 – 張倩盈

R26 – Ng Kar Lok

R27 – Ng Kwok Ching

R29 – Tang Kin Tat

R30 – Man Tou

Miss Yeung Suet Ying]	
Clarisse]	
Mr Mak Chi Hin]	Representer/Commenter and
Ms Cheung Sin Ying]	Representers' representatives
Mr Tang Kin Tat]	
Mr Charlton Cheung]	

R8/C9 – Mary Mulvihill

Ms Mary Mulvihill	-	Representer/Commenter
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R28 – Arthur Yeung

Mr Arthur Yeung	-	Representer
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R32 – Yeung Kam Piu

Mr Chan Kwan Lok Cryus	-	Representer's representative
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R33 – Yeung Yat Nam

Ms Angel Lee Wai Fong	-	Representer's representative
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R46 – Leung Chung Man Alex

Ms Leung Lai Yin	-	Representer's representative
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R55 – Tsang Hau Yim Jasmine

Mr Lai Yuk Ming	-	Representer's representative
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R57 – Kong Sze Wai Rainbow

R58 – Tam Mei Yuk

Ms Yang Yadi	-	Representers' representative
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R59 – Lau Pak Shing

Mr Lau Pak Shing - Representer

R61 – Choi Yuk Kuen

Ms Choi Yuk Kuen - Representer

R62 – Tsang Chi Hung

Mr Tsang Chi Hung - Representer

R68 – Luk Yin Yung

Ms Luk Yin Yung - Representer

R69 – 李雲珍

Ms Fung Wai Lin - Representers' representative

R71 – Fato Leung

Ms Yip Mee Yung - Representers' representative

R75 – 蔡少華

Ms Zeng Jiehua - Representers' representative

C1 – Lau Chun Kit

Mr Lau Chun Kit - Commenter

C8 – Owners' Committee of One Wanchai

Mr Michael Au]

Mr Kay Chau] Commenter's representatives

Mr Van Langeberg Brian]

Anthony]

5. The Chairperson extended a welcome to the Government's representatives, the representers/commenters and their representatives, and briefly explained the procedures of

the hearing. To ensure the efficient operation of the meeting, each representer/commenter or their representative would be allotted 10 minutes for making oral submission. There was a timer device to alert the representers/commenters two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after the representers/commenters had completed their oral submissions. Members could direct their questions to the Government's representatives or the representers/commenters. After the Q&A session, the Government's representatives, representers/commenters and their representatives would be invited to leave the meeting. The Town Planning Board (the Board) would deliberate on all the representations and comments in a closed meeting and would inform the representers/commenters of the Board's decision in due course.

6. The Chairperson then invited the Government's representatives to brief Members on the representations/comments.

7. With the aid of a PowerPoint presentation, Mr Anthony K.O. Luk (STP/HK3, PlanD) briefed Members on the representations and comments, including the background of the amendments, the grounds/views/proposals of the representers/commenters, planning assessments and PlanD's responses on the representations and comments as detailed in TPB Paper No. 10512 (the Paper).

[Mr Franklin Yu arrived to join the meeting during PlanD's presentation.]

8. The Chairperson then invited the representers/commenters and their representatives to elaborate on their representations/comments in the written submissions.

R2 – Lee Theatre Realty Limited

R3 – Leighton Property Company Limited

C2 – Yun Fan Lai

C3 – Dora Chan

9. Ms Kira Brownlee (Masterplan) tabled a letter dated 16.1.2019 on behalf of R2 and R3 on procedural matters, addressed to the Secretary of the Board. R2 and R3 considered that (a) the current representation hearing on the OZP No. S/H5/28 was not a

formal rehearing as required by the Court's order to rehear the representation R97 on the OZP No. S/H5/26; and (b) the Board had decided to gazette amendments under s.7. While R2 and R3 had exercised their rights to make representations to the current OZP amendment, it was independent to the rehearing process of the previous representation R97 and their rights in these regards were reserved. She requested that the Board should adjourn the current representation hearing in relation to R2 and R3, and request information be provided for a specific hearing of the original R97 without seeking to subsume that process into the current hearing of R2 and R3 which were related to a different OZP. In respect of R2 and R3, the Board should also be provided with a more micro level and site-specific assessment of whether the societal benefits of the particular restrictions affecting the land owner were proportionate to the burden on the owner.

10. With the aid of a PowerPoint presentation, Ms Kira Brownlee, made the following main points :

- (a) the current OZP amendment was meant to give effect to the Court's judgments to refer the representations on OZP No. S/H5/26 to the Board for reconsideration. However, the current amendments were carried out under s.7 of the Town Planning Ordinance (the Ordinance), which was independent of the Court's order for the rehearing process;
- (b) the CFA's judgment was extracted in Leighton's submission in that a 4-step process as well as a proportionality analysis should be applied in stipulating development restrictions on private property. The third step required that a restriction could proceed if it was not manifestly without reasonable foundation, while the final step was the need to strike a reasonable balance between the societal benefits and the implications on the private land owner;
- (c) there was no additional societal benefit to be obtained with 135mPD building height restriction (BHR) on the OZP over R2's and R3's preferred design options for their sites. With the representers' proposal, a stepped building height (BH) profile could still be achieved and there would be no impact on the ridgeline. The stringent BHR prevented the

two representers to be able to reasonably achieve their property development right for high quality buildings, particularly for R3 as there was a set of approved building plans for the Leighton Centre site with a BH of 200mPD; and

- (d) while PlanD considered that there was no strong reason to relax the BHR for R2's and R3's sites as it would affect the views to the harbour from the Stubbs Road Lookout Point, the relevant photomontages showed that the impact was minimal as there were three existing landmark buildings of about 200mPD in height in its surrounding. The BHs of the proposed developments were compatible with the existing buildings and there would not be any adverse impact on the ridgeline. Moreover, the proposals could incorporate the Sustainable Building Design Guidelines (SBDG) requirements with improvement to air ventilation, walkability and traffic.

11. With the aid of a PowerPoint presentation, Mr Tung Yin Kwun Mark (Hysan) gave a presentation on Hysan's contribution to the community in the past through its developments in the 'Lee Gardens area', including Lee Garden One to Lee Garden Six, Hysan Place, Leighton Centre and Lee Theatre Plaza. Hysan had incorporated various design elements in their buildings such as greening, roof top urban farm, running tracks, building voids, setbacks (SBs) and driveway for off-street loading/unloading to promote sustainability, community activities and public health. In gist, Hysan had practised sustainability in their developments, with adaptability and community needs in mind.

12. Ms Kira Brownlee (Masterplan) and Mr Ip Kar Wai Kelvin (Ronald Lu & Partners) made the following main points :

Leighton Centre site

- (a) in 2009, general building plans were approved on the Leighton Centre site for a scheme with a BH of 200mPD. That development was recognised as a "committed development" in the air ventilation assessment (AVA) and the visual impact assessment (VIA) conducted by PlanD. As a

building with BH of 200mPD would be developed at the site, the 135mPD BHR on the OZP for this site was theoretical;

- (b) the CFA required the Board to make specific assessment at a “micro” level on whether the societal benefits of a particular restriction were proportionate to the burden it caused on the land owner. As the building plans for a 200mPD development had been approved, there was no specific societal benefit to be obtained by imposing a lower BHR on this site;
- (c) there was no logical or rational argument why the 200mPD “committed development” in the approved building plans should not be recognised on the OZP. With a stringent BHR, the development would not be able to incorporate the SBDG requirements and other modern standards that would benefit the public;
- (d) Leighton Centre was built in the 1970’s and could not cope with the modern day Grade A office requirements for better natural sunlight penetration, more greening space, outdoor/semi-outdoor breathing space, sky garden and conference facilities which would require a high floor-to-floor height (FTFH). A typical FTFH of 5m for office development was readily acceptable by BD;
- (e) with the more restrictive BHR of 135mPD on the OZP, the permitted development intensity could only be achieved with a deep basement, which was not environmentally friendly. Moreover, a low FTFH had to be adopted and there would be no room for a mechanical floor and the provision of green features, open plaza and drop-off area;
- (f) the proposed development in accordance with the 2009 approved building plans did not comply with the SBDG requirements as those requirements were not in place at that time. There would also be no green feature, drop-off area nor open plaza at-grade. A deep basement was proposed under the approved 2009 scheme. If 135mPD was designated as the

BHR for the Leighton Centre site on the OZP, future development at this site would have to comply with the BHR, or in accordance with the approved building plans. In other words, major amendments to the approved building plans to incorporate SBDG requirements could not be made as only minor amendments to the approved scheme would be tolerated;

- (g) on the contrary, if the BHR for the Leighton Centre site was relaxed to 200mPD in recognition of the approved scheme, green features such as sky/podium garden, a stepping profile for the podium, at-grade SB for open plaza, drive-in drop-off area could be provided to alleviate traffic congestion at Sharp Street and Matheson Street. A FTFH of 5m and a shallow basement would also be possible;
- (h) the key objective of the BH control was to provide better planning control in guiding developments. However, the BHR had to be reasonable. The proposed scheme for the Leighton Centre site was not out-of-context with the existing landmark buildings in the vicinity. It would not have any adverse visual impact, and could greatly improve the outdated scheme approved in 2009 by incorporating the SBDG requirements;
- (i) if the approved building plans were taken into consideration in designating the BHR, the assumptions and planning considerations made by PlanD would be irrelevant. It also ignored the directive of the CFA in looking at the specific societal benefits to arise from a proposed planning control on the site;
- (j) the alternative scheme presented not merely design choices, but good design elements encouraged by the Government. These could be achieved by relaxing the BHR to 200mPD, thereby facilitating the updating of the 2009 approved building plans to the modern standards;
- (k) while PlanD stated that there was no intention to let the BH of individual sites within the triangular node of landmark buildings to have a BHR of

200mPD, there was no justification from an urban design point of view that only 3 landmark buildings could exist in this area. In fact, when the BHR was designated on the OZP No. S/H5/26, the building plan for a 200mPD building had already been approved;

- (l) there were only a limited number of developments with building plans approved before the inclusion of BHRs on the OZP. The approved BH of 200mPD for Hysan Place and the approved BH of 210mPD for the Hopewell II development were incorporated in the Causeway Bay OZP and the Wan Chai OZP respectively, as well as some other developments on other OZPs. Reflecting the approved BH of 200mPD for the Leighton Centre site on the Wan Chai OZP would not lead to a proliferation of buildings above the 135mPD BHR;
- (m) Wan Chai was a high-rise area and a decentralised office node. In the Hong Kong 2030+ : Towards a Planning Vision and Strategy Transcending 2030, Wan Chai was identified as one of the existing clusters of Grade A offices. As the Leighton Centre site was zoned “Commercial” (“C”) in a prime location, the 135mPD BHR had created unnecessary constraints for the site for Grade A office development;
- (n) while CFA had ruled that the SBDG was a relevant consideration, it was clear that compliance with the SBDG would not be possible for the scheme as approved in the 2009 building plans. The current revision of BHRs was mainly for allowing design flexibility for developments to incorporate the SBDG requirements. The BHR of 135mPD could not achieve such an objective;

The Lee Theatre Plaza site

- (o) Lee Theatre Plaza was built in 1994. A relaxation of the BHR of 135mPD for this site to 165mPD would allow a high quality building which would provide more benefits to the public at ground level in the

long-term view of refurbishment, alteration and eventually redevelopment that might take place;

- (p) the building was adjacent to Times Square, which formed the high-rise triangular node with Lee Garden One and Hysan Place. No additional societal benefit from the BHR of 135mPD on this site was identified, as compared with the proposed BHR of 165mPD;
- (q) Lee Theatre Plaza had a low FTFH and could not meet the requirements for modern commercial buildings, which required high FTFH to accommodate different uses, e.g. art galleries, office, amenity area and clinic with bulky therapeutic equipment;
- (r) while the BHR of 135mPD could accommodate the permitted development intensity, no green features such as sky/podium garden, SB at ground level for open space and drop-off area, and a deep basement would be necessary; and
- (s) the relaxation of BHR to 165mPD could accommodate a building with higher FTFH and less basement levels while meeting the SBDG requirements. Green features, a stepping profile for podium with terraces, drop-off plaza and open plaza for the benefit of the public could be provided.

R4 – Cherish Shine Limited

C4 – Chu Siu Sze Cecilia

13. With the aid of a PowerPoint presentation, Ms Cynthia Chan (Masterplan) made the following main points :

- (a) relaxation of BHR under Items A and C was supported while relaxation in BHR for the “Residential (Group A)” (“R(A)”) zone to the south of Queen’s Road East (QRE) under Item E1 was partially supported;

- (b) the BHR for that “R(A)” zone was designated to accommodate developments that would meet the SBDG requirements. However, PlanD’s assumptions were overly restrictive, e.g. the typical FTFH was higher than 3.5m in nowadays flat, and there was no provision for refuge floor or sky gardens within the building under PlanD’s assumption. It was proposed to relax the BHR from 110mPD to 135mPD for that “R(A)” zone;
- (c) the artificially capped BH profile of Wan Chai on the OZP, i.e. 135mPD towards the harbour, stepping down to 110mPD inland and then rising to 120mPD and 150mPD at the hillside to the south, was not in line with the urban design principle of the Hong Kong Planning Standards and Guidelines (HKPSG). There was no real technical problems to allow further relaxation in BHR;
- (d) the visual appraisal revealed that the relaxation in BHR to 135mPD would not have any visual impact from the vantage points at Tsim Sha Tsui and the Stubbs Road Lookout Point as the future developments would be behind existing buildings and not be visible. Although the future developments could be seen from the Peak, the visual impact was marginal;
- (e) the TPB Paper 10415 concluded that a relaxation of BHRs would not lead to a deterioration of air ventilation. According to the AVA by expert evaluation (AVA EE), a variation of BH would generate “downwash” effect and improve the pedestrian wind environment. If a more restrictive BHR was designated, developments would be built up to the permitted BHR in order to fit in the entitled GFA, resulting in a uniform BH profile with no “downwash” effect. Relaxing BHRs could allow flexibility for the incorporation of various design elements, resulting in a variation of BH and site coverage (SC) and better air circulation at pedestrian level;

- (f) there were existing buildings and committed developments in the vicinity of the representation site with BHs higher than the BHR of 110mPD designated for the area. A more relaxed BHR should be acceptable; and
- (g) height bands for Wan Chai should be formulated in a holistic manner, taking into account the increasing contours and the urban design principles. A more relaxed BHR would give reasonable flexibility for better development, to achieve quality living for residents in Wan Chai and Hong Kong.

R5 – The Real Estate Developers Association of Hong Kong (REDA)

C6 – Lau Shun Wah Maggie

14. With the aid of a PowerPoint presentation, Ms Wong Oi Chu (Masterplan) made the following main points :

- (a) REDA (R5) supported the general relaxation of BHRs on the draft Wan Chai OZP No. S/H5/28 but considered that the relaxation was not adequate. REDA also objected to Item B regarding the “Commercial (4)” (“C(4)”) zone of the ex-Wan Chai Police Married Quarters (ex-WCPMQ) site as well as the BHRs under Items C, D, E1, E2 and E4;
- (b) REDA had also submitted a representation (R34) to object the imposition of various development restrictions incorporated in the draft Wan Chai OZP No. S/H5/26. REDA’s two representations (R34 and R5 on the OZPs No. S/H5/26 and S/H5/28 respectively) should be considered together in the current hearing;
- (c) REDA’s representation on the OZP No. S/H5/26 (R34) was not upheld by the Board and REDA had subsequently lodged a JR in 2011 against the Board’s decisions in respect of four OZPs, including the draft Wan Chai OZP No. S/H5/26. In 2015, the Court of First Instance (CFI) allowed the JR and requested the Board to reconsider REDA’s representation R34. However, REDA had not been consulted during the review of the Wan

Chai OZP to give effect to CFI's order. Hence, the amendments shown on the draft Wan Chai OZP No. S/H5/26 had not gone through the 'proper' planning procedure required under s.6 of the Ordinance. Some of the amendments were carried forward to the subsequent versions of the draft Wan Chai OZP and not shown as amendment items in the current OZP No. S/H5/28;

- (d) the BHR was too restrictive for Wan Chai and the importance of Wan Chai as a Central Business District (CBD) and its potential for developing Grade A office buildings with a higher FTFH had not been recognized. There would not be flexibility in building design if a stringent BHR was designated, and it would result in a low FTFH, which was not desirable, unless some floor space was given up;
- (e) PlanD claimed that the assessment on BHR had considered the requirements of the SBDG and the Building (Planning) regulations (B(P)R). It was indicated in the Annexes of the TPB Paper No. 10415 that PlanD had adopted a low FTFH and a maximum SC in assessing the BHR for future redevelopment, which was not in line with the latest practice. A more reasonable and practical approach should be adopted in assessing the BHR;
- (f) while many existing buildings in Wan Chai and Wan Chai North had reached a BH of 170mPD to 200mPD, and with the tallest building reaching 290mPD, the BHRs designated for Wan Chai were too restrictive;
- (g) there was a shortage of open space in Wan Chai. Although PlanD had indicated that there would be adequate open space for Wan Chai District, Wan Chai District actually covered a much larger area than the Wan Chai OZP planning scheme boundary, and in fact most of the open spaces were not located within the Wan Chai OZP boundary. Allowing flexibility for taller building design would enable provision of more open spaces. It had been demonstrated that many existing buildings in Wan Chai, e.g.

Times Square, Pacific Place III and Hopewell Centre, were able to integrate provision of public space through good building design practice;

- (h) according to the AVA EE carried out in 2010, Wan Chai was densely developed. For areas with a uniform BH, the downwash effect would be insignificant. With the stringent BHRs, future development would need to be built to the maximum BH in order to achieve the permitted development intensity, thus not conducive to the wind environment. The AVA EE suggested that a more relaxed BHR for Wan Chai should be adopted for flexibility in building design, non-building areas (NBAs) should be created to line up with the prevailing wind, incorporating voids in the façade of the building, and maximising greening to improve the air ventilation;
- (i) the photomontages indicated that the difference in the view towards the harbour from the Stubbs Road Lookout Point would not be noticeable if the BHR of the “C” zone bounded by Tonnochy Road, Hennessy Road, Percival Street and Gloucester Road was relaxed from 110mPD to 135mPD. While the public and the tourists would only enjoy the harbour view at the lookout point for a short period of time, the benefit of relaxing the BHR to enable buildings with higher FTFH was for life;
- (j) the Board’s reliance on the ‘minor relaxation clause’ in the Notes of the OZP as a basis for setting unreasonably restrictive BHRs could be considered to be acting unlawfully. The CFI also considered that the decision of the Board was tainted by its reliance on the possibility of applying for minor relaxation;
- (k) the road network and open space were the major elements in promoting wind penetration in Wan Chai. The Government should increase the provision of open space by rezoning the ex-WCPMQ site from “C(4)” to “Open Space” (“O”) to improve the air ventilation, mitigate the urban heat island effect and provide recreation space for the well-being of the general public;

- (l) the SB requirements under the draft Wan Chai OZP No. S/H5/26 were maintained in the OZP No. S/H5/28, and these were not amendment items. The SBs were required for air ventilation but there was no provision for compensation, as in the case of road widening under the Buildings Ordinance or the Roads (Works, Use and Compensation) Ordinance. There was no provision under the Notes or the explanatory statement (ES) of the OZP to indicate that the SB requirement would be compensated in the form of bonus GFA. The SB requirements should be deleted;
- (m) the principle of a stepped BH profile within the Wan Chai OZP boundary should be adopted. The BH of existing landmark buildings and that of development proposals in the vicinity, with approved building plans, should be recognized and reflected as BHRs for the respective site on the OZP to form a node of tall buildings;
- (n) for the “C” and “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”) zones, BHRs of 135mPD and 150mPD were proposed for areas located to the north and south of Hennessy Road respectively. For site amalgamation that could achieve a site area exceeding 1,500m², favourable consideration should be given for BHR relaxation and it should not be confined to ‘minor’ relaxation so as to encourage development with good design merit and improvement to air ventilation. The planning criteria for considering the relaxation of BHR should be similar to that adopted in the Tsim Sha Tsui OZP;
- (o) a more relaxed BHR of 130mPD was proposed for the residential area located to the south of Johnston Road/Wan Chai Road and on both sides of QRE. Considering the relatively higher site levels in areas near Kennedy Road, the BHR should be relaxed to 150mPD;
- (p) a ‘dedication of land’ clause as permitted under the “Residential (Group E)” (“R(E)”) zone should be adopted for all development zones, and

minor relaxation of BHR should be considered on individual merits, rather than in special circumstances; and

- (q) the Paper stated that some of the points raised by representers were not related to any amendment item and there was no ground for the Board to consider those representations. It should be noted that some of the amendment items on the draft Wan Chai OZP No. S/H5/26 were carried over to the OZP No. S/H5/28. While these were not indicated as amendment items, they were objected to by REDA in R34. The Board should reconsider R34 as required by the Court.

[The meeting was adjourned for a 5-minute break.]

[Professor S.C. Wong left the meeting temporarily and Dr Frankie W.C. Yeung and Mr Wilson Y.W. Fung arrived to join the meeting at this point.]

R7/C7 – Yeung Suet Ying Clarisse (WCDC member)

R9 – 陳樂行

R13 – Wong Kieu Cleo

R17 – Tam Kai Hei Daniel

R20 – Liz Lau

R22 – Yvette Yanne

R24 – 張倩盈

R26 – Ng Kar Lok

R27 – Ng Kwok Ching

R28 – Arthur Yeung

R29 – Tang Kin Tat

R30 – Man Tou

15. With the aid of a PowerPoint presentation, Miss Yeung Suet Ying Clarisse made the following main points :

- (a) except for two WCDC members who abstained from voting at the Development, Planning and Transport Committee meeting of WCDC on

5.6.2018, all WCDC members were against the relaxation of BHR incorporated in the current OZP;

- (b) a relaxation of BHR would expedite redevelopment. Taller buildings would affect the sunlight penetration and air ventilation, which would in turn have adverse impact on the health and well being of local residents;
- (c) relaxation of BHR would encourage redevelopment of existing buildings that had not been developed to their full development potential. Although the OZP amendment did not involve any change in development intensity, when the above-mentioned buildings were redeveloped, there would be an increase in gross floor area (GFA). There would be a corresponding increase in both vehicular and pedestrian traffic;
- (d) in recommending the BHR relaxation, PlanD had not provided information on the number of buildings that were over 50 years and less than 7 storeys in height. With a lack of information to assess the total increase in GFA resulting from redevelopment, technical assessments in respect of traffic and air quality impacts were also not available. It would be difficult for the public to comment on the OZP without such assessments;
- (e) no consideration had been given to how the existing residents were able to continue living in Wan Chai if the existing buildings were redeveloped. Their social network established over the years would be disrupted. The disruption to their social network could not be compensated by providing new public floor space in the new development;

[Mr Philip S.L. Kan arrived to join the meeting at this point.]

- (f) Wan Chai was already densely developed and there was traffic congestion in Hennessy Road and Gloucester Road. There was doubt on the effectiveness of any new infrastructure facilities in relieving the traffic problem. BHR relaxation would encourage redevelopment. Any

increase in GFA, as a result of developing the remaining potential GFA at various sites, would bring in additional traffic and worsen the situation;

- (g) redevelopment of existing buildings into taller buildings would aggravate the wall effect and the heat island effect. PlanD claimed that the visual impact resulting from the BHR relaxation was not significant. However, the photomontages prepared by PlanD only showed a distant view of Wan Chai. The impact was much worse if the street views from within Wan Chai were considered;
- (h) there was concern on the proposed conversion of the ex-Wan Chai Police Station (ex-WCPS) into a hotel. That building should be preserved in conjunction with the adjacent ex-WCPMQ site;
- (i) it was not acceptable that WCDC's objecting views on the OZP was ignored and PlanD's justifications for relaxing the BHR on the OZP should not be accepted. PlanD should be requested to provide the information required by WCDC for their assessment on the impact of the OZP amendments; and
- (j) a clause should be added in the Notes of the OZP to prohibit further relaxation of development restrictions in order not to aggravate the problems in Wan Chai.

16. With the aid of a PowerPoint presentation, Mr Mak Chi Hin of the Office of Clarisse Yeung District Councillor made the following main points :

- (a) the current OZP amendments were largely responding to the judgment of CFA in 2016 to reconsider some representations on the previous OZP with a view to striking a balance between private property rights and the public interest. In fact, a proportionality analysis should be carried out. In view that the traffic in Wan Chai was already congested and the area was densely populated, the Board should not relax the BHRs in the area. Any increase in the development intensity should be prohibited to protect the

amenity, sky view, air ventilation and hygiene currently enjoyed by the public;

- (b) the relaxation of BHR would expedite the redevelopment process. Noting that the development potential of some properties near Hopewell Centre had not been fully developed, redeveloping these properties up to the permitted development intensity would increase the total GFA in the area. Existing residents might be harassed during the acquisition process. These factors should also be considered in proposing the BHR relaxation;
- (c) as mentioned by Miss Yeung Suet Ying Clarisse, the traffic impact had not been assessed. The redevelopment of under-utilized sites to their full development potential would result in additional GFA, hence would aggravate the already congested traffic condition in Wan Chai; and
- (d) the relaxation of BHR would further increase the urban canopy, which was already at a very high level. The SB arrangements and the adoption of SBDG could only relieve the adverse impact of the deteriorating sky view factor and air ventilation, rather than addressing the problem. While the photomontages showed the visual impact of the relaxed BHR from a distance, there was no assessment on the impact at street level within Wan Chai.

[Ms Sandy H.Y. Wong left the meeting temporarily at this point.]

17. With the aid of a PowerPoint presentation, Ms Cheung Sin Ying of the Office of Clarisse Yeung District Councillor made the following main points :

- (a) the relaxation of BHR would result in the development of tall buildings, which would reduce the amount of sunlight penetration and adversely affect the community health. Buildings with adequate sunlight penetration and air ventilation would help prohibit the spreading of diseases as well as relieving stress;

- (b) residents' right to enjoy natural sunlight for a minimum of 3 hours daily was protected in many countries. While there were technical guidelines in Taiwan to require the assessment of shadowing effect of proposed high-rise development on the surrounding buildings, there was no such consideration in the HKPSG;
- (c) developments prior to 1967 in Hong Kong were subject to street shadowing assessment under the B(P)R to ensure natural sunlight penetration. However, the street shadowing restriction was abandoned since 1987, resulting in the development of tall buildings which caused wall effect;
- (d) since many existing buildings within Items D and E on the OZP, i.e. areas to the north of Morrison Hill and near Hopewell Centre respectively, had met the street shadowing requirement, sunlight penetration in those areas were desirable. The relaxation of BHR on the OZP would result in high-rise redevelopment in those areas, which represented a major setback in the local environment and was not in line with the principle of sustainable development;
- (e) PlanD had only assessed the visual impact of relaxing BHR from major vantage points without assessing the sky view factor as viewed at street level, which concerned local residents the most. This approach deprived local residents' right to enjoy natural sunlight/sky view and was not in line with the Ordinance in promoting the health, convenience and general welfare of the community; and

[Dr C.H. Hau left the meeting at this point.]

- (f) a research carried out by the University of Hong Kong revealed that for every reduction of skyview factor (SVF) by 0.15, the average temperature at street level would increase by 1 degree Celsius. The benefit of building setback could not offset the adverse impact of BH increase. Also, deleting the NBAs on the Wan Chai OZP would reduce the amount

of public space and would not contribute to the provision of a comfortable living environment.

18. With the aid of a PowerPoint presentation, Mr Tang Kin Tat, Community Organizer of the Office of Clarisse Yeung District Councillor, made the following main points :

- (a) relaxation of BHR would expedite redevelopment of the “OU(MU)” sites. There was a tendency in Wan Chai that residential buildings were redeveloped for commercial uses, displacing local shops on the ground floors of those buildings in the process. Wan Chai was becoming highly commercialised, making the district less and less suitable as a living place;
- (b) the population in Wan Chai was aging. As residents were getting older, their circles of activity were getting smaller. It would be inconvenient for the local residents that the local shops and community facilities serving the area were displaced;
- (c) while the Court’s judgment required the consideration of private property right in imposing development restrictions, the NBAs on both sides of the ex-WCPS and the ex-WCPMQ sites should not be deleted as those sites had not been disposed of, hence no private property right would be affected. The deletion of those NBAs contradicted the rationale of imposing the NBAs in the previous version of the OZP. Although the relevant NBAs might not significantly improve the wind environment of Wan Chai, they could provide a north-south air path for wind penetration towards the inland;
- (d) the deletion of NBAs would reduce public space, which would affect the public benefit. While the Government had announced that the government offices in Wan Chai North and the adjacent Kong Wan Fire Station would be relocated, the reprovisioning of those government offices and facilities would occupy land that could otherwise be developed

for the provision of community facilities. The well-being of the general public was being sacrificed;

- (e) the preservation and rehabilitation of the ex-WCPS was doubted as there had not been any successful examples where the rehabilitated use would be open to the general public. The ex-WCPS and the ex-WCPMQ site should be retained as “G/IC” and “O” for use by the public; and
- (f) despite the objection from WCDC on the relaxation of BHR on the Wan Chai OZP, the OZP was still submitted to the Board for consideration and subsequently gazetted. The views of WCDC were not respected.

19. With the aid of a PowerPoint presentation, Mr Charlton Cheung made the following main points :

- (a) the deletion of the NBAs and BGs under Items F and G were objected to;
- (b) according to the SBDG, a 15m wide BG should be provided within development sites with a frontage of over 60m or of 2ha in area. However, there were few redevelopment sites in Wan Chai that met the above criteria. The subject NBAs formed a readily planned continuous air path spanning over the ex-WCPS, the ex-WCPMQ, Wan Chai Market and the Hennessy Road Government Primary School, it would be impossible that such an air path could be provided if the NBAs were deleted;
- (c) while the SBDG required the provision of BG for sizable sites, it had no control on areas outside the redevelopment site and the BG required might be blocked by existing developments as in the case of the NBAs on both sides of the ex-WCPS and ex-WCPMQ sites. The NBAs, which formed part of a continuous air path, was thus more preferable; and
- (d) while the visual impacts of relaxing the BHR from major public vantage points from Tsim Sha Tsui and the Stubbs Road Lookout Point had been

considered, they were not from the perspective of Wan Chai residents who were most concerned with the street view within Wan Chai from the pedestrian level. The well-being of local residents should be considered.

20. As a conclusion, Miss Yeung Suet Ying Clarisse reiterated that all sizable open space and parks/playground fell outside the Wan Chai OZP planning scheme boundary. While PlanD stated that the open space provision in Wan Chai District was adequate, its average open space provision was one of the lowest amongst various districts in Hong Kong. The public open space provided within redevelopment sites such as Lee Tung Avenue was not easily accessible and was subject to a number of restrictions as it was under private management. The well-being of local residents should be considered and they should not be driven out in the redevelopment process. Commercial developments should not out-weigh residential developments in Wan Chai.

R28 – Arthur Yeung

21. Mr Arthur Yeung made the following main points :

- (a) the current amendments to the OZP was to take forward the Court's ruling on a JR case to take into consideration the development right in designating development restrictions. However, the crux of the Court's order was to strike a balance between development right and the public interest, rather than reviewing the OZP in favour of the developers;
- (b) the current amendments to the OZP were in favour of the developers and the general public would not benefit from the relaxation of BHR. Although PlanD had reiterated that the relaxation of BHR would not result in any increase in development intensity, an increase in BH would encourage redevelopment and increase property value. While the developers would benefit from higher profit, the general public would suffer from higher property price and loss of natural sunlight;
- (c) the Ordinance was intended to promote the health, safety, convenience and general welfare of the community by making provision for the

systematic preparation and approval of plans for the lay-out of areas in Hong Kong as well as for the types of building suitable for erection therein and for the preparation and approval of plans for areas within which permission was required for development. He doubted how the current amendments to the OZP could achieve the above intention; and

- (d) the various development restrictions, e.g. BH, PR, NBAs etc were designated to ensure that developments would not be excessive. These restrictions should have already struck a balance between the public interest as well as the development right, as required by the Court. A review of the BHR in the Wan Chai OZP would set an undesirable precedent as there could be more challenges on development restrictions in future. While the BHRs under the Causeway Bay OZP and Wan Chai OZP were reviewed, it would encourage more JRs from developers whenever they were not satisfied with the restrictions imposed. The development control mechanism could collapse as a result of this.

22. The Chairperson said that on request of some representers and with no objection from other representers and commenters at the meeting, the following representers were invited to make their oral submissions first as they would not be able to attend the afternoon session of the meeting.

R71 – Fato Leung

23. With the aid of the visualizer, Ms Yip Mee Yung made the following main points :

- (a) she was a Wan Chai resident and objected to the relaxation of BHR from 100mPD to 110mPD under Item E1, as well as the deletion of NBAs on both sides of the ex-WCPS and ex-WCPMQ sites;
- (b) Blue House was currently surrounded by residential developments. A relaxation of the BHR in the area would provide incentive for redevelopment and Blue House would soon be surrounded by tall

buildings. Blue House could currently have several hours of natural sunlight from 10:00 a.m. to 2:00 p.m. There would only be natural sunlight at mid-day in the future if its immediate surrounding were redeveloped into high-rise buildings;

- (c) the then Secretary for Development indicated in 2009 that there would be a heritage trail in Wan Chai, linking up the ex-WCPS, post office, Blue House and a temple. Redevelopment should not be encouraged in the vicinity of Blue House; and
- (d) local residents were worried that the relaxation of BHRs in the OZP would expedite redevelopment, which would affect their current living environment and social network. As such, they were against the amendments to the OZP and requested to maintain the status quo.

[Dr Frankie W.C. Yeung left the meeting at this point.]

R69 – 李雲珍

24. Ms Fung Wai Lin made the following main points :

- (a) she had been living in Wan Chai for 67 years, with more than 40 years in areas covered by Item E1 on the OZP. She objected to relaxing the BHR under Item E1;
- (b) the air ventilation in Stone Nullah Lane where she lived was not good. The exhaust from vehicles and the fume from the nearby eating places could not disperse, and the northerly wind blowing into the area was blocked by tall buildings such as One Wanchai, The Zenith and No. 248 QRE. She was already suffering from respiratory problems. If the BHR was relaxed, there would be even taller buildings and the air quality in the area where she lived would become worse; and

- (c) with tall buildings in the surrounding area, she had already lost the distant view from her flat towards the harbour. She could not afford to suffer more from the worsening air quality.

R55 – Tsang Hau Yim Jasmine

25. Mr Lai Yuk Ming made the following main points :

- (a) he had been living and working in Wan Chai for over 20 years and he doubted whether open space provision in Wan Chai was adequate. From his observation, Southorn Playground was the biggest open space in the area with a football field and several basketball courts. However, the children playground was very small and could not meet the needs of the residents. Although there were pockets of open space in Wan Chai, they were just tiny sitting out area;
- (b) he also had doubt on some representers' claim that further relaxing the BHR would improve the provision of open space and living environment. The open space to be provided in new developments would mostly be located on podiums and would not benefit the local residents. While new developments would have luxurious clubhouse, future residents would have to live in smaller flats in view of the higher price. The quality of living might not be improved;
- (c) taller developments would affect air ventilation and the glass panels on the external walls of these buildings would cause greenhouse effect. Those relatively low-rise existing buildings would suffer. In sum, local residents would be driven out of Wan Chai, and those who stayed in the area would be surrounded by tall buildings and suffer from the heat and noise;
- (d) as redevelopment in Wan Chai took place, residents and local shops in small communities were driven out and replaced by pricey high-rise

residential developments with commercial podium selling expensive goods, e.g. One Wanchai and Lee Tung Avenue; and

- (e) planning for a better environment should benefit the general public and local residents, and not any particular group of people such as developers and entrepreneur.

[Mr Franklin Yu left the meeting at this point.]

R75 – 蔡少華

26. Ms Zeng Jiehua made the following main points :

- (a) she had been living in Wan Chai for many years and objected to the relaxation of BHR from 100mPD to 110mPD under Item E1;
- (b) there was inadequate open space in Wan Chai and children were forced to stay at home;
- (c) the building she was living in was relatively low-rise and she could feel the pressure imposed by the surrounding tall buildings, e.g. Lee Tung Street. The local residents had to endure poor air quality and noisy environment as the surrounding tall buildings trapped the fume and noise;
- (d) in anticipation of a relaxation of BHR in Wan Chai, there would be offer from developers to acquire existing properties for redevelopment. Residents, particularly the elderly, were worried that they would be driven out of Wan Chai if their properties were to be redeveloped. It would be stressful for the elderly to adapt themselves to a new living environment; and
- (e) a proper land use planning should take into consideration the needs of the grass-root levels. They wanted to continue living in Wan Chai.

R61 – Choi Yuk Kuen

27. Ms Choi Yuk Kuen made the following main points :

- (a) she was concerned with the preservation of Blue House and objected to relaxing the BHR under Item E1;
- (b) some representers argued that a more relaxed BHR would provide flexibility in building design. However, the impact of high-rise buildings on local district was ignored;
- (c) the area to the south of QRE, where Blue House was located, was one of the earliest urban settlements in Wan Chai. The preservation of Blue House was more than just preserving a single building, but the culture of a local community in Wan Chai. Such could not be expressed by photo records of the original buildings after their redevelopment;
- (d) relaxation of BHR should be considered carefully and it should not be examined merely from the perspectives of visual and urban design. The assumption that not all buildings would be redeveloped to the maximum BH permitted was too idealistic. Vibrancy in the city could not be achieved by building more tall buildings. The future developments in Hong Kong should not merely focus on meeting the need for more commercial developments. Preserving the original local community was also important; and
- (e) the achievement in preserving Blue House was widely recognized. Consideration in preserving the historical culture of a local community in the inner urban area was just as important as having an interesting skyline viewing from the harbour. A more down to the earth approach that could benefit the local community was needed in planning Wan Chai.

[The meeting was adjourned for lunch break at 1:25 p.m.]

28. The meeting was resumed at 2:30 p.m.

29. The following Members and the Secretary were present at the resumed meeting :

Permanent Secretary for Development
(Planning and Lands)
Ms Bernadette H.H. Linn

Chairperson

Professor S.C. Wong

Vice-chairperson

Mr Lincoln L.H. Huang

Mr Sunny L.K. Ho

Dr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr Wilson Y.W. Fung

Professor T.S. Liu

Ms Sandy H.Y. Wong

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Chief Traffic Engineer (Hong Kong)
Transport Department
Mr Eddie S.K. Leung

Chief Engineer (Works)
Home Affairs Department
Mr Martin W.C. Kwan

Deputy Director of Environmental Protection (1)
Environmental Protection Department
Mr Elvis W.K. Au

Assistant Director (Regional 1)
Lands Department
Mr Simon S.W. Wang

Director of Planning
Mr Raymond K.W. Lee

Agenda Item 1 (Continued)

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of Draft Wan Chai Outline Zoning Plan No. S/H5/28

(TPB Paper No. 10512)

[The item was conducted in Cantonese and English.]

Presentation Session (Continued)

30. The following government representatives, representers/commenters and their representatives were invited to the meeting at this point::

Planning Department's (PlanD's) representatives

- | | | |
|---------------------|---|---|
| Mr Louis K.H. Kau | - | District Planning Officer/Hong Kong
(DPO/HK) |
| Mr Anthony K.O. Luk | - | Senior Town Planner/Hong Kong
(STP/HK) |

Representers/Commenters and their Representatives

R2 – Lee Theatre Realty Limited

R3 – Leighton Property Company Limited

C2 – Yun Fan Lai

C3 – Dora Chan

- | | | |
|-----------------------------------|---|-------------------------------|
| <i>Hysan Development Co. Ltd.</i> |] | |
| Ms Cheung Ka Ki |] | |
| Mr Tung Yin Kwun Mark |] | |
| Ms Winnie Wong |] | Representers' and Commenters' |
| <i>Masterplan Limited</i> |] | representatives |
| Ms Kira Brownlee |] | |

Ronald Lu & Partners]
Mr Ip Kar Wai Kelvin]

R4 – Cherish Shine Limited

C4 – Chu Siu Sze Cecilia

Masterplan Limited] Representers' and Commenters'
Ms Cynthia Chan] representative

R5 –REDA

C6 – Lau Shun Wah Maggie

Masterplan Limited]
Ms Wong Oi Chu] Representers' and Commenters'
Ms Cynthia Chan] representatives

R8/C9 – Mary Mulvihill

Ms Mary Mulvihill - Representer/Commenter

R32 – Yeung Kam Piu

Mr Chan Kwan Lok Cryus - Representer's representative

R46 – Leung Chung Man Alex

Ms Leung Lai Yin - Representer's representative

R57 – Kong Sze Wai Rainbow

R58 – Tam Mei Yuk

Ms Yang Yadi - Representers' representative

R62 – Tsang Chi Hung

Mr Tsang Chi Hung - Representer

R68 – Luk Yin Yung

Ms Luk Yin Yung - Representer

C1 – Lau Chun Kit

Mr Lau Chun Kit - Commenter

31. The Chairperson extended a welcome and invited the representers, commenters and their representatives to elaborate on their submissions.

R62 – Tsang Chi Hung

32. Mr Tsang Chi Hung made the following main points:

- (a) he was a member of a local community group and opposed revision to the building height restriction (BHR) of the “Residential (Group A)” (“R(A)”) zone to the south of Queen’s Road East under Item E1. They had carried out a questionnaire survey in the area and found that more than 60% of the about 80 respondents had lived in the area for over ten years and among them about 90% did not understand the details of the proposed amendment regarding Item E1;
- (b) the main local concern was on congested street conditions. The streets surrounding Queen’s Road East, such as Stone Nullah Lane, King Sing Street, Hing Wan Street, Kat On Street, and Lung On Street were very narrow. There was insufficient space for vehicles using these streets including Stone Nullah Lane to u-turn. The local traffic was often congested along those streets. While they supported the proposal to maintain the current setback requirement along Spring Garden Lane, a better street improvement plan would be required to cater for the increases in traffic brought by the proposed relaxation in BHR. It should also be noted that the tenement buildings in the area had not yet been built to the maximum permissible bulk;
- (c) besides street improvement, residents in the area had much expectation on the preservation of community network as well as the nearby historic buildings. These concerns were similar to those raised by the Wan Chai District Council (WCDC); and

- (d) though the number of representations received by the Board was not large, a high proportion was made by the local residents, stakeholders as well as WCDC. A longer public consultation period should be allowed.

R57 – Kong Sze Wai Rainbow

R58 – Tam Mei Yuk

33. With the aid of a visualizer and some PowerPoint slides, Ms Yang Yadi made the following main points:

- (a) she was not just speaking for herself, but also on behalf of the residents and users of the Blue House. As a social worker working in the area, she had taken up the role to collect the views of the local residents and users regarding the OZP amendments;
- (b) according to the findings of their home visits and questionnaires, the local residents opposed the revision of BHR under Item E1. It was also noted that 94% of the about 80 respondents was not aware of the OZP amendments. In a recent forum held for local residents, it was found that about 80% of the 68 attendees did not understand the details regarding Item E1. Consultation with the stakeholders was an essential element in the planning process as the residents and users of the area would be affected by the amendments. Hence, the current public consultation method with insufficient engagement of the local stakeholders and short consultation period should be reviewed;
- (c) the character of the area at eastern part and western part of Queen's Road East was very different, but the proposed BH was the same in the current OZP amendments. The BH review was thus considered too broad brush and had not taken into account local character and community needs of the two areas. The plot ratio and development profile of the existing buildings should be respected in setting the BHR and the constraints in development capacity as well as their adverse impacts on air ventilation,

living environment, traffic and pedestrian environment should not be neglected. The OZP should be further reviewed based on the community needs;

- (d) urban planning should be people-oriented. The Blue House in the area was a unique 4-storey tenement block at Stone Nullah Lane with distinct heritage and cultural characteristics. It had won the UNESCO's heritage conservation award. The heritage significance of the Blue House was not only on the architecture of the building, but also on the living history and culture of a neighbourhood. Wan Chai being one of the earliest settlements in Hong Kong had a long history of local culture which was different from other districts; and
- (e) the proposed BH relaxation would bring not only pencil tower and unaffordable housing, but also adverse impacts on air ventilation, sky view, greening and sunlight penetration. The proposed OZP amendment was not in line with the concept of sustainable development, not respecting local character and site specific consideration, and was in lack of local participation.

R32 – Yeung Kam Piu

34. With the aid of some PowerPoint slides, Mr Chan Kwan Lok, Cryus made the following main points:

- (a) being a social worker trainee in the area, he had concerns on the implication of Item E1 on the Stone Nullah Lane area and opposed the revision of BHR relating to the area. The OZP amendments did not take into account the local character of the area nor the views of the community. The relaxation of BHR would speed up acquisition and redevelopment of existing buildings, lead to gentrification and result in drastic increase in property price. It would only benefit the developers rather than the local residents;

- (b) Wan Chai was an old district which was densely built. The average building age in the Stone Nullah Lane area was up to 46 years and over 40% of the buildings were more than 50 years old but residents still loved to live in there because of its tranquil environment, strong community relationship and sense of belonging. However, the local residents were now worried that the proposed BH would speed up redevelopment of the existing buildings, displace the existing residents, and affect the community relationship and existing character. While adverse impacts on air ventilation and sunlight penetration could be alleviated technically through implementation of mitigation measures, social networks and human relationship would be difficult to be re-established once uprooted; and
- (c) a community of unique local character was much needed for the local residents in the area rather than high-rise buildings and economic development. Members of the Board were requested to respect the local character and actual need of the local residents when deciding on amendment to the OZP. The OZP should have a longer public consultation period.

R46 – Leung Chung Man Alex

35. Ms Leung Lai Yin made the following main points:

- (a) she had been a student of a school at Queen's Road East and was now a social worker working for the local community. She opposed Item E1 which revised the BHR of the area from 100 mPD to 110 mPD. The amendment had not respected the local character, heritage buildings and local shops in the area as well as was not people-oriented;
- (b) the increase in BHR would speed up acquisition and redevelopment of the existing buildings. Though there would not be any change to the permitted development intensity on the OZP, the relaxation of BHR

would encourage adoption of the Sustainable Building Design Guidelines (SBDG) which would result in gross floor area (GFA) concession with a bigger building bulk. Besides, there would be no guarantee that the redevelopment would follow the SBDG to enhance the local environment. Even if SBDG were adopted, there was no requirement for preservation of the local community;

- (c) most of the existing tenement blocks in the area were less than 10 storeys and had not fully utilised the permitted plot ratio of the site. At present, the Queen's Road East was already very congested, in particular near the junction of Stone Nullah Lane. The traffic congestion had affected the emergency vehicles accessing to and from the nearby Ruttonjee Hospital. Any additional traffic flow upon completion of the new developments would further aggravate the congestion problems. She doubted whether a traffic impact assessment had been carried out to support the OZP amendment;
- (d) she proposed to adopt a community-led, bottom-up and participatory approach in the planning process, and urban design of the area should be formulated with sufficient local consultation and residents' participation while making references to the existing unique local character. The planning process should take into account the five major elements; i.e. people-oriented, community based, local character, building structures and environment; and
- (e) in view of the complicated issues involved, the consultation period should be extended.

R68 – Luk Yin Yung

36. Ms Luk Yin Yung made the following main points:

- (a) she was working at the community group of Yellow House. She had

been in Wan Chai for 18 years and observed the proliferation of tall buildings in the area. The sunlight penetration period was now getting shorter and shorter. There was no consideration on the sky view factor. Residents in the area could hardly see the sky when looking up from street level. When the future tall buildings with the relaxed BHR were completed, they would further block sunlight penetration leading to shadowing effect and deterioration of the living environment. She thus opposed the amendment to increase the BHR of the area;

- (b) though some developers claimed that they had provided public open space including children's play area and landscaped garden at the lower floors of the new development, they were usually not easily accessible to the non-residents. Open space provided on upper floors of a development would discourage outreaching of children to the community. For example, the Avenue project of the Urban Renewal Authority, most of the public open space was located at the fifth level of the development. Open-to-sky design allowing outdoor activities should thus be encouraged to enhance the living environment and social connectivity; and
- (c) community network and human warmth would be damaged upon redevelopment. The proposed increase in BH would raise property price and increase traffic flow. The increase in traffic flow and population would lead to congestion and deterioration of air quality.

C1 – Lau Chun Kit

37. Mr Lau Chun Kit made the following main points:

- (a) he supported all the amendment items including relaxation of the BHR as the proposed amendments had considered the overall impacts, urban design principles set out in the Urban Design Guidelines under the Hong Kong Planning Standards and Guidelines (HKPSG), as well as the SBDG

including building setback, building separation and greenery. The proposed amendments would allow design flexibility, wider footpaths and reduction in bulk of the podium which would enhance the pedestrian environment;

- (b) he supported the “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”) zone which would allow flexibility for various types of uses;
- (c) he also supported the Ex-Wan Chai Police Station (Ex-WCPS) and Ex-Wan Chai Police Married Quarters (Ex-WCPMQ) revitalisation scheme which allowed comprehensive development bundled with commercial elements. It was an integrated project with the preservation and adaptive re-use of the Ex-WCPS which was a historic building and would not be demolished. The combined development of the two sites would provide incentive for preservation and allow economy of scale and more variety of uses;
- (d) he noted that the overall provision of the open space in the Wan Chai District would be adequate to meet the requirement of the planned population in the area. There might be some deficiency in local open space in certain part of the area, such as the western part of Wan Chai. Due to the problem of land ownership which could not be solved through land use planning, the provision of public open space at the podium levels was considered an acceptable measure to solve the shortfall;
- (e) Wan Chai was an old district and under a great pressure of redevelopment. If there was no incentive for redevelopment, there would be no solution space for provision of required facilities and improvement of the living environment. To facilitate air ventilation, setback requirements for narrow streets connecting Queen’s Road East were maintained, for example, the setback requirement at Anton Street would improve air ventilation and sunlight penetration;

- (f) both the Court's ruling and private property rights should be respected. The relaxation of BHR under Item E1 was only 10m, it would not have significant impact in terms of profit making and was not to give benefits to the private developers; and
- (g) the OZP amendments were presented to the WCDC and there were conflicting views. Land use planning could not satisfy everyone's need. Wan Chai was an old district and its redevelopment would be inevitable due to the high maintenance and rehabilitation costs. Social network and community relationship were very subjective. He understood there were cases that the maintenance and rehabilitation issues had resulted in breaking of relationship among neighbours.

[Mr Lincoln L.H. Huang left the meeting at this point.]

R8/C9 – Mary Mulvihill

38. With the aid of a visualizer, Ms Mary Mulvihill made the following main points:
- (a) the role of the Board was to safeguard the community and not the interests of the developers. She questioned the arguments of R2 and R3 that the green roof garden and high floor to floor height (FTFH) would be provided for societal benefits. For the current redevelopment projects, developers often submitted applications for minor relaxation and minor amendment to approved scheme to increase the BH during the implementation stage of the approved scheme. It was disingenuous for the developers to say that their rights had been affected. The Court was not aware of the extent of abuses that had been allowed by means of minor relaxations of BH. The developers would still ask for more even after the increase in BH on the OZP was approved. The proposed innovative building design would be used as an excuse for raising the BH of a building and it would be more prudent for the Board to apply a lower BHR to ring fence public interest;

- (b) Wan Chai was a densely built and populated area with shortfall in open space. The proposed increase in BH would attract more residents and workers into the district, however, no additional open space was proposed in the current OZP amendments. PlanD's response that the revisions to the BHRs did not involve any additional plot ratio and that not all the redevelopment projects would maximise their permitted development intensity was doubtful, bearing in mind the recent approved schemes of Hopewell and Swire Properties for commercial development at two sites zoned "Residential" in the area had involved a higher plot ratio of 18 and 15 respectively;
- (c) there were serious discussions on Sau Wa Fong, which was a well-preserved terraced area in Wan Chai, during the hearing meetings in the 2010 OZP amendments. As there were many newly approved developments since 2010 and additional walled buildings had been completed, she queried why the area was not covered by the current OZP review. Not only the right and benefits of the developers should be considered, the existing character and impacts of the recent changes to the local community should also be taken into account;
- (d) as indicated in its submission, even REDA (R5) shared the views that Wan Chai was a dense urban area with shortfall in open space and that the Government should look for more land for open space. It should be noted that the area zoned "Open Space" was reduced when compared with the previous version of the OZP;
- (e) there was no strong planning justification to convert unused government sites into residential use. The development of the Wesley Hotel of the Methodist Church at Johnston Road on the "Government, Institution or Community" ("G/IC") zone was a planning loophole. Development on "G/IC" zone with more than 50% for commercial use should not be approved by the Board and should have paid full premium. The Lui Kee Education Services Centre at Queen's Road East which was a

government building should be rezoned back to “G/IC” for provision of Government, institution and community (GIC) facilities to address the shortfall;

- (f) the provision of GIC facilities in Wan Chai District should be updated taking into account the latest amendments to the planning standards for provision of elderly services and facilities. As indicated in Annex VII of the TPB Paper No. 10512, there were currently deficits in the provision of day care centres and residential care homes for the elderly. The population figure adopted by PlanD for the provision of GIC facilities was also not updated and thus the estimated requirements for such facilities was doubtful. Besides, the need for elderly services and facilities would probably be even greater in view of the ageing population;
- (g) the Court’s ruling on the Judicial Reviews (JRs) was not against the Board’s decision on imposing BHR. The proposed amendments were contradictory to the decision made in 2010 and exclusively for the benefits of the developers. The Government took the advantage of the Court’s ruling to increase the BHs which were not the subject of any legal proceeding and had disregarded the need to review those aspects of community interests;
- (h) according to the Notes of the Wan Chai OZP for the “G/IC” zone for the Methodist Church site located at the junction of Queen’s Road East and Kennedy Road, a covered open space of not less than 360m² at street level with open-sided frontages should be provided, however, it was observed that the public open space had not been properly implemented for public enjoyment. As such, the provision of public open space was only an excuse to provide additional relaxations as there would be no guarantee for community benefits in return; and
- (i) representatives of concerned departments such as Environmental

Protection Department, Transport Department, and Home Affairs Department should be invited to attend the meeting to provide responses to the relevant issues raised and the Question and Answer (Q&A) session should also be reviewed to allow the representers and commenters to ask questions.

Question and Answer Session

39. As the presentation from the government's representatives, representers, commenters or their representatives had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the government's representatives, representers, commenters or their representatives to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board, or for cross-examination between parties. The Chairperson then invited questions from Members.

The OZP Review

40. The Chairperson, Vice-Chairperson and some Members had the following questions regarding the OZP review:

- (a) whether the OZP review was a comprehensive review of the overall land use or just a review of the development restrictions as required by the Court judgment;
- (b) whether the current OZP amendments had involved changes to the plot ratio or development intensity and whether any mechanism was available to control the development bulk;
- (c) noting that the tenement buildings in the surroundings had not yet been built to their maximum permissible bulk, whether relaxation of BHR would encourage redevelopment and increase the density of the area;

- (d) whether there was a total relaxation of BHR in the area, and the reason why stepped BH profile had not been applied in the western part of Wan Chai near Queen's Road East; and
- (e) as some surrounding developments were of 200mPD high, the rationale for setting a BHR of 135mPD for the representation sites of R2 and R3.

41. In response, Mr Louis K.H. Kau, DPO/HK, PlanD, made the following main points with the aid of some PowerPoint slides and the visualizer:

- (a) the OZP review on development restrictions including BHR, non-building area (NBA), building gap (BG) and setback requirements was in response to the Court's rulings on the JRs related to the imposition of development restrictions under the previous version of the OZP (No. S/H5/26);
- (b) the current OZP amendments had taken into account all relevant planning and design considerations, the SBDG requirements, and permitted development intensity. Having considered the principles/concept of the current BHRs as well as the implications of the SBDG requirements, the proposed revisions to the BHRs included, among others, relaxing "Commercial" ("C") sites currently subject to BHR of 130mPD to 135mPD, and "R(A)" sites subject to BHR of 100mPD to the South of Queen's Road East to 110mPD. There was no change to the restriction on plot ratio or development intensity under the OZP. As there was no plot ratio restriction on the Wan Chai OZP in general except for a number of sites both before and after the OZP amendments, development/redevelopment would continue to be subject to the permissible plot ratio under the Building (Planning) Regulations (B(P)R);
- (c) according to PlanD's record, there were not many redevelopment schemes approved in the area since the imposition of the BHR on the OZP in 2010, probably due to scattered land ownership. Whether a private building would be redeveloped hinged on a myriad of factors.

As such, an upsurge of large-scale redevelopment cases solely due to the relaxation of BHR was not envisaged;

- (d) the “C” sites bounded by Tonnochy Road, Hennessy Road, Percival Street and Gloucester Road were currently subject to BHR of 110mPD. The BHR of those sites was maintained at 110mPD after the BH review so as to minimise the impact on the public view to the harbour from Stubb Road view point. As such, for the future redevelopments thereat, design approach and/or lower FTFH would need to be adopted for compliance with the BHR of 110mPD. The proposed BHR was considered appropriate after striking a balance between development rights and public interest. The stepped height profile ascending from the harbour and gradually rising towards the landward side would not be achievable, given the existing high-rise developments in Wan Chai North. The northern part of the area on the OZP was zoned “C” with a higher development intensity and hence a higher BH was required, while the inland area to the south of Johnston Road and Queen’s Road East was zoned “R(A)” with relatively lower development intensity and BH; and
- (e) the three landmark buildings in the Wan Chai/Causeway Bay area namely Times Square, Lee Garden One and Hysan Place had formed the ‘triangle node’, with BH of 200mPD, as they were key destinations for shopping and entertainment in the area. However, there was no intention to allow the BH of all sites within the ‘triangle node’ to have a BHR of 200mPD to avoid proliferation of high-rise development. Besides, a building did not have to be the tallest building in a neighbourhood in order to be regarded as a landmark. Given a BH of 135mPD would be able to accommodate the permissible development intensity for commercial development having regard to the incorporation of the SBDG requirement, there was no justification for further relaxing the BHR of the representation sites of R2 and R3.

42. In response, Ms Mary Mulvihill (R8/C9) shared her views that the review of

development restrictions conducted for the OZP had merely focused on property development, other issues and local concerns had not been examined and potential adverse impacts of the relaxation of BHR had not been properly addressed.

Statutory Restrictions Vs Sustainable Building Design Guidelines

43. The Chairperson and some Members had the following questions regarding development restrictions on the OZP and requirements under SBDG:

- (a) while development restrictions on the OZP were statutory restrictions, whether SBDG were mandatory requirements for development proposals;
- (b) the differences between the development restrictions of the OZP and the SBDG requirements;
- (c) whether keeping the original NBA/BG requirements on the OZP at the Ex-WCPS, Ex-WCPMQ, Lockhart Road Municipal Services Building, Hennessy Road Government Primary School sites would be more effective than relying on the SBDG requirements. Whether deletion of those statutory restrictions (Item F1, F2, G1 and G2) would in effect take away the existing air paths, and whether PlanD would see any problem if the NBA/BG requirements for the Ex-WCPMQ site were retained on the OZP;
- (d) whether relying only on the SBDG would be sufficient to achieve the urban design purpose;
- (e) apart from the SBDG, whether there were other considerations in reviewing the development restrictions on the OZP;
- (f) the social benefits from imposing development restriction on the OZP and implementation of the SBDG; and

- (g) noting a representer's submission that BHRs for some sites in Tsim Sha Tsui were based on their approved building plans, whether a different approach was adopted in the formulation of BHR on the Wan Chai OZP.

44. In response, Mr Louis K.H. Kau, DPO/HK, PlanD, made the following main points with the aid of some PowerPoint slides and the visualizer:

- (a) SBDG requirements would be incorporated in the lease conditions of new land sale sites or inserted at the time of lease modifications/land exchanges. Compliance with SBDG was also one of the pre-requisites for granting GFA concessions by the Building Authority. Outside these contexts, the adoption of SBDG in any buildings was voluntary and a commercial decision of the developers;
- (b) SBDG was first promulgated in 2011 after the imposition of development restrictions on the Wan Chai OZP in 2010. The three key building design elements under the SBDG, including building separation, building setback and greenery coverage, were established to enhance air ventilation, living and pedestrian environments. While the drawing up of an OZP and the formulation of SBDG were pursued under the planning regime and the building regime respectively, they both contributed to a better built environment. SBDG was mainly concerned with detailed building design, while OZP was to illustrate broad land use zonings and planning principles to guide developments. The focus of OZP was more on the building bulk and air path in a district context, while SBDG was more concerned with the development of a specific site and thus the effect would be more localised;
- (c) the NBAs/BGs originally designated along the boundaries of the Ex-WCPS, Ex-WCPMQ, Lockhart Road Municipal Services Building and Hennessy Road Government Primary School sites were considered narrow and the wind entrance to those air paths had been partially blocked by the existing high-rise developments in the north. According

to the updated air ventilation assessment (AVA) conducted in 2018, those NBAs and BGs might not be able to serve as district air paths and there were alternative building design measures under SBDG that could serve similar air ventilation purpose for the locality, hence those requirements at the sites were deleted from the current OZP. Since the sites were government land, the SBDG requirements would be imposed in the lease conditions;

- (d) whether stipulating NBA/BG requirements on the OZP or adopting the SBDG would depend on the need for the control. Their implementation would probably have similar effects for the above four sites as they were small scale developments with localised effect. As the building of Ex-WCPS would be preserved, there would be not much difference if NBA was not deleted. However, more design constraints were anticipated if NBA requirements were imposed on the Ex-WCPMQ site;
- (e) it was anticipated that the general wind environment of the area would be improved in the long run when there were more redeveloped buildings following SBDG. As advised by the Buildings Department, about 50% of the proposed developments had followed the SBDG since its promulgation in 2011. That said, since the beneficial effect of SBDG could be localised, relying on SBDG alone would not be sufficient to ensure good air ventilation at the district level. Incorporating air ventilation measures at strategic locations on the OZP was still considered necessary;
- (f) the application of SBDG and classification of individual sites had been taken into account in formulating the BHRs. The implementation of the building setback and building separation requirements would lead to a reduction in site coverage of the podium/lower floors of a building and the GFA so displaced had to be accommodated at the upper portion of the building, which would result in an increase in the number of storeys and thus BH;

- (g) the social benefits of imposing development restrictions and adopting SBDG included the reduction in the number of walled building, reduction in the site coverage of the podium, improvement of pedestrian environment and air ventilation. The current OZP review was a follow-up action to the Court judgment. The major consideration was to take into account the SBDG requirements in formulating the development restrictions, having regard also to various factors including the existing land use zonings, existing development right/permmissible development intensity, air ventilation assessment findings, urban design principles and visual appraisal findings; and
- (h) Tsim Sha Tsui (TST) was a high-rise commercial node recognised in the Urban Design Guidelines and the recognition of the BH of committed developments with general building plans approvals was treated as an exception rather than a general rule.

Procedural Matters

45. The Chairperson and some Members had the following questions regarding the procedures in relation to the Court's judgment :

- (a) with reference to the background of the Court's judgment and the OZP review, whether the Court had specified which version of the draft Wan Chai OZP and the representations to be re-considered by the Board;
- (b) whether the Court had considered that the Board should not rely on the pursuit of minor relaxation of BHR when considering the achievement of a permmissible GFA; and
- (c) whether the current draft OZP (No. S/H5/28) had taken into account all the representations under the OZP No. S/H5/26, and whether the Board had to re-consider all the representations under the OZP No. S/H5/26.

46. In response, Mr Louis K.H. Kau, DPO/HK, PlanD, made the following main points with the aid of some PowerPoint slides and the visualizer:

- (a) the background of the JRs and the Court's judgment had already been set out in TPB Paper No. 10415. In 2014, the Court of Appeal (CA) quashed the Board's decision in respect of the draft Wan Chai OZP No. S/H5/26 made on 26.4.2011 on R97 (i.e. R2 and R3 of the current OZP) and remitted the decision to the Board for reconsideration. In 2016, the Court of Final Appeal (CFA) handed down its judgment on the appeals lodged by the Hysan Development Company Limited and its subsidiaries against the draft Causeway Bay and Wan Chai OZPs. Following the CFA judgment, the Board's decision remained quashed and was to be remitted to the Board for reconsideration. For the JR lodged by REDA (i.e. R34 of OZP No. S/H5/26 and R5 of the current OZP), the Court of First Instance handed down its judgment in 2015 and ordered that the Board's decisions on the representations in respect of the four concerned OZPs, including the draft Wan Chai OZP No. S/H5/26, were quashed and that the decisions be remitted to the Board for reconsideration;
- (b) in considering the above mentioned appeals, CA stated that although the SBDG and the OZP belonged to two different regimes, SBDG could have an effect on the working assumptions in respect of GFA concession. There was no reason why the possible impact of SBDG in combination with the proposed development restrictions under the draft OZP should not be acknowledged on a general level in the overall assessment of the impact on redevelopment intensity. CA also ruled that it was not open for the Board to rely on the minor relaxation mechanism as one of the substantive reasons for not upholding the representations; and
- (c) the current OZP amendments were mainly to respond to the Court's rulings to the amendments to previous OZP No. S/H5/26. The Board had taken reasonable steps to inquire into the current situation having regard to the current planning standards as well as existing circumstances.

Representations R34 and R97 to OZP No. S/H5/26 had been re-examined with reference to their submitted proposals and the prevailing circumstances of the representation sites. Their submissions on the then draft OZP No. S/H5/26 had been duly addressed and a summary of their representations and proposals, responses to their grounds was attached at Annexes H1 & H2, as well as a comparison of their proposals with the current OZP proposal were made in paragraph 9.4 of the TPB Paper No. 10415. For other representations on the draft OZP No. S/H5/26, they had been considered by the Board and there was no need to reconsider them in the current OZP amendments.

Representers' Proposals

47. The Chairperson and some Members had the following questions regarding the proposals submitted by the representers:

- (a) whether R2/R3's proposals with a BH of 165mPD and 200mPD were acceptable and what the major differences between PlanD's indicative schemes and the representers' proposed schemes were;
- (b) the site coverage (SC) adopted for the alternative schemes submitted for the Leighton Centre site;
- (c) whether the proposed scheme at Leighton Centre with approved building plans for a development with a BH of 200 mPD would be proceeded; and
- (d) whether further relaxation of BHR would allow a building design with more design features, amenities and facilities that would bring societal benefits such as improvements in pedestrian environment.

48. In response, Mr Louis K.H. Kau, DPO/HK, PlanD, made the following main points with the aid of some PowerPoint slides and the visualizer:

- (a) R2/R3 had provided alternative schemes for the Lee Theatre Plaza site and Leighton Centre site proposing further relaxation of BHR from 135mPD to 165mPD and 200mPD respectively. In determining the BHRs on the current OZP, it was considered that a BHR of 135mPD would be sufficient to accommodate the permissible development intensity for commercial development;
- (b) the general building plans for a proposed development with BH of 200mPD at the Leighton Centre site were approved by the Building Authority on 24.4.2009 before the BHRs restrictions on the OZP was imposed and SBDG had not yet come into effect at that time. The approved building plans before the imposition of BHRs on the OZP in 2010 could be proceeded with subject to the provision of the Buildings Ordinance;
- (c) the assumptions adopted by PlanD in formulating the BHR were provided in Annexes D and E of TPB Paper No. 10415. The FTFH assumptions were 5m for commercial podium and 4 to 4.5m for typical commercial floors. For residential buildings, a FTFH of 3 to 3.15m was adopted. Those assumptions had made reference to the general building plans approved in the recent years. According to PlanD's record, even after incorporating of the good design measures mentioned by the representers, the BH of Lee Garden Three was only 130mPD which was less than the maximum BH of 135mPD stipulated on the current OZP; and
- (d) the current BHRs for the representation sites were considered appropriate and had already allowed design flexibility for incorporation of SBDG requirements including greenery and/or design features on ground and at podium levels to improve both the living and pedestrian environment.

49. With the aid of some PowerPoint slides, Mr Ip Kar Wai Kelvin (representative of R2/R3's group) made the following main points:

- (a) a set of building plans for a proposed development with a BH of 200mPD was first approved by the Building Authority in 2009. The approved building plans of 2009 would not comply with the SBDG requirements as it was not yet in place at that time. There would also be no green features nor any room for significant design enhancement. With the 135mPD BHR, the development would not be able to incorporate the SBDG and other modern standards that would be to the public's benefits, major amendments to the approved building plans to incorporate SBDG requirements were not permitted as only minor amendments would be tolerated;
- (b) the representers only requested an increase in BH, the total GFA would remain unchanged. While the permitted maximum SC for the Leighton Centre site under the B(P)R was 65%, the SC of the 2009 approved scheme was 37.2% and that of the current proposed scheme of 200mPD incorporating SBDG was 44.5%. The permitted maximum SC was not a major consideration as natural light would be a problem for buildings with a large floor plate. Besides, the site configuration would be another major consideration;
- (c) for the Lee Theatre Plaza site, relaxation of the BHR from 135mPD to 165mPD would allow a high quality building which would provide more benefits to the public upon its redevelopment; and
- (d) the approved BH of 210mPD for the Hopewell II development were incorporated in the OZP. The OZP should also reflect the approved BH of 200mPD for the Leighton Centre site and it would not lead to a proliferation of buildings above the 135mPD.

50. In response to the Chairperson's question, Mr Louis K.H. Kau, DPO/HK, PlanD, said that the Hopewell Centre Phase II development was the subject of planning applications first approved by the Board in 1994. The Times Square development was completed and Hysan Place was already under construction at the time of the OZP amendments on the draft

OZP No. S/H5/26.

Open Space and GIC facilities

51. Some Members had the following questions regarding provision of open space and GIC facilities:

- (a) while the overall provision of the open space in the Wan Chai District was adequate, whether the provision of the open space in area covered by the Wan Chai OZP was also adequate in meeting the requirement of the planned population;
- (b) whether accessibility to public open space at the upper levels of a private development was a problem;
- (c) whether the proposal of some representatives to rezone the Ex-WCPMQ site to open space would be an effective way to enhance air ventilation; and
- (d) whether more facilities for the elderly should be incorporated in “G/IC” sites and whether hostel use which was not a genuine GIC facility should be allowed on “G/IC” sites.

52. In response, Mr Louis K.H. Kau, DPO/HK, PlanD, made the following main points with the aid of some PowerPoint slides and the visualizer:

- (a) according to HKPSG, the standards for provision of open space were 1m² of district open space (DO) and 1m² of local open space (LO) per person. Currently, there was an overall shortfall of 6.76 ha (1.38 ha in LO and 5.38 in DO) in the existing and planned open space in the Wan Chai OZP area. Nevertheless, the overall provision of the open space in the Wan Chai District, as shown in Annex VII of TPB Paper No. 10512, would be adequate to meet the requirement of the planned population in the district;

- (b) the public open space at the fifth floor of ‘the Avenue’ site could be accessed by a separate elevator from street level, and signage to the open space had been provided by the developer recently;
- (c) the proposal of rezoning unused government sites to “O” was not supported as the overall provision of the open space in the Wan Chai District was adequate;
- (d) the Wesley site at Johnston Road was developed in early years when hostel use was still a Column 1 use which was always permitted in the then “G/IC” zone and no planning application was required. The Lui Kee Education Services Centre at Queen’s Road East was rezoned from “G/IC” to “Residential (Group E)” (“R(E)”) for residential development in 2012 as the government use at the site was no longer required. Both sites were not related to any amendment items under the current OZP; and
- (e) the planning standards of elderly services and facilities under HKPSG were recently amended in December 2018 which aimed to enhance the medium and long-term planning for elderly services. The revised standards reflected the long-term target towards which the provision of elderly services and facilities would be adjusted progressively.

Other Aspects

53. The Chairperson and some Members had the following questions:

- (a) whether the proposed amendments would have adverse impact on the heritage buildings and the local community, as well as on the natural lighting; and
- (b) whether local concerns and those representers’ proposals not related to

the OZP amendments could be considered by the Board.

54. In response, Mr Louis K.H. Kau, DPO/HK, PlanD, made the following main points :

- (a) the current OZP amendments did not cover any heritage buildings. Social relationship as mentioned by some representers was not built upon land use zoning per se. While there were no planning standards on sunlight penetration, the building separation requirement under the SBDG as well as the prescribed windows requirement under the Buildings Ordinance might help to alleviate the problem to a certain extent; and
- (b) local concerns and land use proposals which were not related to the OZP amendments could generally be dealt with through application under section 12A of the Town Planning Ordinance (the Ordinance) or land use review to be carried out by PlanD.

55. Mr Raymond K.W. Lee, Director of Planning, supplemented that consideration of representations and comments on a draft OZP under section 6 of the Ordinance should generally be confined to the amendments made to the plan.

[Messrs Philip S.L. Kan, Wilson Y.W. Fung, Peter K.T. Yuen, Professor John C.Y. Ng, and Dr F.C. Chan left the meeting during the Q&A session.]

56. As Members did not have any further questions, the Chairperson said that the Q&A session was completed. She thanked the government representatives as well as the representers/commenters and their representatives for attending the meeting. The Board would deliberate the representations/comments in closed meeting and would inform the representers/commenters of the Board's decision in due course. The government representatives as well as the representers/commenters and their representatives left the meeting at this point.

Deliberation Session

[Closed Meeting]

57. The Chairperson said that more time would be required for detailed discussion and consideration on the various issues raised by the representers, commenters or their representatives. Members agreed that the deliberation on representations and comments with respect to the Wan Chai OZP should be adjourned to another day to facilitate a more thorough discussion.

58. The meeting was adjourned at 6:45 p.m..