

**Minutes of 1193rd Meeting of the
Town Planning Board held on 15.2.2019**

Present

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

Chairperson

Professor S.C. Wong

Vice-Chairperson

Mr Lincoln L.H. Wong

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

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

Professor John C.Y. Ng

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

Chief Engineer (Works)
Home Affairs Department
Mr Paul Y.K. Au

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

Director of Planning
Mr K.W. Lee

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

Secretary

Absent with Apologies

Mr H.W. Cheung

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr David Y.T. Lui

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

Mr K.W. Leung

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

In Attendance

Assistant Director of Planning/Board
Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board
Ms April K.Y. Kun

Senior Town Planner/Town Planning Board
Ms Christine C.M. Cheung

1. The meeting was resumed at 10:45 am on 15.2.2019.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1193rd Meeting held on 17.1.2019

[The meeting was conducted in Cantonese.]

2. The minutes of the 1193rd meeting held on 17.1.2019 were confirmed without amendments.

[Mr Ivan C.S. Fu left the meeting at this point.]

Agenda Item 2

[Closed Meeting]

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

(TPB Paper No. 10512)

[The meeting was conducted in Cantonese.]

Deliberation Session

3. The Chairperson said that the hearing session for the consideration of the representations and comments in respect of the draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/28 was held on 17.1.2019. This meeting was the deliberation session.

4. The Secretary said that Members' declaration of interests were made in the meeting on 17.1.2019. No further declaration of interests had been received from Members since then. Members noted that Mr Thomas O.S. Ho, Mr Stephen L.H. Liu, Mr K.K. Cheung, Mr Ricky W.Y. Yu, Professor Jonathan W.C. Wong, Mr L.T. Kwok, Mr David Y.T. Lui, Miss Winnie W.M. Ng and Mr Stephen H.B. Yau had tendered apologies for being not able to attend the meeting and Mr Ivan C.S. Fu 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.

5. The meeting noted that the video recordings and the minutes of meeting of the hearing session held on 17.1.2019 were sent to Members on 23.1.2019 and 13.2.2019 respectively.

6. The Chairperson suggested Members to refer to the TPB Paper No. 10512 and the draft minutes of the meeting on 17.1.2019, which had already been distributed to Members, for the subject deliberation session. To allow a more structured discussion, the Chairperson suggested the Secretary to recapitulate the key issues raised by the representers/commenters and highlight the key points of departments' responses.

Background

7. With the aid of a PowerPoint presentation, the Secretary outlined the background of the amendments made to the draft Wan Chai OZP. The previous amendments incorporated into the draft OZP No. S/H5/26 were subject to four JRs. The current amendments incorporated into the draft OZP No. S/H5/28 were to give effect to the orders of the Court in respect of the JRs which required the Town Planning Board (the Board) to take into account Sustainable Building Design Guidelines (SBDG) when imposing building height restriction (BHR), non-building area (NBA), building gaps (BGs) and setbacks imposed on the OZP. The Court also ordered the Board to reconsider the representation made by The Real Estate Developers Association of Hong Kong (REDA) (R34) and Leighton Property Co. Ltd. and Lee Theatre Realty Ltd. (LLT) (R97) to the draft OZP No. S/H5/26. On 4.5.2018, the draft OZP No. S/H5/28 was exhibited for public inspection under s.7 of the Town Planning Ordinance (the Ordinance). A total of 75 representations and 9 comments were received.

Procedural Matters

8. The Secretary said that at the hearing on 17.1.2019, the representatives of Lee Theatre Realty Limited (Lee Theatre) (R2) and Leighton Property Company Limited (Leighton) (R3) raised the following points:

- (a) the issues raised in the original R97 to the OZP No. S/H5/26 had not been fully considered;
- (b) 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 previous R97 to the OZP No. S/H5/26;
- (c) 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 R97 and they reserved their rights in these regards;
- (d) 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; and
- (e) 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.

9. The Secretary pointed out that REDA (R5) had indicated that the objections raised by REDA in the previous R34 to the OZP No. S/H5/26 should be dealt with in the current representation hearing, even though they were not related to the amendment items of the current OZP.

10. The Secretary drew Members' attention that the issues raised by R34 and R97 had been addressed in the TPB Paper No.10415 which was considered by the Board on 13.4.2018 in association with the proposed amendments to give effect to the Court's order.

11. The Secretary said that the Department of Justice (DoJ) had been consulted. DoJ advised that the current approach to rehear the original R34 and R97 in the current hearing process was proper. Before gazette of the draft OZP No. S/H5/28, DoJ acting on behalf of the Board informed R34's and R97's legal representative of the forthcoming s.7 amendments and they might submit representation and comment to the Board. DoJ also explained to them that the procedures were to give effect to the Court's order. No objection to the approach was received until 16.1.2019 (one day before hearing of representations). During the whole process, R34 and R97 had been provided with various opportunities to give their views relating to the previous representation to the Board. The same approach was adopted in reconsideration of their representations to the draft Causeway Bay OZP.

12. The Chairperson supplemented that the current amendments were to give effect to the orders of the Court in reviewing the BHRs, NBAs, BGs and setbacks. Some previous amendments incorporated in the draft OZP No. S/H5/26 were not related to those on the current draft OZP No. S/H5/28. While consideration of representations and comments on a draft OZP under s.6 to s.6B of the Ordinance should generally be confined to the amendments made to the plan, since the Court had also ordered to reconsider R34 and R97 to the OZP No. S/H5/26, the current hearing process should also cover the issues raised by R34 and R97.

13. In response to a Member's enquiry on whether there was a summary listing all matters that the Board was required to review, the Secretary indicated that a summary of R34 and R97's grounds and PlanD's responses in consultation with relevant government departments had been detailed at Annexes H1 and H2 of the TPB Paper No. 10415.

14. The Secretary said that according to the Court of Final Appeal's judgment, as advised by DoJ, there was no indication that the Board was required to undertake micro level and specific assessment. Nor did not judgement specify that a generalized assessment would be insufficient. Having said that, the Planning Department (PlanD) had conducted site

specific assessments to address the points raised by R2 and R3 and consulted relevant government departments.

15. Members considered that the request to adjourn the current representation hearing in relation to R2 and R3 and to provide a specific hearing for the original R97 should not be acceded to because:

- (a) the request was received only one day before the hearing;
- (b) the representers had been informed of the procedure to effect the Court's order via DoJ in April 2018 and no objection to the approach was raised; and
- (c) the representers were further informed by the Secretariat of the hearing arrangement in November and December 2018 and no objection to the approach was raised.

General Concern on the BHR Review

16. The Secretary made the following points :

- (a) representers and commenters held diverse views on the approach and assumptions adopted in deriving the revised BHRs. Some representers opined that the relaxation of the BHRs was only to safeguard the interest of those private developers. On the other hand, some representers considered that the assumptions adopted in the BHR review such as the floor-to-floor height (FTFH) were too conservative and cast doubt on whether the BHR would allow a quality development;
- (b) some representers indicated that the relaxation of BHRs would result in an increase in high-rise buildings which would lead to adverse visual and air ventilation impacts, in particular the residential area near the historical buildings of "Blue House". The relaxation of BHRs would encourage redevelopment, and hence displace the existing residents and bring adverse impact, particularly on "Blue House". On the other hand, some

representers considered that there would be no substantial visual impact resulted from the relaxed BHRs, for example, when viewing the Lee Theatre Plaza site and the Leighton Centre site from the Stubbs Road Lookout Point; and

- (c) regarding the NBAs and setback requirements, some considered that the NBA for the “Commercial (Group 4)” (“C(4)”) site at Jaffe Road/Lockhart Road should not be deleted, while some representers opposed the imposition of all NBA and setback requirements.

17. The Secretary said that according to the departments’ response, the revised BHRs were considered appropriate. All relevant planning considerations, the SBDG requirements, urban design guidelines, air ventilation assessment (AVA) and permitted development intensity had been taken into account. The proposed BHRs would not result in unacceptable visual and air ventilation impact.

18. The Chairperson pointed that the approach adopted in reviewing the BHRs in the Wan Chai OZP was consistent with that of other OZPs. The concerns on specific site or local area could be considered separately. Mr Raymond K.W. Lee, the Director of Planning, supplemented that to give effects to the Court's ruling, PlanD had reviewed the BHRs of respective OZPs by making reference to a generic building design that had taken into account the implication of SBDG. The BHRs were further adjusted, as required, in view of different context of respective sites. Members in general agreed with the current approach of reviewing the BHRs. Some Members remarked that the local concerns on the relaxed BHRs should be taken into account as the Board considered the cases of individual sites.

19. Regarding the concern on accelerating redevelopment, Members generally considered that the relaxation of BHRs might not necessarily have a causal relationship with encouraging redevelopment and that the Board was not in a position to give a conclusive evaluation as to whether redevelopment would result in positive or negative impact on the local community.

Specific Amendment Items/ Specific Sites

The Sites of Lee Theatre Plaza (R2) and Leighton Centre (R3) (Item A)

20. The Secretary said that R2 and R3 were of the view that the BHR of the sites of Lee Theatre Plaza and Leighton Centre should be further relaxed from 135mPD to 165mPD and 200mPD respectively to allow a better building design to meet modern requirements for Grade A offices and retail floorspaces. Regarding the departments' response, a comparison of the assumptions adopted in PlanD's notional scheme and that of the alternative schemes presented by R2 and R3 was shown on page 21 of the TPB Paper 10512. The representer's alternative schemes had adopted a different retail and office mix as well as a more relaxed FTFH as compared with that of PlanD's notional scheme. The BHRs were mainly derived from the general assumptions for the BHR review that had been agreed by the Board. As shown in Annex D2 of the TPB Paper 10415, a typical commercial building with a plot ratio (PR) of 15, subject to site classification, would have a building height ranging from 118m to 126m if building setback requirement was incorporated, and from 122m to 130m for if building separation requirement was incorporated. Taking into account the site level of about 5mPD, a maximum BH of 135mPD was proposed on the OZP. The purpose of formulating the notional scheme was to ensure the permitted development intensity could be accommodated in the proposed BHRs.

21. Noting that there was a set of building plans with a BH of 200mPD and a PR of about 15 approved by the Building Authority in 2009, a Member considered that the site of Leighton Centre might deserve sympathetic consideration for relaxing the BHR from 135mPD to 200mPD. The Member was of the view that the alternative scheme put forth by R3 was better than that of the approved building plans in that the pedestrian environment would be enhanced. Another Member shared similar view and considered that further relaxation of the BHR would provide flexibility for a better building form, which would in turn promote a more vibrant public space and pedestrian environment by improving daylight and wind penetration. Some Members considered that the FTFH assumption of PlanD's notional scheme was rather restrictive for office developments in such a prime location. A Member suggested that the Board could put down on record that favourable consideration would be given to the future planning applications for minor relaxation of BHR provided that

the project proponent could demonstrate the merits of a relaxed BHR. In this connection, the Chairperson reminded that the Court's judgement in relation to the previous representation R97 ordered that the Board should not rely on the minor relaxation clause as a basis for achieving the development intensity which the Board would consider appropriate in the first place. She remarked that Members had to consider whether the assumptions adopted by PlanD in deriving the notional scheme were reasonable. If the assumptions were not reasonable, the Board should take this opportunity to revise the BHRs and should not leave it to the planning application stage.

22. Other Members had a different view on the alternative schemes prepared by the representers. They opined that the purpose of imposing BHRs was to provide a better planning control on the BH of development/redevelopments to avoid excessively tall and out-of-context developments. The objective of the current amendments was to give effect to the Court's order by taking into account the implications of the SBDG in deriving the BHRs. All other relevant planning considerations had already been addressed in the context of the OZP No. S/H5/26. It would defeat the purpose of imposing the BHRs in the area by relaxing the BHR of a particular site simply to provide flexibility for building design. In determining the BHRs, the recognition of committed development under general building plans approvals was not a must. The FTFH issue was a matter of building design and should not be a justification for further relaxing the BHRs. They considered that the current BHRs had already allowed design flexibility for incorporation of SBDG requirements to improve both living and pedestrian environment while accommodating the permitted development intensity without the need to rely on minor relaxation of BHR. Having said that, the project proponents might submit planning applications to demonstrate how the urban environment would be further improved with a relaxed BHR, which would allow the Board to have a better control on the proposed development to ensure that the planning merits could be realised.

23. The Chairperson enquired whether the grading of an office development would be taken into account when deriving the BHR. In response, Mr Raymond Lee, the Director of Planning, said that the designation of a "C" zone was for general commercial development and the development of which grade of office building was a market decision by the future developer. The assumptions adopted by PlanD in deriving the notional scheme were for

typical commercial developments. In the hearing session, PlanD's representative had indicated that even after incorporating the good design measures mentioned by the representers, the BH of the recently developed Hysan Phase III was only 130mPD which was less than the maximum BH of 135mPD stipulated on the current OZP. As such, PlanD's assumptions were not unreasonable. During the question-and-answer session of the hearing, the representatives of R2/R3's group indicated that while the permitted maximum site coverage for the Leighton Centre site under the Building (Planning) Regulations (B(P)R) was 65%, the site coverage of the 2009 approved scheme was 37.2% and that of the current proposed scheme of 200mPD incorporating SBDG was 44.5%. This revealed that both the BH and the site coverage adopted could be matters of design choice. After all, the representers could apply to the Board for planning permission to further relax the BHR in order to incorporate what they would consider as better and more innovative architectural design and to address specific site conditions.

24. After discussion, Members agreed to maintain the BHR of 135mPD of the sites based on the following considerations:

- (a) the objective of the current amendments was to give effect to the Court's order by reviewing the implications of the SBDG in deriving the BHRs;
- (b) the assumptions adopted by PlanD in deriving the notional scheme were not unreasonable and the permitted development intensity after incorporating SBDG requirements could be achieved under the BHRs; and
- (c) the representers could apply to the Board for minor relaxation of the BHR in order to incorporate what they would consider as better and more innovative architectural design.

[Mr Philip S.L. Kan, Dr Lawrence W.C. Poon and Dr Frankie W.C. Yeung left the meeting at this point.]

“Other Specified Uses” annotated “Mixed Use” (“OU(MU)”) zones to the south of Hennessy Road (Item C), Sub-area (b) of “Commercial” (“C(6)”) (Item D)

25. The Secretary said that R5 (REDA) was of the view that the BHRs of sites falling within these zones should be relaxed from 135mPD to 150mPD in order to allow quality commercial developments with a higher FTFH.

26. After deliberation, Members in general agreed to maintain the BHR of 135mPD based on the considerations that the BHR had already taken into account the estimated requirement of typical commercial developments with incorporation of SBDG requirements and existing site levels.

“Residential (Group A)” (“R(A)”) Zone to the South of Queen’s Road East (QRE) (Item E1), “R(A)” Zone at 21-23 Kennedy Road (KR) (Item E2)

27. The Secretary said that R5 proposed to relax the BHR of the “R(A)” sites at both sides of QRE (Item E1) and other residential zones to the south of Johnston Road and Wanchai Road from 110mPD to 130mPD. On the other hand, the local residents proposed to maintain the BHR of 100mPD for areas near “Blue House” and an individual proposed to adopt a lower BHR of 90mPD for 155-167 QRE, which were under Item E1. R5 also proposed to relax the BHR for the residential zones adjacent to the western part of KR (i.e. including the “R(A)” zone under Item E2 and the “R(B)” zone) from 120mPD/140mPD to 150mPD.

28. The Secretary drew Members’ attention to the departments’ response that for the residential zones to the south of Johnston Road and Wan Chai Road as well as residential sites on both sides of QRE (as delineated on Plan H-6 of TPB Paper 10512), taking into account the estimated BH requirement of 90m to 96m for typical “R(A)” composite buildings which would be subject to the building setback and building separation requirements, and the existing site levels of about 4mPD to 7mPD, a BHR of 110mPD was considered appropriate. For the “R(A)” zone in KR (shown as Item E1 on Plan H-6 of TPB Paper 10512), taking into account that the existing level of the site was about 51.5mPD and to accommodate a typical composite building, a BHR of 140mPD was considered appropriate. It should also be noted

that the “R(B)” zone in KR was subject to a BHR of 120mPD, which was not the subject of the current OZP amendment.

29. The Chairperson said that relaxation of the BHR for the residential sites from 100mPD to 110mPD was to give effect to the Court’s order by reviewing the implication of SBDG. In view of the opposing views to the relaxed BHR of the residential areas near “Blue House”, she invited Members to consider whether the BHR imposed on those residential areas was appropriate. As background information, the Secretary drew Members’ attention that there was no opposing representations against the imposition of BHR of 100mPD for the residential sites near “Blue House” when the draft OZP No. S/H5/26 was gazetted in 2010.

30. Some Members appreciated the local aspirations to preserving the historical buildings of “Blue House”, which was a showcase of a successful heritage conservation project. They were concerned that the BHR relaxation would impact on the ambience of the heritage site, and worried that the redevelopment would uproot the local community.

31. On the other hand, some Members considered that the relaxation of the BHR from 100mPD to 110mPD was only 10m, which was equivalent to about 3 storeys. It would not worsen the existing condition and would not necessarily accelerate the pace of redevelopment. They opined that whether and if yes how to preserve the ambience of an area in the vicinity of a graded building was more a matter of policy to be considered by the Government. Specifically, the Government should review the conservation policy, which currently focused on how to preserve a historical building itself rather than the surrounding environment. In the absence of policy directions in this aspect, it would be difficult for the Board to come to a considered view on whether the BHR should be relaxed or tightened on conservation grounds. Some Members were also of the view that the Board might be subject to challenge by the lot owners if it decided not to go for the BHR of 110mPD, which was considered appropriate after reviewing the implication of SBDG.

32. A Member pointed out that some representers had a misconception that the relaxation of BHRs would bring about adverse visual and environmental impacts. However the relaxation of BHRs in fact was to enable the incorporation of sustainable building design.

With the adoption of SBDG's requirement, the environmental quality particularly at pedestrian level would be improved.

33. After deliberation, Members agreed to maintain the BHR of 110mPD for the residential sites under Item E1. While the meeting considered that the relaxation of BHR by 10m would not have any significant impact on the ambience of "Blue House", the Government should review, in the context of its conservation policy, whether and if yes how the ambience of an area in the vicinity of a graded building should be preserved.

[Ms Lilian S.K. Law, Mr. Daniel K.S. Lau and Mr Paul Y.K. Au left the meeting at this point.]

"C(4)" zone of Ex-Wan Chai Police Married Quarters (Ex-WCPMQ) (Items B and F2), "OU" annotated "Historical Building Preserved for Hotel, Commercial, Community and/or Cultural Uses" zone of the Ex-Wan Chai Police Station Site (Ex-WCPS) (Item F1), "Government, Institution and/or Community" ("G/IC") zone of Lockhart Road Municipal Services Building (Item G1), "G/IC" zone of Hennessy Road Government Primary School (Item G2)

34. The Secretary pointed out that some representers indicated that deletion of NBAs and BGs would induce adverse impact on air ventilation and sunlight penetration. R53 proposed to further relax the BHR of "C(4)" (Item B) to 135mPD to tally with Items A, C and D. R5 also proposed to rezone the "C(4)" zone to "Open Space" ("O").

35. The Secretary highlighted the departments' response that the subject NBAs were narrow and the wind entrance to the air paths had been partially blocked by the existing China Resources Building and Causeway Centre in Wan Chai North. There were alternative building design measures under SBDG to serve similar air ventilation purpose for the locality. Also, as these were government sites, the SBDG requirement could be incorporated into the lease when the sites were disposed for development. The overall provision of open space was adequate for the district. There was no planning justification for converting unused government site into public open space. There was also no strong reason to further relax the BHR of the "C(4)" site, as it was subject to a maximum PR of 12 on the OZP and a BHR of 110mPD, with a site level of 4mPD, was able to accommodate the proposed development and comply with SBDG.

36. In response to a Member's enquiry on the reasons for not imposing the NBA requirement on the Ex-WCPS site, Mr Raymond Lee, the Director of Planning, indicated that those NBA requirements were imposed on the OZP at the time when the SBDG had not been in force. In the current review, those NBAs which were not serving as district air paths were removed from the OZP. It was considered that the building design measures under the SBDG could serve similar air ventilation purpose for the locality.

37. Regarding R5's proposal of rezoning the Ex-WCPMQ site from "C(4)" to "O", the Chairperson indicated that the proposal was not related to the BHR review and REDA had not made such proposal under R34 to the OZP No. S/H5/26. A Member considered that the representer's rezoning proposal was not justified.

[Post-meeting note: As clarified by the representer and upon checking, REDA had made such proposal under R34 to the OZP No. S/H5/26.]

38. After deliberation, Members agreed to maintain the BHR of 110mPD for the Ex-WCPMQ site, and agreed to the deletion of NBAs and BGs of the two government sites. Members also agreed not to rezone the Ex-WCPMQ site from "C(4)" to "O".

Points Raised by R34 and R97 to OZP No. S/H5/26 Not Related to Amendment Items Under OZP No. S/H5/28

39. The Secretary then briefed Members on the key points raised by R34 and R37 that were related to the draft OZP No. S/H5/26, but not the amendment items under the draft OZP No. S/H5/28, as set out in Annexes H1 and H2 of the TPB Paper No. 10415 as well as the departments' responses:

(a) Item A on the draft OZP No. S/H5/26

R34 opposed Item A on stipulation of BHRs on various development zones (covering sites zoned "G/IC" and "OU" zoned sites). It was considered that to follow up on the Court's rulings, a review of the development restrictions including BHRs and requirements of NBA, BG and setbacks had been conducted for all commercial, "R(A)" (and its subzones), "R(B)", "R(E)" as well as "OU(MU)" zones on the OZP. As there had been no substantial change in the planning circumstances since

2010, a general review of the BHRs for the “G/IC” and “OU” sites other than “OU(MU)” sites was considered not necessary.

(b) Items C, to J1, K to M, P, T1 and T2 on the draft OZP No. S/H5/26

R34 opposed the items on rezoning of various sites mainly concerning spot zoning. Nevertheless, the rezoning proposals were mainly to reflect completed developments.

(c) Rezoning of Canal Road East from “Commercial/Residential” (“C/R”) to “C” (under Item B1 on the draft OZP No. S/H5/26)

R97 opposed the rezoning of Canal Road East from “C/R” to “C” which was under Item B1. A number of “C/R” sites had been rezoned to “C”, “R(A)” or “OU(MU)” zones with an aim to achieving more effective infrastructure planning and better land use management.

(d) Relaxing BHR of “R(A)” Zone in the Western Part of Wan Chai

R34 proposed to relax the building height of “R(A)” zone in the western part of Wan Chai. Noting that typical “R(A)” composite buildings required a BH of about 90m to 96m to meet SBDG requirement and the existing site levels of about 4mPD to 7mPD, 110mPD BHR was considered appropriate in the current review.

(e) Relaxing BHR for “C” zone for Sites between Gloucester Road and Hennessy Road

R5/R34 proposed to relax a number of “C” sites between Gloucester Road and Hennessy Road from 110mPD to 135mPD. After review, it was considered that the 110mPD BHR for these “C” sites could minimise the visual impact on the view to the harbour from the Stubbs Road Lookout Point and strike a balance between development rights and public interest.

40. Members noted and agreed to maintain the Board’s previous view that there was no justification to amend the draft OZP to address the above points raised by R34 and R97.

Representer's Proposals Not Related to Amendment Items Under OZP No. S/H5/28

41. The Secretary said that R51 proposed to adopt a BHR of 207mPD for the proposed Hopewell Centre II and to extend BHR of Item E1 (i.e. 110mPD) to the Hill Side Terrace, Nam Koo Terrace and Miu Kang Terrace. The Secretary indicated that as the zoning and the BHR for Hopewell Centre II, Hillside Terrace, Nam Koo Terrace and Miu Keng Terrace were not the subject of the current OZP amendments, these proposals would not be considered.

42. Members noted and agreed that there was no justification to amend the draft OZP to meet the representation.

Conclusion

43. After discussion, Members generally agreed that there was no justification to amend the draft OZP to meet the representations to the draft OZP No. S/H5/28, and the major grounds of the representations and comments had been addressed by the departmental responses as detailed in the TPB Paper No. 10512 and the presentations and responses made by the government representatives at the meeting held on 17.1.2019. Members also considered that there was no justification to amend the draft OZP after reconsideration of R34 and R97 to the draft OZP No. S/H5/26 while the issues raised by these two representations had been duly addressed as detailed in the TPB Paper No.10415, which was considered by the Board on 13.4.2018, and TPB Paper No. 10512 and the presentations and responses made by the government representatives at the meeting held on 17.1.2019.

44. After deliberation, the Board noted the supportive views of R1 and R2 to R5, and decided not to uphold the remaining part of R2 to R5 as well as R6 to R75 and that the OZP should not be amended to meet the representations for the following reasons:

“All Representations

- (a) the amendments to the Outline Zoning Plan (OZP) including relaxation of the Building Height Restrictions (BHRs) and the revisions to the non-building

areas (NBAs) and building gaps (BGs) are appropriate as they have taken into account all relevant considerations such as the existing BH profile, committed development, topography, site formation level, local characteristics, the views to ridgelines/mountain backdrops and harbour from the strategic vantage points/important public viewing point, compatibility with surroundings, predominant land use and development intensity, visual impact, air ventilation, Sustainable Building Design Guidelines (SBDG) requirements and a proper balance between public interest and private development right (R2 to R52 and R54 to R75);

Opposing Representations

- (b) the revision of BHRs is mainly for allowing design flexibility for both commercial and residential developments to incorporate SBDG requirements. There is no change to the plot ratio (PR) or land use zonings of the developments on the OZP. The claim that relaxing the BHR will accelerate redevelopment, drive property price and result in adverse traffic impact may not be justified (R5 to R52 and R54 to R75);

Representers' proposals

- (c) the BHR of 135mPD is considered sufficient to accommodate the commercial developments at the Lee Theatre Plaza and Leighton Centre sites. The building design (including at the sites of the Lee Theatre Plaza and Leighton Centre) is solely a decision to be made by its project proponent having regard to all relevant considerations including the BHRs on the OZP. There is no justification for or technical assessments to substantiate further relaxation of the BHRs for the "Commercial" ("C") zones covering Lee Theatre Plaza and Leighton Centre from 135mPD to 165mPD and 200mPD respectively (R2 and R3);
- (d) the BHR of 110mPD for "Residential (Group A)" ("R(A)") zone is considered appropriate. There is no strong reason to amend/further relax the

BHR of “R(A)” zone beyond the level of basic building profile of a typical composite building. There is no justification for further relaxation of the BHR of Item E1 from 110mPD to 135mPD (R4 and R53) or to maintain a BHR of 100mPD (R54 to R57, R59 to R62, R68 to R71 and R75) or to adopt a BHR of 90mPD for 155-167 Queen’s Road East (R51);

- (e) the BHRs for “C”, “C(4)”, sub-area (b) of “C(6)”, “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”), “R(A)” and “Residential (Group B)” (“R(B)”) zones are considered appropriate. There is no justification for or technical assessments to substantiate further relaxation of BHRs for these zones (R5 and R53);
- (f) given the overall provision of open space will be adequate in the district, there is no planning justification for converting unused government site into public open space (R5); and
- (g) some of the representation sites are not the subject of any amendment items under the current draft OZP. There is no ground for the Board to consider that part of the representer’s proposal (R4, R51 and R53).

45. Other than the amendments proposed in the draft OZP No. S/H5/28, the Board decided not to proposed any amendment to meet the remaining part of R34 and R97 to the draft OZP No. S/H5/26 on the consideration as set out in paragraph 39 above and Annexes H1 and H2 of the TPB Paper No. 10415.

46. In response to a Member’s enquiry, the Secretary said that despite the consideration of the representations and comments in respect of the draft Wan Chai OZP No. S/H5/28 was completed, the submission of the draft OZP to the Chief Executive in Council for approval was still subject to the Court’s order of stay in relation to the JR lodged by the Methodist Church, Hong Kong (MC) against the Board’s decision on MC’s representation in respect of the Wan Chai OZP No. S/H5/26. The hearing of the JR had been scheduled for 14 and 15.3.2019.

47. There being no other business, the meeting was closed at 1:30 p.m..