

**Minutes of 925th Meeting of the
Town Planning Board held on 3.12.2008**

Present

Permanent Secretary for Development
(Planning and Lands)
Mr. Raymond Young

Chairman

Dr. Greg C.Y. Wong

Vice-chairman

Mr. Alfred Donald Yap

Mr. Nelson W.Y. Chan

Mr. Tony C.N. Kan

Professor Bernard V.W.F. Lim

Professor N.K. Leung

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. David W.M. Chan

Mr. B.W. Chan

Mr. Felix W. Fong

Mr. Walter K.L. Chan

Mr. Y.K. Cheng

Professor Edwin H.W. Chan

Dr. James C.W. Lau

Ms. Anna S.Y. Kwong

Mr. K.Y. Leung

Mr. Raymond Y.M. Chan

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

Ms. Starry W.K. Lee

Director of Lands

Miss Annie K.L. Tam

Deputy Director of Environmental Protection

Mr Benny Y.K. Wong

Director of Planning

Mrs. Ava S.Y. Ng

Deputy Director of Planning/District

Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Mr. Leslie H.C. Chen

Professor David Dudgeon

Mr. Edmund K.H. Leung

Ms. Maggie M.K. Chan

Mr. Stanley Y.F. Wong

Ms. Sylvia S.F. Yau

Professor Paul K.S. Lam

Mr. Rock C.N. Chen

Dr. Ellen Y.Y. Lau

Dr. Winnie S.M. Tang

Assistant Director (2), Home Affairs Department

Mr. Andrew Tsang

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Mr. Tony C.T. Lam

In Attendance

Assistant Director of Planning/Board
Mr. S. Lau (p.m.)

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse (a.m.)
Mr. W.S. Lau (p.m.)

Senior Town Planner/Town Planning Board
Mr J.J. Austin (a.m.)
Ms. Maggie M.Y. Chin (p.m.)

Agenda Item 1

[Closed Meeting]

1. This item was recorded under confidential cover.

Agenda Item 2

[Open Meeting (Presentation and Question Session Only)]

Further Consideration of Representations and Comments in Respect of the
Draft Ting Kok Outline Zoning Plan No. S/NE-TK/14

(TPB Paper No. 8259)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

2. The Secretary reported that Professor David Dudgeon, being a member of the Mai Po Marshes Management and Development Committee and a member of the Conservation Projects Committee of the World Wide Fund Hong Kong, had declared interests on the item. Members noted that Professor David Dudgeon had tendered an apology for not attending the meeting.
3. Members noted that sufficient notice had been given to the representers and commenters to invite them to attend the meeting. While Representers No. R2, R3, R6, R23, R26 and Commenter No. C2 would attend the meeting, other representers and commenters had either indicated not to attend the hearing or made no reply. The Board agreed to proceed with the hearing in the absence of the remaining parties.
4. The following representatives from PlanD were invited to the meeting at this point:

Mr. Hui Wai Keung	-	District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD
Ms. Lisa Cheng	-	Senior Town Planner/Tai Po, PlanD

Mr. Lam Sing Kwok	-	Chief Engineer/Port Works, CEDD
Mr. Wong Chi Pan, Ricky	-	Senior Engineer/Projects, CEDD
Mr. Shum Ngai Hung, Steven	-	Engineer/Projects, CEDD
Mr. Terence Fong	-	CEDD's Environmental Consultant
Mr. Mak Ka Wai	-	Chief Engineer/Consultants Management, DSD
Mr. Wong Sui Kan	-	Senior Engineer/Consultants Management, DSD
Mr. Kan Tat Sing, Peter	-	Chief Executive Officer (Planning), LCSD
Mr. Chow Chi Man, Alfred	-	Chief Leisure Manager (New Territories East), LCSD
Mr. Sham Chun Hung, Joseph	-	Assistant Director, AFCD
Mr. Chan Lai Koon, Alan	-	Senior Marine Conservation Officer, AFCD
Mr. Simon Chan	-	Marine Conservation Officer, AFCD

5. The following representatives of the representers and commenters were also invited to the meeting:

R2

Mr. Michael Lee - Representers' representative

R3

Mr. Tsim Siu Tai - Representer

R6

Mr. Chan To - Representer

R23 & R26

Mr. Man Chen Fai)
Mr. Chu King Yuen)
Mr. Chan Siu Kuen)
Mr. Chan Kwun Yau)
Mr. Chan Hon Ming)
Mr. Ho Tai Wai)
Ms. Wong Bik Kiu) Representer's representative
Mr. Lo Sam Sing)
Mr. Li Yiu Bun)
Mr. Leung Fuk)

Mr. Man Yan Fat)
Mr. Leung Koon Wah)
Mr. Yu Chi Wing)

C2

Mr. Yiu Vor - Commenter

6. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited Ms. Lisa Cheng to brief Members on the background to the further consideration of representations and comments.

7. With the aid of a Powerpoint presentation, Ms. Lisa Cheng made the following main points as detailed in the Paper:

- (a) On 17.10.2008, the Board heard the representations and comments related to the draft Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/14 in relation to the proposed Lung Mei Beach project which was zoned “O” on the OZP. The Board decided to defer making a decision on the representations and comments until the further information on the Environmental Impact Assessment (EIA) report which was required by the Advisory Committee on the Environment (ACE) was submitted and considered by ACE. The information was required to substantiate on the ecological acceptability of the proposed development of a bathing beach at Lung Mei;
- (b) on 10.11.2008, ACE endorsed the additional information on the ecological acceptability of the proposed beach development submitted by CEDD with the advice that the extent of the beach and the number of parking spaces should be reduced. The EIA report was subsequently approved with conditions by the Director of Environmental Protection (DEP) on 21.11.2008. Condition 4 stated that the applicant should take additional precautionary measures to reduce the size of the project, particularly the size of the car park and footprint of the project, to further minimize the potential ecological impacts arising from the project.

Environmental Permit for the project would be issued by DEP when compliance of such was demonstrated; and

- (c) the District Facilities Management Committee of the Tai Po District Council was consulted on 18.11.2008. The District Facilities Management Committee considered that the reduction in car parking spaces should be kept to the minimum and urged the Administration to proceed with the project as soon as possible.

8. PlanD's views as detailed in paragraph 3 of the paper were summarized as follows:

- (a) the EIA report and the additional information submitted confirmed that the construction and operation of the proposed beach would not cause an unacceptable environmental and ecological impact on the air quality, water quality, ecology, fisheries, landscape and visual, and waste management;
- (b) the "Open Space" ("O") zone and 'Bathing Beach' use were considered acceptable. The "O" zone had indicated the maximum extent of the proposed beach, and the extent of the beach would be refined and reduced to take on board one of the approval conditions for the EIA report;
- (c) there was insufficient justification in the 'objecting' representations and comments received to demonstrate that the proposed beach would lead to adverse environmental and ecological impacts; and
- (d) there was insufficient information in the submissions to justify the rezoning of the coastal "O" zone to "Site of Special Scientific Interest" ("SSSI"), "Coastal Protection Area" ("CPA") or "Conservation Area" ("CA").

9. The Chairman then invited the representers, the representers' representatives and the commenter to elaborate on the representations.

Representation No. R2

10. With the aid of a powerpoint presentation, Mr. Michael Lee, who represented the World Wide Fund for Nature (WWF) Hong Kong, made the following main points:

- (a) WWF maintained its objection to Amendment Items A1, A2 and B on the Ting Kok OZP;
- (b) after having analysed the further information submitted to ACE, WWF considered that the ecological value of Lung Mei should not be graded as 'low' because the existing beach habitat supported 6 species of marine fauna and 7 species of terrestrial fauna which were worthy of conservation. These fauna were considered to be either very rare or endangered species by China's national guidelines and by international standards;
- (c) the further information submitted to ACE was misleading. It had seriously under-valued the habitat at Lung Mei (with 13 species of fauna identified as worthy of conservation) by grading it to be of 'low' ecological value whereas in other EIA reports, habitats with only one or two rare species found were graded as 'medium' or 'low to medium' in ecological value;
- (d) it was an unfair and unusual practice to compare the ecological value of Lung Mei beach with the ecological value of other SSSIs such as Lai Chi Wo and Yung Shue O. The ecological value of Lung Mei should be assessed in accordance with the guidelines and criteria given in the Technical Memorandum on EIA Process and, based on those guidelines, it should at least be given a grade of 'medium' ecological value;
- (e) as the scale of the proposed beach was required to be reduced by DEP, the area as shown on the OZP for the proposed beach should be reduced correspondingly and the OZP should be further amended;
- (f) according to the EIA report, the water quality of the beach would be poor

and unsuitable for swimming for 3 months during the summer season of about 7 months. As such, it was questionable whether Lung Mei was suitable for development into a bathing beach;

- (g) the number of rare and endangered species of fauna found at the natural inter-tidal and lower tidal habitat of Lung Mei demonstrated that it was a sensitive natural coastal environment that should be rezoned to “CPA”.

[Mr. B.W. Chan arrived to join the meeting at this point]

Representation No. R3

11. With the aid of a powerpoint presentation and a paper which was tabled at the meeting, Mr. Tsim Siu Tai made the following main points:

- (a) he was the authorized representative for R9, C11, C15, C16, C17, C37, C42 and C59 and they objected to the proposed zoning amendment;
- (b) the Government had failed to explain how the objections would be dealt with under the Foreshore and Sea-bed (Reclamations) Ordinance;
- (c) the public consultation exercise conducted was inadequate as the main organisation consulted was the Tai Po District Council. According to a survey conducted by HKWildlife.net and himself on 116 persons, over 60% of the members of the public interviewed were not aware of the proposed beach development. Since the coast was a public asset and many people not living in the area visited the beach, the general public should also be engaged and consulted;
- (d) although the northern part of Tolo Harbour had a 10 km coastline, the beach at Lung Mei was the only stretch of coastline which was easily accessible for public enjoyment. The construction of a beach at the site would deprive the general public of their right to have access to and come into contact with the natural coastal fauna, which was not in the public interest;

(e) the data provided in the two ecological reports prepared by CEDD's consultants and by the HKWildlife.net Forum should be carefully examined to see whether the conclusions were correctly derived. A total of 200 species of coastal fauna were identified at Lung Mei, which were more than the 132 to 166 species identified in the other coastal habitats of Ting Kok (East), Lai Chi Wo, and Yung Shue O. Besides, Lung Mei was the feeding, spawning and nursing ground for more than 10 rare or endangered species of coastal fauna and hence, its ecological value should not be disregarded. Therefore, he could not agree to CEDD's conclusion that the ecological value of Lung Mei was low;

(f) based on the assessment criteria and grading method proposed in 2004 by the then Secretary for Environment, Transport and Works for prioritising the conservation value of different sites, Lung Mei beach scored a mark of 1.8, which was even higher than the score for Yung Shue O (1.7) and Sham Chung (1.45), and only slightly lower than the Deep Bay Wetland (1.9). It should be noted that Shum Chung and Deep Bay Wetland were already designated as SSSI. In view of the number and the variety of species identified in Lung Mei, it was unreasonable to grade it as low in ecological value;

[Ms. Starry W.K. Lee arrived to join the meeting at this point.]

(g) besides being an inter-tidal mud-flat for mangroves, Lung Mei also deserved to be designated as an SSSI because of its particular geographical feature as an inner harbour, its natural habitat, the rarity of its fauna and its educational value. In comparison with other places which were already designated as SSSIs such as Sham Chung, Kei Ling Ha, Yim Tso Ha and Tsim Bei Tsui, Lung Mei shared similar ecological value and should therefore be similarly designated as an SSSI;

(h) construction of the beach would cause irreversible damage to the natural environment and would cause the death of an estimated total of 6 million

marine organisms which used Lung Mei as their nursing ground. More importantly, 13 species were already identified as rare or endangered species which should be protected;

[Mr. Timothy K.W. Ma arrived to join the meeting at this point.]

- (i) the Town Planning Board should not assume that the environmental implications were acceptable as the EIA report was misleading and incorrect. In case there was a judicial review on DEP's approval of the EIA report, it might also put the Board's decision under the risk of legal challenge. The Board should defer making a decision for 3 months after DEP's approval of the EIA report;
- (j) to make good use of the natural resources in Lung Mei, it should be developed as an ecological education centre. Taking the experience of beaches along Castle Peak Road, the water quality was poor and thus would not attract visitors. The development of Lung Mei as a bathing beach was not sustainable and would be a waste of public money;
- (k) the Town Planning Board should require the Government to demonstrate that the water quality was up to the standard required before accepting the development of the proposed beach;
- (l) if the reason for pushing through the construction of the beach was to create employment and revive the economy, then Government should identify another site to develop the beach. Besides, the development of an environmental education centre at Lung Mei would also provide employment; and
- (m) noting that ACE had requested to reduce the extent of the beach and the number of car parks, the extent of the amendment to be proposed by the project proponent was not subject to any scrutiny, and would likely bypass ACE and the Board.

Representation No. R6

12. Mr. Chan To tabled a report prepared by HKWildife.net and made the following main points:

- (a) based on an aerial photo of the area taken in 1964 which was included in the report, he pointed out that Lung Mei had always been a mud flat rather than a sandy beach;
- (b) as water quality was the most important factor affecting a beach, the Government should first improve the water quality at Lung Mei before making a proposal to develop the beach. Without good water quality, there was no urgency for the proposal;
- (c) as ACE had requested for the reduction of the extent of the project, the Government should revise the project and conduct another round of public consultation before seeking the Board's approval of the land use zoning of the project site;
- (d) given the high ecological value of Lung Mei and its high accessibility, it was unreasonable for the Government not to designate the site as an SSSI; and
- (e) the Board should identify the most appropriate use of scarce land resources. It would be a mistake to develop a beach which was unsuitable for swimming.

Representation No. R242, 243 and 244

13. Mr. Man Chen Fai elaborated on Representation No. R23 and R26 and made the following main points:

- (a) the original beach at Lung Mei was destroyed in the 1960s with the construction of the Plover Cove Reservoir. Most of the sand at Lung Mei was taken away for the construction of the reservoir;

- (b) there was currently no proper bathing beach in the whole of the North-East New Territories. There was a strong local demand for a beach in the area.
- (c) it was misleading for the environmental groups to claim that 70% of the public objected to the beach proposal. All the local people supported the project, with more than 4,000 supporting representations to the subject amendment;
- (d) a plan was tabled showing the Government's plan in 1984 to develop a beach at Lung Mei which was much larger than the current proposal;
- (e) the extent of the currently proposed beach was so small that any works would only have a minimal impact on the environment;
- (f) developing a beach at Lung Mei would be beneficial to the next generation who could go swimming safely and easily;
- (g) the Board should accept the EIA report submitted by the Government rather than the report submitted by the representers;
- (h) there was a need to strike a balance between conservation and meeting public aspirations. Lung Mei was a beautiful place and as a member of the local community, he would not want the environment and ecological conditions to be adversely affected. In this regard, he agreed with the mitigation measures proposed; and
- (i) the argument that there were already 41 beaches in Hong Kong and thus there was no need for an additional beach at Lung Mei was only put forth by the environmentalists for their own interest. The strong public demand of the local people for a beach was not respected.

[Prof. Bernard Lim arrived to join the meeting while Dr. Daniel To left the meeting temporarily at this point.]

14. Mr. Chu King Yuen made the following points:

- (a) he disagreed with the suggestion to use Lung Mei as an education venue for marine life as allowing visitors to come into contact with marine life such as star fishes would adversely affect the habitat of the organisms; and
- (b) Lung Mei was not a safe place for children at the present moment as the rocky waterfront was covered by oyster shells and hence was dangerous to walk on. Together with principals of other primary schools in Tai Po, they had demanded the development of Lung Mei into a proper beach which could be enjoyed by the school children.

[Mr. Daniel To returned to join the meeting at this point.]

15. Mr. Chan Siu Kuen made the following points:

- (a) he explained that the Tai Po District Council had unanimously supported the proposed beach at Lung Mei and the public opinion received was all in favour of the development of the beach; and
- (b) there were several other coastal places along Tolo Harbour which were also accessible to the public such as Sam Mun Tsai, Sha Lan, and Luk Keng. Besides, there were already quite a number of places designated as SSSIs along the coast and hence there was no need to designate Lung Mei as another SSSI.

[Mr. Maurice Lee arrived to join the meeting while Ms. Starry Lee left the meeting temporarily at this point.]

16. Ms. Wong Bik Kuen made the following points:

- (a) she did not agree that the ecological value of Lung Mei was so high that it was worthy of conservation. Besides, there would not be any activities

or improvement to the place after it was designated as an SSSI, such as the case in Yung Shue O; and

- (b) Government should respect the wishes of the local people to improve and further develop the area.

17. Mr. Chan Kwun Yau made the following point:

- (a) the people who supported the proposed Lung Mei beach was an overwhelming majority. Only a small group of environmentalists opposed the proposal. He hoped the Lung Mei beach development could be implemented quickly.

[Ms. Starry Lee returned to join the meeting at this point.]

18. Mr. Li Yiu Bun made the following points:

- (a) he was a member of the Fight Crime Committee of the Tai Po District Council. The Committee had held an annual swimming competition at Lung Mei to encourage young people to participate in community activities. Despite the hazardous conditions at the sea front which was covered by oyster shells, there was still an increase in the number of participants. Though parents were concerned about the safety of their children, they supported the activity as it would build up their self-confidence. The proposed bathing beach would provide a more suitable environment for organizing the swimming competition; and
- (b) the Lung Mei beach would allow the Fight Crime Committee to organize more water sports activities for young people which was beneficial to their overall development.

19. Mr. Ho Tai Wai made the following points:

- (a) the claim that many people objected to the Lung Mei beach was not

correct as all the political parties in the District Council supported the proposal;

- (b) Lung Mei was suitable for development into a beach because it was located in the inner bay of Tolo Harbour. The problem of sand loss was very unlikely; and
- (c) the local people had always been in support of environmental protection. The designation of some coastal area into a Marine Park had received the support of the fishermen.

20. Mr. Leung Fuk made the following point:

- (a) since the time of his grandfather, Lung Mei had been a sandy beach used by the local people. His request was to reinstate the original beach which was destroyed due to the construction of Plover Cove Reservoir.

[Prof. Bernard Lim left the meeting temporarily at this point.]

Commenter No. C2

21. With the aid of some tables and plans, Mr. Yiu Vor made the following main points:

- (a) the further information submitted to ACE was questionable as the species count in the inter-tidal area recorded a 7-fold increase in 2008, as compared with the 2007 count;
- (b) it was misleading to state that the substantial difference in species count was due to a difference in the methodology used. In fact, the methodology was the same and the difference was in the size of the belt transect adopted for carrying out the survey in 2007 and 2008;
- (c) the further information had grossly over-estimated the number of common species identified and under-stated the importance of the rare and

endangered species found in the species count;

- (d) the further information had over-simplified the variety of habitat found along the northern coast of Tolo Harbour from more than six different habitats in different parts of the coastal area to a single and general coastal habitat;
- (e) the controversy over the ecological value of the beach was not resolved at the ACE meeting;
- (f) the extent of the beach should be reduced from 200m to 50m as shown in the layout enclosed in the tabled document. It could be developed as Lung Mei Beach cum Educational Park and the land fill boundary could be adjusted. Similar to Hoi Ha Wan Education Centre, field studies could attract visitors to the beach. This would reduce the ecological impact and increase the chance of using the beach for swimming. Moreover, the Notes of the OZP should be amended by deleting 'Bathing Beach' use; and
- (g) the Board should defer making a decision on the matter until the controversial issue regarding whether the beach would cause adverse environmental and ecological impacts had been resolved.

22. As the presentations from the representers and commenters had been completed, the Chairman invited questions from Members.

23. Members raised the following questions:

Ecological and Conservation Value

- (a) whether there were other beaches similar to Lung Mei in the South China Sea area;
- (b) why the ecological value of Lung Mei was graded as low when the data

provided by R3 and R6 suggested otherwise;

- (c) whether there was any misinterpretation of data causing the discrepancy in the information provided in the two reports prepared by the Government and by the presenter;
- (d) whether the discrepancy was due to a difference in the methodology or in the timing of the survey;

Suitability of Beach Use

- (e) whether the water quality at Lung Mei was up to the standard required for swimming;
- (f) whether the water quality could be improved beyond the current estimate of 86% of the time being acceptable for swimming purposes;
- (g) whether any assessment on sand loss had been made;
- (h) whether an alternative location for the beach had been considered;

Original State of Lung Mei

- (i) whether Lung Mei was originally a beach or a mud-flat;
- (j) whether the current proposal could be considered as reinstatement of the mud-flat to its original landform;

Design

- (k) whether consideration was given to reduce the extent of the beach to meet DEP's condition in approving the EIA report; and
- (l) whether Commenter C2's proposal to reduce the extent of the beach from

200m to 50m could be considered.

[Prof. Bernard Lim returned to join the meeting at this point.]

Ecological and Conservation Value

24. Mr. Terence Fong (CEDD's Environmental Consultant) replied that, from a macro point of view, there were many beaches similar to that of Lung Mei in Hong Kong and along the coast of South China. In terms of its ecological value and its environmental conditions, the current landform at Lung Mei was common.

25. Mr. Terence Fong explained that 11 criteria would normally be used to assess the ecological value of any natural habitat. The report prepared by HKWildlife.net had adopted several criteria that were more attuned to assess the ecological value of a river environment rather than a coastal environment. In the EIA report submitted by CEDD, the assessment had strictly followed the Technical Memorandum of the EIAO and concluded that the ecological value of Lung Mei was low after taking all the 11 criteria into consideration.

26. On the reasons for the discrepancy between the information contained in the two reports submitted by the Government in 2007 and 2008, Mr. Terence Fong explained that the EIA was carried out in accordance with the Technical Memorandum of the EIAO which only required the record of the dominant species found. However, in view of the public concern on the ecological value of Lung Mei and the request from ACE for additional information, a more detailed survey was carried out making reference to the approach used in the report submitted by the environmental group. As a result of the more detailed survey done in 2008, the number of species identified had increased significantly. Mr. Fong stressed that the original survey undertaken in 2007 in the EIA report had already followed the EIAO requirements. Mr. Fong also said that without knowing the methodology used by the environmental groups in conducting their survey, it would be difficult to compare the results from the two different parties.

27. Mr. Joseph Sham of AFCD added that the purpose of the ecological survey was to establish the ecological baseline information for evaluation of ecological importance and

impact assessment, and it was not required under the EIAO to record all the species present. Related publications by Professor Brian Morton, an expert in this field, indicated that a full species count of Hong Kong's sandy beaches would probably run into many hundreds. He explained that the number of species identified was not the only criteria in determining the ecological value of a site. Moreover, the fact that some rare species were found should not automatically mean that the habitat would be of high ecological value. For example, the two-spot goby identified as rare by the representer was in fact recorded in other areas in Hong Kong, such as Ting Kok East, Lai Chi Chong, Yung Shue O North, Lantau as well as other areas in the Northern New Territories. Mr. Sham said that, based on the findings of the EIA Report and the additional information submitted by the project proponent, AFCD maintained their view that the overall ecological value of Lung Mei was low.

[Ms. Starry Lee left the meeting at this point.]

Water Quality and Sustainability of Beach Use

28. Mr. Terence Fong explained that water quality modelling had been conducted and the results demonstrated that water quality of the beach could be improved to attain the Water Quality Objectives at a level that was suitable for swimming for over 86% of the time during the swimming season, with the assumption that 60% of the surrounding developments in the area would be connected to the new sewerage system. Mr. K.W. Mak of DSD added that the Government would try its best to increase the connections rate and they had agreed with the Tai Po District Council to organize a campaign to encourage villagers to make connections to the new sewerage system.

29. Mr. Alfred Chow of LCSD said that the water quality of the Lung Mei area was not acceptable at the present moment but he understood that the water quality would be greatly improved after the sewerage improvement works were completed.

30. On the issue of sand loss, Mr. Ricky Wong of CEDD replied that the hydrodynamic model conducted under the EIA showed that the waves and currents at Lung Mei were much weaker than places like the Gold Coast in Tuen Mun and hence, the problem of sand loss would unlikely occur. Besides, two groynes were proposed to be built to prevent sand loss.

31. Regarding the consideration of alternative sites for developing a beach, Mr. S.K. Lam of CEDD explained that a comprehensive site search had been conducted at an early stage of the study and several options had been examined. Mr. Fong added that several locations including Shuen Wan and Sha Lan had been considered and Lung Mei was finally selected as it would require the least amount of reclamation and the environmental impact was the minimum.

[Mr. Felix Fong left the meeting temporarily at this point.]

Original State of Lung Mei

32. Mr. Hui Wai Keung, DPO/STN, explained that Lung Mei was originally a beach and this was already demonstrated to Members at the hearing last time. Mr. Terence Fong added that Lung Mei was defined as a non-gazetted beach with a foundation made of sand rather than of mud. As such, it was not entirely correct to describe Lung Mei as a mud-flat.

Design

33. On the design of the beach, Mr. S.K. Lam of CEDD explained that the width of the beach was only about 50m which was in line with the proposal made by commenter C2. On the requirement of DEP to reduce the extent of the beach, he said that relevant Government departments were considering the possibility of moving the seawall backward, reducing the number of car parking spaces and the size of the beach. Mr. Lam said that it was technically feasible to revise the beach project to take on board DEP's requirement without the need to amend the OZP.

34. A Member commented that the previous aerial photo had shown some degree of sand loss at Lung Mei beach. He asked relevant Government departments to closely monitor the situation when the project was implemented.

35. As the representers and commenters and their representatives have finished their presentation and Members had no further questions to raise, the Chairman said that the

hearing procedures had been completed and the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked them and the Government's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

36. A Member queried whether another Member had a conflict of interest as that Member was a Member of ACE and was mentioning the views of ACE on the subject matter. The Secretary said that reference could be made to a similar situation when the Wan Chai North OZP was considered by the Board and a Member, being the Chairman of the HEC, was involved in the hearing of the objections. At that time, Members agreed that that Member could stay in the meeting. The Secretary also drew Members' attention to the "sunshine principle" that when a Member considered whether a declaration of interest was necessary, he had to consider the public perception, i.e., whether the public would perceive that the decision of the Board was biased due to the presence of that Member.

[Mr. Felix Fong and Dr. James Lau returned to join the meeting at this point.]

37. A Member considered that Members sat on different Advisory Committees (AC) on a personal basis and their views should not be taken as representing the AC's views. The Member said that Members should avoid expressing their views when asking questions but considered that Members who were also Members of other Committees could stay in the discussion and deliberation of the representations provided that the Committee under concern was neither a representer nor a commenter. Another Member commented that unless commercial interests were involved there should not be a conflict of interest. Two other Members agreed that in the present case, it would be sufficient for Members who were also members of the ACE to declare an interest but they should be allowed to stay in the meeting to participate in the discussion.

[Mr. Edwin Chan arrived to join the meeting at this point.]

38. The Vice-Chairman commented that the decision of the ACE should not affect the Board's decision on the subject case as the Board had to take into account a much wider

perspective. However, he opined that Members should also express their own views rather than relay the views of other committees. The Chairman concluded the discussion and said that as ACE was neither a representer nor a commenter, the concerned Member should declare interest as a member of ACE and should be allowed to stay for the discussion and deliberation of the representations.

39. Mr. Benny Wong, who represented DEP, declared an interest given the role of DEP in approving the EIA report. Mr. Donald Yap declared an interest as he knew a number of the representers who made representations at the meeting. As their interests were minor and indirect, the Board agreed that they could stay at the meeting and participate in the discussion.

40. A Member noted that the local community and the environmentalists had divergent views and he wondered whether a compromise solution could be found. The Chairman said that the Board's basic responsibility in this case was to consider whether the "O" zoning of the subject site was appropriate. In considering the ecological impact of such a proposal, it was proper for the Board to make reference to the more authoritative views of the ACE. Being the expert on environmental matters, both ACE and DEP had accepted the EIA report and hence, the Chairman did not see any basis for the Board to have a different view in relation to the ecological value of Lung Mei.

[Ms. Annie Tam arrived to join the meeting at this point.]

41. The Vice-Chairman agreed and said that the detailed information relating to ecological matters should be dealt with by ACE and DEP and the Board should consider the land use zoning of the site. Regarding DEP's requirement to reduce the size of the project and the carpark, the matter should be monitored by DEP through the issue of the Environmental Permit. The Vice-Chairman considered the "O" zoning of the site acceptable.

42. One Member asked whether it was possible for part of the beach to be reserved for environmental education purposes. Another Member said that the type of activities that would be provided at the beach could be determined at a later stage. Regarding a concern raised by one Member on the water quality of the beach, another Member held the view that

it should be dealt with by LCSD which had an established mechanism to monitor the water quality for swimming at beaches.

43. Although the representative from CEDD explained that they might reduce the scale of the beach, a Member was not satisfied as no proposal had been submitted by the project proponent to demonstrate how ACE and DEP's requirements were complied with. The Chairman noted that ACE had not specified the extent of reduction in scale. He suggested and Members agreed that the matter should be considered later at the design stage by CEDD and DEP.

44. In sum, the Chairman concluded that Members generally agreed to the "O" zoning for the site. The Board also noted that the final extent of the reduction in scale would have to be further determined as per the condition of DEP's approval of the EIA report. This was an implementation matter. In this regard, relevant Government departments in particular EPD and LCSD would continue to monitor the implementation of the beach project to minimize the impact of the project on the environment.

Representation No. R1 to R22

45. After deliberation, the Board decided not to uphold the opposing representations for the following reasons:

- (a) the EIA assessments of the proposed Lung Mei Beach, including impact assessments of air quality, noise, water quality, ecological, fisheries, landscape and visual, and waste management implications, pointed out that no unacceptable environmental impacts were envisaged due to the construction and operation of the proposed beach. Moreover, with the implementation of the mitigation measures under the EIAO to avoid, minimize and control any adverse environmental impact arising from the proposed beach, and the completion of the proposed sewerage system, the water quality of the proposed beach was expected to be acceptable under the Water Quality Objectives of the Water Pollution Control Ordinance. The proposed "O" zone and the incorporation of 'Bathing Beach' use in the Notes for the "O" zone were considered appropriate for the land use of the proposed beach;

- (b) there was insufficient information in the representations and comments to demonstrate that the proposed beach would lead to adverse environmental and ecological impacts to the area concerned; and
- (c) insufficient information was provided in the submissions to justify a rezoning of the coastal “O” zone to “SSSI”, “CPA” or “CA”.

Representation No. R23 to R69 and R71 to R4460

46. The representations in support of the proposed amendments to the OZP were noted by the Board.

Agenda Item 3

[Open Meeting (Presentation and Question Session Only)]

Consideration of Representations and Comments in Respect of the Draft Tsim Sha Tsui
Outline Zoning Plan No. S/K1/23

(TPB Paper No. 8221)

[The hearing was conducted in Cantonese and English.]

Presentation and Question Session

47. The Secretary reported that the following Members had declared interests on the item:

- | | |
|------------------|---|
| Mr. Raymond Chan | - Owned a property at Hillwood Road |
| Dr. James Lau | - Spouse owned a property at Austin Road |
| Mr. Tony Kan | - His company owned a flat and a carpark in Tsim Sha Tsui |
| Mr. Daniel To | - His company owned a property in Tsim Sha Tsui |

48. Members noted that Mr. Raymond Chan, Dr. James Lau, Mr. Tony Kan, Ms. Starry Lee, Mr. Daniel To, and Mr. Timothy Ma had left the meeting.

[Ms. Anna Kwong left the meeting at this point.]

49. Members noted that sufficient notice had been given to the representers to invite them to attend the meeting. While Representers No. R59 and C4 would attend the meeting, the other representers and commenters had made no reply. The Board agreed to proceed with the hearing in the absence of the remaining party.

Group 1

Representation Nos. R1, R2, R59 and Commenters C1 to C4

50. The following representatives from PlanD were invited to the meeting at this point:

Ms. Heidi Chan	DPO/TWK, PlanD
Mr. C.K. Soh	STP/YTM, PlanD
Mr. T.W. Ng	STP/UD, PlanD
Prof. Edward Ng	PlanD's AVA Consultant

51. The following representatives of the representers and commenters were also invited to the meeting:

<u>R59</u>)
Mr. Louis Loong)
Prof. Alex Lui)
Mr. Ian Brownlee)
Ms. Cherrie Lai) Representers' representative
Mr. Steven Townsend)
Mr. Sylvester Wong)
Mr. Peter Churchouse)

C4

Mr. S.K. Ngai) Commenters' representative
Mr. P.K.Chung)

52. The Chairman extended a welcome and explained briefly the procedures of the

hearing. He then invited Ms. Heidi Chan to brief Members on the background to the representations.

53. With the aid of a Powerpoint presentation, Ms. Heidi Chan made the following main points as detailed in the Paper:

- (a) the background to the amendments to the draft Tsim Sha Tsui OZP as detailed in paragraph 1 of the Paper. This Paper covered 3 representations (Group 1) and 4 comments in relation to the imposition of building height restrictions (BHR) on the Tsim Sha Tsui OZP;
- (b) an overview of the representations:
 - R1 was submitted by Mr. Ho Ka Hei who supported the imposition of BHR in Tsim Sha Tsui;
 - R2 was submitted by the Civic Party and it considered that the proposed development control measures in Tsim Sha Tsui were insufficient in general; and
 - R59 was submitted by the Hong Kong Real Estate Developers Association (REDA). It opposed the BHR on various zones and the related amendments to the Notes of the OZP;
- (c) for Representation R1, the grounds of representation and the representer's proposal were summarized as follows:
 - (i) Grounds of Representation
 - the BHR would help preserve the view of Victoria Harbour; and
 - it would help maintain the character of the locality as a tourist spot;
 - (ii) Representers' Proposal
 - the representer did not put forward any specific proposal;
- (d) for Representation R2, the grounds of representations and the

representers' proposals were summarized as follows:

(i) Grounds of Representation

- there was a lack of overall vision on how to sustain Tsim Sha Tsui as a destination for locals and tourists;
- the stipulation of BHR without a corresponding reduction in the permitted plot ratio would aggravate the risk of the development of walled and screen-type buildings;
- it was unclear whether the BHR were sufficient to ensure a sustainable and quality living environment;
- there was a lack of public consultation on the BHR and only the minimum statutory requirements under the Town Planning Ordinance had been met; and
- there was a lack of information to demonstrate that the right balance was struck between development and the public interest. Moreover, the limited information available was in a form that was difficult for the general public to understand;

(ii) Representers' Proposal

- the BHR for New World Centre and Harbour City should be further limited so that the view of Lion Rock could be maximized;
- the plot ratio for all sites that were yet to be developed should be reduced by a minimum of 20%;
- the maximum plot ratio should be stipulated for all zonings under the OZP and the maximum should be inclusive of all non-accountable or bonus GFA;
- a maximum site coverage of 60% at ground level should be stipulated to avoid podium structures;
- there should be a minimum setback requirement for all sites upon redevelopment;
- mandatory visual and air corridors should be stipulated and more open space should be provided through rezoning;
- the area under the Kowloon Park Drive should not be rezoned

to “G/IC” as the space would provide more air circulation and visual relief; and

- the Board should retain control over the “OU(Museum)” sites.

(e) for Representation R59, the grounds of representations and the representers’ proposals were summarized as follows:

(i) Grounds of Representation

- the BHR should not be based on visual impact and air ventilation implications alone but should also consider other factors including the impact on Hong Kong’s economy, the role of Tsim Sha Tsui as part of the CBD, the development right of land owners, and the impact on private sector redevelopment initiatives;
- to be Asia’s World City, Hong Kong needed to provide top quality office space. Tsim Sha Tsui was the ideal location for the development of well-designed signature buildings which reflect the vitality of the city;
- the existing development pattern of Tsim Sha Tsui with low-rise buildings taking up a high site coverage and little space created around the buildings was the result of the airport height restrictions and was undesirable;
- the area in the inner part of Tsim Sha Tsui was outside the view fan of the Lion Rock ridgeline. Allowing taller buildings in this area would not compromise views towards Lion Rock;
- relaxing the BHR to a higher level would result in a more varied and interesting skyline as the lot size and building economics would dictate the height achievable by individual developments. The current height bands would result in continuous bands of new buildings at the same level;
- the BHR would compromise the efficient design of quality office developments in terms of floor-to-floor height and floor plate size;
- the BHR tended to confine developments into a solid mass

rather than encourage the creation of space around buildings at street level;

- the BHR would be acceptable if it generally permitted a reasonable form of office development;
- as taller buildings tended to have a higher value per square metre of GFA, the BHR would affect property value and the incentive for redevelopment;
- for buildings which had already exceeded the height restrictions, the general presumption against application for minor relaxation of BHR unless under exceptional circumstances was harsh and unnecessary;
- it was unfair that the principle of allowing existing developments to be redeveloped up to their existing height and bulk was not consistently applied throughout the OZP;
- there had been no public consultation before the imposition of the BHR; and
- there was insufficient information on the rationale of the BHR, the reasons for the different height levels imposed, and the visual analysis conducted.

[Ms. Annie Tam left the meeting at this point.]

(ii) Representers' Proposal

- increase the building height limits for all “C” zones;
- remove the prohibition of minor relaxation of BHR under the “C(7)” and “C(8)” zones;
- delete paragraph 7.6 of the Explanatory Statement relating to the general presumption against minor relaxation for buildings that have already exceeded the BHR; and
- delete paragraph (9) of the Remarks of the Notes for the “C” zone which did not permit existing developments within “C(7), “C(8)” and “C(9)” to be redeveloped up to their existing height and bulk; and
- delete paragraph (13) of the Remarks of the Notes for the “C”

zone which did not permit land zoned “C(7)” and “C(8)” to apply for minor relaxation of building height.

- (f) the views of Commenters C1 to C4 were summarized as follows:
- Commenter C1 considered that much lower BHR should be imposed on the two developments at New World Centre and Ocean Centre;
 - Commenter C2 raised concern on the absence of corresponding reductions in plot ratio and the need to create view corridors and air corridors, and made the proposal to sub-divide Government sites to provide view corridors and public open space at the ground level;
 - Commenter C3 considered that more stringent development controls should be imposed onto the area and regretted that plot ratio controls were not introduced. Without plot ratio controls, the road network would be under stress and there would be little opportunity to improve the pedestrian environment. He noted that the BHR along the waterfront were likely to worsen the wall effect and reduce permeability; and
 - Commenter C4 supported the BHR covering the New World site, pointing out that the stepped height profile descending from east to west would improve the integration with the existing waterfront promenade and facilitate wind penetration and circulation.

[Mr. Walter Chan left the meeting at this point.]

- (g) PlanD’s responses to the grounds of representations were summarized as follows:
- plot ratio controls had already been introduced to the Tsim Sha Tsui area since 1993. To reduce the development intensity further would require very strong justifications as it would affect the development right of land owners. The proposed BHR were an alternative set of controls to improve the built environment. It

presented a fair balance between development and public interest without compromising the sustainable and quality living environment;

- the BHR were mainly to prevent the adverse impact on the townscape caused by further excessively tall or out-of-context buildings;
- the BHR were based on an overall building height concept which took into account several factors including the general height profile of the area, the ridgeline protection requirements, harbourfront settings, topography, vistas, urban design context, relationship with the adjoining districts, wind performance and recommendations of the air ventilation assessment (AVA);
- the additional balancing factors suggested by R59 including the need for economic development, the role of Tsim Sha Tsui, and the development right of land owners were already taken into account in the proposed height restrictions;
- to improve air penetration, streetscape and pedestrian circulation, a 1.5m wide non-building area from the lot boundary abutting a public road had been stipulated for sites in the inner part of Tsim Sha Tsui;
- the issue of pedestrianisation and ground level mobility raised by R2 had already been examined in the Area Improvement Plan for Tsim Sha Tsui Study completed in 2007;
- the BHR had acknowledged Tsim Sha Tsui as a high-rise node and a major component of the CBD so that the development of relatively high-rise buildings at appropriate locations were allowed;
- the building height bands would achieve a stepped height profile which increased progressively from the waterfront and the northern part of the area at 60mPD to central Tsim Sha Tsui at 130mPD. The BHR would improve visual permeability, wind penetration and circulation, maintain a more intertwined relationship with Victoria Harbour, and add interest to the skyline;
- the BHR had catered for the redevelopment potential of individual sites, ensured that a reasonable floor-to-floor height and a reasonable form of development could take place, and that sufficient

- flexibility in building design had been allowed for;
 - three air paths in an east-west direction on land to the west of Canton Road with a maximum building height of 15mPD had been designated to facilitate air ventilation between the sea and the inner part of Tsim Sha Tsui;
 - the BHR had taken into account the Urban Design Guidelines, the Vision & Goals for Victoria Harbour, and the Harbour Planning Principles promulgated by the HEC. There was no imminent need for another comprehensive urban design study for Tsim Sha Tsui as suggested by R2;
 - as the BHR had not affected the maximum permissible GFA under the OZP, there should not be any adverse impact on the economic value of properties or on the development right of land owners;
 - the three sites with no allowance for minor relaxation of BHR were super high-rise developments where a need to stringently contain the building height was considered necessary;
 - public consultation on the BHR was conducted only after the exhibition of the OZP in order to avoid premature release of information which might prompt developers/landowners to accelerate the submission of building plans that would become fait accompli and nullify the effectiveness of the BHR.
- (h) PlanD's responses to the representers' proposals were summarized as follows:
- the proposed blanket increase in the building height for all "C" zones would undermine the overall purpose of incorporating the BHR and affect the townscape and character of the area;
 - the vantage points adopted in drawing up the height profile had undergone extensive public consultation in the context of the Urban Design Study and was generally supported by the public;
 - the determining factor for the BHR was not so much the Lion Rock ridgeline but rather the overall building height profile and the sense of place at the pedestrian level;

- the redevelopment projects at New World Centre and Harbour City were regarded as committed developments and recognized in the Urban Design Guidelines. There was a need to reflect the building height of the committed developments on the OZP;
- on plot ratio controls, restrictions on development intensity were already specified in the Tsim Sha Tsui area in 1993. The BHR were another initiative to provide better planning control;
- in the absence of technical justifications, there were insufficient grounds to introduce the 20% reduction in plot ratio for all sites yet to be sold. Any control on the plot ratio would need to be carefully considered as it had to strike a balance between public interest and private development right;
- the proposal to include all the non-accountable and bonus GFA into the maximum GFA permissible was not in line with the current practice and would undermine the development of the site, the provision of essential building facilities and the dedication of space for public use;
- the proposal to limit the site coverage of all buildings with a maximum site coverage of 60% might restrict the building design to such an extent that the development would become non-viable;
- mandatory visual and air corridors were already incorporated onto the OZP. The mandatory ground floor open space proposal would not be necessary;
- on the proposed sub-division of Government sites, there was no information from the representer to show that the Government sites in Tsim Sha Tsui were unnecessarily large;
- the proposal to retain the original zoning of the site underneath Kowloon Park Drive was not accepted as the role of the site in enhancing air circulation and visual relief was quite limited;
- regarding the sites zoned “OU(Museum)”, the Board had never loosened its control on the uses permitted on the concerned sites;
- minor relaxation of building height was allowed on most sites except for the three super high-rise developments;

- (i) in order to provide more flexibility to achieve good building design, better disposition of urban spaces, and to provide an incentive for amalgamation of smaller sites, an incentive proposal was proposed whereby developments which demonstrated a reduction in the massiveness of their podiums, provided more space at street level to improve air ventilation and greening, and provided improvement to the pedestrian environment would be permitted to apply for relaxation of the maximum permitted building height. Such application would need to be supported by technical assessments including visual impact assessment, landscape proposal, and air ventilation assessment, where necessary. The criteria to assess such applications were proposed to include the following:
- minimum site area of 2,000m² and maximum site coverage of 65% at ground level and above;
 - design justifications to relax the building height;
 - building orientation that demonstrated no obstruction to prevailing winds and improved air ventilation;
 - sensitive building disposition and height to avoid visual barrier to the hill backdrop, skyline, harbour, promenade and public open space;
 - minimum green coverage of 20% of the site area visible to pedestrians for improved micro-climate and general amenity;
 - landscaped ground floor set back of 3m to 5m or 1/10 of the depth of the site from the site boundary along the façade of principal streets or public open space;
 - if the site frontage exceeded 100m, a building gap of not less than 1/4 of the building width along the façade of principal streets or public open space should be provided;
 - improved streetscape, footpaths and public circulation space with suitable landscape design; and
 - other factors such as uniqueness of building design and design merits that improved the townscape and amenity of the locality.
- (j) should the Board agree to the incentive proposal, the proposed

amendments to the OZP to incorporate the proposal would be submitted to the Board for consideration.

54. The Chairman then invited the representers' and commenters' representatives to elaborate on the representations and comments.

[Mr. K.Y. Leung left the meeting at this point.]

Representation No. R59

55. With aid of a powerpoint presentation and a paper tabled at the meeting, Mr. Louis Loong made the following main points:

- (a) REDA did not oppose the imposition of BHR provided that the height restrictions recommended were justified, having noted that Tsim Sha Tsui was a high-rise node;
- (b) the incentive proposal was a positive step in the right direction. However, the proposal was only made known to him seven days ago and hence, he did not have a chance to consult members of REDA and other stakeholders. He also noted that Government departments were not consulted; and
- (c) REDA's preliminary views were that the incentive proposal did not provide much incentive for the private sector. The proposal as laid down in paragraph 6 of the paper was arbitrary, the extent of the building height relaxation was not specified, and the criteria were not specific enough.

56. With aid of a powerpoint presentation, Mr. Steven Townsend made the following main points:

- (a) from economic point of view, the problem of Hong Kong now was how to reinforce its role as Asia's World City;
- (b) it needed to provide a world class place for people to live and work, a city

with vibrant, spacious and pollution-free street environment, office and hotel developments which were globally competitive and sustainable, and a rich and memorable skyline; and

- (c) in order to remain competitive, the Government should recognise the heights of approved building proposals and incorporate them into the OZP, protect views and improve air quality, let property owners realise the optimum value of their site, determine the building height from factors other than the visual and air ventilation considerations, and conduct a detailed urban design plan to ensure a quality urban environment for Hong Kong.

[Mr. Nelson Chan arrived to join the meeting at this point.]

57. Mr. Peter Churchouse supplemented on the economic aspects with the following points:

- (a) due to the increasing importance of the financial service sector in Hong Kong, the demand for office space had continued to increase;
- (b) the finance, insurance and real estate (FIRE) sector was a high value-added and high-paying industry providing a significant multiplier effect to the whole economy;
- (c) the FIRE sector was a big user of office floor space. From 1991 to 2005, the total office floor space occupied by financial sector establishments had increased by 300% from a total GFA of 1 million m² to 3 million m²;
- (d) due to the prestigious nature of the FIRE sector, the office space required was of a very high quality, with generous floor plates and ceiling heights; and
- (e) for Hong Kong to stay competitive with other financial centres including New York, London and Singapore where prestigious and very high quality

office space were provided in new financial districts such as Canary Wharf, Mid-Town New York and Marina Bay, the Government should make good use of Tsim Sha Tsui as a new location for prestigious office developments.

[Prof. Bernard Lim returned to join the meeting at this point.]

58. Mr. Sylvester Wong presented the urban design aspects and made the following points:

- (a) the BHR should permit developments surrounding the three super tall buildings to be built to a higher level so that the buildings could be more compatible with each other. This would also improve the building profile;
- (b) a lower building height restriction would result in large site coverage and would likely create a wall effect. Taller buildings would open up the street views, enable better air ventilation and create more space between buildings. It would provide more natural daylight and a healthier working space. It would also improve the internal efficiency of the building and increase the value of the property;
- (c) the BHR should be determined taking into account the building height of the surrounding buildings, some of which had already been developed into high-rise developments. The BHR should also take into account the context of the area, for example, more high-rise buildings should be allowed near mass transit stations. This would create a more dynamic skyline than the currently proposed building height bands; and
- (d) being a financial centre in Asia, a detailed urban design plan should be prepared for Hong Kong. A proper urban design plan should not only consider the building height but also the catalytic role of the Tsim Sha Tsui area. It should also involve all the stakeholders in the public consultation process.

59. Mr. Ian Brownlee presented the planning aspects and made the following points:
- (a) the BHR were too restrictive. It had discouraged good development and deterred private sector initiatives in urban renewal;
 - (b) the normal practice where minor relaxation of BHR was allowed through application to the Board was not universally adopted in the subject OZP. Application for minor relaxation of building height was not permitted under the “C(7)” and “C(8)” zones even though it was subject to a number of BHR. The intention should not prohibit an application for minor relaxation for sub-areas with lower BHR;
 - (c) for sites zoned “C(1)”, “C(2)” and “C(6)”, a minimum 1.5m wide non-building area was required from the lot boundary abutting public road(s). However, the meaning of public road was not clear. The private lots within the old area of Tsim Sha Tsui were mostly small and it might not be feasible to provide the set back but there was no provision for application for relaxation of the 1.5m wide non-building area. This would affect the redevelopment of these sites. Moreover, it was not clear if the claim for bonus plot ratio would be allowed for the subject set back;
 - (d) for sites zoned “C(7)”, “C(8)”, and “C(9)”, the buildings upon redevelopment were not permitted to be built up to their existing height. This was not in line with the normal practice. It would also discourage redevelopment and hence the intention to reduce the building height on the sites upon redevelopment could never be achieved;
 - (e) the BHR should be set at a reasonable level so that application for minor relaxation should be the exception rather than the rule as such applications were time consuming and costly;
 - (f) although the incentive proposal was a positive attempt made by PlanD, it

was preferable to have a more proper BHR instead of requiring the developers to submit applications for relaxation on every single case. The proposal had not gone through any public consultation and the criteria proposed under paragraph 6 of the paper seemed to be arbitrary and the mechanism had not been fully developed to support its inclusion into the OZP. As the incentive proposal involved a major change, he suggested the Board should defer any decision on the matter and allow time for the stakeholders to consider the proposal; and

- (g) the plot ratio under the current OZP should be retained.

Commenter No. C4

60. Mr. P.K. Chung made the following point:

- (a) he agreed with paragraph 5.6.2(b) of the paper which indicated that the BHR for the New World Centre development proposal had maintained a stepped height profile respecting the waterfront location of the site.

61. As the presentations from the representers and commenters had been completed, the Chairman invited questions from Members.

62. A Member enquired whether it was intended to set an upper limit for the extent of BHR relaxation as introduced under the incentive proposal. He further enquired whether setback requirements under the incentive proposal and the 1.5m wide non-building area for “C(1)”, “C(2)”, and “C(6)” were allowed to claim bonus plot ratio under B(P)R. He also asked how the street frontage of 100m as indicated in paragraph 6.5(g) of the Paper should be calculated for corner sites with street frontage on three sides.

63. In response, Ms. Heidi Chan explained that there was an opportunity to provide taller buildings which benefit Tsim Sha Tsui as the Central Business District and as a high-rise node in Hong Kong. Under the incentive proposal, each application for building height relaxation would have to be well justified based on individual merits and there would be no upper limit on the extent of relaxation. The criteria under the incentive proposal of 3m to 5m setback would include the 1.5m wide non-building area for “C(1)”, “C(2)”, and “C(6)”

zones. As regards whether the set back area would be allowed to claim bonus plot ratio, it would have to be determined under B(P)R as indicated in the Remarks of the Notes of the OZP. On the third question regarding the 100m site frontage, Mr. T.W. Ng replied that the 100m site frontage would be applicable to the side facing a main street. As the incentive proposal was intended for sites not less than 2,000m², the building gap requirement should not create great difficulty in the design of the future development.

64. In response to the same Member's query on whether the maximum site coverage of 65% as indicated in paragraph 6.5(a) of the paper would allow the claim for bonus plot ratio which might then result in more intensive and bulkier buildings, Mrs. Heidi Chan replied that the claim for bonus plot ratio would have to be considered by the Building Authority. The Chairman added that the granting of bonus plot ratio would be considered under B(P)R for land dedicated for public passageways.

65. A Member said that he noted some degree of similarities in REDA's urban design principles and PlanD's recommended building height concept. He asked if REDA would propose any specific amendments to the OZP on the BHR. He also enquired about the justifications behind the 1.5m wide non-building area in the "C(1)", "C(2)", and "C(6)" zones, its impact on the redevelopment potential of existing sites and whether application for minor relaxation was applicable to this requirement.

66. Mr. Ian Brownlee replied that the building height bands proposed by the representer were shown on the plan of contextual heights as contained in the paper tabled at the meeting and in their powerpoint presentation. The concept was similar to PlanD's concept plan in Plan H-4 of the paper. A high rise node of 300mPD was proposed above the Tsim Sha Tsui MTR station, building heights of 200-300mPD were proposed above Jordan MTR station and Tsim Sha Tsui East MTR station, and the building height contours would gradually decrease in a radial direction. If this concept was agreed, PlanD could further study how they should be reflected in the building height limits on the OZP. However, he noted there was a big difference with the currently proposed restrictions ranging from 60mPD to 130mPD. Mr. Steven Townsend added that the proposed increase in building heights up to about 300mPD was reasonable and necessary if Hong Kong was to remain competitive as many other Asian cities were already developing buildings over 300m in height. REDA wanted to ensure that super high-rise developments at appropriate

locations would be permitted in Tsim Sha Tsui. Prof. Alex Lui supplemented that Tsim Sha Tsui was an important extension of CBD which was essential for Hong Kong to be a world financial centre. He said that REDA also proposed to conduct a comprehensive urban design study for Tsim Sha Tsui taking into account a wider range of issues such as the possibility of different building height for different land uses, the relation with the transportation network, etc. All the issues should be carefully assessed before coming up with proposals on BHR which would affect the longer term development of Hong Kong.

67. In response to the second point, Ms. Heidi Chan explained that the 1.5m wide non-building area was proposed for some areas in Tsim Sha Tsui mainly for air ventilation purposes and for improvement of pedestrian environment as recommended by the AVA study. No relaxation of the 1.5m wide non-building area was allowed because the relaxation of any single site along the street would block the wind flow and nullify the purpose of air ventilation improvements. Ms. Chan also indicated that two recent developments at two very small sites at Ashley Road had obtained building plan approval with a 1.5m wide non-building area included which demonstrated that the 1.5m set back was practical even for small sites. On the set back issue, Mr. Ian Brownlee commented that the Government should at least provide an opportunity for the developer to make an application for minor relaxation of the 1.5m wide non-building area requirement to cater for specific site circumstances.

68. A Member asked if there would be an adverse impact on the redevelopment incentive for sites when new buildings were not allowed to build up to their existing height and had to follow the much lower height limits stipulated under the OZP.

69. Ms. Heidi Chan explained that only three sites were not permitted to develop up to their existing building heights. The two committed super tall developments at New World Centre and Ocean Centre already allowed for on the OZP were located on two of the three sites while the remaining site was allowed to apply for minor relaxation of the BHR. For all the other sites in Tsim Sha Tsui, they could be rebuilt to their existing building height and application for minor relaxation of BHR were allowed.

[Prof. Bernard Lim left the meeting temporarily at this point.]

70. The Chairman asked the representers whether the incentive proposal was acceptable. Mr. Ian Brownlee replied that the suggested criteria for assessing the application for relaxation were arbitrary and unclear. Mr. Louis Loong reiterated that REDA considered it a positive step in the right direction but they would need more time to study the proposal in detail as one week was not enough. Prof. Alex Lui supplemented that an urban design plan should be drawn up after a comprehensive urban design study in order to provide a basis for the Board to consider whether the future application for building height relaxation would be acceptable. Otherwise, any decision by the Board would be arbitrary. The Chairman remarked that it was the established practice of the Board to issue the Town Planning Board Paper to the representers one week before the meeting. If the proposal suggested by PlanD was accepted by the Board, amendments would be made to the OZP accordingly and all members of the public would have the chance to give their views when the amendments were published.

71. Ms. Cherrie Lai said that as a developer, all they wanted was flexibility. Based on her experience in a project in Singapore, some tenants were looking for large office floor plates of over 4,000m² and high floor-to-floor heights. Although such design was costly, that was the market demand. She pleaded that the Board should provide the flexibility to allow the market to determine what was required.

72. As Members had no further questions to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representers' and commenter' representatives and the Government's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

73. The Chairman enquired whether a mechanism should be introduced to allow application for minor relaxation of the 1.5m wide non-building area under the "C(1)", "C(2)", and "C(6)" zones. Two Members agreed that a mechanism for minor relaxation should be provided but it should be subject to very stringent control.

74. A Member was concerned that if an application for relaxation of the 1.5m wide non-building area was permitted for one site, it would defeat the entire purpose of the set back requirement to improve air ventilation along that street. Mrs. Ava Ng pointed out that if the Board agreed to provide a mechanism for minor relaxation, the OZP should indicate clearly that permission would only be granted under very exceptional circumstances.

75. One Member noted that the requirement of a 1.5m wide non-building area abutting public roads was a good concept. He said that the space created should be dedicated for public use. The Chairman explained that the set back requirement in the OZP was intended for air ventilation purpose and whether the landowner would agree to dedicate the area for public use was another matter.

76. A Member asked if all the 9 assessment criteria under the incentive proposal had to be fulfilled before relaxation of building height would be granted by the Board. The Secretary replied that it was not intended to ask for compliance of all the 9 criteria. If the Board considered the incentive proposal acceptable, the criteria would be further refined and submitted to the Board for consideration before incorporation into the OZP. The same Member commented that the criteria under paragraph 6.5(g) should clearly state if the 100m site frontage should only refer to one side of the site. He also indicated that the relevant criteria should clearly state that the set back area should not be allowed to claim bonus plot ratio if it was not dedicated for public use.

77. Mrs. Ava Ng further commented that the contextual height plan proposed by REDA with building heights of 200mPD to 300mPD above MTR stations was not practicable as the surrounding streets were very narrow and allowing developments of such building heights in the area would create canyon effect and thus undesirable. A Member further commented that since the Jordan and Tsim Sha Tsui MTR stations were very close to each other, the representer's proposal would likely create a chain of very tall buildings along Nathan Road which was highly undesirable. He said that this concept might not be applicable to a congested urban area like Tsim Sha Tsui.

78. After further discussion, Members generally agreed that the incentive proposal and the assessment criteria should be introduced into the Tsim Sha Tsui OZP and PlanD

would refine the assessment criteria and consider further how the proposal would be incorporated into the OZP. The proposed amendment would be submitted to the Board for consideration as soon as possible. The Board also agreed that a mechanism for minor relaxation of the 1.5m wide non-building area should be introduced to allow for exceptional circumstances.

Representation No. R1

79. The Board noted that the representation was in support of the imposition of building height restrictions in Tsim Sha Tsui.

Representation No. R2

80. After deliberation, the Board decided not to uphold the representation for the following reasons:

- (a) the purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings and to instigate planning control on the overall building height profile of the Area;
- (b) in drawing up the building height restrictions for the Area, the Board had taken into account relevant factors including the general building height profile in the Area, ridgeline protection if applicable, harbourfront settings, topography, vistas, urban design context, the relationship with the adjacent districts in a wider context, the wind performance of the existing condition and the recommendations of the AVA as appropriate. The building height restrictions had struck a balance between meeting public aspirations for a better living environment and private development interests;
- (c) stipulation of building height restrictions on the OZP was one of the initiatives in enhancing planning control over development/redevelopments. Likewise, plot ratio restrictions had been introduced in

1993; and

- (d) without full justifications and in the absence of technical assessments, there was no sufficient ground to support the proposed reduction in plot ratio or the incorporation of other specific measures in the OZP.

Representation No. R59

81. After deliberation, the Board decided to partially uphold the representation by introducing an incentive proposal to allow for application for relaxation of building height restrictions and including a minor relaxation clause to allow for application for minor relaxation of the 1.5m wide non-building areas under the “C(1)”, “C(2)”, and “C(6)” zones.

82. Moreover, the Board decided not to uphold the remaining part of the representation for the following reasons:

- (a) the purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings and to instigate planning control on the overall building height profile of the Area;
- (b) in drawing up the building height restrictions for the Area, the Board had taken into account relevant factors including the general building height profile in the Area, ridgeline protection if applicable, harbourfront settings, topography, vistas, urban design context, the relationship with the adjacent districts in a wider context, the wind performance of the existing condition and the recommendations of the AVA as appropriate. The building height restrictions had struck a balance between meeting the public aspirations for a better living environment and private development interests;
- (c) the proposed amendment to blanket increase the height limits of all

“Commercial” zones would undermine the overall purpose of imposing building height restrictions and adversely affect the existing townscape and character of the Area;

- (d) it was necessary to indicate the planning intention of containing the height of super high-rise buildings in Tsim Sha Tsui, and not encouraging existing buildings within specific sites with a height already exceeding the building height restriction to be redeveloped to a level higher than the building height specified in the Notes and the Explanatory Statement of the OZP; and
- (e) the proposed increase of building height above the mass transit stations to 200mPD/300mPD would be undesirable due to incompatibility with the development context of the area where the distance between stations was short and the street patterns were congested.

[Prof. N.K. Leung left the meeting at this point.]

Agenda Item 3 (cont'd)

[Open Meeting (Presentation and Question Session Only)]

Consideration of Representations and Comments in Respect of the Draft Tsim Sha Tsui
Outline Zoning Plan No. S/K1/23

(TPB Paper No. 8222)

[The hearing was conducted in Cantonese and English.]

Presentation and Question Session

83. The Secretary reported that the following Members had declared interests on the item:

- | | |
|------------------|---|
| Dr. Greg Wong | - Had current business dealings with Sino Group (holding company of R60) and the Wharf Group (holding company of R61 and R62) |
| Mr. Raymond Chan | - Had current business dealings with Sino Group (holding company of R60) |
| Dr. James Lau | - Spouse owned a property at Austin Road |
| Mr. Tony Kan | - His company owned a flat and a carpark in Tsim Sha Tsui |
| Mr. Felix Fong | - Had current business dealings with Sino Group (holding company of R60) |
| Mr. Daniel To | - His company owned a property in Tsim Sha Tsui |

84. Members noted that Dr. Greg Wong, Mr. Raymond Chan, Dr. James Lau, Mr. Tony Kan, Mr. Felix Fong, Ms. Starry Lee, and Mr. Daniel To had left the meeting.

85. Members noted that sufficient notice had been given to the representers to invite them to attend the meeting. While Representers No. R4, R60, R61, R62 and C4 would attend the meeting, the other representers and commenters had made no reply. The Board agreed to proceed with the hearing in the absence of the remaining party.

Group 2

Representation Nos. R3 to R58, R60 to R62 and Commenters C3 to C7

86. The following representatives from PlanD were invited to the meeting at this point:

Ms. Heidi Chan	DPO/TWK, PlanD
Mr. C.K. Soh	STP/YTM, PlanD
Mr. T.W. Ng	STP/UD, PlanD
Prof. Edward Ng	PlanD's AVA Consultant

87. The following representatives of the representers and commenters were also invited to the meeting:

R4

Mr. Tang Fai Cheong - Representer

R60

Mr. Kim Chan)
Ms. Kerry Lee) Representers' representative
Mr. Yu Wai Wai)
Mr. Kenny Kong)

R61

Mr. Ian Brownlee)
Ms. Anna Wong)
Mr. C.Y. Ng) Representers' representative
Mr. M.Y. Wan)

Mr. Calvin Chiu)

R62

Mr. Ian Brownlee)

Ms. Anna Wong)

Ms. Yen Leng)

Mr. Lam Wo Hei) Representers' representative

Mr. Calvin Chiu)

Mr. Menachem Hasofer)

Ms. Margaret Wong)

C4

Mr. S.K. Ngai) Commenters' representative

Mr. P.K. Chung)

88. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited Ms. Heidi Chan to brief Members on the background to the representations.

89. With the aid of a Powerpoint presentation, Ms. Heidi Chan made the following main points as detailed in the Paper:

- (a) the background to the amendments to the draft Tsim Sha Tsui OZP as detailed in paragraph 1 of the Paper. This Paper covered 59 representations and 5 comments (Group 2) in relation to the imposition of building height restrictions (BHR) for three sites where super high-rise buildings were permitted and for several sites to the west of Canton Road;
- (b) an overview of the representations:
 - R3 to R58 opposed the BHR for the three sites at New World Centre East Wing (Site 1) at 230mPD/260mPD, the Ocean Centre development (Site 2) at 386.7mPD, and the Urban Renewal Authority (URA)'s project at Hanoi Road (Site 3) at 250mPD which they considered to be not stringent enough; and

- R60 to R62 opposed the BHR for several sites to the west of Canton Road including China Hong Kong City (85mPD), Royal Pacific Hotel (15mPD), Marco Polo Hongkong Hotel (90mPD) and Gateway I to Gateway III (85mPD/15mPD) which they consider to be too restrictive;
- (c) for Representation R3 to R58, the grounds of representation, the representers' proposals, the commenter's views and PlanD's responses were summarized as follows:

(i) Grounds of Representation

- the principle of imposing BHR was to control the height of future developments and remedy the problem of a number of visually incompatible and high-rise buildings which spoiled the cityscape;
- the BHR for New World Centre East Wing (Site 1) and Ocean Centre (Site 2) were excessive and out-of-context with the existing building height profile;
- the building height restriction of 386.7mPD at Ocean Centre (Site 2) would allow the owner of the site to develop any building below the building height restriction and would defeat the intention of the Board to 'honour' the scheme with approved building plans
- the BHR for the representation sites would undermine the landscape and visual quality of Victoria Harbour and block the ridgeline of Lion Rock/Beacon Hill;
- the mega towers that could be developed would block the view of developments in the inner part of Kowloon Peninsula. They would also cause a shielding effect which would affect air ventilation and trap heat;
- the BHR would create a wall effect along the waterfront, undermine Hong Kong's international image and was against the principle of sustainable development;
- the mega towers would worsen traffic congestion and air

pollution; and

- to allow the mega towers at the representation sites was a sign of ‘favoritism’ to the developers.

(ii) Representers’ Proposal

- to reduce the BHR for Sites 1 & 2 to a level ranging from 60mPD to 130mPD, with different representers suggesting a different height level for the two sites under concern;
- Government should return the land premium paid by the developers and tighten the BHR for the Sites 1 & 2;
- pressure should be exerted on the developers to suspend the development of the mega towers on the two sites; and
- to delete the provision in the Notes which allowed the redevelopment of a site up to its existing building height.

(iii) Views of Commenters C3 and C4

- C3 considered that more stringent development controls should be imposed onto the area and regretted that plot ratio controls were not introduced. Without plot ratio controls, the road network would come under stress and there would be little opportunity to improve the pedestrian environment. The BHR along the waterfront would likely worsen the wall effect and reduce permeability;
- C4 supported the BHR covering New World Centre (Site 1), pointing out that the stepped height profile descending from east to west would improve integration with the waterfront promenade and facilitate wind penetration and circulation.

(iv) PlanD’s Responses

- Tsim Sha Tsui was recommended as a high-rise node in the Urban Design Study which had the general support of the public during the extensive public consultation exercise for the Study;
- the redevelopment projects at New World Centre (Site 1),

Ocean Centre (Site 2) and Hanoi Road (Site 3) were taken as committed developments in the Urban Design Study and, as such, were also taken as committed when the BHR were being formulated;

- for New World Centre (Site 1), the proposed height restrictions with a stepped height profile ranging from 30mPD to 265mPD was an optimal solution, given the GFA entitlement of the lease and the need to avoid a massive screen-wall development at the waterfront;
- for Ocean Centre (Site 2), the tall block at 386.7mPD was balanced by lower-rise buildings at 85mPD and two 30m wide air paths at 15mPD in other parts of the site;
- the BHR were mainly to prevent the adverse impact on the townscape caused by further excessively tall or out-of-context buildings;
- the BHR were based on an overall building height concept which took into account several factors including the general height profile of the area, the ridgeline protection requirements, harbourfront settings, topography, vistas, urban design context, relationship with the adjoining districts, wind performance and recommendations of the air ventilation assessment (AVA);
- most of central Tsim Sha Tsui was not covered by the view fans as seen from the Vantage Points on the other side of the harbour. The permitted building height for the three representation sites would not result in major impact on the ridgelines;
- to permit taller buildings at suitable locations would add interest to the skyline;
- the BHR would not aggravate the traffic flow problem as the height restrictions did not involve any increase in development intensity or change of use;
- the BHR had taken into account the Urban Design Guidelines, the Vision & Goals for Victoria Harbour, and the Harbour Planning Principles promulgated by the HEC. The accusation

that the Board had shown favouritism towards developers was unfounded;

- more stringent control might pose constraints on future development/redevelopment, jeopardize any redevelopment incentive, and adversely affect the development right of individual land owners;
- there was no provision in the lease to permit Government to rescind the lease or refund the paid premium. There was also no statutory provisions under the Buildings Ordinance to stop developers from proceeding with developments with approved building plans; and
- it was the normal practice to permit any redevelopment to rebuild up to their existing height. It was only for special design purposes that some sites would not be permitted upon redevelopment to rebuild up to their existing building height.

(d) for Representations R60 to R62, the grounds of representations, the representers' proposals, and PlanD's responses were summarized as follows:

(i) Grounds of Representation

- the BHR would have a negative impact on property values and on the neighbourhood;
- it was unreasonable to impose a building height of 15mPD for sites along the waterfront when the existing developments on the sites concerned had already exceeded 15mPD;
- the BHR for the China Hong Kong City and Royal Pacific Hotel sites would contradict PlanD's previous decision to permit the proposed lease modification to relax the building height to 147.5mPD for part of the site;
- the building height restriction of 90mPD for Marco Polo Hong Kong Hotel was unreasonable when the building height restriction for an adjacent building was 386.7mPD and the general height limit of commercial buildings on the eastern side

- of Canton Road was 110mPD;
- the building height restriction of 85mPD for Gateway I and Gateway II were unrealistic and arbitrary as the existing developments were already at 127mPD;
 - the 30m wide corridors for air ventilation purposes with a building height restriction of 15mPD were unrealistic as these corridors ran through existing podium structures (at 20mPD) and an existing office building (at 127mPD) which were relatively new developments;
 - the east-west direction of the corridors would not help air ventilation as the main wind directions were from north-north-east, north-east and east;
 - it would be more important to provide gaps through the urban fabric and to reduce the site coverage of buildings for AVA purposes than to impose BHR;
 - one of the proposed air ventilation corridors traversed a pedestrian footbridge connecting Kowloon Park with the roof of the pier. To enforce the 15mPD BH restriction would require the demolition of the footbridge which was an essential pedestrian access heavily used by the public;
 - the BHR would discourage owners to redevelop their sites which would then affect the potential economic development and growth of the adjoining West Kowloon Cultural District (WKCD);
 - for buildings of which the existing heights had already exceeded the height restrictions stipulated on the OZP, the general presumption against application for minor relaxation of BH restrictions unless under exceptional circumstances was unnecessary;
 - there was no justification to prohibit application for minor relaxation of building height within the “C(8)” zone;
 - there was no justification to prohibit buildings within the “C(7)”, “C(8)” and “C(9)” zones to be redeveloped up to their existing building height;

- there was no public consultation prior to the imposition of BHR; and
- there was insufficient information on the rationale of the BHR, the reasons for the different height levels imposed, and the visual impact analysis conducted.

(ii) Representers' Proposal

- to relax the BHR for the China Hong Kong City site and the Royal Pacific Hotel site from 85mPD/15mPD to 150mPD;
- to relax the BHR for the Marco Polo Hongkong Hotel site from 90mPD to 145mPD;
- to relax the BHR for Gateway I, Gateway II and 6 other buildings along Canton Road from 85mPD to 127mPD;
- to realign the air ventilation corridor opposite Haiphong Road to pass through Blocks 2 and 3 of Gateway II;
- to relax the BHR for the air ventilation corridors from 15mPD to 33.25mPD;
- to delete paragraph 7.6 of the Explanatory Statement relating to the general presumption against minor relaxation of BHR for buildings that had already exceeded the BHR; and
- to delete paragraphs (9) and (13) of the Remarks of the Notes for the “C(7)”, “C(8)” and “C(9)” zones where buildings upon redevelopment could only be built up to the BHR stipulated on the OZP.

(iii) Views of Commenters C5 to C7

- C5 and C7 supported the relaxation of BHR for the R60 site to allow more open area upon redevelopment and better visual quality and air ventilation;
- C5, C6 and C7 considered that Government should take the adjoining WKCD development into account when considering the BHR.

(iv) PlanD's Responses

- the overall BHR for the area to the west of Canton Road was proposed to be 85mPD because of its waterfront location and its proximity to the WKCD where the building height on the eastern end was 70mPD. This lower building height also served to balance against the super high-rise building at Ocean Centre (Site 2) ;
- the three super high-rise committed developments were treated as the “exception” to the overall building height concept. They should not be taken as a reference point for sites in the vicinity as increasing the height of all buildings to a comparable level could result in a height profile incompatible with the setting along the waterfront;
- the 30m wide air corridors proposed would improve air ventilation from Kowloon Park, Haiphong Road, and Peking Road towards the waterfront;
- although the three air paths should ideally be located in the ground level rather than at 15mPD, the restriction still played a functional role that set out the requirement of air corridors upon redevelopment of the site;
- the twisted air path proposed by one of the representers would be inefficient for wind penetration. The proposal to increase the height of the air corridor from 15mPD to 33.25mPD was not supported from the urban design and air ventilation perspectives;
- the footbridge connection point which was proposed as an air ventilation corridor was expected to be re-aligned upon redevelopment of Royal Pacific Hotel;
- the BHR of 85mPD and 15mPD for China Hong Kong City and Royal Pacific Hotel were determined based on the comprehensive redevelopment of the two sites. Given the size of the combined site, the provision of a 30m wide air path should not be a problem;
- the BHR did not affect the development potential of the site as any redevelopment could be built up to the maximum plot ratio

permitted under the OZP. As for the proposed lease modification for China Hong Kong City and Royal Pacific Hotel, the proposal was already withdrawn by the applicant in 2007;

- for buildings that had already exceeded the BHR, it was the normal practice that no more relaxation would be allowed in order not to jeopardize the integrity of the overall building height concept;
 - for the prohibition against redevelopment up to the existing height, this particularly stringent restriction was only applicable to the three sites where super high-rise buildings were already allowed. It was reasonable to permit part of the site for very tall buildings and to keep the remaining part of the site at a relatively low level;
 - public consultation was only conducted after the exhibition of the OZP to avoid premature release of information which might prompt developers to accelerate building plan submissions that would become fait accompli and nullify the effectiveness of the BHR;
 - relaxing the building height would not guarantee a better building design or improvements to air ventilation. It would be more appropriate to let the Board decide whether any proposal to relax the building height restriction was justified based on individual merits; and
 - the proposed removal of the 30m wide air ventilation corridor or relaxation of the height to 36.7mPD or 33.25mPD would undermine the its visual permeability and air ventilation function.
- (e) in order to provide better planning control and to allow flexibility in building design, consideration could be given to rezoning the strip of land to the west of Canton Road to “Comprehensive Development Area” (“CDA”) so as to provide an opportunity for individual developers to come up with worthwhile schemes for discussion by the public and for

consideration of the Town Planning Board; and

- (f) should the Board agree to the proposed rezoning of the area to the west of Canton Road to “CDA”, the proposed amendments to incorporate the proposal would be submitted to the Board for consideration in due course.

90. The Chairman then invited the representers and commenters and their representatives to elaborate on the representations and comments.

Representation No. R4

91. With the aid of a powerpoint presentation, Mr. Tang Fai Cheong made the following main points:

- (a) according to a survey conducted by Green Sense, 70% of the interviewees agreed to the imposition of BHR;
- (b) he did not want to see the harbour views, which was the main attraction for tourists, to be destroyed by tall buildings such as the one proposed at the New World Centre site;
- (c) to make optimal use of scarce land resources was not a good reason to continue to develop tall buildings. Public demand and aspirations should also be taken into account in planning the city;
- (d) traffic congestion at Canton Road was already very serious. The development of a new high-rise building at Ocean Centre, together with the relocation of the public transport terminus near the Star Ferry pier would aggravate the traffic problem;
- (e) the overall building height plan was confusing and irrational as high-rise developments were permitted at the waterfront while the building height for the inner Tsim Sha Tsui area was much lower;
- (f) as the New World Centre redevelopment proposal was already taken as a

committed development in the Urban Design Study, the urban design guidelines had become a meaningless endeavour;

- (g) noting the Government's view that the premium paid could not be refunded, the possibility of a land exchange with the owner of New World Centre should be explored; and
- (h) the Town Planning Board should require the New World Centre to reduce the overall building height of its redevelopment proposal similar to what had been done for the Mega Hotel site at Wan Chai. This was a suggestion made by the Yau Tsim Mong District Council on the New World Centre redevelopment proposal.

Representation No. R60

92. With the aid of a powerpoint presentation, Mr. Kim Chan made the following main points:

- (a) the imposition of a building height restriction of 15mPD on the site of the Royal Pacific Hotel had disregarded the existing situation on the site and the practicality of its implementation;
- (b) the footbridge connections from Royal Pacific Hotel to Kowloon Park was already at a level of 19.8mPD. It would not be realistic to restrict the future development at the hotel site to 15mPD;
- (c) the podium of China Hong Kong City, the China Ferry Terminals and Royal Pacific Hotel were linked up with each other forming one large podium. The entire development would need to be demolished in order to meet the 15mPD requirement at the location of the hotel, which was unrealistic. This would also affect the operation of the China Ferry Terminal;
- (d) the existing height of Royal Pacific Hotel was about 60.3mPD. The imposition of a building height restriction at 15mPD did not respect the

existing development right and would kill all the incentive for redevelopment, particularly when any development or redevelopment at the whole “C(9)” zone should not result in a building height exceeding that stipulated on the OZP. In this regard, the proposed building height restriction could never be materialised;

- (e) he expressed doubt on the effect of air ventilation by reducing the air corridor to a height at 15mPD as Kowloon Park, which was located to the west of the representation site, was already at a height of 36.7mPD;
- (f) the opportunity to connect the Tsim Sha Tsui area with the WKCD through the representation site would be lost as the stringent BHR would discourage any redevelopment on the representation site;
- (g) it was unfair to limit the building height of the representation site to 15mPD/85mPD while the building height of another site nearby was allowed a building height restriction of 386.7mPD;
- (h) PlanD’s proposal to rezone the entire waterfront area into a “CDA” would not resolve the problem as a height limit of 85mPD would restrict the developable floor space of the representation site and prevent a quality hotel to be developed, especially when the present day standards for hotels required greater floor-to-floor heights and the need to accommodate convention hall and other related facilities. A building height restriction of 150mPD would be more reasonable;
- (i) the current building height restriction of 85mPD was determined arbitrarily. A redevelopment scheme with a building height of 147.5mPD was considered to be acceptable by PlanD in 2005;
- (j) the BHR should be relaxed from 15mPD/85mPD to 150mPD for the whole “C(9)” zone to allow greater flexibility in the future design; and
- (k) the proposal to rezone the waterfront area to “CDA” would create great

implementation problems because of the multiple owners involved. It would be impossible to agree on a comprehensive redevelopment scheme.

93. With the aid of a powerpoint presentation, Mr. Yu Wai Wai made the following main points:

- (a) the existing development comprised 7 blocks with four internal streets running from east to west which added up to a width of about 30m. In order to meet the requirement of providing one 30m wide air corridor, the future development would have to be in one building block located to the northern part of the site with a floor plate of about 10,000m². A development with such an exceptionally large floor plate was difficult to plan and was undesirable. The Board should consider relocating the air corridor northwards, to the adjoining WKCD site;
- (b) the floor-to-floor height of the existing Royal Pacific Hotel was only at 2.625m because of the Airport Height Restrictions imposed in the early days. With a building height restriction of 85mPD, there was little scope to increase the floor-to-floor height for the redevelopment of a quality hotel; and
- (c) the Board should relax the BHR for the representation site to at least 150mPD as an incentive to encourage the redevelopment of the site. Or else, the intention to create an air corridor through redevelopment would never happen.

Representation No. R61

94. With the aid of a powerpoint presentation, Mr. Ian Brownlee made the following main points:

- (a) there was a factual error in paragraph 5.1.12 of the TPB paper. The lease for the Marco Polo Hong Kong Hotel site was virtually unrestricted and there was no restriction on the building height in the lease. The 60.96mPD height restriction was a requirement laid down in the licence

for operating the hotel. Should the site be redeveloped into an office, the height limit would no longer be applicable;

- (b) the site was at a prime location surrounded by large shopping centres and was an important part of the tourist centre in Tsim Sha Tsui. Buildings in the vicinity such as Gateway I & II (127mPD), One Peking (143mPD) and the proposed Gateway III (386mPD) were high-rise developments. The building height of the representation site should be set at a level comparable to these new and committed developments;
- (c) the approach of zoning the strip of land to the west of Canton Road into a low-rise zone of 80mPD to 90mPD was unrealistic and out of touch with the height of the existing buildings which ranged from 127mPD to 145mPD. The stepped building height concept should be devised in relation to the taller buildings already in existence;
- (d) the 90mPD building height limit imposed on the site would result in a low and bulky building with a site coverage of over 60%. Such a building would allow little natural sunlight into the internal floor space and was against the principle of green buildings;
- (e) it was proposed to relax the building height restriction to 145mPD to permit a more slender development with set back from Canton Road and more space around the building at ground floor which would improve air ventilation; and
- (f) it would also create a better stepped height profile towards the future Gateway III development and the existing developments such as One Peking and Gateway I & II.

Representation No. R62

95. With the aid of a powerpoint presentation, Mr. Ian Brownlee made the following main points:

- (a) the representation site comprised Harbour City, Ocean Centre and the Gateway towers which formed an integrated development providing retail, office and hotel floor space in the main tourist and business focal point in Tsim Sha Tsui;
- (b) the site had not been developed to its maximum permitted intensity (PR 12) due to the ex-airport height restrictions in force at the time of the development. The representer was planning to comprehensively redevelop 6 low buildings and Ocean Centre into a single tower, i.e., Gateway III;
- (c) in the Urban Design Study, a high-rise node was proposed at the tip of Kowloon Peninsula and building plans for the proposed Gateway III was approved at a height of 386mPD. The building height restriction of 85mPD currently imposed on the adjoining Gateway I & II sites should respect the high-rise building height profile. In this regard, the existing building height of Gateway I & II at 127mPD should be retained on the OZP;
- (d) the BHR proposed did not follow the building height concept shown in Plan H-4 of the TPB paper. The BHR for the representation site did not step down gradually from the tallest building. Only the proposed Gateway III site was allowed a building height at 386mPD while all the areas surrounding it suddenly dropped to a building height of 85mPD;
- (e) the representer objected to the 15mPD air corridors passing through the site. Alternative air ventilation proposals were already given in the written representation submitted for the Board to consider;
- (f) the site was subject to an unusual and punitive restriction that buildings would not be permitted to be built up to their existing building height upon redevelopment. The reason for such a change in policy was not clearly explained and such restriction was considered unreasonable;

- (g) it was a normal practice to allow an application to the Board for minor relaxation of the building height restriction to cater for unforeseen circumstances. It was unfair and unreasonable not to allow such mechanism for sites zoned “C(7)” and “C(8)” on the OZP; and
- (h) the representer objected to the alternative proposal suggested in paragraph 6 of the TPB paper, i.e., to rezone the area to the west of Canton Road to “CDA”. The representer had already owned a large part of the area and had got a comprehensive redevelopment scheme ready with building plans approved. Rezoning the site to “CDA” would only cause unnecessary complications in terms of planning and implementation.

96. With the aid of a powerpoint presentation, Mr. Lam Wo Hei made the following main points:

- (a) the representer objected to the proposed “CDA” zoning as 5 buildings on the site were relatively new buildings of only 9 to 14 years old. It was not justified to rezone the site for comprehensive redevelopment;
- (b) while the building height restriction of 386.7mPD imposed on part of the representation site was supported, the representer objected to the building height restriction of 85mPD for the remaining part of the site;
- (c) the existing buildings, at a height of 127mPD, had already provided 4 gaps ranging from 16m to 26m between buildings. This arrangement was much better than the two 30m wide corridors proposed by PlanD;
- (d) to limit the building height to 85mPD would only result in a solid wall of buildings along the waterfront upon redevelopment. Unlike other waterfront cities such as New York, Dallas and Shanghai with an attractive skyline, the BHR would bring about a monotonous skyline at the waterfront of Hong Kong; and
- (e) the Board should increase the building height restriction from 85mPD to

127mPD, remove paragraph (9) of the Remarks which prohibited the redevelopment of buildings to their existing heights, and add a clause to permit the application for minor relaxation of the BHR to the representation site except for the part covered by Gateway III.

[Mr. Timothy Ma returned to join the meeting at this point.]

Commenter No. C4

97. Mr. P.K. Chung made the following point:

- (a) he agreed with paragraph 5.5.1 of the paper which noted that the New World Centre development proposal had maintained a stepped height profile and respected the waterfront location of the site.

98. As the presentations from the representers and commenters and their representatives had been completed, the Chairman invited questions from Members.

99. A Member enquired whether there were any plans to widen Canton Road, and whether the existing traffic situation would worsen as this would affect the air quality and the need for the air corridors. In response, Ms. Heidi Chan said that there were no plans to widen Canton Road and there was no set back requirement on the OZP for sites along Canton Road except for the area zoned "C(6)". According to the results of the AVA, air ventilation through the representation site would be improved with the provision of the east-west running air corridors. Moreover, she did not envisage that the traffic congestion problem would worsen as a result of the OZP amendments as the amendments did not involve changes to the permissible plot ratio or the land uses in the area.

100. On the issue of traffic, Mr. Lam Wo Hei added that the representer had conducted a traffic impact assessment at the time when the Gateway III redevelopment scheme was submitted and the TIA was considered acceptable by Transport Department. The redevelopment scheme would not result in any increase in the total GFA but would allow improvements to the ground floor space. The developer had agreed to provide a building set back of 3.65m along Canton Road which would greatly improve the existing pavement area.

[Prof. Bernard Lim returned to join the meeting at this point.]

101. A Member enquired whether the BHR imposed would affect the redevelopment potential. Ms. Heidi Chan replied that according to the assessment conducted by PlanD, the building height restrictions imposed would not affect the redevelopment potential of the representation sites. For the China Hong Kong City and the Royal Pacific Hotel site, the air corridor would only take up about 25% of the total site area. With an area of about 1.5 ha, the remaining site area would be able to accommodate a redevelopment with a plot ratio of 12 together with an assumed concessionary GFA up to 25%. Depending on the individual design, 4 building blocks each having a floor plate of 2,000m² could be developed within the building height limit of 85mPD.

102. Mr. Yu Wai Wai replied that besides the air corridor which would take up 25% of the site, the provision of other facilities such as EVA would take up another 7% of the site. Although the remaining part of the site would still be developable, the space would be so tight that only a single block with a floor plate of 10,000m², instead of 4 blocks as suggested, could be built. In response to the Chairman's enquiry, Mr. Yu Wai Wai said that the design had already included a 4-storey basement (13m). He also confirmed that the representation site was currently under single ownership. Ms. Heidi Chan informed Members that the EVA could be provided within the air corridor so that additional space would not be required.

103. The Chairman asked PlanD to clarify if the level of Kowloon Park would block the prevailing wind from the east as claimed by the representer. In response, Prof. Edward Ng (PlanD's AVA Consultant) showed a wind rose diagram for the subject site and explained that the prevailing winds blew from the east and north-east during winter and from the west, south-west and south during the summer months. He said that as summer winds were more important for the general comfort of the public, the air corridors should be designed to capture winds from the west and south-west.

104. In reply to an enquiry made by a Member, Ms. Heidi Chan said that for the China Hong Kong City site, there was already a provision to allow for design flexibility under the OZP as the developer could apply for minor relaxation of the BHR.

105. In response to the Chairman's enquiry, Ms. Heidi Chan replied that the incentive proposal suggested under the Group 1 representations was also applicable to the representation sites under Group 2. Mr. Yu Wai Wai said that a relaxation of the building height restriction from 85mPD to 150mPD would be required for a redevelopment at his site with the air corridor incorporated. The Chairman explained that the proposed incentive scheme would be able to cater for applications for relaxations of BHR which were not necessarily minor, if the development could meet certain pre-set criteria.

106. A Member asked about the existing air quality in the area and whether there would be any improvement measures if redevelopment did not take place. Ms. Heidi Chan replied that the proposed BHR imposed on the OZP indicated an ultimate planning objective for the Tsim Sha Tsui area. Whether and when redevelopment would take place would depend on the market demand. Prof. Edward Ng supplemented that the existing air quality in the area to the east of Canton Road was already very poor. The purpose of the three air corridors proposed at the representation sites was to allow the south-westerly winds to blow into the inner area east of Canton Road.

107. Mr. Kim Chan questioned the effectiveness of the air corridors in alleviating the air ventilation problem as the southerly winds would be blocked by the existing developments. He pointed out that the main wind direction as shown on the wind rose diagram was from the east. In response, Prof. Edward Ng explained that the wind rose diagrams showed the wind directions at the urban canopy height at 120mPD, blowing from the south and south-west as well as from the east. However, at the pedestrian level, the winds blowing from the west and south-west became relatively more important because they were blowing from the sea with less resistance whereas winds from the east became weaker after passing through existing buildings on the eastern side of the road.

108. In response to Mr. Yu Wai Wai's comment that the air corridors might not be able to alleviate the air pollution problem during the winter months as westerly wind was weak, Prof. Edward Ng explained that the AVA was concerned with the comfort level of pedestrians and the westerly wind blowing directly from the sea was very efficient in improving pedestrian comfort. He added that the easterly wind was severely disrupted because of the roughness of the surface of many existing buildings. He also explained that

the two wind rose diagrams shown should not be compared directly as they were at two different elevations. Mr. Yu Wai Wai continued to say that as Tsim Sha Tsui was a commercial and office area, he doubted the significance of assessing and improving the comfort level of pedestrians as most of the development in the area were provided with podium and hence, the effectiveness of imposing the air corridor restriction at 15mPD was doubtful.

109. Mr. Ian Brownlee commented that while the China Hong Kong City site was allowed to apply for minor relaxation of the BHR, he considered it unfair that there was no such provision for the representation site for R61 and R62. In response to the Chairman's enquiry, Mr. Ian Brownlee said that R61 and R62 originally objected to the alignment of the proposed air corridors but the representers would now accept the alignment after considering the discussion at the meeting so far. Nevertheless, he would request the Board to extend the minor relaxation clause to cover R61 and R62 to allow for design flexibility. He further indicated that the representers would not accept the alternative proposal suggested in the TPB Paper, i.e. to rezone the area to the west of Canton Road into a "CDA".

110. As Members had no further questions to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representers and commenters and their representatives and the Government's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

111. A Member considered that there would unlikely be any redevelopment at the representation sites in the near future. The same Member commented that the air corridor for the China Hong Kong City site was less critical than the one proposed opposite to Haiphong Road. Another Member commented that the BHR of 85mPD, which was lower than the existing building height of Gateway I & II, would kill the incentive for

redevelopment.

112. The Secretary explained the purpose of designating the 15mPD air corridors at different locations along Canton Road. According to the redevelopment scheme submitted by the developer for Gateway III, a large podium would be developed along the entire frontage of Canton Road which was undesirable. Hence, the air corridors were proposed with a view to reducing the extent of the podium and to allow better air ventilation. She also explained that the incentive proposal which allowed an application for relaxation of BHRs would also apply to the area where most sites were larger than 2,000m². Members noted that the incentive proposal could address most of the concerns of the representers.

113. A Member was concerned that the BHRs recommended might be too dependent on the air ventilation assessments. In response, the Chairman said that air ventilation was only one of the considerations in determining the BHR and the technical assessments would only provide a basis to help the Board to consider the issue. He agreed that some flexibility should be allowed in the system to accommodate developments with good building design.

114. Another Member supported the provision of the air corridors for sites on the western side of Canton Road as they would improve the air ventilation and the spatial context of the future development. Mrs. Ava Ng said that in order to provide flexibility, a mechanism to allow for relaxation of the 15mPD air corridor requirement could be considered.

115. After further deliberation, the Chairman concluded that Members generally agreed that the incentive proposal suggested in the Group 1 representations would be applicable to the representation sites. Members also generally agreed that in order to provide greater flexibility, a mechanism to allow relaxation of the 15mPD air corridor requirement could be devised. In accordance with the Board's decision, the relevant amendments to the OZP would be submitted to the Board for further consideration.

Representation No. R3 to R58

116. After deliberation, the Board decided not to uphold the representations for the following reasons:

- (a) the purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon development/redevelopment, to meet the public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings and to instigate control on the overall building height profile of the Area;
- (b) in drawing up the building height restrictions for the Area, the Board had taken into account relevant factors including the general height profile in the Area, ridgeline protection if applicable, harbourfront settings, topography, vistas, urban design context, the relationship with the adjacent districts in a wider context, the wind performance of the existing condition and the recommendations of the AVA, as appropriate. The building height restrictions had struck a balance between meeting the public aspirations for a better living environment and private development interests;
- (c) Tsim Sha Tsui had been identified as a high-rise node and the redevelopment projects at New World Centre East Wing, Ocean Centre and the URA project at Hanoi Road (Sites 1 to 3) had been regarded as committed developments and recognized in the Urban Design Guidelines for Hong Kong promulgated in 2002/03. To strike a balance between development right and planning control, these tall buildings should be treated as ‘exceptions’ and future developments should strictly adhere to the building height bands for the Area; and
- (d) there was insufficient information in the representations to demonstrate the planning and urban design merits that warranted the proposed reduction in building height.

Representation No. R60 to R62

117. After deliberation, the Board decided to partially uphold the representations by introducing an incentive proposal to allow for application for relaxation of building height

restrictions. The Board also agreed that a minor relaxation clause to allow for application for minor relaxation of the 15mPD air corridors would be considered.

118. Moreover, the Board decided not to uphold the remaining part of the representations for the following reasons:

- (a) the purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon development/redevelopment, to meet the public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings and to instigate control on the overall building height profile of the Area;
- (b) in drawing up the building height restrictions for the Area, the Board had taken into account relevant factors including the general height profile in the Area, ridgeline protection if applicable, harbourfront settings, topography, vistas, urban design context, the relationship with the adjacent districts in a wider context, the wind performance of the existing condition and the recommendations of the AVA, as appropriate. The building height restrictions had struck a balance between meeting the public aspirations for a better living environment and private development interests;
- (c) since the allowance for a higher building height did not guarantee that a better building design conducive to air ventilation would be implemented and that wall-like buildings maximizing the harbour frontage and blocking wind to the inner district would not be developed, it was considered that any proposal to relax the building height limit should be assessed on a scheme basis, taking into account any air ventilation improvements and design and planning merits through application to the Board; and
- (d) any proposed change in location and/or realignment of air paths should be accompanied with a comprehensive development/redevelopment scheme

showing the overall layout arrangement of the site, assessing the air ventilation performance and clearly indicating the design and planning merits and other benefits brought about by the proposals for the Board's consideration.

119. The meeting was resumed at 5:15 p.m..

120. The following Members and the Secretary were present in the afternoon session:

Mr. Raymond Young
Dr. Greg C.Y. Wong
Mr. Nelson W.Y. Chan
Mr. David W.M. Chan
Professor Bernard V.W.F. Lim
Dr. C.N. Ng
Dr. Daniel B.M. To
Mr. Walter K.L. Chan
Mr. Y.K. Cheng
Professor Edwin H.W. Chan
Mr. Timothy K.W. Ma
Miss Annie K.L. Tam
Mr. Benny Y.K. Wong
Mrs. Ava Ng

Agenda Item 3 (Cont'd)

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments

in respect of the Draft Tsim Sha Tsui Outline Zoning Plan No.S/K1/23

[The meeting was conducted in Cantonese and English.]

**Hearing for Group 3 : Representation Nos. R63 to R288 and
Comments No. C3 and C8 to C11 (TPB Paper No. 8223)**

121. The Secretary reported that the following Members had declared interests on the item :

- | | |
|-----------------------|--|
| Dr. Greg C.Y. Wong | <ul style="list-style-type: none"> - had business dealings with Sino Group, a member of which had submitted a representation (R63) - had business dealings with Sun Hung Kai Properties Ltd., a member of the developers' association submitting a representation (R65) |
| Mr. Tony C.N. Kan | <ul style="list-style-type: none"> - owned a property at Victoria Towers |
| Mr. Alfred Donald Yap | <ul style="list-style-type: none"> - had business dealings with Sun Hung Kai Properties Ltd., a member of the developers' association submitting a representation (R65) |
| Mr. Raymond Y.M. Chan | <ul style="list-style-type: none"> - owned a property at Hillwood Road - had business dealings with Sino Group, a member of which had submitted a representation (R63) - had business dealings with Sun Hung Kai Properties Ltd., a member of the developers' association submitting a representation (R65) |
| Mr. Y.K. Cheng | <ul style="list-style-type: none"> - had business dealings with Sun Hung Kai Properties Ltd., a member of the |

- developers' association submitting a representation (R65)
- Mr. Felix W. Fong
- had business dealings with Sino Group, a member of which had submitted a representation (R63)
 - had business dealings with Sun Hung Kai Properties Ltd., a member of the developers' association submitting a representation (R65)
- Dr. James C.W. Lau
- his spouse owned a property at Austin Road

122. Members noted that Mr. Raymond Y.M. Chan, Mr. Felix W. Fong had tendered apologies for not attending the meeting while Mr. Tony C.N. Kan, Mr. Alfred Donald Yap and Dr. James C.W. Lau had tendered apologies for not attending the afternoon session of the meeting. Members also noted that Dr. Greg C.Y. Wong and Mr. Y.K. Cheng had not returned to join the meeting at this point.

123. Members noted that sufficient notice had been given to the representers and commenters to invite them to attend the hearing. While Representer Nos. R63, R64 and R65 would attend the meeting, the other representers and commenters had either indicated not to attend the meeting or made no reply. The Board agreed to proceed with the hearing in the absence of the remaining parties.

Presentation and Question Session

124. The following representatives from Planning Department (PlanD) were invited to the meeting at this point:

Ms. Heidi Chan	DPO/TWK, PlanD
Mr. C.K. Soh	STP/YTM, PlanD
Mr. T.W. Ng	STP/UD, PlanD

Professor Edward Ng PlanD's AVA Consultant

125. The following representatives of the representers were also invited to the meeting.

R63 (Murdoch Investments Incorporation & Hornbook Investment Ltd.)

Mr. Kim Chan

Ms. Kerry Lee

Mr. Yu Wai Wai

Mr. Kenny Kong

R64 (Mantegna Investment Co. Ltd.)

Mr. Ian Brownlee

Mr. Andy Lui

R65 (Tsim Sha Tsui East Property Developers Association Ltd.)

Ms. Cindy Tsang

Ms. Keren Seddon

Mr. Alvin Lee

Ms. Gladys Ng

Mr. Yu Wai Wai

Mr. Tommy Young

Ms. Una Lau

Mr. Kenny Kong

Ms. Rita Li

Mr. Paul Wong

Mr. C.K. Lam

Mr. Eddy W.S. Ng

Mr. Andy W.T. Lui

Mr. Leo Lee

Ms. Mei Pang

126. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited Ms. Heidi Chan to brief Members on the background to the representations.

127. With the aid of a Powerpoint presentation, Ms. Heidi Chan made the following main points as detailed in the Paper:

- (a) the background of the proposed amendments to the draft Tsim Sha Tsui (TST) OZP set out in paragraph 1 of the Paper. This Paper covered 226 representations and 5 comments (Group 3) which related to the imposition of building height restriction (BHR) of 60mPD for Tsim Sha Tsui East (TSTE);
- (b) an overview of the representations:
 - R63 opposed the BHR of 60mPD for Tsim Sha Tsui Centre and Empire Centre;
 - R64 opposed the BHR of 60mPD for Royal Garden Hotel;
 - R65 opposed the BHR of 60mPD for the “Commercial” (“C”), “Commercial (3)” (“C(3)”) and “Commercial (5)” (“C(5)”) zones in TSTE;
 - R66 to R288 opposed the BHR of 60mPD for TSTE in general;
- (c) the main grounds of representations were summarized in paragraph 2.3 of the Paper and highlighted below:

Revitalization of Tsim Sha Tsui East

i) Grade A office hub

- BHR of 60mPD was a major disincentive for redevelopment and suppressed opportunity for redeveloping TSTE as a Grade A office hub/world class commercial hub;
- TSTE was a solution space to meet new commercial needs through redevelopment of Grade A office buildings. It required reasonable architectural and design flexibility;
- relaxation of BHR would increase landmark buildings;
- relaxation of BHR would enhance pedestrian flow and land use and promote tourism;

ii) unattractive existing environment

- the BHR of 60mPD would perpetuate the existing unattractive shopping environment and deserted street life. The growing need for shopping centres in TSTE could not be met;
- the existing problems of bulkiness of buildings, dark environment and poor air ventilation in TSTE would persist with the BHR of 60mPD;
- 'extra' building height which might be achieved through the minor relaxation clause was ineffective to remedy the problem;
- although some parking and loading/unloading facilities were provided in Empire Centre, they were far from meeting the demand. On street parking, waiting vehicles, refuse collection and loading/unloading activities were commonly found in TSTE and significantly affect the street environment, safety and accessibility of the area;

Urban Design Aspects

i) air ventilation consideration

- the draft OZP failed to show any systematic or well planned/defined breezeways connecting the waterfront areas to

the inner area. As wind to TST came mainly from northeast, it was questionable that the Board needed to cap the building height in TSTE at 60mPD;

- air ventilation assessment showed that TSTE currently had an excellent air ventilation performance and had a critical role for the air ventilation in TST via Chatham Road, Nathan Road and Salisbury Road. Rather than the building height, open space was more important in facilitating air penetration;
- ample open space had been provided in TST to ensure wind permeability to the inner area;

ii) unattractive building design and monotonous skyline

- building height in TSTE was monotonous and unattractive and hence should not be sustained;
- the BHR of 60mPD would result in big, bulky and flat buildings and perpetuate the existing monotonous skyline and undesirable shoe-box like buildings;

iii) insufficient floor-to-floor height

- the height restriction would not allow reasonable floor-to-floor heights for commercial, office and/or hotel uses;
- the majority of buildings in TSTE were developed with maximum site coverage and extremely low floor-to-floor height in order to fully utilize the permissible gross floor area. This had resulted in box-like structures with little architectural innovation;
- the existing premises were no longer competitive in the current market where 4m to 4.5m floor-to-floor height for commercial uses was the norm;

Loss of Property Value and Development Rights

- the additional building height of 8m allowed under the newly

imposed BHR was not sufficient to encourage redevelopment as the 100% site coverage was unlikely to be able to retain and so the additional height would lead to the loss of gross floor area resulting in redevelopment not being financially beneficial;

- no consideration had been given to the impact of the imposition of BHRs on property rights;
- the nearby commercial developments had all been given 110-265mPD height limits. The BHR of only 60mPD was unreasonable, unjustified and seriously curtailed any redevelopment plan;
- with no previous planning history of height restriction and with the lifting of the former airport height restrictions, the landowners had reasonable and legitimate development expectations for attractive and marketable designs;
- the OZP had imposed new BHR disregarding the previously approved removal of BHR on the representation sites of R63 (i.e. Tsim Sha Tsui Centre and Empire Centre) by District Land Officer/Kowloon West and that the required premium for such building height removal had already been settled;

Presumption Against Minor Relaxation

- paragraphs 7.5 and 7.6 of the Explanatory Statement were conflicting: the former stated that a minor relaxation clause was incorporated to provide incentive for development/redevelopments based on individual merits whereas the latter suggested that there was a general presumption against such application for cases with existing building heights already exceeded the maximum stipulated BHRs on the OZP. Minor relaxation of the BHRs in future could hardly be achieved and objective of such provisions on the OZP was doubted;
- paragraph (13) of the Notes for “C” zone permitted an application to the Board for minor relaxation of the height limits with

consideration based on the individual merits of a proposal whereas paragraph (8) stated that any development or redevelopment would be limited to the maximum building height as stipulated on the Plan or existing building height, whichever was the greater;

- as the existing Royal Garden Hotel was at 73.4mPD which was higher than the BHR of 60mPD, there was a general presumption against application for minor relaxation of building height. Such approach was harsh and unnecessary. There was no objective standard for general presumption against application for minor relaxation unless under 'exceptional circumstances'. The paragraph should be deleted from the Explanatory Statement and the normal process of considering an application 'on its merits' should apply;

Lack of Public Consultation

- there was no prior public consultation on imposition of BHR. The public had no opportunity to be informed of the justification for imposing height restrictions and be given the explanations why the particular height limits were imposed;
- no visual impact analysis was made available to the public on the impact of the proposed height limits;
- without such information, the public could not reasonably comment on the need for the height limits or on whether the height limits imposed were reasonable;
- paragraph 7 of the Explanatory Statement on BHRs in the Area was drafted in general terms providing no information in relation to the actual height imposed on specific sites. No diagrams or illustrative materials were provided in the Explanatory Statement or elsewhere to illustrate the conceptual matters referred to in paragraph 7;

- (d) the representers' proposals were detailed in para. 2.4 of the Paper.

The proposals include:

- R63: to amend the BHR of Tsim Sha Tsui Centre and Empire Centre to 160mPD and delete paragraph 7.6 of the Explanatory Statement;
 - R64: to amend the BHR of TSTE to 100mPD with a step down in height of the harbourfront buildings to 85mPD; or to specify a height limit of 73.4mPD for Royal Garden Hotel to reflect the height of the approved building plans;
 - R65: remove the BHR for TSTE and revise the Remarks of the Notes for the “C”, “C(3)” and “C(5)”;
- (e) the views of commenters were detailed in paragraph 3 of the Paper;
- (f) PlanD’s responses to grounds of representations and representers’ proposals were detailed in paragraphs 5.5 and 5.6 of the Paper and the key points were:

Revitalization of TSTE

i) Grade A office hub

- the role of TST including TSTE as a major commercial and tourist center had been recognized in the formulation of BHRs and there was no proposed change of planning intention and land uses ;
- the BHR of 60mPD for TSTE was mostly due to air ventilation consideration;
- a proper balance had to be struck between high rise development and maintaining an amenable cityscape respecting the waterfront setting and the need to maintain a lower height profile for TSTE to allow prevailing wind from penetrating into

the hinterland;

ii) unattractive existing environment

- in the Area Improvement Plan (AIP) for TST commissioned jointly by PlanD and Transport Department (TD), there were proposals to improve the street environment. Part of Mody Road would be enhanced as the gateway corridor leading to TSTE. Feature lightings and tree plantings were proposed along Mody Road to strengthen the boulevard character;
- TD considered that the current car parking provisions in TSTE were adequate and able to meet the future demand;
- loading/unloading spaces should be provided within new developments to meet the shortfall in the long run;

Urban Design Aspects

i) air ventilation consideration

- according to the air ventilation assessment (AVA) study, TSTE was a major window for the prevailing wind. It was necessary to maintain its present air ventilation performance which was important to the central part of TST where air ventilation was poor;
- flexibility had been provided for land owners/developers to apply to the Board for minor relaxation of BHRs under which suitable location of breezeways or ‘separation between buildings to enhance air ventilation and visual permeability’ could be put forward as planning merits for the Board’s consideration;
- the Board’s intention to encourage the creation of breezeways at suitable locations was stated in paragraph 8.1.2 of the Explanatory Statement. The same intention was applicable to other sites in TSTE including the TST Centre and Empire

Centre;

ii) building design and monotonous skyline

- majority buildings in TSTE were lower than the BHR of 60mPD. Since 60mPD for TSTE was only one of the building height bands for TST, the building height profile of TSTE should be viewed in the context of overall building height bands of TST to give the whole picture;
- the building height band of 60mPD for TSTE could help maintain a stepped building height concept recommended in the Urban Design Guidelines Study, taking into account the local area context, the local wind environment, and the need to maintain visually compatible building masses in the wider setting;
- minor relaxation clause in respect of BHR was incorporated into the Notes of the OZP to provide incentive for development/redevelopments with planning/design merits;
- some sites which were ripe for redevelopment might apply for minor relaxation of building height to optimize development potential and break the present monotonous skyline and the effect would become more noticeable as redevelopment proceeded;

iii) insufficient floor-to-floor height

- majority developments in TSTE had existing plot ratio of about 12. The floor-to-floor heights of existing buildings (2.625m to 5.1m) could still meet the operational requirement for office/hotel developments in general but 2.625m was on the lower side when compared with some other recent hotel/office developments in the territory;
- to provide further incentive for redevelopment, PlanD proposed

to relax the BHR for TSTE from 60mPD to 80mPD;

Loss of Property Value and Development Rights

- BHR did not affect maximum plot ratio or gross floor area permitted under the OZP;
- all buildings in TSTE were subject to height restrictions under the lease. A 60mPD BHR (or 80mPD as PlanD now proposed) had already exceeded the lease restrictions. The BHR would not deprive owners of their existing development right;
- some existing and approved tall buildings in TST were taken as committed developments in formulating the building height control;
- the conditions in Government lease, which were drawn up in the past, might not be able to reflect the latest circumstances and planning intention of the Area. Any new lease or modification of existing lease was obliged to observe the BHR in the OZP;
- the BHRs had taken account of the Vision and Goals for Victoria Harbour of the Board, the Harbour Planning Principles promulgated by the HEC and Urban Design Guidelines, which had been drawn up with extensive public consultation and had the support of the public;

Presumption Against Minor Relaxation

- it was the general practice of the Board that for any existing building with height already exceeding the BHR, no more increase in building height should be allowed. Otherwise, the integrity of the overall building height concept would be jeopardized;
- application for minor relaxation was still available and with design merits/planning gains, favourable consideration might still be given by the Board based on individual merits;

- paragraph 7.5 of the Explanatory Statement set out the relevant criteria for consideration of such relaxation. This paragraph was essential to make known to the public the intention of the Board in considering such application;

Public Consultation

- once building plans were approved, they would remain valid as long as they complied with the Buildings Ordinance requirements. In order to avoid premature release of information before exhibition of the amendments which might prompt developers/landowners to accelerate submission of building plans for development/redevelopment and thereby nullifying the effectiveness of imposing the BHR, consultation with the public was held after the exhibition of the amendments to the OZP;
- the 2-month exhibition of OZP for public inspection and the provision for submission of representations and comments on representations formed parts of the public consultation process;
- amendments to the OZP had been presented to the HEC's Sub-committee on Harbour Plan Review and the Yau Tsim Mong District Council. Justifications for imposition of the BHR and different scenarios showing the 'with' and 'without' amendments to the OZP were explained;
- the background and justifications for BHRs had been detailed in the MPC Paper No. 17/08 and was made available at PlanD's enquiry counters for public inspection. The AVA report was also available for public viewing in PlanD's website;
- the gazetted OZP and its accompanying Notes and Explanatory Statement were relevant information on the amendments which were available for public inspection;
- the OZP amendment exercise had met all the statutory requirements under the Ordinance and the public had been adequately consulted and informed in accordance with the

established practice;

- (g) PlanD's responses to the representers' proposals were detailed in paragraph 5.6 of the Paper. The proposals were not supported. However, PlanD proposed an alternative proposal to provide further incentive for redevelopment (i.e. the "incentive proposal"). Similar to the response to the representations in Group 1, the Board might consider introducing an avenue for application for relaxation of building height if redevelopment site approaching a certain size and meet a set of pre-set criteria which included good innovative design, provision of open space at street level for air ventilation and greening purpose, building setback to improve pedestrian environment, avoidance of massive podium;
- (h) PlanD's views were detailed in paragraph 8 of the Paper and the key points were:
- the representations should be partially upheld and that BHR for TSTE should be amended from 60mPD to 80mPD to facilitate better building design and provide variation in the skyline of TSTE without undermining significantly the overall air ventilation performance of TST;
 - if the proposal to allow for application for relaxation of building height was acceptable to the Board, a separate submission setting out the proposed amendments would be made to the Board in due course;
 - PlanD did not support the remaining part of R63 to R288 and the representations should not be upheld. The reasons were detailed in paragraph 8.3 of the Paper.

128. The Chairman then invited the representers' representatives to elaborate on their representations.

Representation No. R63 (Murdoch Investments Incorporation and Hornbrook Investment Ltd.)

129. With the aid of a Powerpoint presentation, Mr. Kim Chan made the following main points:

- a) with enhanced transport and pedestrian network, a good number of 5-star hotels, the well-planned open space and the strategic location, TSTE had huge redevelopment potential for a high-quality international business centre/hub for Grade A offices and 5-star hotels;
- b) Tsim Sha Tsui Centre and Empire Centre were built in the 1980s. Tsim Sha Tsui Centre did not have any parking or loading/unloading facilities. Although such facilities were provided in Empire Centre, they were far from adequate to meet the actual demand. On street parking, waiting vehicles, refuse collection and loading/unloading activities had caused adverse traffic, air quality and environmental impacts and damaged the impact of Hong Kong as an international city;
- c) the imposition of BHR would greatly reduce the developer's incentive to redevelop the representation sites and significantly restrained future growth of TSTE ;
- d) the proposed relaxation of BHR from 60mPD to 80mPD was still inadequate to accommodate modern building design standards, such as higher ceiling height, provision of podium garden and multi-storey car park above ground. The BHR should be further relaxed to 160mPD;
- e) paragraph 8.1.2 of the Explanatory Statement stated that to allow penetration of prevailing wind from the east to the inner area of Tsim Sha Tsui which was poor in air ventilation, the maximum BHR in TSTE was in general capped at 60mPD. However, the inner TST area was planned

predominantly for commercial development with offices and hotels well served by central air-conditioning systems. The reduction of building height to facilitate air ventilation for the developments in the internal parts of the area was not justified;

- f) the two plots of open space adjoining the representation sites had already facilitated wind ventilation;
- g) with similar physical land-use planning context and local area setting as the representation sites, the “C” zone at the southern waterfront at the New World Centre was allowed to have much higher BHRs up to 265mPD. The proposed BHR of 60mPD (80mPD as now proposed by PlanD) for the representation sites was unfair and questionable;
- h) even if the BHR of the representation sites were relaxed to 160mPD, the stepped height profile for the district could still be maintained;
- i) the representer had already paid the premium to modify the lease to waive the height restrictions for the two representation sites. However, the OZP had imposed new BHR to the sites disregarding the previous Government commitment on removal of height restrictions; and
- j) the representer requested the Board to amend the BHR of the representation sites to 160mPD which could provide the incentive for revitalizing TSTE.

130. Mr. Yu Wai Wai made the following key points:

- a) Sino Group owned about 40% of all private sites in TSTE and had witnessed the rise and fall of the Area. To revitalize the area into a new tourist and business centre, the only way was to redevelop the existing old buildings to bring in modern buildings with new designs and ancillary

facilities;

- b) their company had redevelopment plan of the representation sites. With the relocation of the Kai Tak Airport, the representer had proceeded with the lease modification to waive the height restriction clause of Tsim Sha Tsui Centre and Empire Centre. The required premium for such height restriction removal had already been paid. The redevelopment plan was, however, put on hold due to the Asian financial crisis and SARS. With enhanced transport and pedestrian network of TSTE, it was now time for redevelopment. Building plans for redeveloping Tsim Sha Tsui Centre and Empire Centre had been prepared and submitted to the Buildings Department. The newly imposed BHR, however, had frustrated the representer's redevelopment plan and nullified their previous effort in lease modification; and
- c) majority of the existing development in TSTE were developed when the former airport height restrictions were in place. The buildings were developed with maximum site coverage in order to utilize the permissible gross floor area. With the imposition of the new BHR under the OZP, there was simply no incentive for the private sector to redevelop the sites for enhancement of the property value. The huge construction cost and the loss of rental income also rendered the redevelopment scheme not financially beneficial.

Representation No. R64 (Mantegna Investment Co. Ltd.)

131. With the aid of a plan, Mr. Ian Brownlee made the following main points:

- a) the representer opposed the 60mPD height limit of the representation site which was unreasonably low;
- b) the imposition of the BHR was inconsistent with the objective of

redeveloping TSTE as an extension of the Central Business District;

- c) the representer requested to amend the building height for the site to 73.4mPD in accordance with the approved building plans or amend the height limit to 100mPD for the central area of TSTE with a step down in height of the harbourfront buildings to 85mPD;

- d) the TSTE area mainly consisted of outdated buildings with very low internal headrooms. Other problems included difficult access to buildings for tourist coaches and lorries, low value accommodation with high vacancy rates. The imposition of the BHR would discourage the redevelopment of the area;

- e) the proposed relaxation of BHR from 60mPD to 80mDP was inadequate and had not been substantiated as:
 - the street width and space in TSTE were sufficient to permit buildings higher than 80mPD;
 - the existing townscape and character of the area was not attractive. Changes and variety should be actively promoted;
 - the proposed relaxation of building height by 20m over the whole TSTE area would still persist the existing monotonous skyline without any visual improvement;
 - to achieve a stepped height building profile, the building height of the inner TSTE area should be 100mPD with a step down in height to 85mPD for those harbourfront buildings. The proposed relaxation matched with height bands in TST inner area, with a step up to 110mPD and 130mPD for buildings on the opposite side of Chatham Road;
 - the air ventilation in TSTE was good with ample of open space and road running east-west;
 - no information was provided to show that the proposed 100mPD and 85mPD height would not be acceptable from AVA terms;

- f) the details of the incentive proposal now put forth by PlanD was not covered in the Paper and was not available for prior consideration before the hearing; and
- g) a 100mPD height restriction should be applied to the central part of TSTE. It allowed buildings up to 25 storeys high which was not excessive. The proposed 100mPD BHR would provide a better base for consideration of minor relaxation.

[Mr. Benny Y.K. Wong returned to join the meeting at this point.]

Representation No. R65 (Tsim Sha Tsui East Property Developers' Association Ltd.)

132. With the aid of a Powerpoint presentation, Ms. Cindy Tsang made the following main points:

- a) the proposed BHR for TSTE was a major disincentive for the private sector and would preclude any real and significant improvements in the district;
- b) the representer opposed the 60mPD BHR of the "C", "C(3)" and "C(5)" zones in TSTE;
- c) PlanD's proposal to raise the BHR from 60mPD to 80mPD was noted. However, the representer maintained the concerns that a BHR of 80mPD was still insufficient for modern commercial buildings or public realm improvements to fulfil TSTE's role as a prime office and tourism node for the Central Business District;
- d) despite its strategic location and good accessibility, TSTE lacked any urban character. Without any incentive for redevelopment, the redevelopment potential of TSTE as a world class prime commercial and

tourist node would not be realized;

- e) there were various issues which needed to be addressed:
 - most of the buildings in TSTE had extremely low floor-to-floor height with an average of only 2.8m;
 - existing buildings had been developed with maximized site coverage in order to fully utilize the permissible gross floor area. This had created low permeability and wall effects throughout the district;
 - car parking and loading/unloading provisions were not adequate. On-street parking and loading/unloading had adversely affected the safety of pedestrian and the up market image required to attract tourists;

- f) even with a 80mPD BHR as proposed by PlanD, the average achievable floor-to-floor height was only 3.7m which was still below the norm of 4m or more for most developments in commercial and business centres;

[Mr. David W.M. Chan left the meeting at this point.]

- g) due to maximization of development potential under the old airport height restrictions, bulky and shoe-box type buildings with no design merits dominated TSTE. Separations between buildings and building setbacks were limited. The relaxed BHR of 80mPD could only partially rectify the existing sub-standard floor-to-floor height and there was no scope for incorporating set-backs, increasing building permeability or creating visual interest in the building height profile;

- h) further basement construction in redevelopment was not feasible, not environmental friendly and incurred high construction costs;

- i) the proposed BHR of 80mPD provided no incentive for redevelopment of existing buildings to marketable standard and for improving the

streetscape;

- j) the incentive proposal to include pre-set criteria in the OZP for relaxation of building height provided limited scope for limited types of improvement. The need for s.16 planning applications for relaxation did not provide any clear guidance or development certainty to the developer;
- k) the imposition of BHR did not provide any scope to reduce site coverage or increase permeability. There would be no improvement to wind ventilation;
- l) there was no sensitive ridgelines behind TSTE to be preserved. A blanket height restriction only maintained a monotonous and unattractive skyline and squat buildings would continue to block local view corridors; and
- m) the representer requested to remove any height restrictions for the “C” zones in TSTE.

133. After the presentations made by the representers’ representatives, the Chairman invited questions from Members on the points raised by the various parties.

[Mr. Timothy K.W. Ma returned to join the meeting at this point.]

134. The Chairman stated that in response to the representations in Group 1, the Board had agreed to introduce an avenue for application for relaxation of building height if a redevelopment site approaching a certain size could meet a set of pre-set criteria. Upon the request of the Chairman, Ms. Heidi Chan stated that a summary of the incentive proposal had been covered in paragraph 6 of the TPB Paper No. 8223. Ms. Chan continued to state that the incentive proposal aimed to provide more flexibility to achieve good building design, better disposition of urban spaces, and to provide an incentive for amalgamation of smaller sites. The criteria to assess such applications included the following:

- minimum site area of 2,000m² and maximum site coverage of 65% at ground level and above;
- design justifications to relax the building height;
- building orientation that demonstrated no obstruction to prevailing winds and improved air ventilation;
- sensitive building disposition and height to avoid visual barrier to the hill backdrop, skyline, harbour, promenade and public open space;
- minimum green coverage of 20% of the site area visible to pedestrians for improved micro-climate and general amenity;
- landscaped ground floor set back of 3m to 5m or 1/10 depth of the site from the site boundary along the façade of principal streets or public open space;
- if the site frontage exceeded 100m, a building gap of not less than 1/4 of the building width along the façade of principal streets or public open space should be provided;
- improved streetscape, footpaths and public circulation space with suitable landscape design; and
- other factors such as uniqueness of building design and design merits that improved the townscape and amenity of the locality.

135. Mr. Yu Wai Wai enquired whether all the criteria were pre-requisite and had to be fulfilled. He said that for the case of Tsim Sha Tsui Centre and Empire Centre, as there were ample open space in the adjoining area, it seemed that the requirements on site coverage limit and landscaped ground floor set back were not applicable. Ms. Heidi Chan replied that each application would be assessed by the Board on individual merits.

136. Mr. Ian Brownlee stated that as his client had not yet examined the incentive proposal suggested by PlanD in detail, it was difficult to tell at the meeting whether it was acceptable or not. His initial observation was that the pre-set criteria were arbitrary. The rationale of the 65% site coverage was not provided. In giving up such a large portion of valuable ground floor space, there was still no certainty that the desired building height

would be approved by the Board. Nevertheless, the proposal was a starting point for further consideration.

137. Ms. Keren Seddon said that the incentive proposal put forth would create a number of uncertainties, arguments on the fulfilment of the pre-set criteria and endless applications. Developers and landowners needed development certainty and incentive to redevelop TSTE. As mentioned in the presentation of R65, the proposed BHR of 60mPD or 80mPD could not provide a solution to the problems of sub-standard ceiling height, bulky building blocks and lack of car parking, loading/unloading facilities in TSTE. These problems could only be resolved by relaxing the building height limit for the area.

138. The Chairman enquired whether drastic relaxation of the building height as proposed by the representers would have any adverse impacts on air ventilation. Professor Edward Ng stated that according to the AVA Study undertaken, there was no major air ventilation problem in TSTE itself. However, the area played an important role on air ventilation in the inner part of TST which had poor air ventilation. TSTE was the window for the prevailing wind to penetrate into the inner TST area. In view of the AVA findings, he initially recommended a building height limit of 50mPD for TSTE. The proposed BHR of 60mPD under the OZP was already a compromise. He thought the latest refinement to 80mPD as proposed by PlanD was too liberal, but taking into account the relevant urban design considerations, the BHR of 80mPD was barely acceptable from air ventilation point of view. Further drastic relaxation of the BHR as proposed by the representers would block the air flow and adversely affect the air ventilation in the inner area of TST.

139. Regarding the concern on sub-standard floor-to-floor ceiling height, Ms. Heidi Chan clarified that with the latest proposed BHR of 80mPD for TSTE, the achievable ceiling height would be around 4 m. Mr. Kim Chan said that this might not be the case after taken into account the provision of car park, loading/unloading bay and podium deck.

140. A Member asked the representatives of the representers whether their concerns could be addressed by the proposed relaxation of the BHR from 60mPD to 80mPD for TSTE and the incentive proposal for relaxation of building height put forward by PlanD to

provide further incentive for redevelopment. Mr. Yu Wai Wai responded that :

- (a) the proposed 80mPD could only achieve a floor-to-floor ceiling height of about 3.7m excluding basement and car park;
- (b) with the 60mPD or 80mPD BHR, the developers had no flexibility for positive design features such as podium gardens and setbacks;
- (c) the 65% site coverage limit would lead to the loss of a significant portion of valuable ground floor space and the floor print of the podium would also be reduced. The reduced ground floor space, after accommodating the essential fire exits and lift lobby, would be limited for commercial uses and would render the redevelopment not financially viable;
- (d) the AVA expert just mentioned that the proposed 80mPD BHR was barely acceptable. There was great uncertainty on whether the redevelopment proposal with a building height exceeded 80mPD was approvable under the proposed mechanism for relaxation of building height; and
- (e) a number of the criteria for relaxation of building height, such as innovative building design, were subjective and subject to debate.

141. In response to a Member's enquiry, Ms. Heidi Chan stated that under the Buildings Ordinance, podium development up to 15m high was allowed to have 100% site coverage. The imposition of a site coverage limit was intended to minimize large podium development and to create more wind corridor/breezeways. The 65% was considered appropriate and reference had been made to the B(P)R that non-domestic buildings exceeding 55m in height were subject to a maximum site coverage of 65%.

142. Another Member enquired the rationale of minimizing large podium development in TSTE and whether the criteria of 65% site coverage limit and landscaped ground floor set back were applicable on sites fronting wide roads or with open spaces adjoining. Ms. Heidi Chan replied that the imposition of site coverage limit and ground floor setback requirement were not only intended to provide more pedestrian space at ground level, but also to create new or widen breezeways to enhance the air quality in the inner part of TST area. Mr. Yu Wai Wai agreed to this Member's query and commented that as there was

already ample provision of open space (with a width of about 70m) adjoining Empire Centre, it was not necessary to limit the site coverage or provide landscaped ground floor set back.

143. Mr. Ian Brownlee stated that the incentive proposal could not provide the developers with the certainty of what could be achieved. He urged the Board to relax the BHR to a reasonable height limit. As elaborated in his presentation, further relaxation of the BHR to 100mPD for inner TSTE area was acceptable from air ventilation point of view.

144. As the representers' representatives had finished their presentations and Members had no further question to raise, the Chairman informed the representers' representatives that the hearing procedures had been completed, and the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representatives of the representers and PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

145. Members noted the comments of PlanD's AVA Consultant on further drastic relaxation of building height, the existing bulky and monotonous skyline occupied by unattractive building design, the unattractive street environments, lack of incentive and constraints of redevelopment with the imposition of the BHRs as submitted by the representatives of the representers. In view of the role of TSTE as a major commercial and tourist centre with redevelopment potential, Members generally considered that more incentive for redevelopment should be provided in order to improve the existing unattractive streetscape and pedestrian environment in TSTE.

146. On an argument put forward by a representer that there was no need to reduce the site coverage around some buildings with large open space such as the Empire Centre, a Member said that the building height profile should not be site specific. This Member commented that the BHR of 80mPD along the waterfront should not be relaxed to avoid adverse visual impact. In deciding the appropriate height limit, the stepped height factor should be considered. Another Member shared the view and said that the 80mPD limit for

the waterfront area was appropriate.

147. In response to the Chairman's enquiry on the general building height limit of other waterfront areas, the Secretary said that the building height limit was around 80mPD to 100mPD but it varied depending on the location and individual circumstances. The BHR for TSTE was originally set at 60mPD because of its function as an air ventilation corridor. A Member commented that in view of the concerns on air ventilation and visual impacts, the building height of the waterfront areas should not exceed 80mPD. Members agreed that 80mPD should be the reference point in deciding the height limit for TSTE taking into account the building height bands concept and the need to avoid monotonous skyline. Members considered that the building height limit for the part of TSTE away from the waterfront area could be further relaxed to 95mPD. This would create a stepped building height profile with building height increasing from 80mPD along the waterfront to 95mPD for TSTE area and to 110mPD for TST inner area at the opposite side of Chatham Road. The Chairman said that this was a balanced approach and could achieve a stepped height profile for visual permeability and wind penetration, and maintain an intertwined relationship with the Victoria Harbour edge.

148. After further deliberation, the Board agreed that the BHR for the waterfront sites, i.e. to the southeast of Mody Road, should be amended from 60mPD to 80mPD as proposed by PlanD. For the areas northwest of Mody Road, the BHR should be revised from 60mPD to 95mPD to follow a stepped height profile.

149. As discussed and agreed at the hearing of the representations under Group 1, an incentive proposal meeting a set of assessment criteria should be introduced into the TST OZP for application for relaxation of building height. Members agreed that the incentive proposal should also be applicable to the TSTE area. However, Members considered that some of the assessment criteria, such as the site coverage limit and landscaped set back at ground level, needed to be refined. Subject to PlanD's further refinement, the proposed amendments together with the corresponding amendments to the Explanatory Statement would be submitted to the Board for consideration.

Representation Nos. R63 to R288

150. After further deliberation, the Board agreed to propose amendment to the Plan to partially uphold the representations to facilitate better building design and provide variation in the skyline of Tsim Sha Tsui East without undermining significantly the overall air ventilation performance of Tsim Sha Tsui by amending the building height restriction for Tsim Sha Tsui East as follows:

- (a) the maximum building height restriction for TSTE areas southeast of Mody Road to be amended from 60mPD to 80mPD; and
- (b) the maximum building height restriction for TSTE areas northwest of Mody Road to be amended from 60mPD to 95mPD.

151. After further deliberation, the Board decided not to uphold the remaining part of the representations for the following reasons:

- (a) the purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area;
- (b) the building height restrictions for the Area had taken into account of a number of factors such as the general height profile in the Area, ridgeline protection if applicable, harbourfront settings, topography, vistas, urban design context, the relationship with the adjacent districts in a wider context, the wind performance of the existing condition and the recommendation of the air ventilation assessment, as appropriate. The building height restrictions had struck a balance between meeting the public aspirations for a better living environment and private

development interests; and

- (c) provision for minor relaxation in respect of building height restrictions had been incorporated into the Notes of the OZP in order to provide incentive for development/redevelopments with design merits/planning gains. Each application for minor relaxation of building height restriction would be considered on its own merits.

152. The meeting was adjourned for 5 minutes for a short break.

**Hearing for Group 4 : Representation Nos. R295 to R298 and
Comments No. C3 and C12 to C14 (TPB Paper No. 8224)**

153. The Secretary reported that the following Members had declared interests on the item :

- | | | |
|-----------------------|---|--|
| Mr. Tony C.N. Kan | - | owned a property at Victoria Towers |
| Mr. Raymond Y.M. Chan | - | owned a property at Hillwood Road |
| Dr. James C.W. Lau | - | his spouse owned a property at Austin Road |

154. Members noted that Mr. Raymond Y.M. Chan had tendered apology for not attending the meeting while Mr. Tony C.N. Kan and Dr. James C.W. Lau had tendered apologies for not attending the afternoon session of the meeting.

155. Members noted that sufficient notice had been given to the representers and commenters to invite them to attend the hearing. While Representer Nos. R297 and 298 would attend the meeting, other representers and commenters had either indicated not to attend the meeting or made no reply. The Board agreed to proceed with the hearing in the absence of the remaining parties.

Presentation and Question Session

156. The following representatives from PlanD were invited to the meeting at this point:

- | | |
|----------------|----------------|
| Ms. Heidi Chan | DPO/TWK, PlanD |
| Mr. C.K. Soh | STP/YTM, PlanD |
| Mr. T.W. Ng | STP/UD, PlanD |

157. The following representatives of the representers were also invited to the meeting.

R297 (Long Whole Investments Ltd.)

Mr. Kim Chan

Ms. Kerry Lee

Mr. Joey Chiang

Mr. Jacky Mak

Mr. Sean Niem

Mr. Eddie Tsui

R298 (Tak Shing Investment Co. Ltd.)

Ms. Yuen Wai Yu

158. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited Ms. Heidi Chan to brief Members on the background to the representations.

159. With the aid of a Powerpoint presentation, Ms. Heidi Chan made the following main points as detailed in the Paper:

- (a) the background of the proposed amendments to the draft Tsim Sha Tsui OZP set out in para. 1 of the Paper. This Paper covered four representations and four comments (Group 4) which related to the imposition of BHR of four “C” sites and three “Residential (Group A)” (“R(A)” sites on the OZP;
- (b) an overview of the representations and comments:
 - R295 opposed the BHR of 90mPD for Miramar Shopping Centre and Miramar Tower and 110mPD for Miramar Hotel;
 - R296 opposed the BHR of 110mPD for Chuang’s London Plaza;

- R297 opposed the BHR of 90mPD for Adolfo Mansion;
- R298 opposed the imposition of BHRs in Tsim Sha Tsui and the BHR of 80mPD for Takshing Terrace, Highview and Eastview;

(c) the main grounds and proposals of representation R295 were summarized in para. 2.3.1 of the Paper and highlighted below:

- the BHR undermined the on-going and future sustainable redevelopment effort and weakened well-established destination image of TST for both locals and tourists;
- BHRs provided disincentive on redevelopment;
- according to the AVA, the representation sites were on a major air path with ample open space and G/IC facilities in the vicinity. There was no need to impose a BHR on the Sites for air ventilation purpose;
- relaxation of the BHR would allow greater flexibility to improve building design for better air movements;
- the representation sites did not breach the 'ridgelines' and were not situated on the height sensitive waterfront area;
- iconic landmark feature under relaxed BHR would create a more attractive 'height cluster' profile within the non-waterfront area;

proposals:

- to amend BHR from 90mPD to 156mPD for Miramar Shopping Centre and Miramar Tower, and from 110mPD to 156mPD for Miramar Hotel;
- make provision in the Notes for relaxation of maximum BHR under s.16 of the Ordinance;

(d) the main grounds and proposals of representation R296 were summarized in para. 2.3.2 of the Paper and highlighted below:

- the BHR would affect the redevelopment potential and design flexibility of the Site;

proposal:

- to remove the BHR;
- (e) the main grounds and proposals of representation R297 were summarized in paragraph 2.3.3 of the Paper and highlighted below:
- the BHR for the Site was arbitrary, unreasonable and was not based on in-depth comprehensive review on the area;
 - a building scheme with a floor-to-floor height of 3.275m that was financially viable would still exceed the BHR of 90mPD;
 - the entire street block faced similar redevelopment problems such as non-building area requirement (NBA), multiple ownership and small building lots. The BHR would have adverse effects on redevelopments;
 - the BHR would result in larger site coverage which had adverse effect on natural air circulation and light penetration;

proposals:

- the BHR for the whole street block including the representation site should be amended to 105mPD;
- (f) the main grounds and proposals of representation R298 were summarized in paragraph 2.3.4 of the Paper and highlighted below:
- it was unfair and unjustified to impose a BHR of 80mPD for the Sites as the adjacent buildings along the same street had 100mPD height restrictions and the northern part of Jordon Road was not subject to any BHR;
 - the BHR would discourage the provision of vehicular drop-off/pick-up points as building setbacks could hardly be provided. The traffic flow in Cox's Road and Austin Road would be adversely affected;
 - since 1939 when the lease was granted to the lot owner, there had

been a steady erosion of development rights by the previous rezoning of the Site from commercial/residential uses to residential only with corresponding reduction in plot ratio and addition of BHR of 108m high in the renewal of the Government lease in 1994;

- imposition of additional restrictions without compensation showed that Government did not respect private contractual rights;

proposals:

- no BHR should be imposed;
- if height restriction was to be imposed, the restriction for the Sites should be no less than 100mPD and the Government should provide appropriate compensation to the land owners for the losses;

- (g) PlanD's responses to grounds and proposals of the representations were set out in paragraph 5.5 of the Paper and summarized as follow:

General Grounds

- the imposition of BHR was to prevent adverse impact caused by further excessively tall or out-of-context buildings;
- the BHR were formulated based on an overall building height concept which had taken due account of a number of factors such as the general height profile in the Area, ridgeline protection if applicable, harbourfront settings, topography, vistas, urban design context, the relationship with the adjacent districts in a wider context, the wind performance of the existing condition and the recommendation of the AVA, as appropriate;
- development control in Hong Kong mainly involved statutory measures like Town Planning Ordinance and Buildings Ordinance as well as administrative measures like Government lease. Different measures had their specific purposes to be served. The

BHRs incorporated into the OZP were mainly to prevent adverse impact of further excessively tall or out-of-context buildings on the existing townscape;

- the BHRs incorporated in the OZP could in general cater for developments/redevelopments with the plot ratio as stipulated in the OZP and permit a reasonable form of development. Should there be any proposal having site constraints/requirements which could not be accommodated within the stipulated BHRs, an application for minor relaxation of building height could be submitted to the Board for consideration. If necessary, an application under s.12A of the Ordinance for amendment to such restriction could also be submitted;
- the amendments to the OZP mainly involved the incorporation of BHR and no plot ratio/gross floor area or site coverage restrictions had been imposed. As such, there would not be issues of adverse impacts on property right/development/redevelopment potential or requirements for compensation;

R295

- the imposition of BHR would not change the character of the area as a tourist attraction;
- BHR was not a blanket imposition. They had been formulated based on an overall building height concept. Piecemeal uplifting of building height for individual sites without any details of the proposed development scheme was not supported in general;
- the Board might consider introducing an avenue for application for relaxation of building height if redevelopment site approaching a certain size and meeting a set of pre-set criteria which included good innovative design, provision of open space at street level for air ventilation and greening purposes, building setback to improve pedestrian movement, avoidance of massive podium, etc.;
- the proposals were not supported. Piecemeal amendment of building heights from 90mPD and 110mPD to 156mPD without

any details of the proposed development would compromise the integrity of the building height band and undermine the overall objective of introducing BHR;

R296

- the BHR of 100mPD could cater for development/redevelopments with the plot ratio as stipulated in the OZP;
- the proposal was not supported. The removal of the BHR was unjustified and would undermine the overall objective of introducing BHR;

R297

- BHR of 90mPD could cater for development/redevelopment with the plot ratio 12;
- amalgamation of the smaller sites for redevelopment would provide a better scope to overcome the constraints and achieve design flexibility;
- the proposals were not supported. Piecemeal amendment of BHR for individual lots or street blocks without any details of the proposed development schemes would compromise the integrity of the building height band;

R298

- the different height bands aimed to provide variations for enhancing the townscape. The building height review for sites to the north of Jordan Road (which was within the Yau Ma Tei OZP) was yet to be completed;
- should there be any proposals (having pickup/drop off points requirements) could not be accommodated within the stipulated BHRs, planning applications could be submitted for minor relaxation of the BHR;
- there was no provision under the leases requiring Government to compensate the land owner for any limitation of design due to any

- change of the development parameters in the OZP;
- the proposal was not supported. The proposed removal or piecemeal relaxation of BHR would undermine the overall objective of introducing BHR;
- (h) the views of commenters were detailed in paragraph 3 of the Paper; and
- (i) PlanD did not support R295 to R298 and the representations should not be upheld. The reasons were set out in paragraph 7.2 of the Paper.

160. The Chairman then invited the representers' representatives to elaborate on their representations.

Representation No. R297 (Long Whole Investments Ltd.)

161. With the aid of a Powerpoint presentation, Mr. Kim Chan made the following main points:

- a) the representer submitted a set of general building plan to redevelop the representation site (i.e. Adolfo Mansion) into a hotel building with a building height of 118.65mPD in April 2008. Due to the imposition of the BHR, the building plans were rejected by the Building Authority in June 2008;
- b) the representer did not oppose the imposition of the BHRs under the OZP, but the proposed BHR of 90mPD;
- c) three notional schemes for hotel development with height restrictions of 90mPD, 97.65mPD and 105mPD had been prepared to illustrate the development constraints of the site. The BHR was proved to be unreasonable and impractical;

- d) under existing Government lease of the representation site, the representer had to provide a non-building area of about 2m-wide on both the eastern and the western sides of the lot. The requirement had imposed a stringent constraint on the redevelopment of the building; and
- e) taking into account the site constraints, the need to comply with the building regulations and to install all required building services, the floor-to-floor height of 3.275m, the need to maximise the redevelopment potential of the site and ensure financial viability of the redevelopment project, a minimum building height of 105mPD was required for the Site. The Board should amend the BHR from 90mPD to 105mPD.

[Miss Annie K.L. Tam returned to join the meeting at this point.]

162. Mr. Joey Chiang made the following key points:

- a) the representer bought the subject lot in early 2008 and intended to redevelop the site into a 'hotel' building in view of the Government's support of hotel development in Hong Kong;
- b) it had been the usual practice for the Board that in preparing plan under s.3 of the Town Planning Ordinance, private property rights would be protected. The imposition of the BHR should not affect private property rights ensured under Basic Law Article 6;
- c) there was no consultation on the imposition of the BHR;
- d) imposition of BHR of 90mPD would result in a bigger site coverage, discourage air ventilation and had adverse environmental impacts;
- e) the proposed BHR of 90mPD would only allow a building of about 70m high on the representation site (i.e. Adolfo Mansion). This was impractical for any hotel development. Hotel was a column 1 use and

always permitted under the OZP. It was not reasonable to impose such restrictive building height; and

- f) the Board was urged to amend the BHR to at least 120mPD.

R298 (Tak Shing Investment Co. Ltd.)

163. Ms. Yuen Wai Yu made the following key points:

- a) the imposition of the BHR would have adverse effects such as low headroom, large site coverage, limited spaces between buildings which would lead to poor air ventilation and reduced natural lighting penetration;
- b) relaxation of BHR could allow building set backs and provision for more greening and open spaces for residents/pedestrians; and
- c) it was not reasonable to group the subject representation sites under the height band of 80mPD as the nearby developments at Austin Road and Nathan Road were subject to a higher BHR of 90mPD and 100mPD respectively.

164. After the presentations made by the representers' representatives, the Chairman invited questions from Members on the points raised by the various parties.

165. In response to the Chairman's enquiry on the rationale for the height bands of 80mPD and 100mPD for Cox's Road and Nathan Road respectively, Ms. Heidi Chan stated that as compared with Cox's Road which was zoned "Residential (Group A)" and was planned for residential development, a relatively higher BHR of 100mPD was allowed for Nathan Road as the area was zoned "Commercial" and was intended for commercial uses. In drawing up the BHRs for the Area, PlanD had taken, amongst others, the land use zonings into account.

166. In response, Ms. Yuen Wai Yu asked why residential uses would have a lower BHR. As commercial development was usually fitted with central air-conditioning system, she considered that air ventilation and natural light penetration were more important for residential development. Ms. Heidi Chan clarified that commercial and residential zones were subject to different plot ratio restrictions. The plot ratio for “Commercial” zone was 12 while that for “Residential (Group A)” zone was 7.5 for domestic building. Their building designs were also different. As the “Commercial” zone in TST functioned as the Central Business District, a relatively higher BHR was justified.

167. As the representers’ representatives had finished their presentations and Members had no further question to raise, the Chairman informed the representers’ representatives that the hearing procedures had been completed, and the Board would deliberate on the representations in their absence and would inform them of the Board’s decision in due course. The Chairman thanked the representatives of the representers and PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

168. Members generally considered that the proposed BHRs had taken into account the general height profile in the Area, ridgeline protection if applicable, harbourfront settings, topography, vistas, urban design context, the relationship with adjacent districts in a wider context, the wind performance of the existing condition and the recommendation of the AVA, was appropriate. It had struck a balance between meeting the public aspirations for a better living environment and private development interests. The representers and their representatives had not advanced any convincing argument to warrant variations to the height bands. Members further considered that should there be site constraints specific to any development, the OZP provided flexibility to cater for the situation through application for minor relaxation.

Representation Nos. R295 to R298

169. After further deliberation, the Board decided not to uphold the representations

for the following reasons:

- (a) the purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent further excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area;
- (b) in drawing up the building height restrictions for the Area, the Board had taken into account relevant factors including the general height profile in the Area, ridgeline protection if applicable, harbourfront settings, topography, vistas, urban design context, the relationship with the adjacent districts in a wider context, the wind performance of the existing condition and the recommendation of the air ventilation assessment, as appropriate. The building height restrictions had struck a balance between meeting the public aspirations for a better living environment and private development interests;
- (c) the integrity of building height band(s) of the Site(s) would be compromised by piecemeal amendment for individual lot(s) to relax/remove the building height restrictions as proposed by the representers(s);
- (d) to cater for site-specific circumstances, there was provision for application for minor relaxation of building height restriction under the OZP for the “Commercial”, “Commercial (6)” and “Residential (Group A)” zones. Each application would be considered by the Board on its individual merits and a set of criteria for consideration of such applications had been set out in the Explanatory Statement of the OZP. Should a higher building height restriction be required to facilitate the proposed development schemes at the representation sites, there were also provisions under the Ordinance to apply for amendments to the

statutory building height restrictions pertaining to the Sites.

**Hearing for Group 5 : Representation Nos. R299 to R304 and
Comment No. C3 (TPB Paper No. 8225)**

[Professor Edwin H.W. Chan left the meeting at this point.]

170. The Secretary reported that the following Members had declared interests on the item :

- | | |
|-----------------------|--|
| Dr. Greg C.Y. Wong | - had current business dealings with Wharf Group, the mother company of R304 |
| Mr. Tony C.N. Kan | - owned a property at Victoria Towers |
| Mr. Raymond Y.M. Chan | - owned a property at Hillwood Road |
| Dr. James C.W. Lau | - his spouse owned a property at Austin Road |

171. Members noted that Mr. Raymond Y.M. Chan had tendered apology for not attending the meeting and Mr. Tony C.N. Kan and Dr. James C.W. Lau had tendered apologies for not attending the afternoon session of the meeting. Dr. Grey C.Y. Wong had not yet returned to join the meeting.

172. Members noted that sufficient notice had been given to the representers and commenters. While Representer Nos. R299, R302 to R304 would attend the meeting, Representer Nos. R300, R301 and Commenter No. C3 had either indicated not to attend the meeting or made no reply. The Board agreed to proceed with the hearing in the absence of the remaining parties.

Presentation and Question Session

173. The following representatives from PlanD were invited to the meeting at this point:

Ms. Heidi Chan	DPO/TWK, PlanD
----------------	----------------

- (a) the background of the proposed amendments to the draft Tsim Sha Tsui OZP set out in para. 1 of the Paper. This Paper covered six representations and one related comment (Group 5) which related to the imposition of BHR on specific sites in TST;
- (b) an overview of the representations:
- R299 opposed the BHR for the area zoned “Other Specified Uses” (“OU”) annotated “Railway Terminus, Bus Terminus, Multi-storey Car Park, Indoor Stadium, Commercial Facilities and Railway Pier” (referred to as “OU” zone for Hung Hom Station) at the existing KCRC Hung Hom Station and its adjoining areas;
 - R300 opposed the BHR of 3-storey, 2-storey and 48mPD for three electricity substations (ESSs) which were zoned “G/IC” at Canton Road, Mody Road and Science Museum Road respectively, and the BHR of 15mPD and site coverage restriction of 15% for the Austin Road ESS which was zoned “OU” annotated “Sports and Recreation Clubs”;
 - R301 opposed the BHR of 90mPD for the “G/IC” site for the Hong Kong Scout Centre;
 - R302 and R303 opposed the BHR of 37mPD for the “G/IC” site at Scout Path considering the BHR not stringent enough;
 - R304 opposed the BHR of 7mPD for the “OU” annotated “Pier” zone for the Kowloon Permanent Pier (KPP) No. 7;
- (c) the main grounds and proposals of representations were summarized in para. 2.4 of the Paper and highlighted below:

R299

- with the construction of a new Hung Hom Station as part of the Shatin to Central Link and existing interchange service, a new major transport hub would emerge at the Site;
- the Site enjoyed excellent accessibility and tremendous

opportunities for creation of a development node through the designation of the area as a “CDA”;

- the BHR imposed had not recognized the strategic role of the new transport hub nor any allowance made for the creation of a new development hub;
- the OZP amendments had not taken adequate account of the rail-based development approach;
- development potential of future key transport hub/development node would be limited under the restrictive height control;
- comprehensive development would help optimize station land utilization and provide high quality office space in a decentralized business location;
- the imposition of the BHR was contrary to the strategy of jointly developing Hung Hom a world class metropolis of Hong Kong and Shenzhen;

proposals

- to remove the BHR and rezone the representation site to “CDA” to encourage a comprehensive rail-based development;

R300

- imposition of BHR and site coverage control would undermine the flexibility for the development/redevelopment of ESSs;
- it was difficult to identify alternative sites in urban areas as ESSs were ‘not-favoured’ neighbouring use;
- imposition of the BHRs reduced the value of the Sites and affected private property right protected under the Basic Law;
- the BHRs were too stringent for the Sites. Relaxation of the building heights would not have any adverse impacts;

proposals

- to relax the BHR of the representation site at Canton Road to not more than 23mPD;
- to relax the BHR of the representation site at Mody Road to not

more than 110mPD;

- to relax the BHR of the representation site at Science Museum Road to not more than 60mPD;
- to remove the BHR and site coverage of 15% of the representation site at Austin Road;

R301

- the BHRs of the surrounding developments around the Hong Kong Scout Centre were far exceeding those stipulated under the OZP;

proposal

- to amend the BHR to the existing building height of 108mPD or 110mPD;

R302 & R303

- the representation site for the extension of Lai Chack Middle School was included in the Greening Master Plan (GMP) for TST area implemented by CEDD. The proposed BHR of 37mPD for the Site was against the Government's greening policy and contradicted the GMP;
- proposed BHR of 37mPD was excessive and should tally with the neighbouring area of the Park, i.e. of 2-storey;
- any new building of 37mPD would block the air corridor from Scout Path to Kowloon Park and gave rise to wall effect and adversely affected the residents of the Victoria Towers and the general public;

proposals

- the representation site should be retained as district open space and the building height should be limited to 2-storey;

R304

- continuing the public car park use was underutilizing the representation site at Kowloon Permanent Pier No. 7;
- the permitted uses within the "OU" annotated "Pier" zone under

the OZP were suitable for achieving the objective of creating vitality along the waterfront;

- with the deck level at about 5.5mPD, the BHR of 7mPD would allow buildings of only 1.5m in height. This was too low for the permitted uses;

proposal

- to amend the BHR to 11.5mPD;

- (d) the views of Commenter No. C3 were detailed in paragraph 3 of the Paper;
- (e) PlanD's responses to grounds of representations and representers' proposals were detailed in paragraph 5.5 of the Paper and the key points were:

R299

- the strategic importance of Hung Hom Station was recognized;
- with development of new railway lines like the Guangzhou-Shenzhen-Hong Kong Express Link and Shatin Central Link, the role and function of Hung Hom Station would likely be repositioned and new opportunities would emerge;
- any changes would need to be planned very carefully and inputs from the policy dimension would be essential. There was no concrete plan or initiative available at this stage;
- amendments in the current TST OZP were mainly related to BHRs;
- the proposed BHRs generally reflected the existing uses which was relatively low-rise providing breathing space and visual relief to the Area;
- without any policy support, planning study and assessment, it was premature for the Board to consider the proposed "CDA" rezoning;

R300

- there was no redevelopment proposals for the four ESSs/quarters

- and it was premature to consider any revision to the BHRs;
- if there was a need to relax the BHRs to cater for new requirements in future, application for minor relaxation of the building height could be made to the Board;
 - development intensity of the representation sites would not be affected and the private property right would not be taken away;
 - all the four representation sites were subject to user clauses under the leases and three of them were also subject to height restrictions;
 - existing “G/IC” and “OU” sites also served as breathing space and visual relief to the Area. The scale of any proposed upgrading/redevelopment should not be excessive;
 - the BHRs for the four ESSs sites had taken into account the relevant factors such as the existing topography, site formation level and land use zoning;
 - the proposed relaxation/removal of BHR would jeopardize the planning intention and might set an undesirable precedent;
 - there was no known redevelopment proposal at the representation sites agreed by concerned Government departments;

R301

- the proposed amendment was not necessary. According to the Notes of the OZP, the representation site was allowed to be developed/redeveloped to its existing building height, i.e. 107.7mPD;

R302 & R303

- the site was zoned “G/IC” and earmarked for the extension of Lai Chack Middle School;
- the BHR of 37mPD was not excessive as reference had been made to the building height of the adjacent Administration Building and Sports Centre of Kowloon Park (37.3mPD);
- with a street level of about 9mPD, the proposed school extension building of about 23.1m high would measure up to about 32.1mPD

- at main roof upon completion;
- it was not feasible to lower the school building to 2 storeys due to site constraints and the need to accommodate the required school facilities;
- the existing vegetation had been planted as temporary greening measure prior to development. About 35 existing trees would be felled and 52 new trees would be planted;
- the extension proposal did not conflict with any proposed greening works recommended in the GMP;
- the school extension would unlikely bring any adverse impact on air ventilation or wall effect;
- the relatively low-rise school extension building would provide breathing space and visual relief to the Area; and
- TST had no shortfall of public open space and there was no strong ground to change the site for open space use;

R304

- the BHR of 7mPD had been stipulated in the OZP since 1996;
- the potential of turning the pier into tourist related uses was recognized, but the BHR should not be taken as the deterring factor;
- the spot level of the pier was at 3.8mPD instead of 5.5mPD. One-storey building structure of 3.2m should be feasible for general uses;
- in any case, uses other than ‘Government Use’ and ‘Pier’ such as ‘Eating Place’ required planning permission from the Board and there was provision for application of minor relaxation of building height;

- (f) PlanD did not support R299 to R304 and considered that the representations should not be upheld. The reasons were set out in paragraph 7 of the Paper.

177. The Chairman then invited the representers' representatives to elaborate on their representations.

Representation No. R299 (Kowloon-Canton Railway Corporation)

178. With the aid of a Powerpoint presentation, Mr. James Blake and Ms. Rebecca Wong made the following main points:

- a) the representer opposed the height restrictions on the Hung Hom Station site which were arbitrary. According to their assessment, a BHR of 150mPD at the representation site was still able to preserve the ridgeline;
- b) as part of the Shatin to Central Link project, a new Hung Hom Station would be constructed. The new station would be a major interchange station of territory-wide significance, providing interchange between the future East-West Line (an extension of the Ma On Shan Line via East Kowloon to join West Rail Line) and the North-South Line (an extension of the East Rail Line across the harbour to Hong Kong Island). Hung Hom Station would also be the transport hub for the cross-boundary rail network to Beijing and Shanghai;
- c) under Government's re-planning, Hung Hom harbourfront was undergoing major changes with the creation of a signature gateway to Hung Hom and the introduction of new tourism, leisure and entertainment facilities along the harbourfront;
- d) the existing problems of the area had to be addressed. These included the blocking of the harbourfront access by the open freight yard, unsatisfactory access of the Coliseum, vehicular and pedestrian conflict at podium deck, unpleasant pedestrian environment in the mezzanine floor and unsatisfactory pedestrian links to surrounding areas;
- e) there were tremendous opportunities for comprehensive redevelopment of

the area to transform it into a new transportation and development hub bringing environmental improvement and a face-lift of the area;

- f) the BHR imposed on the representation site merely reflected the existing building heights and failed to recognize the strategic role of the new transport hub;
- g) the imposed BHR was a departure from Government's policy towards rail-based development approach. In the Hong Kong 2030 Study, the Government committed to rigorously pursue the rail-based development approach and the prudent use of land resources by planning for more development around rail station to facilitate fast and mass movement of people;
- h) under-utilisation of scarce land resource along the railway was also a deviation from the policy direction of decentralised business node;
- i) the Board was requested to rezone the representation site to "CDA". The building height and disposition could still be controlled through the submission of Master Layout Plan; and
- j) as the Board was given the mandate of guiding the development of Hong Kong, it could give the necessary support for future development of the area. In view of the imminent commencement of the Sha Tin to Central Link project, rezoning of the site to "CDA" at this stage was not premature.

[Dr. Daniel B.M. To returned to join the meeting at this point.]

Representation No. R302 (Estate Owners' Committee of the Victoria Towers)

179. With the aid of a Powerpoint presentation, Mr. Lee Wah Sang made the

following main points:

- a) Kowloon Park, being the 'green lung' of Kowloon, was diminishing. The representer opposed any development on the representation site which adjoined the Kowloon Park;
- b) the opposition was supported by various green groups, media and over 500 citizens;
- c) the representer did not agree with PlanD's responses at page 21 of the TPB Paper No. 8225 that Tsim Sha Tsui had no shortfall of public open space. The subject representation site with masses of trees and was closely connected with the Kowloon Park should be preserved;
- d) as stated in para. 5.3(b) of the Paper, the existing green and open areas in the Area are very important for air ventilation;
- e) the Scout Path connecting the Kowloon Park with Austin Road was an important wind corridor to address the wall effect created by the existing building structures;
- f) there were already car parks and cross-boundary bus station at the Hong Kong Scout Centre adjoining Scout Path. Any new building of 37mPD on the representation site would block the air corridor and adversely affect the residents and the general public;
- g) PlanD's responses at paragraph 5.5.4(a) of the Paper that the podium height of Victoria Towers was 15.4mPD to 43.7mPD was incorrect and the podium of Victoria Towers should be at 15.4mPD whereas 43.7mPD was the upper level of the podium. Development with a building height of 37mPD which was much higher than the podium level of Victoria Towers and would have significant adverse impact on air ventilation;

- h) the school extension building would create wall effect to the residents of the Victoria Towers and the general public at the cross-boundary bus station and the Park;
- i) according to the school extension project, about 35 existing trees would be felled. Although PlanD stated that 52 new trees would be planted, these new trees would be planted at the roof-top and could not be comparable with the existing trees in terms of size;
- j) PlanD's argument that reducing the building height could not provide sufficient floor space to accommodate the required school facilities was not logical. The focus of the subject review should be on the adverse environmental impacts of the proposed building height;
- k) the piecemeal extension of the school was not good planning. The extension building was separated from the main school premises and would be connected with the existing school by a public footpath. The separation created operational problems for the school. There would also be conflict between the students and pedestrians in using the public footpath. The Educational Bureau should relocate the school to other location or made use of other vacant school premises to cater for the needs of the school; and
- l) no further damage to the Kowloon Park should be tolerated and the Board should rezone the subject site from "G/IC" to "Open Space".

Representation No. R303 (Mr Chan Kin Ching)

180. With the aid of a Powerpoint Presentation, Mr. Wilson Chao made the following main points:

- a) being situated at the heart of TST, the Kowloon Park was a metro park

servicing the Hong Kong people and the tourists. The Park should be further enhanced to meet the public aspirations for more greening spaces;

- b) PlanD argued that the proposed BHR of 37mPD was appropriate making reference to the building height of Victoria Towers and Hong Kong Scout Centre, but they failed to consider the adverse impacts on the users of the Park;
- c) the proposed school extension with at BHR of 37mPD would create wall effect and air ventilation problem to the residents and visitors of the Park;
- d) the BHR of the representation site should be reduced to 20mPD (or 2-storey) in order to provide a harmonious environment for park users, local residents and the general public, or the site should be rezoned to “Open Space” to meet the public aspiration for more greening space;
- e) in the Visionary/Long Term Plan of the GMP prepared by CEDD, more trees would be planted along the Scout Path which would link with the Austin Road to form a green corridor. The proposed development on the site was against the Government’s greening policy and contradicted the GMP;
- f) the representation site was at the gateway of the green corridor leading all the way to West Kowloon. To rezone the site for open space use would help to create a park similar to the Central Park of New York. This would further enhance the development of West Kowloon Cultural District; and
- g) Lai Chack Middle School was accommodated in an old school building. Even with the extension scheme, it could not be comparable with the modern school premises. Instead of a piecemeal extension project, the Education Bureau should relocate the school to a more appropriate

location.

Representation No. R304 (Harbour City Estates Ltd.)

181. With the aid of a Powerpoint Presentation, Mr. Ian Brownlee made the following main points:

- a) the representation site occupied a strategic location. The neighbourhood within which the site was located was a main tourist destination. It was close to Star Ferry Kowloon Point Piers, the Cultural Centre and other waterfront museums and attractions;
- b) there was good opportunity to revitalize this prime waterfront land;
- c) a range of tourists related uses might be permitted on application to the Board, such as 'Eating Place', 'Exhibition or Convention Hall', 'Office', 'Public Vehicle Park', 'Shop and Services';
- d) there was no objection to the 1 storey limit, but the representer opposed the height limit of 7mPD;
- e) the proposed BHR of 7mPD failed to provide a positive initiative for redevelopment;
- f) the existing public car parking use was considered underutilization of the waterfront location;
- g) buildings on adjacent piers were of tall heights and the proposed relaxation would not have any adverse visual impact;
- h) the current BHR of 7mPD would only allow a net building height of 1.5m which was impractical for any development; and

- i) the Board was requested to increase the height limit from 7mPD to 11.5mPD so as to allow the provision of facilities for public to enjoy, add vibrancy to the waterfront.

[Mr. Y.K. Cheng returned to join the meeting at this point.]

182. After the presentations made by the representers' representatives, the Chairman invited questions from Members on the points raised by the various parties.

183. In response to the enquiry of a Member on the school extension proposal of Lai Chack Middle School, Ms. Heidi Chan said that there was a general shortfall of school places in TST Area. The school extension building would be about 5 to 6 storeys and 23.1m high. Mr. Wilson Chao stated that although the school premises would be extended, the number of students would remain the same.

184. Mr. Richard Chan commented that he disagreed with PlanD's assessment that the school extension proposal did not violate the Greening Master Plan (GMP). A copy of the GMP was circulated at the meeting for Members' reference. He added that the GMP was supported by the relevant District Council and well-received by the general public. Although the plan was not a statutory document, the PlanD should take this into account in drawing up the OZP amendments. He also disagreed with PlanD's assessment that the low-rise school extension building would not have adverse visual impact. The proposed school structure of 37mPD would block the air ventilation and create adverse visual impact. Mr. Wong Man Kit added that such a tall school extension building of 37mPD would adversely affect the openness and function of the Park.

185. As the representers' representatives had finished their presentations and Members had no further question to raise, the Chairman informed the representers' representatives that the hearing procedures had been completed, and the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representatives of the representers and PlanD for attending the meeting. They all left the meeting at this point.

[Mr. Walter K.L. Chan returned to join the meeting at this point.]

Deliberation Session

186. A Member enquired whether the “G/IC” site at Scout Path would block the green corridor from Kowloon Park to the West Kowloon Cultural District as put forward by the representers. Mrs. Ava Ng clarified that the subject “G/IC” site was not at the said green and visual corridor overlooking from the Observatory Hill towards the West Kowloon Cultural District. If one looked from the Cultural District towards TST, the proposed school extension building would in fact be hidden by the adjoining Victoria Towers of 201.5mPD.

187. Another Member asked if there was any opportunity to slightly reduce the height of the school extension building so as to preserve the air performance in the area. Some Members noted that with a street level of 9mPD, the proposed school extension building of about 23.1m would measure up to about 32.1mPD which was well below the 37mPD height limit. Another Member commented that instead of imposing a more restrictive building height limit which might constraint the design of the school extension building, the Education Bureau should be advised to take note of the concerns of the representers. In designing the school extension building, consideration should be duly given to reduce possible visual and air ventilation impacts on the neighbourhood and to keep the extension building in harmony with the adjoining Kowloon Park.

188. For the proposed rezoning of the Hung Hom Station site, Members noted that there was as yet no Government decision on the redevelopment proposal. A Member commented that the current OZP amendments were mainly on building height and NBA requirements. Should the case warrant a rezoning, provision had already been allowed under the Ordinance for application of zoning amendment for the Board’s consideration. Regarding the four ESSs sites and the KPP No. 7, the Board considered that without any known redevelopment proposal, it was premature to consider revision of the BHRs at this stage. In respect of the proposal on the Hong Kong Scout Centre site, amendment of BHR

was not necessary as the site was allowed to be developed/redeveloped to its existing height of 107.7mPD under the OZP.

189. After further deliberation, Members generally considered that the proposed BHRs, taken into account the existing height profile, the local character, urban design considerations, stepped building height concept, preservation of the ridgeline, development potential, air ventilation as well as striking a balance between public aspirations for a better living environment and private development rights, was appropriate. The representers and their representatives had not advanced any convincing argument or detailed information to warrant variations to the height bands. Besides, the OZP allowed flexibility to cater for individual site conditions through application for minor relaxation. There was also provision under the Ordinance to apply for amendments to the statutory BHRs pertaining to the sites.

Representation Nos. R299 to R304

190. After further deliberation, the Board decided not to uphold the representations for the following reasons:

For All Representation Nos. R299 to R304

- (a) the purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area;
- (b) in drawing up the building height restrictions for the Area, the Board had taken into account relevant factors including the general height profile in the Area, ridgeline protection if applicable, harbourfront settings, topography, vistas, urban design context, the relationship with the adjacent districts in a wider context, the wind performance of the

existing condition and the recommendations of the air ventilation assessment, as appropriate. The building height restrictions had struck a balance between meeting the public aspirations for a better living environment and private development interests;

For R299

- (c) without policy support, a comprehensive planning study and assessments of the future use and scale of development, it would be premature to consider rezoning the Site to “Comprehensive Development Area” at this stage. The current building height restrictions imposed for the Site was to reflect the general building height of the existing buildings which were relatively low rise providing breathing space and visual relief to the Area;

For R300 and R301

- (d) apart from providing government, institution or community facilities and the specified facilities, “Government, Institution or Community” (“G/IC”) and “Other Specified Uses” (“OU”) sites in the built-up urban area also served as visual relief and breathing space. Removal of or piecemeal amendments to the building height restrictions for the “G/IC” and “OU” sites could result in proliferation of high-rise government, institution or community developments, leading to cumulative loss of visual relief and breathing space for the Area;

For R300, R301 and R304

- (e) the Notes for the “G/IC” and “OU” zones already provided the necessary flexibility for application to the Board for minor relaxation of the building height restriction based on individual merits of the development/redevelopment proposal. Should a higher building height restrictions be required to facilitate the proposed development schemes at the representation sites, there were also provisions under the Town Planning Ordinance to apply for amendments to the statutory

building height restrictions to the Sites; and

For R302 and R303

- (f) the Site had been zoned “G/IC” and was required for school extension development. As Tsim Sha Tsui had no shortfall of public open space and the Site only adjoined Kowloon Park, there was no strong ground to change the site for open space use. Reducing the building height to 2-storey could not provide sufficient floor space to accommodate the required school facilities of the school extension project.

The Board also agreed to convey the representers’ concerns to the Educational Bureau on the possible visual and air ventilation impacts of the proposed school extension building at Scout Path. In designing the school extension building, consideration should be duly given to reduce possible visual and air ventilation impacts on the neighbourhood and to keep the extension building in harmony with the adjoining Kowloon Park.

**Hearing for Group 6 : Representation Nos. R289 to R294 and
Comments No. C3 (TPB Paper No. 8226)**

[Dr. Greg C.Y. Wong returned to join the meeting while Professor Bernard V.M.F. Lim left the meeting at this point.]

191. The Secretary reported that the following Members had declared interests on the item :

- | | | |
|-----------------------|---|--|
| Mr. Tony C.N. Kan | - | owned a property at Victoria Towers |
| Mr. Raymond Y.M. Chan | - | owned a property at Hillwood Road |
| | - | his company was the consultant of R293 |
| Dr. James C.W. Lau | - | his spouse owned a property at Austin Road |

192. Members noted that Mr. Raymond Y.M. Chan had tendered apology for not attending the meeting and Mr. Tony C.N. Kan and Dr. James C.W. Lau had tendered apologies for not attending the afternoon session of the meeting.

193. Members noted that sufficient notice had been given to the representers and commenter. While all Representer Nos. R289 to 294 would attend the meeting, Commenter No. C3 had indicated that he would not attend the hearing for Group 6. The Board agreed to proceed with the hearing in the absence of Commenter No. C3.

Presentation and Question Session

194. The following representatives from PlanD were invited to the meeting at this point:

- | | |
|----------------|----------------|
| Ms. Heidi Chan | DPO/TWK, PlanD |
| Mr. C.K. Soh | STP/YTM, PlanD |

Mr. T.W. Ng

STP/UD, PlanD

195. The following representatives of the representers were also invited to the meeting:

R289 (Sailors Home and Mission to Seamen)

Mr. Chan Tze Fook

Mr. Chan Kwok Leung

R290 (Chinese Estate (Tung Ying Building) Ltd.)

Mr. Kenneth Ng

Mr. Ping Wong

Ms. Wai Mei Wah

Ms. Betty Ho

Mr. Cheng Pui Kan

R291 (Delux Mind Investments Ltd. & Formax Development Ltd.)

Mr. Fong Kwok Tung, Gordon

Ms. Chan Yuen Kwan, Cindy

Mr. Kong Kai Cheung

R292 & R293 (Achieve Investment Ltd. & Holdwin Ltd.)

Mr. Ho Shek Tim

Mr. Tse Chi Kin

Ms. Leung Pui Yan

Mr. Lui Ho Yuen, Victor

R294 (Bon Tai Investment Ltd.)

Mr. Anson Chan

Mr. Wu Ka Ming

Mr. Gilbert Tang

196. The Chairman extended a welcome and explained briefly the procedures of the hearing. He then invited Ms. Heidi Chan to brief Members on the background to the representations.

197. With the aid of a Powerpoint presentation, Ms. Heidi Chan made the following main points as detailed in the Paper :

- (a) the background of the proposed amendments to the draft Tsim Sha Tsui OZP set out in para. 1 of the Paper. This Paper covered six representations and one comment (Group 6) which related to the imposition of BHR and/or non-building areas (NBA) requirement on the OZP;
- (b) an overview of the representations and comment:
 - R289 opposed the incorporation of NBA requirement for Mariners' Club;
 - R290 opposed the BHR of 156mPD and NBA requirement for the former Tung Ying Building site;
 - R291 opposed the incorporation of NBA requirement for 31-31A Granville Road;
 - R292 to R294 opposed the imposition of BHR and NBA requirement for "C(6)" zone;
- (c) the main grounds of representations were summarized in para. 2.3 of the Paper and highlighted below:

Urban Design Aspects

- the BHRs would discourage innovative building design leading to bulky buildings resulting in wall effect and more serious air pollution;
- the definition of 'public road' in the NBA requirement was unclear;
- the NBA requirement would greatly affect design flexibility of any future redevelopment;
- the NBA requirement would discourage innovative building design resulting in developments with large site coverage and less open space provision;
- although the building had been setback, the owners could use the NBA for whatever purposes, such as open sitting area, or they might be illegally occupied by others. The public interest would not be improved;
- the proposed NBA would cause an inconsistent jagged building line of new and existing shopping fronts which would adversely affect the appearance of street frontage and image for tourists;

Air Ventilation

- the imposition of NBA was made in a unanimous manner for all sites without due consideration or reference to individual street block circumstances;
- air circulation of wind was blocked by footbridge or large advertisement signboards;
- voluntary building set back would help to redirect the wind from Granville Road into Carnarvon Road;
- widening all the streets in the area might not be sufficient to enhance the air circulation but would seriously prejudice all lot owners' interest. Further studies should focus on widening several major streets in order to minimize the effect to lot owners;

Redevelopment Potential and Property Value

- the setback requirement affected the building design;

- the BHR would discourage urban renewal in TST and it would become an urban slum;
- the NBA requirement would lead to smaller permitted site coverage resulting in the reduction of building area at the lower floor, affecting the commercial value;

Bonus Plot Ratio/Site Coverage

- the imposition of BRH together with NBA had ruled out the realization of bonus plot ratio as an incentive for the provision of public facilities;
- the compulsory provision of setback requirement would reduce the land and property value without any compensation;
- as bonus for site coverage and plot ratio would be repealed under the NBA, the NBA would deprive the building owners' right to gain bonus plot ratio;

Pedestrian Movement

- implementation of proposals in the Greening Master Plan (GMP) and the Area Improvement Plan (AIP) for TST would effectively improve the pedestrian environment without the need to impose NBA ;
- the existing footpath in the "C(6)" zone was wide enough to cater for the future expansion of pedestrian traffic growth;
- several building owners of the "C(6)" zone had jointly engaged a traffic consultant to carry out a study on full-time pedestrianisation on weekends to enhance the accessibility of TST and there was no need to impose NBA requirement;

(d) the representers' proposals were detailed in para. 2.4 of the Paper. The proposals included:

- R289: public road should be clearly defined to restrict to a road of minimum width of 4.5m;

- R290: to relax the BHR from 156mPD to 162mPD, and the NBA stipulated along the section of Granville Road between Carnarvon Road and Nathan Road should be removed, or there should be more flexibility in the Notes of the OZP to allow for consideration on a case-by-case basis;
 - R291: to provide setback on ground floor at Kimberley Street whilst maintaining full site coverage for the podium floors;
 - R292 to R294: the BHR and NBA requirement for “C(6)” zone should be removed; if height restriction should be imposed, it was suggested to relax the height limit to 150mPD;
- (e) the views of commenter No. C3 were detailed in paragraph 3 of the Paper; and
- (f) PlanD’s responses to the grounds of representations were detailed in paragraphs 5.5 of the Paper and the key points were:

Urban Design Aspects

- NBA was part of an overall strategy to improve the overall air ventilation in the core area of TST. The strategy aimed to introduce air paths and NBA, preserve open space, limit site coverage, widen road and streets, forming more effective mitigation measures in addition to BHR;
- the present BHR could cater for developments/redevelopment with plot ratio as stipulated in the OZP and permit a reasonable form of development while allowing sufficient flexibility in building design;
- there were established mechanism to address the issues associated with management of NBAs which should remain in the hand of the landowners. Apart from improving air ventilation in the core area of TST, NBA also provided more amenity space at ground level to improve streetscape and pedestrian circulation serving the public

interest;

- implementation of the NBA requirement took time, and it would be inevitable that inconsistent jagged building line of new and existing shop-fronts co-existed for a period of time;

Air Ventilation

- the AVA Study had covered down to street level to identify local characteristics, existing problems and possible measures to improve air ventilation;
- Granville Road was an important east-west orientated road to enhance the air path to mitigate weak air ventilation performance in the area;
- voluntary setbacks at the former Tung Ying Building site were not running in parallel with the general east-west air path direction and the contribution to air ventilation improvement was limited;
- the NBAs were required to enhance air ventilation for the area as a whole and thus should not be eliminated arbitrarily;
- the 1.5m set back on each side of the pavement was considered a minimum and balanced approach that could make a useful contribution to air ventilation mitigating the adverse effects of taller buildings;

Redevelopment Potential and Property Value

- BHRs had not affected the maximum permissible plot ratio or gross floor area restrictions under the OZP. There should generally be no adverse impact on the economic value of the property;
- the value of property hinged on many factors including the quality of the surrounding area. BHR and NBA requirement would provide more certainty and transparency for development;
- to accommodate the NBA, some floor space at the lower floors would have to be reallocated to the upper floors. Application for bonus plot ratio might be submitted to Buildings Department if

appropriate. It was necessary to strike a balance between meeting the public aspirations for a better living environment and private development interests;

Bonus Plot Ratio/Site Coverage

- the NBA requirement had not precluded lot owners from applying bonus plot ratio or site coverage from Buildings Department;
- whether the bonus plot ratio would be granted would be a matter to be decided by Buildings Department;

Pedestrian Movement

- the NBA requirement was to improve air ventilation in the Area and had to be provided at the right location as recommended by the AVA Study;
- AIP for TST identified Granville Road as having “poor streetscape condition/congested footpath”. The NBA imposed was to improve the air ventilation and would complement the proposed footpath widening under the AIP;

(g) PlanD’s responses to the representers’ proposals were detailed in para. 5.6 of the Paper. The key points include:

- R289: to make it clear that the public road where the NBA requirement was applicable referred to the area shown as ‘Road’ on the OZP. The Notes and Explanatory Statement would be revised;
- R290: there was provision to allow for minor relaxation of building height to cater for specific cases. The section of Granville Road between Carnarvon Road and Nathan Road was important to air quality improvement in the core of TST. Piecemeal relaxation of NBA requirement without any comprehensive air ventilation assessment would undermine the overall effectiveness of the air path/NBA;

- R291: the proposal of building setback at the ground floor of buildings would improve pedestrian movement, but not air ventilation in the area. Piecemeal relaxation without any comprehensive air ventilation assessment would undermine the overall effectiveness of the air path/NBA;
 - R292 to R294: the proposal to remove BHR and NBA requirement would result in uncontrolled developments which were out of keeping with the surrounding developments and undermine the imposition of BHR and NBA requirement to improve air ventilation;
- (h) PlanD's views were detailed in paragraph 7 of the Paper and the key points were:
- R289 was recommended to be upheld. The Notes and Explanatory Statement of the OZP should be revised as stated in (g) above; and
 - PlanD did not support R290 to R294 and suggested that the representations should not be upheld.

198. The Chairman then invited the representers' representatives to elaborate on their representations.

Representation No. R289 (Sailors Home and Missions to Seamen)

199. Mr. Chan Tze Fook stated that as the definition of the 'public road' would be clearly defined and the Notes and Explanatory Statement of the OZP would be revised accordingly, he had no further comments to make.

Representation No. R290 (Chinese Estate (Tung Ying Building) Ltd.)

200. With the aid of a Powerpoint presentation, Ms. Betty Ho made the following main points:

- a) the representer opposed the requirement of a minimum of 1.5m wide NBA from the lot boundary abutting public road(s), except Chatham Road South and Nathan Road and the imposition of a new building height restriction of 156mPD on the representation site;
- b) the elongated site had a street frontage of about 26m fronting Nathan Road and about 120m fronting Granville Road;
- c) the general building plans for redeveloping the Site into a commercial complex had already been approved by the Buildings Department in December 2007. The NBA requirement and imposition of BHR could not achieve the town planning objectives in improving air ventilation and pedestrian movement. The proposed amendments had unnecessary and substantial impact on the Site's development potential and design flexibility;
- d) in the current approved redevelopment proposal, effort had been made to improve the environment for the pedestrians, namely, (i) set back from Carnarvon Road to improve the pedestrian environment and ensure safe crossing/waiting, (ii) NBA at the corner at Nathan Road/Granville Road to facilitate pedestrian circulation and safety when waiting to cross the roads and (iii) set back at different upper levels along the frontage of Granville Road to enhance air ventilation and add variety to the urban townscape;
- e) MTRC was actively negotiating with the representer to provide a new public subway from the existing Tsim Sha Tsui MTR Station via the subject commercial complex to street level. This alternative route from MTR station to street level would enhance pedestrian circulation in the area and provide a safe and comfortable throughfare from MTR Station to Carnarvon Road/Granville Road;

- f) under the Buildings (Planning) Regulation, the representer was eligible for applying for additional (bonus) plot ratio in exchange for dedication of land for use as public passage and essential services. However, the imposition of the BHR and NBA had ruled out the realization of bonus plot ratio. The redevelopment was allowed to be built to the height stipulated in the approved building plans at 156mPD, its redevelopment had commenced without the provision of the 1.5m NBA. The bonus plot ratio would not be able to be accommodated within the newly imposed BHR of 156mPD. Future application for planning permission for relaxation of building plan would not be feasible as the current redevelopment scheme had already violated the NBA requirement;
- g) the NBA requirement was made in an unanimous manner for all sites in Kowloon Planning Area 1 without careful review of reference to individual street block circumstances and unable to achieve planning objective to improve the air ventilation and pedestrian. It would unnecessarily greatly restrict the development potential of the Site;
- h) for effective air and pedestrian circulation, the landowner had proposed a NBA of 4m wide at the frontage of Carnarvon Road and pockets of set back areas at different levels. With the proposed NBA, the wind could be redirected from Granville Road into Carnarvon Road enhancing the air circulation in this area. Thus, NBA was not required for the section of Granville Road from Carnarvon Road to Nathan Road;
- i) the implementation of proposals in the GMP and AIP for TST would effectively improve pedestrian environment around the area, without the need to impose NBA;
- j) the representer had committed to provide 360.89m² of NBA along the Carnarvon Road and Nathan Road and 198.74m² set back at 4/F and 5/F of the building which were more than the newly imposed NBA (i.e. 216.75m²) on the OZP;

- k) without any flexibility on NBA requirement, the presenter could not change the use of the land or provide subway linking MTR Station to facilitate pedestrian circulation. To achieve a dynamic urban landscape, more flexibility should be allowed on individual merit basis;
- l) the presenter urged the Board to remove the NBA requirement along the section of Granville Road between Carnarvon Road and Nathan Road and relax the BHR from 156mPD to 162mPD; and
- m) if the request on removal of the NBA stipulation could not be met, more flexibility in the Notes should be provided for minor relaxation of NBA on a case-by-case basis.

Representation No. R294 (Bon Tai Investment Ltd.)

201. With the aid of a Powerpoint presentation, Mr. Anson Chan made the following main points:

- a) he represented the Universal Commercial Building situated at Peking Road. The 14-storey building was built in 1966 with 95 offices units under multiple ownership;
- b) TST was a densely populated community mixed with commercial, shopping and residential uses. The imposition of the BHR had adversely affected the long-term development of the area;
- c) according to PlanD, the BHR was to prevent excessively tall or out-of-context buildings and to avoid adverse impacts on the community. However, a number of excessively tall buildings had already been built in recent years, such as One Peking, Hotel Peninsular, The Pinnacle at Minden Avenue and Oterprise Square;
- d) the existing tall buildings in the Area had already blocked the prevailing

wind and air circulation. The wall effect had resulted in serious air pollution problem;

- e) imposition of BHR would discourage urban renewal in the district and TST would become an urban slum with an aging community;
- f) the NBA requirement was intended to enhance air circulation and pedestrian flow. Peking Road (with a width of 15m) was wide enough to cater for the existing and future pedestrian and vehicular flow. The actual problems affecting the existing streetscape and pedestrian flow were the on-street advertisement banners, illegal hawkers, and advertisement signboards protruding from the buildings. The setback areas to be provided for pavement widening might be misused for loading/unloading, car parking, hawkers creating street management and hygiene problems;
- g) there was a huge difference between the value of street level shopping spaces and the spaces on the upper floors. The vacancy rate of office units at the upper floors was relatively high whereas street level shop spaces were in high demand. In view of the high demand and value, the street level shopping spaces would be kept upgrading, but not the cheap rental slum on the upper floors;
- h) the proposed NBA set back of new buildings would cause an inconsistent jagged building line of new and existing shop-front which would adversely affect the appearance of street frontage; and
- i) the imposition of the BHR and NBA requirement would adversely affect the landowners' right and violate the Basic Law. If the Board insisted on the indiscriminative application of the new development restrictions, the landowners would raise strong objection and consider to seek a judicial review to protect their interests.

Representation No. R291 (Delux Mind Investments Ltd. & Formax Development Ltd.)

202. Mr. Fong Kwok Tung stated that in response to the presentation of R290 that bonus plot ratio would not be accommodated under the newly imposed BHR, he urged the Board to consider more innovative approach to address the problem. Apart from application for minor relaxation of building height, the Board could consider transferring the bonus plot ratio to other sites. This approach could also help to address problem in relation to conservation proposals.

Representation No. R292 & R293 (Achieve Investment Ltd. and Holdwin Ltd.)

203. With the aid of a Powerpoint presentation, Mr. Tse Chi Kin made the following main points:

Representation Sites

- a) the representation opposed the imposition of BHR and NBA on the Bo Yi Building and Sands Building (the subject Sites), instead of all sites under “C(6)” zone;

Air Ventilation

- b) the annual prevailing wind for TST mainly came from east and northeast while the summer wind came from east, southwest and southeast. The annual prevailing wind was blocked by the ‘wall-like’ and dense buildings at the eastern part of TST. According to paragraph 3.15 of the AVA Report, poor air-pollution in Zone 7 (the inner part of TST roughly bounded by Austin Road/Haiphong Road, Chatham Road South, Salisbury Road and Canton Road) was caused mainly by the “wall-like buildings” erected at areas nearby Chatham Road South. Wind came from south was also blocked by ‘wall-like’ buildings along the waterfront. Imposition of the BHR and NBA requirement on the Sites could not address the problem;
- c) dense development, irregular and narrow streets in the heart of TST

prevented the annual prevailing wind to run through the entire TST district. The subject Sites were the victims suffering from the poor air quality problem instead of causing the problem;

- d) as compared with the irregular and narrow streets at the heart of TST, the subject Sites were surrounded by broad streets, namely Peking Road, Hankow Road and Ashley Road;
- e) Peking Road, Hankow Road and Ashley Road were short roads and did not run through the entire TST district, they were not useful as air paths according to the AVA Study;
- f) apart from incorporation of NBA requirement, there were other options to improve air ventilation at the pedestrian levels, such as terraced podium, removal of projecting obstructions, etc.;
- g) it was highly recommended by Professor Edward Ng that a terraced podium design could help enhance air movement at the pedestrian level and disperse the pollutants emitted by vehicles. If the 1.5m NBA was swapped to the second floor level, the concept of terraced podium would be fulfilled;
- h) another alternative option was to remove the signboards projecting over front portion of Peking Road;

Pedestrian Circulation

- i) as compared with other areas in Zone 7, the width of pedestrian pavement surrounding the subject Sites was much wider ranging from 3.3m to 4.5m (Ashley Road, Hankow Road and Peking Road) as compared with 1.7m for Prat Avenue, 1.4m for Humphreys Avenue and 1.2m for Hart Avenue. NBA was the right measure for the congested inner area but not in the area of the subject sites;
- j) flexible measure such as pedestrian zone on the driveways on weekend

and holiday could be considered;

- k) further widening of pavement would cause the area to deteriorate into a hawker black-spot which would aggravate the problem of unauthorized obstruction;
- l) as each landowner would redevelop their building at different periods, the proposed NBA would cause an inconsistent jagged building line of new and existing buildings which could not improve pedestrian circulation;

Development rights of the lot owners severely affected

- m) the property value of street level shopping space was particularly high along Peking Road, Hankow Road and Ashley Road. Redeveloping the existing building to accommodate the NBA requirement meant losing the valuable shopping areas at the street level. The 1.5m wide NBA would discourage owners to redevelop the existing buildings;
- n) as the NBA requirement would discourage urban renewal, TST would eventually become an urban slum and it would adversely affect the economic value of the area;
- o) due to the new development restrictions, the representer was discouraged to redevelop the sites and recently submitted a proposal to the Buildings Departments for internal improvement works only. The imposition of NBA disregarded the economic interest of lot owners and did not materially contribute to public interest;

Optimal Relationship between Height Restriction and Wind Direction

- p) the subject Sites were located at the western side of TST, which was along the margin of Zone 7. According to the AVA Report, the building height of TST district should decrease from west to east and from north to south. Therefore, the subject Sites should have minimal height restriction;

- q) current OZP already allowed higher building height at eastern and central TST from 130mPD to 250mPD that blocked the upwind passage from the east. The summer prevailing wind from the south was also blocked by the existing high rise buildings at the waterfront. It was too late and not effective to restrict the building height of the representation sites; and
- r) to fulfil the principle of stepped decrease of building height towards the prevailing wind direction, the building height at the subject Sites should be revised to at least 250mPD (i.e. the tallest building in zone7). However, the relaxation of BHR from 110mPD to 150mPD would be acceptable.

204. After the presentations made by the representers' representatives, the Chairman invited questions from Members.

205. In response to a Member's enquiry on the importance of the east-west orientated streets and roads on air ventilation performance in TST, Ms. Heidi Chan said that according to the AVA Study, the air ventilation in the inner part of TST was very poor. The proposed NBA requirement along the subject road links could enhance the air circulation in the area.

206. A Member asked about the air ventilation impact of the advertisement signboards protruding onto roadside at Granville Road. Ms. Heidi Chan replied that the existing obstacles like advertisement signboards limiting air ventilation was recognized in the AVA Study but they did not affect the air path function of the Granville Road.

207. A Member enquired the blanket requirement of 1.5m NBA for all sites under "C(1)", "C(2)" and "C(6)" zones as Peking Road and Hankow Road were quite wide and seemed not blocking air ventilation. The same Member asked whether specific circumstances of individual sites had been taken into account in the AVA Study and whether the alternative proposal of terraced podium could serve the same purpose. Ms. Heidi Chan replied that the AVA Study had covered different areas of TST down to street level to identify their characteristics, existing problems and possible measures to improve air ventilation. Referring to the AVA Study in respect of zone 7, the NBA requirement along Peking Road and Hankow Road had been taken into account in the assessment. In fact, the

AVA Expert originally proposed a setback of 3m to 5m on each side of the pavement. Having considered a minimum and balanced approach, the setback requirement was reduced to 1.5m. Mr. T.W. Ng added that apart from improving the air ventilation/circulation, the proposed NBA requirement would help to create a more pleasant pedestrian environment. Building setback at upper level would not help to improve air ventilation and the pedestrian environment at street level.

208. In response to the Chairman's question, Ms. Heidi Chan said that the redevelopment of the former Tung Ying Building would not be affected by the proposed OZP amendments as the building plans had already been approved by the Buildings Department. Ms. Betty Ho clarified that the approved redevelopment scheme was no longer valid if there was a change of use or development parameters.

209. Mr. Tse Chi Kin said that according to the AVA Report, the expert highly recommended terraced podium to enhance air ventilation. Referring to paragraph 7.7 of the AVA Report, Ms. Heidi Chan explained that terraced podium was not recommended in the AVA Study for Tsim Sha Tsui. The consultant of the AVA Study had considered NBA an effective means to improve the air ventilation in the concerned areas in Tsim Sha Tsui, particularly at street level.

210. As the representers' representatives had finished their presentations and Members had no further question to raise, the Chairman informed the representers' representatives that the hearing procedures had been completed, and the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representatives of the representers and PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

211. Members noted that in response to the representations of Group 1, the Board had agreed to introduce a mechanism in the OZP for minor relaxation of the 1.5m wide NBA to allow for exceptional circumstances. The proposed mechanism would allow

flexibility for consideration of NBA requirement on case-by-case basis as requested by representation R290. There was also provision of minor relaxation of building height restriction based on individual merits. With these two provisions, Members considered that the concerns of R290 could be addressed.

212. Regarding the comparison of the pedestrian walkways of Peking Road, Ashley Road and Hankow Road which were relatively wider than Humphreys Avenue and Hart Avenue, a Member considered that this was not a convincing reason for relaxing or removing the NBA requirement. Whilst the width of the pedestrian pavements of these roads were different, the general width of these roads was more or less the same at around 13 to 16m wide and served similar function on air circulation. Apart from enhancing pedestrian movement, the proposed NBA aimed to improve the air ventilation at street level. Members considered that the NBA requirement was appropriate as it was designated as an outcome of an AVA Study by expert evaluation of the Area. A Member added that paragraph 5.12 of the AVA Report stated that in Zone 7, it was important to widen the air space of all the east-west orientated streets and roads. It was also useful to find ways to introduce north-south NBA across the building blocks. These roads were recommended as air paths as indicated in Figure 5.2 of the Report.

213. For the submission on the misuse of building setbacks, Members considered that there was established mechanism to address the issues associated with the management of the NBAs, which could be on private land, and it was outside the purview of the Board. Without imposing the NBA requirement, the planning objective could never be achieved.

214. A Member asked about the appropriateness of using terraced podium as an alternative to NBA requirement at ground level. Members considered that this alternative could not enhance the wind environment at the street level for pedestrians.

215. After further deliberation, Members generally considered that the proposed BHRs and NBA requirement were appropriate. The proposed BHRs had taken into account the existing height profile, the local character, urban design considerations, stepped building height concept, preservation of the ridgeline, development potential, air ventilation

as well as striking a balance between public aspirations for a better living environment and private development rights, as appropriate. For the NBA requirement, it was designated on the basis of the AVA Study of an expert evaluation of the Area to assess the likely impacts of the BHRs of development sites within the Area on the pedestrian wind environment. The NBA was part of a comprehensive strategy to improve the overall ventilation in the core TST area which had relatively poor ventilation. The representers' representatives had not advanced any convincing argument to warrant variations to the height bands. Also there were provisions in the OZP to allow minor relaxation of building height and NBA to cater for site specific details.

Representation No. R289

216. After further deliberation, the Board agreed to propose amendments to meet Representation No. 289 by revising the Notes and Explanatory Statement of the OZP to indicate that the public road where the non-building area requirement was applicable under Remark (10) of the Notes for the “Commercial (1)”, “Commercial (2)” and “Commercial (6)” zones would mean the area shown as ‘Road’ on the OZP, except Nathan Road and Chatham Road South which were wider for air ventilation. The proposed amendments to the Notes and Explanatory Statement of the OZP were highlighted (in bold and italics) as below:

- i. To amend paragraph (10) in the Remarks of the Notes for the “Commercial” zone as follows:

“(10) On land designated “C(1)”, “C(2)” and “C(6)”, a minimum of 1.5m wide non-building area from the lot boundary abutting *area shown as ‘Road’ on the ~~Plan~~ public road(s)*, except Chatham Road South, and Nathan Road shall be provided.”

- ii. To indicate the public roads that the non-building area requirement was applicable in paragraph 8.1.11 of the Explanatory Statement of the OZP to read as:

“8.1.11 According to the findings of the AVA study, the air ventilation in areas mainly bounded by Chatham Road South, Kimberley Road, Haiphong Road, Kowloon Park Drive and Middle Road is relatively poor. In order to improve air penetration, streetscape improvement and pedestrian circulation, the areas designated “C(1)”, “C(2)” and “C(6)” on the Plan are subject to a minimum of 1.5m wide non-building area from the lot boundary abutting *area shown as ‘Road’ on the OZP* ~~public road(s)~~, except Chatham Road South, and Nathan Road, as stipulated in the Remarks of the Notes for these sub-zones.”

Representation Nos. R290 to R294

217. After further deliberation, the Board decided to amend the Notes of the OZP to partially meet the representations by including a minor relaxation clause to allow for application for minor relaxation of the 1.5m wide non-building areas under the “C(1)”, “C(2)”, and “C(6)” zones.

218. The Board decided not to uphold the remaining part of the representations for the following reasons:

For R290, 292 to R294 only

- (a) the purpose of imposing building height restrictions in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area;
- (b) the building height restrictions for the Area had taken into account relevant factors including the general height profile in the Area, ridgeline protection if applicable, harbourfront settings, topography, vistas, urban design context, the relationship with the adjacent districts

in a wider context, the wind performance of the existing condition and the recommendations of the air ventilation assessment, as appropriate. The building height restrictions had struck a balance between meeting the public aspirations for a better living environment and private development interests;

For R290 only

- (c) there was a provision in the Notes of the OZP to provide for minor relaxation of building height if it could be demonstrated that, due to specific site circumstances/constraints, the 156mPD was not sufficient to accommodate the bonus plot ratio arising from the non-building area;

For R290 to R294 only

- (d) the non-building area was part of a comprehensive strategy to improve the overall ventilation in the core Tsim Sha Tsui area which had relatively poor air ventilation. The strategy aimed to introduce air paths and non-building area, preserve open space, limit site coverage, widen roads and streets, forming more effective mitigation measures in addition to building height restrictions, which by itself might not be the most effective planning consideration for air ventilation;
- (e) non-building area at individual lots formed part of the air path network required to improve the overall ventilation in the core Tsim Sha Tsui area. Piecemeal relaxation of non-building area requirement without any comprehensive air ventilation assessment would undermine the overall effectiveness of the air path/non-building area;

For R291 to R294 only

- (f) the non-building area requirement had not precluded lot owners from applying bonus plot ratio or site coverage from Buildings Department under the Building (Planning) Regulations for dedication of setback area.

Whether the bonus would be granted, however, would be a matter to be decided by Building Authority;

For R292 to R294 only

- (g) the proposed amendment to increase the height limit of all “Commercial (6)” zone would undermine the overall purpose of imposing building height restrictions and adversely affect the existing townscape and character of the Area.

Agenda Item 4

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

219. There being no other business, the meeting was closed at 10:15 p.m..