

**Minutes of 969<sup>th</sup> Meeting of the  
Town Planning Board held on 5.11.2010**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Mr. Thomas Chow

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. K.Y. Leung

Mr. Walter K.L. Chan

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Principal Assistant Secretary (Transport 3)

Transport and Housing Bureau

Mr. Fletch Chan

Deputy Director of Environmental Protection (1)

Mr. Benny Wong

Assistant Director (2), Home Affairs Department

Mr. Andrew Tsang

Director of Lands

Miss Annie Tam

Director of Planning

Mr. Jimmy Leung

Deputy Director of Planning/District

Miss Ophelia Wong

Secretary

**Absent with Apologies**

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Dr. James C.W. Lau

Mr. Maurice W.M. Lee

Professor Joseph H.W. Lee

Dr. W.K. Lo

Dr. Winnie S.M. Tang

Ms. Pansy L.P. Yau

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

Chief Town Planner/Town Planning Board  
Ms. Christine K.C. Tse (am)  
Ms. Maggie Chin (pm)

Town Planner/Town Planning Board  
Ms. Johanna W.Y. Cheng (am)

Senior Town Planner / Town Planning Board  
Miss Vivian Lai (pm)

**Agenda Item 1**

[Open Meeting]

Confirmation of Minutes of the 968<sup>th</sup> Meeting held on 29.10.2010

[The meeting was conducted in Cantonese.]

1. The minutes of the 968<sup>th</sup> Meeting held on 29.10.2010 were confirmed without amendments.

**Agenda Item 2**

[Open Meeting]

Matters Arising

- (i) New Town Planning Appeal Received

Town Planning Appeal No. 15 of 2010

Proposed 'Petrol Filling Station', Permitted 'Shop and Services (Retail Shop)' and Permitted 'Office' in "Other Specified Uses" annotated "Business" Zone,

11 - 15 Kok Cheung Street, Mong Kok (KIL 9706 & Extension)

(Application No. A/K3/516)

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[The meeting was conducted in Cantonese.]

2. The Secretary reported that an appeal against the decision of the Town Planning Board (the Board) to reject on review an application for the proposed 30-storey commercial/office building with a Petrol Filling Station (PFS) on a portion of the ground floor at the subject site was received by the Appeal Board Panel (Town Planning) (TPAB) on 19.10.2010. A copy of the Notice of Appeal was circulated to Members before the meeting.

3. The subject site was zoned "Other Specified Uses" annotated "Business" on the draft Mong Kok Outline Zoning Plan (OZP). The application was rejected on review by the Board on 6.8.2010 for the following reasons:

- (a) the proposed PFS was located in close proximity to residential

developments. It was considered incompatible with the nearby residential developments from the land use planning perspective; and

- (b) approval of the application would set an undesirable precedent for other similar applications in the area.

4. The hearing date of the appeal was yet to be fixed. The Secretary would act on behalf of the TPB in dealing with the appeal in the usual manner.

(ii) Appeal Statistics

5. The Secretary said that as at 5.11.2010, 25 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	: 25
Dismissed	: 112
Abandoned/Withdrawn/Invalid	: 142
Yet to be Heard	: 25
<u>Decision Outstanding</u>	<u>: 4</u>
Total	: 308

**Agenda Item 3**

[Open Meeting]

Briefing on 2010-2011 Policy Address – New Initiatives of Development Bureau  
(TPB Paper No.8665)

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[The meeting was conducted in Cantonese.]

6. The following government representatives of Development Bureau (DEVB) were invited to the meeting at this point:

Mr. Edward To

Principal Assistant Secretary (Planning &  
Lands) 3), DEVB

Ms. Winnie So	Principal Assistant Secretary (Planning & Lands)4), DEVB
Mr. To Yick Ting	Assistant Secretary (Building)2, DEVB
Mr. Yeung Kar Kui	Chief Building Surveyor/Hong Kong East and Heritage Unit, BD
Ms. Clarice Yu	Senior Building Surveyor/Heritage Unit, BD

7. The Chairman said that the briefing was to provide Members with information on three initiatives under the DEVB in the Chief Executive's 2010-11 Policy Address, namely, (i) urban renewal strategy (URS) review; (ii) measures to enhancing building safety; and (ii) measures to foster a quality and sustainable built environment. He extended a welcome and invited the government representatives to brief Members on the paper.

#### *Urban Renewal Strategy Review*

8. Ms. Winnie So presented the URS review and made the following main points as detailed in the paper:

- (a) the 2010-11 Policy Address indicated that the new URS would be based on a 'people-centred, district-based and public participatory' approach. A number of concrete measures that would be detailed later in the presentation were also announced;
- (b) the two-year URS review had been completed and the draft text of the new URS was published on 13.10.2010 (Annex A of the paper), pursuant to section 20 of the Urban Renewal Authority Ordinance, for a two-month public consultation before its promulgation in early 2011;
- (c) the purpose of the URS review was mainly to arrest urban decay, to create a socially more harmonious environment for urban redevelopment and to respond to changing public aspirations;
- (d) the URS review was launched in July 2008 and was conducted in three

stages, namely, Envisioning, Public Engagement and Consensus Building. The review was overseen by a steering committee chaired by SDEV and consisting of ten non-official members. Public engagement and meetings with relevant bodies were held during the engagement;

- (e) as part of the URS Review, seven topical studies were conducted – including vision and scope of urban regeneration, 4R strategy in urban regeneration, role of Urban Renewal Authority (URA) in redevelopment, compensation and re-housing policies, public engagement, social impact assessment and social service team and financial arrangement;
- (f) on 4.6.2010, SDEV briefed the Board on the URS Review about the ten key recommendations which were published for consensus-building in May 2010. Those ten key recommendations were refined in light of feedback and comments received and were incorporated into the draft URS promulgated; and

[Mr. Felix W. Fong and Dr. C.P. Lau arrived to join the meeting at this point.]

- (g) three further proposals were announced in the Policy Address to ensure and facilitate effective implementation of the revised URS:
  - (i) a pilot ‘district urban renewal forum’ (DURF) would be set up in Kowloon City. Kowloon City was chosen as the place for the pilot DURF because of its large number of dilapidating buildings - there were more than 1000 buildings aged 50 years or more in Kowloon City (i.e. about 25% of the total building stock of that age in Hong Kong); and according to the survey conducted by Buildings Department (BD) after the Ma Tau Wai building collapse incident, 300 of the 1300 buildings requiring remedial works were within Kowloon City. Furthermore, URA had not carried out many projects in Kowloon City and the district would benefit from the setting up of DURF which aimed to strengthen urban renewal at planning stage with ‘people-centred,

district-based and public participatory' approach. Planning Department (PlanD) would provide secretariat and professional support to DURF;

- (ii) in addition to maintaining the policy for compensation based on a notional 7-year old replacement flat, an alternative 'flat for flat' option would be offered so that those affected could continue to live in the same district and keep their social network. As any in-situ 'flat for flat' offer would take at least six to seven years to materialise, URA would be allocated suitable sites (of about 1.1 hectare) at Kai Tak near the north apron area to build modest (40 to 60m<sup>2</sup>) and affordable units to facilitate 'flat for flat'. Those flats would come on-stream tentatively in 2016 - 2017; and
- (iii) an Urban Renewal Trust Fund would be created with an initial capital injection of \$500 million (which might be replenished when needed) from URA's resources to finance activities to be conducted by DURF, costs for engaging social service teams to provide assistance and advice for those affected by URA-implemented redevelopment projects, and provide support for bodies other than the URA for undertaking heritage preservation and district revitalisation initiatives in urban renewal.

[Mr. Fletch Chan, Prof. Eddie C.M. Hui and Prof. P.P. Ho arrived to join the meeting at this point.]

#### *Measures to Enhance Building Safety*

9. Mr. Edward To presented the Measures to Enhance Building Safety and made the following main points as detailed in the paper:

- (a) Hong Kong had a rapidly ageing building stock. There was currently some 4000 buildings aged 50 years or above and the number would increase by 500 each year. According to BD's survey conducted after



the Ma Tau Wai building collapse incident, 1300 buildings (or more than 25% of the old buildings) required remedial works;

- (b) Buildings Department (BD) had undertaken vigorous enforcement actions against Unauthorised Building Works (UBWs) in their 10-year UBW programme since 2001, but more would need to be done. DEVB had completed a comprehensive review of the building safety policy in Hong Kong and would adopt a new multi-pronged approach covering four major areas, namely, (i) legislation; (ii) enforcement; (iii) support and assistance to owners; and (iv) publicity and public education;

### *Legislation*

- (c) the minor works control system was planned to commence on 31.12.2010. The system would provide a lawful, simple, safe as well as convenient means for building owners to carry out small-scale building works. In respect of minor works, prior approval from BD of building plans and consent to commence works would be dispensed with;
- (d) the Buildings (Amendment) Bill 2010, stipulating the statutory framework for the Mandatory Building Inspection Scheme (MBIS) and Mandatory Window Inspection Scheme (MWIS), was introduced into the Legislative Council early in the year. The proposed MBIS and MWIS would require owners to inspect their buildings and windows on a regular basis;
- (e) the other new initiatives involving legislative amendments were:
  - (i) proposal for a new statutory signboard control system, which would allow the continued use of certain existing unauthorised signboards after safety checks by registered building professionals or registered contractors;
  - (ii) proposal to allow BD to apply to the Court for a warrant under the

Buildings Ordinance (BO) to facilitate BD's enforcement actions on UBWs;

- (iii) proposal to allow BD to carry out the inspections and repair works required if the owners refused to carry out such works on BD's order and to recover the cost together with a 20% surcharge;
- (iv) proposal to make it a criminal offence if owners refused (without reasonable excuse) to pay the relevant share of the inspection and repair costs for the common areas in respect of works undertaken by the building's Owners' Corporation (OC) in response to BD's orders; and
- (v) proposal to put certain works associated with sub-divided flats under the minor works control system. Common features of sub-divided flats such as installation of solid partition walls and thickening of floor slabs were proposed to be included in the schedule of minor works under the control system. This would put proper control on the quality of such works and minimise nuisance and safety problems associated with sub-divided flats;

### *Enforcement*

- (f) the public was not satisfied with the current practice of selective enforcement and toleration policy in respect of the enforcement of UBWs, i.e. enforcement action would only be undertaken on those new UBWs and existing UBWs which posed obvious hazard to life or property as identified under BD's categories of UBWs for special attention;
- (g) more vigorous actions would be undertaken against UBWs to create a stronger deterrent effect:
  - (i) BD would carry out enforcement actions on all UBWs and not only

those UBWs with immediate safety concerns;

- (ii) BD would instigate prosecution actions more readily on owners who did not duly observe the statutory orders to protect building safety. In some circumstances, BD would carry out the repair works or UBW removal works on behalf of the owners and then recover the costs from concerned owners;
- (iii) the coverage of actionable UBWs would be extended to include unauthorised works on roof-tops, podiums, as well as yards and back-lanes of buildings, which were common types of UBWs in Hong Kong; and
- (iv) BD would step up inspection of sub-division works and would issue statutory orders and instigate prosecution actions if violations of the BO were found;

*Support and Assistance to Owners*

- (h) the recent implementation of Operation Building Bright (OBB) was generally welcomed by building owners. To further increase the synergy between BD, Hong Kong Housing Society (HKHS) and URA, there would be enhanced division of work. BD would focus on its statutory role to take enforcement actions, and HKHS and URA on the provision of practical advice, technical support and assistance on geographical basis;
- (i) there were at present no fewer than seven loan, grant and technical assistance schemes operated by BD, HKHS and URA. The existing schemes would be consolidated into a 'one-stop' technical and financial assistance;
- (j) longer term measures would be formulated to tackle water seepage problems including the feasibility of using mediation or legislation

(making reference to overseas experience) to resolve water seepage related disputes; and

*Publicity and Public Education*

- (k) building owners bear the ultimate responsibility to look after their own properties and the community was the most effective body to monitor building safety. A ‘community monitoring’ programme would be launched to mobilise and encourage every member of the community to play a part to report building safety problems to the Building Authority (BA). Public education campaign would continue to be launched with a view to fostering a building safety culture in Hong Kong.

[Ms. Maggie M.K. Chan arrived to join the meeting at this point.]

*Measures to Foster a Quality and Sustainable Built Environment*

10. Mr. Edward To continued to present the Measures to Foster a Quality and Sustainable Built Environment and made the following main points as detailed in the paper:

- (a) the Policy Address had highlighted two problems - ‘inflated buildings’ and ‘shrunk flats’. The policy on concessionary GFA would be tightened in response to the community concerns about developers using the concessionary policy for green and amenity features to substantially increase the floor area of buildings, hence giving rise to the so-called “inflated building” problem. Transport and Housing Bureau (THB) would set up a steering committee to discuss specific issues on regulating the sale of first-hand flats by legislation and put forward practicable recommendations to avoid misleading buyers and eradicate the problem of “shrunk flats”;
- (b) in response to the rising public concern over the quality and sustainability of the built environment, a four-month in-depth public

engagement exercise entitled “Building Design to Foster a Quality and Sustainable Built Environment” was conducted in collaboration between the Government and the Council for Sustainable Development (SDC) between June to October 2009;

- (c) the engagement exercise had revealed a clear call for change. The SDC submitted 51 recommendations, which were by and large accepted by Government. Those recommendations covered (i) sustainable building design guidelines; (ii) GFA concessions; (iii) energy efficiency in buildings; and (iv) information and transparency of property market;

#### *Sustainable Building Design Guidelines*

- (d) the sustainable building design guidelines included mandatory requirements on:
  - (i) building separation for large building developments (on sites no less than two hectares or with continuous building façade width of no less than 60m) to improve air ventilation and mitigate heat island effect. The requirement was to achieve permeability of 20%, 25% or 33% depending on the site area and building height (BH) by the provision of gaps between buildings, podium and voids;
  - (ii) building setback for buildings abutting narrow streets (streets less than 15-m wide) to improve air flows in streets, mitigate heat island effect and enhance environmental quality at pedestrian level. The requirement was to setback the lower levels of new buildings by providing a space with a width of not less than 7.5m measured from the centre line of streets and a height of 15m measured from ground level; and
  - (iii) site coverage of greenery for large sites (no less than 1,000m<sup>2</sup>) to mitigate heat island effect and enhance the living environment. The requirement was for a minimum site coverage of greenery

equivalent to 20% (for sites not less than 1,000m<sup>2</sup>) or 30% (for sites of 2 hectares or above). That would include fixed planting areas of greenery at the ground level, podium and roof levels;

*Gross Floor Area Concessions*

- (e) in view of the concern on ‘inflated flats’, Government had reviewed each and every item attracting GFA concessions with reference to SDC’s recommendations;
- (f) there would be pre-requisite requirements for obtaining GFA concessions for all new non-domestic and domestic buildings including:
  - (i) compliance with the above mentioned sustainable building design guidelines;
  - (ii) certification by BEAM Plus Assessment conferred by the Hong Kong Green Building Council (but without mandating the rating obtained); and
  - (iii) submission of energy efficiency data;
- (g) there would be an overall cap of 10% on GFA concessions for relevant green and amenity features, applicable to both domestic and non-domestic developments. Individual items that would be subject to the 10% overall cap and tightened GFA concessions were detailed in Annex D of the paper. For example, GFA concessions for balconies and utility platforms would be reduced from the current level of 100% to up to 50%. The maximum thickness of non-structural prefabricated external walls eligible for GFA concessions would be reduced from 300mm to 150mm. GFA concessions for recreational facilities (including resident’s clubhouse) would be reduced depending on the amount of domestic GFA on a sliding scale;
- (h) mandatory features (such as essential plant rooms, fire refuge floors, refuse rooms) as well as green and amenity features with community benefits (such as communal sky garden, covered gardens / play areas/ communal podium gardens that might improve permeability of buildings) would not be subject to the overall cap on GFA concessions;

- (i) some features would no longer be eligible for GFA concessions, those included entrance voids/prestigious entrances in domestic developments, mail rooms/mail delivery rooms with mail boxes and miniature logistic service rooms (for residential buildings);

[Mr. Stanley Y.F. Wong arrived to join the meeting at this point.]

- (j) GFA concession for car parks was a separate item outside the overall cap on GFA concessions. 100% GFA concessions would be granted for car parks that were provided underground and 50% GFA concessions for above ground car parks (unless proven technically infeasible to be constructed underground). Car parks claiming GFA concession were required to be 'electric-vehicle charging-enabling'. In relation, the Transport Department (TD) was conducting a review of the parking standards for private residential developments in the Hong Kong Planning Standards and Guidelines (HKPSG) and preliminary results of the review indicated that there was room for reducing the parking standard;
- (k) GFA concessions for bay windows would be tightened up. The allowable extent of projection, i.e. depth of bay windows would be reduced from the current 500 mm to 100 mm;

#### *Energy Efficiency in Buildings*

- (l) the Environment Bureau had proposed legislation to mandate implementation of Building Energy Codes (BECs) in buildings;
- (m) BD would propose tightening the current overall thermal transfer value (OTTV) standard which would result in energy saving of 2.4 to 4.4%;

#### *Information and Transparency of Property Market*

- (n) BD had started to publish GFA concession breakdown for newly

completed buildings since 1.9.2010;

- (o) for sales brochures under Pre-sale Consent Scheme, THB would require inclusion of the information on the breakdown of GFA concessions obtained for all features, rating of BEAM Plus Assessment conferred by the HKGBC and the estimated energy consumption;
- (p) to enhance transparency of information in relation to the 'shrunk flats' problem, THB would consult the professional bodies as to whether information about the share of common area floor space by individual flats was required in the sales brochures;

#### *Flexible Mechanism to Encourage Innovation*

- (q) to facilitate consideration of development proposals incorporating innovative designs or deviations in various technical/professional aspects from the prescriptive standards, the Building Committee under the BD would be expanded to include non-government experts from the relevant fields to provide expert advice on individual projects on a need basis;
- (r) to ensure rooms for creativity in building design, adjustment of the specific prescriptive requirements for sustainable building design (building separation, building setback and site coverage of greenery) might be allowed upon scientific evidence (covering factors like site location and configuration, wind direction, air ventilation, urban climatic considerations, etc);

#### *Implementation*

- (s) the target was to complete the consultation with the industry and issue the revised practice notes before end December 2010;
- (t) the revised practice notes would come into effect and be applied to



building plans submitted to the BD on or after 1 April 2011; and

- (u) the Government would further explore measures to adopt a more performance-based and site-specific approach to sustainable building design.

[Ms. Anita W.T. Ma, Mr. Rock C.N. Chen, Mr. Clarence W.C. Leung, Dr. W.K. Yau and Prof. Edwin H.W. Chan arrived to join the meeting at this point.]

11. Members thanked the government representatives of DEVB for providing the briefing. Pertaining to specific issues, the following comments and questions were expressed by individual Members:

*Urban Renewal Strategy Review*

- (a) there were many elderly owners of old buildings that would be affected by urban renewal projects. What could be done to help the elderly owners of old buildings, who were normally not as informed and could easily become culprit of malpractices, in understanding their rights especially on whether their buildings were subject to compulsory land sale for redevelopment?

*Measures to Enhance Building Safety*

- (b) there was a problem of collusion in tendering for building maintenance works. How that could be prevented in building maintenance works not under the OBB initiative?
- (c) were there channels for private owners or OCs to have access to professional advice on building maintenance matters and whether the resource centres on building management under the Home Affairs Department (HAD) were still in operation?

- (d) how could building management in general be improved so that building maintenance matter could be handled more effectively? The HAD should have an important role to play in facilitating better building management and their work in that area should be improved;
- (e) there should be 'one-stop' service to support owners on matters in building management and maintenance and there should be more co-operation between the HAD and DEVB;
- (f) it was necessary to clearly define the obligations and liabilities of OCs and individual flat owners in the provision of advertising signs and it would be better to link it to the undivided shares of the land so as to protect the individual owners. Would the previous registration system for advertising signs be re-activated to provide better control?

*Measures to Foster a Quality and Sustainable Built Environment*

- (g) the parking standards in the HKPSG should be reviewed on a regular basis. The car parking spaces in public housing projects were provided according to the standards in the HKPSG, but the provision did not reflect the local parking demand. The surplus car parking areas had to be subsequently converted to other uses;
- (h) what was the basis for the reducing the allowable extent of 'bay windows' from 500 to 100mm?
- (i) measures to tackle 'inflated buildings' were supported; and
- (j) greenery to be provided should be usable space.

12. Mr. Edward To, Ms. Winnie So and Mr. Yeung Kar Kui provided responses to the questions as follow:

*Urban Renewal Strategy Review*

- (a) the problems of owners being misled by estate agents in the acquisition of old buildings for redevelopment did not happen in URA projects. The control on such malpractices was under the purview of the Estate Agents Authority, which had already issued guidelines to estate agents about the proper practice and measures to adopt in acquisition of old buildings. To further assist private owners and the elderly to tackle matters related to the acquisition of old buildings, two new initiatives would be launched in end November / early December. One of the initiatives related to the setting up of a joint mediation centre which would provide support to the general public and the other initiative would be targeted at helping the elderly by co-operating with social workers who would visit the elderly to pro-actively offer assistance;

*Measures to Enhance Building Safety*

- (b) under the OBB scheme, information such as nominal project costs and tendering procedures were provided to OCs to help them in the selection of contractors. Lots of experience was gained in OBB on ways to avoid collusion in tenders and that modus operandi would be applied to future projects of Government, URA or HKHS. Since OBB received funds from Government, it could be more closely monitored and controlled;
- (c) services previously provided by the resource centres on building management of HAD were currently being provided by HKHS' Properties Management Advisory Centres, which provided owners with technical support on building maintenance matters (for example, provision of list of building professionals and registered contractors

and information about a proper tendering process);

- (d) building management and maintenance were inseparable as Government had always stressed that building owners should bear the ultimate responsibility to look after their own properties. The Policy Address had included certain initiatives for improving building management under the purview of Home Affairs Bureau. That included consideration to amend the law to ensure that buildings would not become unsafe to others as a result of poor management, and to effectively require the owners or OCs concerned to hire property management companies. Currently, staff of Properties Management Advisory Centres would approach the residents pro-actively and encourage them to form OCs, and would also facilitate the running of the OCs and implementation of proper building maintenance and management;
- (e) provision of 'one-stop' service was the general direction being adopted. The loan, funds and technical assistance schemes currently administered by BD, HKHS and URA would be consolidated. A telephone hotline on building management and maintenance was recently launched;
- (f) a new advertising signs control system would be introduced. The new signs would be controlled under the new minor works control system. Business registration and owners' information would have to be submitted for record. The existing advertising signs would be allowed to be registered after safety checks (with review once every five years) by registered building professionals or registered contractors. With the implementation of the new scheme, BD would be able to establish a more comprehensive database of advertising signs in Hong Kong. BD would continue to enforce against unauthorised signs which were not registered under the new system and would remove disused signs;

*Measures to Foster a Quality and Sustainable Built Environment*

(g) TD was currently conducting a review of the car parking standard for private residential developments in the HKPSG. The Chairman supplemented that the review would be completed around end 2010 and preliminary findings indicated that there was scope to reduce the residential parking standard. Members' views to apply the car parking standards in the HKPSG more flexibly would be conveyed to TD; and

(h) as a response to the SDC recommendation, the extent of 'bay windows' was proposed to be reduced from 500mm to 100mm. The new dimension had made reference to previously accepted criteria promulgated in a practice note adopted by the then Buildings Ordinance Office that restricted 'bay windows' to 4 inches (i.e. 100mm). The tightened dimension was also in line with the extent of 'bay windows' in some examples in the United Kingdom.

13. The Chairman said that the comments indicating that HAD should have an important role to play in facilitating better building management and maintenance as recorded in para. 11(c) to (e) would be conveyed to the HAD.

14. As Members had no further questions, the Chairman thanked the government representatives of DEVB for their briefing to Members.

**Agenda Item 4**

[Open Meeting]

Proposed Redevelopment Scheme for West Wing of Central Government Offices  
(TPB Paper No. 8661)

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[The meeting was conducted in Cantonese.]

15. The following Government representatives were invited to the meeting at this

point:

Miss Amy Yuen	Principal Assistant Secretary (Planning & Lands) <sup>2</sup> , DEVB
Ms. Phyllis Li	Assistant Director of Planning/Special Duties, PlanD
Miss Fiona Lung	Chief Town Planner/Special Duties, PlanD
Ms. Fione Lo	Curator(Historical Buildings), Antiquities and Monuments Office (AMO)

16. The Chairman extended a welcome and invited the government representatives to brief Members on the paper.

[Ms. Anna S.Y. Kwong, Mr. Felix W. Fong and Mr. B.W. Chan left the meeting temporarily at this point.]

17. Miss Amy Yuen gave a short introduction and made the following main points:

- (a) the proposed redevelopment scheme for West Wing of Central Government Offices (CGO) was one of the eight projects under the ‘Conserving Central’ initiative announced in the Chief Executive’s Policy Address last year;
- (b) the Main and East Wings of CGO would be preserved for use by the Department of Justice (DoJ), and the West Wing, with low historical and architectural merits, would be demolished (upon relocation of the government offices to the Central Government Complex at Tamar in late 2011). The proposal for the CGO site was in line with recommendations of the historic and architectural appraisal prepared by a consultant firm of conservation architects commissioned by the AMO; and

- (c) the West Wing site would be redeveloped for a public park and an office/commercial development. The open and green vista from Lower Albert Road across Battery Path to the Central district would be retained. The main development theme was 'Restoring Green Central'. Before the West Wing was built in 1959, that part of the CGO site was a large green area. The public park would serve to restore the openness of the CGO site back to its conditions in the previous century.

18. With the aid of a powerpoint presentation, Miss Fiona Lung made the following main points as detailed in the paper:

- (a) the purpose of the briefing was to provide Members with information on the proposed redevelopment scheme for the West Wing of the CGO ;
- (b) the background information covered in the introduction was briefly highlighted again by referring to the Central District OZP and site plan of the CGO site (Plan A-1 and A-2 in the paper);
- (c) a notional redevelopment scheme (Drawing A-1 in the paper) had been prepared to illustrate the planning and design concepts for the West Wing site. The preliminary proposal was to develop over two-thirds of the West Wing site in the eastern portion into a public park, while the remaining one-third at the west end was to be developed for a Grade A office with shopping and other commercial facilities;
- (d) the major development parameters of the notional redevelopment scheme were as follows:
  - (i) development site area - about 5,720m<sup>2</sup> (the West Wing site had a total area of about 8,370m<sup>2</sup>, which included the development site and the adjacent garden area of about 2,650m<sup>2</sup>);
  - (ii) GFA – total GFA of about 42,000m<sup>2</sup>, which would include an office GFA of about 28,500m<sup>2</sup> and a commercial GFA of about 13,500m<sup>2</sup> for the shopping centre;

- (iii) plot ratio (PR) – about 7.34 (based on the development site area);
  - (iv) site coverage – about 23% (at Lower Albert Road level); and
  - (v) maximum BH - 32 storeys (including one level of basement) and 150mPD;
- (e) part of the commercial centre and the car parking and loading/unloading facilities would be accommodated at below the Lower Albert Road level while the existing vegetated slope along Battery Path would be retained (Drawing A-2 in the paper);
- (f) the planning and design concept for the proposed redevelopment scheme was “Restoring Green Central”. The key features included more greenery, better pedestrian connectivity and preservation of the historical precinct;
- (g) with regard to more greenery:
- (i) the proposed public park would have an area of about 6,800m<sup>2</sup>, which was of a similar size to Statue Square and about half the size of Chater Garden;
  - (ii) the design concept was to restore the openness of the CGO site back to its condition in the previous century. All the existing 11 Old and Valuable Trees on site and in the vicinity (including the Burmese Rosewood in the central courtyard that already existed in the late 19th century) and the greenery at Battery Path would be preserved;
  - (iii) the public park would form an important part of the extensive greenery network in Central comprising the natural green hillside from the Government House down to Ice House Street and Battery



Path, and encompassing the Hong Kong Zoological and Botanical Gardens, Government House, Hong Kong Park, Cheung Kong Park, Statue Square and Chater Garden;

- (iv) the office building would be built on a podium with a green façade facing Queen's Road Central and Ice House Street to be covered by appropriate vegetation to blend in with the vegetated slope of Battery Path. This would create a visual relief at the busy road junction and provide a new icon in Central; and
  - (v) skyrise greenery in the form of podium and sky gardens would also be proposed;
- (h) with regard to better pedestrian connectivity:
- (i) the office / commercial building would provide direct pedestrian connection between Queen's Road Central and Lower Albert Road (with a difference in level of about 25m). This would be similar to the pedestrian connection provided within Pacific Place from Harcourt Road to Hong Kong Park;
  - (ii) a new landscaped footbridge would be provided to connect to The Galleria, which would in turn connect the CGO site to the footbridge system in Central;
  - (iii) the public park would be highly accessible from all directions; and
  - (iv) buildings at Garden Road, including Murray Building, St. John's Building (with the Peak Tram Terminus) and Citibank Plaza would find new connections to Queen's Road Central and Ice House Street via the future development at the West Wing site;

[Ms. Anna S.Y. Kwong returned to the meeting at this point.]

- (i) with regard to preserving the historical precinct:
  - (i) the site was surrounded by declared monuments, historical landmarks and other ‘Conserving Central’ projects, including the Former French Mission Building, St. John’s Cathedral, the Government House, the Main and East Wings, Murray Building and the Hong Kong Sheng Kung Hui Compound. It was located midway of the Central Route of the Central and Western Heritage Trail, which was popular among both local residents and tourists; and
  - (ii) the future public park together with preservation of trees and greenery would enhance the setting and significance of those declared monuments and historical landmarks, and would provide a key destination for the heritage trail;

[Mr. B.W. Chan and Mr. Felix W. Fong returned to join the meeting at this point.]

- (j) the proposed redevelopment scheme would aim to achieve a compatible building design:
  - (i) the office tower would accommodate a GFA of about 28,500m<sup>2</sup> to help address the shortage of Grade A offices in Central;
  - (ii) the commercial centre would be located at basement level below Lower Albert Road so that more at-grade space could be used for the public park;
  - (iii) a BH restriction of 150mPD was proposed to create a stepping height profile with the surrounding buildings, such as The Galleria (158mPD), Standard Chartered Bank Building (183mPD) and HSBC Main Building (179mPD);

[Ms. Julia M.K. Lau arrived to join the meeting at this point.]

- (iv) the new office/commercial building would be meticulously oriented to avoid creating canyon effect at Ice House Street; and
  - (v) the proposed green façade in the lower part of the office/commercial building and the entrance plaza at the corner of Queen's Road Central and Ice House Street would become a new green focus in Central;
- (k) the traffic aspects of the redevelopment scheme were:
- (i) Lower Albert Road would be widened to provide a turning pocket to facilitate a vehicular ingress/egress;
  - (ii) basement carpark and loading/unloading facilities would be provided below the Lower Albert Road level;
  - (iii) the TD had conducted a preliminary traffic assessment of the proposed office/commercial building. It was envisaged that the redevelopment would result in an insignificant increase in traffic at Queen's Road Central, Ice House Street and Lower Albert Road; and
  - (iv) opportunity would be taken to widen Ice House Street to provide an additional lane to improve the traffic condition in the area;
- (l) detailed rezoning proposal of the West Wing site would be separately submitted to the Board for consideration in the context of proposed amendments to the Central District OZP at a later stage, after gauging the views of the public. The initial thought was to rezone the site from "Government, Institution or Community" ("G/IC") to "Comprehensive Development Area" ("CDA") to ensure better planning control. A Planning Brief (PB) would be prepared to guide the comprehensive design and development of the site. Under a "CDA" zoning, the future developer would be required to submit a Master Layout Plan (MLP) as

well as other technical assessments for consideration by the Board;

- (m) public consultation on the notional scheme was on-going until end November 2010. A public exhibition of the notional scheme was staging at the Interim Planning and Infrastructure Exhibition Gallery and another exhibition would be staged at the IFC Mall later. Separate briefing sessions to different bodies had been or would be held; and
- (n) to end the presentation, a computer animation of the proposed redevelopment scheme was shown to Members.

[Mr. Raymond Y.M. Chan and Miss Annie Tam arrived to join the meeting at this point.]

19. Members thanked the government representatives for providing the briefing. They generally supported the redevelopment scheme for West Wing of CGO and some Members considered that the development scheme had struck a proper balance between conservation and development and that the development scheme was carefully thought out. Pertaining to specific issues, the following comments and questions were expressed by individual Members:

*Design of the Public Park*

- (a) many Members supported the concept to retain a major portion of the West Wing site for public park use;
- (b) the design of the public park should be more pedestrian friendly and to serve the general public as well as office workers. Proposals suggested by Members included providing more accessible space within the park for use of the public and avoiding fenced off areas, providing more seating, allowing food and beverage uses and kiosks, providing space for music concerts, art and culture activities that could be held on weekends and jogging trails;
- (c) since the public park would be of significant size and uniquely located

amongst various historic buildings, it should be carefully designed. A Member said that a design competition could be considered;

- (d) the park should be designed to integrate with St. John's Cathedral and Cheung Kong Park so as to provide an enjoyable open space link and pedestrian route from the Garden Road area to Central;
- (e) the preservation of the 11 old and valuable trees adjacent to and within the public park was a good idea as that would create a pleasant setting and a unique public park within the central business district (CBD);
- (f) the pedestrian routes to and within the public park should be designed to be easily accessible and pedestrian friendly;

#### *Traffic Impact and Improvement Measures*

- (g) the pedestrian facilities at the junction of Ice House Street and Queen's Road Central were currently unsatisfactory due to the steep gradient and heavy traffic of Ice House Street and the high level of pedestrian activities. There should be improvement measures to that junction such as levelling the gradient of Ice House Street, more pedestrian circulation space, traffic calming measures and pedestrian subway (e.g. connecting to the existing subway at Statue Square);
- (h) there was concern on the traffic impact generated by the proposed office / commercial building with a GFA of 42,000 m<sup>2</sup> on the already congested roads in the area, including Garden Road, Lower Albert Road, Ice House Street and Queen's Road Central;
- (i) the section of Queen's Road Central near the site was currently very congested. The feasibility of incorporating improvement measures such as pedestrian / vehicular underpasses in the vicinity should be explored;

*Implementation*

- (j) whether the project would be implemented as a public project or a private one by developers?
- (k) as the project had important public purpose of re-opening the CGO site for public use, if it was to be implemented by the private sector, the requirements on the future development would need to be cautiously defined and specified so that the vision of the project could be realised;

*Pedestrian Connectivity*

- (l) the proposed landscape footbridge to The Galleria, which would connect the West Wing site, to the footbridge system in Central was supported;
- (m) the commercial centre would be the critical connection between Queen's Road Central and the CGO site. Public accessibility through the commercial centre needed to be carefully specified and monitored;
- (n) in view of its location at the fringe of the Central district, better connections to the surrounding buildings would be necessary to draw patronage to the future shopping centre;
- (o) due to major level difference between Queen's Road Central and the CGO site, universal access designs should be incorporated with provisions above the minimum statutory requirements;
- (p) a footbridge connection between the office / commercial building and the Club Lusitano building across Ice House Street should be explored;

*Other Comments*

- (q) there should be requirements for the office / commercial building to be built as a green building (with low carbon emissions);

- (r) whether there was a demand for coach parking in the area and if so, whether it could be accommodated in the site;
- (s) a few Members said that the West Wing building was of low architectural merits and demolishing it for new uses of larger public benefits was supported;
- (t) there was an acute shortage of Grade A office in Central and the proposed office / commercial development was supported;
- (u) other attractions in the surrounding might be integrated into the design concept to expand its scope of attraction e.g. the historic gas lamps and steps at Duddell Street and the chiming clock at The Galleria;
- (v) a Member indicated that the artist's impression of development proposal provided in the pamphlets, e.g. the width of Ice House Street and the scale of the green facade at the Queen's Road Central entrance appeared exaggerated; and
- (w) the design of the entrance of the office / commercial development at Queen's Road Central, as shown on the pamphlet, could be improved. One design option was to design the green facade as terraced open space.

[Mr. Timothy K.W. Ma left the meeting temporarily at this point.]

20. Ms. Phyllis Li thanked Members for their comments and provided the following responses:

*Design of the Public Park*

- (a) the main purpose of the redevelopment scheme was to re-open the West Wing site for use by both office workers in the CBD and for the general public. The focal point would be the public park;

- (b) provision of greenery was the main theme for the public park and the design concept was to restore the previous appearance of the site and to integrate it with the surrounding parks and gardens;
- (c) multiple activities including arts and cultural activities, lunch time concerts and exhibition could be organized within the public park. Food and beverage uses could be provided within the office / commercial development and the public park;
- (d) the public park was intended to be managed by a government department, which would be responsible for matters on tree protection and management and the arrangement of activities to be held within the park;

*Traffic Impact and Improvements*

- (e) with regard to the junction at Ice House Street, the redevelopment scheme had included a pedestrian plaza (about 200-300 m<sup>2</sup>) at the Queen's Road Central entrance to provide more pedestrian circulation space. It would be difficult to reduce the gradient of Ice House Street, but the redevelopment would be setback to provide for widening of Ice House Street and the footpath;
- (f) with the footbridge connection between the West Wing site and the footbridge system in Central via The Galleria, the pedestrian activities at street level might be reduced;
- (g) TD had conducted a preliminary traffic assessment for the proposed redevelopment by comparing the existing government office uses at West Wing with that of the future office / commercial development. The traffic assessment showed that there would be an increase of around 50 cars per hour upon redevelopment, the impact of which was insignificant. Additional improvements would be brought about by measures including road widening, pedestrian plaza and footbridge connection in the proposed redevelopment. TD would also implement



traffic management measures to alleviate the current traffic congestion in the area that was mainly due to loading / unloading activities and taxi traffic;

*Implementation*

- (h) the disposal mechanism of the West Wing redevelopment scheme had not been firmed up, but the mechanism would ensure the realization of the planning intention;
- (i) the planning intention of allowing the public to better use the West Wing site could be added to the PB. The proposed CDA zoning of the site with the requirements for submission of MLP and relevant technical assessments to the Board for consideration would ensure proper planning control over the future development; and

*Other Comments*

- (j) Green building designs would be encouraged and design measures such as energy and water efficiency, maximum utilization of natural lighting etc. could be incorporated in the PB.

21. With regard to the question about the demand for coach parking in the area, the Chairman said that all car parks would be provided in the basement. He added that coach parking would not be included in the development in view of the location of the site.

22. As Members had no further question, the Chairman thanked the government representatives for their briefing to Members.

**Agenda Item 5**

[Open Meeting]

Briefing on Shatin to Central Link

(TPB Paper No. 8662)

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[The meeting was conducted in Cantonese]

23. Mr. Fletch Chan had declared interest on the item as representative of THB was an alternate member of the MTR Corporation Limited (MTRCL) Board. As the item was only a briefing, Members agreed that Mr. Fletch Chan should be allowed to stay in the meeting.

24. The following government representatives and representatives from MTRCL were invited to the meeting at this point:

Mr. C.W. Chow	Principal Assistant Secretary for Transport & Housing (Transport), THB
Mr. K.S. Yeung	Chief Engineer/RD1-3, Railway Development Office, Highways Department
Mr. James Chow	MTRCL
Mr. P.H. Tang	MTRCL
Mr. Kelvin Wu	MTRCL

25. The Chairman extended a welcome and invited Mr. P.H. Tang to brief Members on the paper.

26. Mr. C.W. Chow gave a brief introduction and covered the following main points:

- (a) the purpose of the briefing was to provide members with information on the development of the Shatin to Central Link (SCL) project;
- (b) the 17km SCL was a territory-wide strategic railway project and would include the fourth cross-harbour railway tunnel;

- (c) SCL would help relieve the congestion on the existing railway lines in sections between Shatin to Kowloon and across the harbour; and
- (d) the planning of the SCL commenced in 2008 and public consultation had been carried out. The SCL was targeted to be gazetted by the end of 2010.

27. With the aid of a powerpoint presentation, Mr. P.H. Tang made the following main points as detailed in the paper:

*Railway Lines*

- (a) the SCL comprised two railway lines (Tai Wai to Hung Hom section and Hung Hom to Admiralty section) and ten stations (at Tai Wai, Hin Keng, Diamond Hill, Kai Tak, To Kwa Wan, Ma Tau Wai, Ho Man Tin, Hung Hom, Exhibition and Admiralty Stations);
- (b) the “East West Corridor”, which would extend from the Tai Wai Station of the Ma On Shan Line towards Kowloon to connect with Hung Hom Station of the West Rail Line, would allow passengers to travel from Wu Kai Sha Station to Hung Hom, East Kowloon, New Territories West and Tuen Mun without interchanging. That would provide a more direct and convenient railway service for passengers who travel between New Territories East and New Territories West;
- (c) the “North South Corridor”, which would extend the existing East Rail Line from Hung Hom Station across the harbour to Admiralty Station, would allow passengers (using the East Rail Line) from Lo Wu and Huanggang (using the Lok Ma Chau Line) to reach the central areas of Hong Kong Island directly;
- (d) as a strategic railway, SCL would help redistribute railway passenger flows to relieve the existing railway lines which were projected to reach their capacities around year 2021, relieve the reliance on road-based

public transport in the urban areas and alleviate traffic congestion and environmental nuisance on the existing road networks (in particular on the Hung Hom Cross Harbour Tunnel);

*Stations*

- (e) Tai Wai Station – the interchange station for the “East West Corridor” and “North South Corridor”. Ma On Shan Line passengers would be able to switch to the East Rail Line at that station, while passengers from New Territories North would be able to change trains for destinations in East Kowloon. Modifications would be made to Tai Wai Station, including the upgrading of station facilities, to accommodate its interchange function;

[Mr. Y.K. Leung and Mr. Rock C.N. Chen left the meeting temporarily at this point.]

- (f) Hin Keng Station – that station was added in response to requests during the consultation. It would be an elevated station located at the site currently occupied by the New Territories South Animal Management Centre of the Agriculture, Fisheries and Conservation Department;
- (g) Diamond Hill Station – a new station concourse, platforms and rail tracks would be constructed to the south of the existing Diamond Hill Station. The new and the old stations would be linked by pedestrian walkways. The Diamond Hill Station would be an interchange station for the Kwun Tong Line and SCL. Passengers travelling from Ma On Shan to East Kowloon would be able to change trains for the Kwun Tong Line at Diamond Hill Station, while Kwun Tong Line passengers would be able to change over to the SCL for destinations in the New Territories or Hong Kong Island;

[Mr. Timothy K.W. Ma, Mr. Rock C.N. Chen and Mr. Y.K. Leung returned to join the meeting at this point.]

- (h) Kai Tak Station – would be in line with the planning for Kai Tak and located in the central part of the Kai Tak Development to provide direct access to the new development area;
- (i) To Kwa Wan Station – would be located near Kowloon City at the western fringe of the Kai Tak Development. That section would pass under the Lung Tsun Bridge remnant site and mined tunnel method would be used to avoid impacts on Lung Tsun Bridge remnants;
- (j) Ma Tau Wai Station – would be located near the intersection of To Kwa Wan Road and Ma Tau Wai Road near Lok Man Sun Chuen. The most difficult issues were how to locate the station entrances in that densely built-up district;
- (k) Ho Man Tin Station – the interchange station for Kwun Tong Line Extension and SCL. Passengers would be able to change for the Kwun Tong Line Extension at Ho Man Tin Station to reach Whampoa. Passengers from Whampoa would be able to switch over to the SCL at Ho Man Tin Station to reach East Kowloon, or travel to Hung Hom Station to reach Hong Kong Island or the New Territories. The proposed 8-level underground Ho Man Tin Station would provide two levels of platforms for Kwun Tong Line Extension and the SCL, and two levels of interchange concourses;

[Prof. S. C. Wong arrived to join the meeting at this point.]

- (l) Hung Hom Station – the interchange station for “East West Corridor” and “North South Corridor”, which would be another important railway hub. To prepare the “North South Corridor” of the SCL for crossing the harbour, large-scale extension works would be carried out at Hung Hom Station. It would affect the International Mail Centre that would need to be relocated to Kowloon Bay. Substantial modification would be made to the existing station concourse to make it more convenient for passengers to interchange between railway lines;

- (m) Exhibition Station – the interchange station for the SCL and the future North Island Line. The Exhibition Station would be located at the bus terminus to the north of the Great Eagle Centre and the construction works would affect the indoor games hall and swimming pool, which needed to be re-provisioned. Passengers from the New Territories or East Kowloon would be able to switch to the future North Island Line at Exhibition Station to reach the Eastern District on Hong Kong Island;
  
- (n) Admiralty Station – the interchange station for the SCL, Tsuen Wan Line, Island Line and the proposed South Island Line (East). The existing Admiralty Station would be expanded eastwards below Harcourt Garden to accommodate the new station platforms and interchange concourses. Both the SCL and the South Island Line (East) would terminate at the extension of the Admiralty Station. To minimize the disturbance of the construction works, the entire extension of the Admiralty Station incorporating the SCL advance works would be built in one go under the South Island Line (East) project. The Harcourt Garden would be upgraded as part of the project;

#### *Tunnel Facilities*

- (o) tunnels between Shatin and Kowloon - ventilation building and emergency access would be required to be accommodated at Ma Chai Hang Recreational Ground. Taking into account local views, the MTRCL had revised the original design to enhance the appearance of those facilities to blend in with the surrounding environment and reduced the size to minimize the space occupied and the visual impact on residents nearby;
  
- (p) cross harbour section – the cross harbour section would be an immersed tube tunnel. The SCL would cross above the Central – Wan Chai Bypass (CWB) inside the Causeway Bay Typhoon Shelter (CBTS), where temporary reclamation would be required for both projects. To minimize the extent of temporary reclamation in accordance with the

requirements of the Protection of the Harbour Ordinance, the construction of a 160m long section of the SCL tunnel would be entrusted to the CWB project. This would minimize the impact on mooring vessels in the CBTS. All temporary reclamation within the CBTS would be removed after the completion of the SCL. The landing point for the cross harbour section would affect the Police Officers' Club, which would be temporarily re-provisioned;

### *Stabling Sidings*

#### (q) Diamond Hill Stabling Siding: -

- (i) overnight train stabling facilities for the East West Corridor were required in the urban area to meet train launching demand in the morning peak hours and to enable routine cleaning and maintenance;
- (ii) the proposed site for the stabling sidings would be at the former Tai Hom Village site in Diamond Hill;
- (iii) a semi-sunken enclosed structure would be constructed to minimize environmental, traffic and visual impacts. The roof of the stabling sidings would be lowered to the same level as Lung Cheung Road. Due to the 5m level difference between Lung Cheung Road and Choi Hung Road, a structure would be visible from Choi Hung Road;
- (iv) to address the concerns expressed by the community, the MTRCL had made adjustments to the orientation, arrangement and number of tracks and reduced the size of the stabling sidings by 25%. The stabling siding layout had been refined such that there would be sufficient space for landscaping along Choi Hung Road or a water themed park as proposed by the local community;

- (v) the topside development was not a part of the SCL project and was under separate planning by PlanD. In order not to pre-empt the future topside development, the siding structure would be designed to allow flexibility for the future development options; and
- (vi) three historical structures were now situated in the works site of the proposed stabling sidings, namely the Old Pillar Box, the Former Royal Air Force Hangar and the Stone House that the local community wished to preserve. During construction, those structures would need to be temporarily relocated. The exact location for re-provisioning of the historical structures would depend on the future planning for the site;

#### *Station Improvement Works*

- (r) Ma On Shan Line (MOL) Station Improvement Works - upon the completion of the SCL “Tai Wai to Hung Hom Section”, the MOL would form part of the “East West Corridor”. Station improvement works would be required to suit the future operation of 8-car trains from the current 4-car configuration. Space had been provided in the existing MOL stations to accommodate the extension of platforms;
- (s) East Rail Line (EAL) Modification Works - upon completion of the SCL “Hung Hom to Admiralty Section”, the EAL would form part of the “North South Corridor”. Modification of the existing EAL would be required to cope with the future signalling system, the 9-car configuration operation and service demands of the SCL;

#### *Programme*

- (t) the target would be to gazette the SCL under Railways Ordinance earliest around end 2010. Funding application for protection works, advance works and re-provisioning works would be made in 2011. Construction work was targeted to commence in 2012.



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

28. The Chairman thanked Mr. P.H. Tang for providing the briefing. Pertaining to specific issues, the following views were expressed by individual Members:

*Public Consultation*

- (a) given the experience in the West Island Line, HyD and MTRC should carry out the public consultation for the SCL in a more comprehensive manner. At a representation hearing covering a zoning amendment of a site at Bonham Road to delete a portion of the “G/IC” zone to cater for the ventilation building for the West Island Line, the Board noted that there were major objections from the local residents against the close proximity of the ventilation building to a residential development. That had reflected the need for HyD and MTRC to improve the way the public consultation was conducted. Matters that would affect the residents should be highlighted in the consultation, including those held with District Councils (DCs);

*Impact on Kai Tak Development*

- (b) the SCL would mainly be constructed by tunnel boring but the section at Kai Tak and Kowloon City would be by cut and cover method. The large construction site that would remain over a very long construction period would create major adverse impact on the Kai Tak Development. It was also necessary to explore ways to maintain the connection between the Kai Tak Development and Kowloon City during the construction stage;

*Diamond Hill Stabling Sidings*

- (c) the Wong Tai Sin DC and local residents strongly opposed the proposed location for the Diamond Hill Stabling Sidings. According to the air ventilation assessment conducted for the Wong Tai Sin, Tsz Wan Shan

and Diamond Hill OZP, the site was a major air path in the district. Any high density topside development would create adverse air ventilation impacts. Furthermore, it would affect the historical buildings within the site;

- (d) the public consultation being conducted with regard to the Diamond Hill Stabling Sidings was inadequate, especially now that it would be gazetted shortly in end 2010 the earliest;
- (e) there was no BH restriction for the Diamond Hill Stabling Sidings site on the OZP. Given a lack of information about the topside uses, there was general scepticism in the local community that a massive development might be proposed. If there was no development, the site should have been designated as a non-building area or stipulated with a low BH;
- (f) why was a semi-sunken design adopted for the stabling sidings?
- (g) what was the proposed treatment for the historical structures at Tai Hom Village?
- (h) the project would also affect and cause delay to a number of projects being planned in Wong Tai Sin, including the Confucian Academy adjacent to Wong Tai Sin Temple and a planned public transport terminus. That was unfair to the Wong Tai Sin residents;

*Other Comments*

- (i) the construction period for the SCL would be very long and MTRC would occupy many of the piers along the waterfront for transportation of construction materials. The impact on the harbourfront and the loss of waterfront space for the enjoyment of local residents should be addressed and properly compensated;

- (j) would there be any property developments associated with the SCL that would require the submission of planning applications to the Board?
- (k) the SCL involved the linking up of two rail lines, would there be technical difficulties to join up the railways?

29. The team provided the following responses to Members' questions:

*Public Consultation*

- (a) Mr. C.W. Chow said that since SCL would affect many densely populated urban areas, effective public consultation would be conducted and special attention would be paid to the concerns raised by Members including careful consideration to the design and location of the ventilation buildings, minimizing the requirements and duration of occupation for the construction sites and ensuing restoration and sensitive arrangements for those works areas at the harbourfront;

*Impact on Kai Tak Development*

- (b) Mr. James Chow said that within Kai Tak, mined tunnel method would be used for the underground section that traversed the Lung Tsun Bridge remnants site. A cut and cover method was proposed in the other parts of Kai Tak in view of the uncertainty about the stability of the reclamation material previously used to form Kai Tak. Details about the excavation methods would be further examined in detailed design stage;

*Diamond Hill Stabling Sidings*

- (c) Mr. James Chow said that several locations have been assessed before selecting the current site for the Diamond Hill Stabling Sidings and consultations had previously been held with the Wong Tai Sin DC;

- (d) Mr. James Chow said that even after the gazettal of the SCL, HyD and MTRC would continue to consult the public and DCs and consultation would be held with the Wong Tai Sin DC in the following week;
- (e) Mr. C.W. Chow indicated that only the stabling sidings at the Diamond Hill site was within the scope of the SCL project and not the topside development;
- (f) at the Chairman's request, the Secretary said that the site for the Diamond Hill Stabling Sidings was previously occupied by Tai Hom Village. The site was zoned "CDA" on the OZP since the 1980's. A BH restriction was not imposed on the zone in the current OZP as the site was subject to an on-going land use review. In any case, development within a "CDA" zone would be subject to the Board's approval under the planning application system. After completion of the land use review, the zoning proposals for the site and the proposed amendment to the OZP would be submitted to the Board for consideration. The PlanD, THB and MTRC would consult the Wong Tai Sin DC in the following week to collect their views on future planning of the site as inputs to the land use review;
- (g) Mr. James Chow indicated that several design options had been assessed for the Diamond Hill Stabling Sidings and a half-sunken design was adopted as it would reduce the amount of excavated materials and would better address certain design problems;
- (h) Mr. P.H. Tang indicated that the historical structures had to be temporarily removed from the site, but the exact location for their re-provisioning after the construction was yet to be decided, subject to consultation with the local community and further planning of the site;

*Other Comments*

- (i) Mr. James Chow advised that three barge transfer points were proposed

at the Kai Tak, Hung Hom and Wan Chai harbourfront. The exact locations of those facilities would be selected in consultation with the locals and government departments. Those works area would be restored when the works were completed and plans for future use from the Harbourfront Commission could be considered;

- (j) Mr. C.W. Chow indicated that SCL was a railway project fully funded by Government and it would not involve any associated property developments; and
- (k) Mr. P.H. Tang advised that the tracks and railway systems of the two lines were compatible and there were no technical difficulties to connect the two existing rail lines.

30. As Members had no further questions, the Chairman thanked the team for the briefing to Members.

[Dr. C.P. Lau, Mr. Stanley W.F. Wong and Ms. Annie Tam left the meeting temporarily at this point. Mr. Timothy K.W. Ma, Mr. B.W. Chan, Mr. Raymond Chan and Mr. Fletch Chan left the meeting at this point and]

### **Agenda Item 6**

[Open Meeting (Presentation and Question Only)]

Review of Application No. A/H3/388

Proposed Comprehensive Residential and Commercial Development with the Provision of Government, Institution or Community Facilities and Public Open Space in “Comprehensive Development Area” zone, 60-66 and 88-90 Staunton Street, 4-6 Chung Wo Lane, 8 and 13 Wa In Fong East, 2-10 and 16 Wa In Fong West, 2-10 and 17-19 Shing Wong Street, 1-12 Wing Lee Street, Bridges Street Market and Refuse Collection Point and Adjoining Government Land, Sheung Wan

(TPB Paper No. 8654)

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[The hearing was conducted in English and Cantonese.]

31. As the application was related to the Development Scheme Plan (DSP) of the URA at Staunton Street/Wing Lee Street, the following Members had declared interests:

Mr. Jimmy Leung <i>as the Director of Planning (D of Plan)</i>	]	being non-executive director of URA
Ms. Annie Tam <i>as the Director of Lands</i>	]	
Mr. Walter K.L. Chan	]	
Mr. Andrew Tsang <i>as the Assistant Director of Home Affairs</i>	:	being an assistant to the Director of Home Affairs who was a non-executive director of URA
Mr. Maurice W.M. Lee	)	being a former non-executive director of URA with the term of office ended on 30.11.2008
Mr. Stephen M.W. Yip	)	
Mr. B.W. Chan	:	being the chairman of the Appeal Board Panel under the URA Ordinance
Dr. James C.W.Lau	:	being a member of the Appeal Board Panel under the URA Ordinance
Professor Edwin H.W. Chan	]	being members of the Home Purchase Allowance (HPA) Appeals Committee
Ms. Maggie M.K. Chan	]	
Mr. Raymond Y.M. Chan	]	
Professor P.P. Ho	:	having current business dealings with URA

32. Members noted that Mr. Maurice W.M. Lee and Dr. James C.W. Lau had tendered apologies for the meeting, Mr. Andrew Tsang had not arrived to join the meeting, and Mr. B.W. Chan and Mr. Raymond Y.M. Chan had left the meeting. As the HPA Appeals Committee was not appointed by or under the URA, the Metro Planning Committee (MPC) had agreed in previous cases that Members' interest in that regard was indirect and those Members were allowed to stay in the meeting. Members agreed that

Professor Edwin Chan and Ms. Maggie Chan should be allowed to stay in the meeting. Members noted that the interests of the other members were regarded as direct and they were invited to withdraw from the meeting. Mr. Jimmy Leung, Mr. Walter K.L. Chan and Mr. Stephen M.W. Yip left the meeting temporarily and Prof. P.P. Ho left the meeting at this point.

### Presentation and Question Session

33. The following representatives from PlanD and the applicant and his representatives were invited to the meeting at this point:

- |                  |  |
|------------------|--|
| Ms. Brenda Au    | - District Planning Officer/Hong Kong<br>(DPO/HK), PlanD |
| Mr. C.M. Li      | - Senior Town Planner/Hong Kong 4 (PlanD)                |
| Mr. Dare Koslow  | - Applicant  |
| Mr. Ian Brownlee | - Masterplan Ltd.  |
| Ms. Anna Wong    | - Masterplan Ltd.  |

34. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Ms. Brenda Au to brief Members on the application.

35. With the aid of a powerpoint presentation, Ms. Brenda Au presented the application and covered the following main points as detailed in the Paper:

- (a) the application involved the Staunton Street / Wing Lee Street DSP which was first gazetted on 11.7.2003. The Board's decision of not upholding all the objections was legally challenged by one of the objectors (the developer of the CentrePoint development within the then DSP). On 15.6.2007, the Board reconsidered the objection as directed by the Court of Appeal in respect of the judicial review, and agreed to excise the CentrePoint development site from the draft DSP but there was no change to the planning intention i.e. comprehensive development / redevelopment of the area for residential and / or commercial uses with the provision of open space and other supporting

facilities. The Chief Executive in Council (CE in C) approved the DSP on 2.10.2007 which currently remained valid;

- (b) Members were shown some site photos of the DSP area. Site A covered the Bridges Street Market and the tenement buildings on the terrace at Wing Lee Street. Site B covered areas in Wa In Fong East and Wa In Fong West. Site C covered 60-66 Staunton Street and 4-6 Chung Wo Lane. The back lane at Chung Wo Lane was disorderly with some illegal structures. There were some renovated buildings along Staunton Street;
- (c) the application was submitted on 20.3.2009. The proposals for Sites A and B were to follow those proposed in URA's application No. A/H3/387. For Site C, the applicant proposed to retain and rehabilitate the existing buildings (with a proposed BH of 7-storeys) and to retain the existing ownership status of properties thereat. Temporary structures to the south-east of 6 Chung Wo Lane were proposed to be demolished for the provision of 90m<sup>2</sup> of public open space (POS);
- (d) the development parameters for Sites A and B followed those in URA's application No. A/H3/387. For Site C, most of the development parameters were indicated as being the same as the existing situation. The proposed PR was not more than 4.5 based on the net site area;
- (e) the Metro Planning Committee (MPC) rejected the subject application on 29.1.2010 for the reasons set out in para. 1.4 of the review paper. The main reasons were:
  - (i) the proposed development was not in line with the planning intention of the "CDA" zone to bring about environmental improvement through comprehensive redevelopment, restructuring the street pattern, promoting efficient land use and providing community facilities/POS;



- (ii) no technical assessments had been submitted as part of the MLP submission in accordance with the requirements of the Notes of the “CDA” zone; and
  - (iii) the implementability of the proposed development was doubtful;
- (f) on 19.3.2010, the MPC also rejected URA’s application No. A/H3/387 for the reasons that the Board’s previous concerns relating to the preservation of the existing tenement buildings at Wing Lee Street (in Site A) and the ‘terrace’ nature of the area had not been adequately addressed. There was insufficient information for MPC to determine whether the proposal which involved only one option for preserving just three of the buildings there was acceptable. MPC considered that the proposed development for Site B (with a 13-storey building) and Site C (with a 20-storey building) were acceptable. During the deliberation on URA’s application No. A/H3/387, MPC considered the alternative concept put forward by URA for preserving all the tenement buildings at Wing Lee Street to be the right direction and the planning intention of the approved DSP would need to be reviewed;
- (g) the applicant had submitted written representation in support of the review and the justifications put forward were:
- (i) due to the change in planning context (preservation at Wing Lee Street and rezoning of the Former Police Married Quarters (FPMQ) site as a heritage building with BH restriction), the current planning intention on the DSP was no longer applicable. The change in planning intention to preservation was suitable for Site C and URA could assist the owners in Site C to rehabilitate their properties;
  - (ii) the planning intention for environmental improvement could also be achieved by improvement to existing buildings and public space;

- (iii) the proposal was basically a refurbishment scheme and relevant departments had no objection to the proposal. There was no issue that could not be addressed by approval conditions;
  - (iv) the buildings in Site C were already existing and hence, the proposal could be considered as implemented. In the written representation for the review, the applicant indicated that redevelopment of buildings in Site C could be contemplated but it would have to comply with a 7-storey BH restriction; and
  - (v) with regard to the need to preserve Wing Lee Street (which was different from the proposal for Site A in URA's application No. S/H3/387 that the subject application had adopted), the MLP in this application could still be approved subject to a condition requiring URA to submit a preservation proposal for the Wing Lee Street to the satisfaction of the D of Plan or of the Board;
- (h) the following public comments were received as detailed in section 6 of the review paper:
- (i) upon publication of the review application, there were two opposing comments on grounds of preservation of Wing Lee Street to its current condition and adverse visual, air ventilation, noise and traffic impacts. The other two provided comments on the development with a proposal to restrict the BH of Sites A, B and C to 50mPD;
  - (ii) upon publication of the further information submitted by the applicants, 18 comments with one supporting, 14 opposing and three providing comments were received;
  - (iii) the supporting comment from the Central and Western Concern Group indicated that the proposed BH would keep the ambience of the area. The entire DSP area should be kept as low-rise and

the owners in Site C should be allowed to renovate their own buildings;

- (iv) the 14 opposing comments from members of the public (including several Site C owners) indicated that preservation was used as an excuse to disregard local interests, the proposal would not improve living conditions nor benefit the local residents or members of the public. Several owners in Site C urged the expedition of the planning and land acquisition process; and
  
- (v) three other comments were submitted by members of the public and the Designing Hong Kong Limited. Several owners of Site C hoped that URA could consolidate ownership as soon as possible and supported construction of a 20-storey building in Site C. They did not support proposal that would diminish property value and did not understand the rationale for the proposed 7-storey and GFA/PR restrictions. Another member of the public indicated that the URA should expedite property acquisition and the DSP implementation. The Designing Hong Kong Limited indicated that there was no information in the submission on the relocation of tenants and shops and how to safeguard the local character;

[Mr. Stanley Wong and Dr. C.P. Lau returned to join the meeting at this point.]

- (i) the planning considerations and assessment for the application as detailed in section 7 of the review paper was highlighted below:
  - (i) many buildings in Site C had illegal extensions and the internal service lanes were narrow and disordered. The lots at 4-6 Chung Wo Lane were inaccessible to fire engines. The planning intention of the “CDA” zone as stated in the currently valid approved DSP was to achieve environmental improvement through comprehensive redevelopment, restructuring the street

pattern, promoting efficient land use and providing community facilities/POS. Taking into account the existing site conditions, the piecemeal redevelopment proposed in the subject application was not in line with the planning intention of the “CDA” zone;

- (ii) the applicant had indicated that the planning intention to preserve Wing Lee Street was also applicable to Site C. However, the 3 to 4-storey tenement buildings at Wing Lee Street, built in the late 1950’s, were quite special in terms of their rather uniform design and contextual setting on a terrace. The buildings in Site C did not have similar character as those tenement buildings at Wing Lee Street;
- (iii) the subject application adopted URA’s proposal for Sites A and B in application No. A/H3/387. Since URA’s application was rejected by MPC mainly due to the proposals at Site A, the subject application that included URA’s proposal for Site A should not be approved. The Board should only approve a planning application including the MLP if the submission was considered acceptable in all respects;
- (iv) legal advice had been sought on the applicants’ suggestion for the Board to approve the MLP subject to a condition requiring URA to submit a preservation proposal for the Wing Lee Street to the satisfaction of the D of Plan. DoJ considered that the proposed condition was unreasonable for reasons detailed in para. 7.6 of the review paper and summarised below:
  - the proposed condition for preservation of buildings at Wing Lee Street might not be reasonable or necessary for the purpose of achieving the extant planning intention of the “CDA” under the approved DSP (i.e. for comprehensive redevelopment);

- a reasonable condition should concern the permitted development. However, the proposed condition would not be related to the permitted development but a condition on the URA; and
  - the proposed condition was uncertain or ambiguous as the intended scope and coverage of the ‘preservation proposal’ for Wing Lee Street was not defined and it might give rise to argument on compliance and validity of the condition;
- (v) in the s.16 planning application, the applicants indicated that the existing buildings in Site C would be retained, refurbished and renovated by the existing owners. In the review statement, the applicants stated that if the buildings were to be redeveloped, the new development would have to comply with the 7-storey BH restriction. The applicants’ intention for Site C had changed in this regard. The applicant had not provided sufficient justification for the rationale of restricting the BH for Site C to 7-storey or 100mPD in a redevelopment situation, taking into consideration the BH of the surrounding developments (with some buildings at some 130 – 180mPD);
- (vi) there was no mechanism to ensure that Site C would be comprehensively developed according to the planning intention stated in the approved DSP; .
- (vii) the requirement for submission of technical assessments to support a MLP submission on the site was stipulated in the Notes for the “CDA” zone on the approved DSP and in the approved PB. As the applicant had not submitted any technical assessment, it did not comply with the statutory requirements set out in the Notes for the “CDA” zone;

- (viii) the proposed rehabilitation approach for Site C was put forth by the applicants who only owned 9 out of a total of 33 units at Site C (about 27%) and not representing all owners. There was no mechanism to ensure that the renovation approach would be implemented by the remaining owners. The implementability of the applicants' proposal was therefore doubtful; and
- (ix) based on the above planning considerations and assessment, PlanD did not support the review application for the reasons that the application was not in line with the planning intention of the DSP, no technical assessment was submitted and the implementability of the proposed development was doubtful.

36. The Chairman then invited the applicant and his representative to elaborate on the review application. Mr. Ian Brownlee made the following main points:

*Site Situation and the Applicant's Proposal*

- (a) the applicants were four owners of properties within Site C. The applicants' intention was to retain private land ownership in Site C as there was no public purpose nor problems of dereliction that would necessitate the URA to redevelop those properties. The applicant's proposal was to retain the existing properties until such time that the properties had to be redeveloped, and the 7-storey BH restriction should be retained to maintain the character of the area;
- (b) from a recent site visit to the area, it was observed that the quality of the area had improved remarkably, and the ambience and the buildings had also been improved. Some photos were shown to Members to demonstrate that the properties of the applicants were renovated to high standard and maintained in good conditions and should not be demolished; and that other buildings in the area were also renovated or being renovated to high standards (including the whole building at 64 Staunton Street in Site C and other buildings at 88-90 Staunton Street

and 2A Shing Wong Street in Site B);

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

- (c) URA's proposal for Site C (with a tower block on podium) was shown to Members to demonstrate that the rehabilitation approach proposed by the applicant was far better than URA's scheme;
- (d) the rezoning of the FPMQ site on the opposite side of the street to a heritage site with a BH restriction of 75mPD for arts and culture had a direct bearing on the subject application. At the time when the DSP was approved, the FPMQ was proposed to be a typical Residential (Group A) type development with towers on a retail podium;
- (e) the 7-storey BH restriction proposed in the application was considered compatible with the existing building and BH restriction at the FPMQ and was in line with the stepping profile;
- (f) the illegal structure on government land at Chung Wo Lane was proposed to be demolished for the POS. Hence, there was space within Site C for the POS provision without demolishing the private properties;
- (g) Chung Wo Lane was not unhygienic and there was no public purpose to extinguish it through redevelopment. With regard to comment about the lack of emergency vehicular access (EVA), Fire Services Department (FSD) had no comment as direct EVA to the site was not required and fire hose could be run from Staunton Street for fire fighting purposes;
- (h) there were considerable similarities between the buildings in Site C and those in Wing Lee Street. The buildings therein were all built in the 1950's and were not graded heritage buildings. The back lane structures in both Site C and Wing Lee Street were similar. Site C represented a particular mix of "Tong Lau" styles in that era. There were private owners who had renovated a whole building in both Site C

and Wing Lee Street;

*Procedural Matter*

- (i) the applicant indicated that there was a procedural impasse on the DSP as there was no approved MLP for the site as URA's application No. A/H3/387 was rejected by the Board in March 2010. The applicant had tried to approach URA to discuss a way forward but was informed that the review of the DSP would be undertaken by the Board. However the Board had not proceeded with the DSP review. The owners in Site C were uncertain of the upcoming actions;
- (j) the MPC rejected URA's application No. S/H3/387 with the intention to preserve all tenement buildings in Wing Lee Street. However, the planning intention of preservation was not stated on the extant DSP. The Board should review and revise the planning intention in the DSP to reflect the latest circumstances. Before the DSP was amended, the subject application should be considered in the context of the extant statutory provisions;
- (k) if and when the Board reconsidered the planning intention and boundary of the DSP by excising the Wing Lee Street area as proposed by URA, the DSP would become very small in size and it might not be possible for URA to come up with a viable planning proposal. As in the case of the Wing Lee Street site, there would be no public purpose to keep Site C in the DSP. Site C should be excised from the DSP;
- (l) URA's proposal to renovate and rehabilitate the buildings at Wing Lee Street with the co-operation of the tenants and owners could also be adopted for Site C. URA had previously advised the applicant that they would not rehabilitate buildings with no heritage grading. However, buildings at Wing Lee Street were not graded. The applicant had previously proposed to URA that an owners' corporation be formed to take forward the renovation of the buildings at 60-62 Staunton Street but



there was no response from URA;

- (m) the PB did not state the intention for preservation of Wing Lee Street. The application that was based on URA's application No. A/H3/387 actually complied with the planning intention stated in both the approved PB and the DSP. The application was comprehensive as it covered the whole CDA zone. If the PB and the DSP did not reflect the real intention of the Board, they should be amended but the application should still be considered according to the extant DSP;

*Proposed Planning Condition*

- (n) there was a change in the planning context with the current intention to preserve Wing Lee Street. To provide a way forward for the current application to be approved, it was suggested that a condition requiring URA to submit a preservation proposal for Wing Lee Street to the satisfaction of the D of Plan or of the Board be imposed on the application;
- (o) the applicant responded to the legal advice provided by DoJ (in paragraph 7.6 of the review paper) as follows:
  - (i) with regard to DoJ's point that the planning condition might not be reasonable for achieving the planning intention on the extant DSP; it was considered that DoJ's advice was in agreement with the applicant's views. In the applicant's opinion, DoJ was saying that even if the Board wished to preserve Wing Lee Street, it could not be done in light of the planning intention on the extant DSP. The proposed planning condition therefore was a reasonable way to allow the Board to take forward the planning intention for preservation;
  - (ii) with regard to DoJ's point that the planning condition should be related to the permitted development and not on the URA, the

proposed condition should be imposed on URA as that was in line with the concept for preservation of Wing Lee Street put forward by URA (for the MPC's consideration at the meeting on 19.3.2010 and was recorded in the minutes). URA was the proposer and was fully aware of the preservation approach for Wing Lee Street; and

- (iii) with regard to DoJ's point that the proposed planning condition might be uncertain and ambiguous as the intended preservation proposal was not defined, it was considered that there was no real doubt as to what the condition would mean as the URA had already proposed to retain the buildings;

#### *Technical Assessments*

- (p) technical assessments were not necessary because the proposal was to maintain the existing buildings and no government department had objected to the application although there were suggestions for planning approval conditions for landscape and drainage proposals which were normal;

#### *Implementability*

- (q) the rejection reason of doubt on implementability was unfounded. The buildings already existed on the site, two of the applicants had already completed renovation of whole buildings within the area and owners of Site C were willing to co-operate with URA to renovate their buildings. There was no doubt that the applicants and URA had the knowledge and capacity to renovate and maintain the buildings. The 7-storey BH restriction on Site C was to ensure that should the buildings need to be redeveloped in future, the character of the area could still be maintained. URA had proposed that they would carry out rehabilitation on properties in Wing Lee Street acquired by URA and / or assist individual owners to rehabilitate their properties thereat. Since URA also owned properties

within Site C, the same approach could be adopted to facilitate rehabilitation of all buildings in Site C and this would enhance the implementability of the application; and

*Public Comments*

- (r) it appeared that some commenters who submitted the public comment had confused the application as an application submitted by the URA. The comments of the other non-URA owners in Site C were that there should be a clarification on the way forward. It was concluded that the Board should approve the application to move the project forward, and that would be in line with the wishes of all owners in Site C.

37. Mr. Dare Koslow, one of the applicants, made the following points to elaborate on the review:

- (a) he had a fond appreciation for the special character of old tenement buildings (“Tong Lau”) in Hong Kong and had been renovating them for the past five years;
- (b) considering the recent URA projects, URA might not be the suitable person to judge the quality and character of the tenement buildings and their value for preservation;
- (c) the buildings in Site C were of similar character as those in Wing Lee Street and they should be preserved as part of the history of Hong Kong. Tenement buildings were vanishing in Hong Kong and those in Central were even more scarce;
- (d) URA’s purpose for the DSP was commercially driven and there was no public purpose to achieve. To widen dead-end streets like Staunton Street to facilitate traffic movement was against modern trends to pedestrianize such areas. The provision of POS would unlikely be satisfactory in view of URA’s past projects; and

- (e) he urged the Board to approve the application so that tenement buildings in the area could be preserved to a larger degree at this special location of the Central District. He also indicated that if the uncertainty of the DSP was eliminated with approval of the application, it would trigger off organic regeneration of the area by rehabilitation.

[Ms. Julia M.K. Lau left the meeting at this point.]

38. A Member asked Mr. Ian Brownlee how the applicant's argument that the Board might have exceeded its statutory provisions by asking for more information or proposals for preservation of Wing Lee Street could help with the subject application. The Member commented that it appeared that if the Board had exceeded its role in preserving Wing Lee Street, the same would apply when considering the proposed preservation of Site C. This Member opined that the subject application seemed to have deviated from the original "CDA" intention and had limited the freedom for development within the DSP, should there be some assessments on why the original intention for redevelopment was inappropriate.

39. Mr. Brownlee explained that the Board was wrong in asking for preservation of Wing Lee Street because under the extant DSP and the PB, the intention was for comprehensive redevelopment within the DSP area and there was no requirement for preservation of Wing Lee Street. Hence, URA's application No. A/H3/387 should have been approved. The applicant was not asking for preservation of buildings in Site C but to retain the existing character by imposing a 7-storey BH restriction and to allow the owners to keep and maintain their buildings. The subject application was a scheme which could be approved within the DSP framework and the proposed planning condition would allow the Board to achieve the preservation of Wing Lee Street.

40. Mr. Brownlee said that with approval of the subject application, the Board's latest thinking on the planning intention of the DSP would be clear. However, it might be better if the DSP could be reviewed in the light of the changing planning context, especially the new character that would be brought about by revitalisation of the FPMQ. The Board might also consider removing the DSP completely and allowing the market to drive the rehabilitation of buildings in the area.

41. Another Member asked DPO/HK to clarify whether the URA scheme had responded to the rezoning and revitalisation proposal at the FPMQ. Ms. Brenda Au explained that in 2008, URA withdrew their previous application No. A/H3/381 for the subject DSP area and submitted a revised scheme under application No. A/H3/387, which had incorporated changes to the scheme to respond to the policy intention announced at that time for revitalisation of FPMQ.

42. With regard to the review of the DSP, Ms. Brenda Au said that in rejecting URA's application No. A/H3/387, the Board had requested URA to submit information on the building conditions of the tenement buildings and to clearly explain to the owners and tenants of Wing Lee Street the implications on preservation of all tenement buildings thereat. URA had submitted such information to the Board and a paper would be submitted to the Board for consideration in due course.

43. With regard to the applicant's claim that the buildings at Wing Lee Street and Site C were similar as they were not graded buildings, Ms. Brenda Au said that according to the comments of the AMO, the Antiquities Advisory Board (AAB) had planned to conduct evaluation of a new list of historic items after completing the current assessment of the 1,444 historic buildings and the tenement buildings at Wing Lee Street would likely be one of the new items to be assessed.

44. Ms. Brenda Au also responded to the applicants' argument that there was no need for the submission of technical assessments except the Landscape Master Plan and drainage impact assessment as required by relevant government departments. According to the Notes for the "CDA" zone on the approved DSP and the PB, such technical assessments were required to be submitted together with the planning application and in that sense, the application had not complied with the requirements of the DSP.

45. As the applicant and his representative had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in their absence and inform them of the Board's decision in due course. The Chairman thanked the government representatives and the applicant and his representatives for attending the meeting. They all left the meeting at this point.

## Deliberation

46. The Secretary said that a Member who had left the meeting during the presentation had left a comment indicating that the applicant's proposal to maintain the BH of Site C as 7-storey was supported because it would be compatible with the context of the surroundings and that higher development density could not be supported by the local road network without improvement.

[Ms. Maggie M.K. Chan left the meeting at this point.]

47. At the request of the Chairman and a Member, the Secretary highlighted the background to the planning applications in the DSP (as detailed in the review paper and the MPC paper in Annex A) as follows:

### *Staunton Street / Wing Lee Street DSP*

- (a) the Staunton Street/Wing Lee Street development scheme had a long history dating back to the 1990's and was one of the former Land Development Corporation's projects;
- (b) on 11.7.2003, the draft URA Staunton Street/Wing Lee Street DSP No. S/H3/URA1/1, with the planning intention for comprehensive redevelopment, was gazetted under the Town Planning Ordinance (the Ordinance). After the plan making process was completed, the Board's decision of not upholding all the objections was legally challenged by one of the objectors, Capital Rich Development Ltd. and Well Unicorn Development Ltd. (developer of the CentrePoint). The Board lost the judicial review at the Court of Appeal and was directed to reconsider the Objector's objection;
- (c) on 15.6.2007, the Board reconsidered the objection submitted by Capital Rich Development Ltd. and Well Unicorn Development Ltd. as directed by the Court of Appeal in respect of the judicial review. The Board agreed to propose an amendment to the draft DSP to meet the objection

by excising the objection site (i.e. currently known as the CentrePoint development) at 70-72 Staunton Street, 9-12 Wa In Fong East and 3-21 Chung Wo Lane from the Staunton Street / Wing Lee Street DSP. The planning intention for comprehensive redevelopment was the same as on the extant DSP. The draft DSP was subsequently approved by the CE in C and was gazetted on 18.10.2007;

- (d) at the Board's meeting on 23.11.2007 when the Board endorsed the PB based on the revised DSP boundary, Members raised concerns relating to the preservation of the existing buildings at Wing Lee Street and the 'terrace' nature of the area. URA was requested to submit two sets of MLP reflecting the with/without preservation of the buildings at Wing Lee Street situations;
- (e) on 24.11.2008, to echo the Chief Executive's Policy Address on revitalizing the FPMQ, URA announced its revised plan for the DSP. Some of the key elements of the revised scheme included more emphasis on heritage preservation (including preserving three of the heritage buildings in Wing Lee Street and retaining the 'terrace' character) and a reduction of development intensity from a PR of 8 to 4.5;

*URA Applications (Nos. A/H3/381 and A/H3/387)*

- (f) on 27.2.2009, URA withdrew the MLP submission under application No. A/H3/381 and submitted a revised MLP under application No. A/H3/387 to the Board. The application submitted by URA only included the scheme for preservation of three buildings at Wing Lee Street and did not include another alternative for preservation of all buildings at Wing Lee Street;
- (g) on 19.3.2010, MPC deliberated on URA's application No. A/H3/387 and rejected the application for the reason that the Board's previous concerns relating to the preservation of the existing tenement buildings at Wing Lee Street and the 'terrace' character of the area had not been adequately

addressed. There was insufficient information for the Committee to determine whether that proposal which involved only one option for preserving just three of the buildings there was acceptable;

- (h) on 17.3.2010, URA put forward an alternative concept for preserving all the tenement buildings at Wing Lee Street in Site A and proposed the Board to consider excising Site A from the DSP and rezone Site A to an appropriate conservation / preservation zoning;
- (i) at its meeting on 19.3.2010, MPC considered that the alternative concept put forward by URA for preservation of all tenement buildings at Wing Lee Street was the right direction and the planning intention of the approved Staunton Street / Wing Lee Street DSP would need to be reviewed. MPC considered that the matter should be discussed more comprehensively by the full Board;
- (j) to facilitate the Board's consideration on whether the Staunton Street / Wing Lee Street DSP should be amended, URA was requested to submit information on the building conditions of the tenement buildings and to clearly explain to the owners and tenants of Wing Lee Street the implications on preservation of all tenement buildings thereat;
- (k) regarding the proposed development under URA's application for Sites B and C, MPC considered that the proposed use, development parameters and layout were acceptable;

[Mr. Benny Y.K. Wong left the meeting temporarily at this point.]

- (l) at the MPC meeting on 19.3.2010, Members also noted that amendments to the Staunton Street / Wing Lee Street DSP would need to be discussed at the full Board as only the full Board had the power to request CE in C to refer the DSP back for amendment and the decision of whether to refer the DSP back to the Board rests with the CE in C. If agreed by the full Board, the Board would request the CE in C to refer the approved



DSP back for amendments. Any amendments to the Staunton Street / Wing Lee Street DSP would be subject to the plan making and representation process under the Ordinance;

*Subject Planning Application No. A/H3/388*

- (m) the subject application was submitted on 20.3.2009 by four applicants who owned nine units out of the 33 units at Site C (eight units were owned by URA and 16 by other owners). The applicant proposed to retain the existing buildings at Site C for commercial/residential uses and to retain the existing ownership status of properties thereat. The proposals for Sites A and B followed those proposed in URA's application No. A/H3/387;
- (n) the s.16 planning application was rejected by MPC on 29.1.2010 for the reasons that the application was not in line with the planning intention of the "CDA", that no technical assessment had been submitted (especially for Site A and Site B which formed part of the application) according to the statutory requirements in the Notes of the "CDA" zone and that the implementability of the proposed development was doubtful (as the applicants only owned 9 out of the 33 units in Site C);
- (o) the applicant's intention for Site C had changed in the s.17 review, from preservation to retention of the character by the proposed 7-storey BH restriction and without precluding redevelopments in future. In that regard, DPO/HK had indicated that should redevelopment rather than preservation be contemplated, the applicant had not provided sufficient justification to restrict the BH of Site C to 7-storey;

*Section 12A Application No. Y/H3/5 (Submitted by the Same Applicants)*

- (p) on 24.4.2009, the same applicants submitted a s.12A application No. Y/H3/5 to rezone Site C and the adjoining Chung Wo Lane from "CDA" to "Residential (Group C)" ("R(C)"), with maximum plot ratio 5 and

maximum BH of 12 storeys;

- (q) upon consideration of the s.12A application on 24.7.2009, MPC decided to defer consideration of the application pending the written evidence by the applicants to support their claim on support from the other owners, submission of the proposal to be worked out by PlanD for a more compatible scheme on Site C, and the legal advice on the proposed approach. MPC considered it prudent to also defer consideration of the subject application to the same date when the s.12A application was re-submitted to the MPC;
- (r) when the s.12A application was considered by MPC on 29.1.2010, Members noted that the applicants did not represent all the other owners within Site C. At the meeting, the representatives of the other non-URA owners had not raised objection to the redevelopment of the site by the URA and their main concern was about the acquisition price offered by the URA; and
- (s) the s.12A application was rejected by MPC on 29.1.2010 (the same day when the subject application was rejected) for reasons that the proposed “R(C)” zoning would allow piecemeal development and defeat the planning intention of the Staunton Street / Wing Lee Street DSP area. The implementability of the proposal was also doubtful.

48. The Secretary said that although the proposal for preservation of Wing Lee Street was considered by MPC to be the right direction, the decision to request the CE in C to refer the DSP back for amendment rested with the full Board. The Board had yet to discuss on the matter pending submission of more information from URA. The current planning intention for Wing Lee Street and the Staunton Street / Wing Lee Street DSP which was for comprehensive redevelopment had not yet been changed. Members should decide whether the subject application would be acceptable in the context of the extant DSP.

49. A Member asked the Secretariat to provide an information note to set out the

above background with the related documents to facilitate future consideration of matters pertaining to the DSP. A Member asked how the decision on the subject application would affect the future decisions on the planning intention of the Staunton Street / Wing Lee Street DSP, in particular the preservation of Wing Lee Street. The Secretary explained that if the Board decided in a future meeting that there was no need to preserve Wing Lee Street, then there was no need to amend the DSP and URA could submit a MLP to the Board for consideration. However, if the Board decided later that the planning intention of the DSP should be changed, the Board would have to request the CE in C to refer the approved DSP back to the Board for amendment.

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

50. The Secretary explained that there were different options on how the Staunton Street / Wing Lee Street DSP might be changed. One option was to excise Site A as suggested by URA and let the owners carry out the building rehabilitation. Alternatively, the Board might consider not to excise Site A so that the rehabilitation work would be carried out by URA. In the light of the decision on Site A, the Board would also need to consider whether the planning intention for comprehensive redevelopment of Sites B and C would need to be reviewed even though MPC had previously considered that the proposals for Sites B and C under URA's application No. A/H3/387 were acceptable. Any amendments to that respect would be gazetted in the form of a draft DSP and subject to the statutory plan making and representation process. Any persons affected, including the applicants, would have the right to submit representations.

51. The same Member indicated that the subject application should be rejected as there were important outstanding matters regarding the Staunton Street / Wing Lee Street DSP that the Board need to decide upon first.

52. Another Member indicated some sympathy for the applicant and asked for clarification on how the original DSP was formulated. The Secretary explained that the area covered by the Staunton Street / Wing Lee Street DSP was originally under various zonings including "Residential (Group A)" ("R(A)") and "R(C)". Referring to Plan R1, the Secretary showed Members the current boundaries of Sites A, B and C and explained that the area annotated as Works In Progress (i.e. the CentrePoint development site) was

originally within the Staunton Street / Wing Lee Street DSP but was excised and rezoned to R(A) and R(C) after the objection was reheard at the order of the Court of Appeal. When the draft DSP was submitted to CE in C for approval after incorporating the above boundary amendment, it did not include any requirement for preservation within the Staunton Street / Wing Lee Street DSP. She also pointed out that Mr. Dare Koslow's property was within one building in Site C, and other properties within Site C were owned by URA and some other owners (three of which had objected to the application).

53. One Member asked whether the application threshold of 80% for compulsory land sale was applicable to URA schemes. The Secretary advised that the application threshold for compulsory land sale was not applicable to URA schemes and projects commenced under the URA Ordinance. Under section 29(1) of the URA Ordinance, the URA might request the SDEV to recommend to the CE in C for resumption under the Lands Resumption Ordinance of private properties for implementation of the DSP. Hence, the SDEV had the authority to decide whether to recommend the resumption and the ultimate authority for allowing the resumption of private properties for a public purpose i.e. urban renewal rested with the CE in C.

54. Another Member said that public sentiments might support development of low-density character in that locality and there appeared no pressing need to demolish the buildings in Site C. However, in view that the DSP process had commenced for a long time, it appeared difficult to revert the process given its impact on other affected parties, including the property owners in Site C who had objected to the application. The application therefore, could not be supported.

55. A Member agreed that the application should be rejected. That Member also said that as noted in the s. 12A hearing, some owners within Site C actually did not agree to the rehabilitation approach and had wished to sell out their properties for redevelopment. There were complicated commercial and private interests in such renewal projects that the Board would need to take into account.

56. The Chairman concluded that the review application should be rejected as it did not comply with the planning intention of the Staunton Street / Wing Lee Street DSP, no technical assessment was submitted and that the applicants did not represent all owners

in Site C and there were doubts on the implementability of the proposed development. Members agreed.

57. Members then went through the reasons for rejection as stated in para. 8.1 of the review paper and considered that they were appropriate. After further deliberation, the Board decided to reject the application on review for the following reasons:

- (a) the proposed development was not in line with the planning intention of the “CDA” zone to bring about environmental improvement through comprehensive redevelopment, restructuring the street pattern, promoting efficient land use and providing community facilities/public open space;
- (b) no technical assessments had been submitted as part of the MLP submission in accordance with the requirements of the Notes of the “CDA” zone; and
- (c) the implementability of the proposed development was doubtful.

[Mr. Rock C.N. Chen and Mr. Felix W. Fong left the meeting at this point.]

### **Agenda Item 7**

[Open Meeting]

Request for Deferral for Review of Application No. A/H1/90

Proposed Residential Institution (Dormitory for Students) in "Government, Institution or Community" zone, 5/F, Block B, 27 Pokfield Road, Kennedy Town

(TPB Paper No. 8663)

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[The meeting was conducted in Cantonese.]

58. The application was submitted by Caritas – Hong Kong. The Vice-chairman declared an interest on the item as he was the chairman of a fund-raising committee of Caritas – Hong Kong and Mr. Laurence Li declared an interest as he owned a flat on

Smithfield Road. As the item was only for consideration of a request for deferral, Members agreed that the Vice-chairman and Mr. Li should be allowed to stay in the meeting.

59. The Secretary reported that the applicant had previously requested the Board to defer consideration of the review application for two times to allow more time for clarification of the comments of the BD and to await the decision of the Appeal Tribunal (Buildings) (BAT) on the building plans rejected by the Building Authority (BA). The Board agreed to those requests for deferral at its meetings held on 30.4.2010 and 6.8.2010 respectively pending the submission of further additional information from the applicant.

60. On 11.10.2010, the applicant submitted a request for the Board to grant an adjournment sine die of the review until the matter was resolved by the BAT. The applicant stated that BAT had granted an extension of time for the BA to submit written representation and a hearing for the case had not yet been fixed.

61. The Secretary pointed out that according to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), a deferment request should be supported by reasonable grounds, the proposed deferment period should not be indefinite, and the deferment would not affect the right or interest of other parties.

62. In the subject case, the BAT had not fixed a date for the hearing and the deferment period for the review application was not definite. However since BAT's decision would be critical for the Board's consideration of the review and the deferment would not affect the right or interest of other parties, it was reasonable to give sympathetic consideration to the applicant's request for deferment.

63. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant. The Board agreed that the review application would be submitted to the Board for consideration when BAT's decision on the appeal was available. The Board also agreed to advise the applicant that no further deferment would be granted unless under very special circumstances.

**Agenda Item 8**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TM-SKW/66

Temporary Self-service Barbecue Area For a Period of 3 Years

in “Village Type Development” zone

Lots 246 S.B (Part), 250 (Part), 251 (Part), 258 (Part), 260, 261 (Part), 262 S.B (Part) and 263 S.B (Part) in D.D. 385, Tuen Mun, New Territories

(TPB Paper No. 8655)

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[The hearing was conducted in Cantonese.]

64. The following government representatives and the applicant and his representatives were invited to the meeting at this point:

- |                |  |
|----------------|--|
| Ms. Amy Cheung | - District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), PlanD |
| Mr. Lok Kim Wa | - Senior Engineer/ Tuen Mun, Drainage Services Department (DSD)      |
| Wu Kwong Wai   | - Applicant  |
| Wu Chun Wah    | - Applicant’s Representative   |
| Wu Koon Tai    | - Tuen Mun Tai Lam Chung Village villager representative             |

65. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Ms. Amy Cheung to brief Members on the application.

66. With the aid of a powerpoint presentation, Ms. Amy Cheung presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to use the site for a temporary self-service barbecue area for a period of three years. The site was zoned “Village Type Development” (“V”) on the draft So Kwun Wat OZP No. S/TM-SKW/10. The site was currently being used as a

barbecue area without valid planning permission and there were various temporary structures on the site;

- (b) the Rural and New Town Planning Committee (RNTPC) rejected the application on 16.7.2010 for the reason set out in para. 1.2 of the review paper. The main reason was that the applicant failed to demonstrate that the development would not cause adverse drainage impacts and fire risk on the surrounding areas as the last planning permission granted to the applicant under application No. A/TM-SKW/63 was revoked due to non-compliance of approval conditions, and the applicant failed to convince the Board that he would comply with approval conditions imposed by the Board;
- (c) the applicant had not submitted any written representation in support of the review;
- (d) the site was located to the east of Tai Lam Chung Road, to its south was a piece of land occupied by another barbecue area, to its north were five village houses. The Tai Lam Chung Nullah was located to the further west of Tai Lam Chung Road and the Customs and Excise Training School was located further south. The site was currently concrete paved and some drainage facilities were completed on-site;
- (e) the departmental comments on the application were summarised in para. 4 of the review paper. District Lands Officer/Tuen Mun, LandsD advised that there was no small house application at the site. Chief Engineer/Mainland North, DSD pointed out that the site was in an area where no public stormwater drainage connection was available hence a drainage proposal was required. The drainage proposal submitted by the applicant was considered not satisfactory by DSD. The Director of Fire Services (DFS) had no in-principle objection to the application subject to fire service installations (FSIs) being provided to his satisfaction;



- (f) one public comment was received from the Designing Hong Kong Limited during the publication of the review application on the grounds that the proposed use was not in line with the planning intention for the area zoned “V” and would create traffic, noise, sewage and waste impacts;
- (g) there were two previous planning applications for temporary barbecue area use on the site (application Nos. A/TM-SKW/47 and A/TM-SKW/63). Application no. A/TM-SKW/47 was granted in 2006 for three years, but was revoked due to non-compliance with approval condition related to the implementation of drainage proposal. Application no. A/TM-SKW/63 was granted in 2009 for one year, the application was revoked in March 2010 due to non-compliance with approval conditions related to submission of drainage and FSIs proposals; and
- (h) PlanD’s views – PlanD did not support the review application for reasons detailed in para. 6 of the review paper. The main planning considerations were that whilst there was currently no Small House application at the site and temporary uses might be considered, such temporary uses should not generate adverse impacts or it should be ensured that such impacts could be adequately addressed through imposition of approval conditions. Taking into account comments from DSD and FSD and given the failure to comply with approval conditions on the two previously revoked planning approvals, there was doubt as to whether the applicant would comply with the approval conditions imposed by the Board to mitigate the negative impacts of the development. The applicant had already been advised that no sympathetic consideration would be given to any further application if the previous approval (application No. A/TM-SKW/63) was revoked again due to non-compliance of the conditions.

67. The Chairman then invited the applicant and his representatives to elaborate on the review application. Mr. Wu Kwong Wai made the following main points:

- (a) the use applied for was only temporary and it was not intended to be a long term land use;
- (b) any technical matters could be addressed by way of imposing appropriate approval conditions;
- (c) the applicant had the right to make an application to the Board for uses which could benefit the villagers;
- (d) in the previous application No. A/TM-SKW/63, although the applicant applied for temporary use for three years, the RNTPC only approved the application for one year on grounds to monitor the situation on the site. However, a one-year approval was too short for the applicant to commit substantial investments in engineering works to fulfil the approval conditions;
- (e) a lot of efforts had been spent on satisfying the approval condition related to the submission of drainage proposal to DSD. Some drawings of the latest drainage proposal with the drainage route and details of the drainage facilities were shown to Members. That drainage proposal was agreed by officers of DSD, but DSD was not able to reply to the Board before the lapsing of the compliance period for the approval condition;
- (f) the drainage proposal was previously submitted to the Board's secretariat but he was informed that the submission could not be processed as the compliance period for the approval condition had lapsed and the application had been revoked. The requirement to make submissions via the Board's secretariat caused delay and it was difficult to comply with the condition within the tight deadline set in the approval condition; and
- (g) drainage facilities were already installed on-site.

68. Mr. Wu Chun Wah, brother of the applicant, made the following points to elaborate on the review:

- (a) the barbecue business on the site was all along under the same operator and he was the applicant for the planning application No. A/TM-SKW/47, which was approved by the Board in 2006. Both the applicant and himself were indigenous villagers of Tai Lam Chung Village;
- (b) with regard to the drainage proposals in the previous application No. A/TM-SKW/47, DSD required drainage works that traversed Tai Lam Chung Road. As there were a lot of utilities (including gas, cable, water pipes) below Tai Lam Chung Road, the drainage works involved high liabilities and the contractors had demanded high cost for carrying out the works;
- (c) the current proposal was to arrange a discharge to a drainage channel to the east of the site. The same drainage channel was proposed for drainage discharge for a large residential development in the area. It was difficult to understand why DSD rejected his proposal and asked for measures to overcome a 1 in 50-year / 100-year rainstorm. The on-site surface drainage channels were already constructed and they would complete the drainage works once the discharge point was agreed by DSD; and
- (d) staff of FSD had previously inspected the site and indicated that there was no need for FSIs as the site was an open area. However, for the current application, FSD changed their views and required the installation of FSIs which were very expensive. Such FSIs were considered unnecessary and a sprinkler system was not practical for a barbecue area. Fire hydrants were placed on the site for fire protection and it was hoped that the FSIs requirements could be relaxed.

69. Mr. Wu Koon Tai, the village representative of Tai Lam Chung Village, made the following points to support the review:

- (a) the barbecue area had been in operation for six to seven years and there had been no complaints from villagers nor flooding or fire problems;
- (b) the operators had difficulties to comply with the planning conditions imposed by DSD and FSD and the Board was asked to relax the requirements so as to allow for continuation of the business which provided some local employment; and
- (c) the barbecue area use did not affect the environment of Tai Lam Chung Village and provided some recreation space for visitors to the area.

70. In response to a Member's question, Ms. Amy Cheung advised that the site was currently zoned "V". As requested by the Chairman, Mr. Lok Kim Wa explained that the drainage proposal required had to demonstrate how water would be discharged to minimise the risk of flooding caused by the proposed use. He indicated that the applicant's current proposal to discharge to a drainage channel to the east was acceptable in-principle but the drawings provided did not show all the information required. For example, the basic requirement was for the provision of drainage surface channels along the perimeter of the site but the plan showed that those surface channels were provided in the inner part of the site. DSD could not provide further comment based on the drawings shown by the applicant.

71. Mr. Wu Kwong Wai indicated that the drainage proposal drawings shown at the meeting were the latest version and another officer in DSD had already indicated that they were acceptable. However, before the deadline to comply with the approval condition in March 2010, DSD further requested for discharge calculations for a 1 in 50-year / 100-year rainstorm. He had tried to obtain such data from the Hong Kong Observatory but such data was not available. They could not afford to commission professional consultants to prepare such calculations.

72. As the applicant and his representatives had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on

the review application in their absence and inform them of the Board's decision in due course. The Chairman thanked the government representative and the applicant and his representatives for attending the meeting. They all left the meeting at this point.

### Deliberation Session

73. A Member indicated that the government department's requirements for drainage proposals and FSIs (as outlined in Appendix IV and V of the RNTPC Paper No. A/TM-SKW/66) were only standard requirements which should not be difficult to comply with. The Chairman said that noting the applicant's concern on the costs involved in undertaking the related works, the possibility that the applicant would comply with the approval conditions on drainage proposals and FSIs was doubtful. Members agreed that the application should be rejected.

74. Members then went through the reason for rejection as stated in para. 7.1 of the review paper and considered that it was appropriate. After further deliberation, the Board decided to reject the application on review and the reason was that the applicant failed to demonstrate that the development would not cause adverse drainage impacts and fire risk on the surrounding areas as the last planning permission granted to the applicant under application No. A/TM-SKW/63 was revoked due to non-compliance of approval conditions, and the applicant failed to convince the Board that he would comply with approval conditions imposed by the Board.

### **Agenda Item 9**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-HT/674

Temporary Open Storage of Construction Materials  
for a Period of 2 Years in the "Open Space" ("O") zone  
Lot No. 908 RP in D.D.125, Ha Tsuen, Yuen Long  
(TPB Paper No. 8656)

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[The hearing was conducted in Cantonese.]

75. The following representative of PlanD and the applicant were invited to the meeting at this point:

Ms. Amy Cheung - DPO/TMYL, PlanD  
Mr. Tang Hon Ping - Applicant

76. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Ms. Amy Cheung to brief Members on the application.

77. With the aid of a powerpoint presentation, Ms. Amy Cheung presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to use the site for a temporary open storage of construction materials for a period of two years. The site was zoned “Open Space” (“O”) with an area of about 713m<sup>2</sup>. The site fell within Category 3 areas under the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E);
- (b) the site was located to the east of Ping Ha Road adjacent to the works area of the Ping Ha Road Improvement works. There were a few villages, such as Lo Uk Tsuen, located to the west across Ping Ha Road. The site was currently used for the applied use without a valid planning permission;
- (c) the RNTPC rejected the subject application on 7.5.2010 for the reasons set out in para. 1.2 of the review paper. The main reasons were:
  - (i) the development was not in line with the TPB PG-No13E in that no previous approval for open storage use had been granted for the site, there were adverse departmental comments and the development would have adverse environmental impacts on the surrounding areas; and

- (ii) approval of the application would set an undesirable precedent for similar open storage uses in the subject “O” zone, the cumulative effect of which would result in a general degradation on the environment of the area;
- (d) the applicant had submitted written representation in support of the review. The main justifications put forth were summarised in para. 3 of the review paper and the main points were highlighted below:
- (i) the site was used for open storage of construction materials for the Ping Ha Road Improvement works and the Civil Engineering and Development Department (CEDD) had provided a run-in for the site;
  - (ii) the applicant had tried to protect the environment of the site since the commencement of the road improvement project and the applicant questioned why the Director of Environmental Protection (DEP) did not support the application;
  - (iii) there was another open storage yard for vehicles (at Lots No. 904 S.B RP and 907 RP in D.D. 125) adjoining the site and the applicant asked whether the Board had granted planning permission for that site and if so, which of the two open storage yards (i.e. the application site and the adjoining site) would create more adverse impacts on the environment; and
  - (iv) the applicant requested to shorten the approval period from two years to one year to allow for completion of the road improvement project and asked the Board to approve the application on sympathetic grounds;
- (e) the departmental comments on the application were summarised in para. 5 of the review paper. DEP did not support the application as there were sensitive uses in the vicinity of the site (the nearest being about

70m away) and environmental nuisance was expected. The Chief Engineer/ Land Works, CEDD had no in-principle objection to the review application but advised, contrary to the claim of the applicant, the subject open storage area was not requested by CEDD and the run-in was only a reprovisioning of the one affected by the Ping Ha Road Improvement works;

- (f) one public comment was received on the review application from one of the Tso Tong managers objecting to the application as he had not agreed to the use under application and there were concerns on environmental impacts and safety. During publication of the written representation for the review, a public comment was received from the Designing Hong Kong Limited objecting to the review as the open storage use was not in line with the planning intention of the “O” zone, and was not a suitable use given that the site fell within Category 3 areas under the TPB PG-No. 13E; and
- (g) PlanD’s view – PlanD did not support the review application for reasons detailed in para. 7 of the review paper. The proposed use was not in line with the planning intention for the “O” zone. The application was also not in line with TPB PG-No. 13E for Category 3 areas as adverse comments were received from DEP, and the development would have adverse environmental impacts on the surrounding areas. Open storage use had not been approved in the subject “O” zone and approval of the application would set an undesirable precedent. The other open storage yard mentioned in the applicant’s written representation was an unauthorised development which had ceased operation upon PlanD serving a warning letter.

78. The Chairman then invited the applicant to elaborate on the application. Mr. Tang Hon Ping made the following main points:

- (a) the site was only a small site which had been used as a vehicle park some 10 to 20 years ago. The applicant had discontinued the vehicle park



use on the site due to environmental reasons and the site and its surrounding area were left vacant for a long time;

- (b) the Ping Ha Road Improvement works commenced in 2007 and CEDD's sub-contractor occupied the site for storage use without the applicant's consent. The applicant was only aware of the illegal occupation of the site around early 2009, and he agreed to lease the land to the sub-contractor on a short-term basis; and
- (c) PlanD had sent a warning letter to him about the unauthorised development on the site but the unauthorised development was not intentionally carried out by him. The site was already a construction site, and continuing the open storage use on the site would be better than destroying a new site. As the Ping Ha Road Improvement works would be completed around March or April 2011, if the Board considered granting a permission of one year to be too long, the Board could grant a permission of 6 months with no approval condition so as to allow him to fulfil the tenancy agreement.

79. As the applicant had no further comment to make and Members had no further question, the Chairman informed him that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in his absence and inform him of the Board's decision in due course. The Chairman thanked the representative of PlanD and the applicant for attending the meeting. They all left the meeting at this point.

[Mr. Stephen M.W. Yip returned to join the meeting at this point.]

#### Deliberation Session

80. The Chairman asked Members to note that CEDD had clarified that the open storage area was not requested by their department. A Member referred to para. 6.1 of the RNTPC paper in Annex A and pointed out that a planning permission for temporary vehicle park was approved by the Board in 2002 but was subsequently revoked due to

non-compliance of approval condition. The use of the site for vehicle park during 2002 was different from what the applicant had said in the presentation. Another Member agreed to reject the case but asked what the implication would be if the application was approved for 6 months. The Chairman said that if that sort of ‘destroy first, build later’ proposal was approved with no good planning reasons, it would set an undesirable precedent. One other Member said that the application should be rejected as the Board would not grant permission without conditions as requested by the applicant. The Chairman concluded that Members agreed to reject the application.

81. Members then went through the reasons for rejection as stated in para. 8.1 of the review paper and considered that they were appropriate. After further deliberation, the Board decided to reject the application on review and the reasons were:

- (a) the development was not in line with the TPB PG-No.13E in that no previous approval for open storage use had been granted for the site, there were adverse departmental comments and the development would have adverse environmental impacts on the surrounding areas; and
- (b) approval of the application would set an undesirable precedent for similar open storage uses in the subject “O” zone, the cumulative effect of which would result in a general degradation of the environment of the area.

### **Agenda Item 10**

[Open Meeting]

Request for Deferral for Review of Application No. A/NE-TK/301

Proposed House (New Territories Exempted House - Small House)

in “Agriculture” zone, Government Land in D.D. 15, Shan Liu Village, Tai Po

(TPB Papers 8657)

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[The meeting was conducted in Cantonese.]

82. The Chairman asked the Secretary to report about the request for deferral for

the review application.

83. The Secretary said that the applicant sought planning permission to build a proposed house (New Territories Exempted House (NTEH) – Small House) on the site at Shan Liu Village in Tai Po. On 29.7.2010, the applicant had requested the Board to defer consideration of the review application to allow time for preparation and submission of further information. The Board agreed to the request for deferral at its meetings held on 6.8.2010.

84. The review application was originally scheduled for consideration by the Board at the meeting. On 1.11.2010, the applicant's representative Mr. Y.P. Leung submitted a request for deferral for the review hearing for 2 months to allow more time for preparation and submission of further information. The letter for deferral was tabled for Members' information.

85. In view of the late deferral request after the issue of agenda and relevant paper, the applicant and his representative were invited to attend the meeting to explain the reason for the deferral request. However, Mr. Y.P. Leung informed the Secretariat on 4.11.2010 that both he and the applicant would not attend the meeting.

86. The Secretary said that the Board should decide whether to accede to the request for deferral. According to TPB PG-No. 33, if the Board decided not to accede to the request for deferral, it might proceed to make a decision on the review in the absence of the applicant. The Secretary pointed out that while the applicant requested for deferral to allow time for preparing further information, he did not state clearly the type of further information that was being prepared. She said that the application was on government land and its deferral would not affect the interest of other relevant parties.

87. In response to the Chairman's question, the Secretary said that in agreeing to the previous deferral, the applicant was advised that no further deferment would be granted unless under very special circumstances. She also advised that should the Board decide not to accede to the request for deferral, the subject review would be considered at the following meeting. The Chairman concluded that Members agreed not to accede to the request for deferral and agreed to adjourn the consideration of the subject review to the

following meeting.

88. After deliberation, the Board did not agree to defer a decision on the review application as requested by the applicant. The Board also agreed to adjourn the meeting for consideration of the review to the following meeting on 19.11.2010.

89. The meeting was adjourned for lunch break at 2:30pm.

[Mr. Andrew Y.T. Tsang arrived to join the meeting at this point.]

90. The meeting was resumed at 3:00 p.m.

91. The following Members and the Secretary were present after the lunch break:

Mr. Thomas Chow

Mr. Stanley Y.F. Wong

Mr. K.Y. Leung

Professor Eddie C.M. Hui

Mr. Clarence W.C. Leung

Mr. Roger K.H Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Mr. Stephen M.W. Yip

Assistant Director (2), Home Affairs Department

Mr. Andrew Y.T. Tsang

Director of Planning

Mr. Jimmy C.F. Leung

### **Agenda Item 11**

[Open Meeting (Presentation and Question Session Only)]

Consideration of Representations and Comments to the Draft Sai Ying Pun & Sheung Wan

Outline Zoning Plan No. S/H3/24

(TPB Paper No. 8653)

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[The hearing was conducted in Cantonese and English.]

92. The following Members had declared interests on this item:

Ms. Maggie M.K. Chan

- owned a flat in Sheung Wan

- |                         |   |
|-------------------------|---|
| Professor P.P. Ho       | - his spouse owned flats in the area  |
| Mr. Clarence W.C. Leung | - his mother owned a flat in the area   |
| Mr. Roger K.H. Luk      | - was a Council Member of St. Paul's College from 1992  |
| Mr. Felix W. Fong       | - had current business dealings with Cheung Kong (Holdings) Ltd. (CKH). Hong Kong Electric Co. Ltd., a subsidiary of CKH, which was one of the representers (R22) |
| Mr. Rock C.N. Chen      | - was an ex-Member (2007-08) of the Tung Wah Group of Hospital (TWGH) Advisory Board. TWGH was one of the representers (R23)                                      |
| Mr. Stephen M.W. Yip    | - his brother owned a property in the area  |
| Professor S.C. Wong     | - being an employee of the University of Hong Kong  |

Members noted that Ms. Maggie M.K. Chan, Professor P.P. Ho, Mr. Felix W. Fong and Mr. Rock C.N. Chen had left the meeting already. Mr. Stephen M.W. Yip and Mr. Clarence W.C. Leung informed Members that the relevant properties as mentioned above were not on the representation sites. The meeting agreed that the interests of these two Members were indirect and they could stay at the meeting. For Professor S.C. Wong and Mr. Roger K.H. Luk, Members considered that their interests were indirect and agreed that they could stay at the meeting.

93. Members noted that there were eight replacement pages to the Paper (pages 14, 15, 32, 35, 42, 48, 53, and 56) and one replacement page to Annex III-1 of the Paper (page 11).

#### Presentation and Question Session

94. As reasonable notice had been given to invite all the representers and commenters to attend the hearing, Members agreed to proceed with the hearing in the absence of the representers and commenters who had indicated that they would not attend or did not reply to the invitation of this meeting.

95. The following representatives of the Planning Department (PlanD) and Transport Department (TD) were invited to the meeting at this point:

Ms. Brenda Au	District Planning Officer/Hong Kong (DPO/HK, PlanD)
Mr. C.M. Li	Senior Town Planner/Hong Kong
Ms. Una Wang	Air Ventilation Assessment Consultant
Mr. Sunny Fu	Senior Engineer/Central & Western (SE/C&W. TD)

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

Representations

R3 Kam Nai Wai, Yuen Bun Keung, Ho Chun Ki, Wong Kin Shing, Yeung Sui Yin and Cheng Lai King  
(Central & Western District Councillors)

Ms. Cheng Lai King R3

R5 The Real Estate Developers Association of Hong Kong (REDA)  
Mr. Ian Brownlee )R5's representative

R7 Kailun Lee Chartered Architect

R8 WMKY Ltd.

Mr. Chan Cheung Kit ) R7 and R8's

Mr. Ching Shiu Loong ) representatives

Mr. Lee Kai Lun )

Mr. Wong Yuk Yeung, Eddie )

Mr. Tang Siu Hong, Rex )

R9 Starbird Ltd.

Ms. Cindy Tsang ) R9's

Mr. Patrick Chow ) representatives  
Ms. Keren Seddon )  
Ms. Janet Ngai )

R10

Superb Quo Ltd.

Mr. Matthew Lennartz ) R10's  
Ms. Edith Fung ) representatives  
Ms. Cindy Tsang )  
Ms. Keren Seddon )  
Mr. Ryan Ho )  
Ms. Candy Pang )

R12

Liu Chong Hing Investment Ltd.

Ms. Cindy Tsang ) R12's  
Ms. Keren Seddon ) representatives  
Mr. Matthew Lennartz )  
Ms. Edith Fung )  
Mr. Christopher Liu )  
Mr. Stephen Lau )  
Mr. Christopher Kho )

R13

Group Leader Ltd.

R14

Au, Pui Yu Roberta

Mr. Phil Black R13 and R14's representative

R19

Fullco Development Ltd.

Mr. Kenneth To ) R19's  
Mr. David Fok ) representatives  
Mr. Calvin Chiu )  
Ms. Grace Cheung )  
Mr. Stanley Lam )

R20

Smartop Ltd.



Mr. Ian Brownlee R20's representative

R22 The Hongkong Electric Co. Ltd.

Mr. Lee Wai Hung, Daniel ) R22's

Ms. Kan Chee Man, Florence ) representatives

R23 Tung Wah Group of Hospitals (TWGHs)

Mr. Lam Tak Shun, Paul ) R23's

Ms. Lau Yuen Ping, Monika ) representatives

Ms. Ting Lee )

Ms. Cissy Yu )

Ms. Winnie Yip )

Dr. Leonard Li )

R24 Tsung Tsin Mission of Hong Kong Incorporated

Dr. Wong Fook Yee ) R24's

Mr. Lai Wai Man, Vincent ) representatives

Ms. Betty Ho )

Mr. Cheng Pui Kan )

Mr. David Ho )

Ms. Leung Mo Ling )

R26 Montgomery Enterprises Ltd.

Ms. Lee Yu Hung, Rainbow ) R26's

Mr. Chan Dick Ling, Eddie ) representatives

Mr. Chan Pak Kan, Kenneth )

R29 Energy Saving Network of Central & Western Building

Ms. Lam Sai Lui ) R29's

Mr. Chow Chiu Fai ) representatives

Ms. Chung Yuk Ping )

Ms. Tse Tsz Ying )

Ms. Sani Howard )

Ms. Lau Ka Sin )

R30 Tang Wai Chung  
Mr. Tang Wai Chung R30

R31 Owners of 1/F-3/F, 2 Staunton Street; 2/F, 3/F and 5/F, 4 Staunton Street and 6-8 Staunton Street)  
Ms. Connie Yiu ) R31's  
Mr. Dennis Yiu ) representatives  
Mr. Vincent Cheung )  
Mr. Dominic Choi )

R33 & C1 Designing Hong Kong Ltd.  
Ms. Eva Tam ) R33's representative

Comment

C2 Central & Western Concern Group  
Mr. John Batten ) C2's  
Ms. Law Ngar Ning, Katty ) representatives

97. The Chairman extended a welcome and explained the procedures of the hearing. Ms. Winnie Yip, a representative of R23, requested that they be allowed to do their representation first as Dr. Leonard Li, one of the main speakers, would have to return to the hospital to take care of the patients after his presentation. The representatives of other representations had no objection to the request.

98. With the aid of a Powerpoint presentation and the model illustrating the height profile of the Sai Ying Pun & Sheung Wan Planning Scheme Area (the Area) , Ms. Brenda Au made the following main points as detailed in the Paper:

- (a) On 7.5.2010, the draft Sai Ying Pun & Sheung Wan OZP incorporating mainly amendments to impose building height restrictions (BHRs) for various development zones, designate non-building areas (NBAs) and

setback requirements, rezone “Commercial/Residential” (“C/R”) sites to “Commercial” (“C”) or “Residential (Group A)” (“R(A)”) and their sub-zones, and rezone “Government, Institution or Community” (“G/IC”) sites to reflect completed developments was published for public inspection;

- (b) the background of the proposed amendments to the draft OZP as detailed in paragraph 2 of the Paper: The amendments incorporated into the OZP were presented to Central & Western District Council (C&WDC) on 18.6.2010 and local consultation forum/briefings in June and July of 2010. A written submission, confirmed to be not a representation, made by C&WDC was summarised in paragraph 2.3.1 and highlighted below:
  - (i) the incorporation of BHRs was generally supported as the Area had already been over-developed, and more stringent control should be imposed;
  - (ii) the NBA and setback requirements were generally supported to improve air ventilation condition. Some C&WDC Members worried that such requirements might not be able to reduce traffic flow but would affect private development potential;
  - (iii) the area to the west of Eastern Street should be used solely for residential purpose while commercial use should be confined to the east;
  - (iv) the rezoning of sites from “G/IC” to “R” was not supported as the demand for GIC facilities would increase dramatically due to population increase;
  - (v) there was a lack of local open space in the Area. More open space with variety of uses/facilities should be provided and the accessibility of the existing open spaces should be enhanced;

- (vi) some members of the public proposed to impose more stringent BHR on SOHO and to discourage site amalgamation so as to preserve the character of the area. Rehabilitation of tenement buildings in SOHO was more preferable to redevelopment. The Government should set clear objectives and undertake studies to preserve the 'Old City';

Local consultation

- (c) upon the expiry of the public exhibition period, a total of 33 representations and 17 comments were received as follows:
  - (i) one representation (R5) objected all amendment items and one (R33) supported all amendment items which would reduce density and address overcrowding of public space and pedestrian facilities;
  - (ii) of the 28 representations mainly related to BHRs, 23 were in respect of specific sites, of which 5 (R2, R3, R20, R21 and R33) asked for a more stringent BH control and 18 (R5, R7-R19, R22-R24 and R28), mainly submitted by owners of the representation sites, who asked for more lenient BH control;
  - (iii) among the representations, 9 (R1-R3, R5, R6, R24 and R28-R30) opposed the rezoning of "C/R" sites and "G/IC" sites, designation of NBAs, and incorporation of setback requirements;
  - (iv) there were a total of 5 representations (R2, R3, R5, R31 and R32) against the setback requirements; 6 representations (R6, R25-R28 and R29) opposed the rezoning from "C/R" to "C" or "R(A)"; and 6 representations (R1, R3, R24, R25 and R30) opposed the rezoning of "G/IC" sites;
  - (v) among the 17 comments received, two comments (C1 and C2)

related to all representations, and the other 15 comments were mainly against the imposition of BHRs;

### Grounds of Representations and Representers' Proposals

- (d) the main grounds of the representations and the representers' proposals as detailed in paragraphs 4.3 of the Paper were summarised as follows:

#### *Representations Asking for More Stringent BHRs*

#### *(R1 to R3, R6, R29 and R33)*

- (i) further reduction in BHRs would allow better air ventilation to inland areas and reduce 'heat island' and wall effects;
- (ii) BHRs without corresponding PR control would lead to wall buildings and canyon effects;
- (iii) the Area was already overcrowded and overdeveloped. Existing developments that were far too high and obstructed the ridgeline would be perpetuated. The BHRs did not take into account natural contours and would lead to uniform walls. Large developments with massive podia were not suitable for old areas with narrow winding streets;

#### Proposals

- To restrict BH towards the mountain gradually from 80-120mPD. For sites larger than 400m<sup>2</sup>, the BH should be restricted to 140mPD (R1);
- To reduce the BHR of 120mPD for the "C", "C(4)", "C(5)", "R(A)", "G/IC", and "OU" zones by 20%; and to reduce the BHR of 100mPD for the "R(A)", "R(A)6" to "R(A)12" zones by 20% (R3);

- To reduce the density of buildings so that the public would be able to see the blue sky (R3);
- To keep the core historic area low-rise for future generations and tourists to experience the old Hong Kong (R6);
- To encourage the development or refurbishment of individual buildings instead of development of massive podia. Future redevelopment plans should be prepared for existing developments with excessive podia (R6);
- The direction for development should be to preserve the special character of the Central and Western District, to tighten development control and to ensure that development will match the needs of the population in the district (R29);
- To impose PR control in the OZP and to discourage above-ground carpark. Only floor space that is constructed for underground car park may be disregarded from gross floor area (GFA) calculations (R33);

*Representations Asking for More Lenient BHRs*

*Urban Design Considerations (R4, R5, R7, R8 and R10-R19)*

- (iv) the BHs proposed by the representers were in line with the UDG and would not infringe upon the building-free zone (BFZ) of the Victoria Peak as viewed from the West Kowloon Cultural District (WKCD);
- (v) a monotonous and uninteresting townscape with high site coverage (SC) and monotonous BH would be created by the BHRs. This was contrary to the AVA, non-statutory policies and

guidelines etc. which encouraged diversity in building mass, view corridors etc;

- (vi) the BHRs were overly restrictive and left limited design flexibility to meet urban design objectives, market demand and public aspirations. Shorter, squat buildings with maximum SC to maximize the GFA would create a wall effect at street level, and result in a lack of space for recreational area, tree preservation, new tree planting, etc.;
- (vii) the BHRs for individual sites should be relaxed or removed;

*Redevelopment Incentive (R4, R5, R7, R8, R10, R12 and R13)*

- (viii) the BHRs would affect the development potential;

*Fair and Consistent Approach (R9, R10, R12-R14 and R19)*

- (ix) the BHR failed to respect and was insensitive to the natural topographic profile, which created injustice that some sites at similar site levels had more stringent control than the others. The BHR was discriminatory as the representation sites were in the vicinity of approved/committed developments with taller BH;
- (x) there was no explanation for why 400m<sup>2</sup> was taken as the threshold for higher BH under the 2-tier height control;
- (xi) the minor relaxation clause was applicable to the “R(A)” zone but not the “R(A)8” zone;
- (xii) the BHRs stipulated in other OZPs, e.g. Tsim Sha Tsui OZP, were the same as that stated in the approved general building plans (GBPs). The approach in this OZP was inconsistent with the Board’s previous practice and disrespected reasonable and

legitimate development expectations;

*Buildings already exceeding BHRs (R5 and R12)*

- (xiii) the minor relaxation clause would not help as there was a ‘presumption against’ relaxation for sites with existing BH already exceeding the restrictions stipulated on the Plan. It was harsh and unnecessary;

*Spot Zoning Approach (R5)*

- (xiv) the ‘spot zoning approach’ was unnecessarily restrictive. It was inconsistent with the Town Planning Ordinance (the Ordinance) in relation to the content and application of statutory plans;

Proposals

- To review the BHRs, which should at least be 10% higher than the height of the existing buildings. More relaxed BHRs should be considered for sites at or near transport nodes. Provision of height relaxation should also be made to encourage special design merits that benefit the public (R5);
- To delete paragraph 7.7 of the ES and apply the normal process of considering an application ‘on its merits’ and to amend the wording in the Notes and ES (R5);
- To adopt a more rational and generalized zoning approach by consolidating the sub-areas in the “R(A)” and “C” zones into a smaller number of broader zones with similar controls on BH and development potential (R5);
- R7-R19, R22-R24 and R28 proposed to relax the BHRs for specific sites while R12 also proposed to adopt a more relaxed



BHR in a wider area;

- R15 to R19 proposed to include a minor relaxation clause for the “R(A)7” and “R(A)8” zone;

*BHRs and Minor Relaxation Clause for SOHO (R3, R30 and R33)*

Support

- (xv) the minor relaxation clause for relaxation of BHRs for sites with a minimum area of 900m<sup>2</sup> within SOHO could avoid proliferation of multi-storey car parks (R30);

Object

- (xvi) SOHO was already very crowded with poor air ventilation. The proposed BHR of 130mPD would severely affect the air and light penetration in the area (R30);
- (xvii) the current lot size was an important characteristic of SOHO. The proposed BH relaxation, which promoted amalgamation of sites in SOHO, failed to protect this special character (R33);
- (xviii) Paragraph 5.4 of the ES which stated that hawker stalls had resulted in frequent traffic congestion was negative and incorrect. It was the increase in developments and car ownership which caused the increase in traffic congestion (R33);

Proposals

- To allow better air ventilation to the inland areas and reduce heat island and wall effects, the BHRs should be further reduced; to preserve the tenement buildings in SOHO so that the local character could be protected and the cluster of low-rise tenement

buildings can act as ventilation corridors; and to earmark the S.K.H. Kei Yan Primary School site as a historic site in future (R3 and R30);

- To limit the BH for redevelopments in SOHO to 12 storeys and delete paragraph 7.6 of the ES on relaxation of BHRs for SOHO (R33);
- To discourage the provision of carparking facilities for all sites in SOHO; delete from paragraph 5.4 of the ES the statement that hawker stalls had resulted in frequent traffic congestion; and designate the sections of Peel Street, Gage Street and Graham Street used for street markets as 'Pedestrian Precinct/Street' (R33);

*NBAs, Building Gaps and Setback Requirements (R1 to R3, R5 & R30)*

- (xix) there were no statutory basis and justifications for the incorporation of NBA requirement, as 'gaps' between buildings could be achieved within the existing framework of s.4(1) of the Ordinance, under which the Board could make provision for open space, parks, streets, etc. Furthermore, the term 'NBA' was liable to cause uncertainty and confusion as the same term was used with special meaning in lease, and the implications of NBA under the Buildings Ordinance (in particular on SC and PR calculations) were unclear;

Proposals

- to increase and widen NBAs, setback requirements and wind corridors;

*Rezoning of "C/R" Sites (R6 and R29)*

- (xx) the rezoning limited the flexibility for developers and stakeholders to decide the use of their own premises;
- (xxi) after the amendments, hotel, office, residential institution, restaurant and other uses would be restricted to the lowest 3 floors of the building and permission for the uses on upper floors would be required. The down zoning of the site would limit the flexibility of the future uses of upper floors;
- (xxii) the rezoning of various sites from “C/R” to “C” was merely a ploy to increase PR by one-third;

Rezoning of “G/IC” Sites (R3 & R6)

- (xxiii) the removal of GIC facilities was depriving the community of valuable assets. In view of the growing number of elderly people in the community, there would be an urgent need for more GIC premises to cope with social and recreational needs;

Proposals

- the Board should reject applications for rezoning “G/IC” zones to high-rise residential developments in future;

Public Consultation (R5 & R29)

- (xxiv) prior to gazettal of the OZP, the public had not been informed of the justifications for the need of BH, GFA, NBA restrictions and setback requirements and no visual impact analysis had been made available. The two-month public consultation period was too short for extensive discussion within the community and achieving consensus;

Other Matters

*Shortfall of Open Space Provisions (R3 & R29)*

(xxv) the OZP did not reserve additional “O” land to address the shortfall of open space in the district; and

*Review & Assessments (R3, R6, R29 & R33)*

Proposals

- to undertake traffic, environmental and visual impact assessments etc in planning for the Area;

Responses to Grounds of Representations and Representers’ Proposals

(e) the response to the main grounds of the representations and the representers’ proposals as detailed in paragraphs 4.4 of the Paper were summarised as follows:

*Representations Asking for More Stringent BHRs*

*(R1 to R3, R6, R29 and R33)*

- (i) the BHRs on the OZP had taken into account the relevant Urban Design Guidelines (UDG) for Hong Kong in respect of stepped BH concept, existing BH profile, local characteristics, the zoned land uses, and view to ridgelines and mountain backdrops from the major vantage point at West Kowloon Reclamation, the harbour view from the Peak as well as the recommendations of the Air Ventilation Assessment (AVA), etc.;
- (ii) More stringent BH control as proposed by some representers, such as a reduction by 20% would pose undue constraints on

future developments/ redevelopments and have adverse impact on the development potential of the affected sites, which was considered inappropriate;

- (iii) the representers' proposal to incorporate PR control would have significant ramifications and had to be carefully considered. A comprehensive study was required to take due account of whether there was any constraints on infrastructure capacity and to strike a fair balance between public interest and private development potential. The imposition of BHRs did not preclude future PR control, if justified;
- (iv) the stipulation of BHRs was an effort to provide better planning control over development/redevelopment in the Area. In the formulation of the BHRs, it had taken into account various relevant considerations in sub-paragraph (d)(i) above. The BHRs were also formulated based on reasonable assumptions on the building design. As such, the BHRs would not lead to wall or canyon effect;
- (v) it should be noted that the buildings under private ownership in SOHO were in general not graded historic buildings. The proposal to preserve the character of the area by imposing more stringent BHRs would pose undue constraints on future developments/ redevelopments and had adverse impact on the development potential of the affected sites. Given the far-reaching implications, it was premature to consider the suggestion for preserving the "Old City" areas without any comprehensive study and thorough community discussions on the various issues involved. In determining the BHRs on the OZP, including those for SOHO, various considerations had been taken into account. A balance had been struck between the public aspirations for a better living environment and private development rights;

Representations Asking for More Lenient BHRs

*Urban Design Considerations (R4, R5, R7, R8 and R10-R19)*

- (vi) apart from air ventilation and protection of ridgeline and the view from the Peak to Victoria Harbour, the BHRs had been formulated based on an overall BH concept and other relevant considerations including the existing BH profile, topography, site formation level, local characteristics, the waterfront and foothill setting, compatibility with the surrounding areas including the BHRs imposed on the Mid-levels West OZP, predominant land uses, development potential and visual impact and AVA recommendations;
- (vii) a stepped height concept progressively ascending from the waterfront towards uphill directions had been adopted. The stepped height concept respected the view from the vantage point at the West Kowloon Reclamation to avoid breaching the 20% BFZ of the ridgeline on the Hong Kong side;
- (viii) the AVA pointed out that the Area was already over-developed from air ventilation point of view. Measures including the preservation of all open spaces/green areas; restriction of majority of G/IC sites generally to the existing height; adoption of a stepped height concept; and imposition of building setback requirements, non-building areas, building gaps, etc. were adopted to address the AVA issues;
- (ix) the BHRs per se would not result in bulkier buildings or wall effect affecting air ventilation. The BHRs were formulated based on reasonable assumptions and flexibility was allowed in the shape and form of the buildings. They should be sufficient to accommodate the permissible PR under the OZP as well as

meeting various building requirements. Besides, the BHRs did not preclude the incorporation of green features, innovative architectural features and a reasonable floor-to-floor height for development/ redevelopment;

- (x) piecemeal relaxation or deletion of the BHRs for individual sites as proposed by some representers was not supported as it would jeopardize the coherency of the stepped BH profile and could result in proliferation of high-rise developments, which were not in line with the intended planning control;
- (xi) to cater for site-specific circumstances and schemes with planning and design merits, there was provision for application for minor relaxation of the BHRs under the OZP. 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 (ES) of the OZP;

*Redevelopment Incentive (R4, R5, R7, R8, R10, R12 and R13)*

- (xii) in formulating the BHRs, it had been ensured that upon incorporation of the restrictions, development sites would be able to accommodate the PR as permitted on the OZP, apart from “G/IC” and some “OU” sites which were functioning as important breathing space and visual relief in the Area. The BHRs had provided reasonable scope for redevelopment while avoiding out-of-context buildings. The imposition of BHRs would not result in a decrease in redevelopment potential, and hence would not jeopardize the incentive for private redevelopment;

*Fair and Consistent Approach (R9, R10, R12-R14 and R19)*

- (xiii) the proposed BHRs had taken into account the topography, site

levels, local character and predominant land uses, among other factors, and were based on a fair and consistent approach;

- (xiv) according to the AVA, the concentration of tall buildings along the narrow streets in the Area would create canyon effect and adversely affect the local air ventilation at pedestrian level as well as that in the neighbouring districts. The adoption of the few exceptionally tall buildings as yardstick for determining the BHRs would result in proliferation of tall buildings in the Area. It was inappropriate to adopt the BHs of excessively tall buildings (i.e. Cosco Tower and The Center of 205mPD and 288mPD respectively) as reference;
- (xv) given that the lots in these areas were small in size, lower BHRs were proposed for smaller lots while allowing a higher maximum BH (i.e. 20m more) for sites with an area of 400m<sup>2</sup> or more mainly to cater for site amalgamation for more comprehensive development and allow for provision accommodating on-site parking, loading and unloading facilities and other supporting facilities. It was proposed that the ES for the OZP be amended to set out the rationale for 2-tier height control more clearly;
- (xvi) it was proposed that **R15 to R19** be partially met by explicitly stating the minor relaxation clause in Remark (24) in the Notes for the “R(A)7” and “R(A)8” zones. For consistency, it was also proposed that make similar amendment be made for the “R(A)6” zone;
- (xvii) apart from Sheung Wan in the eastern end which formed an extension of the Central Business District (CBD), the Area was predominantly residential in nature which was very different in character from the Tsim Sha Tsui. Tsim Sha Tsui was a commercial high-rise node recognised in the UDG and the recognition of committed developments under general building



plans approvals was treated as exception rather than rule. Hence, it was inappropriate to apply the approach used in the Tsim Sha Tsui OZP to the subject OZP. The incorporation of the BHs of approved development schemes in general building plans submissions for individual sites into the OZP would jeopardise the integrity of the overall stepped BH concept;

*Buildings already exceeding BHRs (R5 and R12)*

(xviii) relaxation of the BH of excessively tall buildings upon redevelopment would aggravate the problem of mismatch and jeopardize the overall BH concept for the OZP. As such, for an existing building which BH already exceeded the maximum BH as stipulated on the OZP, there was a general presumption against application for minor relaxation unless under exceptional circumstances and minor relaxation should only be granted to proposals with special planning and design merits. This principle was generally applied to all the OZPs with BHRs recently introduced;

*Spot Zoning Approach (R5)*

(xix) according to the legal advice, the Board had the power to impose BHRs on individual sites or for such areas within the boundaries of the OZP under sections 3 and 4 of the Ordinance if these were necessary and there were sufficient planning justifications. Given the wide coverage of the Area that comprised areas with varying characteristics including different topography and that there were different planning intentions/objectives to achieve, different restrictions for different sub-areas under the same broad zone were necessary;

*BHRs and Minor Relaxation Clause for SOHO (R3, R30 and R33)*

- (xx) the BHRs for SOHO were in general already more stringent than other sites under similar “C” and “R(A)” zonings within the Area. The buildings under private ownership in SOHO were in general not graded historic buildings. The proposal to preserve the character of SOHO would pose undue constraints on future developments/redevelopments and have adverse impact on the development potential of the affected sites;
- (xxi) the minor relaxation of the BHRs for SOHO was to cater for the provision of on-site car parking and loading/unloading facilities through the planning permission system, and should not be deleted;
- (xxii) as Peel Street, Gage Street and Graham Street as ‘Pedestrian Precinct/Street’ was not a subject of the amendments incorporated in the OZP, the representers’ proposal should be treated as invalid;
- (xxiii) paragraph 5.4 of the ES merely stated the fact that the narrow streets and the existence of fixed hawker stalls and on-street loading/unloading activities in SOHO had resulted in frequent traffic congestion. It was not considered necessary to amend the ES as suggested by the representers;

NBAs, Building Gaps and Setback Requirements (R1 to R3, R5 & R30)

- (xxiv) provision of more and wider NBAs/setback restrictions/wind corridors as proposed by some of the representers would pose undue constraints on future developments/redevelopments, especially for small lots which are common in the Area, and was considered not appropriate;
- (xxv) according to legal advice, sections 3 and 4 of the Ordinance and the scheme of the legislation were intended to give the Board

comprehensive powers to control development in any part of Hong Kong. NBA could be a part of the planning control provided that the Board had necessary and sufficient planning justifications. The designation of NBAs on the OZP, which could serve a positive planning purpose and had other positive planning benefits, was obviously regarded by the Board as a type of development control and justified in the circumstances;

(xxvi) for the meaning of the term “NBA”, the areas designated as “NBA” were clearly marked and shown in the OZP. There should be no building structure above ground, but development was permitted below ground. The objectives of the NBAs were described in paragraph 7 of the ES, i.e. for air ventilation or urban design considerations. The development potential of the sites would not be affected. Should these areas be rezoned to “O” or ‘Road’ as suggested, land resumption would be involved and the development potential would be affected;

Rezoning of “C/R” Sites (R6 and R29)

(xxvii) according to the recommendations of the Metroplan Review, the “C/R” zoning should be reviewed for more effective infrastructure planning and better land use management. As developments to the west of Centre Street were predominantly residential in nature, with lower floors used for retail/commercial activities, these sites were rezoned to “R(A)”. For the area to the east of Centre Street which had been gradually transformed into a commercial area, it was rezoned to “C”. Notwithstanding, there were provisions for residential and hotel developments under the “C” zoning, and commercial and hotel developments under the “R(A)” zoning through the planning permission system;

(xxviii) since commercial and/or residential developments were always permitted under the original “C/R” zoning, rezoning of “C/R”

sites to “C” or “R” would not increase the development intensity of sites, which was governed by the B(P)R;

Rezoning of “G/IC” Sites (R3 & R6)

(xxix) the relevant zoning amendments were to reflect the completed development or those “G/IC” sites which had been developed for non-GIC purposes generally with planning permissions granted by the Board in the 1980s and 1990s. They were residential or commercial developments with inclusion of GIC uses. It would not be appropriate to retain these sites as “G/IC” upon redevelopment as this would result in infringement of development right;

(xxx) the Board would consider each application on its own merits, based on the planning criteria set out in the relevant TPB Guidelines No. 16, including the important function of “G/IC” sites as breathing space within a high-rise and high-density environment. The criteria were also generally applicable to consideration of rezoning application;

Public Consultation (R5 & R29)

(xxxi) it was an established practice that proposed amendments involving BHRs should not be released to public prior to gazetting. The reason was that premature release of such information before exhibition of the amendments might prompt an acceleration of submission of building plans by developers to establish “fait accompli”, hence defeating the purpose of imposing the BHRs;

(xxxii) amendments to the OZP were exhibited for public inspection for a period of 2 months in accordance with the provisions of the Ordinance. The exhibition process itself was a public

consultation to seek representations and comments on the draft OZP. During the exhibition period, PlanD also provided briefings on the OZP amendments to C&WDC, local residents and concern groups. The two-month statutory exhibition period was considered adequate for consultation with the public, while maintaining the efficiency of the process;

Other Matters

*Shortfall of Open Space Provisions (R3 & R29)*

(xxxiii) while there was shortfall of about 5ha in the Area, there was a surplus in overall open space provision (including existing and planned district and local open spaces) in the Central and Western District by about 4ha. To address the shortfall in local open space as far as possible, opportunity had been taken to provide more local open space in redevelopment projects whenever opportunities arose; and

*Review & Assessments (R3, R6, R29 & R33)*

(xxxiv) the imposition of BHRs would not result in any increase in development intensity or adverse impact on the traffic and environmental conditions in the Area. Reviews and assessments on various aspects would be undertaken by the Government as and when necessary;

Representations relating to specific sites

(f) the specific grounds and proposals of the representations and PlanD's main responses were summarised in paragraph 4.5 of the Paper and highlighted below:

Area at Fung Mat Road adjoining Western Wholesale Food Market

(WWFM) (R1, R3 & R25)

- (i) to rezone WWFM to “O”, or to reinstate the “G/IC” zoning for the site at Fung Mat Road adjoining WWFM;

Main Responses

- it would not be appropriate to rezone the site as proposed by the representers because:
- the representation site was part of the WWFM. The land had been allocated to Government Property Agency for the purpose of a wholesale market and was currently used as an access area and carpark of WWFM. To reflect the existing use, the site had been rezoned from “G/IC” to “OU(Wholesale Market)”;
- there were 5 piers and three 2-storey buildings in the WWFM site, with 4 piers and some premises in the western block left unused. The majority of the WWFM site was still in use for fish and meat stalls and landing of fresh water fish and fisheries products purposes. DEVB, in collaboration with concerned government departments, was looking into ways to revitalize the vacant premises and piers for public enjoyment. Depending on the alternative uses proposed, the OZP might need to be amended to cater for future development proposals for the WWFM site in future;

Central Police Station (CPS) Compound & Former Police Married Quarters (FPMQ) (R3)

- (ii) to maintain the BH of the CPS Compound and FPMQ at about 70mPD;

Main Responses

- it would not be appropriate to amend the BHR for the site as proposed by the representer because:
- the BHRs of 60mPD, 70mPD and 80mPD for the CPS Compound would reinforce the existing stepped BH profile within the Compound while allowing some flexibility for new buildings/structures;
- a maximum BH of 75mPD for the FPMQ was imposed to ensure that the development would be compatible with the surrounding and continue to serve as a visual relief for the locality, while providing some flexibility to meet the planning intention for adaptive re-use for creative industries and related uses with the provision of public open space;
- there was sufficient planning control to the BH of the 2 sites through the planning permission system;

#### Other Sites (R3)

- (iii) to designate the S.K.H. Kei Yan Primary School site as a historic site in future; and to widen the NBA at the existing pedestrian walkway between Hing Hong Road and Pok Fu Lam Road to 10m;

#### Main Responses

- it would not be appropriate to amend the OZP as proposed by the representer because:
- S.K.H Kei Yan Primary School was neither a graded nor a proposed graded historic building under the assessment exercise of 1,444 historic buildings undertaken by the Antiquities and Monuments Office;

- the effective width of the air/wind path at Hing Hong Road was about 10m as the road itself was also a NBA;

216-232 Des Voeux Road Central (R7) and 99-103A Connaught Road West (R8)

- (iv) to relax the BHR for R7 site and R8 site to 180mPD and 140mPD respectively;

Main Responses

- it would not be appropriate to relax the BHR for the sites as proposed by the representers because the proposed BH would protrude into the 20% BFZ below the ridgeline as viewed from the West Kowloon Reclamation. Moreover, R7's proposal would affect the view from the Peak to the waterbody of the harbour;

184-198 Wellington Street (R9)

- (v) to relax the BHR for the site from 120mPD to 140mPD or higher;

Main Responses

- it would not be appropriate to relax the BHR for the site as proposed by the representer because:
- a maximum BH of 120mPD was adopted for the area generally bounded by Hollywood Road and Wellington Street. The representation site was at the northern fringe of SOHO and at a level of about 8mPD. The BHR of 120mPD already allowed a development of about 112m in terms of absolute height above ground;



- the comprehensive redevelopment scheme of URA covering the Peel Street/Graham Street site, with a BH of 122mPD to 160mPD, had been duly considered and scrutinized by the Board. It would not be appropriate to take the BH of this comprehensive development as a yardstick for determining the BHRs in the vicinity;

179-180 Connaught Road West (R10) and 181-183 Connaught Road West (R12)

- (vi) to relax the BHR for R10 site and R12 site from 100mPD to 157.5mPD and 150mPD respectively;

Main Responses

- it would not be appropriate to relax the BHR for the site as proposed by the representer because:
- as regards the Sai Ying Pun Residential Cluster in which the representation sites were located, a relatively lower height band of 100mPD was imposed on the area near the waterfront and a higher height band for the area uphill (maximum BH of 140mPD). Horizontally, the BH bands of the Area descended from east (120mPD) to west (100mPD) and echoed with the general descending profile of the mountain backdrop to the west;
- the right to proceed with the development would not be affected as long as the building plan approval was still valid. The proposed relaxation of BHR would have adverse downwind impacts on the nearby buildings and roads to the west and south of the developments;
- it would not be appropriate to apply the BH of excessively tall developments such as The Belcher's as a reference for

determining the BHRs for other sites, especially for sites near the waterfront;

331-341 Des Voeux Road West (R11),

3-25 Pok Fu Lam Road, 360-382 Queen's Road West and 125A-139  
Second Street (R15)

12-26 Sai Yuen Lane (R16), 16-20 Pok Fu Lam Road (R17) and 119-121B  
Second Street (R18)

- (vi) to relax the BHR for R11 site from 100mPD to 120mPD, the R15 site & R16 site from 110mPD to 140mPD, and R17 & R18 site from 120mPD to 160mPD;

#### Main Responses

- it would not be appropriate to relax the BHR for the sites as proposed by the representers because apart from air ventilation and protection of ridgeline and the view from the Peak to Victoria Harbour, the BHRs had been formulated based on an overall BH concept and other relevant considerations. A stepped height concept progressively ascending from the waterfront towards uphill directions had been adopted. Also, it would not be appropriate to apply the BH of some excessively tall and out-of-context developments to other sites. Otherwise, there would be a proliferation of very tall buildings. Moreover, piecemeal relaxation of BHRs for individual sites would jeopardise the coherency of the stepped BH profile;
- there might be an ambiguity of whether the minor relaxation provision was applicable to “R(A)6” to “R(A)8” sub-zones or not for sites with an area of 400m<sup>2</sup> or more. To put this beyond doubt, it was proposed that R15 to R18 be partially met by explicitly stating this provision in Remark (24) in the Notes for the “R(A)7” and “R(A)8” zones;

450-456G Queen's Road West (R13) and 30-38 Po Tuck Street (R14)

(viii) to relax the BHR for the two sites from 110mPD to 150mPD;

Main Responses

- it would not be appropriate to apply the BH of a particularly tall development such as the Belcher's as a reference for determining the BHRs for other sites;
- as regards the 2-tier control, it was proposed to amend the ES for the OZP to set out the rationale more clearly;
- considering that the site level of R13 site and R14 site were 7mPD and 21 to 32mPD respectively and that two sites were subject to 130mPD (as they were larger than 400m<sup>2</sup>), they should be sufficient to accommodate the permissible PR under the OZP and meeting various building requirements. Therefore, it was considered inappropriate to relax the BHR for the sites to 150mPD;

41-65 Pok Fu Lam Road (R19)

(viii) to reinstate the "R(A) zoning for the site or rezone it to "R(A)22" to relax the BHR to 168mPD;

Main Responses

- it would not be appropriate to amend the planning control for the site as proposed by the representer because:
- the "R(A)" sub-zones in the OZP were to cater for the 2-tier BH control and stipulation of setback and GFA restrictions for

particular sites;

- the BHR of 140mPD already allowed a development of about 102m in terms of absolute height above ground;
- the site was at the direct downstream of the southern valley winds. Relaxation of the BHR for the site would diminish the effectiveness of the southerly valley winds;
- the Commissioner for Transport commented that the representation did not include layout plans to illustrate the argument regarding the impact on the carpark layout. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department advised that basement development might be permissible;
- there might be an ambiguity of whether the minor relaxation provision was applicable to “R(A)8” zone or not. for sites of 400m<sup>2</sup> or larger. To put this beyond doubt, it was proposed that R19 be partially met by explicitly stating this provision in Remark (24) in the Notes for the “R(A)8” zone;

#### URA DSP Areas (R20 & R21)

#### Main Responses

- (x) the representations were against the imposition of BHRs due to exclusion of the 4 URA DSP areas from the control. However, since the URA DSP areas were covered by separate DSPs and not within the boundary of the OZP, the representations should be treated as invalid as the subject of representations was not related to any amendment to the OZP;

[Mr. Stanley Y.F. Wong left the meeting temporarily at this point.]

*Sheung Wan Substation Building (R22)*

Main Responses

- (xi) it was proposed that the BHR for the site be amended from 7 storeys to 9 storeys and that R22 be met to more accurately reflect the existing BH;

[Professor Eddie C.M. Hui left the meeting at this point.]

*Tung Wah Hospital & Former Lee Sai Chow Memorial Primary School (R23)*

- (xii) to relax the BHR for the Tung Wah Hospital and the former Lee Sai Chow Memorial Primary School sites from 10 to 21 storeys and from 8 to 15 storeys respectively;

Main Responses

- it would not be appropriate to relax the BHR for the sites as proposed by the representer because:
- it was not appropriate to compare the BHRs for the surrounding residential zone with the hospital site which was zoned “G/IC” on the OZP as they were different in terms of land use and functional requirements;
- there was no concrete redevelopment scheme and detailed technical assessments to address various issues including the traffic concerns and compatibility with Man Mo Temple;
- the representer could submit an application under s.12A of the Ordinance for the consideration of the Board. If justified, with

policy support and considered acceptable to departments concerned, the relaxation could be eventuated by way of a proposed amendment initiated by the PlanD. There was also provision for application for minor relaxation of the BHR to be considered on individual merits;

- on the request for transfer of development potential of the temple site to the school site, it could be considered when a redevelopment proposal was drawn up;

[Mr. Roger K.H Luk left the meeting at this point.]

*Kau Yan Church & Lechler Court (R24)*

- (xiii) to rezone the sites to “G/IC(2)”, with a BHR of 140mPD; a maximum domestic GFA of 6,573m<sup>2</sup>, and a minimum of 1,403m<sup>2</sup> and 5,531m<sup>2</sup> of GFA for church and GIC uses respectively;

Main Responses

- it would not be appropriate to amend the zoning for the site as proposed by the representer because:
- the current rezoning amendment with BHRs was primarily to reflect the completed development based on the approved scheme (No. A/H3/193);
- no concrete development scheme nor sufficient justifications for the future expansion plan for Kau Yan Church and Lechler Court had been provided;
- the incorporation of the suggested unused 15,000m<sup>2</sup> non-domestic GFA was considered excessive;

- the proposal to relax the BHR of the Kau Yan Church from 3 storeys to 140mPD could not be supported;
- to reflect the as-built situation as approved in the planning permission, it was proposed that the Notes for “R(A)15” zone covering the Lechler Court be amended by revising the maximum non-domestic GFA for GIC facilities from 6,934m<sup>2</sup> to 5,531m<sup>2</sup> (i.e. to exclude the GFA of Kau Yan Church from the “R(A)15” zone). Moreover, the zoning boundary between the “G/IC” and “R(A)15” zone should be straightened to follow more closely the westernmost edge of the school podium;

[Dr. C.P. Lau arrived to join the meeting at this point.]

#### R25 Sites

*Area bounded by Connaught Road, Centre Street, Des Voeux Road West & Eastern Street*

- (xiv) to rezone the concerned area from “C” to “R(A)”;

#### Main Responses

- it would not be appropriate to amend the zoning for the sites as proposed by the representer because the area was located on the western fringe of the Sheung Wan CBD Extension and characterised by increasing office and commercial developments with some entertainment uses. It was an extension to the business area in Central and had been gradually transformed into a commercial area. All new developments were for commercial use. Notwithstanding, there was also a provision for residential development under Column 2 of the Notes for the “C” zone through the planning permission system;

*“G/IC” site at Third Street and David Lane*

Main Responses

- (xiv) as regards R25’s proposal to rezone the site at Third Street and David Lane from “G/IC” to “O”, it should be noted that the representation site was not a subject of amendments in the OZP;

Chung Kong Road site (R2, R5 & R33)

Main Responses

- (xv) the representation site was not a subject of amendments in the OZP. The zoning of the site to “OU(CPTT&PCP)” had gone through due process under the Ordinance. It had remained unchanged since the site was first zoned “OU” in 2000 and the BH of 130mPD was still considered appropriate. ;

2-8 Staunton Street (R31) and 28 Wellington Street (R32)

- (xvi) to remove the 2m setback requirement or to change the setback requirement at ground level only, and to retain the existing lot boundary for the site; to review the traffic control measures during peak hours/days with regard to the loading/unloading and parking conditions and to designate D’Aguilar Street as ‘Pedestrian Street’ at specific hours or during events;

Main Responses

- it would not be appropriate to amend the planning control for the sites as proposed by the representers because:
- the development intensity of sites would not be affected by the setback requirements as the setback area could be included in the



site area for plot ratio calculation;

- the setback requirement would not preclude lot owners from applying for bonus plot ratio from the Buildings Department. Whether the setback area would be allowed to claim bonus plot ratio would have to be determined by the Building Authority (BA) under the Building (Planning) Regulations;
- in the absence of details of any concrete redevelopment proposal, changing the setback requirement to ground level only and allow overhanging structures above would set an undesirable precedent and was not supported;
- the Commissioner for Transport advised that the footpath of Wellington Street was not wide enough for the current pedestrian flow, particularly during lunch hours. In addition, the section of D'Aguilar Street between Wyndham Street and Wellington Street had been operating as a part-time pedestrian zone on Fridays, Saturdays, Sundays and public holidays from 7 p.m. to 4 a.m. TD had no plan to extend the duration and coverage of the pedestrian scheme at this stage;
- the representers' proposal for relaxing the setback requirement would affect the achievement of the above planning objectives. The wording 'exceptional circumstances' was included in the minor relaxation clause of setback requirements to cater for the situation that only in some exceptional cases under which the setback could not be provided due to site constraints but the planning objectives would be achieved in other forms;

[Dr. C.P. Lau left the meeting at this point.]

77-91 Queen's Road West (R26), 156-160 Des Voeux Road West (R27)  
and 35-43 Bonham Street (R28)

- (xvii) to reinstate the “C/R” zoning for R26 and R27 sites, and to remove the BH and GFA restrictions and transfer ‘flat’ use from Column 2 to Column 1 for R28 site;

Main Responses

- it would not be appropriate to amend the control for the sites as proposed by the representers because:
- for R26 & R27, as developments to the west of Centre Street were predominantly residential in nature, with lower floors used for retail/commercial activities, these sites were rezoned to “R(A)”. The existing uses would not be affected by the amendment. There were provisions for commercial and hotel development under Column 2 of the Notes for the “R(A)” zoning through the planning permission system;
- R28 was surrounded mainly by commercial developments. As the area to the east of Centre Street had been gradually transformed into a commercial area, the R28 site was rezoned to “C(6)” with development parameters specified on the OZP (i.e. a maximum GFA of 7,058m<sup>2</sup>, of which not less than 220m<sup>2</sup> for GIC facilities) reflecting the as-built situation. The existing residential use would not be affected by the rezoning. There were provisions for residential development under the “C” zoning through the planning permission system;

Honor Villa (R30)

- (xviii) to reinstate the “G/IC” zoning for the site;

Main Responses

- it would not be appropriate to reinstate the “G/IC” zoning for the site as proposed by the representer because the zoning amendment was to reflect the completed development which had been developed for residential purpose based on planning permission. The site was rezoned to “R(A)16” with stipulation in the Notes for the zone that a minimum GFA of 799m<sup>2</sup> should be provided for GIC facilities;
  
- (g) the grounds of comments and commenters proposals, and PlanD’s responses were summarised in paragraphs 5.1 and 5.2 of the Paper respectively. The responses to R1 to R33 were also applicable to C1 to C17. As regards C2’s proposal to delete the setback requirements, the imposition of requirements was necessary as they would provide more pedestrian space at ground level and create new or wider breezeways to enhance the air quality in the inner part of Area. In response to C2’s concern on the usage of vacant premises in the View Villa at Tai Ping Shan Street, it should be noted that the site formed part of an approved planning application (No. A/H3/258) for the development of a composite building for residential uses and two temples, but the two concerned temples were now operating elsewhere nearby, resulting in the reserved premises for the temple uses being left vacant. The current zoning of the site was to reflect completed development. The usage of the vacant premises was an issue to be dealt with separately. Regarding C2’s concern that the gates of Lascar Court at Lok Fu Road to the open space facilities was locked, it should be noted that the lease of Lascar Court stipulated the provision of passageway and open area of not less than 430m<sup>2</sup> for public use at all reasonable times. The concerned area was currently provided for pedestrian passage between 9 a.m. and 5 p.m. on Mondays to Fridays and between 11 a.m. and 5 p.m. Saturdays, Sundays and public holidays;
  
- (h) PlanD’s views –
  - (i) R20 and R21 were against the imposition of BHRs due to exclusion of the four URA DSP areas from the control. Since the

URA DSP areas were not within the boundary of the OZP, the representations should be treated as invalid as the subject of representations was not related to any amendment to the OZP;

- (ii) proposed to amend the draft OZP to partially meet the R15 to R19 by stating the provision of minor relaxation of building height restriction in the Notes for the “R(A)7” and “R(A)8” zone. For consistency, it was proposed that similar amendment be made for the “R(A)6” zone.;
- (iii) in response to R14’s concern on the rationale for the 2-tier height control, it was proposed that the paragraph in the ES relating to “R(A)6” to “R(A)8” zone be amended to set out the rationale more clearly;
- (iv) proposed to amend the draft OZP to meet R22 by amending the BHR for the “G/IC” zone covering Sheung Wan Substation Building from 7 storeys to 9 storeys;
- (v) the Notes and boundary for the “R(A)15” should be revised to reflect the as-built situation. Since such proposed amendments to the OZP were not to meet the representation (R24), they should be submitted to the Metro Planning Committee for consideration separately before gazetting under section 7 of the Ordinance; and
- (vi) did not support the representations No. R1 to R14, R23 to R33 and the remaining parts of R15 to R19 and considered that they should not be upheld for the reasons as set out in paragraph 7.5 of the Paper and the specific reasons as set out in the respective Annex papers.

99. The Chairman then invited the representatives of the representers and commenters to elaborate on their submissions.

R23 (TWGHs)

100. With the aid of a Powerpoint presentation, Dr. Leonard Li made the following main points:

- (a) the representer requested to relax the BHR of 10 storeys on Tung Wah Hospital (TWH) site;
- (b) TWH, found in 1870, was the first Chinese Medicine Hospital. It was currently serving a population of 530,000 with the provision of acute, convalescent, day and out-patient service. The main catchment area covered Central, Western and Southern Districts of the Hong Kong Island. TWH also provided tertiary and quaternary services for the whole population of Hong Kong;

*Need for Redevelopment and Expansion*

*Aged Hospital Buildings*

- (c) the four hospital buildings, built between 1934 to 1974, were old low-rise buildings with out-dated and undesirable layout design. The conditions of these old hospital buildings were poor and beyond repair;
- (d) contrary to PlanD's view that there was a lack of concrete redevelopment scheme and detailed technical assessments, a master development plan study for the TWH were prepared in March 1997. The scheme was supported by the Hospital Authority. The implementation of the redevelopment scheme was delayed due to shortage of funds;

*Increasing Demand of Patient Services*

- (e) there was an increasing demand for health care services for the aging population, both in-patients and out-patients and ambulatory services.

TWH was working with Queen Mary Hospital (QMH) on the expansion of operating theatres service for the Hong Kong West Cluster;

- (f) in the past twenty years, floor spaces of the hospital buildings had been fully utilised to provide new services to meet the community demand for quality patient care. The old hospital buildings, with limited floor spaces and floor loading capacities to accommodate new medical equipments, were unable to meet the present-day and upcoming requirements;

*Poor Vehicular and Pedestrian Traffic*

- (g) there was only one access to the TWH site via Po Yan Street. There was no proper loading/unloading bay or drop-off facility provided on the site and no dedicated ambulance access. The current layout of the TWH site could not cope with the frequent vehicular and pedestrian traffic resulting congestion, accidents, failure to provide timely care for critical patients, etc. The problems would be exacerbated when there were accidents or tree felling incidents blocking the access to the hospital site;
- (h) however, building additional blocks was not feasible as there was limited space within the TWH site. The only solution was to redevelop the TWH site. The proposed new hospital building would be built above a podium connecting Hospital Road to enhance accessibility. The new access could provide a better loading/unloading space for both public and emergency vehicles;
- (i) as indicated in paragraph 2.3.1 of Annex III-10 of the Paper, the proposed redevelopment of TWH was supported by the Food and Health Bureau. The master development plan study conducted in 1997 confirmed that there were genuine functional and operational needs to redevelop the TWH and various technical assessments had been prepared. The Transport Department had no adverse comment on the detailed traffic impact assessment prepared for the 1997 proposal. The redevelopment, with the proposed new access at Hospital Road, would improve the

vehicular and pedestrian traffic. Minimal environmental and visual impacts would be resulted from the redevelopment of TWH; and

- (j) in view of the functional and operational needs of the hospital and genuine and urgent need from the community, the representer requested to relax the BHR of the TWH site to 21 storeys to facilitate its redevelopment and expansion.

101. With the aid of a Powerpoint presentation, Mr. Lam Tak Shun, Paul made the following main points:

- (a) the representer requested to relax the BHR on the former Lee Sai Chow Memorial Primary School site from 8 storeys to 15 storeys;
- (b) the Lee Sai Chow Memorial Primary School was currently vacant. TWGHs planned to redevelop the site into a 15-storey Chinese Cultural Centre as an extension of Man Mo Temple;
- (c) the Man Mo Temple was a declared monument, thus the development potential of the temple site was frozen. TWGHs, being the owner of the sites, requested to transfer the development potential of the temple site to the school site;
- (d) the redevelopment of the school site would have no adverse impact on Man Mo Temple and would match with the heritage and cultural characteristics of the temple. The BH of the proposed Chinese Cultural Centre (about 72.2mPD) would not be higher than Caine Road. The proposed redevelopment was compatible with the surrounding environment and would not obstruct the views to and air ventilation of the residential buildings in the vicinity; and
- (e) the proposal was in line with the Government's policy on 'Conserving Central' to preserve the cultural and historic heritage in the area.

[Mr. Clarence W.C. Leung left the meeting temporarily at this point.]

R3 (Kam Nai Wai, Yuen Bun Keung, Ho Chun Ki, Wong Kin Shing, Yeung Sui Yin and Cheng Lai King (Central & Western District Councillor))

102. Ms. Cheng Lai King made the following points:

- (a) considering the public's aspiration to preserve the 'Old City' area bounded by TWH, Kam Tong Hall and St. John's Cathedral, R3 supported the imposition of NBAs in the area and considered that they should be further widened;
- (b) many school sites in the Mid-Levels had been redeveloped to high-rise residential buildings, leading to 'heat island' effect. The Board should reject applications for rezoning "G/IC" sites to high-rise residential developments in future;
- (c) PlanD's did not support R3's proposal to designate S.K.H. Kei Yan Primary School site as a historic site as the school was not a graded or a proposed graded building. However, the proposal should be considered in a wide perspective. The school was within a 'historic area' consisted of Kau Yan Church, Kom Tong Hall, CPS Compound and FPMQ site. The linkage of the school with the other historic buildings should not be neglected; and
- (d) many of the low-rise tenement buildings within the Area were subject to unrestricted lease. R3 was concerned that without more stringent planning control to preserve the 'Old City' area, the old buildings would be redeveloped into high-rise buildings and eventually the character of the Area would be destroyed. To R3, there was no need to develop new buildings for organising grand concerts or exhibition to revitalise the historic area. The 'Old City' was one of the few remaining historic areas in the urban area and it should be preserved in-situ.



R5 (REDA)

103. With the aid of some drawings, Mr. Ian Brownlee made the following main points:

- (a) REDA objected all amendments to the draft OZP since they were not prepared with due respect to the rights of landowners;

*No public consultation*

- (b) the OZP was prepared in a 'black box' within the Government with no discussion with the public and the stakeholders. Different proposals such as the TWH site, could be drawn up if there were discussions with the landowners;
- (c) there had been no opportunity for the public, including the development industry, to be informed as to the justifications for the need of the restrictions. There had also been no explanation given to the public as to the reasons why the particular height limits, NBAs, setback requirements and/or GFA restrictions imposed had been adopted. There had been no visual impact analysis made available to the public which indicated what the vision was for the long-term development of the Planning Area. Even though the public could make representations and comments, the chance of altering the zoning amendments was rare;

*BHRs Too Low*

- (d) the BHRs were unnecessarily low, which would result in a boring and bad city form. This was illustrated in the photomontages (Plan H-5g of the Paper) showing the building profiles under the BHRs. The BH should be set at a level capable to allow flexibility in building design for the provision of good quality development ;
- (e) one of the recommendations of the AVA by Expert Evaluation (EE) for the

Area was to encourage 'perforate building towers and podium design'. However, this was difficult to achieve given the building heights were being set unreasonably low. The EE also pointed out that the open spaces in The Center and in between Cosco Tower and Grand Millennium Plaza were 'useful design features that should be encouraged in congested area'. These plazas and open spaces were possible only because the 'excessively tall' Cosco Tower (205mPD) and The Center (288mPD) had accommodated a significant portion of the floor area high up in the air space. These were genuine examples to show that taller buildings could provide more ground and lower level space for the public;

- (f) the MPC Paper No. 10/10 which discussed the proposed amendments on the OZP recognized the Cosco Tower and The Center as landmarks forming part of the city skyline. However, the height restrictions shown on the OZP for these two buildings were only set at 120mPD. Since the relevant Notes allowed redevelopment to the height of the existing building, the 120mPD height restriction imposed on these two buildings was absolutely unreasonable;

[Mr. Clarence W.C. Leung returned to join the meeting at this point.]

*NBA*

- (g) REDA strongly objected the imposition of NBA requirements. There was no statutory basis for incorporation of such requirements in the OZP. Sections 3 and 4 of the Ordinance defined the duties of the Board to prepare draft plans for 'types of building' and 'lay-out' of an area respectively. NBA did not fall into either category. Besides, the objective of ensuring 'gaps' between buildings in appropriate places could be achieved within the existing framework of the Ordinance under which the TPB might make provision for (inter alia) open spaces, parks, and streets, etc. There was no justification for an additional category of NBA. Further, the term "NBA" was liable to cause uncertainty and confusion as the same term was used with very specific meaning in the context of lease

provisions and the implication of "NBA" under the Buildings Ordinance, in particular on site coverage and plot ratio calculations, was unclear;

*Setbacks*

- (h) REDA opposed the imposition of setback requirements on the OZP as this was not appropriate for the scale and generality of the OZP which intended to be broad-brush plans determining types of buildings and permitted uses. The provisions for road widening could be covered by other ordinances such as the Buildings Ordinance and the Roads (Works Use and Compensation) Ordinance. These ordinances provided means for compensating private landowners for the loss of their land for a public purpose. The use of the OZP for this purpose was considered wrong and might be subject to legal challenge. Besides, there was no assessment as to whether such requirements designated on the OZP was the minimum land-take and whether there were other alternatives on government land;
- (i) there was no provision in any zone in the subject OZP for any PR restriction to be exceeded as defined in Building (Planning) Regulation 22(1) or (2) despite this being a standard provision in many other OZPs. There was also no statement in the Notes or ES indicating that the private land taken for set-backs or air ventilation purposes was for public passage and that it might be considered by the BA for bonus gross floor area in accordance with the normal practice;
- (j) the combined effect of these setback requirements was the taking of private land without compensation or resumption and without adequate justification as being for a recognized public purpose. In these circumstances, R5 requested that all setback requirements be deleted from the subject OZP;

*Spot Zoning Approach*

- (k) the 'spot zoning approach' was unnecessarily restrictive. There were

twenty-one sub-zones under “R(A)” incorporating development as per parameters from the lease and the approved building plans. It violated the broad principle of planning. It was also inconsistent with the Ordinance in relation to the content and application of statutory plans. The Board should adopt a more rational and generalised zoning approach by consolidating the sub-zones into a smaller number of broader zones with similar controls on BH and development potential;

*“OU(CPTT&PCP) site at Chung Kong Road – Consistency in BHR control*

- (l) there was a practice that BHR of waterfront sites should be kept low for air ventilation purposes, regardless of the heights of the existing buildings. In Tsim Sha Tsui, the Board imposed a BHR of 85mPD on sites along Canton Road and 80mPD on sites within TSTE with air ventilation corridor requirements regardless that the existing buildings were much taller;
- (m) nevertheless, the approach adopted for “OU(CPTT&PCP)” site at Chung Kong Road which was an undeveloped waterfront site proposed for land sale was different. The 130mPD BHR for the site was only shown in the Notes. Even though the height limit had been in place before this exercise of introducing height limits to the whole Planning Area, it should have been reviewed and considered appropriate in the process. On the contrary, the other two tall existing buildings at the waterfront, i.e. Cosco Tower and The Centre, were subject to a new BHR of 120mPD;
- (n) R5 considered it a matter of principle that all sites should be treated fairly and equally. The Chung Kong Road government sale site had a high BHR of 130mPD with no setback and NBA requirements, which would result in another massive development. The BHR of 130mPD for the subject site also jeopardised the stepped height principle when the waterfront site had a higher limit than the private land further inland. It appeared there were double standards in setting development control for private and public land;

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

*Rezoning of “C/R” Sites*

- (o) the rezoning of “C/R” sites to “C” or “R(A)” removed the flexibility for landowners to decide the use on their own premises; and
- (p) “OU(Mixed Use)” zoning was recently introduced to the Causeway Bay OZP and Wan Chai OZP. Considering its proximity to the CBD, it would be equally suitable to adopt “OU(Mixed Use)” in the Area to make the city vibrant and dynamic.

R7 (Kailun Lee Chartered Architect)

104. With the aid of a Powerpoint presentation, Mr. Chan Cheung Kit made the following main points:

- (a) the representer objected to the BHR of 120mPD imposed on “C” zone (Amendment Item B1) covering 216-232 Des Voeux Road;
- (b) the site was currently occupied by three commercial buildings, namely Sam Cheong Building, Willie Building and Ka Wah Bank Building completed in late 1970s and early 1980s;
- (c) the design and quality of the buildings were outdated and ripe for redevelopment. The former Land Development Corporation had set the foundation for renewing the old buildings in the locality. Two joint site redevelopment projects nearby, namely the Grand Millennium Plaza and The Centre, were found. However, the economic incentive for redevelopment would be substantially suppressed by the BHR;

[Mr. Timothy K.W. Ma and Mr. Stanley Y.F. Wong returned to join the meeting at this point.]

- (d) the UDG promulgated the importance of preserving the ridgelines of Victoria Peak by creating a 20% - 30% BFZ below the ridgelines. When viewed from the WKCD, the BFZ for the subject site and the adjoining sites was from 182mPD to 197mPD. The visual impact of the proposed BH would be minimal. Relaxation of the subject BHR to 180mPD (excluding roof top projections) would not protrude into the BFZ. This observation was different from PlanD's response in the Paper. Besides, the view from the WKCD was already dominated by Cosco Tower (231mPD). There was no ridgeline to protect as viewed from the Tsim Shan Tsui Cultural Complex;
- (e) the proposed BHR of 120mPD for the "C" zone in the vicinity would result in a plateau-like topography and the urban landscape would become monotonous, which contravened the UDG in terms of gradation of height profile; and
- (f) it was proposed that the BHR of the representation site be relaxed to 180mPD (excluding roof top projections).

[Ms. Anita W.T. Ma left the meeting at this point.]

R8 (WMKY Ltd.)

105. With the aid of a Powerpoint presentation, Mr. Chan Cheung Kit made the following main points:

- (a) the representer objected the BHR of 120mPD imposed on "C" zone (Amendment Item B1) covering 99-103A Connaught Road West. The representation site was occupied by three composite buildings, namely Nos. 99-100 Connaught Road West, Man Fung Building and Wah Kui Mansion completed before 1969;
- (b) these old buildings were in poor condition and the development potential of the representation site was not fully utilised. They were ripe for

redevelopment from land use and economic perspective. They could be jointly redeveloped as one comprehensive development. There were two joint site redevelopment projects nearby, namely, Yat Chau International Centre and Guangdong Finance Building;

- (c) however, the economic incentive for redevelopment would be substantially suppressed by the BHR;
- (d) the planning for redevelopment of the representation site had started since mid-2009. Two building plan submissions for proposed hotel development at a height of 137.7mPD were submitted in 2010, but rejected by the BA. The owner now intended to build a commercial/office building upon redevelopment;
- (e) the UDG promulgated the importance of preserving the ridgelines of Victoria Peak by creating a 20% - 30% BFZ below the ridgelines. When viewed from the WKCD, the concerned section of ridgeline of the Victoria Peak was fully covered by Island Crest (167mPD). A development with BH of 137.7mPD at the representation site would not impose additional adverse impact on the BFZ. This observation was different from PlanD's response in the Paper. Besides, there was no ridgeline to protect and the background was dominated by the Belcher's as viewed from the Tsim Shan Tsui Cultural Complex; and
- (f) it was proposed that the BHR of the representation site be relaxed to 140mPD (excluding roof top projections).

R9 (Starbird Ltd.)

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

- (a) the representer objected the rezoning of the site at 184-198 Wellington Street from "C/R" with no building height restriction, to "C" with a BHR

of 120mPD (Amendment Item B1);

- (b) the representation site was located at the northern fringe of a large residential precinct zoned “R(A)” with BH ranged from 100mPD to 140mPD, whilst the URA Peel Street/Graham Street “CDA” site had approved heights of 122mPD to 160mPD. There was no reason why the representation site, which had been down-zoned from “C/R” to “C”, should be grouped within the same 120mPD height band as the residential precinct to the south. Commercial buildings had higher allowable PR than residential buildings and a need for higher floor-to-floor heights to accommodate required services. A higher BH was essential for office developments;
- (c) there was no good reason to remove the flexibility for a “C/R” development at the representation site considering that the representation site was in close proximity to Cosco Tower (205mPD) and The Center (288mPD) which were located on the opposite side of Queen’s Road Central, and the URA Peel/Street/Graham Street CDA (122mPD to 160mPD);
- (d) while the Paper stated that BHs of Cosco Tower, The Center and the URA “CDA” site could not be used as yardsticks for determining the BH in the vicinity, these developments, which were in close proximity to the representation site, could not be ignored as being part of the existing urban context. Future development should be compatible with the existing built environment by enabling concentric stepping of heights around these developments so that there would be no ‘sore thumbs’. This could be achieved through a higher BH on the representation site, especially considering it was currently zoned “C” and not “R(A)” zone as the large residential precinct to the south;
- (e) the Board had made reference to the approved GBPs in stipulating BHRs on the Tsim Sha Tsui OZP in which the building heights of the approved GBP were reflected in the BHR of individual sites. The same approach



had not been adopted for the subject OZP and there was no explanation given for imposing the 'blanket' BHR at the representation site without making reference to the approved GBP. The same approach should be applied to the subject OZP;

- (f) there was a valid GBP approval for an office building at 136.69mPD (main roof level) on the representation site. The 120mPD BHR on the OZP would give public a wrong impression of the likelihood of the development scale /form;
- (g) the landowner would be severely and unreasonably constrained in any design development to his approved scheme because only minor amendment to the GBP would not be subject to the BHR of 120mPD. Under the current BHR, the developer would have no incentive but to implement the approved GBP with 100% podium SC to secure the BH of 136.69mPD. There would be no opportunity for design improvements such as building setbacks for footpath widening, tree planting, improved visual corridors and breezeways, etc.;
- (h) the traffic consultant of the representer suggested the provision of a dedicated loading/unloading bay by building setback and junction improvement through road widening. A relaxed BH would provide flexibility for major revision to the approved GBP to incorporate such measures;
- (i) the BHR prevented creation of building gaps, which created an adverse impact on breezeways and view corridors. Indeed, a 'wall effect' would eventuate. The relatively low BH which covered a vast area (i.e. most of SOHO) would also give rise to a shoe box design and a monotonous and uninteresting BH profile; and
- (j) the proposed relaxation of BHR to 140mPD, which reflected not only the actual permissible BH for the committed development, also allowed an extra 3m to provide more flexibility for the design of the development

including the provision of a loading/unloading bay and road widening which were not provided for in the approved GBPs. The proposed BHR would not set adverse precedent because there were “R(A)1” zone at 140mPD in close proximity to the representation site. The relaxation of BHR would not result in adverse visual impact.

R10 (Superb Ltd.)

107. With the aid of a Powerpoint presentation, Mr. Matthew Lennartz made the following main points:

- (a) the representer objected to the imposition of a BHR of 100mPD on a “R(A)” zone covering the site at 179-180 Connaught Road West (Amendment Item C1);
- (b) approval had been granted to the GBPs for a residential development with a BH of 157.46mPD at the representation site. The BHR imposed was drastically lower than that in the approved GBPs and left limited flexibility for the representer to make amendments to the approved scheme according to market demand and public aspiration and incorporation of planning gains such as setbacks, wider building gaps, increased voids and greening;

[Mr. Laurence L.J. Li arrived to join the meeting at this point.]

- (c) the imposition of the BHR in the subject OZP was inconsistent with the Board’s practice in setting BH control in Tsim Sha Tsui to reflect the BH of committed developments, including Ocean Centre at 386.7mPD, the anticipated New World Centre redevelopment at 61-265mPD, iSquare at 134.4mPD, and other taller buildings which were well beyond the surrounding BH bands of generally 15mPD to 130mPD. Under the subject OZP, a blanket BHR of 100mPD was imposed on the representation site and the wider area which ran counter to the stepped height approach and was considered to be unfair to the representer. No reasons or rationale was given for this different approach;

- (d) the proposed BHR would result in 'shoe-box' design with substandard provisions such as floor-to-floor height. It would result in shorter, 'squat' buildings with little space between buildings as developers tried to achieve maximum GFA with maximised waterfront views. This would create a monotonous skyline and potentially a massive wall effect, and counterproductive in terms of visual permeability and wind penetration. An easing of the BHR to allow the creation of gaps between buildings and variation in the BHR was in line with the provisions of the HKPSG which stated that 'Building mass should aim to create points of interest and nodes, and allow visual permeability from the Waterfront into the inner areas. Diversity in building mass should be encouraged to avoid a monotonous harbour image';
- (e) developments with the proposed relaxed BHR would not breach any background ridgeline, but could contribute to the consolidation of the node already being created in that locality in Sai Ying Pun;
- (f) there was absolutely no incentive for the representer to implement the planning intention in terms of the imposed BHR, which was some 36.5% lower than the approved GBPs. Nevertheless, a relaxed BHR would enable the realisation of a more slender tower and a host of planning and urban design objectives;
- (g) the sudden imposition of the overly restrictive BHR would have a detrimental effect and prolong urban decay as there was a lack of incentive for redevelopment in Sai Ying Pun which was one of the nine Target Areas identified in the Urban Renewal Strategy. It should be noted that the responsibility for urban renewal of the representation site and the remainder of Sai Ying Pun rested entirely on the private landowners; and
- (h) the Board was requested to amend the BHR from 100mPD to 157.5mPD on the representation site to reflect the height of the approved GBPs. The proposed BHR would have no adverse visual impact on the ridgeline.

R12 (Liu Chong Hing Investment Ltd.)

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

- (a) the representer objected the imposition of a BHR of 100mPD on a “R(A)” zone covering the site at 181-183 Connaught Road West (Amendment Item C1);
- (b) as many buildings in the area were more than 30 years old, the area was ripe for urban renewal. Many important planning documents, including the draft OZP, HK2030, Urban Renewal Strategy etc. all pointed to the need for urban renewal, innovative building design and positive ‘transformation’ of the townscape in this “Western Gateway” of Victoria Harbour. This area was therefore of paramount importance in planning and urban design terms. A simplistic approach as exemplified in the blanket BHR would not help realise the objectives;
- (c) the representation site was currently occupied by Western Harbour Centre, a 15 year old commercial building with a BH of 118.7mPD. The building had maximum frontage along Connaught Road West which prevented sea breezes from penetrating into the inner urban areas; and limits view corridors through to the Harbour. There was poor building separation with minimal spatial relief and no greening opportunities. The imposition of the 100mPD BHR on the representation site would result in a continuation of the current situation and discourage redevelopment with improvements to the existing urban environment;
- (d) a baseline development scheme which followed the OZP restrictions and an optimum development scheme which adopted the representer’s proposal to relax the BHR had been prepared. It was demonstrated that only under the optimum development scheme, there was scope for providing breezeways, view corridors, greening and setbacks to enhance

the local environment;

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

- (e) the representation site was located in an emergent ‘townscape node’ which provided a focal point/ point of interest. The higher BH of existing and committed development within this node would also create a sense of identity in the urban environment;
- (f) a virtual pancake of development would be resulted with a 100mPD BH band extending along the most part of Connaught Road West and Des Voeux Road West. The very limited flexibility for varied BH would result in a monotonous BH profile and wall effect along this entire length of waterfront, which was in direct conflict with the UDG as well as with the Harbour Planning Guidelines which called for varying BH along the Harbourfront to promote visual interest and create an interesting harbour image;
- (g) the representation site adjoined a committed development with BH of 157.46mPD and to its west was the existing Hong Kong Plaza building at 150.38mPD. A development scheme at the proposed BHR of 150mPD would help consolidate the existing ‘node’ in the area and achieve smoother height transition with the buildings in the immediate vicinity;
- (h) innovative building design at the representation site and a coherent BH profile would allow for an attractive and vibrant waterfront, which could contribute to tourism development in Sai Ying Pun; and
- (i) to promote urban renewal, good planning and urban design outcomes, and tourism, the Board was requested to amend the BHR from 100mPD to 150mPD on the representation site.

R13 (Group Leader Ltd.)

R14 (Au, Pui Yu Roberta)

109. With the aid of a Powerpoint presentation, Mr. Phil Black made the following main points:

- (a) he was acting on behalf of R13 and R14, though the authorisation letter from R14 was awaiting;

*[Post meeting note : a letter authorising Mr. Phil Black as the representative of R14 to present at the hearing on 5.11.2010 was received on 9.11.2010.]*

- (b) the representers requested that:
  - (i) the area between Queen's Road West and Po Tuck Street, Sai Ying Pun, which covered the representation sites of R13 and R14, should be rezoned from "R(A)7" (110mPD) to "R(A)8" (120mPD);
  - (ii) the proposed height increase incentive for 400m<sup>2</sup> site areas under the "R(A)" zones should be extended to encourage larger site amalgamation with provision for better air ventilation at the pedestrian level;
- (c) the representation sites should be in the same height band with the residential cluster zoned "R(A)8" to its east. The "R(A)7" zoning with a lower BHR discriminated against owners in the Po Tuck Street/Clarence Terrace. It should be rezoned to "R(A)8" with BHR of 120/140mPD;
- (d) it was noted from the Paper that under "R(A)6" to "R(A)8" zone, a higher maximum BH (i.e. 20m more) was allowed for sites with an area of 400m<sup>2</sup> or more mainly to cater for site amalgamation for more comprehensive development and allow for provision accommodating on site transport facilities. While the planning intent was supported in principle, there were questions on why 400m<sup>2</sup> had been taken as the threshold for higher BH and why no explanation was provided in the ES;

- (e) it was considered possible to extend the incentive to encourage larger site amalgamation. As such, the representers recommended allowing an additional 20m height incentive for site with an area over 800m<sup>2</sup> in “R(A)6” to “R(A)8” zones provided that the scheme included measures such as air paths, open spaces, green areas, NBA, building setbacks to improve air ventilation at pedestrian level and the BH did not intrude upon ridgeline and Harbour views from key vantage points. The additional 20m height incentive would be subject to the Board’s approval under section 16 of the Ordinance;
- (f) it was not clear whether the minor relaxation provision in respect of the BHR was applicable to the higher maximum BH in the “R(A)6” to “R(A)8” sub-zones; and
- (g) a set of building plans for composite commercial/residential building at 130mPD was approved by the BA for R13 site and R14 site in September 2010. The Board was requested to respect the BH of the approved GBPs and reflect them on the OZP, rather than imposing a blanket BHR over the concerned sites.

R19 (Fullco Development Ltd.)

110. With the aid of a Powerpoint presentation, Mr. Kenneth To made the following main points:

- (a) the representation was made in respect of the BHR imposed on the “R(A)8” zone covering the site at 41-65 Pok Fu Lam Road;
- (b) there was over 20m difference in the allowable absolute BH among sites zoned “R(A)8”. Despite the varying topography and substantial difference in site level, the area zoned “R(A)8” was subject to the same BH of 120mPD/140mPD. This failed to respect and was insensitive to the natural topographic profile, which created injustice that some sites,

including the representation site, had more stringent control. The site was located near the upper end of the varying street level with its absolute BH limited to only about 100m. The BHR did not help to create a stepping height profile up the hill slope. The stringent BHR would not facilitate improvement measures such as building gaps and setbacks. The overly stringent BHR would therefore only result in a wall-like built form which was contrary to the sustainable building design guidelines promulgated in the Report on Public Engagement Process on Building Design to Foster a Quality and Sustainable Built Environment (June 2010) prepared by the Sustainable Development Council (SDC);

- (c) with the support of the owner, his consultant team, in conjunction with an architect and an AVA consultant, had prepared a conceptual scheme to demonstrate some good design elements on the redevelopment of the representation site. In devising the conceptual scheme, reference had been made to the urban design and air ventilation principles of the Chapter 11 of the Hong Kong Planning Standards and Guidelines and the sustainable building design guidelines set out in the SDC's report. Some of the proposals in the conceptual scheme were new and had not been covered in their written representation;
- (d) given the configuration of the site, its long street frontage, the adjoining uses and the present wind environment, some good design elements including setback from the Pok Fu Lam Road, reduced podium, basement carpark, building gaps had been considered in preparing the conceptual scheme. For comparison purpose, a baseline scheme and an enhanced scheme had been prepared:
  - (i) the baseline scheme, with an absolute BH of 100m (i.e. 140mPD), SC of 90% (podium level) and 37.5% (tower), provided a setback of 4.5m from the western boundary and the street frontage would be over 80m;
  - (ii) the enhanced scheme, with an absolute BH of 120m (i.e.



about 163mPD) and SC of 70% (podium level), entailed a setback of 15m (podium level) and 20m (tower) from the western boundary and considerable setback of the podium from Pok Fu Lam Road; and

- (e) the enhanced scheme fared better than the baseline scheme in that with the setback and reduced podium SC, the former opened up the SW wind corridor and achieved better air ventilation performance and the sustainable building design requirements. An AVA had been carried out in respect of the conceptual schemes.

111. With the aid of the Powerpoint presentation, Mr. Calvin Chiu, the AVA consultant of R19, made the following main points:

- (a) with reference to the AVA report for the draft OZP, the annual prevailing wind of the area where the representation site was located was from the east and north-east whereas the summer prevailing wind was from the east and south-west;
- (b) the breathing space, i.e. the Third Street Playground to the north of the representation site, was surrounded by buildings. There was no linkage between major air space and the local breathing space, hence wind from the south and south-west could not penetrate through the area;
- (c) according to the Building Volume Density map of the AVA report, the heat island effect would be worsened when redevelopment complying with the BHR, i.e. scheme similar to the baseline scheme, took place;
- (d) the result of wind modelling showed that the wind speed of southerly and south-westerly wind would increase by over 20% under the enhanced conceptual scheme. As the prevailing wind in the summer was from the south and south-west, air ventilation in summer season would be significantly improved;

- (e) the principles set out in the AVA report for the Area had also been examined. In general, it was recommended that as much air space as possible be allowed, and setting aside 20 to 30% of the site for NBA would be a good starting point. Opportunities should be taken to further widen and connect the lanes and streets as far as practicable. NBA for each of the individual site to reduce the frontal area was also recommended; and
- (f) based on the modelling result and the principles set out in the AVA report for the Area, and given the configuration of the site with long street frontage, it was recommended that a strip of land with 15m in width from the western frontage of the representation site be designated as NBA to create new linkage between the major air space and the local breathing space.

112. With the aid of a Powerpoint presentation, Mr. Kenneth To proposed to rezone the representation site to a new sub-zone of “R(A) with the proposed BHR of 160mPD and to designate the western portion (15m in width) of the site as NBA and impose a further set back of 5m from the NBA for the building tower at 15m above the street level. These measures would significant improve the air ventilation by creating new linkage between major air space and breathing space.

#### R20 (Smartop Ltd.)

113. With the aid of some plans, Mr. Ian Brownlee made the following main points:

- (a) R20 was concerned about the exclusion of four URA DSP areas from the BH control under the subject OZP;
- (b) URA had a history of developing excessively tall and out-of-context buildings. The imposition of a lower BHR over completed tall buildings, for instance a BHR of 120mPD over the Center (with a BH of 288mPD), was extremely futile because the completed development would exist on the site for a long time;

- (c) PlanD stated in the Paper that the representation should be treated invalid as the subject of representation was not related to any amendment to the OZP. However, R20 held that it was valid to raise representation concerning omissions on the OZP, particularly that the four DSP areas were physically within the Area and the landowners of all other private lots in the Area were subject to BHR under the OZP amendments. It was unfair to developers that while the redevelopment of other private lots, which were under half-way of the planning process, were subject to BHR restrictions; the URA was in the processing of revising its schemes without such statutory restrictions;
  
- (d) the Board should adopt a consistent approach in exercising planning control on all sites, be it private land, URA DSP sites or government land. To resolve the omission, the Board was requested to amend each of the four DSPs to include the BHR with respect to the concerned height bands surrounding the DSP areas.

R22 (The Hong Kong Electric Co. Ltd)

114. With the aid of a Powerpoint presentation, Mr. Lee Wai Hung, Daniel made the following main points:

- (a) the presenter did not object to the imposition of BHR on the OZP. However, the BHR of seven storeys imposed on the representation site would substantially affect the flexibility for redevelopment and alteration;
  
- (b) the existing Sheung Wan Substation Building, completed in 1990, was of nine storeys tall. The building had been fully used to house two electric substations which were essentially to provide adequate and stable electricity supply to the public; and
  
- (c) the presenter agreed with PlanD's recommendation to amend the BHR of the representation site from seven storeys to nine storeys to more accurately reflect the existing BH.

[Professor S.C. Wong left the meeting at this point.]

R24 (Tsung Tsin Mission of Hong Kong Incorporated)

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

- (a) R24 opposed the rezoning of Lechler Court from “G/IC” to “R(A)15” subject to a BHR of 140mPD a maximum domestic GFA of 6,573m<sup>2</sup> and a maximum non-domestic GFA of 6,934m<sup>2</sup> of which not less than 5,531m<sup>2</sup> was for GIC uses, and stipulation of a BHR of 3 storeys for Kau Yan Church under “G/IC” zone;
- (b) Kau Yan Church was an existing Grade III historic building but proposed to be graded to Grade I. Lechler Court was a 27-storey composite development with Kau Yan School and church quarters on G/F to 6/F. The neighbourhood was undergoing redevelopment and transformation, such as the URA First Street and Second Street redevelopment project (the Island Crest) and URA Yu Lok Lane/Centre Street Development to the east and north east of the representation site;
- (c) the rezoning was to reflect the development intensity of a s.16 application (A/H3/193) approved by the Board in 1993 for the development at the whole “G/IC” site. When the application was approved, the representation site was considered as one “G/IC” site. The primary intention at that time was to build a quality primary school (i.e. Kau Yan School) and to accommodate some residential uses to meet the housing needs of the community. The approved development had not used up the development potential of the whole site, with over 13,500m<sup>2</sup> GIC (non-domestic) GFA yet to be utilised to serve the community. The existing non-domestic GFA of 6,934m<sup>2</sup> (Kau Yan Church and Kau Yan School) of the whole site outweighed the domestic GFA of 6,573m<sup>2</sup> (Lechler Court including Church quarters). GIC use was the predominant land use of the whole site;

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

- (d) there was a need for GIC uses for the growing population in the Area. In particular, there was a lack of space in the church and school area for worship services and community services. More office space was required for the church pastors, and more space was required for Kau Yan School to serve the children in both kindergarten and primary school for better schooling activities. As the existing GFA in the “R(A)15” site already exceeded the limits under Building (Planning) Regulation, minor relaxation of GFA to accommodate the un-utilised development potential for community service was not feasible and the opportunity to provide additional community services would be lost;
- (e) it should be noted that the representation site was held under unrestricted lease and was purchased by the owner at market price. While, the owner of the representation site was not a developer, it planned to develop the unused potential of the site for community uses. The private development right of R24 should be respected;
- (f) R24 planned to convert the open air basketball court into an all-weather ball court and build an eight-level low-rise structure above the ball court to provide about 3,180m<sup>2</sup> GFA for community / school services. The new structure would be at the same level as the existing Kau Yan School;
- (g) it was illustrated from the drawings that the new low-rise extension would not overshadow the church but could provide opportunities to provide multi-level greening for visual amenity. The new structure would blend in with the stepped height profile ascending from the church to Lechler Court when viewed from Western Street. No adverse air ventilation and visual impact would be resulted; and
- (h) R24 therefore proposed to:

- (i) rezone the representation site to “G/IC(2)”, retain Kau Yan Church, and the “G/IC(2)” should be subject to a BHR of 140mPD, a maximum domestic GFA of 6,573m<sup>2</sup> and a minimum of 1,403m<sup>2</sup> and 5,531m<sup>2</sup> of GFA for church and GIC uses respectively; or
- (ii) rezone the representation site to “G/IC(2)”, retain Kau Yan Church, and the “G/IC(2)” should be subject to a BHR of 140mPD, a maximum domestic GFA of 6,573m<sup>2</sup> and a maximum of 1,403m<sup>2</sup> and 8,711m<sup>2</sup> (i.e. 5,531m<sup>2</sup> plus 3,180m<sup>2</sup>) of GFA for church and GIC uses respectively.

116. Dr. Wong Fook Yee, the President of the Tsung Tsin Mission of Hong Kong Incorporated, made the following main points:

- (a) the representation site was purchased as one whole lot by a Swiss-German missionary for religious and education purposes. It was later sub-divided into several lots and part of it was developed for residential use for fund raising purpose. Nevertheless, the ground level of different portions of the site was connected and remained open to the public;
- (b) the zoning amendment would disrupt the plan for expansion of community facilities at the representation site. As the church was a proposed Grade I historic building, its development potential would be lost. Given that the representation site had for long been considered as one “G/IC” site, it would be reasonable to rezone the church together with the residential portion of the site to “G/IC(2)” subject to a common set of development control. After all, the proposed expansion was for community uses rather than for domestic purpose; and
- (c) it should be reiterated there was a strong demand for GIC facilities in the area and the zoning amendment would lead to a reduction of the needed facilities.

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

R26 (Montgomery Enterprises Ltd.)

117. Mr. Chan Dick Ling, Eddie made the following main points:

- (a) the representer objected to the rezoning of a site at 77-91 Queen's Road West from "C/R" to "R(A)";
- (b) as stated in the Paper, as developments to the west of Centre Street were predominantly residential in nature, these sites (including the representation site) were rezoned to "R(A)". However, the representation site was currently occupied by a commercial/office building, and there were many hotels and offices in the neighbourhood. The area was not predominantly residential in nature; and
- (c) it was also stated in the Paper that there were provisions for commercial and hotel development under Column 2 of the Notes for the "R(A)" zone through the planning permission system. However, for commercial/hotel development, the PR of the representation site would be decreased from 15 to 12 upon rezoning to "R(A)". Such de facto reduction in development potential was unfair to the landowners.

R29 (Energy Saving Network of Central & Western Building)

118. Ms. Sani Howard made the following main points:

- (a) recent new high-rise developments had already adversely affected the air ventilation in the Area. This in turn resulted in an increasing use of air conditioning facilities by the residents living in the area. The proposal made by R19 to improve the air ventilation in the locality upon redevelopment of the site was supported;
- (b) there was a lack of meeting places for the Incorporated Owners'

Committees of private residential developments in the Area; and

- (c) there was also concern on fire safety when commercial buildings were converted to residential uses.

[Mr. Clarence W.C. Leung left the meeting temporarily at this point.]

119. Ms. Lau Ka Sin made the following main points:

- (a) there was increasing demand for community facilities and open space. The local community did not require iconic or grand facilities, instead facilities like a bicycle track along the waterfront promenade and food courts would be well received;
- (b) the proposal of R24 to provide more community facilities at Kau Yan Church site was supported. However, it was noted that the Kau Yan Church site was located up on the hill and was not easily accessible to the elderly living in the core area;
- (c) with the ageing population, more community facilities such as a cultural complex or venue for Cantonese opera were required to serve the local residents. The temporary works area currently used by MTR as a site office could be reserved for community uses in the long run; and
- (d) the western part of the Area was characterised by a mix of residential development with small scale commercial and retail uses. To keep the local character, the concerned area should not be planned for pure residential use.

[Mr. Clarence W.C. Leung returned to join the meeting at this point.]

R31 (Owners of 1/F-3/F, 2 Staunton Street; 2/F, 3/F and 5/F, 4 Staunton Street and 6-8 Staunton Street)



120. With the aid of a Powerpoint presentation, Ms. Connie Yiu made the following main points:

- (a) the representer opposed imposition of 2m setback requirement for the “R(A)12” zone covering 2-8 Staunton Street;
- (b) it was stated in the Paper that ‘streets and footpaths in SOHO were narrow and sub-standard’ and ‘in order to improve the situation, setback requirements were imposed’ and ‘this would help preserve the character of the local roads and at the same time discourage higher speed of vehicular traffic within the area’ (paragraph 3.1.19 of the Paper). The setback requirement was to facilitate local road widening. Nevertheless, the correlation of preserving the character of the area and reducing the vehicle speed by widening the Staunton Street was questionable;
- (c) compared with Hollywood Road which was congested and jammed by vehicles, the vehicular traffic in Staunton Street was not heavy. Only few vehicles would detour from Caine Road and Old Bailey Street to Staunton Street. Therefore, it was necessary to devise solution to resolve the traffic congestion in Hollywood Road and Caine Road, rather than Staunton Street;
- (d) if Staunton Street was widened to the extent like Old Bailey Street, which was a 5.5m carriageway with 2m footpath on both sides, it would change the character of SOHO entirely;
- (e) the widened street might also result in illegal on-street parking, speeding of cars, or attract more car trips to the area. These would pose danger to road users, pedestrians as well as SOHO-goers;
- (f) it might not be technically feasible to widen the section of Staunton Street where its footpath juxtaposed with the landing steps of the Central-Mid Levels escalator;

- (g) the setback requirement would affect the property rights of the landowners. If the setback requirement had to be retained, the requirement should be changed to setback at ground level only, allowing overhanging structures 4m above the ground level;
  
- (h) in conclusion, R31 requested the Board to:
  - (i) review whether it was necessary to impose setback requirement for the subject site for road widening;
  
  - (ii) examine if it was technically feasible to widen the concerned section of Staunton Street as mentioned under (f) above;
  
  - (iii) whether a standard 5.5m carriageway was compatible with the character of the historic area in SOHO district;
  
  - (iv) respect the rights of the property owners, or minimise the loss of property owner by limiting the setback to G/F only;
  
- (i) in respect of PlanD responses:
  - (i) that full building setback above ground would also have the benefit of enhancing visual permeability along the concerned streets (paragraph 2.3.1 of Annex III-14) - it should be noted that 'achieving visual permeability along streets' was not a planning intention. The current situation could offer variety and interest along the street, not a boring and uniformed building façade;
  
  - (ii) that the setback would not impose adverse impact on the development potential (paragraph 2.3.1 of Annex III-14) - the proposition was not true. Ground floor commercial GFA was more valuable than residential GFA on upper floors. Lot owners were estimated to suffer a rental loss of about HK\$400 per sq. ft. per month in foregoing the ground floor GFA; and

- (iii) the setback requirement would not preclude lot owners from applying for bonus PR from the Buildings Department (paragraph 2.3.3 of Annex III-14) - it should be noted that bonus PR for setback was needed to minimise the loss of lot owners. As the loss was consequential to a statutory setback requirement, the bonus PR should be automatically granted to affected owners.

R33 & C1 (Designing Hong Kong Ltd.)

121. With the aid of a Powerpoint presentation, Ms. Eva Tam made the following main points:

- (a) R33 supported development control imposed on the OZP, but the control should not be limited to BHR only. In fact, the zoning amendments failed to preserve the special characteristics of SOHO;
- (b) SOHO was characterised by low-density small-scale development, close neighbourhood with vibrant community and as an energetic gathering place. It was popular among tourists and residents;
- (c) the proposed 130mPD BHR imposed onto the SOHO area would induce higher density development. This would destroy the existing character and attract traffic into the already congested roads; and
- (d) it was therefore recommended that the BH of redevelopment in SOHO be limited to a maximum of twelve storeys and designate sections of Peel Street and Graham Street used for street markets as 'Pedestrian Precinct/Street'.

C2 (Central & Western Concern Group)

122. Ms. Law Ngar Ning, Katty made the following main points:

- (a) C2 agreed with the views of some representers that setback requirements for road widening and imposition of BHR of 130mPD could not help preserve the characteristics of SOHO. C2 had previously lodged an objection to planning application for a 30-storey high development in SOHO. In addition, C2 had submitted a rezoning application (No. Y/H3/3) for the URA Peel Street/Graham Street CDA site. In considering the rezoning application, some Members opined that the Board should strive to preserve vibrancy of the existing historic Graham Street Market and expressed a strong concern towards the need for preserving the 'Old City' area. The Administration was requested to carry out a review on the preservation policy with particular respect to the 'Old City' area. Apparently there was no progress as reflected in the zoning amendments covering SOHO in the subject OZP;
  
- (b) as the Area was overly developed, the representations which proposed to further tighten the BHR were supported. But BHR alone was not sufficient as it would result in low and squat buildings. There was no guarantee that the proposed improvement measures such as greening would be realised. Only through the setting of building gaps and setback requirements on the concerned lots would ensure the implementation of the improvement measures upon its redevelopment;
  
- (c) C2 shared the concern of some representers on the double standards of the Board in exercising development control on private land vis-à-vis four URA DSP areas and a piece of government land at Chung Kong Road. Graham Street was one of the oldest street markets in the urban area. The approved Master Layout Plan of URA Peel Street and Graham Street development scheme comprised 30 to 40-storey towers over 4-storey podium and had a BH to more than 140mPD, which was entirely incompatible with the surrounding. The street market would vanish under the approved URA scheme. At present, the vibrant street market was not yet demolished and there was still opportunity to preserve the concerned area. C2 therefore proposed to reduce the development intensity of the URA Peel Street and Graham Street DSP Area so that the low-rise

developments along the street market could be retained. The Board's agreement to review approved URA scheme would present to both the public and the developers its determined will to preserve the old Central & Western districts;

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

- (d) it was a misconception that private property owners' rights must be protected. In an over-developed area, there was overriding public needs to limit the development potential. On the whole, limiting the PR and BH of development in the areas would result in a better environment for the community and future generation. The owners of Staunton Street had taken the initiative to apply to the Board for a lower BHR for their renovated the old/tenement buildings. There was increasing demand for flats in well preserved low-rise building in the area; and
- (e) in conclusion, there was a need to review all the URA DSP schemes in the Area, especially the Peel Street/Graham Street and Staunton Street/Wing Lee Street schemes which would result in wall buildings in the crowded urban centre. Redevelopment by way of CDA undertaken by URA might not be desirable and alternative sustainable redevelopment mechanisms should be explored. The Board should take the lead by imposing the PR restriction in the Area, and designate the area within SOHO and Graham Street as 'Special Protection Areas' to encourage rehabilitation of tenement buildings.

123. With the aid of some photographs and a video clip, Mr. John Batten made the following main points:

- (a) the traditional mind-set of protecting private development rights in the planning process had to be changed in view of the strong public aspirations for quality and sustainable living environment;

- (b) since some five years ago, C2 had been actively advocating the preservation of the 'Old Central'. With its efforts, the earlier plans to sell the FPMQ site for the development of two residential towers were discarded. C2 had also taken a monitoring role to ensure that the public spaces/ GIC facilities would be used by the community and open to the public with free access;
- (c) the rezoning of various sites from "G/IC" to "C" or "R(A)" was opposed as the concerned developments were originally approved because GIC facilities would be provided to serve the public. For example, the open space of the Lascar Court at Lok Ku Road was not an up-to-standard landscaped open space. Its entrance gates were always locked, thus preventing the public to use the GIC and open space facilities therein. However, some of these GIC facilities were not easily accessible by the local residents;
- (d) objected to R23's proposal to demolish the former Lee Sai Chow Memorial Primary School next to Man Mo Temple for a Chinese Culture Centre. Man Mo Temple and its surrounding area should be preserved as a whole instead of just focusing on preserving the graded temple. The proposed Chinese Culture Centre could be built elsewhere;
- (e) in general, people living in tenement buildings in the 'Old City' area did not prefer to move elsewhere as the area was close to the CBD, and the ambience was amicable. It was considered that the BHRs were too high and would result in a built form detrimental to the neighbourhood. He objected to the proposed uphill escalator at Pound Lane as it was not necessary given the low pedestrian usage, but proposed such facilities for the TWGH site to enhance the accessibility to the hospital. In any circumstances, sites falling within the landslip zone (e.g. U Lam Terrace, Tai On Terrace, Pound Lane, Rutter Street, etc) should have very restrictive BHRs as there was a recognised slope and landslide problem in the entire Mid-levels. A large amount of surface runoff would result during heavy rainfall, as shown in the video showing the overflow over the

staircase near Po Hing Fong; and

- (f) C2 maintained their views stated in the submission, including that BHRs stipulated on the OZP should be substantially lowered, the concern on the vacant GIC GFA in the View Villa development, and the problem of narrow footpaths in SOHO should be resolved by traffic management measures instead by setback requirements.

124. Ms. Law Ngar Ning, Katty supplemented that the Graham Street Market was at stake and C2 was preparing to submit another planning application with a view to preserving the area. She earnestly requested the Board to favourably consider the upcoming application.

125. In response to the comments and questions raised by the representatives of representers and commenters at the presentation session, Ms. Brenda Au, DPO/HK, made the following main points:

- (a) in support of their requests to relax the BHRs, some representers proposed to incorporate various planning and design merits in their development schemes such as setback requirements, building gaps and greening along the road. There was, however, no mechanism to ensure that such enhancement measures would be materialised with the BHRs relaxed. To cater for site specific circumstances and schemes with planning and design merits, there was provision for minor relaxation of the BHR under the OZP. Each application would be considered by the Board on its individual merits. A set of criteria for considering such applications was set out clearly in the ES of the OZP, which included situations like providing better streetscape, building separation and other planning and design merits as well as accommodating bonus PR;
- (b) the four URA DSP areas were not excluded deliberately from the OZP control. The DSP areas were covered by separate DSPs and not falling within the boundary of the OZP. The development control of the concerned areas were governed by respective DSPs and planning briefs as

endorsed by the Board;

- (c) the BHR of 130mPD already stipulated in the Notes of the OZP for the Chung Kong Road site was the maximum BH. In drafting the land sale documents for the site, the Government intended to limit the BH to 120mPD, which would tally with the BHR of the nearby commercial buildings;
- (d) as shown in the photomontages of the Paper, the proposed BH of 180mPD for R7 and 140mPD for R8 would protrude into the 20% BFZ below the ridgeline as viewed from the western end of WKCD. The vantage points at the WKCD and the Tsim Sha Tsui Cultural Complex as set out in the UDG had been adopted in the preparation of photomontages;
- (e) the minor relaxation clause in respect of the BHRs incorporated into the Notes of the OZP under Remark for “R(A)” zone was intended to cover all sub-clauses of “R(A)” zone including “R(A)6” to “R(A)8” sub-zones. It was proposed to explicitly state this provision in Remark (24) in the Notes for the “R(A)6” and “R(A)8” zones;
- (f) 400m<sup>2</sup> was taken as the threshold for higher BH under the two-tier BH control mainly to cater for site amalgamation for more comprehensive development and to allow for provision of on-site parking, loading and unloading facilities and other supporting facilities. The use of turntable and car lift would require a certain minimum site area;
- (g) R24 was concerned that the rezoning would prohibit utilising / transferring the development right from the Church part to the Lechler Court part of the representation site. However, it was noted that the previously approved GBPs covered the whole representation site as considered by the BA. In considering what constitute a site, BA had separate consideration and the rezoning would unlikely affect the overall development intensity of the whole site;



- (h) in view of the character of the SOHO area and the existing narrow streets and footpaths there causing vehicular/pedestrian conflicts, the area was intended to be pedestrian-oriented. Hence, more stringent BHR had been imposed on SOHO, such as sites along Staunton Street and Elgin Street, to keep the development/ redevelopment to as low as possible and minimize vehicular traffic in the area while giving due regard to development potential of sites. On-site car parking and loading/unloading requirements would be waived for sites smaller than 900m<sup>2</sup> in the area. However, these facilities would still need to be provided for sites of 900m<sup>2</sup> or larger with at least 30m street frontage on two sides so as to cater for the demand for such facilities in the area. The specified site area and street frontage were to meet the internal circulation and turning requirements to avoid vehicles queuing up and waiting along public roads for small sites using turntables. Consideration would be given to applications for minor relaxation of the BHRs for these sites to cater for the provision of on-site parking and loading/unloading facilities through the planning permission system;
  
- (i) considering that the streets and footpath in SOHO were narrow and sub-standards, and there was a lack of loading/ unloading facilities in the area, road widening for some streets was considered necessary to cater for the provision of the needed on-street loading/unloading facilities. According to TD, 5.5m was the minimum width for one-way carriageway to facilitate on-street loading/unloading without blockage of through traffic in the area. For pedestrian traffic, the footpath was proposed to be widened to 2m, or more for some busy streets like Wellington Street and D'Aguilar Street ;
  
- (j) on C2's comments to preserve the "Old City" areas including SOHO, the buildings under private ownership in the concerned area were in general not graded historic buildings. Given that the proposal would have far-reaching implications, it was premature to consider the suggestion for preserving the "Old City" areas without any comprehensive study and thorough community discussions on the various issues involved. The imposition of BHRs would not preclude future PR control, if justified;

- (k) according to the lease, the ground level of Lascar Court should be used as a passageway and open area for public use at all reasonable times. There was no requirement to use the concerned area as a landscaped public open space; and
- (l) the proposed uphill escalator at Pound Lane was raised by some members of the C&WDC. The development priority and technical feasibility of the proposed escalator were being examined by TD.

126. On traffic management and planning for SOHO, Mr. Sunny Fu, SE/C&W, TD, made the following main points:

- (a) the alignment and technical feasibility of the proposed uphill escalator at Pound Lane, which was suggested by some C&W DC members, was still being examined. The C&WDC would be consulted on the detailed proposal in due course;
- (b) the building lots in SOHO Area were in general small in size with short street frontage and the roads in the Area were in general narrow, such characteristics posed constraints in providing efficient vehicular access and internal transport facilities. as these facilities require large site space, wide site frontage and wide carriageway
- (c) in respect to PlanD's planning intention to enhance the Area as pedestrian friendly environment without bulky podium for the internal transport facilities, TD had considered three inter-related perspectives – the pedestrian traffic, the vehicular traffic and the loading /unloading arrangement;
- (d) for pedestrian traffic, TD supported waiving internal transport facilities for the small sites, to avoid proliferation of vehicular accesses that might result in conflict with pedestrian movements. TD also supported widening of existing footpath to 2m, the minimum standard under HKPSG, to provide

1m-wide buffer area at shop frontage while leaving another 1m for pedestrian traffic as well as catering occasional loading/unloading activities. The carriageway of a section of Staunton Street interfaced with the Central-Mid-levels escalator would remain suitably narrowed with wider footpath, as traffic calming measure to enable safe pedestrian crossing of the Staunton Road to access the escalator;

- (e) for vehicular traffic, TD pointed out that the roads in the Area served dual purposes –as access to the Area itself and as through road to other neighbouring area such as Bridge Street, Wing Lee Street etc. To enhance smooth traffic within the Area and through traffic to neighbouring area, TD considered two measures acceptable – (i) waiving internal transport facilities requirements for sites smaller than 900m<sup>2</sup> which will minimize vehicular traffic in the Area and reduce pedestrian-vehicular conflict at run-in/outs, (ii) widening of carriageway to 5.5m, the minimum width for one-way carriageway under HKPSG., to facilitate on-street loading/unloading without blockage of through traffic to neighbouring area;
- (f) for loading/unloading arrangement, for small sites it would be catered for an on-street layby, for large sites it would be catered in-door. Provision of loading /unloading facilities was crucial to avoid long queues of vehicles waiting along public roads; and
- (g) the proposed widening of footpath and carriageway and waiving internal transport facilities was a balance between the needs of pedestrian, motorists and logistic support of the Area in line with PlanD's planning intention. On the whole, the scale of road and footpath widening was considered modest and was appropriate.

127. The Chairman then invited questions from Members.

128. A Member enquired why TWH at the representation site had to be expanded to provide services to the public, instead of relying on other hospitals in same hospital cluster

to do so.

129. In response, Ms, Cissy Yu, the representative of R23, made the following points:

- (a) in the Hong Kong West Cluster, the QMH was a regional acute hospital as well as a tertiary and quaternary referral centre for advanced medical technology services whereas the TWH mainly provided extended in-patient care mainly for providing ambulatory and day surgery services and rehabilitation day services. The Grantham Hospital was a major referral centre providing comprehensive medical treatment of adult heart and lung diseases. The Duchess of Kent Children's Hospital at Sandy Bay provided treatment, rehabilitative services and accommodation for patients over 18 years old, especially orthopaedic patients with spinal problems. There was no overlapping on provision of medical services among hospitals. They complemented one another in providing comprehensive medical services for the population within the cluster; and
- (b) the demand for medical services from the ageing population was increasing. Also the provision of Chinese medical services was becoming popular and well-received by local residents. TWH would provide more medical services to meet the needs of the local community. There was a genuine need to redevelop and expand the hospital buildings to meet the present-day and future requirements.

130. Mr. Lam Tak Shun, Paul, another representative of R23, added that the representer was reviewing the schedule of accommodation and relevant technical assessment such as TIA and AVA for the redevelopment scheme.

131. Ms. Cissy Yu recalled that there was once a tree felling incident which blocked the only access to the TWH, i.e. Po Yan Street. Acute in-patients services had to stopped and transferred to the QMH. There was an operational need to open up another vehicular access at Hospital Road, and it could be implemented under the comprehensive redevelopment project with a relaxed BHR on the site.

132. Another Member noted that there were already some social welfare/community centres serving the local community. This Member enquired the view of the Social Welfare Department (SWD) on the provision of additional community facilities at the Kau Yan Church site.

133. Dr. Wong Fook Yee, the representative of R24, replied that the new community services were for family and new immigrants, which were in need in the Area. The community facilities could also be open to public for meetings and elections. He stressed that the new community services would be provided by the representer without any subsidies from the SWD. Ms. Betty Ho, another representative of R24, said that the additional floor space would also be used by the Kau Yan School to serve the children in both kindergarten and primary school for better schooling activities.

134. In response to DPO/HK's elaboration above, Mr. Ian Brownlee, the representative of R5 and R20, made the following main points:

- (a) one key purpose of the OZP amendments was to impose BHRs for the Area, be it covered by OZP or DSPs. BHRs should also be imposed on the DSPs to reflect the overall planning concept for the Area;
- (b) as regards the government land at Chung Kong Road, the Board should not rely on other regime to enforce the BH control. For consistency and fairness, amendments should be made to incorporate the revised BHR of 120mPD for the site so that the public could comment under the statutory planning system; and
- (c) regarding the comment that 'no guarantee that all the proposed enhancement could be eventuated', it should be noted that under the current restrictive BHRs, only 'box-like' developments would be guaranteed. It was a hard fact that developers would not apply for minor relaxation of BHR because of the time involved and the complicated process to go through. They might go for building a 'bad' building quickly. With reference to Plan H-5g of the Paper, the photomontage consolidating

all representers' proposals was not that excessive or out-of-context, when compared with the baseline situation under the current BHRs.

135. Ms. Keren Seddon, the representative of R9, R10 and R12, made the following points:

- (a) the proposition that there was no guarantee to ensure the realisation of the enhanced planning and design measures was ungrounded;
- (b) the blanket BHR applied to the concerned representation sites and the surrounding area would result in 'pancake' developments. It was not good planning. The overly restrictive BHR was also inconsistent with the design principles set out in the HKPSG advocating the need for points of interest and nodes in building mass to avoid a monotonous harbour image. Besides, the chance of obtaining approval under minor relaxation was slim. Proper zonings with appropriate BHR control were needed in the first place; and
- (c) it should be noted that the representation sites of R10 and R12 at Connaught Road West were already located in an emergent townscape node, and at a good distance from the waterfront. This node provided a focal point and point of interest, being located off Connaught Road West at the Gateway to Sai Ying Pun. The imposition of a BHR of 100mPD over the representation sites were far too restrictive and had ignored the principles set out in the HKPSG.

136. Mr. Kenneth To, the representative of R19, said that the enhanced proposal drawn up for the concerned representation site had included specific elements like additional setback in support for a higher BH. The effort made by R19 should not be ignored.

137. Ms. Betty Ho, the representative of R24, said that the non-domestic GFA for GIC uses of the whole representation site outweighed the domestic GFA. GIC use was the predominant use of the site at present. The proportion of GIC use would further increase

when the proposed additional GIC facilities were provided. This justified the proposed rezoning of the whole representation site to “G/IC(2)”. Given that the church would be preserved as a historic building, the zoning of Lechler Court as “R(A)15” prohibited the opportunity of utilising the unused development potential of the church site.

138. Mr. John Batten, the representative of C2, was concerned that under the current land development mechanism whereby developers intended to maximize the allowable developable potential, it would be difficult to incorporate good design elements in the developments. He considered that a site at Des Voeux Road occupied by old low-rise buildings with open courtyard and no car zone was of quality design and regretted that such buildings would soon be displaced by high-rise buildings with bulky podia. He also considered that the current restrictions on the SOHO area would destroy its character.

139. Ms. Law Ngar Ning, Katty, the representative of C2, added that apart from imposing BHR, setting building gap requirements was also essential to avoid pancake developments. She also supported the imposition of BHR on URA DSP areas.

140. As Members had no further question to raise, the Chairman said that the hearing procedures had been completed and the Board would deliberate on the representations in the absence of the representers and commenters. They would be informed of the Board’s decision in due course. The Chairman thanked the representatives of the representers and commenters as well as PlanD for attending the meeting. They all left the meeting at this point.

[Mr. Stephen M.W. Yip left the meeting at this point.]

## Deliberation Session

### General issues

#### *More Stringent BHRs and More Lenient BHRs*

141. A Member considered that various enhanced schemes in support of the proposed relaxation of the BHRs presented by the representers’ representations at the

meeting were conceptual. No relevant technical assessments had been conducted to confirm their feasibility and comments from the relevant government departments had not been obtained. The current BHRs, which were formulated based on reasonable assumptions and flexibility allowable in the shape and form of buildings and was sufficient to accommodate the permissible PR under the OZP was supported. However, to promote quality and sustainable building design, this Member considered that flexibility for minor relaxation of BHRs should be allowed for developments/ redevelopments with design merits and planning gains.

142. Another Member agreed that the current control was appropriate. If the BHR was relaxed as per the representers' request, the 'relaxed BHR' would be the reference point and developers could request for further relaxation of the BHR. This approach was not acceptable. This Member opined that there was already provision for a minor relaxation of the BHR, development proposals with design merits and planning gains could be submitted for the Board's consideration under that provision. This Member noted that some representers had proactively incorporated some design merits and planning gains into their conceptual development schemes and assessed the possible impacts on visual and air ventilation aspects.

143. The Secretary pointed out that apart from air ventilation and protection of ridgeline and the view from the Peak to Victoria Harbour, the BHRs had been formulated based on an overall BH concept and other relevant considerations including the existing BH profile, topography, site formation level, local characteristics and compatibility with the surrounding areas. Members noted that the local context should also be duly considered in assessing individual schemes. An extra 20m increase in BH for buildings alongside the local roads, like Caine Road, could make a big difference in visual perception at street level and might create canyon effect.

144. A Member opined that the two main groups of representations, one for more stringent and the other for more lenient BHRs, represented conflicting views of the community. It should be noted that the BHRs for the subject OZP had been thoroughly deliberated and agreed by the Board. The BHRs were considered reasonable and had struck a balance between meeting the public aspirations for a better living environment and private development interests. The representers did not advance adequate arguments to



persuade the Board to amend the OZP to meet the representations.

145. After further deliberation, the Chairman summarised Members' view that the current BHRs on the OZP were neither stringent nor lenient. Members agreed.

*Conserving the 'Old City'*

146. Members noted that some representations considered that the BHR of 120mPD to 150mPD for SOHO, equivalent to about 75m to 95m absolute height for majority of the sites, would ruin the character of SOHO, and requested lowering the BHRs for the area. The Secretary said that as explained by DPO/HK, imposing more stringent BHRs would pose undue constraints on future developments/redevelopments and have adverse impact on the development potential of the affected sites. Given the far-reaching implications, it was premature to consider the suggestion for preserving the 'Old City' areas without any comprehensive study and thorough community discussions on the various issues involved.

147. While acknowledging that private development rights should be respected, a Member expressed concern on the impact of high-rise building developments on the concerned area prior to the completion of the comprehensive study.

148. Another Member considered that there was no pressing need to conserve SOHO because the low-rise buildings could be found elsewhere in the city. The current BHR for SOHO had struck a balance between the public aspirations for a better living environment/preserving the local character and private development rights. Whether there was economic incentive for redevelopment was a commercial decision to be made by individual developers.

149. Another Member said that in reviewing the development controls on the OZPs, the Board had taken into consideration all relevant factors including the UDG, existing topography, stepped BH concept, local characteristics, existing BH profile, site formation level and site constraints, the zoned land uses of the site concerned, development potential, the wind performance of the existing condition and the recommendations of the AVA. The BHRs were formulated on the basis of reasonable assumptions with allowance for design flexibility to accommodate development potential permissible under the OZP. Given that

there were diverse views on preserving SOHO and the far-reaching implications, it was premature to consider the suggestion for preserving the concerned areas. The BHRs for SOHO were considered appropriate.

150. A Member commented that the transformation of SOHO was organic, i.e. from an old residential area to a renowned entertainment district with agglomeration of up-market eateries, bistro restaurants and bars. This Member opined that whether the local character of the area should be preserved required thorough community discussion. Before reaching a community consensus, the development right of the private lots should be respected.

151. Mr. Jimmy C.F. Leung, Director of Planning, said that the buildings in SOHO were in general not historic buildings, but the area with its vibrant activities had a distinct character. Preservation of the area in its present form would affect the development rights of the property owners. Community consensus and more thorough study would be required.

152. Members supported the existing BHR requirements for SOHO and agreed that preservation of SOHO required a thorough community discussion.

153. The Secretary said that representations were also concerned about setback requirements imposed at Gough Street, Shing Wong Street, Aberdeen Street, Gage Street, Staunton Street, Elgin Street, Wellington Street and D'Aguilar Street. As advised by TD, while there was an objective to minimize vehicular traffic in the area, there was a need to cater for the pedestrian flow, on-street loading and unloading activities, and smooth circulation of vehicles. Parts of the local roads (Staunton Street) was proposed to be widened to a width of 5.5m to cope with on-street loading/ unloading activities as well as one lane through traffic. The ES of the OZP had attached a plan showing the proposed section of roads to be widened. The road widening proposals would be realised upon implementation of the setback requirement through redevelopment.

154. A Member supported the setback requirement imposed in the SOHO area because it would facilitate road widening for the much needed loading/ unloading activities.

155. In response to a Member's question on the setback requirements, the Secretary said that whether bonus PR/GFA would be granted in return for the dedication for public passage was a matter to be dealt with under Building (Planning) Regulation (B(P)R) 22(1) or (2) under the jurisdiction of the BA in accordance with the established mechanism. It was inappropriate to deal with the bonus PR/GFA issue under the Ordinance. She supplemented that the applicant might apply for minor relaxation of BHR to accommodate the bonus PR, if so required.

156. Members agreed to the designation of setback requirements for the concerned roads in SOHO areas to improve air ventilation and visual permeability, to facilitate pedestrian movement and above all, to allow for on-street loading/unloading activities in certain locations in SOHO.

157. As regards the proposal to designate the sections of Peel Street and Graham Street used for street markets as 'Pedestrian Precinct/Street', Members considered that it was not a subject of amendments incorporate in the OZP, and should be treated as invalid.

*URA DSPs and Chung Kong Road site*

158. Regarding the comments on the exclusion of four URA DSP areas from BH control, the Secretary said that the concerned areas were covered by separate DSPs and not within the boundary of OZP. The planning briefs prepared for the respective URA DSP area had set out detailed development control including BHR. As the subject of representations of R20 and R21 was not related to any amendment to the OZP, they should be treated as invalid. Members agreed.

159. As regards the representations of setting appropriate BHR on the government site at Chung Kong Road, the Secretary briefed Members that the zoning of the site to "OU(CPTT&PCP)" had gone through due process under the Ordinance. It had remained unchanged since the site was first zoned "OU" in 2000 and the BH of 130mPD was still in force. The BHR denoted the maximum limit. Currently the BHR of Chung Kong Road site was not an amendment to the OZP. The representers held that given this round of OZP amendments related to a comprehensive review of BHR of the Area, the site should have

been covered in the review exercise and the outcome should be reflected on the OZP as appropriate. DPO/HK had clarified at the meeting that there was a proposal to reduce the BHR of the site to 120mPD. She invited Members to consider whether the concerned representations were valid or not.

160. Members considered that as a review of BHR of the Chung Kong Road site had been carried out, it would be appropriate to incorporate the revised BH onto the OZP. After deliberation, Members agreed to amend the BHR for the “OU(CPTT&PCP)” site to 120mPD.

*Representation submitted by R5 (REDA)*

*(i) Relax the BHRs*

161. In respect of R5’s concern that BHRs would limit design flexibility and result in ‘bad’ design, the Secretary drew Members’ attention to paragraph 4.4.2 (c) and (d) on page 26 of the Paper in that the BHRs per se would not result in bulkier buildings or wall effect affecting air ventilation. Members noted that the BHRs were formulated on the basis of reasonable assumptions with allowance for design flexibility to accommodate development potential permissible under the OZP. Blanket relaxation of the BHRs as suggested by REDA was not supported as it might result in proliferation of high-rise developments, which was not in line with the intended planning control. To cater for site-specific circumstances and schemes with planning and design merits, there was provision for application for minor relaxation of the BHRs under the OZP.

*(ii) Spot Zoning Approach*

162. As regards the power of the Board to designate sub-zones, the Secretary drew Members’ attention to paragraph 4.4.2(q) on page 29 of the Paper. According to the legal advice, the Board had the power to impose BHRs on individual sites or for such areas within the boundaries of the OZP under sections 3 and 4 of the Ordinance if there were necessary and sufficient planning justifications. Given the wide coverage of the Area that comprised areas with varying characteristics including different topography and that there were different planning intentions/objectives to achieve, different restrictions for different

sub-areas under the same broad zone were necessary.

*(iii) Designation of NBAs/ Setback Requirements*

163. Regarding the process of the Board to impose NBA requirements, the Secretary referred Members to paragraph 4.4.4(b) on page 30 of the Paper which set out the the legal advice that sections 3 and 4 of the Ordinance and the scheme of the legislation were intended to give the Board comprehensive powers to control development in any part of Hong Kong. NBA could be a part of the planning control provided that the Board had necessary and sufficient planning justifications. The designation of NBAs on the OZP, which could serve a positive planning purpose and had other positive planning benefits, was obviously regarded by the Board as a type of development control and justified in the circumstances.

*(iv) Public Consultation*

164. Members noted that there was a two-month statutory exhibition period for the subject OZP and agreed that the provision for representations and comments formed part of the public consultation process. It was noted that any premature release of information before exhibition of the amendments to the OZP might prompt an acceleration of submission of building plans, thus nullifying the effectiveness of imposing the BHRs. All information supporting the BH, GFA, NBA restrictions and setback requirements on the OZP including the AVA Report and visual analysis, had already been made available for public inspection.

*(v) Building (Planning) Regulations 22(1) or (2)*

165. On the request to include a clause in the Notes of the development zones to allow exceedance of PR/GFA restrictions due to the granting of bonus GFA by the BA under the Building (Planning) Regulations 22(1) or (2), Members noted that as there was no PR/GFA restrictions for the “R(A)” and “C” zones on the OZP, it was not necessary to stipulate such provision in the Notes of the OZP.

*(vi) Rezoning “C/R” Sites to “OU(Mixed Use)”*

166. The Secretary briefed Members that some sites in Causeway Bay and Wan Chai were zoned “OU(Mixed Use)” to allow flexibility for development/redevelopment/conversion of residential or other uses, or a combination of various types of compatible uses including commercial, residential, cultural, recreational and entertainment uses to meet changing market needs. Nevertheless, taking into account the nature and uses of the existing developments, it was noted that the north-eastern part of the Area, which was an extension to the business area in Central, characterized by office and commercial developments with some entertainment uses, should be rezoned from “C/R” to “C”. For the remaining “C/R” sites in the western part of the Area, majority of the developments were predominantly residential in nature, with lower floors used for retail/commercial activities. As they were akin to the “R(A)” type development, these sites should be rezoned from “C/R” to “R(A)”. Members considered that the “OU(Mixed Use)” zoning was inappropriate for the Area and flexibility for change of use was allowed through the planning permission system;

Site Specific issues

*TWH and former Lee Sai Chow Memorial Primary School (R23)*

167. A Member expressed the view that as the redevelopment scheme for TWH was drawn up in 1997, an updated redevelopment scheme with the support of technical assessments should be provided to justify the proposed relaxation of BHR. In the absence of the required information, it was not appropriate to relax the BHR on the concerned site at this stage. Similarly, there was no sufficient justification for relaxing the BHR for the former Lee Sai Chow Memorial Primary School site. A Member commented that the proposed BH for the former Lee Sai Chow Memorial Primary School site (i.e. 15 storeys) was excessive and would affect the local character and the adjoining Man Mo Temple.

*Kau Yan Church and Lechler Court (R24)*

168. Members noted that the representer requested to rezone the representation site to “G/IC(2)” with a BHR of 140mPD to accommodate the un-utilised development potential for community service.

169. In response to a Member's enquiry, the Secretary said that the Board had adopted various considerations for relaxing BH of "G/IC" sites for a redevelopment project. These considerations included the functional requirements of the proposed services, the comments of concerned departments, whether the purpose of the concerned site for breathing space would be defeated and whether policy support from the concerned bureaux/departments had been granted. If justified, the relaxation could be eventuated by way of s.12A application under the Ordinance initiated by the proponent, or in some cases with policy support and considered acceptable to departments concerned, by way of a proposed amendment under s.5 or s.7 of the Ordinance initiated by the PlanD.

170. Members considered that the representer had not provided any development scheme supported by technical assessments nor sufficient justifications for the future expansion plan for Kau Yan Church and Lechler Court. In the absence of the above information, relaxing the BH and GFA restrictions for the sites to the extent proposed by the representer was considered inappropriate and would set an undesirable precedent.

171. Members noted PlanD's view (paragraph 7.4 of the Paper) that the Notes and boundary for the "R(A)15" zone would be amended to reflect the as-built situation and they would be submitted to the Metro Planning Committee for consideration separately.

*Sheung Wan Substation Building (R22)*

172. Members agreed to PlanD's recommendation to amend the BHR from 7 storeys to 9 storeys to meet the representation to more accurately reflect the existing BH.

*BHR of individual "R(A)" Sites and "C" sites (R7 to R19)*

*(i) With Approved GBPs*

173. Members noted that the main argument put forward by the representers was that the BHRs stipulated in other OZPs, e.g. Tsim Sha Tsui OZP, were the same as that stated in the approved GBPs and the Board should consistently adopt the same approach in this OZP. The Secretary drew Members' attention to paragraph 4.4.2(o) of the Paper that

apart from Sheung Wan in the eastern end which formed an extension of the CBD, the Area was predominantly residential in nature which was very different in character from the Tsim Sha Tsui. Planning and building were two different regimes. Except Tsim Sha Tsui which was a commercial high-rise node recognised in the UDG, it was the Board's practice that recognition of committed developments under general building plans approvals was treated as an exception rather than the rule. Besides, Tsim Sha Tsui was not subject to the requirement of preserving a 20% BFZ below ridgeline. Members agreed that it was inappropriate to apply the approach used in the Tsim Sha Tsui OZP to the subject OZP. Members noted that for cases where the BH of a proposed development with approved building plans had exceeded the BHR, the right to proceed with the development would not be affected as long as the building plan approval was still valid.

174. A Member expressed concern that improvements to the building design might amount to major amendments to the approved GBPs which would be subject to the current BHR. This might discourage developers from improving the building design. The Secretary said that the question involved a fundamental concept of whether building rights of approved GBPs should be treated as equivalent to development rights. It was held that the building rights of such sites with approved GBPs should be preserved and achieved through the building regime. Such a building, when completed, would then become physically in existence. Any future redevelopment at the site would be determined accordingly as an existing building under the planning regime. In general, for those existing buildings that had already exceeded the BHR, the right of redeveloping the buildings to their existing BH would be respected on the OZP. However, there were exceptions if the buildings were located on the view corridors to important ridgelines, or at the waterfront. The Board might require the BHR to be adhered to upon redevelopment. There were only a very limited number of such cases and all had been duly considered by the Board in the planning process.

175. On the suggestion that landowners would not like to apply for minor relaxation and would rather proceed with the development according to BHR, Mr. Jimmy C.F Leung, Director of Planning, pointed out that the Board had approved a number of planning applications for minor relaxation of BHR for incorporation of various building design merits into the development proposals. 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 ES of the OZP.

(ii) *With Enhanced Scheme*

176. Some representers put forward a set of baseline and/or enhanced scheme at the meeting in support of their representation. With the support of some drawings and photomontages as viewed from the vantage points from a local street (Fung Mat Road) and from WKCD, R12 submitted that under its optimum development scheme, there were scope to provide breezeways, view corridors, greening and setbacks to enhance the local environment. Another representer R19 proposed to designate NBA and further setback with a relaxed BH for its representation site to improve the local air ventilation, and justified its proposal by using some air modelling results and photomontages as viewed from the vantage points from the Lugard Road and WKCD.

177. The Chairman invited Members to consider whether the information submitted to the Board was sufficient to substantiate their proposals.

178. Members considered that the representers had only highlighted the various planning gains and design merits of the enhanced scheme. They were not supported by detailed technical assessments including an AVA and/or visual impact assessment to examine the impacts on the local context arising from the proposals and propose mitigation measures to tackle them. In addition, relevant government departments had not been given an opportunity to give comments on these proposals. These development proposals could not be supported at this stage. The representers could pursue their development proposals under s.16 application for minor relaxation of BHRs such that both government departments and the public could provide comments as appropriate.

*Two-tier BHRs (R13 to R19)*

179. Members noted that given that the lots within the “R(A)6” to “R(A)8” zones were small in size, lower BHRs were proposed while allowing a higher maximum BH (i.e. 20m more) for sites with an area of 400m<sup>2</sup> or more mainly to cater for site amalgamation for more comprehensive development and allow for provision of on-site parking, loading and unloading facilities and other supporting facilities. As regards R13’s proposal to allow

additional 20m height incentive for land amalgamated over 800m<sup>2</sup> in “R(A)6” to “R(A)8” zones, Members noted that there was no information to substantiate the proposal. Extending the two-tier provision to the extent as proposed by the representer was considered inappropriate.

*Rezoning of “C/R” Sites (R6, R25 to R29)*

180. R26 raised a comment at the meeting that as its representation site was rezoned from “C/R” to “R(A)”, the PR for commercial/hotel development was reduced from 15 to 12. Members considered that as the area was predominantly residential in nature, large and excessive developments should not be encouraged. The Secretary informed Members that the Board had recently approved hotel proposals in residential zones in the Area at a PR of 12. In any circumstances, the applicant could apply for minor relaxation of PR for commercial/hotel developments and each case would be considered on its individual merits.

*Others*

181. As regards the rezoning of “G/IC” sites, Members noted that the “G/IC” sites had been developed for other non-GIC purposes generally with planning permissions granted by the Board in the 1980s and 1990s, and agreed that the amendments to reflect the as-built situation of the completed developments were appropriate. Members noted that as the G/IC” site at David Lane was not a subject of the amendments incorporated in the OZP, R25’s representation relating to the “G/IC” site at David Lane should be treated as invalid.

182. On the request for more local open space provision in the Area including a request to rezone the WWFM to “O”, Members noted opportunity had been taken to provide more local open space in redevelopment projects whenever opportunities arose.

*R20 and R21*

183. After further deliberation, the Board decided that the representations were invalid as the subject of representations, which was the concern of exclusion of the 4 URA Development Scheme Plan Areas from the control, was not related to any amendment to

the OZP.

R15 to R19

184. After further deliberation, the Board decided to propose amendments to the draft OZP to partially meet the representations by stating the provision of minor relaxation of building height restriction in the Remarks of the Notes for the “R(A)7” and “R(A)8” zones. The Board also agreed to make similar amendment for the “R(A)6” zone. The proposed amendments to the Notes of the Plan were set out below (with additional in bold and italics and deletions as crossed out):

To amend Remark (24) in the Notes relating to “R(A)6” to “R(A)8” zones to read as:

- (24) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height and gross floor area restrictions stated in paragraphs (1) to (~~6~~9) and (14) to (22) above, and any reduction in the total gross floor area provided for Government, institution or community facilities stated in paragraphs (3) to (5), (14), (16) to (20) and (22) above, may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

R14's concern

185. In response to R14's concern on the rationale for the 2-tier height control, the Board decided to propose amendments to the Explanatory Statement (ES) by revising the paragraph in the ES relating to “R(A)6” to “R(A)8” zones to read as follows:

***8.2.8 For sites zoned “R(A)6” to “R(A)8”, a 2-tier building height control is imposed. Given that the lots in these areas are generally small in size, lower BHRs are proposed while allowing a higher maximum BH (i.e. 20m more) for sites with an area of 400m<sup>2</sup> or more mainly to cater for site amalgamation for more comprehensive development***

*and allow for the provision of on-site parking, loading and unloading facilities and other supporting facilities.*

R2, R5 and R33

186. After further deliberation, the Board decided to propose amendments to the draft OZP to partially meet the representations by amending the building height restriction for the “OU(CPTT&PCP)” zone covering a site at Chung Kong Road from 130mPD to 120mPD.

R22

187. After further deliberation, the Board decided to propose amendments to the draft OZP to meet the representation by amending the building height restriction for the “G/IC” zone covering Sheung Wan Substation Building from 7 storeys to 9 storeys.

R1, R3, R4, R6 to R14, R23 to R32 and remaining parts of R2, R5, R15 to R19 and R33

188. After further deliberation, the Board noted
- (a) the support of **R1** for the imposition of BHRs and incorporation of NBA restrictions;
  - (b) the support of **R2** for the imposition of BHRs;
  - (c) the support of **R3** in respect of the demarcation of building gaps and imposition of BHR for S.K.H. Kei Yan Primary School;
  - (d) the support of **R30** for minor relaxation clause for BHRs and setback requirements for SOHO, and BHR for S.K.H. Kei Yan Primary School; and
  - (e) the support of **R33** for all measures which would reduce density and

address overcrowding of public space and pedestrian facilities.

189. The Board decided not to uphold the representations of R1, R3, R4, R6 to R14 and R23 to R32 and the remaining parts of R2, R5, R15 to R19 and R33 for the following reasons:

BHRs

- (a) The purpose of imposing BHRs in the Area was to provide better planning control on the BH 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 BH profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped BH concept, local characteristics, existing BH profile, site formation level and site constraints, the zoned land uses of the site concerned, development potential, the wind performance of the existing condition and the recommendations of the AVA, had been taken into consideration. The BHRs had struck a balance between public aspirations for a better living environment and private development potential (**R3, R4, R5-R19, R29, R30 and R33**).
- (b) The BHRs were formulated on the basis of reasonable assumptions with allowance for design flexibility to accommodate development potential permissible under the OZP. Blanket relaxation of the BHRs was not supported as it would result in proliferation of high-rise developments, which was not in line with the intended planning control. Deletion or piecemeal relaxation of BHRs for individual sites was also not supported as it would jeopardize the coherency of the stepped BH profile and could result in proliferation of high-rise developments, which was not in line with the intended planning control. (**R4, R5, R7-R19, R23-R24, R28 and R33**).

- (c) The BHRs would not result in larger building bulk. Whether a building was bulky or massive depends on many factors other than BH alone, e.g. whether there were the podia, whether carpark was provided in basement or above ground, and the storey height proposed, etc. Given the tendency to maximize the best view in certain direction (particularly sea view), and to capitalize the land value of the lower floors by designing a 100% site coverage commercial podium under B(P)R to 15m, a development with no BH control might be even bulkier. The provision of better design buildings was not guaranteed. In this regard, the BHRs had been formulated based on reasonable assumptions on building design with allowance for design flexibility to accommodate maximum development potential permitted under the OZP for the residential sites (**R5, R6, R7 and R10, R12-R14 and R19**).
- (d) Given that the lots in these areas were small in size, lower BHRs were proposed while allowing a higher maximum BH (i.e. 20m more) for sites with an area of 400m<sup>2</sup> or more mainly to cater for site amalgamation for more comprehensive development and allow for provision accommodating on-site parking, loading and unloading facilities and other supporting facilities (**R14**).
- (e) There was no increase in PR as compared with the development intensity approved under B(P)R. The imposition of BHRs would not result in any increase in development intensity or adverse impact on the traffic and environmental conditions in the Area (**R3, R6 and R33**).
- (f) The BHRs were intended to avoid future developments with excessive height, the development intensity of individual sites would not be affected. There would not be adverse impacts on the development potential and property value in general. For an existing building which having already exceeded the BHRs, the rights of redeveloping the buildings to their existing heights would be respected on the OZP (**R4,**

**R5, R7, R8, R10 and R12 to R14).**

- (g) Apart from providing G/IC facilities, the “G/IC” sites in the Area formed major visual relief and breathing spaces to the built-up area. It was recommended in the AVA Study that BHRs should be imposed on “G/IC” sites to contain their development scale. In order to preserve the openness and existing character of the “G/IC” sites, the BHRs for the “G/IC” sites were mainly to reflect and contain the existing BHs (**R23 and R24**).
- (h) The provision of minor relaxation of BHRs for existing buildings which had already exceeded BHRs stipulated on the OZP was to contain the heights of the excessively tall buildings and avoid further aggregate increase in the BH profile (**R5 and R12**).
- (i) To cater for the provision of on-site car parking and loading/unloading facilities for sites of 900m<sup>2</sup> or larger with at least 30m street frontage on two sides in SOHO, there was provision for application for minor relaxation of the BHRs under the OZP. Each application would be considered by the Board on its individual merits (**R30 and R33**).
- (j) To cater for site-specific circumstances and schemes with planning and design merits, there was provision for application for minor relaxation of the BHRs under the OZP. 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 (**R5, R7-R19, R23 and R24**).

NBAs, Building Gaps and Setback Requirements

- (k) Sections 3 and 4 of the Ordinance and the scheme of the legislation were intended to give the Board comprehensive powers to control development in any part of Hong Kong. Designation of NBA on the OZP

could serve a positive planning purpose and had positive planning benefits by improving air ventilation, visual permeability and the pedestrian environment. It had legal basis as it would form part of the planning control of the Board, which had the necessary and sufficient justifications. The development potential of the concerned sites would not be affected **(R5)**.

- (l) Provision of more and wider NBAs/setback restrictions/wind corridors would pose undue constraints on future developments/redevelopments, especially for small lots which are common in the Area. A balance had been struck between air ventilation and private development potential **(R2 and R3)**.
  
- (m) The planning intention of designating setback requirements was to improve air ventilation and visual permeability, and to facilitate pedestrian movement and allow for on-street loading/unloading activities in certain locations in SOHO. Any future application for minor relaxation of setback requirement would need to be fully justified and would only be granted under exceptional circumstances. Whether the setback area would be allowed to claim bonus plot ratio would have to be determined by the Building Authority **(R31 and R32)**.
  
- (n) The relaxation of the NBA or setback requirement for one site would affect the effectiveness of their planning intention. The wording ‘exceptional circumstances’ was included in the minor relaxation clause of setback requirements to cater for the situation that only in some exceptional cases under which the setback could not be provided due to site constraints but the planning objectives would be achieved in other forms **(R5 and R31)**.

#### Rezoning Proposals

- (o) The “C/R” sites were rezoned to “C” or “R” taking the nature and uses of



the existing developments into consideration. Flexibility for change of use was allowed through the planning permission system. **(R5)** Rezoning of the “C/R” sites would not unify future developments and the character of the Area as existing uses were allowed to continue **(R25, R27 to R29)**. It would not increase the development intensity of sites **(R6)**.

- (p) The “G/IC” sites had been developed for other non-GIC purposes generally with planning permissions granted by the Board in the 1980s and 1990s. The amendments were to reflect the as-built situation of the completed developments **(R3, R6 and R30)**.
- (q) The rezoning of the strip of land adjoining WWFM from “G/IC” to “OU(Wholesale Market)” was to reflect the current use of the site as an access area and carpark of the wholesale market **(R1, R3 and R25)**.

#### Other Matters

- (r) Given the wide coverage of the Area that comprised areas with varying characteristics and that there were different planning intentions/objectives to achieve, different restrictions for different sub-areas under the same broad zone were necessary **(R5)**.
- (s) In the absence of details of any concrete redevelopment scheme and sufficient justifications, relaxation of the BHRs and GFA restriction/setback requirement would set an undesirable precedent **(R4, R9, R11, R13-R18, R23, R24, R26-R28, R31 and R32)**.
- (t) The two-month statutory exhibition period and provision for representations and comments formed part of the public consultation process. Any premature release of information before exhibition of the amendments to the OZP might prompt an acceleration of submission of building plans, thus nullifying the effectiveness of imposing the BHRs.

All information supporting the BH, GFA, NBA restrictions and setback requirements on the OZP including the AVA Report and visual analysis, was available for public inspection (**R5 and R29**).

- (u) To address the shortfall in local open space as far as possible, opportunity had been taken to provide more local open space in redevelopment projects whenever opportunities arose (**R3 and R29**).

#### Specific reasons for various representations

##### R3 and R25

- (v) The site located at Third Street and David Lane was not a subject of amendments in the OZP. This part of representation should be treated as invalid (**R25**).
- (w) The BHRs of 60mPD, 70mPD and 80mPD were considered appropriate for reinforcing the existing stepped BH profile within the CPS Compound while allowing some flexibility for new buildings/structures. For the FPMQ, the BHR would be compatible with the surrounding and provide some flexibility to meet the planning intention for adaptive re-use for creative industries and related uses with the provision of public open space (**R3**).
- (x) S.K.H. Kei Yan Primary School was neither a graded nor a proposed graded historic building under the assessment exercise of 1,444 historic buildings undertaken by the Antiquities and Monuments Office (**R3**).
- (y) The effective width of the air/wind path at Hing Hon Road was about 10m as the road itself was also a non-building area (**R3**).

##### R5

- (z) The Cosco Tower and the Center were developed based on comprehensive redevelopment schemes considered in detail and approved by the Board in 1996 and 2000. In view of the overall BH concept for the Area and the public aspirations for visually compatible building developments, these two particularly tall buildings should not be taken as the basis for determining the BHRs in the Area (**R5**).
- (aa) The OZP involved existing built-up areas and the scope for conducting different alternative schemes was limited by various factors (**R5**).
- (bb) It was not necessary to include a clause in the Notes to allow exceedance of PR/GFA restrictions due to the granting of bonus GFA by the Building Authority under the Building (Planning) Regulations 22(1) or (2), as there were no PR/GFA restrictions for the “R(A)” and “C” zones on the OZP (**R5 and R31**).

#### R7 and R8

- (cc) The proposed BH of 180mPD would protrude into the 20% BFZ below the ridgeline as viewed from the West Kowloon Reclamation as well as the view from the Peak to the waterbody of the harbour (**R7**).
- (dd) The proposed BHs of 140mPD would protrude into the 20% BFZ below the ridgeline as viewed from the West Kowloon Reclamation (**R8**).
- (ee) The BHRs stipulated in the OZP were the maximum height for buildings. It did not necessarily mean that all buildings within the same height band would be built up to the maximum height. There should not be a concern on possible monotonous height profile (**R7**).

#### R9

- (ff) The BHR of 120mPD for the representation site, which had a lower site level than those sites subject to BHRs of 140mPD and 160mPD to the west, would maintain a stepped BH profile (**R9**).
- (gg) The URA Peel Street/Graham Street redevelopment scheme had been duly considered and scrutinized by the Board. It was not appropriate to take the BH of the URA scheme as a yardstick for determining the BHRs in the vicinity. To cater for site specific circumstances and schemes with planning and design merits, there was provision for application for minor relaxation of the BHRs under the OZP (**R9**).

#### R10 and R12

- (hh) The proposed relaxation of the BHRs would have adverse downwind impacts on the nearby buildings and roads to the west and south of the development (**R10 and R12**).
- (ii) It was inappropriate to apply the approach used for the high-rise commercial node in Tsim Sha Tsui OZP to the subject OZP, as the Sai Ying Pun and Sheung Wan Area was predominantly residential in nature (**R10**).

#### R19

- (jj) The 21 “R(A)” sub-zones in the OZP were to cater for the 2-tier BH control and stipulation of setback and GFA restrictions for particular sites. The height bands imposed had sensitively responded to the sloping topography in the cluster (**R19**).
- (kk) The AVA had pointed out that the Area was already over-developed from the air ventilation point of view. The site was located to the north of University of Hong Kong and was at the direct downstream of the southern valley winds. Relaxation of the BHR for the site might affect

the effectiveness of the southern valley winds (**R19**).

R23

- (ll) It was not appropriate to compare the BHRs for the surrounding residential zone with the hospital site which was zoned “G/IC” in the OZP as they were different in terms of land use and functional requirements (**R23**).

R24

- (mm) The resultant scale of development as proposed by the representer was excessive. In the absence of sufficient justifications as well as details of any concrete development scheme and technical assessments, relaxing the BHRs and GFA restrictions was considered inappropriate and would set an undesirable precedent (**R24**).

R32

- (nn) The footpath of Wellington Street was not wide enough for the current pedestrian flow, particularly during lunch hours, and the section of D’Aguilar Street between Wyndham Street and Wellington Street had been operating as a part-time pedestrian zone (**R32**).

R33

- (oo) As Peel Street, Gage Street and Graham Street as ‘Pedestrian Precinct/Street’ was not a subject of the amendments incorporated in the OZP, the representer’s proposal to designate those parts of these streets used for street market as ‘Pedestrian Precinct/Street’ should be treated as invalid (**R33**).

R13

- (pp) in the absence of sufficient justifications for the proposal to allow additional 20m height incentive for land amalgamated over 800m<sup>2</sup> in “R(A)6” to “R(A)8” zones, extending the two-tier provision to the extent as proposed by the representer was considered inappropriate (R13).

190. The Board agreed that the Notes and boundary for the “R(A)15” zone should be revised to reflect the as-built situation, and that they should be submitted to the Metro Planning Committee for consideration separately before gazetting under section 7 of the Ordinance as such proposed amendments to the OZP were not to meet the representation (R24).

### **Agenda Item 12**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Tai O Fringe Development Permission Area Plan No. DPA/I-TOF/1 (TPB Paper No. 8658)

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[The meeting was conducted in Cantonese.]

191. The Secretary reported that on 4.6.2010, the draft Tai O Fringe Development Permission Area Plan No. DPA/I-TOF/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, a total of 9 representations were received. On 13.8.2010, the representations were published for three weeks for public comments. A total of 2 comments were received. It was suggested that the representations and comments should be heard by the full Board collectively because of the significant conservation interests of Tai O Fringe area and that most of the representations were inter-related to the issues of conservation and development right.

192. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraph 2 of the Paper.

### **Agenda Item 13**

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/26 (TPB Paper No. 8664)

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[The meeting was conducted in Cantonese.]

#### **Declaration of Interests**

193. The following Members had declared interests on this item.

- |                      |   |   |
|----------------------|---|---|
| Mr. K.Y. Leung       | - | his mother owned a flat in Ap Lei Chau  |
| Mr. Roger K.H. Luk   | - | was an independent non-executive Director of Wheelock Properties Limited which had a property in Heung Yip Road   |
| Mr. Laurence L.J. Li | - | owned a flat in Aberdeen and Ap Lei Chau  |
| Professor S.C. Wong  | - | his sister owned properties in South Horizons and Aberdeen Centre   |
| Mr. Rock C.N. Chen   | - | being an ex-Member (2007-08) of the Tung Wah Group of Hospital (TWGH) Advisory Board. TWGHs Jockey Club Rehabilitation Complex was one of the commenters (C1) |

194. As the item was procedural in nature and no deliberation was required, Members agreed that the above Members could stay in the meeting. Members noted that Mr. Roger K.H. Luk and Professor S.C. Wong and Mr. Rock C.N. Chen had left the meeting already.

195. The Secretary reported that on 16.7.2010, the draft Aberdeen & Ap Lei Chau Outline Zoning Plan No. S/H15/26 was exhibited for public inspection under section 7 of the Town Planning Ordinance. During the two-month exhibition period, a total of 12 representations were received. On 24.9.2010, the representations were published for three weeks for public comments. A total of 2 comments were received. It was suggested that

the representations and comments should be heard collectively in one group by the full Board because the representations and comments were mainly related to the rezoning of the ex-Wong Chuk Hang Estate site to “Comprehensive Development Area” for a proposed property development above the South Island Line (East) depot.

196. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments as detailed in paragraph 2 of the Paper.

#### **Agenda Item 14**

[Open Meeting]

Submission of the Draft Tsim Sha Tsui Outline Zoning Plan No. S/K1/25A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 8659)

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[The hearing was conducted in Cantonese.]

#### **Declaration of Interests**

197. The following Members had declared interests on this item.

Mr. Jimmy C.F. Leung as the Director of Planning	]	was a non-executive director of the Urban Renewal Authority (URA)
Miss Annie Tam as the Director of Lands	]	
Mr. Walter K.L. Chan	]	
Mr. Andrew Tsang as the Assistant Director of Home Affairs	-	was an assistant to the Director of Home Affairs who was a non-executive director of URA
Mr. Maurice W.M. Lee	)	was a former non-executive director of URA with the term of office ended on 30.11.2008



- Mr. Stephen M.W. Yip )
- Mr. B.W. Chan - was the chairman of the Appeal Board Panel under the URA Ordinance (URAO)
- Dr. James C.W. Lau - was a member of the Appeal Board Panel under the URAO, and spouse owned a property at Austin Road
- Professor Edwin H.W. Chan ] was a member of the Home Purchase Allowance Appeals Committee
- Ms. Maggie M.K. Chan ]
- Mr. Raymond Y.M. Chan - was a member of the Home Purchase Allowance Appeals Committee, owned a property at Hillwood Road, was a consultant of R292 and R293, and had current business dealings with Henderson Land Development Co. Ltd. (HEND). R295 was submitted by Miramar Hotel and Investment Co. Ltd, a member of HEND
- Ms. Anna S.Y. Kwong - owned a property at Granville Road
- Mr. Roger K.H. Luk - was a Member of the Board of Directors of Wharf T&T Ltd and i-Cable Communications Ltd. These two companies were members of the Wharf (Holdings) Limited. F1 was submitted by the Wharf Realty Limited, a subsidiary of the Wharf (Holdings) Limited.
- Mr. Clarence W.C. Leung - was the Director of a Non-Government Organisation which recently received a private donation from a family member of the Chairman of HEND. R295 was submitted by Miramar Hotel and Investment Co. Ltd, a member of HEND.
- Dr. C.P. Lau - had current business dealings with

HEND. R295 was submitted by Miramar Hotel and Investment Co. Ltd, a member of HEND.

198. As the item was procedural in nature and no deliberation was required, Members agreed that the above Members could stay in the meeting. Members noted that Mr. Maurice W.M. Lee and Dr. James C.W. Lau had tendered apologies for not attending the meeting; and Miss Annie Tam, Mr. Stephen M.W. Yip, Mr. B.W. Chan, Professor Edwin H.W. Chan, Ms. Maggie M.K. Chan, Mr. Raymond Y.M. Chan, Ms. Anna S.Y. Kwong, Mr. Roger K.H. Luk and Dr. C.P. Lau had left the meeting already.

199. The Secretary briefed Members on the background of the draft Tsim Sha Tsui OZP as detailed in the Paper.

200. After deliberation, the Board:

- (a) agreed that the draft Tsim Sha Tsui Outline Zoning Plan No. S/K1/25A and its Notes at Annexes A and B of the Paper respectively were suitable for submission under section 8 of the Ordinance to the Chief Executive in Council (CE in C) for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Tsim Sha Tsui Outline Zoning Plan No. S/K1/25A at Annex C of the Paper as an expression of the planning intentions and objectives of the Board for various land-use zonings on the draft OZP and to be issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

### **Agenda Item 15**

201. This item was reported under confidential cover.

**Agenda Item 16**

Any Other Business

[The meeting was conducted in Cantonese.]

202.        There being no other business, the meeting was closed at 10:40pm.