

**Minutes of 981st Meeting of the
Town Planning Board held on 26.4.2011**

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

Professor Edwin H.W. Chan

Mr. Raymond Y.M. Chan

Professor P.P. Ho

Ms. Anna S.Y. Kwong

Dr. C.P. Lau

Dr. James C.W. Lau

Dr. W.K. Lo

Mr. Roger K.H. Luk

Mr. Timothy K.W. Ma

Dr. Winnie S.M. Tang

Professor S.C. Wong

Ms. Pansy L.P. Yau

Mr. Stephen M.W. Yip

Assistant Director (2), Home Affairs Department

Mr. Andrew Tsang

Deputy Director of Environmental Protection

Mr. Benny Wong

Director of Lands

Miss Annie Tam

Director of Planning

Mr. Jimmy C.F. Leung

Deputy Director of Planning/District

Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Rock C.N. Chen

Mr. Y.K. Cheng

Mr. Felix W. Fong

Professor Eddie C.M. Hui

Professor Paul K.S. Lam

Ms. Julia M.K. Lau

Professor Joseph H.W. Lee

Mr. Maurice W.M. Lee

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Miss Anita W.T. Ma

Dr. W.K. Yau

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Mr. Fletch Chan

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

Chief Town Planner/Town Planning Board
Miss H.Y. Chu (a.m.)
Ms. Christine K.C. Tse (p.m.)

Senior Town Planner/Town Planning Board
Ms. Donna Tam (a.m.)
Mr. J.J. Austin (p.m.)

Agenda Item 1

Matters Arising

[Open meeting]

- (i) Matters arising from Further Consideration of
the Draft Shek Kwu Chau Outline Zoning Plan No. S/I-SKC/F

[The meeting was conducted in Cantonese.]

1. Referring to the draft Shek Kwu Chau Outline Zoning Plan (OZP) No. S/I-SKC/1 and the relevant extract of the Notes and Explanatory Statement (ES) of the OZP tabled at the meeting, the Secretary reported that the further consideration of the draft Shek Kwu Chau OZP No. S/I-SKC/F was discussed at the last TPB meeting held on 8.4.2011 and the proposed amendments to the OZP, the Notes and the ES were agreed by the TPB. The Secretary continued to point out that after detailed checking, it was proposed that the “Other Specified Uses” (“OU”) annotated “Breakwater/Seawall” zone be replaced by the “OU(Breakwater)” zone to include the proposed breakwater only, to incorporate the area of the proposed seawall in the “OU(Integrated Waste Management Facilities)” zone, and to indicate the area as “Seawall” on the draft OZP. Due to the above revisions, the Schedule of Use for the original “OU (Breakwater/Seawall)” zone was deleted and replaced by the user Schedule of the “OU(Breakwater)” zone. The Secretary said that the Shek Kwu Chau OZP was scheduled to be gazetted on 29.4.2011 under s.5 of the Town Planning Ordinance (the Ordinance).

2. After deliberation, Members agreed to the revision made to the draft Shek Kwu OZP and the Notes and ES which would be gazetted on 29.4.2011 under s.5 of the Ordinance.

Agenda Item 2

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments
to the Draft Wan Chai Outline Zoning Plan No. S/H5/26
(TPB Papers No. 8764 and 8765)

[The hearing was conducted in Cantonese.]

Group 1 Representations – R1 to R32, R34 to R44, R46 to R87 and R94 to R106 and C1 to C5 and C286 to C293

Presentation and Question Session

3. The following Members had declared interest in this item:

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|-----------------------|---|
| Mr. K.Y. Leung | - his spouse owned a flat on Lockhart Road |
| Ms. Julia M.K. Lau | - owned properties on Star Street |
| Mr. Laurence L.J. Li | - owned a flat in Wan Chai |
| Mr. Rock C.N. Chen | - owned a flat on Star Street |
| Mr. Raymond Y.M. Chan | - had current business dealings with Swire and Hysan which submitted representations to the OZP |

4. As the property owned by Mr. K.Y. Leung's spouse would not be affected by the representation sites under consideration, Members agreed that Mr. Leung could be allowed to stay in the meeting for this item. The Board also noted that Ms. Julia M.K. Lau, Mr. Laurence L.J. Li and Mr. Rock C.N. Chen had tendered apologies for not being able to attend the meeting and Mr. Raymond Y.M. Chan had not yet arrived.

5. As sufficient notice had been given to invite the representers and commenters to attend the hearing, Members agreed to proceed with the hearing of representations in the absence of Representers R1 to R10, R12 to R24, R26, R27, R29 to R31, R33, R36 to R44, R47 to R87, R94, R104 and R106 and Commenters C1, C3 and C286 to C293 who had indicated that they would not attend the hearing.

6. The following representatives from the Planning Department (PlanD), representers and commenters were invited to the meeting at this point:

Ms. Brenda Au District Planning Officer/Hong Kong
(DPO/HK), PlanD

Mr. Louis Kau Senior Town Planner/Hong Kong (STP/HK),
PlanD

Mr. Lawrence Y.C. Chau Senior Town Planner/Urban Design (STP/UD),
PlanD

R11 (No. 8 Shiu Fai Terrace Incorporated Owners Committee Chairman Ms. Celia Garcia)

Ms. Celia Garcia Representer

R25 (HK 重建關注組 Ms. Chik Yuk Chun)

Ms. Chik Yuk Chun Representer

R28 and C4 (Kennedy Road Protection Group)

Mr. Roger Emmerton Representer/commenter's Representative

R32 and C5 (Ms. Ho Yuen Ping)

Ms. Ho Yuen Ping Representer/Commenter

R34 (The Real Estate Developers Association of Hong Kong (REDA))

Mr. Ian Brownlee Representer's Representative

R35 (Ms. Candy Tam)

Ms. Mary Mulvihill Representer's representative

R46 (Mr. Chan Kam Suen)

Mr. Chan Kam Suen Representer

R95 (Tang Lung Investment Properties Ltd.)

R96 (Golden Relay Company Ltd.)

Mr. Chan Kim On)
Ms. Kerry Lee) Representers' Representatives
Mr. Dexter Cheung)

R97 (Leighton Property Company Limited and Lee Theatre Realty Limited)

Mr. Ian Brownlee)
Mr. Andy Leung)
Mr. Kenneth Yip)
Ms. Winnie Wong) Representer's Representatives
Mr. Garvin Morgan)
Mr. Roy Gammell)
Ms. Kira Brownlee)

R98 (Swire Properties Limited)

R99 (Sino Flagship Investments Limited)

R100 (Super Gear Investment Limited)

R101 (Global Linkage Investment Limited)

R102 (Boom View Holdings Limited)

Mr. Ian Brownlee)
Ms. Anna Wong)
Mr. Chapman Lam)
Mr. Paul Ng)
Mr. Robert P.H. Lam)
Mr. James Fan) Representers' Representatives
Mr. Terrence Chan)
Ms. So Wai Yin)
Ms. Cherry Ng)
Ms. Jessica Yan)
Ms. Hilda Ma)

R103 (Bonny Ace Limited)

Mr. Phill Black)

Mr. Wong Yuen Cheung) Representer's Representatives
Mr. Ben Law)
Mr. Jimmy Tse)

R105 (Fulltin Investment Limited)

Mr. Anthony Yuen)
Mr. Lau Kin On) Representer's Representatives
Mr. Jobe Wong)

C2 (公民黨灣仔區召集人 Mr. Ng Yin Keung)

Mr. Ng Yin Keung Commenter

7. The Chairman extended a welcome and invited DPO/HK to brief Members on the representations and comments.

8. With the aid of a Powerpoint presentation, Ms. Brenda Au made the following main points as detailed in the Paper:

- (a) on 24.9.2010, the draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/26, incorporating mainly amendments to impose building height restrictions (BHRs) for various development zones, rezoning of "Commercial/Residential" ("C/R") sites, and other rezoning proposals to reflect completed developments, was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 106 representations were received. On 3.12.2010, the representations were published for three weeks for public comments. A total of 293 comments were received;
- (b) an Air Ventilation Assessment (AVA) by Expert Evaluation (EE) had been undertaken to provide a qualitative assessment of the wind environment within the Area, to identify problem areas and propose mitigation measures. According to the AVA, the prevailing annual winds came from the north, east and north-east while the prevailing summer wind was mainly from the east, south-east and south-west. The existing wind situation in the Area

did not present major air ventilation problem except the western part of the Area, i.e. the roads on both sides of Queen's Road East, which should be realigned when opportunities arose to create air paths that ran through the Area. Apart from imposing suitable BHRs, controls in respect of non-building areas (NBA), setbacks and building gaps had been imposed to improve pedestrian level air ventilation;

- (c) the amendments incorporated into the OZP were presented to the Development, Planning and Transport Committee (DPTC) of the Wan Chai District Council (WCDC), the Wan Chai East Area Committee (WCEAC) and Wan Chai West Area Committee (WCWAC) on 19.10.2010, 9.11.2010 and 11.11.2010 respectively. A local consultation forum on the proposed amendments to the OZP was held at the Leighton Hill Community Hall on 5.11.2010. The major comments raised by the DPTC of WCDC, the WCEAC and the WCWAC were that the redevelopment of buildings in the area would cause adverse visual impact; the air ventilation and pollution problems in the area needed to be improved; and the impact of the BHRs and setback requirements would affect private development rights. The major comments raised during the local consultation forum were that the BHRs would affect property rights and value of redevelopment; it was not appropriate to rezone the "C/R" sites to "C"; and the BHRs were unfair. As the above comments were similar to the grounds of representations raised in some representations to the OZP, PlanD's responses to the representations were also applicable to these comments;

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

Representations Offering Comments

- (d) R37 to R39 provided comments and raised questions on the amendments to the OZP, which mainly included the following:
- (i) the rationale for the vantage points adopted for proposing

amendments to the OZP;

- (ii) the BHRs to be adopted for Wan Chai North and Mid-Levels when the tall buildings were to be redeveloped;
 - (iii) the impact of the amendments to the OZP on flat supply and property value;
 - (iv) rezoning of some areas to “C” would result in increase in vehicular and pedestrian traffic and overload the already congested traffic of Wan Chai;
 - (v) the BHRs on particular areas or new developments were not comprehensive or fair. The development of the district and the private development rights should be balanced; and
 - (vi) the imposition of the same BHR for the area would result in wall effect created by buildings of the same height band and would affect air ventilation;
- (e) R38 and R39 proposed to extend the consultation period especially for the affected residents;
- (f) the comments, queries and the proposal of extending the consultation period raised by R37 to R39 were similar in nature with the general points expressed by other representers. PlanD’s responses to these points were provided to the relevant representations as detailed below;

Adverse Representations for More Stringent BHRs

- (g) R5 to R26 opposed BHRs in general and asked for more stringent controls. R5 to R26, together with R1, R2, R28 to R31, R35, R36, R40 to R44, R46 and R82, also opposed the BHRs for specific sites;

- (h) the general grounds of representations and their proposals were summarized in paragraph 4.3.2 of the Paper and highlighted below:
 - (i) the BHRs did not follow the principle of stepped building height which should increase gradually from the harbour to the inland area;
 - (ii) the area to the south of Hennessy Road would lose the sea breeze and seasonal north-easterly wind with the rezoning of the sites north of Hennessy Road to “C” with a BHR of 130mPD;
 - (iii) the view corridors from Bowen Road (at 120mPD) and Wan Chai Gap (at 90mPD) should be taken into account. These view corridors might be blocked by residential buildings in the south-western part of the area with a BHR of 140mPD and the commercial buildings with a BHR of 110mPD. The BHRs of the area should be reviewed within the sightlines of the view corridors from Bowen Road and Wan Chai Gap; and
 - (iv) the imposition of BHRs was for the future redevelopment and there was no need to take into account the height of the existing buildings;

- (i) R5 to R26 proposed to:
 - (i) revise the BHR for the “C” zone covering the area to the north of Johnston Road/Hennessy Road and in the area to the east of Canal Road East from 130mPD to 100mPD; and
 - (ii) to revise the Remarks of the Notes in respect of the BHRs for all relevant development zones to the effect that new development or redevelopment of an existing building should not exceed the BHRs stipulated on the OZP and could not claim the existing building height;

- (j) PlanD's responses to the representations and the representers' proposals were summarized in paragraph 4.4.2 of the Paper and highlighted as follows:
- (i) all relevant factors including stepped building height concept had been taken into consideration in formulating the BHRs for the Area;
 - (ii) area to the north of Johnston Road/Hennessy Road, which was predominantly commercial in nature, had gradually been developed as an extension to the Central Business District (CBD) in Central. This area was zoned "C". Given the existing high-rise office developments in the Wan Chai North area, a BHR of 130mPD was considered appropriate to cater for the "C" zone and to provide a stepped height concept from the "C" zone in the north to the "R(A)" zone in the south of Hennessy Road. The BHR of 100mPD proposed by the representers for the area concerned represented a 30m reduction (23%) in the maximum building height. This would pose undue constraints on future developments/redevelopments and had adverse impact on the development potential of the affected "C" sites;
 - (iii) according to the Urban Design Guidelines (UDG), four vantage points (three territory-wide and one local) had been selected to assess the visual impact of the BHRs, namely the Cultural Complex in Tsim Sha Tsui, West Kowloon Cultural District, the Peak and the Stubbs Road Lookout Point. The vantage points at Bowen Road and Wan Chai Gap proposed by R28 and R29 had been considered during the building height review. However, as indicated in Plans H-9f and H-9g of the TPB Paper, these vantage points were not able to provide an overall view of the entire Wan Chai area due to the blockage by some existing developments near them;

[Dr. W.K. Lo arrived to join the meeting at this point.]

Adverse Representations for More Lenient BHRs

- (k) R34, R46, R71 to R81 and R83 to R87 opposed the BHRs in general or the BHRs for some local or broad areas and asked for more lenient controls. R30, R36, R46 to R70 and R94 to R103 opposed the BHRs for specific sites;
- (l) the main grounds of representations which were mainly raised by R34 and owners of the concerned sites (R98 to R102) and the representers' proposals were summarized in paragraph 4.3.3 of the Paper and highlighted below:

Urban Design Considerations

- (i) there was no clearly expressed concept for the building height profile;
- (ii) the development pattern and topography had generally made Wan Chai a canyon, particularly in areas on both sides of Queen's Road East;
- (iii) the BHRs failed to achieve air ventilation purpose to a reasonable extent;
- (iv) the BHRs were set too low which could not free up site area for building gaps or green area and unnecessarily constrained design flexibility for innovative buildings;
- (v) the imposition of BHRs which were lower than that of the existing buildings or the approved building plans was unrealistic in that the buildings exceeding the BHRs would remain in-situ in the foreseeable future;

- (vi) there was no information on the floor-to-floor height assumed in formulating the BHRs. For the commercial sites, the maximum permissible GFA could only be accommodated if a floor-to-floor height of 3.6m was adopted. The BHRs should be revised on the contemporary standard for international quality Grade A office buildings at 4.5m;
- (vii) the imposition of the BHRs violated the advice of the AVA in that the different building heights did not matter much for Wan Chai from the air ventilation perspective. The BHRs would in effect push floor space down, thereby reducing the opportunities for providing gaps. The BHRs imposed low and uniform heights over large areas;
- (viii) tall buildings would help provide ground level open space to ease severe deficit in the provision of open space in the Area;

Minor Relaxation of BHRs for Buildings Exceeding the BHRs

- (ix) the presumption against minor relaxation where the existing building height had already exceeded the BHRs was unfair to those developments with BHRs marginally lower than that of existing building or the approved building plans. Each application for minor relaxation should be considered on its merits and the presumption should be deleted;

Spot Zoning Approach

- (x) the imposition of BHRs on individual sites constituted a form of “spot zoning”, which was too restrictive, inappropriate and unlawful. It was not permitted under s.3 and 4 of the Ordinance in relation to the content and application of statutory plans and violated the broad principle of planning stated in the ES of the OZP. Site specific BHRs should be incorporated in other forms of control such as leases or the Buildings Ordinance, but not the OZP;

(m) R34 proposed to:

- (i) revise the BHR for the area north and south of Hennessy Road to generally 130mPD and 150mPD respectively, except for the taller, existing and committed developments and “G/IC” sites. More relaxed building heights should be considered for sites at or near transport nodes;
- (ii) introduce a relaxation scheme, similar to that adopted by the Board for the Tsim Sha Tsui OZP, to the “C” and “OU(MU)” zones on the subject OZP, so that for sites with an area not less than 1,500m², relaxation of BHRs might be considered by the Board on application;
- (iii) adopt a more rational and generalized approach in imposing BHRs, by reviewing the “C” and “G/IC” zones and consolidate them into a small number of broader BHRs;
- (iv) delete paragraph 7.9 of the ES so that applications for minor relaxation would be considered on its own merits (this was also proposed by R97); and
- (iv) amend the wording of the Notes for the minor relaxation clause to the effect that minor relaxation of all restrictions were considered based on “individual merits” instead of “under exceptional circumstances”;

(n) R71 to R75 and R78 to R81 also made the following main points:

- (i) the principle of stepped building height, which should increase gradually from the harbour to the inland area, should be followed; and

- (ii) the pedestrian walkways and roads were very narrow in the area to the south of Hennessy Road and north of Queen's Road East. A low BHR would pose constraints on building setback and reduce opportunity for road widening upon redevelopment;

- (o) PlanD's responses to the representations and the representers' proposals were summarized in paragraph 4.4.3 of the Paper and highlighted as follows:

Urban Design Considerations

- (i) apart from air ventilation consideration and protection of ridgeline and the view from Victoria Park, the BHRs had been formulated based on an overall building height concept and other relevant considerations, including the existing building height profile, topography, site formation level, local characteristics, the waterfront and foothill setting, compatibility with the surrounding areas, predominant land uses and development potential, and visual impact. A balance had been struck between public aspirations for a better living environment and development potential of private land;

- (ii) the BHRs were drawn up to provide better planning control on the building height of development/redevelopment as there was a tendency to develop high-rise buildings in the Area to maximize the view of the harbour. These high-rise developments were out-of-context in the locality and had negative impacts on the visual quality of the Area. They also violated the stepped height profile and views to ridgelines and mountain backdrops from the major vantage point in Tsim Sha Tsui. The concentration of tall buildings, along with the narrow side streets (ranging from 4m to 5m in width) 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. Hence, it would not be appropriate to further relax the BHRs;

- (iii) deletion or piecemeal relaxation of the BHRs for individual sites as proposed by some representers would jeopardize the coherency of the stepped building height profile and could result in proliferation of high-rise developments, which was not in line with the intended planning control;
- (iv) AVA was only one of the considerations in formulating the overall building height concept of the Area. Based on the recommendations in the AVA, as the building volume density of the Area was medium to high, there was a need for better air ventilation to mitigate the negative thermal effects;
- (v) gaps between buildings played a key role in creating air paths. As recommended by the AVA, NBAs/gaps/setbacks had been imposed in the area, particularly along the row of four north-south aligned “G/IC” sites to the east of Fleming Road, in order to maintain/enhance the existing north-south air paths;
- (vi) in line with the AVA recommendations, various height bands had been proposed taking into consideration the topography of the area;

Built Form and Design Flexibility

- (vii) 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 innovative architectural features and a reasonable floor-to-floor height for development/redevelopment. The ES of the OZP had also been amended to expressly encourage the provision of improvement measures for better air ventilation e.g. greater permeability of podium, wider gap between buildings and

building setback;

- (viii) whether a building was considered bulky or massive depended on many factors other than building height alone. Given the tendency to maximize the best view in certain direction and to capitalize on land values on the lower floors, a development with no building height control might be even bulkier. The provision of better design buildings was not guaranteed by higher BHR;

Reference to Existing Buildings and Approved Building Plans

- (ix) it would not be appropriate to adopt the building heights of existing buildings exceeding the BHRs as reference as it would result in proliferation of tall buildings in the Area. While the building plans approved by the Building Authority (BA) before the imposition of BHRs would be allowed to proceed, the incorporation of the building heights of the approved development schemes in building plan submissions for individual sites into the OZP would jeopardize the integrity of the overall stepped building height concept;
- (x) Tsim Sha Tsui was a commercial high-rise node recognised in the UDG and the recognition of committed developments under general building plan (GBP) approvals was treated as exception rather than rule. It was inappropriate to apply the approach used in the Tsim Sha Tsui OZP to the subject OZP;

Floor-to-Floor Height

- (xi) having regard to the planning intention and character of the concerned sites, a reasonable floor-to-floor height was generally assumed in the formulation of the BHRs for the commercial sites and “OU(MU)” sites. There was variation in the floor-to-floor height of new office developments, and the floor height did not necessarily have a direct bearing on the quality of the office floor space provided. The design and finishes of the buildings were

also important considerations. The BHRs did not preclude the provision of quality office buildings;

- (xii) 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 ES of the OZP. The consideration criteria of such applications included the provision of better streetscape and good quality street level public urban space;

Minor Relaxation of BHRs for Buildings Exceeding the BHRs

- (xiii) relaxation of the building height of excessively tall buildings upon redevelopment would aggravate the problem of mismatch and jeopardize the overall building height concept for the OZP. For an existing building with building height already exceeded the BHR as stipulated on the OZP, there was a general presumption against application for minor relaxation unless under exceptional circumstances. Minor relaxation should only be granted to proposals with special planning and design merits. This was to avoid even taller buildings resulting in out-of-context developments in the Area. This principle was generally applied to all the OZPs with BHRs recently introduced;

Spot Zoning Approach

- (xiv) according to legal advice, s.3 and 4 of the Ordinance gave the Board comprehensive powers to control development in any part of Hong Kong. The Board had the power to impose BHRs on individual sites or for such areas within the boundaries of the OZP under s.3 and 4 of the Ordinance if there were necessary and sufficient planning justifications;

Road Widening

- (xv) there was currently no plan for road widening in the Area. Should there be a need, the opportunity for improvement by setting back the building boundaries would be pursued by the Transport Department (TD) wherever appropriate upon receipt of redevelopment proposals;

NBAs, Building Gaps and Setback Requirements

- (p) R1 proposed to increase building gaps by requiring 10m wide for every 60m of continuous building blocks and setback of 7.5m along the section of Canal Road between Gloucester Road and Hennessy Road;
- (q) R46 proposed to impose a setback requirement of 2m upon redevelopment along Queen's Road East and Johnson Road;
- (r) R34 opposed the NBAs and setback and building gap requirements in general. R35, R70 and R98 to R102 opposed the NBAs and setback requirements in respect of specific sites/area. The general grounds of representations and representers' proposals were summarized in paragraph 4.3.4 of the Paper and highlighted below:
 - (i) the AVA was subjective and devoid of any analysis as to how effective the proposed measures would be in improving air flows. There was inadequate justification for the NBAs and setbacks and their introduction significantly impinged on private development rights. Alternative means for achieving air ventilation had not been considered;
 - (ii) there was no provision in the Ordinance for the designation of NBAs or building gaps/setbacks for air path;
 - (iii) the OZP was not an appropriate statutory framework for the implementation of building setbacks and building gaps. Provision of road widening was covered by other ordinances (i.e. the

Buildings Ordinance and the Roads (Works, Use and Compensation) Ordinance) which provided means for compensating private land owners for the loss of their land for setback for a public purpose;

- (iv) there was no provision in the OZP for plot ratio to be exceeded as defined in B(P)R 22(1) and (2) and bonus GFA could be considered by the BA for taking private land for setbacks or air ventilation purposes for public passage; and
- (v) the meanings of NBA and setback and their difference were not clear;
- (s) R34 proposed to delete the NBA requirement and alternative zonings, such as “Open Space” (“O”) and “Road”, should be used to provide the desired gaps. The words “exceptional circumstances” in respect of application for minor relaxation of NBA requirements should be deleted from the relevant Notes of the “C” and “OU(MU)” zones, if NBAs should be retained;
- (t) R34 and R98 to R102 proposed to delete the setback and building gap requirements. If they were retained, the standard clause allowing for permitted plot ratio to be exceeded as defined in B(P)R 22(1) or 22(2) which allowed additional GFA for dedicated public passage should be included in all relevant development zones;
- (u) PlanD’s responses to the representations and the representers’ proposals were summarized in paragraph 4.4.4 of the Paper and highlighted as follows:
 - (i) notwithstanding that air ventilation was an important consideration, other factors such as scarce land resources to meet the competing needs of the community for various facilities, and the need to respect private development right should be duly taken into account.

The recommendations made in the AVA were on a street block by street block basis. There would be some flexibility for sustainable building design as proposed by R1 to be adopted for individual sites within the street block at the detailed design stage. R1's proposal to provide a setback of 7.5m along Canal Road between Gloucester Road and Hennessy Road would have a major impact on the redevelopment potential of the adjoining lots;

- (ii) as small lots were common in the area, the provision of 2m setback upon redevelopment along Queen's Road East and Johnson Road as proposed by R46 would pose undue constraints on the redevelopment potential of the adjoining lots;
- (iii) the AVA by EE, which was particularly useful for a large area, was considered an appropriate approach for overall review of building for the Area. The AVA had been carried out in accordance with the Technical Circular on AVAs promulgated by the Government. It had assessed the existing wind environment in the Area and made a qualitative evaluation of the likely impact of the developments in accordance with BHRs on the pedestrian wind environment, with identification of areas of concern and recommendation of possible measures to address the potential problems. Justifications for the specific NBAs and building gap requirements were clearly set out in the AVA and the relevant MPC paper;
- (iv) according to legal advice, s.3 and 4 of the Ordinance gave the Board comprehensive powers to control development. NBA, setback and building gap requirements could be a part of the planning control provided that the Board had necessary and sufficient planning justifications. The designation of such requirements on the OZP, which could serve a positive planning purpose and had positive planning benefits, was obviously a type of development control and justified in the circumstances;

- (v) the objective of the NBA and building gap requirements was for air ventilation and urban design considerations, while the setback requirement would improve pedestrian walking environment and assist air ventilation. It was appropriate to impose such control on the OZP to provide clearer control and allow opportunity for public representation under the Ordinance. In comparison, the provision of setback under the Buildings Ordinance was on a voluntary basis and was considered less effective. Land resumption under the Roads Ordinance was for different purposes;
- (vi) the areas designated as NBAs were clearly marked and shown in the OZP and the objectives were stated in the ES. There should be no building structure above ground, but development was permitted below ground. Setback referred to the setting back of the building from the lot boundary. While the effects of the two on development/redevelopment were similar, they served different functions. NBA was designated for air ventilation or urban design considerations, while setback was mainly to facilitate widening of footpaths to improve pedestrian walking environment and to meet the standards in the HKPSG, though it might also assist air ventilation;
- (vii) since there was no plot ratio restriction for the relevant commercial, residential and “OU(MU)” zones, the inclusion of provision in the OZP for plot ratio to be exceeded as defined in B(P)R 22(1) and 22(2) was not necessary. The NBA, setback and building gap requirements on the OZP should not adversely affect development intensity of the relevant sites. Any claims for bonus GFA under the Buildings Ordinance for proposals involving dedication of land for public passage and surrender of land for street widening should be considered by the BA in accordance with the normal practice; and

- (viii) the development potential of the sites would not be affected by the NBAs. 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

- (v) R5 to R27 and R34 opposed the rezoning of “C/R” sites in general, but R5 to R26 supported the rezoning of the Wing Ning Street Sitting Out Area to “O”. R94, R97 and R104 opposed the rezoning to “C” mainly due to the reduction in land use flexibility, while R105 and R106 opposed the rezoning to “R(A)” mainly on the ground that the zoning would not reflect the commercial nature of the area;
- (w) the general grounds of representations and the representers’ proposals were summarized in paragraph 4.3.5 of the Paper and highlighted below:
 - (i) the “C/R” zoning provided flexibility and a vibrant form of development, and had facilitated the redevelopment of Wan Chai into an important extension of the CBD. “C” and “R(A)” zonings were dominated by the main permitted uses rather than a mixture of uses, and were not appropriate for the Area. Many other cities were encouraging mixed use developments;
 - (ii) the argument that the “C/R” zoning was problematic in terms of loading on infrastructure had not been proven. PlanD should have the necessary planning for infrastructure based on the worst case scenario;
 - (iii) the rezoning of “C/R” sites to “C” would cause serious traffic issues;
 - (iv) the retention of “C/R” zoning respected existing property rights;

- (v) the “OU(MU)” zone had been introduced without any consultation with the landowners or the development industry. The zone did not provide adequate flexibility for development. The zoning created a lot of uncertainty as the definition of the three schedules and the permissible uses were confusing and unclear;

- (x) R94 proposed to reinstate the “C/R” zone or to use “OU(MU)” zone more extensively. For instance, the “R(A)” area along the western side of Morrison Hill Road and southern side of Wan Chai Road and the area between Stewart Road and Percival Street might be rezoned to “OU(MU)”;

- (y) R5 to R26 proposed to rezone only one-third or half of the “C/R” area to the north of Hennessy Road and east of Canal Road East to “C”;

- (z) PlanD’s responses to the representations and the representers’ proposals were summarized in paragraph 4.4.5 of the Paper and highlighted as follows:
 - (i) according to the recommendations of the Metroplan Review which was completed in 2003 after wide public consultation, the “C/R” zoning was considered obsolete and had inherent problems, including undesirable land-use mix (e.g. mixture of commercial and residential uses on the same floor or without any segregation between the commercial and residential portions) and uncertainty in infrastructure planning. The Study recommended to rezone the “C/R” sites to other more appropriate zonings for more effective infrastructure planning and better land use management. Except for a few OZPs, all the “C/R” zones on OZPs had been reviewed and rezoned to other uses;

 - (ii) a land use review had been undertaken to examine the “C/R” sites on Wan Chai OZP with a view to rezoning them to appropriate zonings so as to provide a clear planning intention. As the area to the north of Johnston Road/Hennessy Road and the area to the west

of Percival Street were predominantly commercial in nature and had been developed as a CBD extension, they were rezoned to “C”. Areas to the south of Wan Chai Road and west of Morrison Hill Road, which were predominantly residential in nature, were rezoned to “R(A)”. Areas bounded by Johnston Road/Hennessy Road, Canal Road West, Morrison Hill Road and Wan Chai Road were rezoned to “OU(MU)” as they were of mixed residential and commercial uses under gradual transformation;

- (iii) the “C/R” sites were rezoned to “C”, “R(A)” or “OU(MU)”, taking the nature and uses of the existing developments into consideration. Rezoning of the “C/R” sites would not result in uniform developments and the character of the area as flexibility for change of use was allowed through the planning permission system. There were provisions for residential developments under the “C” zoning and commercial and hotel developments under the “R(A)” zoning through the planning permission system;

- (iv) the “OU(MU)” zoning was first introduced in the revised Master Schedule of Notes to the Statutory Plans (MSN) endorsed by the Board in 2003. The professional institutes and the Planning Sub-committee of the Land and Building Advisory Committee were consulted on the revised MSN, and the views collected had been taken into account in refining the proposed zoning. The zoning permitted as of right new residential, non-residential or mixed development with proper segregation of residential and non-residential uses, while allowing some commercial uses in existing composite buildings before redevelopment. Schedules I and II of the zone applied to new development, redevelopment, and converted building. The newly introduced Schedule III was in respect of control for existing buildings mainly to cater for change of use within part of an existing building. There was no ambiguity in the planning control. The stakeholders were being consulted on a set of draft TPB Guidelines on the “OU(MU)” zone;

- (v) under the “C/R” zone, commercial developments were always permitted. The rezoning of “C/R” to “C” generally reflected the existing land use pattern and the trend of development in the area. It would not induce any significant traffic implications as compared to the situation under the previous “C/R” zoning; and
- (vi) the “C” zoning was considered suitable in view of the trend of commercial developments in the area to the north of Hennessy Road and west of Percival Street, which would help meet the increasing demand for office floor space. Should there be a market demand for residential development in this area, there was provision for application for residential development under the “C” zone. Commercial development was permitted as of right in the previous “C/R” zone. As the area, in particular those sites near Times Square was gradually transforming into a commercial, shopping and entertainment area, the representers’ proposals of rezoning less previous “C/R” sites to “C” within the area north of Hennessy Road and east of Canal Road would undermine the planning intention of the “C” zone for the area;

Rezoning of “G/IC” Sites

- (aa) R5 to R26, R30 and R35 opposed the rezoning of specific “G/IC” sites to “C”, “R(A)3”, “R(A)4”, “R(A)5”, “R(A)6”, and “OU” annotated “Residential cum Commercial, Government Offices and Community Facilities” respectively;
- (ab) the general grounds of representations and the representers’ proposals were summarized in paragraph 4.3.6 of the Paper and highlighted below:
 - (i) the area of “G/IC” zone in Wan Chai should not be reduced with the increase in the planned population from 72,100 to 83,540 and the increase in the commercial area from 1.53 ha to 20.39 ha;

- (ii) “G/IC” sites were intended to be low-rise developments in order to give diversity and space in the city. They should not be developed into high-rise buildings; and
 - (iii) “G/IC” sites were for the benefit of the community and should continue to be used for this purpose;
- (ac) R35 proposed to retain the seven sites covered by Harcourt House and a portion of Mass Mutual Tower, Li Chit Garden, No.1 Star Street, Hong Fong Building, Oi Kwan Court, Connaught Commercial Building and Southorn Centre/Southorn Garden/Southorn Stadium as “G/IC”;
- (ad) R5 to R26 proposed to amend the Notes of the “R(A)” subzone to stipulate that the GFA for the GIC facilities should be increased proportionately with any increase in the total GFA of the development upon redevelopment;
- (ae) PlanD’s responses to the representations and the representers’ proposals were summarized in paragraph 4.4.6 of the Paper and highlighted as follows:
- (i) although the planned population of the Area would be increased from 72,100 to 83,540, the existing and planned GIC facilities would be adequate to meet the need of the planned population. The rezoning of the “G/IC” sites, which had already been developed for commercial or residential cum GIC uses, would not have any adverse impact on the provision of adequate GIC facilities for the Area;
 - (ii) the existing developments at 11-17 Kennedy Street were several existing residential buildings of 6 storeys in height and the rezoning was to reflect the current residential use as permitted under the lease. The site was not required for any specific GIC use;

- (iii) all the developments on the sites previously zoned “G/IC” were planning schemes approved previously by the Board. The rezoning of these sites was only to reflect the completed developments as previously approved by the Board. To retain them as “G/IC” was considered not appropriate; and
- (iv) as there was no lack of GIC facilities in the Area, there was no sufficient justification to amend the Notes of “R(A)” subzone to stipulate the requirements for additional GFA for the GIC facilities;

Public Consultation

- (af) R34, R39, R97 to R102 and R104 considered that prior to the exhibition of the amendments to the OZP, there was no consultation with the affected owners and the development industry. The public had not been informed of the justifications and visual impact assessment for the BHRs and other development restrictions. Without such information, the public could not reasonably comment on the need for the restrictions;
- (ag) PlanD’s responses to the representations were summarized in paragraph 4.4.7 of the Paper and highlighted as follows:
 - (i) it was an established practice that proposed amendments involving BHRs should not be released to public prior to gazetting. Amendments to the OZP were exhibited for public inspection for a period of two 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 to DPTC of the WCDC, WCEAC, WCWAC and local residents in a local consultation forum. The two-month statutory exhibition period was considered adequate for consultation with the public, while maintaining the efficiency of the process;

- (ii) the rationales for the BHRs, NBAs and setback requirements had been set out clearly in the relevant MPC Paper, the AVA and the ES of the OZP, which were all available to the public;
- (iii) photomontages showing the visual impacts of the proposed BHRs with views from major vantage points were included in the relevant MPC Paper; and
- (iv) 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.

Representations Relating to Specific Sites

Sites on Marsh Road (“C”, 110mPD)

- (ah) R94 opposed the rezoning of the sites to “C” and the BHR of 110mPD;
- (ai) the main grounds of representation and the representers’ proposals were summarized in paragraph 4.5.2 of the Paper and highlighted below:
 - (i) the rezoning of the “C/R” sites to “C” was insensitive without considering the mixed use character of the area;
 - (ii) Wan Chai was a transitional area between the CBD and shopping/entertainment area. Flexibility of allowing mixed use development should be retained;
 - (iii) allowing mixed use development could provide flexibility in adaptive organic change and respect the mature community characters. It could be regarded as a logical extension from the “OU(MU)” sites in the area bounded by Canal Road West and Morrison Hill Road; and

- (iv) existing and approved buildings were taken as committed developments in formulating the building height control in Tsim Sha Tsui. The same principle should be applied in this area especially for the subject site which would have no significant problem in compatibility;

- (aj) R94 proposed to:
 - (i) rezone Site 1 to “R(A)” to reflect the approved uses; or to rezone both sites to “OU(MU)” to cater for different type of developments; and

 - (ii) to relax the BHR of Site 1 to 151.2mPD and Site 2 to 121.2mPD;

- (ak) PlanD’s responses to the representations were summarized in paragraph 4.5.2 of the Paper and highlighted as follows:
 - (i) the area to the north of Johnston Road/Hennessy Road and the area to the west of Percival Street were predominantly commercial in nature and had been developed as a CBD extension. The “C” zoning was to provide a clear planning intention and to cater for the redevelopment trend of the area into a commercial area;

 - (ii) the proposed rezoning of Site 1 to “R(A)” would be piecemeal in nature and there was provision for application for residential development within the “C” zone;

 - (iii) the proposed rezoning of both sites to “OU(MU)” was not in line with the planning intention of the area as reflected in the redevelopment trend for commercial developments;

 - (iv) while the building plans approved by the BA before the imposition of BHRs would be allowed to proceed, the incorporation of the

building heights of approved development schemes in building plan submissions for individual sites would jeopardize the integrity of the overall stepped building height concept; and

- (v) Tsim Sha Tsui was a commercial high-rise node recognised in the UDG and the recognition of committed developments under GBP approvals was treated as exception rather than rule. There was no justification to apply this approach to the subject OZP;

Times Square Area

Times Square, 1 Matheson Street (Site A) (“C(2)”, 200mPD)

1-29 (odd number) Tang Lung Street (Site B))

38 Russell Street (Site C)) (“C”, 130mPD)

77 Leighton Road and 99 Percival Street (Sites D and E))

and 9 - 11 Leighton Road (Site F))

- (al) R46 opposed the BHR of 200mPD for Times Square (Site A) as there was no need to give special consideration to the height of existing building;

- (am) R95 opposed the BHR of 130mPD for the site at Tang Lung Street (odd numbers) (Site B) and R96 opposed the BHR of 130mPD for Soundwill Plaza at 38 Russell Street (Site C), on the grounds that the unreasonable building height profile of 200mPD for Times Square and 130mPD for the surrounding area made Times Square disharmonious in the area with a height profile variation of 70m. A BHR of 150mPD could still achieve a stepped height profile. R95 and R96 proposed to relax the BHR of the “C” zone from 130mPD to 150mPD;

- (an) R97 opposed the rezoning of Leighton Centre and Lee Theatre Plaza (Sites D & E) to “C” and the BHR of 130mPD. R97 proposed to revise the BHR of the surrounding neighbourhood of Times Square to 200mPD; or to revise the BHR of Leighton Centre to 200mPD to reflect the approved GBP;

- (ao) R104 opposed the rezoning of 9 to 11 Leighton Road (Site F) to “C” and

the BHR 130mPD on the grounds that the rezoning would limit the use of the site as commercial development only and did not cater for residential nature of the immediate neighbourhood. R104 proposed to rezone the site at 9 to 11 Leighton Road (Site F) to “OU(MU)”;

(ap) PlanD’s responses to the representations were summarized in paragraph 4.5.3 of the Paper and highlighted as follows:

- (i) the building heights of the three particularly tall buildings (i.e. Times Square, Hopewell Centre and Three Pacific Place) were already identified in the UDG. Specifically, Times Square (198mPD) fell outside the “view fan” of the vantage points at Tsim Sha Tsui Cultural Complex and West Kowloon Cultural District;
- (ii) Times Square had been recognized as a landmark development, together with the two other developments in the Causeway Bay area, namely The Lee Gardens (208mPD) and the commercial development at 500 Hennessy Road under construction (199mPD), forming a ‘triangle mode’ as a key destination for shopping and entertainment;
- (iii) the BHRs were formulated on the basis of reasonable assumptions. Having regard to the planning intention of the Times Square/Canal Road Area for commercial developments and the overall stepped height concept for the Area, the imposition of a “C” zoning with a BHR of 130mPD was considered appropriate;
- (iv) while the building plans approved by the BA before the imposition of BHR would be allowed to proceed, the piecemeal relaxation of the BHRs for individual sites as proposed by R95 to R97 would jeopardize the coherency of the stepped building height profile for the Area; and
- (v) the “C/R” sites were rezoned to “C” taking into account the nature

and uses of the existing developments as well as the redevelopment trend of the area for commercial developments. As the Times Square/Canal Road area was a predominantly commercial, shopping and entertainment area, these sites were not considered suitable for residential development. Nevertheless, there was provision for application for residential development within the “C” zone to provide flexibility. Each application would be considered by the Board on its own individual merits;

Three Pacific Place Area

Three Pacific Place at 1 Queen’s Road East (Site A) (“C(6)”, 180mPD)

8-10; 12-18; 21-31 Wing Fung Street (Sites B, C and D) (“R(A)”, 100mPD and 1m setback)

the area bounded by Hennessy Road, Anton Street, Queen’s Road East and Landale Street (Site E) (“R(A)”, 110mPD and 1m setback)

1 Hennessy Road (Site F) (“C”, 130mPD)

(aq) R5 to R26, R30, R35 and R46 opposed rezoning of the Three Pacific Place (Site A) to “C(6)” and/or BHR of 180mPD;

(ar) the main grounds of representations were:

- (i) R30 considered that giant commercial building should not be allowed in residential zones;
- (ii) R35 considered that the proposed rezoning of Three Pacific Place to “C” would allow higher plot ratio;
- (iii) R46 considered that the purpose of planning was to set the standards for future redevelopment and there was no need to cater for the existing condition;

(as) R98 opposed the BHR of 180mPD for Three Pacific Place (Site A) on the grounds that the imposition of setback requirement was inconsistent; the mandatory requirement for the provision of public open space was

considered unreasonable and undesirable; and it would restrain the design flexibility of the open space in future;

- (at) R99 and R100 considered the BHR of 100mPD for Sites B and C was unreasonably low given that the BHR of the adjacent Three Pacific Place site was 180mPD;
- (au) R99, R100 and R102 considered that the “R(A)” zoning of Sites B, C and E failed to reflect sites of similar characteristics of commercial uses;
- (av) R103 considered that the building height in the approved building plan submission at 152.8mPD (Site F) was not excessively tall or out-of-context, did not breach the views of the ridgeline or block the harbour view and would not adversely affect air ventilation;
- (aw) R99 to R103 had the following proposals:
 - (i) R98 proposed to rezone the whole ‘island’ site (including Sites A to C covering Three Pacific Place, Regal Court and Wing Fung Building) to “C”; and to delete the requirement for provision of public open space;
 - (ii) R99 and R100 proposed to rezone the whole ‘island’ site to “C” with a BHR of 180mPD, or to rezone it to “C(6)” with the same requirement for provision of public open space not less than 1,650m² at street level;
 - (iii) R101 proposed to relax the BHR of Site D at 21-31 Wing Fung Street to 120mPD;
 - (iv) R102 proposed to rezone Site E (i.e. the area bounded by Hennessy Road, Anton Street, Queen’s Road East and Landale Street) from “R(A)” to “C”; or the ‘extended area’ (i.e. the area zoned “R(A)” and bounded by Landale Street, Queen’s Road East and Hennessy

Road) from “R(A)” to “OU(MU)” or “C”; and to relax the BHR of the former area or the latter area to 135mPD;

- (v) R103 proposed to rezone Site F at 1 Hennessy Road to “C(7)” with a BHR of 155mPD with an option to state in the Remarks to the Notes of the “C” zone that “a maximum building height of 155mPD would be considered upon application under s.16 based on design merits distinguishing its landmark status at the western entrance to Wan Chai District”;
- (ax) PlanD’s responses to the representations were summarized in paragraph 4.5.4 of the Paper and highlighted as follows:
- (i) the rezoning of the Three Pacific Place site from “R(A)” to “C(6)”, the BHR of 180mPD and the 1,650m² public open space requirement were to reflect the completed development based on the scheme approved by the Board;
 - (ii) having regard to the traffic concern on the wholesale rezoning to “C”, the “R(A)” zoning of the area to the south of Queen’s Road East was maintained on the current OZP. There was flexibility for commercial development under the “R(A)” zone through the planning permission system. Nevertheless, given the Three Pacific Place development, it was considered that in terms of land use, the two immediate adjoining sites at 8-10 and 12-18 Wing Fung Street could be rezoned to a subarea of the “C” zone with a suitable BHR, and a requirement that any redevelopment for commercial/office use be subject to the approval of the Board to ensure that there would be no adverse traffic impact (R98 to R100);
 - (iii) since there were two planning applications for office development in Site E approved with conditions by the Board, it was necessary to ensure the compliance of the approval conditions. The existing “R(A)” zoning should be retained (R102);

- (iv) while the building plans approved by the BA before the imposition of BHR would be allowed to proceed, the piecemeal relaxation of the BHR for individual site as proposed by R101 and R103 would jeopardize the coherency of the stepped BH profile for the Area;
- (v) there was provision for minor relaxation of the BHR to cater for site specific circumstances and schemes with planning and design merits. Each application would be considered by the Board on its individual merits; and
- (vi) according to the AVA, setbacks were required along the two sides of Queen's Road East to improve the north-south air paths. As for the query on the setback requirement for "C(6)" raised by R98, the 1m setback was required for the site, which covered existing public open space/open area in the Three Pacific Place development. Opportunity would be taken in due course to revise the remarks of the Notes of the OZP for "C(6)" site and paragraph 8.1.6 of the ES to explicitly state the setback requirement;

Wai Chai Road Area

Area between 185 Wan Chai Road and 209-219 Wan Chai Road (Site A)

101 Wan Chai Road (Site B) ("R(A)", 110mPD)

- (ay) R105 opposed the "R(A)" zoning of Site A on the following grounds:
 - (i) the rezoning of the representation sites from "C/R" to "R(A)" did not reflect the current commercial and residential nature of the immediate neighbourhood;
 - (ii) redevelopment potential would be greatly diminished by the proposed "R(A)" zone where related owners and investors would suffer from the substantially reduction in property value;
 - (iii) the proposed BHR of 130mPD did not create any adverse visual or

environmental effects;

- (iv) an elevated walkway was proposed to be constructed from the Sun Hung Kai Centre through Tonnochy Road and the basketball court to Tak Yan Street. The proposed elevated walkway would not only improve existing traffic network but could also create a safer, faster and direct route to and from Wan Chai Harbour and Wan Chai Road; and
 - (v) the land between King Sing Mansion at 187-191 Wan Chai Road and Tak Yan Street was only a pedestrian walkway rather than a part of the Tak Yan Street Playground;
- (az) R105 proposed to rezone the area between 185 Wan Chai Road and 209-219 Wan Chai Road as well as the strip of land (between King Sing Mansion at 187-191 Wan Chai Road and Tak Yan Street) within the “O” zone covering Tak Yan Street Children’s Playground to “OU”;
- (ba) R106 opposed the “R(A)” zoning of 101 Wan Chai Road (Site B) on the grounds that the rezoning to “R(A)” did not reflect the current commercial and residential nature of the immediate neighbourhood. The rezoning was not appropriate as the site was affected by busy traffic and noise;
- (bb) R106 proposed to retain the site at 101 Wan Chai Road (Site B) as “C/R”;
- (bc) PlanD’s responses to the representations were summarized in paragraph 4.5.5 of the Paper and highlighted as follows:
- (i) the areas to the south of Wan Chai Road and west of Morrison Hill Road were predominantly residential in nature. It was therefore considered appropriate to rezone the area from “C/R” to “R(A)” to provide a clear planning intention. There was flexibility for commercial development under the “R(A)” zoning through the planning permission system. Hence, R105’s proposal to rezone

the area between 185 Wan Chai Road and 209-219 Wan Chai Road to “OU(MU)” was not supported;

- (ii) taking into account that “C/R” was an obsolete zoning and the predominately residential use of the area, R106’s proposal to retain the “C/R” zoning for the site at 101 Wan Chai Road was not supported;
- (iii) the Leisure and Cultural Services Department had strong objection to R105’s proposal to rezone the strip of land between the King Sing Mansion at 187-191 Wan Chai Road and Tak Yan Street covering Tak Yan Street Children’s Playground to “OU”, since the playground was one of the popular leisure facilities in the area with high patronage; and
- (iv) the elevated walkway proposed by R105 was not an amendment item under the OZP. While TD has no current plan for a new footbridge at this location, the proposal could be separately considered by the TD as appropriate;

Hopewell Centre area :

Hopewell Centre (HC) (“C(5)”, 220mPD);

Hopewell Centre II (HC II) (“OU(CRA)”, 210mPD);

QRE Plaza at 202 Queen’s Road East (“C(3)”, 94mPD); and

Existing footbridge linking QRE Plaza and Hopewell Centre at Queen’s Road East (“OU(Elevated Walkway)”)

(bd) the grounds of representations were summarized in paragraphs 4.5.6 of the paper and highlighted below:

- (i) the BHR of 210mPD for HC II was excessive (R1). It would form a wall of buildings together with HC. It also posed adverse visual impact on residents in the Bowen Road and Kennedy Road area (R2 and R36). A 210mPD BHR would result in a high-density

development which would induce higher traffic volumes beyond the capacity of Kennedy Road, Queen's Road East and the various junctions and slip roads (R2, R36 and R82);

- (ii) the BHR of 220mPD for HC was excessive and unacceptable as it would interfere with the statutorily protected view from Bowen Road and breached the 20% building free-zone beneath the ridgeline. The maximum building height should fully comply with the BHR of the prevailing "R(A)" zone (R28-R29, R31 and R43);
- (iii) "R(A)" zoning of HC should be retained to ensure compliance with the approval conditions of the 1975 planning permission in particular on the restriction to limit the vehicular access at Kennedy Road to private motor vehicles only and access at Spring Garden Lane to service vehicles. This was a stealth rezoning effort to commercialize the Kennedy Road's residential area for the benefit of one owner, i.e. Hopewell. A commercial zoning was incompatible with the medium-density residential vicinity and would set an appalling precedent (R31). The "R(A)" zoning should be remained to safeguard the living environment of the nearby residents and the medium-density development in Kennedy Road (R36). The proposed rezoning of HC to "C" would allow for higher plot ratio (R35);
- (iv) the QRE Plaza site was meant to be compensated for the public in exchange of planning permission for HC II in 1994. It should be retained "O" to meet the original planning intention of the site (R2 and R5-R26). The site should never have been built on (R35). The "O" zones in the district including QRE Plaza were to ensure that there were sufficient buffer spaces for better air ventilation and for public use (R36);
- (v) the proposed "Elevated Walkway" should be a public asset (R36);

- (vi) HC II along with HC would obstruct the view from Stubbs Road (R43);

(be) the representers had the following proposals:

- (i) R1 proposed to revise the BHR for HC II in accordance with the revised scheme agreed by the Board in 2008;
- (ii) R2 proposed that the permitted building height of HC II should not be higher than that for other properties along Kennedy Road;
- (iii) R43 proposed that the BHR of 210mPD should be further reduced to ensure more stringent planning control;
- (iv) R5 to R26 proposed to rezone HC II site from “OU(CRA)” to “R(A)” and to impose a BHR of 100mPD. R46 to R66 proposed to impose a BHR of 140mPD for HC & HC II and R67 to R69 proposed a BHR of 140-180mPD for HC II;
- (v) R28 to R30 and R32 proposed to revise the Notes of the “OU(CRA)” zone covering the HC II site to stipulate a maximum plot ratio and minimum open space requirements;
- (vi) R5 to R26, R28 to R31 and R36 proposed to retain the “R(A)” zone for the HC site. R5 to R26 and R28 to R31 proposed to impose a BHR of 100mPD for the site;
- (vii) R2 proposed to retain the “O” zoning for the QRE Plaza site (R5-R26, R29-R30). Land exchange issues should be resolved before approving the rezoning of the QRE Plaza site;
- (viii) R36 proposed to rezone the open space and public space in the district to “O”;

- (bf) PlanD's responses to the representations and representers' proposals were summarized in paragraph 4.5.6 of the Paper and highlighted as follows:

HC

- (i) the building heights of the three particularly tall buildings (i.e. Times Square, HC and Three Pacific Place) were already identified in the Study on the UDG. Specifically, HC, though affecting the 20% 'building-free zone', did not breach the ridgeline when viewed from the Tsim Sha Tsui Cultural Complex. For the view corridors from Bowen Road and Wan Chai Gap Road, some of the commercial buildings in Wan Chai and Wan Chai North such as the Central Plaza and HC were very tall as they were landmark buildings as identified in the UDG. The land use characteristic of the Wan Chai area was different from the pure residential characteristics of the Mid-levels East area;
- (ii) together with the adjacent Wu Chung House (zoned "C(1)") and the proposed HC II (zoned "OU (CRA)"), this area along Queen's Road East was transforming into a commercial node. It was unlikely that HC would be redeveloped in the foreseeable future. Redevelopment of HC for residential use would be inappropriate due to the change in local character and the site was sandwiched between commercial developments;
- (iii) the planning permission for HC had already lapsed with the completion of the development in 1983. Relevant approval conditions were reflected in the lease, which had restricted the access of service vehicles to Queen's Road East;
- (iv) the existing PR of HC was about 15. The rezoning of the site from "R(A)" to "C" would not result in higher plot ratio;

HC II

- (v) the relevant amendment to the OZP for this site only involved the imposition of a BHR of 210mPD;
- (vi) the retention of the “OU(CRA)” zoning would ensure all the approval conditions attached to the planning application granted in 1994 and were still relevant to the revised scheme in 2008, with a reduced building height of 210mPD and a reduced plot ratio of about 10.3, would be complied with. Specifically, there were approval conditions stipulating the requirements on the design and construction of the public park of not less than 2,030m² and to hand over the public park to the Government as well as the design of the private park of not less than 3,850m² and open to the general public at reasonable hours. The revised scheme and the approval conditions would be reflected in the land exchange which was currently being processed;
- (vii) a TIA had been undertaken for the proposed HC II development in association with the latest scheme. The TIA had demonstrated that the proposed development, with the implementation of the recommended road improvement works, would have no adverse impact on the surrounding road network;
- (viii) in the highly developed context of Hong Kong, it would be difficult to protect the private view of all residential developments towards a development site. It was more important to protect the public view for the benefits of the public at large;
- (ix) on the protection of the view from Bowen Road and Wan Chai Gap, when considering the BHRs for the Mid-levels East OZP in 2002, the Board was aware of these two approved developments in Wan Chai and at that time, the HC II was even with a higher building height of 315mPD as compared with its latest scheme of 210mPD. The visual impact had been contained;

QRE Plaza

- (x) in connection with the planning application for HC II approved by the Board on 7.1.1994, the QRE Plaza site was proposed by the applicant to be surrendered for open space use. The site was rezoned from “R(A)” to “O” to meet the shortfall of open space provision in Wan Chai in 1994. In the subsequent land exchange exercise for the HC II in June 1994, the surrender of the site was not required according to the then prevailing land policy;

- (xi) as the site had already been developed for commercial use in 2007 and the zoning of the site as “O” was no longer valid, the Board on 13.2.2009 approved a s.12A application (No. Y/H5/3) for rezoning the site from “O” to “C(3)” to reflect the completed development subject to a maximum building height of 94mPD to prevent excessively tall building upon redevelopment in future; and

- (xii) the Board also agreed that the elevated walkway at the site across Queen’s Road East should be shown on the OZP. The rezoning of the site from “O” to “C(3)” and the footbridge to “OU” zone is in accordance with the Board’s decision;

39 Kennedy Road (“R(B)”, 120mPD)

- (bg) the grounds of representations were summarized in paragraph 4.5.7 of the paper and highlighted below:
 - (i) Wu Chung House (WCH) had been built too high and too close to Phoenix Court, affecting the air ventilation and blocking the sunlight. Relaxation of BHR at Phoenix Court would allow redevelopment to adopt stepped building height with WCH and greater design flexibility in redevelopment (R36 and R46 to R66). Units at lower levels of Phoenix Court were affected by exhaust from the restaurants at HC and WCH (R46 to R59);

 - (ii) as Phoenix Court was located behind WCH, Phoenix Court should

at least have the same BHR as WCH (i.e. 140mPD) (R67 to R69). The proposed relaxation of BHR to 140mPD would allow redevelopment of Phoenix Court into 2 building blocks, with increased separation from WCH, to improve air flow from the Peak/Kennedy Road to Wan Chai, and for fire safety reason. The 1m setback requirement would push Phoenix Court closer to Wu Chung House which would block air circulation (R70);

- (iii) a BHR of 180mPD for Phoenix Court would not affect the view of the ridgeline (R46-R59);

(bh) the representers had the following proposals:

- (i) to relax the BHR of Phoenix Court to 140mPD (R70), 150mPD (R46, R61-R67), or 160mPD (R68-R69);
- (ii) to relax the BHR for the “R(B)” zone covering Phoenix Court (R36 and R47 to R60);
- (iii) to rezone the garden between WCH and HC to “O” (R46 to R66) or NBA (R67 to R69) to preserve the air path;

(bi) PlanD’s responses to the representations and representers’ proposals were as follows:

- (i) as the area to the south of Queen’s Road East was predominantly residential developments, a stepped height concept was considered appropriate to reflect the local topography characteristics;
- (ii) a BHR of 120mPD was also considered appropriate for Phoenix Court as it had taken into account the topography, the intended land use, the BHR for adjoining developments in the area and the adjoining Mid-levels East area, and also provided reasonable scope for redevelopment. The BHRs as proposed by the representers

would compromise the stepped building height concept. However, there was also provision for application for minor relaxation of the BHR under the OZP to cater for development/redevelopment with planning and design merits and /or specific constraints;

- (iii) any major relaxation of the BHR for Phoenix Court would have adverse visual impact as well as would jeopardize the coherency of the stepped building height profile for the area. The relaxation of the BHR for Phoenix Court to 140mPD to 160mPD proposed by R36 and R61 to R70 was therefore not supported;
 - (ix) the impact of the 1m setback requirement along Yen Wah Steps on the Phoenix Court site, which had a length of about 120m, would be minor. There was also provision for application for minor relaxation under exceptional circumstances in the Notes of the OZP;
 - (x) the garden between WCH and HC was part of the development scheme of WCH approved by the Board on 22.4.1986 and completed in April 1993. The provision of a public open space of not less than 1,160m² was stipulated in the Notes of the OZP for “C(1)” zone. It was therefore not necessary to rezone the garden to “O” or NBA;
- (bj) 13 comments received were related to the above representations:
- (i) C1 had not provided grounds for its support and objection to the proposed amendments raised by other representers. PlanD’s responses to the relevant representers’ proposals above were relevant;
 - (ii) C2 supported and objected to the amendments proposed by other representers on grounds that public interest should be taken into consideration in the planning of the Area so as to address various

issues affecting the daily life of the community such as traffic congestion, air pollution and lack of public space. PlanD's responses were that in formulating the BHRs for the Area, all relevant factors including the UDG, existing topography, stepped building height concept, local characteristics, existing building height profile, site formation level and site constraints, the zoned land uses of the site concerned, development intensity, 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 right;

- (iii) C3 supplemented on R4 that any hotel at Hing Wan Street should be less than 10 storeys as hotel use should not be a dominant use of the area. PlanD's responses were that under the "R(A)" zone, planning permission was required for any hotel development and the Board would consider each application based on individual merits of each case having regard to all relevant considerations;
- (iv) C4 had not provided grounds for her support to R2 and R40's views that the land exchange issues should be resolved before approving the rezoning of QRE Plaza site. PlanD's responses to these representations above were relevant;
- (v) C5 supplemented on R32 that maximum plot ratio and minimum provision of open space should be incorporated into the Notes of the "OU(CRA)" zone. PlanD's responses to the representation above were relevant;
- (vi) C286 to C293 had provided similar grounds as R101 in their support to R101. PlanD's responses to the grounds of R101 above were relevant;

PlanD's Views

- (bk) PlanD considered that a commercial zoning for the whole island covering Three Pacific Place, 8-10 and 12-18 Wing Fung Street was acceptable in land use terms and proposed that the sites could be rezoned to a subarea of “C” zone with a suitable BHR and a requirement that any redevelopment for commercial/office use be subject to the approval by the Board to ensure that there would be no adverse traffic impact (R98 to R100); and
- (bl) R1, R2, R5 to R32, R34 to R36, R40 to R44, R46 to R87, R94 to R97, R101 to R106, the remaining part of R98 to R100 and part of R1, R5 to R26 and R46 should not be upheld.

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

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

R25 (Ms. Chik Yuk Chun)

10. Ms. Chik Yuk Chun made the following main points:

- (a) the BHRs stipulated in the OZP had not really followed the stepped height concept. To achieve a stepped height, a BHR of 100mPD or 110mPD as proposed by the representers for the area north of Hennessy Road should be adopted;
- (b) PlanD should not just incorporate the existing heights of buildings in formulating the BHRs for the Area as imposition of BHRs was for future redevelopment. While the high building heights of existing buildings could be tolerated, redevelopment of these tall buildings should be subject to the BHRs as stipulated in the OZP; and
- (c) planning should be for a better living environment for the general public.

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

R32 and C5 (Ms. Ho Yuen Ping)

11. Ms. Ho Yuen Ping made the following main points:
- (a) whilst the development intensity of Wan Chai area was already very high and the environment was polluted, new development of very high density such as HC II was still allowed;
 - (b) while PlanD stated that many planning considerations had been taken into account in the planning of Wan Chai area, the planning approach adopted by PlanD was favourable to developers in developing their properties;
 - (c) the amendments to the OZP were just to reflect the existing developments and this was not acceptable. The QRE Plaza should not have been built as the site should be developed as an open space. The rezoning of the site to “C” was to reflect wrong planning in the past; and
 - (d) the TPB paper was issued very late during the Easter Holidays. Views of residents had all been rejected in the Paper. Board Members might not have enough time to go through the bulky documents and they might tend to follow the recommendations of PlanD. Members were requested to seriously consider residents’ views.

R34 (The Real Estate Developers Association of Hong Kong (REDA))

12. Mr. Ian Brownlee raised concerns that the replacement Annex V of the TPB Paper, which contained the recommended rejection reasons, was issued very late. There had been no opportunity for the representer to see and be consulted on the amended Annex V before the hearing. The public, and the Board Members, should be provided with adequate opportunity to read and consider the documents in advance of the hearing, in order to ensure a full and fair hearing. Mr. Ian Brownlee then made the following main points in respect of the representation:

- (a) REDA was very concerned about the impact of the zoning amendments on the development system as a whole. REDA had made this representation and representations on other OZPs so as to try to ensure that Hong Kong maintained an efficient, fair and sustainable urban development system. REDA's representations therefore related to matters of principle and in particular, to the need to protect the property rights of individual property owners;
- (b) the changes to the Wan Chai OZP were very important as the area to the north of Hennessey Road had increasingly become part of the CBD and contained an important mix of inner city residential developments as well. It was an area of great character, vitality and interest and these characteristics should be retained;
- (c) REDA strongly opposed the:
- continued preparation of very significant amendments to the OZPs such as those made to this OZP without any prior public consultation;
 - the unjustified imposition of NBAs;
 - the spot zoning approach adopted for the BHRs and creation of large numbers of sub-areas to zones rather than adopting broad patterns of zoning as provided for under the Ordinance; and
 - the setting of building gaps and setbacks on statutory OZPs;
- (d) the representation was related to three main aspects:
- unnecessarily low BHRs;
 - the need to properly respect existing building heights and the heights of building plan approvals; and

- the need to promote a good quality urban environment and good quality buildings rather than to frustrate this process;
- (e) on 7.3.2011, REDA wrote to the Chairman and Members of the Board expressing the concerns on the impact of the new Practice Notes on the Sustainable Building Design (SBD) issued by the Buildings Department which would be in direct conflict with the BHRs, NBAs, setbacks and building gaps being imposed on OZPs. The letter was tabled at the hearing of the representations to the Causeway Bay OZP. No responses to REDA had been received so far;
- (f) in the said letter, REDA requested that:
- a genuine consultation should be undertaken with REDA and relevant professional institutes on technical issues such as assumptions for floor-to-floor heights, when setting the BHRs;
 - an urgent review on the combined effect of the Practice Notes and the BHRs and how they affected existing property rights. The review should be undertaken jointly by PlanD and the industry;
 - the issuance of the Practice Notes on SBD showed that the provision of setbacks, air ventilation requirements, building gaps, spot building height, and NBAs were no longer matters for the Board to consider. The Board should act in a broad and general manner which allowed for flexibility of design. REDA asked that the Board should suspend preparation of amendments to other OZPs; and
 - all existing OZPs with similar amendments and which had yet to be heard should be re-assessed on an assumption that these forms of control were no longer relevant for the Board as the Practice Notes had already covered these matters;

- (g) REDA considered that the SBD Guidelines were in direct conflict with the BHRs, setbacks and building gaps imposed by the Board, and these controls were actually going to prevent the SDB Guidelines from being implemented;
- (h) the basis of the assumptions made in determining the BHRs such as assumptions regarding floor-to-floor heights, non-accountable GFA and bonus GFA had not been provided. While it was stated in paragraph (g) on page 24 of the TPB Paper that the BHRs should be sufficient to accommodate the permissible plot ratio under the OZP as well as meeting various building requirements, it was not clear if the various buildings requirements included the SBD requirements and how they could be met;
- (i) while the Board had consistently stated that existing development rights had been respected and that the BHRs had been formulated on reasonable assumptions and having regard to the development permissible under the OZPs, the setting of the BHRs too low had resulted in a reduction in achievable GFA in the following respects:
 - (i) the SBD Practice Notes could not be complied with without foregoing GFA. A loss of about 4 to 6 floors (about a PR of 2) would be resulted;
 - (ii) the building setbacks removed a lot of development space at the G/F and podium levels. Insufficient height was provided to accommodating such GFA, particularly any bonus GFA that might be granted for dedicating setbacks for public passage;
- (j) as there was no consultation before the imposition of the restrictions, it was not clear if the setting of the BHRs had taken into account the right to build to the permitted GFA without the need to apply for a relaxation of the BHR. There was no information on how the existing GFA rights and value had been preserved in the setting of the BHRs;

- (k) the loss of G/F space for meeting the setback requirements, the loss of GFA because of low BHRs and reduction in floor-to-floor height to unreasonable levels would all result in loss of value generally;
- (l) while it was stated by PlanD that the imposition of BHRs lower than heights of the existing buildings and the building heights in the approved GBPs would be protected, the BHRs were set to a level lower than that of the existing building, such as the proposed redevelopment of the Dai Sang Bank Building and others along Gloucester Road;
- (m) whether development with approved GBPs could proceed was not guaranteed by statute. This was of great concern to REDA as owners who had legitimately spent years obtaining approvals and planning for redevelopments might suddenly have these rights removed;

Mixed Use Zoning

- (n) REDA objected in principle to the removal of the “C/R” zone, which provided flexibility and a vibrant form of development and had facilitated the redevelopment of Wan Chai into an important extension of the CBD. Many other cities were encouraging mixed use development and there was no real need for the “C/R” zone to be deleted;
- (o) large areas of Wan Chai had been zoned for either “C” or “R(A)” and the planning intentions for these zones were dominated by the main permitted uses rather than for a mixture of uses. It was considered that these planning intentions were inappropriate for many of these areas. The retention of the “C/R” zoning was more appropriate;
- (p) however, should the Board decide not to reinstate the “C/R” zoning, it was suggested that more extensive coverage be made of the new “OU (MU)” zone. The “OU(MU)” zone was supported in principle by REDA as it retained some of the objectives of the “C/R” zone, but with controls. The “OU(MU)” zone could be applied to the “R(A)” areas along the western side of Morrison Hill Road and the southern side of Wan Chai Road, and

the area between Stewart Road and Percival Street. These mixed use areas formed part of the character of Wan Chai. The rezoning to “OU(MU) would allow developers to have the choices in development types and ensure that Wan Chai would remain a vibrant place;

Relaxation Scheme

- (q) the provision for application for minor amendments did not provide a reason for the imposition of restriction. If restriction was necessary, it must be both reasonable and adequately justified;
- (r) the extent to which the Board could grant a minor relaxation was limited by the content of the OZP and by the provisions of s.16 of the Ordinance;
- (s) it was stated in the TPB Paper that the character of the area and the extension of the “C” zone were to reflect the expansion of the CBD function into Wan Chai. In this connection, the relaxation scheme that was incorporated into the Tsim Sha Tsui OZP should be applied to areas with CBD function, such as Wan Chai, in order to allow for the provision of high-quality Grade A offices to meet the need to expand beyond Central;
- (t) the relaxation scheme was not bound by the word “minor” and allowed for consideration of schemes which had to meet quite specific requirements and would result in improved townscape and better building form. These were similar to the objectives of the SBD Guidelines;
- (u) the relaxation scheme should be applied to the “C” and “OU(MU)” zones on the Wan Chai OZP. Wan Chai was not identified as a new commercial high-rise node in the UDG was not a valid reason for not including relaxation scheme in Wan Chai, as the area was already a high-rise commercial node with similar characteristics as Tsim Sha Tsui area. The rezoning of sites to “C” on the OZP confirmed these changes;
- (v) in addition to the above proposals, REDA also proposed that:

- (i) the setbacks, spot zoning and NBAs should be removed from the OZP as they were redundant. The SBD Guidelines provided a more appropriate form of achieving the same objectives; and
- (ii) the Board should take steps to ensure that there was no down-zoning effect and that the development potential of the existing buildings could be reasonably achieved within the BHRs without the need to make a s.16 application. In this respect, PlanD needed to present for public scrutiny and understanding the research information adopted in formulating the BHRs in an open and transparent manner.

R35 (Ms. Mary Mulvihill)

13. Ms. Mary Mulvihill made the following main points:

- (a) the amendments to the OZP should be made in stages such that the general public could have the chance to comment in details the planning changes which had great impact on their daily life;
- (b) amendments to the OZP should rectify the previous errors in planning decision, but not to perpetuate them. While large-scale development like Three Pacific Place had been in existence, there was no reason why the original zoning could not be retained. If the site was to be redeveloped in future, the redevelopment proposal should be reassessed with reference to relevant planning considerations applicable to all sites and the relevant local circumstances;
- (c) with regard to the objections against the BHRs including those raised by REDA, the Board should take all arguments such as “to provide an incentive for innovative design and improvement to the general urban environment” with a pinch of salt;
- (d) the rezoning of the QRE Plaza site was strongly objected. There should

be no change to the zoning of the site until Hopewell provided the open space it was obliged to;

- (e) the Kennedy Road Protection Group's remarks on the proposed height of HC II was strongly supported. Although PlanD stated that the area was residential in nature, commercial developments by big developers were justified by reasons such as reflecting existing or committed developments;
- (f) REDA's objection to the abolition of the "C/R" zoning was supported, but for different reasons. No social impact assessment on the rezoning of the "C/R" sites had been undertaken. The impact on the established social network had not been assessed and the affected people had not been consulted;
- (g) while it was stated by PlanD that piecemeal rezoning was not appropriate, developers were told that they could submit planning application for their proposed development on individual sites. The system seemed to be favourable to developers; and
- (h) the TIA for the HC II development should be undertaken by an independent party on behalf of the Wan Chai residents, but not by the developer.

R46 (Chan Kam Suen)

14. Mr. Chan Kam Suen made the following main points:

- (a) the BHR for Phoenix Court had not followed the stepped height concept. While the site occupied by Wu Chung House to the north of Phoenix Court had a BHR of 140mPD, Phoenix Court had a BHR of 120mPD;
- (b) PlanD did not give any justifications for imposing a BHR of 120mPD. The right of residents had not been protected; and

- (c) the BHRs for the whole Wan Chai area had not followed a stepped height concept with taller building height bands on the landward side. The BHR of the commercial developments to the north of Hennessy Road was 130mPD, but the BHR of the stand alone residential developments to the south of Hennessy Road was 110mPD. The BHRs were favourable to the large-scale developments and big developers.

R95 (Tang Lung Investment Properties Limited)

R96 (Golden Relay Company Limited)

15. With the aid of a Powerpoint presentation, Mr. Chan Kim On made the following main points in respect of the two representations:

- (a) the representers had worked on property development for over 30 years and now owned two properties (the representation sites) in Causeway Bay. The representers were looking forward to the transformation of the Causeway Bay area into a shopping and leisure centre of international standard. The existing commercial developments including Sogo, Hysan Centre, The Lee Gardens and Times Square had already formed a commercial hub of the larger Causeway Bay which would attract international brands to establish their flagship shops in the area;
- (b) the successful transformation of Causeway Bay into an international shopping and leisure centre would hinge on Government policy and proper planning. In addition to a good business environment, the provision of suitable hardware was also very important;
- (c) international brands for retail, medical services and other services would require premises with higher floor height (a minimum of 4.8m floor height). Such international brand shops would also prefer to be located within premises which were provided with facilities such as sky gardens and roof gardens for holding large scale and special promotion functions;
- (d) the area around Russell Street and Tang Lung Street had great potential for

redevelopment for such commercial uses. New buildings in the area should be able to provide such hardware and facilities required by the international brand shops;

- (e) building plan approval was obtained in April 2010 for a proposed development at 5 to 23 Tang Lung Street, with a building height of 148.4mPD. The development was under construction. Subsequent to the imposition of the BHR of 130mPD for the site on the OZP in September 2010, a revised development scheme with a building height of 128.9mPD was approved by the BA in March 2011. Compared with the scheme approved in April 2010, the two proposed sky gardens and the roof garden were deleted and the refuge floor was provided on the roof level in the revised scheme. The reduction in building height of the revised scheme would result in the loss of all the good and sustainable building design which were required and welcome by international brand shops; and
- (f) it was therefore proposed that the BHR for the representation sites be relaxed to 150mPD so that the good and sustainable design could be provided. This was a positive way in response to the market demand and the transformation of the Causeway Bay area into an international shopping and leisure centre.

R97 (Leighton Property Limited and Lee Theatre Realty Limited)

16. Mr. Ian Brownlee tabled some information relating to the subject representation for Members' consideration and made the following main points:

- (a) to cater for site-specific circumstances and schemes with planning and design merits, there was provision for minor relaxation of the BHRs through s.16 applications. However, the Board should first make sure that any restriction imposed on the OZP was necessary, reasonable and adequately justified. The BHRs imposed were not well justified and were unreasonably low, given the relevant circumstances and planning context;

- (b) one of the characteristics of the Hysan Group portfolio was that the buildings were a collection of interesting architecture which added to the public realm through setbacks, gaps between buildings, landscaping, interesting building forms and heights, and these buildings met the highest environmental standards;
- (c) however, the amendments made to the OZP had stifled this private initiative by focusing on restricting the future development to the existing development design and form, or even worse, limiting the development even further by imposing unreasonable BHRs. In addition to depriving the owners of the flexibility to design and build great buildings, these BHRs also deprived the owners of their existing development rights and value;
- (d) no prior consultation had been conducted with the public or the presenter on the amendments to the OZP, which had been prepared in secret and without adequate input or knowledge from landowners and the community;
- (e) the conceptual approach adopted in formulating the BHRs was flawed and inconsistent. The stepped building height concept had to be based on reality and the existing building heights should be used as the starting point. The approved GBP should also be reflected. Otherwise the validity of the concept would be jeopardised; and
- (f) there should be established criteria for the setting of development restrictions such as respecting property rights and existing approved building plans. However, these criteria had been selectively ignored when looking at different sites with similar characteristics. Some criteria such as the assumptions on floor-to-floor height had not been made known, yet they were fundamental to the setting of the restrictions and avoiding a negative impact on property rights.

17. With the aid of a Powerpoint presentation, Mr. Gavin Morgan made the

following main points:

- (a) for the past 10 years, new supply of Grade A office accommodations in Hong Kong was about 2 million square feet per annum and the accommodations had been consumed at almost exactly the same rate of supply. Hong Kong therefore had a positive demand for Grade A office space. The vacancy rate of Grade A office space stood at 4.5% across all districts and continued to reduce. It was expected that limited supply of approximately 0.5 million square feet per annum of Grade A office accommodation would be available in the next five years;
- (b) the CBD area in Central was very limited. Despite the growth of non-core districts outside CBD, many occupiers required a core location for ease of client interface and access to amenities such as business entertainment and dining options. The market was therefore looking towards Causeway Bay as the most natural extension of the core business district;
- (c) floor-to-floor height was a key requirement for commercial buildings and major occupants demanded a spacious and modern environment that could only be provided with appropriate floor-to-floor space;
- (d) the requirement on floor-to-floor height had been increasing in the past years. As shown on the slide of a typical floor, a floor with 4.5m in height (which was a benchmark for Grade A office) consisted of slab thickness, ceiling void, raised floor and the actual floor to ceiling height; and
- (e) Hong Kong must set standards in real estate development in order to strengthen its position as an international financial centre. We were facing intense competition from other Asian cities such as Singapore as an alternative offshore RMB centre. A 4.5m floor-to-floor height had been the norm in Hong Kong and internationally for some time and there was no reason for us to go backwards to suggest a floor height of 4m for

commercial uses.

18. Mr. Ian Brownlee continued to make the following main points:

- (a) Leighton Centre was built in 1977 and it was no longer able to accommodate the requirements of modern offices, particularly the space for electrical services and ducting. It had a floor-to-floor height of only around 2.95m and Hysan had obtained GBP approval in August 2009 for a building with floor-to-floor height of 4.5m and a total building height of 200mPD;
- (b) Lee Theatre Plaza was built in 1994 and was currently 26 storeys high. The owners were taking a long-term view for refurbishment, alteration and eventual redevelopment that might take place;

SBD Guidelines

- (c) since the gazetting of the amendments to the OZP, the BA had issued new Practice Notes for SBD, which had statutory effect. These changes could not be accommodated because of the lack of flexibility and the manner in which the new restrictions imposed on the OZP. The two requirements overlapped and conflicted to such an extent that a reduction in development rights occurred in some circumstances. This was primarily because the Board was setting restrictions too low and was introducing duplicated controls on building development parameters which were now superseded by the Practice Note provisions. This impact had not been assessed in preparing the amendments to the OZP. A decision should not be made today without considering the impact on the whole Wan Chai OZP;
- (d) the new SBD Guidelines were an integral part of the planning and design process for new buildings and were clearly relevant factors that the Board should take into consideration when setting the BHRs and other controls. As indicated in the Legislative Council Brief on a Quality and Sustainable Built Environment 13 October 2010 included in the information tabled at

the meeting, the SBD Guidelines and the TPB's plan making and development approval process were meant to be seen in an integrated manner; and

- (e) the SBD Guidelines also had a significant negative impact on the representation sites, especially when combined with the BHR of 130mPD now imposed.

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

19. With the aid of a Powerpoint presentation, Mr. Andy Leung made the following main points:

- (a) for GBP submissions from 1 April 2011, compliance with SBD Guidelines was one of the pre-requisites for granting of GFA concessions by the BA;
- (b) the SBD requirements included building setback, building separation and green coverage. The first two requirements would have a direct impact on the building design;
- (c) taking into account the impact of both the SBD requirements and the OZP restrictions, the following statements included in the TPB Paper were considered not justified:
 - (i) the "BHRs are formulated based on reasonable assumptions and flexibility is allowed in the shape and form of the buildings" (Annex V page 62) (TPB Paper page 24 paragraph 4.4.3(g));
 - (ii) "the BHRs.... should be sufficient to accommodate the permissible PR under the OZP as well as meeting various building requirements" (Annex V, page 62) (TPB Paper page 24 paragraph 4.4.3(g));
 - (iii) "when stipulating BHR, one of the basic principles was that the BHR would be able to accommodate the PR permissible under the OZP"

(TPB Paper page 9 paragraph 2.3(g));

(iv) “there would not be adverse impacts on the development intensity permitted under the OZP and property value in general” (TPB Paper page 49 paragraph 7.3(f));

(v) “the BHRs do not preclude the incorporation of innovative architectural features and a reasonable floor-to-floor height for development/redevelopment” (Annex V page 62) (TPB Paper page 24 paragraph 4.4.3 (g)); and

(vi) “..... it should be noted that all relevant factors including stepped BH concept have been taken into consideration in formulating the BHR for the Area” (TPB Paper page 22 paragraph 4.4.2 (a));

(d) the constraints imposed on the redevelopment of Leighton Centre had illustrated that the above statements were not correct. Details of such constraints were set down below:

(i) the site had an area of 2,807.5m² and the existing building had an overall height of 79.059mPD and a substandard floor-to-floor height of 2.95m;

(ii) the site abutted three streets, with Sharp Street East and Matheson Street less than 15m wide. The proposed redevelopment needed to fulfil the setback requirements under the SBD Guidelines along these two streets;

(iii) three development options had been derived:

Option 1: with SBD Guidelines complied with (max. Lp= 5 x street canyon width), GFA concessions granted, and BHR under OZP complied with;

Option 2: with SBD Guidelines complied with (less than 60m max. Lp), GFA concessions granted, and BHR under OZP complied with;

Option 3: with SBD Guidelines complied with, GFA concessions not granted, but BHR under OZP complied with;

Option 4: with SBD Guidelines not complied with, GFA concessions granted, and BHR under OZP not complied with (i.e. the redevelopment scheme in the approved GBP);

- (iv) options 1 was considered not practical because of the low GFA achievable for office development. Option 3 was considered not desirable as it would have a long floor plate and long building façade, and all the green features such as sky garden could not be provided;
 - (v) option 2 was considered acceptable only if the BHR was to be relaxed to 150mPD. Option 4 with a much higher building height of 200mPD was also considered acceptable; and
 - (vi) the above had illustrated that the statements made in the TPB Paper were not correct;
- (e) similar options and analysis had also been worked out for the Lee Theatre Plaza site and a same conclusion was derived; and
 - (f) while Times Square with a building height of 200mPD had been identified as one of the landmark tall buildings in the area, a relaxation of the BHR of the representation sites from 130mPD to 150mPD could still follow the stepped height profile in the area.

20. Mr. Ian Brownlee continued to make the following main points:

- (a) the above options and analysis indicated that the BHR together with the Practice Notes controls were impracticable and unreasonable. If BHRs

were to be imposed, they needed to be broad and general and to allow for changing circumstances. The Buildings Department's (BD) Practice Notes were more flexible and allowed for a range of options to achieve the same overall objectives;

Validity of Approved General Building Plans

- (b) one of the reasons given in the TPB Paper for not accepting the representers' proposals was that there would not be adverse impacts on the development intensity permitted under the OZP and property value in general. Existing building with building height already exceeded the BHRs would be respected. However, the imposition of a BHR of 130mPD for the Leighton Centre site represented a reduction in height of 70m, which would have a significant negative impact on the property right of the owner and the value of the property. The continued honouring of approved GBPs had become increasingly at risk as the Government continued to change the rules of the game;

- (c) a time limit had been imposed on the modifications and exemptions granted under the GBP approval since 20 October 2010 (item 3 of the information tabled at the meeting referred). The right of the owners established reasonably under the previous planning and building regulations might be taken away. An inferior building would be built because of unreasonably low BHRs. The BHR on the OZP should reflect the fact that a building with a height of 200mPD was being built on the Leighton Centre site;

BHR

- (d) according to the conceptual context of PlanD, the three dominant buildings (Times Square, The Lee Gardens and Hysan Place) in the area formed a triangle, each with heights of approximately 200mPD. The representation sites were located within the triangle between Times Square and The Lee Gardens. It was therefore within the high-rise commercial triangle;

- (e) the concept plan for the BHRs showed that the representation sites located

within the high-rise commercial node around Times Square. A stepped building height profile should be provided from the landmark building at Times Square to the outer area;

- (f) there was no issue of harbourfront relationship or obstruction of ridgeline relevant to this site. There was also no air ventilation concern as the site was facing wide junctions;
- (g) there was no apparent consideration as to why the 200mPD building height in the approved GBP should not be respected as it fitted in seamlessly with the stepped building height profile of the high-rise commercial triangle in which it was located;

Proposals to meet the Representation

- (h) the representers had the following proposals:
 - (i) to amend the BHR of the area, covering the Leighton Centre site and the Lee Theatre Plaza site, to 200mPD. The BHR of 200mPD was consistent with Times Square and the triangle high-rise node concept from the Causeway Bay OZP. This would more closely reflect the nature of the area and provide a good long-term planning focal point and would more clearly relate to the objectives of the Causeway Bay area;
 - (ii) the change of the BHR to 200mPD would not mean that all buildings in the area would reach this height as the area generally consisted of relatively small sites. This would therefore help establish a variety of interesting building heights with the overall 200mPD limit. The 200mD BHR would therefore ensure that the new buildings would generally be in the context of the existing and approved developments of Times Square, The Lee Gardens and Leighton Centre;
 - (iii) an alternative was to relax the BHR of the Leighton Centre site to 200mPD should the Board decide not to adopt a broad-brush approach

to the BHR for this area;

(iv) however, taken into account PlanD's concern over the stepped building height profile, a compromised BHR of 150mPD was proposed, which would allow flexibility to take account of the SBD Guidelines while the stepped building height profile could be maintained;

(h) the Board had not given adequate weight to the existing building heights or the heights of building in the approved GBP and had imposed a BHR for the site lower than that in the approved GBP. This practice should be changed such that a properly approved property right could be recognized; and

(i) the proposed BHR at 200mPD or 150mPD allowed flexibility for good design and would ensure variation in building height, as buildings on smaller sites would not reach this limit. It also provided incentive to redevelop and to assemble sites to allow for better urban design. A better quality of urban environment could be achieved in a planning regime of flexibility and incentive, rather than through excessive control with reverse effect. A band of 150mPD would ensure that there were no exceptionally tall and out-of-context buildings as they would be all located in the high rise triangular node, and within the context provided by the Lee Gardens and Times Square.

[Dr. Winnie S.M. Tang left the meeting at this point.]

R98 (Swire Properties Limited)

R99 (Sino Flagship Investment Limited)

R100 (Super Gear Investment Limited)

21. With the aid of a Powerpoint presentation, Mr. Ian Brownlee made the following main points in respect of the three representations:

- (a) the three representation sites were on same island site, with the Three Pacific Place (PP3) site zoned “(C)8” and a BHR of 180mPD and two smaller sites zoned “R(A)” with a BHR of 100mPD. Swire owned the PP3 site and had significant ownership interests in Regal Court (R99) and Wing Fung Building (R100);
- (b) a planning application for office development at the Regal Court site had been submitted but was deferred by the Board. The representer had written to the Board to request the Board to consider the application under the previous OZP No. S/H5/25;
- (c) in November 2008, PlanD carried out a land use review for the area. The land use review concluded that the area was effectively an extension of the CBD and a “C” zoning for the area was appropriate. However, there was some concern from the Transport Department (TD) on the likely traffic impacts of the “C” zoning;
- (d) the representers proposed an option to amalgamate the three sites to provide a high-quality comprehensively designed office development with integrated parking and ingress/egress facilities;
- (e) the comprehensive scheme would allow integration of the office development on the two small sites now occupied by Regal Court and Wing Fung Building with the low zone of PP3. Setback along Wing Fung Street would be provided and the streetscape character could be improved as there would be less run-in for vehicles. The proposed integrated development could accommodate all GFA from the two small sites, with a building height of 120mPD;
- (f) on the other hand, redevelopment of the two small sites was now subject to the SBD Guidelines and the BHR of 100mPD under the OZP. The maximum GFA would not be achievable with the new restrictions and an inefficient building design (with floor-to-floor height of 4.12m) would be resulted;

Regal Court (R100)

- (g) Regal Court was located further uphill with a road level of around 12mPD. It was subject to a BHR of 100mPD and the 1m building setback requirement on the OZP;
- (h) in August 2010, a s.16 application for an office building with a building height of 120mPD under the previous approved OZP No. S/H5/25, which had no BHR or setback requirement, was submitted to the Board. After discussions with TD over the internal parking arrangements, a revised scheme with no objections from relevant government departments was ready for approval by the MPC. However, the application had been deferred as it was in conflict with the amendments in terms of the 1m setback requirement and 100mPD BHR;
- (i) on 25 January 2011, a letter was submitted requesting the Board to consider the application substantively under the previous approved OZP or to review the decision to defer under s.17 of the Ordinance. A legal opinion was attached which indicated how the Board was acting ultra vires under the Ordinance. A reply from the Board had yet to be received. The Board might also act ultra vires since the 3-month statutory period for review application under s.17 of the Ordinance had been over;
- (j) the imposition of the new restrictions had significant adverse impact on the redevelopment of the Regal Court site in that a loss of GFA of five floors would be resulted;
- (k) if the site was amalgamated with PP3 under a “C” zoning, an integrated development with PP3 would be allowed; and
- (l) a traffic impact assessment (TIA) was tabled at the meeting for Members’ reference. An advance copy of the TIA was also submitted to both TD and PlanD a week ago so that they could have an opportunity to review it before this hearing. The purpose of the TIA was to indicate that there

were no particular issues at the relevant road junctions, and hence there was no need for a “conditional” “C” zone, i.e. subject to further submission of TIA under s.16 of the Ordinance, as proposed by PlanD. The two sites could be incorporated into the “C(6)” zone with a BHR at 180mPD. Alternatively, a BHR at 120mPD could be specified for these two sites which would allow for the maximum GFA to be achieved.

22. With the aid of a Powerpoint presentation, Mr. Chapman Lam made the following main points in respect of the TIA:

- (a) the TIA was conducted for a comprehensive office development of the whole island site, including PP3 and the two smaller sites which were currently occupied by Regal Court and Wing Fung Building ;
- (b) the methodology of the TIA followed those of a typical TIA to observe traffic counts, develop traffic forecast, estimate traffic generation due to the office development, assess critical junctions and road links capacities, and review feasibility of internal transport facilities;
- (c) there were a lot of public transport services along Queen’s Road East and Hennessy Road. An entrance to the MTR Admiralty Station through a subway was provided within PP3. A footbridge system connecting PP3 with the adjacent areas was also provided;
- (d) the traffic generations from the proposed development were estimated to be low. The traffic generation rate used by TD had been adopted in the estimation;
- (e) all the junctions in the surrounding areas had been included in the junction assessment. The results indicated that the junctions were performing satisfactorily and the proposed office development would impose insignificant traffic impact on the neighbourhood junctions. The assessment had not deducted the amount of residential traffic volume that was already on the road network;

- (f) at present, the two residential developments did not have the provision of car parking and loading/unloading facilities. Such facilities would be provided in the proposed integrated office development in accordance with the requirements under the Hong Kong Planning Standards and Guidelines. The provisions could be made without the need to provide any additional ingress/egress points at Wing Fung Street; and
- (g) the proposed office development on the whole island site was fully supported from a traffic engineering point of view.

23. Mr. Ian Brownlee said that since the proposed office development was supported by the TIA, the sites should be rezoned to “C” without imposing any requirement on the submission of TIA. However, should the Board consider that TD’s comments should be sought on the TIA, the Board might defer a decision on the subject representations. Copies of the TIA had been passed to the Secretariat for follow up action.

R101 (Global Linkage Investment Limited)

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

- (a) the representation site was located at the junction of Wing Fung Street and Star Street, opposite Regal Court. The level of the site was rising with Star Street at around 15mPD. The change in site level had not been given adequate consideration in the imposition of the BHR of 100mPD for the site;
- (b) GBP approval for a modest development of 27 storeys over 2 retail floors (116.9mPD), with a reasonable floor-to-floor height of 3.15m, had been obtained;
- (c) the BHR of 100mPD would result in a loss of floor space, or an inferior building with floor-to- floor height so low that they would not comply with

the Buildings Ordinance requirements. Other sites in the vicinity at same formation level would also be subject to the same impact;

- (d) the proposed development with building height at 116.9mPD was compatible with other buildings in the area. It was only 17m taller than the BHR, which was not excessive. The approved GBP should be respected when setting the BHR and a BHR of 120mPD for the site was not unreasonable;
- (e) the setback requirement along Wing Fung Street would duplicate with the SBD requirements. The provision of setback as required under the OZP would result in a loss of about 590m² GFA for the proposed development. With the BHR of 100mPD, the floor-to-floor height of the proposed development would need to be reduced from 3.15m to 2.47m which was less the minimum requirement under the B(P)R. If the setback requirement under the SBD guidelines was also to be met, a further reduction in GFA achievable would be resulted, with the BHR of 100mPD;
- (f) a BHR of 120mPD for the site was not incompatible with the actual pattern of building heights in this part of Wan Chai;
- (g) it was therefore proposed that the BHR of 120mPD should be applied to this general area to reflect the rising landform and general height of buildings in the area. A BHR of 120mPD reflected the proposed development in the approved GBP; and
- (h) it was also proposed to delete the requirement on building setback as it duplicated with the SBD requirement.

R102 (Boom View Holdings Limited)

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

- (a) the representation was related to the whole street block bounded by Anton Street, Hennessy Road, Landale Street and Queen's Road East;
- (b) the site occupied by Tai Sang Commercial Building was the subject of a s.16 planning permission for office development at 130.2mPD and GBP approval had been obtained. The development was now under construction;
- (c) another s.16 planning permission for office development occupying a larger site had also been granted and GBP approval had been obtained. The proposed development had a building height of 130mPD;
- (d) the imposition of the BHR of 110mPD would result in a loss of 5 storeys from the approved scheme;
- (e) the reason for not rezoning the site to "C" in order to ensure the compliance with the approval conditions attached to the planning permission was not reasonable, as traffic was not a significant issue in relation to the approval conditions. It should be noted that a large area in Wan Chai had been rezoned to "C", but no traffic study had been undertaken for the rezoning;
- (f) if the rezoning of "C/R" to "C" was to reflect the existing land use pattern and trend of development in the area and therefore would not induce any significant traffic implications, the same consideration should be applied to the subject site as the major part of the site had been approved for office development. There was no significant planning issue and TD did not raise any concern in relation to the subject representation;
- (g) the Board had recognised the approved s.16 application and approved GBP in some cases. The "G/IC" sites had been rezoned to other uses to reflect the previously approved scheme and the BHR for the HC II also reflected that in the planning permission;

- (h) it was stated in the TPB Paper that a BHR of 130mPD was generally suitable for commercial buildings and it could avoid excessively tall buildings. 130mPD was the height of the scheme in the approved GBP and it was therefore appropriate that the BHR of this site be relaxed to 130mPD. A building height of 130mPD was required to meet the setback requirement on the OZP;
- (i) there was no concern on visual impact of the proposed development at 130mPD when the s.16 application was considered by the Board; and
- (j) it was therefore proposed that the whole site should be rezoned to “C” with a BHR of 130mPD (135mPD was requested in the representation submission). The building setback requirement, which was not justified or necessary, should be removed as they were covered by SBD Guidelines.

R 103 (Bonny Ace Limited)

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

- (a) it was stated in the TPB Paper that there were some landmark sites such as Times Square and Pacific Place Three in Wan Chai, A high BHR had been adopted for these sites. While the representation site (Asia House) might not be of the same scale as the landmark sites mentioned above, it occupied a prime gateway site in the Wan Chai district, and was more identifiable than those landmark buildings. Asian House also fronted onto Arsenal Street which was the primary exit from Wan Chai to the waterfront area and to other districts. This gateway site should be recognized in formulating BHR for the area;
- (b) in designing the building to be erected on the site, the proposed building height of 152.8mPD had created a distinctive architecture at the important streetscape level to enhance the identification of this gateway site.

However, the BHR of 130mPD for the site placed a little importance on creating architectural identity;

- (c) while the approved GBP for the proposed development at 152.8mPD would be respected with the imposition of BHR, future redevelopment of the site would be subject to a lower height of 130mPD;
- (d) it was stated in the TPB Paper that relaxation of the BHR for Asian House would jeopardize the coherence of the stepped building height profile for the area. However, as shown in the photographs taken in the area, there was not any form of coherency in terms of building height profile in the area;
- (e) the difference between the BHR of 130mPD and the approved building height of 152.8mPD was about 20m, which could not be considered as minor in nature. Hence, an application to relax the BHR to 152.8mPD could not be made under the provision of minor relaxation;
- (f) it was acknowledged in the building height review of the Wan Chai area that the stepped building height concept ascending from the harbour and gradually arising towards landward side would not be achievable given the existing high-rise developments in the Wan Chai North area. The imposition of a BHR of 130mPD for the Asian House which was located within the commercial area north of Hennessy Road was therefore not justified;
- (g) as shown in the photomontages, redevelopment of the Asian House site with the committed building height of 152.8mPD would not breach the 20% building free zone of the ridgeline and therefore had no impact on public view towards the ridgeline. It would also not intrude on any view towards the harbour from the public vantage points;
- (h) development with a building height of 152.8mPD was also compatible with the adjacent developments including the Police Headquarters. It also

helped creating a stepped building height profile from the Police Headquarters (about 190mPD) to the subject site (152.8mPD) and other commercial buildings to the east (which were subject to BHR of 130mPD;

(i) the subject site was also not located within any air path identified in the AVA conducted by the PlanD and thus the proposed development would not have any impact on air ventilation;

(j) it was proposed to:

(i) rezone the subject site to “C(7)” with a BHR of 155mPD or 150mPD;
or

(ii) amend the Notes of the OZP to clearly state that the committed building height could be retained upon future redevelopment of the site; and

(k) in response to the comment of TD, the developer intended to add a basement level to accommodate parking spaces to meet the need of the office users within the development. An amendment building plan submission was therefore required to be made. In this connection, the representer also proposed the Board to amend the Notes of the “C” zone by adding a remark to the effect that an amendment to the basement levels of the approved development in the GBP, without affecting the building height, was not deemed to be a major amendment to the approved building plan so that the amendment needed not to be considered under the current provisions of the OZP, including the BHR of 130mPD. The suggested remarks were as follow:

“In determining the maximum building height, any additional, alteration and/or modification below ground level of an approved general building plan, for use solely as car park, loading/unloading bay, plant room and caretaker’s office, provided such use and facilities are ancillary and directly related to the permitted development/redevelopment, may be considered by

the Town Planning Board on application under section 16 of the Town Planning Ordinance.”

R105 (Fulltin Investment Limited)

27. With the aid of a Powerpoint presentation, Mr. Lau Kin On made the following main points:

- (a) instead of imposing rigid BHRs, improvement in air ventilation could be achieved through good building design such as the provision of sky gardens;
- (b) many sites along Wan Chai Road had already been developed for commercial uses. The Charter House and CC Wu Building were some of the examples. The King Sing Mansion site with a site area similar to the Charter House site and was subject to an unrestricted lease should be allowed to be redeveloped for commercial uses. The rezoning of the site to “R(A)” would affect redevelopment potential of the site. Residential development was also not compatible with the predominantly commercial use in the Wan Chai Road area. While there was provision for submission of planning permission for commercial uses within the “R(A)” zone, the planning application process would be time consuming;
- (c) the narrow strip of land at Tak Yan Street which was adjacent to King Sing Mansion and zoned “O” on the OZP was actually a pedestrian walkway with landscaping features. However, the footpath along the eastern side of the strip of land was blocked by an existing lay-by for car parking. This strip of land should be rezoned to “OU” so that the ingress/egress of the future redevelopment of the King Sing Mansion site could be through Tak Yan Street; and
- (d) it was also proposed that an elevated walkway be constructed from the Sun Hung Kai Centre through Tonnochy road and the basketball court to Tak Yan Street. This could improve pedestrian network in the area.

C2 (Mr. Ng Yin Keung)

28. Mr. Ng Yin Keung made the following main points:

- (a) PlanD gave the same responses to the representations R5 to R26 in the TPB Paper. However, it was noted that some of these representations, like the one from Hon. Tanya Chan (R23), had in fact raised different grounds of representations and proposals. No specific responses were given to these grounds and proposals;
- (b) different representers had put forward different proposals on BHRs for the area from 100mPD to 130mPD. However, there were no specific responses to each of these proposals. There was also no information in the TPB Paper as to why these proposals were not accepted;
- (c) it was stated in Annex V of the TPB Paper that “the imposition of the BHRs would not preclude future PR control, if justified”. However, there was no information on how this conclusion was made. If there was no clear restriction on development intensity on the OZP, there would not be any effective control on excessive development. The approval for the extension of the Hong Kong Sanatorium Hospital under the “G/IC” zoning was an example of the ineffective control;
- (d) the amendments to the OZP were mainly to reflect the existing developments. However, these existing developments were considered as a result of previous wrong decision and wrong planning. The development of QRE Plaza was an example. The site should be reserved for the development of an open space. There was no reason not to rectify the previous wrong planning;
- (e) the Government should strike a balance between development right and a good living environment for the general public. However, the amendments to the OZP were more favourable to developers;

- (f) the Environmental Protection Department (EPD) had not given any comments on the BHRs. It should be noted that the difference in building heights and floor-to-floor heights would have different impact on energy consumption. EPD should be requested to provide comments on this aspect;
- (g) as pointed out in the representation made by Hon. Tanya Chan (R23), there was an increase in the planned population from 72,100 to 83,540 in Wan Chai. The area of “G/IC” zone to provide GIC facilities for the planned population should not be reduced. PlanD responded that the provision of GIC facilities in the area was adequate, without giving any detailed information to support the response;
- (h) with the rezoning of sites to “C”, there might be a decrease in planned population in the area. However, commercial developments would generate transient population and would have impacts on the traffic and infrastructure provision. However, no TIA and other assessments had been undertaken to support the rezoning and TD had not made any comment on this aspect; and
- (i) a blanket relaxation of building height would generate adverse traffic impact on the area. This problem should be addressed.

29. As the representers’ representatives had completed their presentation, the Chairman invited questions from Members.

30. In response to a Member’s question, Mr. Ian Brownlee said that the floor-to-floor height of PP3 was 4.15m as the development was completed a few years ago. The current market standard for Grade A office was 4.5m.

31. A Member said that the Leighton Centre site was subject to site constraints because of its odd shape. He asked if the developer had considered amalgamating the remaining lots within this island site to overcome such constraints. In response, Mr. Andy

Leung and Mr. Ian Brownlee made the following main points:

- (a) since the site abutted two narrow streets, even if it was amalgamated with the remaining lots to form a larger site, the constraints imposed by the SBD requirements still existed;
- (b) if the SBD Guidelines and the BHRs were both applied, there would be no flexibility for the design of the development. The maximum GFA of the site could only be achieved if the SBD requirements were not to be followed. The reduction in building height to comply with the BHR would result in a bulkier building. The setback and building separation requirements under the SBD Guidelines could not be provided; and
- (c) it was not the intention to maximize the development potential of the site, but to optimize it within the SBD requirements and with an appropriate floor-to-floor height. It should be noted that GBP approval with a building height of 200mPD had been obtained. The current proposal with a building height of 150mPD was already a compromise.

32. Ms. Mary Mulvihill made the following main points:

- (a) she would like to know if any study on the floor-to-floor height of development was undertaken;
- (b) since Hong Kong was a compact city, it might not be appropriate to follow the floor-to-floor height adopted by other cities where there were ample spaces for development. It was also not necessary to meet the ever changing demand of developers on the floor-to-floor height requirement; and
- (c) EPD should provide guidelines on the floor-to-floor height requirement taking into account the environmental conditions of Hong Kong and the adverse impacts of tall buildings.

33. In response, Mr. Ian Brownlee and Mr. Andy Leung made the following main points:

- (a) as shown in Mr. Gavin Morgan's study presented to the Board, an up to standard floor-to-floor height should be provided in Grade A office developments in order to maintain Hong Kong's competitiveness with the other Asian cities; and
- (b) comparing with a normal floor-to-floor height of about 3m for residential development, a floor-to-floor height of 4.5m for Grade A office building should not be considered excessive, taking into account the need to provide IT and building services.

34. In response to another Member's question, Mr. Andy Leung said that as shown in the GBP approved in 2009, the floor plate of the building on the Leighton Centre site would not form a wall. If a BHR was to be imposed, the building height of the proposed development might be reduced to about 150mPD to address concern on building height.

35. In response to a Member's question as to why R105 opposed the "O" zoning of the strip of land at Tak Yan Street, Mr. Lau Kin On made the following main points:

- (a) the strip of land was previously zoned "C/R" on the OZP and was in fact used as a pedestrian walkway. Rezoning it to "O" would affect future redevelopment of the King Sing Mansion site as its future ingress/egress could not be via Tak Yan Street; and
- (b) it was noted that the roads including Tak Yan Street in the Morrison Hill area were all single-direction. It was therefore proposed that the strip of land should be retained as footpath, instead of zoning it as "O"; and
- (c) to retain the strip of land as footpath would also allow the provision of ground floor shops in the future redevelopment scheme of the King Sing Mansion site.

36. In response to the Chairman's question, Ms. Brenda Au said that the strip of land referred to by R105 was part of an existing open space, i.e. the Tak Yan Street Children's Playground and was government land. It was managed by the Leisure and Cultural Services Department (LCSD). According to the AVA conducted for the area, the open space formed part of an air path in the area. An NBA was designated at the north-eastern corner of the Lady Trench Training Centre site, which was adjacent to the subject open space, to improve the air path and facilitate the penetration of the south-easterly wind towards Tak Yan Street and onward to the direction of Tonnochy Road. An "O" zoning was considered appropriate to ensure that there would not be any building structures which would affect air ventilation in the area.

37. In response to a question of the Vice-chairman, Mr. Chan Kim On made the following main points:

- (a) Soundwill Plaza was approved in 1996 for an office development and the floor-to-floor height was only about 2.8m. There was at present no plan for redevelopment;
- (b) most of the premises within Soundwill Plaza had now been converted for commercial uses; and
- (c) there was potential for redevelopment of the street blocks at Russell Street and Tang Lung Street. The relaxation of the BHR would allow the provision of sky gardens within individual developments. This would help improve air ventilation in the whole area.

38. In response to the comments raised by the representers above, Ms. Brenda Au made the following main points:

- (a) it was acknowledged that the replacement Annex V was issued very late before the public holidays. However, the Annex V was a summary of the representations and comments and PlanD's corresponding responses and there were no new contents but elaboration. The main points were in fact covered in the main TPB Paper which was sent to the representers on

19.4.2011. The amendments as shown in the replacement Annex V were also highlighted in italic for easy reference;

- (b) regarding the requests to reflect the building heights of developments which had already obtained GBP approvals as in the case of Tsim Sha Tsui, it should be noted that Tsim Sha Tsui was a high-rise commercial node recognized in the UDG and the recognition of committed developments under GBPs was treated as exception rather than rule. Considerations for the Wan Chai area were different from that of Tsim Sha Tsui area. It was therefore inappropriate to apply the approach used in the Tsim Sha Tsui OZP to the subject OZP;
- (c) the representation sites were located sporadically within Wan Chai. Piecemeal relaxation of BHRs for individual site would jeopardize the coherency of the stepped building height profile for the area;
- (d) the stepped building height profile mentioned in the TPB Paper did not refer to the existing building heights, but the building height profile resulted from the different height bands adopted for the area;
- (e) REDA's letter of 7.3.2011 concerning the duplication of the SBD requirements and the OZP restrictions as mentioned by the representative of R34 was not responded to in the TPB Paper as the letter did not form part of the representation of R34. The new measures on SBD and the OZP restrictions on BHRs, NBAs, building setback/gaps were under two different regimes. They were complementary to, rather than duplicating with each other. The SBD Guidelines focused on the building design at a site level. The SBD guidelines were applicable to all building developments with no reference to specific district characteristics. The requirements under SBD Guidelines were the prerequisite for the granting of GFA concession under the Buildings Ordinance. Developers did not have to follow the SBD Guidelines if they chose not to apply for GFA concession. The restrictions imposed on the Wan Chai OZP were determined based on specific district circumstances and conditions relevant

to the Wan Chai area, including the local characteristics, building height profile, urban design considerations and the recommendations of the AVA;

- (f) there was provision for application for minor relaxation of BHRs. Through the planning permission system, the Board could ensure that the planning and design merits of the individual proposals put forward by representers could be assessed. On the other hand, a blanket relaxation of the BHRs would not guarantee that the good building design claimed by the representers would be incorporated in the future developments;
- (g) regarding the TIA submitted by representers R98 to R100, TD's initial comments (sent to PlanD via email on 26.4.2011) were that the TIA was not satisfactory on the following aspects:
 - (i) the pick up/drop off demand of private car/taxi was high at the existing turnaround space at Star Street. There was no information on the current utilization of this space in the TIA;
 - (ii) the ground floor layout at the road corner of Wing Fung Street and Star Street was not acceptable as public footpath was not provided;
 - (iii) the pattern of traffic generation/attraction of commercial buildings and residential use would be different. Traffic impact was possible at non-peak hours. Corresponding assessment on this aspect should be carried out; and
 - (iv) there might be further comments on the TIA upon detailed checking.

39. Regarding TD's initial comments on the TIA, Mr. Ian Brownlee and Mr. Chapman Lam made the following main points:

- (a) since TD might have further comments on the TIA, it was suggested that a decision on the representations could be deferred;

- (b) the demand of private car/taxi pick up/drop off at Star Street was high. However, there was a designated loading/unloading space inside PP3 which was not highly utilized;
- (c) the footpath at Wing Fung Street and Star Street would be retained; and
- (d) for all TIAs for office and residential developments, only the normal commuting hours, including the morning and evening peaks would be assessed.

40. In respect of the comments made by a representer that an increase of 20m in building height could not be considered as minor and it could not be considered under the minor relaxation clause, the Chairman said that the Board did not have any definition of “minor” in considering any application for minor relaxation.

41. In response, Mr. Chan Kim On said that while there was no definition on “minor”, as shown in previous cases, it would be difficult to obtain planning permission for a relaxation of 5% to 6% from the restrictions. It was therefore expected that a relaxation of BHR for 20m would not be accepted by the Board.

42. 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. The representers would be informed of the Board’s decision in due course. The Chairman thanked the representatives of the representers and commenters and PlanD for attending the meeting. They all left the meeting at this point.

Deliberation Session

43. Regarding the comments made by some representers on the late issue of the TPB Paper, the Secretary said that the main TPB Paper together with the Annexes had in fact been issued seven days before the meeting, despite that there were some public holidays within the period. The Secretary said that upon issue of the TPB Paper, it was discovered that there were some problems in Annex V which contained detailed summary of the grounds of representations and comments and PlanD’s responses. Therefore, a replacement Annex V

had to be issued just before the holidays. As explained by DPO/HK, the main points were in fact covered in the main TPB Paper. The amendments made to Annex V were also highlighted in italic for easy reference.

44. In respect of some representers' comments on the duplication of control from the new SBD guidelines and the BHRs on OZP, the Chairman said that the two controls were under two different regimes and they were complementary to rather than duplicating with each other. Unlike the requirements on OZP which were determined based on specific district circumstances and conditions, the SBD guidelines were applicable to all building developments with no reference to specific district characteristics.

45. Regarding the comments on spot zoning, Members remembered that according to legal advice, the Board had the power under the Ordinance to impose BHRs on individual sites or for such areas within the boundaries of the OZP if there were necessary and sufficient planning justifications.

46. On rezoning "C/R" sites to "C" and "R(A)", the Chairman said that it was to reflect the trend of developments and the development pattern for the area. There was provision under the OZP for application for residential developments within the "C" zone and for commercial developments within the "R(A)" zones.

47. The Vice-chairman said that the provision for minor relaxation through the planning permission system allowed the Board to consider each case on its individual planning and design merits, and thereby to ensure appropriate control. Even if the BHRs were relaxed, developers would also tend to maximize the development potential without providing any planning and design merits. He considered that when more applications for minor relaxation of BHRs were considered, the Board could establish relevant considerations on the design and planning merits of individual cases.

48. A Member said that allowing buildings of different heights forming an interesting building height profile would be more desirable than having a uniform building height profile for a relatively large area. The minor relaxation clause might not have the scope to allow buildings of different heights within the area.

49. In response, the Secretary said that there was no definition of “minor” in considering application for minor relaxation by the Board. Whether the relaxation sought was considered as minor or not should be based on the impacts, consequences and implications resulted from the relaxation of the BHRs. In addition, even within the same height bands, the building height of individual sites would be different as smaller sites might not be able to achieve the maximum building height allowed. The minor relaxation clause could also cater for site-specific circumstances such as those subject to site constraints.

50. The Chairman said that not to set a definition of “minor” or a maximum percentage of relaxation to be considered as minor was to allow flexibility for the Board to consider cases on its own design and planning merits.

51. Regarding the proposal to apply the relaxation scheme of the Tsim Sha Tsui OZP to this subject OZP, Members noted that Tsim Sha Tsui was identified as a high-rise node under the UDG. It would not be appropriate to apply the relaxation scheme to other areas.

52. In response to the Vice-chairman’s question, the Secretary said that a floor-to-floor height of 4m to 4.5m had been adopted in formulating the BHRs for commercial buildings for the Wan Chai area. In the representation of R97, the representatives of the representer argued that a substandard floor-to-floor height would be resulted as the representation site was subject to a BHR of 130mPD and the SBD requirements. However, it should be noted that compliance with the SBD requirements was voluntary and the developer did not have to follow the SBD Guidelines if they chose not to apply for GFA concession.

53. A Member said that the SBD Guidelines were administrative guidelines related to GFA concessions under the Buildings Ordinance. The guidelines could be changed and developers needed not comply with the guidelines if they did not ask for GFA concessions. On the other hand, development restrictions imposed on OZP were statutory restrictions. There was no need for the statutory restrictions to follow the SBD guidelines or to ensure that the SBD guidelines were met.

54. The Chairman said that the provision for minor relaxation of BHRs was to cater

for incorporation of building design requirements on individual merits.

Sites on Marsh Road

55. Members agreed that the “C” zoning of the sites provide a clear planning intention for commercial development of the area and rezoning of the sites to “R(A)” and “OU(MU)” as proposed by the representer was not in line with such planning intention.

39 Kennedy Road (Phoenix Court)

56. Members agreed that a BHR of 120mPD was suitable for the site as it had taken into account the topography, the intended land use, the BHRs for adjoining developments in the area and the adjoining Mid-Levels East area. It also provided reasonable scope for redevelopment.

1-29 (odd number) Tang Lung Street and 38 Russell Street

57. Members agreed that a BHR of 130mPD for the sites were formulated on the basis of reasonable assumptions and was considered appropriate for the sites. Piecemeal relaxation of the BHRs for individual sites would jeopardize the coherency of the stepped building height profile for the area.

77 Leighton Road and 99 Percival Street (Leighton Centre and Lee Theatre)

58. In response to a Member’s question, the Secretary said that the developer could redevelop the site in accordance with the approved GBPs, i.e. a building height of 200mPD.

59. Another Member said that as mentioned by the Vice-chairman before, even if the BHR of the site was relaxed to 150mPD, developers would also tend to maximize the development potential without providing any planning and design merits. The BHR of 130mPD for the site should not be relaxed and the developer might apply for minor relaxation of the BHR with a specific scheme for consideration of the Board. This was agreed by other Members.

9-11 Leighton Road

60. Members agreed that the “C” zoning of the site was appropriate taking into account the nature and uses of the existing developments as well as the redevelopment trend of the area for commercial uses. There was also provision for application for residential use

under the “C” zone and the proposed rezoning to “OU(MU)” was therefore not supported.

Three Pacific Place and 8-10 and 12-18 Wing Fung Street (Wing Fung Building and Regal Court)

61. Members agreed that the two sites at Wing Fung Street adjoining the Three Pacific Place site were considered suitable for commercial use and could be rezoned to a subarea of “C” subject to a requirement that any redevelopment for commercial/office use be subject to the approval of the Board to ensure that there would be no adverse traffic impact on the area. Members also agreed that a BHR of 120mPD, as proposed by the representers, was suitable for the sites taking into account the existing topography of the sites. As the TIA tabled by the representers’ representative was not part of the representations and it was a requirement to submit a TIA to the Board for consideration under the proposed “C” zoning, there was no need to defer a decision on representations R98 to R100 as proposed by the representative of the representers.

21-31 Wing Fung Street

62. Members agreed that piecemeal relaxation of the BHR for the site would jeopardize the coherency of the stepped building height profile for the area. There was provision for minor relaxation of the BHR to cater for site-specific circumstances and schemes with design and planning merits.

Area bounded by Hennessy Road, Anton Street, Queen’s Road East and Landale Street

63. Members agreed that the retention of the “R(A)” zoning for the site was to ensure compliance with the approval conditions attached to the planning permissions granted for office development at the site.

1 Hennessy Road

64. Members noted that while the building plans approved for the site would be allowed to proceed, piecemeal relaxation of the BHR for the site would jeopardize the coherency of the stepped building height profile for the area. There was provision for minor relaxation of the BHR to cater for site-specific circumstances and schemes with design and planning merits. The representer’s proposal for change of the uses in basement level of the proposed development could also be considered through the planning permission system. The representer’s proposed amendments to the Notes relating to an approved building plan

was not practicable as planning permission and building plan submission were processed under different statutory provisions.

Area between 185 Wan Chai Road and 209-219 Wan Chai Road

65. Members agreed that the strip of land was part of the Tak Yan Street Children's Playground under the management of the LCSD and the "O" zoning was appropriate.

101 Wan Chai Road

66. Members agreed that taking into account the predominant residential use of the area, the "R(A)" zoning of the site was appropriate.

Hopewell Centre (HC) and Hopewell Centre II (HC II)

67. Members agreed that the area was transforming into a commercial node and it was unlikely that HC would be redeveloped in the foreseeable future. The "C" zoning of the site was considered appropriate.

68. Members also agreed that the BHR of 210mPD for HC II was to reflect the reduced building height of the proposed development under the previous application approved by the Board in 1994. The retention of the "OU(CRA)" zoning of the site was also to ensure that all the approval conditions attached to the planning permission would be complied with.

QRE Plaza and Elevated Walkway

69. Members agreed that the "C" zoning was to reflect the existing commercial use of the site and the decision of the Board on 13.2.2009 in respect of the s.12A application No. Y/H5/3 for the rezoning of the site from "O" to "C" and to show the elevated walkway at the site across Queen's Road East on the OZP.

70. After further deliberation, the Chairman concluded Members' views that the support of R1, R2, R3, R4, R5 to R30 and R37 was noted. Members agreed to partially uphold the representations of R98 to R100 by rezoning the sites at 8-10 and 12-18 Wing Fung Street to a subarea of "C" with a BHR of 120mPD, and with a requirement that any redevelopment for commercial/office use be subject to the approval by the Board to ensure that there would be no adverse traffic impact. Members also agreed that the remaining parts

of the representations of R1, R2, R4, R5 to R30, and R98 to R100 and the representations of R31, R32, R34 to R36, R38 to R44, R46 to R87, R94 to R97, and R101 to R106 should not be upheld. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 7.3 of the Paper and considered that they should be suitably amended.

Representation No.1

71. After further deliberation, the Board noted the support of R1 and decided not to uphold the remaining part of the representation of R1 for the following reasons:

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped building height concept, local characteristics, existing building height profile, site formation level and site constraints, the zoned land uses of the site concerned, development intensity, 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 right;
- (b) provision of more and wider NBAs/setback restrictions/wind corridors would pose undue constraints on future developments/redevelopments, especially for small lots which were common in the Area. A balance had been struck between air ventilation and private development right; and
- (c) the proposed HC II was the subject of a planning application No. A/H5/217 for a proposed 93-storey (315mPD) hotel/commercial development approved by the Board in 1994. Subsequently, a revised scheme for a reduced scale of development with a building height of

210mPD involving Class A amendments to the approved scheme as agreed by the Board on 12.12.2008 was approved by the Building Authority on 26.3.2009. The BHR of 210mPD was to reflect the revised scheme.

Representation No. 2

72. After further deliberation, the Board noted the support of R2 and decided not to uphold the remaining part of the representation of R2 for the following reasons:

- (a) the BHRs per se would not result in bulkier buildings or wall effect affecting air ventilation. The imposition of the BHRs would not preclude future plot ratio control, if justified. However, a blanket imposition of plot ratio restrictions in the Area would have significant ramifications and had to be carefully considered. The proposal for imposition of plot ratio control at this stage was considered inappropriate;
- (b) the QRE Plaza site was not required for surrender to the Government in the land exchange of HC II according to the then prevailing land policy;
- (c) the existing and planned GIC facilities would be generally adequate to meet the need of the planned population;
- (d) the proposed HC II was the subject of a planning application No. A/H5/217 for a proposed 93-storey (315mPD) hotel/commercial development approved by the Board in 1994. Subsequently, a revised scheme for a reduced scale of development with a building height of 210mPD involving Class A amendments to the approved scheme as agreed by the Board on 12.12.2008 was approved by the Building Authority on 26.3.2009. The BHR of 210mPD was to reflect the revised scheme; and
- (e) the amendments were mainly related to the BHRs and rezoning of “C/R” sites. In formulating the BHRs for the Area, all relevant factors had been taken into consideration. As for the rezoning of “C/R” sites, it should be noted that under the “C/R” zone, commercial developments were always

permitted. The rezoning of “C/R” to “C” would not induce any significant traffic implications as compared to the situation under the “C/R” zoning.

Representation No. 3

73. After further deliberation, the Board noted the support of R3.

Representation No. 4

74. After further deliberation, the Board noted the support of R4 and decided not to uphold the remaining part of the representation of R4 for the reason that the “R(A)” zoning for the representation site was not an amendment item under the OZP. The proposed amendments to the Notes of the “R(A)” zone was invalid.

Representations No. 5 to 26

75. After further deliberation, the Board noted the support of R5 to R26 and decided not to uphold the remaining parts of the representations of R5 to R26 for the following reasons:

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped building height concept, local characteristics, existing building height profile, site formation level and site constraints, the zoned land uses of the site concerned, development intensity, 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 right;

- (b) there was a need to strike a fair balance between public interest and private development right. The proposed BHRs of 100mPD for the area zoned “C” to the north of Johnson Road/Hennessy Road and the east of Canal Road East and the provision of more and wider NBAs and wind corridors, would pose undue constraints on future developments/redevelopments and have adverse impact on the development potential of the affected sites;
- (c) under the “C/R” zone, commercial developments were always permitted. The rezoning of the relevant “G/IC” sites to other zonings was to reflect in general the completed developments as previously approved by the Board;
- (d) as there was in general no lack of GIC facilities in the Area, there was no sufficient justification to amend the Notes of the “R(A)” zone for the subzone to stipulate the requirements for additional gross floor area for GIC facilities;
- (e) under the “C/R” zone, commercial developments were always permitted. The rezoning of “C/R” to “C” would not induce any significant traffic implications as compared to the situation under the “C/R” zoning;
- (f) there was sufficient open space to meet the planned population of the Wan Chai District. The QRE Plaza site was rezoned to “C(3)” to reflect the existing commercial development as previously approved by the Board and in accordance with the Board’s previous decision on the relevant s.12A application;
- (g) the rezoning of the Southorn Centre site was only to reflect the existing development as previously approved by the Board. To retain it as “G/IC” was considered not appropriate;
- (h) the proposed HC II was the subject of a planning application No. A/H5/217 for a proposed 93-storey (315mPD) hotel/commercial development approved by the Board in 1994. Subsequently, a revised scheme for a reduced scale of development with a building height of

210mPD involving Class A amendments to the approved scheme as agreed by the Board on 12.12.2008 was approved by the Building Authority on 26.3.2009. The BHR of 210mPD was to reflect the revised scheme;

- (i) the rezoning of Three Pacific Place and HC was to reflect the completed developments as previously approved by the Board; and
- (j) it was an established practice that the existing building heights in various development zones were respected and development/redevelopment to the existing building height was allowed unless there were special circumstances justifying any exceptional cases.

Representation No. 27

76. After further deliberation, the Board noted the support of R27 and decided not to uphold the remaining part of the representation of R27 for the following reasons:

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped building height concept, local characteristics, existing building height profile, site formation level and site constraints, the zoned land uses of the site concerned, development intensity, 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 right; and
- (b) under the “C/R” zone, commercial developments were always permitted. The rezoning of “C/R” to “C” would not induce any significant traffic

implications as compared to the situation under the “C/R” zoning.

Representations No. 28 to 30

77. After further deliberation, the Board noted the support of R28 to R30 decided not to uphold the remaining parts of the representations of R28 to R30 for the following reasons:

- (a) the vantage points at Bowen Road and Wan Chai Gap proposed by the representers were not able to provide an overall view of the entire Wan Chai area due to the blockage by existing developments;
- (b) the area along Queen’s Road East was transforming into a commercial node. Redevelopment of HC for residential use would be inappropriate not only due to the change in local character that had taken place, but also because the site was sandwiched between two commercial developments i.e. Wu Chung House and the proposed HC II. The BHR of 220mPD was to reflect the as built situation of HC which was previously approved by the Board;
- (c) there was sufficient open space to meet the planned population in the Wan Chai District. The rezoning of QRE Plaza from “O” to “C(3)” was in accordance with the Board’s previous decision on the relevant s.12A application;
- (d) the retention of the existing “OU(CRA)” zoning for HC II would ensure that all the approval conditions, including provision of public and private parks, attached to the planning application granted in 1994 and which were still relevant to the revised scheme in 2008, would be complied with; and
- (e) the rezoning of the site at 1 Star Street and Three Pacific Place was only to reflect the completed developments as previously approved by the Board (R30).

Representation No. 31

78. After further deliberation, the Board decided not to uphold the representation of R31 for the following reasons:

- (a) the HC area along Queen's Road East was transforming into a commercial node. Redevelopment of HC for residential use would be inappropriate not only due to the change in local character that had taken place, but also because the site was sandwiched between two commercial developments. The proposal of retaining HC as "R(A)" was considered not appropriate; and
- (b) the building height of HC was already identified in the Study on Urban Design Guidelines for Hong Kong. Though affecting the 20% "building free zone", HC did not breach the ridgeline when viewed from Tsim Sha Tsui Cultural Complex. It also fell outside the "view fan" of the vantage point at West Kowloon Cultural District. The BHR of 220mPD for HC was to reflect the building height of the existing commercial development.

Representation No. 32

79. After further deliberation, the Board decided not to uphold the representation of R32 for the reason that the retention of the existing "OU(CRA)" zoning for HC II would ensure that all the approval conditions, including provision of public and private parks, attached to the planning application granted in 1994 and which were still relevant to the revised scheme in 2008, would be complied with.

Representation No. 34

80. After further deliberation, the Board decided not to uphold the representation of R34 for the following reasons:

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the

statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped building height concept, local characteristics, existing building height profile, site formation level and site constraints, the zoned land uses of the site concerned, development intensity, 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 right;

- (b) the BHRs were formulated on the basis of reasonable assumptions with allowance for design flexibility to accommodate development intensity 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 would jeopardize the coherency of the stepped building height profile and could result in proliferation of high-rise developments, which was not in line with the intended planning control;
- (c) the BHRs would not result in larger building bulk. Whether a building bulky or was massive depended on many factors other than building height alone. Given the tendency to maximize the best view in certain direction and to capitalize the land value of the lower floors, a development with more relaxed building height control might be even taller and bulkier. The provision of better designed sustainable buildings was not guaranteed;
- (d) s.3 and 4 of the Ordinance gave the Board comprehensive powers to control development in any part of Hong Kong. The Board had the power to impose BHRs on individual sites or for such areas within the boundaries of the OZP under s.3 and 4 of the Ordinance if there were necessary and sufficient planning justifications;

- (e) the presumption against minor relaxation of BHRs for existing buildings which had already exceeded the BHRs stipulated on the OZP was to contain the heights of the excessively tall buildings and avoid further aggregate increase in the building height profile;
- (f) 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;
- (g) designation of NBA, building gap and setback requirements 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;
- (h) the relaxation of the NBA, setback and building gap requirements for one site would affect the effectiveness of their planning intention. The wording 'exceptional circumstances' was included in the minor relaxation clause of NBA and setback requirements to cater for the situation that only in some exceptional cases under which the requirement could not be met due to site constraints but the planning objectives would be achieved in other forms;
- (i) the "C/R" sites were rezoned to "C", "R" or "OU(MU)", taking the nature and uses of the existing developments into consideration. Flexibility for change of use was allowed through the planning permission system. Rezoning of the "C/R" sites would not result in uniform developments and mono-character of the Area as existing uses were allowed to continue;
- (j) 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 BHR, NBA, building gap and setback requirements on the OZP including the AVA Report and visual analysis, was available for public inspection;

- (k) according to the Urban Design Guidelines, Tsim Sha Tsui was recognized as a new major commercial high-rise node and no additional high-rise nodes should be designated outside the area. In accordance with the Urban Design Guidelines, it was inappropriate to apply the approach used in the Tsim Sha Tsui OZP to the subject OZP; and
- (l) the new measures on Sustainable Building Guidelines (SBD) and the OZP restrictions on BHR, NBA, building setback/gaps were under two separate regimes. They were complementary to, rather than duplicating with each other. Unlike the requirements on OZP which were determined based on specific district circumstances and conditions, the SBD Guidelines focused on the building design at a site level and were applicable to all building developments with no reference to specific district characteristics.

Representation No. 35

81. After further deliberation, the Board decided not to uphold the representation of R35 for the following reasons:

- (a) the rezoning of the relevant “G/IC” sites to other zonings was to reflect in general the completed developments as previously approved by the Board;
- (b) the rezoning of QRE Plaza and the elevated walkway from “O” to “C(3)” and “Road” to “OU” was in accordance with the Board’s previous decision on the relevant s.12A application; and
- (c) the rezoning of Three Pacific Place and HC was to reflect the completed developments as previously approved by the Board.

Representation No. 36

82. After further deliberation, the Board decided not to uphold the representation of R36 for the following reasons:

- (a) the HC area along Queen's Road East was transforming into a commercial node. Redevelopment of HC for residential use would be inappropriate not only due to the change in local character that had taken place, but also because the site was sandwiched between two commercial developments. The proposal of retaining HC as "R(A)" was considered not appropriate;
- (b) the proposed HC II was the subject of a planning application No. A/H5/217 for a proposed 93-storey (315mPD) hotel/commercial development approved by the Board in 1994. Subsequently, a revised scheme for a reduced scale of development with a building height of 210mPD involving Class A amendments to the approved scheme as agreed by the Board on 12.12.2008 was approved by the Building Authority on 26.3.2009. The BHR of 210mPD was to reflect the revised scheme;
- (c) piecemeal relaxation of the BHRs for individual sites would jeopardize the coherency of the stepped height profile and could result in proliferation of high-rise development, which was not in line with the intended planning control; and
- (d) the overall provision of the open space in the Wan Chai District would be adequate to meet the requirement of the planned population in the area. The rezoning of QRE Plaza from "O" to "C(3)" was in accordance with the Board's previous decision on the relevant s.12A application.

Representation No. 37

83. After further deliberation, the Board noted the comments of R37.

Representation No. 38

84. After further deliberation, the Board decided not to uphold the representation of R38 for the following reasons:

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped building height concept, local characteristics, existing building height profile, site formation level and site constraints, the zoned land uses of the site concerned, development intensity, 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 right;
- (b) 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 BHR, NBA, building gap and setback requirements on the OZP including the AVA Report and visual analysis, was available for public inspection;
- (c) under the “C/R” zone, commercial developments were always permitted. The rezoning of “C/R” to “C” would not induce any significant traffic implications as compared to the situation under the “C/R” zoning; and
- (d) the imposition of BHRs would not affect the development potential of the sites, and would not have impact on the supply and price of flats.

Representation No. 39

85. After further deliberation, the Board decided not to uphold the representation of R39 for the reason that 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 BHR, NBA, building gap and setback requirements on the OZP including the AVA Report and visual analysis, was available for public inspection.

Representations No. 40 to R44 and R46 to R69

86. After further deliberation, the Board decided not to uphold the representations of R40 to R44 and R46 to R69 for the following reasons:

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped building height concept, local characteristics, existing building height profile, site formation level and site constraints, the zoned land uses of the site concerned, development intensity, 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 right (R46);
- (b) the BHRs were formulated on the basis of reasonable assumptions with allowance for design flexibility to accommodate development intensity 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 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 (R46 to R69);

- (c) provision of more and wider NBAs/setback restrictions/wind corridors would pose undue constraints on future developments/redevelopments, especially for small lots which were common in the Area. A balance had been struck between air ventilation and private development right (R46);
- (d) the existing and planned GIC facilities would be adequate to meet the need of the planned population (R40 to R42);
- (e) the proposed HC II was the subject of a planning application No. A/H5/217 for a proposed 93-storey (315mPD) hotel/commercial development approved by the Board in 1994. Subsequently, a revised scheme for a reduced scale of development with a building height of 210mPD involving Class A amendments to the approved scheme as agreed by the Board on 12.12.2008 was approved by the Building Authority on 26.3.2009. The BHR of 210mPD was to reflect the revised scheme (R40 to R44);
- (f) the garden between Wu Chung House and HC was part of the development scheme of Wu Chung House approved by the Board on 22.4.1986 and completed in April 1993. The provision of a public open space of not less than 1,160m² was stipulated in the Notes of the OZP for the “C(1)” zone. It was therefore not necessary to rezone the garden to “O” or NBA (R46 to R69);
- (g) the rezoning of Three Pacific Place and HC was to reflect the completed developments as previously approved by the Board; and

- (h) the QRE Plaza site was not required for surrender to the Government in the land exchange of HC II according to the then prevailing land policy. The rezoning of QRE Plaza from “O” to “C(3)” was in accordance with the Board’s previous decision on the relevant s.12A application (R40 to R42 and R44).

Representation No. 70

87. After further deliberation, the Board decided not to uphold the representation of R70 for the following reasons:

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped building height concept, local characteristics, existing building height profile, site formation level and site constraints, the zoned land uses of the site concerned, development intensity, 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 right;
- (b) the BHRs were formulated on the basis of reasonable assumptions with allowance for design flexibility to accommodate development intensity 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 would jeopardize the coherency of the stepped building height profile and could result in proliferation of high-rise developments, which was not in line with the intended planning control; and

- (c) 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.

Representations No. 71 to 81

88. After further deliberation, the Board decided not to uphold the representations of R71 to R81 for the following reasons:

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped building height concept, local characteristics, existing building height profile, site formation level and site constraints, the zoned land uses of the site concerned, development intensity, 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 right;
- (b) the BHRs were formulated on the basis of reasonable assumptions with allowance for design flexibility to accommodate development intensity 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 would jeopardize the coherency of the stepped building height profile and could result in proliferation of high-rise developments, which was not in line with the intended planning control; and

- (c) 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.

Representation No. 82

89. After further deliberation, the Board decided not to uphold the representation of R82 for the following reasons:

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped building height concept, local characteristics, existing building height profile, site formation level and site constraints, the zoned land uses of the site concerned, development intensity, 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 right;
- (b) the BHRs for the Area including HC II had been assessed by the AVA. With the implementation of the recommended mitigation measures in the AVA, the overall performance of the air ventilation was generally acceptable; and
- (c) as demonstrated by the TIA, the proposed HC II with a building height of 210mPD would have no adverse impact on the surrounding road network.

Representations No. 83 to 87

90. After further deliberation, the Board decided not to uphold the representations of R83 to R87 for the following reasons:

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped building height concept, local characteristics, existing building height profile, site formation level and site constraints, the zoned land uses of the site concerned, development intensity, 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 right;
- (b) relaxation of the BHRs for the concerned areas would jeopardize the coherency of the stepped height profile and could result in proliferation of high-rise developments; and
- (c) the garden between Wu Chung House and HC was part of the development scheme of Wu Chung House approved by the Board on 22.4.1986 and completed in April 1993. The provision of a public open space of not less than 1,160m² was stipulated in the Notes of the OZP for the “C(1)” zone (R83).

Representation No. 94

91. After further deliberation, the Board decided not to uphold the representation of R94 for the following reasons:

- (a) while the building plans approved by the Building Authority before the

imposition of BHRs would be allowed to proceed, the incorporation of the building heights of approved development schemes in building plan submissions for individual sites into the OZP would jeopardize the integrity of the overall stepped building height concept;

- (b) 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;
- (c) the “C/R” sites were rezoned to “C”, “R” or “OU(MU)”, taking the nature and uses of the existing developments into consideration. Flexibility for change of use was allowed through the planning permission system. Rezoning of the “C/R” sites would not result in uniform developments and mono-character of the Area as existing uses were allowed to continue;
- (d) the proposal to rezone the site at 210-216 Gloucester Road and 22-32 Marsh Road to “R(A)” or the sites at 210-216 Gloucester Road and 22-32 Marsh Road and 388-390 Jaffe Road and 12-20 Marsh Road to “OU(MU)” was not in line with the planning intention of the area for “C” as reflected in the redevelopment trend for commercial developments; and
- (e) according to the Urban Design Guidelines, Tsim Sha Tsui was recognized as a new major commercial high-rise node and no additional high-rise nodes should be designated outside this area. In accordance with the Urban Design Guidelines, it was inappropriate to apply the approach used in the Tsim Sha Tsui OZP to the subject OZP.

Representations No. 95 to 97

92. After further deliberation, the Board decided not to uphold the representations of R95 to R97 for the following reasons:

- (a) the purpose of imposing BHRs in the Area was to provide better planning

control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped building height concept, local characteristics, existing building height profile, site formation level and site constraints, the zoned land uses of the site concerned, development intensity, 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 right (R95);

- (b) the BHRs were formulated on the basis of reasonable assumptions with allowance for design flexibility to accommodate development intensity 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 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 (R95 to R97);
- (c) the BHRs would not result in larger building bulk. Whether a building was bulky or massive depended on many factors other than building height alone. Given the tendency to maximize the best view in certain direction and to capitalize the land value of the lower floors, a development with more relaxed building height control might be even taller and bulkier. The provision of better designed sustainable buildings was not guaranteed (R95);
- (d) s.3 and 4 of the Ordinance and the scheme of the legislation gave the Board comprehensive powers to control development in any part of Hong Kong.

The Board had the power to impose BHRs on individual sites or for such areas within the boundaries of the OZP under s.3 and 4 of the Ordinance if there were necessary and sufficient planning justifications (R97);

- (e) while the building plans approved by the Building Authority before the imposition of BHRs would be allowed to proceed, the incorporation of the building heights of approved development schemes in building plan submissions for individual sites into the OZP would jeopardize the integrity of the overall stepped building height concept (R95 and R97);
- (f) 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 (R96);
- (g) the presumption against 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 building height profile (R97);
- (h) 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 BHR, NBA, building gap and setback requirements on the OZP including the AVA Report and visual analysis, was available for public inspection (R97); and
- (i) the new measures on Sustainable Building Guidelines (SBD) and the OZP restrictions on BHR, NBA, building setback/gaps were under two separate regimes. They were complementary to, rather than duplicating with each other. Unlike the requirements on OZP which were determined based on specific district circumstances and conditions, the SBD Guidelines focused

on the building design at a site level and were applicable to all building developments with no reference to specific district characteristics.

Representations No. 98 to 103

93. After further deliberation, the Board decided to partially uphold the representations of R98 to R100, by rezoning the sites at 8-10 and 12-18 Wing Fung Street to a subarea of “C” with a BHR of 120mPD, and with a requirement that any redevelopment for commercial/office use be subject to the approval by the Board to ensure that there would be no adverse traffic impact, and not to uphold the remaining parts of the representations of R98 to R100 and the representations of R101 to R103 for the following reasons:

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the building height upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall building height profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped building height concept, local characteristics, existing building height profile, site formation level and site constraints, the zoned land uses of the site concerned, development intensity, 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 right;
- (b) the BHRs were formulated on the basis of reasonable assumptions with allowance for design flexibility to accommodate development intensity 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 would jeopardize the coherency of the stepped building height profile and could result in proliferation of high-rise developments, which was not in line with the

intended planning control;

- (c) the BHRs would not result in larger building bulk. Whether a building was bulky or massive depended on many factors other than building height alone. Given the tendency to maximize the best view in certain direction and to capitalize the land value of the lower floors, a development with more relaxed building height control might be even taller and bulkier. The provision of better designed sustainable buildings was not guaranteed (R98 to R102);
- (d) s.3 and 4 of the Ordinance and the scheme of the legislation gave the Board comprehensive powers to control development in any part of Hong Kong. The Board had the power to impose BHRs on individual sites or for such areas within the boundaries of the OZP under s.3 and 4 of the Ordinance if there were necessary and sufficient planning justifications (R98 to R102);
- (e) while the building plans approved by the Building Authority before the imposition of BHR would be allowed to proceed, the incorporation of the building heights of approved development schemes in building plan submissions for individual sites into the OZP would jeopardize the integrity of the overall stepped building height concept;
- (f) 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
- (g) designation of NBA, building gap and setback requirements 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 (R98 to R102); and

- (h) 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 BHR, NBA, building gap and setback requirements on the OZP including the AVA Report and visual analysis, was available for public inspection (R98 to R102);

Representation No. 104

94. After further deliberation, the Board decided not to uphold the representation of R104 for the following reasons:

- (a) the “C/R” sites were rezoned to “C”, “R” or “OU(MU)” taking the nature and uses of the existing developments into consideration. Flexibility for change of use was allowed through the planning permission system. Rezoning of the “C/R” sites would not result in uniform developments and mono-character of the Area as existing uses were allowed to continue; and
- (b) 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 BHR, NBA, building gap and setback requirements on the OZP including the AVA Report and visual analysis, was available for public inspection.

Representations No. 105 and 106

95. After further deliberation, the Board decided not to uphold the representations of R105 and R106 for the following reasons:

- (a) the BHRs were formulated on the basis of reasonable assumptions with allowance for design flexibility to accommodate development intensity 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 would jeopardize the coherency of the stepped building height profile and could result in proliferation of high-rise developments, which was not in line with the intended planning control (R105);
- (b) the BHRs were intended to avoid developments with excessive height, and the development intensity of individual sites would not be affected. There would not be adverse impacts on the development intensity permitted under the OZP. For an existing building which had already exceeded the BHRs, the rights of redeveloping the building to its existing height would be respected on the OZP (R105);
- (c) the “C/R” sites were rezoned to “C”, “R” or “OU(MU)”, taking the nature and uses of the existing developments into consideration. Flexibility for change of use was allowed through the planning permission system. Rezoning of the “C/R” sites would not result in uniform developments and mono-character of the Area as existing uses were allowed to continue; and
- (d) the Leisure and Cultural Services Department had strong objection to rezone the strip of land between King Sing Mansion at 187-191 Wan Chai road and Tak Yan Street within the “O” zone covering Tak Yan Street Children’s Playground to “OU”, since the playground was one of the popular leisure facilities in the area with high patronage. As the provision of leisure services to the residents in the area would be affected, R105’s proposal was not supported (R105).

96. The meeting was adjourned for lunch break at 2:30 p.m.

97. The meeting was resumed at 3:30 p.m.

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

Mr. Thomas Chow	Chairman
Mr. Stanley Y.F. Wong	Vice-Chairman
Mr. Walter K.L. Chan	
Mr. Raymond Y.M. Chan	
Ms. Anna S.Y. Kwong	
Dr. James C.W. Lau	
Professor Edwin H.W. Chan	
Professor P.P. Ho	
Dr. C.P. Lau	
Dr. W.K. Lo	
Mr. Roger K.H. Luk	
Ms. Pansy L.P. Yau	
Mr. Stephen M.W. Yip	
Deputy Director of Environmental Protection	
Mr. Benny Y.K. Wong	
Director of Lands	
Miss Annie K.L. Tam	
Director of Planning	
Mr. Jimmy C.F. Leung	

Agenda Item 2 (cont'd)

[Open Meeting (Presentation and Question Session Only)]

Consideration of Representations and Comments to the Draft Wan Chai Outline Zoning Plan No. S/H5/26

(TPB Papers No. 8764 & 8765)

[The hearing was conducted in Cantonese.]

Group 2 - Representations No. R1, R3, R5 to R26, R28 to R30, R33 to R36, R45, and R88 to R93 and Commenters No. C1, C2, and C6 to C285

(TPB Paper No. 8765)

99. The following Members declared interests on this item:

- | | |
|----------------------|---|
| Mr. K.Y. Leung | - spouse owned a flat in Lockhart Road |
| Mr. Y.K. Cheng | - being an active member of the Methodist Church which was one of the representers |
| Ms. Julia M.K. Lau | - owned properties in Star Street |
| Mr. Laurence L.J. Li | - owned a flat in Wan Chai |
| Mr. Rock C.N. Chen | - his company owned properties in Star Street and Lockhart Road |
| Ms. Anna S.Y. Kwong | - had current business dealings with the consultants of one of the representers |
| Professor S.C. Wong | - had current business dealings with the consultants of one of the representers |
| Mr. Felix W. Fong | - had current business dealings with Hutchison Whampao Ltd which was connected with The Hong Kong Electric Co. Ltd., one of the representers |
| Professor P.P. Ho | - had current business dealings with Cheung Kong (Holdings) Ltd which was connected with The Hong Kong Electric Co. Ltd., one of the representers |

- Mr. Stephen M.W. Yip - had business dealings with the consultants of one of the representers
- Mr. Timothy K.W. Ma - a Member of the Executive Committee of the Hong Kong Council of Social Services

100. Members noted that Mr. K.Y. Leung, Mr. Y.K. Cheng, Ms. Julia M.K. Lau, Mr. Laurence L.J. Li, and Mr. Felix W. Fong had tendered their apologies for not attending the meeting and that Professor S.C. Wong, Mr. Rock C.N. Chen and Mr. Timothy K.W. Ma had already left the meeting. Members also agreed that the interests of Ms. Anna S.Y. Kwong, Professor P.P. Ho and Mr. Stephen M.W. Yip were indirect and remote and that they should be allowed to stay in the meeting.

Presentation and Question Session

101. The Chairman said that reasonable notice had been given to the representers and commenters to invite them to attend the hearing, but other than those that were present at the meeting, the rest had either indicated that they would not attend the hearing or made no reply. Members agreed to proceed with the hearing in the absence of these parties.

102. The following representatives from the Planning Department, the representers and commenters were invited to the meeting at this point:

Planning Department (PlanD)

- Ms. Brenda Au District Planning Officer/Hong Kong (DPO/HK)
- Mr. Louis Kau Senior Town Planner/Hong Kong (3)
- Mr. Lawrence Chau Senior Town Planner/Urban Design (3)

R33 (Mr. Chung)

- Mr. Chung - Representer

R35 (Ms. Candy Tam)

- Ms. Mary Mulvihill - Representer's representative

R45 (Ms. Helen Lung)

Ms. Helen Lung - Representer

R88 (The Trustees of the Church of Christ in China, Wanchai Church)

Ms. Betty S.F. Ho)
Mr. Mak Hon Fun)
Mr. Yuen Chik Kam)
Mr. Clement Tang) Representer's representatives
Mr. Chung Wing Kai)
Mr. Ho Sau Him)
Mr. Ko King Cheung)
Mr. Cheng Pui Kan)

R89 (Baptist Oi Kwan Social Service)

Mr. Tsang Wing Keung)
Mr. Stanley Chu Man Yin) Representer's representatives
Mr. Tony Wong Chi Kwong)
Mr. Chiu Tsz Fung)

R90 (The Methodist Church, Hong Kong)

Rev. Prof. Lo Lung Kwong)
Rev. Dr. John Illsley)
Mr. James Chen)
Rev. Yuen Tin Yau)
Mr. Stanley Woo) Representer's representatives
Mr. Norman Lo Kam Wah)
Mr. Au Fun Kuen)
Ms. Katherine Ng)
Mr. Terry Mountain)
Ms. Mary Beth Asher Lauson)

R91 (The General of The Salvation Army)

Lt.-Colonel Pho Xuyen Tam)

Mr. David Chris Lee Tsung Hei)
Envoy Daniel Hui Wah Lun)
Ms. Irene Leung Pui Yiu)
Ms. Theresa Yeung Wing Shan)
Ms. Sincere Kan Chung Sze) Representers' representatives
Ms. Carol Kan Ka Lo)
Ms. Tracy Wong Chui Ying)
Dr. Emma Leung Suet Ha)
Ms. Joanlin C.L. Au)
Ms. Gigi Lau Wai Chi)
Mr. Paddy Ng)

R92 (The Hong Kong Council of Social Service)

Mr. Joseph Wong - Representers' representative

R93 (The Hong Kong Electric Co. Ltd.)

Ms. Florence Kan Chee Man - Representers' representative

C17 (Rev. Jesus N. De Los Santos)

Rev. Jesus N. De Los Santos - Commenter
Ms. Imelda De Gurman)
Mr. James Chen) Commenters' representatives

C18 (Ms. Esther Ma)

Ms. Esther Ma - Commenter

C41, C44, C27, C28, C38, C40, C43, C45 and C201

Mr. Tommy Yiu - Commenter

C61 (Mr. Ho Kin Wai, Patrick)

Mr. Patrick Ho Kin Wai - Commenter

C64 (Mr. Wong Cho Kuen)

Mr. Wong Cho Kuen - Commenter

C65 (Rev. Yuen Tin Yau)

Rev. Yuen Tin Yau - Commenter

C100 (Ms. Cheng Yim Man)

Ms. Cheng Yim Man - Commenter

C108 (Ho Siu Wan)

Ho Siu Wan - Commenter

C112 (Filipino Community of Methodist International Church)

Ms. Ruth M. Espiritu - Commenter's representative

C114 (Filipino Choirs – Filipino Ministry, Methodist International Church)

Ms. Ofelia A. Sermonia - Commenter's representative

C127 (Stanley Lam Kwi Fook)

Mr. Stanley Lam Kwi Fook - Commenter

C183, C69, C93, C96, C184 to C190, C192, C193, C197, C198 and C203

Ms. Ng Lai Kwan - Commenter

C230 (Au Fun Kuen)

Mr. James Chen - Commenter's representative

C264 (Ho Hung)

Ho Hung - Commenter

103. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives of PlanD to brief Members on the representations.

104. With the aid of a Powerpoint presentation, Ms. Brenda Au made the following main points as detailed in the Paper:

- (a) the draft Wan Chai Outline Zoning Plan (OZP) incorporating mainly amendments to impose building height restrictions (BHRs) on various development zones, rezoning of “Commercial/Residential” sites and other rezoning proposals to reflect completed developments, was exhibited for public inspection on 24.9.2010 under section 5 of the Town Planning Ordinance (the Ordinance);
- (b) the background of the amendments to the draft OZP was set out in detail in paragraph 2 of the Paper. An Air Ventilation Assessment (AVA) by Expert Evaluation (EE) of the Area had been undertaken to provide a qualitative assessment of the wind environment within the Area, to identify problem areas and propose mitigation measures. According to the AVA, the prevailing annual wind came from the east and north-east and the prevailing summer wind mainly came from the south. The existing wind situation in the Area did not present major air ventilation problem except for the western part of the Area. The AVA recommended that the roads on both sides of Queen’s Road East should be realigned when opportunities arose to create air paths that run through the Area. To facilitate better air ventilation in the Area, the existing open space and the low-rise G/IC developments in the Area should be maintained. To maintain the existing air path flowing over the four north-south aligned government sites between Fleming Road and Stewart Road, non-building areas (NBA) were designated along the eastern and western side boundaries of the Wan Chai Police Station (WCPS) site and the Wan Chai Police Married Quarters (WCPMQ) site while building gaps of 6 metres above 19mPD were imposed on the eastern and western side boundaries of the Lockhart Road Municipal Services Building and on the eastern side of the Hennessy Road Government Primary School site. In addition, a minimum setback of 1 metre from the lot boundary upon

redevelopment was imposed for sites fronting Wing Fung Street, Anton Street, part of St. Frances Street and part of Spring Garden Lane to facilitate the formation of air paths through these roads;

- (c) during the 2-month statutory publication period, a total of 106 representations were received. On 3.12.2010, the representations were published for public inspection and in the first three weeks of the publication period, 293 comments were received. On 11.2.2011, the Town Planning Board (the Board) decided to consider the representations in two groups. This Paper covered 38 representations and 282 comments (Group 2) which were mainly related to the imposition of BHRs in the “Government, Institution or Community” (“G/IC”) zone and the rezoning of specific “G/IC” or “Residential (Group A)” (“R(A)”) sites;
- (d) an overview of the representations and comments:
 - (i) representation R3 submitted by an individual supported all amendment items in general while part of 22 representations (R5 to R26) supported the rezoning of a portion of Wan Chai Park from “G/IC” to “Open Space” (“O”) and the rezoning of several existing road sections from “G/IC” to areas shown as ‘Road’;
 - (ii) representation R34, submitted by The Real Estate Developers Association (REDA), objected to all the amendments on the OZP except amendment items N, Q, S and V which were concerned with rezoning of sites to “O” and areas shown as ‘Road’;
 - (iii) six representations (R88 to R93) submitted by the landowners of specific “G/IC” sites opposed the imposition of BHRs for their respective sites;
 - (iv) 24 representations (R1, R5 to R25 and R36) opposed the rezoning of the WCPS and the WCPMQ sites from “G/IC” to “Other Specified Uses” annotated “Historical Building Preserved for Hotel,

Commercial, Community and/or Cultural Uses” (“OU(Historical Building Preserved for Community and/or Cultural Uses)”) and “Commercial (4)” (“C(4)”) while 5 representations (R28 to R30, R33 and R45) opposed only the rezoning of the WCPMQ site from “G/IC” to “C(4)” with the stipulation of BHR;

- (v) 26 representations (R5 to R26, R28 to R30 and R36) opposed the rezoning of the Hung Shing Temple site from “R(A)” to “G/IC”;
 - (vi) commenter C1 supported the amendments proposed by R1, R5 to R26, R28 to R30, R33, R34 and R35 regarding the rezoning of the WCPS and WCPMQ sites as well as the Hung Shing Temple site, but opposed the amendments proposed by R88, R90 to R91, and R93 regarding the relaxation of BHR for the specific “G/IC” sites;
 - (vii) commenter C2 opined that the usage of “G/IC” sites should be seriously regulated to avoid possible abuse before any request for relaxation of the BHRs for specific “G/IC” sites was considered;
 - (viii) 11 commenters (C6 to C16) supported the redevelopment proposal submitted by the Church of Christ in China, Wanchai Church (R88);
 - (ix) 250 commenters (C17 to C266) supported the amendment proposed by R90 to delete or relax the BHRs for the Methodist International Church, the Methodist House and The Wesley sites; and
 - (x) 19 commenters (C267 to C285) supported the amendment proposed by R92 to relax the BHR for the Duke of Windsor Social Service Building site;
- (e) the grounds of representations and the representer’s proposals were summarized as follows:

Adverse Representations for More Lenient BHRs for Specific “G/IC” Sites (under Amendment Item A)

(i) The Church of Christ in China, Wanchai Church (R88)

Grounds of Representation

- a. the representer intended to redevelop the existing church site to provide more spiritual, social and educational services to the population in Wan Chai. The redevelopment proposal had a building height (BH) of 26 storeys and a plot ratio of 12;
- b. development right under the lease should be respected and honoured;
- c. the BHR would undermine the redevelopment potential for the future expansion of G/IC facilities to meet the increasing needs of the community;
- d. the BHR was not justified in terms of visual and spatial relief and air ventilation considerations;

Representer’s Proposal

- e. to relax the BHR for the site from 5 storeys to 118mPD;

(ii) Oi Kwan Road Baptist Church (R89)

Grounds of Representation

- a. the adjoining Hong Kong Scout Regional Headquarters site, which was in the same neighbourhood, was allowed to be developed to a height of 90mPD;

Representer’s Proposal

- b. the representer did not make any proposal;

(iii) Methodist International Church, Methodist House and The Wesley (R90)

Grounds of Representation

- a. building plans for the redevelopment of the Methodist International Church (MIC) site to 25 storeys excluding basement (with a BH of 121.8mPD) had already been approved. The representer intended to improve the design of the new building by including a pedestrian plaza on the ground floor. However, any major amendment to the approved building plans would not be possible once the BHRs were imposed;
- b. full premium had been paid for the lease modification to permit the upper part of the Methodist House to be used for commercial offices. The imposition of the BHRs would not allow the redevelopment of the site to increase the storey height to at least 4.5 metres required by modern offices;
- c. The Wesley site would not be able to achieve the existing floor area upon redevelopment, if the BHRs and the setback requirements along Anton Street were imposed;
- d. there was no prior public consultation nor visual impact analysis to indicate what implications the BHRs, building setbacks and the other amendments would have on the long term development of the Area;
- e. the church would not be able to realize the full development potential of the three representation sites to provide the necessary accommodation to serve the expanding needs of the community;
- f. the imposition of 'spot' BHRs was inconsistent with section 3

and 4 of the Ordinance and lacked legal basis;

- g. the proposed 'spot' BHR and building setbacks prevented creativity and any innovative architectural design;
- h. the BHRs had been set at too low a level and would disallow creativity and innovative architectural design;
- i. it was unreasonable and unfair to impose significantly different BHRs on each of the Church sites compared to the commercial buildings situated in the immediate vicinity;

Representer's Proposal

- j. to delete the BHRs for the MIC site, Methodist House and The Wesley and to delete the building setback requirement at Anton Street for The Wesley or to revise the BHRs of the sites from 4 storeys, 95mPD and 75mPD respectively to 122mPD or 130mPD, 130mPD and 110mPD;

(iv) Salvation Army Education and Development Centre and Salvation Army Wan Chai Social Service Centre (R91)

Grounds of Representation

- a. the representer intended to redevelop the existing Salvation Army Education and Development Centre and Salvation Army Wan Chai Social Service Centre site to meet the anticipated increase in demand for social welfare services in Wan Chai. The future uses might include community centre, hostels for overseas visitors of the Salvation Army, senior homes, religious institution, Corps centre, training centres and offices for the Salvation Army. The redevelopment proposal with a BH of 110mPD would be compatible with surrounding developments. Moreover, the southern part of the site was proposed to be dedicated to the

Government for the provision of a through road linking up Salvation Army Street and Wood Road. A part of the dedicated area could also be utilized as parking spaces for school coaches and private cars;

- b. the BHRs would undermine the redevelopment potential for the future expansion of G/IC facilities to meet the increasing needs of the community;
- c. a taller building would allow much greater flexibility in building design in terms of scale and massing. It would also free up the ground floor space for landscaping to achieve better pedestrian environment;

Representer's Proposal

- d. to relax the BHR for the site from 5 storeys to 110mPD;

(v) Duke of Windsor Social Service Building (DWSSB) (R92)

Grounds of Representation

- a. the representer intended to redevelop the existing DWSSB to provide additional affordable office premises to accommodate the greatly expanded demand for central offices and centralized support service teams of non-government social welfare organizations. The redevelopment proposal would have a plot ratio of 15 and a BH of not more than 100mPD. The proposed redevelopment would be compatible with the surrounding environment and would not adversely affect the visual aspect and air ventilation in the area;
- b. the BHR of 50mPD was considered inappropriate and not justified and would severely constrain the building design of the proposed redevelopment;

Representer's Proposal

- c. to relax the BHR for the site from 50mPD to 100mPD; and

(vi) Morrison Hill Station Building (R93)

Grounds of Representation

- a. an increase in headroom to 4.5m was needed within the electricity substation (ESS) building to provide space to accommodate the latest equipment and to allow adequate working area inside the rooms to meet health and safety requirements. If the Morrison Hill Station Building were built to modern standard, the height would need to be increased by 4 metres;

Representer's Proposal

- b. to relax the BHR for the site from 55mPD to 59mPD;

[Professor P.P. Ho arrived to join the meeting at this point.]

Wan Chai Police Station (WCPS) and Wan Chai Police Married Quarters (WCPMQ) sites

- (vii) R1, R5 to R26 and R35 opposed the rezoning of both sites from “G/IC” to “OU” annotated “Historical Building Preserved for Hotel, Commercial, Community and/or Cultural uses” and “C(4)” respectively while R28 to R30, R33 and R45 opposed only the rezoning of the latter site from “G/IC” to “C(4)” with stipulation of a BHR of 80mPD;

Grounds of Representation

- a. historical buildings should not be rezoned for commercial uses. Besides, there were already extensive commercial developments

in Wan Chai;

- b. the WCPMQ site was not suitable to be rezoned for commercial use. With the increase in the planned population from 72,100 persons to 82,540 persons and the increase in land area planned for commercial use from 1.53 ha to 20.39 ha, the area zoned for “G/IC” use in Wan Chai should not be reduced;
- c. G/IC sites were for the benefit of the community and should continue to be used for this purpose. The WCPMQ site offered a good opportunity to redress the open space shortage;
- d. the row of “G/IC” sites including the WCPMQ site formed an important low-rise wind corridor in a north-south direction. The BHR of 80mPD would defeat the purpose of the wind corridor;
- e. the WCPMQ site should be maintained as a low-rise building. A high-rise commercial hotel was not compatible with the character of heritage preservation;

Representers' Proposals

- f. to rezone the WCPS site to “OU(Historical Building Preserved for Community and/or Cultural Uses)” or to “O” (R1 and R5 to R26) and to retain the WCPMQ site as “G/IC” or to rezone it to “O” (R28 to R30, R34 and R45);
- g. to retain the existing BH or to impose a BHR of 8 storeys and/or 28mPD for the WCPMQ site;

Hung Shing Temple

(viii) R5 to R26, R28 to R30, R34 and R36 opposed the rezoning of the Hung Shing Temple site at 129-131 Queen’s Road East from (“R(A)”)

to “G/IC”;

Grounds of Representation

- a. as Hung Shing Temple was a Grade 1 historic building, it should be rezoned as “OU(Historic Building)” to facilitate preservation in a comprehensive manner;
- b. the “G/IC” zoning did not offer adequate protection to heritage buildings;

Representers’ Proposals

- c. to rezone the site to “OU(Historic Building)” or “OU(Historic Building Preserved for Community and/or Cultural Uses)” (R5 to R26, R28 to R30 and R36);
 - d. to maintain a BHR of 2 storeys (R5 to R26);
- (f) the Government’s responses to the representations and the representers’ proposals were summarized as follows:

BHRs for the specific “G/IC” sites (under Amendment Item A)

Public consultation and visual analysis

- (i) 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;
- (ii) the rationales for the BHRs, NBAs and setback requirements had been set out clearly in the relevant MPC Paper No. 17/10, the AVA

report in the TPB Paper and the Explanatory Statement of the draft OZP which were all available to the public. Specifically, as explained in the MPC Paper No. 17/10, in formulating the BHRs for these “G/IC” sites, due regard had been given to the nature of the existing facilities/uses on the sites, the existing building heights, the height restrictions on the land allocation/lease (if any), the need to meet the minimum height requirement for the designated G/IC facilities and the need to maintain compatible building mass in the local setting. The BHRs were mainly to reflect the existing building heights of the various G/IC developments, or to accommodate any known or committed development proposals (e.g. the redevelopment of Tang Shiu Kin Building to 90mPD). It should be noted that the “G/IC” sites on the OZP covered a wide range of uses with different scales. For sites with unrestricted lease, redevelopment up to the level permissible under the Building (Planning) Regulations might not be possible under the BHRs. Relaxation of the BHR on individual “G/IC” site could be considered on a case by case basis through planning application or plan amendment procedures when specific redevelopment proposal was proposed;

- (iii) photomontages showing the visual impacts of the proposed BHRs for the Area with view from major vantage points were included in the relevant MPC Paper No. 17/10 and shown on Plans H-10a to H-10d of the TPB paper;
- (iv) 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 Wan Chai District Council (WCDC), the Wan Chai East Area Committee (WCEAC), the Wan Chai West Area

Committee (WCWAC) and local residents in a local consultation forum. The two-month statutory exhibition period was considered adequate for consultation with the public, while maintaining the efficiency of the process; (R90)

'Spot' Zoning

- (v) according to the advice of Department of Justice (DoJ), sections 3 and 4 of the Ordinance and the scheme of the legislation gave the Board comprehensive powers to control development in any part of Hong Kong. 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; (R90)

Approved Building Plans

- (vi) while the building plans approved by the Building Authority before the imposition of BHR would be allowed to proceed, the incorporation of the BHs of approved development schemes in building plan submissions for individual sites into the OZP would jeopardize the integrity of the overall stepped BH concept; (R90)

Basis for BHRs for "G/IC" sites

- (vii) in formulating the BHRs for the "G/IC" sites, due regard had been given to the nature of the existing facilities/uses on the sites, the existing BHs, the height restrictions on the land allocation/lease (if any), and the need to maintain compatible building mass in the local setting, among other considerations;
- (viii) the "G/IC" sites in the Area had been largely developed. Unless there were committed proposals or known developments (e.g. the

redevelopment of Tang Shiu Kin Building at Oi Kwan Road to 90mPD) or a need to meet the minimum height requirement (e.g. standard requirement of eight storeys for school development), the existing “G/IC” sites would broadly be kept to their existing heights to serve as breathing spaces and visual/spatial relief in the Area, as recommended by the AVA. In particular, the “G/IC” cluster at Morrison Hill was important for the southerly wind flowing across the open fields and race course in Happy Valley to penetrate into the Area; (R89)

- (ix) if non-government organisations (NGOs) needed to redevelop/expand their facilities on “G/IC” sites and to amend the BHRs to meet the requirements of their facilities, they might submit a specific development scheme with relevant technical assessments to the Government and the Board for consideration. If it was submitted in the form of a section 12A application, the application would be processed and considered by the Board in accordance with the provisions of the Ordinance. Alternatively, if their scheme was well justified and supported by the relevant Government bureau(x)/ departments, PlanD would recommend to the Board amending the BHR under section 5 or 7 of the Ordinance. In processing such applications/proposals, PlanD would facilitate as far as possible. The Development Opportunities Office under the Development Bureau had also been providing one-stop consultation and coordination services to land development projects proposed by NGOs meeting relevant criteria; (R88, R90 to 93)

Representers' Proposals

Church of Christ in China, Wanchai Church

- (x) not all government departments were in support of the redevelopment proposal submitted by R88. The Labour and Welfare Bureau (LWB) indicated that they were unable to ascertain

whether the proposed Christian Cultural & Service Centre was indeed welfare-related and Transport Department (TD) had reservation on the redevelopment proposal due to adverse traffic implication on the nearby road network. There was no information to substantiate that the adjacent road network could absorb the additional traffic caused by the redevelopment;

Oi Kwan Road Baptist Church

- (xi) there was no specific proposal for the concerned “G/IC” site. Should there be specific proposal, it would be assessed on individual merits. There were provisions in the Ordinance and established channels for amending the BHRs of “G/IC” sites as stated in sub-paragraph (ix) above;

Methodist International Church, Methodist House and The Wesley

- (xii) for the MIC site, the building plans approved by the Building Authority before the imposition of BHR would be allowed to proceed. However, as a matter of principle, the incorporation of the BHs of approved development schemes in building plan submissions for individual sites into the OZP would jeopardize the integrity of the overall BH concept and was not supported;
- (xiii) as the Methodist House was located at a prominent island site at the junction of Hennessy Road and Johnston Road, relaxation of BHR might have visual impact on the surrounding development and would need to be assessed when there was concrete redevelopment proposal;
- (xiv) the proposal to delete the building setback along Anton Street for The Wesley site could not be supported. According to the AVA, there was a lack of north-south air paths for the southerly wind to Wan Chai North through the western part of the Area. In this respect, setback requirements were imposed on a number of streets

including Anton Street along both sides of Queen's Road East to create north-south air paths in this part of the Area;

- (xv) the general responses on the reasons for imposing BHRs for "G/IC" sites as stated in sub-paragraphs (vii) to (ix) above were relevant;

Salvation Army Education and Development Centre (SAEDC) and
Salvation Army Wan Chai Social Service Centre (SAWCSC)

- (xvi) the proposed redevelopment of the existing SAEDC and SAWCSC site to a new complex at a BH of 110mPD with the dedication of the southern portion of the site for a possible through road was not supported as there was no information in the submission on the mode of service delivery, provision of internal transport and justifications for the proposed dedication. While TD considered there were merits to propose a through road within the site, there was no substantiation on the traffic impact of the proposed redevelopment;

Duke of Windsor Social Service Building (DWSSB)

- (xvii) the proposed redevelopment of the existing DWSSB site to a new building with a plot ratio of 15 and a BH of not more than 100mPD could not be supported as LWB indicated that there were a number of premises in DWSSB which had been vacated by NGOs but yet to be filled up. Further information regarding the need for central offices of subvented NGOs was also required. Moreover, TD had reservations on the redevelopment proposal as details of internal transport facilities and traffic impact arising from the redevelopment were not available;

Morrison Hill Station Building

- (xviii) it was noted that the Buildings Department and the Electrical and Mechanical Services Department accepted that a storey height of 4.5 metres was a current standard for an ESS;

(xix) although the existing electricity substation was a 9-storey building, the BHR was imposed in terms of 50mPD instead of number of storeys due to the fact that the “G/IC” cluster at Morrison Hill was important for the southerly wind flowing across the open fields and race course in Happy Valley to penetrate into the Area. As such, when there was a concrete redevelopment proposal of the substation, a planning application for minor relaxation of the BHR could be submitted and the Board would consider the application on its individual merits. This was necessary to ensure that no adverse air ventilation and visual impacts would be resulted from the proposed relaxation;

WCPS and WCPMQ Sites (under Amendment Items J1 and J2)

(xx) the WCPS and WCPMQ sites were intended for an integrated development project involving in-situ preservation and revitalization of the WCPS building, and redevelopment of the WCPMQ site for hotel, commercial, community and/or cultural uses;

(xxi) given the prime location, heritage value of the WCPS, proximity to other tourist attractions in Wan Chai and the Hong Kong Convention and Exhibition Centre, hotel was a possible use and was considered suitable in terms of land use compatibility. To allow greater flexibility, other commercial uses such as eating place and shop and services uses were also permitted as of right. Furthermore, some community and/or cultural facilities might be provided as part of the preservation project, e.g. exhibition/display area to allow the general public to appreciate the historical value of the building. The “OU” annotated “Historical Building Preserved for Hotel, Commercial, Community and/or Cultural Uses” zoning for the site was considered appropriate;

- (xxii) although the planned population of the Area would be increased from 72,100 to 83,540 persons, the existing and planned G/IC facilities would generally be adequate to meet the need of the planned population in the Area, except for two district-wide facilities, i.e. leisure swimming pool and sports centre which could not be accommodated within the WCPMQ site due to insufficient site area and the site was also not suitable for providing such facilities in terms of the predominantly commercial/office land use character in the local area;
- (xxiii) on open space provision, the Wan Chai District as a whole would have a surplus of 2.16 ha upon full development. There was no need to rezone the two sites to “O”;
- (xxiv) according to the AVA report, the row of 4 north-south aligned “G/IC” sites was an important north-south air path to their immediate surrounding areas. Based on the AVA recommendations, NBAs had been imposed to facilitate the north-south air movement over these “G/IC” sites and a maximum BH of 80mPD was imposed on the WCPMQ site to allow low level air ventilation. The maximum BH of 80mPD and plot ratio of 12 imposed on the WCPMQ site could ensure that the future development would be compatible with the surrounding developments. The BHR of 80mPD was similar to the existing height of the adjacent Lockhart Road Municipal Services Building at 71.7mPD. With these development restrictions, the future development would not have adverse effect on the existing air path above the row of 4 north-south aligned “G/IC” sites;

Hung Shing Temple (under Amendment Item K)

- (xxv) while the temple was a Grade 1 historic building, it was currently used as a temple. The rezoning of the site to “G/IC” was to reflect

the existing use and a BHR of 2 storeys was imposed on the site to reflect the existing BH;

(xxvi) it was not within the Board's purview to determine whether a historic building should be preserved since the grading of the historic building was determined by the Antiquities Advisory Board. In general, the zoning designation of historic buildings on statutory plans would depend on various factors such as the land use and planning intention of the site as well as the heritage grading accorded by the Antiquities Advisory Board. Some temples of Grade 1 historic building status were also zoned "G/IC" on the relevant OZPs such as Tin Hau Temple in Yau Ma Tei and Lin Fa Kung in Tai Hang;

105. The Chairman then invited the representatives of the representers to elaborate on the representations.

Representation No. R33

106. Mr. Chung made the following main points:

- (a) he strongly opposed the proposed development of the WCPMQ site up to a BH of 80mPD;
- (b) the curtain wall of the future commercial development on the site would reflect sunlight onto the surrounding residential developments along Lockhart Road and the advertisement signboards would cause light pollution problems at night. The existing advertisement signboards at the buildings surrounding his flat had already caused serious light pollution problem. A lowering of the BHR would help reduce the above nuisance;
- (c) a BHR of 80mPD for the WCPMQ site would likely result in a building with "wall effect" as developers tended to maximise the development

potential of the site with little regard to air ventilation and visual impact on the surroundings. The Government should seriously consider adding a design requirement to restrict developments on the site from causing wall effect on the surrounding areas; and

- (d) imposing a BHR of 8 storeys or 28mPD for the WCPMQ site would not affect the future development of the site. There were plenty of examples overseas such as those in Singapore where historic buildings were successfully preserved and refurbished or partly redeveloped into hotels. The Government should consider the representers' proposal.

Representation No. R35

107. Ms. Mary Mulvihill made the following main points:

- (a) many of the proposals made by the representers to redevelop their respective "G/IC" sites did not follow the Town Planning Board Guidelines on "Application for Development/Redevelopment within "Government, Institution or Community" Zone for Uses Other Than Government, Institution or Community Uses" (TPB PG. No. 16);
- (b) she noted that according to TPB PG No. 16, "G/IC" zones were designated to reflect the existing GIC uses and to reserve sites for future provision of GIC facilities to meet the present and future needs of the community. Some GIC developments, especially the low-rise and low-density ones, served as breathing space within a high-rise and high-density environment. Moreover, a major portion of the proposed development for a "G/IC" site should be dedicated to GIC and other public uses including public open spaces and that planning permission should not be granted for any development proposal that deviated from this requirement unless with very strong justifications. "G/IC" sites should be developed or redeveloped solely for GIC uses unless it could be established that the provision of GIC facilities would not be jeopardised;

- (c) she was not aware of any detailed studies that had been undertaken on the existing provision of GIC facilities and the future demand in the Wan Chai area, such as facilities for the elderly and facilities for children. She commented that there had to be an adequate provision of “G/IC” sites in the district to serve the existing and future GIC needs and that the proposed rezoning of any “G/IC” site should not adversely affect the provision of GIC facilities in the district on a long-term basis. Making reference to the recent catastrophe in Japan, she said that there was always the need to allow spare capacity in the provision of public facilities to serve the community at times of natural disasters;
- (d) she noted that the services proposed to be provided by the representers upon redevelopment of the “G/IC” sites would serve people from other districts and that would cause adverse traffic impact to the Area. As the churches and NGOs had already benefitted by obtaining land either free of charge or at a very low rent, they should not be allowed to carry out any profit-making activities on “G/IC” sites and any under-utilised floorspace within “G/IC” sites should be adapted for the provision of other GIC facilities rather than handed over to property developers;
- (e) she strongly objected to any proposal to rezone “G/IC” sites to commercial or residential uses, in particular the Southorn Centre site which was adjacent to the Southorn Playground. The development of the Southorn Centre site would adversely affect the adjoining public open space and she was concerned that complaints from the residents of the new development could compromise the use of Southorn Playground in the future;
- (f) she supported the rezoning of the WCPS site to “OU(Historic Building Preserved for Community and/or Cultural Uses)” to encourage revitalisation of the historical building and the use of the WCPMQ site as an open space or public sports facility to serve the community;

- (g) although PlanD claimed that there was a surplus of 20 ha of public open space in Wan Chai, she was concerned that the public open space was provided at locations which were either inaccessible or subject to air pollution generated by road traffic;
- (h) she did not agree with the views of the NGOs and churches that it was unfair to impose a more stringent BHRs on their sites as one of the planning intentions of the “G/IC” zone was to provide some breathing space within a high-density environment and the right of the residents to breathe should be respected; and
- (i) she considered that it was not acceptable for the Church of Christ in China, Wanchai Church to redevelop the site into such a tall building at the narrow alleyway. Also, the current “G/IC” zoning of The Wesley should be amended as it was no longer a hostel but a commercially-operated hotel. She asked the Methodist Church to consider converting some of the hotel rooms for use of church facilities. As the Salvation Army was already operating a hostel in Yau Ma Tei, there was no justification for the development of another high-rise building at the representation site in Morrison Hill, although she supported the Salvation Army’s proposal to dedicate part of the site for the provision of a through road. For the DWSSB site, she considered that a taller building at the site could be considered on the condition that a building gap would be provided at the site;

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

Representation No. R45

108. With the aid of some plans, Ms. Helen Lung made the following main points:

- (a) she was concerned that PlanD had adopted double standards when imposing BHRs on certain sites. While very stringent BHRs were imposed on most “G/IC” sites restricting them to their existing building

heights, a very generous BHR of 80mPD was allowed for the WCPMQ site which was earmarked by the Government for land sales and redevelopment;

- (b) making reference to Plan H-2 of the TPB paper, the WCPMQ site and the three other government sites in between Fleming Road and Stewart Road formed an important north-south wind corridor which provided some breathing space for the surrounding area. In this respect, the low-rise nature of the existing WCPMQ site should be preserved;
- (c) no visual impact assessment nor photomontages had been prepared by PlanD to demonstrate that the visual effect of the proposed rezoning of the WCPMQ site to “C(4)” and the imposition of a BHR of 80mPD was acceptable; and
- (d) the increasing population in Wan Chai would require more GIC facilities in the district. The WCPMQ site should be retained for “G/IC” purposes to meet the need of the residents and should not be rezoned.

Representation No. R90

109. With the aid of a powerpoint presentation, Rev. Professor Lo Lung Kwong made the following main points:

- (a) whilst the imposition of BHRs in the Wan Chai area was supported, the BHRs proposed for “G/IC” sites had in effect frozen the development right of all the GIC site owners but not that of the private landowners and developers. This was unfair and unjust as the Board had required the churches and NGOs to provide breathing spaces and visual relief to serve the interests of the private landowners and developers. It was like robbing the poor (i.e. the churches and NGOs who served the poor and under-privileged) to make the rich even richer;
- (b) the Board had failed to consider all relevant factors and its approach was

not in the interest of the community. It was wrong to treat all “G/IC” sites as similar in nature. The “G/IC” zoning covered a wide variety of sites providing different types of uses involving a variety of organizations. Unlike other subvented organizations, the Methodist Church had bought the land for the Methodist House on the open market and paid full premium for the lease modification to accommodate some commercial floors. The Methodist Church was not just a church but also an NGO providing extensive services to the community without any Government subvention or funding. There was no reason for Government to treat the church and NGOs any worse than private landowners and developers. If the redevelopment proposals of the Methodist Church were thwarted, the existing services provided to the community would be affected as more space was needed for the church to improve its services;

- (c) the ‘spot’ BHRs proposed were contrary to Article 141 of the Basic Law (BL 141) where it was specifically stated that ‘the previous property right should be maintained and protected’;
- (d) three sites owned by the Methodist Church in Wan Chai were affected by the BHR under the draft OZP, including the Methodist International Church (MIC), the Methodist House and The Wesley;
- (e) the first church on the MIC site was built over 100 years ago and they had planned to redevelop the site to meet the needs of the Church 5 years ago. The site was under a 999-year lease with no restrictions on plot ratio or building height. A set of building plans with maximum BH of 122mPD was approved by the Building Authority in August 2009 for a church with office space for church administration, and facilities to support the various community services offered by the MIC. However, with the imposition of the BHR, MIC’s proposal to improve the design of the proposed building would be thwarted as any major amendments to the approved building plans would be rejected by the Building Authority. The suggestion that MIC could submit a rezoning application or an application

for minor relaxation of the BHR would involve a lot of time and resources which the MIC could not afford. The BHR had become an additional hurdle for the MIC to carry out its redevelopment plans and improve its services to the community. In order to enable the MIC to proceed with its redevelopment plans, the BHR for the MIC site should be relaxed from 5 storeys to 130mPD. It should be noted that the commercial developments at Wu Chung House and Hopewell Centre not far away from the MIC site had BHRs of 140mPD and 220mPD respectively;

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

- (f) the site of Methodist House was bought by the church in 1934 from the open market. After obtaining planning approval from the Board, full premium was paid for lease modification and the site was redeveloped in 1994 into a composite building comprising new accommodation for the church with commercial office space. The existing Methodist House comprised a church portion (3,500m² GFA) and an office portion (3,790m² GFA). The ground floor of the Methodist House was open to the public, and the Methodist House often served as a support centre for the disciplinary services during public rallies. The Methodist House also provided various services to the elderly and youths through its social service centres. In order to enable any redevelopment in the future and to cater for a storey height of 4.5 metres, which was the current standard for modern offices, the BHR for Methodist House should be relaxed to 130mPD, which was the height permitted for other buildings in the neighbourhood;
- (g) The Wesley was a 251-room hostel and a social service agency. The services provided at the site included childcare and family support service, after school care services, continuing education services, counseling services, employee retraining services, youth pre-employment training and home care and community care elderly services. As the site would be subject to a 1-metre setback along Anton Street when it was redeveloped,

the BHR for the site should be relaxed to 110mPD in order to ensure no loss in GFA and a standard storey height of 4.5 metres. A BHR of 110mPD was the height permitted for other buildings in the neighbourhood;

- (h) he was advised by Deputy Director/District and DPO/HK of PlanD in an earlier meeting to seek policy support for the church's redevelopment proposals and PlanD would be willing to facilitate the processing of such proposals/applications. However, as a building plan with 122mPD had been approved by the Building Authority, he did not understand why policy support was required, instead of reflecting the BH of the approved building plans on the OZP;
- (i) according to the experience of the Methodist Church in North Point, there was no guarantee that an application for either minor relaxation of the BHR or the rezoning of the site would be granted once the BHR was imposed on the OZP. Besides, submitting such applications would take time and resources from the church which could otherwise be spent on providing the much needed educational and social services to the community. It was therefore unfair and unjust to impose stringent BHRs onto the church and other NGOs while private landowners and developers were permitted as of right to develop with a much more relaxed BHR.

[Dr. W.K. Lo left the meeting temporarily at this point.]

110. With the aid of a powerpoint presentation, Mr. John Illsley made the following main points:

- (a) the existing 5-storey building on the MIC site was built in 1967 and provided seating capacity for 175 people. Since then, the MIC had grown to become the most culturally diverse church in Hong Kong, serving people from 25 nationalities with each Sunday Service catering for about 300 persons. There was a chronic shortage of space within

MIC to serve the needs of the church;

- (b) other than church services, the MIC also offered other community services including a shelter for displaced Filipino domestic workers, services for refugees and asylum seekers, services for street sleepers, and other services such as playgroups, mother's groups, prison visiting services, etc.;
- (c) the site was acquired in 1893 and the lease restricted the use of the site for church and community work. The site had an original site area of 12,520 square feet. About 32% of the original site area (i.e. 3,975 square feet) had been surrendered to the Government in the past for the widening of Kennedy Road;
- (d) the church had planned for the redevelopment of the MIC site to provide more space for worship, church administration, staff accommodation, meeting rooms and resource centres. The redevelopment did not include any commercial floorspace and would cost about \$300 million. The MIC would raise its own funds and no Government money was required;
- (e) the BHR had become a new obstacle for MIC. Although the approved building plans would not be affected by the BHR, construction works had to commence within 2 years of the approval. Moreover, MIC intended to amend the approved building plans by, for example, changing the design of the ground floor to provide public space and to allow better air flow;
- (f) the concept of "G/IC" sites serving as breathing space should only be applicable to new towns but not the urban areas. The Government should be bound by the principle that planning controls should not take away the development right of individual landowners;
- (g) although PlanD indicated that the BHR could be amended through the planning application system if policy support was obtained, making such

an application would be costly in terms of time and money. He did not understand why policy support was required for the redevelopment when MIC had been providing its services to the people of Hong Kong for over 100 years without seeking Government funding; and

- (h) the BHR for the MIC site should be changed to 122mPD.

[Dr. W.K. Lo returned to join the meeting at this point.]

111. With the aid of a powerpoint presentation, Mr. Stanley Woo made the following main points:

- (a) the proposed BHR of 130mPD for the MIC building would still be much lower than the two redevelopment projects undertaken by the Urban Renewal Authority in the vicinity, i.e. the Zenith and the Cube. As the proposed MIC building occupied a site which was open on all three sides, it would not block any building in the surrounding area and would not cause any air ventilation problem; and
- (b) the proposed building was designed with a slim profile of a small footprint. It was intended to become a landmark building, by the good quality design and its contributions to the community.

112. With the aid of a powerpoint presentation, Rev. Yuen Tin Yau made the following main points:

- (a) the Methodist House was built in 1936 and redeveloped in 1994. The clock tower with a characteristic roof design was retained in the redeveloped building which served as a local focal point. Notwithstanding the political uncertainty of 1997, the church decided in 1994 to redevelop the Methodist House in order to continue to serve the community;

- (b) the redevelopment project was carried out with New World Development Co. Ltd (NWD) acting as a joint venture partner. Upon completion of the development, 9 storeys of the building were reserved for church uses while the remaining 12 storeys were retained by NWD for commercial office uses. NWD had ownership of the 12 storeys for 30 years until 2028;
- (c) with the expansion of the services provided by the church, there was inadequate space in the Methodist House for the church service and the church had to rent additional floor space from NWD for its use. The ground floor of the building was open for the provision of public services including lunch time seminars and choir performances, dance classes, services for the elderly, services for young people and services for teenagers and children;
- (d) a few years ago, when there was an outbreak of H1N1 in a nearby hotel, the church served as a support station for the police and the medical staff. In short, the Methodist House was much more than a church or a simple “G/IC” site; and
- (e) when the Methodist House was redeveloped, planning permission was obtained and full premium was paid for the lease modification. The existing storey height of 3.45 metres was not able to meet present day standards. The BHR of the site should permit, upon redevelopment, a development with an average storey height of 4.5 metres.

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

113. Mr. Norman Lo reiterated the point that the Government should not restrict the development of NGOs by imposing stringent BHRs on the OZP for “G/IC” sites and not that of private developers. This was an unfair treatment.

114. With the aid of a powerpoint presentation, Mr. Au Fun Kuen made the

following main points:

- (a) he was concerned whether Town Planning Board members had read the TPB Paper in detail and, in particular, the representations submitted by the Methodist Church;
- (b) noting that PlanD claimed that the BHRs would not affect the property right of private landowners, he did not understand why the same principle was not applied to NGOs and charitable organizations. He also disagreed with the view that “G/IC” sites should serve as breathing space and visual relief in the built-up environment while private landowners were not required to do so. He considered that this principle should only be applicable to new towns at the planning stage and should not be applicable to the existing built-up area where the “G/IC” zoning was mainly to reflect the existing GIC use on the site. In this connection, the above principle should not apply to the Wan Chai area;
- (c) while some GIC facilities such as Government Offices, sports complexes and schools were always zoned “G/IC”, some GIC facilities such as social service centres, churches and hostels were not always zoned “G/IC”. Moreover, not all “G/IC” sites were owned by the Government. Some GIC sites were owned by NGOs/charitable organizations and some were purchased from the Government many years ago;
- (d) he asked whether it was reasonable to allow private landowners and developers to build to a much higher BH while GIC sites were kept at their existing BH for the purpose of providing breathing space and visual relief. The imposition of stringent BHRs had penalized the NGOs/charitable organizations who served the poor and under-privileged;

[Dr. W.K. Lo left the meeting at this point.]

- (e) even though PlanD claimed that the BHRs could be relaxed if concrete

redevelopment schemes were submitted by NGOs/charitable organizations and the schemes were supported by government bureaux/departments, it was a very costly exercise for NGOs/charitable organizations to conduct the various technical assessments and it was not guaranteed that such applications would be approved, as demonstrated by the experience of the Methodist Church in North Point. Besides, the planning applications submitted would likely attract a large number of local objections and, as a result, the Board would not approve the applications. The whole process of obtaining planning permission might be very long;

- (f) the BHRs had become measures that favoured the rich and oppressed the poor. The BHRs imposed on the “G/IC” sites were not decided for air ventilation purposes as the “G/IC” sites involved were not located on any air corridors as shown in the AVA report. Besides, the established practice in imposing BHR on GIC sites was not appropriate for the three representation sites which were not standard GIC sites. The Methodist House was a church cum commercial office development that had obtained planning permission. The Wesley was a hostel and social services centre that needed not be zoned as “G/IC”. The MIC’s redevelopment proposal should be treated as a known or committed development as building plans with BH of 122mPD had been approved, and similar treatment as in the case of the proposed Hong Kong Scout Regional Headquarters Building at Morrison Hill should apply;

[Ms. Anna S.Y. Kwong and Dr. James C.P. Lau returned to join the meeting at this point.]

- (g) he was concerned that spot zoning on the OZP was not permitted under the Ordinance. He did not agree that prior public consultation would cause premature release of sensitive information as all developers were already well aware of the exercise to impose BHRs on OZPs. The NGOs/charitable organizations should be consulted earlier on so as to save the time and effort in processing the representations. Moreover, the

BHRs had failed to protect the rights of religious bodies which was contrary to Article 141 of the Basic Law; and

- (h) it was *Wednesbury* unreasonable as there was no basis for the Board to require “G/IC” sites to act as breathing space and visual relief in an old built-up area such as Wan Chai. The Board had also failed to take into account relevant considerations as the existing development at Methodist House had obtained planning permission, The Wesley was partly hostel and partly social services centre, and the MIC should be taken as a known or committed development.

115. Mr. James Chen said that he was a Christian of the Methodist Church and was passionate about the MIC redevelopment as it provided social services to the community and people could find solace and peace in the church. The Board should take into consideration the fact that MIC only wanted to provide more services to the community.

116. Mr. Au Fun Kuen supplemented that according to a new Circular Letter issued by the Buildings Department to all Authorised Persons in October 2010, a 2-year time limit was imposed on all modifications/exemptions granted under the Buildings Ordinance with reference to new building plans that were submitted to the Building Authority for approval. It was doubted whether the MIC could proceed with the construction works within the 2-year time frame. If a rezoning application was submitted by MIC, government departments might raise various issues such as internal transport arrangements, loading/unloading space provisions and visual impact.

117. Rev. Yuen Tin Yau supplemented that the Board should consider the BHR of each GIC site individually, and take account of the community services they provided and the need to protect public interest.

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

Representation No. R89

118. With the aid of a powerpoint presentation, Mr. Tsang Wing Keung made the

following main points:

- (a) the existing floor area at the Baptist Oi Kwan Social Service Centre (BOKSS) could not accommodate the new projects financed by the Government such as retraining service, neighbourhood support child care project, and child development fund project. The Social Welfare Department also had difficulty finding premises to provide such social services as elderly homes on Hong Kong Island;
- (b) the redevelopment plan of the BOKSS would optimize the use of the site for expansion of the existing services and to cater for new social service demand from the community. To address the great demand for elderly services in Wan Chai, the representer would introduce a comprehensive elderly project in the redeveloped building, comprising residential care, social and educational service centre, clinical, health and supportive services for the elderly; and
- (c) the height of the proposed redevelopment compared well with the adjacent redevelopment of the Hong Kong Scout Association Regional Headquarters at a BHR of 90mPD and would have no adverse impact on the surrounding areas.

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

119. Mr. Wong Chi Kwong made the following main points:

- (a) the BOKSS building was built in 1976. Noting the adjacent Hong Kong Scout Association Regional Headquarters of a BHR of 90mPD and the hotel and residential developments behind the site which were even taller, a BHR of 90mPD for the representation site would not cause any adverse impact on its surroundings;
- (b) a higher BHR would allow a podium garden to be provided in the

redevelopment proposal to improve air ventilation to its surroundings. An alternative proposal was to open up the ground floor of the building for use as a public space. These alternatives would be considered at the detailed design stage; and

- (c) 90% of the clients using the services provided at the BOKSS building travelled to the centre by public transport. Redevelopment of the building would unlikely cause any adverse traffic impact. Only 8 car parking spaces would be provided at the redevelopment site.

Representation No. R88

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

- (a) the existing building on the site of the Church of Christ in China, Wanchai Church (WCC) was a 5-storey building comprising a worship hall, multi-function rooms, offices for church administration, a kindergarten and a nursery; and
- (b) the lease for the site was virtually unrestricted except for the non-offensive trades clause. More than 20 years ago, the site was zoned “R(A)”. It was subsequently rezoned to “G/IC” without any development restrictions. The site was located in a mixed residential-commercial neighbourhood with BHRs ranging from 120mPD to 220mPD.

121. With the aid of a powerpoint presentation, Rev. Mak Hon Fan made the following main points:

- (a) the WCC was founded in 1863 by the London Missionary Society providing worship, educational and community services in the area for almost 150 years. The representation site was bought by WCC about 60 years ago in the open market for church development and the existing

premises for the church and kindergarten/nursery were built in the early 1950s. The church assembly had also grown from about 100 persons in the 1950s to about 700 persons today;

- (b) WCC had been providing a wide range of services to the community in Wan Chai and had been collaborating and supporting other organizations to provide different types of community services. However, the existing building had become inadequate to meet the current needs. The WCC had rented premises from a commercial building for more than 10 years to provide a day care service centre for about 400 elderly people in the district. With the substantial growth in population in Wan Chai, there was an increasing need for the church to provide more educational and community services, thus adding pressure for the church to carry out its redevelopment plan; and
- (c) the community services provided by WCC was not subsidized by the Government. Instead, the church had spent \$6 to \$7 million each year to support the services. The WCC was aggrieved by the imposition of the BHR of 5 storeys for the site which would seriously affect the ability of WCC to provide services to the community.

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

122. With the aid of a powerpoint presentation, Mr. Clement Tang made the following main points:

- (a) the WCC site was acquired from the open market with a virtually unrestricted lease. Under the Building (Planning) Regulations, a maximum plot ratio of 15 for non-domestic development was permitted on the site. In this respect, the development rights provided for under the lease should be respected and honoured, just as the Board had respected the development rights held by the private landowners under the lease and had rezoned the QRE Plaza site from “O” to “C”;

- (b) development rights were protected by the Basic Law. Article 6 of the Basic Law (BL 6) stated that “The HKSAR shall protect the right of private ownership of property in accordance with law”. Article 105 of the Basic Law (BL 105) stated that “The HKSAR shall, in accordance with law, protect the right of individuals and legal persons to the acquisition, use, disposal and inheritance of property and their right to compensation for lawful deprivation of their property”. Article 141 of the Basic Law (BL 141) stated that “Religious organizations shall, in accordance with law, enjoy the rights to acquire, use, dispose of and inherit property and the right to receive financial assistance. Their previous property rights and interests shall be maintained and protected”. The imposition of a BHR of 5 storeys was against the Basic Law;
- (c) sites held by NGOs were not fairly treated. While “G/IC” sites held by NGOs were imposed with a BHR that kept them low-rise, other sites such as the QRE Plaza, government-held “G/IC” sites such as the WCPMQ and the original “G/IC” site at 11-17 Kennedy Street were not subject to the same type of restrictions. This was discriminatory and was in breach of Article 22 of the Bill of Rights Ordinance (Cap 383); and
- (d) he agreed with the point made by Representation No. R90 in that the Board had no power to conduct ‘spot’ zoning on the OZP.

[Mr. Raymond Y.M. Chan left the meeting at this point.]

123. With the aid of a powerpoint presentation, Ms. Betty Ho and Rev. Mak Hon Fun made the following additional points:

- (a) the WCC started to plan for the redevelopment of the site since the mid-1990s and had consulted relevant government departments. In April 2009, building plans for a proposed redevelopment into a 36-storey building (153.1mPD) with a plot ratio of 15 was submitted for church,

social services and training centre uses. In response to the comments from PlanD, revised building plans were submitted with a lower BH of 146.1mPD but the building plans were not approved because of the potential traffic impact and the right-of-way issue for the proposed EVA. It took one year for WCC to come to an agreement on the right-of-way with Hopewell Centre. However, when the building plans were re-submitted in September 2010, the new BHRs were imposed by PlanD and the building plans were disapproved;

- (b) imposing BHR at the WCC site was not justified from either visual or air ventilation perspectives. The site was hardly visible to the public as it could only be seen through a narrow gap between Hopewell Centre and Wu Chung House. Besides, the proposed redevelopment of WCC was compatible with the height profile of the buildings in the surroundings which were much taller. The proposed redevelopment of WCC would have no visual impact on the public view from Bowen Road towards the harbour. Moreover, the proposed redevelopment of WCC would not obstruct the air path along Spring Garden Lane as identified in the AVA report;
- (c) the revised redevelopment scheme proposed by WCC had a plot ratio of 12 and a building height of 118mPD (26 storeys above 2 storeys of basement) with a compact building design. The building height of the revised redevelopment scheme was compatible with the adjoining commercial buildings of Hopewell Centre (221mPD), Wu Chung House (144mPD) and the Mega Hotel (210mPD) and the residential buildings such as Wing Way Court (151mPD);
- (d) the revised redevelopment scheme of WCC comprised a church portion, a kindergarten, an elderly centre and a Christian Cultural & Services Centre. The Christian Cultural & Services Centre was intended to provide a platform for organizations and NGOs to experiment services to address the changing needs of the community. It was understood that SWD

might have difficulty ascertaining the new service as welfare related;

- (e) LWB and the Home Affairs Department (HAD) had given policy support for the provision of elderly services and the development of places of worship and ancillary facilities. The Education Bureau had no objection to the proposed expansion of the existing nursery and kindergarten;

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

- (f) although, LWB indicated that they were unable to ascertain whether the proposed Christian Cultural & Services Centre was indeed welfare-related, this was only because the proposed service was a new type of service which could not be categorized by SWD;
- (g) regarding TD's concern on the potential traffic impact generated by the redevelopment scheme, sufficient car parking and loading/unloading facilities as required under the Hong Kong Planning Standards and Guidelines (HKPSG) would be provided. As the facilities were mainly to serve the local community who would normally walk to the WCC or take public transport, the redevelopment would unlikely generate any adverse traffic impact;
- (h) on PlanD's claim that NGOs which needed to redevelop or expand their G/IC facilities could always submit a s.12A application to amend the BHR, it should be noted that such a process would take at least two years before any redevelopment could proceed. With the rapid redevelopment process in Wan Chai, there was an urgent need to expand G/IC services. The redevelopment project for WCC was ready for implementation with the required policy support. Further delay to the implementation of the redevelopment proposal was a loss to the community; and
- (i) she proposed to remove the BHRs stipulated for the site or to amend the BHR to 118mPD so as to allow the Church to expand its community

services. If the above was not acceptable to the Board, a further proposal was to relax the BHR to 85mPD so as to allow all those facilities that had already obtained policy support to be accommodated in the redevelopment proposal.

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

Representation No. R91

124. With the aid of a powerpoint presentation, Mr. David Lee made the following main points:

- (a) he agreed with the legal points raised by Representation No. R88 and R90;
- (b) the Salvation Army was an organization which served to provide imminent relief to countries in need. It was also a partner of the Government and was supported by many well known personalities; and
- (c) the work of the Salvation Army required a lot of resources. The Board should not take away an important resource of the Salvation Army, i.e. the development right pertaining to the representation site;

125. With the aid of a powerpoint presentation, Lt.-Colonel Pho Xuyen Tam made the following main points:

- (a) the Salvation Army was established in 1865 in London and was now present in 124 countries around the world. The Salvation Army in Hong Kong was first set up in Wan Chai in the 1950s, providing services to all persons in need;
- (b) the Salvation Army had been providing immediate relief to 10 major disasters in the last 3 years, including the earthquakes in Tsinghai, Chile, Haiti, New Zealand and Japan as well the floods in Pakistan and South

China;

- (c) upon redevelopment of the representation site, the Salvation Army planned to provide a home for the elderly, more floor space for elderly activities, and a training and education centre for volunteers. The proposed redevelopment would allow the Salvation Army to provide a quicker and better response to natural disasters and to provide relief to areas in need; and
- (d) the proposed redevelopment would be the first centre of its kind in the world and the facilities provided would not only serve the local community and Hong Kong as a whole but also the global needs for relief at times of disasters.

126. With the aid of a powerpoint presentation, Ms. Theresa Yeung made the following main points:

- (a) the new building proposed by the Salvation Army was in Wan Chai which was at a convenient location;
- (b) the services currently provided by the Salvation Army at the representation site included support services for families with autistic children, an education centre for children with special educational needs, provision of leadership training programmes, provision of employment retraining programmes, and a family store for used goods;
- (c) upon redevelopment, the facilities proposed to be provided would include a community centre, an elderly home, a family wellness centre, a public kitchen, an education and development centre, a centre providing employment services, a hostel and staff quarters, a recycle distribution centre, the regional headquarters for the Salvation Army, a disaster relief centre, and a church;

- (d) the proposed new building would include a sky garden as well as a podium garden to improve air ventilation through the site. It also proposed to surrender part of the site to enable the provision of a through road to link up Salvation Army Street with Wood Road, which would significantly improve the traffic circulation in the area. TD agreed that there was merit in providing the through road. 24-hour pedestrian access would be allowed at the podium garden to enable convenient pedestrian connections from the Salvation Army Street level up to the Tung Wah Centenary Square Garden level along Queen's Road East;
- (e) regarding PlanD's responses that the DPO would facilitate the processing of applications/proposals if the NGO had submitted a specific scheme with relevant assessment, she said that the Salvation Army had submitted a folder containing the development proposal, an AVA, visual assessment and TIA to PlanD a few days before the meeting. The same folder had been tabled at this meeting for Members' information ;
- (f) although it was stated that "G/IC" sites were to provide spatial and visual relief, it was noted from Plan 12 of MPC Paper No. 17/10 that the Salvation Army site was not located within any area where building heights had to be reduced for such purposes. According to Plans H-10a to H-10d of the TPB Paper, the Salvation Army site was not visible from any of the major vantage points as shown on the plans;
- (g) the Salvation Army site was not located along any major air corridors as shown in Plan H-2 of the TPB Paper or within any sensitive areas as shown in the AVA report. Besides, the podium garden proposed by the Salvation Army in its redevelopment proposal would help to improve the air flow in the vicinity;
- (h) according to the traffic impact assessment, the redevelopment proposal would only generate about 20 person-car units during peak hours and that would have minimal impact on the major junctions in the vicinity;

- (i) the redevelopment proposal of the Salvation Army would bring about major social benefits as it would provide more services for the local people, improve disaster relief to areas in need, provide more services for the elderly, improve pedestrian and traffic flow in the area, and the podium garden would provide convenience for pedestrians; and
- (j) it proposed to relax the BHR for the Salvation Army site from 5 storeys to 110mPD.

127. Lt-Colonel Pho Xuyen Tam concluded the presentation and said that the Salvation Army only wanted to improve its ability to respond to the needs of society and the people in need. The Salvation Army was currently providing services to about 30,000 people on a daily basis. The redevelopment proposal would allow the expansion of its services.

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

Representation No. R92

128. Mr. Joseph Wong made the following main points:

- (a) the Hong Kong Council of Social Services (HKCSS) provided services for a total of 380 different organizations and the existing building, i.e. the Duke of Windsor Social Service Building (DWSSB), provided office facilities and training services for the different organizations;
- (b) according to the lease of the site for DWSSB, the leasee was required to develop the site to at least 90% of the maximum plot ratio permitted. In 2010, the HKCSS submitted a redevelopment proposal to the Development Opportunities Office to redevelop the DWSSB to a height of about 100mPD, which was compatible with the surrounding buildings which were up to about 130mPD;

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

- (c) contrary to the claim that the floor space in the existing building was under-utilised, there was in fact no vacant floor space in the building and all space had been taken up. In fact, 15 organizations were on the waiting list requesting for office space from the HKCSS. There were 29 organizations under HKCSS that did not have office space on their own and had to use the space originally planned for the provision of services as office for administrative work. The situation was not ideal; and
- (d) as most people going to the redeveloped DWSSB would take public transport, TD's concern on the possible traffic impact caused by the redevelopment was not justified.

Representation No. R93

129. With the aid of a powerpoint presentation, Ms. Florence Kan made the following main points:

- (a) the ESS at the representation site, which housed a zone sub-station, was built in 1974 and was partly redeveloped in 1991. The existing building was 9 storeys tall with a storey height of 3 to 4 metres for plant rooms. In order to accommodate new equipment, a minimum storey height of 4.5 metres was now accepted by Electrical and Mechanical Services Department (EMSD) as the standard requirement;
- (b) the BHR of 55mPD would substantially affect the flexibility to redevelop the representation site and to make other alterations. The BHR would also affect Hong Kong Electric's (HEC) flexibility in procurement and adoption of the latest technology which would affect the operational reliability of the ESS;
- (c) electricity substations were required to be located in close proximity to areas which generated the demand for electricity. In view of the planned

increase in population in Wan Chai by about 35% and the fact that no land was available for the development of an additional ESS, there was a need to allow adequate development potential within the existing ESS site to meet future demand for electricity;

- (d) as the area of the representation site was only 774m², which was much smaller than the standard requirement of 1,600m² as specified in the HKPSG, it was inevitable that the ESS would need to be accommodated in a high-rise building. Nevertheless, the 9-storey ESS was not incompatible with the adjoining May Hing Building where a BHR of 110mPD was imposed;
- (e) as a BHR of 9 storeys was imposed on the adjacent site (the Masjid Ammar and Osman Ramju Sadick Islamic Centre), the BHR for the representation site should also be specified in number of storeys, i.e. 9 storeys, instead of 55mPD; and
- (f) even though the Government said that the BHRs could be relaxed in future to meet any concrete redevelopment requirements of HEC, the process of rezoning of the site would take at least two years to complete.

Commenter No. C65

130. Rev. Yuen Tin Yau, who was one of the representatives of Representation No. R90, supplemented that as the WCC and the other NGOs had provided much services to Hong Kong as a whole, the Board should give sympathetic consideration to the representations submitted by the NGOs and the churches.

Commenter No. C100

131. Ms. Cheng Yim Man made the following main points:

- (a) the WCC had provided nursery services which was beneficial to both the children and the parents. The teen groups offered by the church provided a good opportunity for teenagers to socialize and grow up

together in a positive environment. The church also provided services for the elderly which enabled them to continue to contribute to society. Her mother-in-law was one of the benefactors of the church's elderly services; and

- (b) the BHRs imposed on the "G/IC" sites would limit the redevelopment potential of the church which would in turn limit the amount of services that could be provided by the church for the benefit of the local community.

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

133. The Vice-Chairman noted that some of the representers claimed that the development right of the "G/IC" sites had not been respected and the NGOs had been treated unfairly as compared with sites which were not zoned "G/IC". He enquired about the background involved in the acquisition of the sites held by Representation No. R88 to R92 and the development rights permitted under their respective lease. In response, Ms. Brenda Au referred Members to paragraph 4.2 of the TPB paper and explained that according to the information provided by LandsD, the user restrictions specified in the leases of the seven sites covered by the five representations were as follows:

- (a) the WCC site: virtually unrestricted except with the non-offensive trades clause;
- (b) Oi Kwan Road Baptist Church: restricted for a non-profit making youth centre, a church for ecclesiastical purposes, together with such offices, domestic quarters for caretakers and workmen employed on the premises. The site was subject to a maximum GFA not exceeding 3,904 square feet (about 363m²) for the church portion and the design, disposition and height (DD&H) clause;
- (c) the MIC site: restricted for a Wesleyan Chapel and Ministers' residence or

other religious and charitable purposes of the Wesleyan Missionary Society. There was a clause requiring no alienation except with consent. There was no restriction on plot ratio, site coverage and height under the lease;

- (d) Methodist House: no restriction except for the DD&H clause and non-offensive trades clause. Modification letter was issued on 15.4.1994 for office use not exceeding 3,837m², social welfare facilities with not less than 200m² usable floorspace, and other accommodation in connection with the religious work of the Lessee. There was a restriction on alienation except the office accommodation and a tree preservation clause;
- (e) The Wesley: restricted for a non-profit making hostel of not more than 400 rooms together with domestic quarters for staff and workmen employed in the hostel and ancillary offices, accommodations for a children and youth centre, a nursery for 100 children and ancillary offices. The total GFA for a non-profit making hostel, church, and social and welfare purposes should be not less than 8,200m²;
- (f) Salvation Army Education and Development Centre and Salvation Army Wan Chai Social Service Centre: restricted for a non-profit making school and a 4-storey welfare centre, together with domestic quarters for staff and workmen employed at the school and the welfare centre; and
- (g) Duke of Windsor Social Service Building: restricted for social welfare centre and ancillary offices for members of the grantee and the Associations, organizations and other parties approved by the Director of Social Welfare, together with domestic quarters for staff and workmen employed on the premises. No less than 50% of usable floor area shall be occupied by the Grantee. The plot ratio of the building should not be less than 90% of the permitted plot ratio as defined in the Building (Planning) Regulations 1962.

134. In response to the Vice-Chairman's enquiry on whether full premium had been paid for these sites, Ms. Brenda Au said that she did not have the information in hand. She said that normally, sites with lease restrictions for the user to be non-profit making were granted at concessionary premium or nominal premium while sites with unrestricted leases were normally acquired from the open market at market price. Miss Annie K.L. Tam supplemented that it might not be appropriate to generalize the lease type as such since each case had its own background. One would need to examine the entire set of lease conditions before one could conclude whether the site was granted with concessionary premium. The information provided by LandsD in paragraph 4.2 of the TPB Paper only included the major conditions of the lease of the respective representation sites for Members' reference. She added that the value of the land would be assessed for any application for lease modification. Having said that, the premium to be paid was a private agreement between the landlord and the leasee and was outside the purview of the Town Planning Board.

135. Ms. Betty Ho explained to Members that for the case of the WCC, the site was bought by the church from the open market in the 1950s and was held under a virtually unrestricted lease. There was no need to pay premium for the redevelopment.

136. The Vice-Chairman said that what he wanted to clarify was the claim made by a number of representers that their development right would be adversely affected by the imposition of the BHR.

137. Ms. Katherine Ng said that for the Methodist House, the site had an area of 35,232 square feet and a premium of \$52,320 was paid for the site. In 1992, when the lease was modified to permit 3,837m² GFA for commercial office use, a premium of \$65 million was paid. If the Methodist House site was redeveloped to the present day standards of an office building with a storey height of 4.5 metres, some GFA/plot ratio would have to be sacrificed with a BHR of 95mPD.

138. In response to a Member's enquiry, Ms Brenda Au said that the intention for imposing specific BHRs for "G/IC" sites which reflected the existing and planned BH of the

development was to provide visual and spatial relief to the high density environment of the Area. The concept was explained in the Explanatory Statement of the Wan Chai OZP (Annex IIe of the TPB Paper). Concerning the impact on development right, she referred Members to paragraph 11.18 of MPC Paper No. 17/10 where it was clearly explained that the proposed BHRs for “G/IC” sites were mainly to reflect the existing building heights of various GIC developments, or to accommodate any known or committed development proposals. For sites with unrestricted lease, redevelopment up to the maximum plot ratio permissible under the Building (Planning) Regulations might not be possible under the proposed BHRs. Nevertheless, to cater for the specific needs and requirements of different GIC uses, relaxation of the BHR on individual GIC sites could be considered on a case by case basis through the planning application or rezoning procedures when specific redevelopment proposals were submitted for consideration.

[Mr. Raymond Y.M. Chan returned to join the meeting at this point.]

139. Ms. Brenda Au further explained the background for permitting a BHR of 90mPD for the proposed Hong Kong Scout Regional Headquarters Building at Oi Kwan Road. The Hong Kong Scout Association originally proposed to redevelop the site for a building up to 120mPD with a plot ratio of 15 which was considered not acceptable. Upon further discussions between the relevant parties, a revised proposal with a BH of 90mPD was submitted with a reduction in GFA as some of the facilities originally proposed at the Oi Kwan Road site was shifted to another development of the Hong Kong Scout Association at Model Lane. The proposal was accepted by the relevant government departments. As the revised scheme was subsequently endorsed by the Land Development Advisory Committee, the development parameters of the revised proposal were submitted to the Metro Planning Committee for consideration and incorporated into the draft OZP. By the same token, if the specific redevelopment schemes proposed by the various representers were accepted by the relevant government departments and subsequently obtained policy support, PlanD would be prepared to amend the specific BHRs on the OZP under section 5 or 7 of the Ordinance so as to allow the redevelopment proposals to proceed. PlanD would also facilitate the processing of the applications/proposals as far as possible.

140. In response to the Chairman’s enquiry, Ms. Brenda Au explained that some of

the redevelopment proposals of the representers were only tabled at the meeting and the public would be deprived of the opportunity to give comments on the new information so submitted. It was procedurally improper to consider the new information submitted as it was unfair to the public who wished to make comments on the proposal.

141. A Member enquired whether the BHRs imposed on the “G/IC” sites had taken into account their redevelopment needs given that some of the buildings were over 50 years old and how would a proposal be classified as a ‘known/committed’ development. In response, Ms. Brenda Au explained that PlanD would not normally consider an approved building plan as a ‘known/committed’ development as the building plans might not be acceptable to PlanD. A ‘known/committed’ development normally meant a proposal which was considered acceptable by relevant government departments, including policy support from the relevant government bureau.

142. In response to the point on the late submission of the development proposal, Ms. Theresa Yeung explained that the Salvation Army could only table the detailed development proposal and the traffic impact assessment, visual impact assessment and the air ventilation assessment at the meeting as the Salvation Army was not aware of the imposition of the BHR on the OZP until near the end of the 2-month publication period of the OZP. Therefore, there was not enough time for the Salvation Army to provide the detailed information any earlier. She disagreed that it was procedurally improper to accept the redevelopment proposal and the technical assessments tabled for the reason that the public would be deprived of the right to comment on the set of information. In fact, if the development proposal submitted by the Salvation Army was accepted and PlanD proceeded to amend the OZP under section 5 or section 7 of the Ordinance, the public would have the chance to comment on the detailed development proposal and the related technical assessments. The Salvation Army should focus its effort in providing community service and should not be asked to spend time and effort to submit planning application or further negotiate with the various government departments on the different requirements. Ms. Theresa Yeung requested the Board to amend the BHR for the site to enable the redevelopment proposal of the Salvation Army to proceed. Should the Board decide to uphold the representation and amend the draft OZP, the public would still have the opportunity to comment on the redevelopment proposal at the further representation stage.

143. Mr. David Lee said that if the NGOs had to submit proposals to effect an amendment to the BHR on the OZP, the implementation of all GIC redevelopment projects would be delayed by at least 2 years. This would in turn affect the provision of new or expanded GIC facilities to meet the needs of the community. He reiterated that the imposition of BHRs on the “G/IC” sites effectively meant that all “G/IC” sites would need to go through the rezoning process before any redevelopment could take place, which was a fundamental change to the whole system.

144. Rev. Yuen Tin Yau considered it unfair that while PlanD had proactively discussed with the Hong Kong Scouts Association about their redevelopment proposals and took their proposal as a ‘known/committed’ development, the other churches and NGOs were kept in the dark and were not informed about the imposition of BHRs on their respective sites. For the MIC redevelopment, PlanD did not approach the church about the redevelopment proposal even though building plans with a BH of 122mPD were already approved by the Building Authority and the redevelopment proposal was surely ‘known’ to the Government. Rev. Yuen Tin Yau also pointed out that since the lease for each “G/IC” site was unique, the formulation of BHR should have taken into consideration the development right of individual sites instead of capping all “G/IC” sites to their existing BHs. The BHR of GIC sites should be determined together with the BHR of all other sites within the area, and GIC uses should not be penalized, bearing in mind that private developers did not have to go through such tedious procedures. The rezoning application suggested by PlanD would use up the scarce resources of the churches and NGOs which could otherwise be used to provide services for people in need. He suggested that the BHRs for each GIC site should be re-considered after thorough discussions with the respective GIC users on their redevelopment needs and proposals.

145. A Member enquired whether the existing developments at Methodist House and The Wesley had already been built to the maximum plot ratio permitted and the status of the approved building plans for the MIC site. In response, Rev Yuen Tin Yau said that though the Methodist House was already built to the maximum plot ratio permitted, the BHR imposed would restrict the potential of the future redevelopment to achieve a storey height of 4.5 metres which was the current standard for modern offices. The Wesley was also

built to the maximum permitted plot ratio. However, the 1-metre setback requirement along Anton Street and the BHR imposed would restrict the potential of the site to be redeveloped to the existing plot ratio. For the MIC site, the building plans were already approved and building works could proceed. However, the church would like to improve the design by putting the podium garden on the ground floor to improve air ventilation and serve as an open space for the public. The imposition of the BHR for the MIC site meant that the church could only redevelop according to the approved building plans unless a rezoning application was submitted to the Board to relax the BHR from 5 storeys to 122mPD before an improved design could be submitted. In response to the Members' further enquiry, Rev. Yuen Tin Yau said that the MIC could proceed to implement the approved building plans and lease modification was not necessary.

146. The same Member enquired about the building plans submitted for the WCC site and the reasons for disapproval of the building plans. The Member also asked Representation No. 92 to clarify the lease restrictions applicable to the DWSSB site. In response, Mr. Yuen Chik Kam explained that the building plans for the WCC site were rejected due to one outstanding issue, which was the need for an agreement with Hopewell Centre for a right-of way of about 2 metres. On TD's reservation on the potential traffic impact, the submission of building plans would still require the approval of TD. Whilst the right-of-way issue with Hopewell Centre was finally resolved a few months ago, the resubmission of the building plans was affected by the imposition of the BHR on the OZP. Regarding the DWSSB site, Mr. Joseph Wong said that the lot was restricted under the lease for social welfare centre and ancillary offices for use by members of the Hong Kong Council of Social Service. The lease also required that the plot ratio of the building should not be less than 90% of the permitted plot ratio as defined in the Building (Planning) Regulations 1962. As the maximum permitted plot ratio at that time was 11, the DWSSB was built to a plot ratio of about 10.4. Under the current Building (Planning) Regulations, the maximum permitted plot ratio was 15. Hence, the HKCSS should be able to increase the total GFA upon redevelopment and provide more office space for its members.

147. In response to the same Member's enquiry about the discussions between the WCC and PlanD on the building plans submitted, Ms Brenda Au said that after the first building plans for the proposed redevelopment of WCC was received, PlanD raised concern

on the BH of the proposed development and WCC had subsequently revised the building plans by lowering the BH. Ms. Betty Ho supplemented that WCC originally proposed a development at a plot ratio of 15 and a BH of 150mPD. Even though there was no BHR on the OZP when the building plans were submitted and PlanD's adverse comments on the BH of the proposed development were only advisory in nature, the WCC decided to reduce the BH of the development by 10 metres. She added that the WCC had proposed in the representation to further reduce the BH of the development to about 118mPD and the plot ratio to 12.

148. Noting that both the WCC and the MIC had submitted building plans for their redevelopment, a Member enquired about the reason for not considering these two development proposals as 'known/committed' developments. In response, Ms. Brenda Au said that the WCC had not submitted a development proposal to PlanD for consideration and the building plans submitted were not accepted by relevant government departments, in particular TD. PlanD would not normally consider a proposal not accepted by government departments as a 'known/committed' development. For the MIC redevelopment, a set of building plans was submitted and PlanD had raised concerns on whether the proposed uses on the upper floors were genuinely church-related uses. Besides, PlanD had adverse comments on the proposed BH of 122mPD as it was much higher than the existing residential buildings in the surrounding area, with a height of only about 100mPD.

149. In response to a Member's enquiry on the BH of the Morrison Hill Station Building, Ms. Brenda Au said that the existing height of the building was 9 storeys at 52.9mPD. As the site was strategically located on the main air path from Morrison Hill to Tonnochy Road, a BHR imposed in terms of mPD instead of number of storeys for the site was appropriate. While casting doubt on the need to relax the BHR, that Member said that the representer had not provided sufficient information to demonstrate why a relaxation to 59mPD was necessary.

150. A Member enquired whether there was an established practice or procedure for a proposal to become 'known/committed' to PlanD and whether there was a clear definition on a 'known/committed' development. In response, Ms. Brenda Au said that concrete development proposals from NGOs which had obtained policy support and were acceptable

by relevant government departments could normally be regarded as ‘known/committed’ developments. NGOs with concrete development proposals could at any time request the Government to consider their development proposal. Taking the Hong Kong Scout Association as an example, their redevelopment project at Oi Kwan Road submitted to the Government was considered acceptable and the BH of that ‘known/committed’ development proposal was incorporated into the OZP. The other site of the Hong Kong Scout Association at Model Lane in North Point was originally restricted to a BH of 1 storey on the OZP. Since the redevelopment proposal submitted by the Hong Kong Scout Association was acceptable to PlanD and the relevant government departments, PlanD initiated a proposed amendment to the OZP to the Metro Planning Committee to revise the BHR. In this respect, the redevelopment proposal submitted by the Salvation Army to PlanD last week could be circulated to the relevant government departments for comments and PlanD would facilitate the processing of the proposal as far as possible. Rev. Yuen Tin Yau commented that the definition of a ‘known/committed’ development proposal was not clear as far as the MIC site was concerned. A set of building plans had been approved and hence, it should have been a “known” proposal.

151. The same Member asked the procedure and time required to obtain the Board’s agreement to amend the OZP to facilitate a redevelopment proposal. In response, Ms. Brenda Au said that should the development proposals submitted by the NGOs be acceptable to the relevant government departments and policy support was obtained, PlanD could consider amending the BHRs on the OZP to facilitate the development without requiring the NGOs to submit a section 12A application to the Board. As for the time required, it would depend on the status of the OZP at that moment. If the OZP was a draft plan, PlanD could propose a section 7 amendment to the OZP any time when the proposal was ready. If the OZP was an approved plan, more time would be needed as the Chief Executive in Council (CE in C) would have to be requested to refer the OZP back to the Board before the amendments could be made under section 5 of the Ordinance.

152. The Chairman emphasized that the Board recognized the contributions of the NGOs and was not prejudiced against them. However, it was the duty of the Board to ensure that any development was in line with the planning intention and the statutory planning requirements specified under the OZP. The Board would also need to consider

how the new information tabled by the representers at the meeting should be handled based on legal advice.

153. Ms. Theresa Yeung said that the Government could still maintain control on the future development if the Board agreed to relax the BHR on the OZP. Relevant government departments would be consulted when building plans were submitted for the redevelopment. She asked the Board to take the opportunity to amend the BHRs for the “G/IC” sites.

154. Ms. Mary Mulvihill commented that the Board should act in accordance with the statutory planning procedures or else, it would set an undesirable precedent for private developers to bypass the procedures.

155. Ms. Betty Ho said that as the WCC development proposal had already obtained the relevant policy support and the only outstanding issue was related to the traffic impact, the Board could consider rezoning the WCC site to “G/IC(1)” with the requirement for the submission of a traffic impact assessment. Rev. Yuen Tin Yau supplemented that the Board should relax the BHR for the MIC site so as to allow the MIC to prepare an improved set of building plans for the benefit of the community.

156. Ms. Brenda Au clarified that, contrary to the claim made by one of the representers, the 1-metre setback requirement along Anton Street was applicable to both sides of the street and not just along the side occupied by The Wesley.

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

Deliberation Session

158. The Vice-Chairman said that he sympathized with the NGOs which had given much contribution to the community. He noted that one of the basic principles adopted by the Board in the formulation of BHR was to safeguard the development rights of private landowners as far as possible, unless there were good justifications not to do so. Noting that many of the representers, who were all NGOs, claimed that their development rights were affected, he was concerned whether the NGOs had been fairly treated and whether all “G/IC” sites, some of which were held by non-NGOs, should be treated equally. Concerning the development proposals submitted by the various representers at the meeting, he considered that the Board should follow the statutory planning process in handling the further information submitted.

159. A Member disagreed with the view that safeguarding development rights was a basic principle in formulating BHR. This Member considered that the development right under the lease was only one of the considerations that the Board would take into account in proposing zoning amendments to the OZPs.

160. A Member considered that the mechanism whereby a development proposal would be considered as a ‘known/committed’ development was not clear. This Member agreed that the Board should not consider the new information submitted by the various representers at the meeting. However, noting the effort put in by the various representers, PlanD should find a way to help the NGOs to process the redevelopment proposals when submitted.

161. Another Member said that “G/IC” sites in old built-up areas might be different from those in new development areas. In the old urban areas, the NGOs bought land from the open market and built their GIC facilities to serve the community and it might be unfair for the Board to restrict the redevelopment of these sites by imposing a stringent BHR. This Member enquired how the redevelopment needs of these NGOs, which were to improve the existing services and meet the changing needs of the community, could be accommodated.

162. At the request of the Chairman, the Secretary explained that in formulating planning control under the statutory planning system, development rights under the lease

was only one of the considerations to be taken into account by the Board. She also explained that all GIC sites served a dual function of providing GIC facilities on the sites concerned while serving as a breathing space and visual relief in the densely built-up area. This dual function was clearly set out in the TPB PG No. 16 and in the Explanatory Statement of the Wan Chai OZP. The AVA for Wan Chai had also emphasized in particular the importance of GIC sites in Wan Chai to be kept low-rise and low-density as far as possible for air ventilation purposes. She further explained that there were a large variety of GIC uses each with different functions, locational, spatial and height requirements, and lease terms. It was only upon submission of specific redevelopment proposal that the BHR to cater for the redevelopment of GIC sites could be assessed. Each case would have to be considered on its individual merits.

163. As regards Members' query on 'known/committed' developments, the Secretary explained that a 'known' scheme referred to a scheme that had been submitted by an NGO to Government and was accepted by the relevant government departments and policy support had been obtained. These developments would be highlighted in the Planning Committee papers when the BHR was considered by the respective Planning Committees. Sites with building plans submitted or approved would not be considered as 'known' developments as the processing of building plans by the Building Authority was a matter outside the Board's purview. These developments might not be acceptable to concerned departments or the Board. When the draft Wan Chai OZP was published in September 2010, none of the redevelopment proposals as submitted by the representers were 'known/committed' development proposals and hence, were not reflected in the BHRs for the area. For the new information related to the redevelopment proposal presented by the representers at the meeting, according to the previous advice of DoJ, the information should be taken as not having been made as it was received after the 2-month statutory period and the public did not have the chance to make comments on them. The Board should consider the representations without taking into account the newly submitted information. However, elaboration and substantiation of the information already submitted could be presented at the hearing. The redevelopment proposals, when ready, could be submitted to PlanD who would facilitate the processing of the proposals with the relevant government departments. Should the proposals be acceptable to all departments concerned and policy support was granted, PlanD would submit the proposal to the Board and recommend rezoning the

respective “G/IC” sites under section 7 of the Ordinance. Alternatively, the Board could defer making a decision on the representations and seek advice from DoJ on whether the information submitted could be considered as part of the representation hearing process. A third option would be for the Board to accept the new information as part of the respective representations in deciding whether to uphold or not to uphold the representations.

164. A Member disagreed with the point raised by one of the representers claiming that the function of GIC sites as a visual relief and breathing space was only applicable to the New Towns. The Secretary said that the concept of GIC facilities serving as visual and spatial relief was a general planning principle applicable to all urban areas and not just for New Towns. Indeed, it was particularly important for GIC sites to serve as breathing space in the old and congested built-up areas. She added that the Town Planning Board Guidelines for Application for Development/Redevelopment within “Government, Institution or Community” zone for uses other than Government, Institution or Community uses under section 16 of the Town Planning Ordinance” (TPB PG No. 16) had already spelt out the function of GIC sites as visual and spatial relief.

165. A Member noted that the churches and NGOs had already spent much effort in preparing the redevelopment proposals and the various technical assessments and enquired if their effort in making section 12A applications could be saved. In response, the Secretary said that as demonstrated in the Lok Sin Tong church development in Kowloon City, the Board had agreed that if the redevelopment proposals were acceptable to the relevant government departments, the NGOs or churches would not need to submit section 12A applications to the Board as PlanD would proactively propose amendments to the OZP under section 5 or section 7 of the Ordinance.

166. Some Members agreed that it would not be appropriate for the Board to accept the new information submitted by the representers at the hearing as part of their representations for consideration based on the legal advice obtained from DoJ.

167. One Member had reservation that all “G/IC” sites should be treated the same, given the wide variety of GIC uses concerned, their different backgrounds and operators, and their different lease restrictions. Miss Annie K.L. Tam explained that some of the old

leases held by the churches or NGOs did not restrict them to GIC uses, especially if they were acquired under full market value. She considered that the lease entitlement for each case would have reflected the prevailing circumstance at the time when the land was granted/acquired and hence had to be considered on an individual basis. She said that Members should consider it carefully whether development right under lease had to be taken into account. The Secretary explained that for “G/IC” sites, it was specifically explained in MPC Paper No. 17/10 that redevelopment up to the level permissible under the Building (Planning) Regulations might not be permissible under the BHRs and that relaxation of the BHRs on individual GIC sites would be considered on a case by case basis when specific redevelopment proposals were submitted.

168. Mr. Jimmy C.F. Leung agreed that the development rights of the “G/IC” sites concerned was only one of the considerations of the Board. On the various redevelopment proposals submitted by the representers, he considered that the Board would need to assess the proposals from the AVA angle as well as other considerations such as transport, visual impact etc.. However, as the additional information submitted had not yet been circulated for departmental comments, the Board might not have the benefit of obtaining expertise advice of the relevant government departments on these proposals. The Secretary supplemented that PlanD would facilitate the processing of redevelopment proposals when submitted by consulting the government departments concerned. Contrary to the claim of some representers, she pointed out that the consideration of building plans was outside the Board’s purview and it could not be used as a planning tool to control development.

169. In response to a Member’s enquiry, the Secretary said that except for schools which were normally allowed a BHR of 8 storeys, sites with special historical significance or functional requirements, and committed developments, GIC sites would normally be capped at the existing BH and relaxation of the BHR would be considered upon the submission of concrete redevelopment proposals. As the representers did not seem to be aware of this arrangement, the same Member suggested promulgating this established practice to the NGOs and churches at an early stage.

170. A Member enquired about the status of the redevelopment proposal of WCC, noting that the WCC had revised the building plans after discussion with PlanD. In

response, the Secretary said that as the redevelopment proposal was not yet accepted by TD, it could not be considered as a 'known/committed' development. The same Member agreed that the Board should follow the previous advice provided by DoJ and should not consider the new information submitted by the representers.

171. A Member said that it would be worthwhile to examine the lease and the history of individual GIC sites before determining the BHR for these sites. For the WCC site, this Member considered that the church should know that the site could not be redeveloped to the maximum permissible plot ratio under the Building (Planning) Regulations as the site's development potential was limited by the lack of a proper vehicular access.

172. A Member was of the view that the NGOs which acquired their own land could have the BHR relaxed as they were non-profit making bodies serving the community. Notwithstanding the above, this Member supported the proposal to request PlanD to take the initiative to coordinate departmental comments on the redevelopment proposals when submitted and to make section 7 amendments to the OZP, where appropriate. Another Member said that the approach of formulating BHR for GIC sites was an established approach adopted for revising the BHR for OZPs. That Member did not consider that there was a need to make substantial change to the established approach. The Vice-Chairman said that the decision to request PlanD to coordinate the departmental comments on the development proposals when submitted would be a positive response to the NGOs and churches. It would be a proactive step to help address the redevelopment needs of the NGOs and churches. This view was supported by another Member.

173. The Chairman then took Members through the various issues raised by the representers and commenters. Members noted there was no basis for the Board to consider the various redevelopment proposals which were submitted by the representers after the end of the 2-month period without the benefit of departmental and public comments on the proposals. Nevertheless, PlanD would be requested to circulate the redevelopment proposals when submitted by the representers for departmental comments and, if the proposals were acceptable by the relevant government departments and policy support was granted, PlanD would take the initiative to revise the OZP under section 7 of the Ordinance to incorporate the redevelopment parameters of those schemes into the OZP for public

comments. Members also noted that section 3 and 4 of the Ordinance did give the Board comprehensive powers to control development in any part of Hong Kong, including the power to impose BHRs on individual sites (spot zoning) if there were sufficient planning justifications.

174. Members then went through the submissions made by each of the representers and agreed to request PlanD to follow-up with the circulation of the development proposals submitted by WCC, BOKSS and the Salvation Army for departmental comments as appropriate and to request MIC and HKCSS to submit a redevelopment proposal to PlanD for the same purpose. Should the proposals be acceptable to all relevant government departments and policy support was granted, PlanD would recommend to the Board to amend the BHR under section 5 or section 7 of the Ordinance.

175. Members noted that there was already adequate GIC provision in the Wan Chai area and that the rezoning of the WCPS and the WCPMQ sites was appropriate. In view of the existing BH of buildings along the wind corridor, the BHR for the two sites were also considered acceptable. Members also noted that NBAs were already incorporated for the two sites to improve low level air ventilation at the sites.

176. Members also noted that the zoning of the Hung Shing Temple and the imposition of the BHR of 2 storeys was appropriate.

177. The Chairman noted that Members generally agreed to note the supporting representations and not to uphold the adverse representations. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 7 and Annex V of the Paper and considered that they were appropriate.

Representation No. R3 and R5 (part) to R26 (part)

178. After further deliberation, the Board noted the views of the above representations in support of the amendments to the draft OZP.

Representation No. R1

179. After further deliberation, the Board decided not to uphold the representation for

the following reason:

the rezoning of the WCPS and WCPMQ sites to “OU” and “C(4)” is to facilitate an integrated development project involving in-situ preservation and revitalization of the WCPS building, and redevelopment of the WCPMQ site for hotel, commercial, community and/or cultural uses. All relevant factors including the local characteristics, existing BH profile, site formation level and site constraints, development potential, the recommendations of the AVA, and the provision of the open space and G/IC facilities, had been taken into consideration. As there was in general adequate open space and G/IC facilities to meet the requirements of the planned population in the Area, there was no need to rezone the WCPS and WCPMQ sites to either “O” or ‘G/IC’.

Representation No. R5 (part) to R26 (part)

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

- (a) the rezoning of the WCPS and WCPMQ sites to “OU” and “C(4)” is to facilitate an integrated development project involving in-situ preservation and revitalization of the WCPS building, and redevelopment of the WCPMQ site for hotel, commercial, community and/or cultural uses. All relevant factors including the local characteristics, existing BH profile, site formation level and site constraints, development potential, the recommendations of the AVA, and the provision of the open space and G/IC facilities, had been taken into consideration. As there was in general adequate open space and G/IC facilities to meet the requirements of the planned population in the Area, there was no need to rezone the WCPS and WCPMQ sites to either “O” or ‘G/IC’;
- (b) the proposal to rezone the WCPS site to “OU(Historic Building Preserved for Community and/or Cultural Uses)” or to retain the WCPMQ site as “G/IC” would limit the flexibility for adaptive re-use of the WCPS building and the revitalization of the WCPS and WCPMQ sites; and

- (c) it was not the purview of the Board to determine whether the Hung Shing Temple should be preserved as a historic building.

Representation No. R28 to R30

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

- (a) the rezoning of the WCPS and WCPMQ sites to “OU” and “C(4)” is to facilitate an integrated development project involving in-situ preservation and revitalization of the WCPS building, and redevelopment of the WCPMQ site for hotel, commercial, community and/or cultural uses. All relevant factors including the local characteristics, existing BH profile, site formation level and site constraints, development potential, the recommendations of the AVA, and the provision of the open space and G/IC facilities, had been taken into consideration. As there was in general adequate open space and G/IC facilities to meet the requirements of the planned population in the Area, there was no need to rezone the WCPS and WCPMQ sites to either “O” or ‘G/IC’; and
- (b) it was not the purview of the Board to determine whether the Hung Shing Temple should be preserved as a historic building.

Representation No. R33 to R35 and R45

182. After further deliberation, the Board decided not to uphold the representation for the following reason:

the rezoning of the WCPS and WCPMQ sites to “OU” and “C(4)” is to facilitate an integrated development project involving in-situ preservation and revitalization of the WCPS building, and redevelopment of the WCPMQ site for hotel, commercial, community and/or cultural uses. All relevant factors including the local characteristics, existing BH profile, site formation level and site constraints, development potential, the recommendations of the AVA, and the provision of the

open space and G/IC facilities, had been taken into consideration. As there was in general adequate open space and G/IC facilities to meet the requirements of the planned population in the Area, there was no need to rezone the WCPS and WCPMQ sites to either “O” or ‘G/IC’.

Representation No. R36

183. After further deliberation, the Board decided not to uphold the representation for the following reason:

it was not the purview of the Board to determine whether the Hung Shing Temple should be preserved as a historic building.

Representation No. R88

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

- (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 right;
- (b) the planning intention of “G/IC” zoning was primarily for the provision of G/IC facilities serving the needs of the local residents and/or a wider district, region or the territory. Apart from providing G/IC facilities, the “G/IC” sites also served to provide breathing space and visual relief in the densely built-up environment. According to the AVA, it was important to maintain existing

air paths over the low-rise G/IC sites, particularly the low-rise G/IC cluster in Morrison Hill and the row of 4 north-south aligned G/IC sites to the east of Fleming Road;

- (c) 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 would jeopardize the coherence of the stepped BH profile and could result in proliferation of high-rise developments, which was not in line with the intended planning control;
- (d) 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; and
- (e) there was lack of specific proposals for the concerned “G/IC” sites. Should there be specific proposals, they would be assessed on individual merits. There were provisions in the Ordinance and established channels for the Board to consider amending the BHRs for “G/IC” sites when there were concrete development/ redevelopment proposals.

Representation No. R89

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

- (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 right;

- (b) the planning intention of “G/IC” zoning was primarily for the provision of G/IC facilities serving the needs of the local residents and/or a wider district, region or the territory. Apart from providing G/IC facilities, the “G/IC” sites also served to provide breathing space and visual relief in the densely built-up environment. According to the AVA, it was important to maintain existing air paths over the low-rise G/IC sites, particularly the low-rise G/IC cluster in Morrison Hill and the row of 4 north-south aligned G/IC sites to the east of Fleming Road;
- (c) 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 would jeopardize the coherence of the stepped BH profile and could result in proliferation of high-rise developments, which was not in line with the intended planning control; and
- (d) there was lack of specific proposals for the concerned “G/IC” sites. Should there be specific proposals, they would be assessed on individual merits. There were provisions in the Ordinance and established channels for the Board to consider amending the BHRs for “G/IC” sites when there were concrete development/ redevelopment proposals.

Representation No. R90

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

- (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 right;

- (b) the planning intention of “G/IC” zoning was primarily for the provision of G/IC facilities serving the needs of the local residents and/or a wider district, region or the territory. Apart from providing G/IC facilities, the “G/IC” sites also served to provide breathing space and visual relief in the densely built-up environment. According to the AVA, it was important to maintain existing air paths over the low-rise G/IC sites, particularly the low-rise G/IC cluster in Morrison Hill and the row of 4 north-south aligned G/IC sites to the east of Fleming Road;
- (c) 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 would jeopardize the coherence of the stepped BH profile and could result in proliferation of high-rise developments, which was not in line with the intended planning control;
- (d) sections 3 and 4 of the Ordinance and the scheme of the legislation gave the Board comprehensive powers to control development in any part of Hong Kong. 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;

- (e) 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; -
- (f) there was lack of specific proposals for the concerned “G/IC” sites. Should there be specific proposals, they would be assessed on individual merits. There were provisions in the Ordinance and established channels for the Board to consider amending the BHRs for “G/IC” sites when there were concrete development/ redevelopment proposals;
- (g) while the building plans approved by the Building Authority before the imposition of BHR would be allowed to proceed, the incorporation of the BHs of approved development schemes in building plan submissions for individual sites into the OZP would jeopardize the integrity of the overall stepped BH concept;
- (h) the deletion of the setback requirement for The Wesley site would affect the effectiveness of its planning intention; and
- (i) 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 BHR, NBA, building gap and setback requirements on the OZP including the AVA Report and visual analysis, is available for public inspection.

Representation No. R91

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

- (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 right;

- (b) the planning intention of “G/IC” zoning was primarily for the provision of G/IC facilities serving the needs of the local residents and/or a wider district, region or the territory. Apart from providing G/IC facilities, the “G/IC” sites also served to provide breathing space and visual relief in the densely built-up environment. According to the AVA, it was important to maintain existing air paths over the low-rise G/IC sites, particularly the low-rise G/IC cluster in Morrison Hill and the row of 4 north-south aligned G/IC sites to the east of Fleming Road;

- (c) 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 would jeopardize the coherence of the stepped BH profile and could result in proliferation of high-rise developments, which was not in line with the intended planning control;

- (d) 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; and

- (e) there was lack of specific proposals for the concerned “G/IC” sites. Should there be specific proposals, they would be assessed on individual merits. There were provisions in the Ordinance and established channels for the Board to consider amending the BHRs for “G/IC” sites when there were concrete development/ redevelopment proposals.

Representation No. R92

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

- (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 right;
- (b) the planning intention of “G/IC” zoning was primarily for the provision of G/IC facilities serving the needs of the local residents and/or a wider district, region or the territory. Apart from providing G/IC facilities, the “G/IC” sites also served to provide breathing space and visual relief in the densely built-up environment. According to the AVA, it was important to maintain existing air paths over the low-rise G/IC sites, particularly the low-rise G/IC cluster in Morrison Hill and the row of 4 north-south aligned G/IC sites to the east of Fleming Road;

- (c) 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 would jeopardize the coherence of the stepped BH profile and could result in proliferation of high-rise developments, which was not in line with the intended planning control;
- (d) 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; and
- (e) there was lack of specific proposals for the concerned “G/IC” sites. Should there be specific proposals, they would be assessed on individual merits. There were provisions in the Ordinance and established channels for the Board to consider amending the BHRs for “G/IC” sites when there were concrete development/ redevelopment proposals.

Representation No. R93

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

- (a) the planning intention of “G/IC” zoning was primarily for the provision of G/IC facilities serving the needs of the local residents and/or a wider district, region or the territory. Apart from providing G/IC facilities, the “G/IC” sites also served to provide breathing space and visual relief in the densely built-up environment. According to the AVA, it was important to maintain existing air paths over the low-rise G/IC sites, particularly the low-rise G/IC cluster in Morrison Hill and the row of 4 north-south aligned G/IC sites to the east of Fleming Road; and
- (b) 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.

Agenda Item 3

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Yau Ma Tei Outline Zoning Plan No. S/K2/21

(TPB Paper No. 8806)

[The meeting was conducted in Cantonese.]

190. The following Member had declared interests on this item:

Ms. Maggie M.K. Chan - spouse owned a flat in the area

191. As the item was procedural in nature and no deliberation was required, Members agreed that the above Member could stay at the meeting. Members noted that Ms. Maggie M.K. Chan had tendered an apology for not attending the meeting.

192. The Secretary briefly introduced the Paper. On 29.10.2010, the draft Yau Ma Tei Outline Zoning Plan No. S/K2/21 was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the 2-month exhibition period, 10 representations were received. On 7.1.2011, the representations were published for public comments and in the first three weeks of the publication period, 705 public comments were received. Representation No. 10 (R10) subsequently withdrew his representation and three commenters (C162, C178 and C362) indicated that they had not submitted the comments. As such, there were a total of 9 representations and 702 valid comments.

193. As the amendments were mainly related to the imposition of building height and other development restrictions for the Yau Ma Tei area, which had attracted much public interest, it was suggested that the representations should be heard by the full Board. It was

further suggested that the hearing should be done in two groups as follows:

- (a) Group 1: collective hearing of 2 representations (R1 and R9) and 625 related comments (C1, C78 to C161, C163 to C177, C179 to C361 and C363 to C704) regarding the building height restrictions of two groups of “G/IC” sites, including 8 electricity substation sites held by CLP Power Hong Kong and 4 sites held by the Methodist Church; and
- (b) Group 2: collective hearing of 7 representations (R2 to R8) and 79 related comments (C1, C2 to C77, C420 and C705) mainly regarding the building height restrictions, building setback requirements, non-building areas and building gaps of various development zones.

194. 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 4

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

195. There being no other business, the meeting was closed at 10:25 p.m.