

**Minutes of 982nd Meeting of the
Town Planning Board held on 29.4.2011**

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

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Maurice W.M. Lee

Mr. Timothy K.W. Ma

Professor P.P. Ho

Dr. C.P. Lau

Mr. Laurence L.J. Li

Dr. W.K. Lo

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Dr. W.K. Yau

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Mr. Fletch Chan

Principal Environmental Protection Officer (Strategic Assessment)

Environmental Protection Department

Mr. H.M. Wong

Assistant Director (2), Home Affairs Department

Mr. Andrew Tsang

Director of Lands

Miss Annie Tam

Director of Planning

Mr. Jimmy Leung

Deputy Director of Planning/District

Secretary

Miss Ophelia Y.S. Wong

Absent with Apologies

Mr. B.W. Chan

Mr. Felix W. Fong

Dr. Winnie S.M. Tang

Professor Eddie C.M. Hui

Ms. Julia M.K. Lau

Professor Joseph H.W. Lee

Mr. Clarence W.C. Leung

Ms. Pansy L.P. Yau

Mr. Stephen M.W. Yip

In Attendance

Assistant Director of Planning/Board

Mr. C.T. Ling

Chief Town Planner/Town Planning Board

Ms. Christine K.C. Tse (a.m.)

Ms. H.Y. Chu (p.m.)

Senior Town Planner/Town Planning Board

Ms. Amy M.Y. Wu (a.m.)

Ms. Johanna Cheng (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 979th and 980th Meetings held on 8.4.2011 and 15.4.2011

[The meeting was conducted in Cantonese.]

1. The minutes of the 979th and 980th Meetings held on 8.4.2011 and 15.4.2011 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

2. There was no matter arising.

Agenda Item 3

[Open Meeting]

Planning and Engineering Study on the Remaining Development in Tung Chung
(TPB Paper No. 8801)

[The meeting was conducted in Cantonese.]

3. The following Government representatives were invited to the meeting at this point:

Mr. Wilfred Cheng	District Planning Officer/Sai Kung and Islands, Planning Department (PlanD)
Mrs. Maggie W. F. Lam	Senior Town Planner/Islands (2), PlanD
Mr. David Lo	Chief Engineer/Islands, Civil Engineering and Development Department (CEDD)
Mr. David C.V. Ngau	Senior Engineer 9 (Islands Division), CEDD
Mr. Kenneth Wong	Engineer 9 (Islands Division), CEDD

4. The Chairman extended a welcome and invited Mrs. Maggie W.F. Lam to brief Members on the paper.

5. With the aid of a powerpoint presentation, Mrs. Maggie W.F. Lam made the following main points as detailed in the paper:

- (a) the purpose of the briefing was to seek Members' views on the proposed Planning and Engineering Study on the Remaining Development in Tung Chung (the Study);

Background

- (b) the Port and Airport Development Strategy (PADS) conducted in the late 80's recommended development of a new town in North Lantau, i.e. the North Lantau New Town (NLNT) as a supporting community of the new Hong Kong International Airport (the Airport) in Chek Lap Kok;
- (c) in 1999, a comprehensive feasibility study for the remaining development in Tung Chung and Tai Ho (CFS) was completed and showed that it was feasible for NLNT to accommodate a population target of about 334,000. CFS was subsequently withheld as there were further changes in planning circumstances;
- (d) in 2004, under the steer of the Lantau Development Task Force (LDTF), a Concept Plan for Lantau was formulated and then further revised in mid-2007 to become the Revised Concept Plan for Lantau (the Revised Concept Plan). Under the Revised Concept Plan, Tung Chung was to remain as a comprehensively planned new town for a population of 220,000. New developments were proposed at Tung Chung only (i.e. excluding Tai Ho) mainly located to the east and west of the existing development in Tung Chung Central and subject to feasibility study;
- (e) in October 2007, the Hong Kong Boundary Crossing Facilities of the Hong Kong-Zhuhai-Macau Bridge (HZMB) was proposed to be located

at the northeastern corner of the Airport and an environmental impact assessment (EIA) study for this project was completed by Highways Department in mid-2009. Against these latest developments, the preparatory work has started for the commissioning of the subject Study;

- (f) the existing development in Tung Chung covered an area of about 185.7 hectares. The existing population was 81,300 and the population capacity of the existing New Town would be around 108,000;

Study Objective and Study Area

- (g) the prime objective of the Study was to establish the detailed feasibility of the remaining development at Tung Chung east and west to achieve a target population of 220,000 with the existing and committed developments in Tung Chung Central remaining intact;
- (h) the Study Area covered Tung Chung and its adjoining area in the form of fallow land, foreshore and sea-bed as shown in Appendix A of the paper. As delineated in the Revised Concept Plan, the possible expansion was likely to be located to the east and west of Tung Chung by reclamation;

Scope of Study

- (i) the consultancy study would be jointly commissioned by the CEDD and PlanD. The scope of the Study comprised:
 - (i) preparation of Recommended Outline Development Plan (RODP) and the Recommended Layout Plans (RLP), confirmation of feasibility of development proposals, preliminary design of the associated engineering infrastructure works and formulation of implementation strategies;

- (ii) preparation of a statutory EIA covering all necessary aspects such as heritage impact, ecological as well as landscape and visual impact for the remaining development in Tung Chung and associated engineering infrastructure works (which was a designated project under Schedule 3 of the EIA Ordinance); and
- (iii) associated site investigation works;

Planning Considerations

- (j) the Study would be conducted having regard to the following factors, as well as the recommendations of the former CFS Study and the Revised Concept Plan:
 - (i) the role of the remaining development in Tung Chung;
 - (ii) the prevailing public housing policy and housing needs;
 - (iii) the need for conserving the natural environment and ecological sensitive areas;
 - (iv) the nature and technical feasibility in broad terms of the possible theme park/major recreational uses and their compatibility with the remaining development of Tung Chung;
 - (v) the impact of the aircraft noise forecast level on the remaining development in Tung Chung; and
 - (vi) the requirements for transport, government, institution and community facilities due to increase and changes in the population and its profile.

Public Engagement

- (k) 3 rounds of public engagement would be conducted as follows:

- (i) round 1: to solicit views and ideas on the planning objectives/principles, opportunities/constraints, urban design principles, key issues including changing planning circumstances, new planning requirements and the public aspiration for the remaining development in Tung Chung;
 - (ii) round 2: to collect views on the preliminary ODPs;
 - (iii) round 3: to gather comments on the draft RODP and RLPs with a view to fostering public support and collecting input for the final RODP and RLPs.
- (l) the Study process was detailed in Appendix B of the paper, that delineated the interface between the consultancy Study, the statutory EIA preparation and the 3-stage public engagement;

Study Programme

- (m) the Tung Chung Rural Committee and Islands District Council had been consulted on 14.4.2011 and 18.4.2011 respectively and indicated full support for the Study;
- (n) the Legislative Council Panel on Development would be consulted in May 2011 prior to CEDD seeking funding approval from the Finance Committee of the Legislative Council in July 2011 for the subject Study;
- (o) it was estimated that the Study would commence in late 2011 for completion in 2014. The Study period would be about 30 months; and

Preparation of Outline Zoning Plans (OZP)

- (p) the majority of the proposed remaining area in Tung Chung was not

covered by any OZPs. For implementation of the new development areas, OZPs would need to be prepared to incorporate the land uses, layout and key development parameters recommended in the RODP and RLPs. Members' views and suggestions during the study process would be incorporated as appropriate into the RODP, which would form the basis for subsequent preparation of the OZP.

6. Members thanked the Study team for providing the briefing. Pertaining to specific issues, the following views and questions were expressed by individual Members:

- (a) what were the additional requirements for "Government, Institution or Community" ("G/IC") sites / facilities in the expanded New Town? GIC facilities that served the whole New Town should be located in Tung Chung Central rather than in the new development areas;
- (b) what was the Study's approach for areas with high ecological value such as the mangrove and mudflat areas?
- (c) it was important to plan for a self-sustaining community with provision for employment for the additional population in the expanded New Town;
- (d) due to the change in structure of Hong Kong's economy, it might not be practical to plan for self-sustaining new towns within which people were expected to live and work so as to minimise the need for commuting. Many people living in the New Town would have to travel to other districts to work, hence provision of adequate transport facilities and social network support were important topics to be covered in the Study. For people travelling outside the New Town to work, transport costs could also be a concern;
- (e) the existing transport network to Tung Chung might not be able to meet the demand generated by the expanded New Town as part of the railway capacity had already earmarked for the Airport development. The

Study should explore a second road / rail link between the Tung Chung and the Urban Area. An alternative access was very important for safe operation of the Airport;

- (f) the need for and the extent of reclamation should be carefully studied and balanced against the possibility of utilising existing land with low ecological value;
- (g) noting that the Study included a potential new town expansion area to the northeast of the existing Tung Chung Centre, the planning of the new development there should maintain a stepped height and avoid / minimise the obstruction of the existing housing developments at the seafront as far as possible. The existing wall effect created by the developments along the seafront was visually dominating and undesirable also from air ventilation perspective. That should be avoided in future;
- (h) it was necessary to conduct an EIA covering such aspects as air, ecological, noise and traffic impacts in the Study; and
- (i) what was the inter-relationship between the Airport Authority's study on the third runway and the Study?

7. Mrs. Maggie W.F. Lam thanked Members for the questions and responded as follows:

- (a) "G/IC" sites would be reserved as appropriate to meet the needs of the additional population of 110,000 people in the expanded New Town. The existing government, institution or community (GIC) facilities in Tung Chung were adequate, and in fact were above the standard requirements, to serve the existing population of 80,000. There were also some GIC facilities in Tung Chung Central, such as the civic centre and a library. The North Lantau Hospital under construction was another regional facility in the New Town;

- (b) there were areas of high ecological value within the Study area, which included 176 hectares of wetland and the Tung Chung River. An ecological impact assessment would be conducted to ascertain the suitable preservation / development strategies for these areas;
- (c) the Airport, commercial and tourism facilities and the new hospital were the major sources of jobs for the New Town. Employment generation would also be an area to be covered in the Study;
- (d) the Study would take into account the Airport Master Plan 2030 (covering the expansion of the Airport) soon to be released by the Airport Authority; and
- (e) the Study would include the comments raised by Members when drawing up details of the Study Brief.

8. In response to Member's comments about employment generation within the New Town, Mr. Jimmy Leung, D of Plan, said that unlike other new towns where job opportunities were rather limited in the early stages of development, the Airport provided a large number and a wide range of employment opportunities when Tung Chung residents first moved into the New Town.

9. In response to the Chairman's question, Mrs. Maggie W.F. Lam said that the 40 hectares of land reserved for the possible theme park was a proposal of the Revised Concept Plan. The Study would include the theme park proposal into the overall land use proposal for the area and would study its impact on the surrounding land uses. However, the possibility of proposing alternative uses during the course of the Study would not be precluded after taking into account public and departmental comments.

10. The Chairman concluded that Members supported the Study to explore the potential for development in Tung Chung. He asked the Study team to take into account Members' views in conducting the Study, including in particular a balance between the need for reclamation and use of the existing land in Tung Chung from the ecological

impact point of view; and the visual, environmental and air ventilation impacts of the new development area. The Study team was asked to report to the Board at suitable time during the course of the Study.

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-HLH/17

Temporary Open Storage of Construction Machinery and Mechanical Spare Parts for a Period of 3 Years in “Agriculture” Zone, Lot 529 S.A (Part) in D.D. 84, Hung Lung Hang (TPB Paper 8802)

[The meeting was conducted in Cantonese.]

11. The following government representative and the applicant’s representatives were invited to the meeting at this point:

- | | |
|------------------|---|
| Mr. W.K. Hui | - District Planning Officer/Shatin, Tai Po and North (DPO/STN), PlanD |
| Ms. Yiu Lai Ping | - Applicant |
| Ms. Wan Mei Yin |) Applicant’s Representatives |
| Mr. Lee Lam Wing |) |

12. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/STN to brief Members on the review application.

13. With the aid of some plans, DPO/STN presented the review application and covered the following main points as detailed in the review paper:

- (a) the application sought planning permission for temporary open storage of construction machinery and mechanical spare parts at the site, zoned “Agriculture” (“AGR”) on the approved Hung Lung Hang OZP No. S/NE-HLH/7;
- (b) the site was currently vacant paved land with a few vacant temporary

structures. The site was subject to planning enforcement action for unauthorised storage and workshop use and the unauthorised development was largely discontinued;

- (c) the Rural and New Town Planning Committee (the Committee) rejected the application on 23.12.2010 for the following reasons:
 - (i) not in line with the planning intention of the “AGR” zone for the area;
 - (ii) the use under application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) for sites within Category 3 areas in that no previous planning approval had been granted to the site and the applicant had failed to demonstrate that the development would not have adverse environmental impact on the surrounding areas; and
 - (iii) the approval of the application would set an undesirable precedent;
- (d) government departments maintained their previous views on the s.16 application as detailed in paragraph 5 of the review paper and summarised as follows:
 - (i) the Director of Environmental Protection (DEP) did not support the application as there would be noise impacts on the domestic structures in the vicinity of the site;
 - (ii) the Chief Town Planner/Urban Design & Landscape, PlanD (CTP/UD&L, PlanD) had reservation on the application as the proposed development was not compatible with the landscape character of the surrounding rural environment; and
 - (iii) the District Office / North had not received any new local

comments / objections on the review application. For the s.16 application, the Vice-Chairman of the Ta Kwu Ling District Rural Committee raised an objection on grounds that the heavy vehicles used for delivering of materials would pose hazards to pedestrians and other vehicles;

- (e) two public comments were received on the review. One public comment from a member of the public stated that he had “no comment”. Another one from Designing Hong Kong Limited objected on grounds that the use under application would cause environmental blight;
- (f) there were three previous applications (No. DPA/NE-HLH/3, A/NE-HLH/1 and 2) on the site for the same use and three similar applications (No. A/NE-HLH/6, 13 and 14) for temporary open storage yards in the same “AGR” zone that were all rejected by the Committee / Board mainly on grounds similar to those of rejecting the subject s.16 application;
- (g) the planning considerations and assessments were detailed in paragraph 7 of the review paper and the main points were:
 - (i) the proposed development was not in line with the planning intention of the “AGR” zone that was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;
 - (ii) the application did not comply with TPB PG-No. 13E for sites within Category 3 areas in that there was no previous planning approval for similar open storage use granted on the application site and DEP did not support the application as environmental nuisance to the nearby resident was anticipated. Moreover, CTP/UD&L, PlanD had reservation on the application from

landscape planning point of view. A local objection was raised by the Vice-Chairman of the Ta Kwu Ling District Rural Committee and a public comment objecting to both the review and s.16 application was received; and

(iii) there was no similar application approved in the same “AGR” zone, hence approval of the subject application would set an undesirable precedent; and

(h) PlanD’s views – PlanD did not support the review application based on the planning considerations and assessments detailed in paragraph 7 of the review paper as summarised above.

14. The Chairman then invited the applicant and her representative to elaborate on the review application. Ms. Wan Mei Yin tabled a copy of her justifications and made the following main points:

- (a) the applicant had been in the construction industry for over twenty years and was on Development Bureau’s list of approved contractors for Roads and Drainage Works and Site Formation Works. The current application was important to the applicant and her company;
- (b) the application was only for temporary open storage which would not cause adverse environmental, noise, dust and land pollution nor degradation of the environment in the area;
- (c) most of the government departments including Highways Department, Drainage Services Department, Water Supplies Department, Agriculture, Fisheries and Conservation Department and Fire Services Department did not object to the review and only proposed the inclusion of some approval conditions;
- (d) there was no environmental complaint regarding operation on the site for the past 13 years;

- (e) the applicant would implement landscape improvement and tree protection in the surrounding areas of the site and erect green hoarding around the boundary of site;
- (f) the applicant would install a drainage collection system to minimise drainage impacts;
- (g) noise impacts from the storage operations would be low and would only take place between working hours (Monday to Saturday, 10:00am to 5:00pm) for a maximum of one to two times per week; and
- (h) the applicant would comply with all reasonable conditions to be imposed on the planning approval.

[Ms. Anita W.T. Ma and Mr. Fletch Chan arrived to join the meeting at this point.]

15. Ms. Yiu Lai Ping said that the applicant had operated the storage yard on the site since 1999 and they had allowed others to use a part of their lot as road. There was evidence that the site was already used for storage instead of agriculture purpose in 1983. There were other temporary storage yards in the vicinity of the site. The storage of construction material on the site would not cause pollution.

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

Deliberation Session

17. The Chairman said that the application was not in line with the planning intention of the "AGR" zone and did not comply with the TPB PG-No. 13E. Members

agreed that the application should be rejected.

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

- (a) the use under application was not in line with the planning intention of the "Agriculture" ("AGR") zone for the area which was primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the use under application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that no previous planning approval had been granted to the application site and the applicant had failed to demonstrate that the development under application would not have adverse environmental impact on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the "AGR" zone, the cumulative impact of approving similar applications would result in a general degradation of the environment in the area.

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

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments on the Draft Mong Kok Outline Zoning Plan No. S/K3/28
(TPB Papers 8800 and 8809)

[The meeting was conducted in Cantonese.]

Group 1: R1 and R5

(TPB Paper No. 8800)

19. The following Members had declared interests on the item :

- Mr. Walter K.L. Chan - owned a property at Richmond Commercial Building and was legal advisor to the Hong Kong Council of the Church of Christ in China (R5)
- Ms. Anna S.Y. Kwong - her client owned an office building at Dundas Street

20. Members agreed that the interest of Ms. Anna S.Y. Kwong was indirect as the concerned property was not subject of representation and should be allowed to stay in the meeting. Members noted that Ms. Kwong had not yet arrived at the meeting. As Mr. Walter K.L. Chan's interest was direct, Members agreed that he should left the meeting.

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

21. As sufficient notice had been given to the representers to invite them to attend the meeting, Members agreed to proceed with the hearing of the representations in the absence of the other representers who had indicated that they would not attend or had made no reply.

Presentation and Question Session

22. The following representatives from the Government, the presenter and the representers' representatives were invited to the meeting at this point:

Mr. C.K. Soh	District Planning Officer/ Tsuen Wan and West Kowloon (DPO/TWK), PlanD
Mr. Calvin Chiu	Air Ventilation Assessment (AVA) Consultant (ENVIRON Hong Kong Limited)

The Hong Kong Council of the Church of Christ in China (R5)

Rev. So Shing Yit, Eric) Representer's Rep.
Mr. Hui Chin Yim, Stephen)
Mr. Chan Wing Kai)
Ms. Helen Lung)
Mr. Lo Ying Kam)

23. The Chairman extended a welcome and explained the procedures of the hearing. He then invited DPO/TWK to brief Members on the representations.

24. With the aid of a powerpoint presentation, Mr. C.K. Soh made the following main points as detailed in the paper:

- (a) on 17.9.2010, the draft Mong Kok OZP No. S/K3/28 (the Plan), incorporating mainly amendments to impose new building height restrictions (BHRs) for various development zones and other rezoning proposals to reflect completed developments, was exhibited for public inspection under section 7 of the Ordinance. A total of 10 representations and one comment were received after the statutory publication periods of the Plan and the representations;
- (b) the two representations to be considered in Group 1 were submitted by CLP Power Hong Kong Ltd. (R1) and The Hong Kong Council of the Church of Christ in China (HKCCCC) (R5) opposing the BHRs and / or

building setback requirement on the representation sites;

Background

- (c) the BH review for the Mong Kok Planning Area (the Area) had taken into account relevant planning considerations, including the existing topography, ridgeline protection, the local wind environment and measures suggested for ventilation improvements, stepped BH concept, and relevant urban design considerations in the Urban Design Guidelines;
- (d) taking account of the recommendations of the AVA Study, a number of non-building areas and building gaps were stipulated on the Plan. That included a 3m building setback at 15m measured from mean street level for sites abutting Portland Street, Sai Yeung Choi Street and Maple Street;

Representation No. R1 – CLP Power Hong Kong Ltd.

- (e) R1 opposed the BHR or setback requirement on their eight electricity sub-stations (ESSs) in the Area. The representation sites and proposals of R1 were summarised below:

<i>Representation Sites</i>	<i>BHR on OZP (Not more than no. of storeys)</i>	<i>Representer's Proposal (BH: Not more than no. of storeys / mPD)</i>
Tung Chau Street Substation	1 storey	BH : 51.83mPD
Maple Street Substation	1 storey	BH : 8 storeys
Wai On Street Substation	2 storeys	BH : 51.5mPD
Canton Road 1106 Substation	2 storeys	BH : 8 storeys
Sham Chun Street Substation	2 storeys	BH : 51mPD

Nelson Street Substation and Quarters	3 storeys	BH : 80mPD
Fa Yuen Street Substation and Quarters	3 storeys	BH : 8 storeys
Portland Street Substation	<ul style="list-style-type: none">• 80mPD• Setback of 3m from the lot boundary above 15m measured from the mean street level abutting Portland Street	Building setback requirement to be removed.

- (f) the grounds of representation of R1 were :
- (i) imposing BHRs and/or setback requirements on the representation sites was not making the best use of land resources, it would restrict the upgrading/redevelopment potential of the ESS sites;
 - (ii) there was virtually no design flexibility with the imposition of BHRs on the ESS sites as the site coverage of most existing ESSs, in particular those small size sites, were fully utilized;
 - (iii) there was no clear definition of the extent of ‘minor’ allowed for minor relaxation applications under the Ordinance. The planning application process would also involve considerable uncertainty and long timeframe;
 - (iv) the imposition of BHRs and setback requirements deprived the representer’s development rights. The existing development intensity of the ESSs which was based on operational need might not reflect the maximum development potential under the leases; and

- (v) relaxation of the BHRs would not cause visual incompatibility as ESSs were designed to integrate with the neighbourhoods. There were additional greening initiatives, environmental design guidelines and policies which would reduce environmental impacts of the ESSs;
- (g) PlanD's responses to R1's grounds of representations and proposals were:
 - (i) in addition to providing GIC facilities, "G/IC" zones should also serve as breathing space and spatial and visual relief especially in densely built up areas like Mong Kok as stipulated under the Town Planning Board Guideline No. 16 (Application for Development/Redevelopment within "G/IC" zone for uses other than G/IC uses) and the Explanatory Statement of the OZP;
 - (ii) deletion or piecemeal relaxation of BHRs for individual sites was not supported as it would jeopardize the coherency of the stepped BH profile;
 - (iii) the Director of Electrical and Mechanical Services had advised that there was no on-going redevelopment / expansion project / proposal at the ESS sites. There was also no concrete redevelopment proposals and strong justifications / technical assessments to support the proposed relaxation of BHRs or removal of the building setback requirement;
 - (iv) 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, which would need to be fully justified on functional grounds or operational needs;
 - (v) for redevelopment schemes well justified and supported by the relevant Government bureaux/departments, PlanD would

recommend to the Board to amend the BHR under sections 5 or 7 of the Ordinance; and

- (vi) the 3m building setback requirement at Portland Street, affecting the Portland Street ESS, was required to improve the Height/Width (H/W) (height of building to width of street) ratio and wind availability at pedestrian level. There was no technical assessment submitted to show that the proposed removal of the setback requirement would not have adverse air ventilation impact. Piecemeal deletion of setback requirements would defeat the planning intention of improving air ventilation and permeability of the area. Minor relaxation of building setback requirement was allowed upon application to the Board;

Representation No. R5 - The Hong Kong Council of the Church of Christ in China

- (h) R5 opposed the BHR of 8 storeys on the “G/IC” zone covering the representation site at Nos. 191, 191A and 191B Prince Edward Road West and the related minor relaxation clause for BHR;
- (i) the grounds of R5 were :
 - (i) the imposition of BHRs was contrary to the planning intention of the “G/IC” zone which was for the provision of G/IC facilities serving the needs of local residents and a wider community;
 - (ii) there was a need for expansion of physical space to cope with the population growth and various needs of different sectors of the community. The BHRs that reflected the BH of the existing building constrained the future (re)development;
 - (iii) the imposition of a BHR of 8 storeys on the representation site

was unfair and inconsistent as compared to the more lenient BHRs for other “Residential (Group A)” (“R(A)”) and “Commercial” (“C”) zones;

- (iv) the site was not situated in a prominent location that required spatial and visual relief for the Area. It was surrounded by much greenery and open space;
 - (v) BHRs had been imposed without any prior public consultation and there was no opportunity for the public, including the representer, to be informed about the justifications for the BHRs imposed;
- (j) R5’s proposals were:
- (i) there should be a comprehensive review of all G/IC sites to seek for a more reasonable solution;
 - (ii) the BHRs should be relaxed to be comparable with BHRs of surrounding “R(A)” and “C” zones, i.e. 80mPD to 120mPD depending on locations and relevant factors;
 - (iii) a more generous relaxation of the BHRs should be allowed for “G/IC” zone with relaxation clause in respect of BHRs be incorporated into the Notes so that relaxation of BHRs might be considered by the Board on application under Section 16 of the Town Planning Ordinance; and
 - (iv) minor relaxation of all restrictions or requirements should be considered on ‘individual merits’ instead of ‘under exceptional circumstances’. The wording in the Notes should be amended accordingly;

- (k) PlanD's responses to R5's grounds of representations and proposals were:
- (i) in addition to providing GIC facilities, "G/IC" zones should also serve as breathing space and spatial and visual relief especially in densely built up areas like Mong Kok;
 - (ii) there was no concrete redevelopment proposal and strong justifications / technical assessment to support the proposed relaxation of the BHR;
 - (iii) according to the AVA Study, the eastern part of Mong Kok where the representation site was located functioned as major entrances for incoming northeasterly wind. It was necessary to adopt lower BHRs for building lots along Prince Edward Road West to open up that important entry point;
 - (iv) exhibition of amendments to the OZP for public inspection and the representation and comment procedures under the Ordinance provided a statutory channel to consult the public, relevant information was available for public inspection and the Yau Tsim Mong District Council was also consulted;
 - (v) the BHRs were formulated on reasonable assumptions and had already taken account of various urban design considerations and would allow design flexibility;
 - (vi) piecemeal relaxation of BHR on the representation site was not supported as it would jeopardize the coherency of the stepped BH profile;
 - (vii) 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, which would

need to be fully justified on functional grounds or operational needs; and

(viii) for redevelopment scheme well justified and supported by the relevant Government bureaux/departments, PlanD would recommend to the Board to amend the BHR under sections 5 or 7 of the Ordinance;

(l) all relevant bureaux and government departments were consulted, as detailed in section 5 of the paper, and their comments were incorporated into the Paper; and

PlanD's Views

(m) PlanD's views were detailed in Section 6 of the Paper. Based on the planning assessments in section 4 of the Paper as summarised above, PlanD did not support R1 and R5 and considered that the Plan should not be amended to meet the representations.

25. The Chairman then invited R5's representatives to elaborate on the representation. Rev. So Shing Yit, Eric gave an introduction and made the following main points:

(a) the Church of Christ in China was established in 1843 for over 150 years and its mission was to provide missionary and social services to serve the community. Important people in the history of Hong Kong and China, including Dr. Sun Yat Sen, Mr. Wong Chong Wai, Dr. Ho Kai and Dr. Chung Wing Kwong, were all members of the Church;

(b) the HKCCCC had done a lot to help the poor and needy by providing education and medical facilities. The church had established many schools in different parts of the New Territories, contributed to establishment of the Nethersole Hospital, and established schools and churches to serve residents in the temporary housing areas. The Church

currently had 66 churches, 82 primary / secondary schools and kindergartens serving some 45,000 students and 10 social services centre serving up to 10,000 persons; and

- (c) the HKCCCC would celebrate its 100th Anniversary in 2018 and there were redevelopment plans for the headquarters of HKCCCC on the representation site. The imposition of BHR affected their expansion plans.

26. Mr. Chan Wing Kai made the following main points:

- (a) HKCCCC operated a vast number of territorial social services and schools as summarised below:

Types of Facilities	No. of Establishment	No. of People Served / Staff Employed (Approx.)
Local Church	66	35,000
Secondary School	26	18,800 students / 1600 staff
Evening School	2	600 students / 52 staff
Primary School	24	13,000 students / 919 staff
Kindergarten	7	1000 students / 100 staff
Local Church Affiliated Special School	1	93 students / 50 staff
Local Church Affiliated Primary School	5	1900 students / 163 staff
Local Church Affiliated Kindergarten	19	3700 students / 342 staff
Local Church Affiliated Social Services Centre	5	400,000 persons per year
Church Council	8	500,000 persons per year

Affiliated Social Services Centre		
Educational Psychologist	12 persons	serving 100 schools

- (b) HKCCCC provided the following types of social services:
- (i) educational psychologist service for 100 schools;
 - (ii) family support services that included counselling, play therapy, pre-marriage counselling, clinical demonstration and play therapy training;
 - (iii) school support services for 14 schools; and
 - (iv) clinical psychology services that included testing, counselling and special educational needs students. This service was provided on the representation site;
- (c) plans for redevelopment of the representation site were being formulated since 2009 to accommodate the following:
- (i) more space for existing services, including educational psychologist, family support and clinical psychology services;
 - (ii) new facilities, including a kindergarten, a care and attention home and day care centre for the elderly, continual educational service and youth services; and
 - (iii) more office space for staff as the existing work space of around 18 ft² per person was inadequate.

27. Ms. Helen Lung made the following main points:

- (a) the proposed BHR of 8 storeys would have significant impact on the redevelopment / expansion plans for the HKCCCC on the representation site, especially when it was the church's headquarters;

- (b) the representer was not satisfied with PlanD's responses as detailed in the Paper pertaining to the reasons for proposing not to uphold R5 as detailed in paragraph 6 of the Paper. The following points should be noted:
 - (i) reason (a) which stated that "G/IC" sites in the built-up urban areas also served as breathing space as well as spatial and visual relief" was a generic statement that did not take into account the specific circumstances of the representation site. The representation site was located in the eastern end of Mong Kok and was surrounded by much greenery and open space which allowed air penetration in different directions. The representation site was not required to provide spatial and visual relief for the Area. The AVA Study did not state that the representation site was critical for providing breathing space. The provision of the much needed facilities such as school, church and church council's headquarters on the representation site was in line with the planning intention for the "G/IC" zone;

 - (ii) reason (b) stated that any relaxation of BHRs had to be justified by functional and operational needs and according to PlanD, the proposed relaxation of BHR would not be supported without a redevelopment proposal. It was unreasonable to put the onus of providing justifications for relaxation of the BHR on the representer because it was the Government who took away the representer's development right by imposing BHR without prior consultation. In fact, the Church would need a long period of time to prepare its redevelopment plan; and

 - (iii) reason (c) which stated that "all information supporting the BH,

GFA, NBA restrictions and setback requirements on the OZP including the AVA Report and visual analysis, was available for public inspection” was not a reason for not upholding the representation;

- (c) restricting the BHRs of “G/IC” zones to BHs of the existing buildings would limit the ability of NGOs to meet the long-term community needs arising from the growing population. The Government did not have a long-term solution to tackle the shortage of GIC facilities that would result from the imposition of stringent BHRs on “G/IC” zones; and
- (d) the process of imposing BHRs should be fair and open and it was inappropriate to restrict “G/IC” sites to stringent BHRs. The Board was requested to revise the BHR on the representation site to be the same as those imposed on the surrounding “R(A)” or “C” zones, i.e. in the range of 80mPD to 120mPD.

28. Mr. Hui Chin Yim, Stephen made the following main points:

- (a) HKCCCC was always willing to co-operate with Government. For example, in accordance with the Government’s requirements for school-based management, HKCCCC had or would set up incorporated management committees (IMC) in all of its 48 schools. More than 200 managers, including 100 members from their local churches, had to be appointed to the IMCs. More space was needed for training the managers of the IMCs;
- (b) the educational psychologist services provided by HKCCCC served more than 100 schools which included non-HKCCCC schools. The educational psychologist services were especially welcomed by non-HKCCCC schools as similar services provided by the Government, at a ratio of one psychologist per 20 schools, could not meet their needs. The Government only paid for the salary of the educational psychologists and the HKCCCC had to provide training and meeting places; and

- (c) in conclusion, more space was needed for the HKCCCC to provide the wide variety of services to the community. The Board was requested to revise the BHR to be less stringent so as to allow more flexibility for HKCCCC's future redevelopment.

29. Rev. So Shing Yit, Eric concluded and made the following main points:

- (a) the Board should consider whether the BHR of 8 storeys on the representation site was appropriate, fair and had taken account of the long-term needs;
- (b) HKCCCC was not asking for an indefinite relaxation of the BH, but a BH sufficient to allow them to provide the needed services for the community;
- (c) as the headquarters of the HKCCCC that provided church, school and social services, more space was required at the representation site to provide training facilities; and
- (d) in future, HKCCCC would continue its missionary work and services for the people in Hong Kong and China.

[Mr. Andrew Tsang left the meeting at this point.]

30. As the representer's representatives had completed their presentations, the Chairman then invited questions from Members.

31. A Member asked DPO/TWK whether there was exception to the general planning principle adopted in OZPs of imposing BHR on "G/IC" sites to reflect the BH of the existing buildings. Mr. C.K. Soh said that on the Mong Kok OZP, apart from schools, BHRs imposed on all "G/IC" sites had in general reflected the BHs of the existing buildings.

32. The same Member asked if a redevelopment proposal of the representer involved a substantial increase in BH, whether the representer apply to the Board for a minor relaxation of the BHR under the OZP. Mr. C.K. Soh said that should there be a need for redevelopment in future that exceeded the BHR, there was provision under the OZP for a minor relaxation of the BHR under s.16 or an application for amendment to the OZP under s.12A of the Ordinance should be made by the representer. Alternatively, for scheme well justified and supported by the relevant government bureaux/departments, PlanD would recommend to the Board to amend the BHR under sections 5 or 7 of the Ordinance. In response to the same Member's question, Ms. Helen Lung stated again that their request was for relaxation of the BHR to a range of 80mPD to 120mPD, which would be similar to the BHR restrictions of the "R(A)" and "C" zones in the vicinity.

33. In response to another Member's question about the lease condition of the representation site (comprising Kowloon Inland Lot (KIL) No. 7815 and KIL 10122), Mr. C.K Soh referred Members to paragraph 4.3.2 of the Paper and advised that KIL No. 7815, currently occupied by Morrison Memorial Centre and the Church of Christ in China Cheung Lo Church, was restricted for use as a church and a non-profit-making school under the lease. KIL No. 10122, currently occupied by the CCC Heep Woh Primary School, was restricted for a non-profit making primary school use under the lease. Ms. Helen Lung further advised that no BHR was stipulated in the lease of KIL 7815 and a BHR of 170 feet was stipulated in the lease of KIL No. 10122. In response to another Member's question about how the Church acquired the representation site, Mr. Lo Ying Kam said that the HKCCCC applied to the Government for land grants of KIL No. 7815 for the headquarters of HKCCCC and KIL 10122 for a school.

34. Another Member said that since the two lots were granted by the Government to the representer, the development restrictions (including the uses and BHR, if any) under the leases should be suited for the intended uses at the time of effecting the land grants. Should the grantee of the lots have new plans for the representation site, a new proposal had to be submitted for the Government's consideration. Rev. So Shing Yit, Eric said that the planned redevelopment would continue to be used for church and education purposes, hence there was no change in the uses as permitted under the leases. However, since the Church had been established more than 50 years ago, redevelopment was planned to meet the increasing and changing needs of the community.

35. The same Member also asked the representer to comment on whether “G/IC” sites should be developed to low, medium or high densities in urban areas. Ms. Helen Lung said that the appropriate development intensity for “G/IC” sites would depend on the special planning circumstances of the district concerned and the population characteristics. As such, in high density districts, “G/IC” sites might be allowed to be developed to medium densities instead of low density if there was an anticipated increase in demand for GIC facilities.

36. One other Member said that the imposition of BHR on “G/IC” sites to reflect the BH of existing buildings was a way for the Board to allow flexibility whilst retaining some control on the development. That Member asked the representer whether it would still be difficult for him if PlanD would work together with the representer to formulate an acceptable redevelopment proposal in future, with a view to effecting an amendment to the OZP under section 7 of the Ordinance.

37. Ms. Helen Lung responded that the representer opposed in-principle to the imposition of BHR, which had deprived their development rights and their flexibility to develop according to their own programme. The main difficulty for the representer would be the long time required to prepare a concrete redevelopment proposal as they relied on volunteers from the church members. However, it would certainly be helpful to the representer if PlanD would be willing to propose amendment to the OZP to facilitate their future redevelopment plan, as the requirements could be made clear at the outset and the technical assessments needed might be less elaborate than a s.12A planning application. Rev. So Shing Yit, Eric supplemented that they did not request for an indefinite relaxation of the BHR, the proposed BHR of 80mPD to 120mPD was to meet the development requirements for the needed services. He also reiterated that it was unfair for the Government to first deprive them of their development right by imposing the BHR on the representation site, and then to put the onus on them to justify the need for a relaxation of the BHR.

38. A Member said that as the representer had not provided a concrete redevelopment proposal, it would be difficult for the Board to consider whether the proposed relaxation of the BHR was justified. Mr. Chan Wing Kai said that whilst they

had not drawn up a concrete plan, it was clear from the presentation that extra space was required for general office use and to support the expansion of educational and community services. Ms. Helen Lung said that with their limited resources and expertise, it was not possible to prepare a concrete plan within the short period of time between the OZP gazettal and representation hearing. In response to the Chairman, Ms. Helen Lung said that the proposed relaxation in BHR to a range of 80mPD to 120mPD was based on the BHR of 80mPD in the surrounding “R(A)” zone. However, the Chairman said that the proposed relaxation in BHR should be based on the need of HKCCCC rather than the BHR of the surrounding development.

39. One Member said that without a concrete proposal, there was no objective basis for the Board to consider the proposed relaxation in BHR. In imposing a BHR of 8-storeys, the Board did not mean to be unfair to the representer. It was only because the representer was not yet ready with its redevelopment plan when the BHR was imposed on the OZP. When the representer was ready to come up with a concrete plan and had obtained policy support, PlanD could submit amendments to the BHR under sections 5 or 7 of the Ordinance.

40. Mr. Lo Ying Kam stressed that although they had no concrete plan, the redevelopment requirements were being formulated since 2009 and there was now a preliminary schedule of accommodation. It was roughly estimated that the redevelopment would involve a 16 to 17-storey building at around 80mPD. With the imposition of BHR on the OZP, the redevelopment proposal would have to be re-considered and that would create much difficulty for them in terms of the limited resources they had. Rev. So Shing Yit, Eric said that should the imposition of BHR on the OZP be made later, work would have progressed to a stage where a more concrete plan could have been formulated for the Board’s consideration.

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

41. One other Member said that land granted by the Government for a specific use was to serve the needs at the time of effecting the land grants. Any request for granting of new land would have to be justified by a concrete plan for the Government’s consideration. The same principle should apply to the justification for an increase in BHR. The Board

should not be asked to just make reference to the “R(A)” zone on the OZP to decide on the BHR for the representation site. Mr. Chan Wing Kai said that over the years, Government had asked the HKCCCC to provide more social services to serve the community but they had not been granted additional sites to support the provision of new services. Rev. So Shing Yit, Eric said that the buildings on the site were originally built as low-rise in 1959 to accommodate the service needs at the time. However, buildings taller than those on the representation site had proliferated in its vicinity over the past 50 years.

42. A Member asked whether the representer had sought policy support from relevant bureaux / departments such as the Social Welfare Department (SWD) and Environment Bureau (EB) on its redevelopment proposal. Mr. Chan Wing Kai said that SWD supported the provision of facilities for elderly with special needs. Mr. Hui Chin Yim said that in line with requirement of EB, IMCs would be set up in the 48 HKCCCC schools, and more space was required to provide support services for managers of the IMCs. More space was also required for training needs. In addition, they planned to move the Heep Woh Kindergarten (now in Sham Shui Po) back to the representation site where the Heep Woh Primary School was located.

[Mr. Raymond Chan left the meeting and Prof. Paul K.S. Lam arrived to join the meeting at this point.]

Deliberation Session

Representation No. R1

43. The Chairman said that taking account of the representation submitted by the CLP Power Hong Kong Ltd. and the planning considerations and assessments as detailed in the Paper, R1 should not be upheld. Members agreed.

44. After further deliberation, the Board decided not to uphold R1. Members then went through the reasons for not upholding R1 as stated in section 6 of the paper and considered that they were appropriate. The reasons were:

- (a) apart from providing G/IC facilities, “G/IC” sites in the built-up urban area also serve as breathing space as well as spatial and visual relief. Their BHs should be contained to ensure good air ventilation as recommended in the AVA Study;
- (b) any relaxation of the BHRs and setback requirement must be justified by functional and operational needs with planning and design merits. There was provision under the Ordinance for a minor relaxation of the BHRs and building setback requirement or for amendments to the OZP. In the absence of any redevelopment proposal, there was no strong justification to support the proposed relaxation of the BHRs and the deletion of the building setback requirement; and
- (c) the building setback requirement at Portland Street was required to improve the H/W (height of building to width of street) ratio and wind availability so as to improve the air ventilation performance at pedestrian level and had not affected the redevelopment potential of the site.

Representation No. R5

45. A Member said that the representation should not be upheld as the circumstances were similar to the Board’s consideration of other representations in respect of BHRs of “G/IC” zones on other OZPs, i.e. there was no concrete proposal that could justify a relaxation of BHR and there were existing mechanisms to consider any redevelopment proposals in future (as a s.16 application if minor relaxation was required, a s.12A planning application or proposed amendment to OZP under s.5 or s.7 of the Ordinance should there be policy support and no objection from government bureaux/departments). A relevant consideration might be the land status of the representation site, i.e. how the representation site was acquired and the restrictions under the lease.

46. The same Member and another Member said that the Board’s established approach by stipulating BHR of “G/IC” sites on the OZP to reflect the BH of the existing building was only a first step in the whole process and the BHR could be reviewed and amended later on after consideration of a concrete proposal under the provisions of the

Ordinance. One other Member was of the view that the representer understood the procedures involved but was trying to secure a higher BHR to allow more flexibility. It was important for the Board to consider representations on “G/IC” zones in a consistent manner.

47. Three other Members agreed that the representation should not be upheld. One Member said that it was not a convincing argument that a plan could not be drawn up for the Board’s consideration despite the fact that a schedule of accommodation was already in hand. While noting the representation site was held under private treaty grant, a Member said that there were existing provisions under the Ordinance to deal with the redevelopment proposal in future. Another Member said that it would be useful to explain to representers the rationale for imposing a BHR and why the BHR for other adjacent residential sites were not adopted. A Member said that the Board might consider not to stipulate BHR for “G/IC” zones but to add a remark that the BH would be subject to the Board’s approval based on individual merits.

48. The Chairman concluded the discussion and said that as there was no concrete plan, there was no basis to uphold R5. In addition to the minor relaxation of BHR that had already been provided for under the OZP, the Board also noted that any future redevelopment could be processed as a.12A planning application or gazettal under s.5 or s.7 of the Ordinance should there be policy support and the proposal was acceptable by relevant government bureaux/departments. As a general principle, the Board could impose BHR on “G/IC” sites (regardless of whether it was acquired in the private market or through private treaty grant) as long as there were valid planning grounds. The restrictions under the lease were only one of the considerations and the Board was obliged to consider the representations under the provisions of the Ordinance. It was also important that “G/IC” sites should continue to function as breathing space and visual relief in the densely built-up areas. The Chairman requested PlanD to continue to explain to representers involving “G/IC” zone about the Board’s way of handling such representations and the rationale behind. It was most important to convey the message that the BHRs imposed was not cast in stone and could be amended under provisions of the Ordinance subsequent to the representation process.

49. After further deliberation, the Board decided not to uphold R5. The Board

then went through the reasons for not upholding the representation as detailed in section 6 of the Paper and agreed that they should be suitably amended. The reasons were:

- (a) apart from providing G/IC facilities, “G/IC” sites in the built-up urban area also served as breathing space as well as spatial and visual relief. Their BHs should be contained to ensure good air ventilation as recommended in the AVA Study; and
- (b) any relaxation of the BHRs must be justified by functional and operational needs with planning and design merits. There was provision under the Ordinance for a minor relaxation of the BHRs or for amendments to the OZP. In the absence of any redevelopment proposal, there was no strong justification to support the proposed relaxation of the BHRs.

[Mr. Fletch Chan and Ms. Anita W.T. Ma left the meeting while Professor Edwin H.W. Chan left the meeting temporarily at this point.]

[Mr. Maurice Lee, Miss Annie Tam and Mr. Timothy Ma arrived to join the meeting at this point.]

Group 2: R2 to R4 and R6 to R10 and C1

(TPB Paper No. 8809)

50. The following Members had declared interest on the item:

- | | | |
|-----------------------|---|--|
| Ms. Anna S.Y. Kwong | - | her client owned an office building at Dundas Street |
| Professor S.C. Wong | - | Having business dealings with Ove Arup & Partners Hong Kong Ltd. (consultant of R8) |
| Mr. Y.K. Cheng | - | Having business dealings with Hang Lung Group who was owner of One and Two Grand Towers (R4) |
| Mr. Raymond Y.M. Chan | - | Having business dealings with |

51. Members noted that Professor S.C. Wong had not yet arrived at the meeting while Mr. Y.K. Cheng and Mr. Raymond Y.M. Chan had already left the meeting. Members also noted that while Ms. Anna S.Y. Kwong had not yet arrived at the meeting, her interest was remote and indirect as Dundas Street was not the subject of representation.

Presentation and Question Session

52. The Chairman said that sufficient notice had been given to invite the representers and commenter to attend the hearing, but other than those that would present at the meeting, the rest had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the representers and commenter, Members agreed to proceed with the hearing in their absence.

53. The following representatives from the Government, the representers and the representers' representatives were invited to the meeting at this point:

- | | |
|-----------------|---|
| Mr. C.K. Soh | - District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Planning Department (PlanD) |
| Mr. Calvin Chiu | - Air Ventilation Assessment (AVA) Consultant (ENVIRON Hong Kong Limited) |

R2 – Green Sense

Ms. Ho Ka Po	Representer's representative
--------------	------------------------------

R4 – Owners of One Grand Tower and Two Grand Tower

Mr. Ian Brownlee)
Ms. Wendy Lee) Representer's representatives
Mr. Vincent Young)

R6 – Asia Turbo Development Ltd.

Mr. Kenneth To)
Ms. Gladys Ng) Representers' representatives

R8 – Linderford Ltd.

Ms. Cindy Tsang)
Mr. Aaron Wong)
Mr. Derek Kwan)
Ms. Edith Wong)
Mr. Matthew Lennartz) Representers' representatives
Miss Maggie Wu)
Ms. Matthew Fung)
Mr. Rumin Yin)
Mr. Sui Hang Yan)
Ms Delins Wong)

R9 – The Real Estate Developers Association of Hong Kong

Mr. Ian Brownlee)
Professor Barry Will) Representers' representatives

R10 – Kowloon Development Co. Ltd.

Ms. Grace Cheung - Representer
Mr. Stanley Lam - Representer
Mr. Kenneth To - Representers' representative
Ms. Gladys Ng - Representers' representative

54. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives from the Government to brief Members on the background to the representations. Members noted that some replacement pages on the representation submitted by R3 were tabled by PlanD at the meeting.

55. With the aid of a Powerpoint presentation, Mr. C.K. Soh made the following main points as detailed in the Paper:

- (a) on 17.9.2010, the draft Mong Kok Outline Zoning Plan (OZP) No. S/K3/28, incorporating mainly amendments to impose BHRs for various development zones, designate NBA, building gap and setback requirements and other rezoning proposals to reflect completed developments, was published for public inspection under section 7 of the Ordinance. Upon the expiry of the public exhibition period, a total of 10 representations and one comment were received;

Background - BHRs, NBA, Building Gaps and Setback Requirements

- (b) the BH review for the Mong Kong Planning Area (the Area) had taken into account the relevant planning considerations, including the existing topography, ridgeline protection, the local wind environment and measures suggested for ventilation improvements, stepped BH concept and relevant urban design considerations;
- (c) a stepped height concept was generally adopted with BH profile of 100/120mPD, 80mPD and 60mPD gradually radiated from Nathan Road. A BHR of 100mPD/120mPD was imposed for the “C” sites along Nathan Road. Lower BH had been assigned to sites in windward direction located on the two sides of the Area to allow better intake of easterly and westerly wind. The height profile was sympathetic and compatible in scale and in proportion with the surrounding developments. The BH bands ensured that the urban design principles would be complied with as practicable while accommodating the permissible development intensity under the OZP;
- (d) a 13m-wide NBA between two existing buildings aligned with Li Tak Street had been stipulated to allow more westerly wind to enter the Area;
- (e) a building gap of 13m wide at 20mPD aligned with Ka Shin Street had been stipulated to create an east-west air path to allow more westerly wind to enter the Area. To conserve the existing air path along the northeast-southeast axis over the nullah/box culverts along Cheung Wong Road and Nullah Road, a BHR of 20mPD was also imposed along

the identified air path to facilitate wind flow;

- (f) to ease the downwash of easterly wind from Kadoorie Hill, a building gap of 30m wide at 23mPD aligned with Mong Kok Road had been stipulated at the Mong Kok Government Offices and the Food and Environmental Hygiene Department's Office at Sai Yee Street;
- (g) building setback requirements of 3m at 15m above mean street level (i.e. podium level) had been stipulated for the two sides of Portland Street and Sai Yeung Choi Street South upon redevelopment. This would increase the width of the air paths to 25m at Sai Yeung Choi Street South and 21m at Portland Street respectively;
- (h) a 3m-setback for the sites abutting Maple Street was imposed to enhance the air/wind path at Maple Street and to improve air penetration and visual permeability;

Public Consultation

- (i) the amendments incorporated into the OZP were presented to the Yau Tsim Mong District Council (YTMDC) on 28.10.2010. The views expressed at these meeting and PlanD's responses were summarised in paragraphs 2.3.2 and 2.3.3. While DC Members generally supported the imposition of BHRs, they were concerned about the possible impact on the property value of the existing buildings. PlanD responded that in setting the BHRs, there was a need to balance the public aspiration for lower building heights and private development right. In general, the BHRs would not adversely affect the gross floor area (GFA) achievable under the OZP;

Representations and Comments

- (j) the eight representations and one related comment in Group 2 were summarized as follows:
 - (i) R2 and R3 supported the imposition of BHRs, and R2 proposed

more stringent BHR. R9 submitted by the Real Estate Developers Association of Hong Kong (REDA) objected to the stipulation of BHRs and the related amendments to the Notes of the OZP, while R6 objected the imposition of BHRs on “R(A)” and “R(A)3” zones and the BH concept in general. R6, R4, R7, R8 and R10 submitted by owners of the representation sites raised objection against the imposition of BHRs at specific sites and asked for more lenient BHRs for these sites;

- (ii) R2 proposed the incorporation of additional setback requirements. R3 supported the imposition of the NBA on the OZP. R4 opposed to the incorporation of the setback requirement at a specific site, and R6 and R8 opposed to the alignment of the building gap requirement at a specific site;
- (iii) R9 (REDA) objected to NBA and building setback requirements and the associated minor relaxation clauses;

Grounds of Representations and Representers’ Proposals

- (k) the main grounds of the representations and the representers’ proposals as detailed in paragraph 4.3 of the Paper were summarised as follows:

Supportive Representation Asking for More Stringent BHRs (R2 and R3)

- (i) R2 and R3 supported the imposition of BHRs in general, and at specific sites as it would facilitate better air ventilation. R2 also commented that there was a lack of large-scale green space and lack of linkage of the air corridors/non-building areas in Mong Kok Area;

Proposals

- to restrict the height limit of the existing bus/minibus terminus at Mong Kok East Station to its current level to prevent any further development (R2);

- to commence the greening work at Nullah Road and study the development of the existing air corridor over Nullah Road, SKH Kei Wing Primary School, Mong Kok Road Playground and Cheung Wong Road (R2);
- to rezone the site at No. 1A Maple Street (Kowloon Funeral Parlour) to “O” upon the removal of the existing funeral parlour to facilitate air ventilation (R2);
- to change the use of the industrial buildings between Beech Street and Elm Street to green area or “O” (R2), and to rezone the WSD’s Mong Kok Office and FEHD’s Depot at Sai Yee Street to “OU(Green Belt and Public Transport Interchange)” to improve air ventilation and traffic conditions (R2 and R3). These proposals were supported by C1;
- to create air path by pulling down existing buildings (R2);
- to rezone the open carpark at Luen Wan Street to “O” to preserve the existing trees (R2 and R3);
- to use part of the floor areas of the development at the junction of Kok Cheung Street and Fuk Chak Street (Tai Chi Factory Building) zoned “R(E)1” for use of creative industries (R3);
- to allow joint redevelopment between sites zoned “R(A)3” at Kok Cheung Street and minor relaxation of BHRs on condition that greenery at ground level would be provided (R3);

Adverse Representations Asking for More Lenient BHRs

- (ii) R6 and R9 asked for a more lenient BH control for the Area in general. R4, R6, R7, R8 and R10 opposed the BHRs for specific sites including Skyway House at 11-15 Kok Cheung Street, 25-29 Kok Cheung Street, One Grand Tower and Two Grand Tower at

639 Nathan Road and 750 Nathan Road respectively. The general grounds and proposals were:

Urban Design Considerations

- (iii) the BHRs were too restrictive which would limit design flexibility and result in undesirable urban design (R4, R6, R7, R8, R9 and R10);
- (iv) the BHRs would result in all new developments built to maximum allowable height creating a flat and uniform height profile. Bulky buildings in the areas forming walls of development would block natural air flows, lighting and views (R4, R6, R7, R9 and R10);
- (v) sites located near to the existing high-rise buildings or transport node, or sites located at a strategic location should be allowed for relaxed BHRs (R4, R6, R7, R8 and R10);
- (vi) the new measures of the Sustainable Building Design (SBD) Guidelines, i.e. provision of mandatory setback and tightening of concessions, would effectively reduce the building bulk of development and provision of wider gaps between buildings (R6);

Development Rights and Redevelopment Incentive

- (vii) the BHRs would not allow for existing gross floor area (GFA)/plot ratio (PR) to be achieved. They were arbitrary in nature and disrespect the development potential under the OZP, the Buildings Ordinance and Government Lease (R4, R7, R8 and R9);
- (viii) the BHRs would restrain the potential to optimise the use of land and reduce redevelopment incentive (R8, R9 and R10);

Minor Relaxation of BHRs

- (ix) the extent of relaxation was usually minimal and the flexibility

was not sufficient to bring about significant improvement of building design (R6, R7, R8, R9 and R10);

Fair and Consistent Approach

- (x) some development sites were offered a higher BHR when compared to the other sites of the same zone (R8 and R10);

Spot Zoning Approach

- (xi) the 'spot zoning approach' was unnecessarily restrictive which prevented innovative building design and discourage private sector initiative to undertake urban renewal projects. It violated the broad principle of planning that the object of the OZP was to indicate only the broad principles of development (R9);

Prior Public Consultation

- (xii) there was no prior public consultation before the imposition of BHRs, NBA, building gaps and setback requirements. There was no clearly expressed concept of the objectives that were intended to be achieved through the stipulation of BHRs and no discussion of alternative measures (R7, R8 and R9);

Proposals

- to conduct a comprehensive land use review with a forward looking approach to allow innovative and attractive developments (R9);
- to review the BHRs for the whole district and to incorporate practical and effective measures to encourage good building and urban design with varying building height (R6);
- to review the BHRs to ensure that existing development right of PR 15 or greater could be achieved (R9);
- to increase the BHRs by 20m to 40m to provide a greater degree

of design flexibility and more relaxed BHRs (i.e, up to 120mPD to 200mPD) should be considered for sites at or near transport nodes to free up ground level space for pedestrians (R9);

- to allow an absolute BH of 120m for “R(A)” and “R(A)3” sites (R6);
- to incorporate a “relaxation” scheme for sites with an area not less than 1,500m², similar to that adopted by the Board for the Tsim Sha Tsui OZP (R9);

NBAs, Building Gap and Setback Requirements

Supportive Representation for More Stringent Control (R2 and R3)

- (xiii) R3 supported the designation of NBA at Kok Cheung Street and R2 proposed the incorporation of additional building setback requirements along Nathan Road and Ivy Street;
- (xiv) R3 commented that the NBA at Kok Cheung Street would facilitate air ventilation;

Proposals

- to provide a building setback of 3m from the lot boundary above 15m measured from the mean street level abutting Nathan Road (R2);
- to provide a building setback of 5m for the sites abutting Ivy Street to the west of Tai Kok Tsui Road (R2 and R3);

Adverse Representations for More Lenient Control (R9)

- (xv) there were no statutory basis and justifications for the incorporation of NBA requirements (R9);
- (xvi) the term “NBA” was liable to cause uncertainty and confusion as the same term was used with special meaning in the context of

lease and the implications of NBA under the Buildings Ordinance were unclear (R9);

- (xvii) the objective of ensuring ‘gaps’ between buildings could be achieved within the existing framework of s.4(1) of the Ordinance, under which the Board could make provision for open space, parks, streets, etc. (R9);
- (xviii) there was no legal recognition of the provision of setbacks for ‘air paths’ as being a public purpose for which private land could be taken. There was no statement in the Notes or ES indicating that the private land taken for setbacks was for public passage and that it may be considered by the Buildings Authority for bonus GFA in accordance with normal practice (R9);

Proposals

- to incorporate a standard clause allowing for permitted PR to be exceeded as defined in Building (Planning) Regulation 22(1) or (2) which allowed for additional GFA for area dedicated for public passage, etc. in all relevant development zones (R9);
- to delete all NBA restrictions and building setback requirements and more suitable zoning like “O” or “Road” be used to provide the desired gaps (R9);
- minor relaxation of NBA restrictions and building setback requirements should be considered on ‘individual merits’ instead of ‘under exceptional circumstances’ (R9);

Representations Providing Comments (Not Related to Any Amendment Items)

- (1) R3 supported the “R(E)” zoning at three specific sites at Canton Road, Walnut Street and Beech Street that could alleviate the stringent supply of housing land subject to provision of ground-level greenery and no/less number of car parking spaces;

- (m) R2 and R3 opposed to/did not support the change of existing industrial buildings between Beech Street and Elm Street (zoned “R(E)”) for residential use as it would worsen the air ventilation and traffic condition in the area;

Responses to Grounds of Representations and Representers’ Proposals

- (n) the responses to the main grounds of the representations and the representers’ proposals as detailed in paragraph 4.4 of the Paper were summarised as follows:

Supportive Representation Asking for More Stringent BHRs

- (i) R2 and R3’s supportive views on the imposition of BHRs in general were noted;
- (ii) there was no strong justification for imposing more stringent BHR on the bus/minibus terminus at Mong Kok East Station which formed part of the railway station development at the designated “OU” zone including commercial/office/hotel, train station and government office uses. The BHRs reflected the existing heights of the buildings and the air ventilation path as identified by the AVA. There was presently no plan to expand/redevelop the terminus (R2);
- (iii) the northeast to southwest air/wind path over Nullah Road/Cheung Wong Road were protected/enhanced by the imposition of a BHR of 20mPD at part of Canton Road Substation, part of Mong Kok Exchange, part of Hang Tung Building and part of SKH Kei Wing Primary School. The beautification works at junction of Nathan Road and Nullah Road was expected to be completed in 2011 (R2);
- (iv) there was no known proposal to remove/relocate the existing funeral parlour. Building setback at the section of Maple Street fronting the funeral parlour as recommended by the AVA had

been incorporated in the OZP (R2);

- (v) in respect of the proposals to demolish existing buildings to create air paths and to change the use of the industrial building between Beech Street and Elm Street to green area or “O” for air ventilation, it would adversely affect property right and were considered inappropriate. There was a need to strike a fair balance between public interest and private development right (R2);
- (vi) the study on “Area Improvement Plan for the Shopping Areas of Mong Kok” completed in 2009 had suggested to amalgamate the WSD’s Mong Kok Office and the FEHD’s Depot at Sai Yee Street as well as the nearby temporary carpark for redevelopment into a district landmark and gateway, and provision for a PTI. The future use and development intensity of the amalgamated site were being examined by PlanD and concerned government departments (R2 and R3);
- (vii) according to the Notes of the OZP, ‘Place of Recreation, Sports or Culture’ use was a Column 2 use, or always permitted in the purpose-designed non-industrial portion on the lower floors of an existing building. The provision of creative industries, like arts centre and arts gallery, had been catered for under the OZP (R3);
- (viii) whether the various “R(A)3” sites would be jointly redeveloped would rest on the decision of the lots owners (R3);

Adverse Representations Asking for More Lenient BHRs

Urban Design Considerations (R4, R6, R7, R8, R9 and R10)

- (ix) the BHRs were formulated based on reasonable assumptions and flexibility was allowed in the shape and form of the buildings. The BHRs did not preclude the incorporation of green features, innovative architectural features and a reasonable floor-to-floor height for development/redevelopment;

- (x) whether a building was considered bulky or massive depended on many factors other than BH alone e.g. the design of the podia, whether carparking facility was provided in basements or above ground, and the floor-to-floor height proposed. The provision of better design buildings was not guaranteed with more lenient BHRs;
- (xi) a stepped height concept was generally adopted with BH profile of 100/120mPD, 80mPD and 60mPD gradually radiated from Nathan Road;
- (xii) deletion or piecemeal relaxation of the BHRs would jeopardize the coherency of the stepped BH profile and could result in proliferation of high-rise developments;
- (xiii) the new measures on SBD and the OZP restrictions were under two separate regimes. They were complimentary, rather than duplicating each other. Unlike the requirements on OZP which were determined based on specific district circumstances and conditions, the SBD Guidelines focus on the building design at a site level and were applicable to all building developments with no reference to specific district characteristics. Besides, 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 concessions;

Development Rights and Redevelopment Incentive (R4, R7, R8, R9 & R10)

- (xiv) in formulating the BHRs, it had been assessed that upon incorporation of the restrictions, development sites would generally be able to accommodate the PR as permitted on the OZP;

- (xv) the BHRs had provided reasonable scope for redevelopment while avoiding out-of-context buildings

Minor Relaxation of BHRs (R6, R7, R8, R9 and R10)

- (xvi) there was provision in the Notes to allow application for minor relaxation of and the relevant criteria for consideration of such relaxation had been specified in the ES of the OZP;
- (xvii) a two-tier approach of BHRs had been adopted to cater for amalgamation of sites and provision of supporting facilities for larger sites;

Fair and Consistent Approach (R8 and R10)

- (xviii) the proposed BHRs had taken into account the topography, site levels, local character and predominant land uses, among other factors, and were based on a fair and consistent approach;
- (xix) a maximum BH of 100mPD was imposed for the commercial sites abutting Nathan Road with a number of selected sites relaxed to 120mPD to create or amplify downwash of wind to the pedestrian area around the buildings;
- (xx) a maximum BH of 100mPD was imposed on the “OU(Business)” sites under the “OU” zone, except those sites abutting Maple Street and Walnut Street which were subject to BHR of 80mPD and at Kok Cheung Street at 60mPD so as to minimize the blockage of incoming westerly and southerly wind;
- (xxi) a maximum BH of 80mPD was imposed for residential sites in the OZP area in general, and 60mPD for residential sites in windward direction;

Spot Zoning Approach (R9)

- (xxii) the Board should have 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;

- (xxiii) given the wide coverage of the Area that comprised areas with varying characteristics including different topography and that there were different planning intentions/objectives to achieve, different restrictions for different sites under the same broad zone were necessary;

Prior Public Consultation (R7, R8 and R9)

- (xxiv) 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 briefing on the OZP amendments to YTMDC;
- (xxv) the rationales for the BHRs, GFA restrictions, NBA and setback requirements had been set out in the relevant MPC Paper No. 19/10, the AVA and the ES of the OZP, which were all available to the public;
- (xxvi) premature release of the 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;

NBA, Building Gaps and Building Setback Requirements (R2, R3 and R9)

- (xxvii) R3’ supportive view to the designation of NBA at Kok Cheung Street was noted;
- (xxviii) building setback requirements along Portland Street and Sai Yeung Choi Street South had been incorporated in the Notes for

various zones along Nathan Road. BHR of 120mPD were also introduced on selected “C” sites to create building height variation to allow for better downwash of wind to the pedestrian level;

- (xxix) provision of more and wider NBA/setback restrictions/wind corridors as proposed by R2 would pose undue constraints on future developments/ redevelopments, especially for small lots which were common in the Area;
- (xxx) sections 3 and 4 of the Ordinance gave the Board comprehensive powers to control development in any part of Hong Kong. The designation of NBA and setback requirements could be parts of the planning control if the Board had necessary and sufficient planning justifications;
- (xxxii) for the area designated as “NBA”, there should be no building structure above ground, but development was permitted below ground. The development right of the sites would not be affected (R9);
- (xxxiii) the planning intention of designating NBA and building gap requirements was to improve air ventilation and visual permeability, and the designation of setback was mainly to improve the pedestrian walking environment. The relaxation of the setback requirement for one site would affect the effectiveness of the planning intention. Minor relaxation of these requirements would need to be fully justified and would only be granted under exceptional circumstances (R9);

Representations relating to specific sites

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

- (i) Skyway House - Nos. 11-15 Kok Cheung Street (“OU(B)1”, BHR of 20mPD and 60mPD/80mPD for sites with 400m² or more) (R2, R3, R6 and R8)

Major grounds and proposals:

R2 and R3: Support BHR

- a. R2 and R3 supported the BHR at the representation site (i.e. Skyway House) which would ensure gaps for air ventilation between Harbour Green and Florient Rise to the core area of Mong Kok;

R6 and R8: Against BHR and Building Gap

- b. under the BHRs, neither the permissible PR of 12 stipulated on the OZP nor the GFA provision under the lease at 28,217m² (about PR 10.57) nor the GFA of the existing building could be achieved (R8).;
- c. the 20mPD BHR bisecting the site would restrict the building disposition/form and the two separate towers would be leading to inefficient use of GFA and duplication of back-of-house space (R6 and R8);
- d. the Air Ventilation Expert of the representer had reviewed PlanD’s AVA and concluded that there was enhancement of air flow at ground level even with higher BHR if proper measures were adopted to improve the ventilation performance in the surrounding area (R8);
- e. the AVA prepared by the representer showed that the representation site was not located in a primary wind path as it was obstructed by the high rise wall-like development. The building gap at 20mPD, if shifted to the north of the site, would improve the local ventilation (R8);

- f. the site was situated near high-rise development and transport facilities. The BHR of 80mPD had not given due consideration to the strategic location of the site (R8);

Proposals

- g. to revise the BHR to a minimum height of 96.05mPD. For more architectural design flexibility and to accord with existing bands, a BHR of 100mPD might be considered by the Board given the BHR of 100mPD was also applied to other “OU(Business)” sites in the immediate neighbourhood (R8);
- h. to relocate the building gap requirement to a location adjacent to the northern site boundary (R8);
- i. a ‘preferred scheme’ of the proposed petro filling station cum office development with a building height of 21-storey (over four basement levels) or 96.05mPD (R8);

Main Responses:

- j. the support for the imposition of BHRs at Skyway House by R2 and R3 was noted;
- k. sites located in the windward direction should be assigned with a lower BH (i.e. 60mPD) to facilitate the inflow of wind. For sites with an area or more than 400m², an additional BH of 20m (i.e. 80mPD) was allowed to cater for better provision of building facilities and design. The proposed relaxation of the BHR to 96.05mPD would undermine the integrity of the stepped height profile intended for the Area (R6 and R8);
- l. the BHRs were formulated based on reasonable assumptions and flexibility was allowed in the shape and form of the buildings. BHR imposed should be sufficient to

accommodate the permissible PR under the OZP as well as meeting various building requirements. Besides, the BHRs did not preclude the incorporation of green features, innovative architectural features and a reasonable floor-to-floor height for development/redevelopment (R6 and R8);

- m. given the importance of the westerly wind to the area, the imposition of the 20mPD BHR corridor (i.e. building gap) could achieve fairly good air ventilation performance (R6 and R8);
- n. the portions of the site to the north and south of the building gap had areas of over 700m² and 1,400m² respectively. The remaining area (i.e. 78.65% of the site area) above podium was sizeable enough to allow a reasonable scope for redevelopment (R6 and R8);
- o. minor relaxation clauses had been incorporated for the “OU(B)1” zone for relaxing the building gaps and BHRs for development/ redevelopment proposal on application to the Board. For applying for minor relaxation of the building gap restriction, an AVA should be submitted to support such application (R8);
- p. it was not appropriate to adopt a single source of wind data to undermine the importance of the west wind, especially in summer, towards the site and inner part of Mong Kok (R8);
- q. high rise residential development mentioned by R8 were distant from the air path. The existing lift tower to the west of the site was 4 storeys high at 20mPD. It would not obstruct the potential air path formed by the building gap at 20mPD;

- r. the relaxation of the BHR for the site would undermine the integrity of the stepped height profile intended for the Area and defeat the planning intention of maintaining a lower BH in the western fringe of the Area to facilitate the inflow of westerly wind for air ventilation and permeability purposes (R8);
 - s. the proposed relocation of the building gap to the northern boundary of the site would worsen the visual permeability along Ka Shin Street (R8);
 - t. the “Preferred Scheme”, which included a PFS but planning permission had not yet been obtained, submitted by the representer was only a very preliminary proposal, its visual impact to the immediate surroundings could not be assessed at this stage (R8);
- (ii) **Tai Chi Factory Building - Nos. 25-29 Kok Cheung Street (“R(E)1”, BHR of 60mPD/80mPD for sites with 400m² or more) (R3, R6 and R7, and C1)**

Major grounds and proposals

R3: Support BHR and NBA

- a. R3 supported the stipulation of BHR and NBA;

R6 and R7: Against BHR

- b. the site was subject to road traffic noise impact. The form and disposition of the residential blocks on the site would be restrained as mitigation measures such as provision of setback would be required. A relaxed BHR would provide design flexibility to effectively mitigate such noise impact (R6 and R7);
- c. given the BHR was already set at an unreasonable low

range, and only minor height relaxation might be accepted by the Board, there was not much room for innovative building design (R7). A relaxed BHR would accommodate modern standard building block and environmental design elements to foster a more interesting townscape and sustainable built environment (R6 and R7);

- d. the proposed BH of 110mPD would be in harmony with the existing development in the neighbourhood (R6 and R7);
- e. there was no justification on how the BHR was derived (R7);

Proposals

- f. to delete the BHR for the representation site or relax it to 110mPD (R6 and R7);
- g. to use part of the floor areas at the representation site for creative industries use (R3);

Main Responses

- h. the support for the imposition of BHR was noted;
- i. although there were existing high-rise developments to the west of the site, there was a gap of about 50m wide between The Long Beach and Hampton Place so that westerly sea breeze could flow to inland area to reach the site. A stepping building height profile was necessary to allow wind from seaside to penetrate to inland or further downwind region easier (R6 and R7);
- j. a two-tier approach had been adopted to cater for amalgamation of sites and provision of supporting facilities for larger sites. If a site was amalgamated to exceed

400m², it could enjoy an additional building height of 20m. The representation site had an area of over 1,400m², it could be redeveloped to a BH of 80mPD under the current provisions of the OZP (R6 and R7);

- k. it would not be appropriate to apply the BH of excessively tall developments as reference for determining the BHRs for other sites, especially for sites near the air path (R6 and R7);
- l. the BHRs were formulated based on reasonable assumptions and flexibility is 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. The BHRs did not preclude the incorporation of green features, innovative architectural features and a reasonable floor-to-floor height for development/redevelopment. The BHRs had provided reasonable scope for redevelopment while avoiding out-of-context buildings (R6 and R7);
- m. the intention of the “R(E)” zoning of the site was for phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Board. The applicant had to demonstrate that a proposed redevelopment scheme at the site was acceptable from environmental points of view. Besides, a minor relaxation clause had been incorporated for the “R(E)” zone for relaxing the PR and BHRs for development/redevelopment proposal on application to the Board (R6 and R7);

(iii) **One Grand Tower and Two Grand Tower - No. 639 Nathan Road (“C”, BHR of 100mPD) (R4)**

Major grounds and proposals:

- a. taller buildings provide more slender buildings with smaller footprints that allow more ground floor space and better air ventilation at lower levels. Taller buildings also provide flexibility for innovative buildings design achieving modern standard;
- b. it would be logical to apply a BHR of 179mPD to the “C” zone immediately to the east of Langham Place, to the representation site and the street block to the north between Nelson Street and Argyle Street;
- c. there was no justification for a building setback along Portland Street;

Proposals

- d. to relax the BHR for the site to 179mPD;
- e. to remove the building setback requirement abutting Portland Street from the Notes for the “C” zone, or not to apply such requirement to the representation site;

Main Responses

- f. to avoid monotonous building heights along Nathan Road and to create or amplify downwash of wind to the pedestrian area around the buildings, selected “C” sites along Nathan Road adjacent to the MTR Prince Edward Station (between Prince Edward Road West and Boundary Street) and “C” sites along Nathan Road between Mong Kok Road and Argyle Street were allowed to be developed/redeveloped to a BH of 120mPD;
- g. the proposed relaxation of the BH for the site to 179mPD would further increase the H/W (height of building to street width) ratio from 6:1 to 11:1 worsening the street level air

ventilation condition as easterly/westerly wind from over the building could hardly reach the pedestrian level. Building setback at Portland Street was needed to widen the building gap for Portland Street so as to lower the H/W ratio to 5:1 to facilitate northerly/southerly wind flow;

- h. relaxing the BHR of the site to 179mPD would create a “canyon” between the site and Langham Place Hotel resulting in stagnant of air thereat. This was particularly so as Portland Street was narrow;
 - i. in formulating the BHRs, it had been assessed that upon incorporation of the restrictions, development sites would be able to accommodate the PR as permitted on the OZP including the PR of the existing development. The BHRs have provided reasonable scope for redevelopment while avoiding out-of-context buildings. Besides, minor relaxation of the BHR might be considered by the Board on individual merits under the Ordinance;
 - j. given the large size of the site, there should be reasonable scope to accommodate good building design and site utilization in redevelopment;
 - k. Transport Department (TD) considered that building setback along the Nelson Street frontage of the site was not necessary for improving pedestrian circulation. However, setback along the Shantung Street frontage would help to improve pedestrian circulation conditions;
- (iv) **Pioneer Centre - No. 750 Nathan Road (“C”, BHR of 100mPD)**
(R10)

Major grounds and proposals:

- a. the representation site was located at a strategic location of Mong Kok Shopping Area. The zoning and development restrictions for the site should be tailor-made to reflect its unique potential;
- b. it was one of the few sites in single ownership and had the potential to accommodate significant public and planning benefits upon redevelopment;

Proposal

- c. to rezone the representation site to “C(3)”, and to add a Remark in the Notes to allow application for relaxation of BHR up to 160mPD with the support of an AVA, urban design and landscape proposals and any other information as might be required by the Board provided that a setback of not less than 700m² from the lot boundary was provided;

Main Responses:

- d. location alone was not a reason for a higher BH. Balance needed to be struck between efficient use of land and good urban design;
- e. the BHRs had provided reasonable scope for redevelopment while avoiding out-of-context buildings;
- f. the representer had not demonstrated that the proposed relaxation of the BH from 100mPD to 160mPD would not affect the air ventilation performance of the adjacent air path at northeast-southwest axis along Nullah Road and Cheung Wong Road;
- g. a minor relaxation clause had been incorporated in the Notes. A set of criteria for consideration of such applications had been set out in the ES of the OZP, including proposals that

would provide separation between buildings to enhance air ventilation and visual permeability, and proposals that would bring about improvements to townscape and amenity of the locality. Each application for such relaxation would be considered by the Board on its individual merits;

- (p) PlanD's views –
- (i) R2 and R3's support views to the various amendment items were noted;
 - (ii) the remaining parts of the representations R2 and R3 in relation to the change of existing industrial buildings between Beech Street and Elm Street, and between Beech Street and Anchor Street for residential use were not related to any amendment to the OZP and should be treated as invalid; and
 - (iii) did not support R4, R6, R7 R8, R9 and R10 and part of R2 asking for more stringent control and considered that they should not be upheld for the reasons as set out in paragraph 7.2 of the Paper and the specific reasons as set out in Annex V of the Paper.

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

R2 – Green Sense

57. With the aid of Powerpoint presentation, Ms. Ho Ka Po made the following points:

- (a) Mong Kok was a congested district with a number of high-rise buildings, creating wall and canyon effect to the surrounding area. The BHs of the new buildings, in particular those in the waterfront area of Tai Kok Tsui, were incompatible with the surrounding older development;

- (b) the representer supported the imposition of BHR of 60mPD and building gap of 20mPD at the Skyway House site so as to ensure the provision of adequate wind corridor for better air flow towards the inner areas of the Mong Kok district;
- (c) the representer objected to the change of use of the industrial buildings between Beech Street and Elm Street to residential. The area was proposed to be rezoned to “O” as an extension to the existing park at Ivy Street and to facilitate air ventilation. The Government could consider land exchange with the affected land owners to implement the proposal;
- (d) Ivy Street was now overshadowed by Harbour Green Tower 1 and 2. A 5m setback requirement was proposed along Ivy Street west of Tai Kok Tsui Road to facilitate the incoming of westerly wind;
- (e) in view of the lack of open space in Mong Kok, it was proposed to rezone the open carpark site at Luen Wan Street next to Water Supplies Department’s (WSD) Mong Kok Office from “OU (Railway Station Development)” to “O” so as to preserve the existing trees on the site;
- (f) the representer proposed to rezone the WSD’s Mong Kok Office and FEHD’s Depot at Sai Yee Street to “OU(Public Transport Interchange)” and to preserve the existing trees on the site. Future development should not exceed the existing height of the Mong Kok East Rail Station. The commercial building proposed by the Development Bureau at the site would block prevailing summer wind from the east;
- (g) it was proposed to restrict the height of the existing public transport interchange at the Mong Kong East Rail Station to its current level so as to prevent any further development;
- (h) the Board should actively consider the proposal put forward by REDA to create air path by pulling down existing buildings so as to mitigate the heat island effect;

- (i) street setback requirement should also be imposed along Nathan Road to improve pedestrian environment;
- (j) the traffic capacity in the Mong Kok district was already saturated and the Mong Kok MTR station entrances were also highly congested. Further development should not be allowed in the Mong Kok district; and
- (k) the Government should consider developing the green field sites in Kai Tak for commercial use so as to alleviate the congestion problem in the existing commercial core.

R4 – Owners of One Grand Tower and Two Grand Tower

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

Site Context

- (a) the site of One Grand Tower and Two Grand Tower was located at a focal point in Mong Kok between Nathan Road and Langham Place and adjacent to the Mong Kok MTR station. The development of Langham Place was a spur to the revitalisation of the area and prompted private initiatives in urban renewal;
- (b) the two existing buildings at the site were no longer suitable to cater for the need in the area. The buildings were built under the old airport height restrictions of a maximum height of 75.7mPD. The floor-to-floor height was only about 3.1m and the existing lift and other building services were not up to present day standard. The total PR of the representation site was 14.67;
- (c) the owners of the buildings were considering to redevelop the site to a high quality commercial development which would be compatible and

complementary to Langham Place. However, the imposition of the BHR of 100mPD at the site and the 3m setback along Portland Street had affected the redevelopment plans. Hence, the owners objected to these BHR on the OZP;

Development Right

- (d) according to the Notes of the OZP for the “C” site, the site was permitted to be redeveloped up to a maximum PR of 12 or the PR of the existing building, whichever was the greater. The representer was of the view that PlanD had not taken into account the existing PR of 14.67 in formulating the BHR of 100mPD for the site. This was against the fundamental principal in the formulation of BHR which was to respect the existing development rights of the landowner;

Design Flexibility

- (e) PlanD stated in paragraph 4.4.2(e) of the Paper that the BHRs per se would not result in bulky or lines of buildings affecting air ventilation; and that flexibility was allowed in the shape and form of the buildings. Besides, the BHRs did not preclude the provision of green features, innovative architectural design and provision of improvement measures would be encouraged for better air ventilation. However, this was not reflected in the BHR for the site. The BHR of 100mPD at the site would result in a low and bulky building and could not accommodate the permissible GFA and the new measures under the Sustainable Building Design (SBD) Guidelines as promoted by the Government;

Urban Design Considerations

- (f) noting the concept of stepped height profile adopted and the spine of commercial development zoned “C” along Nathan Road with some selected sites with higher BHRs, PlanD had not considered increasing the BHR of the Grand Tower site so as to create a stepped height profile with the adjacent Langham Place and Langham Place Hotel with BHR of 260mPD and 179mPD respectively. The representer proposed to increase the BHR of the representation site to 179mPD which was the

same as Langham Place Hotel, so that two towers of the same height could be erected at the eastern and western sides of Langham Place respectively to reinforce the visual focal point for Mong Kok;

- (g) it was noted that two street blocks north of Argyle Street on either side of Nathan Road were imposed with BHR of 120mPD to facilitate air ventilation. The representer considered that the same principle should be applied to the site and a BHR of 179mPD was proposed to facilitate air ventilation;
- (h) PlanD did not support the relaxation of the BHR for the site for the reason that it would create a canyon effect at Portland Street, thus worsening the air ventilation condition at pedestrian level. However, the representer did not consider it as a reasonable ground as the distance between the proposed development at the representation site and Langham Place Hotel was 80m wide and would not create a canyon effect;

Representer's Proposals

- (i) a comparison table showing the development parameters of the existing development, an OZP complying scheme (BHR of 100mPD) and two proposals of the representer (BHR of 120mPD and 179mPD respectively) was tabled at the meeting;
- (j) *OZP complying scheme with BHR of 100mPD* - with the 100mPD BHR, the 3m setback at Portland Street and by adopting reasonable assumptions, only a PR of 12.27 and a GFA of 45,218m² could be achieved at the site and that had resulted in a loss of GFA of 8,828m² as compared with the existing development with a PR of 14.67 and a GFA of 54,046m². The full permissible GFA could not be achieved. Besides, the new development would create a solid wall along Nathan Road without any permeable space within the building. The existing BHR was totally unacceptable;

- (k) *Preferred alternative proposal with BHR of 179mPD* – with a relaxation of BHR to 179mPD, the owners would increase the building setback along Portland Street at podium levels from 3m to 9m. This would result in a total building gap of 22m and a more acceptable Height/Width (H/W) ratio of 7.1. Together with other podium setbacks at Nelson Street (18.3m), Shantung Street (17.8m) and Nathan Road (3m), better air ventilation and visual gaps would be available at all sides of the building. Podium garden and sky garden would also be provided within the building. The BHR of 179mPD would enable full compliance with the SBD guidelines and the provision of a high quality office building that would improve the urban environment in Mong Kok. The full permissible GFA could also be achieved;
- (l) *Fall-back alternative proposal with BHR of 120mPD* – with a BHR of 120mPD, a less desirable and significantly inferior building without the provision of sky garden would be provided. The building setback would increase from 3m to 5m resulting in a H/W ratio of 5.5. However, this was not the preferred option but a compromise proposal put forward by the presenter. It would enable the permissible GFA to be achieved and the BHR was compatible with the same BHR of sites elsewhere at Nathan Road.

R6 – Asia Turbo Development Ltd. (Tai Chi Factory Building)

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

Site Context

- (a) the site of an area of 2,504m² was currently occupied by Tai Chi Factory Building and located at the western fringe of the OZP at Kok Cheung Street. The majority of the site fell within an area zoned “R(E)1” on the OZP and was subject to a BHR of 60mPD (80mPD for site with an area of 400m² or more) and a PR of 7.5 for a domestic building or 9.0 for a partly domestic and partly non-domestic building, or the PR of the

existing building, whichever was the greater. A 13m wide NBA aligned with Li Tak Street was also designated at the site;

- (b) the planning intention of the “R(E)1” zone was to encourage the phasing out of industrial use. Residential development might be permitted on application to the Board subject to the provision of sufficient measures to address the potential industrial/residential interface problems. However, given that the Tai Chi Factory Building was the only remaining industrial building in the area, it was doubtful why it had not been rezoned to “R(A)3” as other neighbouring sites;
- (c) there was currently no setback on the four sides of the existing industrial building. There was a narrow alley between Tai Chi Factory Building and Tai Lee Building. To the south of the site was an area shown as “road” and was used as an open car park and a narrow pedestrian way. To the east and west of the site were Kok Cheung Street and West Kowloon Highway/Lin Cheung Road respectively;
- (d) the representer had planned to submit a planning application to redevelop the site for residential use with the proposed setback at Kok Cheung Street and Fuk Chak Street as planning merits to improve the pedestrian environment. However, the application was held up due to the imposition of the BHR on the OZP;
- (e) the representer objected to the BHR of 60mPD (80mPD for site more than 400m²) and requested to relax the BHR to 110mPD;

OZP Complying Scheme

- (f) as illustrated on a drawing prepared by the representer, a scheme of a 22-storey building block with two wings, three levels of basement and 40% site coverage was prepared under the BHR of 80mPD. A single-aspect design was adopted so as to mitigate the traffic noise from West Kowloon Highway and Lin Cheung Road and to comply with 100% noise compliance rate. It would be seen that the OZP complying

scheme with the long wall on one side was not a good design. The scheme might only benefit the pedestrian environment but was undesirable to the residents of the future development at the site;

Representer's Alternative Scheme

- (g) by relaxing the BHR to 110mPD, the site coverage of the proposed development under the alternative scheme would be reduced from 40% to 26% and the number of storeys would be increased from 22 to 31 storeys. The living environment of the future residents could be improved as a result of the relaxation of BHR;

Air Ventilation Consideration

- (h) according to the PlanD's AVA, the prevailing summer wind was mainly from the south-west and east directions and the stepped BH profile (i.e. 80mPD for the site and 100mPD for the adjacent site on the east) was intended to facilitate the downwash effect for wind coming from the south-west. However, the downwash effect did not allow wind to blow into the flats. Alternatively, if the BHR of the site was relaxed to 110mPD, the wind blowing from the east could reach the flats of the future development and would benefit the residents as that would allow more building setbacks to the north and south of the site. There were also less impermeable space within the site;

Urban Design Considerations

- (i) with majority of the sites subject to 2-tier BH control and a BHR of 80mPD (100mPD for site larger than 400m²), it would likely result in a uniform BH profile of 100mPD in the Mong Kok area. This was undesirable to the overall townscape, pedestrian environment and the living environment of residents. Even though there was a provision for minor relaxation of BHR, it would not bring about much improvement;

Representer's proposals

- (j) the representer objected to the BHR of 60mPD (80mPD for site larger than 400m²) at the site and proposed:

- (i) to relax the BHR of the site to 110mPD; or
- (ii) to rezone the site to “R(A)3” which would be compatible with the residential zones to the west of Kok Cheung Street; or
- (iii) to relax the BHR of the whole Mong Kok area so as to create a unique district in the core of the Kowloon Peninsula.

R8 – Lindenford Ltd. (Skyway House)

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

- (a) the representer objected to the imposition of BHRs of 80mPD and 20mPD (for the 13m wide building gap) for the site at 11-15 Kok Cheung Street currently occupied by Skyway House;

Site History

- (b) since 2009, the representer had actively planned for the redevelopment and had submitted a planning application for a comprehensive redevelopment at the site. The application was however rejected in 2009. The applicant had subsequently lodged a review and an appeal to the rejection of the application. The site history demonstrated the established and committed intentions of the owner to redevelop the site;
- (c) the current representation was made without prejudice to the on-going appeal which was based on land use matters and specifically the reprovisioning of the existing Petrol Filling Station (PFS) on site upon redevelopment. Whether a PFS was provided or not, it had no bearing on the assessment provided in the representation;

Site Context

- (d) the site was located in an old urban area of Tai Kok Tsui which was previously earmarked as a target site under the Urban Renewal Strategy. Currently, the majority of the buildings in the Tai Kok Tsui area was between 30 to 50 years old and was ripe for redevelopment;

- (e) the site was also located in the immediate neighbourhood of a new development area after the West Kowloon Reclamation. It fell within the established development node around the Olympic MTR Station and was a desirable location to supplement the critical shortage of office space in Hong Kong;
- (f) the site was adjacent to a cluster of high buildings with height of more than 30 storeys or above 100mPD, including Harbour Green, The Long Beach, Island Harbourview, One SilverSea and Florient Rise;

Representer's Proposals

- (g) the representer considered that the current BHR on the site was not the best means to achieve the planned objectives to preserve views, maintain a stepped BH concept, improve visual permeability and air penetration. Rather, it would deprive the representer's development rights to achieve the maximum PR of 12 as permitted under the OZP;
- (h) the representer proposed to:
 - (i) revise the BHR to a minimum height of 96.05mPD so as to attain the permissible PR under the OZP, or to a maximum BHR of 100mPD which was consistent with the BHR of the area to the east and to provide some design flexibility; and
 - (ii) relocate the building gap to the northern site boundary so as to achieve a better incoming airflows and visual permeability from major public view points, and to allow a more efficient, practical and marketable office floor space design;
- (i) as shown in a comparison table, by adopting the same floor-to-floor height of 3.95m (which was at the lower end of top grade office), the same maximum site coverage (65% above 15m), the same podium design with a communal podium garden and the same provision of 4 levels of basements for parking purpose, the representer's proposed minimum scheme with a BHR of 96.05mPD would be able to

accommodate the full permissible PR of 12 and a GFA of 32,040m². However, the PR of 9.53 and GFA of 25,445.08m² under the OZP complying scheme of BHR of 80mPD were even less than those of the existing building (PR 10.568 and GFA of 28,217m²);

Responses to PlanD's Comments

Permissible PR under the OZP

- (j) under the OZP complying scheme, the total GFA achievable would be 20.6% less than the maximum GFA as permitted on the OZP (32,040m²) and 9.8% less than the existing GFA. This was inconsistent with the Board's intention that the BHRs would not adversely affect the GFA achievable under the OZP. The BHRs was unfair and did not respect the representor's legitimate development rights and diminished redevelopment incentives;

- (k) the Board was being misled by the Paper which stated that the BHRs should be sufficient to accommodate the permissible PR under the OZP as well as meeting various building requirements and did not preclude the incorporation of green features or reasonable floor to floor heights upon redevelopment;

Inflow of westerly wind

- (l) the representor's AVA found that the location of the current building gap on the OZP did not effectively benefit from the incoming westerly winds. The taller development to the west of the site including the Island Harbourview and Long Beach would divert the direction of the prevailing westerly wind to Fuk Chuk Street rather than entering the building gap. Hence, relocation of the building gap to the northern site boundary with a splay corner would be more effective to enhance air ventilation;

- (m) as in paragraph 4.5.2(u) of the Paper, PlanD also agreed that air ventilation might be improved through detailed design employing alternative designs. The representor's AVA demonstrated that even for

a slightly taller building as in the representer's proposed minimum scheme, there would be an improvement on air ventilation at the ground level as compared with the OZP complying scheme;

Excessively tall or out-of-context development

- (n) as shown in the photomontages prepared by the representer, the relaxation of BHR would not result in out-of-context tall building. There would be insignificant visual change under both the OZP complying scheme and the representer's proposed minimum scheme as the surrounding was already dominated by a cluster of high-rise developments around the Olympic MTR Station. The BHR of 96.05mPD would not be out-of-context given that the surrounding areas were subject to BHRs of 80mPD and 100mPD;

Integrity of the stepped BH profile and visual quality

- (o) the slightly increased BH would create a smoother stepped BH profile at the node around the Olympic MTR Station and avoid undesirable monotonous BH profile. The relocation of building gap would also provide a wider separation between the site and the sensitive residential area to the north;
- (p) as shown in the photomontage viewing from Ka Shin Street, the building gap as required under the OZP would lead to undesirable canyon effect along Ka Shin Street. Besides, since the residential developments along Ka Shin Street were in a north-south orientation, only pedestrians walking along Ka Shin Street but not the residents would benefit from the building gap. In contrast, the wider building gap proposed by the representer would provide better spatial relief and wider public benefits in terms of enhanced ventilation as demonstrated in the representer's AVA;
- (q) as shown in another photomontage viewing from a public footbridge linking the site to the Olympic MTR station, the visual permeability was substantially enhanced by a much wider building gap under the

representer's proposed scheme. The existing visual corridor towards Fuk Chak Street would also be enhanced. In contrast, the building under OZP complying scheme would obstruct views and ventilation;

Incorporation of minor relaxation clause

- (r) noting that PlanD had explicitly stated that under the BHR, private development sites would be able to accommodate the maximum PR/GFA stipulated on the OZP, the minor relaxation clause should only be applicable when there was a need to go beyond the maximum PR/GFA, instead of to achieve the legitimate development rights;
- (s) as set out in the ES of the OZP, the purpose of the minor relaxation clause was to encourage innovative building design with planning and design merits. Hence, it should not be used for the developers to achieve the maximum PR under the OZP which was their legitimate development rights; and
- (t) there was no guarantee that an approval for minor relaxation of BHR could be obtained whereas an amendment to the BHR on the OZP would provide greater certainty to the representer.

61. With the aid of a Powerpoint presentation, Mr. Matthew Fung, the architect of R8, made the following points:

- (a) in order to assess the GFA implication imposed by the BHR, the architect had prepared an OZP complying scheme and a preferred minimum scheme;
- (b) the OZP complying scheme was formulated based on the following development parameters:
 - (i) 80mPD BHR and the building gap as specified on the OZP;
 - (ii) maximum site coverage stipulated under B(P)R (i.e. 100% for the 15m high podium, 65% for office tower);
 - (iii) podium garden required for greenery site coverage under the SBD

Guidelines;

- (iv) underground car park to reduce the building bulk; and
 - (v) minimum acceptable floor-to-floor height of 3.95m for Grade A office (with a clear headroom of 2.6m);
- (c) based on the above development parameters, the maximum PR achievable under the OZP complying scheme was only 9.53 (25,445m²) which was less than the permissible PR of 12 under the OZP;
- (d) in order to achieve a maximum PR of 12 and the BHR of 80mPD, the architect had to reduce the floor-to-floor height to 3.005m for the office floors with a resultant clear headroom of 1.65m which was completely not practical for an office building and unreasonable when compared with the minimum clear headroom requirement of 2.5m for office use as required under the B(P)R; and
- (e) the representers' preferred minimum scheme with BH of 96.05mPD was the minimum BH to accommodate the permissible PR of 12 on the OZP, with the same development parameters as adopted in the above OZP complying scheme.

R9 – The Real Estate Developers Association of Hong Kong (REDA)

62. Mr. Ian Brownlee made the following points:

- (a) REDA had concern about the impact of zoning amendments on the development system as a whole. Representations submitted to this and other OZPs were related to matters of principle and in particular, the need to protect private property rights;
- (b) REDA was also concerned about the continued preparation of OZP amendments without prior public consultation and the unjustified imposition of NBA, building gaps, setbacks and spot BHRs which was outside the provisions of the Ordinance. Besides, REDA proposed that

the relaxation scheme adopted in the Tsim Sha Tsui OZP should also be applied to the Mong Kok OZP;

- (c) the BHRs imposed were unreasonably stringent and lacked the flexibility for innovative and quality design. The BHRs, NBA, setback and building gap imposed on the OZP were in direct conflict with the SBD Guidelines and would prevent them from being implemented. The combined effect of the OZP control and SBD Guidelines would result in reduction in development potential for the sites and loss of development rights and value;
- (d) REDA had written a letter to the Board on 7.3.2011 requesting:
 - (i) PlanD and the industry to jointly undertake an urgent review to assess the combined effect of the Practice Notes issued by BD on SBD and the BHRs imposed on the OZP and how that had affected existing property rights; and
 - (ii) the Board to suspend the preparation of any amendments to OZP involving building set-backs, BHRs, building gaps, NBA and spot BHRs pending the completion of the detailed review. The Practice Notes showed that the provision of the above OZP controls were no longer a matter for the Board to consider;
- (e) the unreasonably low BHR had resulted in a reduction in the achievable GFA of a development as the SBD Practice Notes could not be complied with without foregoing GFA and the building set-backs and building gaps would remove a lot of space for development at the G/F and podium levels. This was particularly an issue for BHRs lower than 120mPD; and
- (f) the BHR of 60mPD for sites near the western boundary of the Mong Kok planning scheme area close to the waterfront was exceptionally low. A blanket increase of 20m to 40m above the current BHR across the whole planning scheme area would allow good quality design in the urban renewal process without generating any adverse visual or other impacts.

63. With the aid of some drawings, Professor Barry Will made the following points:

- (a) being an experienced practising Authorised Person (AP), he considered that the imposition of BHR on the OZP and the implementation of the new measures under the SBD Guidelines had made it difficult to create a good built environment and would hold back the urban redevelopment process of the city. There was also a lack of public consultation on the SBD Guidelines;
- (b) the AVA Study undertaken by PlanD was two-dimensional (2-D) and was not professional. From air ventilation perspective, the proposed BHRs would result in buildings of lower BH and higher site coverage, thus creating bulkier and lower buildings which would obstruct air flow. The setback requirement and other new measures under the SBD Guidelines would not help improve the permeability of the low-rise and bulky buildings;
- (c) the BHR proposed was arbitrary and did not take into account the existing building volume. It was unreasonable for the Board to impose BHRs which would reduce the achievable GFA of the sites and deprive private development rights without compensation. Even if developers were compensated, the development space would likely be accommodated in the rural or new reclamation areas, thus generating the need to expand the transport network. The city would become inefficient;
- (d) a double-cruciform building design was a good design in terms of air ventilation and energy-efficiency. The BHR imposed would prevent the adoption of such design;
- (e) the blank walls and non-openable windows adopted for buildings which were required to comply with noise control requirements imposed by

EPD would affect building design and air ventilation;

- (f) PlanD's assumption that the BHR imposed would be able to accommodate the permissible GFA at the site was based on a lower floor-to-floor height. This was undesirable as lower floor-to-floor height would prevent residential buildings from using non-air-conditioning systems which were more environmental friendly and better for human health; and
- (g) the BHRs under OZP, the new measures under the SBD Guidelines and the EPD's requirements all contributed to the creation of non-developable sites within the city as well as low quality and poor standard buildings. There was a need for the Government to stop and rethink. Pushing the above measures ahead would create more and more difficulties for the built environment.

64. Mr. Ian Brownlee concluded with the following points:

- (a) there were major technical issues arising from the SBD Guidelines which had not been taken into account in preparing the BHRs, setbacks and building gaps under the OZP. The Board should positively consider the points raised in REDA's letter of 7.3.2011. REDA urged for a separate discussion with the Board on this matter;
- (b) the BHRs did not respect the existing development rights. They had been set unreasonably low which did not allow for good quality buildings in the urban renewal process. The relaxation scheme of the Tsim Sha Tsui OZP which would allow good quality design should be applied to the "C" zone along Nathan Road;
- (c) the setbacks, spot zoning and NBA were not the Board's matter and should be removed from the OZP. The SBD Guidelines were more appropriate in achieving the same objectives; and

- (d) the Board should perform its plan-making function separately from that of the consideration of planning applications. The mechanism which allowed for planning application for minor relaxation of BHR should not be used as a means for fixing the Board's wrong decision on the formulation of BHR but a means to encourage good quality development.

R10 – Kowloon Development Co. Ltd. (Pioneer Centre)

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

Site Context

- (a) the site with an area of 3,460m² was located at 750 Nathan Road and was currently occupied by Pioneer Centre. It fell within an area zoned "C" which was subject to a BHR of 100mPD and a PR of 12, or the existing PR (i.e. PR of 13.5), whichever was the greater. There was also a 3m setback requirement from Sai Yeung Choi Street South;
- (b) the site was bounded by Nathan Road, Nullah Road, Sai Yeung Choi Street South and Bute Street and next to the Prince Edward MTR station. The surrounding areas were predominantly occupied by retail shops, commercial and residential buildings. Majority of the buildings were of 40 years of age and under multiple ownership which had difficulties for comprehensive redevelopment;
- (c) the site was located at a strategic location at the junction of Nathan Road and Lai Chi Kok Road. It was also linked to the major pedestrian way to Mong Kok East Rail Station, the pedestrian subway to Prince Edward MTR Station and Nathan Road and the new green corridor along Nullah Road;
- (d) the site would become a focal point of Mong Kok West, comparable to Langham Place and Grand Century Place upon the commencement of the

four projects under the “Area Improvement Plan for the Shopping Areas of Mong Kok” commissioned by PlanD in 2009. The projects included the greenery proposal at Nullah Road, the proposed subway at Bute Street, improvement measures for the pedestrian network at Nullah Road and the proposed extension of MTR subway to the basement of Pioneer Centre (gazetted on 6.5.2005);

Existing Building Condition

- (e) the existing Pioneer Centre was designed at the time when the area was subject to airport height restrictions. It had a BH of 91.5mPD and a PR of 13.5. The building comprised 21 storeys of office, 4 storeys of retail use and three basement levels. The existing floor-to-floor height of 3.3m for office use and 3.75m for the retail centre were not able to meet the current standard of Grade A offices (e.g. AIA Central, International Finance Centre II (IFC II), Langham Place, Exchange Tower and Landmark East) and retail centres (e.g. IFC II, Langham Place, Megabox, APN, The Grandiose – The Edge and Le Point);

Representer’s Proposals

- (f) the representer objected to the BHR of 100mPD at the site and proposed to rezone the site to “C(3)” and to relax the BHR to 160mPD. Besides, additional building setbacks were proposed along Nullah Road, Sai Yeung Choi Street South (in addition to the 3m setback requirement on the OZP) and at the junction of Bute Street and Nathan Road;
- (g) to allow a good quality commercial building to be built, a relaxation of BHR to 160mPD was necessary to accommodate 24 storeys of office use, 3 storeys of electrical and mechanical (E&M) services and 11 storeys of retail use with reasonable floor-to-floor heights of 4.5m, 3.5m and 6 to 7m respectively as well as the existing PR of 13.5. The BHR of 100mPD as stipulated under the OZP would only be able to accommodate a floor-to-floor height of 1.8m for office use which was not acceptable;

Urban Design Considerations

- (h) as viewed from the public vantage point at Central Pier No. 7, a development at 160mPD at the site would not intrude into the 20% building free zone for preserving the ridgeline. The development would be hidden behind Langham Place;
- (i) while a BHR restriction of 100mPD was generally adopted for the “C” sites along Nathan Road, some selected sites had a higher BHR of 120mPD. The rationale for imposing a higher BHR for certain sites which excluded Pioneer Centre and Grand Tower was unknown;
- (j) the BHRs were based solely on the recommendations of the AVA and no urban design study had been undertaken. With majority of the sites under BHR of 100mPD, it would create a uniform and monotonous height profile in Mong Kok. Allowing non-conformity to the overall BH profile at selective sites would help define landmark and focal point and add interest to the townscape; and
- (k) the BHR of 100mPD did not reflect the unique potential of the site and took away the opportunity of developing the site into a focal point in Mong Kok West. Under the BHR, there would be no incentive to redevelop the site into a good quality Grade A office building and hence the 3m set back requirement would not materialise.

[Ms. Maggie M.K. Chan arrived to join the meeting while Mr. Maurice W.M. Lee, Professor Paul K.S. Lam, Mr. Stanley Wong and Mr. K.Y. Leung left the meeting at this point.]

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

R4 – Grand Tower

67. A Member asked PlanD whether R4’s claim that the existing PR/GFA of One and Two Grand Towers had not been taken into account in formulating the BHR was

correct. By referring to a table of broad assumptions, Mr. C.K. Soh, DPO/TWK, replied that in formulating the BHR, assessment had been carried out which indicated that the permissible PR under the OZP could be achieved based on set of reasonable assumptions, including 20% GFA concession, basement car parks, three levels of podium of 5m each, reasonable floor-to-floor height for office use and site coverage as permitted under B(P)R.

R6 – Tai Chi Factory Building

68. The same Member asked PlanD why Tai Chi Factory Building, being the remaining industrial building in the area, was not rezoned from “R(E)1” to “R(A)” as proposed by R6. Mr. C.K. Soh, DPO/TWK, replied that the planning intention of “R(E)1” zone was primarily for phasing out of existing industrial uses through redevelopment to residential use on application to the Board. It was not appropriate to rezone the site which was still occupied by an industrial building from “R(E)1” to “R(A)” as some of Column 1 uses always permitted under the “R(A)” zone would have interface problem with the existing industrial use. The “R(E)1” zoning would help encourage redevelopment of the entire building to residential use.

R8 – Skyway House

GFA Exemption

69. A Member asked R8 about the assumption of GFA exemption included under its proposed development scheme and whether the SBD Guidelines had been taken into account. Mr. Matthew Fung (R8) replied that about 2.5% of GFA exemption had been assumed for the proposed office tower which was normally permitted under the B(P)R. He said that the measures under the SBD Guidelines had not been taken into account in the proposed scheme as the representation was submitted prior to the introduction of the SBD Guidelines. For example, the proposed scheme had included some car parking spaces on the first floor, which according to the SBD Guidelines, only 50% of GFA exemption would be granted. On this point, the Chairman clarified that the SBD Guidelines were not a statutory requirement. The requirements under SBD Guidelines were pre-requisite for the granting of GFA concession under the Buildings Ordinance, at the discretion of the Buildings Authority. Developers did not have to follow the SBD Guidelines if they chose

not to apply for GFA concession.

Relocation of Building Gap

70. Mr. Jimmy Leung, D of Plan, remarked that the the proposed relocation of the building gap to the northern boundary of the Skyway House site by R8 would block visual permeability along Ka Shin Street. He then asked PlanD's AVA consultant whether it improve the air ventilation performance. Mr. Calvin Chiu, PlanD's AVA consultant, had reservation on R8's claim that their preferred scheme with the relocation of the building gap to the northern boundary of the site would achieve a better air ventilation performance than the baseline scheme under the OZP restriction. He said that the west wind was more important for the district than what had been claimed by R8. He did not agree with R8 that the west and west-south-west wind occurred only 5.7% of time in a year and was of limited beneficial effect to the district. He explained that the AVA EE Study commissioned by PlanD was based on three sources of data, namely, Hong Kong Observatory (HKO) weather station at King's Park, the simulated wind availability data (MM5) and the experimental wind data. According to the data at King's Park weather monitoring station, west wind occurred more than 21% of time in the summer and contributed to more than 10% of time annually. The simulated and experimental wind data had confirmed this point. Hence, he had different views on the importance of west wind with the AVA consultants of R8.

71. Mr. Calvin Chiu referred to the AVA report submitted by R8 which indicated that the Site Spatial Average Velocity Ratio (SVR) of the preferred scheme (0.17) was slightly higher than that of the baseline scheme (0.16) whereas the Local Spatial Average Velocity Ratio (LVR) were the same under both the baseline scheme and preferred scheme (0.18). It was based on this assessment that R8 considered that the air ventilation performance of the preferred scheme was better than the baseline scheme. However, he pointed out that the result was mainly due to the difference in weighting assigned to the importance of the west wind. He referred to the specific velocity ratio of some monitoring test points (O20 to O29) along Ka Shin Street and Fuk Chak Street to the east of the Skyway House site as presented in R8's AVA submission. The data indicated that the air ventilation performance under the baseline scheme was much better than the preferred scheme in terms of velocity ratio of the south-west, west-south-west and west

wind. In particular, the velocity ratio for one of the test points at Ka Shin Street was zero (O29) which indicated no inflow of wind under the preferred scheme by R8. Therefore, he did not agree that the preferred scheme was better than the baseline case.

72. Mr. Rumin Yin, the AVA consultant of R8, said that the AVA submitted by R8 followed the guidelines published by PlanD under the Technical Circular for AVA. He referred to paragraph 2.2.4 of PlanD's AVA EE Study in Annex II of the Paper which stated clearly that according to the Wind Rose result at King's Park station, the westerly, easterly and southerly wind was found prevailing in summer while easterly wind, west wind and northerly wind was prevailing wind annually. There was therefore a need to consider wind from all these directions, instead of just westerly wind which only contributed to about 20% of time in summer and 10% of time annually. Hence, 3-D computer modelling was required to compare the air ventilation performance of the schemes. As shown in the findings of the AVA study by R8, the average velocity ratio of the preferred scheme at various focus areas including Ka Shin Street were much better than the baseline scheme. The prevailing westerly wind was obstructed by the existing high rise building such as Island Harbourview and The Long Beach and the wind was diverted from entering into the wind corridor proposed by PlanD. The shifting of the building gap to the northern boundary of the site would therefore allow the diverted wind to blow through the site towards the inland area, thus contributing to the overall improvement in air ventilation performance in the surrounding areas.

R10 – Pioneer Centre

73. A Member asked R10 to justify the need for the three levels of E&M services and the high proportion of retail floorspace under the proposed development scheme. Mr. Kenneth To (R10) replied that for the existing Pioneer Centre, about 45% of the floor space was currently for retail use and 55% for office use. He said that the same proportion of retail office uses was adopted in the proposed redevelopment scheme. For the proposed E&M floors, Ms. Grace Cheung (R10) explained that there were currently three and a half levels of E&M services in Pioneer Centre, with some additional E&M facilities at the rooftop. The large amount of E&M facilities was to cater for the relatively high proportion of retail and food and beverage uses within the building. She said that the market demand for office space in Pioneer Centre was far less than that of the

retail floor space, probably due to the substandard office floor space with a low headroom of 2.5m. In fact, three upper floors had already been converted to retail use in addition to the existing seven retail floors. The same Member commented that while the existing three levels of E&M services were included when the building was constructed in 1990s, the same amount of space might not be required nowadays when the size of the E&M facilities had been reduced. That Member asked R10 if the proposed floor plan for the E&M services was available and Ms. Grace Cheung (R10) said that the information was not available at this meeting.

74. Ms. Grace Cheung (R10) said that the representer had planned for the redevelopment of the existing building since 2002/2003. The redevelopment plan was delayed as the owner had been requested by Transport Department, MTR Corporation Limited and the District Council since 2004 to improve the pedestrian subway network linking up the site to the MTR Station and Bute Street. A building plan had recently been submitted to include the proposed pedestrian subway network which addressed all parties' concern and such provision was mainly aimed to benefit the public.

75. Ms. Grace Cheung (R10) said that the imposition of the current BHR of 100mPD on the site had affected the redevelopment plan. She said that the proposed BHR of 160mPD was not excessive in view of the need to accommodate the current proportion of retail and office uses and a typical commercial office building. By referring to a section plan, she said that the BHR of 100mPD would result in a floor-to-floor height of 1.8m for office use (assuming 11 storeys of retail floor with floor-to-floor heights of 5 to 6m and three levels of E&M services of floor-to-floor heights of 3.5m) in order to achieve the permissible PR of 13.5. If a reasonable floor-to-floor height of 3.6m was to be adopted for office use under BHR of 100mPD, the resultant office GFA and total GFA would be reduced by 50% and 20% respectively, relative to the permitted PR of 13.5 for the site. In this regard, the Chairman doubted if a 11-storey retail centre with floor-to-floor height of 6 to 7m assumed under the proposed scheme with BH of 160mPD was commonly found in Hong Kong and thus a reasonable assumption for a development in Mong Kok.

BHR along Nathan Road

76. A Member asked PlanD to explain why some selected sites along Nathan Road had a higher BHR of 120mPD whereas other sites along Nathan Road were subject to a lower BHR. Mr. C.K. Soh, DPO/TWK, replied that a BHR of 100mPD was generally adopted for the “C” sites along Nathan Road. As recommended by the AVA, a higher BHR of 120mPD was proposed at some “C” sites along Nathan Road adjacent to the MTR Prince Edward Station (between Prince Edward Road West and Boundary Street) and between Mong Kok Road and Argyle Street to create or amplify the downwash effect of wind to the pedestrian level around the buildings so as to enhance the local air ventilation performance at the inner part of the area. A higher BHR for those sites overshadowed by Langham Place of 260mPD would not help encourage the downwash effect of wind to the pedestrian level. Besides, a BHR of 120mPD was not imposed at the Pioneer Centre site to encourage the downwash effect in view of the good air ventilation performance in its surrounding area. Apart from the air ventilation perspective, the BHR of 120mPD and 100mPD for different sites along Nathan Road would allow some variation in the BH profile and better air ventilation performance.

Lower BHR of 60mPD

77. The Chairman noted the concern of some representers and asked PlanD’s AVA consultant to explain the rationale behind the imposition of a lower BHR of 60mPD in some parts of the area. In response, Mr. Calvin Chiu said that according to the AVA, the prevailing annual wind came from the northeast and the prevailing summer wind was mainly from the south-west and east directions. Buildings close to the waterfront or at major wind entrances should have a lower BH so as to allow wind to enter into the inland area. As such, a relatively lower BHR of 60mPD was imposed at the site on the western part of the planning scheme area near Kok Cheung Road which allowed the inflow of westerly wind. A lower BHR of 60mPD was also imposed at sites near Flower Market Road at the eastern side of the planning scheme area which together with the existing playground, soccer pitch and railway alignment, acted as a major wind entrance for the north-easterly wind.

Methodology on AVA

78. A Member asked PlanD’s AVA consultant to give view on R9’s (REDA)

claim that PlanD's AVA was not a three-dimensional (3-D) assessment and was therefore not acceptable. Mr. Calvin Chiu, PlanD's AVA consultant, replied that the current AVA EE Study was a qualitative assessment of the wind environment in the Mong Kok area, which served to identify problem areas and to propose mitigation measures. It was conducted from a 3-D perspective by assessing the wind performance at pedestrian level under different BHR scenarios. Hence, it was not a 2-D assessment. For more detailed quantitative assessment, wind tunnel test or Computational Fluid Dynamics (CFD) modelling would need to be conducted. Professor Barry Will (R9) however did not agree with PlanD's response and considered that some kind of 3-D modelling (as presented on the visualiser for Members' reference) should be conducted for the AVA. For instance, a wind tunnel test should be carried out to gather baseline data and then a computer model should be built for the simulation of the wind environment. Mr. Calvin Chiu explained that the study scope of the subject AVA was a qualitative assessment under which the 3-D air ventilation condition had already been taken into account. He confirmed that no 3-D modelling such as wind tunnel test had been conducted in the AVA.

New Information

79. Mr. Ian Brownlee (R4) raised concern on the fact that PlanD's representative had presented new information in relation to the broad assumptions on the achievable GFA for specific sites as well as the AVA data which were not available to the representers and the Board before the hearing. He said that as a matter of procedure, all information should be provided beforehand to all parties attending the hearing and any responses to the representers' submissions should be provided in writing to the representers. In this regard, the Board should not use the new information as basis for making decision. He said that the representers had tabled information at the meeting because they were prohibited from submitting new information prior to the hearing. Mr. Brownlee further objected to the broad assumptions adopted by PlanD in estimating the achievable GFA on individual sites. He said that R4 had presented detailed assessment and drawings on their proposal at the Grand Tower site which should be used as a basis for the consideration of the Board.

80. Mr. Kenneth To (R10) noted from the table presented by PlanD that about 20 storeys with a floor-to-floor height of 4m to 5m were assumed for the future redevelopment of Pioneer Centre under a BHR of 100mPD. He considered that the

assumption was unrealistic as the existing Pioneer Centre was already of 25 storeys. Hence, he had doubt on the accuracy of the assumptions used in the table and said that the information should be provided to the representers for verification before the meeting. He further said that the Board should not make its decision based on wrong assumptions presented by PlanD.

81. As requested by the Chairman, Mr. C.K. Soh explained that the information contained in the table was assessment made by PlanD to ensure that development at the individual sites would be able to accommodate the permissible PR/GFA under the OZP with the imposition of the BHR. Noting that some of the representers claimed that the permissible PR/GFA could not be accommodated under the BHR, he considered it necessary to explain the basis of PlanD's assessment and the broad assumptions used. He said that the assumptions adopted by PlanD and the representers might not be the same.

82. In view of R4 and R10's concern on the table presented by PlanD, a Member said that the Board had already noted the different assumptions provided by PlanD and the representers and would ensure that all the elaboration on and clarifications of matters contained in the TPB Paper would be duly considered before making decision on the representations.

83. Another Member asked if the table presented by PlanD contained completely new information as compared with that contained in the Paper. Mr. C.K. Soh, DPO/TWK, clarified that the table was only a summary of the underlying assumptions that had been adopted by PlanD in assessing if the permissible PR/GFA under the OZP with the BHR was achievable at the sites, and the findings were contained in the TPB paper. They were not new information but clarifications and elaboration only. That Member said that the Board would listen to all elaboration and clarifications put forth by both PlanD and the representers and thoroughly considered them before making decision on the representations.

84. Mr. Ian Brownlee (R4) said that PlanD's responses in the TPB paper to the submission made by the representer in relation to the Grand Tower site was only a general statement that the permissible PR/GFA could be accommodated after the imposition of BHR, and there was no detailed figure to verify the statement. He said that the Board had

a duty to enquire and investigate into the matter when different information was presented by the representers and PlanD on the same site.

85. Mr. Kenneth To (R10) said that the BHR on the OZP would not enable the representer to build up to his desired level. Though PlanD claimed that under the proposed BHR, the future development could still accommodate the permissible PR/GFA under the OZP, there was a misconception that good quality buildings would still be possible. He said that from the developer's perspective, the BHR which was formulated with impractical assumptions would only result in sub-standard building design.

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

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

Deliberation Session

87. The Chairman invited Members to consider the representations taking into consideration all the written submissions and the oral elaboration and clarifications presented at the meeting.

New Information

88. Noting the concern of some representers on the information presented by PlanD, the Chairman confirmed that it was the general principle and established practice of the Board that only elaboration and clarifications on the representations but no new information submitted by representers would be accepted by the Board. He noted that DPO/TWK had clarified that the table showing the broad assumptions in formulating the BHR for individual sites was presented at the meeting to clarify and respond to the points

made by the representers only. Hence, there was no unfair treatment for the Board to accept the clarification made by DPO/TWK at the hearing. Members agreed and confirmed that they had all along based their decisions on the information in the TPB Paper and the elaboration and clarifications presented at the meetings.

SBD Guidelines

89. The Chairman noted that some representers claimed that relaxation of BHR was required to encourage sustainable building design. He clarified that the SBD guidelines were not a statutory requirement. The requirements under SBD Guidelines were the prerequisite for the granting of GFA concession under the Buildings Ordinance. However, developers did not have to follow the SBD Guidelines if they chose not to apply for GFA concession. The new measures on SBD Guidelines and the OZP development controls on BHR, NBA and setback were under two separate regimes and were complementary, rather than duplicating with each other. Members considered that the two regimes had no conflict with one another. Good building design should be encouraged on various fronts.

90. In response to some representers' concern on the combined effect of the BHR and the SBD Guidelines on building development, the Secretary said that the BHRs were formulated prior to the introduction of the SBD Guidelines and hence the implication of the new measures under the SBD Guidelines had not been taken into account in formulating the BHR. However, she said that as clarified by the Chairman, the OZP control and the new measures on SBD Guidelines were under two separate regimes. Under the provision of the OZP, developers could apply to the Board for minor relaxation of BHR, by demonstrating to the Board that there were planning merits arising from the implementation of the SBD guidelines.

91. A Member opined that the SBD Guidelines were measures introduced by the Government to promote a quality and sustainable built environment, after a thorough public engagement process with stakeholders. After hearing the representations, that Member was concerned that it might give a wrong impression to the building industry that the Board was not promoting such new measures by imposing BHR under the OZP. Whilst that Member agreed to maintain the current BHR on the OZP, a clear message

should be conveyed to the building industry that the Board would consider the compliance with the SBD Guidelines as planning merits during the consideration of planning application for minor relaxation.

92. On this point, the Chairman clarified that in considering planning applications for minor relaxation of BHR, all planning gains and design merits, not restricted to those promoted under the SBD Guidelines, would be taken into account by the Board.

Building Design and Minor Relaxation Clause

93. A Member noted some representers' concern that the imposition of BHRs would result in sub-standard building design, even though the future development would be able to achieve the permissible PR/GFA under the OZP as claimed by PlanD. That Member considered that the Board might need to review the long-term implications of BHRs on the built environment and building design. Nevertheless, that Member did not support any of the representations.

94. The Chairman said that the BHRs were formulated based on a set of reasonable assumptions on building design but agreed that the baseline scenarios prepared by PlanD might not necessarily reflect the intention of the developers. However, what was important was that there was provision for application for minor relaxation of the BHRs under the OZP to cater for development schemes with planning and design merits. Members agreed that if no scheme had been developed for the consideration of the Board, it would be improper for the Board to arbitrarily set BHRs and accept the proposals, which were not based on concrete schemes, as presented by the representers. Besides, even if higher BHRs were set to cater for redevelopments which were claimed to have planning and design merits, once they were set, there was no mechanism to ensure that the merits would materialize. The system for applications for minor relaxation under s.16 or zoning amendment to cater for major relaxation under s.12A could ensure that.

95. The same Member however considered that the minor relaxation provision might not be able to cater for some high quality building design which required a sustainable increase in BHR. Hence, the Board needed to decide the quality of building that should be expected under the BHR.

96. As requested by the Chairman, the Secretary elaborated on the following points:

- (a) the BHRs were formulated by PlanD based on a set of reasonable assumptions, which had ensured that the permissible PR/GFA under the OZP could be accommodated in the future development at the sites. However, there would be some cases where more stringent BHRs were imposed for planning or air ventilation reason, such as the two representation sites (R6 and R8) at Kok Cheung Street at the western side of the planning scheme area near the wind entrance. A lower BHR might impose certain constraint on the future residential development at the “R(E)1” site. Having said that, the developer could apply to the Board for minor relaxation of the BHR for development proposal with design merits and planning gains that met the relevant criteria as set out in the ES of the OZP;
- (b) relaxation of BHRs on the OZP would not necessarily guarantee good building design as developers tended to maximize the street frontages for a better view, which resulted in wall buildings. Rather, the provision of minor relaxation clause would allow planning control on the future design and provide incentive for developers to submit innovative development proposal with design merits and planning gains under the planning application mechanism;
- (c) PlanD had prepared baseline development schemes based on a set of broad assumptions so as to demonstrate that the permissible PR/GFA could be accommodated under the BHR. These assumptions might not reflect the intention of the developer;
- (d) the BHRs would not lead to a uniform and monotonous BH profile as the private lots in Mong Kok were mainly small lots and the future development might not be able to achieve the maximum PR/GFA and the BHR as permitted under the OZP; and

- (e) the Board should consider whether the representation sites involved were at a strategic location which warranted special consideration on the BHR based on their individual site circumstances.

97. A Member considered that the current BHR on the OZP should be maintained and that any further relaxation should be considered by the Board through the planning application mechanism, taking into account the design merit and planning gains of the proposal. That Member did not agree that the BHR would have a significant impact on the quality of building design as that was subject to market demand. That Member also did not consider it likely that Pioneer Centre and Grand Tower, which were relatively new buildings, would be redeveloped in the foreseeable future. That member did not support the relaxation of BHR for these two sites at this point in time in the absence of any concrete and acceptable redevelopment schemes.

98. Mr. Jimmy Leung, D of Plan, noted that some representers had raised concern that the minor relaxation provision would not be able to cater for the need of their development schemes as the BHR had not taken into account the existing PR of the site which resulted in unacceptable floor-to-floor height, e.g. the Grand Tower site. He considered that had these special site circumstances not been taken into account in the formulation of BHR, the Board should then consider whether it would be appropriate to amend the BHR to meet the representations. On this point, Members noted that the existing PR of Grand Tower and Pioneer Centre which were higher than the permissible PR under the OZP had been taken into account in formulating the BHR.

99. A Member noted some representers' comment that the BHR under the OZP was formulated based on wrong assumptions and methodology and the Board had intended to remedy its wrong decision through s.16 application for minor relaxation of BH. The Secretary said that PlanD had adopted a set of assumptions in preparing the baseline development scenarios for individual sites in formulating the BHR. She reiterated that there might be cases when more stringent BHRs and NBA were imposed for planning and air ventilation reasons. However, there was provision for minor relaxation of the BHR and NBA requirement through planning application mechanism.

100. To conclude, the Chairman said and Members agreed that the general assumptions on building design adopted by PlanD in assessing whether the BHRs were sufficient to accommodate the permissible PR/GFA under the OZP were reasonable and acceptable, and that the formulation of BHRs had taken into account all relevant factors.

Prior Consultation

101. As regards some representers' concern on the need for prior public consultation before the imposition of the BHRs, Members noted that the amendments involving BHR should not be released to the public prior to gazetting of the OZP. The reason was that 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. The Chairman added that the exhibition process itself was a public consultation under the Ordinance to seek representation and comment on the OZP. Members agreed that the relevant representations should not be upheld.

AVA

102. In view of a representer's concern on the lack of 3-D modelling in PlanD's AVA, the Chairman said that given that there was no information on the design of individual buildings, the current qualitative assessment by AVA EE Study was sufficient to identify the problem area and the proposed mitigation measures under the baseline scenario. In case of application for minor relaxation of BHR, it would be up to the applicant to demonstrate the air ventilation performance of the proposed development with the support of a specific AVA for the site. A Member agreed that the AVA EE Study had already provided sufficient information on the direction of air flow and the air ventilation performance of different planning scenarios. Specific AVA for individual site should be undertaken at the s.16 planning application stage. Other Members agreed.

Grand Tower (R4)

103. A Member noted R4's claim that the existing PR, which was higher than the PR restriction of 12 under the OZP, had not been taken into account in formulating the BHR for the Grand Tower site. On this point, Members noted that the existing PR had in

fact been adopted in the baseline development scenario prepared by PlanD for the site and hence agreed that the BHR was sufficient to accommodate the permissible PR/GFA.

104. Members noted that the relaxation of the BHR for the site to 179mPD as proposed by the representer would not help encourage the downwash effect of wind to pedestrian level for improving the local air ventilation performance. Members did not support the relaxation.

Tai Chi Factory Building (R6 & R7)

105. Members noted that R6 and R7 objected to the BHR of 60mPD (80mPD for site larger than 400m²) at the Tai Chi Factory Building site as it would affect design flexibility and requested for a relaxation of BHR to 110mPD. The Secretary said that according to the AVA, the site was located at the western side of the planning scheme area which was an important location to allow the inflow of westerly wind. The imposition of a lower BHR was to facilitate airflow into the inner area.

106. A Member did not support the proposed relaxation of BHR at the site and considered that further relaxation of BHR supported by planning and design merits should be considered by the Board through the planning application mechanism. Other Members agreed.

Skyway House (R8)

107. Members noted that R8 requested for a relaxation of the BHR to 96.05mPD and to relocate the building gap to the northern boundary of the site to improve air ventilation. Members noted that the imposition of a lower BHR at the site was to facilitate the flow of westerly wind into the inner area as recommended by PlanD's AVA and hence did not support the relaxation of BHR.

REDA (R9)

Spot Zoning

108. Members noted that R9 (REDA) alleged that the spot zoning approach had violated the broad principle of planning that the object of the OZP was to indicate only the broad principles of development. On this point, Members noted that as they had been told before, according to previous legal advice, sections 3 and 4 of the Ordinance gave the Board comprehensive powers to control development in any part of Hong Kong. Hence, 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. Members noted and agreed not to uphold this part of representation submitted by R9 (REDA).

NBA and Setback

109. Members noted that R9 (REDA) also queried on the legal basis for the Board to impose NBA and setback requirement on the OZP. Members considered that designation of NBA, building gap and setback requirements on the OZP could serve 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 and was based on sufficient justifications. Members agreed not to uphold this part of representation submitted by R9.

Relaxation Scheme of the Tsim Sha Tsui OZP

110. On R9's proposal to adopt a relaxation scheme similar to that for the Tsim Sha Tsui OZP, Member noted that Mong Kok Area was very different in character from Tsim Sha Tsui which was a commercial high-rise node recognised in the UDG. Hence, it was inappropriate to apply the approach adopted for the Tsim Sha Tsui OZP to the subject OZP. Member agreed that to cater for site-specific circumstances and schemes with planning and design merits, there was already provision for application for minor relaxation of the BHRs. Members did not agree to R9's proposal.

Blanket Relaxation of BHR

111. Members also agreed that there was no justification or assessment put forth by R9 in support of the proposed blanket increase of BHR by 20m to 40m and did not support

R9.

Pioneer Centre (R10)

112. A Member considered that there was insufficient information put forward by R10 to justify the need for the large amount of E&M services and retail floors as proposed under the representers' scheme. That Member considered that the existing three levels of E&M provision were included when the building was constructed in 1990s and the same amount of space might not be required nowadays when size of the E&M facilities had generally been reduced. That Member also considered that the floor-to-floor height of the retail level of about 6 to 7m for 11 storeys was unexceptionally high and hence did not support the relaxation of BHR proposed by R10. Another Member also considered that the proposed scheme put forth by R10 was not an innovative design which warranted a relaxation of BHR. Other Members agreed.

113. After deliberation, Members noted the support to various amendments items by R2 and R3 and agreed that part of R2 and R3 which opposed to the change of the existing industrial buildings between Beech Street and Elm Street, and between Beech Street and Anchor Street for residential use were not related to any amendment to the OZP and should be treated as invalid.

114. Members generally agreed not to uphold the remaining Representation Nos. R4, R6, R7, R8, R9 and R10, and part of R2 and R3. Members then went through the reasons for not upholding the representations as stated in paragraphs 7.2.1 to 7.2.2 of the Paper and considered that they should be suitably amended.

Representation No. R2

115. After further deliberation, the Board decided not to uphold part of Representation No. R2 for the following reasons:

BHRs

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the BH upon development/redevelopment and to meet public

aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall BH profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped BH concept, local characteristics, existing BH profile, site formation level and site constraints, the zoned land uses of the site concerned, development potential, the wind performance of the existing condition and the recommendations of the AVA, had been taken into consideration. The BHRs had struck a balance between public aspirations for a better living environment and private development right;

- (b) there was no strong justification in the representation for imposing more stringent BHR on the bus/minibus terminus at Mong Kok East Station or rezoning the WSD's Mong Kok Office, FEHD's Depot at Sai Yee Street, the open carpark at Luen Wan Street and Kowloon Funeral Parlour; and

NBA, Building Gap and Setback Requirements

- (c) provision of more and wider NBAs/setback restrictions/wind corridor 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.

Representation No. R3

116. After further deliberation, the Board decided not to uphold part of Representation No. R3 for the following reason:

- (a) there was no strong justification in the representation for rezoning the WSD's Mong Kok Office, FEHD's Depot at Sai Yee Street, and the open carpark at Luen Wan Street; and
- (b) creative industries were permitted in the purpose-designed non-industrial portion or the lower floors of an existing industrial building, and a Column

2 use under the “R(E)” zoning.

Representation No. R4

117. After further deliberation, the Board decided not to uphold Representation No. R4 for the following reasons:

BHRs

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the BH upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall BH profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped BH concept, local characteristics, existing BH profile, site formation level and site constraints, the zoned land uses of the site concerned, development potential, the wind performance of the existing condition and the recommendations of the AVA, had been taken into consideration. The BHRs had struck a balance between public aspirations for a better living environment and private development 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 or piecemeal deletion/relaxation of BHRs for individual sites was not supported as it was not in line with the intended planning control and would result in proliferation of high-rise developments, undermining the overall purpose of imposing BHRs and adversely affect the existing townscape and character of the Area;
- (c) the BHRs would not result in larger building bulk. Whether a building was considered bulky or massive depended on many factors other than BH alone. Given the tendency to maximise the best view in certain direction and to capitalise the land value of the lower floors, a development with

more relaxed BHR might be even taller and bulkier. The provision of better building design sustainable buildings was not guaranteed;

- (d) there would not be adverse impacts on the development intensity permitted under the OZP and property value in general and the BHRs would not jeopardize the incentive for redevelopment; and

One Grand Tower and Two Grand Tower, No. 639 Nathan Road

- (e) relaxing the BHR of the site as proposed would create “canyon” effect at Portland Street and between the site and Langham Place Hotel worsening the air ventilation condition at pedestrian level.

Representation No. R6

118. After further deliberation, the Board decided not to uphold Representation No. R6 for the following reasons:

BHRs

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the BH upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall BH profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped BH concept, local characteristics, existing BH profile, site formation level and site constraints, the zoned land uses of the site concerned, development potential, the wind performance of the existing condition and the recommendations of the AVA, had been taken into consideration. The BHRs had struck a balance between public aspirations for a better living environment and private development 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 or piecemeal deletion/relaxation of BHRs for individual sites was not supported as it was not in line with the intended planning control and would result in proliferation of high-rise developments, undermining the overall purpose of imposing BHRs and adversely affect the existing townscape and character of the Area;

- (c) the BHRs would not result in larger building bulk. Whether a building was considered bulky or massive depended on many factors other than BH alone. Given the tendency to maximise the best view in certain direction and to capitalise the land value of the lower floors, a development with more relaxed BHR might be even taller and bulkier. The provision of better building design sustainable buildings was not guaranteed;
- (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;
- (e) the new measures on Sustainable Building Design (SBD) and the OZP restrictions on BHR, NBA, building setback/gaps were under two separate regimes. They were complimentary, rather than duplicating each other. Unlike the requirements on OZP which were determined based on specific district circumstances and conditions, the SBD Guideline focused on the building design at a site level and were applicable to all building developments with no reference to specific district characteristics;

Nos. 11-15 Kok Cheung Street

- (f) the site was located at the western fringe of Mong Kok which was important for the inflow of westerly wind and was separated from the comprehensive developments in the West Kowloon area by major roads. There was a gap of about 50m wide between The Long Beach and Hampton Place so that westerly sea breeze could flow to inland area to reach the site which, as recommended by the AVA, the BH should be kept

relatively low and provision of building gap was needed;

- (g) given the importance of the westerly wind to the area, a building gap of 13m wide at 20mPD had been stipulated on the representation site as recommended by the AVA to improve air ventilation along Ka Shin Street and to allow wind distribution to further downwind area under westerly wind;
- (h) with an area of about 2,670m², the site should be sizable enough to allow a reasonable scope for redevelopment including the provision of the building gap. The BHRs should not be obstacles to redevelopment;

Nos. 25-29 Kok Cheung Street

- (i) the site was located at the western fringe of Mong Kok which was important for the inflow of westerly wind and was separated from the comprehensive developments in the West Kowloon area by major roads. Though there were existing high-rise developments to the west of the site, there existed a gap of about 50m wide between The Long Beach and Hampton Place so that westerly sea breeze could flow to inland area to reach the site which, as recommended by the AVA, the BH should be kept relatively low and provision of building gap was needed; and
- (j) in the absence of any agreed redevelopment proposal, there was no sufficient justification to support the proposed relaxation of the BHR. Besides, there was no information provided in the representation to support that the relaxation of the BHR for the site could enhance air ventilation performance and no environmental assessment to substantiate the environmental issues raised.

Representation No. R7

119. After further deliberation, the Board decided not to uphold Representation No. R7 for the following reasons:

BHRs

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the BH upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall BH profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped BH concept, local characteristics, existing BH profile, site formation level and site constraints, the zoned land uses of the site concerned, development potential, the wind performance of the existing condition and the recommendations of the AVA, had been taken into consideration. The BHRs had struck a balance between public aspirations for a better living environment and private development 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 or piecemeal deletion/relaxation of BHRs for individual sites was not supported as it was not in line with the intended planning control and would result in proliferation of high-rise developments, undermining the overall purpose of imposing BHRs and adversely affect the existing townscape and character of the Area;

- (c) the BHRs would not result in larger building bulk. Whether a building was considered bulky or massive depended on many factors other than BH alone. Given the tendency to maximise the best view in certain direction and to capitalise the land value of the lower floors, a development with more relaxed BHR might be even taller and bulkier. The provision of better building design sustainable buildings was not guaranteed;

- (d) there would not be adverse impacts on the development intensity permitted under the OZP and property value in general and the BHRs would not jeopardize the incentive for redevelopment;

- (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;

Nos. 25-29 Kok Cheung Street

- (f) the site was located at the western fringe of Mong Kok which was important for the inflow of westerly wind and was separated from the comprehensive developments in the West Kowloon area by major roads. Though there were existing high-rise developments to the west of the site, there existed a gap of about 50m wide between The Long Beach and Hampton Place so that westerly sea breeze could flow to inland area to reach the site which, as recommended by the AVA, the BH should be kept relatively low and provision of building gap was needed; and
- (g) in the absence of any agreed redevelopment proposal, there was no sufficient justification to support the proposed relaxation of the BHR. Besides, there was no information provided in the representation to support that the relaxation of the BHR for the site could enhance air ventilation performance and no environmental assessment to substantiate the environmental issues raised.

Representation No. R8

120. After further deliberation, the Board decided not to uphold Representation No. R8 for the following reasons:

BHRs

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the BH upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall BH profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design

Guidelines, existing topography, stepped BH concept, local characteristics, existing BH profile, site formation level and site constraints, the zoned land uses of the site concerned, development potential, the wind performance of the existing condition and the recommendations of the AVA, had been taken into consideration. The BHRs had struck a balance between public aspirations for a better living environment and private development 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 or piecemeal deletion/relaxation of BHRs for individual sites was not supported as it was not in line with the intended planning control and would result in proliferation of high-rise developments, undermining the overall purpose of imposing BHRs and adversely affect the existing townscape and character of the Area;
- (c) there would not be adverse impacts on the development intensity permitted under the OZP and property value in general and the BHRs would not jeopardize the incentive for redevelopment;
- (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;

Nos. 11-15 Kok Cheung Street

- (e) the site was located at the western fringe of Mong Kok which was important for the inflow of westerly wind and was separated from the comprehensive developments in the West Kowloon area by major roads. There was a gap of about 50m wide between The Long Beach and Hampton Place so that westerly sea breeze could flow to inland area to reach the site which, as recommended by the AVA, the BH should be kept relatively low and provision of building gap was needed;

- (f) given the importance of the westerly wind to the area, a building gap of 13m wide at 20mPD had been stipulated on the representation site as recommended by the AVA to improve air ventilation along Ka Shin Street and to allow wind distribution to further downwind area under westerly wind. The proposed relocation of the building gap to the northern boundary of the site would worsen the visual permeability along Ka Shin Street as originally intended by the stipulation of the building gap. In the absence of any agreed redevelopment proposal, there was no sufficient justification to support the proposed relaxation of the BHR and the relocation of the building gap at 20mPD. There was provision for application for minor relaxation of the BHRs under the OZP should a specific redevelopment scheme was drawn up;
- (g) with an area of about 2,670m², the site should be sizable enough to allow a reasonable scope for redevelopment including the provision of the building gap. The BHRs should not be obstacles to redevelopment; and
- (h) the AVA Study of Mong Kok had made reference to comprehensive sources of wind data in assessing the wind availability in the area. It would not be appropriate to adopt a single source of wind data as in the submission which might have undermined the importance of westerly wind (especially in summer time) towards the site and the inner part of Mong Kok.

Representation No. R9

121. After further deliberation, the Board decided not to uphold Representation No. R9 for the following reasons:

BHRs

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the BH upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall BH profile of the Area. In formulating the

BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped BH concept, local characteristics, existing BH profile, site formation level and site constraints, the zoned land uses of the site concerned, development potential, the wind performance of the existing condition and the recommendations of the AVA, had been taken into consideration. The BHRs had struck a balance between public aspirations for a better living environment and private development 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 or piecemeal deletion/relaxation of BHRs for individual sites was not supported as it was not in line with the intended planning control and would result in proliferation of high-rise developments, undermining the overall purpose of imposing BHRs and adversely affect the existing townscape and character of the Area;
- (c) the BHRs would not result in larger building bulk. Whether a building was considered bulky or massive depends on many factors other than BH alone. Given the tendency to maximise the best view in certain direction and to capitalise the land value of the lower floors, a development with more relaxed BHR might be even taller and bulkier. The provision of better building design sustainable buildings was not guaranteed;
- (d) there would not be adverse impacts on the development intensity permitted under the OZP and property value in general and the BHRs would not jeopardize the incentive for redevelopment;
- (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;
- (f) sections 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 sections 3 and 4 of the Ordinance if there were necessary and sufficient planning justifications;

NBA, Building Gap and Setback Requirements

- (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) according to the Urban Design Guidelines, Tsim Sha Tsui was recognised 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;
- (i) the relaxation of the NBA, setback and building gap requirement for one site would affect the effectiveness of their planning intention. The wording ‘exceptional circumstances’ was included in the minor relaxation clause of setback requirements to cater for the situation that only in some exceptional cases under which the requirement could not be met due to site constraints but the planning objectives would be achieved in other forms ;
- (j) the standard clause allowing for the permitted PR to be exceeded as defined in section 22(1) or (2) of the Building (Planning) Regulations had been stipulated in Remarks of the “C”, “Comprehensive Development Area” (“CDA”), “R(A)”, “R(E)”, “OU(Multi-storey Car/Lorry Park)”, “OU(Funeral Parlour)” and “OU(B)” zones in the Notes; and

Representation No. R10

122. After further deliberation, the Board decided not to uphold Representation No.

R10 for the following reasons:

BHRs

- (a) the purpose of imposing BHRs in the Area was to provide better planning control on the BH upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall BH profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped BH concept, local characteristics, existing BH profile, site formation level and site constraints, the zoned land uses of the site concerned, development potential, the wind performance of the existing condition and the recommendations of the AVA, had been taken into consideration. The BHRs had struck a balance between public aspirations for a better living environment and private development 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 or piecemeal deletion/relaxation of BHRs for individual sites was not supported as it was not in line with the intended planning control and would result in proliferation of high-rise developments, undermining the overall purpose of imposing BHRs and adversely affect the existing townscape and character of the Area ;
- (c) the BHRs would not result in larger building bulk. Whether a building was considered bulky or massive depends on many factors other than BH alone. Given the tendency to maximise the best view in certain direction and to capitalise the land value of the lower floors, a development with more relaxed BHR might be even taller and bulkier. The provision of better building design sustainable buildings was not guaranteed;
- (d) there would not be adverse impacts on the development intensity permitted

under the OZP and property value in general and the BHRs would not jeopardize the incentive for redevelopment;

- (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;

No. 750 Nathan Road

- (f) since the representation site was facing two existing/planned open space at j/o Nullah Road/Nathan Road and j/o Lai Chi Kok Road/Nathan Road, relaxing the BHR for the site would not help to encourage the downwash of wind to the pedestrian level for improving the local air ventilation performance. On the other hand, relaxing the BHR for the site would defeat the purpose of imposing the setback requirement at Sai Yeung Choi Street South to improve the air ventilation condition at pedestrian level; and
- (g) location alone was not a reason for a higher BH. The proposal of creating a landmark building and to have a setback at the representation site had not been supported by details. It was not possible to assess the merits of such proposal. The representer had also not demonstrated that the proposed relaxation of the BH would not affect the air ventilation performance of the adjacent air path at northeast-southwest axis along Nullah Road and Cheung Wong Road.

123. The meeting was adjourned for a break at 4:10 p.m.

124. The meeting was resumed at 4:15 p.m.

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

Mr. Thomas Chow

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Professor S.C. Wong

Principal Environmental Protection Officer (Strategic Assessment)
Environmental Protection Department

Mr. H.M. Wong

Director of Planning

Mr. Jimmy Leung

Agenda Item 6

[Open Meeting]

Kai Tak Development Stage 2 Public Engagement on Preservation of Lung Tsun Stone Bridge Remnants

(TPB Paper No. 8791)

[The meeting was conducted in Cantonese.]

126. The following representatives of the Study team were invited to the meeting at this point:

Mr. Eric Yue	-	District Planning Officer / Kowloon, Planning Department (PlanD)
Mr. Anthony Lo	-	Head (Kai Tak Office), Civil Engineering and Development Department (CEDD) (ag)
Mr. Peter Chui	-	Senior Engineer/ 6 (Kowloon), CEDD
Mr. Kevin Sun	-	Curator (Archaeology), Antiquities and Monuments Office (AMO)
Mr. Y.W. Yeung	-	AECOM Asia Co. Ltd.

127. The Chairman extended a welcome and invited the Study team to brief Members on the paper.

128. With the aid of a powerpoint presentation, Mr. Anthony Lo made the following main points as detailed in the paper:

- (a) background - CEDD held a two-stage public engagement exercise to collect public views on how best the Lung Tsun Stone Bridge (the Bridge) remnants unearthed during the archaeological investigations for the Kai Tak Development could be preserved and presented. The public engagement was conducted under the advice of the Commissioner for Heritage and in collaboration with AMO and PlanD;

- (b) purpose of briefing - to report on views collected at the Stage 1 public engagement and to seek comments and suggestions from Members on matters for the Stage 2 public engagement;

Stage 1 Public Engagement - Understanding Concerns and Envisioning

- (c) the Stage 1 public engagement was carried out in mid 2010 with the aim to enhancing public understanding of the issue and seeking public views on the overall principles and approaches for the preservation of the Bridge remnants;
- (d) the Board was consulted on 4.6.2010. The Wong Tai Sin and Kowloon City District Councils, the Antiquities Advisory Board and Planning Sub-committee of the Land and Development Advisory Committee were consulted in May and July 2010. Two community envisioning workshops cum site visits were conducted in June 2010;
- (e) the mainstream views collected in the Stage 1 public engagement were:
 - (i) the Bridge remnants should be preserved “in-situ”;
 - (ii) all parts of the Bridge remnants should be preserved and displayed;
 - (iii) damaged or missing parts of the Bridge remnants should not be restored if there was insufficient information, so as to avoid any “mock antiquity”;
 - (iv) the preservation approach should target to restore the historical ambience of the Bridge, but not to imitate the past setting deliberately. Architectural design of the adjacent buildings should complement the Bridge’s preservation plan;
 - (v) connection of the Bridge remnants site with neighbouring

heritage resources, in particular with Kowloon Walled City Park, should be provided;

- (vi) the adjacent developments and the underground shopping street in Kai Tak Development should be integrated with the Bridge remnants site;
- (vii) installation of armoured glass cover was not preferred as misting would affect viewing;
- (viii) installation of real or simulated waterscape in restoring the Bridge's past setting should be considered; and
- (ix) exhibition and other interpretation facilities should be considered;

Stage 2 Public Engagement – Building Consensus and Moving Forward

- (f) the Stage 2 public engagement was being carried out with the purpose of building consensus on land requirement for preserving the Bridge remnants and connectivity with neighbouring heritage resources. Views on approaches of exhibiting the Bridge remnants would also be collected to provide the basis for formulation of design guidelines;

Key Proposals for Consensus Building

- (g) Bridge preservation corridor - to provide a 25m-wide preservation corridor to allow in-situ preservation of the remnants of the Bridge, the Pavilion for Greeting Officials, former Kowloon City Pier and excavated sections of seawalls. Such a preservation corridor would allow adequate circulation space and a suitable surrounding for public enjoyment and accommodating display facilities;
- (h) creating suitable ambience – the design of the Bridge preservation corridor should reflect the historic ambience of the Bridge as a traffic

node and business hub and should integrate with the urban design of Kai Tak Development. Two approaches were being considered:

- (i) the vibrant approach which involved revitalisation of the remnant precinct by infusing commercial elements to attract more patronage. However, over-commercialisation should be avoided; and
 - (ii) the tranquil approach which emphasized appreciation of the Bridge remnants in a quiet landscaped environment. However, it would be necessary to avoid an isolated setting with low patronage;
- (i) connectivity with the neighbourhood – at the Stage 1 public engagement, the public urged for a more direct connection between the Bridge preservation corridor and neighbouring heritage resources (in particular the Kowloon Walled City Park), that were located to the north across Prince Edward Road East (PERE). Such pedestrian connection should have regard to the convenience and ease of access for visitors and connectivity with cultural heritages. Two options for pedestrian crossings over PERE were being considered:

Elevated Walkway Option

- (i) to cross PERE via a section of the curvilinear landscaped elevated walkway as delineated on the approved Kai Tak Outline Zoning Plan (OZP). The landscaped elevated walkway, about 12m wide, would allow for a spacious and comfortable walking environment. However, the open environment of the elevated walkway across the PERE with busy traffic would make it difficult to create a suitable setting and ambience for the heritage experience;
- (ii) another technical difficulty was that the southern crossing of the

curvilinear elevated walkway had to be built over an existing flyover and hence had to be at a very high level. It was estimated that there would be a 5-storey level difference between the elevated walkway and the ground levels at Shek Ku Lung Road Playground and a 7 to 8-storey level difference between the elevated walkway and the Bridge remnants site;

- (iii) given that the elevated walkway had to be at a very high level and its landing would be some 100m from the Bridge preservation corridor, it was considered to be inconvenient for visitors;

Pedestrian Subway Option

- (iv) to provide a direct pedestrian subway directly connecting the Bridge preservation corridor with the Shek Ku Lung Road Playground across PERE. Taking account of the structures of the existing flyover along PERE, a subway of at least 5m wide could be provided;
- (v) the enclosed setting of the subway would make it easier to create a suitable ambience for the heritage experience. However, the enclosed space might not be comfortable for pedestrians and drainage and ventilation facilities had to be provided;

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

Rationalisation of Planned / Proposed Pedestrian Facilities across PERE

- (vi) in the vicinity of the Bridge preservation corridor, there would be five pedestrian connections within a distance of about 600m. Those connections comprised the two landings of the planned curvilinear elevated walkway, a planned subway for the Kai Tak Development, and two subway connections (between the Kai Tak

River / Kai Tak Development and the Bridge preservation corridor / Shek Ku Lung Road Playground) under study. There was room for rationalisation of those pedestrian facilities; and

- (vii) the curvilinear elevated walkway could be shortened by eliminating the southern crossing of the elevated walkway near the Bridge preservation corridor. Instead, visitors could be diverted to use the proposed subway to cross PERE. Hence, it was no longer necessary to build the walkway over the existing flyover and the overall level of the walkway could be lowered to be more compatible with the settings of Kai Tak River and the Bridge preservation corridor;

- (j) initial public comments collected in the Stage 2 public engagement thus far were as follows:
 - (i) the Bridge preservation corridor should be not less than 25m wide;
 - (ii) majority views supported using a direct subway connection rather than a section of the elevated walkway to cross PERE. However, some commenters still preferred retaining the elevated walkway option open; and
 - (iii) for ambience, a hybrid of the vibrant and tranquil approaches mentioned earlier was preferred but in any case, the precinct of the Bridge remnants site should not be too commercialised.

[Mr. Laurence L.J. Li left the meeting at this point.]

129. Members thanked the Study team for providing the briefing. Pertaining to specific issues, the following views and questions were expressed by Members:

- (a) the Bridge preservation corridor and its connection with the heritage

resources in Kowloon City (including the Kowloon Walled City Park) was very important for the area;

- (b) two Members indicated support for the subway option. One of those Members considered that it would be easier to create a suitable ambience inside a subway to enhance the heritage experience;
- (c) the curvilinear elevated footbridge should be landscaped and be wide enough to enhance the walking experience;
- (d) if a subway option was proposed to connect with the Bridge preservation corridor, why was it necessary to retain the curvilinear elevated walkway which appeared visually dominating?
- (e) why was a subway proposed to connect the Kai Tak River between Kowloon City and the Kai Tak Development beneath PERE rather than at-grade walkways? and
- (f) what was the pedestrian flow capacity for a 5m wide subway?

130. In response to Members' questions, Mr. Anthony Lo responded as follows:

- (a) that curvilinear elevated walkway as delineated on the OZP was a response to public views collected in 2006 during the Kai Tak Planning Review. It was intended to connect the Kai Tak Development with Kowloon City and San Po Kong and would be landscaped to provide a pleasant walking experience and become a landmark gateway to the Kai Tak Development. The elevated walkway option (near the Bridge preservation corridor) only involved the southern section of the walkway connecting Kowloon City and the Kai Tak Development. The remaining section of that curvilinear elevated walkway was needed to provide pedestrian connection between San Po Kong and the Kai Tak Development. Work had already commenced on that remaining section of the elevated walkway;

- (b) provision of an at-grade crossing over PERE and along the Kai Tak River (i.e. the converted Kai Tak Nullah) was not feasible as PERE was a trunk road with many heavily trafficked car lanes. Hence, a pedestrian subway was proposed; and
- (c) the 5m wide subway would provide sufficient capacity for pedestrian flow. As a reference, the subway to the old Kai Tak Airport which was heavily used was only 4.5m wide. At detailed design stage, it would be explored whether the subway could be widened.

131. The Chairman thanked the Study team for their briefing to Members and they all left the meeting at this point.

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

Agenda Item 8

[Open Meeting]

Request for Deferral for Review of Application No. A/NE-MUP/63

Temporary Open Storage of New and Scrap Stainless Steel for a Period of 3 Years in "Agriculture" zone, Lot Nos. 758 S.B RP (Part) and 767 S.B (Part) in D.D. 46 and Adjoining Government Land, Sha Tau Kok Road, Fanling
(TPB Paper 8803)

[The meeting was conducted in Cantonese.]

132. The Secretary reported that on 18.4.2011, the applicant submitted a request for deferment of consideration of the review application for two months to allow time for the applicant to prepare supplementary information to address the outstanding departmental comments on the application. The justifications for deferment met the criteria set out in 'Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications Made Under the Town Planning Ordinance' (TPB PG-No. 33) in that the applicant needed more time to prepare

supplementary information to address the outstanding departmental comments, the deferment period was not indefinite, and that the deferment would not affect the interests of other relevant parties.

133. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant. The Board also agreed that the review application should be submitted for its consideration within three months from the date of receipt of further submission from the applicant. The Board also agreed to advise the applicant that two months were allowed for preparation of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-LFS/213

Temporary Open Storage of Containers with Ancillary Container Repair Workshop for a Period of 3 Years in "Residential (Group E)" zone, Lots 1709 (Part), 1710 (Part), 1711 (Part), 1712 (Part), 1713, 1714 (Part), 1715 (Part), 2276 S.A (Part), 2277 S.A, 2277 S.B (Part), 2278, 2279 S.A, 2279 S.B (Part), 2280 (Part), 2285 (Part), 2286, 2287, 2288, 2289, 2291, 2292, 2294, 2295, 2296 (Part), 2302 (Part), 2305 (Part), 2306, 2310, 2311, 2312, 2313, 2314 S.A (Part), 2314 RP (Part), 2317 (Part), 2318, 2320 (Part), 2321, 2322, 2323, 2324, 2325 S.A, 2325 S.B, 2325 RP, 2326 (Part), 2327 (Part), 2328, 2329, 2344 S.A (Part), 2344 S.B (Part), 2348 (Part), 2349 (Part), 2352 (Part) and 2353 (Part) and Adjoining Government Land in D.D. 129, Lau Fau Shan, Yuen Long (TPB Paper 8804)

[The meeting was conducted in Cantonese.]

134. The Secretary reported that on 28.3.2011, the applicant submitted a request for deferment of consideration of the review application for two months in order to allow time for a nearby local resident to submit a support letter for the review application upon the applicant's commitment to relocate the ancillary container repair workshop at least 50m away from the resident's dwelling. The justifications for deferment met the criteria set out in 'Town Planning Board Guidelines on Deferment of Decision on Representations,

Comments, Further Representations and Applications Made Under the Town Planning Ordinance' (TPB PG-No. 33) in that the applicant needed to wait for a support letter from a nearby local resident, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties but was to ensure that the interests of the nearby resident would not be adversely affected.

135. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant. The Board also agreed that the review application should be submitted for its consideration within three months from the date of receipt of further submission from the applicant. The Board also agreed to advise the applicant that two months were allowed for preparation of further information and that no further deferment would be granted due to the short approval period of one year granted by the Rural and New Town Planning Committee on 23.12.2010.

Agenda Item 10

[Open Meeting]

Request for Deferral for Review of Application No. A/YL-HT/707

Proposed Filling of Pond for Permitted Agricultural Use in "Agriculture" zone, Lot No. 399 RP (Part) in D.D. 128, Ha Tsuen, Yuen Long (Part)
(TPB Paper 8807)

[The meeting was conducted in Cantonese.]

136. The Secretary reported that on 15.4.2011, the applicant submitted a request for deferment of consideration of the review application for two months in order to allow time for the applicant to prepare supporting document in response to departmental comments. The justifications for deferment met the criteria set out in 'Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications Made Under the Town Planning Ordinance' (TPB PG-No. 33) in that the applicant needed more time to prepare supporting document in response to departmental comments, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

137. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant. The Board also agreed that the review application should be submitted for its consideration within three months from the date of receipt of further submission from the applicant. The Board also agreed to advise the applicant that two months were allowed for preparation of further information and that no further deferment would be granted unless under very special circumstances.

Agenda Item 11

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/18 (TPB Paper No. 8805)

[The meeting was conducted in Cantonese.]

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

- | | |
|--|---|
| Mr. H.M. Wong
<i>(as Principal Environmental Protection Officer (Strategic Assessment) of Environmental Protection Department (EPD))</i> | - the proposed amendment to the OZP that was related to the proposed South East New Territories Landfill Extension (SENTLFX) project was the subject of representations. The project was under the purview of EPD |
| Mr. Fletch W.W. Chan
<i>(as the Principal Assistant Secretary (Transport), Transport and Housing Bureau)</i> | - being an alternative Member of the Mass Transit Railway Board. Mass Transit Railway Corporation Limited (MTRCL) was one of the representers (R2475) |
| Mr. Felix W. Fong and Professor P.P. Ho | - having current business dealings with Cheung Kong (Holdings) Ltd./Hutchison Whampoa Ltd. (CKH/HWL). MTRCL |

- joint venture with CKH to develop the LOHAS Park which was a residential development close to the proposed landfill extension project
- Mr. Roger K.H. Luk - being a Member of the Board of Directors of Octopus Card Ltd. in which MTRCL was a major shareholder. MTRCL was one of the representers (R2475)

139. Members noted that Mr. Felix W. Fong had tendered apologies for being not able to attend the meeting and Mr. Fletch W.W. Chan and Prof. P.P. Ho had already left the meeting. As the item was procedural in nature and no deliberation was required, Mr. H.M. Wong and Mr. Roger K.H. Luk could be allowed to stay in the meeting.

140. The Secretary reported that the draft Tseung Kwan O OZP No. S/TKO/18 was exhibited for public inspection under section 5 of the Town Planning Ordinance on 7.5.2010. During the two-month exhibition period, a total of 2,479 valid representations were received. On 30.7.2010, the representations were published for public comments for three weeks and 205 comments were received.

141. All representations were related to amendment items A1, A2 and A3 about the SENTLF and its proposed extension. Two of those representations (R1 and R2468) were also related to amendment item B in respect of rezoning of a site at the northern and middle part of Pak Shing Kok (Area 78) to “Government, Institution and Community (7)” (“G/IC(7)”) for fire services training school cum driving training school, and amendment item C regarding rezoning of a site at the southern part of Pak Shing Kok to “G/IC(8)” for a private hospital and future Government, institution or community uses.

142. It was suggested that all the representations be heard by the full Board in two groups as follows and there was no need to resort to the appointment of a Representation Hearing Committee:

Group 1 : collective hearing for two representations (No. R1 and R2468) and two related comments (Nos. C1 and C164) in relation to amendment items B

and C

Group 2: collective hearing for 2,479 representations (No. R1 to R2479) and 205 related comments (Nos. C1 to C205), which generally opposed amendment items A1, A2 and A3.

143. After deliberation, the Board agreed that the representations should be heard collectively in two groups by the Board in the manner as proposed in paragraphs 2.1 and 2.2 of the Paper.

Agenda Item 12

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

144. There being no other business, the meeting was closed at 5:00pm.