

## TOWN PLANNING BOARD

**TPB Paper No. 10512**  
**For Consideration by the**  
**Town Planning Board on 17.1.2019**

**DRAFT WAN CHAI OUTLINE ZONING PLAN NO. S/H5/28**  
**CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/H5/28 - 1 TO 75**  
**AND COMMENTS NO. TPB/R/S/H5/28 - C1 TO C9**

**DRAFT WAN CHAI OUTLINE ZONING PLAN NO. S/H5/28  
 CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/H5/28-1 TO 75  
 AND COMMENTS NO. TPB/R/S/H5/28-C1 TO C9**

<b>Subject of Representations (Amendment Item)</b>	<b>Representers (No. TPB/R/S/H5/28-)</b>	<b>Commenters (No. TPB/R/S/H5/28-)</b>
<p><b><u>Item A</u></b>            Revision of the building height restriction (BHR) for the “Commercial” (“C”) zones bounded by Johnston Road to the north and Tonnochy Road to the west, and the “C” zone bounded by Hennessy Road to the south and Percival Street to the west from 130mPD to 135mPD</p> <p><b><u>Item B</u></b>            Revision of the BHR for the “C(4)” zone at Jaffe Road/Lockhart Road from 80mPD to 110mPD</p> <p><b><u>Item C</u></b>            Revision of the BHR for the sub-area (b) of the “C(6)” zone at Wing Fung Street from 120mPD to 135mPD</p> <p><b><u>Item D</u></b>            Revision of the BHR for the “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”) zones bounded by Wan Chai Road, Morrison Hill Road, Canal Road West and Hennessey Road from 110mPD to 135mPD</p> <p><b><u>Item E1</u></b>            Revision of the BHR for the “Residential (Group A)” (“R(A)”) zone to the south of Queen’s Road East (QRE) from 100mPD to 110mPD</p>	<p><b>TOTAL : 75</b></p> <p><b><u>Support (5)</u></b></p> <p><b><u>All Items (1)</u></b>  <b>R1</b> : Individual</p> <p><b><u>Item A (2)</u></b>  <b>R2</b> : Lee Theatre Realty Limited</p> <p><b>R3</b>: Leighton Property Company Limited</p> <p><b><u>Items A and C (1)</u></b>  <b>R4*</b>: Cherish Shine Limited</p> <p><b><u>Items A and E3 (1)</u></b>  <b>R5*</b>: The Real Estate Developers Association of Hong Kong (REDA)</p> <p>(*R4 and R5 also raised objection to selected items i.e. R4 on Item E1; and R5 on Items B to D, E1, E2 and E4)</p> <p><b><u>Oppose (70)</u></b></p> <p><b><u>All Items (43)</u></b>  <b>R6</b>: Development, Planning and Transport Committee (DPTC), Wan Chai District Council (WCDC)</p> <p><b>R7</b>: YEUNG Suet Ying, Clarisse (WCDC Member)</p> <p><b>R8 to R48</b>: Individuals</p>	<p><b>TOTAL : 9</b></p> <p><b><u>Support R1 (1)</u></b>  <b>C1</b>: Individual  <i>(Also as R1)</i></p> <p><b><u>Support R2 &amp; R3 (2)</u></b>  <b>C2 &amp; C3</b>: Individuals</p> <p><b><u>Support R4 &amp; R5 (2)</u></b>  <b>C4 &amp; C5</b>: Individuals</p> <p><b><u>Oppose R49 (1)</u></b>  <b>C6</b>: Individual</p> <p><b><u>Agree with R1 &amp; R5 (part), R6 to R43, R49, R50 and R54 to R75 and Oppose/Not Agree with R2, R3, R4, R5(part) and R53(1)</u></b>  <b>C7</b>: YEUNG Suet Ying, Clarisse (WCDC Member)  <i>(Also as R7)</i></p> <p><b><u>Support R6 to R48 (1)</u></b>  <b>C8</b>: Owners’ Committee of One Wan Chai</p> <p><b><u>Providing Comments (1)</u></b>  <b>C9</b>: Individual  <i>(Also as R8)</i></p>

<p><b><u>Item E2</u></b> Revision of the BHR for the “R(A)” zone at 21-23A Kennedy Road (KR) from 120mPD to 140mPD</p> <p><b><u>Item E3</u></b> Revision of the BHR for the “Residential (Group B)” (“R(B)”) zone at Monmouth Terrace from 140mPD to 150mPD</p> <p><b><u>Item E4</u></b> Revision of the BHR for the “R(A)” zone and “R(A)5” zone at Oi Kwan Road from 90mPD to 110mPD</p> <p><b><u>Item F1</u></b> Deletion of the non-building area (NBA) requirement on the two sides of the “Other Specified Uses” annotated “Historical Building Preserved for Hotel, Commercial, Community and/or Cultural Uses” zone at Gloucester Road/Jaffe Road and stipulation of BHR of 4 storeys for the areas concerned</p> <p><b><u>Item F2</u></b> Deletion of the NBA on the two sides of the “C(4)” zone at Jaffe Road/Lockhart Road and stipulation of BHR of 110mPD for the areas concerned</p> <p><b><u>Item G1</u></b> Deletion of the building gap (BG) requirement on the two sides of the “Government, Institution or Community” (“G/IC”) zone of Lockhart Road Municipal Services Building at 225 Hennessy Road and revision of the BHR from 19mPD to 12 storeys for the areas concerned</p> <p><b><u>Item G2</u></b> Deletion of the BG requirement on the side of the “G/IC” zone of Hennessy Road Government Primary School at 169 Thomson Road and revision of the BHR from</p>	<p><b><u>All Items except E1 (1)</u></b> <b>R49:</b> Individual</p> <p><b><u>All Items except G1 to G3(1)</u></b> <b>R50:</b> Green Sense</p> <p><b><u>Items A and E1 (1)</u></b> <b>R51:</b> Individual</p> <p><b><u>Item A (1)</u></b> <b>R52:</b> Individual</p> <p><b><u>Item B (1)</u></b> <b>R53:</b> Individual</p> <p><b><u>Item E1 (22)</u></b> <b>R54 to R75:</b> Individuals</p>	
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<p>19mPD to 8 storeys for the area concerned</p> <p><b><u>Item G3</u></b> Deletion of the BG requirement to the “R(A)” zone at parts of sites at 93-99 and 101 Wan Chai Road and revision of the BHR from 19mPD to 110mPD for the area concerned</p>		
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Note: The names of all representers and commenters are attached at **Annex V(b)**. Soft copy of their submissions is sent to the Town Planning Board Members via electronic means/CD-Rom at **Annex VI** (for TPB Members only); and is also available for public inspection at the TPB’s website at [https://www.info.gov.hk/tpb/en/plan\\_making/S\\_H5\\_28.html](https://www.info.gov.hk/tpb/en/plan_making/S_H5_28.html) and the Planning Enquiry Counters of the Planning Department in North Point and Sha Tin. A set of hard copy is deposited at the TPB Secretariat for Members’ inspection.

## **1. Introduction**

- 1.1 On 4.5.2018, the draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/28 (**Annex I**) was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). The Schedule of Amendments setting out the amendments is at **Annex II** and the locations of the amendment items are shown on **Plan H-1**.
- 1.2 During the two-month exhibition period, a total of 75 representations were received. On 3.8.2018, the representations were published for three weeks for public comments. A total of 9 comments were received.
- 1.3 On 12.10.2018, the Town Planning Board (the Board) agreed to consider the representations (**R1 to R75**) and comments (**C1 to C9**) collectively in one group. This paper is to provide the Board with information for consideration of the representations and comments. A summary of the grounds of representations and comments and their proposals, and responses of the Planning Department (PlanD) to the representations and comments as well as their proposals is at **Annex V(a)**. The representers and commenters have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

## **2. Background**

- 2.1 The previous amendments incorporated into the draft Wan Chai OZP No. S/H5/26 were subject to four Judicial Reviews (JRs). In response to the Court’s rulings on the JRs, a review of development restrictions including those on building height (BH), NBA, BG and setback (SB) taking into account the permissible development intensity, implications of Sustainable Building Design Guidelines (SBDG), and planning and design aspects were conducted for “C” (and its subzones), “R(A)” (and its subzones), “R(B)”, “R(E)” and “OU(MU)” zones on the OZP.

- 2.2 On 13.4.2018, the Board considered the proposed amendments to the draft Wan Chai OZP No. S/H5/27 and agreed that the proposed amendments are suitable for public inspection under section 7 of the Ordinance. The relevant TPB Paper No. 10415 is available at the Board's website at [https://www.info.gov.hk/tpb/en/papers/TPB/1168-tpb\\_10415.pdf](https://www.info.gov.hk/tpb/en/papers/TPB/1168-tpb_10415.pdf) and the minutes of the respective TPB meeting are at **Annex III**. Accordingly, the OZP renumbered to S/H5/28 was gazetted on 4.5.2018.

### **3. Consultation with the Wan Chai District Council**

The current amendments incorporated into the OZP were presented to the Development, Planning and Transport Committee (DPTC), Wan Chai District Council (WCDC) on 5.6.2018. In gist, WCDC Members expressed concern on the impacts that would be brought about by the relaxation of BHR including acceleration of acquisition and redevelopment of buildings as well as adverse impacts on traffic, air ventilation, visual and sky view. Some members were concerned about the deletion of NBAs (particularly to the NBAs on the two sides of the Ex-Wan Chai Police Station (Ex-WCPS) and Ex-Wan Chai Police Married Quarters (Ex-WCPMQ), revitalisation of Ex-WCPS bundled with commercial development, incompatibility of the proposed BH with the surroundings and nearby historical building, affecting the conservation of the existing buildings (e.g. 'Blue House' and the Ex-WCPS). PlanD's responses to the concerns raised by WCDC were recorded in the minutes of the meeting at **Annex IV**. The majority of WCDC Members attended the meeting objected to the amendments to the OZP. The chairperson of the DPTC also subsequently submitted a representation (**R6**) to the Board conveying the views expressed by WCDC members at that meeting.

### **4. The Representations**

#### **4.1 Subject of Representations**

- 4.1.1 There are a total of 75 representations. Out of which, five representations (**R1** to **R5**) are supportive but most of them (**R2** to **R5**) consider that the BHR should be further relaxed. Among the supporting representations, one representation submitted by individual (**R1**) supports the OZP and four representations submitted by three private companies (**R2**, **R3** and **R4**) and REDA (**R5**) support selected items (i.e. **R2** and **R3** on Item A; **R4** on Items A and C; and **R5** on Items A, E3, F1, F2, G1, G2 and G3). However, **R4** and **R5** also raised objection to selected items (i.e. **R4** on Item E1; and **R5** on Items B to D, E1, E2 and E4) (**Plans H-2 and H-2a**).
- 4.1.2 The remaining 70 representations (**R6** to **R75**) are opposing representations. Out of which, 43 representations were submitted by the chairperson of DPTC, WCDC (**R6**), a WCDC member (**R7**) and 41 individuals (**R8** to **R48**) objecting to all the Items. The representations submitted by the 41 individuals are collected by a WCDC member (**R7**) in the form of a standard table with similar objecting reasons as **R7**. The remaining 27 representations were submitted by a green group (**R50**)

and 26 individuals (**R49, R51 to R75**) objecting to selected Items (i.e. **R49** on all Items except E1; **R50** on all Items except G1 to G3; **R51** on Items A and E1; **R52** on Item A; **R53** on Item B; and **R54 to R75** on Item E1). Of which, **R54 to R75** (a total of 22 representations) were submitted in a standard form with varying objecting reasons to Item E1.

4.1.3 A summary of the representations and PlanD's responses, in consultation with the relevant government departments, is at **Annex V(a)**.

## 4.2 Supportive Representations

### General Grounds

4.2.1 **R1** supports the OZP as it can increase the gross floor area (GFA) in development and address land supply shortage problem.

### Specific Amendment Items/Specific Sites

4.2.2 **R2 to R4** support the revision of BHRs but they are of the view that the BHR should be further relaxed. Among the representers, **R2** and **R3** submitted their own schemes with higher BHRs for the sites of Lee Theatre Plaza (**R2**) and Leighton Centre (**R3**) to provide allowance for construction of quality building. **R2 to R5** support the revision of BHR of "C" zones under Item A. **R4** also supports revision of BHR for the sub-area (b) of "C(6)" zone under Item C as the BHR is reasonable given the location settings and **R5** also supports revision of the BHR for the "R(B)" zone at Monmouth Terrace under Item E3 and deletion of NBA and BG requirements at various locations under Items F and G. As mentioned in paragraph 4.1.1, **R4** and **R5** raise objection to selected items and are proposing for further relaxation of BHRs for some sites as detailed in paragraph 4.2.4 below.

4.2.3 The major grounds for further relaxation of the BHR of these representations can be summarised below:

#### *The Approach in Reviewing the BHR*

- (a) The general height profile for Wan Chai should balance a number of considerations and take into account the adequate BHRs to accommodate GFA with concessions allowed, visual relief, interesting skyline and preserving the views from major recognised viewpoints (**R4** and **R5**).
- (b) Due to the requirement of the Court of Final Appeal (CFA), it should not be sufficient for the Board to make a generalised assessment to suggest that the overall societal benefits of the zoning restrictions throughout the OZP are generally proportionate to the overall burdens on all affected land owners throughout the new draft OZP. It will be necessary for the Board to undertake a more micro level and specific assessment of whether the societal benefits of the particular restriction affecting the land owner in question are

proportionate to the burden on that particular land owner (**R2** and **R3**).

- (c) The Lee Theatre Plaza and Leighton Centre fall within the ‘triangle node’ between Times Square and Lee Garden One. The triangle node includes three landmark buildings namely Times Square, Lee Garden One and Hysan Place around 200mPD. There is no indication that the same conceptual approach is adopted for the representation sites when formulating the BHR (**R2** and **R3**).
- (d) General building plan for a building with 200mPD at the site of Leighton Centre was approved before the SBDG came into effect. The representer indicates that BHRs for some sites in Tsim Sha Tsui<sup>1</sup> are based on approved building plans (i.e. Harbour City and New World Centre) and queries the different approach in the formulation of BHR on the Wan Chai OZP (**R3**).

Assumptions in deriving BHR

- (e) The floor-to-floor height (FTFH) assumptions for working out the BHRs are too low and are unable to allow for top quality development as well as a mix of commercial uses in commercial development. The estimated BH for the residential buildings is too restrictive and doubtful. Therefore a statement of ‘design approach and/or less desirable building design such as lower FTFH would need to be applied for future development’ was made in the PlanD’s assumption. The BHR is based on a low FTFH (3m), which the common FTFH for residential buildings should be 3.5m. There is no reason why BHRs could not be relaxed so that reasonable modern building design can be achieved. The BHR so imposed should be able to accommodate GFA concessions given under Buildings Ordinance, take into account interesting building design and adequate building design standard, reflect the BH of approved general building plans, and balance with potential impact on private property rights (**R4** and **R5**).
- (f) FTFH nowadays are 5m (podium), 4.5m (typical commercial floors) and 3.15m (typical residential floors). Development industry considers that 6m FTFH for the ground floor of top quality commercial developments is required. A mix of office, retail and service activities now is common in many commercial buildings and flexibility in design of future commercial building should be given. Further relaxation of BHR would allow design flexibility to achieve modern building design and quality development. This would result in a more interesting skyline without any adverse visual impact at the vantage points selected by PlanD (**R2** to **R5**).

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<sup>1</sup> Tsim Sha Tsui is a commercial high-rise node recognised in the Urban Design Guidelines and the recognition of committed development under general building plans approvals is treated as an exception rather than a rule. Further responses to this representation ground are given in para. 6.4.2 (c) below.

- (g) The representers provided their alternative schemes at Lee Theatre Plaza site and Leighton Centre site which are illustrated in **Drawings H-1** and **H-2**, as extracted from the representations in **Annex VI**. The further relaxation from 135mPD to 165mPD for Lee Theatre Plaza site and from 135mPD to 200mPD for Leighton Centre site allows a building design to accommodate a 5m FTFH to cope with modern requirements, incorporate green features and amenities such as sky gardens, podium gardens, reduction in podium bulk for better air ventilation, and incorporate drop-off area, landscaped plaza and incorporate run-in and run-out to improve pedestrian and vehicular traffic flows. The proposed 165mPD for the Lee Theatre Plaza site and 200mPD for the Leighton Centre site would not result in adverse visual impact as it is not visible in any vantage points produced by PlanD, particularly to the viewing point at Stubbs Road Lookout. There is no justification given in the OZP amendment that why 135mPD is more appropriate than the alternative BHRs at the sites of Lee Theatre Plaza (**R2**) for 165mPD and Leighton Centre (**R3**) for 200mPD.

Urban Design and Visual

- (h) Wan Chai is a prime district with great potential for accommodating more Grade A commercial/office developments. The BHRs had not taken into account the prime location of Wan Chai which is well served by public transport. The BHR of 110mPD for the “C” zones bounded by Tonnochy Road/Hennessy Road/Percival Street/Gloucester Road is far below the standard in this area. The visual impact consideration for keeping the BHR of 110mPD for these “C” zones is not well substantiated. No significant visual impact is perceived when viewing from the Stubbs Road Lookout Point thereby affecting any public interest if the BHR is revised to 135mPD, to 165mPD for the Lee Theatre Plaza site or to 200mPD for the Leighton Centre site (**R2**, **R3** and **R5**).
- (i) Relaxation of BHR would allow flexibility in design and variation in BH (as not all of the sites would be built up to the maximum permitted), and avoid a monotonous/uninteresting height profile for buildings on both sides of QRE which BHR of 110mPD is applied (**R4** and **R5**). There is no reason why stepped BH profile should not be applied in the western part of Wan Chai; and not adopting BHR of 135mPD for the “R(A)” zone under Item E1 making it consistent with the BHR under Item C as well as the general rise of the BHs southward of QRE; and there should be a consistent BH profile for the residential area to the north of QRE which should be subject to BHR of 135mPD (**R4**).
- (j) The photomontages produced by PlanD without consideration of building efficiency and ignored the fact that many redevelopments would not be built to the maximum height in situation of more

relaxed BHRs **(R5)**.

Open Space to facilitate Air Ventilation

- (k) Wan Chai is a dense urban area with severe open space deficit. The Government should look for more land to develop open space in order to facilitate air ventilation. Rezoning the Ex-WCPMQ “C(4)” site to “Open Space” (“O”) is an effective way **(R5)**.

Minor Relaxation should not be used to justify the low BHRs

- (l) Reasonable BHRs should be set and minor relaxation should not be used to justify the low BHRs imposed on the OZP. If the Board is to rely on minor relaxation clause as a basis for setting unreasonably low BHRs then it could be considered to be acting unlawfully which was against the CFA’s judgement in relation to the Hysan case **(R5)**.

Setback Requirement

- (m) The OZP amendment ignored the representation R34 (to the previous version of the OZP No. S/H5/26) opposing the imposition of SB requirement. The SB requirement results in taking away private land without compensation. The SB requirement is imposed for air paths, rather than for road widening which can be covered by other relevant Ordinances such as Buildings Ordinance and the Roads (Works Use and Compensation) Ordinance. No provision under the Notes or the Explanatory Statement of the OZP indicating that the private land taken away for SB may be considered for bonus GFA in accordance with the normal practice **(R5)**.

Retention of “Commercial/Residential” (“C/R”) Zone

- (n) The OZP amendment also ignored the representation R34 (to the previous version of the OZP No. S/H5/26) proposing retention of “C/R” zone or wider application of the “OU(MU)” zone. R34 was of the view that the “C/R” zone should be re-instated. Otherwise, the flexibility of the “OU(MU)” zone should be demonstrated for extensive use e.g. the “R(A)” area along the western side of Morrison Hill Road and southern side of Wan Chai Road and the area between Stewart Road and Percival Street may be zoned “OU(MU)”. Moreover, relaxation or incentive scheme should be adopted to the “C” and “OU(MU)” zones, similar to that adopted by the Board for the Tsim Sha Tsui OZP<sup>2</sup>, to encourage amalgamation of small sites for development/redevelopment of quality and well designed commercial/office buildings **(R5)**.

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<sup>2</sup> Tsim Sha Tsui is a commercial high-rise node recognized in the Urban Design Guidelines and provision is given for relaxation of BHR on s.16 application for sites with an area not less than 1,800m<sup>2</sup> on individual merits. Further responses to this representation ground are given in para. 6.4.2 (r) below.

### Proposals from Supportive Representations

4.2.4 The proposals from supportive representations are listed below.

- (a) Relax the BHR for the “C” zone covering the Lee Theatre Plaza (**Plan H-13**) from 135mPD to 165mPD or such alternative amendments that the Board sees fit with the representer’s requirements (**R2**).
- (b) Relax the BHR for the “C” zone which covers Leighton Centre (**Plan H-13**) from 135mPD to 200mPD or such alternative amendments that the Board sees fit with the representer’s requirements (**R3**).
- (c) Apply a stepped building height in the western part of Wan Chai by relaxing the BHR of “R(A)” zone between Items A and C from 110mPD to 135mPD (i.e. as delineated on **Drawing H-3 and Plan H-6**) (**R4**).
- (d) Relax the BHR for the area to the north of Hennessy Road (i.e. as delineated on **Plan H-4**) from 110mPD to 135mPD and the BHR for the area zoned “C”, sub-area (b) of “C(6)” (i.e. Item C on **Plans H-4 and H-6**) and “OU(MU)” zones to the south of Hennessy Road (i.e. Item D on **Plan H-7**) from 135mPD to 150mPD (**R5**).
- (e) Relax the BHR for the residential zones to the south of Johnston Road and Wan Chai Road as well as residential sites on both sides of QRE (i.e. as delineated on **Plan H-6**) from 110mPD to 130mPD and the BHR for the residential zones adjacent to the western part of KR (i.e. including the “R(A)” zone under Item E2 and the “R(B)” zone as delineated on **Plan H-6**) from 120mPD and 140mPD to 150mPD (**R5**).
- (f) Rezone “C(4)” (**Plan H-5**) to “O” zone (**R5**).

### 4.3 Opposing Representations

4.3.1 **R6 to R48** object to all Items; **R49** objects to all Items except E1; **R50** objects to all Items except G1 to G3; **R51** objects to Items A and E1; **R52** objects to Item A; **R53** objects to Item B; and **R54 to R75** object to Item E1. All these representations (except **R53**) oppose the relaxation of BHR on OZP with 16 of them making proposals. **R53** opposes the revision of BHR of “C(4)” zone and submits proposal to adopt further relaxation of BHR for the whole Wan Chai area.

#### Opposition to Relaxation of BHR

4.3.2 The major grounds for opposing relaxation of BHR in these representations are summarised below:

Accelerating redevelopment and driving up property price

- (a) It will intensify urban sprawl and speed up acquisition and redevelopment of buildings, therefore leading to gentrification in the district and causing a drastic increase in property price. It will only benefit the developers in profit making rather than for the benefit of the general public (**R6, R7, R9 to R28, R31 to R45, R47, R48 and R50**).
- (b) Redevelopment of the old residential buildings in “OU(MU)” zone have displaced the sitting residents which would result in an imbalance development between commercial and residential developments and give rise to conflict between different users (**R7, R9, R11 to R27, R29 to R31 and R34 to R48, R50 and R52**).

Traffic and Pedestrian

- (c) Wan Chai is densely built with insufficient transport/traffic facilities, car parking spaces, vehicle and pedestrian roads. The existing developments in Wan Chai have not been fully utilised. Relaxation of BHR would encourage redevelopment and increase the development intensity (e.g. plot ratio (PR) and floor area) in the already congested Wan Chai causing further increase in pedestrian and traffic flow and affect the environment and residents in the area (**R6 to R28, R31 to R45, and R47 to R50**).

Visual, Air Ventilation and Living Environment

- (d) The relaxation of BHR would result in an increase in number of tall buildings which would lead to adverse impacts to visual and air ventilation (**R6 and R7**).
- (e) The revision of BHR under the OZP only emphasised the impact on the ridgeline and mountain backdrop from selected viewing points. There is no consideration on the impact to sky view factor (i.e. looking up from street level) and tall building will block sunlight penetration thereby leading to shadowing effect and deterioration of living environment (**R7, R10 to R19, R21 to R23, R25 to R29, R31, R32, R34, R35 R37 to R48 and R50**).
- (f) Views of the sky and mountain backdrops will be affected and the stepped BH concept that allows maximum views of the harbour and pleasure to both residents and staff working in commercial towers is being sacrificed. The wall effect would deprive many buildings behind of the harbour view enjoyment and well being of the entire community (**R8**).
- (g) Deletion of NBAs on the two sides of the Ex-WCPS site and Ex-WCPMQ site would reduce public space, affect air ventilation and reduce sunlight penetration (**R6, R7, R10 to R23, R25 to R27, R29 to R31, R33 to R35, R37 to R45, R47 and R50**).

- (h) The major impediment to good ventilation is the prevalence of high podium (**R8**).

Open Space Provision

- (i) Increase in BH of commercial and residential sites would attract more residents and workers to the district, however the OZP does not incorporate provision of additional open space for a district that is highly deficient. Moreover, the long delayed district open space around the Hong Kong Convention and Exhibition Centre is too distant and difficult to get to and to qualify as anything more than a tourist attraction (**R8**).

Public Interest in the OZP Amendment

- (j) The rezoning of the proposed amendments is contradictory to the rationale of the amendments made in 2010 (e.g. prevent out-of-context developments and designation of NBA, SB and BG requirements to facilitate air ventilation). The OZP amendment is exclusively for the interest of the developers. PlanD took the advantage of the court ruling to increase the BHs which are not the subject to any proceeding. The ruling concerned procedural issues and it is not mandatory to relax BHR to a certain limit (i.e. from 5 to 40%). The rights of the property owners are not absolute and the rights of the community must be respected. Moreover, it would not preclude developers from applying for additional BH through “minor relaxation” after relaxation of BHR (**R8**).
- (k) There is no public interest to revise the BHRs and delete the NBA and BG requirements, in particular no public interest in the revision of BHR of “C(4)” zone unless the developer agrees to pay an additional land premium to the Government; no public interest to delete the NBAs/BGs which allow the public to walk through and for the protection of historical building of Ex-WCPS; and the provision of minor relaxation in BHR means the development in commercial zones subject to BHR of 135mPD can be built up to 140mPD (**R49**).

Assumptions in deriving BHR

- (l) The assumptions used in working out the typical BH of commercial and composite building in Annexes D2 and D3 are doubtful. While HKPSG allows for site coverage of commercial buildings to exceed the stipulated standard of 60% for buildings over 61m, it does not say that the 15m podium should occupy the entire footprint (**R8**).

Revitalisation of the Ex-WCPS

- (m) There are concerns on the revitalisation of the Ex-WCPS (**Plan H-2**) bundled with commercial development, which could otherwise be used to solve the existing problems of lack of open space and G/IC facilities. This will deprive the public's right in using public space and the effectiveness in heritage conservation is in doubt (**R6, R7, R9, R11 to R27, R29, R30, R32 to R45, R47, R48 and R50**).

Incompatibility of the BHR and Conservation of the existing building in the district

- (n) **R54 to R75** oppose revision of BHR of the "R(A)" zones to the south of the QRE under Item E1 (**Plan H-2**) mainly for reasons of incompatibility of the proposed BH with the surroundings and nearby historical building; conservation of the existing buildings in the district; driving up land price; leading to decrease in flat size; crowded living condition and increase in temperature in the urban area; bringing adverse impacts on air ventilation, air quality, environment, traffic congestion, pedestrian environment, living environment, community, visual and sunlight penetration; provision of open space and public utilities, and public consultation for the proposed amendment is required.

Others

- (o) **R51** opposes Item A since the BHR of 210mPD for the commercial development of Hopewell Centre II at KR is higher than the revised BHR of 135mPD for the commercial sites under Item A; and opposes Item E1 since the proposed BH of the commercial development at 155 – 167 QRE under planning application is 90mPD. The representer also suggests extending BHR under Item E1 to an area in Hill Side Terrace, Nam Koo Terrace and Miu Kang Terrace (**Plan H-14**) under application for rezoning<sup>3</sup>.

4.3.3 The proposals in the opposing representations are listed below.

- (a) Adopt BHR of 207mPD for the proposed Hopewell Centre II (**Plan H-14**) in KR (**R51**).
- (b) Adopt BHR of 90mPD for 155 - 167 Queen's Road East (**Plan H-14**) under Item E1 (**R51**).
- (c) Extend BHR of Item E1 (i.e. 110mPD) to the Hill Side Terrace, Nam Koo Terrace and Miu Kang Terrace (**Plan H-14**) (**R51**).

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<sup>3</sup> The application (No. Y/H5/5) covering the area of Hill Side Terrace, Nam Koo Terrace and Miu Kang Terrace involves rezoning the area from "O", "R(C)" and "G/IC" to "Comprehensive Development Area" ("CDA") for development which comprises residential and commercial uses and preservation and adaptive re-use of the historical building of Nam Koo Terrace

- (d) Adopt BHR of 135mPD for the whole Wan Chai (**R53**).
- (e) Maintain BHR of 100mPD for areas covered by Item E1 (**R54** to **R57**, **R59** to **R62**, **R68** to **R71** and **R75**).

#### 4.4 Procedural Matters

4.4.1 **R5** (REDA) had made a representation (R34) against the amendments to the OZP No. S/H5/26, which was not upheld by the Board on 26.4.2011. REDA filed a JR against the Board's decision. The Court of First Instance (CFI) allowed the JR and ordered that the decision of the Board be quashed and remitted back to the Board for reconsideration. **R5** considers that some of the previous grounds of his representation (i.e. R34) were not responded to in the current round of OZP amendment and made the following main points:

- (a) Not all the issues raised in representation (R34) had been considered and REDA had not been invited to participate in the Board's consideration of OZP amendment. There was no formal rehearing of R34 as required in the Court's Orders. The Board inviting representations on the new draft OZP from the general public including the original representers, is not a satisfactory or compliant way to discharge the Court's specific Order. The OZP amendment does not cover all of the matters to which objection was made in the original representation R34 which must be reheard under the Court's Orders. If the Board takes the views that only those issues which have been accepted for the OZP amendment, REDA is of the view that the direction of the CFI have not been complied with.
- (b) Having regard to the above, REDA are prepared to take a pragmatic approach and had submitted representation related to both OZP No. S/H5/28 and OZP No. S/H5/26. REDA requested the Board to accept the pragmatic approach and confirm that it will fully consider those amendments items which it objected to in R34 on OZP No. S/H5/26 which have not been fully addressed in the amendments included in OZP No. S/H5/28 as part of the section 7 representation process. It also requested the Board to consider any amendments to OZP No. S/H5/28 in relation to such items and gazette those amendments under section 6B(8) or section 7 of the Ordinance.

4.4.2 Another JR against the Board's decision made on 26.4.2011 in respect of the OZP No. S/H5/26 was lodged by the current **R2** (Lee Theatre Realty Limited) and **R3** (Leighton Property Company Limited) which had jointly made representation No. R97 in respect of the BHR incorporated in the previous OZP for the area covering the Leighton Centre site and Lee Theatre Plaza site. Although the CFI dismissed the JR, the two representers' appeal was allowed by the Court of Appeal and further by the Court of Final Appeal on 26.9.2016. As ordered by the Courts, R97 has been remitted to the Board for reconsideration. Lee Theatre Realty

Limited and Leighton Property Company Limited separately submitted representations in respect of the current OZP, i.e. **R2** and **R3**, supporting the relaxation of the BHR and proposes further relaxation for Lee Theatre Plaza site and Leighton Centre site respectively.

## 5. Comments on Representations

5.1 A total of 9 comments have been received, and the major grounds raised are summarised as follows:

- (a) **C1** (*also as R1*) is submitted by an individual who supports the amendments to the draft OZP as it has considered the overall impact as well as the developments in the district.
- (b) **C2** and **C3** are submitted by two individuals who support R2 and R3. The grounds put forth by C3 including the BHR should be further relaxed for the Lee Theatre Plaza site (from 135mPD to 165mPD) and the Leighton Centre site (from 135mPD to 200mPD) so that high quality building can be developed.
- (c) **C4** and **C5** are submitted by two individuals who support R4 and R5 in opposing Item E1, and request further relaxation of the BHR from 110mPD to 135mPD for urban design reasons. **C4** supports R5's views on provision of more open space to facilitate air ventilation.
- (d) **C6** is submitted by an individual who opposes R49 since the reasons for opposing relaxation of BHR under Items A to D, E1\* and E3 are not justified because the relaxation of BHR is not accompanied by an increase in PR. Hence, there would be no increase in GFA and therefore no increase in impact on traffic (*\*E1 was not opposed by R49 in its representation*).
- (e) **C7** (*also as R7*) is submitted by a WCDC Member who agrees with R1, R5 (part), R6 to R43, R49, R50 and R54 to R75; and oppose/not agree with R2, R3, R4, R5 (part) and R53. In gist, the comment supports the views of representations that the amendments would speed up acquisition and redevelopment of old buildings; cause gentrification in the district; and affect air ventilation and block sunlight penetration. The amendments should balance community and economic development. There is also concern on preservation of the Ex-WCPS through privatisation. C7 supports **R5**'s proposal to rezone "C(4)" to "O" zone; and opposes the views/justifications of representations requesting for further relaxation of BHR mainly for the reason that it will only benefit the developers in profit making rather than for the benefit of the general public.
- (f) **C8** is submitted by the Owners' Committee of One Wanchai at No. 1 Wan Chai Road which supports R6 to R48 opposing all Items since the relaxation of BHR would make traffic condition worse and affect the living environment and street environment in the area.

- (g) **C9** (also as R8) is submitted by an individual who emphasises that the Court's ruling was on the process and procedures. Property right should be subject to restrictions.

## 6. Planning Consideration and Assessment

### 6.1 The Representation Sites and Its Surrounding Areas

#### The OZP Area

- 6.1.1 The OZP area (**Annex I**) (about 89.18 ha) is bounded by Gloucester Road to the north; Percival Street to the east; Leighton Road, QRE and KR to the south; and Monmouth Path and Arsenal Street to the west. The area is characterised by a mixture of commercial and residential developments. The major commercial area is at the northern part to the north of Johnston Road within "C" zone. Major residential districts are located to the south of Johnston Road and along the street blocks to the north and south of QRE and bounded by KR. Mixed uses including residential and commercial developments are located in Wan Chai Road. Some commercial developments including Wu Chung House, Hopewell Centre, Hopewell Centre II (under construction), Three Pacific Place are located in QRE. Low to medium rise buildings are located in the G/IC cluster at Morrison Hill Road which include primary and secondary schools, a swimming pool complex, hospitals and clinics, religious institutions, an ambulance depot and a stadium.
- 6.1.2 The site plan showing the areas subject of current amendments to the OZP and location plan showing the representations and comments are shown in **Plans H-1 to H-2a** and the existing BH profile for Wan Chai planning scheme area is shown in **Plan H-3**.

### 6.2 The Representation Sites

All Amendment Items are subject to adverse representations. A brief account of the representation sites is as follows.

- 6.2.1 **Item A** – The "C" zones bounded by Johnston Road to the north and Tonnochy Road to the west, and the "C" zone bounded by Hennessy Road to the south and Percival Street to the west (**Plans H-1, H-2a and H-4**).

The areas are located at the north and at the east of the OZP (existing site level of about 4mPD). They are the core commercial district of Wan Chai and are characterised with medium to high-rise commercial/residential buildings intermixed with some low to medium-rise composite buildings. The BHR for these "C" sites was relaxed from 130mPD to 135mPD under Item A.

6.2.2 **Item B** – The “C(4)” zone at Jaffe Road/Lockhart Road (**Plans H-1, H-2a, H-5 and H-5a**)

The representation site is located at the northern part of Wan Chai OZP with northern and southern sides fronting Jaffe Road and Lockhart Road respectively (existing site level of about 4mPD). The former police married quarters had been demolished and the site is vacant. The site was rezoned from “G/IC” to “C(4)” site in 2010 under the draft Wan Chai OZP No. S/H5/26. The hearing of the representations and comments on the subject rezoning was completed on 26.4.2011. The development within “C(4)” zone is intended for the development of hotel, commercial, community and/or cultural uses, as an integrated project with the preservation and adaptive re-use of the Ex-WCPS. The intention has been spelt out in the Explanatory Statement of the OZP. The BHR was relaxed from 80mPD to 110mPD under Item B.

6.2.3 **Item C** – Sub-area (b) of the “C(6)” zone at Wing Fung Street (**Plans H-1, H-2a, H-4 and H-6**)

The representation site is located at the western part of Wan Chai OZP close to Admiralty (existing site level of about 11mPD). It was rezoned from “R(A)” to the sub-area (b) of the “C(6)” zone to meet three of the representations on the draft Wai Chai OZP No. S/H5/26 upon hearing by the Board on 26.4.2011. Planning permission for commercial development is required under the Notes of “C(6)” zone to ensure the traffic impact of the proposed development will be duly addressed. The Metro Planning Committee (MPC) of the Board had approved an application for commercial/office development at the site on 6.1.2012 (A/H5/395) with a BH of 120mPD. The site is occupied by two existing medium-rise residential buildings with BH ranging 60mPD to 79mPD. The BHR was relaxed from 120mPD to 135mPD under Item C.

6.2.4 **Item D** – “OU(MU)” zones bounded by Wan Chai Road, Morrison Hill Road, Canal Road West and Hennessey Road (**Plans H-1, H-2a and H-7**)

The area is located to the north and to the east of the Morrison Hill’s GIC cluster at the south-eastern part of the Wan Chai OZP (existing site level of about 4mPD to 9mPD). The area is characterised with medium to high-rise commercial/residential buildings intermixed with some low to medium-rise composite buildings. The BHR of these “OU(MU)” zones was relaxed from 110mPD to 135mPD under Item D.

6.2.5 **Item E1** – “R(A)” zones to the south of QRE (**Plans H-1, H-2a and H-6**)

The area is located at the southern part of Wan Chai OZP to the south of QRE (existing site level of about 6mPD to 19mPD). The area is mainly occupied by a mixture of old and new, low to high-rise

residential developments with commercial uses on the lower floors. High-density commercial developments including Wu Chung House, Hopewell Centre, Hopewell Centre II (under construction) are located in the central part of QRE. The BHR was relaxed from 100mPD to 110mPD under Item E1.

6.2.6 **Item E2** – “R(A)” zone at 21-23A Kennedy Road (**Plans H-1, H-2a and H-6**)

The representation site is located to the north of KR with existing site level of about 51.5mPD. The site is occupied by two medium-rise residential buildings with BH ranging from 60mPD to 79mPD. The BHR was relaxed from 120mPD to 140mPD under Item E2.

6.2.7 **Item E3** – “R(B)” zone at Monmouth Terrace (**Plans H-1, H-2a and H-6**)

The representation site is located to the north of KR with existing site level of about 64mPD. The site is occupied by six medium to high-rise residential buildings with BH ranging from 88mPD to 158mPD. The BHR was relaxed from 120mPD to 140mPD under Item E3.

6.2.8 **Item E4** – “R(A)” zone and “R(A)5” zone at Oi Kwan Road (**Plans H-1, H-2a and H-7**)

The two representation sites are located within the GIC cluster at Morrison Hill with existing site level of about 6mPD to 7mPD. BHR of the subject zones was 90mPD, which was imposed to reflect the as-built condition. The BHR was relaxed from 90mPD to 110mPD under Item E4.

6.2.9 **Items F1 to F2 and G1 to G3** are about deletion of NBA and BG requirements with site details set out below (**Plans H-1, H-2a and H-8**):

- (a) **Item F1** – The amendment item relates to the strips of land each of 4m in width adjoining the Ex-WCPS building. The two strips of land are the former service lanes of the police station. Item F1 is about deletion of NBA requirement on the two sides of the “OU” annotated “Historical Building Preserved for Hotel, Commercial, Community and/or Cultural Uses” zone at Gloucester Road/Jaffe Road and stipulation of BHR of 4 storeys for the areas concerned.
- (b) **Item F2** – Deletion of the NBA requirement on the two sides of the “C(4)” zone at Jaffe Road/Lockhart Road and stipulation of BHR of 110mPD for the areas concerned. The two strips of land each of 4m in width are currently vacant together with the whole “C(4)” site.

- (c) **Item G1** – Deletion of the BG requirement on the two sides of the “G/IC” zone of Lockhart Road Municipal Services Building at 225 Hennessy Road and revision of the BHR from 19mPD to 12 storeys for the areas concerned. The two strips of land (each of 4m in width) are currently occupied by the above municipal building comprising wet market, public library and sport centre.
- (d) **Item G2** – Deletion of the BG requirement on the eastern side of the “G/IC” zone of Hennessy Road Government Primary School at 169 Thomson Road and revision of the BHR from 19mPD to 8 storeys for the area concerned. The strip of land of 4m in width is currently occupied by the school building.
- (e) **Item G3** – Deletion of the BG requirement to the “R(A)” zone at parts of the sites at 93-99 and 101 Wan Chai Road and revision of the BHR from 19mPD to 110mPD for the area concerned. The strip of land of 4m in width is currently occupied by a residential building at 93-99 Wan Chai Road.

### 6.3 Planning Intention

6.3.1 The planning intention of the zones which are the subjects of representations and comments are as follows:

- (a) “C” – primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre(s) and regional or district commercial/shopping centre(s). These areas are usually major employment nodes. The “C(4)” zone at the Ex-WCPMQ site is intended for the development of the site for hotel, commercial, community and/or cultural uses, as an integrated project with the preservation and adaptive re-use of the Ex-WCPS. The sub-area (b) of “C(6)” zone is intended primarily to encourage the redevelopment of the area into commercial/office uses with appropriate planning control to ensure the traffic impact of the proposed development will be duly addressed.
- (b) “R(A)” – primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
- (c) “R(B)” – primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- (d) “OU(MU)” – primarily for mixed non-industrial land uses. Flexibility for the development/redevelopment/conversion of residential or other uses, or a combination of various types of compatible uses including commercial, residential, educational,

cultural, recreational and entertainment uses, either vertically within a building or horizontally over a spatial area, is allowed to meet changing market needs.

6.3.2 To facilitate air ventilation, SB requirements for narrow streets perpendicular to QRE are maintained (**Plans H-9 and 9a to 9d**). A minimum SB of 1m from the lot boundary fronting Wing Fung Street, Anton Street, the portion of St. Francis Street between St. Francis Yard and QRE, Gresson Street, the portion of Spring Garden Lane between Johnston Road and QRE, Tai Yuen Street, and 39 and 41 KR as well as Wu Chung House fronting Yen Wah Steps, which are on the northern and southern sides of QRE is designated to facilitate the formation of air paths through these roads (**Plans H-10a to 10c**). SBs at the lots abutting these streets are required upon redevelopment. As designation of SB requirement is primarily for the purpose of above ground air ventilation, the SB requirements will not apply to underground developments.

6.4 Responses to grounds and proposals of Supportive Representations for relaxation of the BHR and Opposing Representations for Reasons of not enough relaxation

6.4.1 The supportive views of **R1** to **R5** are noted.

6.4.2 For the grounds and proposals of the representations **R2** to **R5** as detailed in paragraphs 4.2.2 to 4.2.4, PlanD, in consultation with relevant government departments, has the following responses:

*The Approach in Reviewing the BHR*

- (a) The key objective of BH control is to provide better planning control in guiding developments to avoid excessive tall and out-of-context development which would adversely affect the quality of the living environment including air ventilation. In the light of the Court's ruling on the JRs in relation to the OZP, a review of the BH and development restrictions on the OZP was conducted. The amendments incorporated into the current draft OZP have duly taken into account all relevant planning considerations, the SBDG requirements, urban design guidelines, air ventilation assessment (AVA) by expert evaluation (EE) undertaken in 2018 and permitted development intensity. The current BHRs for the representation sites are considered appropriate and have already allowed design flexibility for incorporation of SBDG requirements including greenery and/or design features on ground and at podium levels to improve both living and pedestrian environment.
- (b) As mentioned in Annex H2 of TPB Paper No. 10415, the Times Square together with the two other developments in the Causeway Bay Area, namely Lee Garden (208mPD) and Hysan Place (199mPD), have been recognised as landmark

developments which form a key destination for shopping and entertainment in Causeway Bay. However, there is no intention to let the BH of individual sites within the 'triangle node' formed by the above-mentioned three landmark buildings to have a BHR of 200mPD since this would result in proliferation of high-rise development which is not in line with the planning control. Besides, a landmark building is not necessarily the tallest building in a neighbourhood.

- (c) Tsim Sha Tsui is a commercial high-rise node recognised in the Urban Design Guidelines and the recognition of committed development under general building plans approvals is treated as an exception rather than a rule. It is therefore inappropriate to apply the approach adopted in Tsim Sha Tsui OZP to the subject OZP.
- (d) The existing BH and plot ratio (PR) of Lee Theatre Plaza are about 104mPD and 15 respectively, while that of Leighton Centre are 83.5mPD and 15 respectively. For Leighton Centre, there is also a set of building plans with a BH of 200mPD and a PR of about 15 which was first approved by the Building Authority on 24.4.2009. In determining the BHRs, as mentioned above, a BHR of 135mPD is sufficient to accommodate the permissible development intensity for commercial development. Nevertheless, the building plans of Leighton Centre as well as other developments with approval by the Building Authority before the imposition of BHRs in 2010 may proceed subject to the provision of the Buildings Ordinance.

*Assumptions in deriving BHR*

- (e) The assumptions adopted by PlanD were provided in Annexes D2 and D3 & E1 to E5 of TPB Paper No. 10415. According to the basic building profile, a BHR of 135mPD is able to accommodate the permissible GFA under Building (Planning) Regulations (B(P)R) for the commercial developments including the Lee Theatre Plaza site and Leighton Centre site with 25% GFA concession (including the average 'disregarded GFA (e.g. mandatory features, plant rooms, etc. other than car parks)' for non-domestic buildings of 15%; and the overall cap of 10% GFA concession for the total amount of green/amenity features and non-mandatory/non-essential E&M/services as specified under APP-151. Since the BHR is able to allow all sites irrespective of the site class to accommodate the permissible GFA, some sites depending on the site class are able to adopt a higher FTFH (e.g. higher FTFH is possible for some typical floors for Class B and Class C sites and for the sites with the SBDG building setback but not building separation requirement). A refuge floor has been assumed in PlanD's notional scheme, but no basement is assumed for accommodating the permissible GFA under B(P)R in the assumptions adopted by PlanD.

- (f) **R2** and **R3** provided alternative schemes (**Drawings H-1** and **H-2**) at the Lee Theater Plaza site and Leighton Centre site and queried the assumptions made under PlanD's notional scheme failing to allow quality development. A comparison of the assumptions adopted in PlanD's notional scheme and that of the alternative schemes is appended below.

<b>Lee Theatre Plaza site (BHR 135mPD)</b>		
	<b>PlanD's notional scheme</b>	<b>R2's Scheme (Drawing H-1)</b>
Building Height (mPD)	130.45	164.85
FTFH	- Podium: 5m - Tower: 4m - Refuge Floor: 3m*	- G/F (Retail & Landscape Plaza): 6m - 1/F to 2/F(Retail): 5m - 3/F (Podium Garden): 6m - 4/F (E&M): 6.2m - 5/F to 16/F (Retail/Office): 5m - 17/F (Sky Garden): 6m - 18/F(E&M): 6.2m - 19/F to 30/F (Retail/Office): 5m
No. of Storeys)	30 Storeys - Podium : 3 - Tower: 26 - Refuge Floor: 1	31 Storeys - Retail: 3 - Retail/Office: 24 - Podium Garden/Sky Garden: 2 - E&M: 2
Basement	Carpark only depending on design	3 Storeys - (B1) L/UL: 1 - (B2 to B3) Carpark: 2
No. of Tower(s)	1	1

<b>Leighton Centre Site (BHR 135mPD)</b>		
	<b>PlanD's notional scheme</b>	<b>R3's Scheme (Drawing H-2)</b>
Building Height (mPD)	126.6	200
FTFH	- Podium: 5m - Tower: 4m - Refuge Floor: 3m*	- G/F (Retail): 6m - 1/F to 3/F(Retail): 5m - 4/F (Podium Garden): 6m - 5/F (E&M): 6.2m - 6/F to 20/F(Retail/Office): 5m - 21/F (Sky Garden): 6m - 22/F (E&M): 6.2m - 23/F to 37/F (Office): 5m
No. of Storeys)	29 Storeys - Podium : 3 - Tower: 27 - Refuge Floor: 1	38 Storeys - Retail: 4 - Retail/Office: 15 - Office: 15 - Podium Garden/Sky Garden: 2 - E&M: 2

Basement	Carpark only depending on design	3 Storeys - (B1) L/UL & Carpark: 1 - (B2 to B3) Carpark: 2
No. of Tower(s)	1	1

*\* Since the Lee Theatre Plaza site and Leighton Centre site are classified as Class B site and Class C site respectively, a floor height of 6m could be allowed for the provision of refuge floor cum sky garden without rendering the whole building to exceed the BHR of 135mPD.*

- (g) The alternative schemes proposed by **R2** and **R3** have adopted different assumptions including FTFH, which are entirely a design choice to be made by the project proponent, having taken into account all the relevant factors including the development restrictions on the OZP. The provision of sky garden is a green feature rather than a SBDG requirement and it is purely a choice to be made by the project proponent amongst various good practices to improve the building design. Under assumption adopted by PlanD, sky garden would be included in the 25% concessionary GFA and to be integrated into overall building design. Nevertheless, as illustrated in the comparison tables in para. 6.4.2(f) above, a 6m refuge floor cum sky garden could still be accommodated without rendering the BHs of the notional schemes at the two representation sites exceeding the BHR of 135mPD. For the reasons given in para. 6.4.2 (a) to (g), the proposals of **R2** and **R3** for further relaxation of the BHR for the “C” zone covering Lee Theatre Plaza and Leighton Centre from 135mPD to 165mPD and 200mPD respectively as set out in paragraphs 4.2.4 (a) and (b) are not supported.

#### *Urban Design and Visual*

- (h) As pointed out in the TPB Paper No. 10415 for the current OZP amendment, the stepped height profile ascending from the harbour and gradually arising towards landward side would not be achievable given the existing high-rise developments in Wan Chai North (Planning Area H25), and the northern part of the Area i.e. north of Johnston Road/Hennessy Road, as well as the presence of residential developments with relatively lower development intensity and BH in the inland area to the south of Johnston Road/Wan Chai Road.
- (i) Visual appraisal has been conducted as part of the BH review for the current OZP (Annex F2 of TPB Paper No. 10415), the broad urban design principles set out in the Urban Design Guidelines under the HKPSG have been adopted. These include compatibility of the BH profile with the surroundings and preserving the views to ridgelines/mountain backdrops and harbour from the strategic vantage points/important public viewing point. Different scenarios for those with high propensity for redevelopment (i.e. building aged 30 or above and BH of 15 storeys or below), having regarded to their site class or types of

development, are assumed in the photomontage to illustrate possible visual impact of the revisions to the BHRs. In overall terms, the proposed BHRs will not result in unacceptable visual impact.

- (j) The “C” sites bounded by Tonnochy Road/Hennessy Road/Percival Street/Gloucester Road is subject to a BHR of 110mPD, which is not the subject of the current OZP amendment. The Board has no ground to consider the **R5**'s proposal of relaxing the BHR of these street blocks from 110mPD to 135mPD as set out in paragraph 4.2.4 (d). Nevertheless, the BHR of 110mPD for these sites is to minimise the visual impact in particular on the view to harbour from Stubbs Road Lookout Point. This is to achieve a balance between development rights and public interest. The visual impact of relaxing the subject street blocks to 135mPD is illustrated in **Plan H-12**.
  
- (k) Item E1 is related to revision of BHR for “R(A)” zones to the south of QRE, while Item C is related to revision of BHR for “C” zones. The BHR of 110mPD for “R(A)” zone was based on the basic building profile for a typical “R(A)” composite building to comply with SBDG (i.e. ranging from 90m to 93m for future redevelopment in this area which will be subject to the building setback but not building separation requirement due to short building frontage) and the site level around 6mPD to 19mPD in the area. The assumptions demonstrate that there is scope to accommodate the permissible GFA and SBDG requirements under the BHR of 110mPD. Besides, the total number of storeys for Class A and Class B sites is less than the achievable number of storeys under BHR of 110mPD. Hence, a higher FTFH is possible for some typical floors under these sites. There is no strong reason to further relax the BHR of “R(A)” zone beyond the level as indicated in basic building profile of a typical composite building. There is therefore no justification of further relaxing the BHR of Item E1 to create a stepped height profile. In addition, the BHR of 110mPD for the “R(A)” sites to the south of Johnson Road and 135mPD for the “C” sites to the north of Johnston Road have already provided a height variation in general. It should also be noted that the BHR of the “R(A)” sites in the area bounded by Johnson Road, Wan Chai Road, Morrison Hill Road and Queens Road East is not the subject of the current OZP amendments. Hence, there is not ground for the Board to consider both **R4 and R5**'s proposals of relaxing the BH of that area from 110mPD to 135mPD. In view of the above, the **R4**'s proposal of applying a stepped height profile in the western part of Wan Chai by relaxing the BHR of “R(A)” zone between Items A and C from 110mPD to 135mDP as set out in paragraph 4.2.4 (c) and **R5**'s proposal of further relaxing the BHR of “R(A)” as set out in paragraph 4.2.4 (d) are not supported.

- (l) For the residential zones to the south of Johnston Road and Wan Chai Road as well as residential sites on both sides of QRE (i.e. as delineated on **Plan H-6**), taking into account the estimated BH requirement of 90m to 96m for typical “R(A)” composite buildings which will be subject to the building setback and building separation requirements, and the existing site levels of about 4mPD to 7mPD, a BHR of 110mPD is considered appropriate. For the “R(A)” zone in KR (as shown as Item E1 on **Plan H-6**), taking into account the existing level of the site is about 51.5mPD and to accommodate a typical composite building, a BHR of 140mPD is considered appropriate. It should also be noted that the “R(B)” in KR (as delineated on **Plan H-6**) is subject to a BHR of 120mPD, which is not the subject of the current OZP amendment. Hence, the Board has no ground to consider the **R5**’s proposal of relaxing the BHR of this “R(B)” zone from 120mPD to 150mPD. In view of the above and for the reasons given in paragraphs 6.4.2 (k) and (l), the **R5**’s proposal as set out in paragraph 4.2.4 (e) is not supported.
- (m) Unlike other “C” zones in Wan Chai, which are subject to a maximum PR of 15 under the Buildings Ordinance, the “C(4)” site (**Plan H-5**) is subject to a maximum PR of 12 on the OZP. Hence, a BHR of 110mPD instead of 135mPD is able to accommodate the maximum PR of 12 in accordance with the basic building profile for a typical commercial building to comply with SBDG at this location with a site level of about 4mPD. There is no strong justification to further relax the BHR to 135mPD for the “C(4)” site. For the “OU(MU)” zones to the south of Hennessy Road, taking into account the estimated BH requirement of a typical commercial development of about 118 to 130m with the incorporation of SBDG requirements, and the existing site levels of about 8mPD, a BHR of 135mPD is considered appropriate. The BHR of 135mPD of the “OU(MU)” zones is also sufficient to accommodate a typical “R(A)” type residential development taking into account the estimated BH requirement of about 90m to 96m with the incorporation of SBDG requirements. In view of the above, the **R5**’s proposal of further relaxing the BHR of “C”, sub-area (b) of “C(6)” and “OU(MU)” zones to the south of Hennessy Road as set out in paragraph 4.2.4 (d) is not supported.

*Open Space to facilitate Air Ventilation*

- (n) The current amendments to the OZP only involve revision to the BHR and deletion of NBA on the two sides of the “C(4)” zone. There is no change to the land use zoning of the site (i.e. “C(4)”), which is not the subject of amendment. According to the updated AVA conducted in 2018, the two NBAs at the “C(4)” site are narrow and partially blocked and may not be able to serve as district air paths. The building design measures under the

SBDG could serve similar air ventilation purpose for the locality. As for the **R5**'s proposal of rezoning the "C(4)" site to "O", it should be noted that the overall provision of the open space in the Wan Chai District will be adequate to meet the requirement of the planned population in the area. Hence, there is no planning justification to convert unused government site into public open space. Similar proposal was also raised in the opposing views of the representation (R34) on the amendment items to the draft Wan Chai OZP No. S/H5/26. PlanD's responses were at Annex H1 of TPB Paper No. 10415. Hence, the **R5**'s proposal as set out in paragraph 4.2.4 (f) is not supported.

*Minor Relaxation should not be used to justify the low BHRs*

- (o) The current BHRs have already allowed design flexibility for incorporation of SBDG requirements including greenery and/or design features on ground and at podium levels to improve both living and pedestrian environment without the need to rely on minor relaxation of BHR.

*SB Requirements*

- (p) An updated AVA (EE) has been undertaken in 2018 to review the NBA, BG and SB requirements. The SB requirements for narrow streets perpendiculars to QRE are recommended to be maintained to facilitate air ventilation.
- (q) The provision of SB requirements on the OZP would not take away the private land from development. The concerned area can still be included in the site area for PR/GFA calculation purpose. With regard to the provision of bonus GFA for such SB requirement in the Notes of the OZP, it is not necessary since there is no PR restriction for the "R(A)" zone on the OZP. Development/redevelopment within this zone will be subject to the permissible PR under the B(P)Rs and any claim for bonus PR could be processed following the established mechanism under the Buildings Ordinance. Similar issue had been raised in the opposing views of the representation (R34) on the amendment items to the draft Wan Chai OZP No. S/H5/26 and PlanD's responses were at Annex H1 of TPB Paper No. 10415.

*Retention of "Commercial/Residential" ("C/R") Zone*

- (r) The current amendments to the OZP only involve revision to the BHR of the "OU(MU)" zone (i.e. from 110mPD to 135mPD). There is no change to the land use zoning of the concerned sites (i.e. "OU(MU)" zone), which is therefore not the subject of amendment. The previous "C/R" zones were reviewed for more effective infrastructure planning and better land use management. For areas with no predominant land uses, they were recommended to be rezoned as "OU(MU)" zone as a transitional

buffer between the commercial and residential areas. There is no change in the planning circumstance at this stage to review the subject “OU(MU)” zone. Similar issues had been raised in the opposing views of the representation (R34) on the amendment items to the draft Wan Chai OZP No. S/H5/26 and PlanD’s responses were at Annex H1 of TPB Paper No. 10415.

## 6.5 Responses to grounds and proposals of Opposing representations

6.5.1 The grounds of the opposing representations (**R6 to R50 and R52**) are detailed in paragraph 4.3.2 above. PlanD in consultation with the relevant government departments have the following responses:

### *Accelerating redevelopment and driving property price*

(a) The OZP amendment is mainly about reviewing the OZP of the development restrictions including BHRs and requirements of NBA, BG and SB. The revision of BHRs is mainly for allowing design flexibility for both commercial and residential developments incorporating SBDG requirements. There is primarily no PR/GFA restrictions under the “C” (except “C(1)”, “C(2)” and “C(4)”), “R(A)” (and its subzones), “R(B)” and “OU(MU)” zones. Developments intensities within these zones are subject to the provision of Buildings Ordinance. Since there is no change to the allowable development intensity, the claim that relaxing the BHR will accelerate redevelopment and drive property price may not be justified. It should also be noted that under the “OU(MU)” zone, residential developments are also permitted. The type of buildings to be redeveloped within the “OU(MU)” zone would be market-led and is at the discretion of project proponents.

### *Traffic and Pedestrian*

(b) As the revisions to the BHRs do not involve any increase in PR, the Transport Department (TD) considers that significant increase in traffic and pedestrian flow is not envisaged. Besides, parking standards and requirements including ancillary private car parking spaces would be considered in all development/redevelopment projects by TD at the building plan submission stage. In any case, TD will continue to monitor the traffic and parking conditions in the area and review the need for any transport facilities, road improvement works and traffic management measures as appropriate. TD is also of the view that setback area at street level according to SBDG can be open up for use as footpath which can improve pedestrian circulation.

### *Visual, Air Ventilation and Living Environment*

(c) Relaxation of BHR would not lead to deterioration of air ventilation as reflected in AVA EE 2018. It is anticipated that

the general wind environment of the area would be improved in the long run when the number of redeveloped buildings following SBDG increase. Since relying on SBDG alone would not be sufficient to ensure good air ventilation at district level, air ventilation measures at strategic locations on the OZP are necessary. The current OZP maintains the SB requirements for narrow streets perpendicular to QRE and the NBA at the junction of Oi Kwan Road and Tai Yan Street.

- (d) In respect of the representations against the deletion of NBA and BG, it should be noted that NBAs designated along the eastern and western boundaries of the Ex-WCPS site, Ex-WCPMQ site, the BGs imposed on the eastern and western boundaries of Lockhart Road Municipal Services Building site and the eastern boundary of Hennessy Road Government Primary School site as well as to the north of Ruttonjee Hospital are considered quite narrow and the wind entrance to these air paths has been partially blocked by the existing high-rise developments in the north (e.g. China Resources Building and Causeway Centre). According to the AVA EE 2018, these NBAs and BGs may not be able to serve as district air paths in the district and there are alternative building design measures under SBDG (e.g. ventilated communal gardens) that could serve similar air ventilation purpose for the locality, these requirements are therefore deleted on the OZP.
- (e) Visual appraisal has been conducted as part of the BH review for the current OZP (Annex F2 of TPB Paper No. 10415), the broad urban design principles set out in the Urban Design Guidelines under the HKPSG have been adopted. The vantage points selected are either views at a strategic level according to the Urban Design Guidelines or an important public viewing point to the public. Redevelopments incorporating SBDG requirements like building setback, BG, greenery and promotion of podium-free design may provide certain visual relief at street level.
- (f) Regarding the concerns on the possible adverse environmental impact of the relaxation of BHRs, since the proposed OZP amendments would not affect the development intensity, and the uses in the areas subject to the OZP amendments are not polluting in nature, the Director of Environmental Protection advises that adverse environmental impact including air and noise pollutions is not anticipated. Besides, the relaxation of BHRs would allow design flexibility and scope for development to adopt SBDG and/or design features that would improve the pedestrian environment and provision of greenery.
- (g) The BHRs relaxation is to allow design flexibility for future developments in meeting SBDG which will improve the overall building permeability and visual amenity of the pedestrian environment. The proposed BHRs would be a matter of

trade-off amongst different urban design considerations in the dense urban core like Wan Chai. It is anticipated that variation in lot size and development scale as well as differences in design styles and consideration would also contribute to varieties in BH and outlook over the area. In overall terms, the proposed BHRs relaxation will not result in unacceptable visual impact.

- (h) Private views from residential or commercial towers are not considered with reference to the Town Planning Board Guideline No. 41 on Submission of Visual Impact Assessment for Planning Applications to the Town Planning Board as it is not practical to protect private views without stifling development opportunity and balancing other relevant consideration in the highly developed context of Hong Kong. In the interest of the public, it is far more important to protect public views from key strategic and important public viewing point

#### *Open Space Provision*

- (i) Since the proposed OZP amendments would not affect the development intensity permitted under the OZP, it would not attract more residents and workers to the district. The overall provision of the open space and G/IC facilities in the Wan Chai District will be adequate to meet the requirement of the planned population in the area (the provision of G/IC facilities in Wan Chai District against the existing and planned population is shown in **Annex VII**<sup>4</sup>). Hence, there is no planning justification to convert unused government sites into public open space.

#### *Public Interest in the OZP Amendment*

- (j) Set against the background of high redevelopment pressure in the Wan Chai area and the tendency for project proponents to propose high-rise buildings to maximise views of the harbour, the main purpose in stipulation of BHRs on the Wan Chai OZP in 2010 is to provide better planning control in guiding developments/redevelopments to avoid excessively tall and out-of-context developments which will adversely affect the visual quality of the area. In the current BH review, due considerations have been given to the SBDG and other planning and design requirements as detailed in paragraph 6.4.2 (a) above. The revised BHRs incorporated in the current round of OZP amendment are considered to have balanced the public interest and private development right as well as the Court's ruling in respect of the JRs.

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<sup>4</sup> The population-based planning standards for elderly services and facilities were reinstated in the Hong Kong Planning Standards and Guidelines on 28.12.2018. The revised standards reflect the long-term target towards which the provision of elderly services and facilities would be adjusted progressively. It may not be appropriate to compare the standards with the provision of elderly services and facilities for the existing population

*Assumptions in deriving BHR*

- (k) The assumptions adopted by PlanD are based on the basic building profile for assessing the BH required for incorporation of SBDG requirements of different type of developments (i.e. for residential and commercial types of buildings). They are in line with the provisions of the B(P)R including the permissible site coverage.
- (l) The BHR of 110mPD for ‘R(A)’ zone was based on the basic building profile for a typical composite building to comply with SBDG (i.e. ranging from 90m to 93m for future redevelopment in this area which will be subject to the building setback but not building separation requirement) and the site levels of around 6mPD-19mPD in the area. The BHR of 110mPD for the ‘C’ sites bounded by Tonnochy Road/Hennessy Road/Percival Street/Gloucester Road is appropriate in order to minimise the visual impact in particular on the view to harbour from Stubbs Road Lookout Point. Hence, the **R53**’s proposal of adopting a BHR of 135mPD for the whole Wan Chai irrespective of the types of building as set out in paragraph 4.3.3 (d) is not supported.

*Revitalisation of the Ex-WCPS*

- (m) The OZP amendment is related to the deletion of NBAs at the Ex-WCPS. There is no review of its zoning. The Ex-WCPS site was rezoned from ‘G/IC’ to ‘OU’ site in 2010 under the draft Wan Chai OZP No. S/H5/26, which was also presented to WCDC for consultation. The hearing of the representations and comments in respect of the draft Wan Chai OZP No. S/H5/26 was conducted by the Board on 26.4.2011. The planning intention of the subject ‘OU’ site is primarily for preservation and adaptive re-use of the Ex-WCPS building for hotel, commercial, community and/or cultural uses as an integrated project with the Ex-WCPMQ across Jaffe Road. The EX-WCPS is a Grade 2 historical building and will not be demolished.

*Incompatibility of the BHR and Conservation of the existing buildings in the district*

- (n) The area to the south of the QRE is mainly occupied by a mixture of old and new, low to high-rise residential developments with commercial uses on the lower floors. High-density commercial developments including Wu Chung House, Hopewell Centre and Hopewell Centre II (under construction) could also be found in the central part of QRE. The area falls with Residential Zone 1 which covers the highest density of residential development. The planning intention of the ‘R(A)’ zone is primarily for high-density residential developments.

- (o) The Government has his own heritage conservation policy for conservation of historic buildings. For example, the historical buildings known as ‘Blue House’ (Grade 1) and ‘Yellow House’ (Grade 2) in the area are covered by Urban Renewal Authority (URA) Stone Nullah Lane/Hing Wan Street/King Sing Street Development Scheme Plan No. S/H5/URA2/2 and zoned “OU” annotated “Open Space and Historical Buildings Preserved for Cultural, Community and Commercial Uses” and are not the subject of current OZP amendment. The Antiquities Advisory Board will consider the heritage value and grading of the existing buildings if necessary. For the reasons given in paragraphs 6.5.1 (a) to (l) above, the proposal of **R54, R55, R56, R57, R59, R60, R61, R62, R68, R69, R70, R71** and **R75** in maintaining the BHR of Item E1 to 100mPD in paragraph 4.3.3(e) is therefore not supported.

*Others*

- (p) **R51**’s representation sites include the Hopewell Centre II (zoned “OU” annotated “Comprehensive Redevelopment Area”); Hill Side Terrace, Nam Koo Terrace and Miu Kang Terrace (zoned “O”, “R(C)” and “G/IC”); and 155 – 167 QRE (zoned “R(A)” under Item E1) (**Plans H-6** and **H-14**). The zoning and the BHR of the Hopewell Centre II development as well as the zonings of the sites of Hill Side Terrace, Nam Koo Terrace and Miu Kang Terrace are not the subject of the current OZP amendments. It should be noted that this “OU” zone is already subject to a BHR of 210mPD on the OZP.
- (q) **R51** also proposes to adopt a BHR of 90mDP for the representation site at 155 – 167 QRE which is zoned “R(A)” and covered under Item E1. For the reason given in paragraph 6.5.1 (l) above, there is no justification to restrict the representation site to a BHR of 90mPD. Hence, the **R51**’s proposal as set out in paragraph 4.3.3(b) is not supported.

6.6 Procedural matters

- (a) In the light of the Court’s ruling on the JRs in relation to the OZP, a review of the BH and development restrictions on the OZP was conducted. The amendments incorporated into the current draft OZP has duly taken into account all relevant planning considerations, the SBDG requirements, various urban design guidelines, AVA by expert evaluation and permitted development intensity. The opposing representations R34 and R97 on the amendment items to OZP No. S/H5/26 have been duly addressed and indicated in Annexes H1 and H2 of TPB Paper No. 10415 in the current round of OZP amendment. As soon as the TPB agreed that the proposed amendments to the OZP were suitable for exhibition under the Ordinance on 13.4.2018, the Government had issued a letter on 27.4.2018 informing REDA about

the Board's decision and inviting REDA to submit representations and comments in respect of the proposed amendments upon gazette. During the statutory plan exhibition period, REDA had submitted a representation (**R5**) which has included those amendment items which they had objected to in R34 in respect of the OZP No. S/H5/26 but which they considered had not yet been addressed under the amendments incorporated in the current OZP (No. S/H5/28). Lee Theatre Realty Limited and Leighton Property Company Limited also submitted representations in respect of the current OZP (**R2** and **R3** respectively). They have revised the previous proposal made under R97 for relaxation of the BHR on the area covering the Lee Theatre site and the Leighton Centre site to 200mPD. While the proposal for the Leighton Centre site remains unchanged under **R3**, the BHR proposal for the Lee Theatre site is revised to 165mPD under **R2**.

- (b) All items raised by Lee Theatre Realty Limited, Leighton Property Company Limited and REDA have been included in this paper for consideration by the Board, such that the Board can duly reconsider the previous R97 jointly submitted by Lee Theatre Realty Limited and Leighton Property Company Limited as well as REDA's previous R34 in respect of OZP No. S/H5/26 in the context of the current representations **R2**, **R3** and **R5**. Should the Board consider that any amendments to OZP No. S/H5/28 are necessary after consideration of the representations including **R2**, **R3** and **R5**, it will gazette those amendments under appropriate section of the Ordinance.

#### 6.7 Responses to Grounds and Views of Comments

The grounds of comments are largely similar to those raised in the representations. The responses to the representations in paragraphs 6.4 and 6.5 above are relevant. The major grounds of comments and responses are in **Annex V(a)**.

### 7. Consultation

The following government departments have been consulted and their comments have been incorporated in the above paragraphs and **Annex V(a)** where appropriate:

- (a) District Lands Officer/Hong Kong East of Lands Department;
- (b) Comments of the Commissioner for Transport;
- (c) Chief Building Surveyor/Hong Kong East and Heritage Unit of Buildings Department;
- (d) Chief Highway Engineer/Hong Kong, Highways Department (HyD);
- (e) Commissioner of Police;
- (f) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (g) Chief Engineer/Construction, Water Supplies Department;
- (h) Project Manager (South), Civil Engineering and Development Department (CEDD);
- (i) Chief Engineer/Land Works, CEDD;
- (j) Direct of Fire Services;

- (k) Director of Environmental Protection;
- (l) Chief Architect/Central Management Division 2, Architectural Services Department;
- (m) Director of Electrical and Mechanical Services;
- (n) Director of Leisure and Cultural Services;
- (o) Executive Secretary (Antiquities and Monuments Office);
- (p) Chief Town Planner/Urban Design and Landscape of PlanD; and
- (q) District Officer (Wan Chai), Home Affairs Department.

## **8. Planning Department's Views**

8.1 The supportive views of **R1** and **R2** to **R5** are noted.

8.2 Based on the assessment in paragraph 6 above, PlanD does not support the remaining part of representations **R2** to **R5** as well as representations **R6** to **R75** and considers that the OZP should not be amended to meet the representations for the following reasons:

### All Representations

- (a) the amendments to the OZP including relaxation of the BHRs and the revisions to the NBA and BG are appropriate as they have taken into account all relevant considerations such as the existing BH profile, committed development, topography, site formation level, local characteristics, the views to ridgelines/mountain backdrops and harbour from the strategic vantage points/important public viewing point, compatibility with surroundings, predominant land use and development intensity, visual impact, air ventilation, SBDG requirements and a proper balance between public interest and private development right (**R2, R3, R4, R5, R6, R7, R8, R9** to **R48, R49, R50, R51, R52** and **R54** to **R75**);

### Opposing Representations

- (b) the revision of BHRs is mainly for allowing design flexibility for both commercial and residential developments to incorporate SBDG requirements. There is no changes to the PR or land use zonings of the developments on the OZP. The claim that relaxing the BHR will accelerate redevelopment and drive property price and adverse traffic impact may not be justified (**R5, R6, R7, R8, R9** to **R48, R49, R50, R51, R52** and **R54** to **R75**);

### Representers' proposals

- (c) the BHR of 135mPD is considered sufficient to accommodate the commercial developments at the Lee Theatre Plaza and Leighton Centre sites. The building design (including at the sites of the Lee Theatre Plaza and Leighton Centre) is solely a decision to be made by its project proponent having regard to all relevant considerations including the BHRs on the OZP. There is no justification for or technical assessments to substantiate further relaxation of the BHRs for

the “C” zones covering Lee Theatre Plaza and Leighton Centre from 135mPD to 165mPD and 200mPD respectively (**R2** and **R3**);

- (d) the BHR of 110mPD for “R(A)” zone is considered appropriate. There is no strong reason to amend/further relax the BHR of “R(A)” zone beyond the level of basic building profile of a typical composite building. There is no justification for further relaxation of the BHR of Item E1 from 110mPD to 135mPD (**R4** and **R53**) or to maintain a BHR of 100mPD (**R54, R55, R56, R57, R59, R60, R61, R62, R68, R69, R70, R71** and **R75**) or to adopt a BHR of 90mPD for 155-167 Queen’s Road East (**R51**);
- (e) the BHRs for “C”, “C(4)”, sub-area (b) of “C(6)”, “OU(MU)”, “R(A)” and “R(B)” zones are considered appropriate. There is no justification for or technical assessments to substantiate further relaxation of BHRs for these zones (**R5** and **R53**);
- (f) given the overall provision of open space will be adequate in the district, there is no planning justification for converting unused government site into public open space (**R5**); and
- (g) some of the sites concerned under the representation are not the subject of any amendment items under the current draft OZP. There is no ground for the Board to consider that part of the representer’s proposal (**R4, R5, R51** and **R53**).

## 9. **Decision Sought**

The Board is invited to give consideration to the representations and comments and decide whether to propose/not to propose any amendment to the Plan to meet/partially meet the representations.

## 10. **Attachments**

<b>Annex I</b>	Draft Wan Chai OZP No. S/H5/28 (reduced size)
<b>Annex II</b>	Schedule of Amendments to the Draft Wan Chai OZP No. S/H5/28
<b>Annex III</b>	Minutes of 1168 <sup>th</sup> TPB Meeting held on 13.4.2018 (Extracted)
<b>Annex IV</b>	Minutes of Development, Planning & Transport Committee, Wan Chai District Council on 5.6.2018 (Extracted)
<b>Annex V(a)</b>	Summary of Representations and Comments and PlanD’s Responses
<b>Annex V(b)</b>	List of Representers (R1 to R75) and Commenters (C1 to C9) in respect of Draft Wan Chai OZP No. S/H5/28
<b>Annex VI</b>	CD-Rom of Representations and Comments ( <i>for Members only</i> )
<b>Annex VII</b>	Provision of Major GIC Facilities in Wan Chai District

<b>Drawing H-1</b>	Proposed Scheme submitted by Representer R2
<b>Drawing H-2</b>	Proposed Scheme submitted by Representer R3
<b>Drawing H-3</b>	Proposal submitted by Representer R4
<b>Plan H-1</b>	Amendments incorporated in draft OZP No. S/H5/28
<b>Plan H-2</b>	Location Plan of Representations and Comments
<b>Plan H-2a</b>	Aerial Photos
<b>Plan H-3</b>	Existing Building Height Profile
<b>Plan H-4</b>	Site Plan of Amendment Items A and C
<b>Plan H-5</b>	Site Plan of Amendment Items B and F2
<b>Plan H-5a</b>	Site Photo of Amendment Items B and F2
<b>Plan H-6</b>	Site Plan of Amendment Item C, E1, E2 and E3
<b>Plan H-7</b>	Site Plan of Amendment Item D and E4
<b>Plan H-8</b>	Site Plan of Amendment Items F1, F2, G1, G2 and G3
<b>Plan H-8a</b>	Site Photos of Amendment Items F1, F2, G1, G2 and G3
<b>Plan H-9</b>	Current Non-Building Area, Building Gaps And Setback Requirement
<b>Plans H-9a to 9d</b>	Site Plan of Current Non-Building Area, Building Gaps And Setback Requirements
<b>Plans H-10a to 10c</b>	Site Photos of Current Non-Building Area, Building Gaps And Setback Requirements
<b>Plan H-11</b>	Viewing Points of Photomontages
<b>Plan H-11a to 11k</b>	Photomontages
<b>Plan H-12</b>	Photomontages of “C” sites (110mPD/135mPD) and “OU(MU)” sites (135mPD) from Stubbs Road Lookout Point
<b>Plan H-13</b>	Site Plan of Representation Sites of R2 and R3
<b>Plan H-13a</b>	Site Photos of Representation Site of R2
<b>Plan H-13b</b>	Site Photos Representation Site of R3
<b>Plan H-14</b>	Site Plan of Representation Site R51