

**REVIEW OF THE DRAFT NGAU TAU KOK & KOWLOON BAY  
OUTLINE ZONING PLAN No. S/K13/26**

**1. Introduction**

1.1 This Paper is to brief Members on:

- (a) the review of development restrictions for the draft Ngau Tau Kok & Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/26 (the subject OZP) (**Annex A** and **Plan 1**) further to conducting of an updated Air Ventilation Assessment (AVA); and
- (b) the re-hearing arrangement of the subject representation which will be remitted to the Town Planning Board (the Board) for re-consideration pursuant to the Court of First Instance's (the Court's) judgment.

**2. Background**

Judicial Review

- 2.1 On 19.11.2010, the subject OZP incorporating amendments mainly to impose building height restrictions (BHRs) on various development zones outside the Kowloon Bay Business Area (KBBA)<sup>1</sup>, and designation of non-building areas (NBAs) and building gaps (BGs) on various development zones (**Plans 2** and **3**) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance).
- 2.2 To follow up the Court's order on 3.2.2015 regarding a judicial review against the decisions of the Board not to propose amendments to the subject OZP in accordance with the representation submitted by the Real Estate Developers Association of Hong Kong (REDA) (R2), the representation of R2 is remitted to the Board for reconsideration. To prepare for the rehearing, a review on the potential combined effect of the Sustainability Building Design Guidelines (SBDG) and the restrictions stipulated under relevant zonings in the subject OZP was undertaken (the Review)<sup>2</sup> by the Planning Department (PlanD).

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<sup>1</sup> BHRs were imposed on sites within KBBA in 2005.

<sup>2</sup> To follow up on the Court's order, Planning Department is also reviewing the development restrictions under the Wan Chai, Mong Kok and Yau Ma Tei OZPs and the findings of the review and proposed amendments for the Wan Chai and Mong Kok OZPs have been submitted for the Board's consideration on 13.4.2018 and 22.6.2018 respectively while that for Yau Ma Tei OZP will be submitted in due course.

### Review of the OZP

- 2.3 The Review concluded that the current BHRs as well as requirements for NBA, and BG on respective zones should generally be able to accommodate the Plot Ratio (PR)/Gross Floor Area (GFA) permitted under the OZP after taking into account the SBDG requirements. In the light of the above, no amendment to the BHRs is recommended after considering the implications of SBDG. The details and the key findings of the Review are summarised in Annex C3 and paragraphs 4.4 to 4.11 of the TPB Paper No. 10397 at **Annex B** respectively.
- 2.4 On 9.3.2018, the Board noted the findings of the Review and agreed to conduct further hearing on the basis of the subject OZP. On 23.3.2018, the Board further agreed to invite REDA to a meeting convened under section 6B of the Ordinance for reconsideration of its representation (R2) in respect of the subject OZP, and to allow a period of two months for REDA to submit supplementary information (SI) before rehearing its representation.
- 2.5 REDA's SI was received on 28.5.2018 which raised that the contemplated rehearing was premature and would not fulfil the requirement of CFI's order as there were fundamental inadequacies in the Review Paper (**Annex B**) mainly indicating that R2's grounds of representations and proposals had not been addressed. These included the absence of reconsideration of the building height (BH) profile and the proposed lifting of BHRs by REDA, and the lack of updated technical studies and assessments in view of the latest changes in circumstances. REDA proposed that the rehearing should be deferred until the above matters had been properly addressed, and a two-month period should be given to REDA to respond to the relevant technical assessments and to provide further SI. REDA maintained its proposal put forward in R2 that the BHRs should generally be relaxed by 20m to 40m and that the NBA and BG requirements should be removed, and further proposed to revise the BHR of Telford Gardens from 60/100mPD to 100/120mPD. The Board noted REDA's SI and agreed that updated technical assessments including an AVA would be conducted for the Ngau Tak Kok and Kowloon Bay OZP.
- 2.6 It should be noted that the Review Paper was to present the findings on the review of the subject OZP and seek the Board's agreement that the rehearing be conducted on the basis of the subject OZP. As with normal representation procedure, a paper containing all the relevant information, including REDA's submissions, and PlanD's assessment and response to R2's grounds and proposals would be prepared to facilitate the Board's reconsideration of REDA's representation and circulation before the rehearing meeting.

### **3. Review of Development Restrictions – Updated Technical Assessments**

- 3.1 Since there is no amendment to the BHRs and no major changes in planning circumstances, the photomontages updated in 2018 (Plans 4A to 4D of TPB Paper No. 10397 at **Annex B**) is sufficient to demonstrate the changes in the visual context between 2010 and 2018. There is no need for other technical assessments other than the updated AVA.

### Air Ventilation Assessment

- 3.2 An AVA (Expert Evaluation) was conducted in 2010 (AVA 2010) in support of the comprehensive BH review. An updated AVA (Expert Evaluation) has been undertaken in 2019 (AVA 2019) to review whether the development restrictions on the subject OZP are appropriate from air ventilation viewpoint taking into account the changes in planning environment within the planning scheme areas of the OZP and the adjoining Kai Tak Development Area (KTD) as well as the implications of SBDG. A copy of the AVA 2019 is at **Annex C**. Its major findings are summarised below.

### Amendments to the OZP

- 3.3 Amendments to the subject OZP or planning application with changes in land use and development restrictions since the completion of the AVA 2010 include, the rezoning of four sites at Choi Hing Road, Choi Wing Road and Wang Chiu Road for public housing developments, and a site at Shun Yip Street<sup>3</sup> for business development. These rezonings were all supported by AVAs specific to those sites. The AVAs of these developments have indicated that there would not be significant air ventilation impacts from the concerned developments with provision of mitigation measures.

### Changes in the KTD

- 3.4 There have been some amendments to the OZP for KTD with changes in land use, development intensity and BHR since completion of the AVA 2010. The AVAs to support the latest OZP amendments for the KTD indicated that the air ventilation impacts from the amendments, mainly on the adjoining KBBA could be mitigated with measures such as provision of building separation/disposition, NBA and setback for the developments in KTD.

### SBDG Implications

- 3.5 The SBDG aims to enhance the quality and sustainability of the built environment in Hong Kong. It establishes key building design elements at the development site level, including building separation, setback (SB) and site coverage of greenery, to achieve better air ventilation and generally improve the localised wind environment at pedestrian level.
- 3.6 However, to achieve the intended air ventilation performance of district significance, the open space, BGs and NBAs should be linked while widening of air paths along or connecting major roads and minor roads should be planned to enhance wind penetration into inner parts of urbanised areas. Such connected wind corridors or air paths on a district-based level would not be achieved through SBDG on individual sites, it need to be designated as NBA or BGs on the OZP level.

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<sup>3</sup> A 5m-wide NBA along Shun Yip Street is stipulated on the OZP to widen the air path at pedestrian level.

Building Height Restrictions (BHR)

- 3.7 As mentioned in paragraph 2.3 above, it was explained in the Review Paper that the current BHRs as well as requirements for NBA and BG on respective zones should generally be able to accommodate PR/GFA permitted under the subject OZP even with SBDG. According to the updated AVA 2019, the current BHRs of the planning scheme area will constitute high average height-to-width (H/W) (i.e. building height to street width) ratio. It is difficult for winds from above the rooftops to reach the pedestrian level resulting in weak air ventilation at ground level. Therefore, it is necessary to designate NBAs and BGs of district significance on the OZP.

BGs and NBAs

- 3.8 KBBA and the Telford Gardens/Telford Plaza<sup>4</sup> to the west of Kwun Tong Road are identified as areas with high ground coverage ratio and building volume ratio (BVR). The wind condition in the areas is weak and need to be improved. The updated AVA 2019 reconfirms that the NBAs and BGs stipulated in the current OZP are required to be maintained to link up the air paths/major breezeways of district significance in the areas:
- (a) 3m-wide NBAs along both sides of Wang Chiu Road and Wang Kwong Road within, inter alia, “Other Specified Uses” annotated “Business” (“OU(B)”), “OU(B)2” and “Government, Institution or Community (1)” “G/IC(1)” zones – Wang Chiu Road and Wang Kwong Road are in the centre of the area with high ground coverage and BVR. They are major breezeways running in north-south direction for the summer prevailing winds from the southerly quadrant. The NBAs serve to widen and enhance the effectiveness of the breezeways along these two north-south running major roads. They can also aid the lateral flow induced by corner eddies to enter in the east-west oriented street canyons, which otherwise due to the tall height of buildings along Wang Chiu Road and Wang Kwong Road, would make the southerly winds difficult to penetrate from above the rooftops down to the street level.
  - (b) 5m-wide NBA along Wang Mau Street in the “OU(B)” zone occupied by Housing Authority’s Yip On Factory Estate – This serve to widen the air path of the street for more effective air ventilation by connecting with the row of linear open space in the north up to Kai Cheung Road .
  - (c) 15m-wide NBA within the “G/IC(1)” zone south of the Hongkong Post Central Mail Centre (CMC) – This NBA extends the air pathway for the easterly prevailing winds along Lam Wah Street and further into KTD and to let the westerly winds flow into KBBA through the Kwun Tong Bypass and the open space between Kwun Tong Bypass and Kai Fuk Road in KTD.

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<sup>4</sup> Development and/or redevelopment at Telford Gardens/Telford Plaza are subject to the ‘Master Plan’ clause under the lease (NKIL 5744).

- (d) 15m/16m-wide BGs at 22mPD on three sites zoned “OU(B)” and one site zoned “OU” annotated “Commercial Uses with Public Transport Interchange” and one site zoned “C” – This serves as effective air paths to extend the existing air paths at Sheung Yee Road northwards to Lam Hing Street for facilitating penetration of southerly prevailing winds. While 15m is the minimum width for an effective air path, one 16m-width was designated due to the site circumstance.
- (e) 15m-wide BG at 22mPD within the “OU(B)2” zone for Enterprise Square Five (Mega Box) development – This serves to form a wind corridor mainly for incoming southerly winds to connect through the “O” zone (Zero Carbon Building) to Wang Kwun Road in the north. Without providing this 15m-wide BG, the developments in the subject site are likely to create some wake areas under prevailing southerly wind on the leeward side north of the site. In general, the depth of the possible wake area could be at least the height or the width of the frontal area of the building. The proposed BG in the middle of the subject site could minimize the wake areas by reducing the width of the frontal area of the building.
- (f) Three BGs at Telford Gardens and Telford Plaza within the “OU” annotated “Mass Transit Railway Depot with Commercial and Residential Development Above” zone – The two 22m-wide east-west running BGs serve to facilitate easterly prevailing winds flowing along Wang Tai Road, Lam Wah Street and further into KTD via the NBA to the south of Hongkong Post CMC mentioned in (c) above; and along Sheung Yuet Road. The 15m-wide north-south running BG facilitates the penetration of southerly prevailing winds from Tai Yip Street to Kai Cheung Road. The developments of Telford Gardens have weakened the winds from the easterly quadrant to reach the centre of KBBA. Not only improving the building permeability within Telford Gardens and Telford Plaza, the three BGs are important for linking the surrounding roads to form air paths to achieve the intended air ventilation performance of district significance.

3.9 For the BGs in the existing newer or larger scale developments like Enterprise Square Five (Mega Box) and Telford Gardens and Telford Plaza mentioned in paragraph 3.8 (e) and (f) above, they serve to guide the provision of air paths in desirable ways to improve the air ventilation performance of district significance. Upon redevelopment, adjustment to the development restrictions for these sites to achieve the intended air ventilation benefits may be demonstrated with a specific redevelopment scheme and performance based AVA by the concerned project proponents/developers upon application to the Board.

3.10 To the east of Kwun Tong Road, there are two NBAs at sloping areas within the “Residential Group (A)” (“R(A)”) zone of Ping Shek Estate and the “Residential Group (B)” (“R(B)”) zone of Shun Chi Court. They serve as air ventilation pockets in these areas.

#### 4. Conclusion

- 4.1 Based on the updated AVA, it is concluded that the BHRs, NBA and BG requirements stipulated under the subject OZP should be able to accommodate the permissible PR/GFA under the OZP with reference to the SBDG requirements. Having reviewed the major amendments/planning application to the subject OZP and KTD OZP, the NBA and BG requirements stipulated on the subject OZP on the basis of the recommendations of the AVA 2010 are still considered necessary from air ventilation perspective on a district wide basis in the light of the updated AVA 2019. Hence, there is no need to amend the extant OZP No. S/K13/29.
- 4.2 The land use of Kowloon Bay Action Area (KBAA) at the southern tip of the planning scheme area of the OZP is being reviewed by Energising Kowloon East Office (EKEO) under the Planning and Engineering Study for the Development of KBAA (KBAA Study). The KBAA Study is still ongoing and is anticipated to complete in 2019. Upon completion of the KBAA Study, opportunity could be taken to review the appropriate land uses and development restrictions.

#### 5. Decision Sought

Members are invited to:

- (a) note the findings of the Review that the BHRs, NBA and BG requirements stipulated under the subject OZP should be able to accommodate permissible PR/GFA under the OZP with reference to the SBDG requirements; that the NBA and BG requirements are appropriate and necessary from air ventilation perspective on a district wide basis and should be retained on the basis of the updated AVA and there is no need to amend the extant OZP No. S/K13/29;
- (b) on the basis of (a) above, agree to invite **R2** to a meeting convened under section 6B of the Ordinance for reconsideration of its representation (R2) in respect of the subject OZP;
- (c) subject to the Board's agreement on (b) above, agree to allow a period of two months for R2 to submit SI to the Board, if any, prior to the reconsideration of R2; and
- (d) note that PlanD will prepare a paper for reconsideration of R2's representation, SI received on 28.3.2018 and any SI to be submitted under (c) above for the re-hearing.

#### 6. Attachments

- Annex A** Draft Ngau Tau Kok & Kowloon Bay OZP No. S/K13/26 (in A3 size)  
**Annex B** Review of the Draft Ngau Tau Kok & Kowloon Bay OZP No. S/K13/26 (TPB Paper No. 10397)

<b>Annex C</b>	Updated AVA Report for Draft Ngau Tau Kok & Kowloon Bay OZP (2019)
<b>Plan 1</b>	Aerial Photo of Ngau Tau Kok & Kowloon Bay
<b>Plan 2</b>	BHRs Stipulated in 2010
<b>Plan 3</b>	NBA and BG Stipulated in 2010

**PLANNING DEPARTMENT**  
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