

城市規劃委員會

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TOWN PLANNING BOARD

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In reply please quote this ref.: TPB/R/S/KC/26-2

2 November 2012

The Real Estate Developers Association of Hong Kong
Rm 1403, World-Wide House
19 Des Voeux Road
Central, Hong Kong
(Attn: Louis Loong)

Dear Sir/Madam,

Draft Kwai Chung Outline Zoning Plan No. S/KC/26
(Representation No. R2)

I refer to my letter to you dated 5.10.2012.

After giving consideration to the representations and related comments, the Town Planning Board (TPB) decided on 12.10.2012 not to propose amendments to the above Plan to meet your representation for the following reasons:

- (a) the purpose of imposing building height restrictions (BHRs) in the Area is to provide better planning control on the building height (BH) upon development/redevelopment and to meet public aspirations for greater certainty and transparency in the statutory planning system, to prevent excessively tall or out-of-context buildings, and to instigate control on the overall BH profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, the Urban Design Appraisal for the Area, existing topography, stepped BH concept, local characteristics, existing BH profile, site formation level and site constraints, the zoned land uses, compatibility with surrounding developments, development potential, the wind performance of the existing condition and the recommendations of the Air Ventilation Assessment (AVA) Expert Evaluation (EE), have been taken into consideration;
- (b) sections 3 and 4 of the Town Planning Ordinance and the scheme of the legislation are intended to give the Board comprehensive powers to control development in any part of Hong Kong. The TPB has the power to impose BHRs on individual sites or for such areas within the boundaries of the Outline Zoning Plan (OZP) where there are necessary and sufficient planning justifications;
- (c) there would not be adverse impacts on the development intensity permitted under the OZP. For an existing building which has already exceeded the BHRs, the rights of redeveloping the buildings to their existing heights would be respected under the OZP unless otherwise specified. The BHRs have struck a balance between public aspirations for a better living environment and private development rights;
- (d) the BHRs are formulated on the basis of reasonable assumptions with allowance for design flexibility to accommodate development intensity permissible under the OZP. The BHRs would not result in larger building bulk. On the other hand, better designed and sustainable buildings are not guaranteed with more relaxed BH control;
- (e) apart from providing government, institution and community (GIC) and Other Specified Uses (OU) facilities, "Government, Institution or

Community" ("G/IC") and "Other Specified Uses" ("OU") (except "Other Specified Uses" annotated "Business" ("OU(B)")) sites in the built-up urban area also served as breathing space as well as spatial and visual relief. Their BHRs should be contained to ensure good air ventilation. The development scale and intensity of "G/IC" and "OU" (except "OU(B)")) sites should be considered on a case-by-case basis, having regard to the requirements, functions and nature of different GIC and OU facilities. The adjacent "Residential (Group A)" ("R(A)"), "Commercial" ("C"), "Industrial" ("I") and "OU(B)" zones are different from the "G/IC" and other "OU" zones in terms of land use and development intensity. Hence, the BHRs of the "R(A)", "C", "I" and "OU(B)" zones should not be taken as a reference;

- (f) to cater for site-specific circumstances and schemes with planning and design merits, there is provision for application for minor relaxation of the BHRs under the OZP. Each application would be considered by the TPB on its individual merits;
- (g) blanket relaxation of the BHRs by 20m is not supported as it would significantly increase the overall BH profile in the neighbourhood, create canyon effect and adversely affect the local character and cityscape, which is not in line with the intended planning control. Moreover, there is no supporting basis for a blanket increase of 20m in the BHR;
- (h) pursuant to sections 3 and 4 of the Town Planning Ordinance, the TPB has power to impose non-building areas (NBAs) and building gaps for individual sites or areas within the boundaries of the OZP with necessary and sufficient justifications. Designation of NBAs and building gaps requirements under the OZP can serve a positive planning purpose and has positive planning benefits by improving air ventilation at the pedestrian environment and visual permeability. It has a legal basis as it would form part of the planning control of the TPB, which has the necessary and sufficient justifications. Designation of NBAs and building gaps would not adversely affect the development intensity of the affected sites under the OZP. Deleting these requirements would compromise the planning intention to improve air ventilation and visual permeability in the area and is not supported. "Open Space" zone and 'Road' are designated for specific planning purposes and different planning needs, which are different from NBAs or building gaps;
- (i) as the NBAs have been designated with due considerations given to site conditions and other relevant factors, minor relaxation clause of NBAs requirements should only be allowed for exceptional circumstances to cater for exceptional cases under which the NBAs cannot be provided due to special circumstances and alternatives to achieve the planning objectives can be considered on individual merits;
- (j) the measures on Sustainable Building Design (SBD) Guidelines/Joint Practice Note (JPN) and the OZP restrictions are under two separate development control regimes, although they are complementary with each other. The SBD Guidelines and JPN are administrative measures for compliance on a voluntary basis for the granting of gross floor area (GFA) concession, without reference to specific district characteristics. OZP restrictions are statutory planning control to achieve planning objectives specific to the district;
- (k) it should be noted that the development restrictions imposed in the Kwai Chung OZP are derived based on sound planning principles, urban design considerations, reasonable planning assumptions and other relevant planning considerations, in order to achieve the planning objectives set out for the Area. The TPB does not agree that the restrictions (BHR, NBA and building gap) imposed on the Kai Tak Mansion site are arbitrary; and
- (l) the two-month statutory exhibition period and provision for representations

and comments form part of the public consultation process. Any premature release of information before exhibition of the amendments to the OZP may prompt an acceleration of submission of building plans, thus nullifying the effectiveness of imposing the BHRs. All information supporting the BHR, NBA and building gap requirements under the OZP including the AVA EE Report and Urban Design Appraisal, is available for public inspection.

A copy of the relevant extract of minutes of the TPB meeting held on 12.10.2012 is enclosed herewith for your reference.

In accordance with section 8 of the Town Planning Ordinance, the above Plan together with a schedule of the representation(s) and comment(s), if any, will be submitted to the Chief Executive in Council for a decision.

If you wish to seek further clarification/information on matters relating to the above decision, please contact Ms. Fannie Hung of Tsuen Wan and West Kowloon District Planning Office at 2158 6356.

Yours faithfully,



(Donald YEUNG)

for Secretary, Town Planning Board

DY/m