

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

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By Registered Post

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/R/S/H20/20-1

23 August 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 Chai Wan Outline Zoning Plan No. S/H20/20
(Representation No. R1)

I refer to my letter to you dated 20.7.2012.

After giving consideration to the representations and related comment, the Town Planning Board (TPB) decided on 27.7.2012 not to propose amendment 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, land uses, compatibility with surrounding developments, the wind performance of the existing condition and the recommendations of the air ventilation assessment (AVA), has 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 TPB 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 on 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) 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;
- (f) the measures on Sustainable Building Design (SBD) Guidelines/Joint Practice Notes (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 without reference to specific district characteristics. OZP restrictions are statutory planning control to achieve planning objectives specific to the district;
- (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, reduce the visible areas of the mountain backdrop and the waterbody of the harbour from the local vantage points and adversely affect the local character and cityscape, which is not in line with the intended planning control. Moreover, a blanket 20m relaxation has no supporting basis;
- (h) relaxation of the BHRs at the Heng Fa Chuen area would jeopardise the integrity of the stepped BH concept and result in out-of-context development on the waterfront, which is not in line with the intended planning control;
- (i) the plot ratio (PR)/gross floor area (GFA) restrictions are appropriate, taking into account all relevant factors including the Hong Kong Planning Standards and Guidelines, local characteristics, existing building profile, nature of the developments, redevelopment potential, lease entitlements and the findings of the traffic assessment upon striking a balance between public aspirations for a better living environment and private development rights;
- (j) the areas zoned "Industrial" and "Other Specified Uses" annotated "Business" are subject to traffic constraints. According to the traffic assessment conducted for the areas, a maximum PR of 12 for these two zones is appropriate in order to alleviate the potential traffic problems;
- (k) to cater for site-specific circumstances and schemes with planning and design merits, minor relaxation of PR/GFA restrictions may be considered by the TPB through the planning permission system. Each proposal would be considered on its individual merits;
- (l) 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 on the OZP can serve a positive planning purpose and has positive planning benefits by improving air ventilation. Designation of NBAs and building gaps would not adversely affect the development potential of the affected sites;

- (m) as the NBAs and building gaps have been designated with due considerations given to site conditions and other relevant factors, minor relaxation clause of NBAs and building gaps requirements should only be allowed for exceptional circumstances to cater for exceptional cases under which the NBAs and building gaps cannot be provided due to special circumstances and alternatives to achieve the planning objectives can be considered on individual merits; and
- (n) the two-month statutory exhibition period and provision for representations and comments formed part of the public consultation process. Any premature release of information before exhibition of the amendments to the OZP may prompt an acceleration of submission of building plans, thus nullifying the effectiveness of imposing the BHRs. All information supporting the BHR and building gap requirements on the OZP including the AVA Report and Urban Design Appraisal, is available for public inspection.

A copy of the relevant extract of minutes of the TPB meeting held on 27.7.2012 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. Kitty Lam of Hong Kong District Planning Office at 2231 4962.

Yours faithfully,



(S.K. CHEUNG)

for Secretary, Town Planning Board