

城市規劃委員會

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北角政府合署十五樓

TOWN PLANNING BOARD

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來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/R/S/H6/15-153

1 April 2011

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

Dear Sir/Madam,

Draft Causeway Bay Outline Zoning Plan No. S/H6/15
(Representation No. R153)

I refer to my letter to you dated 4.3.2011.

After giving consideration to the representations and related comments, the Town Planning Board (TPB) decided on 11.3.2011 not to propose amendment to the above Plan to meet the representations 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, existing topography, stepped BH concept, local characteristics, existing BH profile, site formation level and site constraints, the zoned land uses of the site concerned, development intensity, the wind performance of the existing condition and the recommendations of the Air Ventilation Assessment (AVA), have been taken into consideration. The BHRs have struck a balance between public aspirations for a better living environment and private development right;
- (b) the BHRs are formulated on the basis of reasonable assumptions with allowance for design flexibility to accommodate development intensity permissible under the Outline Zoning Plan (OZP). Blanket relaxation of the BHRs is not supported as it would result in proliferation of high-rise developments, which is not in line with the intended planning control. Deletion or piecemeal relaxation of BHRs for individual sites would jeopardize the coherency of the stepped BH profile and can result in proliferation of high-rise developments, which is not in line with the intended planning control;
- (c) the BHRs would not result in larger building bulk. Whether a building is bulky or massive depends on many factors other than BH alone, e.g. whether there are podia, whether car park is provided in basement or

above ground, and the storey height proposed, etc. Given the tendency to maximize the best view in certain direction (particularly sea view), and to capitalize the land value of the lower floors by designing a 100% site coverage commercial podium under Building (Planning) Regulations (B(P)R) to 15m, a development with more relaxed BH control may be even taller and bulkier. The provision of better designed sustainable buildings is not guaranteed;

- (d) s.3 and 4 of the Town Planning Ordinance and the theme of the legislation are prescribed 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 OZP under s.3 and 4 of the Ordinance if there are necessary and sufficient planning justifications;
- (e) the BHRs are intended to avoid developments with excessive height, and the development intensity of individual sites would not be affected. There would not be adverse impacts on the development intensity permitted under the OZP and property value in general. For an existing building which having already exceeded the BHRs, the rights of redeveloping the buildings to their existing heights would be respected on the OZP;
- (f) the presumption against minor relaxation of BHRs for existing buildings which have already exceeded BHRs stipulated on the OZP is to contain the heights of the excessively tall buildings and avoid further aggregate increase in the BH profile;
- (g) 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 based on the set of criteria set out in the Explanatory Statement of the OZP;
- (h) designation of non-building area (NBA), building gap and setback requirements on the OZP can serve a positive planning purpose and have positive planning benefits by improving air ventilation, visual permeability and the pedestrian environment. It has legal basis as it would form part of the planning control of the TPB, which has the necessary and sufficient justifications;
- (i) the relaxation of the NBA, setback and building gap requirement for one site would affect the effectiveness of their planning intention. The wording 'exceptional circumstances' is included in the minor relaxation clause of setback requirements to cater for the situation that only in some exceptional cases under which the requirement cannot be met due to site constraints but the planning objectives would be achieved in other forms;
- (j) the "Commercial/Residential" ("C/R") sites are rezoned to "Commercial", "Residential" or "Other Specified Uses" annotated "Mixed Uses"

(“OU(MU)”) taking the nature and uses of the existing developments into consideration. Flexibility for change of use is allowed through the planning permission system. Rezoning of the “C/R” sites would not unify future developments and the character of the Area as existing uses are allowed to continue;

- (k) 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, building gap and setback requirements on the OZP including the AVA Report and visual analysis, is available for public inspection;
- (l) the “OU(MU)” zoning was first introduced in the revised Master Schedule of Notes to the Statutory Plans (MSN) endorsed by the TPB in 2003 and the views of the professional institutes have been taken into account in refining the proposed zoning. To provide flexibility for redevelopment, the zoning permitted as of rights new residential, non-residential or mixed development with proper segregation of residential and non-residential uses, while allowing some commercial uses in existing composite buildings before redevelopment (*R153*);
- (m) in general, proposals involving dedication of land for public passage and surrender of land for street widening would be entitled to bonus Gross Floor Area (GFA) under B(P)R, and any such claim would be duly considered by the Building Authority in accordance with the normal practice. Since there is no plot ratio restriction for the relevant commercial, residential and “OU(MU)” zones under the Plan, the inclusion of provision in the OZP for plot ratio to be exceeded as defined in B(P)R 22(1) and (2) is not necessary. The NBA, setback and building gap requirements on the OZP should not adversely affect development intensity of the relevant sites, and do not preclude the claim for bonus GFA under the Buildings Ordinance; and
- (n) pedestrianisation and traffic management schemes would have a major impact on the general traffic and pedestrian circulation in the concerned area, and would need to be considered by the Transport Department in detail separately.

A copy of the relevant extract of minutes of the TPB meeting held on 11.3.2011 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 Mr. Tom Yip of Hong Kong District Planning Office at 2231

4935.

Yours faithfully,

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by 'i'.

(S.K. CHEUNG)

for Secretary, Town Planning Board

SKC/LL/m