

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/K3/28-9

18 May 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 Mong Kok Outline Zoning Plan No. S/K3/28
(Representation No. R9)

I refer to my letter to you dated 21.4.2011.

After giving consideration to the representations and related comment, the Town Planning Board (TPB) decided on 29.4.2011 not to propose amendment to the above Plan to meet your representation for the following reasons:

Building Height Restrictions (BHRs)

- (a) the purpose of imposing 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 potential, 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 or piecemeal deletion/relaxation of BHRs for individual sites is not supported as it is not in line with the intended planning control and would result in proliferation of high-rise developments, undermining the overall purpose of imposing BHRs and adversely affect the existing townscape and character of the Area;
- (c) the BHRs would not result in larger building bulk. Whether a building is considered bulky or massive depends on many factors other than BH alone.

Given the tendency to maximise the best view in certain direction and to capitalise the land value of the lower floors, a development with more relaxed BHR may be even taller and bulkier. The provision of better building design sustainable buildings is not guaranteed;

- (d) there would not be adverse impacts on the development intensity permitted under the OZP and property value in general and the BHRs would not jeopardize the incentive for redevelopment;
- (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) sections 3 and 4 of the Town Planning Ordinance 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 sections 3 and 4 of the Town Planning Ordinance if there are necessary and sufficient planning justifications;

Non-building area (NBA), Building Gap and Setback Requirements

- (g) designation of 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;
- (h) according to the Urban Design Guidelines, Tsim Sha Tsui is recognised as a new major commercial high-rise node and no additional high-rise nodes should be designated outside the area. In accordance with the Urban Design Guidelines, it is inappropriate to apply the approach used in the Tsim Sha Tsui OZP to the subject OZP;
- (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; and
- (j) the standard clause allowing for the permitted plot ratio to be exceeded as defined in section 22(1) or (2) of the Building (Planning) Regulations has been stipulated in Remarks of the "Commercial", "Comprehensive Development Area", "Residential (Group A)", "Residential (Group E)", "Other Specified Uses" annotated "Multi-storey Car/Lorry Park", "Other Specified Uses" annotated "Funeral Parlour" and "Other Specified Uses" annotated "Business" zones in the Notes.

A copy of the relevant extract of minutes of the TPB meeting held on 29.4.2011 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. C.K. Soh of Tsuen Wan and West Kowloon District Planning Office at 2158 6358.

Yours faithfully,

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

(S.K. CHEUNG)

for Secretary, Town Planning Board

SKC/LL/m