

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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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/K13/26-2

20 June 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 Ngau Tau Kok and Kowloon Bay Outline Zoning Plan No. S/K13/26
(Representation No. R2)

I refer to my letter to you dated 20.5.2011.

After giving consideration to the representations and related comment, the Town Planning Board (TPB) decided on 27.5.2011 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) Study, have been taken into consideration. The BHRs have struck a balance between public aspirations for a better living environment and private development potential;
- (b) the BHRs are formulated on the basis of reasonable assumptions with allowance for design flexibility to accommodate development potential permissible under the Outline Zoning Plan (OZP). Piecemeal relaxation of BHRs for individual sites is not supported as it would jeopardise the coherence of the stepped BH profile and would result in proliferation of excessively high developments, which is not in line with the intended planning control;
- (c) the BHRs do not necessarily result in larger building bulk. Whether a building

is 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 on the land value of lower floors, a development with more lenient BH control may be even taller and bulkier;

- (d) to cater for site specific circumstances and schemes with planning and design merits, there is provision for application for minor relaxation of BHRs under the OZP. Each application would be considered by the TPB on its individual merits;

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

- (e) 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 should have 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;
- (f) designation of NBA and building gap 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. Given that the designation of NBA is fully justified, it has legal basis to form part of the planning control of the TPB;
- (g) the relaxation of the NBA and building gap requirement would affect the effectiveness of their planning intention. The wording 'exceptional circumstances' is included in the minor relaxation clause requirement 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;
- (h) the requirements under the Buildings Ordinance and the OZP on NBAs and building gaps are under two separate regimes. They are complementary, rather than duplicating each other.

Public Consultation

- (i) subsequent to the completion of the Study "Urban Design Guidelines for Hong Kong" setting out the broad urban design guidelines in 2003, the BH proposals were firstly translated onto OZP restrictions in Kowloon Bay Business Area (KBBA) and Kwun Tong Business Area (KTBA) in 2004. As most of the sites within the business areas are subject to the Airport Height Restrictions/ BHRs under leases and a surge of building plan submissions to establish "fait accompli" is unlikely, it is considered that public consultation prior to the gazetting can be conducted to gauge the public views on such translation of BHR onto relevant OZPs. The TPB Guidelines for Interim BH Control in KBBA and KTBA was issued in 2004 for planning control purposes pending on the results of the public consultation on imposing BHRs in KBBA and KTBA; and
- (j) the 2-month statutory exhibition period and provision for representations and

comments form part of the current 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 BHRs, NBA and building gap requirements on the OZP including the AVA Report and visual analysis, are available for public inspection.

A copy of the relevant extract of minutes of the TPB meeting held on 27.5.2011 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. Richard Siu of Kowloon District Planning Office at 2231 4964.

Yours faithfully,



(S.K. CHEUNG)

for Secretary, Town Planning Board

SKC/LL/m