

城市規劃委員會

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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/H5/26-34

23 May 2011

4.3.1.
By Registered Post

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 Wan Chai Outline Zoning Plan No. S/H5/26
(Representation No. R34)

I refer to my letter to you dated 19.4.2011.

After giving consideration to the representations and related comments, the Town Planning Board (TPB) decided on 26.4.2011 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 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 building height profile of the Area. In formulating the BHRs for the Area, all relevant factors including the Urban Design Guidelines, existing topography, stepped building height concept, local characteristics, existing building height 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 building height 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 bulky or is massive depends on many factors other than building height alone. Given the tendency to maximize the best view in certain direction

and to capitalize the land value of the lower floors, a development with more relaxed building height 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 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 Town Planning Ordinance if there are necessary and sufficient planning justifications;
- (e) the presumption against minor relaxation of BHRs for existing buildings which have already exceeded the BHRs stipulated on the OZP is to contain the heights of the excessively tall buildings and avoid further aggregate increase in the building height profile;
- (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) 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;
- (h) the relaxation of the NBA, setback and building gap requirements for one site would affect the effectiveness of their planning intention. The wording 'exceptional circumstances' is included in the minor relaxation clause of NBA and 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;
- (i) the "Commercial/Residential" ("C/R") sites are rezoned to "Commercial", "Residential" or "Other Specified Uses" annotated "Mixed Use", 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 result in uniform developments and mono-character of the Area as existing uses are allowed to continue;
- (j) 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 building height restrictions. 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;

- (k) according to the Urban Design Guidelines, Tsim Sha Tsui is recognized 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;
- (l) the new measures on Sustainable Building Guidelines (SBD) and the OZP restrictions on BHR, NBA, building setback/gaps are under two separate regimes. They are complementary to, rather than duplicating with each other. Unlike the requirements on OZP which are determined based on specific district circumstances and conditions, the SBD Guidelines focus on the building design at a site level and are applicable to all building developments with no reference to specific district characteristics; and
- (m) the rezoning of the Wan Chai Police Station (WCPS) and Wan Chai Police Married Quarters (WCPMQ) sites to "Other Specified Uses" and "Commercial (4)" is to facilitate an integrated development project involving in-situ preservation and revitalization of the WCPS building, and redevelopment of the WCPMQ site for hotel, commercial, community and/or cultural uses. All relevant factors including the local characteristics, existing building height profile, site formation level and site constraints, development potential, the recommendations of the AVA, and the provision of the open space and Government, Institution or Community (G/IC) facilities, have been taken into consideration. As there is in general adequate open space and G/IC facilities to meet the requirements of the planned population in the Area, there is no need to rezone the WCPS and WCPMQ sites to either "Open Space" or "Government, Institution or Community".

A copy of the relevant extract of minutes of the TPB meeting held on 26.4.2011 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. Louis Kau of Hong Kong District Planning Office at 2231 4917.

Yours faithfully,



(S.K. CHEUNG)

for Secretary, Town Planning Board