

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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來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/R/S/K2/21-8

2 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 Yau Ma Tei Outline Zoning Plan No. S/K2/21**  
**(Representation No. R8)**

I refer to my letter to you dated 6.5.2011.

After giving consideration to the representations and related comments, the Town Planning Board (TPB) decided on 13.5.2011 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 (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, 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 in the shape and form of the buildings and to accommodate development intensity permissible under the Outline Zoning Plan (OZP). BHRs would not constrain innovative and good quality building design. Blanket relaxation of the BHRs or piecemeal deletion/relaxation of BHRs for individual sites is not supported as it would result in proliferation of high-rise developments, which is not in line with the intended planning control;
- (c) there would not be adverse impacts on the development intensity permitted under the OZP. For an existing building having already exceeded the BHRs, the rights of redeveloping the buildings to their existing heights would be respected on the OZP;

- (d) the BHRs would not 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 relaxed BH control may be even taller and bulkier. The provision of better designed sustainable buildings is not guaranteed;
- (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 and setback requirements under the OZP. Each application would be considered by the TPB on its individual merits;
- (f) the provision of a higher maximum BH (i.e. from 80mPD to 100mPD) for "Residential (Group A)" sites with an area of 400m<sup>2</sup> or more would cater for site amalgamation for more comprehensive development and allow design flexibility and provision of supporting facilities for development of different scales and having different building design considerations;
- (g) 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;
- (h) the proposal to introduce "Other Specified Uses" annotated "Mixed Use" zone to the predominantly residential areas one to two blocks from Nathan Road and along Jordan Road is not in line with the development pattern and existing land use. Flexibility for change of use is allowed through the planning permission system should the market determine that more commercial uses is required;
- (i) Sections 3 and 4 of the Town Planning Ordinance and the scheme of the legislation 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;
- (j) 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;
- (k) the relaxation of the NBA and building setback requirement 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; and

- (l) the new measures on Sustainable Building Design and the OZP restrictions on BHR, NBA, building setback/gaps are under two separate regimes. They are complementary, rather than duplicating each other.

A copy of the relevant extract of minutes of the TPB meeting held on 13.5.2011 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. C.K. Soh of Tsuen Wan and West Kowloon District Planning Office at 2158 6358.

Yours faithfully,



( S.K. CHEUNG )

for Secretary, Town Planning Board

SKC/LL/m