

**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/TW/29-3

12 October 2012

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

Dear Sir/Madam,

**Draft Tsuen Wan Outline Zoning Plan No. S/TW/29**  
**(Representation No. R3)**

I refer to my letter to you dated 7.9.2012.

After giving consideration to the representations and related comments, the Town Planning Board (TPB) decided on 14.9.2012 not to propose amendments 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, the Urban Design Appraisal for the Area, existing topography, stepped BH concept, local characteristics, existing BH profile, site formation level and site constraints, the zoned land uses of the site concerned, compatibility with the surrounding developments, development potential, the wind performance of the existing condition and the recommendations of the Air Ventilation Assessment (AVA) Expert Evaluation (EE), has been taken into consideration;
- (b) Sections 3 and 4 of the Town Planning Ordinance and the scheme of the legislation are intended to give the Board comprehensive powers to control development in any part of Hong Kong. The TPB has the powers to impose BHRs on individual sites or for such areas within the boundaries of the Outline Zoning Plan (OZP) where there are necessary and sufficient planning justifications;
- (c) there would not be adverse impacts on the development intensity permitted under the OZP. For an existing building which has already exceeded the BHRs, the

rights of redeveloping the buildings to their existing heights would be respected on the OZP unless otherwise specified. The BHRs have struck a balance between public aspirations for a better living environment and private development rights;

- (d) the BHRs are formulated on the basis of reasonable assumptions with allowance for design flexibility to accommodate development intensity permissible under the OZP. The BHRs would not result in larger building bulk. On the other hand, better designed and sustainable buildings are not guaranteed with more relaxed BH control;
- (e) to cater for site-specific circumstances and schemes with planning and design merits, there are 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) blanket relaxation of the BHRs by 20m is not supported as it would significantly increase the overall BH profile in the neighbourhood, create canyon effect and would adversely affect the local character and cityscape, which is not in line with the intended planning control. Moreover, there is no supporting basis for a blanket relaxation of 20m BHR;
- (g) 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;
- (h) pursuant to sections 3 and 4 of the Town Planning Ordinance, the TPB has powers to impose non-building areas (NBAs) and building gaps for individual sites or areas within the boundaries of the OZP with necessary and sufficient justifications. Designation of NBAs and building gaps 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. Designation of NBAs and building gaps would not adversely affect the development potential of the affected sites;
- (i) as the NBAs have been designated with due considerations given to site conditions and other relevant factors, minor relaxation clause of NBAs should only be allowed for exceptional circumstances to cater for exceptional cases when NBAs cannot be provided, alternative provision can be made to achieve the planning objectives in other form. The provision for minor relaxation of building gap restriction would be considered by the Town Planning Board based on individual merits;
- (j) the measures on Sustainable Building Design (SBD) Guidelines and the OZP restrictions are under two separate development control regimes, although they are complementary with each other. The SBD Guidelines are administrative measures for compliance on a voluntary basis for the granting of gross floor area concession, without reference to specific district characteristics. OZP

restrictions are statutory planning control to achieve planning objectives specific to the district;

- (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 and building gap requirements on the OZP including the AVA EE and Urban Design Appraisal, is available for public inspection; and
- (l) according to the Town Planning Board Guidelines on Lapsing of Planning Permission (TPB PG-No. 26A) promulgated in May 2006, a development being carried out on a site in accordance with a planning permission would not be affected by a change of the land use zoning restriction of the site.

A copy of the relevant extract of minutes of the TPB meeting held on 14.9.2012 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.

Please note that this letter serves to supersede the letter sent to you dated 5.10.2012.

If you wish to seek further clarification/information on matters relating to the above decision, please contact Mr. K.T. Ng of Tsuen Wan and West Kowloon District Planning Office at 2158 6355.

Yours faithfully,



( S.K. CHEUNG )

for Secretary, Town Planning Board