

TPB/R/S/H5/28-C1

就草圖的申述提出意見

Comment on Representation Relating to Draft Plan

參考編號

Reference Number:

180808-162548-27656

提交限期

Deadline for submission:

24/08/2018

提交日期及時間

Date and time of submission:

08/08/2018 16:25:48

提出此份意見的人士 (下稱「提意見人」)

Person Making This Comment

先生 Mr. LAU CHUN KIT

(known as "Commenter") hereafter:

與意見相關的草圖

Draft plan to which the comment relates:

S/H5/28

意見詳情

Details of the Comments:

申述編號 Representation No:	意見詳情 Details of Comments:
TPB/R/S/H5/28-1	支持所有修訂項目，因為草圖上的有關修訂已考慮到對該區的整體影響和發展。

TPB/R/S/H5/28-C2

17 August 2018

The Secretary,
Town Planning Board,
15 Floor,
North Point Government Offices,
333 Java Road,
North Point.

Dear Sirs,

**Comment on the Representations to
Draft Wan Chai Outline Zoning Plan No. S/H5/28**

This Comment is submitted in regards to supporting the Representation Numbers TPB/R/S/H5/28-R2 and TPB/R/S/H5/28-R3 on the Draft Wan Chai Outline Zoning Plan ("OZP") No. S/H5/28, for the consideration of the Town Planning Board.

I would like to **support** these two Representations.

Yours faithfully,

Yun Fan Lai



20 August 2018

By Mail

The Secretary,
Town Planning Board,
15 Floor,
North Point Government Offices,
333 Java Road,
North Point.

Dear Sirs,

Comment on the Representations on Draft Wan Chai Outline Zoning Plan No. S/H5/28

This Comment is submitted in regards to supporting the Representation Numbers TPB/R/S/H5/28-R2 and TPB/R/S/H5/28-R3 on the Draft Wan Chai Outline Zoning Plan ("OZP") No. S/H5/28, for the consideration of the Town Planning Board.

Comment on Representation Number TPB/R/S/H5/28-R2

This Comment agrees with the Representation that the building height restriction should be further relaxed on the Lee Theatre Plaza site from 135mPD to 165mPD so that a high quality building can be developed in the future.

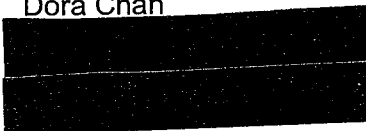
Comment on Representation Number TPB/R/S/H5/28-R3

This Comment agrees with the Representation that the building height restriction should be further relaxed on the Leighton Centre site from 135mPD to 200mPD so that a high quality building can be developed in the future.

I would like to **support** these two Representations.

Yours faithfully,

Dora Chan



TPB/R/S/H5/28-C4

就草圖的申述提出意見

Comment on Representation Relating to Draft Plan

參考編號

180824-143912-14447

Reference Number:

提交限期

24/08/2018

Deadline for submission:

提交日期及時間

24/08/2018 14:39:12

Date and time of submission:

提出此份意見的人士 (下稱「提意見人」)

Person Making This Comment

小姐 Miss Cecilia

(known as "Commenter") hereafter:

與意見相關的草圖

S/H5/28

Draft plan to which the comment relates:

意見詳情

Details of the Comments:

申述編號 Representation No:	意見詳情 Details of Comments:
	<p>Support for increase of building height restriction at Amendment Item E1</p> <p>I refer to the Draft Wan Chai Outline Zoning Plan No.S/H5/28, and the Representations which are available for Comment. I am writing in support of Representation No. 4, pursuant to Section 6(A) of the Town Planning Ordinance, to increase the Building Height Restriction to 135mPD.</p> <p>Details of the Comment supporting an increase of the Building Height Restriction at Amendment E1:</p> <p>1. TPB Paper's consideration of a stepped height concept ascending from the harbour toward the landward side being unachievable, is unfound. Lower density development in the inland area can nevertheless benefit from greater building height, with respect to the Hong Kong Planning Standards and Guideline's Urban Design Chapter:</p> <p>a. "The sectional profile should echo the natural topographical profile. Gradation of height profile should be created in relation to topography." (Paragraph 6.2.8.) This ascending profile does not relate to development densities.</p> <p>b. Greater building height for the same development density will bring variations to the height and massing in the built environment. This meets the Chapter's objectives (paragraph 5.1), "Encourage dynamism: To encourage Hong Kong's spirit on pluralism and dynamism. Accommodate flexibility: To give flexibility for innovative ideas and possibilities."</p> <p>c. Given the significant contour increase towards Kennedy Road, there will be fascinating juxtaposition of the mountain and sky to form ever lasting images, as intended in paragraph 6.2.7.</p>

4

d. There are the Open Space and G/IC zones uphill, together with the 12 storeys "R(C)" cluster to the east. They meet the Chapter's requirement (paragraph 6.2.8), "achieving relief and diversity in height and massing of developments", as "low rise and low density areas should be preserved to enhance diversity in the urban core."

2. The Building Height Restriction at Amendment Item E1 on the northern side of Star Street should not be limited by the 120mPD of the southern side of the Street. The southern side of the Street, while not being an Amendment Item and can be reviewed if necessary, to formulate a stepped height concept with reference to the 150mPD on Kennedy Road under Amendment Item E3.

3. This request to increase Building Height Restriction also agrees with the rationale of Representation No.5, in creating open space, for the following reasons:

a. Government's Air Ventilation Assessment Expert Evaluation finds open space critical for wind penetration as major air paths. At the same time, it does not consider building height to be the key consideration factor for air ventilation in Wan Chai.

b. Open space also serves soft green environment mitigating urban heat island effect, space for informal recreation and exercise, space for people to get outside from relatively small flats, social interaction, and good physical and mental health. This is particularly necessary in the dense urban environment and severely open space deficit of Wan Chai.

就草圖的申述提出意見

TPB/R/S/H5/28-C5

Comment on Representation Relating to Draft Plan

參考編號

180824-145721-83938

Reference Number:

提交限期

24/08/2018

Deadline for submission:

提交日期及時間

24/08/2018 14:57:21

Date and time of submission:

提出此份意見的人士(下稱「提意見人」)

Person Making This Comment

先生 Mr. Peter Wu

(known as "Commenter") hereafter:

與意見相關的草圖

S/H5/28

Draft plan to which the comment relates:

意見詳情

Details of the Comments:

申述編號 Representation No:	意見詳情 Details of Comments:
4	<p>Support for increase of building height restriction at Amendment Item E1</p> <p>I refer to the Draft Wan Chai Outline Zoning Plan No.S/H5/28, and the Representations which are available for Comment. I am writing in support of Representation No. 4, to increase the Building Height Restriction to 135mPD.</p> <p>Greater building height in the inland area is in accordance with the Hong Kong Planning Standards and Guideline's Urban Design provisions. First, greater building height for the same development density will bring variations in height and massing of developments to enhance diversity in the urban core. Second, the proposed 135mPD is in balance with the contour increase towards Kennedy Road and the 150mPD at Amendment Item E3, the Open Space and G/IC zones uphill, together with the 12 storeys "R(C)" cluster to the east.</p>

TPB/R/S/H5/28-C6

就草圖的申述提出意見

Comment on Representation Relating to Draft Plan

參考編號

Reference Number:

180816-172930-67449

提交限期

Deadline for submission:

24/08/2018

提交日期及時間

Date and time of submission:

16/08/2018 17:29:30

提出此份意見的人士 (下稱「提意見人」)

Person Making This Comment

女士 Ms. LAU Shun Wah Maggie

(known as "Commenter") hereafter:

與意見相關的草圖

Draft plan to which the comment relates:

S/H5/28

意見詳情

Details of the Comments:

申述編號	意見詳情
Representation No:	Details of Comments:
TPB/R/S/H5/28-49	<p>The Representation objects to Items A to D, E1 and E3 mainly for reasons that the relaxation of BHR may lead to further increase of BH, inadequate transport to support increased traffic demand, adverse impact on traffic and it is not in public interest.</p> <p>I think that the reasons stated are not well justified as the relaxation of BHR is not accompanied with an increase in Plot Ratio. There would be no increase in Gross Floor Area and hence no increase in traffic. As such, there would be no impact on traffic.</p>

寄件者: Clarisse Yeung [REDACTED]
寄件日期: 24日08月2018年星期五 12:02
收件者: tpbpd
主旨: 就灣仔區分區規劃大綱草圖 (S/H5/28) 的申述提出意見

致 城市規劃委員會
各位委員：

就灣仔區分區規劃大綱草圖 (S/H5/28) 的申述提出意見

本人為灣仔區區議員，現就提出灣仔區分區規劃大綱草圖 (S/H5/28) 的申述提出意見：

一、本人同意 TPB/R/S/H5/28-1、TPB/R/S/H5/28-6—43、TPB/R/S/H5/28-49、TPB/R/S/H5/28-50

反對所有高度限制修訂的申述。本人認為修訂高度會加快區內住宅重建及士紳化，影響樓價，亦令居民無奈被迫遷。此外，放寬樓高會對空氣流通和街道採光帶來嚴重負面影響，令居民不能享有舒適的街道環境。本人同意申述 TPB/R/S/H5/28-54—75 所指擬議修訂應平衡社區和經濟發展。

二、TPB/R/S/H5/28-5 及 TPB/R/S/H5/28-4

表示放寬高度限制提高樓宇設計靈活性、允許創新和增加發展潛力，本人認為這些理據不應成為大綱圖修訂的考慮因素。放寬高度限制為地產商提供發展誘因，但本區居民根本不能從中得益，反而承受重建帶來的社區和環境影響。城規會在考慮修訂時不應側重於發展商的利益，避免引起發展和民生之間的矛盾。

三、本人不同意 TPB/R/S/H5/28-2、TPB/R/S/H5/28-3 及 TPB/R/S/H5/28-4

申述，因其針對單一修訂項目，建議進一步放寬高度限制，卻沒有提及建議對社區的潛在影響。申述人為該修訂地段的發展商，提出建議的目的顯然是為了維護和增加自身利益，如城規會最終採納此等申述意見，會有違社區為本和公義的原則。

四、本人同意 TPB/R/S/H5/28-6-43、TPB/R/S/H5/28-49、TPB/R/S/H5/28-50

對舊灣仔警署一帶草圖修訂 (B, F1-G3) 的關注。本人反對規劃署將以私有化形式保育舊灣仔警署為規劃前設，針對附近地段修訂大綱草圖為重建鋪路。城規會應考慮 TPB/R/S/H5/28-5 的建議，將 C(4) 地段改劃成休憩用地，並在規劃前就當地需求先諮詢區議會，解決現有社區公共空間不足的問題。

五、本人反對 TPB/R/S/H5/28-53

將修訂項目 B 高度限制調整至 135 米的建議。該修訂的地段位於舊灣仔警署以南，和南邊建築物高度較低的 G/IC 用地連成重要的通風走廊；放寬高度限制會令通風走廊消失，以致整個灣仔區都會受影響。

本人希望 委員詳細考慮本人對大綱圖申述的意見，並將上述意見納入評估因素，以灣仔區居民的利益為依歸，否決規劃大綱草圖。

灣仔區議員

楊雪盈 謹啟

二零一八年八月二十四日

TPB/R/S/H5/28-C8

PERFECT WORLD COMPANY LIMITED

忠信物業管理有限公司

5th Floor, China Evergrande Centre, 38 Gloucester Road, Wanchai, Hong Kong.

TEL: 2866 6999 FAX: 2861 5881

FAX TRANSMISSION

To: From: Michael Au
Fax no.: 28770245 Pages: 3
Date: 22-Aug-18 5:09 PM
Subject: Letter to Secretary of Town Planning Board

Message:

OWNERS' COMMITTEE OF ONE WANCHAI

壹環業主委員會

No.1 Wan Chai Road, Wanchai, Hong Kong

BY POST & BY FAX

(Fax no: 2877 0245)

22 August 2018

Secretary of Town Planning Board
Town Planning Board
15/F, North Point Government Offices
333 Java Road
North Point
Hong Kong

Dear Sir,

Re: URGENT: Opposition to Draft Wan Chai Outline Zoning Plan No.S/H5/27

We are the Owners Committee of One Wanchai situated at No.1 Wan Chai Road, Hong Kong.

We refer to the representations of the draft Wan Chai Outline Zoning Plan No.S/H5/27 and are writing to support the below representations.

TPB/R/S/H5/28-6	TPB/R/S/H5/28-21	TPB/R/S/H5/28-36
TPB/R/S/H5/28-7	TPB/R/S/H5/28-22	TPB/R/S/H5/28-37
TPB/R/S/H5/28-8	TPB/R/S/H5/28-23	TPB/R/S/H5/28-38
TPB/R/S/H5/28-9	TPB/R/S/H5/28-24	TPB/R/S/H5/28-39
TPB/R/S/H5/28-10	TPB/R/S/H5/28-25	TPB/R/S/H5/28-40
TPB/R/S/H5/28-11	TPB/R/S/H5/28-26	TPB/R/S/H5/28-41
TPB/R/S/H5/28-12	TPB/R/S/H5/28-27	TPB/R/S/H5/28-42
TPB/R/S/H5/28-13	TPB/R/S/H5/28-28	TPB/R/S/H5/28-43
TPB/R/S/H5/28-14	TPB/R/S/H5/28-29	TPB/R/S/H5/28-44
TPB/R/S/H5/28-15	TPB/R/S/H5/28-30	TPB/R/S/H5/28-45
TPB/R/S/H5/28-16	TPB/R/S/H5/28-31	TPB/R/S/H5/28-46
TPB/R/S/H5/28-17	TPB/R/S/H5/28-32	TPB/R/S/H5/28-47
TPB/R/S/H5/28-18	TPB/R/S/H5/28-33	TPB/R/S/H5/28-48
TPB/R/S/H5/28-19	TPB/R/S/H5/28-34	
TPB/R/S/H5/28-20	TPB/R/S/H5/28-35	

We are the residents living in Wan Chai district and we shared the same view with the representers of the above representations.

Wan Chai is a densely populated district assembling residential flats and skyscrapers, the relaxation of building height restriction would inevitably further increase the development intensity, which would increase the traffic flow and adversely affect the living environment and street environment of the area. With the existing traffic support, the proposed increase of building height would only increase the traffic demand and worsen the traffic condition in the area.

..P.2

OWNERS' COMMITTEE OF ONE WANCHAI

壹環業主委員會

No.1 Wan Chai Road, Wanchai, Hong Kong

- 2 -

Thus, we strongly oppose to the relaxation of building height as stated in the draft Wan Chai Outline Zoning Plan No.S/H5/27. In particular we oppose any height relaxation around the Queen's Road East area.

Should you have any queries, please feel free to contact the management office at 2864-4460.

Thank you for your kind attention.

Yours faithfully,

For and on behalf of

The Owners' Committee of One Wanchai



Ms. Andrea Chan

The Chairperson

The Owners' Committee

tpbpd

寄件者: [REDACTED]
寄件日期: 21日08月2018年星期二 1:57
收件者: tpbpd
主旨: WANCHAI OZP S/H5/28 COMMENTS

TPB/R/S/H5/28-C9

Dear TPB Members,

Once again it must be pointed out that the court ruling was on the process and procedures. It was not the judges' intention to give developers carte blanche with regard to their demands for ever higher buildings.

On her recent Facebook live session our Chief Executive stated that 'Freedom of speech, assembly and the press is not absolute, otherwise the world would be chaotic'

This is also applicable to property rights.

These are also subject to certain restrictions and boundaries to ensure that they do not infringe on the rights of others, in this instance to good ventilation and the desirability of allowing as many residents as possible enjoy a pleasing panorama.

Mary Mulvihill

TPB/R/S/H5/28-1

就草圖作出申述

Representation Relating to Draft Plan

參考編號

Reference Number:

180702-115818-11890

提交限期

Deadline for submission:

04/07/2018

提交日期及時間

Date and time of submission:

02/07/2018 11:58:18

提出此宗申述的人士

Person Making This Representation:

先生 Mr. LAU CHUN KIT

申述詳情

Details of the Representation :

與申述相關的草圖

Draft plan to which the representation relates:

S/H5/28

申述的性質及理由

Nature of and reasons for the representation:

有關事項 Subject Matters	性質 Nature	理由 Reason
S/H5/28	支持 Support	有助提供更多建築面積，舒緩現今土地供應緊張的情況。

對草圖的建議修訂(如有的話)

Proposed Amendments to Draft Plan(if any):

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MASTERPLAN LIMITED

Planning and Development Advisors

領賢規劃顧問有限公司

TPB/R/S/H5/28-2

4 July 2018

Our Ref: MP/HysanWCRep/LTP/2018

By Fax and Hand

The Secretary,
Town Planning Board,
15 Floor,
North Point Government Offices,
333 Java Road,
North Point.

Dear Sirs,

Lee Theatre Realty Limited
Representation on the Draft Wan Chai Outline Zoning Plan No. S/H5/28
Relating to Lee Theatre Plaza, 99 Percival Street, Causeway Bay

This Representation is submitted on behalf of Lee Theatre Realty Limited in regards to the amendments relating to Lee Theatre Plaza, 99 Percival Street, Causeway Bay as shown on the Draft Wan Chai Outline Zoning Plan ("OZP") No. S/H5/28, for the consideration of the Town Planning Board.

The applicant has prepared a Representation Statement, and 90 copies of this Representation Statement are attached and submitted to the Town Planning Board for their consideration.

This representation is made without prejudice to, and entirely separate from, the rights of Lee Theatre Realty Limited in relation to judicial review proceedings HCAL 57 of 2011 and related appeals.

Yours faithfully,



Kira Brownlee,
For and on behalf of
Masterplan Limited



**Representation in relation to the
Amendments to the Draft Wan Chai Outline
Zoning Plan Number S/H5/28**

**LEE THEATRE PLAZA
99 Percival Street, Causeway Bay**

**Lee Theatre Realty Limited
July 2018**

EXECUTIVE SUMMARY

- S.1 This representation to the Draft Wan Chai Outline Zoning Plan Number S/H5/28 (new Draft OZP) is submitted on behalf of Lee Theatre Realty Limited which is the owner of Lee Theatre Plaza located at 99 Percival Street, Causeway Bay. The representation is partially in support of amendment Item A – in support of increasing the building height restriction on the site, however, this Representation proposes an alternative building height restriction option.
- S.2 This Representation relates to amendment Item A on the Outline Zoning Plan ("OZP")
- a) Item A – *"Revision of the building height restriction for the "Commercial" ("C") zones bounded by Johnston Road to the north and Tonnochy Road to the west, and the "C" zone bounded by Hennessy Road to the south and Percival Street to the west from 130mPD to 135mPD."*
- S.3 The key points made in this Representation are:
- a. The 135mPD BHR does not seem to be set as a result of any strong justification and societal benefit. It seems difficult when looking at this photomontage to describe the proposed 165mPD BHR as excessively tall or affecting the view to the point where the "societal benefits" outweigh the burden placed on the landowner, when the building would not be visible from the mentioned Stubbs Road Lookout Point, as it is too short to be seen amongst the surrounding taller buildings and trees.
 - b. There are no green features or amenities able to be accommodated within the building design such as sky gardens in the 135mPD Scheme.
 - c. As there is no justifiable or identifiable reason given for the height, the 30m difference between the proposed BHR and the Draft OZP BHR, the lack of "societal benefit" places a harsh burden on the owner. In this context there is no adequate justification for the 135mPD BHR.
- S.4 The amendments proposed in this representation are:
- a) Amend the building height restriction by stipulating a building height restriction of 165mPD over the whole "C" zone which covers Lee Theatre Plaza;
 - (b) or such alternative amendments as the Board sees fit, which meet the Representers requirements.

申述摘要

- S.1 本申述謹代表銅鑼灣波斯富街 99 號利舞臺廣場的業主利舞臺物業有限公司呈交。業主支持灣仔分區計劃大綱草圖編號 S/H5/28 (新分區計劃大綱草圖)提出有關放寬區內高度限制的修訂項目 A 項，同時回應修訂項目 A 項提出高度限制的另一個可行性。
- S.2 本申述回應分區計劃大綱草圖修訂項目 A 項：
- a) A 項 — 把介乎莊士敦道以北和杜老誌道以西的「商業」地帶，及介乎軒尼詩道以南和波斯富街以西的「商業」地帶的建築物高度限制由主水平基準上 130 米修訂為主水平基準上 135 米。
- S.3 本申述的主要重點為下列各項：
- a. 訂於主水平基準上 135 米的高度限制並沒有重大理據支持，亦不是建基於社區利益。綜觀合成圖片，即使建築物高度為主水平基準上 165 米並不顯得過高，而且，在高度與社區利益比較下亦不見得弊大於利。從司徒拔道觀景台眺望，利舞臺廣場可說是隱沒於周邊更高的建築物及大樹下。
- b. 若建築物高度訂於主水平基準上 135 米，設計上並不能容納任何綠化元素或設施，例如空中花園。
- c. 基於沒有重要理據支持主水平基準上 135 米的高度限制，業主希望能放寬 30 米的高度分別，讓業主能為建築物增加綠化元素，裨益社區。
- S.4 本申述提出的修訂項目為：
- (a) 修訂位於整個「商業」地帶的建築物高度限制為主水平基準以上 165 米，覆蓋利舞臺廣場；
- (b) 或由城市規劃委員會提議另一修訂方案可以同時兼顧申述人的要求。

1. Introduction

- 1.1 This representation to the Draft Wan Chai Outline Zoning Plan Number S/H5/28 (new Draft OZP) is submitted on behalf of Lee Theatre Realty Limited which is the owner of Lee Theatre Plaza located at 99 Percival Street, Causeway Bay. The representation is partially in support of amendment Item A – in support of increasing the building height restriction on the site, however, this Representation proposes an alternative building height restriction option.

2. Amendments to Which this Representation Relates

- 2.1 This Representation relates to amendment Item A on the Outline Zoning Plan ("OZP")
- a) Item A – *"Revision of the building height restriction for the "Commercial" ("C") zones bounded by Johnston Road to the north and Tonnochy Road to the west, and the "C" zone bounded by Hennessy Road to the south and Percival Street to the west from 130mPD to 135mPD."*

3. Property to Which the Representation Relates

- 3.1 The Lee Theatre Plaza is a commercial building which was built in 1994. It is one of several buildings in the area which are owned by the Hysan Group. The Lee Theatre Plaza lot is unrestricted in terms of development controls. The development controls are therefore those which are applicable under the Building (Planning) Regulations.

4. The Site and the Existing Building

- 4.1 The Lee Theatre Plaza site is a triangular site immediately opposite the Leighton Centre. It has frontage on to Sharp Street, Matheson Street and Percival Street. Times Square is on the opposite side of Matheson Street. It is currently 26 storeys in height and a relatively new building. However, the owners are taking a long term view of the refurbishment, alteration and eventual redevelopment that may take place.
- 4.2 Lee Theatre Plaza is a Ginza-Style Commercial building with retail shops or Restaurants on every floor. This is a more common-place type of building use now, and shows the continuing evolution of the way commercial buildings are used.

5. The Neighbourhood

- 5.1 The site is located within an area gradually undergoing transformation from old residential building to a commercial area with redevelopments for commercial/office and hotel uses. The area is an important part of the Causeway Bay retail and shopping area and is an important employment node. Leighton Centre, Lee Theatre Plaza and Times Square are the largest buildings within a neighbourhood area defined by Canal Road East, Percival Street, Hennessey Road, and Leighton Road. In the centre is the MTR entrance and exit at Times Square which makes the whole area an important one for the future growth of office and retail functions.
- 5.2 The area has been described in relation to the Causeway Bay Outline Zoning Plan as part of a 'triangle node' – which includes three landmark buildings of around 200mPD defining the location – Times Square, Lee Garden One, and Hysan Place. The Lee Theatre Plaza falls within the 'triangle node', being located between Times Square and Lee Garden One. However, there is no indication that the same conceptual approach has been adopted for the triangle area when preparing the BHR's under the Wan Chai Outline Zoning Plan BHR's.

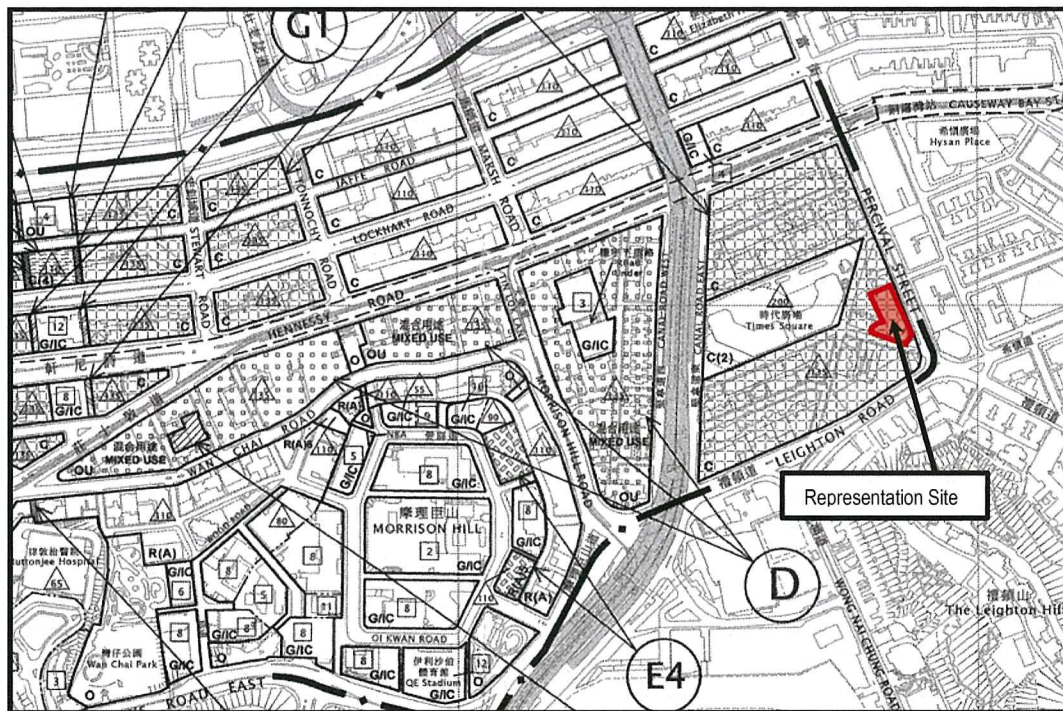


Figure 1 : Location Plan An extract from the Draft Wan Chai Outline Zoning Plan Number S/H5/28, showing the location of Lee Theatre Plaza within the “C” zone with a building height restriction of 135mPD.



Photo 1 : Looking down Sharp Street East with Lee Theatre Plaza on the right and Leighton Centre on the Left. Shows the narrow street.



Photo 2 : looking at the corner of Percival Street and Sharp Street East This shows the large voluntary setback providing space to the public realm, as is a common feature of the Hysan portfolio.

6. The Planning Context

- 6.1 **Figure 1** indicates the location of Lee Theatre Plaza within the “Commercial” (C) zone on an extract from the Draft Wan Chai Outline Zoning Plan. It also shows the building height restriction of 135 mPD. The adjacent C(2) zone applies to Times Square has a building height restriction of 200mPD, while other buildings in the immediate vicinity are restricted to 135mPD generally.
- 6.2 The Outline Zoning Plan boundary runs along Leighton Road and along Percival Street. On the opposite side of Leighton Road the area is covered by the Wong Nai Chung Outline Zoning Plan, while on the eastern side of Percival Street the area is covered by the Causeway Bay Outline Zoning Plan. The boundaries of the three Outline Zoning Plan's therefore meet at the junction of Percival Street and Leighton Road and form a rather unnatural series of boundaries in the centre of a quite clearly defined physical neighbourhood. The natural neighbourhood would tend to be from Canal Road East along Leighton Road to Yee Wo Street and then to the west along Hennessy Road.
- 6.3 The boundaries of the Outline Zoning Plan are therefore somewhat artificial and the zoning and development restrictions should be viewed in this wider context and in sympathy with the Planning Objectives for the Causeway Bay area in general.
- 6.4 The previous Draft Wan Chai Outline Zoning Plan No. S/H5/26 was subject to certain Judicial Reviews, including one relating to the BHR placed on Lee Theatre Plaza. The reconsideration of the various controls included on the new Draft OZP largely arose from the judgment of the Court of Final Appeal (CFA) in *Hysan Development Co Ltd v Town Planning Board* (CFA Judgment) (Final Appeal No. 21 of 2015 (Civil)) which made orders directing the Town Planning Board (TPB) to reconsider its decisions in relation to the Hysan Group's representations in accordance with principles of proportionality when constitutionally protected property rights are affected. The Court of Appeal had previously ruled that Sustainable Building Design Guidelines (SBDG) must be taken into account and that finding was not disturbed by the CFA. The directions from the Courts (see **Paragraph 7** for more detail) included the reconsideration of the previous draft OZP restrictions on Lee Theater Plaza. This new Draft OZP has proposed a different BHR on the site, partially addressing the issues in response to the directions of the Courts.
- 6.5 This representation makes reference to the TPB Paper No. 10415 (the TPB Paper) considered by the Board on 13 April 2018. The Paper was titled “Proposed

Amendments to the Draft Wan Chai Outline Zoning Plan No. S/H5/27". The TPB Paper reviewed the development restrictions shown on OZP No. 27 and proposed amendments which are now shown on OZP No. 28. The general approach taken in the preparation of the proposed amendments appears technically sound and has addressed most of the issues raised in the relevant judgments. In particular, the benefits that can be obtained through the implementation of the SBDG and provision of more design flexibility have been much better understood.

- 6.6 In the TPB Paper specific attention was given to the Lee Theater site in paragraph 9.5 in particular which states:

"The relaxed BHRs have taken into account the SBDG requirements and permissible development intensity. There is no strong justification to further relax the BHR to 150mPD for the area to the south of Hennessy Road and to 200mPD for the commercial sites of Leighton Centre/Lee Theatre Plaza and their surrounding neighbourhood as it would result in the proliferation of excessively tall buildings and affect the view to harbour from Stubbs Road Lookout Point. The approved building plans could still be implemented subject to the provision of the Buildings Ordinance."

- 6.7 The response of the Planning Department (PlanD) to the previous representation R97 can be seen in Annex H2 of the TPB Paper (**Shown in Appendix 1**), and the associated photomontages showing the effect of the approved GBPs is in Plans 9A-9E of the TPB Paper (**Shown in Appendix 2**). As can be seen from the Photomontages, it is very difficult to see the 200mPD committed building of Leighton Centre (Adjacent to the Lee Theatre Plaza), because of how well it fits into the surrounding context. The proposed 165mPD BHR for Lee Theatre Plaza would not be visible in any of the Photomontages in Plans A9A-9E of the TPB Paper.

- 6.8 It is difficult to argue that the 165mPD BHR is "excessively tall and out of context" when viewing the photomontages, as it fits in below the heights of the surrounding tall buildings of Times Square, Leighton Centre, One Hysan Avenue and Lee Gardens One. The Lee Theatre Plaza building is within the "Triangle Node" and at 165mPD would be significantly shorter than many of the buildings surrounding it.

7. Court of Final Appeal Judgment

- 7.1 An important factor arising from the CFA's judgment is to balance the proportional impact on individuals' rights with the societal benefits of the measures to be included as controls on the OZP. Having regard to the 'triangle node' and the fact that on two sides Lee Theatre Plaza has 200mPD buildings either built or Approved, the Representor considers that the imposition of a BHR of 135mPD amounts to the imposition of an unfair and unreasonable burden on the owner, which is out of proportion to the societal benefits to be obtained by such restriction.
- 7.2 There is no justification given in the TPB Paper in relation to this site that indicates why a 135 mPD is more appropriate than a 165mPD BHR. The proposed 165mPD BHR would provide a stepped building height from the 200mPD building surrounding Lee Theatre Plaza, but would also not be visible on any of the photomontages from the viewpoints. All of the arguments made for the 135mPD BHR are equally applicable to the proposed 165mPD BHR. The 165mPD BHR has the advantage of allowing a much better design of building incorporating green features and design innovation that would not be possible within the 135mPD BHR. The process outlined by the CFA for the TPB is explained below.
- 7.2 The CFA held that the proportionality analysis should follow a progressive, four step assessment, as follows:
- (1) whether the intrusive measure pursues a legitimate aim;
 - (2) if (1) above is satisfied, whether it is rationally connected with advancing that aim;
 - (3) if (1) and (2) above are satisfied, whether the measure is no more than necessary for that purpose; and
 - (4) if (1), (2) and (3) above are satisfied, whether ***"a reasonable balance has been struck between the societal benefits of the measure and the inroads made into the constitutionally protected rights of the individual, asking in particular whether pursuit of the societal interest results in an unacceptably harsh burden on the individual"***.
- 7.3 There was no dispute that the first two steps of the proportionality assessment are satisfied in this case, as the zoning restrictions in question are, in general terms,

rationality connected to legitimate planning purposes. However, regarding the third step, it is considered that the BHR of 135mPD is considerably more than is required to meet the purpose of restricting out of context tall buildings.

- 7.4 The CFA held that the standard to be applied at this third stage depends on many factors relating principally to the significance and degree of interference with the constitutionally protected property right. In general terms, where the TPB makes a decision which is not flawed on "traditional judicial review" grounds (it was flawed in the previous Hysan Judicial Review case that was considered by the CFA on the proportionality issue), such a decision could only be struck down at the third stage of the proportionality assessment on constitutional grounds if the decision is "manifestly without reasonable foundation". This could be applied to the BHR of 135mPD.

The Relevance to the current Representation

- 7.5 The significance of the CFA's decision to the current Representation is also at the fourth and final stage of the proportionality assessment. At this stage, even if the TPB has made a lawful decision that is not susceptible to challenge on "traditional judicial review" grounds and satisfies the third stage of the proportionality assessment, the TPB will be required to consider whether a **reasonable balance** has been struck between:

- a) the societal benefits of the measure; and
- b) the inroads made into the constitutionally protected rights of the individual,

and must ask, in particular, whether pursuit of the societal interest results in an unacceptably harsh burden **on the individual**.

- 7.6 Due to the requirement in the final sentence to consider the "*burden on the individual*", it should not be sufficient for the TPB to make a generalised assessment to suggest that the overall societal benefits of the zoning restrictions throughout the new Draft OZP are generally proportionate to the overall burdens on all affected land owners throughout the new Draft OZP. It will be necessary for the TPB to undertake a more "micro" level and specific assessment of whether the societal benefits of the particular restriction affecting the land owner in question are proportionate to the burden on that particular land owner.
- 7.7 Translating this into practical terms, the TPB will need to consider and endeavour to define, with reference to the professional opinions of both the PlanD's officers

and consultants and those of Hysan's consultants, on the particular "societal benefits" flowing from the BHR proposed to be placed on Lee Theatre Plaza and other properties (i.e. the particular benefit of restricting the building height of the Lee Theatre Plaza site to 135mPD, instead of allowing development up to 165mPD). TPB will then need to strike a "reasonable balance" between the benefits to society and the burden on the owner of Lee Theater Plaza, in particular the impact on design flexibility, the ability to incorporate green features into the design, the ability to develop 'place making' aspects into the design, improving the public/private realm interface as well as the utilize the full permitted development potential of the site upon redevelopment, and the impact on property value.

8. Review of the Building Height Restriction on Lee Theater Plaza

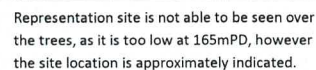
- 8.1 The 135mPD BHR does not seem to be set as a result of any strong justification and societal benefit. As mentioned in paragraph 6.4 above the main justification against the 165mPD in the TPB Paper is:

"it would result in the proliferation of excessively tall buildings and affect the view to harbour from Stubbs Road Lookout Point."

At 165mPD the building would not be able to be seen from the Stubbs Road Lookout Point. There is no real justification given for the 135mPD BHR. If we look at the photomontages prepared by Planning Department which were included in the TPB Paper as Plans 9A-9E it becomes apparent that Lee Theatre Plaza at 165mPD is not visible in any of the photomontages. Plan 9E, is the specifically mentioned photomontage in relation to this site of the view to the harbor from Stubbs Road Lookout Point (**Figure 2**). It seems difficult when looking at this photomontage to describe the proposed 165mPD BHR as excessively tall or affecting the view to the point where the "societal benefits" outweigh the burden placed on the landowner, when the building would not be visible from the mentioned viewpoint as it is too short to be seen amongst the surrounding taller buildings and trees.

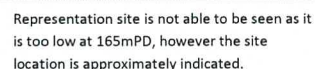
(觀景點地點參閱圖9)

(LOCATION OF VIEW POINT REFER TO PLAN 9)



現時的建築物高度限制
CURRENT BUILDING HEIGHT RESTRICTIONS

110mPD 130mPD 已批准之發展
COMMITTED DEVELOPMENT



PROPOSED BUILDING HEIGHT RESTRICTIONS

110mPD 135mPD 已批准之發展
COMMITTED DEVELOPMENT

從司徒拔道眺望遠眺
VIEW FROM STUBBS ROAD LOOKOUT

建築物高度在主水平基準上若干米
BUILDING HEIGHT IN METRES ABOVE PRINCIPAL
DATUM (mPD)
界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本圖於2018年4月3日製備，所根據的資料為攝於2017年10月30日的實地圖片
PLAN PREPARED ON 3.4.2018 BASED ON SITE PHOTO TAKEN ON 30.10.2017

合成照片 PHOTOMONTAGE

建築物高度的合成照片
PHOTOMONTAGES OF BUILDING HEIGHT PROFILE

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/H5/18/3

PLAN
9E

Figure 2: Photomontage showing the view from the Stubbs Road Lookout Point.

9. Alternative Schemes

- 9.1 The Representor's AP has been requested to prepare two schemes to illustrate the different options for the site. The first scheme (**Figure 3**) is the 135mPD scheme showing the impact of the normal application of the SBDG on the development of the Lee Theatre Plaza site under the 135mPD BHR. The second is an indicative scheme of some of the features that could be incorporated if the BHR was raised to 165mPD (**Figure 4**).

Building Height Restriction and SBDG Complying Scheme -135mPD

- 9.2 This scheme is designed to comply with the proposed 135mPD BHR (see **Figure 3**). To comply with the SBDG it is necessary to have a small podium setback at the ground floor level on Sharp Street East, in addition to a very small setback on part of the building frontage onto Matheson Street. The length of the tower is limited due to the smaller size and unusual shape of the site the building length makes it difficult to have an efficient floorplate. The Ginza Style Commercial building (see **Figure 7**) needs a 5m floor-to-floor height to cope with modern requirements, which has been generally accepted by Buildings Department, and therefore this is the assumed floor-to-floor height.

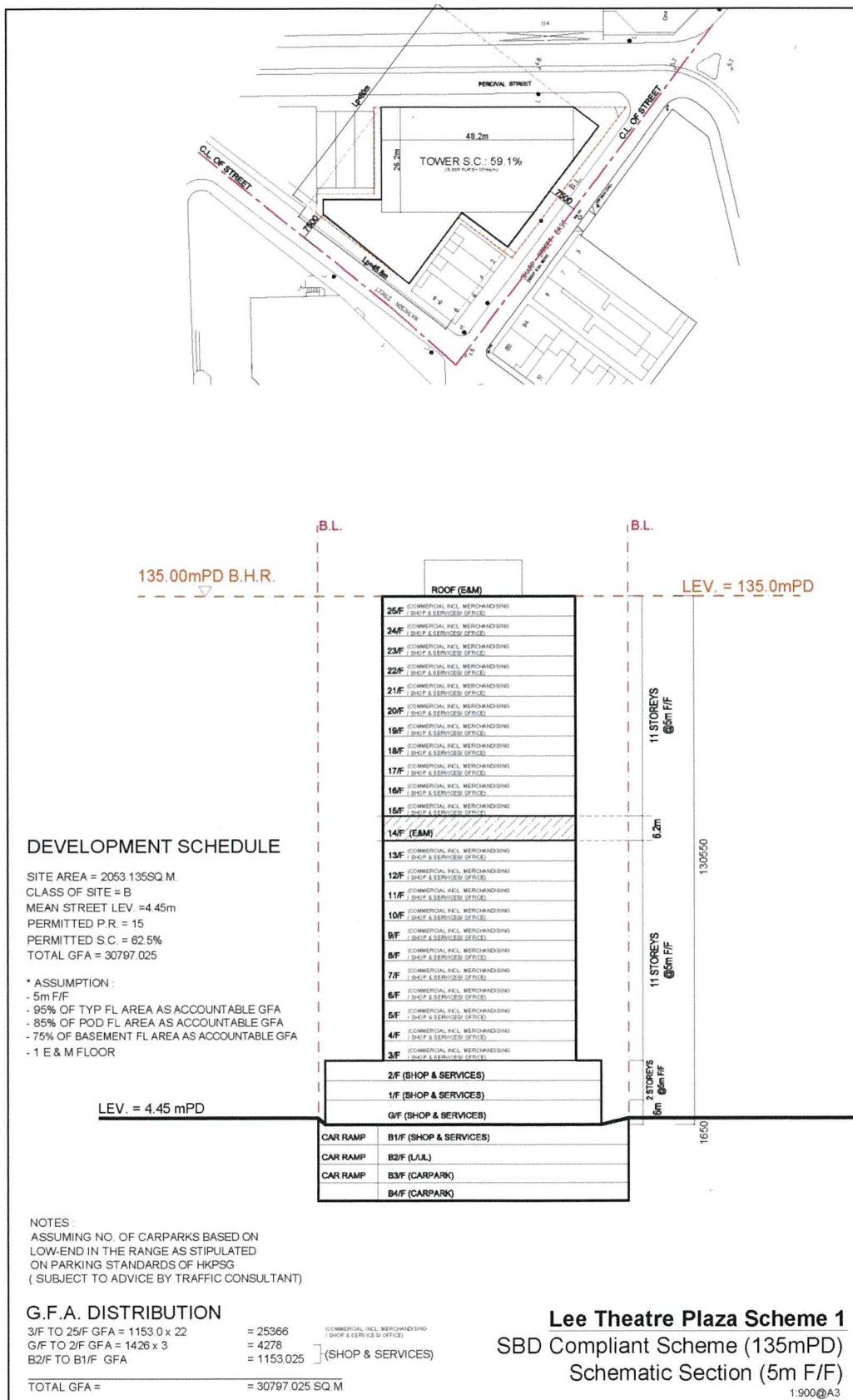


Figure 3 : 135mPD OZP and SBDG Compliant Scheme.

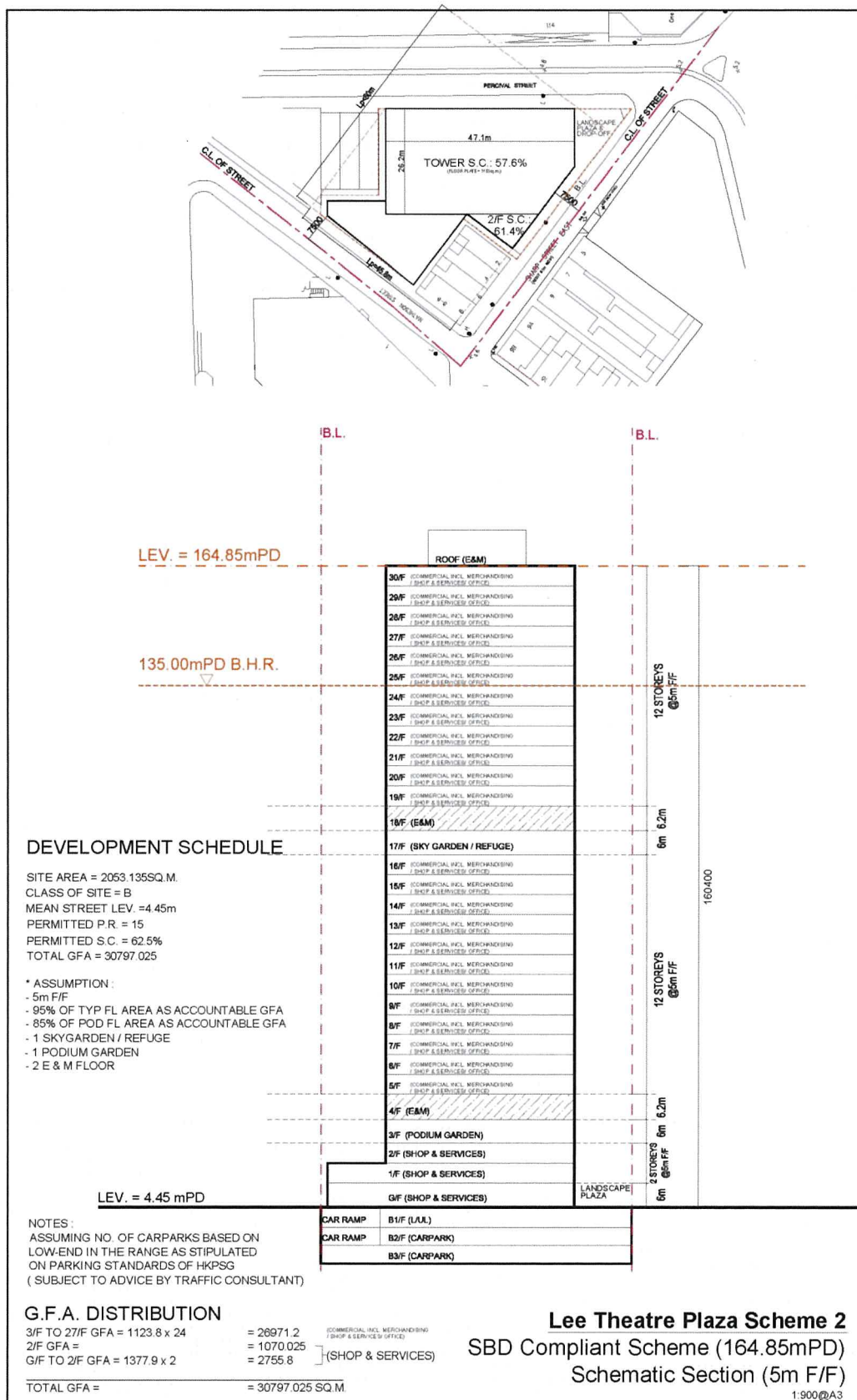


Figure 4 : The 165 mPD SBD Complaint Scheme

- 9.3 The relatively low BHR of 135mPD necessitates the provision of one basement floor below ground level to accommodate the balance of the GFA. This is contrary to the assumption made by Planning Department not to have any such floor for these uses in the basement. With the parking and loading/unloading requirements, this would effectively mean provision of 4 basement levels, which is an unnecessarily large excavation, environmentally unsustainable, and expensive.
- 9.4 There are no green features or amenities able to be accommodated within the building design such as sky gardens in the 135mPD Scheme.

Proposed SBGD Compliant Scheme with increased BHR – 165mPD

- 9.5 This scheme allows for the same Ginza-Styled commercial building as existing, and incorporates a variety of green features. It also deals with issues that impact the public realm, such as the issue regarding Loading and Unloading on Sharp Street East. The Plaza at the corner of the Percival Street and Sharp Street East could be expanded to incorporate a drop-off area as well as a Landscaped Plaza. This would help both the pedestrian and vehicular traffic flows in the area.
- 9.6 The 165mPD scheme would allow for green features such as the podium garden and the sky garden to be incorporated into the building. It would also allow for more architectural design to be incorporated into the final scheme (this is simply an indicative image). The Plaza in front of the building already adds some relief to the area and this could be expanded upon.
- 9.7 The ability to incorporate sky gardens and podium gardens as well as reduce the bulk of the podium would aid air ventilation in the area. The visual impacts of the 165mPD tower are non-existent from the viewpoints shown in the TPB Paper, and negligible in terms of the naked eye from street level. The building will still be visually a high-rise and visually still shorter than the surrounding buildings. From a visual and also user experience the 165mPD building provides the opportunity to incorporate more design and green features and enhance the area with minimal visual impact.

Completed Commercial Building Reference in Hong Kong

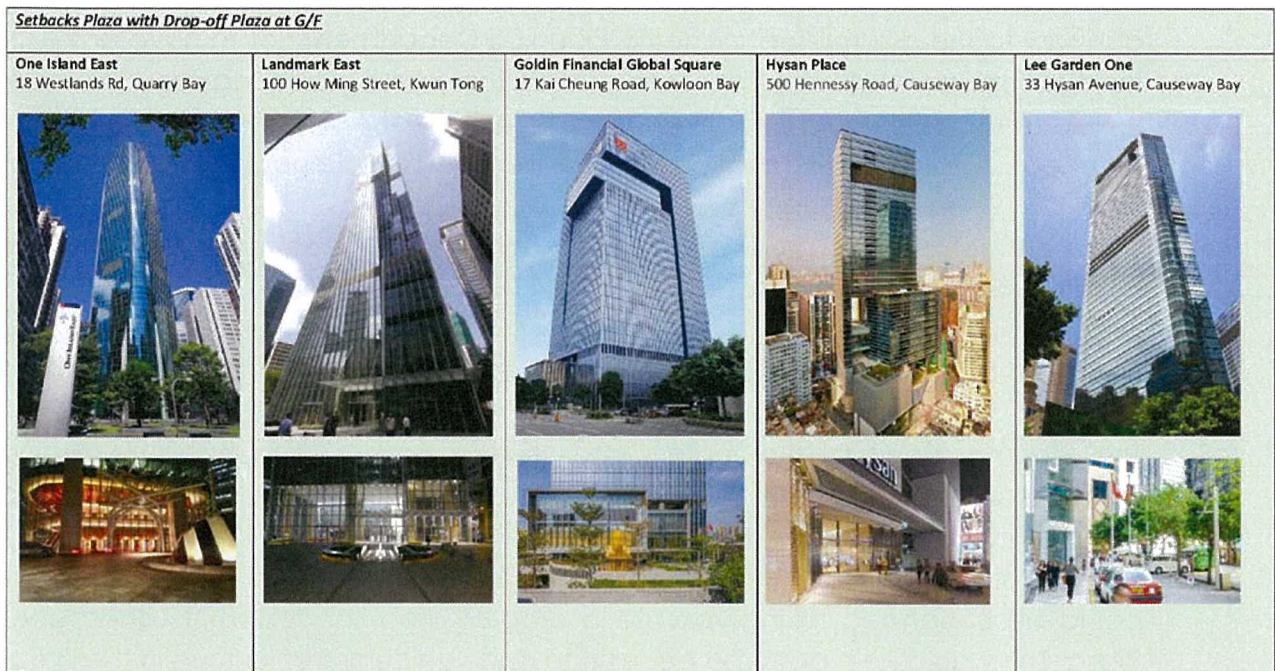


Figure 5 : Examples of Setbacks where there is a Plaza and Drop-Off area in Hong Kong.

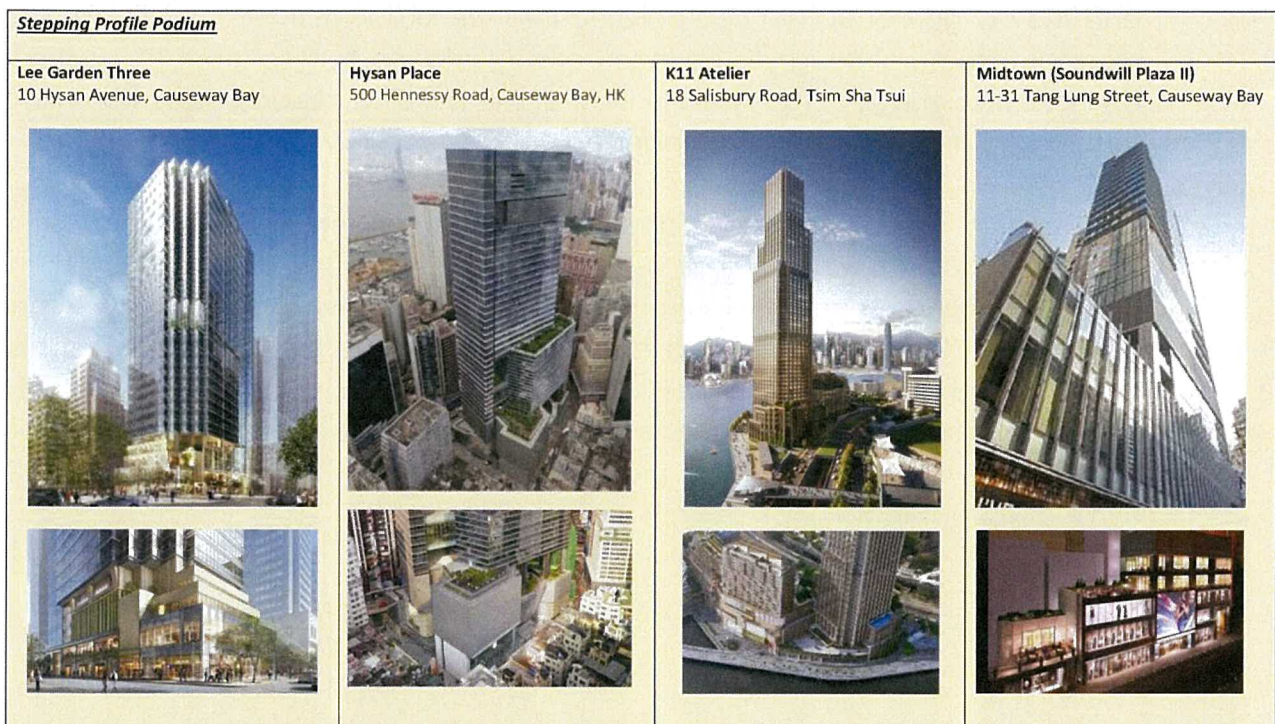


Figure 6 : Hong Kong examples showing examples of stepped profile podiums.

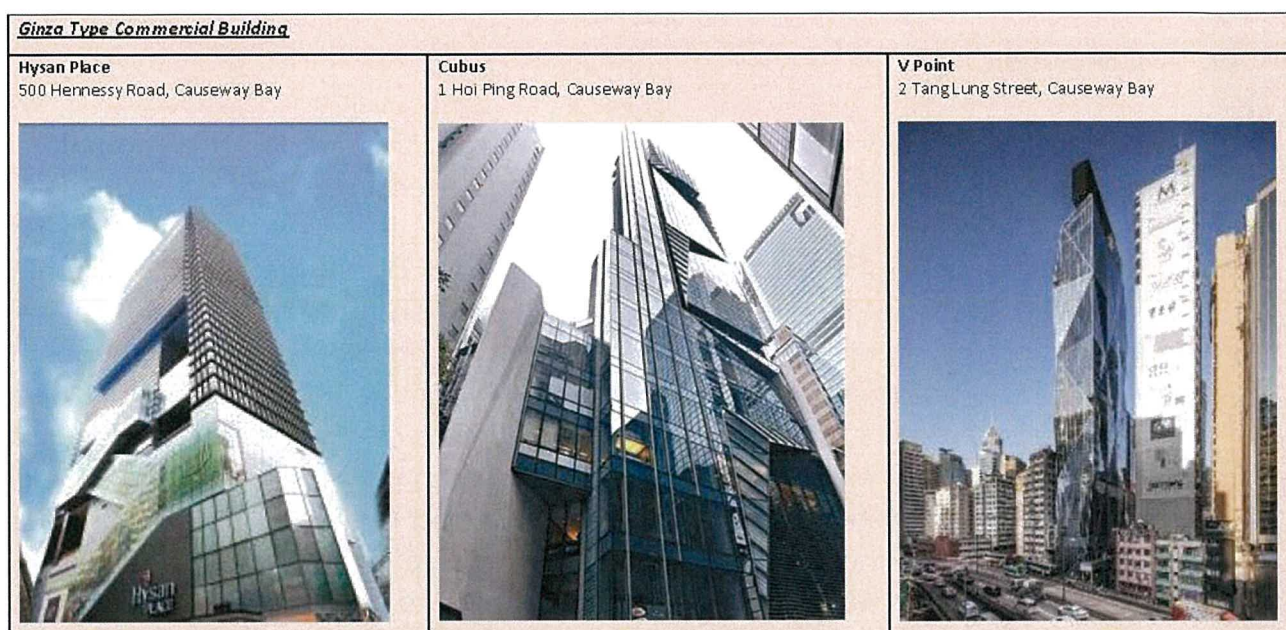


Figure 7 : Ginza- Type Commercial Building Examples in Hong Kong.

10. Reasons for the Representation

The lack of "societal benefit"

- 10.1 Based on the above, there is no identified "societal benefit" that justifies the proposed 135mPD BHR. There is no basis which establishes why 135mPD is an appropriate BHR for this site, and there appears to be no societal benefit to this artificially low height when compared to the proposed BHR of 165mPD. As there is no justifiable or identifiable reason given for the height, the 30m difference between the proposed BHR and the Draft OZP BHR, the lack of "societal benefit" places a harsh burden on the owner. In this context there is no adequate justification for the 135mPD BHR.

11. Amendments Proposed to meet the Representation

- 11.1 The amendments proposed to meet the Representation are:

- (a) Amend the building height restriction by stipulating a building height restriction of 165 mPD over the portion of the C zone which covers Lee Theatre Plaza;
- (b) or such alternative amendments as the Board sees fit, which meet the Representors requirements as set out above.

12. Conclusion

- 12.1 The proposed 135mPD BHR proposed on Lee Theatre Plaza is considered unnecessarily low, for no quantifiable or justifiable reason.
- 12.2 The CFA required the TPB to balance the impact of any development control between the societal benefits arising from the proposed restriction and the likely impact on the affected land owners' property right. No actual societal benefit that is to be obtained from the proposed BHR 135mPD BHR on this site has been identified by the TPB. Also, there is no demonstrable additional societal benefit to be obtained from either of the 135mPD BHR when compared with the 165mPD SBDG compliant scheme that has been submitted to the TPB for consideration. The imposition of the 135mPD BHR has an adverse impact on the rights of the owner, and an adverse impact on the quality of the building that will be built on the site. The BHR should be set at a reasonable limit which would encourage sustainable and innovative building designs.
- 12.3 The TPB is therefore requested to consider this proposal favourably and amend the OZP accordingly.

Masterplan Limited
July 2018

APPENDIX 1

Annex H2 of TPB Paper No. 10415

Summary of Representations and Proposals

Representation No. R97 (Representer : Leighton Property Company Limited and Lee Theatre Realty Limited)

SUBJECTS OF REPRESENTATION (REPRESENTATION SITE)	REPRESENTER'S PROPOSALS
R97 (The "C" zone particularly at the sites of No. 77 Leighton Road (Leighton Centre) & No. 99 Percival Street (Lee Theatre Plaza))	
<ul style="list-style-type: none"> • Oppose BHR of 130mPD of the "C" zone, particularly for the sites of Leighton Centre and Lee Theatre Plaza • Oppose rezoning of the area to the east of Canal Street from "C/R" to "C" and stipulation of BHRs • Oppose paragraph 7.9 of the ES indicating a general presumption against minor relaxation of BHRs for existing buildings already exceeding BHRs unless under exceptional circumstances 	<ul style="list-style-type: none"> • Relax BHR of the Leighton Centre/Lee Theatre and their surrounding neighbourhood to 200mPD or relax the BHR of the Leighton Centre to 200mPD to reflect the development as shown on the approved building plans • To delete paragraph 7.9 of ES so that applications for minor relaxation under the "C" zone would be considered on its own merits.

<u>GROUNDS OF REPRESENTATION</u>	<u>RESPONSES</u>
Building Height Restrictions <ul style="list-style-type: none"> • The BHRs are too low and restricting the future development to the existing development design and form which unnecessarily constrain design flexibility for innovative buildings. The private property rights should not be unnecessarily and disproportionately restricted or affected. • The BHRs imposed were not well justified and were unreasonably low given the relevant circumstances and planning context. • Insufficient recognition to the approved building plans for Leighton Centre with BH of 200mPD. 	<ul style="list-style-type: none"> • In formulating the BHRs, relevant considerations including overall BH concept protection of ridgeline, existing BH profile, topography, site formation level, local characteristics, waterfront and foothill setting, compatibility with the surrounding areas, predominant land uses and development potential, air ventilation, visual impact and a proper balance between public interest and private development right have been taken into account. • While the building plans approved by the Building Authority before the imposition of BHRs would be allowed to proceed, the piecemeal relaxation of the BHRs for the individual sites as proposed by the representers would result in proliferation of high-rise development

<u>GROUNDINGS OF REPRESENTATION</u>	<u>RESPONSES</u>
<ul style="list-style-type: none"> A reasonable BH is required to allow flexibility for the design of future redevelopment to meet the need of a changing need. <p>Sustainable Building Design Guidelines</p> <ul style="list-style-type: none"> The requirements of the SBDG including building SB, building separation and green coverage are in conflict the BHRs imposed on the OZP. This impact had not been assessed in preparing the amendments to the OZP. The basis of the assumptions made in determining the BHRs such as assumptions of floor-to-floor heights, non-accountable GFA, bonus GFA, flexibility to building form and shape and impacts on development intensity have not been justified. Only if BHR to be relaxed to 150mPD at the "C" sites of Leighton Centre and Lee Theatre Plaza could facilitate development of commercial buildings with appropriate floor-to-floor height which fulfill the SB requirement plus granting GFA concessions. <p>Floor-to-Floor Height</p> <ul style="list-style-type: none"> The floor-to-floor height assumed for the preparation of the OZP appears to be about 3.5m. This would not meet the contemporary standard for international quality Grade A office building with floor-to-floor height of about 4.5m. <p>Urban Design Consideration</p> <ul style="list-style-type: none"> Unreasonable BH profile for the two BH bands of 200mPD (for Times Square) and 130mPD (for the surrounding business core area) making Times Square disharmonious in the area by a height 	<p>which is not in line with the planning control.</p> <ul style="list-style-type: none"> To follow up on the Court's ruling, a review of the BHRs raking into account the implications of SBDG has been conducted. It is proposed to relax the BHRs in "C" zones (except the zonings bounded by Tonnochy Road/Hennessy Road/Percival Street/Gloucester Road to maintain BHR of 110mPD), sub-area (b) for "C(6)" zone and "OU(MU)" zones to 135mPD; "C(4)" zone to 110mPD; some "R(A)" sites to 110mPD/140mPD; some "R(B)" sites to 150mPD; and "R(A)5" site to 110mPD to make allowance for future redevelopment to comply with SBDG. In general, the proposed BHRs have taken into account the permissible development intensity with a floor-to-floor height (FTFH) of 4m (typical floor)/5m (podium) for commercial buildings in "C" and "OU(MU)" zones and a FTFH of 3m (typical floor)/ 5m (podium) for composite buildings in "R(A)" zone. The various setback requirements on the OZP have also been taken into account in the BH assessment in Annexes E1 to E5. The proposed BHRs have allowed a reasonable FTFH for redevelopment and do not preclude the incorporation of innovative architectural features as well as provision of quality buildings. The BHR of the "C" sites bounded by Tonnochy Road/Hennessy Road/Percival Street/Gloucester Road are currently subject to BHR of 110mPD and it is proposed to be maintained at 110mPD so as to minimise the impact on the view to harbour from Stubbs Road Lookout Point (Plans 6 and 9E). For the future redevelopments thereat, design approach and/or less desirable building design such as lower FTFH would need to be applied for the future

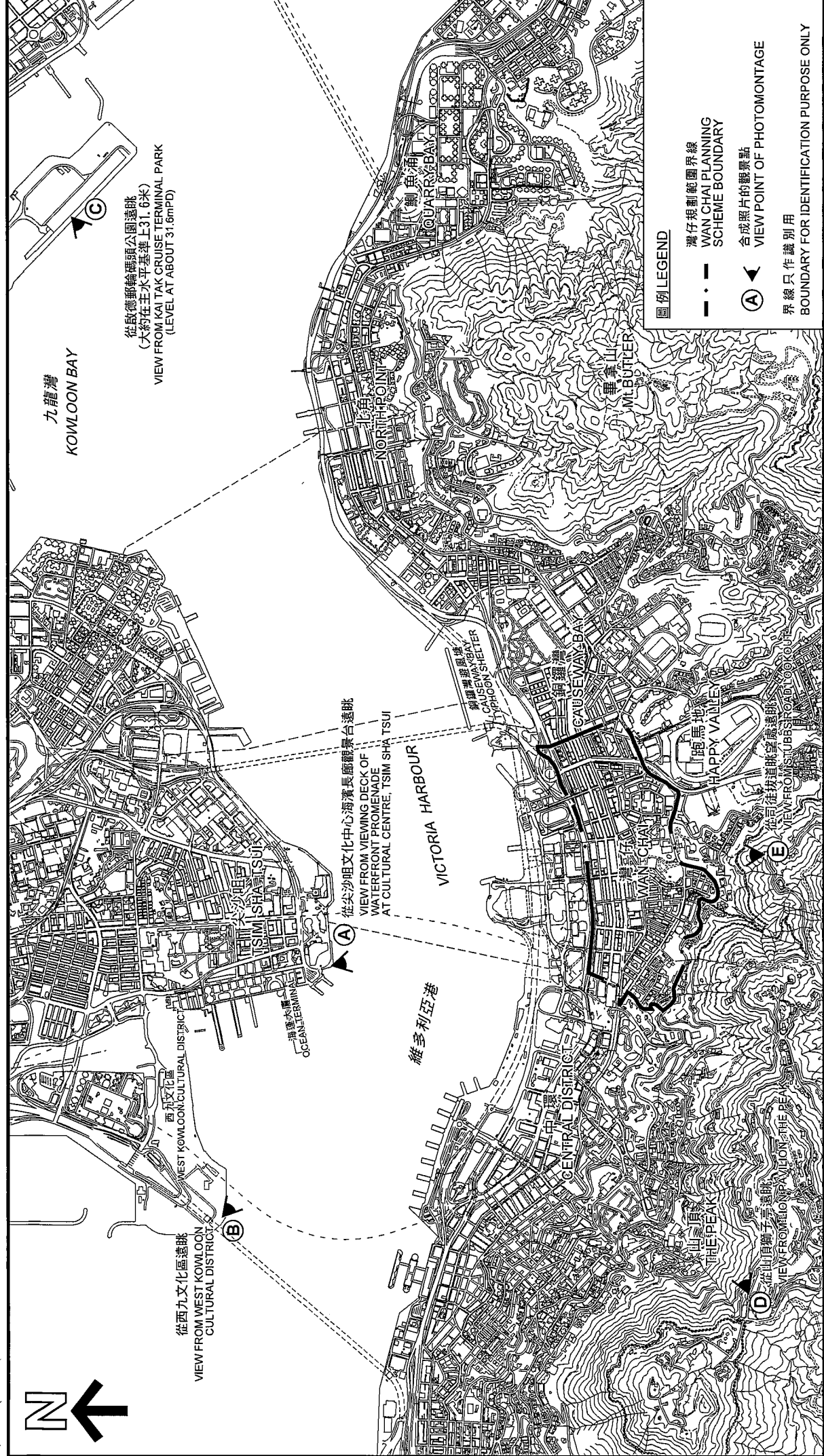
<u>GROUND OF REPRESENTATION</u>	<u>RESPONSES</u>
<p>profile variation of 70m.</p> <ul style="list-style-type: none"> • The zoning and development should be viewed in a wider context and in sympathy with the Planning Objectives for the Causeway Bay area in general. • The conceptual approach adopted in formulating the BHRs was flawed and inconsistent. The stepped BH concept has to be based on reality. The approved building plans should also be reflected. • The three dominant buildings (Times Square, The Lee Gardens and Hysan Place) in the area formed a triangle, each with heights of approximately 200mPD. The sites of Leighton Centre and Lee Theatre Plaza are located within the triangle between Times Square and The Lee Gardens. They are therefore within the high-rise commercial triangle. A relaxation of the BHR of the sites of Leighton Centre and Lee Theatre from 130mPD to 150mPD could still follow the stepped height profile in the area as well as to meet requirements of SBDG. • A comprehensive Urban Design Master Plan for the Causeway Bay area may provide different solutions for long-term benefit. 	<p>redevelopment without breaching the BHR of 110mPD (Annex E2). This is to achieve a balance between development rights and public interest</p> <ul style="list-style-type: none"> • The sites of Hopewell Centre, Times Square and Three Pacific Place in Wan Chai Area were the subject of planning applications approved by the Board in 1975, 1989 and 1994 respectively for area redevelopment. These three developments were identified as "tall buildings" in the Urban Design Guidelines. In respect of Times Square (198mpd), the development falls outside the 'view fan' of the vantage points at Tsim Sha Tsui Cultural Complex and West Kowloon Cultural District. • The Times Square together with the two other developments in the Causeway Bay Area, namely Lee Garden (208mPD) and Hysan Place (199mPD), have been recognised as landmark developments which form a key destination for shopping and entertainment in Causeway Bay. There is no intention to have piecemeal relaxation of the BHRs for the individual sites in formulating the BHRs since this would result in proliferation of high-rise development which is not in line with the planning control.
<p>Minor Relaxation of BHRs for Buildings Exceeding the BHRs</p> <ul style="list-style-type: none"> • There is general presumption against minor relaxation of BHRs for existing buildings already exceeding BHRs unless under exceptional circumstances. The wording of the Notes for the minor relaxation clause should be amended to the effect that minor relaxation of all restrictions were considered based on 'individual merits' instead 	<ul style="list-style-type: none"> • Relaxation of the BHRs of excessively tall buildings upon redevelopment would aggravate the problem of mismatch and jeopardise the overall BH concept for the OZP. As such, for existing buildings already exceeding the BHR stipulated on the OZP, there is a general presumption against application for minor relaxation unless

<u> GROUNDS OF REPRESENTATION </u>	<u> RESPONSES </u>
<p>of 'under exceptional circumstances'.</p>	<p>under exceptional circumstances and minor relaxation should only be granted to proposals with special planning and design merits. This is to avoid even taller buildings resulting in out-of-context developments. This principle is generally applicable to all the OZPs with BHRs and should not be amended.</p>
<p>Spot Zoning</p> <ul style="list-style-type: none"> The imposition of BHRs constitutes a form of spot zoning. It is inconsistent with sections 3 and 4 of the TPO and lack of legal basis. 	<ul style="list-style-type: none"> CA has held that 'spot zoning' is not ultra vires and falls within the Board's statutory power under the TPO.
<p>Public Consultation/Hearing Arrangement</p> <ul style="list-style-type: none"> No prior public consultation on the restrictions imposed on the OZP. The public have not been informed of the justifications and visual impact analysis for the BHRs and other development restrictions. Without such information, the public cannot reasonably comment on the need for the restrictions. BHRs have been systematically imposed in neighbouring planning areas since 2007, and land owners in the Area have known that BHRs were likely to be imposed on the Area. The increase in submission of building plans should have occurred a long time ago. There is no public benefit in not doing the prior public consultation. 	<ul style="list-style-type: none"> It is an established practice that proposed amendments involving BHRs should not be released to public prior to gazettement. The reason is that premature release of such information before exhibition of the amendments might prompt an acceleration of submission of building plans by developers to establish "fait accompli", pre-empting and defeating the purpose of imposing the BHRs and other development restrictions. Amendments to the OZP were exhibited for public inspection for a period of two months in accordance with the provisions of the TPO. The exhibition process itself is a public consultation to seek representations and comments on the draft OZP. During the plan exhibition period, PlanD also provided briefings on the OZP amendments to Development, Planning and Transport Committee, Wan Chai District Council (WCDC), Wan Chai East Area Committee and local residents in the local consultation forum.

<u>GROUNDS OF REPRESENTATION</u>	<u>RESPONSES</u>
	<ul style="list-style-type: none">• Subject to the agreement of the proposed development restrictions by the Board for gazetting the amended draft OZP under section 7 of the TPO, WCDC will be consulted during the two-month stator plan exhibition period. Members of the general public can submit representation on the OZP amendments under the same period.

APPENDIX 2

Plans 9A-9E from the TPB Paper No. 10415



灣仔區 WAN CHAI AREA

本摘要圖於2018年4月3日擬備，
所根據的資料為地形圖編號HM20C
EXTRACT PLAN PREPARED ON 3.4.2018
BASED ON TOPOGRAPHIC MAP
No. HM20C

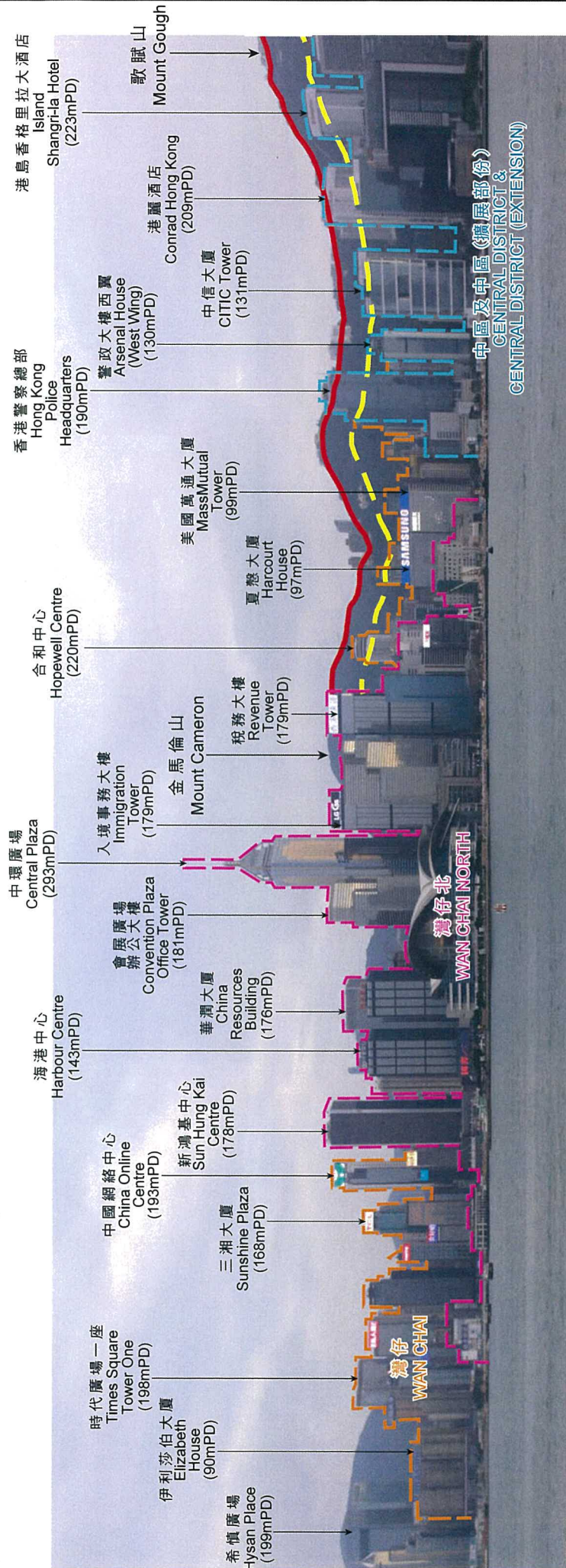
觀景點
VIEWING POINTS

規劃署
PLANNING
DEPARTMENT

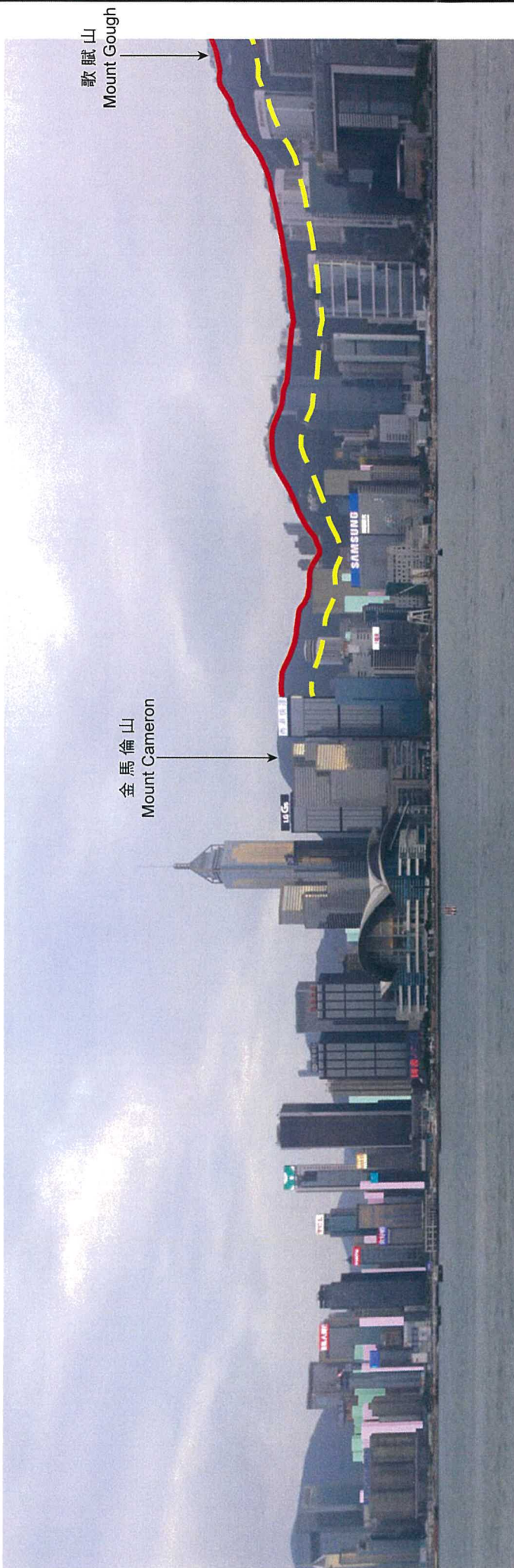
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REFERENCE No.
M/H5/18/3

圖 PLAN
9

觀景點 VIEWING POINT A
(觀景點地點參閱圖9)
(LOCATION OF VIEW POINT REFER TO PLAN 9)



現有景觀 EXISTING VIEW



現時的建築物高度限制
CURRENT BUILDING HEIGHT RESTRICTIONS

110mPD 130mPD 已批准之發展
COMMITTED DEVELOPMENT



擬議的建築物高度限制
PROPOSED BUILDING HEIGHT RESTRICTIONS

110mPD 135mPD 已批准之發展
COMMITTED DEVELOPMENT

VIEW FROM TSIM SHA TSUI (HONG KONG CULTURAL COMPLEX)
從尖沙咀(香港文化中心)遠眺

須保存的山脊線
RIDGELINES TO BE PRESERVED
虛線以上為保留20%不受建築物遮擋地帶
ABOVE THE DOTTED LINE: THE 20% BUILDING FREE ZONE

建築物高度在主水平基準上若干米
BUILDING HEIGHT IN METRES ABOVE PRINCIPAL DATUM (mPD)
界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

合成照片 PHOTOMONTAGE

本圖於2018年4月3日發備，所根據的資料為攝於2017年11月9日的實地照片
PLAN PREPARED ON 3.4.2018 BASED ON SITE PHOTO TAKEN ON 9.11.2017

建築物高度的合成照片
PHOTOMONTAGES OF BUILDING HEIGHT PROFILE

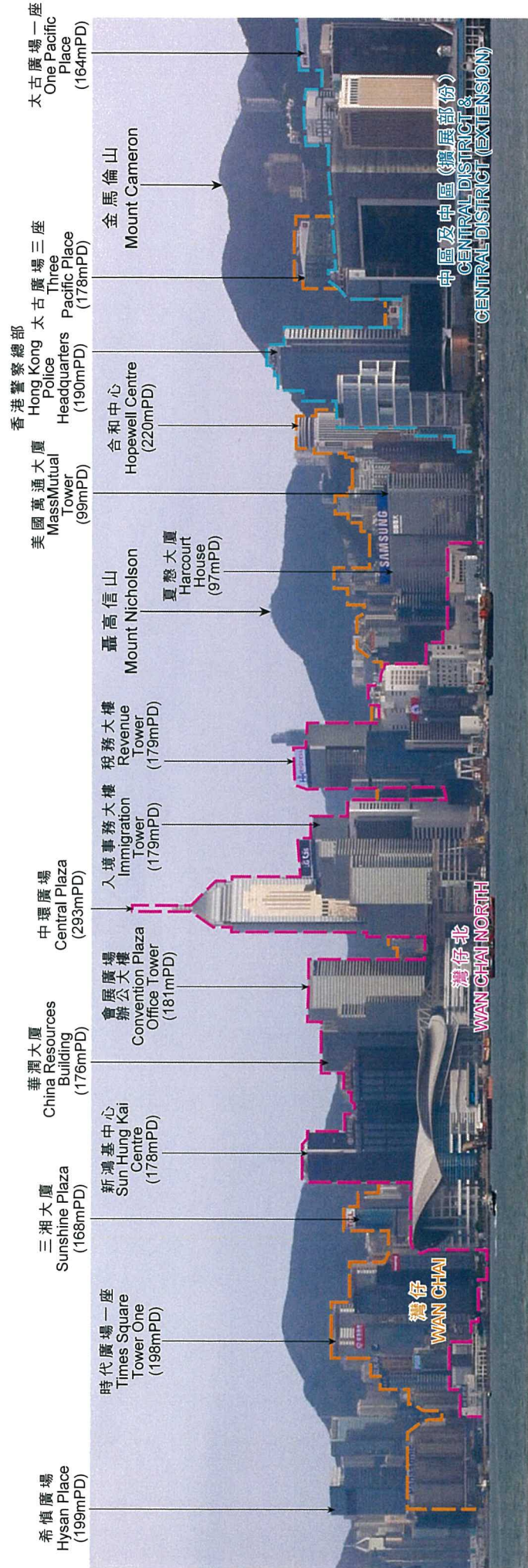
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參考編號
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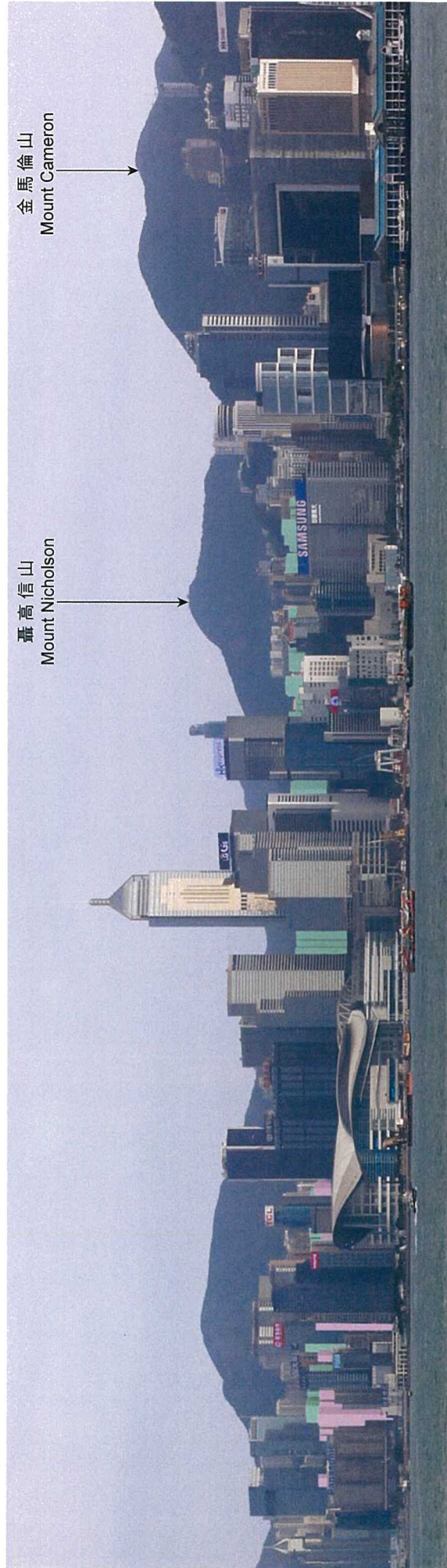
圖 PLAN
9A

觀景點 VIEWING POINT B

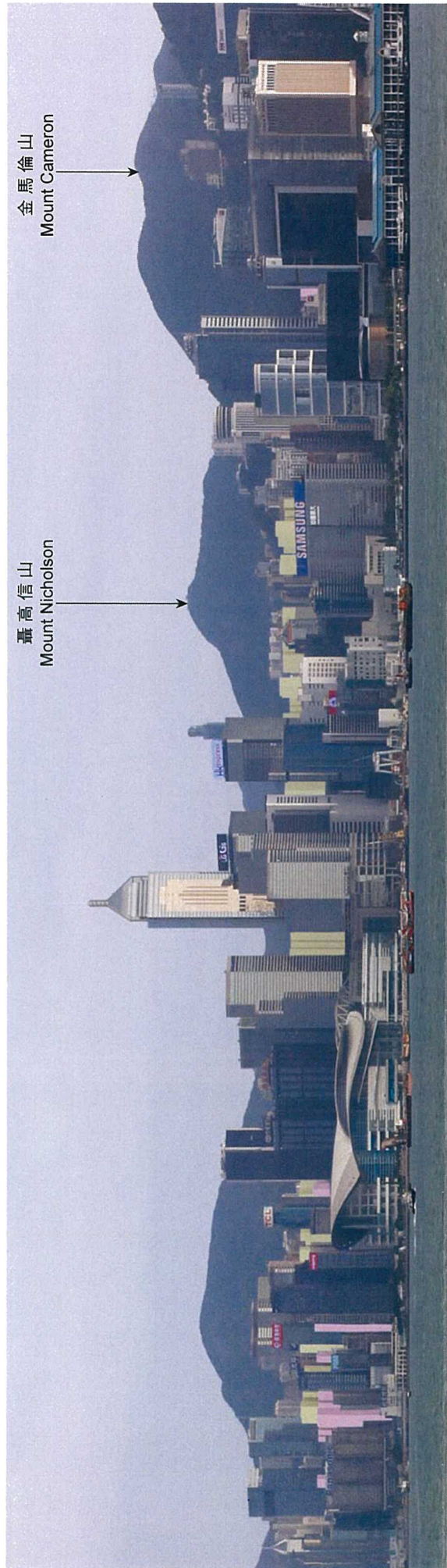
(觀景點地點參閱圖9)
(LOCATION OF VIEW POINT REFER TO PLAN 9)



現有景觀 EXISTING VIEW



現時的建築物高度限制
CURRENT BUILDING HEIGHT RESTRICTIONS



擬議的建築物高度限制
PROPOSED BUILDING HEIGHT RESTRICTIONS

已批准之發展
COMMITTED DEVELOPMENT

已批准之發展
COMMITTED DEVELOPMENT

從西九文化區遠眺
VIEW FROM WEST KOWLOON CULTURAL DISTRICT

建築物高度在主水平基準上若干米
BUILDING HEIGHT IN METRES ABOVE PRINCIPAL DATUM (mPD)
界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

合成照片 PHOTOMONTAGE

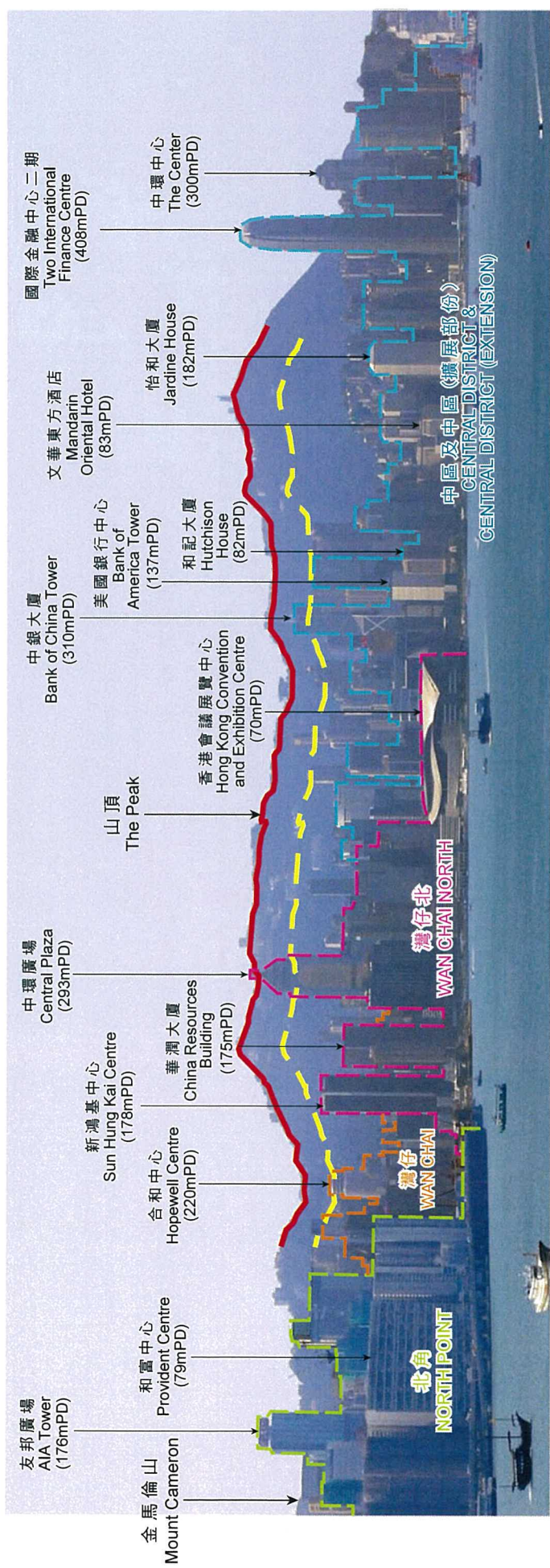
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PLANNING
DEPARTMENT

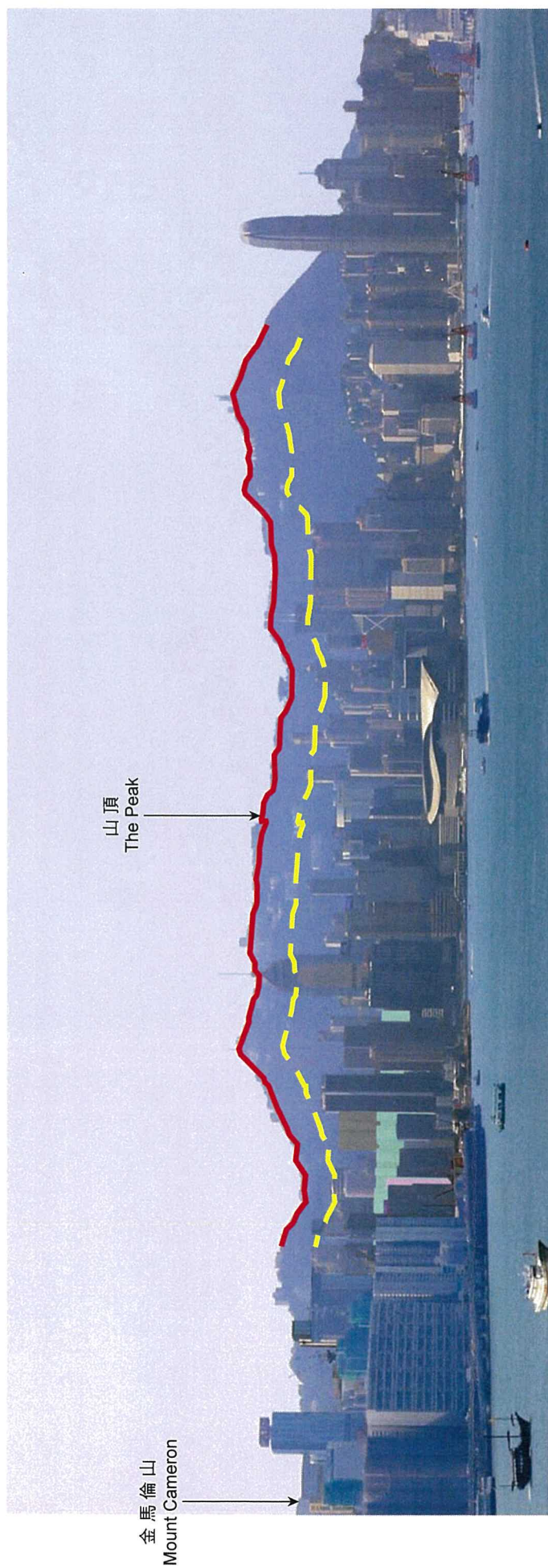
建築物高度的合成照片
PHOTOMONTAGES OF BUILDING HEIGHT PROFILE

參考編號
REFERENCE No.
M/H5/18/3
圖 PLAN
9B

觀景點 VIEWING POINT C
(觀景點地點參閱圖9)
(LOCATION OF VIEW POINT REFER TO PLAN 9)

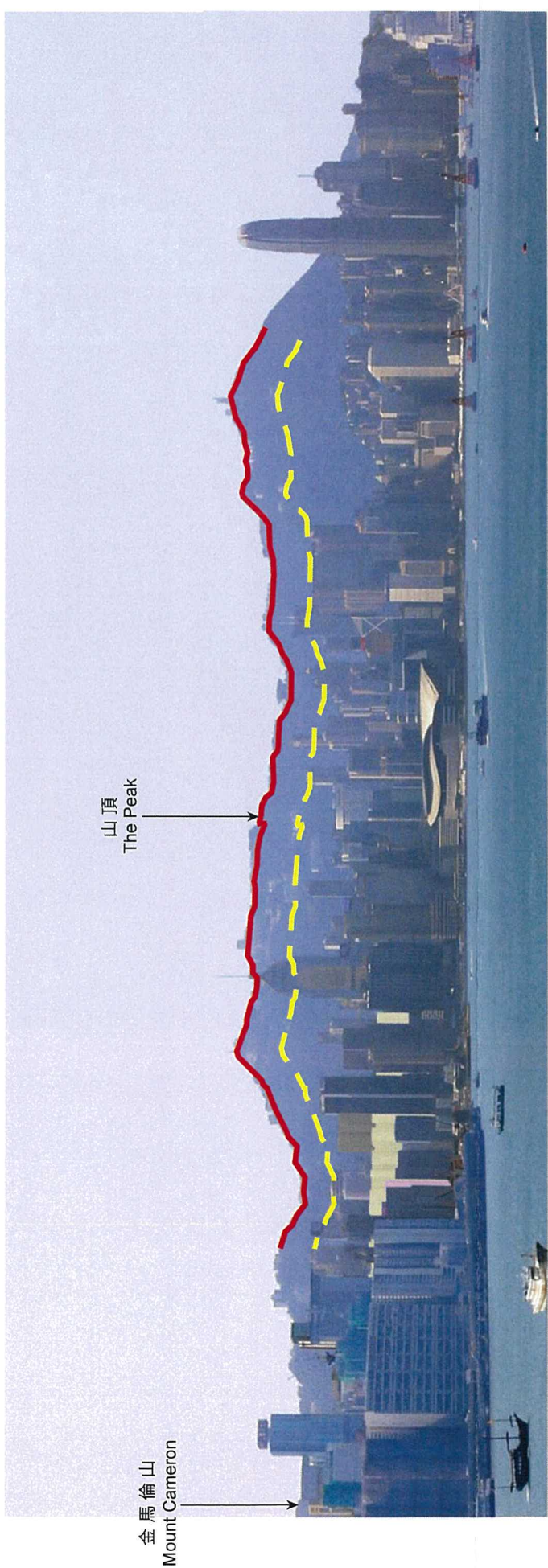


現有景觀 EXISTING VIEW



現時的建築物高度限制
CURRENT BUILDING HEIGHT RESTRICTIONS

110mPD 130mPD 已批准之發展
COMMITTED DEVELOPMENT



擬議的建築物高度限制
PROPOSED BUILDING HEIGHT RESTRICTIONS

110mPD 135mPD 已批准之發展
COMMITTED DEVELOPMENT

從啟德郵輪碼頭公園遠眺 (大約在主水平基準上31.6米)
VIEW FROM KAI TAK CRUISE TERMINAL PARK (LEVEL AT ABOUT 31.6mPD)

須保存的山脊線 RIDGELINES TO BE PRESERVED 虛線以上為保留20%不受建築物遮擋地帶 ABOVE THE DOTTED LINE: 20% BUILDING FREE ZONE	建築物高度在主水平基準上若干米 BUILDING HEIGHT IN METRES ABOVE PRINCIPAL DATUM (mPD) 界線只作識別用 BOUNDARY FOR IDENTIFICATION PURPOSE ONLY
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合成照片 PHOTOMONTAGE

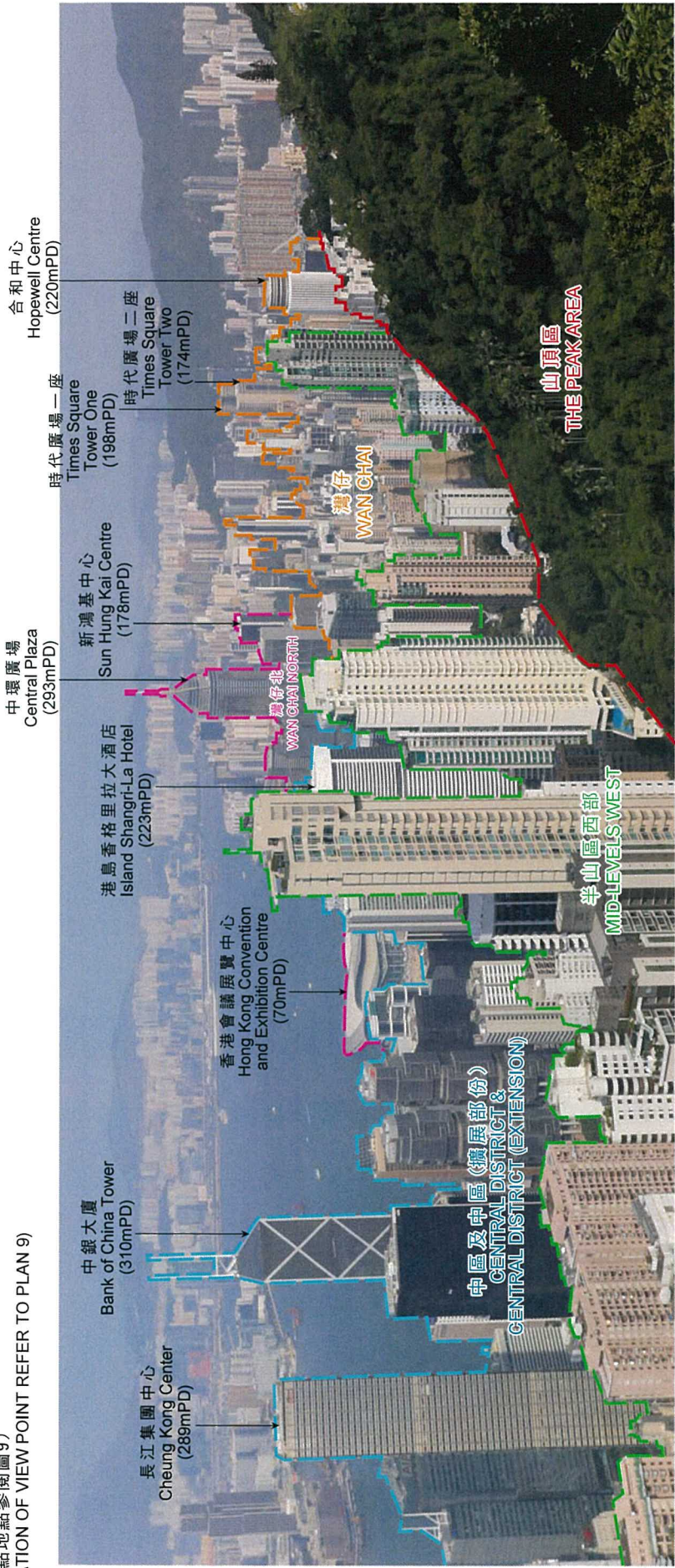
建築物高度的合成照片
PHOTOMONTAGES OF BUILDING HEIGHT PROFILE

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PLAN PREPARED ON 3.4.2018 BASED ON
SITE PHOTO TAKEN ON 30.10.2017

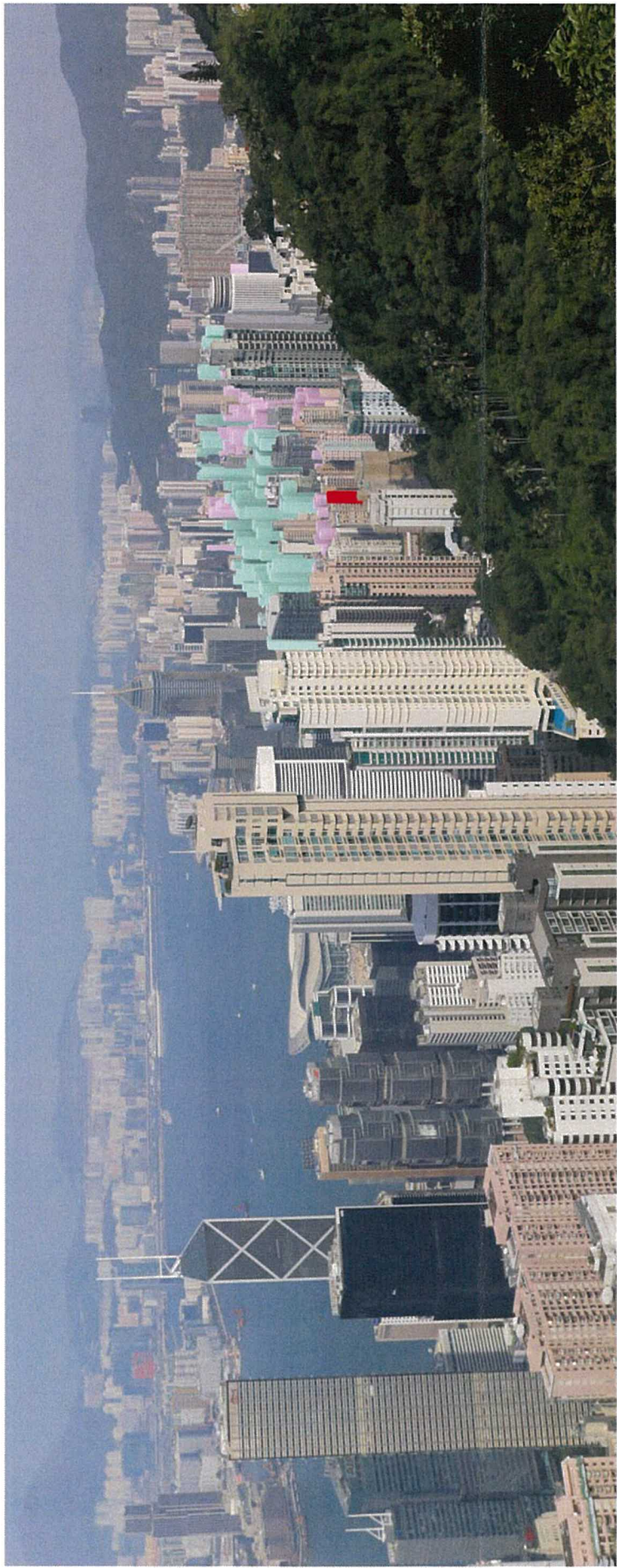
規劃署
PLANNING
DEPARTMENT

參考編號
REFERENCE No.
M/H5/18/3
圖 PLAN
9C

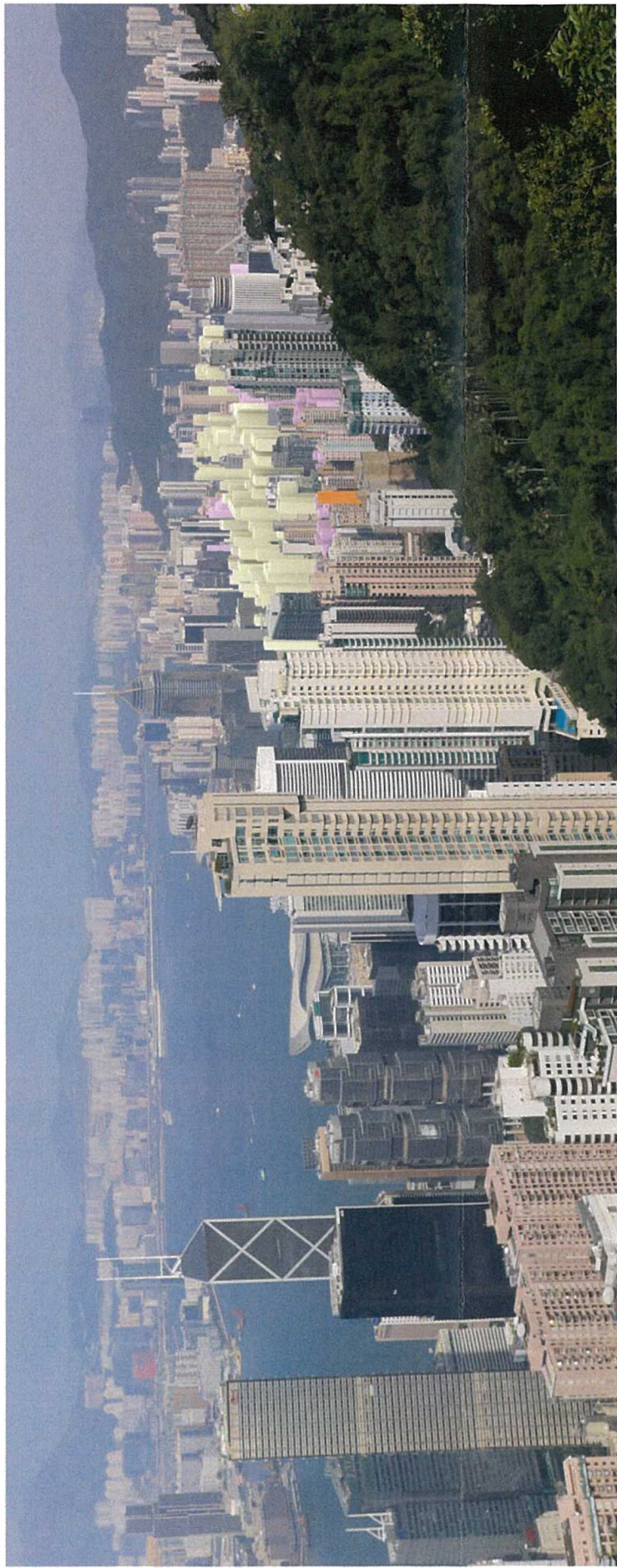
觀景點 VIEWING POINT D
(觀景點地點參閱圖9)
(LOCATION OF VIEW POINT REFER TO PLAN 9)



現有景觀 EXISTING VIEW



現時的建築物高度限制
CURRENT BUILDING HEIGHT RESTRICTIONS



擬議的建築物高度限制
PROPOSED BUILDING HEIGHT RESTRICTIONS

從山頂獅子亭遠眺
VIEW FROM LION PAVILION, THE PEAK

建築物高度在主水平基準上若干米
BUILDING HEIGHT IN METRES ABOVE PRINCIPAL DATUM (mPD)
界線只作識別用途
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

合成照片 PHOTOMONTAGE

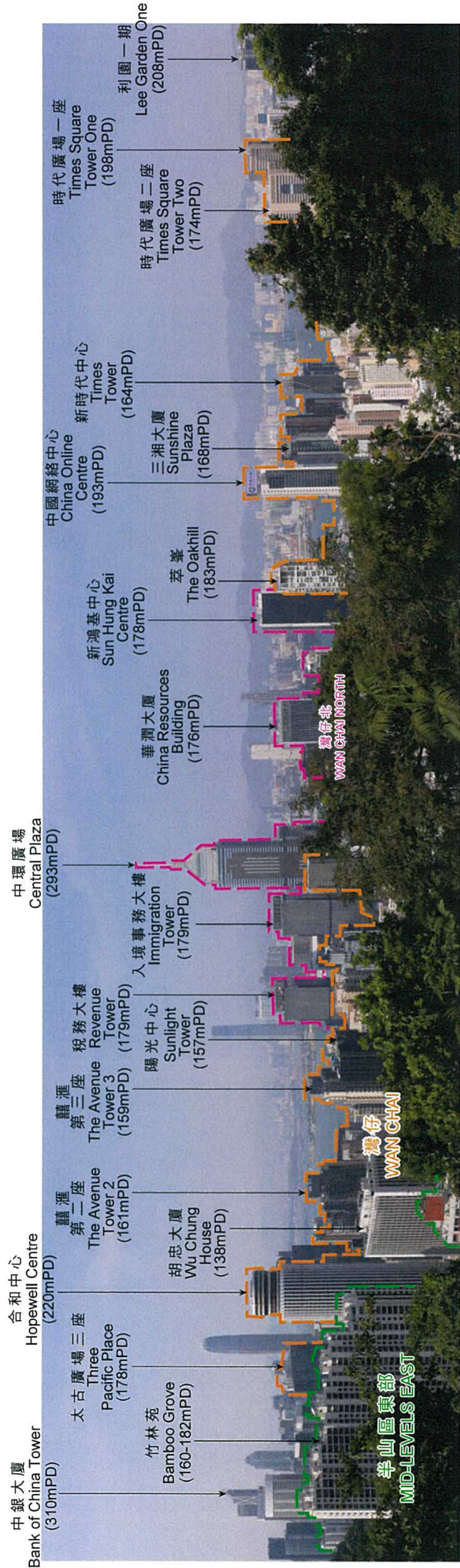
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規劃署
PLANNING
DEPARTMENT

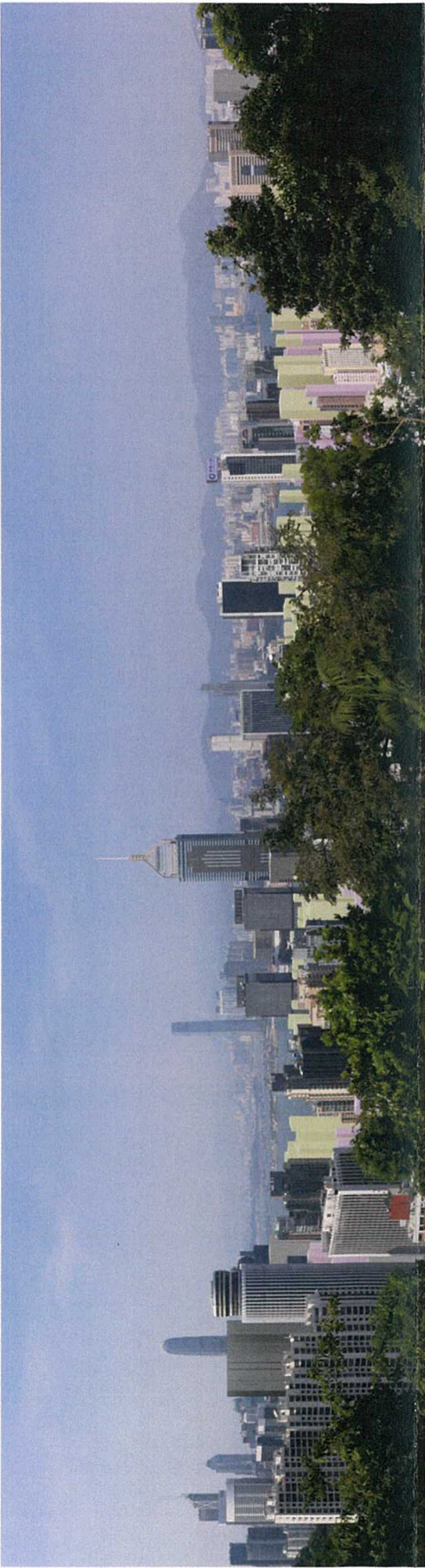
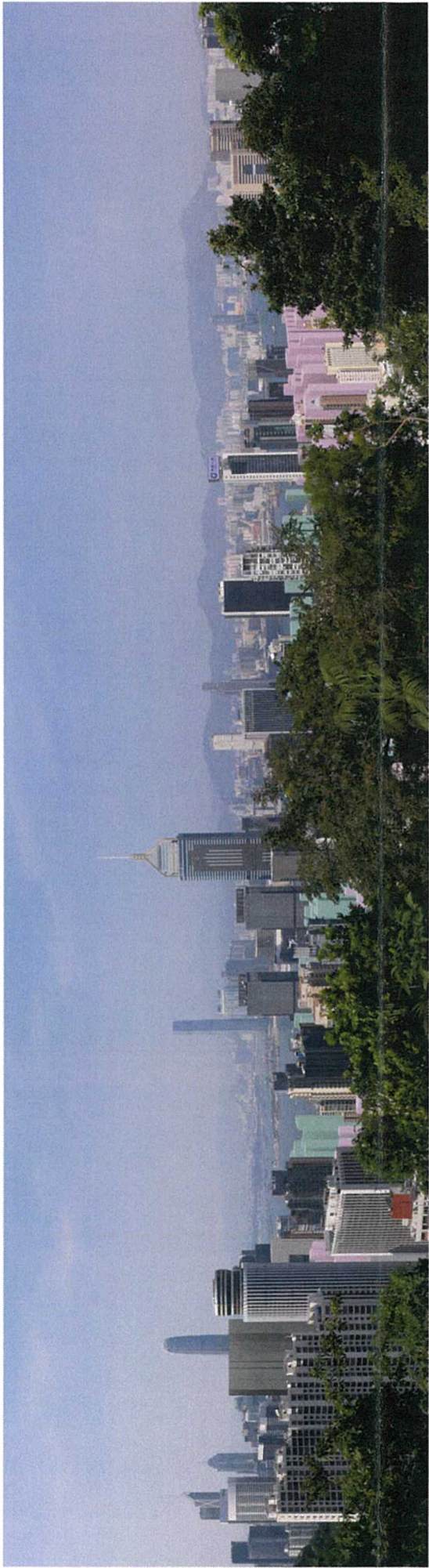
建築物高度的合成照片
PHOTOMONTAGES OF BUILDING HEIGHT PROFILE

參考編號
REFERENCE No.
M/H5/18/3
圖 PLAN
9D

觀景點 VIEWING POINT E
(觀景點地點參閱圖9)
(LOCATION OF VIEW POINT REFER TO PLAN 9)



現有景觀 EXISTING VIEW



從司徒拔道眺望處遠眺
VIEW FROM STUBBS ROAD LOOKOUT

建築物高度在主水平基準上若干米 BUILDING HEIGHT IN METRES ABOVE PRINCIPAL DATUM (mPD) 界線只作識別用 BOUNDARY FOR IDENTIFICATION PURPOSE ONLY	
合成照片 PHOTOMONTAGE	規劃署 PLANNING DEPARTMENT
本圖於2018年4月3日發備，所根據的資料為攝於2017年10月30日的實地照片 PLAN PREPARED ON 3.4.2018 BASED ON SITE PHOTO TAKEN ON 30.10.2017	參考編號 REFERENCE No. M/H5/18/3
建築物高度的合成照片 PHOTOMONTAGES OF BUILDING HEIGHT PROFILE	圖 PLAN 9E

MASTERPLAN LIMITED

Planning and Development Advisors

領賢規劃顧問有限公司

TPB/R/S/H5/28-3

4 July 2018

Our Ref: MP/HysanWCRep/LC/2018

By Fax and Hand

The Secretary,
Town Planning Board,
15 Floor,
North Point Government Offices,
333 Java Road,
North Point.

Dear Sirs,

**Leighton Property Company Limited
Representation on the Draft Wan Chai Outline Zoning Plan No. S/H5/28
Relating to Leighton Centre, 77 Leighton Road, Causeway Bay**

This Representation is submitted on behalf of Leighton Property Company Limited in regards to the amendments relating to Leighton Centre, 77 Leighton Road, Causeway Bay as shown on the Draft Wan Chai Outline Zoning Plan ("OZP") No. S/H5/28, for the consideration of the Town Planning Board.

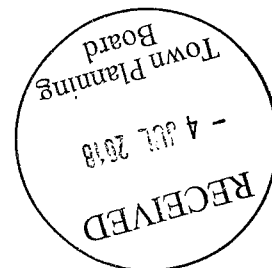
The applicant has prepared a Representation Statement, and 90 copies of this Representation Statement are attached and submitted to the Town Planning Board for their consideration.

This representation is made without prejudice to, and entirely separate from, the rights of Leighton Property Company Limited in relation to judicial review proceedings HCAL 57 of 2011 and related appeals.

Yours faithfully,



Kira Brownlee,
For and on behalf of
Masterplan Limited



**Representation in relation to the
Amendments to the Draft Wan Chai Outline
Zoning Plan Number S/H5/28**

**LEIGHTON CENTRE
77 Leighton Road, Causeway Bay**

**Leighton Property Company Limited
July 2018**

EXECUTIVE SUMMARY

S.1 This representation to the Draft Wan Chai Outline Zoning Plan Number S/H5/28 (new Draft OZP) is submitted on behalf of Leighton Property Company Limited which is the owner of Leighton Centre at 77 Leighton Road, Causeway Bay. The representation is partially in support of amendment Item A – in support of increasing the building height restriction on the site, however, this Representation proposes an alternative building height restriction option.

S.2 This Representation relates to amendment Item A on the Outline Zoning Plan ("OZP")

a) Item A – *"Revision of the building height restriction for the "Commercial" ("C") zones bounded by Johnston Road to the north and Tonnochy Road to the west, and the "C" zone bounded by Hennessy Road to the south and Percival Street to the west from 130mPD to 135mPD."*

S.3 The key points made in this Representation are:

- a. The 135mPD BHR does not seem to be set as a result of any strong justification and societal benefit. If we look at the photomontages prepared by Planning Department which were included in the TPB Paper as Plans 9A-9E it becomes apparent that the Leighton Centre at 200mPD is either not visible or so insignificant it is visually very difficult to distinguish where it is. It seems difficult to describe the approved GBPs as excessively tall or affecting the view to the point where the "societal benefits" outweigh the burden placed on the landowner.
- b. There are no green features or amenities within the building design such as sky gardens in the Approved 200mPD Scheme, which is not SBDG compliant. No major amendments can be made to the Approved GBPs with a 135mPD BHR, to incorporate green features.
- c. There is no identified "societal benefit" that justifies the proposed 135mPD BHR when compared to the BHR of 200mPD. The reduction of 65mPD for no real identifiable or quantifiable "societal benefit" does place a harsh burden on the owner. In this important context there is no adequate justification for the 135mPD BHR.

S.4 The amendments proposed to meet the Representation are:

- a) Amend the building height restriction by stipulating a building height restriction of 200 mPD over the portion of the C zone which covers Leighton Centre;
- (b) or such alternative amendments as the Board sees fit, which meet the Representors requirements as set out above.

申述摘要

- S.1 本申述謹代表銅鑼灣禮頓道 77 號禮頓中心的業主 Leighton Property Company Limited 呈交。業主支持灣仔分區計劃大綱草圖編號 S/H5/28 (新分區計劃大綱草圖)提出有關放寬區內高度限制的修訂項目 A 項，同時回應修訂項目 A 項提出高度限制的另一個可行性。
- S.2 本申述回應分區計劃大綱草圖修訂項目 A 項：
- a) A 項 — 把介乎莊士敦道以北和杜老誌道以西的「商業」地帶，及介乎軒尼詩道以南和波斯富街以西的「商業」地帶的建築物高度限制由主水平基準上 130 米修訂為主水平基準上 135 米。
- S.3 本申述的主要重點為下列各項：
- a. 訂於主水平基準上 135 米的高度限制並沒有重大理據支持，亦不是建基於社區利益。綜觀規劃署提供的合成圖片，圖則 9A-E 顯示主水平基準上 200 米的禮頓中心可說是難以辨識，甚至完全不顯眼。在已核准的建築圖則中的建築物高度並不顯得過高，而且，在高度與社區利益比較下亦不見得弊大於利。
- b. 在已核准的建築圖則，高度限制於主水平基準上 200 米在設計上並不能容納任何綠化元素或設施，例如空中花園，原則上不符合可持續建築設計指引。若建築物高度訂於主水平基準上 135 米，業主不能修訂已核准的建築圖則以納入綠化元素及設施。
- c. 對比已被核准的高度限制，並沒有重要理據支持將限制降至於主水平基準上 135 米，業主希望能放寬 65 米的高度分別，讓業主能根據之前已獲批核的建築物高度，為建築物增加綠化元素，裨益社區。
- S.4 本申述提出的修訂項目為：
- (a) 修訂位於「商業」地帶的建築物高度限制為主水平基準以上 200 米，覆蓋禮頓中心；
- (b) 或由城市規劃委員會提議另一修訂方案可以同時兼顧申述人的要求。

1. Introduction

- 1.1 This representation to the Draft Wan Chai Outline Zoning Plan Number S/H5/28 (new Draft OZP) is submitted on behalf of Leighton Property Company Limited which is the owner of Leighton Centre at 77 Leighton Road, Causeway Bay. The representation is partially in support of amendment Item A – in support of increasing the building height restriction on the site, however, this Representation proposes an alternative building height restriction option.

2. Amendments to Which this Representation Relates

- 2.1 This Representation relates to amendment Item A on the Outline Zoning Plan ("OZP")
- a) Item A – *"Revision of the building height restriction for the "Commercial" ("C") zones bounded by Johnston Road to the north and Tonnochy Road to the west, and the "C" zone bounded by Hennessy Road to the south and Percival Street to the west from 130mPD to 135mPD."*

3. Property to Which the Representation Relates

- 3.1 The Leighton Centre is a well-established building and was built in 1977. It is one of several buildings in the area which are owned by the Hysan Group. The lot on which the Leighton Centre is built is unrestricted in terms of development controls. The development controls are therefore those which are applicable under the Building (Planning) Regulations.

4. The Site and the Existing Building

- 4.1 The existing Leighton Centre building is 28 storeys with 18 floors of office use, 4 are floors of retail use, 5 floors of carpark and 1 mechanical floor. The present building has a height of 79.059mPD. The building façade and streetscape can be seen in **Photo's 1-3**).
- 4.2 Leighton Centre is constrained by a low floor-to-floor height for the office floors of only 2.95 metres. This ceiling height is no longer appropriate for modern office requirements. It is also no longer a compatible office building given the quality of the new buildings in the area such as Times Square, Lee Garden One, Lee Garden Three and Hysan Place. These have larger floor-to-floor heights.

5. The Neighbourhood

- 5.1 The site is located within an area gradually undergoing transformation from old residential building to a commercial area with redevelopments for commercial/office and hotel uses. The area is an important part of the Causeway Bay retail and shopping area and is an important employment node. Leighton Centre, Lee Theatre Plaza and Times Square are the largest buildings within a neighbourhood area defined by Canal Road East, Percival Street, Hennessey Road, and Leighton Road. In the centre is the MTR entrance and exit at Times Square which makes the whole area an important one for the future growth of office and retail functions.
- 5.2 The area has been described in relation to the Causeway Bay Outline Zoning Plan as part of a 'triangle node' – which includes three landmark buildings of around 200mPD defining the location – Times Square, Lee Garden One, and Hysan Place. The Leighton Centre already forms part of this 'triangle node', being located between Times Square and Lee Garden One. However, there is no indication that the same conceptual approach has been adopted for the triangle area when preparing the BHR's under the Wan Chai Outline Zoning Plan BHR's.



Figure 1 : Location Plan An extract from the Draft Wan Chai Outline Zoning Plan Number S/H5/28, showing the location of Leighton Centre within the "C" zone with a building height restriction of 135mPD.



Photo 1 : Shows the building frontage onto Leighton Road, with the lower podium at the front and the tower set back.



Photo 2 : View looking to the North West down Sharp Street East showing Leighton Centre on the left, Lee Theater Plaza on the right, and Times Square at the end of the road.



Photo 3 : View looking North East down Matheson Street.

6. The Planning Context

- 6.1 **Figure 1** indicates the location of Leighton Centre within the “Commercial” (C) zone on an extract from the Draft Wan Chai Outline Zoning Plan. It also shows the building height restriction of 135 mPD. The adjacent C(2) zone applies to Times Square has a building height restriction of 200mPD, while other buildings in the immediate vicinity are restricted to 135mPD generally.
- 6.2 The Outline Zoning Plan boundary runs along Leighton Road and along Percival Street. On the opposite side of Leighton Road the area is covered by the Wong Nai Chung Outline Zoning Plan, while on the eastern side of Percival Street the area is covered by the Causeway Bay Outline Zoning Plan. The boundaries of the three Outline Zoning Plan’s therefore meet at the junction of Percival Street and Leighton Road and form a rather unnatural series of boundaries in the centre of a quite clearly defined physical neighbourhood. The natural neighbourhood would tend to be from Canal Road East along Leighton Road to Yee Wo Street and then to the west along Hennessy Road.
- 6.3 The boundaries of the Outline Zoning Plan are therefore somewhat artificial and the zoning and development restrictions should be viewed in this wider context and in sympathy with the Planning Objectives for the Causeway Bay area in general.
- 6.4 The previous Draft Wan Chai Outline Zoning Plan No. S/H5/26 was subject to certain Judicial Reviews, including one relating to the BHR placed on Leighton Centre. The reconsideration of the various controls included on the new Draft OZP largely arose from the judgment of the Court of Final Appeal (CFA) in *Hysan Development Co Ltd v Town Planning Board* (CFA Judgment) (Final Appeal No. 21 of 2015 (Civil)) which made orders directing the Town Planning Board (TPB) to reconsider its decisions in relation to the Hysan Group’s representations in accordance with principles of proportionality when constitutionally protected property rights are affected. The Court of Appeal had previously ruled that Sustainable Building Design Guidelines (SBDG) must be taken into account and that finding was not disturbed by the CFA. The directions from the Courts (see **Paragraph 7** for more detail) included the reconsideration of the previous draft OZP restrictions on Leighton Centre. This new Draft OZP has proposed a different BHR on the site, partially addressing the issues in response to the directions of the Courts.
- 6.5 This representation makes reference to the TPB Paper No. 10415 (the TPB Paper) considered by the Board on 13 April 2018. The Paper was titled “Proposed

Amendments to the Draft Wan Chai Outline Zoning Plan No. S/H5/27". The TPB Paper reviewed the development restrictions shown on OZP No.27 and proposed amendments which are now shown on OZP No.28. The general approach taken in the preparation of the proposed amendments appears technically sound and has addressed most of the issues raised in the relevant judgments. In particular, the benefits that can be obtained through the implementation of the SBDG and provision of more design flexibility have been much better understood.

- 6.6 In the TPB Paper specific attention was given to the Leighton Centre site in paragraph 9.5 in particular which states:

"The relaxed BHRs have taken into account the SBDG requirements and permissible development intensity. There is no strong justification to further relax the BHR to 150mPD for the area to the south of Hennessy Road and to 200mPD for the commercial sites of Leighton Centre/Lee Theatre Plaza and their surrounding neighbourhood as it would result in the proliferation of excessively tall buildings and affect the view to harbour from Stubbs Road Lookout Point. The approved building plans could still be implemented subject to the provision of the Buildings Ordinance."

- 6.7 The response of the Planning Department (PlanD) to the previous representation R97 in Annex H2 of the TPB Paper (**Shown in Appendix 1**), and the associated photomontages showing the effect of the approved GBPs is in Plans 9A-9E of the TPB Paper (**Shown in Appendix 2**). It is difficult to argue that the approved GBP building is "excessively tall and out of context" when viewing the photomontages as it fits in with the surrounding tall buildings of Times Square, One Hysan Avenue and Lee Gardens One. The approved GBPs are 200mPD.

Approved General Building Plans

- 6.8 There are Approved General Building Plans for a 200mPD building on the site as referenced by the TPB Paper. The GBPs were approved before the SBDG came into effect. As a result the GBPs do not conform to the SBDG. The difference in height between the Approved GBPs and the proposed BHR is 65 metres. There does not seem to be any justification other than the prevention of the proliferation of excessively tall buildings and that the building adversely affects the view to the harbour from the Stubbs Road Lookout Point. In **paragraphs 9 and 10** below this is discussed in more detail.

7. Court of Final Appeal Judgment

- 7.1 An important factor arising from the CFA's judgment is to balance the proportional impact on individuals' rights with the societal benefits of the measures to be included as controls on the OZP. Having regard to the Approved GBPs on the Leighton Centre site, the Representor considers that the imposition of a BHR of less than 200mPD amounts to the imposition of an unfair and unreasonable burden on it, as the owner, which is out of proportion to the societal benefits to be obtained by such restriction. The relevance of the 200mPD BHR imposed on the adjacent Times Square buildings, and also on the nearby Lee Garden One site, is also a factor to be taken into consideration in terms of establishing the Approved GBPs 200mPD height as a reasonable level of height control on the Leighton Centre site. The process outlined by the CFA for the TPB is explained below.
- 7.2 The CFA held that the proportionality analysis should follow a progressive, four step assessment, as follows:
- (1) whether the intrusive measure pursues a legitimate aim;
 - (2) if (1) above is satisfied, whether it is rationally connected with advancing that aim;
 - (3) if (1) and (2) above are satisfied, whether the measure is no more than necessary for that purpose; and
 - (4) if (1), (2) and (3) above are satisfied, whether ***"a reasonable balance has been struck between the societal benefits of the measure and the inroads made into the constitutionally protected rights of the individual, asking in particular whether pursuit of the societal interest results in an unacceptably harsh burden on the individual"***.
- 7.3 There was no dispute that the first two steps of the proportionality assessment are satisfied in this case, as the zoning restrictions in question are, in general terms, rationally connected to legitimate planning purposes. However, regarding the third step, it is considered that the BHR of 135mPD is considerably more than is required to meet the purpose of restricting out of context tall buildings.
- 7.4 The CFA held that the standard to be applied at this third stage depends on many factors relating principally to the significance and degree of interference

with the constitutionally protected property right. In general terms, where the TPB makes a decision which is not flawed on “traditional judicial review” grounds (it was flawed in the previous Hysan Judicial Review case that was considered by the CFA on the proportionality issue), such a decision could only be struck down at the third stage of the proportionality assessment on constitutional grounds if the decision is “manifestly without reasonable foundation”. This could be applied to the BHR of 135mPD.

The Relevance to the current Representation

- 7.5 The significance of the CFA’s decision to the current Representation is also at the fourth and final stage of the proportionality assessment. At this stage, even if the TPB has made a lawful decision that is not susceptible to challenge on “traditional judicial review” grounds and satisfies the third stage of the proportionality assessment, the TPB will be required to consider whether a **reasonable balance** has been struck between:

- a) the societal benefits of the measure; and
- b) the inroads made into the constitutionally protected rights of the individual,

and must ask, in particular, whether pursuit of the societal interest results in an unacceptably harsh burden **on the individual**.

- 7.6 Due to the requirement in the final sentence to consider the “burden on the individual”, it should not be sufficient for the TPB to make a generalised assessment to suggest that the overall societal benefits of the zoning restrictions throughout the new Draft OZP are generally proportionate to the overall burdens on all affected land owners throughout the new Draft OZP. It will be necessary for the TPB to undertake a more “micro” level and specific assessment of whether the societal benefits of the particular restriction affecting the land owner in question are proportionate to the burden on that particular land owner.

- 7.7 Translating this into practical terms, the TPB will need to consider and endeavour to define, with reference to the professional opinions of both the PlanD’s officers and consultants and those of Hysan’s consultants, on the particular “societal benefits” flowing from the BHR proposed to be placed on Leighton Centre and other properties (i.e. the particular benefit of restricting the building height of the Leighton Centre site to 135mPD, instead of allowing development up to 200mPD which, the Representer has consistently been suggesting since 2010, and which would reflect the Approved GBPs). TPB will then need to strike a “reasonable

balance” between the benefits to society and the burden on the owner of Leighton Centre, in particular the impact on design flexibility and the ability to utilize the full permitted development potential of the site upon redevelopment, and the impact on property value. The main effect of the BHR would be to prevent the implementation of the SBDG in the Leighton Centre redevelopment.

8. Review of the Building Height Restriction on Leighton Centre

- 8.1 The BHR does not seem to be set as a result of any strong justification and societal benefit. As mentioned in paragraph 6.4 above the main justification against the 200mPD in the TPB Paper is:

“it would result in the proliferation of excessively tall buildings and affect the view to harbour from Stubbs Road Lookout Point.”

However, there is no real justification given for the 135mPD BHR. If we look at the photomontages prepared by Planning Department which were included in the TPB Paper as Plans 9A-9E it becomes apparent that the Leighton Centre at 200mPD is either not visible or so insignificant it is visually very difficult to distinguish where it is. Plan 9E, is the specifically mentioned photomontage in relation to this site of the view to the harbor from Stubbs Road Lookout Point (**Figures 2 and 3**). It seems difficult when looking at this photomontage to describe the approved GBPs as excessively tall or affecting the view to the point where the “societal benefits” outweigh the burden placed on the landowner. In fact, the building appears to be visually in context with those surround it and rather visually insignificant from this viewpoint.



Figure 2: Photomontage showing the view from the Stubbs Road Lookout Point.

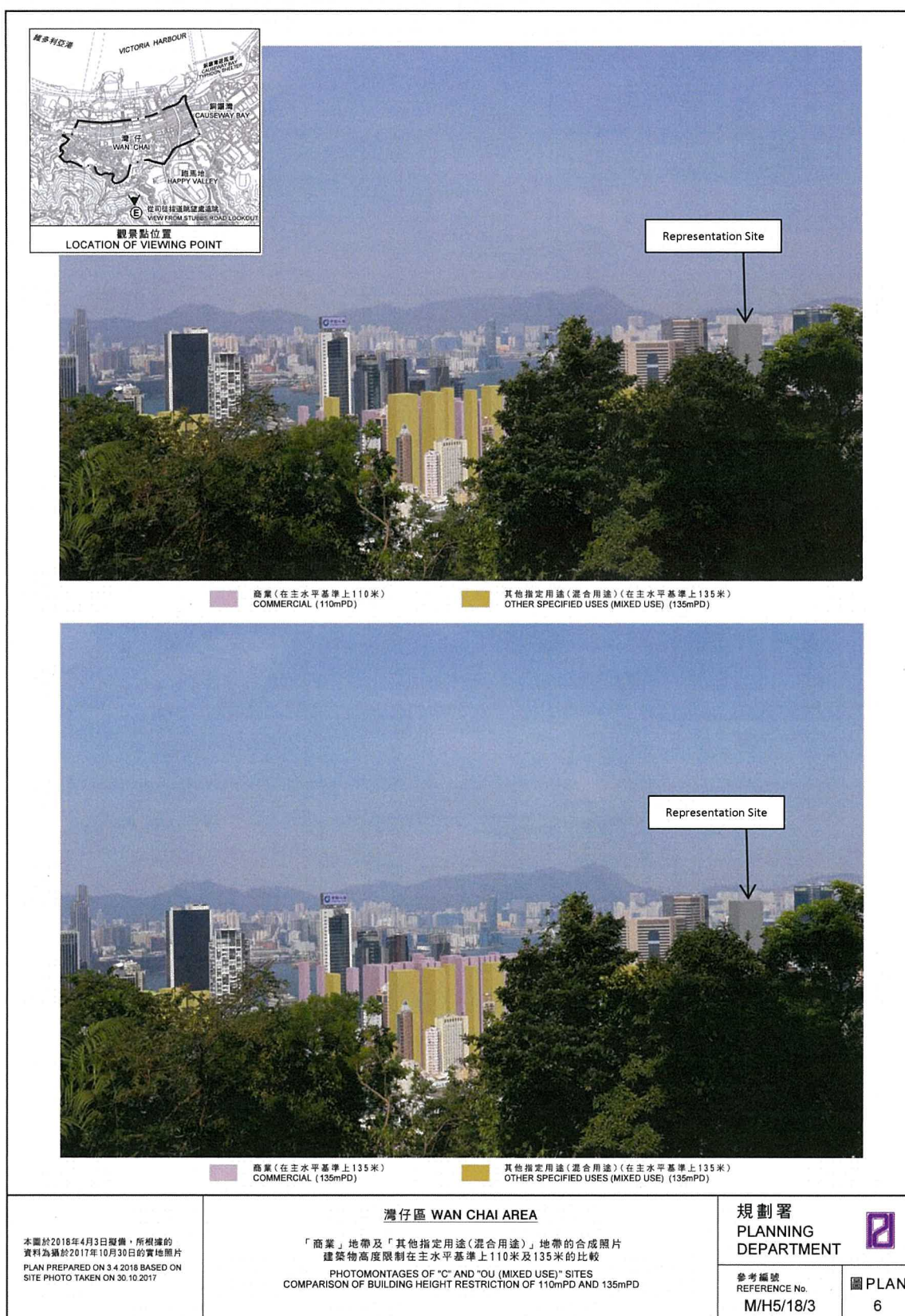


Figure 3: Photomontage showing the view from the Stubbs Road Lookout Point.

9. The BHR Ensures the SBDG Will NOT be Implemented

- 9.1 Due to the age of the Leighton Centre, the low floor-to-floor height, and the shape of the building make it inefficient and sub-standard in the context of modern Grade A Office Buildings, therefore the building will be redeveloped. The redevelopment intention has been demonstrated by the approval of GBPs prior to the SBDG and the implementation of BHRs on the Wan Chai OZP.
- 9.2 In this context the Approved GBPs are not academic, the building will be redeveloped and the decision before the developer is to build the Approved GBPs at 200mPD with a building that does not comply with the SBDG or to build a 135mPD building which may be SBDG compliant but is inferior from both the public perspective and the commercial perspective. It is very difficult to make a business case for the 135mPD building.
- 9.3 The Applicants ideal scenario is to have a 200mPD BHR on the site so that they can update the approved GBPs to incorporate better design features and comply with the SBDG and build a state of the art building which really benefits the area as well as the applicant. Something like the Hysan Place building. By incorporating a BHR of 135mPD the TPB is guaranteeing that a high quality building with public benefits is not going to be built. The usual design process where the GBP's are refined and improved as the detailed design progresses was not able to take place in this case due to the imposition of the last 130mPD BHR, which is why the approved GBPs are unrefined, have no significant green features or design benefits. No significant beneficial changes can be made to the Approved GBPs.
- 9.4 In Tsim Sha Tsui the Harbour City site had it's Approved GBPs reflected in the BHR. A similar approach was taken with the New World Centre BHR. There are two Harbourfront sites with far more visual impact than this representation site. The different approaches to the approved GBP's without any explanation or justification is difficult to understand.

Problems with the 135mPD BHR

- 9.5 There are a number of problems with the 135mPD scheme which make it a non-viable scheme when compared to the 200mPD GBP Scheme and especially when compared to the 200mPD SBDG Scheme. These are outlined in **Table 1** below, and the schemes are shown in **Figures 4, 5 and 6**.

Table 1 : Comparison of the 3 Schemes

	135mPD SBDG Compliant Scheme	200mPD GBP Approval	200mPD SBDG Compliant Scheme	Remarks
Retail in Basement Levels	2 storeys	2 storeys	None	It is not considered good practice to have retail in Basements from both the environmental and commercial point of view. This is a positive of the 200mPD SBDG compliant scheme.
Floor-to-Floor Height of typical floor	4.5mPD	4.5mPD	5mPD	The BD accepted standard of 5mPD would be achieved in the 200mPD SBDG scheme building a modern standard Grade A office building.
Floor-Plate Layout	Inefficient	Acceptable	Efficient	The Floor-plate of the 135mPD scheme has to have multiple sharp angles which are very inefficient. The GFA cannot be moved anywhere but into the basement levels to remove these sharp angles due to the SBDG building length requirement and the lack of ability to increase the building height. So the building on this strangely shaped lot will have an overly pronounced inefficient shape. The Approved GBP scheme is the best in terms of shape however the slightly smaller floorplate as a result is not ideal. The SBDG scheme has the unusual building shape minimized while also providing the larger floor-plate.
Podium level site coverage	G/F: 83.5%	G/F: 87.9%	G/F: 70.4%	The 135mPD scheme leaves no room to move GFA to other locations and therefore no possibility to provide any larger Podium setbacks to create Plazas. The GBP Approved Scheme had not gone through detailed design and does not provide adequate drop-off area, and has the highest G/F site coverage. The 200mPD SBDG Scheme would allow flexibility to create Plazas, a drop off area and help address some of the pedestrian/vehicular issues in the immediate vicinity and create a breathing space in the public realm. This is reflected in the relatively low G/F site coverage.
Sea Views	No sea views	Sea Views from top floors	Sea Views from top floors	A purely commercial reason, but this is a reason why the 135mPD scheme cannot be justified on a business case.
Green Features	None	None	Can be incorporated	As shown in the last two new buildings redeveloped in the Hysan portfolio, incorporating green areas, voluntary setbacks, alfresco dining and even air ventilation are items that are highly valued and priorities in the detailed design schemes. Hysan Place was developed before the SBDG but incorporates holes in the building strategically designed using CFD modelling to ensure good airflow through the area as one example of the level of detail and quality Hysan builds as par for course through their developments. Both Lee Garden Three and Hysan Place have voluntary setbacks to create space at the ground floor level. These green features are only possible in the 200mPD SBDG Scheme.
SBDG Compliant	Yes	No	Yes	An SBDG Scheme will only be realized if the TPB reflects the Approved GBPs in the BHR.

The usual TPB argument for lower BHR is not applicable in this case, creating a situation where everyone loses

- 9.6 The TPB usually argues against relaxing the BHR as there is no guarantee that a better design will result and the SBDG will be complied with. This is usually understandable.
- 9.7 However, in this case, by not relaxing the BHR (to reflect the height of a building which is approved and is likely to be built regardless of the BHR on the site), the TPB is actually ensuring that the SBDG will not be complied with and the building design will be sub-optimal for the public, the environment and also the owner.

The extreme difference between the BHR and the 200mPD Approved GBP building ensures the building will be built, but the unreasonable BHR will also extend the building life of the building

- 9.8 The result of BHRs which are significantly lower than the building which exists (or will exist) on the site is that once the building is there it will be retrofitted and used for longer periods of time. By making an artificially exceptionally low BHR relative to the approved building the TPB is not encouraging a lower building in the future, but simply encouraging a building will last for a very long time. This makes the BHR a purely academic exercise in all senses, the only effect of this BHR is that a significantly inferior building will be constructed than what Should be built.

10. Alternative Schemes

- 10.1 The Representor's AP has been requested to prepare three schemes to illustrate the different options for the site. The first scheme (**Figure 4**) is the 135mPD scheme showing the impact of the normal application of the SBDG on the development of the Leighton Centre site under the 135mPD BHR. The Second Scheme is the Approved GBP scheme (**Figure 5**) and the third is an indicative scheme of some of the features that could be incorporated if the BHR was raised to 200mPD (**Figure 6**).

Building Height Restriction and SBDG Complying Scheme -135mPD

- 10.2 This scheme is designed to comply with the proposed 135mPD BHR (see **Figure 4**). To comply with the SBDG it is necessary to have small podium setback at the ground floor level on both Matheson Street and Sharp Street East. The length of the tower is also limited under SBDG. Due to the unusual shape of the site the

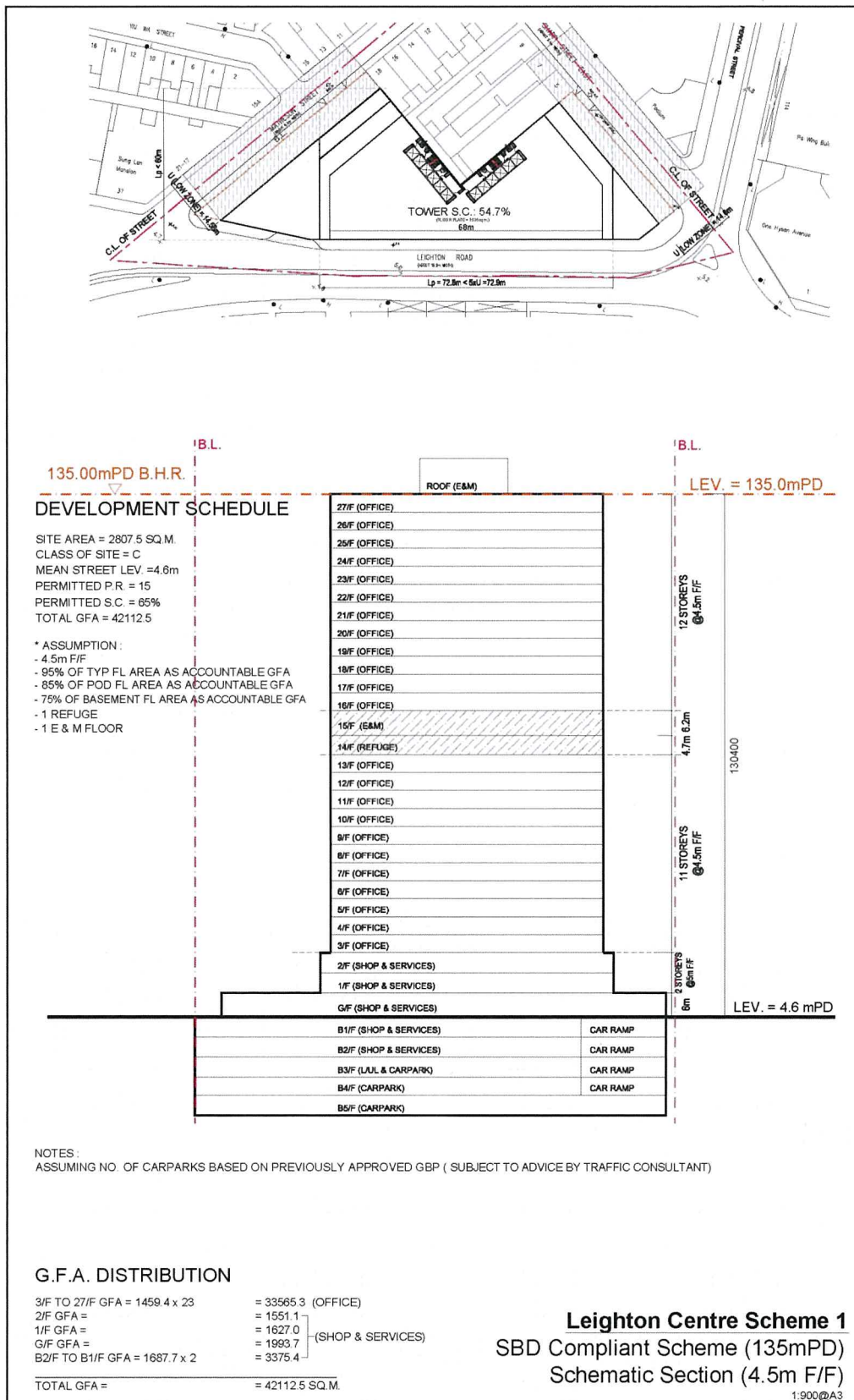


Figure 4 : 135mPD OZP and SBDG Compliant Scheme.

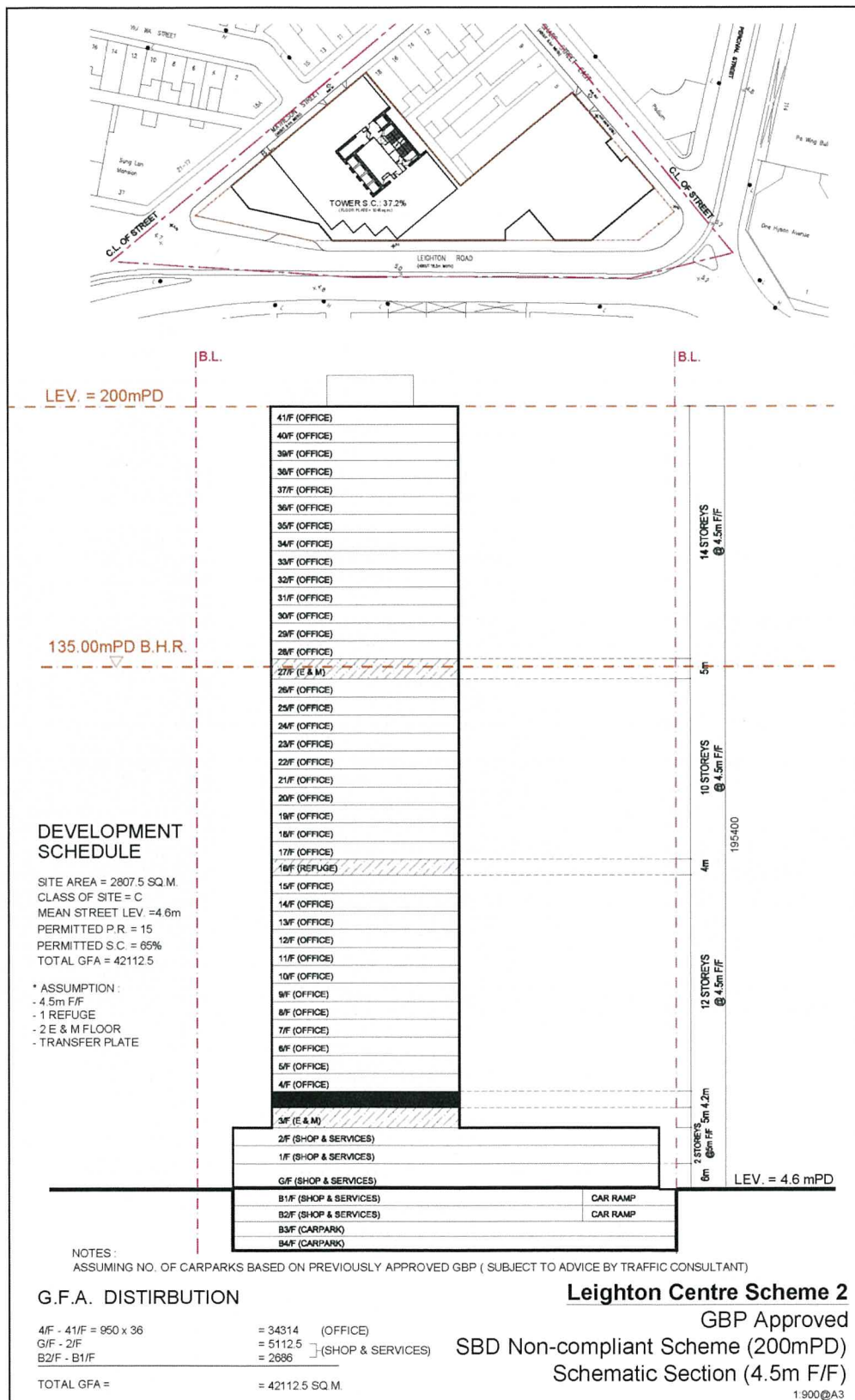


Figure 5 : The 200mPD GBP Approved Scheme

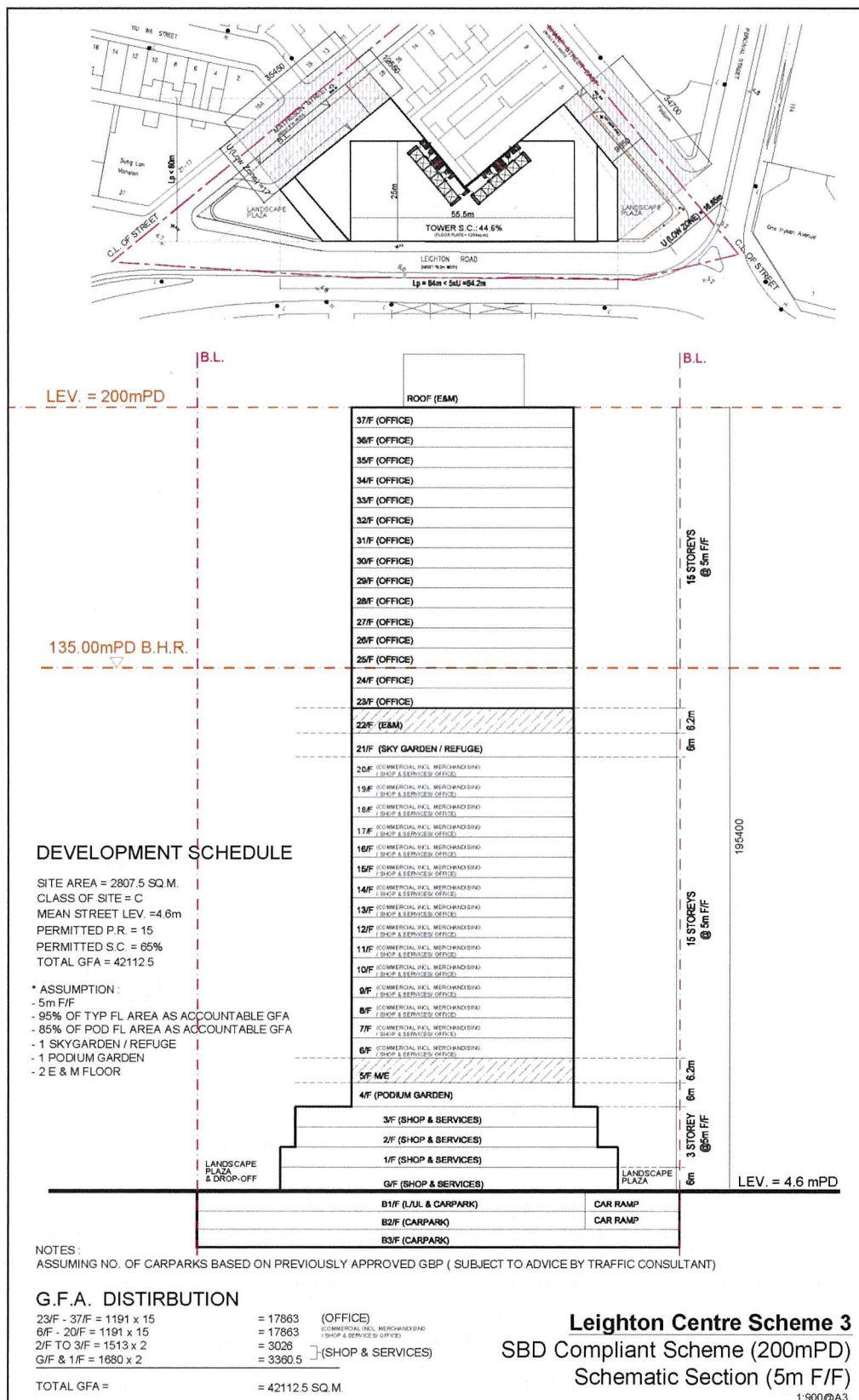


Figure 6 : 200mPD SBDG Compliant Scheme

building length makes it difficult to have an efficient floorplate when also complying with the SBDG. The 4.5m floor-to-floor height is assumed as it is the minimum acceptable floor-to-floor height for a Grade A Office Building. Buildings Department now routinely approves a 5m floor-to-floor height for commercial buildings and so a 4.5m assumption is reasonable.

- 10.3 The relatively low BHR of 135mPD necessitates the provision of two basement floors below ground level to accommodate the balance of the GFA. This is contrary to the assumption made by PlanD not to have any such floor for these uses in the basement. With the parking and loading/unloading requirements, this would effectively mean provision of 5 basement levels, which is a very large and prohibitively expensive excavation. As a business case, this scheme is inferior to the Approved GBP Scheme and not a realistic viable commercial option for the Representor.

Approved GBP Scheme – 200mPD

- 10.4 The approved GBP Scheme is 200mPD (see **Figure 5**), and has a more efficient tower footprint. The 3 floors of podium are large floorplates, with some voluntary setbacks located in a few places. There are no green features and are 2 storeys of retail in the basement levels. The floor-to-floor height is 4.5 for the tower. The scheme was never intended to be built without substantial modifications as the detailed design process progressed, but it is a scheme that can be built and operated as a very standard commercial development. It would not be a typical Hysan development as it has no green features, no place-making contribution and it also has no green features. It has very little public benefit. It is however a scheme that from a business case perspective is possible to justify, while not congruent with the best-practice redevelopment ethos of Hysan Place.

Proposed SBGD Compliant Scheme with increased BHR – 200mPD

- 10.5 This scheme is the win-win option for the Representor, the TPB and the general public. The 200mPD scheme (see **Figure 6** is simply indicative, however, as detail design proceeded a scheme which is SBDG compliant, added to the functionality of the public realm in the area and contributes to place making in Causeway Bay would be developed. The 200mPD BHR would permit a building to be built which has better placed voluntary setbacks, such as Lee Garden One (see other examples in **Figure 7**) reducing the pressure on Matheson Street and Sharp Street East for both pedestrians and vehicles. There would be a redesigned run-in and run-out which would help with traffic issues and an on-site drop-off

area (see examples in **Figure 8**) which should help reduce congestion on Matheson Street.

- 10.6 The ability to incorporate sky gardens and podium gardens as well as reduce the bulk of the podium would aid air ventilation in the area. The visual impacts of the 200mPD tower are negligible, and the increased visual impact from the approved 200mPD tower to this schemes tower would be non-existent to the naked eye.
- 10.7 The scheme would allow the tower floor-to-floor height to be the modern standard of 5m, and the permitted GFA would be able to be accommodated above ground, removing the excessive basement excavation for the additional 2 retail floors.
- 10.8 The Representor is not saying this is the scheme that would be built if the BHR is 200mPD, but they are saying that a high-quality building with substantially more green-features, public benefits and design merits would be able to be created during the detailed design process. The new building would comply with SBDG and it is possible to create a business case to support this option over the Approved GBP Scheme.

Completed Commercial Building Reference in Hong Kong



Figure 7 : Examples of Setbacks where there is a Plaza and Drop-Off area in Hong Kong.

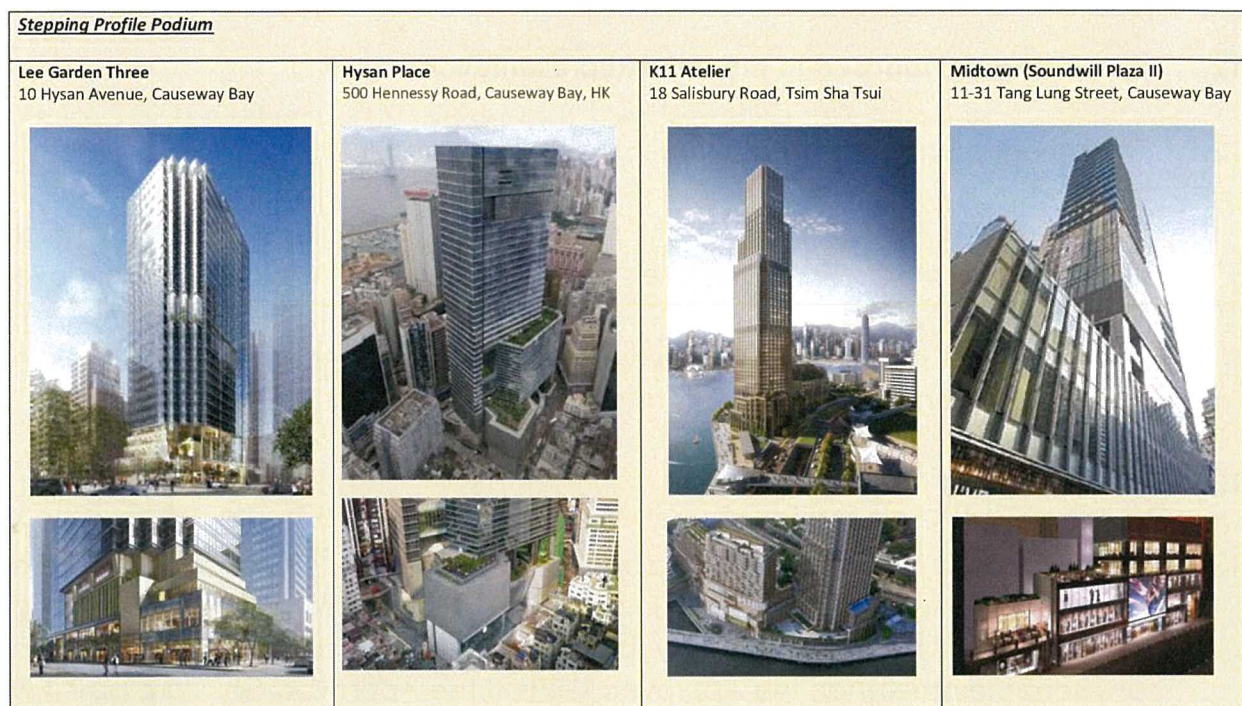


Figure 8 : Hong Kong examples showing examples of stepped profile podiums.

11. Reasons for the Representation

Searching for a Better Outcome

- 11.1 The Representor is of the view that the BHR on the Leighton Centre site has been set too low, and not enough consideration has been made for the reality of the Approved GBPs. The Representors desire is to illustrate through this Representation that the reality is a decision for the TPB between the Approved GPB's or with a SBDG compliant scheme which is 200mPD.
- 11.2 The Court has ordered the TPB to consider the SBDG when amending the OZP. It could be argued that by not reflecting the Approved GBPs on the OZP the TPB has not taken the implementation of the SBDG into proper consideration for the site.

The lack of "societal benefit"

- 11.3 Based on the above, there is no identified "societal benefit" that justifies the proposed 135mPD BHR when compared to the BHR of 200mPD. The reduction of 65mPD for no real identifiable or quantifiable "societal benefit" does place a harsh burden on the owner. In this important context there is no adequate justification for the 135mPD BHR.

12. Amendments Proposed to meet the Representation

12.1 The amendments proposed to meet the Representation are:

- a) Amend the building height restriction by stipulating a building height restriction of 200 mPD over the portion of the C zone which covers Leighton Centre;
- (b) or such alternative amendments as the Board sees fit, which meet the Representors requirements as set out above.

13. Conclusion

- 13.1 The proposed 135mPD BHR proposed on Leighton Centre is considered unnecessarily low, is based on inadequate information, will not encourage compliance with the SBDG and would make it very difficult to justify developing any scheme other than the Approved GBPs. If the Approved GBPs are built it will result in a very unremarkable building which does very little in terms of creating a better built environment in Hong Kong. An opportunity would be lost for both Hysan and the general public to have a redevelopment on the site that is sustainable and creates opportunities to improve the private and public realm.
- 13.2 The CFA required the TPB to balance the impact of any development control between the societal benefits arising from the proposed restriction and the likely impact on the affected land owner(s)' property right. No actual societal benefit that is to be obtained from the proposed BHR 135mPD BHR on this site has been identified by PlanD to date. Also, there is no demonstrable additional societal benefit to be obtained from either of the 135mPD BHR when compared with the Approved 200mPD GBP scheme, or the 200mPD SBDG compliant scheme that has been submitted to the TPB for consideration. The imposition of the 135mPD BHR has an adverse impact on the rights of the owner, and an adverse impact on the quality of the 200mPD building that will be built on the site.
- 13.3 A 200mPD building will be built on this site, the decision for the TPB is whether to allow the flexibility for a high-quality SBDG compliant 200mPD building to be built, or to have a theoretical 135mPD BHR on the OZP and in reality have a non-SBDG compliant 200mPD scheme built.
- 13.4 The TPB is therefore requested to consider this proposal favourably and amend the OZP accordingly.

APPENDIX 1

Annex H2 of TPB Paper No. 10415

Summary of Representations and Proposals

Representation No. R97 (Representer : Leighton Property Company Limited and Lee Theatre Realty Limited)

SUBJECTS OF REPRESENTATION (REPRESENTATION SITE)	REPRESENTER'S PROPOSALS
R97 (The "C" zone particularly at the sites of No. 77 Leighton Road (Leighton Centre) & No. 99 Percival Street (Lee Theatre Plaza)) <ul style="list-style-type: none">• Oppose BHR of 130mPD of the "C" zone, particularly for the sites of Leighton Centre and Lee Theatre Plaza• Oppose rezoning of the area to the east of Canal Street from "C/R" to "C" and stipulation of BHRs• Oppose paragraph 7.9 of the ES indicating a general presumption against minor relaxation of BHRs for existing buildings already exceeding BHRs unless under exceptional circumstances	<ul style="list-style-type: none">• Relax BHR of the Leighton Centre/Lee Theatre and their surrounding neighbourhood to 200mPD or relax the BHR of the Leighton Centre to 200mPD to reflect the development as shown on the approved building plans• To delete paragraph 7.9 of ES so that applications for minor relaxation under the "C" zone would be considered on its own merits.

GROUNDS OF REPRESENTATION	RESPONSES
Building Height Restrictions <ul style="list-style-type: none">• The BHRs are too low and restricting the future development to the existing development design and form which unnecessarily constrain design flexibility for innovative buildings. The private property rights should not be unnecessarily and disproportionately restricted or affected.• The BHRs imposed were not well justified and were unreasonably low given the relevant circumstances and planning context.• Insufficient recognition to the approved building plans for Leighton Centre with BH of 200mPD.	<ul style="list-style-type: none">• In formulating the BHRs, relevant considerations including overall BH concept protection of ridgeline, existing BH profile, topography, site formation level, local characteristics, waterfront and foothill setting, compatibility with the surrounding areas, predominant land uses and development potential, air ventilation, visual impact and a proper balance between public interest and private development right have been taken into account.• While the building plans approved by the Building Authority before the imposition of BHRs would be allowed to proceed, the piecemeal relaxation of the BHRs for the individual sites as proposed by the representers would result in proliferation of high-rise development

<u>GROUND OF REPRESENTATION</u>	<u>RESPONSES</u>
<ul style="list-style-type: none"> A reasonable BH is required to allow flexibility for the design of future redevelopment to meet the need of a changing need. <p>Sustainable Building Design Guidelines</p> <ul style="list-style-type: none"> The requirements of the SBDG including building SB, building separation and green coverage are in conflict the BHRs imposed on the OZP. This impact had not been assessed in preparing the amendments to the OZP. The basis of the assumptions made in determining the BHRs such as assumptions of floor-to-floor heights, non-accountable GFA, bonus GFA, flexibility to building form and shape and impacts on development intensity have not been justified. Only if BHR to be relaxed to 150mPD at the "C" sites of Leighton Centre and Lee Theatre Plaza could facilitate development of commercial buildings with appropriate floor-to-floor height which fulfill the SB requirement plus granting GFA concessions. <p>Floor-to-Floor Height</p> <ul style="list-style-type: none"> The floor-to-floor height assumed for the preparation of the OZP appears to be about 3.5m. This would not meet the contemporary standard for international quality Grade A office building with floor-to-floor height of about 4.5m. <p>Urban Design Consideration</p> <ul style="list-style-type: none"> Unreasonable BH profile for the two BH bands of 200mPD (for Times Square) and 130mPD (for the surrounding business core area) making Times Square disharmonious in the area by a height 	<p>which is not in line with the planning control.</p> <ul style="list-style-type: none"> To follow up on the Court's ruling, a review of the BHRs raking into account the implications of SBDG has been conducted. It is proposed to relax the BHRs in "C" zones (except the zonings bounded by Tonnochy Road/Hennessy Road/Percival Street/Gloucester Road to maintain BHR of 110mPD), sub-area (b) for "C(6)" zone and "OU(MU)" zones to 135mPD; "C(4)" zone to 110mPD; some "R(A)" sites to 110mPD/140mPD; some "R(B)" sites to 150mPD; and "R(A)5" site to 110mPD to make allowance for future redevelopment to comply with SBDG. In general, the proposed BHRs have taken into account the permissible development intensity with a floor-to-floor height (FTFH) of 4m (typical floor)/5m (podium) for commercial buildings in "C" and "OU(MU)" zones and a FTFH of 3m (typical floor)/ 5m (podium) for composite buildings in "R(A)" zone. The various setback requirements on the OZP have also been taken into account in the BH assessment in Annexes E1 to E5. The proposed BHRs have allowed a reasonable FTFH for redevelopment and do not preclude the incorporation of innovative architectural features as well as provision of quality buildings. The BHR of the "C" sites bounded by Tonnochy Road/Hennessy Road/Percival Street/Gloucester Road are currently subject to BHR of 110mPD and it is proposed to be maintained at 110mPD so as to minimise the impact on the view to harbour from Stubbs Road Lookout Point (Plans 6 and 9E). For the future redevelopments thereat, design approach and/or less desirable building design such as lower FTFH would need to be applied for the future

<u>GROUNDINGS OF REPRESENTATION</u>	<u>RESPONSES</u>
<p>profile variation of 70m.</p> <ul style="list-style-type: none"> The zoning and development should be viewed in a wider context and in sympathy with the Planning Objectives for the Causeway Bay area in general. The conceptual approach adopted in formulating the BHRs was flawed and inconsistent. The stepped BH concept has to be based on reality. The approved building plans should also be reflected. The three dominant buildings (Times Square, The Lee Gardens and Hysan Place) in the area formed a triangle, each with heights of approximately 200mPD. The sites of Leighton Centre and Lee Theatre Plaza are located within the triangle between Times Square and The Lee Gardens. They are therefore within the high-rise commercial triangle. A relaxation of the BHR of the sites of Leighton Centre and Lee Theatre from 130mPD to 150mPD could still follow the stepped height profile in the area as well as to meet requirements of SBDG. A comprehensive Urban Design Master Plan for the Causeway Bay area may provide different solutions for long-term benefit. 	<p>redevelopment without breaching the BHR of 110mPD (Annex E2). This is to achieve a balance between development rights and public interest</p> <ul style="list-style-type: none"> The sites of Hopewell Centre, Times Square and Three Pacific Place in Wan Chai Area were the subject of planning applications approved by the Board in 1975, 1989 and 1994 respectively for area redevelopment. These three developments were identified as "tall buildings" in the Urban Design Guidelines. In respect of Times Square (198mpd), the development falls outside the 'view fan' of the vantage points at Tsim Sha Tsui Cultural Complex and West Kowloon Cultural District. The Times Square together with the two other developments in the Causeway Bay Area, namely Lee Garden (208mPD) and Hysan Place (199mPD), have been recognised as landmark developments which form a key destination for shopping and entertainment in Causeway Bay. There is no intention to have piecemeal relaxation of the BHRs for the individual sites in formulating the BHRs since this would result in proliferation of high-rise development which is not in line with the planning control.
<p>Minor Relaxation of BHRs for Buildings Exceeding the BHRs</p> <ul style="list-style-type: none"> There is general presumption against minor relaxation of BHRs for existing buildings already exceeding BHRs unless under exceptional circumstances. The wording of the Notes for the minor relaxation clause should be amended to the effect that minor relaxation of all restrictions were considered based on 'individual merits' instead 	<ul style="list-style-type: none"> Relaxation of the BHRs of excessively tall buildings upon redevelopment would aggravate the problem of mismatch and jeopardise the overall BH concept for the OZP. As such, for existing buildings already exceeding the BHR stipulated on the OZP, there is a general presumption against application for minor relaxation unless

<u> GROUNDS OF REPRESENTATION </u>	<u> RESPONSES </u>
<p>of 'under exceptional circumstances'.</p>	<p>under exceptional circumstances and minor relaxation should only be granted to proposals with special planning and design merits. This is to avoid even taller buildings resulting in out-of-context developments. This principle is generally applicable to all the OZPs with BHRs and should not be amended.</p>
<p>Spot Zoning</p> <ul style="list-style-type: none"> The imposition of BHRs constitutes a form of spot zoning. It is inconsistent with sections 3 and 4 of the TPO and lack of legal basis. 	<ul style="list-style-type: none"> CA has held that 'spot zoning' is not ultra vires and falls within the Board's statutory power under the TPO.
<p>Public Consultation/Hearing Arrangement</p> <ul style="list-style-type: none"> No prior public consultation on the restrictions imposed on the OZP. The public have not been informed of the justifications and visual impact analysis for the BHRs and other development restrictions. Without such information, the public cannot reasonably comment on the need for the restrictions. BHRs have been systematically imposed in neighbouring planning areas since 2007, and land owners in the Area have known that BHRs were likely to be imposed on the Area. The increase in submission of building plans should have occurred a long time ago. There is no public benefit in not doing the prior public consultation. 	<ul style="list-style-type: none"> It is an established practice that proposed amendments involving BHRs should not be released to public prior to gazetting. The reason is that premature release of such information before exhibition of the amendments might prompt an acceleration of submission of building plans by developers to establish "fait accompli", pre-empting and defeating the purpose of imposing the BHRs and other development restrictions. Amendments to the OZP were exhibited for public inspection for a period of two months in accordance with the provisions of the TPO. The exhibition process itself is a public consultation to seek representations and comments on the draft OZP. During the plan exhibition period, PlanD also provided briefings on the OZP amendments to Development, Planning and Transport Committee, Wan Chai District Council (WCDC), Wan Chai East Area Committee and local residents in the local consultation forum.

<u> GROUNDS OF REPRESENTATION</u>	<u> RESPONSES</u>
	<ul style="list-style-type: none">• Subject to the agreement of the proposed development restrictions by the Board for gazetting the amended draft OZP under section 7 of the TPO, WCDC will be consulted during the two-month stator plan exhibition period. Members of the general public can submit representation on the OZP amendments under the same period.

APPENDIX 2

Plans 9A-9E from the TPB Paper No. 10415



從西九文化區遠眺
VIEW FROM WEST KOWLOON
CULTURAL DISTRICT

西九文化區
WEST KOWLOON CULTURAL DISTRICT

海濱公園
OCEAN TERMINAL

從尖沙咀文化中心海濱長廊觀景台遠眺
VIEW FROM VIEWING DECK OF
WATERFRONT PROMENADE
AT CULTURAL CENTRE, TSIM SHA TSUI

維多利亞港
VICTORIA HARBOUR

從啟德郵輪碼頭公園遠眺
(大約在主水平基準上31.6米)
VIEW FROM KAI TAK CRUISE TERMINAL PARK
(LEVEL AT ABOUT 31.6mPD)

九龍灣
KOWLOON BAY

北角
NORTH POINT

鰂魚灣
QUARRIES BAY

華拿山
MT. BUTLER

灣仔區
WAN CHAI AREA

觀景點
VIEWING POINTS

SCALE 1 : 30 000 比例尺

0 400 800 1200 METRES

米

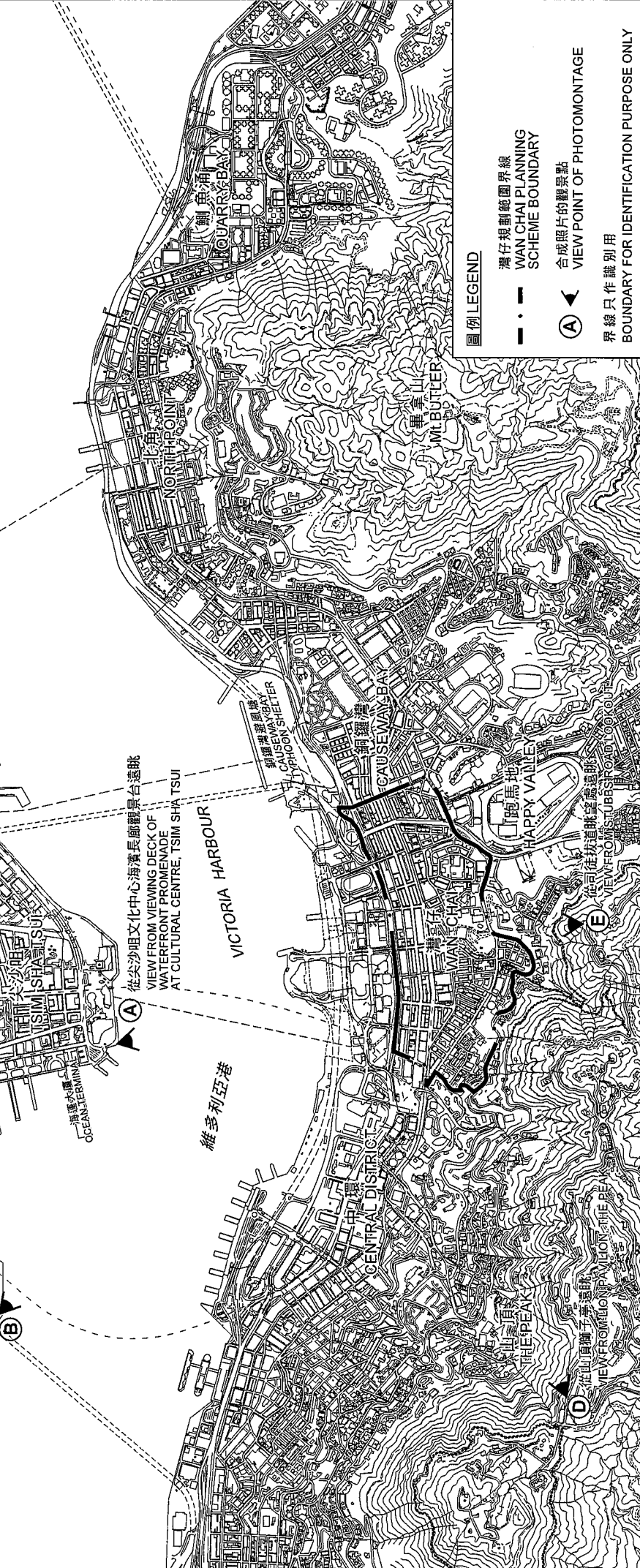
米

米

米

米

米



圖例 LEGEND

灣仔規劃範圍界線
WAN CHAI PLANNING
SCHEME BOUNDARY

合成照片的觀景點
VIEW POINT OF PHOTOMONTAGE

界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

灣仔區 WAN CHAI AREA

規劃署
PLANNING
DEPARTMENT



本摘要圖於2018年4月3日擬備，
所根據的資料為地形圖編號HM20C
EXTRACT PLAN PREPARED ON 3.4.2018
BASED ON TOPOGRAPHIC MAP
No. HM20C

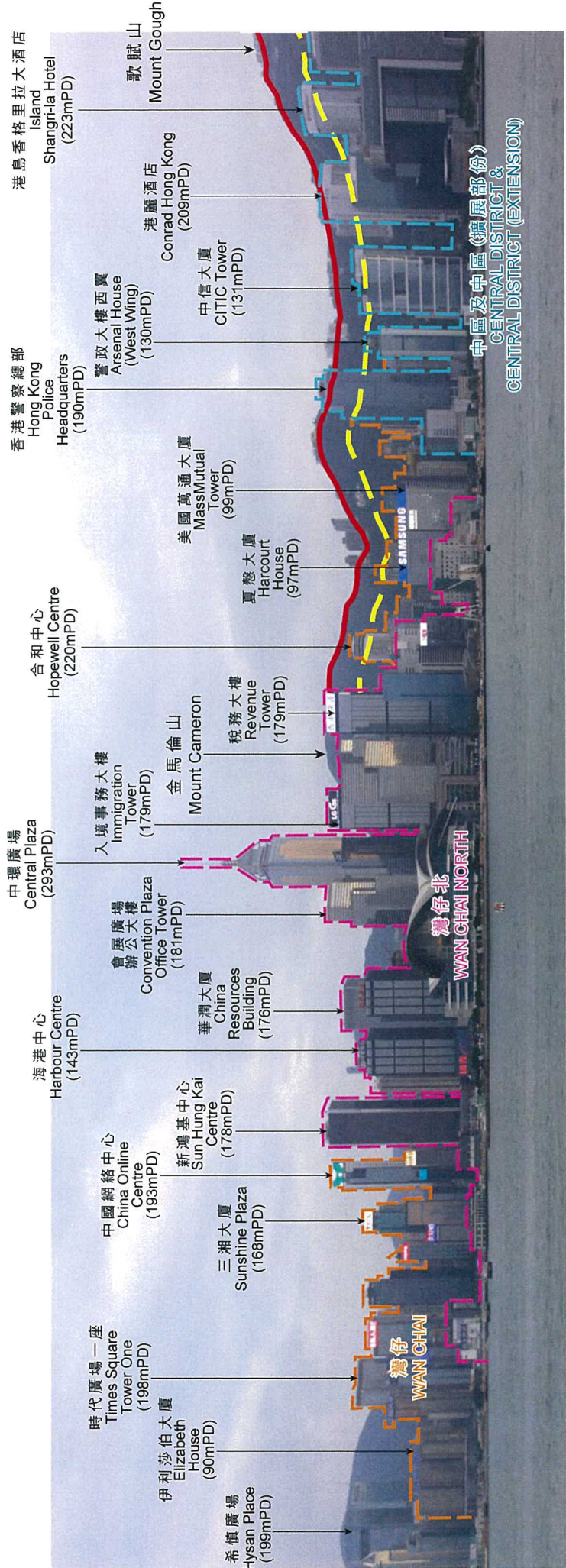
參考編號
REFERENCE No.

M/H5/18/3

圖 PLAN

9

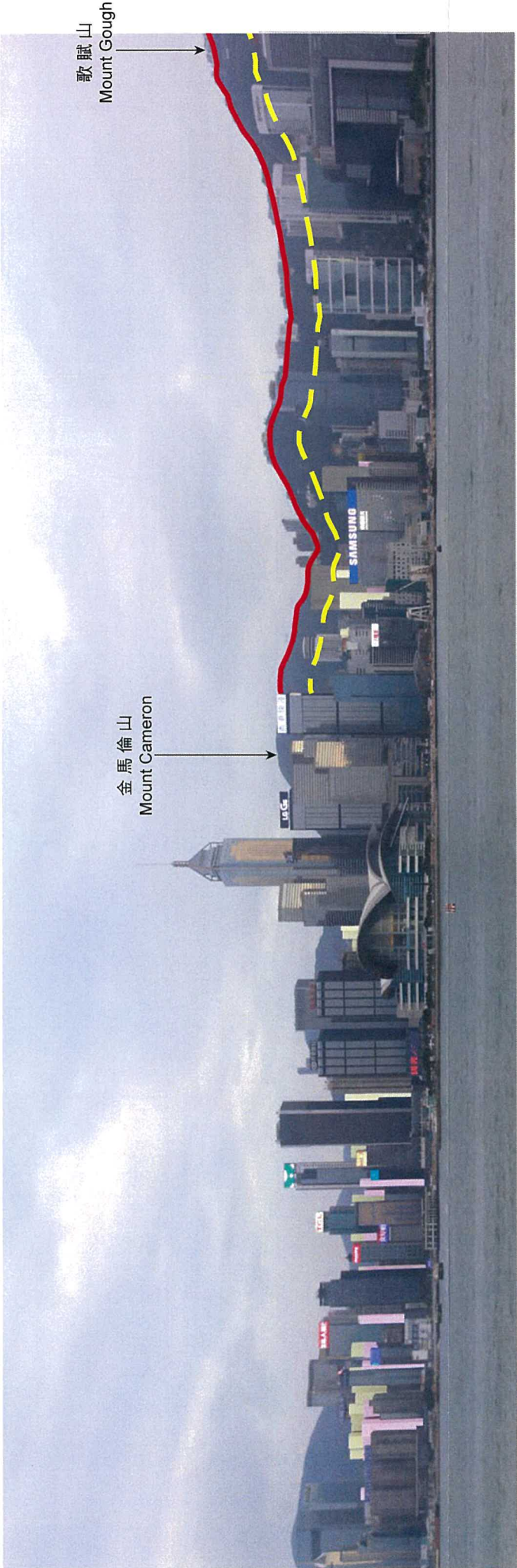
觀景點 VIEWING POINT A
(觀景點地點參閱圖9)
(LOCATION OF VIEW POINT REFER TO PLAN 9)



現有景觀 EXISTING VIEW

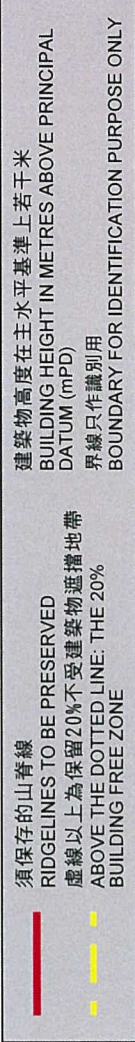


現時的建築物高度限制
CURRENT BUILDING HEIGHT RESTRICTIONS



擬議的建築物高度限制
PROPOSED BUILDING HEIGHT RESTRICTIONS

從尖沙咀(香港文化中心)遠眺
VIEW FROM TSM SHA TSUI (HONG KONG CULTURAL COMPLEX)



本圖於2018年4月3日擬備，所根據的資料為攝於2017年11月9日的實地照片
PLAN PREPARED ON 3.4.2018 BASED ON SITE PHOTO TAKEN ON 9.11.2017

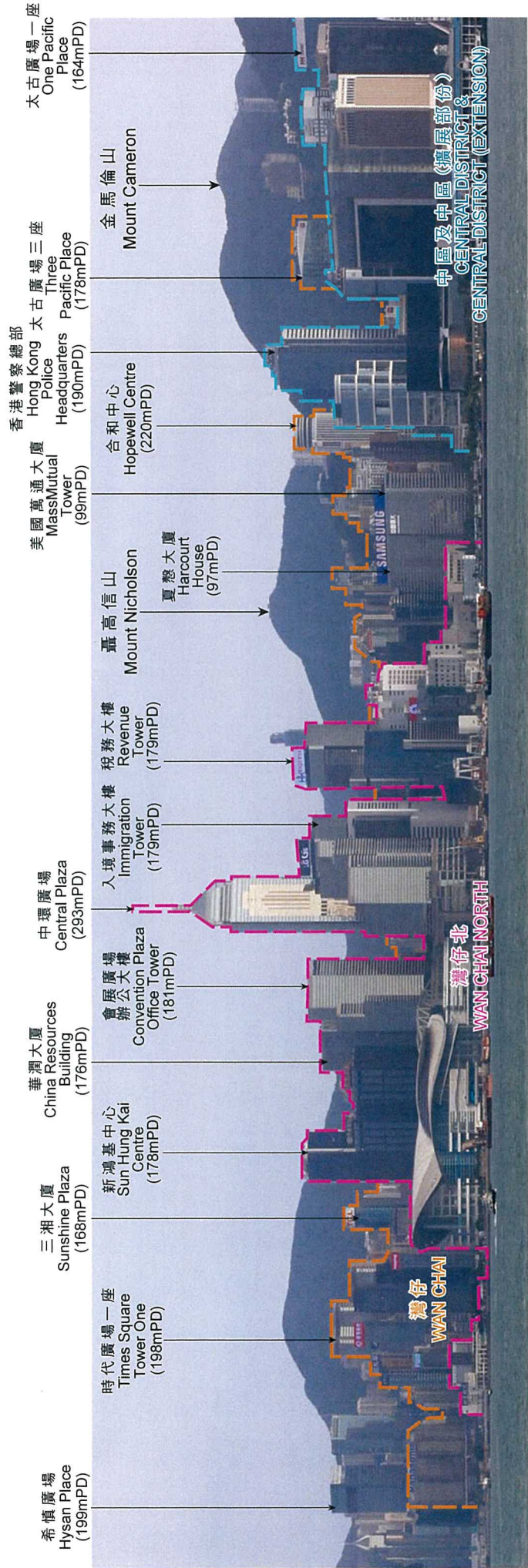
合成照片 PHOTOMONTAGE

建築物高度的合成照片
PHOTOMONTAGES OF BUILDING HEIGHT PROFILE

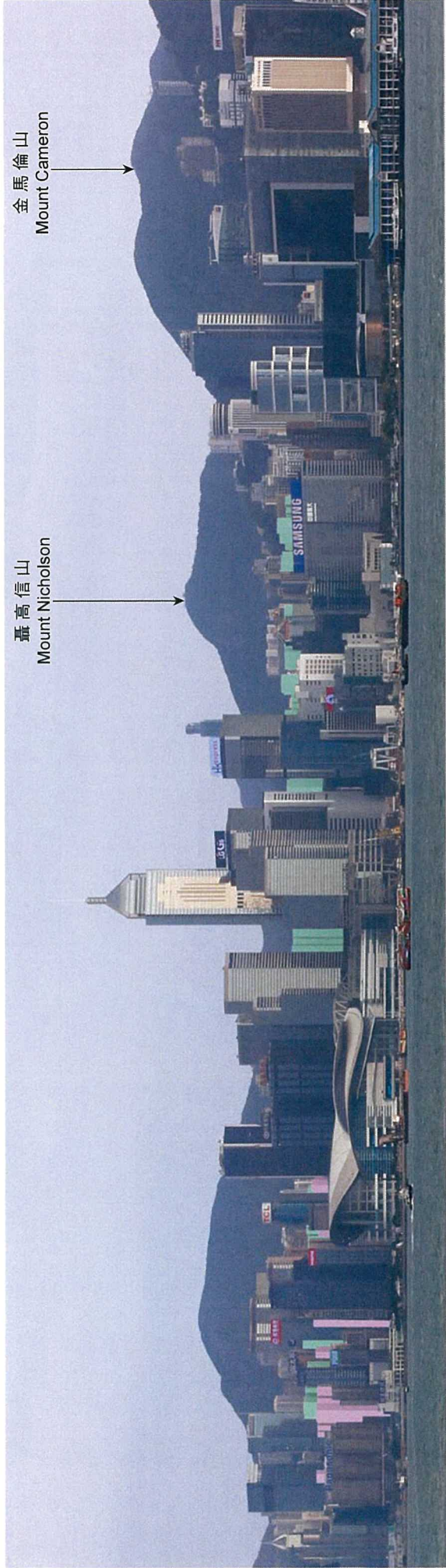
規劃署
PLANNING
DEPARTMENT

參考編號
REFERENCE No.
M/H5/18/3
圖 PLAN
9A

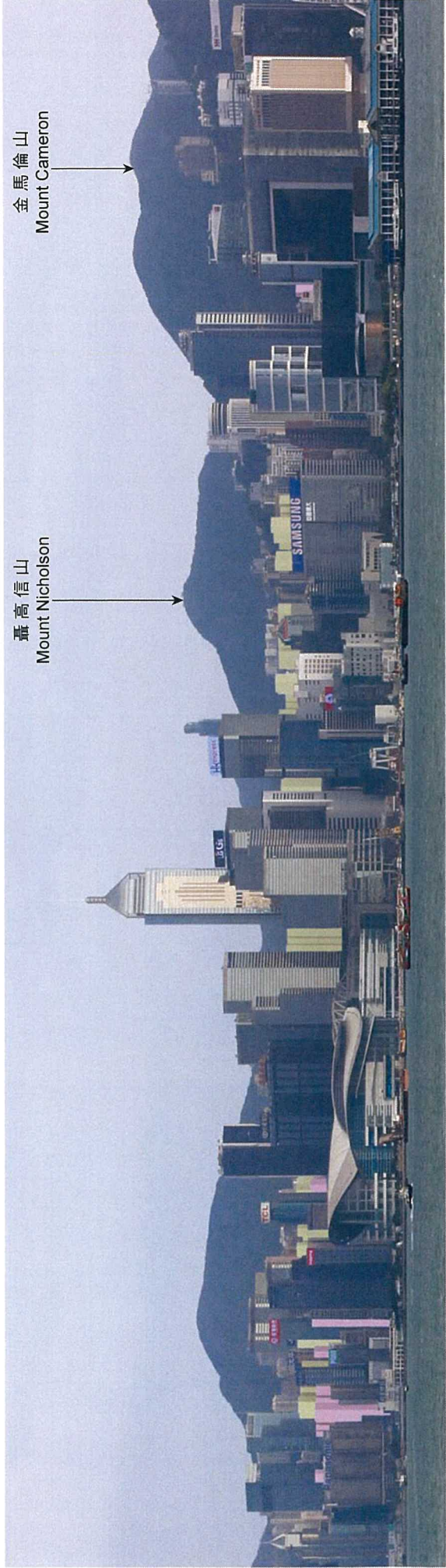
觀景點 VIEWING POINT B
(觀景點地點參閱圖9)
(LOCATION OF VIEW POINT REFER TO PLAN 9)



現有景觀 EXISTING VIEW



現時的建築物高度限制
CURRENT BUILDING HEIGHT RESTRICTIONS



擬議的建築物高度限制
PROPOSED BUILDING HEIGHT RESTRICTIONS



從西九文化區遠眺
VIEW FROM WEST KOWLOON CULTURAL DISTRICT

建築物高度在主水平基準上若干米
BUILDING HEIGHT IN METRES ABOVE PRINCIPAL DATUM (mPD)
界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本圖於2018年4月3日擬備，所根據的資料為攝於2017年11月9日的實地照片
PLAN PREPARED ON 3.4.2018 BASED ON SITE PHOTO TAKEN ON 9.11.2017

合成照片 PHOTOMONTAGE

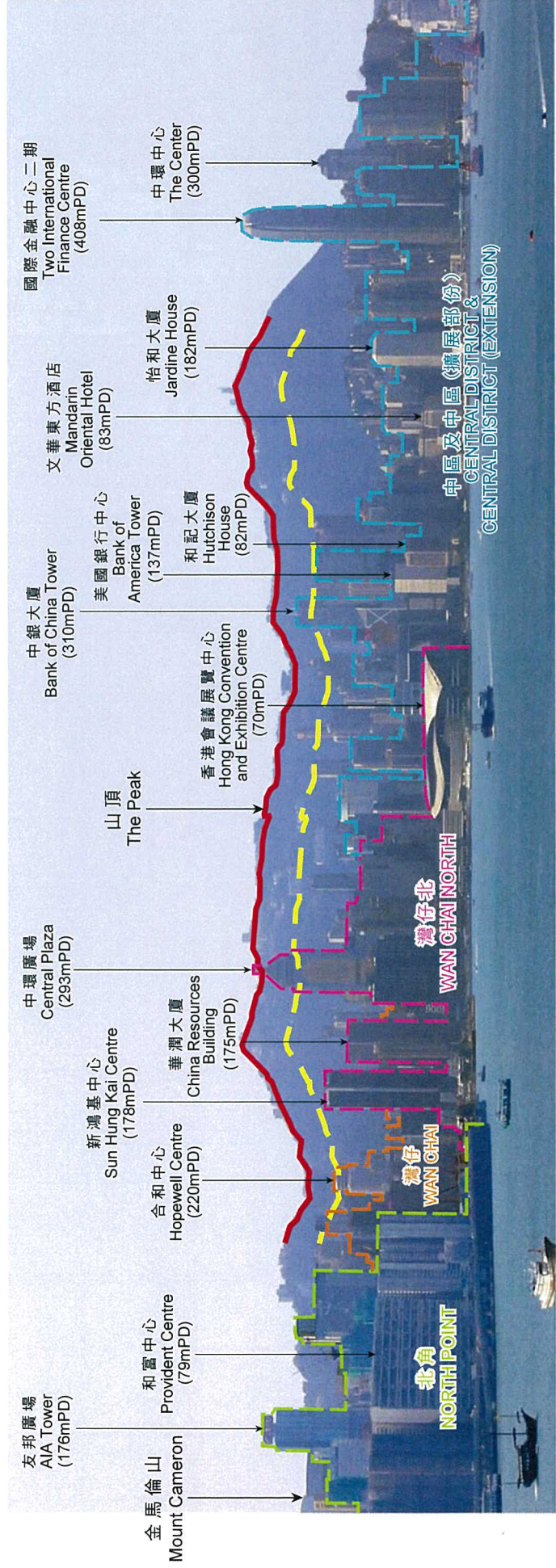
建築物高度的合成照片
PHOTOMONTAGES OF BUILDING HEIGHT PROFILE

規劃署
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DEPARTMENT

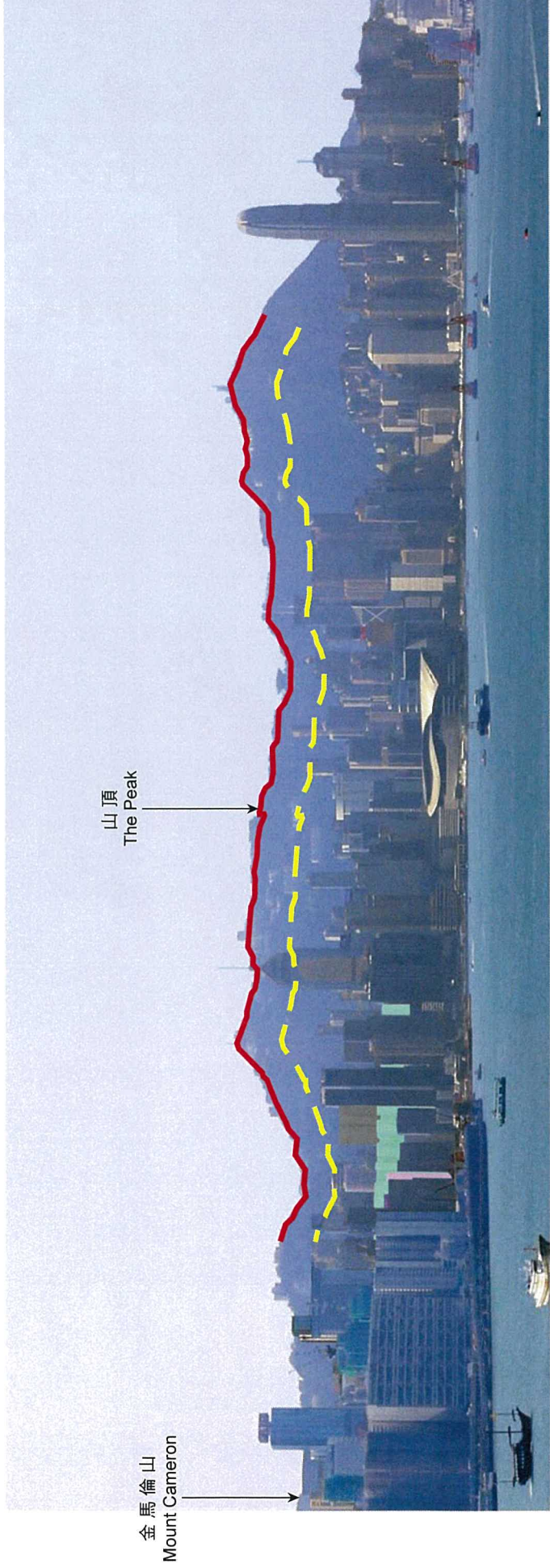
參考編號
REFERENCE No.
M/H5/18/3

圖 PLAN 9B

觀景點 VIEWING POINT C
(觀景點地點參閱圖9)
(LOCATION OF VIEW POINT REFER TO PLAN 9)

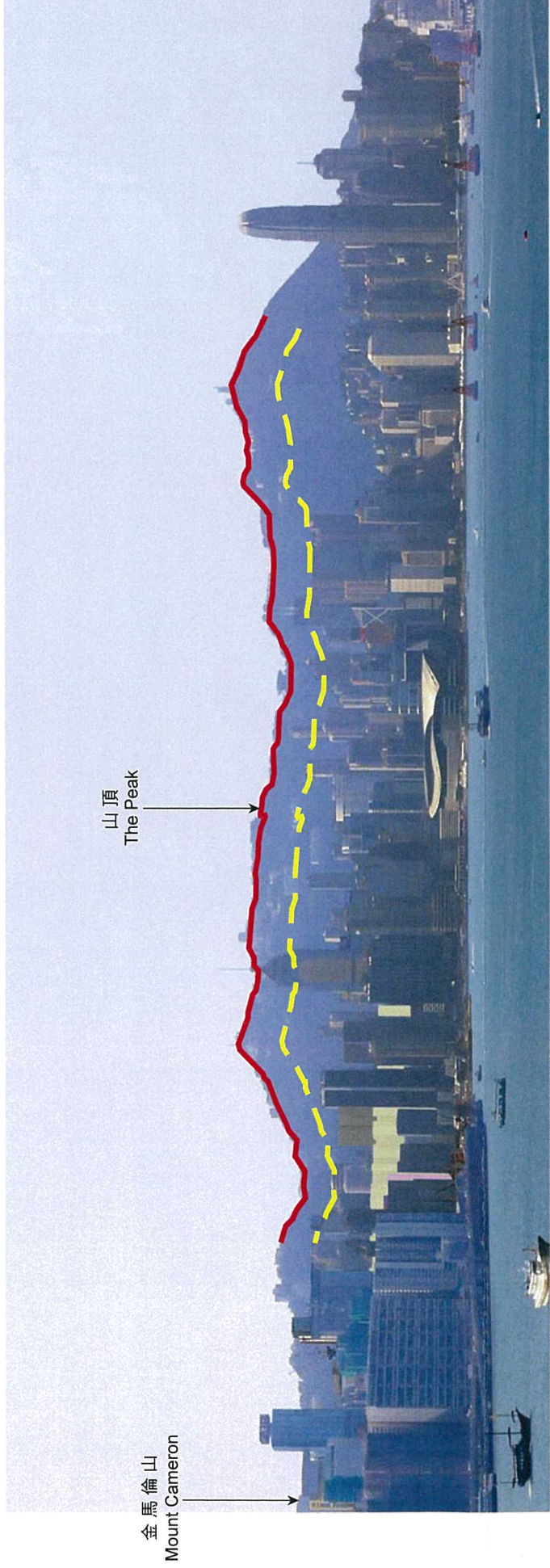


現有景觀 EXISTING VIEW



現時的建築物高度限制
CURRENT BUILDING HEIGHT RESTRICTIONS

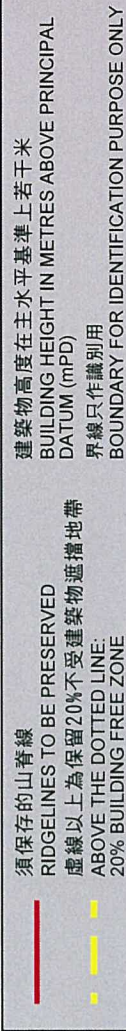
110mPD 130mPD 已批准之發展
COMMITTED DEVELOPMENT



擬議的建築物高度限制
PROPOSED BUILDING HEIGHT RESTRICTIONS

110mPD 135mPD 已批准之發展
COMMITTED DEVELOPMENT

從啟德郵輪碼頭公園遠眺 (大約在主水平基準上31.6米)
VIEW FROM KAI TAK CRUISE TERMINAL PARK (LEVEL AT ABOUT 31.6mPD)



合成照片 PHOTOMONTAGE

建築物高度的合成照片
PHOTOMONTAGES OF BUILDING HEIGHT PROFILE

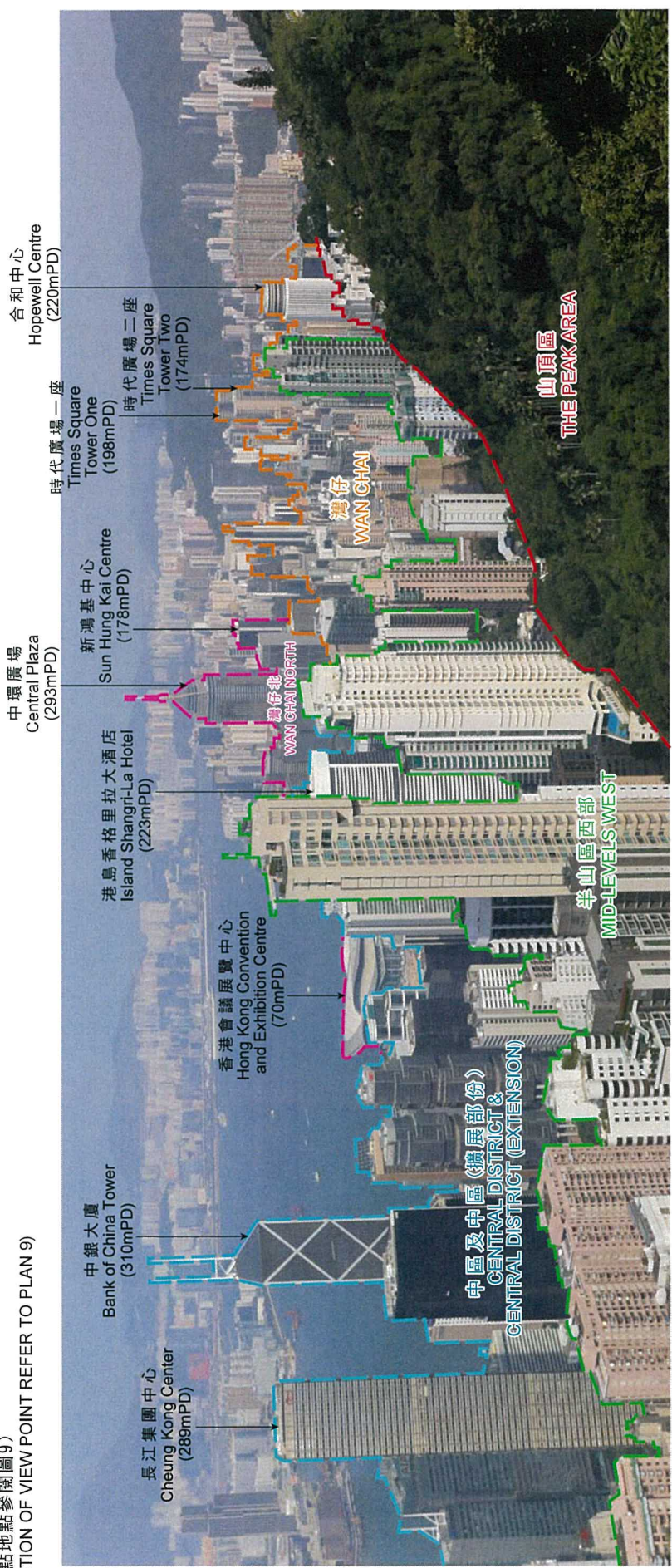
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PLAN PREPARED ON 3.4.2018 BASED ON SITE PHOTO TAKEN ON 30.10.2017

規劃署
PLANNING
DEPARTMENT

參考編號
REFERENCE No.
M/H5/18/3

圖 PLAN
9C

觀景點 VIEWING POINT D
(觀景點地點參閱圖9)
(LOCATION OF VIEW POINT REFER TO PLAN 9)



現有景觀 EXISTING VIEW



現時的建築物高度限制
CURRENT BUILDING HEIGHT RESTRICTIONS



擬議的建築物高度限制
PROPOSED BUILDING HEIGHT RESTRICTIONS

從山頂獅子亭遠眺
VIEW FROM LION PAVILION, THE PEAK

建築物高度在主水平基準上若干米
BUILDING HEIGHT IN METRES ABOVE PRINCIPAL DATUM (mPD)
界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

合成照片 PHOTOMONTAGE

本圖於2018年4月3日擬備，所根據的資料為攝於2017年10月30日的實地照片
PLAN PREPARED ON 3/4/2018 BASED ON SITE PHOTO TAKEN ON 30/10/2017

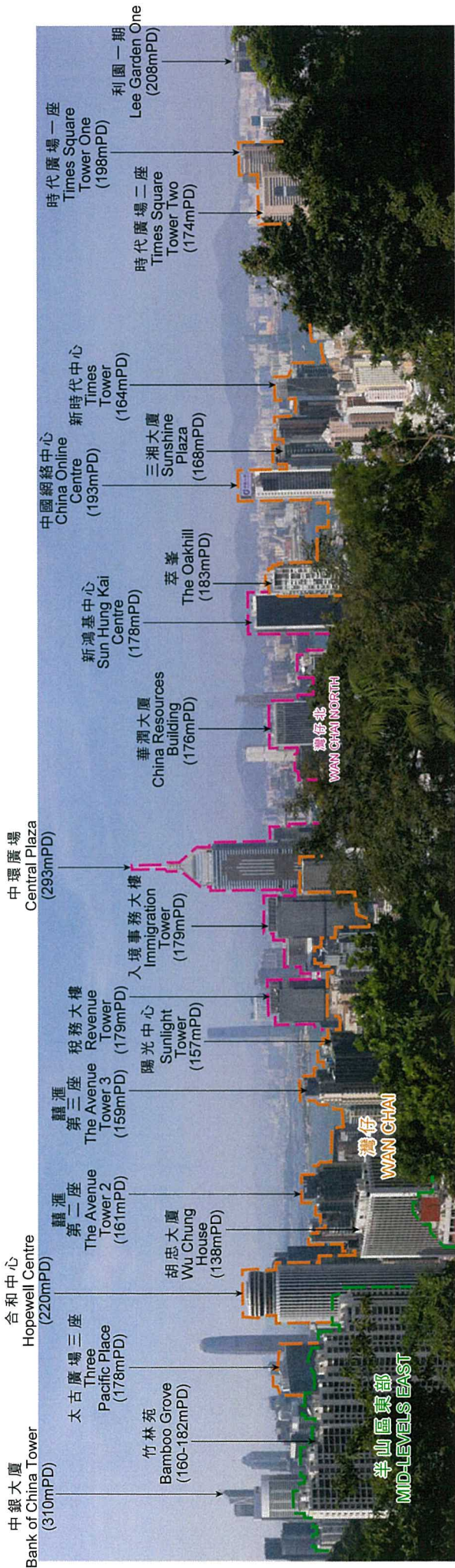
建築物高度的合成照片
PHOTOMONTAGES OF BUILDING HEIGHT PROFILE

規劃署
PLANNING
DEPARTMENT

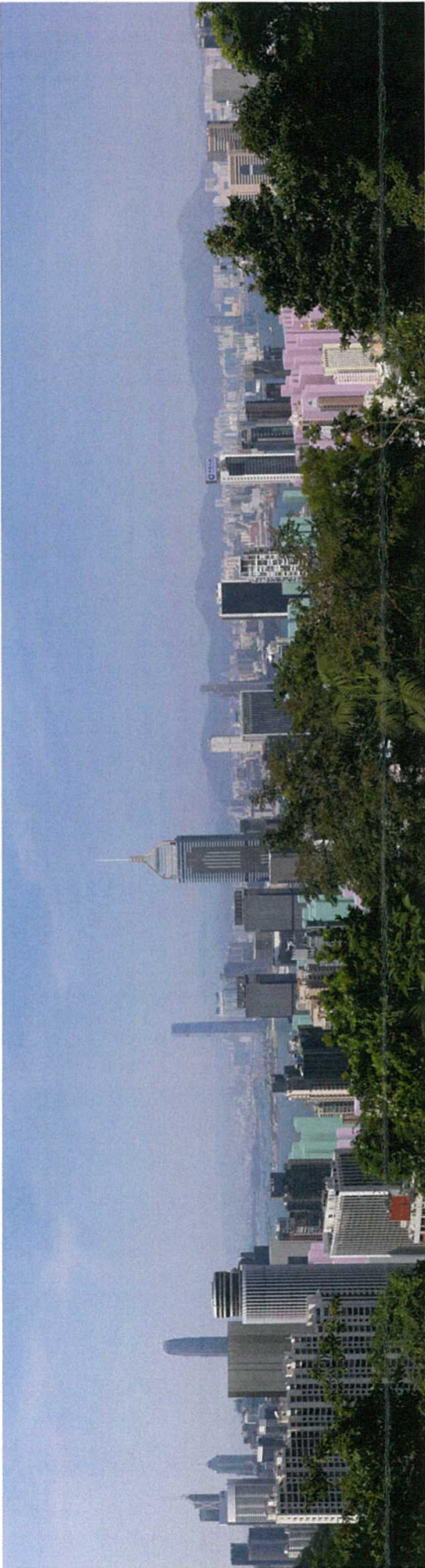
參考編號
REFERENCE No.
M/H5/18/3

圖 PLAN
9D

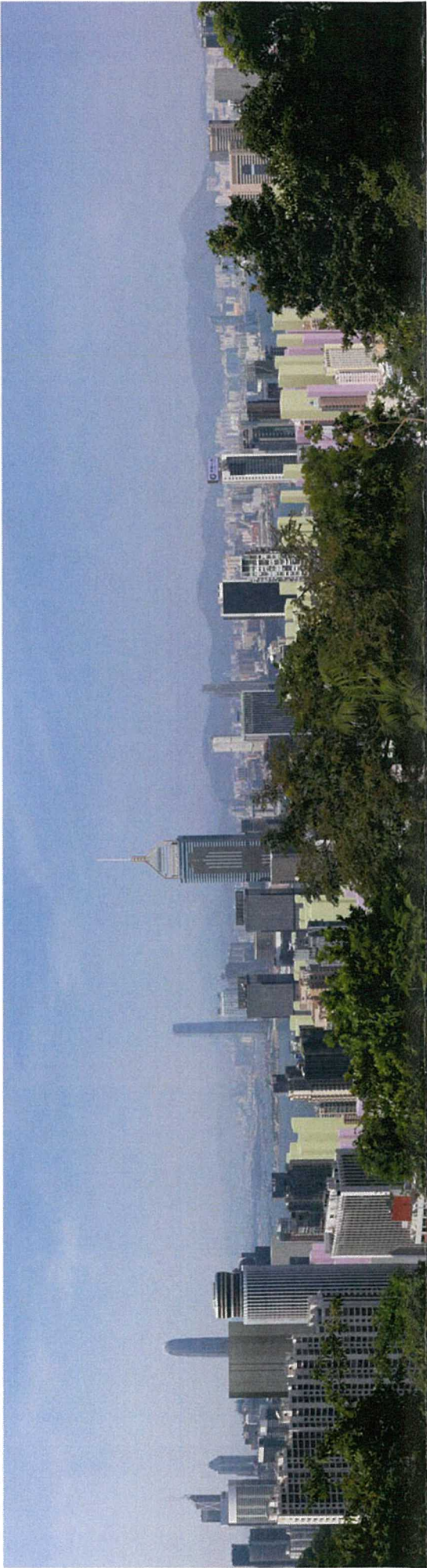
觀景點 VIEWING POINT E
(觀景點地點參閱圖9)
(LOCATION OF VIEW POINT REFER TO PLAN 9)



現有景觀 EXISTING VIEW



現時的建築物高度限制
CURRENT BUILDING HEIGHT RESTRICTIONS



擬議的建築物高度限制
PROPOSED BUILDING HEIGHT RESTRICTIONS



從司徒拔道眺望遠處
VIEW FROM STUBBS ROAD LOOKOUT

建築物高度在主水平基準上若干米
BUILDING HEIGHT IN METRES ABOVE PRINCIPAL DATUM (mPD)
界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本圖於2018年4月3日擬備，所根據的資料為攝於2017年10月30日的實地照片
PLAN PREPARED ON 3.4.2018 BASED ON SITE PHOTO TAKEN ON 30.10.2017

合成照片 PHOTOMONTAGE

建築物高度的合成照片
PHOTOMONTAGES OF BUILDING HEIGHT PROFILE

規劃署
PLANNING
DEPARTMENT

參考編號
REFERENCE No.
M/H5/18/3

圖 PLAN
9E

.pbpd

TPB/R/S/H5/28-4

寄件者: May Lam <[REDACTED]>
寄件日期: 04日07月2018年星期三 10:56
收件者: tpbpd [REDACTED]
副本: Ian Brownlee; [REDACTED]
主旨: Representation in relation to the Amendments to the Draft Wan Chai OZP: Cherish Shine Ltd.
附件: Representation Cherish Shine Ltd..pdf

Dear Sir/Madam,

On behalf of Cherish Shine Ltd, we would like to submit the Representation in relation to the Amendments to the Draft Wan Chai OZP.

The original of the same would be delivered by hand to the Town Planning Board by today.

Regards,
May

[REDACTED]

30 232

MASTERPLAN LIMITED

Planning and Development Advisors

領賢規劃顧問有限公司

The Secretary
Town Planning Board
15 Floor, North Point Government Offices
333 Java Road
North Point
Hong Kong

4 July 2018

Dear Sirs

**Representations in Relation to the
Amendments to the Draft Wan Chai Outline Zoning Plan
(Amendments shown on Plan No. S/H5/28)**

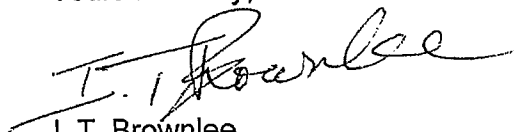
Cherish Shine Limited

We refer to the Draft Wan Chai Outline Zoning Plan, Plan No. S/H5/28 (OZP No. 28) gazetted by the Town Planning Board (TPB, the Board) on 4 May 2018. The amendments shown on the OZP are related to revision and deletion of the planning controls, such as Building Height Restrictions, Non-Building Areas and Building Gaps introduced to the Wan Chai planning area under OZP No.26 gazetted by the Board on 24 September 2010.

We are authorized by Cherish Shine Limited to submit a representation under section 6 of the Town Planning Ordinance in relation to the Building Height Restrictions imposed on the western part of Wan Chai. A letter of authorization is attached.

The reasons for the representation, along with the proposed amendments to the plan to meet the representation, are included in the paper attached to this letter. We retain the right to provide additional information in support of this Representation and to raise additional points, if necessary.

Yours faithfully,



I. T. Brownlee,
Masterplan Limited

**Representation in Relation to Amendments shown on
the Draft Wan Chai Outline Zoning Plan Number S/H5/28**

Representor: Cherish Shine Limited

1 Introduction

- 1.1 This representation is submitted in relation to the amendments proposed to the draft Wan Chai Outline Zoning Plan No. S/H5/27 under Section 6 of the Town Planning Ordinance. The new draft Wan Chai Outline Zoning Plan, numbered S/H5/28, was gazetted by the Town Planning Board on 4 May 2018 (the OZP).
- 1.2 The amendments shown on the OZP related to revision and deletion of some planning controls, such as Building Height Restrictions (BHRs), Non-Building Areas (NBAs) and Building Gaps (BGs) introduced to the Wan Chai H5 planning area under OZP No.26 gazetted by the Board on 24 September 2010.
- 1.3 This Representation is made in opposition to some amendment items that relate to the relaxation of building height restriction in the western part of the H5 Planning Area proposed under the OZP. While the relaxation of BHR is supported in principle, the proposed amendments do not provide reasonable new BHRs in some areas and should be further relaxed. Also the stepped building height concept has not been applied and an illogical lower band relates to the area between Johnston Road and Queen's Road East. This area should also be subject to amendment to provide a logical building height profile in urban design terms.
- 1.4 Reference is made to the TPB Paper No. 10415 (The Paper) considered by the Board on the 13 April 2018. The Paper was entitled "Proposed Amendments to the Wan Chai Outline Zoning Plan No. S/H5/27," which explained in detail the approach taken and the proposed changes to the BHRs.

2 The Representor

- 2.1 The Representor, Cherish Shine Limited, the owner of land in Wan Chai, has reviewed the proposed amendments to the OZP and noted some relaxations of the BHR are inconsistent with a reasonable building height profile.

3 Subject of Representation

- 3.1 The proposed relaxation of BHRs is supported in principal, as it could allow greater flexibility in building design and possible consequential reduction in site coverage for better environment at pedestrian levels.

- 3.2 This representation specifically relates to Amendment Items A, C and E1 proposed to the western part of the Wan Chai OZP:

Amendment Item A is a revision of the BHR for the "C" zones bounded by Johnston Road in the south and Tonnochy Road in the east, and the "C" zone bounded by Hennessy Road in the north and Percival Street in the east from 130mPD to 135mPD and this is supported;

Amendment Item C is the increase in BHR from 120mPD to 135mPD of the sub-area (b) of the "C(6)" zone at Wing Fung Street which is supported; and

Amendment Item E1 is a revision of the BHR for the "R(A)" zone to the south of Queen's Road East from 100mPD to 110mPD which is objected to as it should be 135mPD and should extend to the area to the north of Queens Road East, also at 135mPD.

4 TPB Paper 10415 : Recent Review of Development Restrictions for Planning Area H5

Purpose of Paper

- 4.1 The purpose of the TPB Paper was stated and recorded in the minutes of meeting held on 13 April 2018. It was to follow up on the Court of First Instance's ruling, and to undertake a review of the development restrictions that were introduced earlier under OZP No. S/H5/26.
- 4.2 The recommendations of the review were presented as proposed amendments to Wan Chai OZP No. S/H5/27 included in the TPB Paper which was considered by the Board on 13 April 2018.

Stepped Height Concept not Achievable : Need for a new Concept

- 4.3 The TPB Paper described, in its para. 5.1, the Building Height concept on OZP No. 27 that *"the main purpose of BHRs is to provide better planning control on the BH of development/redevelopments and to avoid excessive tall and out-of-context developments which will severely affect the visual quality of the area."* The Paper also, in para 5.3, stated that

"Given the existing high-rise developments in Wan Chai North (Planning Area H25), and the northern part of the Area i.e. north of Johnston Road/Hennessy Road, as well as the presence of residential developments with relatively lower development intensity and BH in the inland area to the south of Johnston Road/Wan Chai Road, the stepped height concept ascending from the harbour and gradually rising toward the landward side would not be achievable."

- 4.4 It would seem that no alternative relevant building height profile concept has been applied to Wan Chai. There are taller BHR of 135mPD applicable to the northern and southern portions while the central portion is unreasonably and unnecessarily restricted to 110mPD. There is no suitable planning justification for the reduction in BHR in the central portion. At least a consistent BHR of 135mPD should apply across the whole of this flat area before it starts to rise with the landforms to the further south up to 140mPD and 150mPD now incorporated on the OZP.

Practice Notes and Implications

- 4.5 Included in Annex C2 and Annex D of The Paper were Practice Note "APP-152 SBDG" and "Implications of SBDG on Building Profile" respectively. The review of the BHRs of various groups of sites/zones to take account of SBDG requirements were included in Para 6 of the Paper.

Floor-to-floor Height and Assessment for BHR

- 4.6 Annexes E1 to E5 were tables of assessments of building heights of various sites/zones in Wan Chai taking account of SBDG. In these assessments, floor-to-floor height (FTFH) assumptions were made for different parts of a building and for different types of buildings. A general FTFH of 5m has been adopted for the podium floors of "C" and "R(A)" sites; while only 4m FTFH for typical office floors of "C" sites and 3m FTFH for typical residential floors of "R(A)" sites.
- 4.7 These Annexes had taken into account both the Building (Planning) Regulation [B(P)R] and the SBDG. The maximum site coverage (SC) allowed under the B(P)R was assumed. The FTFHs adopted for these assessments were based on minimum standard to meet the floor slab and floor-to-ceiling height requirements. These Annexes were used to substantiate the proposed relaxation of BHRs. However, they are based on maximum SC and low FTFHs that are insufficient for higher quality development. In looking ahead the TPB should be establishing reasonable BHR which encourage the construction of good quality residential development.

5. Nature of and Reasons for Representation

- 5.1 This Representation focuses on the amendments in the western part of the Wan Chai OZP (see Figure 1.)

Support Amendment Item A

- 5.2 The proposed relaxation of BHR for the "C" zone to the north of Johnston Road (between Arsenal Street and Tonnochy Road) from 130mPD to 135mPD is partly supported as it could allow greater flexibility for good and innovative design of future commercial developments. However, it is noted that some of the existing and committed developments in this zone

are over 135mPD and the general profile that will be achieved will consist of an interesting mix of higher and lower buildings within this new limit. For example, the development at 1 Hennessy Road, currently under construction, will be 152mPD in height based on a GBP approved before the stipulation of BHRs to the Wan Chai OZP in 2010 (under S/H5/26.)

Support Amendment Item C

- 5.3 The increase in BHR from 120mPD to 135mPD of the sub-area (b) of the "C(6)" zone at Wing Fung Street is supported as it is a reasonable BHR given the location and the 180mPD restriction on the adjacent Three Pacific Place. It is also generally indicative that a BHR of 135mPD is applicable for this area to the south of Queens Road East.

Object to Amendment Item E1

- 5.4 The relaxation of BHR for the "R(A)" to the south of Queen's Road East from 110mPD is supported in principle, yet there is no apparent planning reason why this should not be 135mPD so that it is consistent with the BHR in Amendment Item C. Also it is consistent with the general rise of the building heights along the south of Queen's Road East. In addition it is proposed that for a consistent building height profile control, the residential area to the north of Queen's Road East should also be subject to a BHR of 135mPD.

Stepped Height Concept Modified

- 5.5 With the large "C" zone to the north of Johnston Road BHR being increased to 135mPD and the "R(A)" zone to the south of Queen's Road East proposed to be increased to 135mPD, the "R(A)" zone between these two zones (areas between Queen's Road East and Johnston Road) would act as part of the same band in the BH profile. The ascending building height would then continue as a stepped height profile from 135mPD ascending building heights to the 140mPD, 150mPD and 210mPD on the OZP to the north of Kennedy Road. This would allow for some flexibility in design and variation in BH as not all of the sites would be built up to the maximum permitted. It would avoid a monotonous / uninteresting height profile for buildings on both sides of Queen's Road East if 110mPD was to apply.

Floor-to-Floor Height Assumptions not in keeping with the latest practice

- 5.6 Para. 6.4 of the TPB Paper states that no relaxation of the current BHR (110mPD) for this "R(A)" zone is required as it is sufficient for the estimated BH requirement of 90m to 96m (estimations from Annex D3) on existing site levels ranging from 4mPD to 7mPD. However, the estimated BH requirement is doubtful as it was based on an assumption of a low FTFH of 3 metres. The common FTFH of private residential buildings nowadays, acceptable to Buildings Department, could be up to 3.5m.

- 5.7 The remarks of Annexes E2 to E4 stated that "*design approach and/or less desirable building design such as lower FTFH would need to be applied for future redevelopment.*" It is clear that some of the BHRs proposed on the Plan are too restrictive to take account of the SBDG and development potential for some sites. There is no apparent reason why BHRs could not be increased so that reasonable modern building design and quality development can be readily achieved. There should also be no reliance on the need to achieve a reasonable building development through a section 16 application under the minor relaxation clause. A reasonable BHR should be established on a factual basis, assuming that the SBDG and other 'green features' such as sky gardens, are being encouraged so as to facilitate a better quality of urban development.
- 5.8 The proposed relaxed BHRs will still impose reasonable controls on building height to ensure that out of context and unreasonably high buildings will not be built in future. It can be seen from the photomontages included in the TPB Paper that a BHR of 135mPD as proposed would have no significant adverse impact on the 5 Government identified viewing points and that buildings of this height would become the norm for the Wan Chai area.

6. Proposals to meet the Representation

Balanced Considerations

- 6.1 The general height profile for Wan Chai should take account of and balance a number of considerations. These include adequate BHRs to accommodate the GFA with the usual concessions allowed under the Buildings Ordinance and land use zonings, provide an interesting skyline through recognizing the BH of the taller existing and committed landmark developments, and preserving the views from major recognized viewpoints etc. It must also carefully balance any restrictions with the impact they may have on private property rights.

Achieving a modified Stepped Height Profile


- 6.2 There is no apparent reason why a stepped BH profile should not be applied in the western part of Wan Chai. With the proposed relaxation of BHR to the C zone to 135mPD (Amendment Item A) and 135mPD to part of C(6) (Amendment Item C), it would be deemed reasonable to increase the BHR of the R(A) zone between these two amendment items to 135mPD.
- 6.3 The more relaxed BHRs provide flexibility in design and would result in a more interesting skyline. Not all buildings would develop up to the maximum permitted BH under these restrictions, whereas they would more likely be restricted under the lower BHR. Also this level of restriction would prevent out of context tall buildings while providing scope for the inclusion

of sky gardens, building perforation and a much more varied form of building development. The more varied building heights would likely facilitate downwash for better air ventilation. If portions of the BH profile are to be modified, it is important that other portions should also be modified. It is not necessary to have a lower portion of BHR in the centre of the planning area. It is also possible to achieve the objectives of BHR by including a larger portion of the area covered by 135mPD before the stepping up with the landforms commences in the vicinity of Kennedy Road.

7 Conclusion

- 7.1 The proposals put forward are for better planning and urban design of Wan Chai. The Town Planning Board is requested to consider the proposed proposals favourably.

Masterplan Limited
July 2018

寄件者: Maggie Lau <
寄件日期: 04日07月2018年星期三 15:35
收件者: tpbpd@pland.gov.hk
主旨: Representation on Draft Wan Chai Outline Zoning Plan (Plan No. S/H5/28 and S/H5/26)
附件: REDA Representation on Draft Wanchai OZP (Cover Note).pdf; Representation on Draft Wanchai OZP (Plan 28 and 26).pdf; Appendix A_Objection items_r.pdf; Attachment 1 REDA Representation to TPB in respect of Draft Wanchai OZP No. 26 (R34).pdf; Attachment 2 Plan 6 attached to TPB Paper No. 10415.pdf

To: Secretary, Town Planning Board

From: The Real Estate Developers Association of Hong Kong

Subject: Representation on Draft Wan Chai Outline Zoning Plan, Plan No. S/H5/28 and S/H5/26

Dear Sir


Please find attached our representation on Draft Wan Chai Outline Zoning Plan, Plan No. S/H5/28 and S/H5/26. Hard copy of it is being sent to you by post.

Yours sincerely,

Maggie Lau

Secretariat

The Real Estate Developers Association of Hong Kong





香港地產建設商會

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4 July 2018

The Secretary
Town Planning Board
15 Floor, North Point Government Offices
333 Java Road
North Point
Hong Kong

Dear Sir

**Representations in Relation to the
Amendments to the Draft Wan Chai Outline Zoning Plan
(Amendments shown on Plan No. S/H5/28 and S/H5/26)**

We refer to the Draft Wan Chai Outline Zoning Plan, Plan No. S/H5/28 (OZP No. 28) gazetted by the Town Planning Board (the Board) on 4 May 2018. The amendments shown on the OZP are related to revision and deletion of some, but not all, of the planning controls, such as Building Height Restrictions (BHRs), Non-Building Areas (NBAs) and Building Gaps (BGs) which were introduced to the Wan Chai planning area under OZP No. 26 gazetted by the Board on 24 September 2010.

We had made a representation (R34) opposing many amendment items shown on OZP No. 26. R34 was considered but not upheld by the Board on 26 April 2011. On 25 July 2011, we filed a judicial review (JR) against the Board's decision. On 3 February 2015, the Court of First Instance (CFI) allowed the JR and ordered that the decision of the Board not to uphold R34 be quashed and remitted back to the Board for reconsideration. The appeals which were pending in relation to that judgment of the CFI have recently been withdrawn.

The Board has been ordered to reconsider R34 related to OZP No. 26 as stated above. The Board has recently considered TPB Paper No. 10415 which reviewed the development controls imposed on OZP No. 26 and proposed amendments which are shown on OZP No. 28. However, it is evident from the content of this paper that not all of the issues raised in R34 had been considered, and we had not been invited to



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participate in the Board's consideration of the paper. There has accordingly not been any formal rehearing of the original R34 as required by the Court's Orders.

If the Board takes the view in this instance that it will only formally consider representations in relation to amendments that have been included in OZP No. 28 (and not in relation to planning controls imposed in OZP No. 26 and objected to in R34 that are not the subject of specific amendments in OZP No. 28), then the position remains that the Orders of the CFI have not been complied with.

In this regard, we have obtained legal advice confirming that gazettal and exhibition by the Board of a new draft OZP under Section 7 of the Town Planning Ordinance (TPO) and the Board inviting representations on that new draft OZP from the general public including the original representers, is not a satisfactory or compliant way of discharging the Court's specific Order for rehearing of an original representation (in this case R34). This is particularly relevant where the new Section 7 amendments do not cover all of the matters to which objection was made in the original Representation that must be reheard under the Court's orders.

To satisfy the Court's orders by reference to the current representation process, it would be necessary for the Board to obtain our consent to substituting the Court-ordered rehearing with the current Section 7 process. Regrettably, the Board chose not to consult with us in relation to TPB Paper No. 10415, and did not make contact with us in these regards (via the Department of Justice) until after the Board had decided to gazette OZP No. 28, by which time it was too late for us to raise our concerns regarding the matters objected to in the original representation R34 which are not covered in the OZP No. 28 amendments.

Having regard to the above, we are prepared to take a pragmatic approach to the extent permissible and agreed by the Board. We have therefore included in this Representation those amendment items which we objected to in R34 on OZP No. 26 which have not been fully addressed in the amendments included in OZP No. 28 (OZP No. 26 Rehearing Items). Therefore, this Representation is intended to relate to both OZP No. 26 and OZP No. 28.

We would request that the Board write to us as soon as possible to confirm whether it is prepared to adopt the pragmatic approach we have suggested above. Should our pragmatic approach be accepted, we would also request the Board to confirm that it will fully consider the OZP No. 26 Rehearing Items and, if it considers that any



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amendments to OZP No. 28 are necessary in relation to such items, it will either gazette those amendments under TPO Section 6B(8) as "further amendments" to OZP No. 28, or gazette them under a further Section 7 draft OZP.

Should the OZP No. 26 Rehearing Items in the attached not be accepted by the Board for direct consideration as part of this Section 7 Representation process, we retain the right to seek a separate rehearing of the R34 representation as to OZP No. 26, to comply with the Orders of the CFI.

We have included the reasons for the Representation in the attached paper, and we reserve our right to provide additional information in support of this Representation and to raise additional points, if necessary.

Yours sincerely

Louis Loong
Secretary General

**Representation in Relation to the Amendments shown on the
Draft Wan Chai Outline Zoning Plan, Plan No. S/H5/28 & S/H5/26**

The Real Estate Developers Associations of Hong Kong (REDA)

I INTRODUCTION

1 Introduction

- 1.1 The Town Planning Board (TPB, the Board) gazetted Draft Wan Chai Outline Zoning Plan, Plan No. S/H5/28 (OZP No. 28) on 4 May 2018. The amendments shown on the OZP are related to revision and deletion of the planning controls, such as Building Height Restrictions (BHRs), Non-Building Areas (NBAs) and Building Gaps (BGs) introduced to the Wan Chai planning area under OZP No.26 gazetted by the Board on 24 September 2010.
- 1.2 REDA had made a representation (R34, attached to this representation as **Attachment 1**) opposing many amendments items shown on OZP No.26. R34 was considered but not upheld by the Board on 26 April 2011. On 25 July 2011, REDA filed a judicial review (JR) against the Board's decision. The Court of First Instance (CFI) allowed the JR and ruled the decision of the TPB be quashed and remitted back to the Board for reconsideration. Details of the background are available in Paragraphs 4.1 and 4.2.
- 1.3 This submission has made reference to the TPB Paper No. 10415 (The TPB Paper, The Paper) considered by the Board on the 13 April 2018. The Paper was entitled "Proposed Amendments to the Wan Cha Outline Zoning Plan No. S/H5/27". The Paper, in fact, was to review the development restrictions shown on OZP No. 27, but most of these amendments were introduced earlier to OZP No. 26, the OZP which was subject to the CFI judgment and which should have been remitted for re-consideration. The Paper also proposed amendments which are now shown on OZP No. 28. The minutes of the TPB relevant meeting has also been reviewed.
- 1.4 This Representation is made to support/partly support the amendment items which are related to the relaxation/deletion of planning controls shown on OZP No. 28. However, it considers that some of the revised BHRs should be further relaxed and is therefore in opposition. It is also in opposition to the fact that many of the points in

the original representation R34 have not been properly reconsidered

Reconsideration of R34 related to OZP No. 26

- 1.5 The Board needs to reconsider R34 to OZP No. 26 as stated in para 1.2 and 1.3 above. However, it is evident from the content of the Paper that the TPB did not consider all of the issues raised in R34 and REDA has not been invited to a rehearing of the original R34. Some of the issues raised in R34 have been considered in the Paper and amendments proposed in some circumstances but not in others. If the TPB takes the view that only those issues which have actually been accepted for amendment are relevant to this representation process, then REDA is strongly of the view that the direction of the CFI has therefore not been complied with.
- 1.6 REDA considers a pragmatic approach is to include in this Representation those amendment items on OZP No. 26 which have not been fully responded on OZP No.28. Some of these amendments are relevant to some of the amendments gazetted under OZP No. 28, such as the relaxation of BHR in some locations but not in others, and the removal of NBA, etc. in some locations but not in others. Other proposals such as the wider application of the OU(MU) zone and the rezoning of a site from GIC to Open space have not been considered at all. Therefore, this representation also objects to amendment items shown on OZP No. 26 but not included, or not adequately included, in the amendments shown in OZP No. 28.
- 1.7 The representation items in respect to both OZP No. 26 and OZP No. 28 are listed in Paragraph 6. **Appendix A** includes a more detailed description of those items related to OZP No. 26.

II BACKGROUND

2 Gazettal of Wan Chai - OZP No. 26

- 2.1 The TPB gazetted the Draft Wan Chai OZP No. 26 on 24 September 2010 (HK Island Planning Area H5). The amendments shown on the OZP included extensive imposition of BHRs, NBAs, BGs and Setbacks (SBs) on sites of the draft OZP. It also rezoned the "Commercial/Residential" (C/R) sites to "Commercial" ("C"), "Residential Group (A)" [R(A)] or "Other Specified Uses" annotated "Mixed uses" [OU(MU)].
- 2.2 The Board considered the representations and comments made in relation to the OZP No.26 on 26 April 2011. The Board decided not to uphold R34, but proposed amendments to the draft OZP to partially meet 3 representations (Nos. R98 to R100) in respect to the sites at 8-10 and 12-18 Wing Fung Street (the 2 Sites) and not to uphold the remaining representations. Procedures related to gazettal of the proposed amendments and further hearings were held in the period of May to July 2011. Three Pacific Place together with the 2 Sites were rezoned to C(6), the former being subzone (a) and the latter subzone (b). These were shown on R/S/H5/26. The relevant Notes were also amended. These amendments shall thereafter form part of the draft OZP, in accordance with Section 6H of the Town Planning Ordinance (TPO).
- 2.3 In August 2012, the Board later gazetted another version, OZP No. 27, for the Planning Area. The amendments included in this OZP are related to individual sites and are not directly related to this representation.

3 REDA's Representations in relation to H5 and other OZPs

REDA's representation (R34) in related to H5 OZP No.26

- 3.1 REDA submitted a representation (No. R34) in respect of H5OZP No.26. The representation considered that the BHRs were set too low. The restrictions were excessive to achieve the objectives stated in the Explanatory Statement (ES). The representation considered the rezoning of C/R to "C", residential zone, OU(MU) inappropriate. It also questioned the legal basis of imposing controls of NBAs, BGs and SBs on sites within the OZP. The planning area was imposed with extensive development controls. Yet, the deficit of open space in the area was not addressed.

- 3.2 R34 put forward proposals of relaxing the BHRs and removing all the NBAs, BGs and SBs to meet the representation. It proposed a Relaxation Scheme similar to that one for the Tsim Sha Tsui Planning Area be applied to "C" and OU(MU) zone to encourage amalgamation of small lots for development of better design to improve the general urban environment¹. It also proposed to rezone the ex-Wan Chai Police Quarters site to "Open Space" ("O") and expansion of the OU(MU) zone. The representation was not upheld by the Board

REDA's representations in relation to other OZPs

- 3.3 In the early 2010s, the Board gazetted amendments to many OZPs by imposing extensive development controls of BHRs, NBAs and BGs. REDA lodged representations to express its views that the controls were in general too restrictive to achieve the stated objectives in the ES of the relevant OZPs.

4 Judicial Review submitted by REDA

- 4.1 On 25 July 2011, REDA applied to the Court for JR (HCAL 58 of 2011) against the Board's decision in respect of R34 on the Subject Draft OZP, together with its decision on REDA's representations in respect of three other OZPs². On 3 February 2015, following the Court of Appeal (CA)'s decisions in the *Hysan*³ and *Oriental Generation*⁴ cases handed down on 13 November 2014, the Court of First Instance (CFI) handed down its judgment on the JR regarding the four draft OZPs. Following the principles in those CA judgments (discussed further below), the CFI ordered that JR is allowed on grounds of specific procedural unfairness (Paras. 98-105 of the judgment) and the TPB's failure to make sufficient inquiries in relation to development intensity and Sustainable Building Design Guidelines (SBDG) (Paras. 106-115 of the judgment), failure to make sufficient inquiries in relation to AVA (Paras. 122-126 of the judgment), failure to make sufficient inquiries in relation to Building Height Profile (Paras. 127-128 of the judgment), inappropriate reliance on minor relaxation as a substantive ground (Paras. 118-121 of the judgment). The TPB's four decisions (including the decision made in respect of H5OZP No.26 on 26 April 2011) were quashed and remitted back to the Board for reconsideration.

¹ The Tsim Sha Tsui OZP provides incentive for amalgamation of smaller sites by allowing relaxation of the BHR through application under S.16 of TPO. The Board would consider the application against a number of criteria as listed out in Para 8.19 of the Explanatory Statement of the OZP.

² They are Ngau Tau Kok and Kowloon Bay OZP, Mong Kok OZP and Yau Ma Tei OZP.

³ *Hysan Development Co. & Others v. Town Planning Board* (Court of Appeal, CACV 232 and 233 /2012, 13 November 2014).

⁴ *Oriental Generation v. Town Planning Board* (Court of Appeal, CACV 127/2012, 13 November 2014).

- 4.2 It can therefore be stated that the amendments shown on H5OZP No.26 had not gone through the “proper” planning procedure required under Section 6 of the TPO.

5 Recent Review of Development Restrictions of H5 OZP: TPB Paper No. 10415

Purpose of the Paper

- 5.1 The purpose of the TPB Paper was stated and recorded in the minutes of meeting held on 13 April 2018. It was to follow up on the Court’s ruling, and to undertake a review of the development restrictions of the H5 OZP. Para 72 of the minutes reads:

“The Secretary reported that the proposed amendments were formulated upon review of the draft Wan Chai Outline Zoning Plan in order to give effect to the Court’s orders in respect of two judicial reviews lodged by the Real Estate Developers Association of Hong Kong and Leighton Company Limited and Lee Theatre Realty Limited, both were subsidiaries of Hysan Development Co. Ltd.” (Emphasis underlined)

The recommendations of the review were presented as proposed amendments to OZP No.27 included in the TPB Paper which was considered by the Board on 13 April 2018. REDA was not consulted on the review process or the outcome, and the only process so far provided for REDA’s involvement is through this representation process.

Stepped Height Concept not Achievable

- 5.2 The TPB Paper described, in its para. 5.1, the Building Height concept on OZP No. 27 that *“the main purpose of BHRs is to provide better planning control on the BH of development/redevelopments and to avoid excessive tall and out-of-context developments which will severely affect the visual quality of the area.”* The Paper also, in para 5.3, stated that the existing tall building in Wan Chai North (Planning Area H15) and the northern part of H5 as well as the residential development of relatively lower development intensity in the inland area had made a stepped height concept ascending from the harbor and gradually ascending toward the landward side not achievable.

Practice Notes and Implications

- 5.3 Included in Annex C2 and Annex D of The Paper were Practice Note “APP-152 SBDG” and “Implications of SBDG on Building Profile” respectively. The review of the BHRs of various groups of sites/zones to take account of SBDG requirements were included in Para 6 of the Paper.

Floor-to-floor Height and Assessment for BHR

- 5.4 Annexes E1 to E5 were tables of assessments of building heights of various sites/zones in Wan Chai taking account of SBDG. In these assessments, floor-to-floor height (FTFH) assumptions were made for different parts of a building and for different types of buildings. **Table 1** below is a summary of FTFH assumptions for podium and typical floors for different types of building in the Annexes E1 to E5.

Table 1: A summary of FTFH assumptions for podium and typical floors for different types of building used in Annexes E1 to E5

Annex	Sites	Podium Floor FTFH (m)	Typical Floor FTFH (m)	Remarks
E1	“C” sites with BHR 135mPD	5	4	
E2	“C” sites with BHR 110mPD	4.5	3.3	#
E3	OU(MU) for commercial building	5	4	#
E4	R(A) sites with BHR 110mPD	5	3	#
E5	R(B) sites with BHR 150mPD	NA	3	

These Annexes are with remarks stating that, for some sites, “design approach and/or less desirable building design such as lower FTFH would need to be applied for future redevelopment”

- 5.5 The Annexes had taken account of both the Building (Planning) Regulation [B(P)R] as well as SBDG. The maximum site coverage (SC) allowed under the B(P)R was assumed. It can be seen that the FTFHs were not the latest adopted for top quality development, and in some sites/zones, some the BHRs were not sufficient to accommodate the entitled GFA (with concessions) and the statement “design approach and/or less desirable building design such as lower FTFH would need to be applied for future redevelopment” was made.

- 5.6 These Annexes were used to substantiate the relaxed BHRs. However, maximum SC and low FTFHs had been adopted. There is no scope for good and innovative design. It can be seen from the Annexes that the BH that could be built under the relaxed BHRs range from 26 to 32 storeys, some with substandard FTFHs. This is not proper urban planning and realistic assumptions which are forward looking and encouraging a high standard of development to meet future economic and environment needs should be applied.

III REPRESENTATION ITEMS

6 Representation Items

Amendments shown on H5 OZP No.28

- 6.1 This representation supports the following amendment items shown on Plan: Items F1, F2, G1, G2 and G3. These items are related to deletion of NBA and BG requirements on a number of sites. This representation also supports (b) to (d) of the amendments to the Notes of the Plan. These amendments (b) to (d) are made so that the Notes are consistent with the amendments Items F1, F2, G1, G2 and G3 made to the Plan.
- 6.2 This representation also supports to Items A and E3. These items propose to relax BHRs. The new BHRs are considered acceptable.
- 6.3 However, it does not support Items C, D, E1, E2 and E4 on Plan. The relaxation of BHRs in principle is supported. Yet, the extent of relaxation is not sufficient to accommodate the GFA with a reasonable building design and the proposed BHR is objected to.
- 6.4 This representation objects to Item B on the Plan and (a) to the Notes of Plan. These two are related to the C(4) site, the ex-Wan Chai Police Quarters site. It is proposed that this whole site should be rezoned to "O", to provide local open space for public recreation, a significant wind gap through the intensively developed area and a non-developed green area as a visual contrast with the intense development in this part of Wan Chai.

Amendments shown on H5 OZP No.26

- 6.5 This representation objects to ALL Items, except for N, Q, R, S, U1, U2, U3 and V shown on the Plan No. 26. This representation also objects to (a), (c), (d), (e), (f) and (h) of Amendments to the Notes of the Plan No. 26. These objection items are very similar to those included in R34 submitted by REDA in respect of OZP No. 26 on 18 November 2010⁵. A more detailed description is contained in **Appendix A**.

⁵ R34 submitted in respect of OZP No. 26 also objects to U1 and U2, but these two items have been catered for in the amendments on OZP No.28.

IV REASONS FOR REPRESENTATION

7 Building Height Restrictions set too Low

7.1 Previous Objection Reasons stated in R34 are still Valid

7.1.1 Despite the relaxation made to some BHRs and the deletion of some NBAs/BGs in the current OZP (No.28), the current BHRs are generally still too low. The reasons of objection included in Para 3.1 of R34 (please see Attachment 1) are still valid for this representation in relation to OZP No. 28.

7.2 Inadequacy of the Review of Development Restrictions included in TPB Paper No. 10415

Wan Chai is a Prime District for Grade A Commercial/Office Development

7.2.1 The review of the BHRs had not taken account of the prime location of Wan Chai which is well served by public transport. Wan Chai together with the adjacent areas such as Wan Chai North, Central and Causeway Bay are occupying the stretch of CBD along the north shore of Hong Kong Island. Wan Chai is a prime district with potential for more Grade A commercial/office developments.

Relaxation of Building Height Insufficient

Floor-to-floor Height (FTFH) assumptions not keeping with the latest practice

7.2.2 For quality development, the commonly used FTFHs nowadays are 5m (podium floors), 4.5m (typical commercial floors) and 3.15m (typical residential floors). In fact, the development industry is considering to adopt 6m FTFH for the ground floor of top quality commercial development and there are General Building Plans (GBPs) approved by Building Department (BD) with such 6m FTFH. By comparing the above FTFH with those listed in **Table 1**, the FTFH assumptions which were used to work out the BHRs are too low and are unable to allow for top quality development. Also the nature and use of commercial buildings is changing with not just office uses in the upper levels. A mix of office, retail and service activities now is a common occurrence in many commercial buildings and this flexibility needs to be included in the design of future commercial buildings.

BHRs should not be set for substandard developments

- 7.2.3 As shown in **Table 1**, the remarks of Annexes E2 to E4 stated that *“design approach and/or less desirable building design such as lower FTFH would need to be applied for future redevelopment”*. It is clear that the BHRs are too restrictive to take account of the SBDG for some sites. There is no apparent reason why BHRs could not be increased so that reasonable modern building design can be readily achieved.

“C” at BHR 110mPD is Far Below Standard

- 7.2.4 The most unreasonable BHR is 110mPD which has been imposed on the “C” zones bounded by Tonnochy Road / Hennessy Road / Percival Street / Gloucester Road. The FTFHs adopted for the “C” sites with BHR 110mPD had assumed 4.5m for podium floors and 3.3m for typical commercial floors (Annex E2 of the TPB Paper refers). These FTFHs are absolutely substandard for commercial developments in a prime district such as Wan Chai. Even with these low FTFHs assumptions, the Annex is supplemented with the remark *“design approach and/or less desirable building design such as lower FTFH would need to be applied for future redevelopment”*. It is clear that the 110mPD is far too low for the “C” sites. A major reason stated in the TPB Paper for keeping the low 110mPD BHR is visual impact consideration, but this has not been well substantiated.

- 7.2.5 Overall, the BHRs shown on OZP No. 28 are generally still too low for the Planning Area.

7.3 Impact on Views to the Harbour from Wan Chai from Stubbs Road Lookout Point not a Justified Concern

- 7.3.1 According to the TPB Paper, for the large area of “C” sites referred in para 7.2.4 above, keeping the 110mPD BHR and not proposed any relaxation is to minimize the visual impact on the view of the Harbour from the Stubbs Road Lookout Point. Paragraph 6.2 (b) of the Paper states that:-

“The “C” sites bounded by Tonnochy Road / Hennessy Road / Percival Street / Gloucester Road are currently subject to BHR of 110mPD. Despite the estimated BH requirement about 118m to 130m for typical commercial buildings (Annex D2) and the existing site levels (around 4mPD), the BHR of

these sites is proposed to be maintained at 110mPD so as to minimize the impact on the views to the Harbor from Stubbs Road Lookout Point (Plans 6 and 9E). For the future redevelopments thereat, design approach and/or lower FTFH would need to be adopted for the future redevelopment without breaching the BHR of 110mPD (Annex E2). This is to achieve balance between development rights and public interest. (Emphasis underlined)

- 7.3.2 Plan 6 of the TPB Paper (attached to this representation as **Attachment 2**) shows a comparison of views from Stubbs Road Lookout Point (SRLP) for the two scenarios for the large area of “C” sites with BHRs at 135mPD and 110mPD, respectively. The view to the Harbour from the Lookout Point consists of the main parts: a very dominant part of trees closest to viewer, developments of the Wan Chai planning area, developments of the Wan Chai North planning area, small parts of the water body of the Harbor, and further away developments on Kowloon peninsula. There is very little difference between the views under the two scenarios for 135mPD and 110mPD for the “C” sites. Therefore, it makes little difference to the views by relaxing the BHR to 135mPD. There is no significant additional public interest to be served by the 110mPD over the 135mPD and it should therefore be amended accordingly.

Flat Monotonous Height Profile versus Varied Interesting Skyline

- 7.3.3 On Plan 6, the taller buildings in Wan Chai North form a backdrop for the development in Wan Chai when viewed from SRLP. The photomontages shown on Plan 6 showed flat monotonous profile. These photomontages had been prepared without the consideration of building efficiency and ignored the fact that, in situation of more relaxed BHRs, many redevelopments would not be built to the maximum height.
- 7.3.4 It should be stressed that more relaxed BHRs would also allow incorporation of innovative elements into development and enable creative building design. In addition, with the more relaxed BHRs, buildings of more diverse heights would be built resulting in a more interesting skyline thereby enriching the view to the Harbour from the Lookout Point.

7.4 Minor Relaxation should not be used to Justify Low BHRs

- 7.4.1 A Member asked at the TPB meeting which discussed the TPB Paper *“whether the proposed relaxation of BHRs had allowed flexibility for building design measures such as elevated podium and sky garden for improving air penetration and urban porosity,”* (para 83(b) of minutes of TPB meeting on 13 April 2018). No affirmative answer was provided. Instead, “minor relaxation” was mentioned as seen from the response:

“Should there be any development/redevelopment proposal adopting good building design measures resulted in an exceedance of BHR, minor relaxation of BHR might be considered by the Board upon application under section 16 of the TPO.” (para. 84(d) of minutes of TPB meeting on 13 April 2018)

- 7.4.2 REDA consider that reasonable BHRs should be set to encourage good design and minor relaxation should not be used to justify the low BHRs imposed for the planning area. It is relevant to provide a quotation from the CFA judgment in relation to Hysan which was also quoted in the CFI judgment in relation to REDA’s JR of the Wan Chai OZP (and other OZP’s). If the TPB is to rely on the minor relaxation clause as a basis for setting unreasonably low BHR then it could be considered to be acting unlawfully. The quotation reads:

“164. Whilst it is not objectionable for the TPB to refer to the mechanism for minor relaxation after they had rejected the representations on other substantive grounds by way of reminder to an applicant of such mechanism, it is not open to the TPB to rely on that mechanism as one of the substantive reasons for rejecting representations. In the latter scenario, the TPB would have taken an irrelevant consideration into account. Even though it may only be one reason out of several reasons given in dealing with the representations, Hysan is entitled to say that it could not know whether the TPB would reach the same conclusion in the balancing exercise if such reason had not been relied upon. In our judgment, the decision of the TPB is tainted by its reliance on the possibility of applying for minor relaxation.”

8 Setback Requirements

- 8.1 The review of development controls in The TPB paper had ignored the reasons of objection for imposition of setbacks (SBs) on sites included in R34. The SBs

requirements were imposed as “air paths” under the AVA considerations. They were not imposed because of road widening which are covered by other ordinances such as Buildings Ordinance and the Roads (Works Use and Compensation) Ordinance. There is also no statement in the Notes or Explanatory Statement of the OZP indicating that the private land taken for SBs may be considered for bonus GFA in accordance with normal practice. The SB requirements result in taking away private land without compensation. (For more details, please refer to para. 3.6 of **Attachment 1.**)

9 More Open Space to Facilitate Air Ventilation and a Quality Urban Area

- 9.1 Wan Chai is a dense urban area with severe open space deficit. The AVA EE states that Wan Chai is an area with high building height to street width ratio (H/W). Building height ceases to be the key consideration factor for air ventilation. Wind penetration largely depends on the existing road network and open spaces as major air paths (para 4.2.1.2 of AVA EE 2018 and para 6.1.4 of AVAEE 2010). As such, the Government should look for more land for open space. Rezoning the Ex-Wan Chai Police Quarters site to “O” is an effective way to improve air ventilation
- 9.2 Open space has many different functions to perform in a dense urban environment like Wan Chai. Not only does it provide space between buildings for better ventilation, but it provides a soft green environment which facilitates mitigation of the urban heat island effect, provides space for informal recreation and exercise, and space for people to get outside from relatively small flats. There are increasing examples of studies in Hong Kong which show that availability of open space facilitates social interaction, good physical and mental health.

V PROPOSALS TO MEET THIS REPRESENTATION

10 Proposed Height Profile for Wan Chai Planning Area

Balanced Considerations

- 10.1 The general height profile for Wan Chai should take account of and balance a number of considerations. These include adequate BHRs to accommodate the GFA with concessions allowed under the land use zonings, provide visual relief by "O" and G/IC zonings, provide an interesting skyline through recognizing the BH of the taller existing and committed landmark developments and preserving the views from major recognized viewpoints etc. It must also carefully balance any restrictions with the impact they may have on private property rights.

BHRs for Landmark Developments

- 10.2 As such, the BHRs for Landmark Developments are supported. These include the Three Pacific Place, the Hopewell Centre and its adjacent site, and Times Square. It is also considered appropriate that in principle, any sites with valid approved General Building Plans exceeding the general BHR should have the approved building height included on the OZP. This is particularly so in the vicinity of these Landmark Developments which would develop into recognized nodes of taller buildings, bringing structure and variety to the urban form.

General Profile

- 10.3 To achieve a more reasonable height profile for H5 Planning Area, it is proposed that
- a. Area to the north of Hennessy Road be with BHR at 135mPD. This has taken account of the views from the SRLP
 - b. "C" and OU(MU) zones to the south of Hennessy Road be with BHR at 150mPD
 - c. Residential zones south of Johnston Road and Wan Chai Road be at BHR 130mPD
 - d. Residential sites on both sides of Queen's Road East, except for R(C) sites, be at BHR 130mPD, and
 - e. Residential zones adjacent to western part of Kennedy Road at BHR 150mPD. This has considered the relative high level of the sites in this area.

This profile together with the higher BHRs for the landmark development, “O” sites and G/IC sites with lower BHRs will create a more interesting urban built form. The more relaxed BHR’s provide flexibility in design and would result in a more interesting skyline. Not all buildings would develop up to the maximum permitted BH under these restrictions, whereas they would more likely be restricted under the lower BHR. Also this level of restriction would prevent out of context tall buildings while providing scope for the inclusion of sky gardens, building perforation and a much more varied form of building development. The more varied building heights would likely facilitate downwash for better air ventilation.

11 Rezoning C(4) site to “O”

- 11.1 This is to address the severe deficit of the open space provision in H5 and it is the most effective way to improve air ventilation and improve the living/working environment of Wan Chai (see para 9 above).

12 A Summary of Proposals related to OZP No. 28

- 12.1 A summary of the Proposals/Proposed BHRs for the Amendment Items on OZP No. 28 is shown in **Table 2**

Table 2: A summary of the Proposals for the Amendment Items on OZP No. 28

Amendment Item on Plan, OZP No. 28	Proposals/ Proposed BHRs (Note 1)
B	Rezone C(4) to “O”
C	150mPD
D	150mPD
E1	130mPD
E2	150mPD
E4	130mPD

Note 1 Any sites with valid approved GBPs exceeding the general BHR should have the approved building height included on the OZP.

13 Proposals related to Amendments made to OZP No. 26

BHR of 110mPD “C” sites and other sites should be relaxed

- 13.1 It follows from Para 10.3 (a), the “C” sites bounded by Tonnochy Road / Hennessy

Road / Percival Street / Gloucester Road are currently subject to BHR of 110mPD are proposed to be rezoned as OU(MU) or remained as "C" of BHR 135mPD. This is related to Item B1 which covered a very large area.

- 13.2 The BHRs of many sites should also be relaxed in accordance with Para.10.3 and as shown in **Table 3** below.

Deletion of Setbacks

- 13.3 To respect private property rights, all SB requirements should be deleted.
- 13.4 **Table 3** is a summary of the proposals for the Amendment Items on OZP No. 26

Table 3: A summary of the Proposals for the Amendments on OZP No. 26

Amendments OZP No. 26	Proposed BHRs/Proposal (Note 1)
B1	Part of this item, i.e. sites bounded by Tonnochy Road / Hennessy Road / Percival Street / Gloucester Road to be rezoned to OU(MU) or remain as "C", but with BHR 135mPD
B2	130mPD
B3	150mPD
D, E, F, G, H	130mPD
J2	Rezone the site to "O"
M	150mPD
P	150mPD
(e)	Delete all SBs

Note 1 Any sites with valid approved GBPs exceeding the general BHR should have the approved building height included on the OZP.

14 Proposals included in R34

- 14.1 The proposals included in R34 related to "Relaxation Scheme", "Provision for Dedication of Land" and "The Wording of the Minor Relaxation Clause" also form part of this representation. Please refer to paras. 4.2, 4.3 and 4.8 of **Attachment 1**. These should also be considered as reasonable proposals to encourage development of a better and more sustainable urban environment.

VI CONCLUSIONS

15 Conclusions

- 15.1 The H5 OZP No. 26 had imposed extensive development restrictions on sites in the planning area. The restrictions had gone much further than is necessary to achieve the planning objective stated in Explanatory Statement. While some relaxation of BHRs and deletion of NBAs and GBs have been proposed and shown on OZP No. 28, there are still apparent inadequacies in the review of the development restrictions as included in The TPB Paper, and some restrictions should be further relaxed.
- 15.2 R34 was submitted to the TPB in respect to OZP No. 26. The CFI has referred the whole OZP back for rehearing for the reasons summarised in this representation. The process undertaken by the TPB of not fully rehearing all the points raised in R34 is considered by REDA as being *incompliant* with the direction of the court. The reasons of that objection are still valid. REDA considers that it is a pragmatic way for the Board to consider the points raised in R34 together with this representation as they are closely interrelated. However, should that be not accepted then REDA requests that a separate rehearing of R34 be held as soon as possible and before any decision is made in relation to the amendments shown on OZP No. 28
- 15.3 The proposals put forward in Section V are for the better planning of Wan Chai. This submission is made in the broad interest of Hong Kong as a whole and in the interests of maintaining an efficient, fair and sustainable development system.

Appendix

Appendix A: Representation Items in relation to OZP No. 26

Attachments

Attachment 1:

Representation submitted by REDA to the TPB in respect to OZP No. 26, i.e. R34

Attachment 2:

Plan 6 attached to TPB Paper No. 10415

The Real Estate Developers Association of Hong Kong

4 July 2018

Appendix A: Representation Items in relation to OZP No. 26

This Appendix shows the amendments on OZP No.26. This representation objects to the items which are NOT crossed out.

SCHEDULE OF AMENDMENTS TO THE APPROVED WAN CHAI OUTLINE ZONING PLAN NO. S/H5/25 MADE BY THE TOWN PLANNING BOARD UNDER THE TOWN PLANNING ORDINANCE (Chapter 131)

I. Amendments to Matters shown on the Plan

- Item A – Stipulation of building height restrictions for the “Commercial” (“C”), “Commercial(1)” (“C(1)”), “Commercial(2)” (“C(2)”), “Commercial(3)” (“C(3)”), “Commercial(4)” (“C(4)”), “Commercial(5)” (“C(5)”), “Commercial(6)” (“C(6)”), “Residential (Group A)” (“R(A)”), “Residential (Group A)1” (“R(A)1”), “Residential (Group A)2” (“R(A)2”), “Residential (Group A)3” (“R(A)3”), “Residential (Group A)4” (“R(A)4”), “Residential (Group A)5” (“R(A)5”), “Residential (Group A)6” (“R(A)6”), “Residential (Group B)” (“R(B)”), “Government, Institution or Community” (“G/IC”) and “Other Specified Uses” (“OU”) zones.
- Item B1 – Rezoning of the “Commercial/Residential” (“C/R”) sites in the area to the north of Johnston Road/Hennessy Road and in the area to the east of Canal Road East to “C” and stipulating building height restrictions for the zone.
- Item B2 – Rezoning of the “C/R” sites in the area generally bounded by Wan Chai Road, Morrison Hill Road and Oi Kwan Road to “R(A)” and stipulating building height restriction for the zone.
- Item B3 – Rezoning of the “C/R” sites in the area bounded by Johnston Road/Hennessy Road, Canal Road West, Leighton Road, Morrison Hill Road and Wan Chai Road to “OU” annotated “Mixed Use” and stipulating building height restriction for the zone.
- Item C – Rezoning of a site occupied by Harcourt House and a portion of Mass Mutual Tower at Gloucester Road from “G/IC” to “C” and stipulating building height restriction for the zone.
- Item D – Rezoning of a site occupied by Li Chit Garden at 1 Li Chit Street from “G/IC” to “R(A)3” and stipulating building height restriction for the zone.
- Item E – Rezoning of a site occupied by No. 1 Star Street at 1 Star Street from “G/IC” to “R(A)4” and stipulating building height restriction for the zone.
- Item F – Rezoning of a site occupied by Hong Fook Building at 11-17 Kennedy Street from “G/IC” to “R(A)” and stipulating building height restriction for the zone.
- Item G – Rezoning of a site occupied by Oi Kwan Court at 28 Oi Kwan Road from “G/IC” to “R(A)5” and stipulating building height restriction for the zone.
- Item H – Rezoning of a site occupied by Connaught Commercial Building at 185 Wan Chai Road from “G/IC” to “R(A)6” and stipulating building height restriction for the zone.

- Item J1 - Rezoning of a site occupied by Wan Chai Police Station at 123 Gloucester Road from "G/IC" to "OU" annotated "Historical Building Preserved for Hotel, Commercial, Community and/or Cultural Uses" and stipulating building height restriction for the zone.
- Item J2 - Rezoning of a site occupied by Wan Chai Police Married Quarters at 219-227 Lockhart Road from "G/IC" to "C(4)" and stipulating building height restriction for the zone.
- Item K - Rezoning of a site occupied by Hung Shing Temple at 129-131 Queen's Road East from "R(A)" to "G/IC" and stipulating building height restriction for the zone.
- Item L - Rezoning of a site occupied by Southorn Centre at 130 Hennessy Road, Southorn Garden at 2 O'Brien Road and Southorn Stadium at 111 Johnston Road from "G/IC" to "OU" annotated "Residential cum Commercial, Government Offices and Community Facilities" and stipulating building height restrictions for the zone.
- Item M - Rezoning of a site occupied by QRE Plaza at 202 Queen's Road East from "Open Space" ("O") to "C(3)" and stipulating building height restriction for the zone.
- ~~Item N - Rezoning of a site occupied by the existing elevated walkway connecting QRE Plaza and Hopewell Centre at Queen's Road East from an area shown as 'Road' to "OU" annotated "Elevated Walkway".~~
- Item P - Rezoning of a site occupied by Hopewell Centre at 183 Queen's Road East/17 Kennedy Road from "R(A)" to "C(5)" and stipulating building height restriction for the zone.
- ~~Item Q - Rezoning of a portion of Wan Chai Park at Queen's Road East from "G/IC" to "O".~~
- ~~Item R - Rezoning of Tak Yan Street Children's Playground at Tak Yan Street from "G/IC" and "C/R" to "O".~~
- ~~Item S - Rezoning of Wing Ning Street Sitting-out Area at Wing Ning Street from "C/R" to "O".~~
- Items T1 and T2 - Rezoning of a site occupied by Three Pacific Place at 1 Queen's Road East from "R(A)" to "C(6)" and stipulating building height restriction for the zone and to rezone the adjoining Monmouth Path/Star Street from "R(A)" to an area shown as 'Road'.
- ~~Item U1 - Designation of non-building areas at the Wan Chai Police Station site and the Wan Chai Police Married Quarters site.~~
- ~~Item U2 - Demarcation of strips of land within Lockhart Road Municipal Services Building, Hennessy Road Government Primary School, and 93-99 and 101 Wan Chai Road sites subject to maximum building height of 19mPD.~~
- ~~Item U3 - Designation of a non-building area at the Lady Trench Training Centre site at Tak Yan Street/Oi Kwan Road.~~

~~Item V Rezoning of the existing Oi Kwan Road, Sung Tak Street, Sung Yin Lane, Salvation Army Street, Shiu Kin Lane, a portion of Wood Road, a portion of Wing Cheung Street, a portion of Yat Sin Street and a portion of Tak Yan Street from "G/IC" to areas shown as "Road".~~

II. Amendments to the Notes of the Plan

- (a) Incorporation of building height restrictions and a minor relaxation clause for such restrictions in the Remarks of the Notes of the "C", "C(1)" to "C(6)", "R(A)", "R(A)1" to "R(A)6", "R(B)", "G/IC" and "OU" zones.
- ~~(b) Deletion of the set of Notes for the "C/R" zone.~~
- (c) Incorporation of maximum plot ratio/gross floor area restrictions and a minor relaxation clause for the restrictions in the Remarks of the Notes for the "C(4)" and "OU" annotated "Residential cum Commercial, Government Offices and Community Facilities" zones.
- (d) Incorporation of minimum area/gross floor area restrictions for the provision of public open space and/or Government, institution or community (GIC) facilities, and a minor relaxation clause for the total gross floor area of GIC facilities in the Remarks of the Notes for the "C(6)" and "R(A)3" to "R(A)6" zones.
- (e) Incorporation of setback requirements for the "C(1)" zone fronting Yen Wah Steps, various sites within the "R(A)" zone fronting Anton Street, Wing Fung Street, Greeson Street, a section of St. Francis Street between Queen's Road East and St. Francis Yard, a section of Spring Garden Lane between Johnston Road and Queen's Road East and Tai Yuen Street, two sites within the "R(B)" zone fronting Yen Wah Steps, and a site within the "G/IC" zone fronting Anton Street, and a minor relaxation clause for such restrictions in the Remarks of the Notes for the respective zones.
- (f) Incorporation of minor relaxation clause for the non-building area restriction in the Remarks of the Notes for the "C(4)", "G/IC" zones in respect of the Lockhart Road Municipal Services Building, Hennessy Road Government Primary School and Lady Trench Training Centre sites, "R(A)" in respect of the sites at 93-99 and 101 Wan Chai Road, and "OU" annotated "Historical Building Preserved for Hotel, Commercial, Community and/or Cultural Uses" zones.
- ~~(g) Incorporation of a clause to disregard basement floors in determining number of storeys in the Remarks of the Notes for the relevant "G/IC" and "OU" zones.~~
- (h) Incorporation of separate Notes for the "OU" annotated "Mixed Use", "Petrol Filling Station", "Historical Building Preserved for Cultural and Community Uses", "Historical Building Preserved for Hotel, Commercial, Community and/or Cultural Uses", "Residential cum Commercial, Government Offices and Community Facilities" and "Elevated Walkway" zones.



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4 July 2018

The Secretary
Town Planning Board
15 Floor, North Point Government Offices
333 Java Road
North Point
Hong Kong

Dear Sir

**Representations in Relation to the
Amendments to the Draft Wan Chai Outline Zoning Plan
(Amendments shown on Plan No. S/H5/28 and S/H5/26)**

We refer to the Draft Wan Chai Outline Zoning Plan, Plan No. S/H5/28 (OZP No. 28) gazetted by the Town Planning Board (the Board) on 4 May 2018. The amendments shown on the OZP are related to revision and deletion of some, but not all, of the planning controls, such as Building Height Restrictions (BHRs), Non-Building Areas (NBAs) and Building Gaps (BGs) which were introduced to the Wan Chai planning area under OZP No. 26 gazetted by the Board on 24 September 2010.

We had made a representation (R34) opposing many amendment items shown on OZP No. 26. R34 was considered but not upheld by the Board on 26 April 2011. On 25 July 2011, we filed a judicial review (JR) against the Board's decision. On 3 February 2015, the Court of First Instance (CFI) allowed the JR and ordered that the decision of the Board not to uphold R34 be quashed and remitted back to the Board for reconsideration. The appeals which were pending in relation to that judgment of the CFI have recently been withdrawn.

The Board has been ordered to reconsider R34 related to OZP No. 26 as stated above. The Board has recently considered TPB Paper No. 10415 which reviewed the development controls imposed on OZP No. 26 and proposed amendments which are shown on OZP No. 28. However, it is evident from the content of this paper that not all of the issues raised in R34 had been considered, and we had not been invited to



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participate in the Board's consideration of the paper. There has accordingly not been any formal rehearing of the original R34 as required by the Court's Orders.

If the Board takes the view in this instance that it will only formally consider representations in relation to amendments that have been included in OZP No. 28 (and not in relation to planning controls imposed in OZP No. 26 and objected to in R34 that are not the subject of specific amendments in OZP No. 28), then the position remains that the Orders of the CFI have not been complied with.

In this regard, we have obtained legal advice confirming that gazettal and exhibition by the Board of a new draft OZP under Section 7 of the Town Planning Ordinance (TPO) and the Board inviting representations on that new draft OZP from the general public including the original representers, is not a satisfactory or compliant way of discharging the Court's specific Order for rehearing of an original representation (in this case R34). This is particularly relevant where the new Section 7 amendments do not cover all of the matters to which objection was made in the original Representation that must be reheard under the Court's orders.

To satisfy the Court's orders by reference to the current representation process, it would be necessary for the Board to obtain our consent to substituting the Court-ordered rehearing with the current Section 7 process. Regrettably, the Board chose not to consult with us in relation to TPB Paper No. 10415, and did not make contact with us in these regards (via the Department of Justice) until after the Board had decided to gazette OZP No. 28, by which time it was too late for us to raise our concerns regarding the matters objected to in the original representation R34 which are not covered in the OZP No. 28 amendments.

Having regard to the above, we are prepared to take a pragmatic approach to the extent permissible and agreed by the Board. We have therefore included in this Representation those amendment items which we objected to in R34 on OZP No. 26 which have not been fully addressed in the amendments included in OZP No. 28 (OZP No. 26 Rehearing Items). Therefore, this Representation is intended to relate to both OZP No. 26 and OZP No. 28.

We would request that the Board write to us as soon as possible to confirm whether it is prepared to adopt the pragmatic approach we have suggested above. Should our pragmatic approach be accepted, we would also request the Board to confirm that it will fully consider the OZP No. 26 Rehearing Items and, if it considers that any



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amendments to OZP No. 28 are necessary in relation to such items, it will either gazette those amendments under TPO Section 6B(8) as “further amendments” to OZP No. 28, or gazette them under a further Section 7 draft OZP.

Should the OZP No. 26 Rehearing Items in the attached not be accepted by the Board for direct consideration as part of this Section 7 Representation process, we retain the right to seek a separate rehearing of the R34 representation as to OZP No. 26, to comply with the Orders of the CFI.

We have included the reasons for the Representation in the attached paper, and we reserve our right to provide additional information in support of this Representation and to raise additional points, if necessary.

Yours sincerely

Louis Loong
Secretary General

Representation in Relation to the Amendments shown on the Draft Wan Chai Outline Zoning Plan, Plan No. S/H5/28 & S/H5/26

The Real Estate Developers Associations of Hong Kong (REDA)

I INTRODUCTION

1 Introduction

- 1.1 The Town Planning Board (TPB, the Board) gazetted Draft Wan Chai Outline Zoning Plan, Plan No. S/H5/28 (OZP No. 28) on 4 May 2018. The amendments shown on the OZP are related to revision and deletion of the planning controls, such as Building Height Restrictions (BHRs), Non-Building Areas (NBAs) and Building Gaps (BGs) introduced to the Wan Chai planning area under OZP No.26 gazetted by the Board on 24 September 2010.
- 1.2 REDA had made a representation (R34, attached to this representation as **Attachment 1**) opposing many amendments items shown on OZP No.26. R34 was considered but not upheld by the Board on 26 April 2011. On 25 July 2011, REDA filed a judicial review (JR) against the Board's decision. The Court of First Instance (CFI) allowed the JR and ruled the decision of the TPB be quashed and remitted back to the Board for reconsideration. Details of the background are available in Paragraphs 4.1 and 4.2.
- 1.3 This submission has made reference to the TPB Paper No. 10415 (The TPB Paper, The Paper) considered by the Board on the 13 April 2018. The Paper was entitled "Proposed Amendments to the Wan Cha Outline Zoning Plan No. S/H5/27". The Paper, in fact, was to review the development restrictions shown on OZP No. 27, but most of these amendments were introduced earlier to OZP No. 26, the OZP which was subject to the CFI judgment and which should have been remitted for re-consideration. The Paper also proposed amendments which are now shown on OZP No. 28. The minutes of the TPB relevant meeting has also been reviewed.
- 1.4 This Representation is made to support/partly support the amendment items which are related to the relaxation/deletion of planning controls shown on OZP No. 28. However, it considers that some of the revised BHRs should be further relaxed and is therefore in opposition. It is also in opposition to the fact that many of the points in

the original representation R34 have not been properly reconsidered

Reconsideration of R34 related to OZP No. 26

- 1.5 The Board needs to reconsider R34 to OZP No. 26 as stated in para 1.2 and 1.3 above. However, it is evident from the content of the Paper that the TPB did not consider all of the issues raised in R34 and REDA has not been invited to a rehearing of the original R34. Some of the issues raised in R34 have been considered in the Paper and amendments proposed in some circumstances but not in others. If the TPB takes the view that only those issues which have actually been accepted for amendment are relevant to this representation process, then REDA is strongly of the view that the direction of the CFI has therefore not been complied with.
- 1.6 REDA considers a pragmatic approach is to include in this Representation those amendment items on OZP No. 26 which have not been fully responded on OZP No.28. Some of these amendments are relevant to some of the amendments gazetted under OZP No. 28, such as the relaxation of BHR in some locations but not in others, and the removal of NBA, etc. in some locations but not in others. Other proposals such as the wider application of the OU(MU) zone and the rezoning of a site from GIC to Open space have not been considered at all. Therefore, this representation also objects to amendment items shown on OZP No. 26 but not included, or not adequately included, in the amendments shown in OZP No. 28.
- 1.7 The representation items in respect to both OZP No. 26 and OZP No. 28 are listed in Paragraph 6. **Appendix A** includes a more detailed description of those items related to OZP No. 26.

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Reconsideration of R34 related to OZP No. 26

- 1.5 The Board needs to reconsider R34 to OZP No. 26 as stated in para 1.2 and 1.3 above. However, it is evident from the content of the Paper that the TPB did not consider all of the issues raised in R34 and REDA has not been invited to a rehearing of the original R34. Some of the issues raised in R34 have been considered in the Paper and amendments proposed in some circumstances but not in others. If the TPB takes the view that only those issues which have actually been accepted for amendment are relevant to this representation process, then REDA is strongly of the view that the direction of the CFI has therefore not been complied with.
- 1.6 REDA considers a pragmatic approach is to include in this Representation those amendment items on OZP No. 26 which have not been fully responded on OZP No.28. Some of these amendments are relevant to some of the amendments gazetted under OZP No. 28, such as the relaxation of BHR in some locations but not in others, and the removal of NBA, etc. in some locations but not in others. Other proposals such as the wider application of the OU(MU) zone and the rezoning of a site from GIC to Open space have not been considered at all. Therefore, this representation also objects to amendment items shown on OZP No. 26 but not included, or not adequately included, in the amendments shown in OZP No. 28.
- 1.7 The representation items in respect to both OZP No. 26 and OZP No. 28 are listed in Paragraph 6. **Appendix A** includes a more detailed description of those items related to OZP No. 26.

II BACKGROUND

2 Gazettal of Wan Chai - OZP No. 26

- 2.1 The TPB gazetted the Draft Wan Chai OZP No. 26 on 24 September 2010 (HK Island Planning Area H5). The amendments shown on the OZP included extensive imposition of BHRs, NBAs, BGs and Setbacks (SBs) on sites of the draft OZP. It also rezoned the "Commercial/Residential" (C/R) sites to "Commercial" ("C"), "Residential Group (A)" [R(A)] or "Other Specified Uses" annotated "Mixed uses" [OU(MU)].
- 2.2 The Board considered the representations and comments made in relation to the OZP No.26 on 26 April 2011. The Board decided not to uphold R34, but proposed amendments to the draft OZP to partially meet 3 representations (Nos. R98 to R100) in respect to the sites at 8-10 and 12-18 Wing Fung Street (the 2 Sites) and not to uphold the remaining representations. Procedures related to gazettal of the proposed amendments and further hearings were held in the period of May to July 2011. Three Pacific Place together with the 2 Sites were rezoned to C(6), the former being subzone (a) and the latter subzone (b). These were shown on R/S/H5/26. The relevant Notes were also amended. These amendments shall thereafter form part of the draft OZP, in accordance with Section 6H of the Town Planning Ordinance (TPO).
- 2.3 In August 2012, the Board later gazetted another version, OZP No. 27, for the Planning Area. The amendments included in this OZP are related to individual sites and are not directly related to this representation.

3 REDA's Representations in relation to H5 and other OZPs

REDA's representation (R34) in related to H5 OZP No.26

- 3.1 REDA submitted a representation (No. R34) in respect of H5OZP No.26. The representation considered that the BHRs were set too low. The restrictions were excessive to achieve the objectives stated in the Explanatory Statement (ES). The representation considered the rezoning of C/R to "C", residential zone, OU(MU) inappropriate. It also questioned the legal basis of imposing controls of NBAs, BGs and SBs on sites within the OZP. The planning area was imposed with extensive development controls. Yet, the deficit of open space in the area was not addressed.

- 3.2 R34 put forward proposals of relaxing the BHRs and removing all the NBAs, BGs and SBs to meet the representation. It proposed a Relaxation Scheme similar to that one for the Tsim Sha Tsui Planning Area be applied to "C" and OU(MU) zone to encourage amalgamation of small lots for development of better design to improve the general urban environment¹. It also proposed to rezone the ex-Wan Chai Police Quarters site to "Open Space" ("O") and expansion of the OU(MU) zone. The representation was not upheld by the Board

REDA's representations in related to other OZPs

- 3.3 In the early 2010s, the Board gazetted amendments to many OZPs by imposing extensive development controls of BHRs, NBAs and BGs. REDA lodged representations to express its views that the controls were in general too restrictive to achieve the stated objectives in the ES of the relevant OZPs.

4 Judicial Review submitted by REDA

- 4.1 On 25 July 2011, REDA applied to the Court for JR (HCAL 58 of 2011) against the Board's decision in respect of R34 on the Subject Draft OZP, together with its decision on REDA's representations in respect to three other OZPs². On 3 February 2015, following the Court of Appeal (CA)'s decisions in the *Hysan*³ and *Oriental Generation*⁴ cases handed down on 13 November 2014, the Court of First Instance (CFI) handed down its judgment on the JR regarding the four draft OZPs. Following the principles in those CA judgments (discussed further below), the CFI ordered that JR is allowed on grounds of specific procedural unfairness (Paras. 98-105 of the judgement) and the TPB's failure to make sufficient inquiries in relation to development intensity and Sustainable Building Design Guidelines (SBDG) (Paras. 106-115 of the judgment), failure to make sufficient inquiries in relation to AVA (Paras. 122-126 of the judgment), failure to make sufficient inquiries in relation to Building Height Profile (Paras. 127-128 of the judgment), inappropriate reliance on minor relaxation as a substantive ground (Paras. 118-121 of the judgment). The TPB's four decisions (including the decision made in respect of H5OZP No.26 on 26 April 2011) were quashed and remitted back to the Board for reconsideration.

¹ The Tsim Sha Tsui OZP provides incentive for amalgamation of smaller sites by allowing relaxation of the BHR through application under S.16 of TPO. The Board would consider the application against a number of criteria as listed out in Para 8.19 of the Explanatory Statement of the OZP.

² They are Ngau Tau Kok and Kowloon Bay OZP, Mong Kok OZP and Yau Ma Tei OZP.

³ *Hysan Development Co. & Others v. Town Planning Board* (Court of Appeal, CACV 232 and 233 /2012, 13 November 2014).

⁴ *Oriental Generation v. Town Planning Board* (Court of Appeal, CACV 127/2012, 13 November 2014).

- 4.2 It can therefore be stated that the amendments shown on H5OZP No.26 had not gone through the “proper” planning procedure required under Section 6 of the TPO.

5 Recent Review of Development Restrictions of H5 OZP: TPB Paper No. 10415

Purpose of the Paper

- 5.1 The purpose of the TPB Paper was stated and recorded in the minutes of meeting held on 13 April 2018. It was to follow up on the Court’s ruling, and to undertake a review of the development restrictions of the H5 OZP. Para 72 of the minutes reads:

“The Secretary reported that the proposed amendments were formulated upon review of the draft Wan Chai Outline Zoning Plan in order to give effect to the Court’s orders in respect of two judicial reviews lodged by the Real Estate Developers Association of Hong Kong and Leighton Company Limited and Lee Theatre Realty Limited, both were subsidiaries of Hysan Development Co. Ltd.” (Emphasis underlined)

The recommendations of the review were presented as proposed amendments to OZP No.27 included in the TPB Paper which was considered by the Board on 13 April 2018. REDA was not consulted on the review process or the outcome, and the only process so far provided for REDA’s involvement is through this representation process.

Stepped Height Concept not Achievable

- 5.2 The TPB Paper described, in its para. 5.1, the Building Height concept on OZP No. 27 that *“the main purpose of BHRs is to provide better planning control on the BH of development/redevelopments and to avoid excessive tall and out-of-context developments which will severely affect the visual quality of the area.”* The Paper also, in para 5.3, stated that the existing tall building in Wan Chai North (Planning Area H15) and the northern part of H5 as well as the residential development of relatively lower development intensity in the inland area had made a stepped height concept ascending from the harbor and gradually ascending toward the landward side not achievable.

Practice Notes and Implications

- 5.3 Included in Annex C2 and Annex D of The Paper were Practice Note “APP-152 SBDG” and “Implications of SBDG on Building Profile” respectively. The review of the BHRs of various groups of sites/zones to take account of SBDG requirements were included in Para 6 of the Paper.

Floor-to-floor Height and Assessment for BHR

- 5.4 Annexes E1 to E5 were tables of assessments of building heights of various sites/zones in Wan Chai taking account of SBDG. In these assessments, floor-to-floor height (FTFH) assumptions were made for different parts of a building and for different types of buildings. **Table 1** below is a summary of FTFH assumptions for podium and typical floors for different types of building in the Annexes E1 to E5.

Table 1: A summary of FTFH assumptions for podium and typical floors for different types of building used in Annexes E1 to E5

Annex	Sites	Podium Floor FTFH (m)	Typical Floor FTFH (m)	Remarks
E1	“C” sites with BHR 135mPD	5	4	
E2	“C” sites with BHR 110mPD	4.5	3.3	#
E3	OU(MU) for commercial building	5	4	#
E4	R(A) sites with BHR 110mPD	5	3	#
E5	R(B) sites with BHR 150mPD	NA	3	

These Annexes are with remarks stating that, for some sites, “design approach and/or less desirable building design such as lower FTFH would need to be applied for future redevelopment”

- 5.5 The Annexes had taken account of both the Building (Planning) Regulation [B(P)R] as well as SBDG. The maximum site coverage (SC) allowed under the B(P)R was assumed. It can be seen that the FTFHs were not the latest adopted for top quality development, and in some sites/zones, some the BHRs were not sufficient to accommodate the entitled GFA (with concessions) and the statement “design approach and/or less desirable building design such as lower FTFH would need to be applied for future redevelopment” was made.

- 5.6 These Annexes were used to substantiate the relaxed BHRs. However, maximum SC and low FTFHs had been adopted. There is no scope for good and innovative design. It can be seen from the Annexes that the BH that could be built under the relaxed BHRs range from 26 to 32 storeys, some with substandard FTFHs. This is not proper urban planning and realistic assumptions which are forward looking and encouraging a high standard of development to meet future economic and environment needs should be applied.

III REPRESENTATION ITEMS

6 Representation Items

Amendments shown on H5 OZP No.28

- 6.1 This representation supports the following amendment items shown on Plan: Items F1, F2, G1, G2 and G3. These items are related to deletion of NBA and BG requirements on a number of sites. This representation also supports (b) to (d) of the amendments to the Notes of the Plan. These amendments (b) to (d) are made so that the Notes are consistent with the amendments Items F1, F2, G1, G2 and G3 made to the Plan.
- 6.2 This representation also supports to Items A and E3. These items propose to relax BHRs. The new BHRs are considered acceptable.
- 6.3 However, it does not support Items C, D, E1, E2 and E4 on Plan. The relaxation of BHRs in principle is supported. Yet, the extent of relaxation is not sufficient to accommodate the GFA with a reasonable building design and the proposed BHR is objected to.
- 6.4 This representation objects to Item B on the Plan and (a) to the Notes of Plan. These two are related to the C(4) site, the ex-Wan Chai Police Quarters site. It is proposed that this whole site should be rezoned to "O", to provide local open space for public recreation, a significant wind gap through the intensively developed area and a non-developed green area as a visual contrast with the intense development in this part of Wan Chai.

Amendments shown on H5 OZP No.26

- 6.5 This representation objects to ALL Items, except for N, Q, R, S, U1, U2, U3 and V shown on the Plan No. 26. This representation also objects to (a), (c), (d), (e), (f) and (h) of Amendments to the Notes of the Plan No. 26. These objection items are very similar to those included in R34 submitted by REDA in respect of OZP No. 26 on 18 November 2010⁵. A more detailed description is contained in **Appendix A**.

⁵ R34 submitted in respect of OZP No. 26 also objects to U1 and U2, but these two items have been catered for in the amendments on OZP No.28.

IV REASONS FOR REPRESENTATION

7 Building Height Restrictions set too Low

7.1 Previous Objection Reasons stated in R34 are still Valid

7.1.1 Despite the relaxation made to some BHRs and the deletion of some NBAs/BGs in the current OZP (No.28), the current BHRs are generally still too low. The reasons of objection included in Para 3.1 of R34 (please see **Attachment 1**) are still valid for this representation in relation to OZP No. 28.

7.2 Inadequacy of the Review of Development Restrictions included in TPB Paper No. 10415

Wan Chai is a Prime District for Grade A Commercial/Office Development

7.2.1 The review of the BHRs had not taken account of the prime location of Wan Chai which is well served by public transport. Wan Chai together with the adjacent areas such as Wan Chai North, Central and Causeway Bay are occupying the stretch of CBD along the north shore of Hong Kong Island. Wan Chai is a prime district with potential for more Grade A commercial/office developments.

Relaxation of Building Height Insufficient

Floor-to-floor Height (FTFH) assumptions not keeping with the latest practice

7.2.2 For quality development, the commonly used FTFHs nowadays are 5m (podium floors), 4.5m (typical commercial floors) and 3.15m (typical residential floors). In fact, the development industry is considering to adopt 6m FTFH for the ground floor of top quality commercial development and there are General Building Plans (GBPs) approved by Building Department (BD) with such 6m FTFH. By comparing the above FTFH with those listed in **Table 1**, the FTFH assumptions which were used to work out the BHRs are too low and are unable to allow for top quality development. Also the nature and use of commercial buildings is changing with not just office uses in the upper levels. A mix of office, retail and service activities now is a common occurrence in many commercial buildings and this flexibility needs to be included in the design of future commercial buildings.

BHRs should not be set for substandard developments

- 7.2.3 As shown in **Table 1**, the remarks of Annexes E2 to E4 stated that *“design approach and/or less desirable building design such as lower FTFH would need to be applied for future redevelopment”*. It is clear that the BHRs are too restrictive to take account of the SBDG for some sites. There is no apparent reason why BHRs could not be increased so that reasonable modern building design can be readily achieved.

“C” at BHR 110mPD is Far Below Standard

- 7.2.4 The most unreasonable BHR is 110mPD which has been imposed on the “C” zones bounded by Tonnochy Road / Hennessy Road / Percival Street / Gloucester Road. The FTFHs adopted for the “C” sites with BHR 110mPD had assumed 4.5m for podium floors and 3.3m for typical commercial floors (Annex E2 of the TPB Paper refers). These FTFHs are absolutely substandard for commercial developments in a prime district such as Wan Chai. Even with these low FTFHs assumptions, the Annex is supplemented with the remark *“design approach and/or less desirable building design such as lower FTFH would need to be applied for future redevelopment”*. It is clear that the 110mPD is far too low for the “C” sites. A major reason stated in the TPB Paper for keeping the low 110mPD BHR is visual impact consideration, but this has not been well substantiated.
- 7.2.5 Overall, the BHRs shown on OZP No. 28 are generally still too low for the Planning Area.

7.3 Impact on Views to the Harbour from Wan Chai from Stubbs Road Lookout Point not a Justified Concern

- 7.3.1 According to the TPB Paper, for the large area of “C” sites referred in para 7.2.4 above, keeping the 110mPD BHR and not proposed any relaxation is to minimize the visual impact on the view of the Harbour from the Stubbs Road Lookout Point. Paragraph 6.2 (b) of the Paper states that:-

“The “C” sites bounded by Tonnochy Road / Hennessy Road / Percival Street / Gloucester Road are currently subject to BHR of 110mPD. Despite the estimated BH requirement about 118m to 130m for typical commercial buildings (Annex D2) and the existing site levels (around 4mPD), the BHR of

these sites is proposed to be maintained at 110mPD so as to minimize the impact on the views to the Harbor from Stubbs Road Lookout Point (Plans 6 and 9E). For the future redevelopments thereat, design approach and/or lower FTFH would need to be adopted for the future redevelopment without breaching the BHR of 110mPD (Annex E2). This is to achieve balance between development rights and public interest.” (Emphasis underlined)

- 7.3.2 Plan 6 of the TPB Paper (attached to this representation as **Attachment 2**) shows a comparison of views from Stubbs Road Lookout Point (SRLP) for the two scenarios for the large area of “C” sites with BHRs at 135mPD and 110mPD, respectively. The view to the Harbour from the Lookout Point consists of the main parts: a very dominant part of trees closest to viewer, developments of the Wan Chai planning area, developments of the Wan Chai North planning area, small parts of the water body of the Harbor, and further away developments on Kowloon peninsula. There is very little difference between the views under the two scenarios for 135mPD and 110mPD for the “C” sites. Therefore, it makes little difference to the views by relaxing the BHR to 135mPD. There is no significant additional public interest to be served by the 110mPD over the 135mPD and it should therefore be amended accordingly.

Flat Monotonous Height Profile versus Varied Interesting Skyline

- 7.3.3 On Plan 6, the taller buildings in Wan Chai North form a backdrop for the development in Wan Chai when viewed from SRLP. The photomontages shown on Plan 6 showed flat monotonous profile. These photomontages had been prepared without the consideration of building efficiency and ignored the fact that, in situation of more relaxed BHRs, many redevelopments would not be built to the maximum height.
- 7.3.4 It should be stressed that more relaxed BHRs would also allow incorporation of innovative elements into development and enable creative building design. In addition, with the more relaxed BHRs, buildings of more diverse heights would be built resulting in a more interesting skyline thereby enriching the view to the Harbour from the Lookout Point.

7.4 Minor Relaxation should not be used to Justify Low BHRs

- 7.4.1 A Member asked at the TPB meeting which discussed the TPB Paper *“whether the proposed relaxation of BHRs had allowed flexibility for building design measures such as elevated podium and sky garden for improving air penetration and urban porosity,”* (para 83(b) of minutes of TPB meeting on 13 April 2018). No affirmative answer was provided. Instead, “minor relaxation” was mentioned as seen from the response:

“Should there be any development/redevelopment proposal adopting good building design measures resulted in an exceedance of BHR, minor relaxation of BHR might be considered by the Board upon application under section 16 of the TPO.” (para. 84(d) of minutes of TPB meeting on 13 April 2018)

- 7.4.2 REDA consider that reasonable BHRs should be set to encourage good design and minor relaxation should not be used to justify the low BHRs imposed for the planning area. It is relevant to provide a quotation from the CFA judgment in relation to Hysan which was also quoted in the CFI judgment in relation to REDA’s JR of the Wan Chai OZP (and other OZP’s). If the TPB is to rely on the minor relaxation clause as a basis for setting unreasonably low BHR then it could be considered to be acting unlawfully. The quotation reads:

“164. Whilst it is not objectionable for the TPB to refer to the mechanism for minor relaxation after they had rejected the representations on other substantive grounds by way of reminder to an applicant of such mechanism, it is not open to the TPB to rely on that mechanism as one of the substantive reasons for rejecting representations. In the latter scenario, the TPB would have taken an irrelevant consideration into account. Even though it may only be one reason out of several reasons given in dealing with the representations, Hysan is entitled to say that it could not know whether the TPB would reach the same conclusion in the balancing exercise if such reason had not been relied upon. In our judgment, the decision of the TPB is tainted by its reliance on the possibility of applying for minor relaxation.”

8 Setback Requirements

- 8.1 The review of development controls in The TPB paper had ignored the reasons of objection for imposition of setbacks (SBs) on sites included in R34. The SBs

requirements were imposed as “air paths” under the AVA considerations. They were not imposed because of road widening which are covered by other ordinances such as Buildings Ordinance and the Roads (Works Use and Compensation) Ordinance. There is also no statement in the Notes or Explanatory Statement of the OZP indicating that the private land taken for SBs may be considered for bonus GFA in accordance with normal practice. The SB requirements result in taking away private land without compensation. (For more details, please refer to para. 3.6 of Attachment 1.)

9 More Open Space to Facilitate Air Ventilation and a Quality Urban Area

- 9.1 Wan Chai is a dense urban area with severe open space deficit. The AVA EE states that Wan Chai is an area with high building height to street width ratio (H/W). Building height ceases to be the key consideration factor for air ventilation. Wind penetration largely depends on the existing road network and open spaces as major air paths (para 4.2.1.2 of AVA EE 2018 and para 6.1.4 of AVAEE 2010). As such, the Government should look for more land for open space. Rezoning the Ex-Wan Chai Police Quarters site to “O” is an effective way to improve air ventilation
- 9.2 Open space has many different functions to perform in a dense urban environment like Wan Chai. Not only does it provide space between buildings for better ventilation, but it provides a soft green environment which facilitates mitigation of the urban heat island effect, provides space for informal recreation and exercise, and space for people to get outside from relatively small flats. There are increasing examples of studies in Hong Kong which show that availability of open space facilitates social interaction, good physical and mental health.

V PROPOSALS TO MEET THIS REPRESENTATION

10 Proposed Height Profile for Wan Chai Planning Area

Balanced Considerations

- 10.1 The general height profile for Wan Chai should take account of and balance a number of considerations. These include adequate BHRs to accommodate the GFA with concessions allowed under the land use zonings, provide visual relief by "O" and G/IC zonings, provide an interesting skyline through recognizing the BH of the taller existing and committed landmark developments and preserving the views from major recognized viewpoints etc. It must also carefully balance any restrictions with the impact they may have on private property rights.

BHRs for Landmark Developments

- 10.2 As such, the BHRs for Landmark Developments are supported. These include the Three Pacific Place, the Hopewell Centre and its adjacent site, and Times Square. It is also considered appropriate that in principle, any sites with valid approved General Building Plans exceeding the general BHR should have the approved building height included on the OZP. This is particularly so in the vicinity of these Landmark Developments which would develop into recognized nodes of taller buildings, bringing structure and variety to the urban form.

General Profile

- 10.3 To achieve a more reasonable height profile for H5 Planning Area, it is proposed that
- a. Area to the north of Hennessy Road be with BHR at 135mPD. This has taken account of the views from the SRLP
 - b. "C" and OU(MU) zones to the south of Hennessy Road be with BHR at 150mPD
 - c. Residential zones south of Johnston Road and Wan Chai Road be at BHR 130mPD
 - d. Residential sites on both sides of Queen's Road East, except for R(C) sites, be at BHR 130mPD, and
 - e. Residential zones adjacent to western part of Kennedy Road at BHR 150mPD. This has considered the relative high level of the sites in this area.

This profile together with the higher BHRs for the landmark development, “O” sites and G/IC sites with lower BHRs will create a more interesting urban built form. The more relaxed BHR’s provide flexibility in design and would result in a more interesting skyline. Not all buildings would develop up to the maximum permitted BH under these restrictions, whereas they would more likely be restricted under the lower BHR. Also this level of restriction would prevent out of context tall buildings while providing scope for the inclusion of sky gardens, building perforation and a much more varied form of building development. The more varied building heights would likely facilitate downwash for better air ventilation.

11 Rezoning C(4) site to “O”

- 11.1 This is to address the severe deficit of the open space provision in H5 and it is the most effective way to improve air ventilation and improve the living/working environment of Wan Chai (see para 9 above).

12 A Summary of Proposals related to OZP No. 28

- 12.1 A summary of the Proposals/Proposed BHRs for the Amendment Items on OZP No. 28 is shown in **Table 2**

Table 2: A summary of the Proposals for the Amendment Items on OZP No. 28

Amendment Item on Plan, OZP No. 28	Proposals/ Proposed BHRs (Note 1)
B	Rezone C(4) to “O”
C	150mPD
D	150mPD
E1	130mPD
E2	150mPD
E4	130mPD

Note 1 Any sites with valid approved GBPs exceeding the general BHR should have the approved building height included on the OZP.

13 Proposals related to Amendments made to OZP No. 26

BHR of 110mPD “C” sites and other sites should be relaxed

- 13.1 It follows from Para 10.3 (a), the “C” sites bounded by Tonnochy Road / Hennessy

Road / Percival Street / Gloucester Road are currently subject to BHR of 110mPD are proposed to be rezoned as OU(MU) or remained as "C" of BHR 135mPD. This is related to Item B1 which covered a very large area.

- 13.2 The BHRs of many sites should also be relaxed in accordance with Para.10.3 and as shown in **Table 3** below.

Deletion of Setbacks

- 13.3 To respect private property rights, all SB requirements should be deleted.
- 13.4 **Table 3** is a summary of the proposals for the Amendment Items on OZP No. 26

Table 3: A summary of the Proposals for the Amendments on OZP No. 26

Amendments OZP No. 26	Proposed BHRs/Proposal (Note 1)
B1	Part of this item, i.e. sites bounded by Tonnochy Road / Hennessy Road / Percival Street / Gloucester Road to be rezoned to OU(MU) or remain as "C", but with BHR 135mPD
B2	130mPD
B3	150mPD
D, E, F, G, H	130mPD
J2	Rezone the site to "O"
M	150mPD
P	150mPD
(e)	Delete all SBs

Note 1 Any sites with valid approved GBPs exceeding the general BHR should have the approved building height included on the OZP.

14 Proposals included in R34

- 14.1 The proposals included in R34 related to "Relaxation Scheme", "Provision for Dedication of Land" and "The Wording of the Minor Relaxation Clause" also form part of this representation. Please refer to paras. 4.2, 4.3 and 4.8 of **Attachment 1**. These should also be considered as reasonable proposals to encourage development of a better and more sustainable urban environment.

VI CONCLUSIONS

15 Conclusions

- 15.1 The H5 OZP No. 26 had imposed extensive development restrictions on sites in the planning area. The restrictions had gone much further than is necessary to achieve the planning objective stated in Explanatory Statement. While some relaxation of BHRs and deletion of NBAs and GBs have been proposed and shown on OZP No. 28, there are still apparent inadequacies in the review of the development restrictions as included in The TPB Paper, and some restrictions should be further relaxed.
- 15.2 R34 was submitted to the TPB in respect to OZP No. 26. The CFI has referred the whole OZP back for rehearing for the reasons summarised in this representation. The process undertaken by the TPB of not fully rehearing all the points raised in R34 is considered by REDA as being *incompliant* with the direction of the court. The reasons of that objection are still valid. REDA considers that it is a pragmatic way for the Board to consider the points raised in R34 together with this representation as they are closely interrelated. However, should that be not accepted then REDA requests that a separate rehearing of R34 be held as soon as possible and before any decision is made in relation to the amendments shown on OZP No. 28
- 15.3 The proposals put forward in Section V are for the better planning of Wan Chai. This submission is made in the broad interest of Hong Kong as a whole and in the interests of maintaining an efficient, fair and sustainable development system.

Appendix

Appendix A: Representation Items in relation to OZP No. 26

Attachments

Attachment 1:

Representation submitted by REDA to the TPB in respect to OZP No. 26, i.e. R34

Attachment 2:

Plan 6 attached to TPB Paper No. 10415

The Real Estate Developers Association of Hong Kong

4 July 2018

Appendix A: Representation Items in relation to OZP No. 26

This Appendix shows the amendments on OZP No.26. This representation objects to the items which are NOT crossed out.

SCHEDULE OF AMENDMENTS TO THE APPROVED WAN CHAI OUTLINE ZONING PLAN NO. S/H5/25 MADE BY THE TOWN PLANNING BOARD UNDER THE TOWN PLANNING ORDINANCE (Chapter 131)

I. Amendments to Matters shown on the Plan

- Item A – Stipulation of building height restrictions for the “Commercial” (“C”), “Commercial(1)” (“C(1)”), “Commercial(2)” (“C(2)”), “Commercial(3)” (“C(3)”), “Commercial(4)” (“C(4)”), “Commercial(5)” (“C(5)”), “Commercial(6)” (“C(6)”), “Residential (Group A)” (“R(A)”), “Residential (Group A)1” (“R(A)1”), “Residential (Group A)2” (“R(A)2”), “Residential (Group A)3” (“R(A)3”), “Residential (Group A)4” (“R(A)4”), “Residential (Group A)5” (“R(A)5”), “Residential (Group A)6” (“R(A)6”), “Residential (Group B)” (“R(B)”), “Government, Institution or Community” (“G/IC”) and “Other Specified Uses” (“OU”) zones.
- Item B1 – Rezoning of the “Commercial/Residential” (“C/R”) sites in the area to the north of Johnston Road/Hennessy Road and in the area to the east of Canal Road East to “C” and stipulating building height restrictions for the zone.
- Item B2 – Rezoning of the “C/R” sites in the area generally bounded by Wan Chai Road, Morrison Hill Road and Oi Kwan Road to “R(A)” and stipulating building height restriction for the zone.
- Item B3 – Rezoning of the “C/R” sites in the area bounded by Johnston Road/Hennessy Road, Canal Road West, Leighton Road, Morrison Hill Road and Wan Chai Road to “OU” annotated “Mixed Use” and stipulating building height restriction for the zone.
- Item C – Rezoning of a site occupied by Harcourt House and a portion of Mass Mutual Tower at Gloucester Road from “G/IC” to “C” and stipulating building height restriction for the zone.
- Item D – Rezoning of a site occupied by Li Chit Garden at 1 Li Chit Street from “G/IC” to “R(A)3” and stipulating building height restriction for the zone.
- Item E – Rezoning of a site occupied by No. 1 Star Street at 1 Star Street from “G/IC” to “R(A)4” and stipulating building height restriction for the zone.
- Item F – Rezoning of a site occupied by Hong Fook Building at 11-17 Kennedy Street from “G/IC” to “R(A)” and stipulating building height restriction for the zone.
- Item G – Rezoning of a site occupied by Oi Kwan Court at 28 Oi Kwan Road from “G/IC” to “R(A)5” and stipulating building height restriction for the zone.
- Item H – Rezoning of a site occupied by Connaught Commercial Building at 185 Wan Chai Road from “G/IC” to “R(A)6” and stipulating building height restriction for the zone.

- Item J1 – Rezoning of a site occupied by Wan Chai Police Station at 123 Gloucester Road from “G/IC” to “OU” annotated “Historical Building Preserved for Hotel, Commercial, Community and/or Cultural Uses” and stipulating building height restriction for the zone.
- Item J2 – Rezoning of a site occupied by Wan Chai Police Married Quarters at 219-227 Lockhart Road from “G/IC” to “C(4)” and stipulating building height restriction for the zone.
- Item K – Rezoning of a site occupied by Hung Shing Temple at 129-131 Queen’s Road East from “R(A)” to “G/IC” and stipulating building height restriction for the zone.
- Item L – Rezoning of a site occupied by Southorn Centre at 130 Hennessy Road, Southorn Garden at 2 O’Brien Road and Southorn Stadium at 111 Johnston Road from “G/IC” to “OU” annotated “Residential cum Commercial, Government Offices and Community Facilities” and stipulating building height restrictions for the zone.
- Item M – Rezoning of a site occupied by QRE Plaza at 202 Queen’s Road East from “Open Space” (“O”) to “C(3)” and stipulating building height restriction for the zone.
- ~~Item N – Rezoning of a site occupied by the existing elevated walkway connecting QRE Plaza and Hopewell Centre at Queen’s Road East from an area shown as ‘Road’ to “OU” annotated “Elevated Walkway”.~~
- Item P – Rezoning of a site occupied by Hopewell Centre at 183 Queen’s Road East/17 Kennedy Road from “R(A)” to “C(5)” and stipulating building height restriction for the zone.
- ~~Item Q – Rezoning of a portion of Wan Chai Park at Queen’s Road East from “G/IC” to “O”.~~
- ~~Item R – Rezoning of Tak Yan Street Children’s Playground at Tak Yan Street from “G/IC” and “C/R” to “O”.~~
- ~~Item S – Rezoning of Wing Ning Street Sitting out Area at Wing Ning Street from “C/R” to “O”.~~
- Items T1 – Rezoning of a site occupied by Three Pacific Place at 1 Queen’s Road East from “R(A)” to “C(6)” and stipulating building height restriction for the zone and to rezone the adjoining Monmouth Path/Star Street from “R(A)” to an area shown as ‘Road’.
- ~~Item U1 – Designation of non-building areas at the Wan Chai Police Station site and the Wan Chai Police Married Quarters site.~~
- ~~Item U2 – Demarcation of strips of land within Lockhart Road Municipal Services Building, Hennessy Road Government Primary School, and 93-99 and 101 Wan Chai Road sites subject to maximum building height of 19mPD.~~
- ~~Item U3 – Designation of a non-building area at the Lady Trench Training Centre site at Tak Yan Street/Oi Kwan Road.~~

~~Item V Rezoning of the existing Oi Kwan Road, Sung Tak Street, Sung Yin Lane, Salvation Army Street, Shiu Kin Lane, a portion of Wood Road, a portion of Wing Cheung Street, a portion of Yat Sin Street and a portion of Tak Yan Street from "G/IC" to areas shown as "Road".~~

II. Amendments to the Notes of the Plan

(a) Incorporation of building height restrictions and a minor relaxation clause for such restrictions in the Remarks of the Notes of the "C", "C(1)" to "C(6)", "R(A)", "R(A)1" to "R(A)6", "R(B)", "G/IC" and "OU" zones.

~~(b) Deletion of the set of Notes for the "C/R" zone.~~

(c) Incorporation of maximum plot ratio/gross floor area restrictions and a minor relaxation clause for the restrictions in the Remarks of the Notes for the "C(4)" and "OU" annotated "Residential cum Commercial, Government Offices and Community Facilities" zones.

(d) Incorporation of minimum area/gross floor area restrictions for the provision of public open space and/or Government, institution or community (GIC) facilities, and a minor relaxation clause for the total gross floor area of GIC facilities in the Remarks of the Notes for the "C(6)" and "R(A)3" to "R(A)6" zones.

(e) Incorporation of setback requirements for the "C(1)" zone fronting Yen Wah Steps, various sites within the "R(A)" zone fronting Anton Street, Wing Fung Street, Greeson Street, a section of St. Francis Street between Queen's Road East and St. Francis Yard, a section of Spring Garden Lane between Johnston Road and Queen's Road East and Tai Yuen Street, two sites within the "R(B)" zone fronting Yen Wah Steps, and a site within the "G/IC" zone fronting Anton Street, and a minor relaxation clause for such restrictions in the Remarks of the Notes for the respective zones.

(f) Incorporation of minor relaxation clause for the non-building area restriction in the Remarks of the Notes for the "C(4)", "G/IC" zones in respect of the Lockhart Road Municipal Services Building, Hennessy Road Government Primary School and Lady Trench Training Centre sites, "R(A)" in respect of the sites at 93-99 and 101 Wan Chai Road, and "OU" annotated "Historical Building Preserved for Hotel, Commercial, Community and/or Cultural Uses" zones.

~~(g) Incorporation of a clause to disregard basement floors in determining number of storeys in the Remarks of the Notes for the relevant "G/IC" and "OU" zones.~~

(h) Incorporation of separate Notes for the "OU" annotated "Mixed Use", "Petrol Filling Station", "Historical Building Preserved for Cultural and Community Uses", "Historical Building Preserved for Hotel, Commercial, Community and/or Cultural Uses", "Residential cum Commercial, Government Offices and Community Facilities" and "Elevated Walkway" zones.



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18 November 2010

By fax and mail

The Secretary
Town Planning Board
15 Floor, North Point Government Offices
333 Java Road
North Point
Hong Kong

Dear Sirs

**Representations in Relation to the
Amendments to the Approved Wan Chai Outline Zoning Plan
(Amendments shown on Plan No. S/H5/26)**

We refer to the proposed amendments to the Approved Wan Chai Outline Zoning Plan which have been shown on the Draft Outline Zoning Plan No. S/H5/26 gazetted on the 24 September 2010.

We hereby submit Representations to the Amendments under Section 6(1) of the Town Planning Ordinance. The reasons for the Representations are included in the paper attached to this letter. We retain the right to provide additional information in support of this Representation and to raise additional points, if necessary.

Yours sincerely

Louis Loong
Secretary General



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Representations in Relation to the Amendments shown on the Approved Wan Chai Outline Zoning Plan, Plan No. S/H5/26 -- The Real Estate Developers Association of Hong Kong ("RED A")

1. Representor

- 1.1 This Representation is lodged on behalf of The Real Estate Developers Association of Hong Kong (RED A). It addresses the principles which have been applied in relation to the building height restrictions, gross floor area (GFA) restrictions setback requirements and Non-building Areas (NBAs) and other associated matters included as amendments in the Draft Wan Chai Outline Zoning Plan, No. S/H5/26 (the OZP).

2. Representation in Opposition

- 2.1 This Representation relates to general matters applicable to a wide range of issues which arise because of the inclusion of the height limits, NBAs and other restrictions in the amendments shown on the OZP. In other words, this representation objects to ALL items, except for Items N, Q, R, S and V, shown on the Plan. The representation also objects to (a), (c), (d), (e), (f) and (h) of Amendments to the Notes of the Plan.
- 2.2 This submission is made in the broad interests of Hong Kong as a whole and in the interests of maintaining an efficient, fair and sustainable urban development system.

3. Basis for this Representation

The reasons for this Representation are provided in the following paragraphs.

3.1 Building Height Restrictions Set Too Low

Lack of Flexibility for Innovative and Quality Design

- 3.1.1 RED A as a general principle opposes to the setting of building height restrictions at levels which are so low as to unnecessarily constrain the provision of good quality development for the people of Hong Kong. This objective can only be achieved by providing flexibility for the design of developments which provide good internal space for people to live in and work in, with sufficient internal headroom. There also needs to be flexibility for changing requirements over time and scope to meet market expectations.



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Development History and Pattern

- 3.1.2 However, there is no clearly expressed concept of the objectives targeted to be achieved through the establishment of the height limits and no discussion of alternative measures which may achieve the same objectives. This is particularly relevant given the development history and pattern of Wan Chai (including Wan Chai North Planning Area). It would appear that the objective has been to limit new buildings to about 30-32 storeys which is considered too low given the present character of Wan Chai.
- 3.1.3 The original coastal line of Wan Chai was in the vicinity of Queen's Road East and Wan Chai Road. Over the century, Wan Chai has undergone several stages of reclamation. To the south of Queen's Road East, the topography is generally steep, while to the north of the road, the land is generally flat. The general development pattern is the newer and taller buildings being located near the Victoria Harbour and smaller older buildings in the inland area, though in the last two decades some of these older buildings have been redeveloped, thereby kick-starting a gradual transformation of the inland area.
- 3.1.4 In the Wan Chai North Planning Area, many buildings are in the range of 170mPD to 200mPD, the tallest one being over 290mPD. The development pattern and the topography have generally made the Wan Chai Planning Area a canyon. The current building height restrictions proposed in Plan No. S/H5/26 considered so low that they will further impact on the urban environment, particularly the area on both sides of Queen's Road East. A general increase in the height bands by, say 10m to 20m to permit buildings of around 40 storeys, would provide for better urban design and achieve the height restriction objectives.

Dense Urban Area with Severe Open Space Deficit

- 3.1.5 Wan Chai Planning Area is a densely developed urban area, with a planned population of about 83,540. Yet, the land zoned "Open Space" is only 3.95 ha¹, among which many are very small land parcels. The amount is substantially less than 16.7 ha, the requirement based on Hong Kong Planning Standards and Guidelines (HKPSG) which is 2sqm open space per person.

Good Design of Tall Developments helps Address the Severe Open Space Deficit

¹ Even including the public space of about 0.63ha provided within the commercial and residential zones, the total open space provision is only 4.58ha.



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- 3.1.6 Three Pacific Place (177.8mPD), Times Square (173.6/198.2mPD) and Hopewell Centre (220mPD) are the relatively taller buildings within the Planning Area. These developments provide substantial ground floor public open space/ landscaped area². These tall buildings accommodate the floor area up in the air space thereby providing significant quality ground floor space for pedestrians. They help ease the severe open space deficit in the area.

Different Building Heights make Little Difference to Air Ventilation

- 3.1.7 The Expert Evaluation Report for Air Ventilation Assessment³ (EE Report) for the Wan Chai Area states the air ventilation principles. The first principle (Para. 6.1.4 of the EE Report) is quoted below:

"Firstly, given Hong Kong's tall building urban morphology, beyond a certain absolute building height (as related to the building height to street ratio (H/W), or in the order of say 80m+high even a street width of say 25m), the heights of building cease to be the key consideration factor for air ventilation at pedestrian level. There is small material difference between building heights of 110mPD and 130mPD from air ventilation point of view, taking into consideration the width of the same street."

Except for the G/IC sites, most of the development zones have been imposed with a height restriction which allows a building height taller than 80m. As development rights need to be protected, it is not possible to lower the building height below 80m to accommodate the permitted GFA. Therefore, the building height restrictions fail to achieve air ventilation purpose to a reasonable extent.

Gaps, Air Paths, Open spaces and Green Areas are More Important

- 3.1.8 The second principle of air ventilation reiterates that building height is not a key consideration, but gaps are. In Para 6.15 the EE Report states:

"Secondly, given that buildings are tall, the street canyons are deep, changing building heights a little bit one way or another would not matter air ventilation that much. ... the most effective way to improve air ventilation is to introduce building gaps. In addition, designing air ventilation not from above the buildings, but from the sides is a useful

² Three Pacific Place and Times Square contribute 1,650sqm and 3,017sqm public open space respectively; while Hopewell Centre provides 870sqm public landscaped area.

³ The EE Report is attached as Attachment VII of the MPC Paper No. 17/10 which discusses the Proposed Amendments to the Approved Wan Chai Outline Zoning Plan No. S/H5/25.



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strategy. The provision of connected air paths, open spaces, green areas, non-building area, building setbacks and so on are far more effective to improve air ventilation at the pedestrian levels."

- 3.1.9 However, it is clear that without a reasonable building height to accommodate the GFA, the sides cannot be freed up for gaps, nor the ground floor be used as open space or green area.

Violation of Principles laid down by the Air Ventilation Report

- 3.1.10 The imposition of the building height restrictions violates the advice of the EE Report. Firstly, the different building heights do not matter much for Wan Chai from the air ventilation perspective. The restrictions will in effect push floor space down, thereby reducing the opportunities for providing gaps as suggested by the second principle. Thirdly, the restrictions impose low and uniform heights over large areas. This violates the third principle of the Report which states that (Para 6.16 of the EE Report)

"Thirdly, as a principle, for air ventilation, a variation of building heights in close proximity is preferred as it can create pressure differences and they can also encourage some downwashes, diffusions and mixing of air. ..."

- 3.1.11 The very likely effect of height restrictions which are set too low is that all developments will be built to the maximum allowable height, resulting in a flat profile, making downwashes impossible.

Strategic advice of the EE Report

- 3.1.12 The fourth principle of the EE Report provides strategic advice which is worth noting (Para 6.1.7 of the EE Report):

"Fourthly, given that there are tall developments of a certain density and building volume, for air ventilation, it is strategically advisable:

- (a) to allow as much air space as possible for the development to maneuver flexibly. ...*
- (b) to designate non-building areas parallel to the incoming prevailing winds, thus forming air paths. ...*
- (c) to perforate the building towers and the podium, especially at the lower level (say around to 30m), so that useful AV could be optimized at the pedestrian level; and*
- (d) to maximize greeneries."*



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Visual Considerations

- 3.1.13 It is noted that visual consideration is one of the reasons for imposing building height restrictions. When viewed from Kowloon, a number of buildings in Wan Chai North Planning Area have already exceeded the 20% building-free zone of the ridgeline or even breached the ridgeline. Also, given the inland location of the Wan Chai Planning Area and the tall buildings near the Harbour, both Three Pacific Place and Times Square are of reasonable heights when viewed from the key vantage points of the Hong Kong Cultural Centre and the West Kowloon Cultural District (Please see Plans 3A and 3B of the MPC Paper No. 17/10).
- 3.1.14 When viewed from the higher vantage points on the Hong Kong Island, these two buildings are both of reasonable scale viewed from the Lion Pavilion, the Peak and the Stubbs Road Lookout. (Please see Plans 3C and 3D of the MPC Paper No. 17/10).
- 3.1.15 Taking into account the significant benefits of providing pedestrian comfort in the dense urban area and the acceptable visual effects viewed from the identified key vantage points, it is considered that both buildings are exemplary developments which show that taller buildings with proper design can open up the dense urban area and help improve the microclimate.

Need for Reasonable Building Height

- 3.1.16 In short, there is a need to ensure that buildings are not restricted to unreasonably low heights, as these will result in bulky buildings forming walls of development which block air flows, light and views. Buildings which are taller and more slender provide these features by allowing the creation of space around the buildings at ground level and in the air. The approach taken to set the height restrictions at such low levels is unnecessary if a more reasonable approach to urban design had been adopted.

3.2 Little attempt to address the Severe Open Space Deficit

- 3.2.1 The proposed amendments have not attempted to address the severe open space shortfall in the Planning Area. As the Planning Area is fully developed, opportunities for adding open space to the area rely heavily on unused government sites. The demolition of the Wan Chai Police Married Quarters is a good chance to convert the site into a public open space to address the shortfall and add greeneries to the densely packed area. Yet, a commercial zone is proposed for the site.



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3.2.2 As a principle, REDA considers that the Board should retain any public land in intensely developed areas for open space and G/IC use so as to avoid the need to provide such uses in private land or through resumption of private land. A long term view of sustainable development should be applied and provision of open space on public land should be given a high priority.

3.3 No Public Consultation

3.3.1 The building height and GFA restrictions, NBAs as well as setback requirements, have been imposed on the OZP without any prior public consultation. There has been no opportunity for the public, including the development industry, to be informed as to the justification for the need of the restrictions. There has also been no explanation given to the public as to the reasons why the particular height limits, NBAs, setback requirements and/or GFA restrictions imposed have been adopted. There has been no visual impact analysis made available to the public which indicates what the vision is for the long term development of the Planning Area.

3.3.2 It is strongly suggested that the PlanD should carry out planning study for the Planning Area as in the case of Wong Chuk Hang and Kowloon Bay Business Districts. PlanD should present the public with the visual impact assessment and diagrams for consultation, in order that owners, stakeholders and the public can be informed of the implication of the height restrictions and other amendments and submit their comments as appropriate.

3.4 Non-Building Area

3.4.1 A number of NBAs are introduced to "Residential (Group A)" ("R(A)"), "Commercial", "Government, Institution or Community" ("G/IC") and "Other Specified Uses" ("OU") zones for air ventilation purposes, under the proposed amendments. Sections 3 and 4 of the Town Planning Ordinance provide that:

- (a) the Town Planning Board (TPB), in the exercise of its duty to prepare draft plans for the "future lay-out" of such existing and potential urban areas as the Chief Executive may direct, may make provision only by way of those matters specifically mentioned in section 4(1); and
- (b) the TPB may also prepare plans "for the types of building suitable for erection therein" pursuant to section 3(1).



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- 3.4.2 NBAs do not appear to fall into either category. They are not included as the "lay-out" of an area in section 4(1). Nor can they fall into the "types of building" category in section 3(1) since by definition what is being provided for in NBAs is no building at all. It is therefore difficult to see what statutory basis there is for them.
- 3.4.3 The objective of ensuring "gaps" between buildings in appropriate places can be achieved within the existing framework of section 4(1) pursuant to which the TPB may make provision for (inter alia) open spaces, parks, and streets. It therefore appears to be no justification for an additional category of NBA.
- 3.4.4 Further, it is arguable that the term "NBA" is liable to cause uncertainty and confusion:

- (a) as the same term is used with very specific meaning in the context of lease provisions; and
- (b) the implication of "NBA" under the Buildings Ordinance, in particular on site coverage and plot ratio calculations, is unclear.

3.5 Spot Zoning Approach Inconsistent with the Town Planning Ordinance

3.5.1 REDA objects to the way in which the BHRs have been introduced to Wan Chai OZP:

- (a) while broad height bands are a permissible form of planning control in appropriate situation, it is much more desirable to have a variety of building heights in places such as Wan Chai, to achieve a more interesting urban-scape and to accommodate different types of uses and take into account the characteristics of the area;
- (b) the "Spot" BHRs imposed on some sites are overly restrictive preventing creativity or innovative building design and limits the ability of the industry to respond to a changing market. They unreasonably confine the form of any future building to the form of the existing building forever.
- (c) excessively low building height restrictions will discourage private sector initiative to undertake urban renewal projects in the area.

3.5.2 REDA is of the view that "Spot" BHRs are not permitted under the TPO, for the following reasons -



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- (a) Specific BHRs on individual sites constitutes a form of "spot zoning", which is not permitted by sections 3 and 4 of the Town Planning Ordinance which requires a "broad brush" approach, as is emphasized by the title "Outline Zoning Plan".
 - (b) Sections 3 and 4 of the TPO as mentioned in paragraph 3.4.1 above limit the planning actions of the TPB to types of buildings and exclude detailed matters such as "Spot" building height restrictions.
- 3.5.3 A "broad-brush" approach may have been applied through the imposition of broad height bands in some parts of the Plan, but there are sites where this approach has not been applied. Such "spot" building height restrictions are therefore inappropriate and unlawful, and should be withdrawn.
- 3.5.4 There is no indication that in formulation the building height restrictions any consideration has been given to the economic impact of these restrictions and on the objective of maintaining Hong Kong as a major international financial centre.
- 3.5.5 The Explanatory Statement in paragraph 3 indicates that "The Plan is to illustrate the broad principles of development within the Area". The principle of establishing broad statutory controls with similar characteristics has not been consistently followed in relation to the OZP. The approach has been to be unnecessarily restrictive, and to impose height limits to some of the existing developments in a very restrictive manner.
- 3.5.6 This can be seen in Amendment Item A where different building height restrictions have been imposed on some sites to constrain development to the existing form of the building. This applies in the C and C(2) zones and in the G/IC zones.
- 3.5.7 The Explanatory Statement in paragraph 3 indicates that "The Plan is to illustrate the broad principles of development within the Area". The principle of establishing broad statutory zones with similar characteristics has been largely abandoned in relation to the OZP. The approach has been to be unnecessarily restrictive, and to impose height and GFA limits to the existing development in a very restrictive manner.
- 3.5.8 This can be seen in Amendment Items D, E, G, H, J2, M, P T1 and U2 etc., where an enormous number of sub-areas with their own individual restrictions have been proposed. The designation of NBAs and setback requirements in a number of sites as listed in Items U1, U3 and (e) also violates the broad principles of planning and could be considered to be a form of "Spot Zoning".



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- 3.5.9 The approach is inconsistent with good town planning practice and could be considered inconsistent with the Town Planning Ordinance in relation to the content and application of statutory plans.

3.6 Building Gaps and Set-backs

- 3.6.1 REDA is opposed to the provision of requirements for set-backs on the Outline Zoning Plans as this runs contrary to the scale and generality of what are intended to be broad brush plans determining types of buildings and permitted uses. REDA considers that the use of the Outline Zoning Plan for this purpose is going way beyond the intention of town planning as provisions for road widening are covered by other ordinances such as the Buildings Ordinance and the Roads (Works Use and Compensation) Ordinance. These other ordinances provide means for compensating private land owners for the loss of their land for a public purpose. The use of the Outline Zoning Plan for these purposes is considered wrong and may be subject to legal challenge.

- 3.6.2 Furthermore, the Outline Zoning Plan does not justify the set backs and building gaps in terms of providing public passage, but in terms of providing "air paths" through these roads" (Explanatory Statement para. 7.12). There is no legal recognition of the provision of set-backs for "air paths" as being a public purpose for which private land could be taken. It is therefore considered inappropriate and may be subject to legal challenge.

- 3.6.3 Furthermore, there is no provision in the Wan Chai Outline Zoning Plan for any plot ratio restriction to be exceeded as defined in Building (Planning) Regulation 22(1) or (2) despite this being a standard provision in many Outline Zoning Plans. There is also no statement in the Notes or Explanatory Statement indicating that the private land taken for set-backs is for public passage and that it may be considered by the Building Authority for bonus gross floor area in accordance with normal practice.

- 3.6.4 The combined effect of these set-back requirements is the taking away of private land without compensation or resumption and without adequate grounds for justifying them as a recognized public purpose. In these circumstances REDA requests that all set-back requirements be removed from the Outline Zoning Plan.

3.7 The "Commercial/Residential" ("C/R") Zone

- 3.7.1 REDA objects in principle to the removal of the "C/R" zone which provides flexibility and vibrant form of development, and has facilitated the



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redevelopment of Wan Chai into an important extension of the Central Business District. Many other cities are encouraging mixed use development and there is no real need for the C/R zone to be deleted. (Amendment Items B1, B2, and B3).

- 3.7.2 With the proposed amendments, large areas of Wan Chai have been zoned for either "C" or "R(A)" and the planning intention for these zones is dominated by the main permitted uses rather than for a mixture of uses. It is considered that these planning intentions are inappropriate for many of the areas over which they are now zoned. The retention of the C/R zoning would have been more appropriate and the Board is requested to reinstate it.
- 3.7.3 The argument that the C/R zone is problematic in terms of the unknown potential loading associated with this zoning on infrastructure is not proven or subject to any study in relation to the Plan. Government should undertake the necessary planning for infrastructure based on the worst case scenario. The C/R zone has served Hong Kong well and there is no documented information to support the removal of this zoning. There is a need for flexibility so that within certain known parameters the market can decide the use, and the C/R zoning will provide the necessary flexibility. Too rigid zoning will only reduce the desirable flexibility. The retention of C/R zoning will also respect existing property rights.
- 3.7.4 REDA also objects to the introduction of the "Other Specified Use" zone annotated "Mixed Use" (OU(MU)). This zone has been introduced without any consultation with landowners or with the development industry. The OU(MU) zone appears to not adequately provide flexibility of development. There appears to be little room for change and the application of the three Schedules in the Notes and the uses is confusing and unclear. The zoning as drafted creates a lot of uncertainty and the extent of flexibility given by the new zoning is unclear. The sole purpose of OU(MU) appears to be the freezing of the existing use and preventing good future development.
- 3.7.5 However, should the Board decide not to reinstate the C/R zoning, and should it be demonstrated that this new zone has the desired flexibility and that the controls facilitate this flexibility, it is suggested that more extensive use be made of the new "Other Specified Uses" annotated "Mixed Use" (OU(MU)) zone. For example, this zoning could be applied to such areas as the R(A) zone along the western site of Morrison Hill Road and the southern side of Wan Chai Road. It may also be appropriate for the area between Stewart Road and Percival Street. These mixed use areas form part of the character of Wan Chai.



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4. Proposals to Meet the Representation

Building Height Restrictions

- 4.1 The Building Height Restrictions must be reviewed to take into account the strategic advice of the EE Report listed in Para. 3.1.12 above to make use of the air space as much as possible. Yet, to balance the visual concerns, generally 130mPD and 150mPD restrictions could be applied to area north and south of Hennessy Road respectively, except for the taller existing and committed developments and G/IC sites. These relaxed height restrictions will result in developments of varying heights to allow for downwashes and a more interesting skyline. More relaxed height limits should be considered, for example, for sites at or near transport nodes to free up more ground level space for pedestrians.

Relaxation Scheme

- 4.2 A relaxation or incentive scheme should be considered to encourage amalgamation of small sites for development/redevelopment of quality and well-designed commercial/office buildings at suitable locations to improve visual and air permeability, streetscape and pedestrian environment to have more relaxed heights. **Such scheme can be applicable to large sites, say not less than 1,500sqm, in Commercial zones.** A relaxation clause in respect of the building height restrictions should be incorporated into the Notes for the Commercial zones so that relaxation of building height restrictions may be considered by the Town Planning Board on application under Section 16 of the Town Planning Ordinance for sites with an area not less than 1,500sqm on individual merits. The Relaxation Scheme adopted by the Board in relation to the Tsim Sha Tsui Outline Zoning Plan should also be applicable to the "C" zone and the "OU(MU)" in the Wan Chai Outline Zoning Plan so as to provide an incentive for innovative design and improvement to the general urban environment.

Provision for Dedication of Land

- 4.3 A standard clause allowing for permitted plot ratio to be exceeded as defined in Building (Planning) Regulation ("B(P)R") 22(1) or (2) which allows for additional GFA for the area dedicated for public passage, etc., should also be included for all relevant development zones, as in most other Outline Zoning Plans.



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Rezoning Public Land for Open Space

- 4.4 The Wan Chai Police Married Quarters should be zoned "Open Space" to help address the severe open space deficit in the Planning Area.

Removal of Spot Zoning

- 4.5 The Board should adopt a more rational and generalized approach to the zoning by reviewing the numerous 'sub-areas' included in the "R(A)" and "Commercial" zones and consolidating them into a small number of broader zones with similar controls on building height and development potential.

Deletion of Non Building Areas

- 4.6 The legal basis for the imposition of the NBA is questionable. It is proposed that the requirement for NBAs be deleted and more suitable zoning such as "Open Space" be used to provide the desired gaps. The words "exceptional circumstances" should be removed from the relevant Notes to the "C", "G/IC" and OU(Historical Building Preserved for Hotel, Commercial, Community and/or Cultural Uses)" zones should it be decided to retain NBA.

Deletion of Set Backs

- 4.7 All set-backs should be deleted from the Outline Zoning Plan.

The Wording of the Minor Relaxation Clause should be Amended

- 4.8 Minor relaxation of all restrictions or requirements should be considered based on "individual merits" instead of "under exceptional circumstances". The wording should be amended accordingly.

5. Conclusion

- 5.1 The building height restrictions imposed on the OZP go way further than is necessary to achieve the stated objectives in the Explanatory Statement. Incentive should be provided to encourage good development design that benefits the public. The approach to the zoning by the introduction of numerous "sub-areas" is considered to be fundamentally against the broad zoning approach which is consistent with treating private property rights in a generalised, fair and consistent manner. Unused government sites should be converted into public open space to address the severe deficit in the Planning Area. The imposition of set-backs and non-building areas on private land



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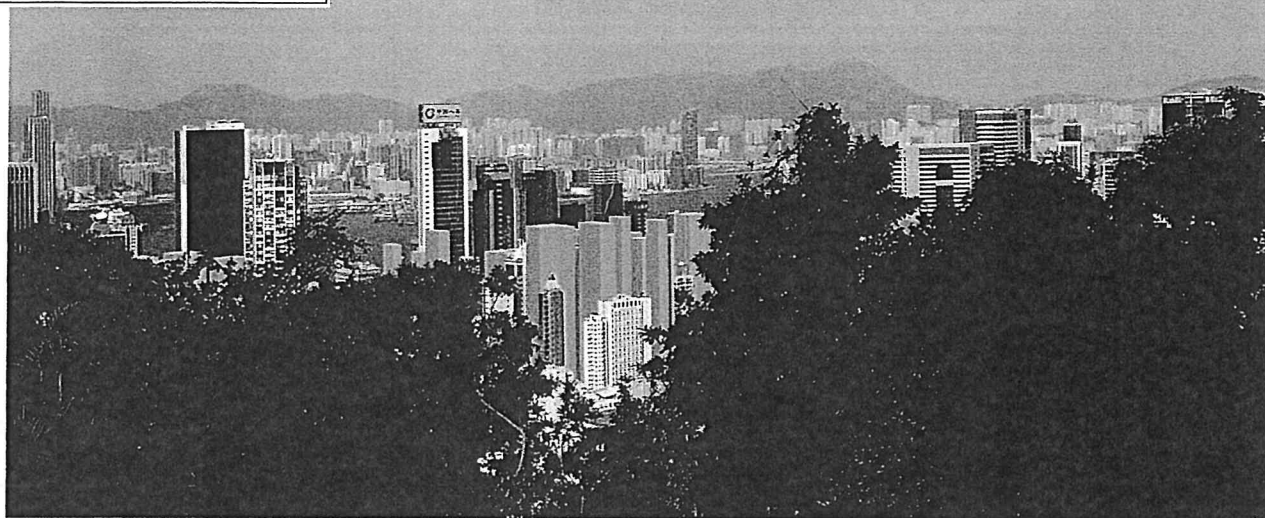
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without compensation is considered an improper use of the Town Planning Ordinance.

- 5.2 The proposed amendments on the Wan Chai Outline Zoning Plan are an unreasonable restriction on the use and development of private land and should be seriously reconsidered. The proposed controls will not result in a long term, better form of urban development for Wan Chai.



觀景點位置
LOCATION OF VIEWING POINT



商業 (在主水平基準上110米)
COMMERCIAL (110mPD)

其他指定用途 (混合用途) (在主水平基準上135米)
OTHER SPECIFIED USES (MIXED USE) (135mPD)



商業 (在主水平基準上135米)
COMMERCIAL (135mPD)

其他指定用途 (混合用途) (在主水平基準上135米)
OTHER SPECIFIED USES (MIXED USE) (135mPD)

灣仔區 WAN CHAI AREA

「商業」地帶及「其他指定用途 (混合用途)」地帶的合成照片
建築物高度限制在主水平基準上110米及135米的比較

PHOTOMONTAGES OF "C" AND "OU (MIXED USE)" SITES
COMPARISON OF BUILDING HEIGHT RESTRICTION OF 110mPD AND 135mPD

本圖於2018年4月3日製備，所根據的資料為攝於2017年10月30日的實地照片
PLAN PREPARED ON 3.4.2018 BASED ON SITE PHOTO TAKEN ON 30.10.2017

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/H5/18/3

圖 PLAN
6

TPB/R/S/H5/28-6

灣仔區議會

灣仔民政事務處

香港軒尼詩道一二〇號

修頓中心十一樓

電話：二八三五 一九八四

圖文傳真：二八三四 九六六七



WAN CHAI DISTRICT COUNCIL

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(傳真文件)

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城市規劃委員會秘書

胡潔貞女士

(傳真編碼：2877 0245 / 2522 8426)

胡女士：

《灣仔分區計劃大綱草圖編號 S/H5/28》所收納的修訂項目

規劃署港島規劃專員曾於 2018 年 6 月 5 日舉行的灣仔區議會屬下發展、規劃及交通委員會第十六次會議上，向委員簡介 貴委員會對《灣仔分區計劃大綱草圖編號 S/H5/28》(下稱“大綱圖”)作出的修訂項目，並諮詢各委員的意見。

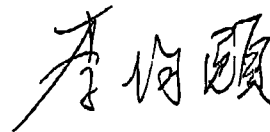
在會議上，多名委員對 貴委員會把大綱圖內的多個地帶放寬建築物高度限制表示非常關注，認為上述修訂會加快區內的收購和重建，增加灣仔區內樓高多層的大廈，影響區內的景觀及空氣流通。委員亦指出，區內的交通配套不足，嚴重欠缺泊車位，憂慮放寬建築物高度限制後會大大增加區內的人流和車流，加劇區內的交通問題，影響居民的居住環境。此外，委員對 F1 及 F2 項修訂項目刪除建築用地要求表示關注，擔心舊灣仔警署與鄰近空置地盤進行合併發展，會使舊灣仔警署的活化變得過度商業化，並希望大綱圖的規劃能夠更加切合區內居民的需要。

最後，在席的李均頤議員、林偉文議員、周潔冰博士、伍婉婷議員、李文龍議員、李碧儀議員、黃宏泰議員、楊雪盈議員、鍾嘉敏議員、張朝敦博士、程莉元委員、伍國成委員及伍凱誠委員共 13 位委員表示反對 貴委員會是次就大綱圖的修訂項目，而在席的吳錦津議員及鄭其建議員共 2 位委員表示棄權。

本委員會現致函懇請 貴委員會在審議有關大綱圖的修訂項目時，慎重考慮議會提出的上述意見。

如需進一步資料，請致電 2835 1998 與發展、規劃及交通委員會秘書高展鴻先生聯絡。

灣仔區議會屬下
發展、規劃及交通委員會主席



(李均頤)

副本抄送：


規劃署署長

(傳真號碼：2116 0755)

運輸署署長

(傳真號碼：2824 0433)

2018年6月12日

寄件者: Clarisse Yeung <
 寄件日期: 04日07月2018年星期三 16:22
 收件者: tpbpd
 主旨: 就灣仔區分區規劃大綱草圖 (S/H5/28) 作申述

致 城市規劃委員會

各位委員：

就灣仔區分區規劃大綱草圖 (S/H5/28) 作申述

本人為灣仔區區議員，現欲就灣仔區分區規劃大綱草圖 (S/H5/28) 提出圖則修訂項目 A 至 G3 項以及就圖則《註釋》作出的修訂項目 A 至 E 項提出反對，原因如下：

一、本人對放寬灣仔大部份地段的建築物高度限制（修訂項目 A 至 E）的潛在影響表示憂慮，並對規劃署提出的修訂理據有所保留。

首先，放寬樓宇高度限制會加快物業清拆和重建，令原居居民無奈被迫遷。放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響，例如使地區樓價急升、居民被迫遷等問題。

此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。

規劃署沒有從人文角度考慮放寬建築物高度限制對居民的影響，確實令人失望。在諮詢區議會的文件裏，規劃署只提到放寬限制對山脊線的影響，卻並沒有提供高度放寬後的街道模擬圖，亦沒有使用天空視角系數（Sky View Factor）作為影響指標。規劃署提出的修訂理據顯然忽視重建後街道日照會被高樓遮擋的問題，令居民不能享有舒適的街道環境。

二、本人關注舊灣仔警署的保育，並憂慮該地的修訂（項目 F）會影響保育計劃。

規劃署將以私有化形式保育舊灣仔警署為規劃前設，針對舊灣仔警署附近地段修訂大綱草圖為重建鋪路，本人表示反對。灣仔區現時面對 GIC 用地和公共空間不足的問題，把 GIC 用地和商業用地作捆綁式發展，只會繼續剝削市民的空間權利，亦令人質疑保育成效。香港曾有政府用地以私有化形式保育，其成效卻備受爭議，例如 Heritage 1881，囍帖街等。

在設定規劃前設之前，規劃署應就當地需求先諮詢區議會，利用這些可再發展的土地來解決現有的社區問題，提供更多公共空間與灣仔區居民；而不是用作建設酒店、商業大樓牟利。

三、灣仔樓宇密度高，缺乏舒適居住環境，修訂項目只會令城市更加擠擁。

今區計劃大綱草圖並沒有迎合未來社區需要的前瞻。首先，通過放寬高度限制，大規模重建會增加商業用地的建築面積，原本劃為其他（混合用途）地段的舊式住宅亦有很大機會重建為商業樓宇，進一步加深住宅和商業用地不平衡所衍生的問題，例如交通負荷過重、使用者衝突等。其次，刪除大廈之間非建築用地要求會縮小公共空間，亦使通風受阻、減少日照，違反《規劃標準和準則》列明城市設計需為居民提供舒適居住環境的宗旨。

總括而言，本人反對灣仔區分區規劃大綱草圖提出的所有修訂，並質疑規劃署規劃背後的價值。灣仔區越來越多公共土地將被私有化，變成可圖利的建築物；而放寬建築高度限制為土地增加交換價值，顯然是助長圖利之舉。此外，規劃署沒有從用戶的角度考慮社區的需求和願望，新大綱草圖傾向地產發展而不是社區和諧，甚至違反規劃標準和準則，以保證發展商和土地所有者的利益。

本人謹此希望 閣下詳細考慮本人的申述，並將上述意見納入評估因素，以灣仔區居民的利益為依歸否決規劃大綱草圖。

灣仔區議員
楊雪盈 謹啟

二零一八年七月四日

寄件者:

寄件日期:

收件者:

主旨:

04日07月2018年星期三 20:33

tpbpd

AMENDMENTS TO THE DRAFT WAN CHAI OZP. S/H5/27

TPB/R/S/H5/28-8

Dear TPB Members,

SCHEDULE OF AMENDMENTS TO THE DRAFT WAN CHAI OUTLINE ZONING PLAN NO. S/H5/27 MADE BY THE TOWN PLANNING BOARD UNDER THE TOWN PLANNING ORDINANCE (Chapter 131)

I. Amendments to Matters shown on the Plan

Item A – Revision of the building height restriction for the “Commercial” (“C”) zones bounded by Johnston Road to the north and Tonnochy Road to the west, and the “C” zone bounded by Hennessy Road to the south and Percival Street to the west from 130mPD to 135mPD. **OBJECT**

Item B – Revision of the building height restriction for the “C(4)” zone at Jaffe Road/Lockhart Road from 80mPD to 110mPD. **OBJECT +37.5% increase**

Item C – Revision of the building height restriction for the sub-area (b) of the “C(6)” zone at Wing Fung Street from 120mPD to 135mPD. **OBJECT +12% increase**

Item D – Revision of the building height restriction for the “Other Specified Uses” annotated “Mixed Use” zones bounded by Wan Chai Road, Morrison Hill Road, Canal Road West and Hennessey Road from 110mPD to 135mPD. **OBJECT +22%**

Item E1 – Revision of the building height restriction for the “Residential (Group A)” (“R(A)”) zone to the south of Queen’s Road East from 100mPD to 110mPD. **OBJECT +10%**

Item E2 – Revision of the building height restriction for the “R(A)” zone at 21-23A Kennedy Road from 120mPD to 140mPD. **OBJECT +16%**

Item E3 – Revision of the building height restriction for the “Residential (Group B)” zone at Monmouth Terrace from 140mPD to 150mPD. **OBJECT + 8%**

Item E4 – Revision of the building height restriction for the “R(A)” zone and “R(A)5” zone at Oi Kwan Road from 90mPD to 110mPD. **OBJECT +21%**

Item F1 – Deletion of the non-building area requirement on the two sides of the “Other Specified Uses” annotated “Historical Building Preserved for Hotel, Commercial, Community and/or Cultural Uses” zone at Gloucester Road/Jaffe Road and stipulation of building height restriction of 4 storeys for the areas concerned. **OBJECT**

Item F2 – Deletion of the non-building area requirement on the two sides of the “C(4)” zone at Jaffe Road/Lockhart Road and stipulation of building height restriction of 110mPD for the areas concerned. **OBJECT**

Item G1 – Deletion of the building gap requirement on the two sides of the “Government, Institution or Community” (“G/IC”) zone of Lockhart Road Municipal Services Building at 225

Hennessy Road and revision of the building height restriction from 19mPD to 12 storeys for the areas concerned. **OBJECT**

Item G2 – Deletion of the building gap requirement on the side of the “G/IC” zone of Hennessy Road Government Primary School at 169 Thomson Road and revision of the building height restriction from 19mPD to 8 storeys for the area concerned. **OBJECT**

Item G3 – Deletion of the building gap requirement to the “R(A)” zone at parts of sites at 93-99 and 101 Wan Chai Road and revision of the building height restriction from **19mPD to 110mPD** for the area concerned. **OBJECT INCREASE X 6 TIMES**

According to the papers the current amendments **represent a proper balance between public interest and private development right**. Really?

It is quite obvious that they are pandering exclusively to the interest of developers to the detriment of the well being and good health of the general public.

While the courts have ruled in favour of the developers, their rights are not ABSOLUTE and the rights of the community must be respected. In fact the court ruling concerned procedural issues. TPB was asked to review the zonings but the court did not mandate that all sites in the district should have their heights increased by anything from 5 to 40%.

Moreover **PD has taken advantage of the court ruling** to increase the height of a number of buildings that were not subject to any proceedings. What is conveniently overlooked is the fact that the 2010 OZP greatly increased the heights of many existing buildings. Many statements are in fact contradictory to the proposed amendments:

In 2010, a comprehensive review on the building height (BH) of the entire Wan Chai OZP was conducted aiming to **achieve good urban form and to prevent excessively tall and out-of-context development**. Having considered the findings of the review and the proposed amendments on the OZP, the Board agreed to incorporate BHRs for the development zones including “Commercial” (“C”), “Residential (Group A)” (“R(A)”), “Residential (Group B)” (“R(B)”), “Government, Institution or Community” (“G/IC”) and relevant “Other Specific Uses” (“OU”) zones on the draft Wan Chai OZP No. S/H5/26 which was gazetted on 24.9.2010

2.3 Apart from BHRs, non-building area (NBA), setback (SB) and building gap (BG) requirements were designated on the OZP to **facilitate air ventilation along air corridors and creating air paths** (Plans 3 to 3H). Provision for minor relaxation of these development restrictions has been incorporated in the Notes.

So a few developers launched JRs and some religious groups whinged. The latter were shamelessly accommodated via subsequent OZP amendments.

The proposed amendments are presented as being ancillary to SBDG and imply that they preempt the requirements. However the OZP would not preclude developers from applying for additional ‘minor relaxations’ despite the significant increases in height laid out. Nor is there any guarantee that developers will join the scheme.

Implication of Sustainable Building Design Guidelines on Building Profile

3.1 SBDG was first promulgated through practice notes for building professionals issued by the Buildings Department in 2011. It establishes three key building design elements i.e. building separation, **building setback** and site coverage (SC) of greenery, with the objectives to achieve better air ventilation, enhance the environmental quality of living space, provide more greenery particularly at pedestrian level; and mitigate heat island effect. **Compliance with SBDG is one of the pre-requisites for granting GFA concessions** for

green/amenity features and non-mandatory/non-essential plant rooms and services by the Building Authority

3.4 In brief, amongst the three key building design elements under SBDG, the SC of greenery requirement is unlikely to have significant implication on the BH of a building as greenery can be provided within the setback area, at podium floors or in the form of vertical greening, etc. **The implementation of the building setback and building separation requirements may lead to a reduction in SC of the podium/lower floors of a building (at Low Zone (0-20m)) and the GFA so displaced has to be accommodated at the tower portion of the building, which would result in increase in the number of storeys and thus BH**

3.5 With assumptions set out in Annexes D2 and D3, a typical **commercial building will have a height ranging from 118m to 126m for incorporating building setback requirement** and from 122m to 130m for incorporating building setback cum separation requirements, whereas a composite building within “R(A)” zone (with the lowest three floors for non-residential use and upper portion for residential use) will **have a height ranging from 90m to 93m and from 93m to 96m for implementing building setback and building setback cum separation requirements respectively.**

NOTE THAT THESE HEIGHTS ARE MUCH LOWER THAN THOSE PROPOSED IN THE OZP

Relying on SBDG alone, however, would not be sufficient to ensure good air ventilation at the district level as concerned building design measures are drawn up on the basis of and confined to individual development sites. The beneficial effect could be localised and may not have taken into account the need of a wider area (e.g. building setback may not be aligned or building separation may not be at the right location to enhance air flow). Hence, incorporating air ventilation measures (such as NBA/BG/ SB) at strategic locations on the OZP to maintain major air paths or create inter-connected air paths of district importance is still considered necessary. Otherwise, provision of well-connected air paths of district importance which is important to such densely developed area with poor wind environment as Wan Chai could not be ensured.

Notwithstanding, for densely developed area such as Wan Chai, widening of narrow streets at some locations, even with a final width of less than 15m, could still benefit not only the local pedestrian environment, but also the area in a wider context if the widening could be implemented collectively.

It is therefore obvious that the measures to reduce setbacks will impact pedestrians. Many of the statements in the paper are contradictory or plainly taking the public as idiots.

It is quite obvious that the major impediment to good ventilation is the prevalence of high podiums that cover all of the sites. These should never have been allowed once the amalgamation of sites in urban areas resulted in the elimination of service lanes that were conducive to good ventilation.

While the HK Planning Standards and Guidelines allows for the site coverage of commercial buildings to exceed the stipulated standard of 60% for buildings over 61mts it does not say that the 15mt podium should occupy the entire footprint.

Building (Planning) Regulations (Cap. 123, section 38)

20. Permitted site coverage

3) Subject to the provisions of paragraph (4), the site coverage for a non-domestic building, or for the non-domestic part of a composite building, on a class A, B or C site may, whatever the height of the building, **exceed the permitted percentage site coverage to a height not exceeding 15 m above ground level.** (L.N. 294 of 1976)

Moreover looking at the date of these regulations it is obvious that a review is long overdue as they are now 50 years old and were introduced at a time that 60mts was an exception whereas now we are looking at 120m++ In fact if the site coverage was to be implemented in accordance

with Cap 123 there would be no need for the introduction of SBDG with all its complicated formula and tradeoffs.

The containment of the site coverage of large developments would allow the development of much needed open spaces and sitting out areas in congested districts. **It is very noticeable that this OZP does not incorporate a single provision for additional local space in a district that is highly deficient.** The proposed increases in both commercial and residential sites would attract more residents and workers to the district but there is zero provision for additional OS to cope with the influx. **NOTE THAT INFORMATION ON OS IS CONSPICUOUSLY ABSENT FROM THE 300 PAGES OF DOCUMENTS**

The long delayed district open space around the HKCEC is too distant and difficult to get to to qualify as anything more than a tourist attraction.

VISUAL CONSIDERATION

Views of the sky and mountain backdrops will be severely impacted and the long promised stepped BH concept that allows maximum views of the harbour and pleasure to both residents and staff working in commercial towers is being sacrificed for the benefit of large developers. Those remaining pocket harbour and mountain views would be exterminated as buildings are redeveloped.

The Court held that the Board should enjoy a broad margin of discretion, as 'planning is a holistic process, involving balancing numerous factors' (citing the CFI). This allows TPB to impose those controls that its members judge to be in the best interest of the public. The rights of the property owners are not absolute.

It is quite evident from the images that the cumulative effect of the proposed increase in heights would cause considerable negative impact on public health. It is also evident that the additional GFA generated would attract more people to the district than the roads and pavements can accommodate. The wall effect would deprive many buildings behind from the enjoyment of a harbour view and the entire community of the pleasure provided by an unobstructed view of the green background

Mary Mulvihill

tpbd

寄件者: Clarisse Yeung <[REDACTED]>
寄件日期: 04日07月2018年星期三 23:18
收件者: tpbpd
主旨: 灣仔區分區規劃大綱草圖 (S/H5/28) 公眾意見
附件: 聯署反對灣仔規劃分區大綱圖修訂 居民意見.xlsx

TPB/R/S/H5/28-
9 to 48

致 城市規劃委員會

各位委員：

灣仔區分區規劃大綱草圖 (S/H5/28) 公眾申述意見

本辦就灣仔區分區規劃大綱圖（編號：S/H5/28）收到公眾申述意見，請見附件並將意見納入考慮，謝謝。

灣仔區議員

楊雪盈

二零一八年七月四日

CTRL NO.	姓名	電郵	地址	申述意見
37	陸紫行			<p>本人關注舊灣仔警署的保育，並憂慮灣仔樓宇密度高，缺乏舒適居住環境。該地的修訂（項目F）會影響保育計劃。規劃署將以私有化形式保育舊灣仔警署為規劃前設，針對重建會增加商業用地的建築面積，舊灣仔警署附近地段修訂大綱草圖原本劃為其他（混合用途）地段的商業用途，本人表示反對。灣仔舊式住宅亦有很大機會重建為商業用途，區現時面對GIC用地和公共空間樓宇，進一步加深住宅和商業用地不足的問題，把GIC用地和商業用地作相鄰式發展，只會繼續剝削市民的空間權利，亦令人質疑保育成效。</p>
				<p>本人對放寬灣仔大部份地段的建築物高度限制的潛在影響表示憂慮，並對規劃署提出的修訂建議有所保留。放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。</p>
				<p>本人對放寬灣仔大部份地段的建築物高度限制的潛在影響表示憂慮，建築物高度限制對居民的影響，確實並對規劃署提出的修訂建議有所保留。放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。</p>
38	楊子喬			<p>刪除大廈之間非建築用地要求會縮小公共空間，亦使通風受阻、減少日照，違反《規劃標準和準則》列明城市設計需為居民提供舒適居住環境的宗旨。</p>
				<p>本人關注舊灣仔警署的保育，並憂慮灣仔樓宇密度高，缺乏舒適居住環境。該地的修訂（項目F）會影響保育計劃。規劃署將以私有化形式保育舊灣仔警署為規劃前設，針對重建會增加商業用地的建築面積，舊灣仔警署附近地段修訂大綱草圖原本劃為其他（混合用途）地段的商業用途，本人表示反對。灣仔舊式住宅亦有很大機會重建為商業用途，區現時面對GIC用地和公共空間樓宇，進一步加深住宅和商業用地不足的問題，把GIC用地和商業用地作相鄰式發展，只會繼續剝削市民的空間權利，亦令人質疑保育成效。</p>
				<p>本人對放寬灣仔大部份地段的建築物高度限制的潛在影響表示憂慮，並對規劃署提出的修訂建議有所保留。放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。</p>
				<p>本人對放寬灣仔大部份地段的建築物高度限制的潛在影響表示憂慮，建築物高度限制對居民的影響，確實並對規劃署提出的修訂建議有所保留。放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。</p>
39	Ho Wong			<p>刪除大廈之間非建築用地要求會縮小公共空間，亦使通風受阻、減少日照，違反《規劃標準和準則》列明城市設計需為居民提供舒適居住環境的宗旨。</p>

TPB/R/S/H5/28-15

43

Tiffany Tang



本人對放寬灣仔大部份地段的建築高度限制對居民的影響表示憂慮，察物高度限制對居民的影響，確實令本人失望。在諮詢區議會的文件裏，規劃署將以私有化形式，放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。

TPB/R/S/H5/28-16

44

Joan Shang



本人對放寬灣仔大部份地段的建築高度限制對居民的影響表示憂慮，察物高度限制對居民的影響，確實令本人失望。在諮詢區議會的文件裏，規劃署將以私有化形式，放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。

TPB/R/S/H5/28-17

45

Tam Daniel



本人對放寬灣仔大部份地段的建築高度限制對居民的影響表示憂慮，察物高度限制對居民的影響，確實令本人失望。在諮詢區議會的文件裏，規劃署將以私有化形式，放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。

本人關注舊灣仔警署的保育，並憂慮該地的修訂（項目F）會影響保育計劃。規劃署將以私有化形式，放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。

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刪除大廈之間非建築用地要求會縮小公共空間，亦使通風受阻、減少日照，違反《規劃標準和準則》列明城市設計需為居民提供舒適居住環境的宗旨。

灣仔樓宇密度高，缺乏舒適居住環境，修訂項目只會令城市更加擠擁。通過放寬高度限制，大規模重建會增加商業用地的建築面積，原本劃為其他（混合用途）地段的樓宇，進一步加深住宅和商業用地不平衡所衍生的問題，例如交通負荷過重、使用者衝突等。

刪除大廈之間非建築用地要求會縮小公共空間，亦使通風受阻、減少日照，違反《規劃標準和準則》列明城市設計需為居民提供舒適居住環境的宗旨。

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本人對放寬灣仔大部份地段的建築物高度限制的潛在影響表示憂慮，並對規劃署提出的修訂理解有所保留。放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。

TPB/R/S/H/5/28-24

52 張倩盈

本人對放寬灣仔大部份地段的建築物高度限制的潛在影響表示憂慮，並對規劃署提出的修訂理解有所保留。放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。

TPB/R/S/H/5/28-25

53 Tony Tong

本人對放寬灣仔大部份地段的建築物高度限制的潛在影響表示憂慮，並對規劃署提出的修訂理解有所保留。放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。

TPB/R/S/H/5/28-26

54 K.L. Ng

本人關注舊灣仔警署的保育，並憂灣仔樓宇密度高，缺乏舒適居住環境。該地的修訂（項目F）會影響保育計劃。規劃署將以私有化形式保留舊灣仔警署為規劃前設，針對重建會增加商業用地的建築面積，舊灣仔警署附近地段修訂大綱草圖原本劃為其他（混合用途）地段的為重建舖路，本人表示反對。灣仔樓宇，進一步加深住宅和商業用地區現時面對GIC用地和公共空間不足的問題，把GIC用地和商業用地作捆綁式發展，只會繼續剝削市民的空間權利，亦令人質疑保育成效。

本人關注舊灣仔警署的保育，並憂灣仔樓宇密度高，缺乏舒適居住環境。該地的修訂（項目F）會影響保育計劃。規劃署將以私有化形式保留舊灣仔警署為規劃前設，針對重建會增加商業用地的建築面積，舊灣仔警署附近地段修訂大綱草圖原本劃為其他（混合用途）地段的為重建舖路，本人表示反對。灣仔樓宇，進一步加深住宅和商業用地區現時面對GIC用地和公共空間不足的問題，把GIC用地和商業用地作捆綁式發展，只會繼續剝削市民的空間權利，亦令人質疑保育成效。

本人關注舊灣仔警署的保育，並憂灣仔樓宇密度高，缺乏舒適居住環境。該地的修訂（項目F）會影響保育計劃。規劃署將以私有化形式保留舊灣仔警署為規劃前設，針對重建會增加商業用地的建築面積，舊灣仔警署附近地段修訂大綱草圖原本劃為其他（混合用途）地段的為重建舖路，本人表示反對。灣仔樓宇，進一步加深住宅和商業用地區現時面對GIC用地和公共空間不足的問題，把GIC用地和商業用地作捆綁式發展，只會繼續剝削市民的空間權利，亦令人質疑保育成效。

[illegible]

值，鼓勵發展商加快重建以利用高樓的街道橫切面，亦沒有使用天空視角指標。*Grid View Factor* 作為影響街道價值賺取更多利潤。然而，則外賣店市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃局和運輸局忽視了此等規劃對交通高負荷的可能影響。雖然忽視重建後街道日照會被高樓遮蓋，只會繼續剝削地主的空間權利，亦令入質疑保育成效。

55 Johnny Ng



本人對放寬灣仔大部份地段的建築規劃署沒有從人文角度考慮放寬建築物高度限制對居民的影響，確實令人失望。在諮詢區議會的文件裏，規劃署只提到放寬規劃對山脊線的影響，卻並沒有提供高度放寬後高、放寬後對提高土地發展項目價值、鼓勵發展商加快重建以利用高的街街道景觀，亦沒有使用天空視角的額外價值賺取更多利潤。然而，角系數（Sky View Factor）作為影響指標，規劃署提出的修訂理解顯雙指渠。規劃署重建後街道日照會被高樓遮擋，然忽視重建後街道日照不能享有舒適的對社會造成負面影響。此外，對社區和運輸署忽視了此種街道環境。等修訂對交通是壞的可能影響。現街道環境。

Arthur
Yeung

[illegible]

的街道模擬圖，亦沒有使用天空視角為重建鋪路。本人表示反對，灣仔區現時面對 GiC 用地和商業樓宇的密度，進一步加添住宅和商業用地，不單所衍生的問題，例如交通負荷過重、使用者衝突等，舊式住宅亦亦有很大機會重建為商業樓宇。

然忽視重建後街道日照會被高樓遮擋的問題，今居民不能享有舒適的街道環境。

成效。

市民的空間權利，亦令人質疑保育成效。

57 Tang Kin Tat

規劃署沒有從人文角度考慮建屋，並憂灣仔樓宇密度高，缺乏舒適居住環境，刪加大廈之間非建築用地要求會增加小公共空間，亦使通風受阻、減少日照，違反《規劃標準和準則》列明，建屋時面對GIC用地和公共空間不足的問題，把GIC用地和商業用地作捆綁式發展，只會繼續剝削市民的空間權利，亦令人質疑保育成效。

的街道模擬圖，亦沒有使用天空視角為重建鋪路。本人表示反對，灣仔區現時面對 GiC 用地和商業樓宇的壓力，進一步加添住宅和商業用地，不單所衍生的問題，例如交通負荷過重、使用者衝突等。

然忽視重建後街道日照會被高樓遮擋的問題，今居民不能享有舒適的居住環境。

成效。

市民的空間權利，亦令人質疑保育成效。



本人對放寬灣仔大部份地段的建築 規劃署沒有從人文角度考慮放寬建築物高度限制的潛在影響表示憂慮， 築物高度限制對居民的影響，確實會對規劃署提出的修訂建議有所保留， 令人失望。在諮詢區議會的文件裏留。放寬樓高鼓勵未來發展項目向， 規劃署只提到放寬限制對山脊線高空發展， 變相提高土地的潛在價值的影響， 卻並沒有提供高度放寬後值， 鼓勵發展商加快重建以利用高的街建樓擬圖， 亦沒有使用天空視層的額外價值賺取更多利潤。然而 角系數 (Sky View Factor) 作為影響， 刺激重建市場會引致士紳化現象 響指標。規劃署提出的修訂建議顯， 對社區造成負面影響。此外， 然忽視重建後街道日照會被高樓遮等修訂對交通長遠的可能影響。現 街道環境。時灣仔區有很多舊樓皆沒有用盡地積比率， 該地一旦重建， 總建築面積只會增加， 加重交通負荷， 加重區內為人詬病的塞車問題。



灣仔樓宇密度高，缺乏舒適居住環境，修訂項目只會令城市更加擠擁。通過放寬高度限制，大規模重建會增加商業用地的建築面積，原本劃為其他（混合用途）地段的樓宇，進一步加深住宅和商業用地不平衡所衍生的問題，例如交通負荷過重、使用者衝突等。



本人對放寬灣仔大部份地段的建築 規劃署沒有從人文角度考慮放寬建築物高度限制的潛在影響表示憂慮， 築物高度限制對居民的影響，確實會對規劃署提出的修訂建議有所保留， 令人失望。在諮詢區議會的文件裏留。放寬樓高鼓勵未來發展項目向， 規劃署只提到放寬限制對山脊線高空發展， 變相提高土地的潛在價值的影響， 卻並沒有提供高度放寬後值， 鼓勵發展商加快重建以利用高的街建樓擬圖， 亦沒有使用天空視層的額外價值賺取更多利潤。然而 角系數 (Sky View Factor) 作為影響， 刺激重建市場會引致士紳化現象 響指標。規劃署提出的修訂建議顯， 對社區造成負面影響。此外， 然忽視重建後街道日照會被高樓遮等修訂對交通長遠的可能影響。現 街道環境。時灣仔區有很多舊樓皆沒有用盡地積比率， 該地一旦重建， 總建築面積只會增加， 加重交通負荷， 加重區內為人詬病的塞車問題。

本人關注舊灣仔警署的保育，並憂 灣仔樓宇密度高，缺乏舒適居住環境，修訂項目只會令城市更加擠擁。通過放寬高度限制，大規模重建會增加商業用地的建築面積，原本劃為其他（混合用途）地段的樓宇，進一步加深住宅和商業用地不平衡所衍生的問題，例如交通負荷過重、使用者衝突等。

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本人對放寬灣仔大部份地段的建築物高度限制的潛在影響表示憂慮，並對規劃署提出的修訂理據有所保留。放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。

TPB/R/S/H/5/28-33

61 Yeung yat nam

TPB/R/S/H/5/28-34

62 YK

本人關注舊灣仔警署的保育，並憂慮該地的修訂（項目F）會影響保育計劃。規劃署將以私有化形式保育舊灣仔警署為規劃前設，針對舊灣仔警署附近地段修訂大綱草圖為重建鋪路，本人表示反對。灣仔區現時面對 GIC 用地和公共空間不足的問題，把 GIC 用地和商業用地作捆綁式發展，只會繼續剝削市民的空間權利，亦令人質疑保育成效。

本人對放寬灣仔大部份地段的建築物高度限制對居民的影響，確實令人失望。在諮詢區議會的文件裏，規劃署沒有從人文角度考慮放寬建築物高度限制對居民的影響，確實令人失望。在諮詢區議會的文件裏，規劃署將以私有化形式保育舊灣仔警署為規劃前設，針對舊灣仔警署附近地段修訂大綱草圖為重建鋪路，本人表示反對。灣仔區現時面對 GIC 用地和公共空間不足的問題，把 GIC 用地和商業用地作捆綁式發展，只會繼續剝削市民的空間權利，亦令人質疑保育成效。

本人對放寬灣仔大部份地段的建築物高度限制的潛在影響表示憂慮，並對規劃署提出的修訂理據有所保留。放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。

TPB/R/S/H/5/28-35

63 kiki wong

刪除大廈之間非建築用地要求會縮小公共空間，亦使通風受阻、減少日照，違反《規劃標準和準則》列明城市設計需為居民提供舒適居住環境的宗旨。

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本人對放寬灣仔大部份地段的建築高度限制的潛在影響表示憂慮，並對規劃署提出的修訂理據有所保留。放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。

TPB/R/S/H/5/28-36

64 Francisco Lo

本人對放寬灣仔大部份地段的建築高度限制的潛在影響表示憂慮，並對規劃署提出的修訂理據有所保留。放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。

TPB/R/S/H/5/28-37

65 Gloria Ho

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TPB/R/S/H/5/28-38

66 蕭雲龍

本人關注舊灣仔警署的保育，並憂慮灣仔樓宇密度高，缺乏舒適居住環境。該地的修訂（項目F）會影響保育計劃。規劃署將以私有化形式保育舊灣仔警署為規劃前設，針對重建會增加商業用地的建築面積，舊灣仔警署附近地段修訂大綱草圖原本劃為其他（混合用途）地段的為重建鋪路，本人表示反對。灣仔區現時面對GIC用地和商業用地，進一步加深住宅和商業用地不足的問題，把GIC用地和商業用地作捆綁式發展，只會繼續剝削市民的空間權利，亦令人質疑保育成效。

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本人對放寬灣仔大部份地段的建築規劃署沒有從人文角度考慮放寬建築，規劃署沒有從人文角度考慮放寬建築，並憂灣仔樓宇密度高，缺乏舒適居住環境，修訂項目只會令城市更加擠小公共空間，亦使通風受阻、減少日照，違反《規劃標準和準則》列明城市設計需為居民提供舒適居住環境的宗旨。

本人對放寬灣仔大部份地段的建築規劃署沒有從人文角度考慮放寬建築，確實應該地的修訂（項目F）會影響保育計劃。規劃署將以私有化形式撥。通過放寬高度限制，大規模重建會增加商業用地的建築面積，原本劃為其他（混合用途）地段的樓宇，進一步加深住宅和商業用地不平衡所衍生的問題，例如交通負荷過重、使用者衝突等。



規劃署沒有從人文角度考慮放寬建築，確實應該地的修訂（項目F）會影響保育計劃。規劃署將以私有化形式撥。通過放寬高度限制，大規模重建會增加商業用地的建築面積，原本劃為其他（混合用途）地段的樓宇，進一步加深住宅和商業用地不平衡所衍生的問題，例如交通負荷過重、使用者衝突等。

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本人對放寬灣仔大部份地段的建築規劃署沒有從人文角度考慮放寬建築，確實應該地的修訂（項目F）會影響保育計劃。規劃署將以私有化形式撥。通過放寬高度限制，大規模重建會增加商業用地的建築面積，原本劃為其他（混合用途）地段的樓宇，進一步加深住宅和商業用地不平衡所衍生的問題，例如交通負荷過重、使用者衝突等。



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本人對放寬灣仔大部份地段的建築規劃署沒有從人文角度考慮放寬建築，確實應該地的修訂（項目F）會影響保育計劃。規劃署將以私有化形式撥。通過放寬高度限制，大規模重建會增加商業用地的建築面積，原本劃為其他（混合用途）地段的樓宇，進一步加深住宅和商業用地不平衡所衍生的問題，例如交通負荷過重、使用者衝突等。

本人對放寬灣仔大部份地段的建築規劃署沒有從人文角度考慮放寬建築，確實應該地的修訂（項目F）會影響保育計劃。規劃署將以私有化形式撥。通過放寬高度限制，大規模重建會增加商業用地的建築面積，原本劃為其他（混合用途）地段的樓宇，進一步加深住宅和商業用地不平衡所衍生的問題，例如交通負荷過重、使用者衝突等。



規劃署沒有從人文角度考慮放寬建築，確實應該地的修訂（項目F）會影響保育計劃。規劃署將以私有化形式撥。通過放寬高度限制，大規模重建會增加商業用地的建築面積，原本劃為其他（混合用途）地段的樓宇，進一步加深住宅和商業用地不平衡所衍生的問題，例如交通負荷過重、使用者衝突等。

[illegible]

TPB/R/S/H5/28-43

[illegible]

Abstract—The purpose of this study was to determine whether there were differences in the prevalence of musculoskeletal disorders among different types of workers. The study included 600 male employees from three companies who had been employed for at least one year. They completed a questionnaire about their work conditions and symptoms of musculoskeletal disorders. The results showed that the prevalence of musculoskeletal disorders was higher among workers in the manufacturing sector than among those in the service sector. The prevalence of musculoskeletal disorders was also higher among workers in the manufacturing sector who had been employed for more than five years than among those who had been employed for less than five years. The prevalence of musculoskeletal disorders was also higher among workers in the manufacturing sector who had been employed for more than five years than among those who had been employed for less than five years. The prevalence of musculoskeletal disorders was also higher among workers in the manufacturing sector who had been employed for more than five years than among those who had been employed for less than five years.

TPB/R/S/H5/28-44

本人對放寬灣仔大部份地段的建築規劃沒有從人文角度考慮放寬建 本人關注著灣仔警署的保育，並憂 灣仔樓宇密度高，缺乏舒適居住環 腳除大廈之間非建築用地要求會縮 小公共空間，亦使通風受阻、減少 物高度限制的潛在影響表示憂慮， 確實 慮該地的修訂（項目 F）會影響保 境，修訂項目只會令城市更加擠 通過放寬商業用地限制，大規模 日設計，違反《規劃標準及準則》列 留，放寬樓高鼓勵未土地發展項目 灣仔警署只提到沒有規劃對山的文件 保育灣仔警署為規劃前設，針對 重建增加商業用地的建築面積， 灣仔警署鄰近的地段修訂大綱圖 原本劃為其他（混合用途）地段的 高空發展，雖非提高土地潛在價 值，卻並沒有提供高度放寬後 灣仔警署對山的文件 保育灣仔警署為規劃前設，針對 重建增加商業用地的建築面積， 灣仔警署只提到沒有規劃對山的文件 保育灣仔警署為規劃前設，針對 重建增加商業用地的建築面積，



TPB/R/S/H5/28-45

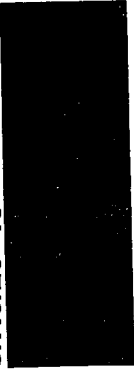
73 Lau Ting Shing



本人對放寬灣仔大部份地段的建築規劃署沒有從人文角度考慮放寬建築物高度限制的潛在影響表示憂慮，建築物高度限制對居民的影響，確實令人失望。在諮詢區議會的文件裏，規劃署將以私有化形式保留。放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。

TPB/R/S/H5/28-46

74 Alex Leung



規劃署沒有從人文角度考慮放寬建築物高度限制對居民的影響，確實令人失望。在諮詢區議會的文件裏，規劃署只提到放寬限制對山脊線的影響，卻並沒有提供高度放寬後的街道橫斷面，亦沒有使用天空視角系數（Sky View Factor）作為影響指標。規劃署提出的修訂理據顯然忽視重建後街道日照會被高樓遮擋的問題，令居民不能享有舒適的街道環境。

灣仔樓宇密度高，缺乏舒適居住環境，修訂項目只會令城市更加擠擁。通過放寬高度限制，大規模重建會增加商業用地的建築面積，原本劃為其他（混合用途）地段的舊式住宅亦有很大機會重建為商業樓宇，進一步加深住宅和商業用地不平衡所衍生的問題，例如交通負荷過重、使用者衝突等。

TPB/R/S/H5/28-47

75 Zita lo



本人對放寬灣仔大部份地段的建築規劃署沒有從人文角度考慮放寬建築物高度限制的潛在影響表示憂慮，建築物高度限制對居民的影響，確實令人失望。在諮詢區議會的文件裏，規劃署將以私有化形式保留。放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。

灣仔樓宇密度高，缺乏舒適居住環境，修訂項目只會令城市更加擠擁。通過放寬高度限制，大規模重建會增加商業用地的建築面積，原本劃為其他（混合用途）地段的舊式住宅亦有很大機會重建為商業樓宇，進一步加深住宅和商業用地不平衡所衍生的問題，例如交通負荷過重、使用者衝突等。

本人關注舊灣仔警署的保育，並憂慮該地的修訂（項目F）會影響保育計劃。規劃署將以私有化形式保留舊灣仔警署為規劃前設，針對舊灣仔警署附近地段修訂大綱草圖，本人表示反對。灣仔區現時面對GIC用地和公共空間不足的問題，把GIC用地和商業用地作捆綁式發展，只會繼續剝削市民的空間權利，亦令人質疑保育成效。

刪除大廈之間非建築用地要求會縮小公共空間，亦使通風受阻、減少日照，違反《規劃標準和準則》列明城市設計需為居民提供舒適居住環境的宗旨。

就草圖作出申述

Representation Relating to Draft Plan

TPB/R/S/H5/28-49

參考編號

Reference Number:

180511-155631-15982

提交限期

Deadline for submission:

04/07/2018

提交日期及時間

Date and time of submission:

11/05/2018 15:56:31

提出此宗申述的人士

Person Making This Representation:

先生 Mr. SUN Shun Kei

申述詳情

Details of the Representation :

與申述相關的草圖

Draft plan to which the representation relates:

S/H5/28

申述的性質及理由

Nature of and reasons for the representation:

有關事項 Subject Matters	性質 Nature	理由 Reason
Item A	反對 Oppose	Generally speaking, no material change of height restriction from 130mPD to 135mPD in general aspect, which is one floor level say commercial shopping floor. Currently each and piece of development may apply for slight relaxation to achieve the same effect. However when marking the overall height restriction as 135m, it means each and piece of development can ask for relaxation to 140m and even more.
Item B	反對 Oppose	This piece of land was transferred to a developer (from a police office) when height limitation was set as 80mPD. No public interest to accept proposed relaxation from 80mPD to 110mPD, unless the developer agrees to pay an additional land premium to the Government.
Item C	反對 Oppose	Currently the location is residential purpose. In the event of redevelopment is happened, the new building would be allowed from 120mPD to 135mPD, which would create lots of traffics during day-time in particular morning peak and evening peak in the single one-way driving lane. Objection to make changes.

對草圖的建議修訂(如有的話)

Proposed Amendments to Draft Plan(if any):

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就草圖作出申述
Representation Relating to Draft Plan

參考編號
Reference Number: 180511-174243-56044

提交限期
Deadline for submission: 04/07/2018

提交日期及時間
Date and time of submission: 11/05/2018 17:42:43

提出此宗申述的人士
Person Making This Representation: 先生 Mr. SUN Shun Kei

申述詳情
Details of the Representation :

與申述相關的草圖
Draft plan to which the representation relates: S/H5/28

申述的性質及理由
Nature of and reasons for the representation:

有關事項 Subject Matters	性質 Nature	理由 Reason
Item F1	反對 Oppose	It would be a very bad idea to delete the setback area from the building(s) next to any historical monument. A 4-metre width distance is necessary to distinguish any new structure from historical monuments. Moreover, currently the about 4-metre passage is locked and this become a good protection to the historical monument. There is no public interest to create any structure and in particular 4-storey-building in this 4-metre passage.
Item F2	反對 Oppose	There is no public interest to delete the passages allowing the general public to walk through Lockhart Road and Jaff Road. Also no reason to have zero distance between each building in today's building design.
Items G1, G2, G3	反對 Oppose	There is no public interest to delete the passages allowing the general public to walk through even though such passage may not exist at of this moment. Also no reason to have zero distance between each building in today's building design.

對草圖的建議修訂(如有的話)
Proposed Amendments to Draft Plan(if any):

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就草圖作出申述

Representation Relating to Draft Plan

參考編號

Reference Number:

180511-171603-83066

提交限期

Deadline for submission:

04/07/2018

提交日期及時間

Date and time of submission:

11/05/2018 17:16:03

提出此宗申述的人士

Person Making This Representation:

先生 Mr. SUN Shun Kei

申述詳情

Details of the Representation :

與申述相關的草圖

Draft plan to which the representation relates:

S/H5/28

申述的性質及理由

Nature of and reasons for the representation:

有關事項 Subject Matters	性質 Nature	理由 Reason
Item D	反對 Oppose	From the aspect of transport planning, the concerned area is not located above any MTR railway station. Hennessy Road and Wanchai Road may not able to support the vehicle traffic after redevelopment specially after relaxation from 110mPD to 135mPD.
Item E2	反對 Oppose	Currently the concerned land is occupied by a 8-storey residential building on a single-lane (each direction) Kennedy Road. The proposed relaxation from 120mPD to 140mPD is in fact become materialized from the current height of about 35m, which may create adverse effect to the road traffic in particular when each and every building along Kennedy Road (and roads using Kennedy Road to go to other areas of Hong Kong Island) would undergo redevelopment when these buildings become aged.
Item E3	反對 Oppose	Currently the concerned land is located on a single-lane (each direction) Kennedy Road. The proposed relaxation from 140mPD to 150mPD is not a good move, which may create adverse effect to the road traffic in particular when each and every building along Kennedy Road (and roads

	using Kennedy Road to go to other areas of Hong Kong Island) would undergo redevelopment when these buildings become aged.
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對草圖的建議修訂(如有的話)

Proposed Amendments to Draft Plan(if any):

寄件者: Mark Mak
寄件日期: 04日07月2018年星期三 23:45
收件者: tpbpd
主旨: 灣仔分區規劃大綱草圖 (S/H5/28) 申述

TPB/R/S/H5/28-50

城市規劃委員會

灣仔分區規劃大綱草圖 (S/H5/28) 申述

1) 不同意放寬灣仔大部份地段的建築物高度限制 (修訂項目 A 至 E)

放寬樓宇高度限制會加快物業清拆和重建，令原居居民無奈被迫遷。放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響，例如使地區樓價急升、居民被迫遷等問題。

此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。

規劃署沒有從人文角度考慮放寬建築物高度限制對居民的影響，確實令人失望。在諮詢區議會的文件裏，規劃署只提到放寬限制對山脊線的影響，卻並沒有提供高度放寬後的街道模擬圖，亦沒有使用天空視角系數 (Sky View Factor) 作為影響指標。規劃署提出的修訂理據顯然忽視重建後街道日照會被高樓遮擋的問題，令居民不能享有舒適的街道環境。

2) 關注舊灣仔警署的保育，並憂慮該地的修訂 (項目 F) 會影響保育計劃

規劃署將以私有化形式保育舊灣仔警署為規劃前設，針對舊灣仔警署附近地段修訂大綱草圖為重建鋪路，未能真正保育古蹟。灣仔區現時面對 GIC 用地和公共空間不足的問題，把 GIC 用地和商業用地作捆綁式發展，只會繼續剝削市民的空間權利，亦令人質疑保育成效。香港曾有政府用地以私有化形式保育，其成效卻備受爭議，例如 Heritage 1881，囍帖街等。

在設定規劃前設之前，規劃署應就當地需求先諮詢區議會，利用這些可再發展的土地來解決現有的社區問題，提供更多公共空間與灣仔區居民；而不是用作建設酒店、商業大樓牟利。

3) 灣仔樓宇密度高，缺乏舒適居住環境，修訂項目只會令城市更加擠擁

分區計劃大綱草圖並沒有迎合未來社區需要的前瞻。首先，通過放寬高度限制，大規模重建會增加商業用地的建築面積，原本劃為其他 (混合用途) 地段的舊式住宅亦有很大機會重建為商業樓宇，進一步加深住宅和商業用地不平衡所衍生的問題，例如交通負荷過重、使用者衝突等。其次，刪除大廈之間非建築用地要求會縮小公共空間，亦使通風受阻、減少日照，違反《規劃標準和準則》列明城市設計需為居民提供舒適居住環境的宗旨。

灣仔區越來越多公共土地將被私有化，變成可圖利的建築物；而放寬建築高度限制為土地增加交換價值，顯然是助長圖利之舉。此外，規劃署沒有從用戶的角度考慮社區的需求和願望，新大綱草圖傾向地產發展而不是社區和諧，甚至違反規劃標準和準則，以保證發展商和土地所有者的利益。

請城規會充分考慮對公眾的影響，收回是次草圖的修訂。

環保觸覺

2018年7月4日

就草圖作出申述

Representation Relating to Draft Plan

TPB/R/S/H5/28-51

參考編號

Reference Number:

180520-084141-24415

提交限期

Deadline for submission:

04/07/2018

提交日期及時間

Date and time of submission:

20/05/2018 08:41:41

提出此宗申述的人士

Person Making This Representation:

先生 Mr. Ha Hung Siu

申述詳情

Details of the Representation :

與申述相關的草圖

Draft plan to which the representation relates:

S/H5/28

申述的性質及理由

Nature of and reasons for the representation:

有關事項 Subject Matters	性質 Nature	理由 Reason
A	反對 Oppose	Support to increase building height for some sites only to to keep some building height for social benefit. Oppose to keep building height 210mPD for Hopewell New Development in Kennedy Road because the Hopewell has promised us they will decrease the height of the development in Kennedy Road for social benefit.
E1	反對 Oppose	Similar to the above, this is the wish to Hopewell Company to improve the Wan Chai area so they set building height of 95 mPD for 155-167 Queen's Road East. If i not remember wrong, they can set it less than 90mPD.
E1	反對 Oppose	I don't know why Hopewell can submit their application Y/H5/5 at a good time just right after the Town Planning Board considered the plan amendment. So that they can escape the Town Planning Board to set the building height for their residential project. Therefore the building height for the address 1, 1A, 2 and 3 Hill Side Terrace, 55 Ship Street (Nam Koo Terrace), 1-5 Schooner Street, 53 Ship Street (Miu Kang Terrace) mentioned in Y/H5/5 should be set now and include in E1 so not just give a free hand to Hopewell t

to decide 90mPD is the proposal.

對草圖的建議修訂(如有的話)

Proposed Amendments to Draft Plan(if any):

Set building height restriction to 207mPD for the Hopewell New Development in Kennedy Road. Set building height restriction to 90mPD for the 155-167 Queen's Road East. Assess building height restriction for the address 1, 1A, 2 and 3 Hill Side Terrace, 55 Ship Street (Nam Koo Terrace), 1-5 Schooner Street, 53 Ship Street (Miu Kang Terrace) and include this E.

You can email me at any time if you are not sure the above.

就草圖作出申述
圖則編號: S/H5/28

TPB/R/S/H5/28-52

申述人姓名/名稱: 姜玉菲

先生/夫人/小姐/女士/其他

*通訊地址:

*電郵地址:

*為方便聯絡,「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項: 修訂圖則A項性質: ☐支持 ☒反對

理由:

灣仔已經很少住宅,如轉做商業用途,居民生活及工作
會帶來不便。

對圖則的建議修訂:

商業用地可改劃為住宅及商業。

請親身或利用郵寄、傳真(傳真號碼: 2877 0245 或 2522 8426)或電郵(電郵地址:

tpbpd@pland.gov.hk)的方式,把表格送交城市規劃委員會秘書(地址:香港北角渣華道 333 號北角政府合署 15 樓);

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門,以根據《城市規劃條例》及相關的城規委
員會規劃指引的規定作以下用途: (i) 處理這份申述,包括公布這份申述供公眾查閱,同時公布「申述人」的姓名供公眾查
閱;以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料,或
亦會向其他人上披露,以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定,「申述人」有權查閱及更
正其個人資料。如欲查閱及更正個人資料,應向城市規劃委員會秘書提出有關要求,其地址為香港北角渣華道 333 號北角政府合署

15 樓。

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就草圖作出申述

Representation Relating to Draft Plan

TPB/R/S/H5/28-53

參考編號

Reference Number:

180504-143247-73505

提交限期

Deadline for submission:

04/07/2018

提交日期及時間

Date and time of submission:

04/05/2018 14:32:47

提出此宗申述的人士

Person Making This Representation:

先生 Mr. Yu Wai Kwong

申述詳情

Details of the Representation :

與申述相關的草圖

Draft plan to which the representation relates:

S/H5/28

申述的性質及理由

Nature of and reasons for the representation:

有關事項 Subject Matters	性質 Nature	理由 Reason
S/H5/28 TOWN PLANNING ORDINANCE (Chapter 131) AMENDMENTS TO DRAFT WAN CHAI OUTLINE ZONING PLAN NO. S/H5/27	反對 Oppose	Item B – Revision of the building height restriction for the “C(4)” zone at Jaffe Road/Lockhart Road from 80m PD to 110mPD.

對草圖的建議修訂(如有的話)

Proposed Amendments to Draft Plan(if any):

I think the height restriction should match the area item A,C & D to 135mPD instead of 110mPD, I suggest the whole Wanchai district to standardized to 135mPD for height consistency especially in the item B Zone.

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-54

申述人姓名/名稱：Hazel

先生/夫人/小姐/女士/其他

*通訊地址：

*電郵地址：

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項

性質：☐支持 ☒反對

理由：

新樓空氣流通，令住戶樓式低下階層在溫度高的日子免受高
溫之苦。
(設有冷氣)

對圖則的建議修訂：

維持不變

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：

tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道333號北角政府合署15樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查閱；以及(ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第486章)的規定，「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道333號北角政府合署15樓。

就草圖作出申述
圖則編號 : S/H5/28

TPB/R/S/H5/28-55

申述人姓名/名稱 : Jasmine Tsang

先生/夫人/小姐/女士/其他

*通訊地址 :

*電郵地址 :

*為方便聯絡,「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項: 修訂圖則 E1 項性質: ☐ 支持 ☒ 反對

理由:

影響樓宇的通風情況,令樓宇的風能度加劇

對圖則的建議修訂:

100米高度已經足夠,建議維持不變

請親身或利用郵寄、傳真(傳真號碼: 2877 0245 或 2522 8426)或電郵(電郵地址:

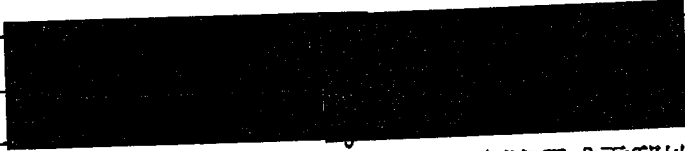
tpbpd@pland.gov.hk)的方式,把表格送交城市規劃委員會秘書(地址:香港北角渣華道 333 號北角政府合署 15 樓);


城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門,以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途: (i) 處理這份申述,包括公布這份申述供公眾查閱,同時公布「申述人」的姓名供公眾查閱;以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料,或亦會向其他人士披露,以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定,「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料,應向城市規劃委員會秘書提出有關要求,其地址為香港北角渣華道 333 號北角政府合署 15 樓。

就草圖作出申述
圖則編號 : S/H5/28

TPB/R/S/H5/28-56

申述人姓名/名稱 : CHAN HEI SUEN
先生/夫人/小姐/女士/其他

*通訊地址 : 

*電郵地址 : 

*為方便聯絡,「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項: 修訂圖則 E1 項

性質: ☐ 支持 ☒ 反對

理由:

調高建築物高度限制使港仔以南的交通情況更差。

對圖則的建議修訂:

建議維持原有水平。

請親身或利用郵寄、傳真(傳真號碼: 2877 0245 或 2522 8426)或電郵(電郵地址: tpbpd@pland.gov.hk)的方式,把表格送交城市規劃委員會秘書(地址:香港北角渣華道 333 號北角政府合署 15 樓);

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門,以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途: (i) 處理這份申述,包括公布這份申述供公眾查閱,同時公布「申述人」的姓名供公眾查閱;以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料,或亦會向其他人士披露,以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定,「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料,應向城市規劃委員會秘書提出有關要求,其地址為香港北角渣華道 333 號北角政府合署 15 樓。

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-57

申述人姓名/名稱：Rainbow Kong

先生/夫人/小姐/女士/其他

*通訊地址：[REDACTED]

*電郵地址：[REDACTED]

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項

性質：☐支持 ☒反對

理由：影響附近街區日照空氣

對圖則的建議修訂：維持高度不變

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：
tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書 (地址：香港北角渣華道 333 號北角
政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃
委員會規劃指引的規定作以下用途： (i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查
閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。 (b) 「申述人」就這份申述提供的個人資料，或
亦會向其他人士披露，以作上述(a)段提及的用途。 (c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更
正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署
15 樓。

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-58

申述人姓名/名稱：TAM H2 YUK

先生/夫人/小姐/女士/其他

*通訊地址：

*電郵地址：

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項

性質：☐ 支持 ☒ 反對

理由：

資訊不清晰。

對圖則的建議修訂：

應該要先收集居民意見，按照居民的需求去作出修訂，重建之後用什麼規定列明。

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：

tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道 333 號北角政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城規委員會規例的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-59

申述人姓名/名稱： LAU PAK SHING

先生/夫人/小姐/女士/其他

*通訊地址：

*電郵地址：

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項

性質：☐支持 ☒反對

理由：

空間不夠，周圍配套有冇考慮？如車位，道路，教育或
醫療？會造成交通阻塞。
如重建發展，有沒考慮雅緻區或居民生活。

對圖則的建議修訂：

維持 100 米高度限制。

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：

tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道 333 號北角政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-60

申述人姓名/名稱：

呂嘉怡

先生/夫人/小姐/女士/其他

(*請以英文信件來往)

*通訊地址：

*電郵地址：

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項

性質：☐支持 ☒反對

理由：

一、因舊街區(在水渠街一帶)是具有歷史特色的建築、小街區的網絡(鄰居關係緊密)，不希望在此區內發展更高的住宅，大廈影響景觀(文化)

對圖則的建議修訂：

反對改動

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：

tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道 333 號北角政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署 15 樓。

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-61

申述人姓名/名稱：蔡銘明

先生/夫人/小姐/女士/其他

*通訊地址：[REDACTED]*電郵地址：[REDACTED]

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項性質：☐支持 ☒反對

理由：

區內仍有大量唐樓，影響區內景觀，尤其石木渠街區內擁有不同的歷史建築，需重新考慮及保留區內建築物。

對圖則的建議修訂：

維持原有高度限制。

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：

tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道 333 號北角政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署 15 樓。

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-62

申述人姓名/名稱：曾志雄
先生/夫人/小姐/女士/其他

*通訊地址：[REDACTED]

*電郵地址：[REDACTED]

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項

性質：☐ 支持 ☒ 反對

理由：

鄰近建築物高度大部份低於或以 100 米，並沒有理據將高度調高。
區內仍有大部份舊樓，修訂沒有考慮區內交通影響及空氣
流通。

對圖則的建議修訂：

維持高度限制 100 米

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：

tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道 333 號北角政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署 15 樓。

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-63

申述人姓名/名稱：羅少玲
先生/夫人/小姐/女士/其他

*通訊地址：

*電郵地址：

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項

性質：☐支持 ☒反對

理由：

全列樓價高
空氣質素差

對圖則的建議修訂：

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：
tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道 333 號北角
政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃
委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查
閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或
亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更
正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署

15 樓。

就草圖作出申述

圖則編號: S/H5/28

TPB/R/S/H5/28-64

申述人姓名/名稱:

杜寶桂泉

先生/夫人/小姐/女士/其他

*通訊地址:

*電郵地址:

*為方便聯絡,「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項: 修訂圖則 E1 項

性質: ☐ 支持 ☒ 反對

理由:

財團街道有陽光, 咁樓同樓之間
越來越窄, 空氣污染, 越聚越火

對圖則的建議修訂:

請親身或利用郵寄、傳真(傳真號碼: 2877 0245 或 2522 8426)或電郵(電郵地址:

tpbpd@pland.gov.hk)的方式, 把表格送交城市規劃委員會秘書 (地址: 香港北角渣華道 333 號北角政府合署 15 樓);

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門, 以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途: (i) 處理這份申述, 包括公布這份申述供公眾查閱, 同時公布「申述人」的姓名供公眾查閱; 以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。 (b) 「申述人」就這份申述提供的個人資料, 或亦會向其他人士披露, 以作上述(a)段提及的用途。 (c) 根據《個人資料(私隱)條例》(第 486 章)的規定, 「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料, 應向城市規劃委員會秘書提出有關要求, 其地址為香港北角渣華道 333 號北角政府合署 15 樓。

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-65

申述人姓名/名稱：麥浩俊

先生/夫人/小姐/女士/其他

*通訊地址：[REDACTED]

*電郵地址：[REDACTED]

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項

性質：☐支持 ☒反對

理由：

提高了高度限制，令市區出現更多的納米樓，令發展商無所適從，
社區樓價和地產店價偏高。納米樓的出現忽視了當區居民的
經濟負擔。樓價和店價上升，會影響當區的居民。而且興建白
屋在社區中，會令人流上升，不利當區居民生活，人流量增加後
而用石木築起了社區設施不足的問題，會可能不能負荷。

對圖則的建議修訂：

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：
tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道 333 號北角
政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃
委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查
閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或
亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更
正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署
15 樓。

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-66

申述人姓名/名稱：陳卓標

先生/夫人/小姐/女士/其他

*通訊地址：

*電郵地址：

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項

性質：☐支持 ☒反對

理由：

建築高度的提升會令城市形態的協調性有所損受，良好的城市形態和社區環境的重要性很難悉數量化，但 2010 年城規會已有作「增設建築物高度限制」的草案修訂，背後的理據充足，可作參考。

對圖則的建議修訂：

應用並向「社區設計」方面思考，外國如時在此方面有充足的例子，如何不失社區並兼顧經濟發展，即：社區經濟
明確勾明區域性發展（商業/社區）協調雙方

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道 333 號北角政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-67

申述人姓名/名稱：

黃志偉

先生/夫人/小姐/女士/其他

*通訊地址：

*電郵地址：

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項性質：☐支持 ☒反對

理由：

環境和空氣都受影響
附近新填區的樓宇。

對圖則的建議修訂：

不是每個灣仔一有切
的高度限制。

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：

tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道 333 號北角政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署 15 樓。

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-68

申述人姓名/名稱：

陸瑞容

先生/夫人/小姐/女士/其他

*通訊地址：

*電郵地址：

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項

性質：☐支持 ☒反對

理由：

太高有危險性，影响通風，有咗高低
感覺（有特色）

對圖則的建議修訂：

維持現狀（唔好起高）

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：

tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書（地址：香港北角渣華道 333 號北角政府合署 15 樓）；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署

15 樓。

就草圖作出申述

圖則編號：S/H5/28

TPB/R/S/H5/28-69

申述人姓名/名稱：李國新

*通訊地址：

*電郵地址：

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項

性質：☐支持 ☒反對

理由：

空氣質素差咗，更多人企社區復康咗，
 物价高涨，令到我們生活艱難
 (物价昂貴)

對圖則的建議修訂：

維持原狀

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：

tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道 333 號北角政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-70

中述人姓名/名稱：杜秀芳

先生/夫人/小姐/女- /其他

*通訊地址：

*電郵地址：

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項性質：☐支持 ☒反對

理由：

起高樓會令空氣少左，陽光少左，亦會令
空氣更加污濁。

對圖則的建議修訂：

應予以維持原狀。

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：
tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道 333 號北角
政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃
委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查
閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或
亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更
正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署
15 樓。

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-71

申述人姓名/名稱：Pats Leung
先生/夫人/小姐/女士/其他

*通訊地址：[REDACTED]

*電郵地址：[REDACTED]

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項

性質：☐支持 ☒反對

理由：

樓宇高度及分區計劃影響原有社區生態，造成不必要的
的差擾及抬高地價。

對圖則的建議修訂：

維持原有用地，增加休憩地庫，如公園，公共設施等。

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：

tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道 333 號北角政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署 15 樓。

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-72

申述人姓名/名稱：李惠玲

先生/夫人/小姐/女士/其他

*通訊地址：

*電郵地址：

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項性質：☐支持 ☒反對

理由：

區內原有特色(唐樓)會改變,影響向上望的天空環境。
引入更多外來居住人士,造成區內環境,道路更加擁擠。

對圖則的建議修訂：

保留這個社區,不希望高度限制增加,
以保留,維修唐樓,不希望建設更多高樓大廈。

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：

tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道 333 號北角政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署 15 樓。

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-73

中述人姓名/名稱：王翠合

先生/夫人/小姐/女士/其他

*通訊地址：

*電郵地址：

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項

性質：☐支持 ☒反對

理由：

舊有建築物被取代，舊街坊想保留原有社區
網絡，不想在新式高樓，社區空氣的受影響

對圖則的建議修訂：

另地規劃，灣仔區保留舊有建築物，高限應設
降低至每幢高度

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：

tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道 333 號北角政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-74

申述人姓名/名稱：鄧小姐
先生/夫人/小姐/女士/其他

*通訊地址：

不便提供

*電郵地址：

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項性質：☐支持 ☒反對

理由：

①如樓宇高度放寬，擔心舊樓層引來重建/發展
商收購的危機，因工作及居住也在德仔區，若被
迫遷，擔心未能負擔租金

對圖則的建議修訂：

②期望如放寬樓宇高度限制，也希望未來發展方向
是能提供不同類型的房屋類可供街坊選擇，
包括公營房屋

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：

tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道 333 號北角
政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃
委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查
閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或
亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更
正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署

15 樓。

27

就草圖作出申述
圖則編號：S/H5/28

TPB/R/S/H5/28-75

申述人姓名/名稱： 蔡少華

先生/夫人/小姐/女士/其他

*通訊地址：

*電郵地址：

*為方便聯絡，「申述人」必須最少提供通訊地址、傳真號碼或電郵地址其中一項資料。

*這部分不會公開予公眾查閱

申述性質及理由

有關事項：修訂圖則 E1 項性質：☐支持 ☒反對

理由：

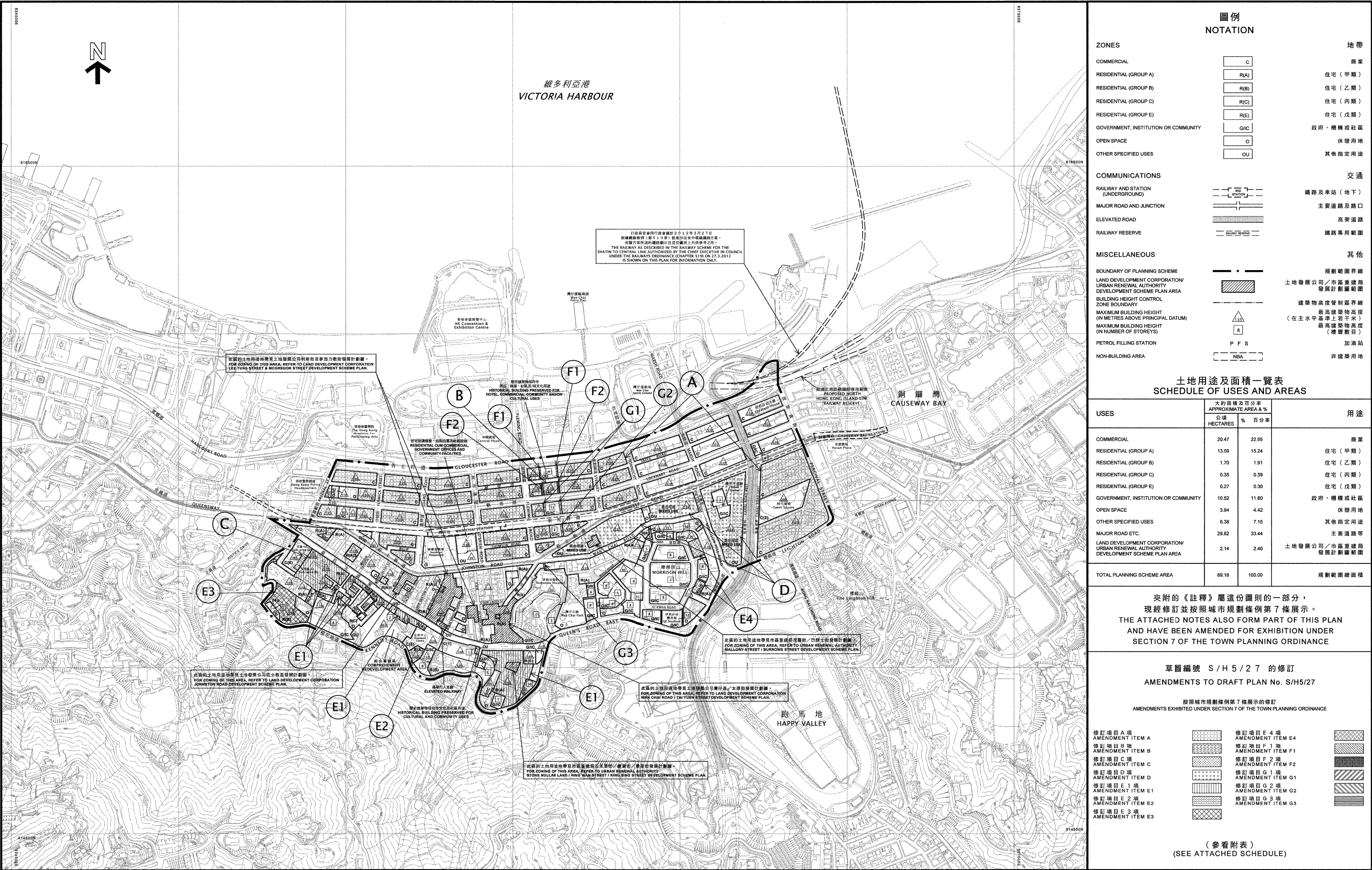
破壞區內唐樓及鄰近歷史建築，造成交通及空氣問題。

對圖則的建議修訂：

維持高度限制 100 米。

請親身或利用郵寄、傳真(傳真號碼：2877 0245 或 2522 8426)或電郵(電郵地址：
tpbpd@pland.gov.hk)的方式，把表格送交城市規劃委員會秘書(地址：香港北角渣華道 333 號北角
政府合署 15 樓)；

城市規劃委員會就這份申述所收到的個人資料會交給城市規劃委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃
委員會規劃指引的規定作以下用途：(i) 處理這份申述，包括公布這份申述供公眾查閱，同時公布「申述人」的姓名供公眾查
閱；以及 (ii) 方便「申述人」與城市規劃委員會秘書及政府部門之間進行聯絡。(b) 「申述人」就這份申述提供的個人資料，或
亦會向其他人士披露，以作上述(a)段提及的用途。(c) 根據《個人資料(私隱)條例》(第 486 章)的規定，「申述人」有權查閱及更
正其個人資料。如欲查閱及更正個人資料，應向城市規劃委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署
15 樓。



圖例
NOTATION

ZONES		地帶
COMMERCIAL	C	商業
RESIDENTIAL (GROUP A)	R(A)	住宅 (甲類)
RESIDENTIAL (GROUP B)	R(B)	住宅 (乙類)
RESIDENTIAL (GROUP C)	R(C)	住宅 (丙類)
RESIDENTIAL (GROUP E)	R(E)	住宅 (戊類)
GOVERNMENT, INSTITUTION OR COMMUNITY	G/C	政府、機構或社區
OPEN SPACE	O	休憩用地
OTHER SPECIFIED USES	OU	其他指定用途
COMMUNICATIONS		交通
RAILWAY AND STATION (UNDERGROUND)	[Symbol]	鐵路及車站 (地下)
MAJOR ROAD AND JUNCTION	[Symbol]	主要道路及路口
ELEVATED ROAD	[Symbol]	高架道路
RAILWAY RESERVE	[Symbol]	鐵路專用範圍
MISCELLANEOUS		其他
BOUNDARY OF PLANNING SCHEME	[Symbol]	規劃範圍界線
LAND DEVELOPMENT CORPORATION/ URBAN RENEWAL AUTHORITY DEVELOPMENT SCHEME PLAN AREA	[Symbol]	土地發展公司/市區重建局發展計劃範圍
BUILDING HEIGHT CONTROL ZONE BOUNDARY	[Symbol]	建築物高度管制區界線
MAXIMUM BUILDING HEIGHT (IN METRES ABOVE PRINCIPAL DATUM)	[Symbol]	最高建築物高度 (在主水平基準上若干米)
MAXIMUM BUILDING HEIGHT (IN NUMBER OF STOREYS)	[Symbol]	最高建築物高度 (樓層數目)
PETROL FILLING STATION	[Symbol]	加油站
NON-BUILDING AREA	[Symbol]	非建築用地

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

USES	大約面積及百分比 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分比	
COMMERCIAL	20.47	22.95	商業
RESIDENTIAL (GROUP A)	13.59	15.24	住宅 (甲類)
RESIDENTIAL (GROUP B)	1.70	1.91	住宅 (乙類)
RESIDENTIAL (GROUP C)	0.35	0.39	住宅 (丙類)
RESIDENTIAL (GROUP E)	0.27	0.30	住宅 (戊類)
GOVERNMENT, INSTITUTION OR COMMUNITY	10.52	11.80	政府、機構或社區
OPEN SPACE	3.94	4.42	休憩用地
OTHER SPECIFIED USES	6.38	7.15	其他指定用途
MAJOR ROAD ETC.	29.82	33.44	主要道路等
LAND DEVELOPMENT CORPORATION/ URBAN RENEWAL AUTHORITY DEVELOPMENT SCHEME PLAN AREA	2.14	2.40	土地發展公司 / 市區重建局 發展計劃範圍
TOTAL PLANNING SCHEME AREA	89.18	100.00	規劃範圍總面積

夾附的《註釋》屬這份圖則的一部分，
現經修訂並按照城市規劃條例第7條展示。
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN
AND HAVE BEEN AMENDED FOR EXHIBITION UNDER
SECTION 7 OF THE TOWN PLANNING ORDINANCE

草圖編號 S/H 5/27 的修訂
AMENDMENTS TO DRAFT PLAN No. S/H5/27

按照城市規劃條例第7條展示的修訂
AMENDMENTS EXHIBITED UNDER SECTION 7 OF THE TOWN PLANNING ORDINANCE

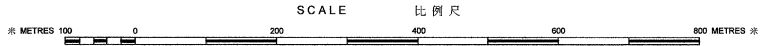
修訂項目 A 項 AMENDMENT ITEM A	修訂項目 E 4 項 AMENDMENT ITEM E4	修訂項目 F 1 項 AMENDMENT ITEM F1
修訂項目 B 項 AMENDMENT ITEM B	修訂項目 F 2 項 AMENDMENT ITEM F2	修訂項目 G 1 項 AMENDMENT ITEM G1
修訂項目 C 項 AMENDMENT ITEM C	修訂項目 G 2 項 AMENDMENT ITEM G2	修訂項目 G 3 項 AMENDMENT ITEM G3
修訂項目 D 項 AMENDMENT ITEM D		
修訂項目 E 1 項 AMENDMENT ITEM E1		
修訂項目 E 2 項 AMENDMENT ITEM E2		
修訂項目 E 3 項 AMENDMENT ITEM E3		

(參看附表)
(SEE ATTACHED SCHEDULE)

2018年5月4日 按照城市規劃條例第7條展示的
草圖編號 S/H5/27 的修訂
AMENDMENTS TO DRAFT PLAN No. S/H5/27 EXHIBITED
UNDER SECTION 7 OF THE TOWN PLANNING ORDINANCE ON
4 MAY 2018

Ms Jacinta K. C. Woo 胡潔貞女士
SECRETARY 城市規劃委員會秘書

香港城市規劃委員會依據城市規劃條例擬備的灣仔 (港島規劃區第5區) 分區計劃大綱圖
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
HONG KONG PLANNING AREA No. 5 - WAN CHAI - OUTLINE ZONING PLAN



規劃署遵照城市規劃委員會指示擬備
PREPARED BY THE PLANNING DEPARTMENT UNDER
THE DIRECTION OF THE TOWN PLANNING BOARD

圖則編號
PLAN No. S/H5/28

**SCHEDULE OF AMENDMENTS TO
THE DRAFT WAN CHAI OUTLINE ZONING PLAN NO. S/H5/27
MADE BY THE TOWN PLANNING BOARD
UNDER THE TOWN PLANNING ORDINANCE (Chapter 131)**

I. Amendments to Matters shown on the Plan

- Item A – Revision of the building height restriction for the “Commercial” (“C”) zones bounded by Johnston Road to the north and Tonnochy Road to the west, and the “C” zone bounded by Hennessy Road to the south and Percival Street to the west from 130mPD to 135mPD.
- Item B – Revision of the building height restriction for the “C(4)” zone at Jaffe Road/Lockhart Road from 80mPD to 110mPD.
- Item C – Revision of the building height restriction for the sub-area (b) of the “C(6)” zone at Wing Fung Street from 120mPD to 135mPD.
- Item D – Revision of the building height restriction for the “Other Specified Uses” annotated “Mixed Use” zones bounded by Wan Chai Road, Morrison Hill Road, Canal Road West and Hennessey Road from 110mPD to 135mPD.
- Item E1 – Revision of the building height restriction for the “Residential (Group A)” (“R(A)”) zone to the south of Queen’s Road East from 100mPD to 110mPD.
- Item E2 – Revision of the building height restriction for the “R(A)” zone at 21-23A Kennedy Road from 120mPD to 140mPD.
- Item E3 – Revision of the building height restriction for the “Residential (Group B)” zone at Monmouth Terrace from 140mPD to 150mPD.
- Item E4 – Revision of the building height restriction for the “R(A)” zone and “R(A)5” zone at Oi Kwan Road from 90mPD to 110mPD.
- Item F1 – Deletion of the non-building area requirement on the two sides of the “Other Specified Uses” annotated “Historical Building Preserved for Hotel, Commercial, Community and/or Cultural Uses” zone at Gloucester Road/Jaffe Road and stipulation of building height restriction of 4 storeys for the areas concerned.
- Item F2 – Deletion of the non-building area requirement on the two sides of the “C(4)” zone at Jaffe Road/Lockhart Road and stipulation of building height restriction of 110mPD for the areas concerned.
- Item G1 – Deletion of the building gap requirement on the two sides of the “Government, Institution or Community” (“G/IC”) zone of Lockhart Road Municipal Services Building at 225 Hennessy Road and revision of the building height restriction from 19mPD to 12 storeys for the areas concerned.

- Item G2 – Deletion of the building gap requirement on the side of the “G/IC” zone of Hennessy Road Government Primary School at 169 Thomson Road and revision of the building height restriction from 19mPD to 8 storeys for the area concerned.
- Item G3 – Deletion of the building gap requirement to the “R(A)” zone at parts of sites at 93-99 and 101 Wan Chai Road and revision of the building height restriction from 19mPD to 110mPD for the area concerned.

II. Amendments to the Notes of the Plan

- (a) Revision to the minor relaxation clause in the Remarks of the Notes for the “C” zone to reflect the deletion of the non-building area requirement on the two sides of the “C(4)” zone.
- (b) Deletion of the Remarks of the Notes for “R(A)” zone requiring the provision of building gap to the parts of sites at 93-99 and 101 Wan Chai Road.
- (c) Deletion of the Remarks of the Notes for “G/IC” zone requiring the provision of building gaps of the Lockhart Road Municipal Services Building Site at 225 Hennessy Road and Hennessy Road Government Primary School Site at 169 Thomson Road.
- (d) Deletion of the Remarks of the Notes for “Other Specified Uses” annotated “Historical Building Preserved for Hotel, Commercial, Community and/or Cultural Uses” zone requiring the provision of non-building areas.
- (e) Revisions to the exemption clause on maximum gross floor area/maximum plot ratio in the Remarks of the Notes for the “Residential (Group C)” zone and “Residential (Group E)” zone to clarify that exemption of caretaker’s quarters and recreational facilities are only applicable to those facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building.

Town Planning Board

4 May 2018

Agenda Item 8

[Open Meeting]

Consideration of Proposed Amendments to the Draft Wan Chai Outline Zoning Plan No. S/H5/27

(TPB Paper No. 10415)

[The meeting was conducted in Cantonese.]

72. The Secretary reported that the proposed amendments were formulated upon review of the draft Wan Chai Outline Zoning Plan (OZP) in order to give effect to the Court's orders in respect of two judicial reviews (JRs) lodged by the Real Estate Developers Association of Hong Kong (REDA) and by Leighton Property Company Limited and Lee Theatre Realty Limited (LTT), both were subsidiaries of Hysan Development Co. Ltd (Hysan). The following Members had declared interests on the item for owning properties in the Wan Chai area; and/or having affiliation/business dealings with Hysan:

- | | | |
|------------------------------|---|---|
| Mr Thomas O.S. Ho | - | having current business dealings with Hysan |
| Mr Stephen L.H. Liu | - | had past business dealings with Hysan |
| Mr David Y.T. Lui | - | co-owning with spouse a flat at Star Street |
| Miss Winnie W.M. Ng | - | her company owning an office at Queen's Road East, Wan Chai |
| Mr Stephen H.B. Yau | - | his office is located at Southorn Centre, Wan Chai |
| Mr Ricky W.Y. Yu |] | Lee Hysan Foundation had sponsored some |
| Mr L.T. Kwok | | of their projects before |
| Professor Jonathan W.C. Wong | | |
| Ms Lilian S.K. Law | - | being an ex-Executive Director and committee member of The Boys' & Girls' |

Clubs Association of Hong Kong and Lee Hysan Foundation had sponsored some of the activities of the association before; and her spouse serving an honorary post at Ruttonjee Hospital

73. Members noted that Mr Stephen H.B. Yau had tendered apologies for not being able to attend the meeting. Members also noted that Mr David Y.T. Lui had already left the meeting and Miss Winnie W.M. Ng had not yet arrived at the meeting. As Messrs Thomas O.S. Ho and Stephen L.H. Liu had no involvement in Hysan's sites and the interests of Mr Ricky W.Y. Yu, Mr L.T. Kwok, Professor Jonathan W.C. Wong and Ms Lilian S.K. Law were remote/indirect, Members agreed that they could stay in the meeting.

74. Members agreed that he could stay in the meeting.

Presentation and Question Sessions

75. The following representatives of the Planning Department (PlanD) were invited to the meeting:

Mr Louis K.H. Kau - District Planning Officer/Hong Kong
(DPO/HK), PlanD

Mr Anthony K.O. Luk - Senior Town Planner/Hong Kong (STP/HK),
PlanD

76. The Chairperson invited the representatives of PlanD to brief Members on the Paper.

77. With the aid of a PowerPoint presentation, Mr Louis K.H. Kau, DPO/HK, PlanD briefed Members on the proposed amendments, including their background, the general implications of the Sustainable Building Design Guideline (SBDG) on building profile, the building height (BH) concept on the current OZP, the proposed BH restrictions (BHRs), review of air ventilation measures, visual and urban design considerations, government's responses to REDA and LTT's original representations and the proposed amendments to the

OZP as detailed in the TPB Paper No. 10415 (the Paper). The review of BHRs had been conducted for all commercial, “Residential (Group A)”, Residential (Group B)”, “Residential (Group E)” and “Other Specified Uses” annotated “Mixed Use” (“OU(Mixed Use)”) zones. For “Government, Institution or Community” (“G/IC”), “Residential (Group C)” and other “OU” zones, they were not included in this round of review.

[Mr Ivan C.S. Fu and Mr Alex T.H. Lai left the meeting during the presentation of DPO/HK, PlanD]

78. The Chairperson said that the review of the draft Wan Chai OZP was to give effect to the orders of the Court subsequent to two JRs and related appeals allowed by the Court, which required the Board’s decisions on the representations submitted by REDA and LTT in respect of the draft OZP No. S/H5/26 be remitted to the Board for reconsideration. According to the judgments, while the Court held that the Board had power to impose development restrictions including BHRs, non-building area (NBA), building gap (BG) and setback (SB) requirements on statutory plans, the general implications of the SBDG on the development intensity of the sites had not been duly taken into account by the Board in making the previous decisions on the said representations. She continued to say that taking into account the relevant Court judgments and upon review of the subject OZP based on the same approach adopted for other OZPs also subject to the court decisions, PlanD had proposed amendments to the development restrictions on the OZP. The Board was invited to consider whether those proposed amendments were suitable for publication under the Town Planning Ordinance (TPO). Subject to the agreement of the Board, the amended OZP incorporating the proposed amendments would be published for public inspection and the stakeholders and the general public could make representations and comments in accordance with the relevant provisions of the TPO at a later stage. She then invited questions and comments from Members.

[Dr Lawrence W.C. Poon left the meeting at this point.]

Imposition of Development Restrictions

79. A Member enquired about the legal basis for imposing development restrictions on the OZP. In response, Mr Raymond K.W. Lee, Director of Planning (D of Plan), said that pursuant to section 3 and 4 of the TPO, the Board could undertake the systematic preparation of

draft plans for the lay-out of such areas of Hong Kong and make provision for different land uses as well as types of building suitable for erection therein. In that regard, the Court had held in a number of JRs and related appeals that it was within the power of the Board to impose development restrictions including BHRs, NBA, BG and SB requirements on statutory plans.

BHRs

80. A Member asked whether there was any plan to review the BHRs of the government, institution and community (GIC) sites. In response, Mr Louis K.H. Kau, DPO/HK, PlanD, said that GIC developments had specific functional and design requirements to suit their operational needs. For example, there was standard design for school developments which was of eight storeys. Since the GIC clusters in Wan Chai, particularly in the Morrison Hill area, had provided spatial and visual relief amidst the densely built environment, their current BHRs were proposed to be maintained mainly to reflect their existing BHs as recommended by the air ventilation assessments undertaken in 2010 and 2018. As there had been no substantial change in the planning circumstances since the OZP review in 2010 and in accordance with the same approach adopted for the review of other OZPs subject to court decisions, a general review of the BHRs for the “G/IC” zone was considered not necessary at the current stage. Should there be any known or committed development or redevelopment proposals with policy support for individual GIC sites, the BHRs of the concerned sites could be revised accordingly.

Development Intensity

81. Some Members raised the following questions:

- (a) for those sites where the maximum plot ratio (PR) or gross floor area (GFA) was not stipulated on the OZP, what the basis of control on development intensity was; and
- (b) whether the proposed relaxation of BHRs would have any implication on development intensity and traffic impact.

82. In response to Members’ questions, Mr Louis K.H. Kau and Mr Raymond K.W. Lee made the following main points:

- (a) for those sites with no maximum PR/GFA stipulated on the OZP, their development intensity was subject to the control under the Buildings Ordinance; and
- (b) under the OZP review in 2010, a number of development restrictions including BHRs, NBA, BG and SB requirements had already been incorporated into the Wan Chai OZP. The proposed amendments under consideration by the Board were premised upon a review of those development restrictions in response to the Court's ruling that SBDG was a relevant consideration in formulating the restrictions, and on the basis of revised assumptions. The proposed amendments did not involve any changes to the permissible development intensity, and hence the traffic implications should remain the same.

Air Ventilation

83. Some Members raised the following questions:

- (a) whether the air ventilation impact of the development restrictions on a 3-dimensional basis had been assessed;
- (b) whether the proposed relaxation of BHRs had allowed flexibility for building design measures such as elevated podium and sky garden for improving air penetration and urban porosity;
- (c) noting that some NBA/BG requirements were proposed to be deleted, whether the adoption of SBDG measures in individual sites were sufficient to serve the air ventilation objectives in a wider context; and
- (d) why the NBAs and BGs between Fleming Road and Stewart Road were proposed to be deleted.

84. In response to Members' questions, Mr Louis K.H. Kau made the following main points with the aid of some PowerPoint Slides and the visualiser:

- (a) the Wan Chai District was characterised by high development density with tall buildings and narrow streets. In general, given the high BH to street width (H/W) ratio of up to about 1 to 4, it was difficult for the wind from the roof top level to reach the street level and BH would not be the key consideration for the pedestrian wind environment of the area. While a general increase in BH for the commercial, mixed uses and residential sites on the OZP would further elevate the already high urban canopy, the adoption of SBDG's design measures in future would enhance building permeability, particularly around the low zone. Together with the existing and future wind penetration along major air paths following the road network and open areas, impact of the wind shadow on the pedestrian wind environment would be alleviated;
- (b) based on the revised assumptions set out in Annex E of the Paper, the BHRs on the OZP had been reviewed to ensure that they were generally sufficient to accommodate the development intensity permitted under the OZP while allowing certain flexibility for the incorporation of design elements including SBDG to improve the overall built environment;
- (c) during the OZP review in 2010, a stepped BH concept with height bands of 20m increments had been introduced in the Wan Chai area to facilitate downwash effect. Given the high development density of the area with high concentration of tall buildings and narrow streets, further increase in the variation of BHRs and/or widening of streets to facilitate air penetration might be impractical;
- (d) should there be any development/redevelopment proposal adopting good building design measures resulted in an exceedance of BHR, minor relaxation of the BHR might be considered by the Board upon application under section 16 of the TPO. Each case would be considered based on its individual merits;
- (e) while the general wind environment of the city would be improved in the long run when the number of redeveloped buildings following SBDG increased

gradually, the beneficial effect of SBDG measures could be localised. As such, the imposition of NBA/BG requirements at strategic locations was still necessary to maintain major air paths or create inter-connected air paths of district importance. For those NBAs and BGs which would not serve as district air paths in the area, they were proposed to be deleted; and

- (f) in the extant draft OZP, NBAs were designated along the eastern and western boundaries of the Ex-Wan Chai Police Station site, Ex-Wan Chai Police Married Quarter site, and BGs were imposed on the eastern and western boundaries of the Lockhart Road Municipal Services Building site and the eastern boundary of the Hennessy Road Government Primary School site so as to break up the line of building blocks along those streets upon redevelopment to facilitate some penetration of sea breeze and localised air movement. However, the wind entrance to these air paths had been partially blocked by the existing high-rise developments to the north, and might not be able to serve as district air paths in the area. Upon reviewing the OZP and the air ventilation measures, it was recognised that there were alternative building design measures including SBDG that could serve similar air ventilation purpose for the locality. Given that all the concerned sites were under government control, consideration could be given to incorporating building design measures under SBDG in the future land sale documents and/or development/redevelopment proposals to facilitate wind penetration in the north-south direction.

Review of Other OZPs

85. Some Members asked whether other OZPs with BHRs and NBA/BG/SB requirements imposed would also be subject to review. In response, Mr Louis K.H. Kau said that PlanD would progressively review other OZPs with BHRs and NBA/BG/SB requirements imposed. While priority would be accorded to those OZPs which were subject to court decisions, other OZPs with BHRs and NBA/BG/SB requirements imposed would also be reviewed when opportunity arose subject to availability of resources. Mr Raymond K.W. Lee, D of Plan, supplemented that in the interim, should there be any development or redevelopment proposals which had exceeded the BHRs on the OZPs after incorporating SBDG's design measures, there were provisions for application for minor relaxation of the BHRs under section

16 and amendments to the OZPs under section 12A of the TPO. Those applications would be considered by the Board based on individual merits.

Visual Impact

86. A Member asked whether the ridgeline behind Wan Chai would be preserved and whether the proposed relaxation of BHRs would protrude into the ridgeline.

87. In response to the Member's questions, Mr Louis K.H. Kau made the following main points with the aid of PowerPoint slides:

- (a) according to the Urban Design Guidelines promulgated in 2003, the main goal of BH profile was to protect and enhance the relationship of the city and its natural landscape context, particularly to its ridgelines/peaks. In order to preserve views to ridgelines/peaks and mountain backdrop with recognised importance around Victoria Harbour, for any new development/redevelopment proposals, a 20% building free zone below the ridgelines would need to be maintained when viewing from a number of key and popular vantage points;
- (b) as shown in the photomontages (Plans 9A and 9C) prepared based on the key vantage points from Tsim Sha Tsui (Hong Kong Cultural Complex) and Kai Tak Cruise Terminal Park, the proposed BHRs would not affect the views to the ridgelines to be preserved nor protrude into the 20% building free zone; and
- (c) as for the views from other vantage points such as the West Kowloon Cultural District (photomontage in Plan 9B), the view of the ridgeline would also not be affected as the revised BHRs would still be lower than most of the existing buildings in the area.

88. The Chairperson summed up the discussion and said that subject to the agreement of the Board, the OZP incorporating the proposed amendments would be published under section 7 of the TPO. The stakeholders and the public could submit representations on the OZP to the Board during the statutory plan exhibition period. Any representation received would be considered according to the provision of the TPO.

89. After deliberation, the Board agreed:

- (a) that the draft Wan Chai OZP No. S/H5/27A at Annex B1 of TPB Paper No. 10415 (to be renumbered as S/H5/28 upon exhibition) and its Notes at Annex B2 of TPB Paper No. 10415, drawn up based on the proposed amendments to the draft Wan Chai OZP, were suitable for exhibition under section 7 of the TPO; and
- (b) to adopt the revised Explanatory Statement (ES) at Annex B3 of TPB Paper No. 10415 for the draft Wan Chai OZP No. S/H5/27A as an expression of the planning intentions and objectives of the Board for the various land use zonings of the OZP and the revised ES would be published together with the draft OZP.

[The meeting was adjourned for lunch break at 1:00 p.m.]

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~~33. Mr TO Chi-hung of WSD replied that the waterworks at Fenwick Street were tunnel boring works, which had to be conducted at the tunnel portal. The works were expected to be completed in the third quarter of 2018.~~

34. Members asked the Drainage Services Department (DSD) about the progress of the drainage enhancement works in Wan Chai. They commented that the performance of the drainage system in rainy days was unsatisfactory, and asked whether DSD would carry out sewerage and drainage improvement works in Wan Chai.

35. Mr Evan HO of CEDD stated that he had no information about the sewerage and drainage improvement works in Wan Chai, but he would relay the opinions of Members to DSD after the meeting.

36. The Chairperson asked the Secretary to invite DSD's representatives to future meetings to answer Members' enquires about the works of DSD, and she thanked the representatives of WSD and AECOM for attending the meeting.

(Representatives of WSD and AECOM left the meeting after discussion.)

~~(Co-opted Member Ms LAU Pui-shan joined the meeting at 3:10 p.m.)~~

Item 6: Amendments Incorporated into the Draft Wan Chai Outline Zoning Plan No. S/H5/28
(DPTC Paper No. 40/2018)

37. The Chairperson welcomed Mr Louis KAU, District Planning Officer/HK of the Planning Department (PlanD), to the meeting.

38. Mr Louis KAU of PlanD drew Members' attention to the following three points prior to the detailed introduction of the amendments incorporated into the Draft Wan Chai Outline Zoning Plan No. S/H5/28 (the OZP):

- i. The amendments were the results of the review on the planning restrictions of the Draft Wan Chai Outline Zoning Plan No. S/H5/28 conducted in the light of the recent Court's rulings on two judicial reviews on the OZP.
- ii. The amendments did not involve any changes to the land use zonings or the plot ratio.
- iii. The amendments mainly concerned building height restrictions (BHRs), and non-building area (NBA) and building gap (BG) requirements.

39. Mr Anthony LUK of PlanD briefed Members with the aid of a PowerPoint presentation on the amendments incorporated into the OZP.

40. Members asked whether there was any increase in the plot ratio and the permissible floor area as a result of the amendments.

41. Mr Louis KAU of PlanD answered that the amendments did not result in any changes to the plot ratio. Although BHRs were relaxed, the permissible floor area remained unchanged.

42. A Member pointed out that the amendments to the OZP were first proposed about a decade ago. In view of the fact that many buildings in the district had already reached the age of 50 years, and compulsory sale could be initiated, the Member was concerned that the amendments to the OZP might accelerate acquisitions and redevelopments, and hence lead to drastic changes in the district.

43. Mr Louis KAU of PlanD replied that the redevelopment of buildings was decided by the market, and it was difficult to judge at this stage that whether the relaxation of BHRs would speed up redevelopment in the district. He emphasised that the relaxation of BHRs would not result in any changes in the permissible floor area.

44. Miss Clarisse YEUNG raised the following comments and enquiries:

- i. She was also concerned that the amendments to the OZP would accelerate acquisitions and redevelopments in Wan Chai.
- ii. According to the Sustainable Building Design (SBD) Guidelines, if the continuous projected façade length of a building exceeded 60 metres, a building gap of 15 metres should be provided. She asked that why the NBA next to the old Wan Chai Police Station was also included in the amendments.
- iii. She commented that it was a good practice for the department concerned to provide photomontage, and she asked whether pictures showing the sky viewed from the street could be provided as well. She pointed out that there were very few open spaces in Wan Chai. The more high-rise buildings were built, the smaller the sky could be seen. As a result, the environment of the district would be significantly affected.

45. A Member hoped that the Government could conduct more visionary planning. If the amendments to the OZP were expected to bring significant impact to the property market, measures should be formulated in advance to address the possible impact.

46. Ms Jacqueline CHUNG raised the following comments and enquiries:

- i. She pointed out that BHR for commercial zones was revised from 110 metres above Principal Datum (mPd) to 135 mPd, which would allow developers to construct an additional of about 8.5 storeys. She was concerned that the amendments would aggravate the wall effect of buildings and affect the air ventilation in Wan Chai.
- ii. She pointed out that the traffic in the district was very congested, and the commissioning of CWB would add to the burden of Wan Chai's transport network in the future. She was of the view that the amendments would accelerate developments in the district. She asked the department concerned whether a traffic impact assessment had been conducted with respect to the amendments to the OZP, so as to ensure the traffic condition would not be worsened; otherwise she would not support the amendments.

47. Miss Clarisse YEUNG raised the following comments and enquiries:

- i. She pointed out that the site where the old Wan Chai Police Station was situated was designated for "other specified uses". She asked whether the department concerned had planned to put the site on sale. She also enquired about the future uses of the vacant site behind the old Wan Chai Police Station, and whether the department concerned had considered using the site for residential developments.
- ii. She asked that how many buildings were aged above 30 years and with less than seven storeys in Wan Chai.
- iii. The Government had been promoting the concept of pleasant walking experience. However, there were a large number of aged buildings in Wan Chai, and walkways were very narrow. She was worried that the amendments would further shrink the open spaces in the district, making the provision of pleasant walking experience even more difficult.
- iv. Take the planning application in respect of the site next to 28 Hennessy Road from Swire Properties to the Town Planning Board (TPB) recently as an example. Although building gaps were to be provided in the new building, the planning involved privatisation of streets, which would destroy the characteristics of the community. She was worried that similar situation would be resulted from future developments.

48. Mr Louis KAU of PlanD responded as follows:

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- i. Although additional storeys could be constructed after the relaxation of BHRs, the permissible floor area would remain unchanged. If the height of a building was increased, the area of each floor would have to be reduced accordingly.
- ii. According to the SBD Guidelines, newly constructed buildings were required to set back with a view to enhancing the environmental quality at pedestrian level and achieving better air ventilation in the district. Although BHRs were relaxed, the environment at pedestrian level would improve, thus TPB considered that such arrangements were appropriate.
- iii. In considering relaxing BHRs, PlanD had conducted an air ventilation assessment, which showed that the relaxation of BHRs would be unlikely to generate adverse impacts on ventilation in the district.
- iv. Regarding the traffic problem, TD would require the provision of additional parking spaces after the redevelopment. The Government would also seize the opportunity during the redevelopment process to address the traffic problem in the district. He stressed that the relaxation of BHRs would not aggravate the traffic problem in Wan Chai.
- v. The vacant site next to the old Wan Chai Police Station was a commercial site. According to the OZP, the site would be jointly developed with the site where the old Wan Chai Police Station was situated, and the old Wan Chai Police Station would be conserved for hotel, commercial, community and cultural uses.

(Mr Ivan WONG and Co-opted Member Mr NG Hoi-shing joined the meeting at 3:30 p.m.)

49. The Chairperson raised the following comments:

- i. The amendments to the OZP were to relax BHRs on buildings located at the residential zones at Queen's Road East to the south, and Kennedy Road and Monmouth Terrace. Since most of the buildings there did not fully utilise the permissible building height due to various factors such as building design and construction cost, the actual growth in building height would be more than that as stated in the amendments.
- ii. She commented that information about the actual height of the existing buildings in the district should be obtained when considering the amendments to the OZP, since such information

could reflect the actual implications of the relaxation of the BHRs.

- iii. She pointed out that the BHR on the residential zone at Wan Chai Road was raised from 19 mPd to 110 mPd. Such a significant increase would impose heavy burden on the traffic in the district. She commented that traffic congestion was very severe in Wan Chai, thus the department concerned should propose additional ancillary transport measures to improve the traffic condition.
- iv. She hoped that the department concerned could prepare more detailed information about the amendments to the OZP, so that Members could conduct in-depth discussions.

50. Dr CHEUNG Charlton raised the following comments and enquiries:

- i. He was concerned about the joint development of the site where the old Wan Chai Police Station was situated and the adjacent vacant site. He pointed out that the old Wan Chai Police Station was a historical building, and asked that whether its ownership would be changed due to the joint development.
- ii. Mr Louis KAU mentioned several times in his replies that the gross floor area and the plot ratio would remain unchanged, but the annexes of many OZPs stated that the plot ratio could be relaxed as appropriate depending on the actual situation. He asked the department concerned that whether the amendments to the OZP in question could include a clause stipulating that the plot ratio could not be altered in the future.
- iii. He pointed out that the relaxation of the BHRs as stated in Item F and Item G would lead to the deletion of the requirement on the provision of the existing ventilation corridor along the coastline from Lockhart Road Municipal Services Building and Hennessy Road Government Primary School to Johnston Road, affecting ventilation at Johnston Road. Although under the SBD Guidelines, building gaps should be provided for newly constructed buildings, it was unknown that when the buildings in the district would be redeveloped. He enquired of the department concerned whether the amendments as stated in Items F and G could come into force at a later stage.

51. A Member stated that lands development in Hong Kong was mainly affected by two factors, i.e. plot ratio and BHR. If the plot ratio was unchanged, a building could either be taller in height with smaller area on each floor or shorter in height with bigger space on each floor. Regardless of the design, the gross floor area would stay unchanged.

52. Miss Clarisse YEUNG raised the following comments and enquiries:

- i. She commented that although the plot ratio was unchanged, the design of buildings could vary, and this would affect the sky viewed from the ground. She hoped that the department concerned could provide photomontage to enable Members to have a better understanding of the visual impacts brought about by the amendments to the OZP.
- ii. She asked that how the site where the old Wan Chai Police Station was situated and the adjacent vacant site would be jointly developed, and whether the Government had planned to put the old Wan Chai Police Station on sale. She pointed out that the old Wan Chai Police Station was a Grade 2 historic building, therefore she would like to know its future development plan.

53. A Member said that if buildings near the old Wan Chai Police Station had reached the age of 50 years, they might be acquired by developers and redeveloped together with the old Wan Chai Police Station. The Member considered that the department concerned should estimate the impacts caused by the amendments on the surrounding area.

54. Ms Jacqueline CHUNG raised the following comments and enquiries:

- i. She asked that if the building height above the principal datum remained unchanged, whether it was feasible to build a car park at the basement.
- ii. The department concerned did not explain what ancillary transport facilities would be provided in Wan Chai in response to the amendments to the OZP. She pointed out that many residential buildings included in the OZP did not have a car park. If these residential buildings were acquired by developers for redevelopment and new car parks were built, there would be an increase in vehicular flow. She also enquired of TD about the traffic impact caused by the amendments.
- iii. She pointed out that buildings taller in height had higher market values. She reckoned that the relaxation of the BHRs would stimulate redevelopment of the area.
- iv. She mentioned that the traffic problems caused by Times Square had been affecting the residents of the district. She asked that how the department concerned would address the traffic issues brought about by the amendments to the OZP.

(The Hon Paul TSE left the meeting at 3:45 p.m.)

55. The Chairperson stated that the majority of buildings near Blue House were old tenement buildings which were shorter in height. However, with the amendments to OZP, the BHR for the surrounding environment was relaxed to 110 mPd, meaning that buildings with about 30 storeys could be built around Blue House. She reckoned that the amendments would adversely affect the conservation of historic buildings and traffic in Wan Chai.

56. Mr Louis KAU of PlanD responded as follows:

- i. When reviewing the BHRs, PlanD needed to calculate the required building height to allow buildings to maintain the current permitted plot ratio as well as complying with the requirements of the Buildings Ordinance and the SBD Guidelines.
- ii. According to the calculation, the BHRs for commercial sites and residential sites were prescribed at 135 mPd and 110 mPd respectively. For certain buildings included in the amendments, their BHRs would be set at higher levels taking into account the site level.
- iii. Although certain buildings in the district had not fully utilised the permissible plot ratio, PlanD had to make reference to the current permitted plot ratio and provide sufficient space for future developments when reviewing the BHRs. Thus the calculation of BHRs should not be based on the current building height.
- iv. Regarding the visual impact brought about by the planning, PlanD had conducted a visual impact assessment in accordance with TPB Guidelines No. 41. According to the photomontage of the assessment, the relaxation of the BHRs would not affect the existing ridgelines.
- v. According to the planning direction of the OZP, the site where the old Wan Chai Police Station was situated and the adjacent vacant site would be developed jointly, and such planning direction was not one of the amended items. He stated that the joint development aimed to achieve synergy effect, and the old Wan Chai Police Station would be conserved for hotel, commercial, community and cultural uses.
- vi. Items F1 and F2 which aimed to delete the NBA requirements were made based on the results of the air ventilation assessment, as well as the SBD Guidelines. According to the air ventilation assessment, an effective breezeway should be at least 15 metres in width, yet the widths of the passageways on both sides of the site were less than six metres. The adoption of the requirements of the

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SBD Guidelines could enhance the environmental quality at pedestrian level and achieve better air ventilation in the district. Therefore the deletion of the NBA requirements would only slightly affect the ventilation. Besides, since the old Wan Chai Police Station was a historical building which needed to be conserved, the above amendments would not allow the construction of any new buildings on its both sides.

- vii. Regarding whether the amendments could include a clause stipulating that the plot ratio should not be altered, he said that except for certain sites, there was no restriction on plot ratio on the OZP, thus there was no provision stipulating that the plot ratio could be relaxed slightly. However, all developments should comply with the Buildings Ordinance.

57. Mr Ivan WONG asked PlanD that whether they had obtained an understanding of the public needs in considering the joint development of the site where the old Wan Chai Police Station was situated and the adjacent vacant site. He reckoned that residents in the district might not need any more commercial facilities, instead, given the severe traffic problem, he suggested that the department concerned should consider using the site for the provision of a multi-storey public car park and community facilities. He hoped that the planning of the district could better satisfy the needs of the public.

58. Dr CHEUNG Charlton asked that whether the ownership of the old Wan Chai Police Station would be put on sale during the joint development. He was concerned that the plot ratio of the old Wan Chai Police Station would be transferred to the adjacent vacant site during the joint development, and he hoped that the ventilation corridor could be preserved.

59. Miss Clarisse YEUNG raised the following comments and enquiries:

- i. Although TPB Guidelines No. 41 did not mention the coefficient of sky view, she was of the view that PlanD should consider the matter from the perspective of the residents, and include the coefficient of sky view in the visual impact assessment.
- ii. She shared the same concerns with Dr CHEUNG Charlton about the joint development of the site where the old Wan Chai Police Station was situated and the adjacent vacant site.
- iii. She asked that whether the old Wan Chai Police Station was not included in the Revitalising Historic Buildings Through Partnership Scheme implemented by the Development Bureau, and why it had to be revitalised in the form of private ownership.
- iv. She commented that some non-government organisations might be

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more capable of revitalising the old Wan Chai Police Station, and she hoped that a transparent mechanism could be established to handle the revitalisation work. She did not want to see the old Wan Chai Police Station become over-commercialised like 1881 Heritage in Tsim Sha Tsui, and reminded the Government not to repeat its mistake.

- v. She pointed out that Wan Chai might not need more hotels or commercial buildings, and she was of the view that the department concerned should take public needs into account when conducting the planning.

60. The Chairperson raised the following comments:

- i. She pointed out that the streets in the vicinity of Sun Street, Moon Street, Star Street and St. Francis Yard were very narrow, and the illegal parking problem was severe. If the BHR was relaxed to 110 mPd, the illegal parking issue in the area would become even more difficult to tackle.
- ii. At present, the mountain and a historical catch-water could still be seen if looking up towards the south side from Queen's Road East and Ship Street. However, if the entire Queen's Road East was erected with high-rise buildings, there would no longer be any mountain view.
- iii. She hoped that the department concerned could understand the needs of the public. She commented that the redevelopment of the cluster of the tenement buildings in the district into high-rise buildings would not only affect the landscape, but also seriously obstruct the air flow.

61. Mr Mark TANG of TD replied that since the plot ratio of the sites in the district would not be altered, the traffic impact would remain unchanged.

62. Ms Jacqueline CHUNG asked the Secretary to put the reply of TD on record, which stated that the traffic impact would remain unchanged since there was no change in the plot ratio. She considered such reply unacceptable. She pointed out that residents living in the district had been plagued by severe traffic congestion problem, and such problem was closely related to the transportation planning by TD. She opined that the traffic issue could not be resolved solely by strengthening law enforcement. She said that TD should tell the Council honestly if they did not have the statistics of the traffic impact assessment, and their reply was unprofessional.

63. Mr Ivan WONG hoped that the department concerned could answer directly that whether they had considered providing public facilities such as a

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multi-storey car park, charging facilities for electric vehicles and a rest garden in the district. The provision of a multi-storey car park in the district could significantly reduce the number of vehicles parked at roadside, and thus resolve the traffic congestion problem. He was of the view that financial returns should not be the top priority of the development planning of a district.

64. Miss Clarisse YEUNG supplemented that as mentioned by the Chairperson, many buildings did not fully utilise the permissible plot ratio. However, if the floor area of buildings were increased during the redevelopment in the future, the pedestrian and traffic flows would bound to be affected. Therefore, she reckoned that the reply of TD was unsubstantiated.

65. The Vice-Chairperson agreed with the comments raised by the above Members. He commented that the reply given by TD was evasive and unacceptable.

66. Ms Yolanda NG raised the following comments:

- i. She agreed with the comments raised by the above Members. She commented that the department concerned should not submit the amendments to the Council hastily simply because the old Wan Chai Police Station needed to be jointly redeveloped.
- ii. From her participation in the implementation of the Revitalising Historic Buildings Through Partnership Scheme, she understood that under the current mode of operation, it was very challenging to conserve a historical building while achieving a balanced account, as well as attracting visitors. Nevertheless, joint development should not be the only option available for consideration. She was worried that the joint development might eventually destroy the elements which were originally targeted to be preserved.
- iii. It could not be seen from the paper that the department concerned had considered the characteristics of the district and taken public needs into account when conducting the planning. She hoped that the department concerned could carry out more researches and prepare a more detailed paper when submitting the amendments to the OZP to the Council in the future.

67. Dr CHEUNG Charlton supplemented that a number of government sites were situated at the southern end of the "Commercial (4)" zone near the old Wan Chai Police Station, including Lockhart Road Municipal Services Building and Hennessy Road Government Primary School. If the "Commercial (4)" zone would not be put on sale, and the neighbouring government sites could be maintained, the wall effect of the entire area could be minimised even if high-rise buildings were erected in the surrounding area in the future. Therefore, he hoped that the department concerned could consider retaining the

“Commercial (4)” zone for the provision of public facilities.

68. Mr Joey LEE said that he agreed with most of the opinions raised by Members. He commented that PlanD had neither conducted long-term planning for the future development of the district nor considered the needs of the residents. He considered that the reply of TD was unacceptable, and pointed out that the district had been plagued by severe traffic problem, and TD should not shift the responsibilities to law enforcement departments.

69. A Member pointed out that the provision of building gaps was not a new requirement introduced in recent years, and asked that whether it was a new approach to relax BHRs due to the provision of building gaps. The Member continued that the local situation and characteristics of each district were different, if BHRs were relaxed across the board, the daily lives of residents would be affected inevitably. The Member hoped that the department concerned could conduct more researches on the local situation before making amendments to the planning in the future.

70. Mr Ivan WONG asked PlanD and TD that whether they had considered utilising the sites in the vicinity of the old Wan Chan Police Station for the provision of a multi-storey public car park, as well as removing the parking spaces at roadside.

71. Miss Clarisse YEUNG stated that according to a recent news report, the Government had planned to put the site where the old Wan Chai Police Station was situated together with the adjacent vacant site for sale for hotel development a few years ago. She asked the Government that whether the site would be used for constructing a hotel, and whether a transfer of plot ratio would be allowed during the joint development as mentioned by Dr CHEUNG Charlton. She commented that the construction of a hotel at the site would lead to severe traffic problems.

(Co-opted Member Ms CHING Lei-yuen joined the meeting at 4:20 p.m.)

72. Mr Mark TANG of TD clarified that TD would conduct a traffic impact assessment for any development projects. In addition, they would study each case and evaluate the required number of parking spaces based on the gross building area of the development, and the results differed from case to case. Regarding a Member's suggestion about building a public car park, he stated that no relevant information was received from PlanD.

73. Mr Louis KAU of PlanD responded as follows:

- i. He stated that the purpose of attending this meeting was to explain the amendments to the OZP, including the deletion of the NBA requirements on both sides of the “Other Specified Uses” and

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“Commercial (4)” zones near the site where the old Wan Chai Police Station was situated. As for the uses of the two sites, the Administration had explained to the Council in 2010 that the two sites would be developed jointly, yet he understood that Members would like to express their latest opinions to the Administration.

- ii. According to his knowledge, TD had been implementing short, medium and long-term measures to solve the shortage of parking spaces in the district.
- iii. Although the site where the old Wan Chai Police Station was situated and the adjacent vacant site would be developed jointly, no transfer of plot ratio would be allowed. According to the OZP, the plot ratio of the vacant site was 12, which was lower than the average plot ratio of 15 for normal urban sites. He explained that a lower plot ratio was stipulated during the planning process since they had considered the traffic impact to be brought about by the development. Moreover, as the old Wan Chai Police Station was a historical building, they did not want to see high-rise buildings be developed in the surrounding area. He explained that the BHR was relaxed from 80 mPd to 110 mPd mainly because of the Court’s rulings.
- iv. Regarding the suggestion about constructing a public car park, the Administration had not studied the relevant proposals. Nevertheless, TD could consider requesting the provision of public parking spaces at the site during the land sale in the future.

74. Mr Ivan WONG raised the following comments and enquiries:

- i. Although the Council discussed the future development of the two sites in 2010, such discussion was conducted eight years ago, and the local situation had already undergone drastic changes since then.
- ii. He enquired about the short, medium and long-term measures implemented by TD to resolve the shortage of parking spaces in the district.
- iii. He pointed out that the study to be conducted by TD on the need for parking spaces during the sale of land was for addressing the needs arising from the redevelopment. However, his suggestion about utilising the site for the provision of a multi-storey car park and public facilities was made to address the traffic problem caused by the shortage of parking spaces in the district in the long run.

75. Miss Clarisse YEUNG raised the following comments and enquiries:

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- i. She enquired about the reasons for the collective sale of the two sites, if the joint development would not involve the transfer of plot ratio.
- ii. She pointed out that it had been eight years since the Council's discussion in 2010. She asked that why the department concerned could not conduct planning for the two sites based on the current situation of the district.
- iii. She commented that the redevelopment of the old Wan Chai Police Station into a hotel and the privatisation of the site had not taken the environmental needs of the district into consideration. She was of the view that the department concerned should not force through the project.

76. The Chairperson stated that the Chief Executive had mentioned in the Police Address that the Government was committed to developing Hong Kong into a walkable city, thus she reckoned that PlanD should attach greater importance to the needs of the local residents, and formulate measures to enhance the accessibility of Wan Chai. Furthermore, she noticed there was a mismatch between the demand and supply of transportation facilities in the district. She hoped that various departments could strengthen coordination when formulating policies, with a view to enhancing the quality of life of the residents.

77. The Chairperson asked Members to vote on the amendments to the OZP by a show of hands. A total of 13 Members present including the Chairperson Ms Kenny LEE, Vice-Chairperson Mr Anson LAM, Dr Jennifer CHOW, Ms Yolanda NG, Mr Joey LEE, Ms Peggy LEE, Mr Ivan WONG, Miss Clarisse YEUNG, Ms Jacqueline CHUNG, Dr CHEUNG Charlton, Co-opted Members Ms CHING Lei-yuen, Mr NG Kwok-shing and Mr NG Hoi-shing voted against the amendments, while Mr Stephen NG and Mr CHENG Ki-kin abstained from voting.

78. Mr Joey LEE stated that since the majority of Members objected to the amendments to the OZP, he suggested that a letter should be sent to TPB in the name of the Committee to express their views.

79. The Chairperson agreed to send a letter to TPB in the name of the Committee providing the names of Members who voted against the amendments. Members raised no objection to the above arrangement.

(Co-opted Member Ms LAU Pui-shan left the meeting at 4:25 p.m.)

(Post-meeting Note: The Committee sent a letter to TPB on 12 June to express its objection to the amendments to the OZP.)

**Summary of Representations and Comments and the Planning Department's Responses
in respect of the Draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/28**

Representation No. (TPB/R/S/H5/28-)	Gist of Representation	Responses
R1 (Individual)	<ul style="list-style-type: none"> Support the OZP as it can increase the gross floor area (GFA) in development and address land supply shortage problem <p><u>Representor's Proposal</u></p> <ul style="list-style-type: none"> Nil 	Noted
R2 (Lee Theatre Realty Limited) R3 (Leighton Property Company Limited)	<ul style="list-style-type: none"> Support revision of building height restriction (BHR) of "C" zones under Amendment Item ("Item") A. The representers submit their own schemes for alternative BHRs at the sites of Lee Theatre Plaza (R2) and Leighton Centre (R3) which can allow quality building to be built The grounds of representations can be summarised below: <p>(a) <u>The Approach in Reviewing the BHR</u></p> <p>(i) Due to the requirement of the Court of Final Appeal (CFA), it should not be sufficient for the Town Planning Board (the Board) to make a generalised assessment to suggest that the overall societal benefits of the zoning restrictions throughout the OZP are generally proportionate to the overall burdens on all affected land owners throughout the new draft OZP. It will be necessary for the Board to undertake a more micro level and specific assessment of whether the societal benefits of the particular restriction affecting the land owner in</p>	<p>Noted</p> <p><u>The Approach in Reviewing the BHR</u></p> <p>(i) The key objective of BH control is to provide better planning control in guiding developments to avoid excessive tall and out-of-context development which would adversely affect the quality of the living environment including air ventilation. In the light of the Court's ruling on the judicial reviews in relation to the OZP, a review of the BH and development restrictions on the OZP was conducted. The amendments incorporated into the current draft OZP have duly taken into account all relevant planning</p>

	<p>question are proportionate to the burden on that particular land owner</p> <p>(ii) The Lee Theatre Plaza and Leighton Centre fall within the 'triangle node' between Times Square and Lee Garden One. The triangle node includes three landmark buildings namely Times Square, Lee Garden One and Hysan Place with a building height (BH) of around 200mPD. There is no indication that the same conceptual approach is adopted for the representation sites when formulating the BHR</p> <p>(iii) General building plan for a building with 200mPD at the site of Leighton Centre was approved before the Sustainable Building Design Guidelines (SBDG) came into effect. The representer indicates that BHRs for some sites in Tsim Sha Tsui are based on approved building plans (i.e. Harbour City and New World Centre) and queries the different approach in the formulation of BHR on the Wan Chai OZP (R3 only)</p> <p>(b) <u>Assumptions in deriving BHR</u></p> <p>(i) The representers query the assumptions used by the Planning Department (PlanD) on the sites of Lee Theatre Plaza and Leighton Centre for compliance with the BHR of 135mPD (including the low floor-to-floor height (FTFH), non-provision of sky garden, etc.)</p>	<p>considerations, the SBDG requirements, urban design guidelines, air ventilation assessment (AVA) by expert evaluation (EE) undertaken in 2018 and permitted development intensity. The current BHRs for the representation sites are considered appropriate and have already allowed design flexibility for incorporation of SBDG requirements including greenery and/or design features on ground and at podium levels to improve both living and pedestrian environment</p> <p>(ii) As mentioned in Annex H2 of TPB Paper No. 10415, the Times Square together with the two other developments in the Causeway Bay Area, namely Lee Garden (208mPD) and Hysan Place (199mPD), have been recognised as landmark developments which form a key destination for shopping and entertainment in Causeway Bay. However, there is no intention to let the BH of individual sites within the 'triangle node' formed by the above-mentioned three landmark buildings to have a BHR of 200mPD since this would result in proliferation of high-rise development which is not in line with the planning control. Besides, a landmark building is not necessarily the tallest building in a neighbourhood</p> <p>(iii) Tsim Sha Tsui is a commercial high-rise node recognised in the Urban Design Guidelines and the recognition of committed developments under general building plans approvals is treated as an</p>
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	<p>(ii) The representers have provided their alternative schemes at Lee Theatre Plaza site and Leighton Centre site (Drawing H-1 and Drawing H-2 as extracted from the representations in Annex VI). The further relaxation of the BHR from 135mPD to 165mPD for Lee Theatre Plaza site and from 135mPD to 200mPD for Leighton Centre site allows a building design to accommodate a 5m floor-to-floor height to cope with modern requirements, incorporate green features and amenities such as sky gardens, podium gardens, reduction in podium bulk for better air ventilation, and incorporate drop-off area, landscaped plaza and incorporate run-in and run-out to improve pedestrian and vehicular traffic flows. The proposed 165mPD for the Lee Theatre Plaza site and 200mPD for the Leighton Centre site would not result in adverse visual impact as it is not visible in any vantage points produced by PlanD, particularly to the viewing point at Stubbs Road Lookout. There is no justification given in the OZP amendment that why 135mPD is more appropriate than the alternative BHRs at the sites of Lee Theatre Plaza (R2) for 165mPD and Leighton Centre (R3) for 200mPD</p> <p>(c) <u>Urban Design and Visual</u></p> <p>No significant visual impact is perceived when viewing from the Stubbs Road Lookout Point thereby affecting</p>	<p>exception rather than a rule. It is therefore inappropriate to apply the approach adopted in Tsim Sha Tsui OZP to the subject OZP</p> <p>(iv) The existing BH and plot ratio (PR) of Lee Theatre Plaza are about 104mPD and 15 respectively, while that of Leighton Centre are 83.5mPD and 15 respectively. For Leighton Centre, there is also a set of building plans with a BH of 200mPD and a PR of about 15 which was first approved by the Building Authority on 24.4.2009. In determining the BHRs, a BHR of 135mPD is sufficient to accommodate the permissible development intensity for commercial development. Nevertheless, the building plans of Leighton Centre with approval by the Building Authority before imposition of BHRs in 2010 may proceed subject to the provision of the Buildings Ordinance</p> <p><u>Assumptions in deriving BHR</u></p> <p>(v) The assumptions adopted by PlanD were provided in Annexes D2 and D3 & E1 to E5 of TPB Paper No. 10415. According to the basic building profile, a BHR of 135mPD is able to accommodate the permissible GFA under Building (Planning) Regulations (B(P)R) for the Lee Theatre Plaza site and Leighton Centre site with 25% GFA concession (including the average 'disregarded GFA (e.g. mandatory features, plant rooms, etc. other than car parks)' for non-domestic buildings</p>
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	<p>any public interest if the BHR is revised to 135mPD, to 165mPD for the Lee Theatre Plaza site or to 200mPD for the Leighton Centre site</p> <p><u>Representers' Proposals</u></p> <ul style="list-style-type: none"> • Relax the BHR for the "C" zone covering the Lee Theatre Plaza from 135mPD to 165mPD or such alternative amendments that the Board sees fit with the representers' requirements (R2) • Relax the BHR for the "C" zone which covers Leighton Centre from 135mPD to 200mPD or such alternative amendments that the Board sees fit with the representers' requirements (R3) 	<p>of 15%; and the overall cap of 10% GFA concession for the total amount of green/amenity features and non-mandatory/non-essential E&M/services as specified under APP-151. Since the BHR is able to allow all sites irrespective of the site class to accommodate the permissible GFA, some sites depending on the site class are able to adopt a higher FTFH (e.g. higher FTFH is possible for some typical floors for Class B and Class C sites depending on its site level and for the sites with the SBDG building setback (SB) but not building separation requirement). A refuge floor has been assumed in PlanD's notional scheme, but no basement is assumed for accommodating the permissible GFA under B(P)R in the assumptions adopted by PlanD</p> <p>(vi) The alternative schemes proposed by R2 and R3 have adopted different assumptions, which are entirely a design choice to be made by the project proponents, having taken into account all the relevant factors including the development restrictions on the OZP. The provision of sky garden is a green feature rather than a SBDG requirement and it is purely a choice to be made by the project proponent amongst various good practices to improve the building design. Under assumption adopted by PlanD, sky garden would be included in the 25% concessionary GFA and to be integrated into overall building design. Nevertheless, a 6m refuge floor cum sky garden</p>
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could still be accommodated without rendering the BH of the notional schemes at the two representation sites exceeding the BHR of 135mPD.

Urban Design and Visual

(vii) Visual appraisal has been conducted as part of the BH review for the current OZP (Annex F2 of TPB Paper No. 10415), the broad urban design principles set out in the Urban Design Guidelines under the HKPSG have been adopted. These include compatibility of the BH profile with the surroundings and preserving the views to ridgelines/mountain backdrops and harbour from the strategic vantage points/important public viewing points. This is to achieve a balance between development rights and public interest. Different scenarios for those with high propensity for redevelopment (i.e. building aged 30 or above and BH of 15 storeys or below), having regarded to their site class or types of development, are assumed in the photomontage to illustrate possible visual impact of the revisions to the BHRs. In overall terms, the proposed BHRs will not result in unacceptable visual impact

Representers' Proposals

(viii) The BHR of 135mPD is considered sufficient to accommodate commercial developments at the

		<p>Lee Theatre Plaza and Leighton Centre sites. The building design (including at the sites of the Lee Theatre Plaza and Leighton Centre) is solely a decision to be made by its project proponent having regard to all relevant considerations including the BHRs on the OZP. There is no justification for or technical assessments to substantiate further relaxation of the BHRs for the "C" zones covering Lee Theatre Plaza and Leighton Centre from 135mPD to 165mPD and 200mPD respectively</p>
R4 (Cherish Shine Limited)	<ul style="list-style-type: none"> • Support revision of BHR of the "C" zones under Item A as it allows greater flexibility for good and innovative design in commercial developments • Support revision of BHR for sub-area (b) of "C(6)" zone under Item C as the BHR is reasonable given the location settings • Oppose Item E1 as there is no apparent planning reason for not adopting BHR of 135mPD for the "R(A)" zone making it consistent with the BHR under Item C as well as the general rise of the BHs southward of Queen's Road East (QRE). In addition, there should be a consistent BH profile for the residential area to the north of QRE which should be subject to BHR of 135mPD (Drawing H-3) • The grounds of representation can be summarised below: 	Noted
		Noted

	<p>(a) <u>Assumptions in deriving BHR</u></p> <p>The estimated BH for the residential buildings is too restrictive and doubtful, therefore a statement of 'design approach and/or less desirable building design such as lower FTFH would need to be applied for future development' was made in the PlanD's assumption. The BHR is based on a low FTFH (3m), which the common FTFH for residential buildings should be 3.5m. There is no reason why BHRs could not be relaxed so that reasonable modern building design can be achieved. The BHR so imposed should be able to accommodate GFA concessions given under Buildings Ordinance, take into account interesting building design and adequate building design standard, reflect the BH of approved general building plans, and balance with potential impact on private property rights</p> <p>(b) <u>Urban Design and Visual</u></p> <p>(i) There is no reason why stepped BH profile should not be applied in the western part of Wan Chai. It is reasonable to increase the BHR of the "R(A)" zone between the Items A and C to 135mPD. This would allow flexibility in design and variation in BH (as not all of the sites would be built up to the maximum permitted), and avoid a monotonous/uninteresting height profile for buildings on both sides of QRE which BHR of 110mPD is applied</p>	<p><u>Assumptions in deriving BHR</u></p> <p>(i) Item E1 is related to revision of BHR for "R(A)" zones to the south of QRE, while Item C is related to revision of BHR for "C" zones. The BHR of 110mPD for "R(A)" zone was based on the basic building profile for a typical "R(A)" composite building to comply with SBDG (i.e. ranging from 90m to 93m for future redevelopment in this area which will be subject to the building setback but not building separation requirement) and the site levels of around 6mPD to 19mPD in the area. The assumptions demonstrate that there is scope to accommodate the permissible GFA and SBDG requirements under the BHR of 110mPD. Besides, the total number of storeys for Class A and Class B sites is less than the achievable number of storeys under BHR of 110mPD. Hence, a higher FTFH is possible for some typical floors under these sites. There is no strong reason to further relax the BHR of "R(A)" zone beyond the level as indicated in basic building profile of a typical composite building. In addition, the BHR of 110mPD for the "R(A)" sites to the south of Johnson Road and 135mPD for the "C" sites to the north of Johnston Road have already provided a height variation in general</p> <p>(ii) The concern on FTFH raised by the representer is a design choice to be made by the project proponents, having taken into account all the</p>
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	<p>(ii) Further relaxation of BHR would allow design flexibility to achieve modern building design and quality development. This would result in a more interesting skyline and not result in any adverse visual impact at the vantage points selected by PlanD</p> <p><u>Representer's Proposal</u></p> <ul style="list-style-type: none"> • Apply a stepped BH in the western part of Wan Chai by relaxing the BHR of "R(A)" zone between Items A and C from 110mPD to 135mPD (i.e. as delineated on Drawing H-3 and Plan H-6) 	<p>relevant factors including the development restrictions on the OZP</p> <p><u>Urban Design and Visual</u></p> <p>(iii) As pointed out in the TPB Paper No. 10415 for the current OZP amendment, the stepped height profile ascending from the harbour and gradually arising towards landward side would not be achievable given the existing high-rise developments in Wan Chai North (Planning Area H25), and the northern part of the Area i.e. north of Johnston Road/Hennessy Road, as well as the presence of residential developments with relatively lower development intensity and BH in the inland area to the south of Johnston Road/Wan Chai Road</p> <p>(iv) For the "R(A)" zone between Items A and C, taking into account the estimated BH requirement of 90m to 96m for typical "R(A)" composite buildings which will be subject to the building setback and building separation requirements, and the existing site levels of about 4mPD to 7mPD, a BHR of 110mPD is considered appropriate</p> <p>(v) As reasons given in (i) above on the assumption of the BHR for the Item E1 (i.e. "R(A)" zones to the south of QRE), there is no justification of further relaxing the BHR of Item E1 to create a stepped height profile</p>
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(vi) Visual appraisal has been conducted as part of the BH review for the current OZP (Annex F2 of TPB Paper No. 10415), the broad urban design principles set out in the Urban Design Guidelines under the HKPSG have been adopted. These include compatibility of the BH profile with the surroundings and preserving the views to ridgelines/mountain backdrops and harbour from the strategic vantage points/important public viewing point

Representer's Proposal

(vii) The BHR of 110mPD for "R(A)" zone is considered appropriate. There is no strong reason to further relax the BHR of "R(A)" zone beyond the level of basic building profile of a typical composite building. There is no justification for further relaxation of the BHR of Item E1 from 110mPD to 135mPD

(viii) As for the sites concerned under the representation which are not the subject of any amendment items under the current draft OZP. There is no ground for the Board to consider that part of the representer's proposal

R5 (The Real Estate Developers Association of Hong Kong (REDA))	<ul style="list-style-type: none"> • Support revisions of BHRs of “C” zones under Item A and revision of BHR of “R(B)” zone covering the Monmouth Terrace under Item E3 • Support Items F1, F2, G1, G2 and G3 related to deletion of Non-building Area (NBA) and building gap (BG) requirements at various locations • Oppose Item B to revise BHR of “C(4)” zone to 110mPD and the amendment (a) to the Notes related to deletion of the NBA requirements of the “C(4)” zone • Oppose revision of the BHRs of “C(6)”, “OU(MU)”, “R(A)” and “R(A)5” zones under Items C, D, E1, E2 and E4 as the BHR relaxation is not sufficient • The grounds of representation can be summarised below: <p>(a) <u>The Approach in Reviewing the BHR</u></p> <p>The general height profile for Wan Chai should balance a number of considerations and take into account the adequate BHRs to accommodate GFA with concessions allowed, visual relief, interesting skyline and preserving the views from major recognized viewpoints</p> <p>(b) <u>Assumptions in deriving BHR</u></p> <p>(i) The BHRs are too restrictive to take into account the SBDG for some sites. Design Approach and/or less desirable building design such as lower FTFH would</p>	<p>Noted</p> <p>Noted</p> <p><u>The Approach in Reviewing the BHR</u></p> <p>(i) The key objective of BH control is to provide better planning control in guiding developments to avoid excessive tall and out-of-context development which would adversely affect the quality of the living environment including air ventilation. In the light of the Court’s ruling on the JRs in relation to the OZP, a review of the BH and development restrictions on the OZP was conducted. The amendments incorporated into the current draft OZP has duly taken into account all relevant planning considerations, the SBDG</p>
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	<p>need to be applied for future development. There is no reason why BHRs could not be relaxed so that reasonable modern building design can be achieved. The BHR so imposed should be able to accommodate GFA concessions given under Buildings Ordinance, take into account interesting building design and adequate building design standard, reflect the BH of approved general building plans, and balance with potential impact on private property rights</p> <p>(ii) FTFH nowadays are 5m (podium), 4.5m (typical commercial floors) and 3.15m (typical residential floors). Development industry considers that 6m FTFH for the ground floor of top quality commercial developments is required. A mix of office, retail and service activities now is common in many commercial buildings and flexibility in design of future commercial building should be given. Besides, the approved BH of general building plans should be reflected on the OZP</p> <p>(c) <u>Urban Design and Visual</u></p> <p>(i) Wan Chai is a prime district with great potential for accommodating more Grade A commercial/office developments. The BHRs had not taken into account the prime location of Wan Chai which is well served by public transport. The BHR of 110mPD for the "C" zones bounded by Tonnochy Road/Hennessy Road/Percival Street/Gloucester Road is far below the standard in this area. The visual impact consideration</p>	<p>requirements, urban design guidelines, AVA by EE undertaken in 2018 and permitted development intensity. The current BHRs for the representation sites are considered appropriate and have already allowed design flexibility for incorporation of SBDG requirements including greenery and/or design features on ground and at podium levels to improve both living and pedestrian environment</p> <p><u>Assumptions in deriving BHR</u></p> <p>(ii) The assumptions adopted by PlanD were provided in Annexes D2 and D3 & E1 to E5 of TPB Paper No. 10415. According to the basic building profile, a BHR of 135mPD for commercial sites is able to accommodate the permissible GFA under Building (Planning) Regulations (B(P)R) with 25% GFA concession (including the average 'disregarded GFA (e.g. mandatory features, plant rooms, etc. other than car parks)' for non-domestic buildings of 15%; and the overall cap of 10% GFA concession for the total amount of green/amenity features and non-mandatory/non-essential E&M/services as specified under APP-151. Since the BHR is able to allow all sites irrespective of the site class to accommodate the permissible GFA, some sites depending on the site class are able to adopt a higher FTFH (e.g. higher FTFH is possible for some typical floors for Class B and Class C sites and for the sites with the SBDG</p>
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	<p>for keeping the BHR of 110mPD for these “C” zones is not well substantiated. No significant visual impact when viewing from the Stubbs Road Lookout Point thereby affecting any public interest if the BHR is revised to 135mPD</p> <p>(ii) The photomontages produced by the PlanD without consideration of building efficiency and ignored the fact that many redevelopment would not be built to the maximum height in situation of more relaxed BHRs</p>	<p>building setback but not building separation requirement). Different assumptions including FTFH are entirely a design choice to be made by the project proponent, having taken into account all the relevant factors including the development restrictions on the OZP. The building plans of developments with approval by the Building Authority before the imposition of BHRs in 2010 may proceed subject to the provision of the Buildings Ordinance.</p>
	<p>(d) <u>Open Space to facilitate Air Ventilation</u></p> <p>Wan Chai is a dense urban area with severe open space deficit. The Government should look for more land to develop open space in order to facilitate air ventilation. Rezoning the Ex-WCPMQ site (“C(4)” site) to “Open Space” (“O”) is an effective way</p>	<p>(iii) Unlike other “C” zones in Wan Chai, which are subject to a maximum PR of 15 under the Buildings Ordinance, the “C(4)” site is subject to a maximum PR of 12 on the OZP. Hence, a BHR of 110mPD instead of 135mPD is able to accommodate the maximum PR of 12 in accordance with the basic building profile for a typical commercial building to comply with SBDG at this location with a site level of about 4mPD</p>
	<p>(e) <u>Minor Relaxation should not be used to justify the low BHRs</u></p> <p>Reasonable BHRs should be set and minor relaxation should not be used to justify the low BHRs imposed on the OZP. If the Board is to rely on minor relaxation clause as a basis for setting unreasonably low BHRs then it could be considered to be acting unlawfully which was against the CFA’s judgement in relation to the Hysan case</p>	<p>(iv) For the “OU(MU)” zones to the south of Hennessy Road, taking into account the estimated BH requirement of a typical commercial development of about 118 to 130m with the incorporation of SBDG requirements, and the existing site levels of about 8mPD, a BHR of 135mPD is considered appropriate. The BHR of 135mPD of the “OU(MU)” zones is also sufficient to accommodate a typical “R(A)” type residential development taking into account the estimated BH</p>

	<p>(f) <u>Setback Requirements</u></p> <p>The OZP amendment ignored the representation R34 (to the previous version of the OZP No. S/H5/26) opposing the imposition of setback (SB) requirement. The SB requirements result in taking away private land without compensation. The SB requirement is imposed for air paths, rather than for road widening which can be covered by other relevant Ordinances such as Buildings Ordinance and the Roads (Works Use and Compensation) Ordinance. No provision under the Notes or the Explanatory Statement on the OZP indicating that the private land taken away for SB may be considered for bonus GFA in accordance with the normal practice</p> <p>(g) <u>Retention of "Commercial/Residential" ("C/R") Zone</u></p> <p>The OZP amendment also ignored the representation R34 (to the previous version of the OZP No. S/H5/26) proposing retention of "C/R" zone or wider application of the "OU(MU)" zone. R34 was of the view that the "C/R" zone should be re-instated. Otherwise, the flexibility of the "OU(MU)" zone should be demonstrated for extensive use e.g. the "R(A)" area along the western side of Morrison Hill Road and southern side of Wan Chai Road and the area between Stewart Road and Percival Street may be zoned "OU(MU)". Moreover, relaxation or incentive scheme should be adopted to the "C" and "OU(MU)" zones, similar to that adopted by the Board for the Tsim Sha Tsui OZP, to encourage amalgamation of small sites for</p>	<p>requirement of about 90m to 96m with the incorporation of SBDG requirements</p> <p>(v) For the residential zones to the south of Johnston Road and Wan Chai Road as well as residential sites on both sides of QRE, taking into account the estimated BH requirement of 90m to 96m for typical "R(A)" composite buildings which will be subject to the building setback and building separation requirements, and the existing site levels of about 4mPD to 7mPD, a BHR of 110mPD is considered appropriate. For the "R(A)" zone in KR, taking into account the existing level of the site is about 51.5mPD and to accommodate a typical composite building, a BHR of 140mPD is considered appropriate. It should also be noted that for the "R(B)" in KR (as delineated on Plan H-6) is subject to a BHR of 120mPD, which is not the subject of the current OZP amendment. Hence, the Board has no ground to consider the proposal of relaxing the BHR of this "R(B)" zone from 120mPD to 150mPD taking into account the maximum site level of about 37mPD and an estimated BH requirement of 86m to cater for a pure residential development with permissible GFA under B(P)R, a BHR of 120mPD is considered appropriate</p> <p><u>Urban Design and Visual</u></p> <p>(vi) Visual appraisal has been conducted as part of the</p>
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<p>development/redevelopment of quality and well designed commercial/office buildings</p> <p>(h) <u>Procedural Matters</u></p> <p>(i) Not all the issues raised in representation (R34) had been considered and REDA had not been invited to participate of the Board's consideration in OZP amendment. There was no formal rehearing of R34 as required in the Court's Orders. The Board inviting representations on the new draft OZP from the general public including the original representatives, is not a satisfactory or compliant way to discharge the Court's specific Order. The OZP amendment does not cover all of the matters to which objection was made in the original representation R34 which must be reheard under the Court's Orders. If the Board takes the views that only those issues which have been accepted for the OZP amendment, REDA is of the view that the direction of the CFI have not been complied with</p> <p>(ii) Having regard to the above, REDA are prepared to take a pragmatic approach and had submitted representation related to both OZP No. S/H5/28 and include those representations in R34 to the amendment items under Wan Chai OZP No. S/H5/26. REDA requested the Board to accept the pragmatic approach and confirm that it will fully consider those amendments items which it objected to in R34 on OZP No. S/H5/26 which have not been fully addressed in the amendments included in OZP No. S/H5/28 as part of</p>	<p>BH review for the current OZP (Annex F2 of TPB Paper No. 10415), the broad urban design principles set out in the Urban Design Guidelines under the HKPSG have been adopted. These include compatibility of the BH profile with the surroundings and preserving the views to ridgelines/mountain backdrops and harbour from the strategic vantage points/important public viewing point. Different scenarios for those with high propensity for redevelopment (i.e. building aged 30 or above and BH of 15 storeys or below), having regarded to their site class or types of development, are assumed in the photomontage to illustrate possible visual impact of the revisions to the BHRs</p> <p>(vii) The "C" sites bounded by Tonnochy Road/Hennessy Road/Percival Street/Gloucester Road is subject to a BHR of 110mPD, which is not the subject of the current OZP amendment. The Board has no ground to consider the proposal of relaxing the BHR of these street blocks from 110mPD to 135mPD. Nevertheless, the BHR of 110mPD for these sites is to minimise the visual impact in particular on the view to harbour from Stubbs Road Lookout Point. This is to achieve a balance between development rights and public interest. The visual impact of relaxing the subject street blocks to 135mPD is illustrated in Plan H-12</p>
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	<p>the section 7 representation process. It also requested the Board to consider any amendments to OZP No. S/H5/28 in relation to such items and gazette those amendments under section 6B(8) or section 7 of the Ordinance</p> <p><u>Representer's Proposals</u></p> <ul style="list-style-type: none">• Relax the BHR for the area to the north of Hennessy Road (i.e. as delineated on Plan H-4) from 110mPD to 135mPD and the BHR for the area zoned "C", sub-area (b) of "C(6)" (i.e. Item C) and "OU(MU)" zones to the south of Hennessy Road (i.e. Item D) from 135mPD to 150mPD• Relax the BHR for the residential zones to the south of Johnston Road and Wan Chai Road as well as residential sites on both sides of QRE (i.e. as delineated on Plan H-6) from 110mPD to 130mPD and the BHR for the residential zones adjacent to the western part of Kennedy Road (i.e. including the "R(A)" zone under Item E2 and the "R(B)" zone as delineated on Plan H-6) from 120mPD and 140mPD to 150mPD• Rezone "C(4)" to "O" zone
<p><u>Open Space to facilitate Air Ventilation</u></p> <p>(viii) The current amendments to the OZP only involve revision to the BHR and deletion of NBA on the two sides of the "C(4)" zone. There is no change to the land use zoning of the site (i.e. "C(4)"), which is not the subject of amendment. According to the updated AVA conducted in 2018, the two NBAs at the "C(4)" site are narrow and partially blocked and may not be able to serve as district air paths. The building design measures under the SBDG could serve similar air ventilation purpose for the locality. As for the R5's proposal of rezoning the "C(4)" site to "O", it should be noted that the overall provision of the open space in the Wan Chai District will be adequate to meet the requirement of the planned population in the area. Hence, there is no planning justification to convert unused government site into public open space. Similar proposal was also raised in the opposing views of the representation (R34) on the amendment items to the draft Wan Chai OZP No. S/H5/26. PlanD's responses were at Annex H1 of TPB Paper No. 10415</p> <p><u>Minor Relaxation should not be used to justify the low BHRs</u></p> <p>(ix) The current BHRs have already allowed design flexibility for incorporation of SBDG requirements including greenery and/or design features on</p>	

<p>ground and at podium levels to improve both living and pedestrian environment without relying on minor relaxation of BHR</p> <p><u>Setback Requirements</u></p> <p>(x) An updated AVA (EE) has been undertaken in 2018 to review the NBA, BG and SB requirements. The SB requirements for narrow streets perpendiculars to QRE are recommended to be maintained to facilitate air ventilation</p> <p>(xi) The provision of SB requirements on the OZP would not take away the private land from development. The concerned area can still be included in the site area for PR/GFA calculation purpose. With regard to the provision of bonus GFA for such SB requirement in the Notes of the OZP, it is not necessary since there is no PR restriction for the "R(A)" zone on the OZP. Development/redevelopment within these zones will be subject to the permissible PR under the Building (Planning) Regulations and any claim for bonus PR could be processed following the established mechanism under the Buildings Ordinance. Similar issue had been raised in the opposing views of the representation (R34) on the amendment items to the draft Wan Chai OZP No. S/H5/26 and PlanD's responses were at Annex H1 of TPB Paper No. 10415</p>	
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		<p><u>Retention of "Commercial/Residential" ("C/R") Zone</u></p> <p>(xii) The current amendments to the OZP only involve revision to the BHR of the "OU(MU)" zone (i.e. from 110mPD to 135mPD). There is no change to the land use zoning of the concerned sites (i.e. "OU(MU)" zone), which is therefore not the subject of amendment. The previous "C/R" zones were reviewed for more effective infrastructure planning and better land use management. For areas with no predominant land uses, they were recommended to be rezoned as "OU(MU)" zone as a transitional buffer between the commercial and residential areas. There is no change in the planning circumstance at this stage to review the subject "OU(MU)" zone. Similar issues had been raised in the opposing views of the representation (R34) on the amendment items to the draft Wan Chai OZP No. S/H5/26 and PlanD's responses were at Annex H1 of TPB Paper No. 10415</p> <p><u>Procedural Matters</u></p> <p>(xiii) In the light of the Court's ruling on the JRs in relation to the OZP, a review of the BH and development restrictions on the OZP was conducted. The amendments incorporated into the current draft OZP has duly taken into account all relevant planning considerations, the SBDG requirements, urban design guidelines, AVA by EE</p>
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and permitted development intensity. The opposing representations R34 and R97 on the amendment items to OZP No. S/H5/26 have been duly addressed and indicated in Annexes H1 and H2 of TPB Paper No. 10415 in the current round of OZP amendment. As soon as the TPB agreed that the proposed amendments to the OZP were suitable for exhibition under Town Planning Ordinance on 13.4.2018, the Government had issued a letter on 27.4.2018 informing REDA about the Board's decision and inviting REDA to submit representations and comments in respect of the proposed amendments upon gazette. During the statutory plan exhibition period, REDA had submitted a representation (**R5**) which has included those amendment items which they had objected to in R34 in respect of the OZP No. S/H5/26 but which they considered had not yet been addressed under the amendments incorporated in the current OZP (No. S/H5/28). Lee Theatre Realty Limited and Leighton Property Company Limited also submitted representations in respect of the current OZP (**R2** and **R3** respectively). They have revised the previous proposal made under R97 for relaxation of the BHR on the area covering the Lee Theatre site and the Leighton Centre site to 200mPD. While the proposal for the Leighton Centre site remains unchanged under **R3**, the BHR proposal for the Lee Theatre site is revised to 165mPD under **R2**

(xiv) All items raised by Lee Theatre Realty Limited, Leighton Property Company Limited and REDA have been included in this paper (TPB Paper No. 10512) for consideration by the Board, such that the Board can duly reconsider the previous R97 jointly submitted by Lee Theatre Realty Limited and Leighton Property Company Limited as well as REDA's previous R34 in respect of OZP No. S/H5/26 in the context of the current representations **R2**, **R3** and **R5**. Should the Board consider that any amendments to OZP No. S/H5/28 are necessary after consideration of the representations including **R2**, **R3** and **R5**, it will gazette those amendments under appropriate section of the Ordinance.

Representer's Proposals

(xv) The BHRs for "C", "C(4)", sub-area (b) of "C(6)", "OU(MU)", "R(A)" and "R(B)" zones are considered appropriate. There is no justification for or technical assessments to substantiate further relaxation of BHRs for these zones

(xvi) Given the overall provision of open space will be adequate in the district, there is no planning justification for converting unused government site into public open space

		(xvii) As for the sites concerned under the representation which are not the subject of any amendment items under the current draft OZP. There is no ground for the Board to consider that part of the presenter's proposal
<p>R6 (Development, Planning and Transport Committee, Wan Chai District Council (WCDC))</p> <p>R7 (YEUNG Suet-ying, Clarisse, WCDC Member)</p> <p>R8 (Individual)</p> <p>R9 to R48 (Individuals)</p> <p>R49 (Individual)</p> <p>R50 (Green Sense)</p> <p>R52</p>	<ul style="list-style-type: none"> • R6 to R48 oppose all Items • R49 opposes all Items except E1 • R50 opposes all Items except G1 to G3 • R52 opposes Item A • The grounds of representations can be summarised below: <p>(a) <u>Accelerating redevelopment and Driving property price</u></p> <p>(i) It will intensify urban sprawl and speed up acquisition and redevelopment of buildings, leading to gentrification in the district and causing a drastic increase in property price. It will only benefit the developers in profit making rather than for the benefit of the general public (R6, R7, R9 to R28, R31 to 45, R47, R48 and R50)</p> <p>(ii) Redevelopment of the old residential buildings in "OU(MU)" zone have displaced the sitting residents which would result in an imbalance development between commercial and residential developments and</p>	<p><u>Accelerating redevelopment and driving property price</u></p> <p>(i) The OZP amendment is mainly about reviewing the OZP of the developments including BHRs and requirements of NBA, BG and SB. The revision of BHRs is mainly for allowing design flexibility for both commercial and residential developments incorporating SBDG requirements. There is primarily no PR/GFA restrictions under the "C" (except "C(1)", "C(2)" and "C(4)"), "R(A)" (and its subzones), "R(B)" and "OU(MU)" zones. Developments intensities within these zones are subject to the provision of Buildings Ordinance. Since there is no change to</p>

(Individual)	<p>give rise to conflict between different users (R7, R9, R11 to R27, R29 to R31 and R34 to R48, R50, R52)</p> <p>(b) <u>Traffic and Pedestrian</u></p> <p>Wan Chai is densely built with insufficient transport/traffic facilities, car parking spaces, roads and footpaths for vehicles and pedestrians. The existing intensity of developments in Wan Chai have not been fully utilized. Relaxation of BHR would encourage redevelopment and increase the development intensity (e.g. PR and floor area) in the already congested Wan Chai causing further increase in pedestrian and traffic flow and affect the environment and residents in the area (R6, R7, R8, R9 to R28, R31 to 45, R47, R48, R50)</p> <p>(c) <u>Visual, Air Ventilation and Living Environment</u></p> <p>(i) The relaxation of BHR would result in an increase in number of tall buildings which would lead to adverse impacts to visual and air ventilation (R6 and R7)</p> <p>(ii) The revision of BHR under the OZP only emphasised the impact on the ridgeline and mountain backdrop from selected viewing points. There is no consideration on the impact to sky view factor (i.e. looking up from street level) and tall building will block sunlight penetration thereby leading to shadowing effect and deterioration of living environment (R7, R10 to R19, R21 to R23, R25 to R29, R31, R32, R34, R35 R37 to R48, R50)</p>	<p>the allowable development intensity, the claim that relaxing the BHR will accelerate redevelopment and drive property price may not be justified. It should also be noted that under the "OU(MU)" zone, residential developments are also permitted. The type of buildings to be redeveloped within the "OU(MU)" zone would be market-led and is at the discretion of project proponents</p> <p><u>Traffic and Pedestrian</u></p> <p>(ii) As the revisions to the BHRs do not involve any increase in PR, the Transport Department (TD) considers that significant increase in traffic and pedestrian flow is not envisaged. Besides, parking standards and requirements including ancillary private car parking spaces would be considered in all development/ redevelopment projects by TD at the building plan submission stage. In any case, TD will continue to monitor the traffic and parking conditions in the area and review the need for any transport facilities, road improvement works and traffic management measures as appropriate. TD is also of the view that setback area at street level according to SBDG can be open up for use as footpath which can improve pedestrian circulation</p>
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	<p>(iii) Views of the sky and mountain backdrops will be affected and the stepped BH concept that allows maximum views of the harbour and pleasure to both residents and staff working in commercial towers is being sacrificed. The wall effect would deprive many buildings behind of the harbour view enjoyment and well being of the entire community (R8)</p> <p>(iv) Deletion of NBAs on the two sides of the Ex-Wan Chai Police Station (WCPS) site and Ex-Wan Chai Police Married Quarters (WCPMQ) site would reduce public space, affect air ventilation and reduce sunlight penetration (R6, R7, R10 to R23, R25 to R27, R29 to R31, R33 to R35, R37 to R45, R47 and R50)</p> <p>(v) The major impediment to good ventilation is the prevalence of high podium (R8)</p> <p>(d) <u>Open Space Provision</u></p> <p>Increase in BH of commercial and residential sites would attract more residents and workers to the district. However the OZP does not incorporate provision of additional open space for a district that is highly deficient. Moreover, the long delayed district open space around the Hong Kong Convention and Exhibition Centre is too distant and difficult to get to and to qualify as anything more than a tourist attraction (R8)</p>	<p><u>Visual, Air Ventilation and Living Environment</u></p> <p>(iii) Relaxation of BHR would not lead to deterioration of air ventilation as reflected in AVA EE 2018. It is anticipation that the general wind environment of the area would be improved in the long run when the number of redeveloped buildings following SBDG increase. Since relying on SBDG alone would not be sufficient to ensure good air ventilation at district level, air ventilation measures at strategic locations on the OZP are necessary. The current OZP maintains the SB requirements for narrow streets perpendicular to QRE and the NBA at the junction of Oi Kwan Road and Tai Yan Street</p> <p>(iv) In respect of the representations against the deletion of NBA and BG, it should be noted that NBAs designated along the eastern and western boundaries of the Ex-WCPS site, Ex-WCPMQ site, the BGs imposed on the eastern and western boundaries of Lockhart Road Municipal Services Building site and the eastern boundary of Hennessy Road Government Primary School site as well as to the north of Ruttonjee Hospital are considered quite narrow and the wind entrance to these air paths has been partially blocked by the existing high-rise developments in the north (e.g. China Resources Building and Causeway Centre). According to the AVA EE 2018, these NBAs and</p>
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	<p>(e) <u>Public Interest in the OZP Amendment</u></p> <p>(i) The rezoning of the proposed amendments is contradictory to the rational of the amendments made in 2010 (e.g. prevent out-of-context developments and designation of NBA, SB and BG requirements to facilitate air ventilation. The OZP amendment is exclusively for the interest of the developers. PlanD took the advantage of the court ruling to increase the BH which are not the subject to any proceeding. The ruling concerned procedural issues and it is not mandatory to relax BHR to a certain limit (i.e. from 5 to 40%). The rights of the property owners are not absolute and the rights of the community must be respected. Moreover, it would not preclude developers from applying for additional BH through “minor relaxations” after relaxation of BHR (R8)</p> <p>(ii) There is no public interest to revise the BHRs and delete the NBA and BG requirements, in particular no public interest in the revision of BHR of “C(4)” zone unless the developer agrees to pay an additional land premium to the Government; no public interest to delete the NBAs/BGs which allow the public to walk through and for the protection of historical building of Ex-WCPS; and the provision of minor relaxation in BHR means the development in commercial zones subject to BHR of 135mPD can be built up to 140mPD (R49)</p>	<p>BGs may not be able to serve as district air paths in the district and there are alternative building design measures under SBDG (e.g. ventilated communal gardens) that could serve similar air ventilation purpose for the locality, these requirements are therefore deleted on the OZP</p> <p>(v) Visual appraisal has been conducted as part of the BH review for the current OZP (Annex F2 of TPB Paper No. 10415), the broad urban design principles set out in the Urban Design Guidelines under the HKPSG have been adopted. The vantage points selected are either views at a strategic level according to the Urban Design Guidelines or an important public viewing point to the public. Redevelopments incorporating SBDG requirements like building setback, building gap, greenery and promotion of podium-free design may provide certain visual relief at street level</p> <p>(vi) Regarding the concerns on the possible adverse environmental impact of the relaxation of BHRs, since the OZP amendments would not affect the development intensity, and the uses in the areas subject to the OZP amendments are not polluting in nature, the Director of Environmental Protection advises that adverse environmental impact including air and noise pollutions is not anticipated. Besides, the relaxation of BHRs would allow design flexibility and scope for development to adopt SBDG and/or design</p>
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	<p>(f) <u>Assumptions in deriving BHR</u></p> <p>The assumptions used in working out the typical BH of commercial and composite building in Annexes D2 and D3 are doubtful. While HKPSG allows for site coverage of commercial buildings to exceed the stipulated standard of 60% for buildings over 61m it does not say that the 15m podium should occupy the entire footprint (R8)</p> <p>(g) <u>Revitalisation of the Ex-WCPS</u></p> <p>There are concerns on the revitalization of the Ex-WCPS bundled with commercial development, which could otherwise be used to solve the existing problems of lack of open space and G/IC facilities. This will deprive the public's right in using public space and the effectiveness in heritage conservation is in doubt (R6, R7, R9, R11 to R27, R29, R30, R32 to R45, R47, R48, R50)</p> <p><u>Representer's Proposal</u></p> <ul style="list-style-type: none"> • Nil 	<p>features that would improve the pedestrian environment and provision of greenery</p> <p>(vii) The BHRs relaxation is to allow design flexibility for future developments in meeting SBDG which will improve the overall building permeability and visual amenity of the pedestrian environment. The proposed BHRs would be a matter of trade-off amongst different urban design considerations in the dense urban core like Wan Chai. It is anticipated that variation in lot size and development scale as well as differences in design styles and consideration would also contribute to varieties in BH and outlook over the area. In overall terms, the proposed BHRs relaxation will not result in unacceptable visual impact</p> <p>(viii) Private views from residential or commercial towers are not considered with reference to the Town Planning Board Guideline No. 41 on Submission of Visual Impact Assessment for Planning Applications to the Town Planning Board as it is not practical to protect private views without stifling development opportunity and balancing other relevant consideration in the highly developed context of Hong Kong. In the interest of the public, it is far more important to protect public views from key strategic and important public viewing point</p>
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<p><u>Open Space Provision</u></p> <p>(ix) Since the proposed OZP amendments would not affect the development intensity permitted under the OZP, it would not attract more residents and workers to the district. The overall provision of the open space and G/C facilities in the Wan Chai District will be adequate to meet the requirement of the planned population in the area. Hence, there is no planning justification to convert unused government sites into public open space</p> <p><u>Public Interest in the OZP Amendment</u></p> <p>(x) Set against the background of high redevelopment pressure in the Wan Chai area and the tendency for project proponents to propose high-rise buildings to maximise views of the harbour, the main purpose in stipulation of BHRs on the Wan Chai OZP in 2010 is to provide better planning control in guiding developments/redevelopments to avoid excessively tall and out-of-context developments which will adversely affect the visual quality of the area. In the current BH review, due considerations have been given to the SBDG and other planning and design requirements. The revised BHRs incorporated in the current round of OZP amendment are considered to have balanced the public interest and private development right as well as the Court's ruling in respect of the JRs</p>	
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Assumptions in deriving BHR

- (xi) The assumptions adopted by PlanD are based on the basic building profile for assessing the BH required for incorporation of SBDG requirements of different type of developments (i.e. for residential and commercial types of buildings). They are in line with the provisions of the B(P)R including the permissible SC

Revitalisation of the Ex-WCPS

- (xii) The OZP amendment is related to the deletion of NBA at the Ex-WCPS. There is no review of its zoning. The Ex-WCPS site was rezoned from "G/IC" to "OU" site in 2010 under the draft Wan Chai OZP No. S/H5/26, which was also presented to WCDC for consultation. The hearing of the representations and comments in respect of the draft Wan Chai OZP No. S/H5/26 was conducted by the Board on 26.4.2011. The planning intention of the subject "OU" site is primarily for preservation and adaptive re-use of the Ex-WCPS building for hotel, commercial, community and/or cultural uses as an integrated project with the Ex-WCPMQ across Jaffe Road. The EX-WCPS is a Grade 2 historical building and will not be demolished

<p>R51 (Individual)</p>	<ul style="list-style-type: none"> • Opposes Item A since the BHR of 210mPD for the commercial development of Hopewell Centre II at Kennedy Road is higher than the revised BHR of 135mPD • Opposes Item E1 since the proposed BH in the planning application for a commercial development at 155 – 167 QRE is 90mPD. The representer also suggests extending BHR under Item E1 to an area in Hill Side Terrace, Nam Koo Terrace and Miu Kang Terrace under application for rezoning <p><u>Representer's Proposals</u></p> <ul style="list-style-type: none"> • Adopt BHR of 207mPD for the proposed Hopewell Centre II in Kennedy Road • Adopt BHR of 90mPD for 155 – 167 Queen's Road East under Item E1 • Extend BHR of Item E1 (i.e. 110mPD) to the Hill Side Terrace, Nam Koo Terrace and Miu Kang Terrace 	<p>(i) The representation sites of R51 include the Hopewell Centre II (HCII) (zoned "OU" annotated "Comprehensive Redevelopment Area"); Hill Side Terrace, Nam Koo Terrace and Miu Kang Terrace (zoned "O", "R(C)" and "G/IC"; and 155 – 167 QRE (zoned "R(A)" under Item E1). The zoning and the BHR of the HCII as well as the zonings of the sites of Hill Side Terrace, Nam Koo Terrace and Miu Kang Terrace are not the subject of the current OZP amendments. It should be noted that this "OU" zone is already subject to a BHR of 210mPD on the OZP</p> <p>(ii) For the site at 155 – 167 QRE which is zoned "R(A)" and covered under Item E1. The BHR of 110mPD for "R(A)" zone which was based on the basic building profile for a typical composite building to comply with SBDG and the site levels of around 6mPD-19mPD in the area is considered appropriate, there is no justification to restrict the site to a BHR of 90mPD</p> <p><u>Representer's Proposals</u></p> <p>(iii) The BHR of 110mPD for "R(A)" zone is considered appropriate. There is no strong reason to further relax the BHR of "R(A)" zone beyond the level of basic building profile of a typical composite building. There is no justification to restrict the site to a BHR of 90mPD</p>
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R53 (Individual)	<ul style="list-style-type: none"> • Oppose Item B mainly for reason that the BHR of the “C(4)” zone under Item B should be 135mPD in order to tally with the Items A, C and D <p><u>Representer’s Proposal</u></p> <ul style="list-style-type: none"> • Adopt a BHR of 135mPD for the whole Wan Chai area 	(iv) As for the sites concerned under the representation which are not the subject of any amendment items under the current draft OZP. There is no ground for the Board to consider that part of the representer’s proposal
	<p>(i) Unlike other “C” zones in Wan Chai, which are subject to a maximum PR of 15 under the Buildings Ordinance, the “C(4)” site is subject to a maximum PR of 12 on the OZP. Hence, a BHR of 110mPD instead of 135mPD is able to accommodate the maximum PR of 12 in accordance with the basic building profile for a typical commercial building to comply with SBDG at this location with a site level of about 4mPD</p> <p><u>Representer’s Proposal</u></p> <p>(ii) The BHR of 110mPD for “R(A)” zone is considered appropriate. There is no strong reason to further relax the BHR of “R(A)” zone beyond the level of basic building profile of a typical composite building. There is no justification for further relaxation of the BHR to 135mPD</p> <p>(iii) The BHRs for “C”, “C(4)”, sub-area (b) of “C(6)”, “OU(MU)”, “R(A)” and “R(B)” zones are considered appropriate. There is no justification for or technical assessments to substantiate further</p>	

		relaxation of BHRs for these zones (iv) As for the sites concerned under the representation which are not the subject of any amendment items under the current draft OZP. There is no ground for the Board to consider that part of the representor's proposal
R54 to R75 (Individuals)	<ul style="list-style-type: none"> • Oppose Item E1 • Oppose revision of BHR of the "R(A)" zones to the south of the QRE under Item E1 mainly for reasons of incompatibility of the proposed BH with the surroundings and nearby historical building; conservation of the existing buildings in the district; driving up land price; leading to decrease in flat size; crowded living condition and increase in temperature in the urban area; bringing adverse impacts on air ventilation, air quality, environment, traffic congestion, pedestrian environment, living environment, community, visual and sunlight penetration, and provision of open space and public utilities for the proposed amendment is required <p><u>Representor's Proposal</u></p> <ul style="list-style-type: none"> • Maintain BHR of 100mPD for areas covered by Item E1 (R54 to R57, R59 to R62, R68 to R71 and R75) 	<p>(i) The area to the south of the QRE is mainly occupied by a mixture of old and new, low to high-rise residential developments with commercial uses on the lower floors. High-density commercial developments including Wu Chung House, Hopewell Centre, Hopewell Centre II (under construction) could also be found in the central part of QRE. The area is zoned "R(A)" on the OZP which is intended primarily for high-density residential developments</p> <p>(ii) The BHR of 110mPD for "R(A)" zone was based on the basic building profile for a typical "R(A)" composite building to comply with SBDG (i.e. ranging from 90m to 93m for future redevelopment in this area which will be subject to the building setback but not building separation requirement) and the site levels of around 6mPD to 19mPD in the area. There is no strong reason to further relax the BHR of "R(A)" zone beyond the level of basic building profile of a typical composite building</p>

(iii) With regard to concerns on driving up land price; leading to decrease in flat size; crowded living condition and increase in temperature in the urban area; bringing adverse impacts on air ventilation, air quality, environment, traffic congestion, pedestrian environment, living environment, community, visual and sunlight penetration, and provision of open space and public utilities for the proposed amendment, please refer to PlanD's responses under 'Accelerating redevelopment and driving property price', 'Traffic and Pedestrian', 'Visual, Air Ventilation and Living Environment' and 'Open Space Provision' of **R6, R7, R8, R9 to R48, R49, R50 and R52** above

(iv) The Government has his own heritage conservation policy for conservation of historic buildings. For example, the historical buildings known as 'Blue House' (Grade 1) and 'Yellow House' (Grade 2) in the area are covered by Urban Renewal Authority (URA) Stone Nullah Lane/Hing Wan Street/King Sing Street Development Scheme Plan No. S/H5/URA2/2 and zoned "OU" annotated "Open Space and Historical Buildings Preserved for Cultural, Community and Commercial Uses" and are not the subject of current OZP amendment. Antiquities Advisory Board will consider the heritage value and grading of the existing buildings if necessary

	<p><u>Representer's Proposal</u></p> <p>(v) The BHR of 110mPD for "R(A)" zone is considered appropriate. There is no strong reason to amend the BHR of "R(A)" zone beyond the level of basic building profile of a typical composite building to allow design flexibility for incorporation of SBDG requirements. There is no justification to maintain a BHR of 100mPD (R54, R55, R56, R57, R59, R60, R61, R62, R68, R69, R70, R71 and R75)</p>
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**Summary of Comments on Representations and the Planning Department's Responses
in respect of the Draft Wan Chai Outline Zoning Plan (OZP) No. S/H5/28**

Comment No. (TPB/R/S/H5/28-)	Related Representation / Amendment Item	Gist of Comment	Response to Comment
C1 (Individual) (Also as R1)	Support R1	<ul style="list-style-type: none"> Support the OZP because the amendments to the draft OZP have considered the overall impact as well as the developments in the district 	Noted
C2 and C3 (Individuals)	Support R2 and R3	<ul style="list-style-type: none"> Support Item A and suggest the BHR should be further relaxed for the Lee Theatre Plaza site (from 135mPD to 165mPD) and the Leighton Centre site (from 135mPD to 200mPD) so that high quality building can be developed (C3) 	Please refer to responses under R2 and R3 above
C4 and C5 (Individuals)	Support R4 and R5	<ul style="list-style-type: none"> Support the relaxation of BHR to 135mPD (C4 and C5) Oppose Item E1 and request further relaxation of the BHR from 110mPD to 135mPD for urban design reason (C4 and C5) Support R5's views on provision of more open space to facilitate air ventilation (C4) 	Please refer to responses under R4 and R5 above
C6 (Individual)	Oppose R49	<ul style="list-style-type: none"> The reason for opposing relaxation of BHR under Items A to D, E1* and E3 are not justified since the relaxation of BHR is not accompanied with an increase in PR. Hence, there would be no increase in GFA and 	Please refer to responses under R49 above

Comment No. (TPB/R/S/H5/28-)	Related Representation / Amendment Item	Gist of Comment	Response to Comment
		hence no increase and impact on traffic (<i>*EI was not opposed by R49 in its representation</i>)	
C7 (YEUNG Suet-ying, Clarisse, WCDC Member) (Also as R7)	Agree with R1, R5 (part), R6 to R43, R49, R50 and R54 to R75 Oppose/Not agree with R2, R3, R4, R5 (part) and R53	<ul style="list-style-type: none"> Support the views of representations that the amendments would speed up acquisition and redevelopment of old buildings, causing gentrification in the district; and affect air ventilation and block sunlight penetration the amendments should balance community and economic development; the concern on preservation of the Ex-WCPS through privatization, and support R5's proposal to rezone the "C(4)" to "O" zone Oppose the views/justifications of representations requesting for further relaxation of BHR mainly for the reason that it will only benefit the developers in profit making rather than for the benefit of the general public 	Please refer to responses to R1, R2, R3, R4, R5, R6 to R43, R49, R50, R53 and R54 to R75 above.
C8 (Owners' Committee of One Wan Chai)	Support R6 to R48	<ul style="list-style-type: none"> Oppose all Items since the relaxation of BHR would make traffic condition worse and affect the living environment and street environment in the area 	Please refer to responses under ' <i>Traffic and Pedestrian</i> ' of R6, R7, R8, R9 to R28, R31 to 45, R47, R48, R50 above.
C9 (Individual) (Also as R8)	Not Specified	<ul style="list-style-type: none"> The Court's ruling was on the process and procedures. Property right should be subject to restriction 	Please refer to responses under ' <i>Public Interest</i> ' of R8 above

**List of Representers in respect of
Draft Wan Chai Outline Zoning Plan No. S/H5/28**

申述人名單
灣仔分區計劃大綱草圖編號 S/H5/28

Representation No. 申述個案編號	Name of 'Representer' 申述人名稱
TPB/R/S/H5/28-1	Lau Chun Kit
TPB/R/S/H5/28-2	Lee Theatre Realty Limited
TPB/R/S/H5/28-3	Leighton Property Company Limited
TPB/R/S/H5/28-4	Cherish Shine Limited
TPB/R/S/H5/28-5	The Real Estate Developers Association of Hong Kong
TPB/R/S/H5/28-6	Development, Planning & Transport Committee, Wan Chai District Council (WCDC)
TPB/R/S/H5/28-7	YEUNG Suet-ying, Clarisse, WCDC Member
TPB/R/S/H5/28-8	Mary Mulvihill
TPB/R/S/H5/28-9	陳樂行
TPB/R/S/H5/28-10	楊子雋
TPB/R/S/H5/28-11	Ho Wong
TPB/R/S/H5/28-12	Ng Yan Kit
TPB/R/S/H5/28-13	cleo wong
TPB/R/S/H5/28-14	sing chan
TPB/R/S/H5/28-15	Tiffany Tang
TPB/R/S/H5/28-16	Joan Shang
TPB/R/S/H5/28-17	Tam Daniel
TPB/R/S/H5/28-18	Adrian Ngan
TPB/R/S/H5/28-19	Ling Sun
TPB/R/S/H5/28-20	Liz Lau
TPB/R/S/H5/28-21	Dolphin
TPB/R/S/H5/28-22	Yvette Yanne
TPB/R/S/H5/28-23	Suzanne Wong
TPB/R/S/H5/28-24	張倩盈
TPB/R/S/H5/28-25	Tony Tong
TPB/R/S/H5/28-26	K.L. Ng
TPB/R/S/H5/28-27	Johnny Ng
TPB/R/S/H5/28-28	Arthur Yeung
TPB/R/S/H5/28-29	Tang Kin Tat
TPB/R/S/H5/28-30	Man Tou
TPB/R/S/H5/28-31	Mok Hiu Lam
TPB/R/S/H5/28-32	Yeung Kam Piu
TPB/R/S/H5/28-33	Yeung yat nam
TPB/R/S/H5/28-34	YK
TPB/R/S/H5/28-35	kiki wong

Representation No. 申述個案編號	Name of 'Representer' 申述人名稱
TPB/R/S/H5/28-36	Francisco Lo
TPB/R/S/H5/28-37	Gloria Ho
TPB/R/S/H5/28-38	蕭雲龍
TPB/R/S/H5/28-39	Siu Wan Chi
TPB/R/S/H5/28-40	Tinny Ko
TPB/R/S/H5/28-41	YU SAI TANG
TPB/R/S/H5/28-42	Wenda leung
TPB/R/S/H5/28-43	FUNG Wai Ching Ritter
TPB/R/S/H5/28-44	Victor Liu
TPB/R/S/H5/28-45	Lau Ting Shing
TPB/R/S/H5/28-46	Alex Leung
TPB/R/S/H5/28-47	Zita lo
TPB/R/S/H5/28-48	Currer Lui
TPB/R/S/H5/28-49	Sun Shun Kei
TPB/R/S/H5/28-50	Green Sense
TPB/R/S/H5/28-51	Ha Hung Siu
TPB/R/S/H5/28-52	姜玉菲
TPB/R/S/H5/28-53	Yu Wai Kwong
TPB/R/S/H5/28-54	Hazel
TPB/R/S/H5/28-55	Jasmine Tsang
TPB/R/S/H5/28-56	Chau Hei Suen
TPB/R/S/H5/28-57	Rainbow Kong
TPB/R/S/H5/28-58	Tam Mei Yuk
TPB/R/S/H5/28-59	Lau Pak Shing
TPB/R/S/H5/28-60	呂嘉怡
TPB/R/S/H5/28-61	蔡銀娟
TPB/R/S/H5/28-62	曾志雄
TPB/R/S/H5/28-63	羅少玲
TPB/R/S/H5/28-64	林寶泉
TPB/R/S/H5/28-65	麥浩俊
TPB/R/S/H5/28-66	陳卓楠
TPB/R/S/H5/28-67	黃秀屏
TPB/R/S/H5/28-68	陸燕容
TPB/R/S/H5/28-69	李雲珍
TPB/R/S/H5/28-70	杜秀芳
TPB/R/S/H5/28-71	Fato Leung
TPB/R/S/H5/28-72	李惠玲
TPB/R/S/H5/28-73	王翠合
TPB/R/S/H5/28-74	鄧小姐
TPB/R/S/H5/28-75	蔡少華

**List of Commeters in respect of
Draft Wan Chai Outline Zoning Plan No. S/H5/28**

提意見人名單
灣仔分區計劃大綱草圖編號 S/H5/28

Comment No. 意見編號	Name of 'Commenter' 提意見人名稱
TPB/R/S/H5/28 – C1	LAU Chun Kit
TPB/R/S/H5/28 – C2	Yun Fan Lai
TPB/R/S/H5/28 – C3	Dora Chan
TPB/R/S/H5/28 – C4	Cecilia
TPB/R/S/H5/28 – C5	Peter Wu
TPB/R/S/H5/28 – C6	LAU Shun Wah Maggie
TPB/R/S/H5/28 – C7	YEUNG Suet-ying, Clarisse, WDCDC Member
TPB/R/S/H5/28 – C8	Owners' Committee of One Wan Chai
TPB/R/S/H5/28 – C9	Mary Mulvihill

Provision of Major Community Facilities in Wan Chai District
在灣仔區提供的主要社區設施

Type of Facilities 設施種類	Hong Kong Planning Standards and Guidelines (HKPSG) 《香港規劃標準與準則》	HKPSG Requirement (based on planned population) 《香港規劃標準與準則》要求(按規劃人口計算)	Provision 供應		Surplus/ Shortfall (against planned provision) 剩餘/短缺 (與已規劃供應比較)
			Existing Provision 現有供應	Planned Provision (including Existing Provision) 已規劃供應 (包括現有供應)	
Secondary School 中學	1 whole-day classroom for 40 persons aged 12-17 每40名12-17歲青少年設一個全日制學校課室	226 classrooms 個課室	450 classrooms 個課室	450 classrooms 個課室	+224 classrooms 個課室
Primary School 小學	1 whole-day classroom for 25.5 persons aged 6-11 每25.5名6-11歲兒童設一個全日制學校課室	273 classrooms 個課室	443 classrooms 個課室	455 classrooms 個課室	+182 classrooms 個課室
Kindergarten and Nursery 幼兒班與幼稚園	34 classrooms for 1,000 children aged 3 to 6 每1,000名3-6歲以下幼童設34個課室	74 classrooms 個課室	214 classrooms 個課室	226 classrooms 個課室	+152 classrooms 個課室
District Police Station 警區警署	1 per 200,000 to 500,000 persons 每 200,000 至 500,000 人設一間	0	1	1	+1
Divisional Police Station 分區警署	1 per 100,000 to 200,000 persons 每 100,000 至 200,000 人設一間	1	2	2	+1
Clinic/ Health Centre 普通科診療所/ 健康中心	1 per 100,000 persons 每100,000人設一間	2	3	3	+1
Specialist Clinic/ Polyclinic 專科診療所/ 分科診療所	1 whenever a regional or district hospital is built 每興建一所醫院，便應同時設置一所專科診療所/分科診療所	N/A 不適用	3	3	N/A 不適用
Hospital Beds 醫院床位	5.5 beds per 1,000 persons 每1,000人設5.5個床位	1,266 beds 個床位	1,942 beds 個床位	2,171 beds 個床位	+905 beds 個床位
Magistracy 裁判法院	1 per 660,000 persons 每660,000人設一間	0	1	1	+1
District Elderly Community Centres 長者地區中心	One in each new development area with a population of around 170 000 or above	N/A 不適用	2	2	N/A 不適用

	每個人口約為 170 000人或以上的 新發展區設一間				
Neighbourhood Elderly Centres 長者鄰舍中心	One in a cluster of new and redeveloped housing areas with a population of 15 000 to 20 000 persons, including both public and private housing 每個人口為 15 000 人至 20 000 人的新 建和重新發展的住宅 區(包括公營及私營 房屋)設一間	N/A 不適用	3	3	N/A 不適用
Day Care Centres/ Day Care Units^ (Centre-base) 長者日間護理 中心／長者日 間護理單位^ (以中心為本)	17.2 subsidised places per 1 000 elderly persons aged 65 or above~ ^ 每 1 000 名年滿 65歲或以上的長者 設17.2 個資助服務 名額~ ^	393	110	110	-283
Residential Care Homes for the Elderly 安老院舍	21.3 subsidised beds per 1 000 elderly persons aged 65 or above~ 每 1 000 名 65 歲 或以上 的長者設 21.3 個資助床位~	1,217	923 ^Δ	1,047 ^Ω	-170
Integrated Children and Youth Services Centre 綜合青少年服 務中心	1 for 12,000 persons aged 6-24 每 12,000 名 6-24歲兒童/青年 設一間	2	2	2	0
Integrated Family Services Centre 綜合家庭服務 中心	1 for 100,000 to 150,000 persons 每100,000至150,000 人設一間	1	1	1	0
District Open Space 地區休憩用地	10 ha per 100,000 persons [#] 每100,000人10公頃 [#]	18.45 ha 公頃	36 ha 公頃	40.36 ha 公頃	+21.91 ha 公頃
Local Open Space 鄰舍休憩用地	10 ha per 100,000 persons [#] 每100,000人10公頃 [#]	18.45 ha 公頃	14.89 ha 公頃	15.83 ha 公頃	-2.62 ha 公頃
Sports Centre 體育中心	1 per 50,000 to 65,000 persons 每50,000至65,000 人 設一個	2	3	3	+1
Sports Ground/ Sports Complex 運動場/ 運動場館	1 per 200,000 to 250,000 persons 每200,000 至250,000 人設一個	0	4	4	+4

Swimming Pool Complex – Standard 游泳池場館－標準池	1 complex per 287,000 persons 每287,000人設一個場館	0	2	2	+2
Post Office 郵政局	Accessible within 1.2 km in urban area 在市區設於1.2公里的範圍內	N/A 不適用	7	7	N/A 不適用

Note 註：

The planned population of the Wan Chai District is about 230,358
灣仔區的規劃人口約為 230,358 人

The requirements excludes planned population of transients and the provision is based on the information as at March 2018
有關要求不包括流動居民，供應所根據的資料為截至2018年3月

Δ Provided by Social Welfare Department
由社會福利署提供

Ω Included the provision at a site in Ventris Road
包括於雲地利道用地提供的設施

~ This is a long-term goal and the actual provision would be subject to the consideration of the Social Welfare Department in the planning and development process as appropriate
此乃長遠目標，在規劃和發展過程中，社會福利署會就實際提供的服務作出適當考慮

^ The facilities belong to the centre-based facilities of Community Care Services (CCS). The planning standard of the CCS Facilities (including both centre-based and home-based) is population-based. There is no rigid distribution between centre-based CCS and home-based CCS stated in the Elderly Services Programme Plan. Nonetheless, in general, 60% of CCS demand will be provided by home-based CCS and the remaining 40% will be provided by centre-based CCS
這些設施屬於以中心為本的社區護理服務。社區照顧服務設施(包括中心為本及家居為本)的規劃標準是以人口為基礎。《安老服務計劃方案》對中心為本及家居為本的社區照顧服務的分配沒有硬性的規定。不過，一般來說，家居為本的服務及中心為本的服務分別滿足六成和四成社區照顧服務方面的需求