

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.

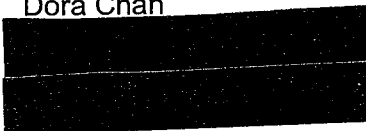
Comment on Representation Number TPB/R/S/H5/28-R3

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

(known as "Commenter") hereafter:

女士 Ms. LAU Shun Wah Maggie

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:

寄件日期:

收件者:

主旨:

21日08月2018年星期二 1:57

tpbpd

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.

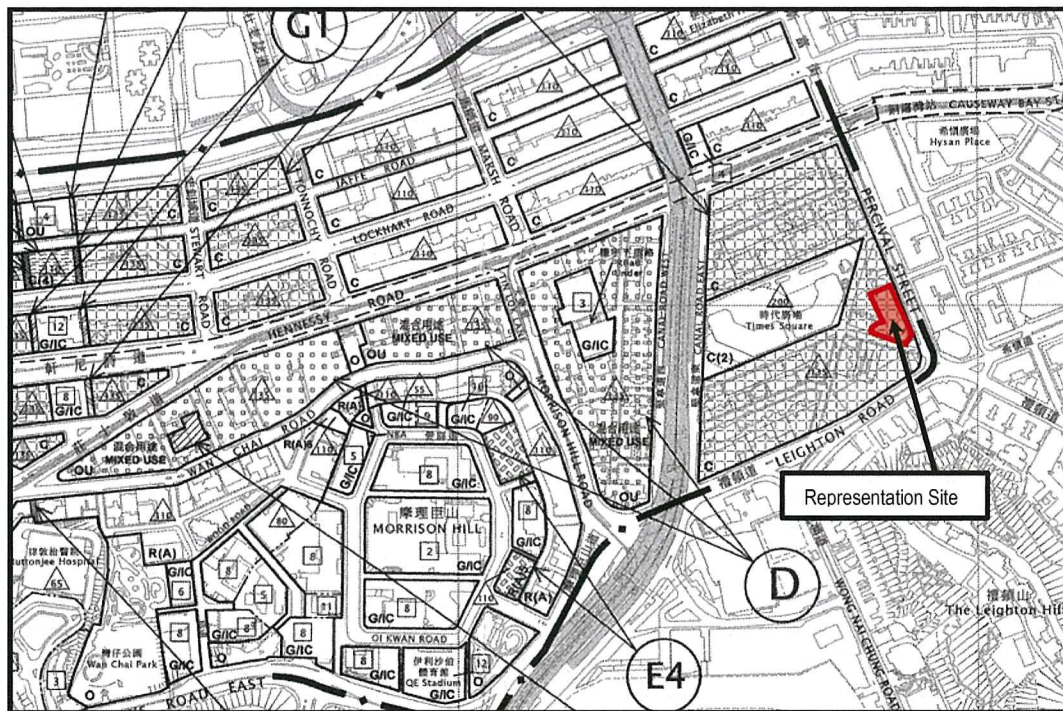


Figure 1 : Location Plan An extract from the Draft Wan Chai Outline Zoning Plan Number S/H5/28, showing the location of Lee Theatre Plaza within the “C” zone with a building height restriction of 135mPD.



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

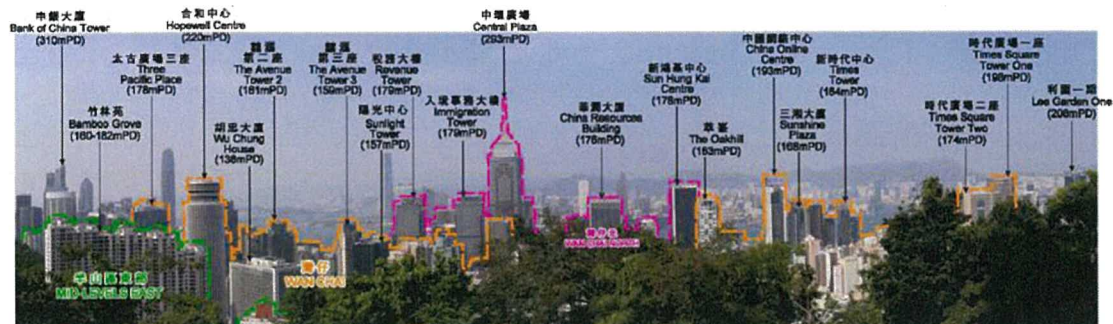
- 8.1 The 135mPD BHR does not seem to be set as a result of any strong justification and societal benefit. As mentioned in paragraph 6.4 above the main justification against the 165mPD in the TPB Paper is:

"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)



現有景觀 EXISTING VIEW



Representation site is not able to be seen over the trees, as it is too low at 165mPD, however the site location is approximately indicated.

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

110mPD 130mPD 已批准之發展
COMMITTED DEVELOPMENT



Representation site is not able to be seen as it is too low at 165mPD, however the site location is approximately indicated.

PROPOSED BUILDING HEIGHT RESTRICTIONS

 110mPD
 135mPD
 已批准之發展
COMMITTED DEVELOPMENT

從司徒拔道眺望威遠跡
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.

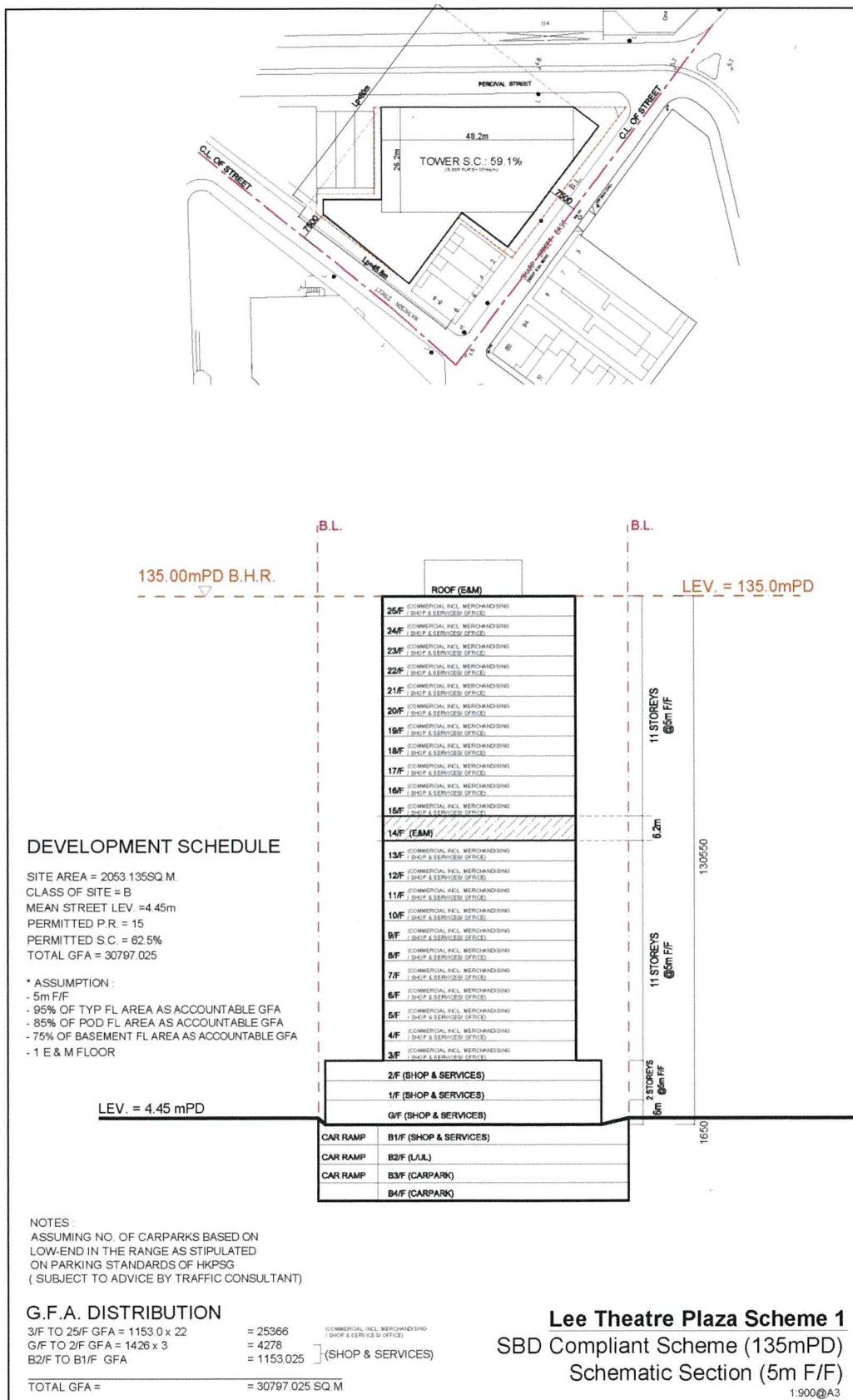


Figure 3 : 135mPD OZP and SBDG Compliant Scheme.

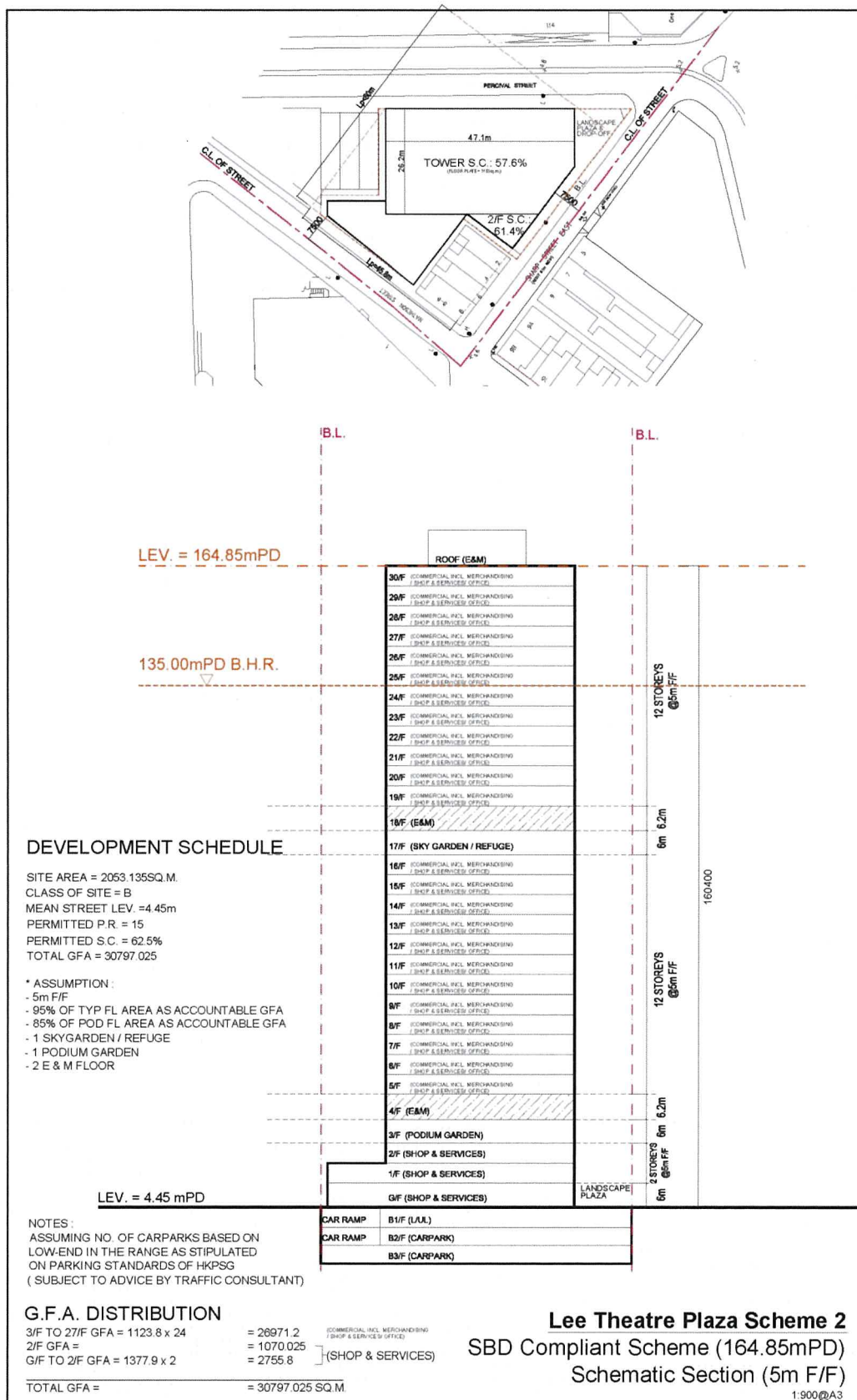


Figure 4 : The 165 mPD SBD Complaint Scheme

- 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

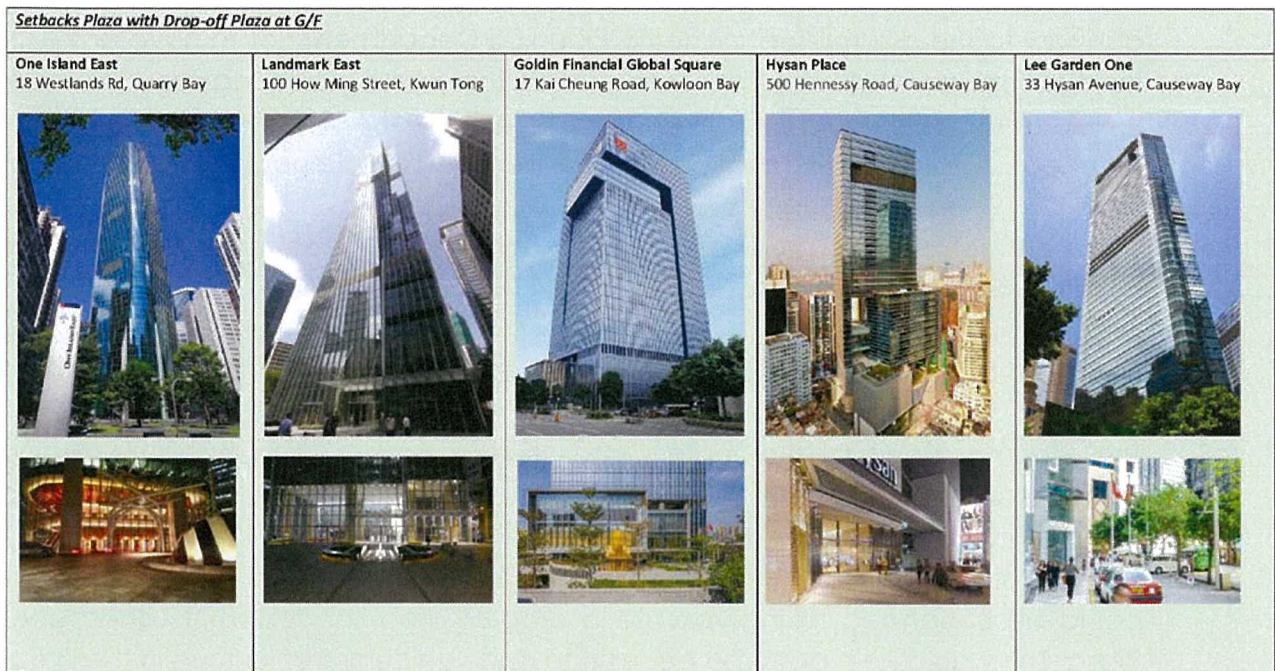


Figure 5 : Examples of Setbacks where there is a Plaza and Drop-Off area in Hong Kong.

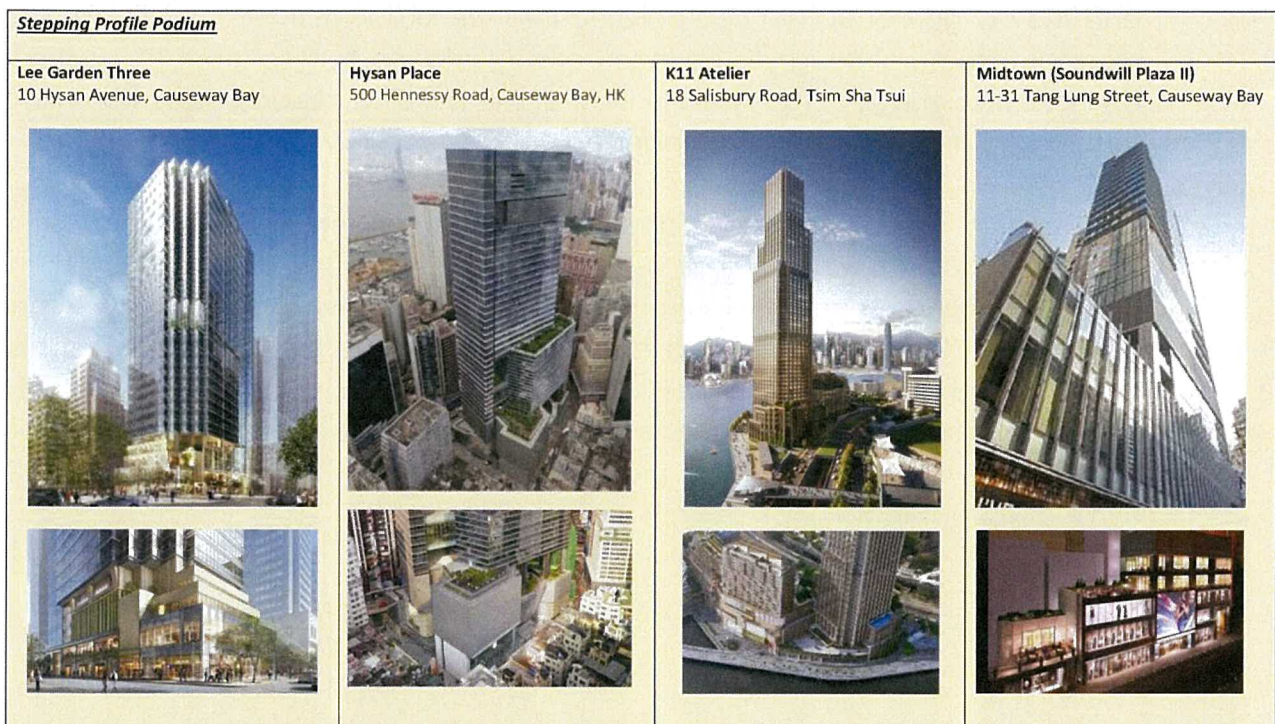


Figure 6 : Hong Kong examples showing examples of stepped profile podiums.

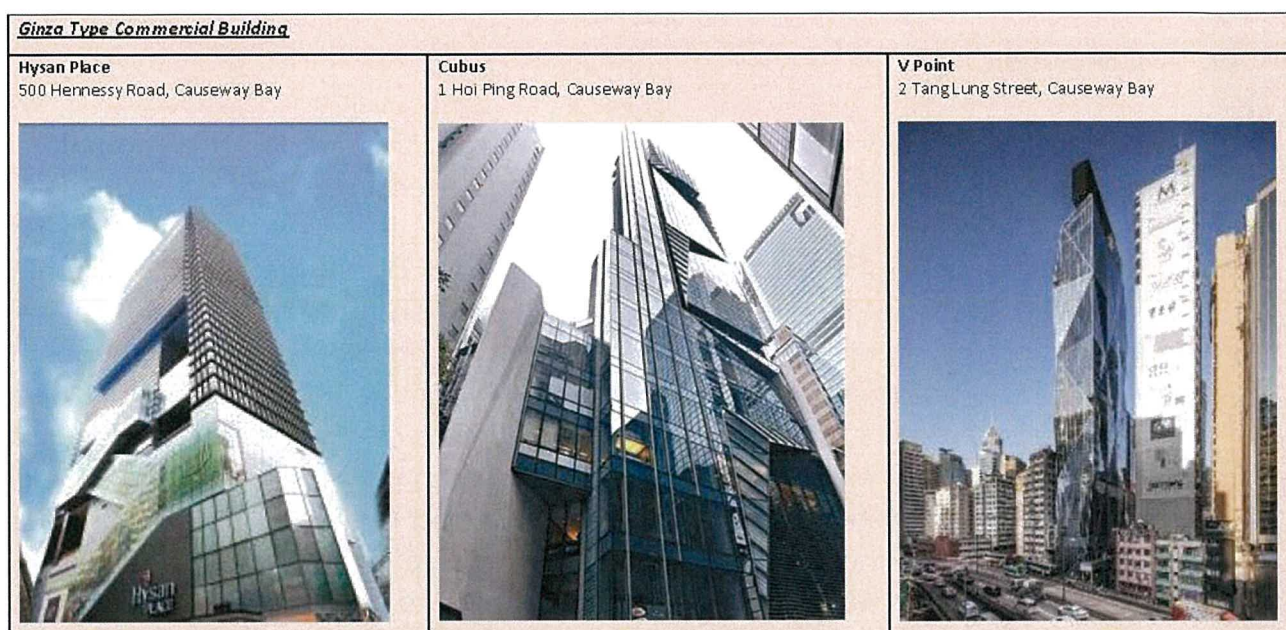


Figure 7 : Ginza- Type Commercial Building Examples in Hong Kong.

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

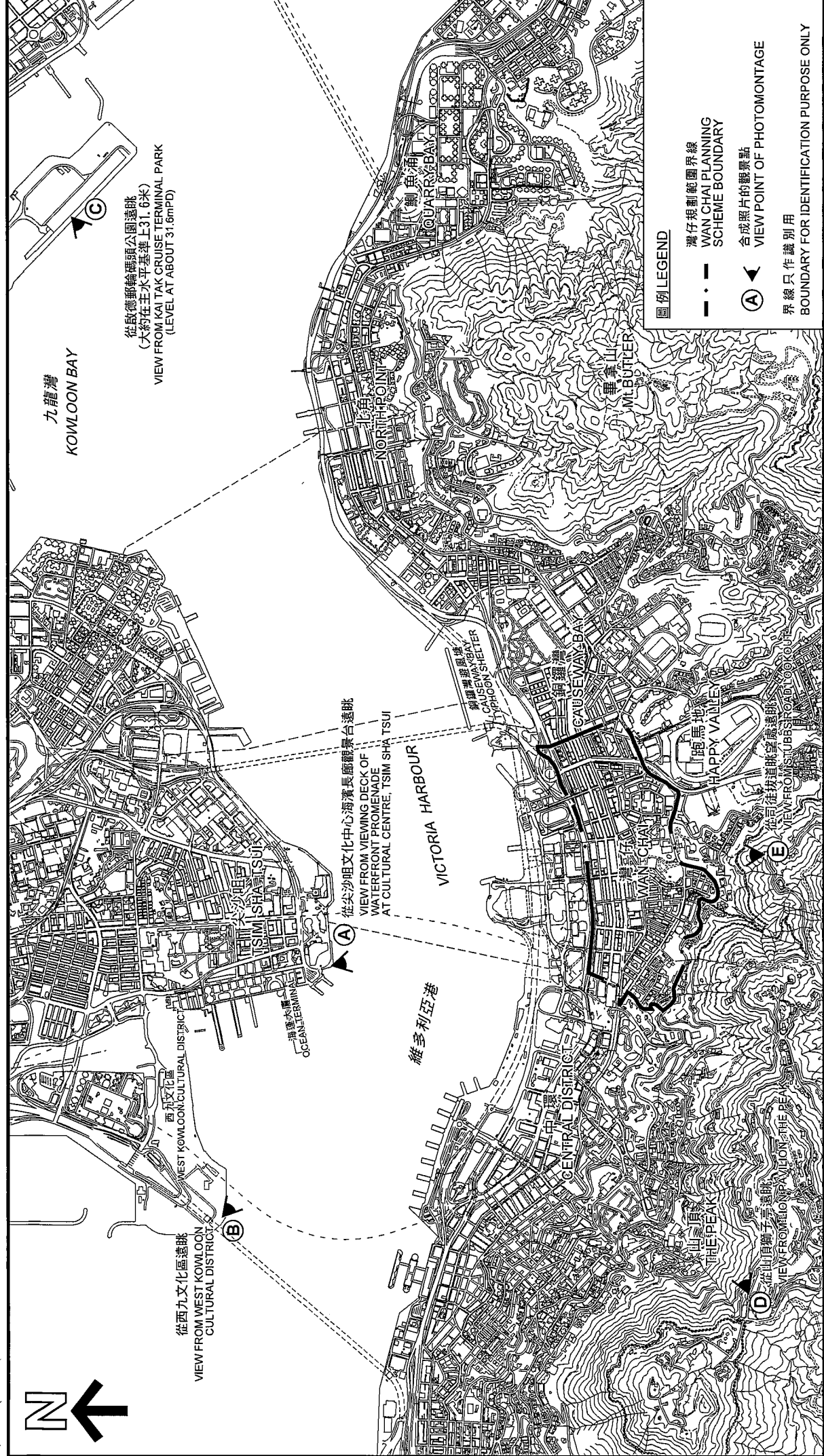
<u>GROUND OF REPRESENTATION</u>	<u>RESPONSES</u>
<p>profile variation of 70m.</p> <ul style="list-style-type: none"> The zoning and development should be viewed in a wider context and in sympathy with the Planning Objectives for the Causeway Bay area in general. The conceptual approach adopted in formulating 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

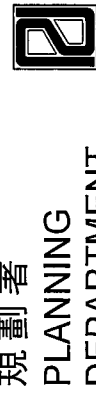
Plans 9A-9E from the TPB Paper No. 10415



灣仔區 WAN CHAI AREA

觀景點
VIEWING POINTS

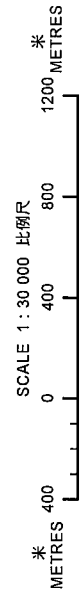
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EXTRACT PLAN PREPARED ON 3.4.2018
BASED ON TOPOGRAPHIC MAP
No. HM20C



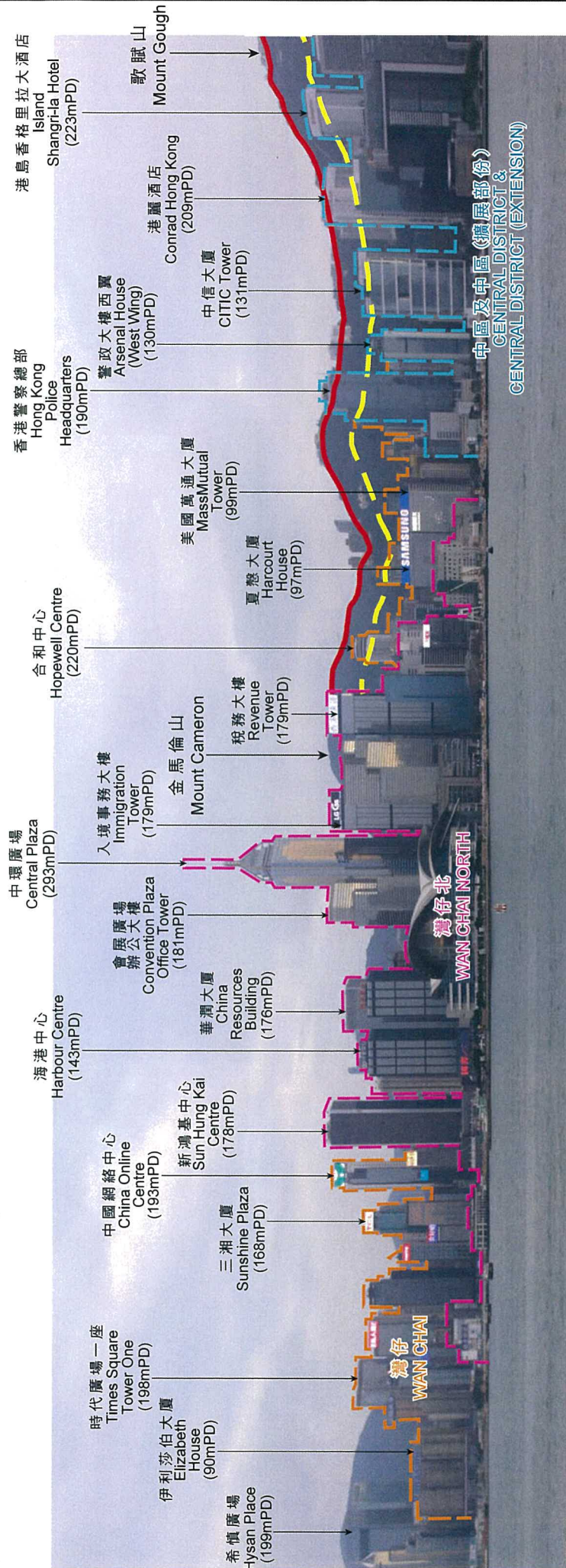
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PLANNING
DEPARTMENT

參考編號
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M/H5/18/3

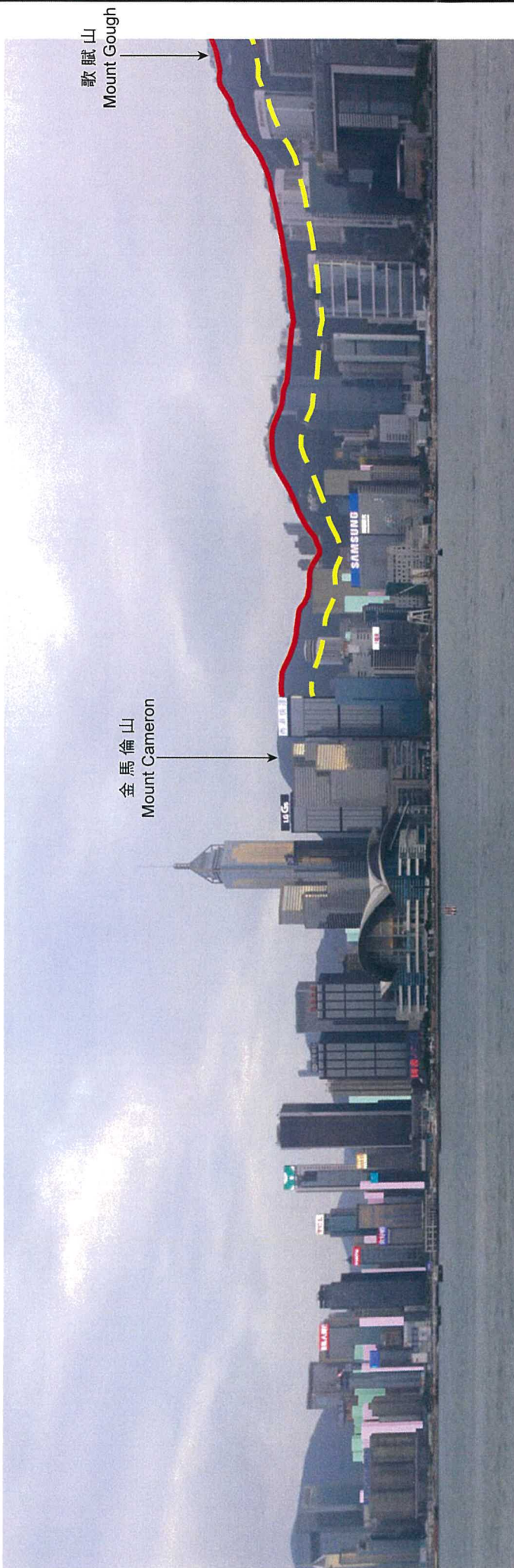
圖 PLAN
9



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

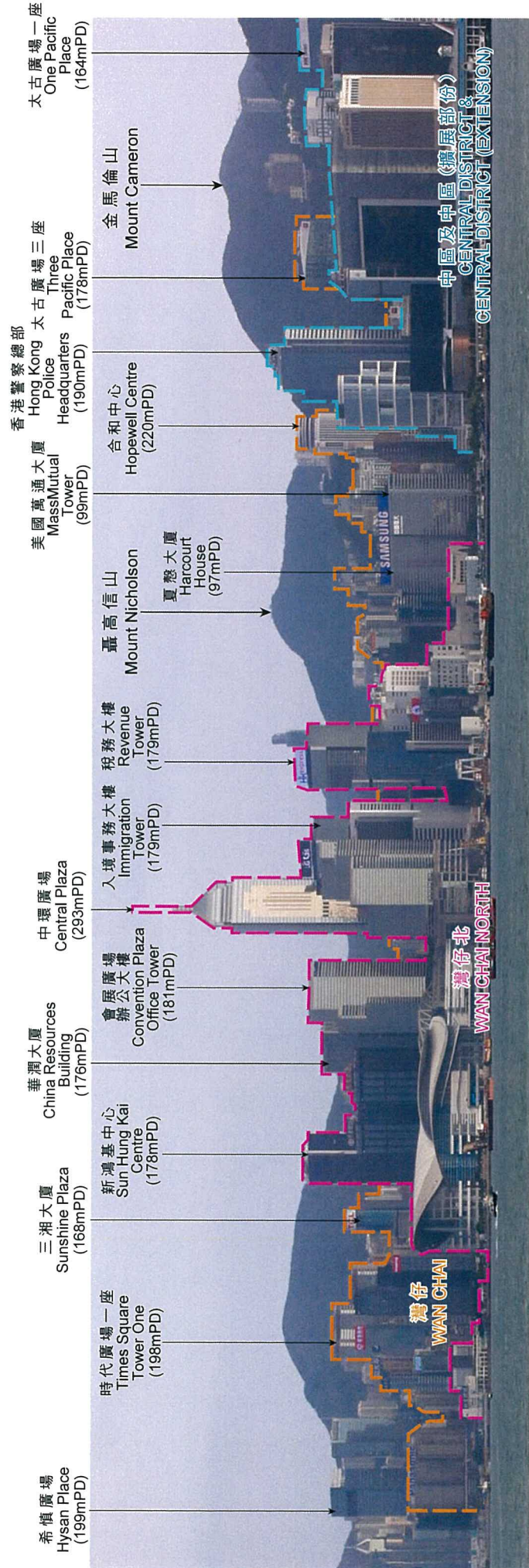
規劃署
PLANNING
DEPARTMENT

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

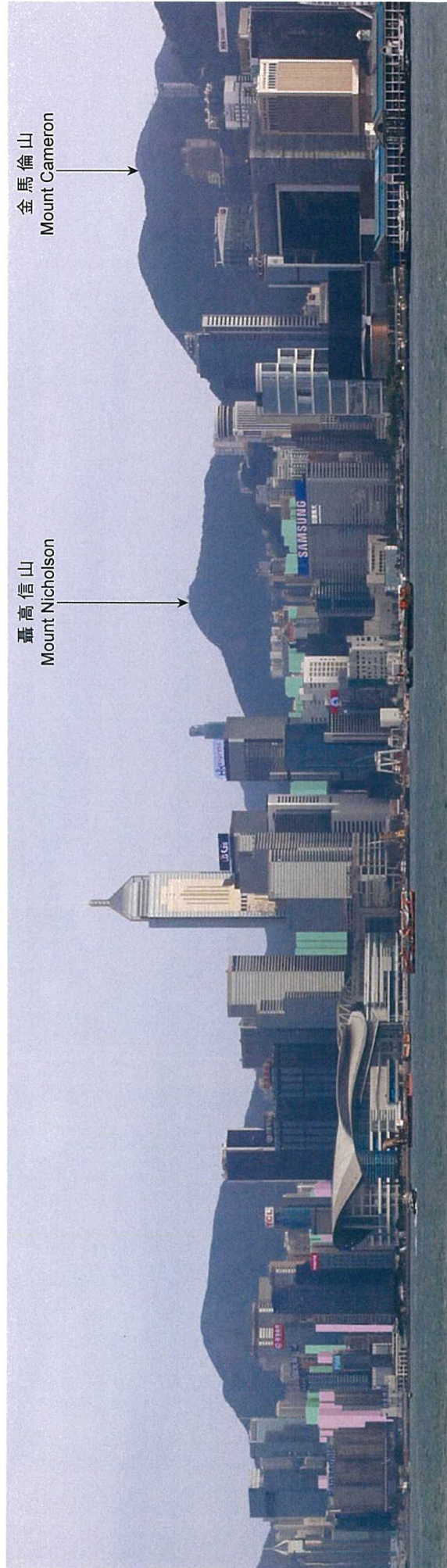
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REFERENCE No.
M/H5/18/3
圖 PLAN
9A

觀景點 VIEWING POINT B

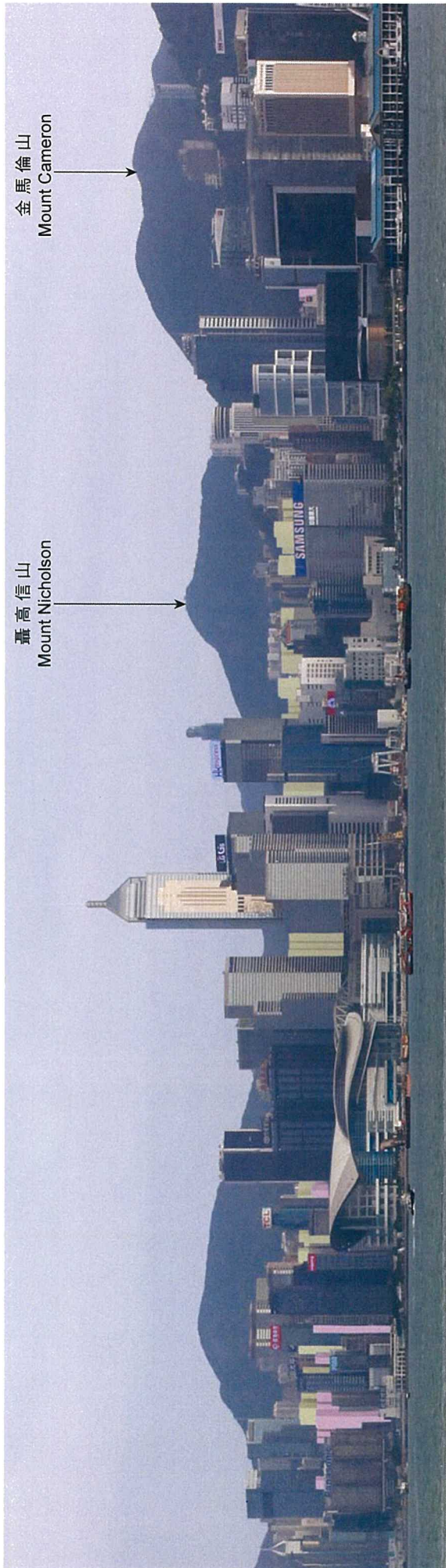
(觀景點地點參閱圖9)
(LOCATION OF VIEW POINT REFER TO PLAN 9)



現有景觀 EXISTING VIEW



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



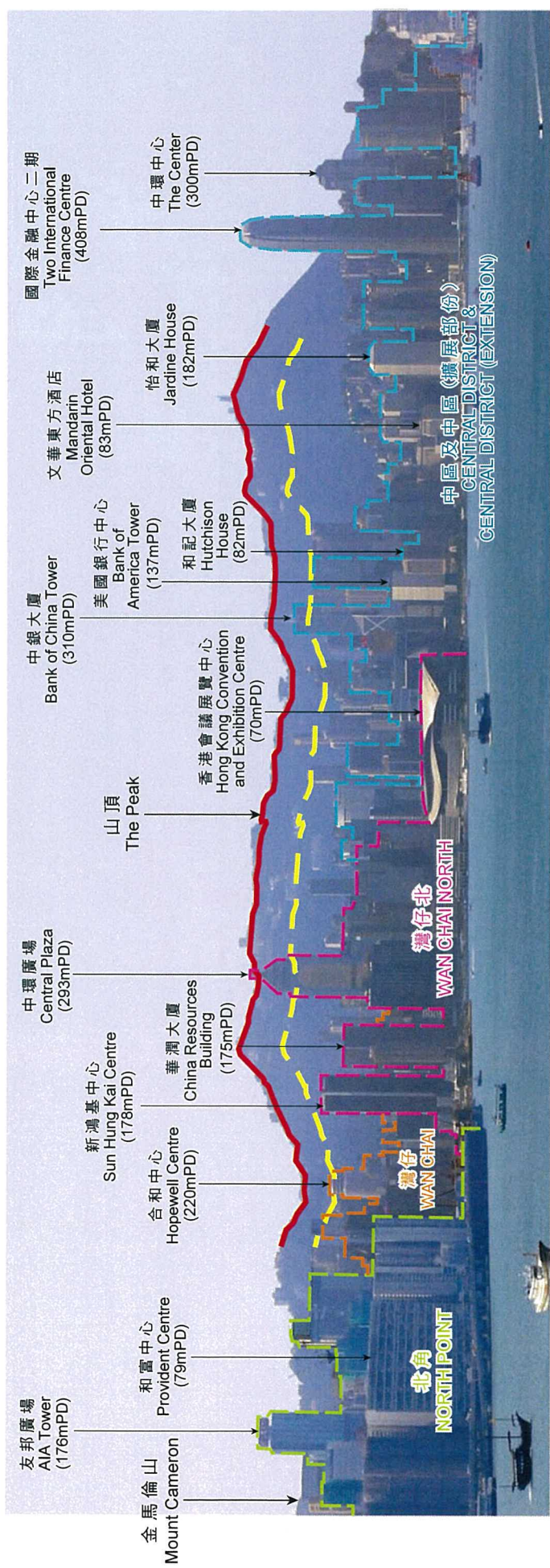
擬議的建築物高度限制
PROPOSED BUILDING HEIGHT RESTRICTIONS

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

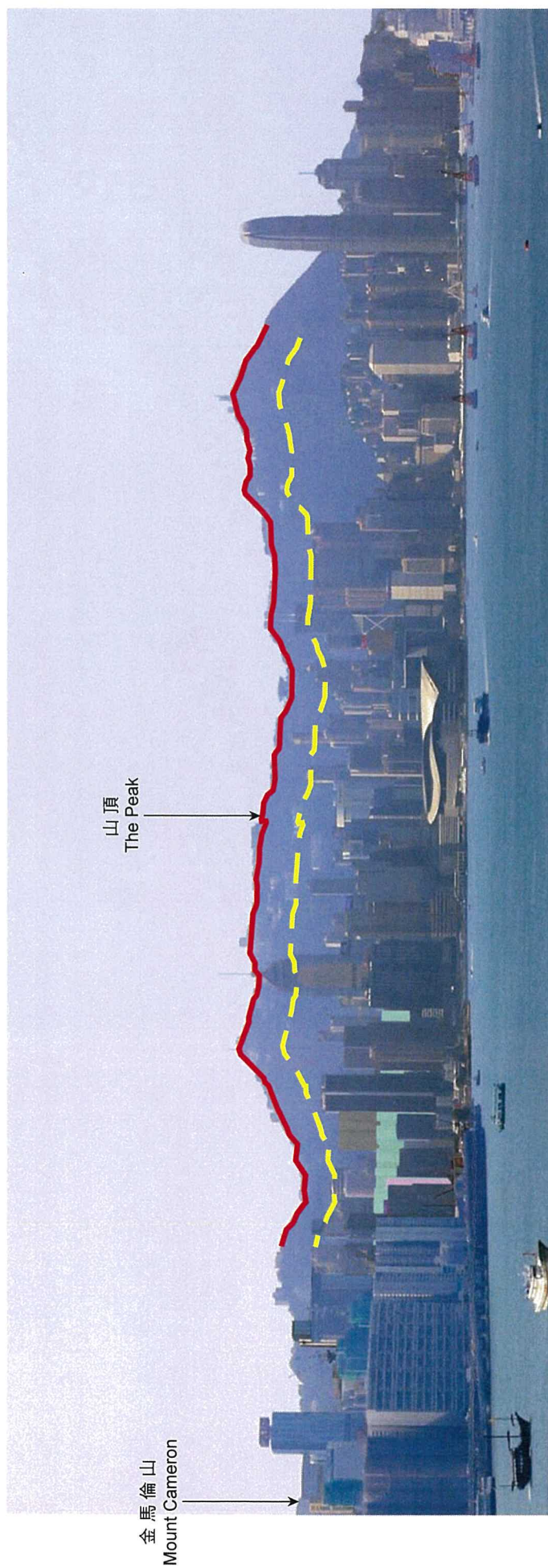
建築物高度在主水平基準上若干米
BUILDING HEIGHT IN METRES ABOVE PRINCIPAL DATUM (mPD)
界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

<p>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</p>	<p>合成照片 PHOTOMONTAGE</p>	<p>規劃署 PLANNING DEPARTMENT</p> <p>參考編號 REFERENCE No. M/H5/18/3</p> <p>圖 PLAN 9B</p>
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觀景點 VIEWING POINT C
(觀景點地點參閱圖9)
(LOCATION OF VIEW POINT REFER TO PLAN 9)

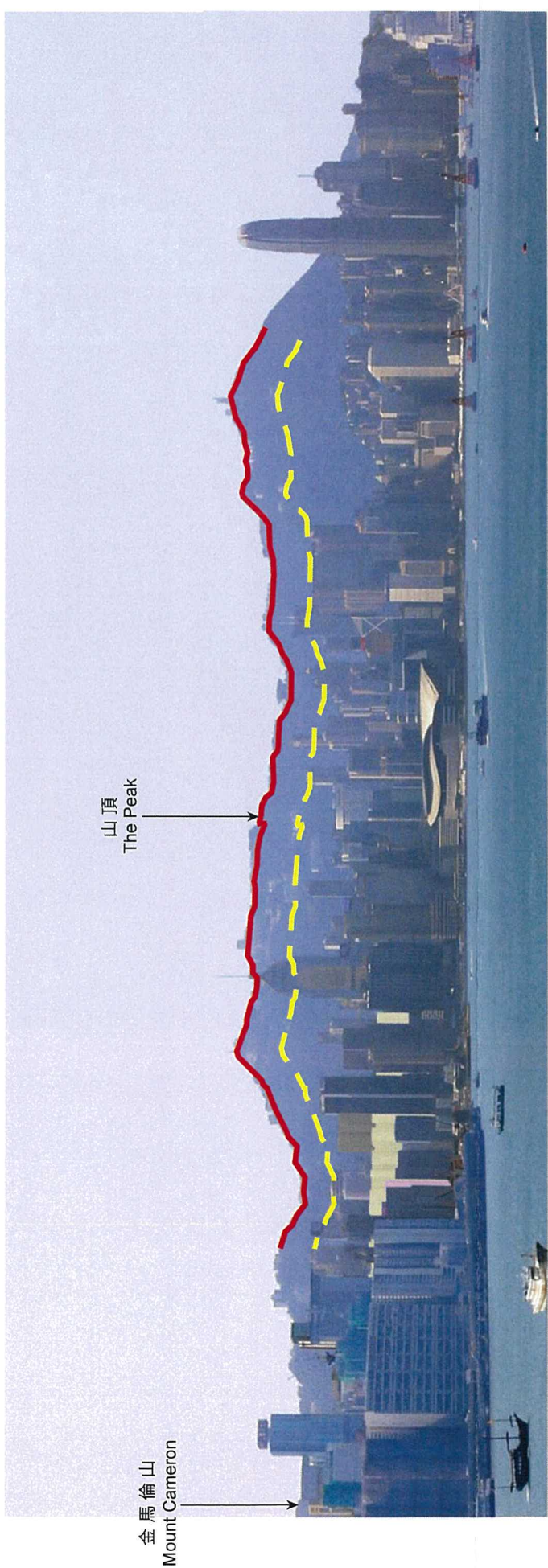


現有景觀 EXISTING VIEW



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

合成照片 PHOTOMONTAGE

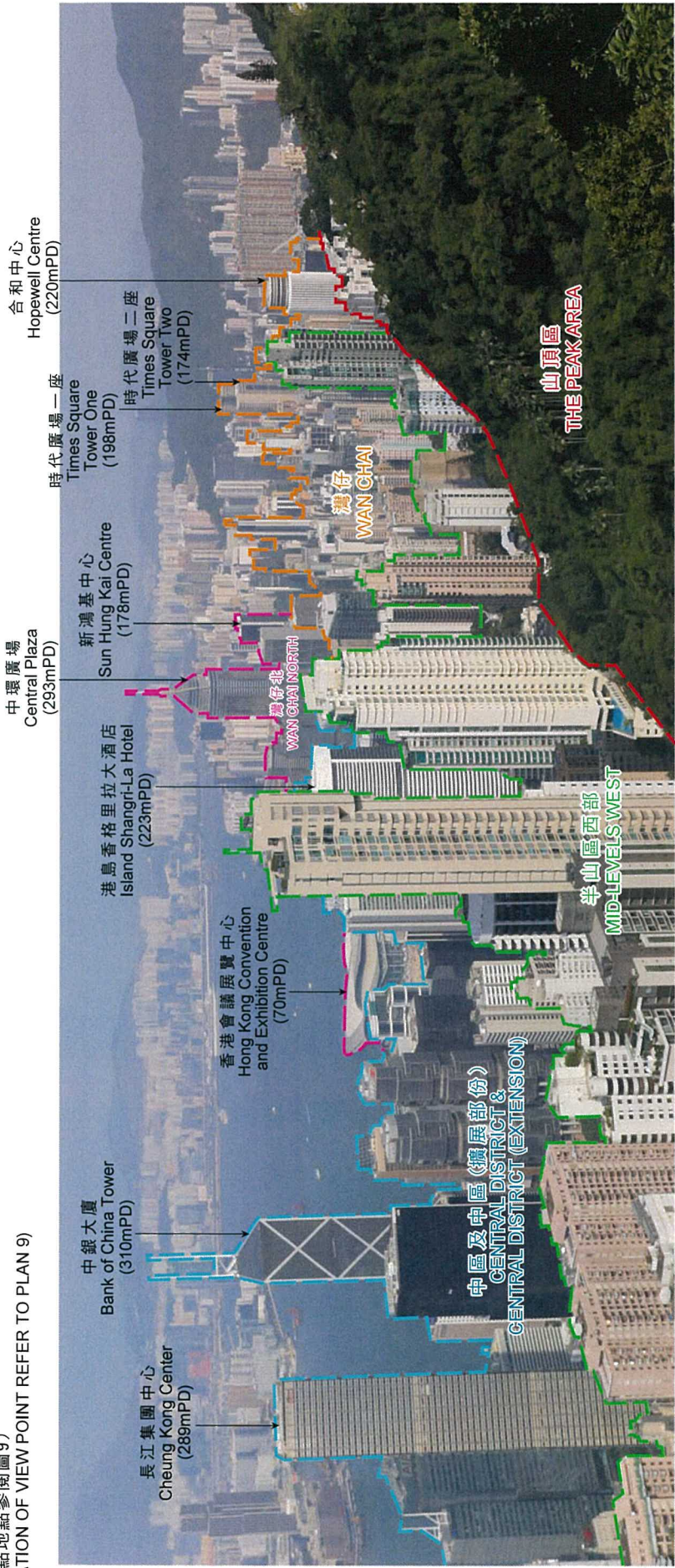
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PLAN PREPARED ON 3.4.2018 BASED ON SITE PHOTO TAKEN ON 30.10.2017

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

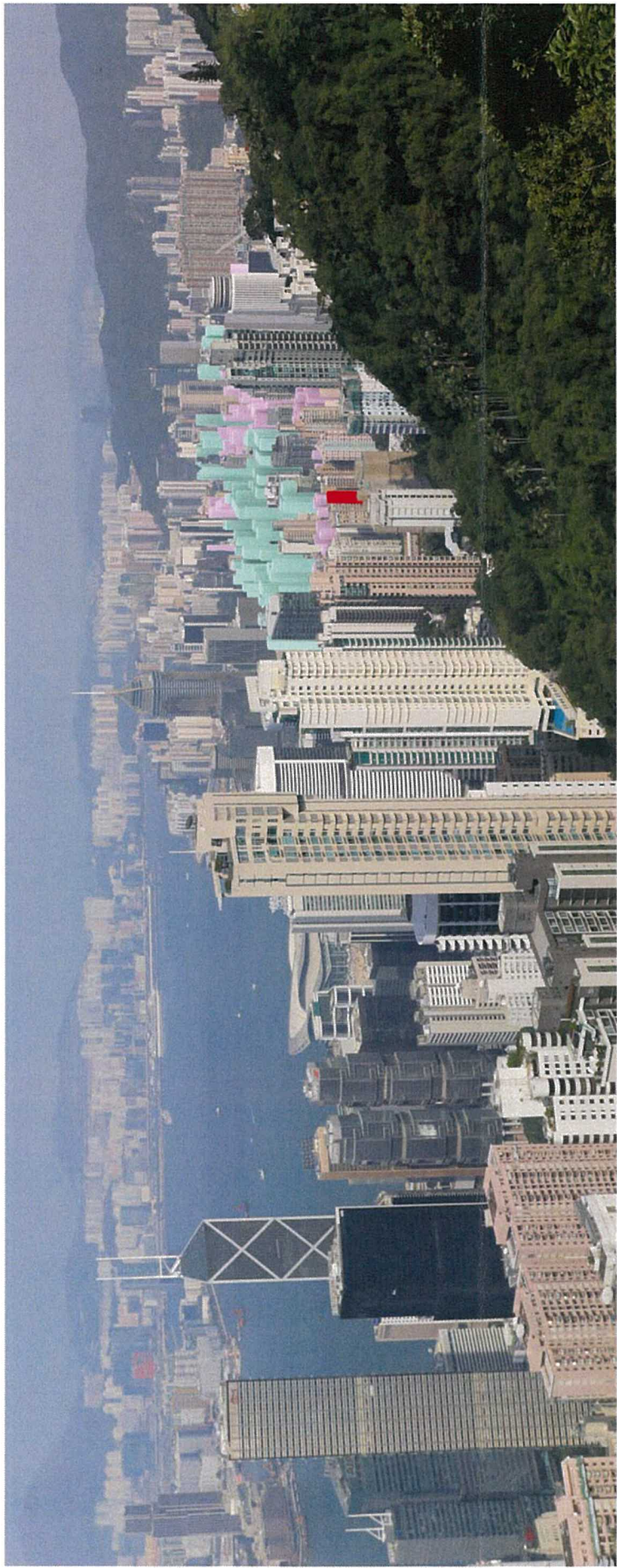
規劃署
PLANNING
DEPARTMENT

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

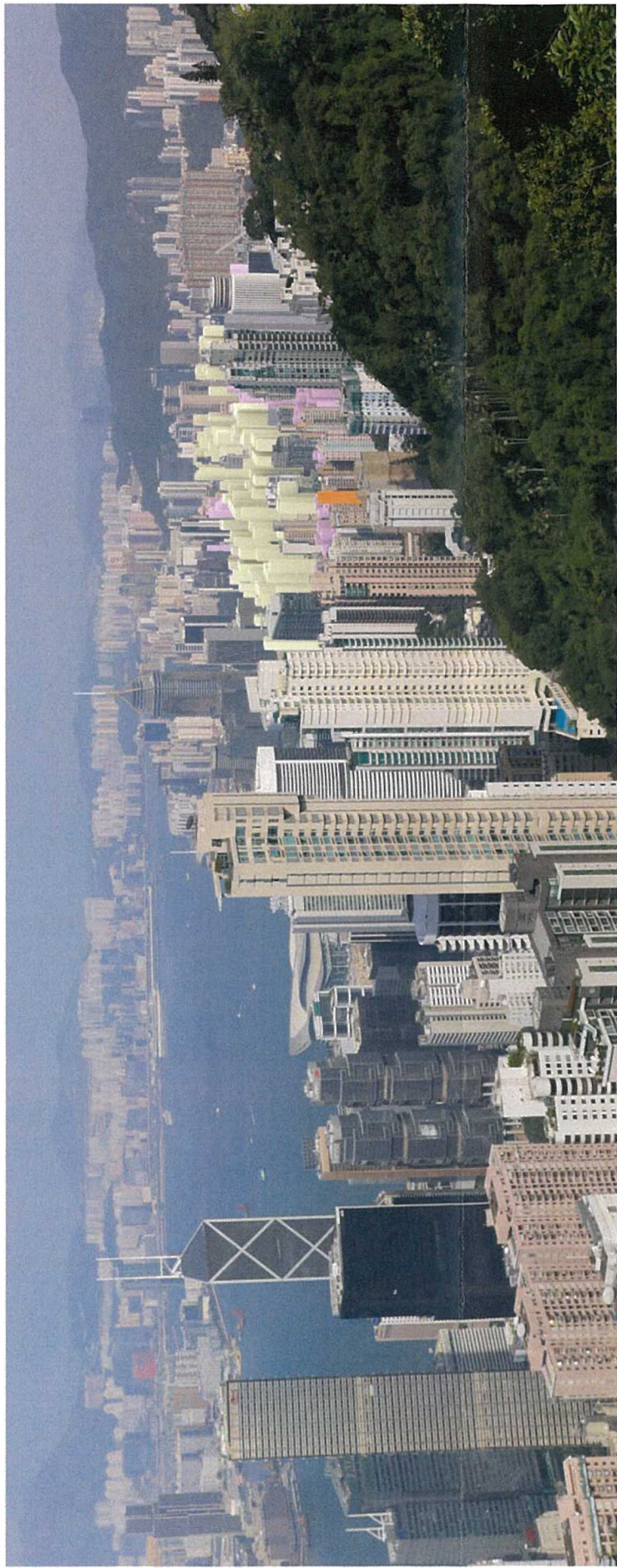
觀景點 VIEWING POINT D
(觀景點地點參閱圖9)
(LOCATION OF VIEW POINT REFER TO PLAN 9)



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

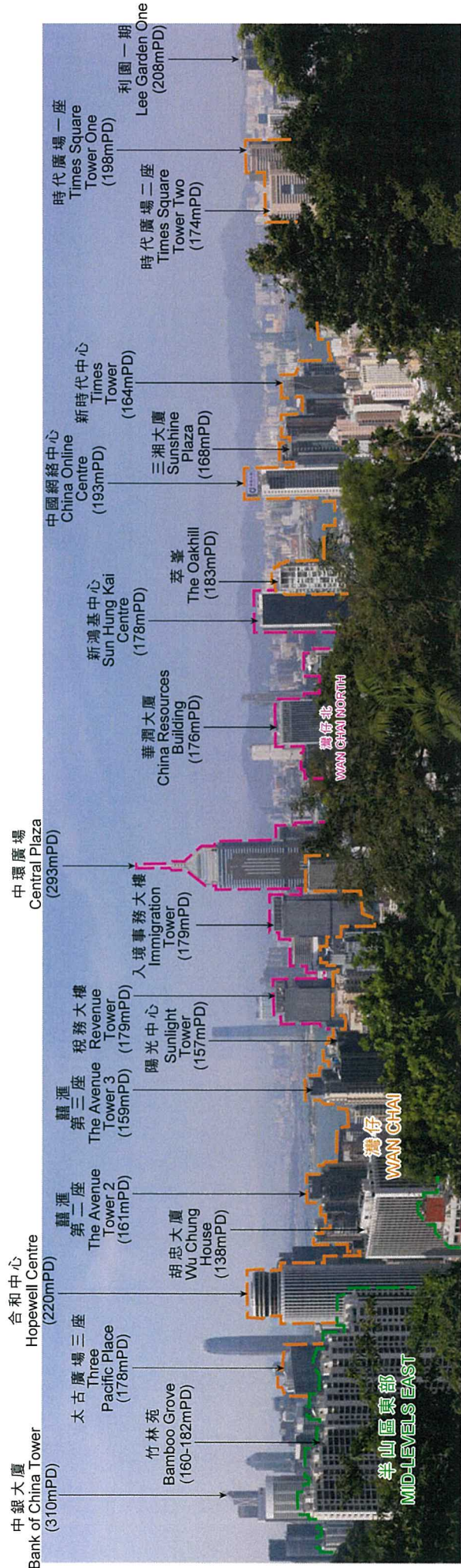
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規劃署
PLANNING
DEPARTMENT

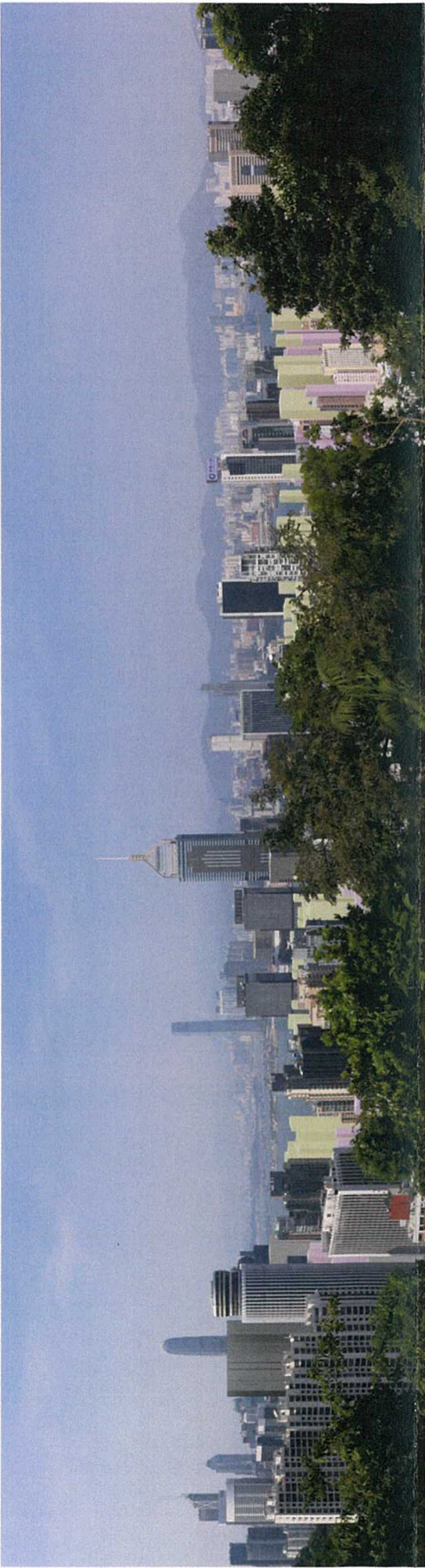
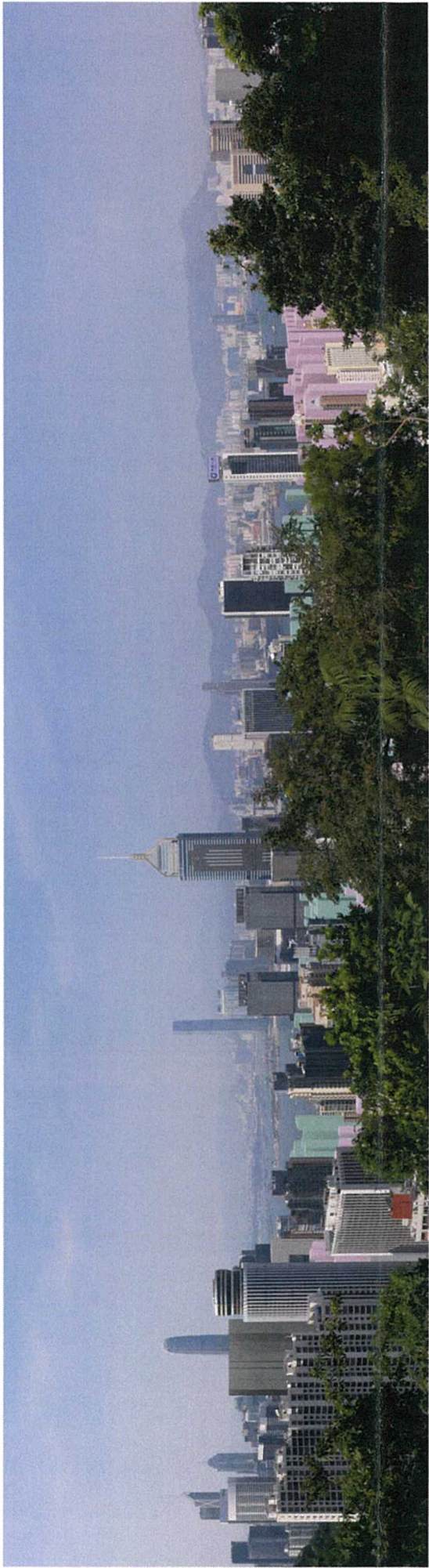
建築物高度的合成照片
PHOTOMONTAGES OF BUILDING HEIGHT PROFILE

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.

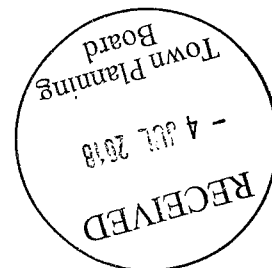
The applicant has prepared a Representation Statement, and 90 copies of this Representation Statement are attached and submitted to the Town Planning Board for their consideration.

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.

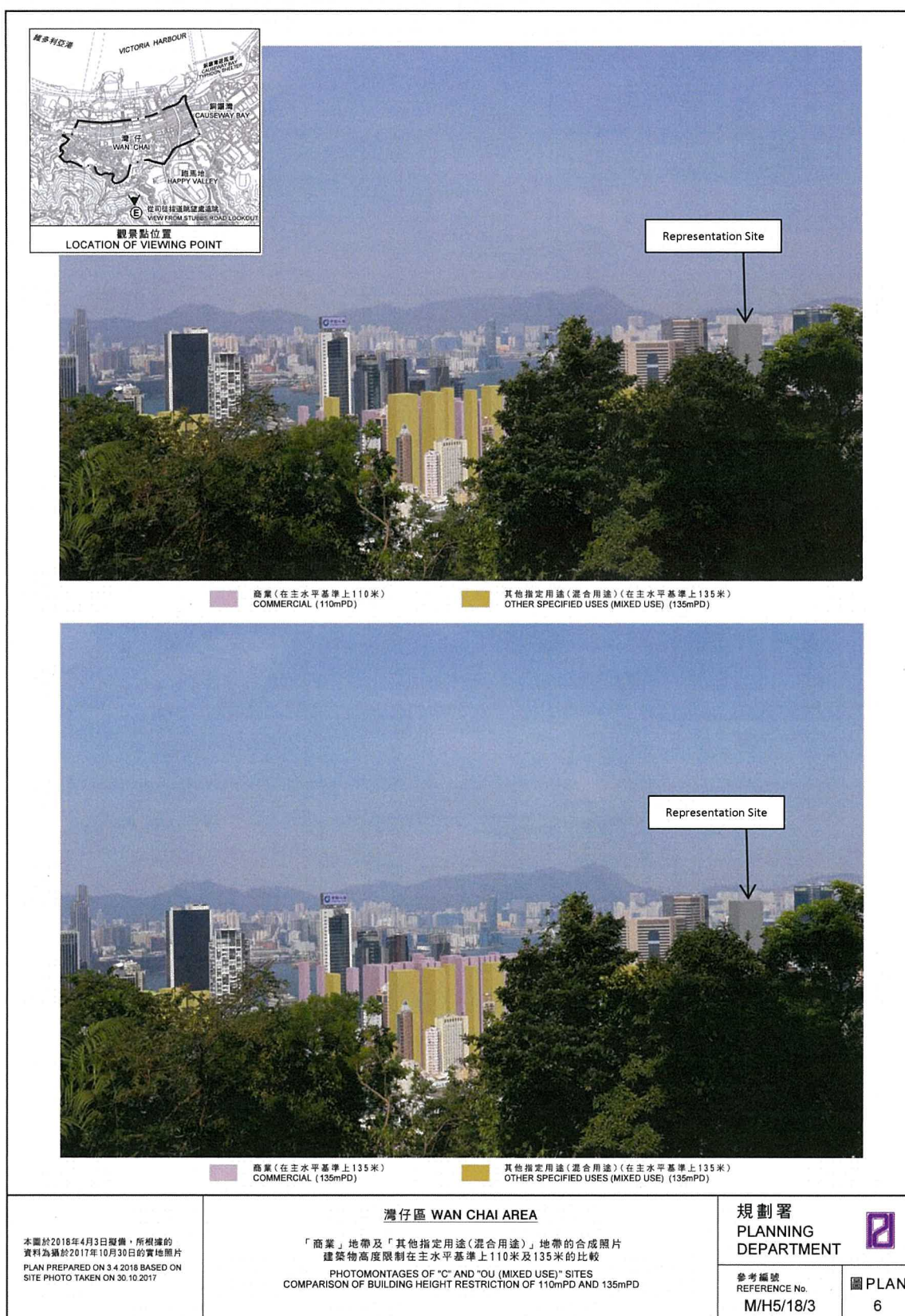


Figure 3: Photomontage showing the view from the Stubbs Road Lookout Point.

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

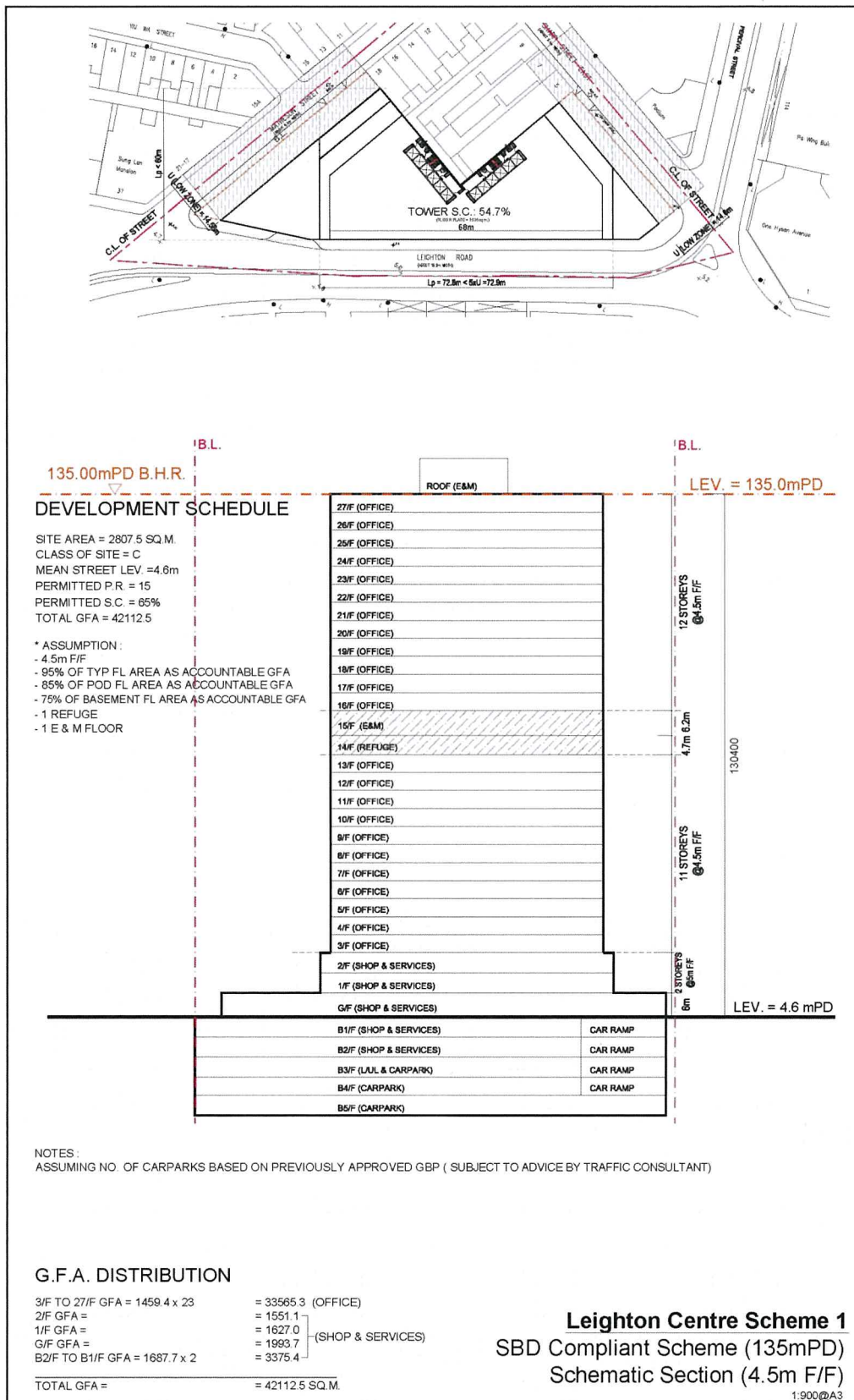


Figure 4 : 135mPD OZP and SBDG Compliant Scheme.

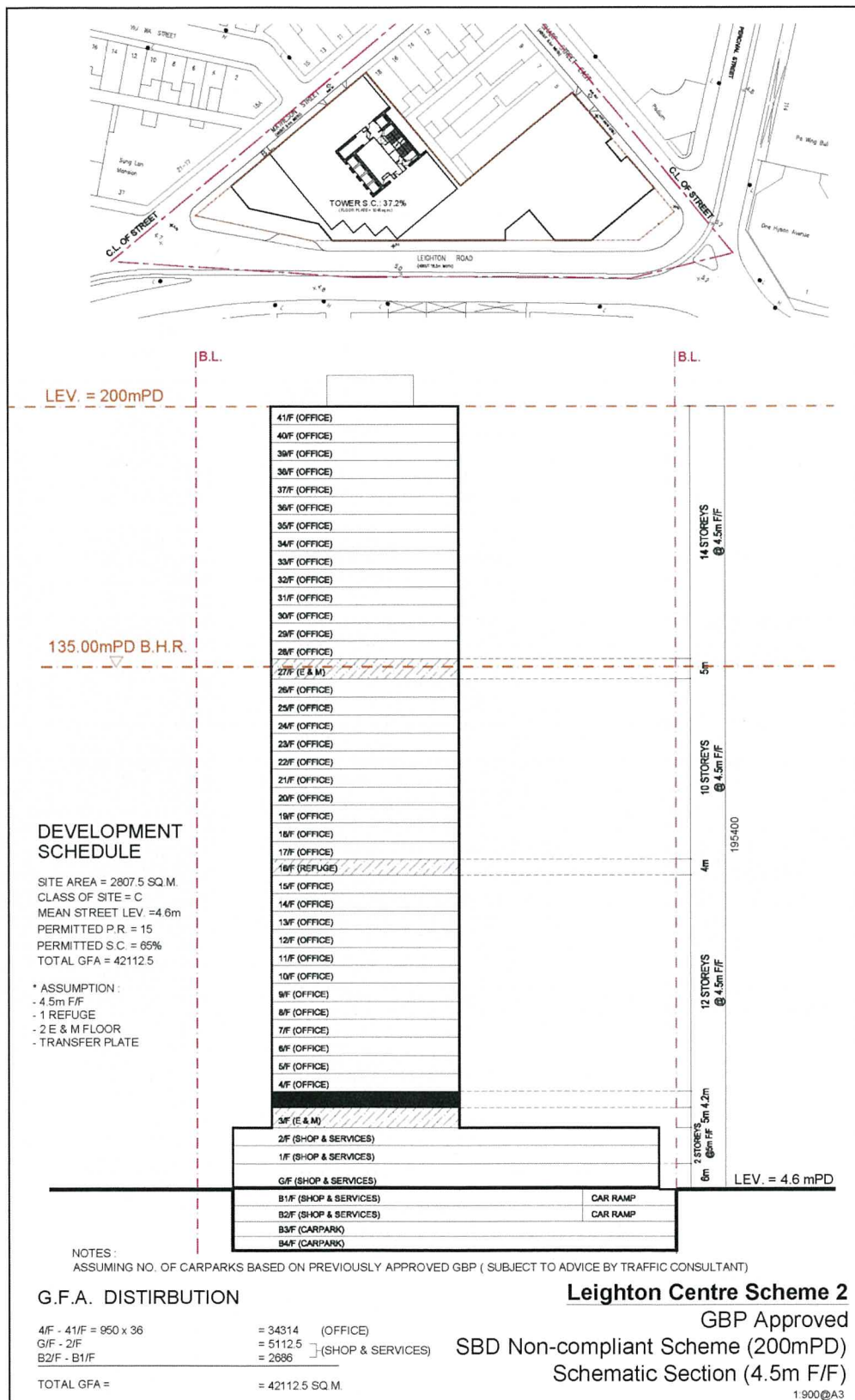


Figure 5 : The 200mPD GBP Approved Scheme

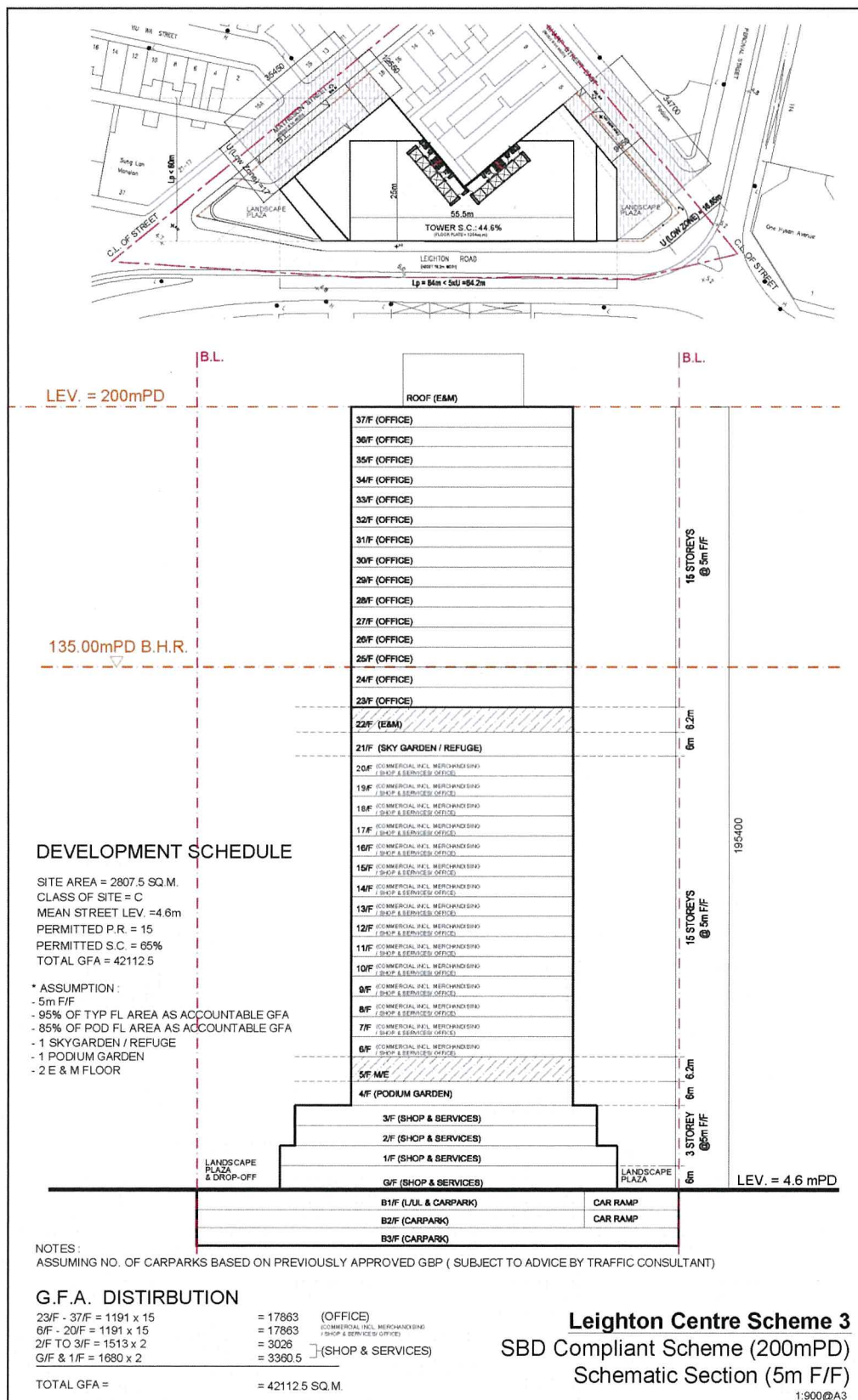


Figure 6 : 200mPD SBDG Compliant Scheme

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.

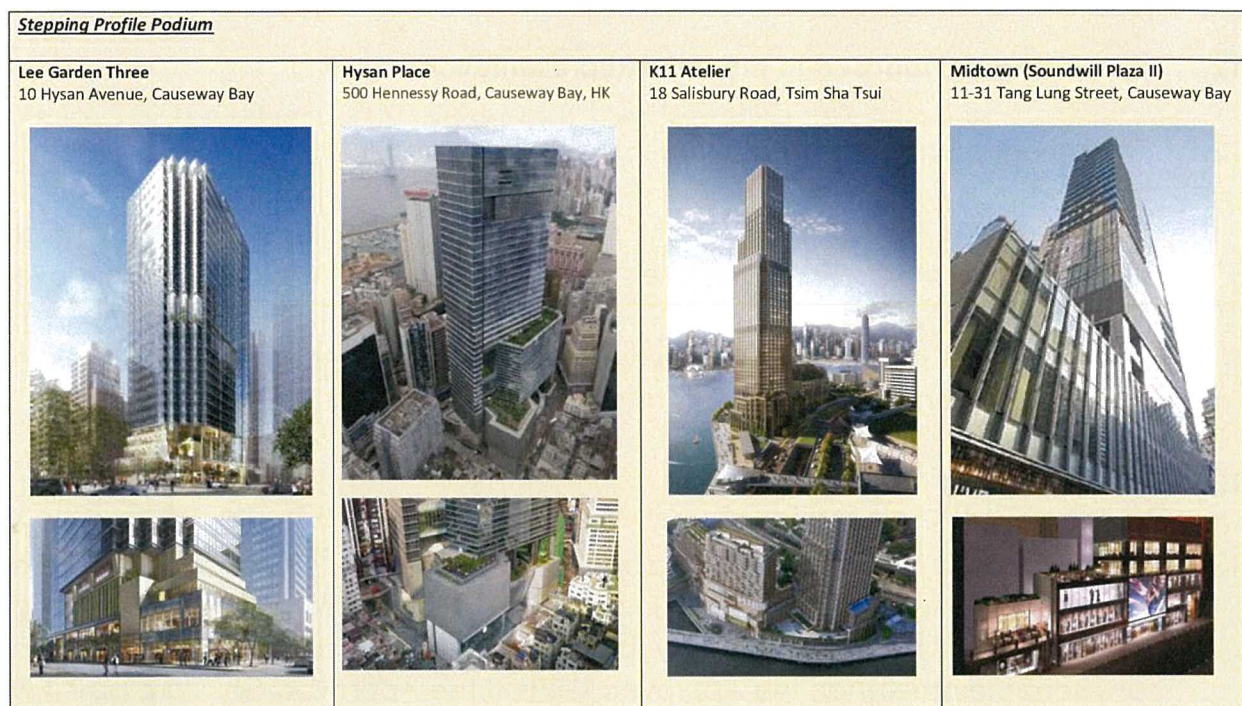


Figure 8 : Hong Kong examples showing examples of stepped profile podiums.

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

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)

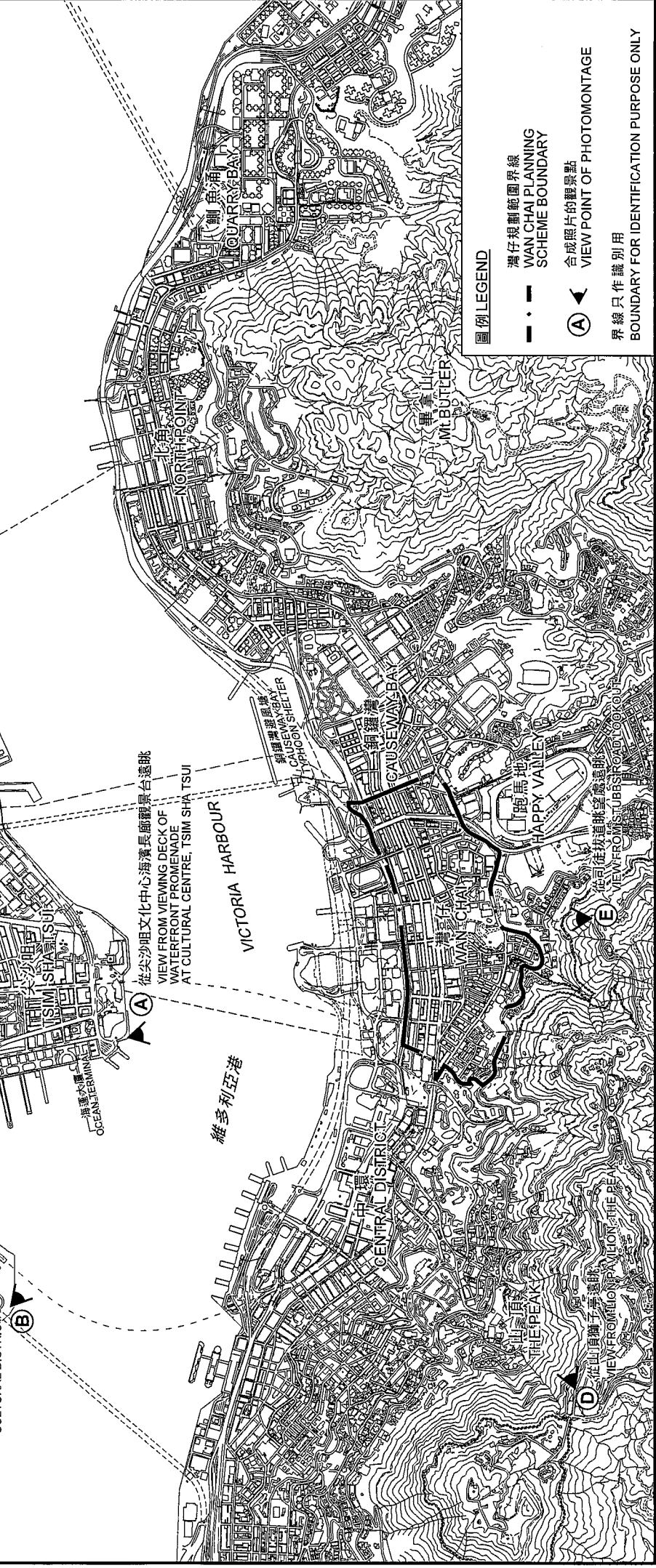
九龍灣
KOWLOON BAY

北角
NORTH POINT

鰂魚灣
QUARRIES BAY

維多利亞港
VICTORIA HARBOUR

灣仔區
WAN CHAI AREA



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

觀景點
VIEWING POINTS

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



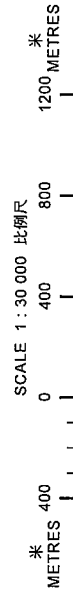
規劃署
PLANNING
DEPARTMENT

參考編號
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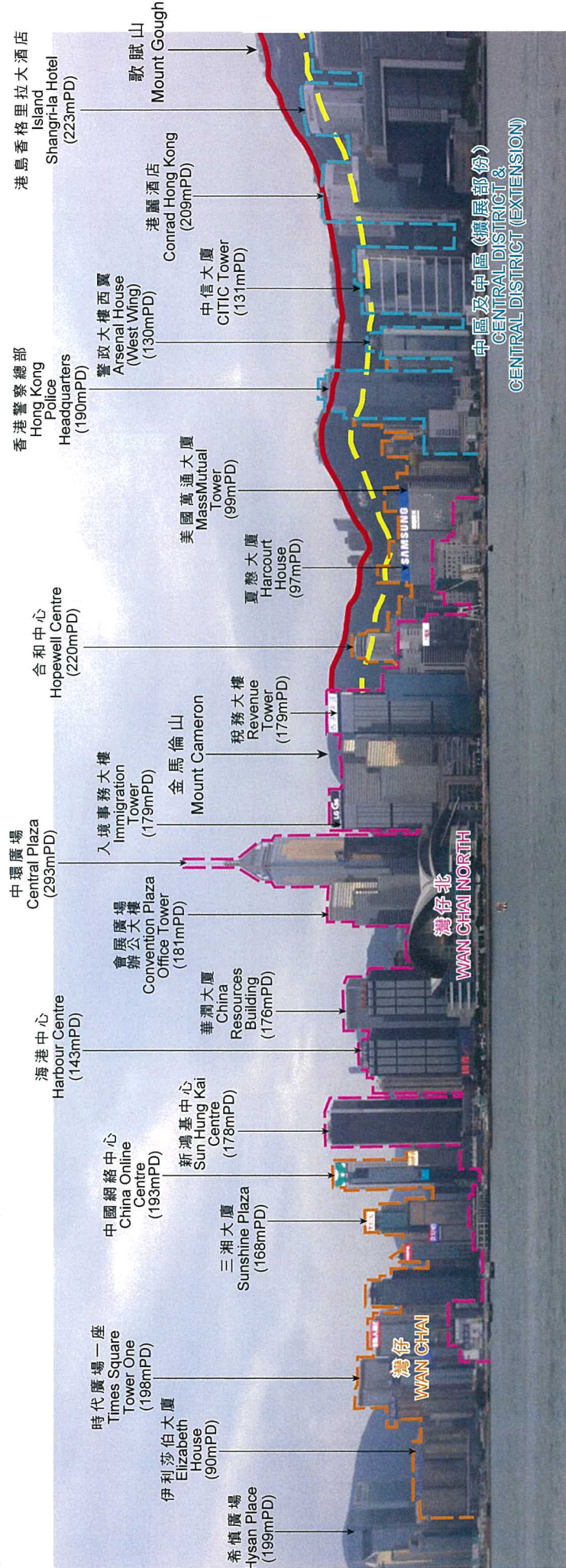
M/H5/18/3

圖 PLAN

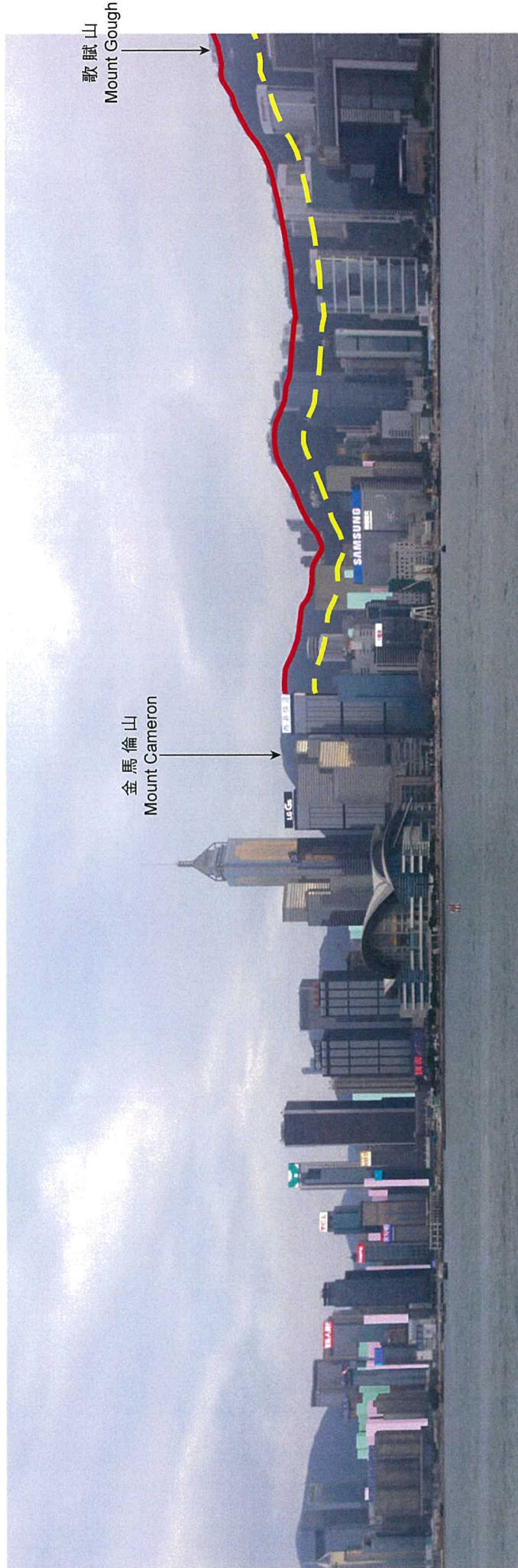
9



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

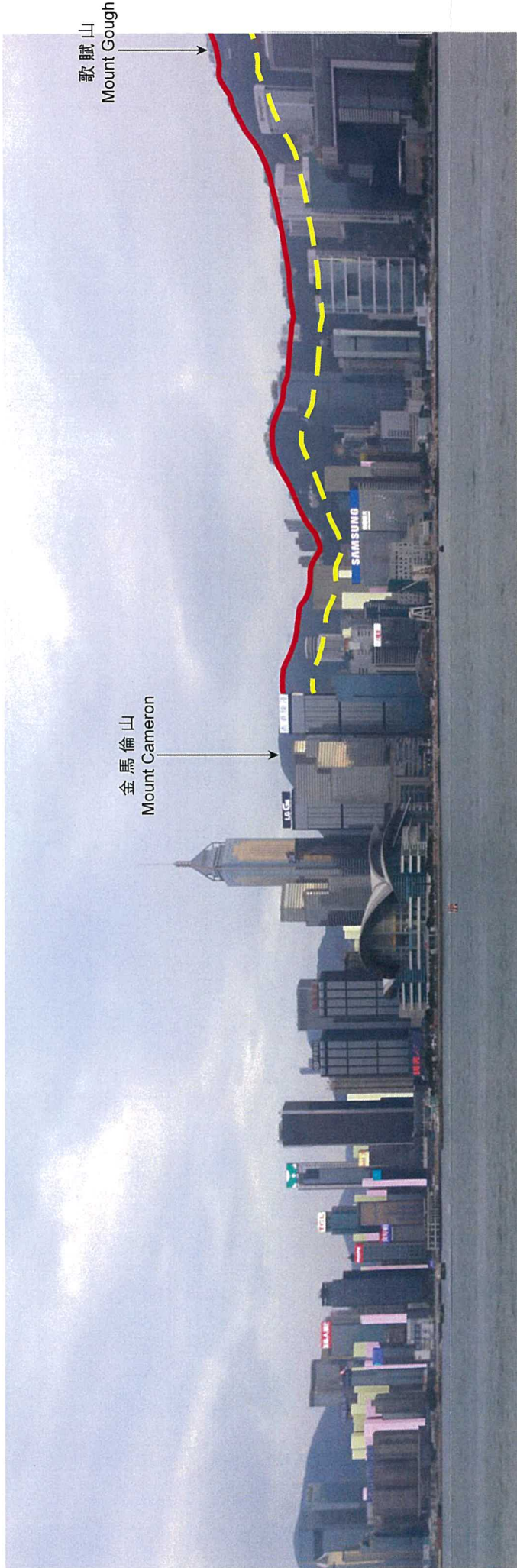


現有景觀 EXISTING VIEW



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

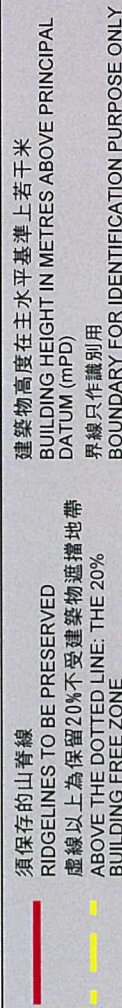
110mPD 130mPD 已批准之發展
COMMITTED DEVELOPMENT



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

110mPD 135mPD 已批准之發展
COMMITTED DEVELOPMENT

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

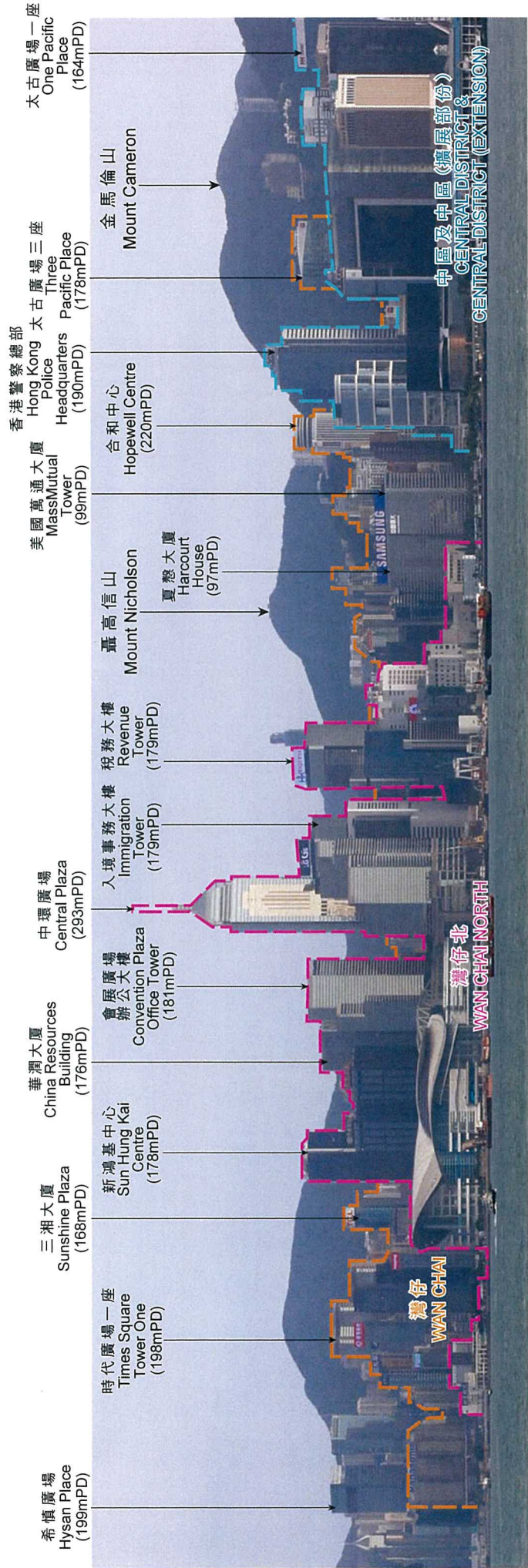


合成照片 PHOTOMONTAGE

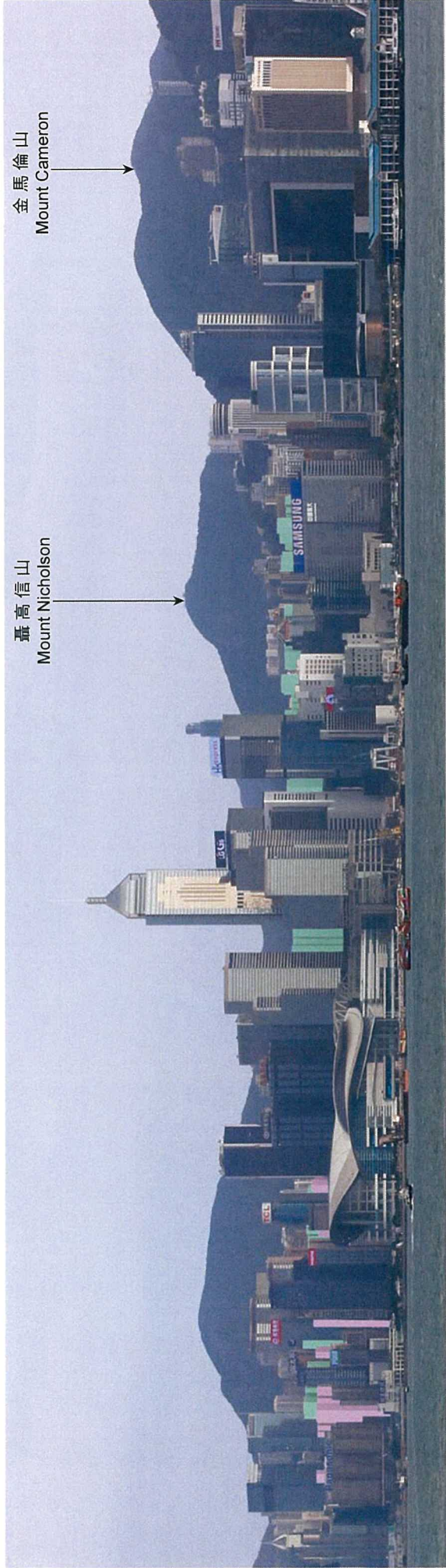
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PLAN PREPARED ON 3.4.2018 BASED ON SITE PHOTO TAKEN ON 9.11.2017

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

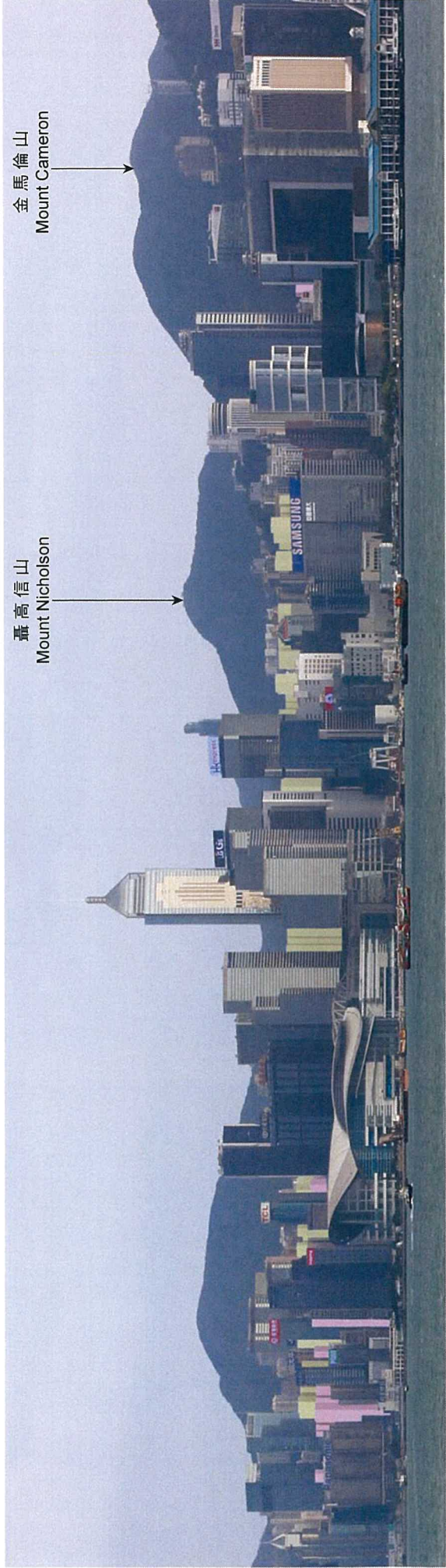
觀景點 VIEWING POINT B
(觀景點地點參閱圖9)
(LOCATION OF VIEW POINT REFER TO PLAN 9)



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

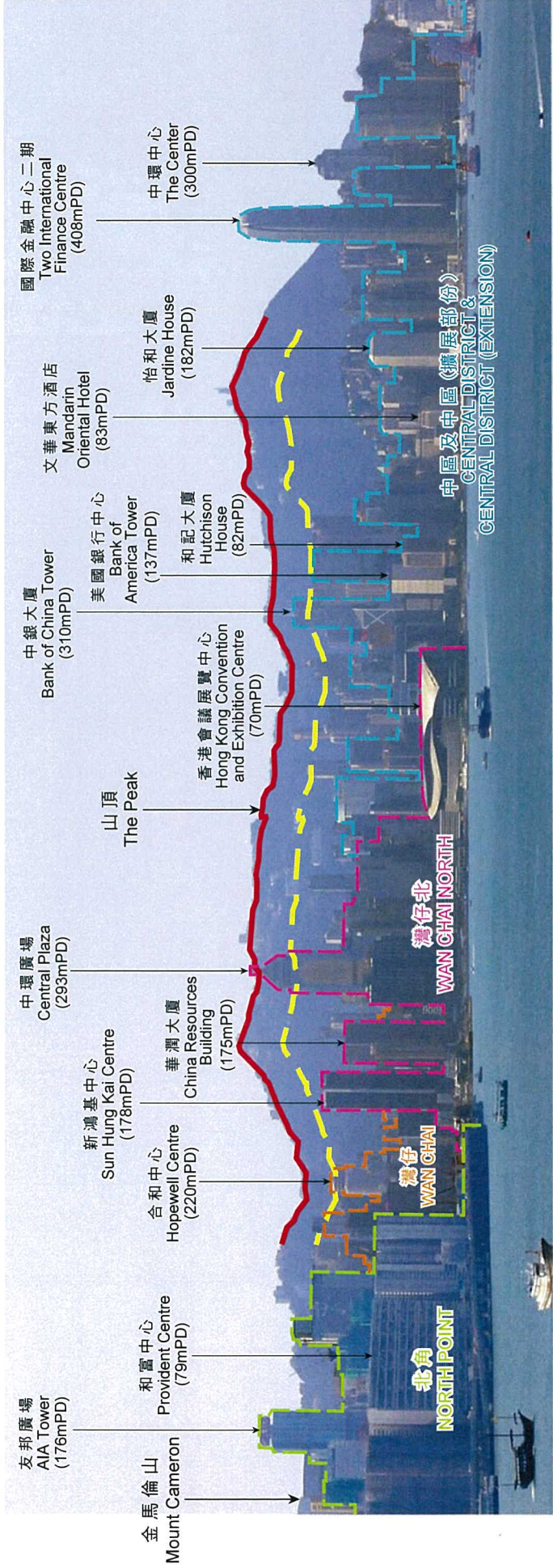
建築物高度的合成照片
PHOTOMONTAGES OF BUILDING HEIGHT PROFILE

規劃署
PLANNING
DEPARTMENT

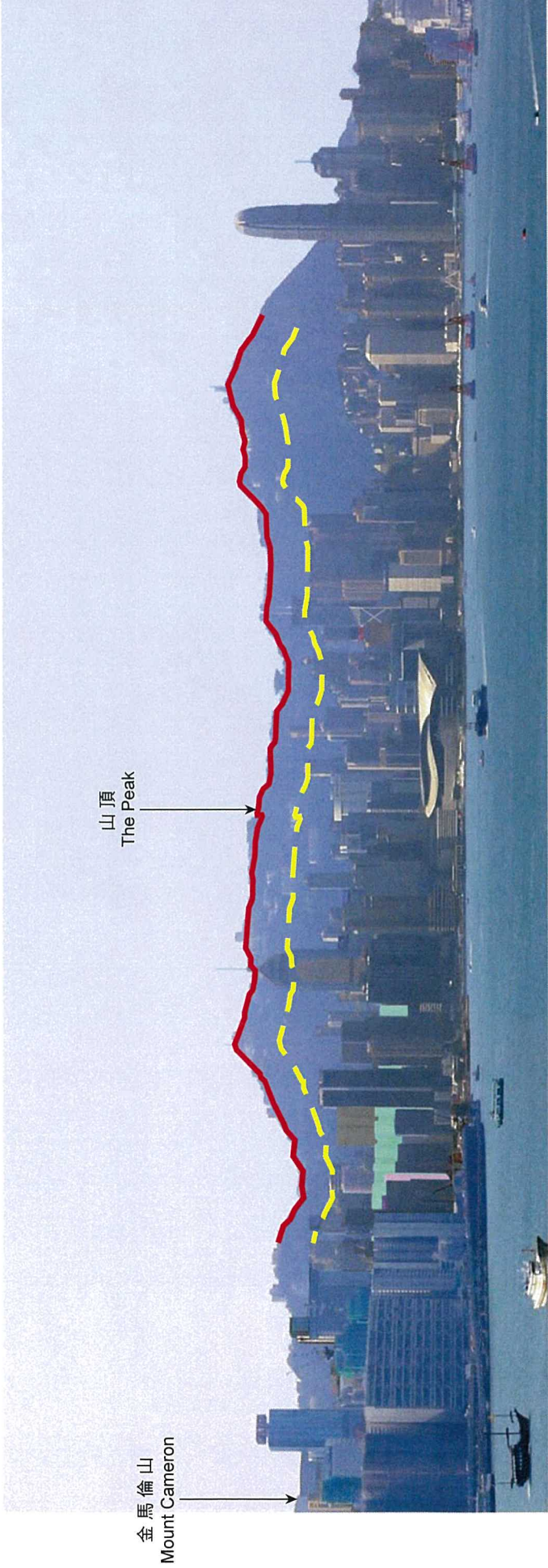
參考編號
REFERENCE No.
M/H5/18/3

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)

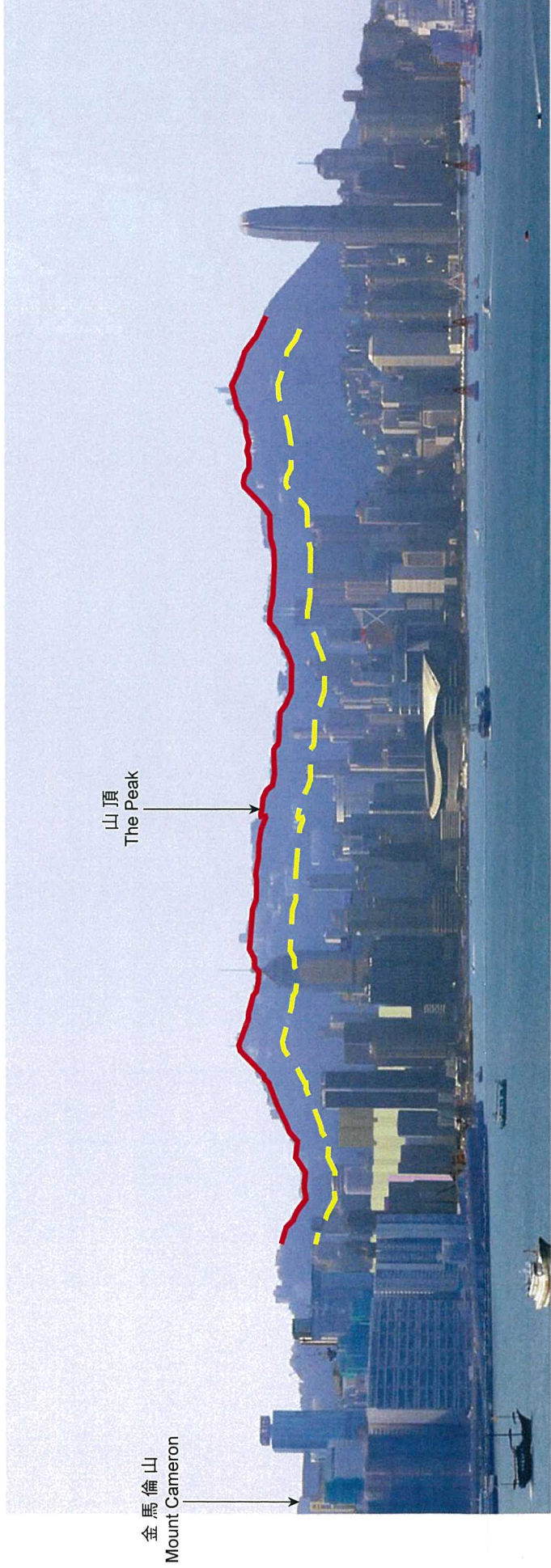


現有景觀 EXISTING VIEW



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)

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

合成照片 PHOTOMONTAGE

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

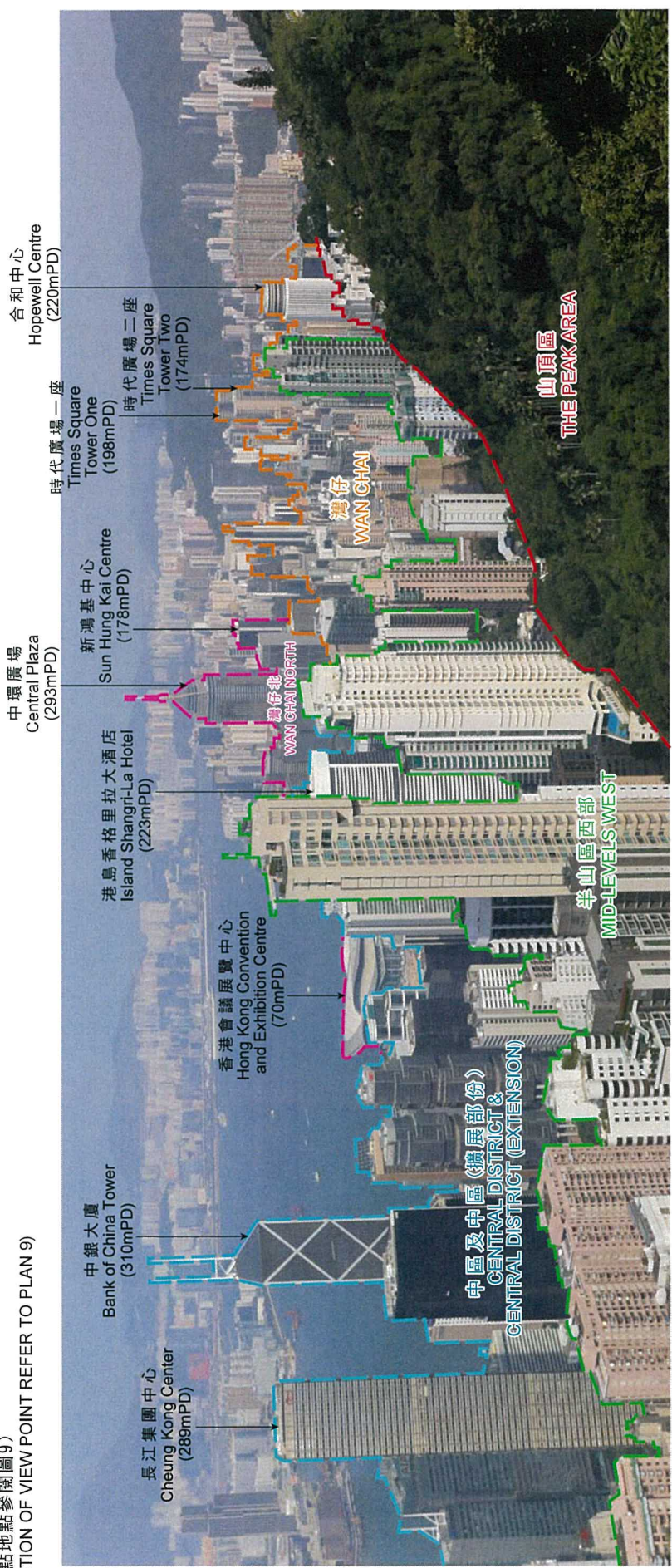
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PLAN PREPARED ON 3.4.2018 BASED ON
SITE PHOTO TAKEN ON 30.10.2017

規劃署
PLANNING
DEPARTMENT

參考編號
REFERENCE No.
M/H5/18/3

圖 PLAN
9C

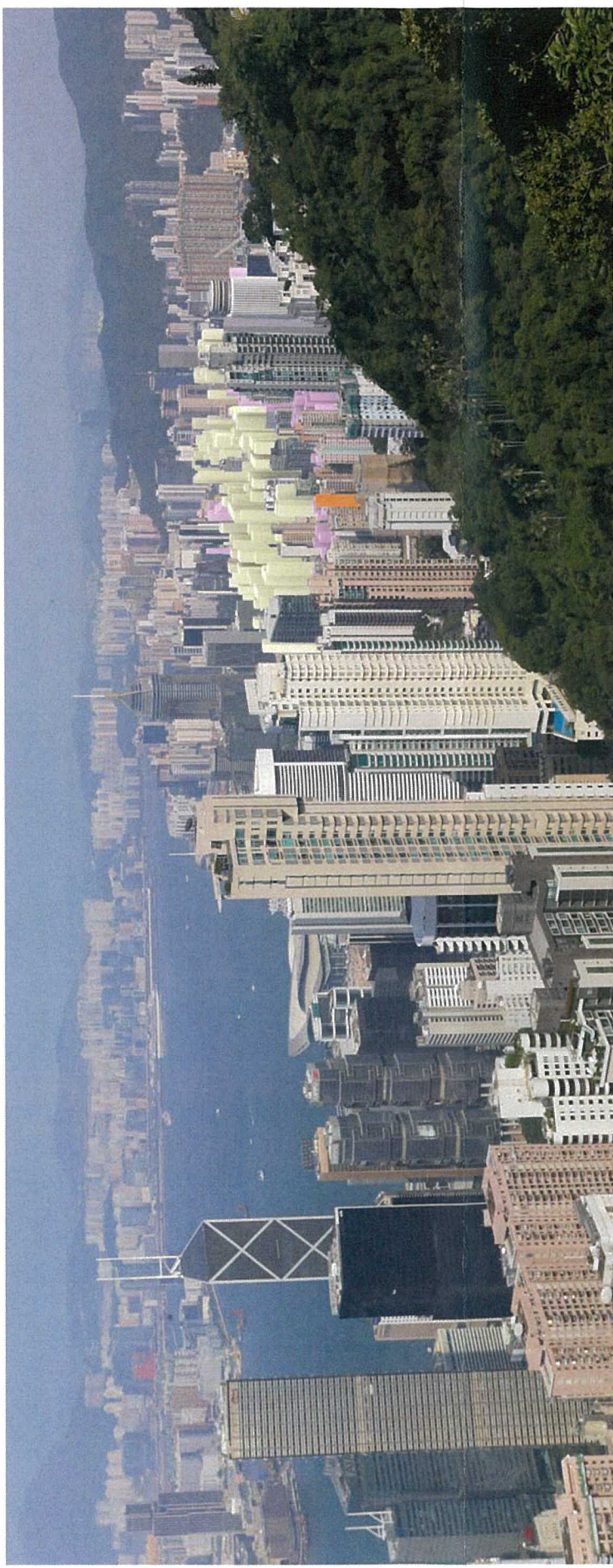
觀景點 VIEWING POINT D
(觀景點地點參閱圖9)
(LOCATION OF VIEW POINT REFER TO PLAN 9)



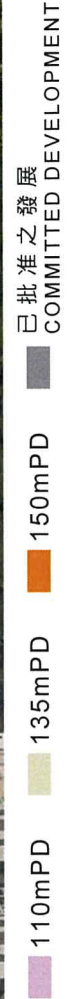
現有景觀 EXISTING VIEW



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

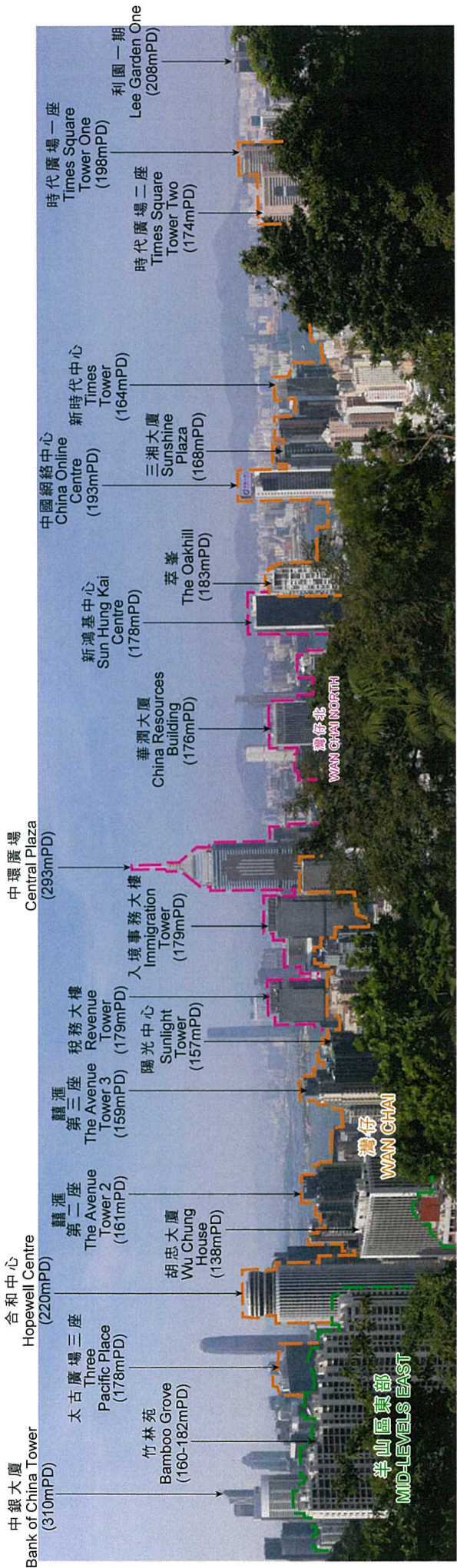
建築物高度的合成照片
PHOTOMONTAGES OF BUILDING HEIGHT PROFILE

規劃署
PLANNING
DEPARTMENT

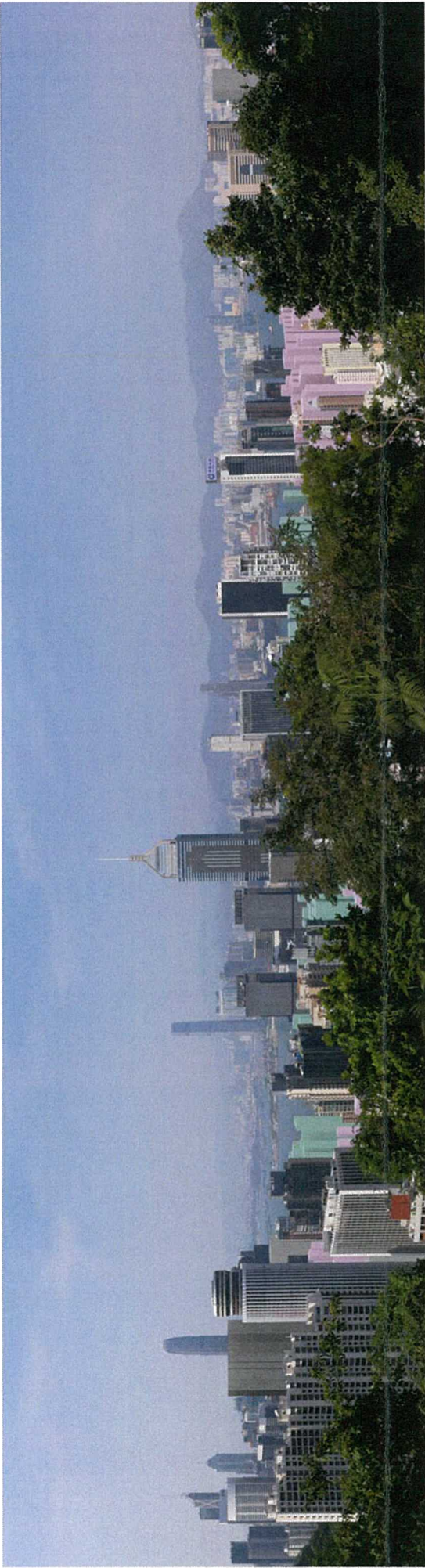
參考編號
REFERENCE No.
M/H5/18/3

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)

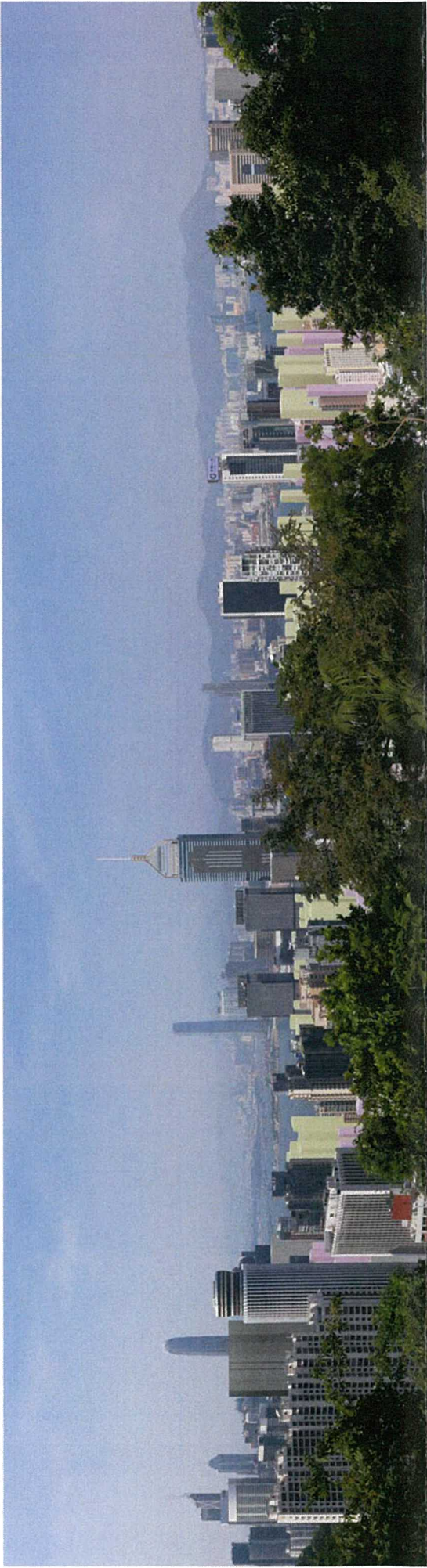


現有景觀 EXISTING VIEW



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

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]

[REDACTED]

[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)**

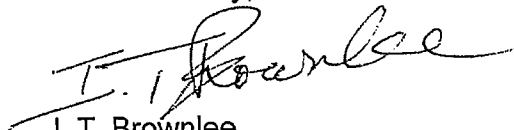
Cherish Shine Limited

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

THE REAL ESTATE DEVELOPERS ASSOCIATION OF HONG KONG

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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 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 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.

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 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



香港地產建設商會

THE REAL ESTATE DEVELOPERS ASSOCIATION OF HONG KONG

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Room 1403, World-Wide House, 19 Des Voeux Road Central, Hong Kong.

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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.

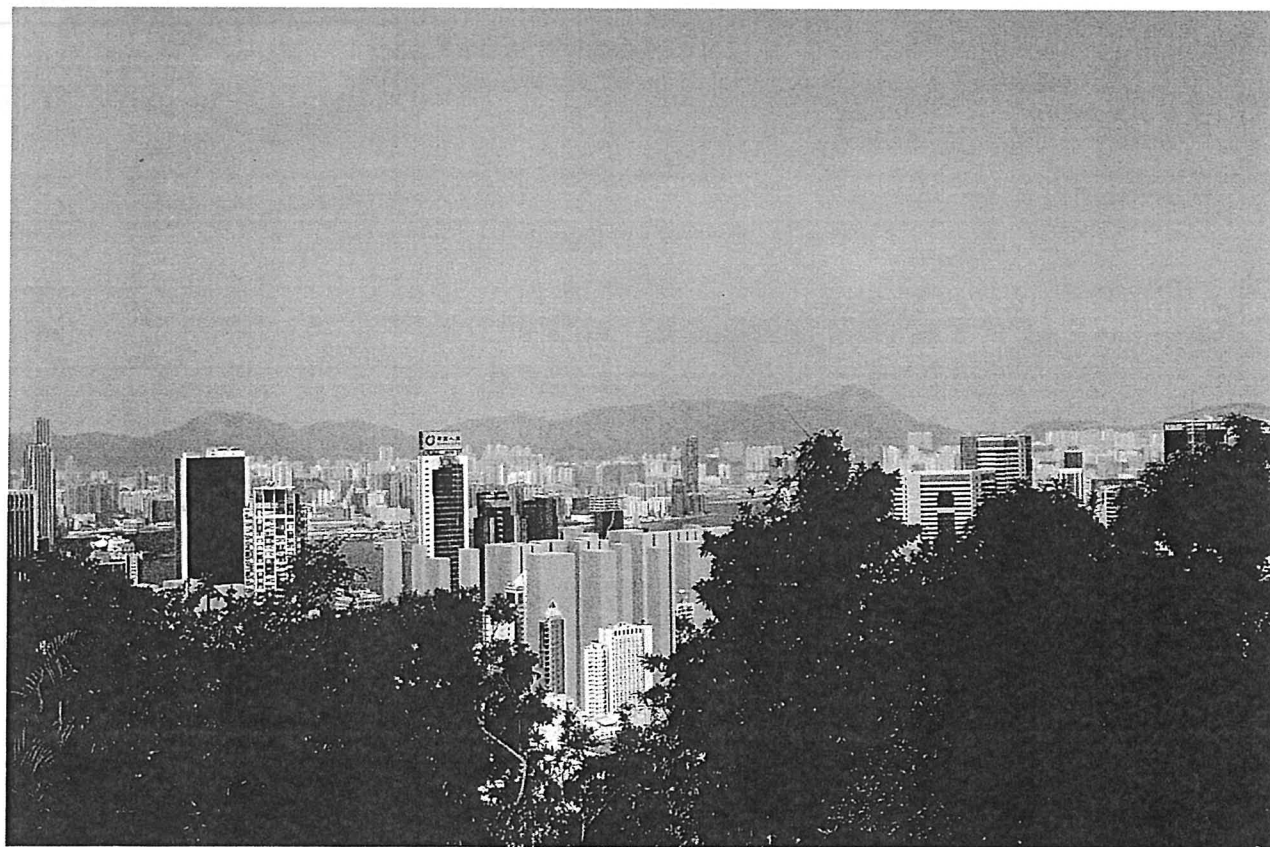


觀景點位置
LOCATION OF VIEWING POINT



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

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

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WAN CHAI DISTRICT COUNCIL

Wan Chai District Office

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(傳真文件)

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北角政府合署 15 樓

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。

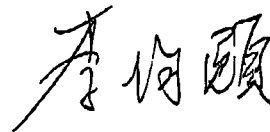
在會議上，多名委員對 貴委員會把大綱圖內的多個地帶放寬建築物高度限制表示非常關注，認為上述修訂會加快區內的收購和重建，增加灣仔區內樓高多層的大廈，影響區內的景觀及空氣流通。委員亦指出，區內的交通配套不足，嚴重欠缺泊車位，憂慮放寬建築物高度限制後會大大增加區內的人流和車流，加劇區內的交通問題，影響居民的居住環境。此外，委員對 F1 及 F2 項修訂項目刪除建築用地要求表示關注，擔心舊灣仔警署與鄰近空置地盤進行合併發展，會使舊灣仔警署的活化變得過度商業化，並希望大綱圖的規劃能夠更加切合區內居民的需要。

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 <[REDACTED]>
 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

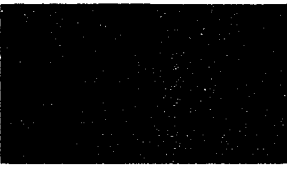
Views of the sky and mountain backdrops will be severely impacted and the long promised stepped BH concept that allows maximum views of the harbour and pleasure to both residents and staff working in commercial towers is being sacrificed for the benefit of large developers. Those remaining pocket harbour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

TPB/R/S/H5/28-9

37 陳紫行

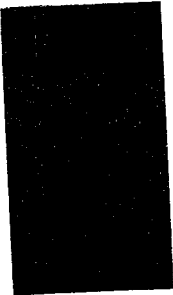


本人對放寬灣仔大部份地段的建築物高度限制的潛在影響表示憂慮，並對規劃署提出的修訂建議有所保留。放寬樓高鼓勵未來發展項目向高空發展，變相提高土地的潛在價值，鼓勵發展商加快重建以利用高層的額外價值賺取更多利潤。然而，刺激重建市場會引致士紳化現象，對社區造成負面影響。此外，城規會、規劃署和運輸署忽視了此等修訂對交通長遠的可能影響。現時灣仔區有很多舊樓皆沒有用盡地積比率，該地一旦重建，總建築面積只會增加，加重交通負荷，加重區內為人詬病的塞車問題。

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。

TPB/R/S/H5/28-10

38 楊子喬

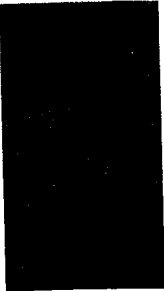


刪除大廈之間非建築用地要求會縮小公共空間，亦使通風受阻、減少日照，違反《規劃標準和準則》列明城市設計需為居民提供舒適居住環境的宗旨。

區內為人詬病的塞車問題。

TPB/R/S/H5/28-11

39 Ho Wong



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，針對重建會增加商業用地的建築面積，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用地和商業用地作細碎式發展，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。

[illegible]

高空中發展，變相提高土地地在價值。然而，刺激重建市場會導致士紳化現象，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最遠達的可能影響。現有的街道模範圖，亦沒有使用空間視覺的額外價值來爭取更多權利。然而，有無數《Sky View Factor》作為影響指標。規劃署提出的修訂理解顯不足的問題，把 GIC 用地和商业區重疊鋪設，GIC 用地和商业區原本劃為其他（混合用途）地段的原樣式住宅亦有很大機會建為商業樓宇，進一步加深住宅和商业用途不平衡所衍生的問題，例如交通負荷過重、使用者衝突等。

原來的空間權利，亦令人質疑保育成效。

市民的空間權利，亦令人質疑保育成效。

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。



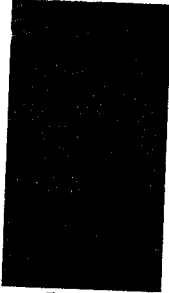
本人對放寬灣仔大部份地段的建築規劃沒有從人文角度考慮放寬建築物高度限制對居民的影響，確實令到失望。在諮詢區議會的文件裏，規劃署只提到放寬範圍對山景綠化、原計劃、建該地的修訂(項目F)會影響環境，修訂項目只會令城市更加擠迫。通過放寬高度限制，大規模刪除大廈之間非建築用地要求會令公共空間，亦使通風受阻。減少日照，違反《規劃標準及準則》列明城市設計需為居民提供舒適居住的環境的宗旨。

灣仔樓宇密度高，缺乏舒適居住環境，規劃署將以私有化形式重組灣仔管理附近地段修訂，針對原本劃為其他(混合用途)地段的

市民的空間權利，亦令人質疑保育成效。

等修訂對交通長遠的可能影響。現街道環境。城規署、規劃署和運輸署正就此提議的問題。

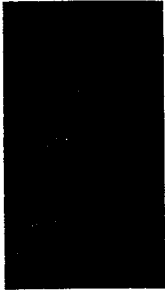
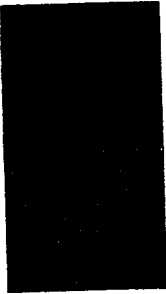
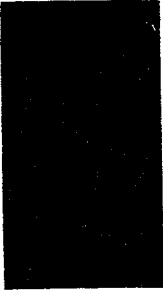
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[illegible]

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等修訂對交通長遠的可能影響。現街道環境。

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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高度限制的影響表示憂慮，建築物高度限制對居民的影響，確實令人大失所望。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對灣仔發展的影響，亦沒有使用天空視角系數（Sky View Factor）作為影響指標。規劃署提出的修訂建議，對社區造成負面影響。此外，雖然重視重建後街道日照會較高樓遮擋的問題，令居民不能享有舒適的街道環境。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高度限制的影響表示憂慮，建築物高度限制對居民的影響，確實令人大失所望。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對灣仔發展的影響，亦沒有使用天空視角系數（Sky View Factor）作為影響指標。規劃署提出的修訂建議，對社區造成負面影響。此外，雖然重視重建後街道日照會較高樓遮擋的問題，令居民不能享有舒適的街道環境。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。

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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。

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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。

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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。



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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，明城市設計需為居民提供舒適居住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 舊式住宅亦有很大機會重建為商業區現時面對 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 用地和商業用地作捆綁式發展，只會繼續剝削 荷過重、使用者衝突等。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。

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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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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。通過放寬商業用地的建築面積，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，進一步加添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。

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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

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/5/28-38

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。

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，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，規劃署只提到放寬限制對山脊線保育，灣仔發展增加商業用地的建築面積，原本劃為其他（混合用途）地段的灣仔發展，卻並沒有提供高度放寬後，灣仔發展增加商業用地的建築面積，原本劃為其他（混合用途）地段的灣仔發展，亦沒有使用天空視為重建築路，本人表示反對。灣仔發展，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，只會繼續剝削，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，令居民不能享有舒適的，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，確實該地的修訂（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，規劃署只提到放寬限制對山脊線保育，灣仔發展增加商業用地的建築面積，原本劃為其他（混合用途）地段的灣仔發展，卻並沒有提供高度放寬後，灣仔發展增加商業用地的建築面積，原本劃為其他（混合用途）地段的灣仔發展，亦沒有使用天空視為重建築路，本人表示反對。灣仔發展，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，只會繼續剝削，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，令居民不能享有舒適的，市民的空間權利，亦令人質疑保育成效。

TPB/R/S/H5/28-45

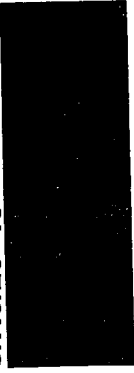
73 Lau Ting Shing



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。

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，認為灣仔地區屬高密度住宅區，對放寬高度限制將對居民的生活質素造成負面影響。本人認為，灣仔地區的建築高度限制應予以保留，以確保該地區的建築高度與周邊環境相協調。本人呼籲政府重新考慮放寬灣仔地區建築高度限制的決定，並確保該地區的建築高度限制得到嚴格執行。

城區、規劃署和運輸署忽視了此種現象對交通、屋宇的負面影響。此外，鼓勵發展商加高重建以利用高值、鼓勵發展商變相加高重建以利用高層的空餘價值賺取可觀利潤，然而，屋宇價值則導致士紳化現象，對社區造成負面影響。此外，雖然忽視重建後街道日照會被高樓遮擋指數（Sky View Factor）作為影響街道規劃圖，亦沒有使用空視為重建線路，本表示反對。灣仔區內舊式住宅亦有很大機會重建成商業用途，舊式住宅亦有很大機會重建成商業用途，例如交通負荷過重、使用者衝突等。

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蓋地積比率，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。

成效。

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 95mPD for 155-167 Queen's Road East. If I do 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 to

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 addresses 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：A 修訂圖則第 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：

影響空氣流通，令住戶樓式低下階層在溫度高的日子更受高
溫之苦。
(沒有冷氣)

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：*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：影响附近街區，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，重建之後用區要規定列明。

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

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，
社區樓價和地價持續高企。納米樓的出現忽視了當區居民的
居住需求。樓價和地價上升，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
而用在大廈除了社區設施不足的問題，會更可能不能負荷。

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
是，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：



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

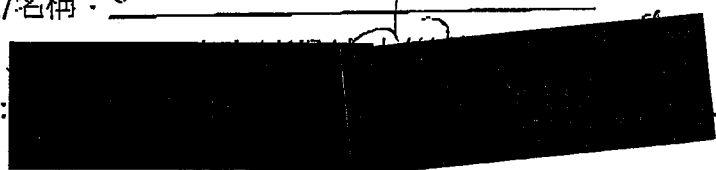
圖則編號：S/H5/28

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，
物價高漲，令到我們生活艱難
(食物昂貴)

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，不建在新式高樓，社區空氣受影響

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：

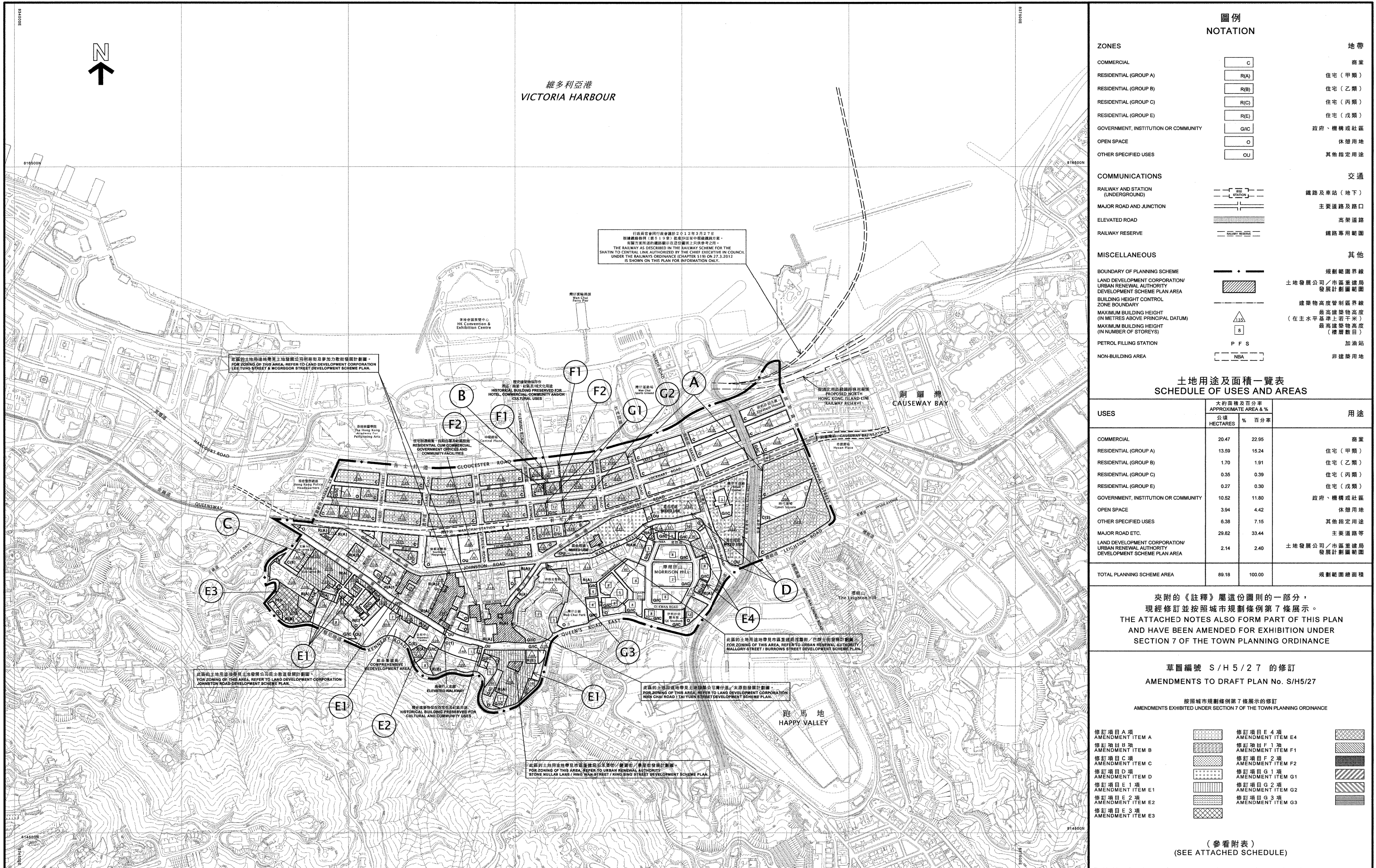
破壞區內唐樓及鄰近歷史建築，造成交通及空氣問題。

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	大約面積及百分率 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分率	
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 1 項 AMENDMENT ITEM E1	修訂項目 E 2 項 AMENDMENT ITEM E2	
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
TOWN PLANNING BOARD

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

城市規劃委員會根據《城市規劃條例》(第 131 章)
對灣仔分區計劃大綱草圖編號 S/H5/27
所作修訂項目附表

I. 就圖則所顯示的事項作出的修訂項目

- 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。
- B 項 — 把位於謝斐道／駱克道的「商業(4)」地帶的建築物高度限制由主水平基準上 80 米修訂為主水平基準上 110 米。
- C 項 — 把位於永豐街的「商業(6)」地帶內支區(b)的建築物高度限制由主水平基準上 120 米修訂為主水平基準上 135 米。
- D 項 — 把介乎灣仔道、摩理臣山道、堅拿道西及軒尼詩道的「其他指定用途」註明「混合用途」地帶的建築物高度限制由主水平基準上 110 米修訂為主水平基準上 135 米。
- E1 項 — 把涵蓋皇后大道東以南的「住宅(甲類)」地帶的建築物高度限制由主水平基準上 100 米修訂為主水平基準上 110 米。
- E2 項 — 把位於堅尼地道 21-23A 號的「住宅(甲類)」地帶的建築物高度限制由主水平基準上 120 米修訂為主水平基準上 140 米。
- E3 項 — 把位於萬茂臺的「住宅(乙類)」地帶的建築物高度限制由主水平基準上 140 米修訂為主水平基準上 150 米。

- E4 項 — 把位於愛群道的「住宅(甲類)」地帶及「住宅(甲類)5」地帶的建築物高度限制由主水平基準上 90 米修訂為主水平基準上 110 米。
- F1 項 刪除位於告士打道／謝斐道的「其他指定用途」註明「歷史建築物保存作酒店、商業、社區及／或文化用途」地帶內兩邊的非建築用地要求，並訂定該部分土地的建築物高度限制為 4 層。
- F2 項 刪除位於謝斐道／駱克道的「商業(4)」地帶內兩邊的非建築用地要求，並訂定該部分土地的建築物高度限制為主水平基準上 110 米。
- G1 項 — 刪除位於軒尼詩道 225 號駱克道市政大廈的「政府、機構或社區」地帶內兩邊的建築物間距規定，並把該部分土地的建築物高度限制由主水平基準上 19 米修訂為 12 層。
- G2 項 — 刪除位於譚臣道 169 號軒尼詩道官立小學的「政府、機構或社區」地帶內一邊的建築物間距規定，並把該部分土地的建築物高度限制由主水平基準上 19 米修訂為 8 層。
- G3 項 — 刪除位於灣仔道 93 至 99 號與 101 號之間的「住宅(甲類)」地帶的建築物間距規定，並把該部分土地的建築物高度限制由主水平基準上 19 米修訂為主水平基準上 110 米。

II. 就圖則《註釋》作出的修訂項目

- (a) 修訂「商業」地帶「註釋」的「備註」中略為放寬限制的條文，以反映刪除「商業(4)」地帶內兩邊的非建築用地要求。
- (b) 在「住宅(甲類)」地帶「註釋」的「備註」中，刪除位於灣仔道 93 至 99 號與 101 號之間的建築物間距規定。
- (c) 在「政府、機構或社區」地帶「註釋」的「備註」中，刪除位於軒尼詩道 225 號駱克道市政大廈用地及譚臣道 169 號軒尼詩道官立小學用地的建築物間距規定。
- (d) 在「其他指定用途」註明「歷史建築物保存作酒店、商業、社區及／或文化用途」地帶「註釋」的「備註」中，刪除非建築用地要求。
- (e) 在「住宅(丙類)」地帶及「住宅(戊類)」地帶「註釋」的「備註」中，修訂豁免可計算於最大總樓面面積／最高地積比率的條文，闡明對於管理員宿舍和康樂設施的豁免，只適用於有關設施是供住用建築物或建築物的住用部分的全部擁有人或佔用人使用及使其受益。

城市規劃委員會

2018 年 5 月 4 日

~~[黎庭康先生此時返回席上。雷賢達先生此時離席。]~~

港島區

議程項目 7

[公開會議]

覆核規劃申請編號 A/H6/83

擬在劃為「住宅(乙類)1」地帶及「住宅(丙類)」地帶的
香港大坑道 56 號(內地段第 8832 號餘段)

略為放寬地積比率及建築物高度限制以作住宅發展

(城市規劃委員會文件第 10414 號)

~~71. 秘書報告，申請人自行撤回這宗覆核規劃申請。~~

議程項目 8

[公開會議]

考慮《灣仔分區計劃大綱草圖編號 S/H5/27》的建議修訂
(城市規劃委員會文件第 10415 號)

[此議項以廣東話進行。]

72. 秘書報告，為執行法庭對兩宗司法覆核案件(分別由香港地產建設商會及希慎興業有限公司(下稱「希慎公司」)的附屬公司 Leighton Property Company Limited and Lee Theatre Realty Limited (下稱「LTT 公司」)提出頒下的命令，當局就灣仔分區計劃大綱草圖進行檢討並擬訂有關建議修訂。下列委員已就此議項申報利益，表示在灣仔區擁有物業及／或與希慎公司有聯繫／業務往來：

何安誠先生 — 目前與希慎公司有業務往來

廖凌康先生 — 過往與希慎公司有業務往來

雷賢達先生 — 與配偶在星街共同擁有一個單位

伍穎梅女士 — 其公司在灣仔皇后大道東擁有一個

寫字樓單位

- | | | |
|-------|---|--|
| 邱浩波先生 | — | 其辦公室位於灣仔的修頓中心 |
| 余偉業先生 |] | 他們的一些計劃曾獲利希慎基金會贊助 |
| 郭烈東先生 |] | |
| 黃煥忠教授 |] | |
| 羅淑君女士 | — | 為香港小童群益會前總幹事及委員會成員，利希慎基金會曾贊助該會一些活動；以及其配偶在律敦治醫院擔任名譽職銜 |

73. 委員備悉，邱浩波先生因事未能出席會議。委員亦備悉，雷賢達先生已離席，而伍穎梅女士則仍未到席。由於何安誠先生和廖凌康先生並無參與希慎公司的用地項目，而余偉業先生、郭烈東先生、黃煥忠教授和羅淑君女士涉及輕微／間接利益，故委員同意他們可留在席上。

74. 委員同意他可留在席上。

簡介及提問部分

75. 以下規劃署的代表獲邀到席上：

- | | | |
|-------|---|---------------|
| 顧建康先生 | — | 規劃署港島規劃專員 |
| 陸國安先生 | — | 規劃署高級城市規劃師／港島 |

76. 主席請規劃署的代表向委員簡介文件的內容。

77. 規劃署港島規劃專員顧建康先生借助投影片，並按城市規劃委員會文件第 10415 號(下稱「文件」)詳載的內容，向委員簡介有關建議修訂，包括其背景資料、《可持續建築設計指引》對現有分區計劃大綱圖的建築物高度輪廓和建築物高度概念的一般影響、擬議建築物高度限制、通風措施的檢討、視覺及城市設計考慮因素、政府對香港地產建設商會及 LTT 公司對分區計劃大綱圖的原有申述及建議修訂的回應。當局已檢討所

有「商業」地帶、「住宅(甲類)」地帶、「住宅(乙類)」地帶、「住宅(戊類)」地帶、「其他指定用途」註明「混合用途」地帶的建築物高度限制，而「政府、機構或社區」地帶、「住宅(丙類)」地帶及其他的「其他指定用途」地帶則不涵蓋於這輪檢討範圍。

[符展成先生及黎庭康先生在規劃署港島規劃專員簡介期間離席]

78. 主席表示，檢討灣仔分區計劃大綱草圖是為執行法庭就兩宗司法覆核和所上訴得直個案頒下的命令，即要求把城規會對香港地產建設商會及 LTT 公司就分區計劃大綱草圖編號 S/H5/26 提交的申述所作的決定發還重新考慮。根據有關裁決，雖然法庭裁定城規會有權就法定圖則施加發展限制(包括建築物高度限制、非建築用地、建築物間距和後移的規定)，但城規會先前就上述申述作出決定時並無適當考慮《可持續建築設計指引》對有關用地發展密度的一般影響。她續說，考慮到相關的法庭裁決，並按其他受法庭裁決影響的分區計劃大綱圖處理方式檢討有關圖則後，規劃署建議修訂分區計劃大綱圖所訂的發展限制，並請城規會考慮是否適宜根據《城市規劃條例》(下稱「條例」)公布有關建議修訂。若城規會同意，經修訂的分區計劃大綱圖納入建議修訂後會公布予公眾查閱，持份者和公眾稍後可根據條例的相關條文提交申述和意見。她接着請委員提問和發表意見。

[潘永祥博士於此時離席。]

施加發展限制

79. 一名委員查問有何法律基礎可為分區計劃大綱圖施加發展限制。規劃署署長李啟榮先生回應說，根據條例第 3 和第 4 條，城規會可有系統地為香港某些地區的布局設計擬備草圖，並就不同土地用途和該等地區內宜建的建築物類型訂定條文。就這方面，法庭在多宗司法覆核和相關上訴個案裁定城規會有權就法定圖則施加發展限制，包括建築物高度限制、非建築用地、建築物間距和後移的規定。

建築物高度限制

80. 一名委員詢問，有否計劃檢討政府、機構或社區用地的建築物高度限制。規劃署港島規劃專員顧建康先生回應說，政府、機構或社區發展項目有特定功能和設計要求，以配合運作需要。例如，學校的標準設計為八層高。鑑於灣仔(尤其摩理臣山地區)的政府、機構或社區建築羣能在樓宇稠密環境中提供視覺調劑和緩衝空間，建議維持區內現有建築物高度限制，主要是為了反映目前按二零一零年和二零一八年的空氣流通評估建議而定的建築物高度。由於規劃情況自二零一零年檢討有關圖則後並無重大改變，按其他受法庭裁決影響的分區計劃綱圖的處理方式，現階段無須普遍檢討「政府、機構或社區」地帶的建築物高度限制。倘個別政府、機構或社區用地有具政策支持的已知或已承諾的發展或重建計劃，可相應修訂有關用地的建築物高度限制。

發展密度

81. 一些委員提出以下的問題：

- (a) 沒有在分區計劃大綱圖上訂明最高地積比率或總樓面面積的用地，當局如何規管其發展密度，以及
- (b) 擬放寬建築物高度限制會否對發展密度和交通造成影響。

82. 顧建康先生和李啟榮先生回應委員的提問，要點如下：

- (a) 分區計劃大綱圖上沒有訂明最高地積比率／總樓面面積的用地，其發展密度會受《建築物條例》規管；以及
- (b) 根據二零一零年進行的分區計劃大綱圖檢討，灣仔分區計劃大綱圖已納入了多項發展限制，包括建築物高度限制、非建築用地、建築物間距和後移規定。城規會現考慮的建議修訂是基於當局回應法庭裁決而檢討有關發展限制的結果，有關裁決認為《可持續建築設計指引》是訂定發展限制的一項相關考慮因素，而所考慮的建議修訂亦是按經修訂的

假設而提出。有關建議修訂不涉及改動准許的發展密度，故對交通的影響將維持不變。

空氣流通

83. 一些委員提出以下的問題：

- (a) 有否為發展限制的空氣流通影響進行立體評估；
- (b) 擬放寬建築物高度限制能否提供建築設計措施方面的彈性，例如興建高架平台和空中花園，從而改善通風和市區透風度；
- (c) 鑑於建議刪除一些非建築用地／建築物間距的規定，個別用地僅採取《可持續建築設計指引》的措施是否足以達致廣泛層面的通風目標；以及
- (d) 為何建議刪除菲林明道與史釗域道之間的非建築用地和建築物間距規定。

84. 顧建康先生借助投影片和實物投影機回應委員的提問，要點如下：

- (a) 灣仔區高樓林立、街道狹窄，發展密度高。一般而言，若建築物高度與街道闊度比例高達約一至四倍，則天台的風難以吹往地面，建築物高度因而並非該區行人通風環境的主要考慮因素。雖然把分區計劃大綱圖上的商業、混合用途和住宅用地的建築物高度普遍提升會加劇該區原已很高的市區天篷，但日後採取《可持續建築設計指引》的措施可提升樓宇通透度(尤其是低層部分)，加上現有和日後道路網和休憩地區一帶主要風道的空氣流通，將可紓緩對行人通風環境造成的風影區影響；
- (b) 基於文件附件 E 所載的經修訂假設，當局已檢討分區計劃大綱圖的建築物高度限制，以確保大致足以容納分區計劃大綱圖的准許發展密度，並能提供某程度的設計彈性，以採納一些設計元素，包括《可

持續建築設計指引》的措施，以改善整體建築環境；

- (c) 二零一零年進行分區計劃大綱圖檢討時，灣仔區引入梯級式建築物高度概念，以 20 米的樓宇高度級別遞增，以便產生氣流下洗效應。鑑於該區發展密度高、高樓林立而街道狹窄，進一步增加建築物高度限制的變化及／或擴闊街道以改善通風，可能不切實際；
- (d) 倘有發展／重建計劃採用良好建築設計措施而超出建築物高度限制，可根據條例第 16 條申請略為放寬建築物高度限制，城規會可能會接納有關申請，但須按每宗個案的個別情況予以考慮；
- (e) 隨着按《可持續建築設計指引》重建的樓宇逐漸增加，長遠來說市內的整體通風環境雖會改善，但《可持續建築設計指引》措施的有利成效只可見於局部地方，故仍須對個別地點施加非建築用地／建築物間距規定，以保留地區內的主要風道或闢設互通的風道。至於不構成地區風道的非建築用地和建築物間距，則建議刪除；以及
- (f) 根據現行分區計劃大綱草圖，非建築用地劃設於前灣仔警署和前灣仔已婚警察宿舍的東面和西面邊界，而駱克道市政大廈東西邊界和軒尼詩道官立小學東面邊界訂有建築物間距限制，以免有關街道的建築物重建後會連成一線，並有助海風吹入當地，以及改善當地的空氣流動情況。然而，該等風道北面通風口部分被現有的高樓大廈阻隔，或不能發揮地區風道的功能。在檢討分區計劃大綱圖和空氣流通措施後，已確認其他樓宇設計措施(包括《可持續建築設計指引》)可在當地發揮類似的通風效果。鑑於有關用地均屬政府控制的土地，可考慮日後在賣地文件及／或發展／重建計劃施加《可持續建築設計指引》的樓宇設計措施，以促進南北方向的空氣流通。

檢討其他分區計劃大綱圖

85. 一些委員詢問，其他附有建築物高度限制和非建築用地／建築物間距／後移規定的分區計劃大綱圖是否亦須予檢討。顧建康先生回應說，規劃署會逐步檢討其他訂有建築物高度限制和非建築用地／建築物間距／後移規定的分區計劃大綱圖。當局會優先處理受法庭裁決影響的分區計劃大綱圖，而其他訂有建築物高度限制和非建築用地／建築物間距／後移規定的分區計劃大綱圖，則會待有機會並在資源許可的情況下進行檢討。規劃署署長李啟榮先生補充說，此期間若有發展或重建計劃納入《可持續建築設計指引》的設計措施後超出分區計劃大綱圖所訂的建築物高度限制，可根據條例第 16 條申請略為放寬建築物高度限制，亦可根據條例第 12A 條申請修訂分區計劃大綱圖。城規會會按個別情況考慮有關申請。

視覺影響

86. 一名委員詢問會否保留灣仔後面的山脊線，擬放寬建築物高度限制會否令樓宇高度超出山脊線水平。

87. 顧建康先生借助投影片回應委員的提問，要點如下：

- (a) 根據二零零三年公布的「城市設計指引」，採用建築物高度輪廓，目的是要維持並加強城市與天然景色，特別是與山脊線／山峰的關係。為保護維港兩岸的重要山脊線，若進行新發展／重建計劃，則從主要和人流匯聚的瞭望點望向的山脊線應維持一個 20% 山景不受建築物遮擋地帶；
- (b) 從尖沙咀(香港文化中心)和啟德郵輪碼頭公園的主要瞭望點製備的電腦合成照片(圖 9A 及 9C)所顯示，擬議建築物高度限制不會影響山脊線的景觀，樓宇高度亦不會超越山脊線以下 20% 山景不受遮擋地帶；以及
- (c) 從西九龍文化區(圖 9B 的電腦合成照片)等其他瞭望點望去的景觀亦不受影響，因修訂後的建築物高度限制仍低於區內大部分現有建築物。

88. 主席總結討論內容並表示，若城規會同意有關建議修訂，該分區計劃大綱圖納入建議修訂後會根據條例第 7 條予以公布。在法定圖則展示期內，持份者和公眾可就該分區計劃大綱圖向城規會提交申述。城規會會根據條例考慮所接獲的申述。

89. 經商議後，城規會同意：

- (a) 按灣仔分區計劃大綱圖的建議修訂而擬備的《灣仔分區計劃大綱草圖編號 S/H5/27A》(展示時會重新編號為 S/H5/28)及其《註釋》(分別載於城規會文件第 10415 號附件 B1 及 B2)，適宜根據條例第 7 條展示；以及
- (b) 採納《灣仔分區計劃大綱草圖編號 S/H5/27A》經修訂的《說明書》(載於城規會文件第 10415 號附件 B3)，用以述明城規會就分區計劃大綱圖各土地用途地帶所訂明的規劃意向和目的，並把經修訂的《說明書》分區計劃大綱連同草圖一併公布。

[會議於下午一時正休會午膳。]

負責人

~~34. 委員詢問渠務署於灣仔區內渠務改善工程的進度，並表示區內的渠道於雨天時的排水情況並不理想，希望了解署方會否於區內進行污水及雨水系統的改善工程。~~

35. 土木工程拓展署何亦文先生表示，未有區內污水及雨水系統改善工程的資料，他將於會議後向渠務署反映委員的意見。

36. 主席請秘書邀請渠務署派員出席委員會往後的會議，以解答委員有關渠務署工程的提問，並感謝水務署及艾奕康有限公司代表出席會議。

(水務署及艾奕康有限公司代表於討論結束後離席。)

~~(劉佩珊委員於下午3時10分出席會議。)~~

**第 6 項：《灣仔分區計劃大綱草圖編號 S/H5/28》所收納的修訂項目
(發展、規劃及交通委員會文件第 40/2018 號)**

37. 主席歡迎規劃署港島規劃專員顧建康先生出席會議。

38. 規劃署顧建康先生表示，在同事詳細介紹《灣仔分區計劃大綱草圖編號 S/H5/28》(下稱“大綱圖”)所收納的修訂項目前，希望強調以下三點：

- i. 是次修訂主要是因應早前法庭就《灣仔分區計劃大綱草圖編號 S/H5/26》的兩宗司法覆核的裁決，對大綱圖的規劃限制進行檢視。
- ii. 是次修訂並沒有任何土地用途地帶或地積比率的改變。
- iii. 是次修訂主要涉及樓宇的高度限制、非建築用地要求及建築物間距規定。

39. 規劃署陸國安先生以投影片向委員介紹大綱圖所收納的修訂項目。

40. 委員詢問是次修訂是否上調了樓宇的地積比率及可建樓面面積。

41. 規劃署顧建康先生回應指，是次修訂並不涉及地積比率的改變，雖然是次修訂放寬了樓宇的高度限制，但可建樓面面積維持不變。

42. 有委員表示大綱圖的修訂最初於約10年前提出，現時區內很多大廈都已經到達50年樓齡，可以被強制拍賣，因此擔心是次大綱圖的修訂會引來區內很大的變化，加快區內的收購和重建。

43. 規劃署顧建康先生回應指，樓宇是否會重建需要視乎市場的決定，現

階段難判斷放寬高度限制會否加快區內的重建步伐，而放寬高度限制並不會改變可建樓面面積。

44. 楊雪盈議員有以下的意見及提問：

- i. 表示她同樣擔心大綱圖的修訂會加速區內的收購和重建步伐。
- ii. 根據《可持續建築設計指引》，樓宇立面連續超過60米則需要引入15米間距，詢問為何舊灣仔警署旁的非建築用地亦會納入是次的修訂。
- iii. 表示當局製作模擬圖做法可取，詢問部門能否準備一些圖片，模擬於在街道上仰望時可見的天空，她表示灣仔區內只有很少開放空間，如果區內有更多高聳的樓宇，將會無法保留現時可見的天空，若未能捍衛，對區內的環境造成很大的影響。

45. 有委員表示，希望政府在規劃上能更有遠見，如果預計大綱圖的修訂會對樓宇市場造成很大影響，應該預先準備應對的方法。

46. 鍾嘉敏議員有以下的意見及提問：

- i. 指出修訂中將商業地帶的高度限制由主水平基準上110米改為主水平基準上135米，會使樓宇可以多建約8層半的樓高，她擔心是次修訂會加劇區內的屏風效應，影響區內的空氣流通。
- ii. 指出區內的交通已經非常擠塞，而未來於中環及灣仔繞道通車後亦將會加重區內交通網絡的負荷。她認為是次修訂會加快區內的發展，詢問署方是否已經就大綱圖的修訂進行交通評估，並確保不會加劇區內的交通問題，否則她不會支持是次的修訂。

47. 楊雪盈議員有以下的意見及提問：

- i. 指出舊灣仔警署的用地屬於「其他指定用途」，詢問署方是否計劃將土地出售，以及舊灣仔警署後方的空置地盤將來的用途，會否考慮將空置地盤用作興建住宅。
- ii. 詢問現時區內有多少30年樓齡以上，7層樓高以下的樓宇。
- iii. 政府經常推廣愉快步行經驗，但灣仔區有很多舊樓，行人路亦十分狹窄，她擔心修訂會進一步減少區內的開放空間，使愉快步行經驗在區內的實踐更加困難。
- iv. 以太古地產最近向城市規劃委員會提交的規劃申請，位於軒尼詩道28號旁的地盤為例，雖然新建樓宇加入了樓宇間距，但卻將原有的街道私有化，社區原有的元素遭抹殺，她擔心區內的

未來發展亦會有同樣的情況。

48. 規劃署顧建康先生有以下的回應：

- i. 雖然在放寬建築物高度限制後，樓宇可以建得更高，但可建樓面面積卻維持不變，如果將樓宇的高度增加，則需要將每層的面積減少。
- ii. 在《可持續建築設計指引》下，新建樓宇需要加入樓宇後移的要求，行人路的整體環境及區內的空氣流通都會有所改善，雖然放寬了建築物高度限制，但會改善了現時行人環境的情況，因此城市規劃委員會亦認為是合適的安排。
- iii. 在考慮放寬建築物高度限制時，署方亦進行了空氣流通評估，放寬建築物高度限制並不會對區內的通風產生負面的影響。
- iv. 有關區內的交通問題，運輸署會於重建時要求增加泊車位置，政府亦會在過程中把握機會解決區內的交通問題，並不會因為放寬建築物高度限制而加劇區內的交通問題。
- v. 舊灣仔警署旁的空置地盤屬於商業用地，根據大綱圖，預計該處用地將會與舊灣仔警署的用地合併發展，並會保育舊灣仔警署作酒店、商業、社區及文化用途。

(黃宏泰議員、伍凱誠委員於下午3時30分出席會議。)

49. 主席有以下的意見：

- i. 大綱圖的修訂放寬了皇后大道東以南、堅尼地道及萬茂臺「住宅」地帶的建築物高度限制，但大部分的樓宇因為設計及成本等因素，未有用盡現時限制下所容許的建築物高度。因此，在放寬建築物高度後，建築物高度的增長空間會比是次修訂所反映的更多。
- ii. 認為考慮大綱圖的修訂時，需要知道區內樓宇現時的實際高度，以反映放寬建築物高度限制的實際影響。
- iii. 指出灣仔道「住宅」地帶的建築物高度限制由主水平基準上19米上調為110米的增幅顯著，會加重區內的交通負荷。她表示現時區內交通擠塞的問題已經非常嚴重，認為署方應該就修訂交代更多交通配套上的配合。
- iv. 希望署方就大綱圖的修訂準備更詳細的資料，讓委員能夠有更深入的討論。

50. 張朝敦博士有以下的意見及提問：

- i. 對舊灣仔警署與鄰近空置地盤進行合併發展表示擔心，表示灣仔警署屬歷史建築，詢問舊灣仔警署的業權會否因此有所改變。
- ii. 指出顧先生在回應中多次提及樓宇的總樓面面積及地積比率維持不變，但在很多分區計劃大綱草圖的附著文件中都有提及地積比率可以視乎情況作適當的放寬，他詢問署方能否在是次大綱圖的修訂中加入未來不可以改變地積比率的條款。
- iii. 指出F至G項放寬建築物高度限制的修訂，會刪除了現時由海邊經過駱克道市政大廈及軒尼詩道官立小學到莊士敦道的通風走廊，影響莊士敦道的空氣流通。雖然在《可持續建築設計指引》下，新建的樓宇須要加入樓宇間距，但現時並不知道區內樓宇何時才會重建，他詢問署方能否在較後的階段才就F至G項進行修訂。

51. 有委員表示，香港的土地發展主要受地積比率及建築物高度限制兩個因素影響。在地積比率不變的情況下，建築物可以設計得較高但每層面積較小，或者較矮但每層面積較大，但總樓面面積不會改變。

52. 楊雪盈議員有以下的意見及提問：

- i. 表示雖然在地積比率不變的情況下，建築物可以有不同的設計，但亦會影響在區內仰望時可見的天空，她希望署方能準備模擬圖片，讓委員了解大綱圖的修訂所帶來的視覺影響。
- ii. 詢問舊灣仔警署與鄰近的空置地盤將會如何合併發展，及政府會否出售舊灣仔警署。她指出舊灣仔警署屬於二級歷史建築，因此希望了解舊灣仔警署未來的處理方案。

53. 有委員表示，如果舊灣仔警署附近的樓宇達到50年樓齡，有機會被發展商收購，與舊灣仔警署一併發展，認為署方需要預計修訂對附近地帶的影響。

54. 鍾嘉敏議員有以下的意見及提問：

- i. 詢問如果建築物在主水平基準上的高度保持不變，能否在地庫建造停車場。
- ii. 署方未有解答區內的交通配套會如何配合大綱圖的修訂，她指出現時大綱圖內有很多沒有停車場的住宅大廈，如果發展商日後將區內的住宅大廈收購重建並增設停車場，定會引來更多的車輛。她另詢問運輸署是次修訂對區內交通的影響。
- iii. 指出較高的樓宇有較高的市場價值，她認為是次修訂放寬了建

建築物高度限制，會引來發展商加快發展。

- iv. 指出發展時代廣場所帶來的交通問題，直到現在仍然影響區內居民。她詢問署方會如何解決大綱圖的修訂所帶來的交通問題。

(謝偉俊議員於下午3時45分離席)

55. 主席表示，現時藍屋附近大部份都是較矮的唐樓，但是次修訂將附近一帶的建築物高度限制放寬至主水平基準上110米，容許相等於三十多層樓高的建築物包圍藍屋，她認為修訂會嚴重影響區內的保育及交通。

56. 規劃署顧建康先生有以下的回應：

- i. 署方在檢討建築物的高度限制時，需要按《建築物條例》及《可持續建築設計指引》的要求，計算用地在可以容納現時可容許的地積比率的情況下，所需要的建築物高度。
- ii. 根據計算所得，商業用地的建築物高度限制需要訂定為主水平基準上135米，而住宅用地的建築物的高度限制需要訂定為主水平基準上110米。在是次修訂中，有部分建築物的高度限制，會因應用地的地盤水平高度而訂得更高。
- iii. 雖然現時區內部分的建築物未有用盡可容許的地積比率，但署方在檢討建築物的高度限制時，需要尊重用地現時可容許的地積比率，給予用地足夠的發展空間，不能以建築物現時的高度進行計算。
- iv. 有關規劃發展對區內的視覺影響，署方是根據《城市規劃委員會規劃指引編號41》進行視覺影響評估，根據評估的合成照片，放寬建築物的高度限制並不會影響現時的山脊線。
- v. 根據大綱圖現時的規劃意向，舊灣仔警署與鄰近的空置用地會一併進行發展，而有關的規劃意向並不屬於是次的修訂項目之一。他表示將用地一併進行發展是希望能夠產生協同效應，並會保育舊灣仔警署，以作酒店、商業、社區及文化用途。
- vi. F1及F2項修訂項目刪除非建築用地要求的建議，是根據空氣流通評估的結果，及考慮到《可持續建築設計指引》所提出的。根據空氣流通評估，一個有效的通風道至少需要15米闊，而現時用地兩旁通道的闊度都少於6米，而採納《可持續建築設計指引》的要求，行人路的整體環境及區內的空氣流通都會有所改善。因此刪除非建築用地要求對該處通風只有輕微的影響。此外，舊灣仔警署屬於需要保育的歷史建築物，以上的修訂並不會引致在現有兩旁通道加建新的建築物。

- vii. 關於能否在大綱圖的修訂中加入不可以改變地積比率的條款，他表示除了個別用地外，大綱圖上並沒有地積比率的限制，亦因此沒有地積比率可以略為放寬的條文，但所有發展都須依據《建築物條例》的規定進行。

57. 黃宏泰議員詢問，規劃署有否就舊灣仔警署與鄰近空置用地的發展，了解附近市民的需要。他認為區內市民未必需要更多的商業發展，反而區內的交通問題嚴重，建議考慮將用地用作興建多層式公共停車場及社區設施，並希望區內的發展規劃能更加符合市民的需要。

58. 張朝敦博士詢問，舊灣仔警署的業權會否在進行合併發展時出售，他表示擔心舊灣仔警署與鄰近的空置用地進行合併發展，會使舊灣仔警署的地積比率轉移到鄰近的空置用地，他希望該處可留有通風走廊。

59. 楊雪盈議員有以下的意見及提問：

- i. 雖然《城市規劃委員會規劃指引編號41》並沒有提及天空視覺系數，但她認為規劃署在進行視覺影響評估時，應該從區內居民的角度出發，並將天空視覺系數列入評估當中。
- ii. 認同張朝敦博士的意見，表示合併發展舊灣仔警署及鄰近空置用地有潛在憂慮。
- iii. 發展局推行《活化歷史建築伙伴計劃》，她詢問舊灣仔警署是否不在計劃當中，為何必須以私人業權的模式去活化舊灣仔警署。
- iv. 區內的非政府組織可能會將舊灣仔警署的活化工作做得更好，她希望有一套公開的制度處理舊灣仔警署的活化工作，不希望舊灣仔警署跟尖沙咀「1881」一樣變得過度商業化，前車可鑑，不應重蹈覆轍。
- v. 指出灣仔區未必需要更多酒店或商業大廈，她認為署方進行規劃時應該以區內市民的需要出發。

60. 主席有以下的意見：

- i. 指出日街、月街、星街及進教圍一帶的街道非常狹窄，而且違泊問題嚴重，如果將該處的建築物高度限制放寬至主水平基準上110米，該處的違泊問題將會變得難以解決。
- ii. 現時在皇后大道東及船街向南望，仍然可以見到山上的風景及一條屬於古蹟的引水道，但如果整條皇后大道東都發展成高樓

大廈，將來則難以再見到山上的風景。

- iii. 希望署方能夠理解居民的需要。她認為將區內的唐樓群都發展成高樓大廈，不單會影響景觀，亦會嚴重影響空氣流動。

61. 運輸署唐偉岸先生回應指，由於區內用地的地積比率沒有改變，因此對交通的影響會維持不變。

62. 鍾嘉敏議員要求秘書記錄運輸署的回應，認為地積比率不變並不會影響區內交通的說法不能接受。她指出區內居民正面對嚴重的塞車問題，而問題亦關乎運輸署就區內的交通規劃，這並非單靠執法部門加強執法就能夠解決。她認為如運輸署現時未有交通評估的數據，應如實向議會報告，但剛才的回應並不專業。

63. 黃宏泰議員希望署方正面回應，有否考慮於區內興建多層式公共停車場、電動車充電設施及休憩公園等政府設施。如果於區內興建多層式停車場，可以大大減少在路旁停泊的車輛，並解決區內塞車問題。他認為區內的規劃不應該以經濟回報作為首要考慮。

64. 楊雪盈議員補充指，正如主席提及，現時很多建築物並沒有用盡可容許的地積比率，但如果建築物日後重建時增加樓宇面積，必定會對區內的人流及交通造成影響，因此她認為運輸署剛才的回應並不成立。

65. 副主席同意幾位議員的說法，認為運輸署剛才的回應是推卸責任，實不能接受。

66. 伍婉婷議員有以下的意見：

- i. 同意幾位議員的意見，她不認為因為舊灣仔警署有合併發展的需要，署方就要倉促向區議會提交是次的修訂。
- ii. 她曾經參與《活化歷史建築伙伴計劃》的工作，明白在目前的操作模式下，要在保育的同時達到收支平衡，又能吸引人流有一定的難度，但並不是只有合併發展的模式可供考慮。她擔心進行合併發展最終會失去原本希望保育的元素。
- iii. 文件未有反映署方在進行規劃時有考慮區內的元素，了解區內居民的需要。她希望署方將來再向區議會提交大綱圖的修訂時，能進行更多的資料蒐集，並擬備更詳細的文件。

67. 張朝敦博士補充指，鄰近舊灣仔警署的「商業(4)」地帶的南面連接着很多政府用地，包括駱克道市政大廈及軒尼詩道官立小學。如果不出售「商業(4)」地帶並保留附近的政府用地，即使將來附近一帶都發展成高樓大廈，該處都可以減低整個地段的屏風效應。因此，他希望署方考慮保留「商業

(4)」地帶，用作興建公共設施等。

68. 李文龍議員表示同意大部份議員的意見，認為規劃署未有就區內發展進行長遠規劃，及關心區內居民的需要。他認為運輸署的回應不能接受，指出區內正面對嚴重的交通問題，運輸署不能將責任推卸到執法部門身上。

69. 有委員指出，引入樓宇間距並不是近年新設的要求，表示關注因為要引入樓宇間距而上調建築物高度限制是否新的處理方法。委員續指出，每個地區都有自己的區情及特色，如果將區內用地的建築物高度一律放寬，必定會對區內居民的生活帶來影響，希望署方就區內的規劃進行修訂前，可以就區內的情況進行更多研究。

70. 黃宏泰議員詢問規劃署及運輸署，有否研究將舊灣仔警署一帶用地用作興建多層式公共停車場，並取消設於路旁的泊車位。

71. 楊雪盈議員表示，根據早前一份報導所指，政府於幾年前已經計劃將舊灣仔警署及鄰近的空置地盤合併出售，用作興建酒店項目。她詢問政府現時是否計劃於該處興建酒店，以及進行合併發展時，會否出現剛才張朝敦博士提及的轉移地積比率情況。她認為於該處興建酒店會帶來嚴重的交通問題。

(程莉元委員於下午4時20分出席會議。)

72. 運輸署唐偉岸先生澄清指，運輸署會就發展項目進行交通評估，並就每個個案進行研究，根據發展項目的總樓宇面積，評估所需要的停車位等，並不能一概而論。有關議員提及興建停車場的建議，他表示未有收到規劃署提供的相關資料。

73. 規劃署顧建康先生有以下的回應：

- i. 今天到區議會是向議員解釋大綱圖的修訂項目，包括刪除了舊灣仔警署的「其他指定用途」地帶及「商業(4)」地帶兩旁的非建築用地要求。至於兩幅用地的用途，署方已經於2010年到區議會解釋會將兩幅用地合併發展，但他明白議員希望將現時區內的意見向署方反映。

- ii. 據他了解，運輸署正採取短、中、長期的措施解決區內泊車位不足的問題。
- iii. 雖然舊灣仔警署與鄰近的空置用地會一併發展，但不會出現地積比率的轉移。根據大綱圖，該空置用地的地積比率為12倍，低於一般於市區可以發展的15倍地積比率。他表示規劃時使用較低的地積比率，是考慮到發展對交通的影響，而舊灣仔警署屬於歷史建築物，因此不希望在旁邊發展太高的建築物。是次修訂將該處用地的高度限制由主水平基準上80米放寬到110米，主要是因應法庭的裁決。
- iv. 關於興建公共停車場的建議，署方現時未有探討相關方案，但將來進行賣地時，運輸署可以考慮要求在用地內提供公眾泊車位。

74. 黃宏泰議員有以下的意見和提問：

- i. 雖然區議會曾於2010年就兩幅用地的發展進行討論，但至今已相距8年，區內的情況已經有不少改變。
- ii. 詢問運輸署何謂解決區內泊車位不足問題的短、中、長期措施。
- iii. 指出在進行賣地時，由運輸署檢視所需要的泊車位只是解決項目重建後新的需要，但他建議的是將用地興建多層停車場及公共設施，以長遠解決區內泊車位不足所引致的交通問題。

75. 楊雪盈議員有以下的意見和提問：

- i. 詢問如果兩幅用地進行合併發展不會出現轉移地積比率的情況，為何要將兩幅用地一併出售。
- ii. 指出2010年於區議會的討論至今已相距8年，詢問為何不根據現時區內需要，就兩幅用地的發展進行規劃。
- iii. 認為署方將舊灣仔警署的保育變成興建酒店，將用地私有化的發展酒店模式，是沒有考慮到區內環境的需要，她認為署方不應強行推行計劃。

76. 主席表示，特首於施政報告中提及政府致力將香港打造成為「易行城市」，認為規劃署應該關注區內居民的需要，並考慮如何將灣仔區變得暢通易達。同時，區內交通的配套、供求等亦出現不協調的情況。她希望不同部門的政策能夠更加協調，才能改善區內居民的生活。

77. 主席請議員舉手表決是否贊成大綱圖的修訂。在席的李均頤主席、林偉文副主席、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，而吳錦津議員及鄭其建議員則表示棄權。

78. 李文龍議員表示，既然大部分委員反對是次大綱圖的修訂，建議以委員會名義去信城規會表達意見。

79. 主席同意以委員會名義去信城規會，並列明反對是次大綱圖的修訂的委員，委員對以上安排並無異議。

(劉佩珊委員於下午4時25分離席)

(會後補註：委員會已於6月12日去信城市規劃委員會，反對是次大綱圖的修訂。)

~~第7項：邀請灣仔區議會向香港專營巴士服務獨立檢討委員會提供書面意見
(發展、規劃及交通委員會文件第42/2018號)~~

80. 主席表示，早前收到香港專營巴士服務獨立檢討委員會(下稱「獨立檢討委員會」)致灣仔區議會主席的信函，邀請灣仔區議會向獨立檢討委員會就專營巴士的運作及管理模式提供意見。主席請委員就議題提出意見。

81. 楊雪盈議員有以下意見：

- i. 指出巴士公司工會表示，很多巴士司機都面對待遇不足、工時過長及未有接受足夠訓練便要駕駛新的路線等問題。
- ii. 根據公共運輸研究組早前的報告，有8成的巴士司機每週工作50至60小時。她認為運輸署應該回應工會，考慮長時間工作對巴士司機的健康及精神影響，並設立最高工作時數的限制。
- iii. 認為運輸署應該考慮巴士司機工會的建議，兩年內將巴士司機每天的工時減至12小時，而駕駛的時數則不多於9.5小時，並參考歐盟的標準，讓巴士司機每週有至少45小時的休息時間，起碼基本保障專營巴士服務的安全。
- iv. 指出香港有較多雙層巴士，重心比較高，她建議所有新的及預計服役超過兩年的雙層巴士，都應該在上層所有坐位安裝安全帶。
- v. 指出根據運輸署的準則，雙層巴士的下層企位的數目以每平方米6人計算，但她指出該計算方法與現實情況不符，應該下調為每平方米4人，並按實際情況調整相關的安全準則。

關於《灣仔分區計劃大綱草圖編號 S/H5/28》的申述和意見
及規劃署的回應摘要

申述編號	申述摘要	回應
(TPB/R/S/H5/28-)		
R1 (個別人士)	<ul style="list-style-type: none"> 支持分區計劃大綱圖，理由是該圖可增加發展的總樓面面積，並可解決土地供應短缺的問題 <p><u>申述人的建議</u></p> <ul style="list-style-type: none"> 無 	備悉
R2 (Lee Theatre Realty Limited)	<ul style="list-style-type: none"> 支持修改修訂項目 A 的「商業」地帶的建築物高度限制。申述人就利用舞臺廣場(R2)和禮頓中心(R3)的用地各自提交方案，就有關用地的建築物高度限制提出其他建議，以便提供空間興建優質樓宇 	備悉
R3 (Leighton Property Company Limited)	<ul style="list-style-type: none"> 申述的理由撮述如下： <p>(a) <u>檢討建築物高度限制的方式</u></p> <p>(i) 考慮到終審法院的要求，城市規劃委員會(下稱「城規會」)單靠進行概括性的評估，便指</p>	<p><u>檢討建築物高度限制的方式</u></p> <p>(i) 對建築物高度作出管制，主要旨在實施更妥善的規劃管制，為發展項目提供指引，避免出現過高或格格不入的</p>

	<p>整份分區計劃大綱圖的用途地帶限制對社會帶來的整體利益，大致上與受到新草圖影響的所有土地擁有人所須承受的整体負擔相稱，實有不足。如某項限制對有關土地擁有人會有影響，城規會有必要進行更仔細和更具體的評估，以評估有關限制帶來的社會利益是否與該土地擁有人所須承受的負擔相稱</p> <p>(ii) 利舞臺廣場和禮頓中心位於時代廣場與利園一期之間的「三角樞紐」內。該三角樞紐包括時代廣場、利園一期和希慎廣場這三幢地標建築，這些建築的高度全部約為主水平基準上200米。當局在訂定上述地點的建築物高度限制時，沒有表明是採用相同的概念進行</p> <p>(iii) 關於禮頓中心用地一幢主水平基準上200米的建築物，有關的建築圖則在《可持續建築</p>	<p>發展及對生活環境(包括空氣流通)的質素造成負面影響。基於法庭就分區計劃大綱圖司法覆核作出的裁決，當局對分區計劃大綱圖的建築物高度及發展限制進行了檢討。現時的分區計劃大綱草圖所收納的修訂已妥為顧及所有相關的規劃考慮因素、《可持續建築設計指引》的要求、城市設計指引、2018年進行的空氣流通專家評估，以及准許發展密度。申述用地現時的建築物高度限制恰當，設計上具有靈活性，以便在地面及平台層加入《可持續建築設計指引》的要求(包括綠化元素及／或設計特色)，改善生活及行人步行環境</p> <p>(ii) 正如規委會文件第10415號附件H2所述，時代廣場及銅鑼灣區另外兩個發展項目(即主水平基準上208米的利園和主水平基準上199米的希慎廣場)已被視為銅鑼灣區的地標發展，是區內的購物和娛樂熱點。不過，當局無意把上述3幢地標建築所構成的「三角樞紐」內的個別用地的建築物高度限制訂為主水平基準上</p>
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	<p>設計指引》開始生效前已獲批准。申述人表示，尖沙咀一些用地的建築物高度限制是根據獲批准的建築圖則而訂定的（即海港城和新世界中心）；因此，對於當局在釐定灣仔分區計劃大綱圖的建築物高度限制時卻採用了不同的做法，表示質疑（只限 R3）</p> <p>(b) <u>訂定建築物高度限制時的假設</u></p> <p>(i) 申述人質疑規劃署就利舞臺廣場及禮頓中心用地作出的假設以符合遵照主水平基準上 135 米的建築物高度限制（包括較低的樓底高度、不闢設空中花園等）</p> <p>(ii) 申述人已就利舞臺廣場用地和禮頓中心用地提交了替代方案（繪圖 H-1 及繪圖 H-2，有關繪圖摘錄自附件 VI 的申述）。把利舞臺廣場用地的建築物高度限制由主水平基準上 135 米</p>	<p>200 米，因為此舉會導致高樓大廈激增，與規劃管制的目標不符。此外，地標建築物不一定是該區最高的建築物</p> <p>(iii) 尖沙咀屬城市設計指引所指的高樓建築樞紐，而獲建築圖則確認為已承諾進行的發展項目則屬例外，不應視之為定律。因此，把尖沙咀分區計劃大綱圖所採用的方法應用於目前這份分區計劃大綱圖，並不恰當</p> <p>(iv) 利舞臺廣場現有的建築物高度及地積比率分別約為主水平基準上 104 米及 15 倍，而禮頓中心的建築物高度及地積比率則分別為主水平基準 83.5 米及 15 倍。另外，禮頓中心亦有一套建築圖則，當中訂明的建築物高度為主水平基準上 200 米，地積比率約為 15 倍。該圖則最先於 2009 年 4 月 24 日獲建築事務監督批准。在決定主水平基準上 135 米的建築物高度限制時，所訂定的限制足夠容納商業發展。然而，在 2010 年施加建築物高度限制前經建築事務</p>
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	<p>進一步放寬至主水平基準上 165 米，以及把禮頓中心用地的建築物高度限制由主水平基準上 135 米進一步放寬至主水平基準上 200 米，便可採納 5 米高樓底的建築設計，以配合現今社會的要求，並可納入綠化元素及設施（例如空中花園、平台花園），縮減基座體積以改善通風，同時亦可闢設落客區、景觀廣場和車輛進出口通道以改善行人和車輛的交和禮頓中心用地的建築物高度限制分別訂定主水平基準上 165 米和主水平基準上 200 米，由於從規劃署所選的瞭望點（尤其是位於司徒拔道眺望處的觀景點）無法望見相關的建築物，故這建議不會造成不良視覺影響。分區計劃大綱圖的修訂沒有提出理據，說明為何主水平基準上 135 米的高度比替代方案提出的利舞臺廣場用地的建築物高度限制（主水</p>	<p>監督批准的禮頓中心建築圖則，或可循《建築物條例》的規定而進行</p> <p><u>訂定建築物高度限制時的假設</u></p> <p>(v) 規劃署所採用的假設載於城規會文件第 10415 號附件 D2 和 D3 及 E1 至 E5。根據基本的建築物輪廓，把建築物高度限制訂為主水平基準上 135 米，可容納《建築物（規劃）規例》對利舞臺廣場用地和禮頓中心用地所准許的總樓地面積，當中包括 25% 的總樓地面積寬免（包括非住用樓宇平均 15% 的「不計算的總樓地面積（例如停車場以外的強制性設施、機房等）」；以及《認可人士、註冊結構工程師及註冊岩土工程師作業備考》APP-151 所訂明適用於環保／適意設施及非強制性／非必要的機電設備／設施合共的 10% 總樓地面積寬免整體上限）。由於這建築物高度限制可配合所有用地（不分地盤類別）的准許總樓地面積，一些用地可視乎其有所屬類別，採用較高的樓底高度（視乎其地盤水平，一些乙類地</p>
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	<p>平基準上 165 米)(R2)和禮頓中心用地的建築物高度限制(主水平基準上 200 米)(R3)更為合適</p> <p>(c) <u>城市設計及視覺方面</u></p> <p>倘把有關「商業」地帶、利舞臺廣場用地或禮頓中心用地的建築物高度限制修訂為主水平基準上 135 米、主水平基準上 165 米或主水平基準上 200 米，從司徒拔道瞭望處眺望，對視覺方面並無重大影響，故不會影響公眾利益</p> <p><u>申述人的建議</u></p> <ul style="list-style-type: none"> • 涵蓋利舞臺廣場的「商業」地帶的建築物高度限制由主水平基準上 135 米放寬至主水平基準上 165 米，或城規會認為可切合申述人要求的其他修訂(R2) • 涵蓋禮頓中心的「商業」地帶的建築物高度限制由主水平基準上 135 	<p>盤及丙類地盤的部分普通樓層，以及按《可持續建築設計指引》把建築物後移但無須設置建築物間距的用地，均可採用較高的樓底高度)。根據規劃署概念計劃的假設，有關發展會闢設走火層，但不會設有地庫以容納《建築物(規劃)規例》的准許總樓面面積</p> <p>(vi) R2 及 R3 建議的替代計劃採用了不同的假設，這完全是工程項目倡議人在顧及所有相關考慮因素(包括分區計劃大綱圖的發展限制)後所提出的設計方案。闢設空中花園是出於環保考慮而非《可持續建築設計指引》的要求，純屬工程項目倡議人在眾多改善樓宇設計的良好做法中所作出的個人選擇。根據規劃署所採用的假設，空中花園會計算入 25% 的可扣減總樓面面積內，屬於整體建築物設計的一部分。然而，即使該兩幅用地的概念計劃的建築物高度不會超出主水平基準上 135 米的建築物高度限制，仍可容納樓高 6 米的走火層連空中花園</p>
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	<p>米放寬至主水平基準上 200 米，或城規會認為可切合申述人要求的其他修訂 (R3)</p>	<p><u>城市設計及視覺方面</u></p> <p>(vii) 當局進行了視覺評估，以作為現時分區計劃大綱圖的建築物高度檢討的一部分(城規會文件第 10415 號附件 F2)，並採用了《香港規劃標準與準則》有關城市設計指引的概括城市設計原則進行有關評估，當中包括建築物高度輪廓與周邊環境是否協調，以及保存由策略性瞭望點／重要公眾觀景點望向山脊線／山巒及海港的景觀，務求在發展權及公眾利益之間取得平衡。在合成照片上已因應很可能進行重建的建築物(即樓齡 30 年或以上及高度為 15 層或以下的建築物)的地盤類別或發展的類別作出假設，以說明在不同情況下修訂建築物高度限制可能對視覺造成的影響。整體而言，擬議建築物高度限制不會造成不可接受的視覺影響</p> <p><u>申述人的建議</u></p> <p>(viii) 就利舞臺廣場及禮頓中心的發展而言，主水平基準上 135 米的建築物</p>
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		高度限制是足夠容納商業發展。至於建築物設計(包括利舞臺廣場及禮頓中心兩塊用地的設計),完全是工程項目倡議人在顧及所有相關考慮因素(包括分區計劃大綱圖的建築物高度限制)後所作出的決定。沒有理據或技術評估支持把涵蓋利舞臺廣場及禮頓中心的「商業」地帶的建築物高度限制由主水平基準上 135 米分別進一步放寬至主水平基準上 165 米及 200 米
R4 (Cherish Shine Limited)	<ul style="list-style-type: none"> 支持修訂項目 A 的「商業」地帶的建築物高度限制,因為可讓商業發展有更大彈性採用良好、創新的設計 支持修訂項目 C 的「商業(6)」地帶支區(b)的建築物高度限制,因為就用地環境而言有關修訂實屬合理 反對項目 E1,因為沒有明顯的規劃理由支持為何該「住宅(甲類)」地帶不應採用主水平基準上 135 米的建築物高度限制,務求令有關限制 	<p>備悉</p> <p>備悉</p>

	<p>與項目 C 的建築物高度限制以及與大致向皇后大道東以南遞增的建築物高度一致。此外，皇后大道東以北的住宅區的建築物高度輪廓應該統一，其建築物高度限制應為主水平基準上 135 米(繪圖 H-3)</p> <ul style="list-style-type: none"> • 申述的理由撮述如下： <p>(a) <u>訂定建築物高度限制時的假設</u></p> <p>在住宅樓宇方面，估計的建築物高度亦過於規限，令人存疑。因此，規劃署在假設內述明以下的綱領：「設計方式及／或較遜色的建築設計(例如較矮的樓底高度)須應用於日後的發展項目」。有關建築物高度限制是根據較低的樓底高度(3 米)計算的，而住宅樓宇的樓底高度一般應為 3.5 米。因此，沒有理由不能放寬建築物高度限制，以實現合理且現代化的建築設計。建築物高度限制應能配合《建築物條例》下所容許的總樓面面積寬免，亦能兼顧有趣的建築設計、符合建築設</p>
	<p><u>訂定建築物高度限制時的假設</u></p> <p>(i) 項目 E1 涉及修訂皇后大道東以南的「住宅(甲類)」地帶的建築物高度限制，而項目 C 則涉及修訂「商業」地帶的建築物高度限制。考慮到典型「住宅(甲類)」商住混合樓宇的基本建築物高度輪廓(即該區日後重建的高度介乎 90 至 93 米不等，須把建築物後移，但不會規定設有建築物間距)，以及該區約為主水平基準上 6 至 19 米的地盤水平，「住宅(甲類)」地帶的建築物高度限制訂為主水平基準上 110 米，以符合《可持續建築設計指引》的要求。相關假設證明把建築物高度限制訂為主水平基</p>

	<p>計標準、反映准許建築圖則的建築物的高度，以及平衡可能對私有產權造成的影響</p> <p>(b) <u>城市設計及視覺方面</u></p> <p>(i) 沒有理據支持為何灣仔西部不應採用梯級式的建築物高度輪廓。將項目 A 及 C 之間的「住宅(甲類)」地帶的建築物高度限制增加至主水平基準上 135 米的做法合理。由於不是所有用地的建築物都會建至其准許的最高高度，此舉可為設計提供彈性，令建築物高度變得錯落有致，亦避免皇后大道東兩旁建築物在採用主水平基準上 110 米的建築物高度限制後，高度輪廓變得單調／乏味</p> <p>(ii) 進一步放寬建築物高度限制可令設計更靈活，從而達致現代化的建築設計和優質的發展，並可創造更有趣的天際線，同時又不會對規劃署所選定的瞭</p>	<p>準上 110 米，會有空間容納准許總樓面積，亦符合《可持續建築設計指引》的要求。此外，甲類和乙類地盤的樓層總數少於高度限制訂為主水平基準上 110 米的建築物可達至的層數。因此，該等地盤內一些標準樓層的樓底高度可予提高。沒有有力理據支持進一步放寬「住宅(甲類)」地帶的建築物高度限制至高於典型商住混合樓宇指出的基本建築物高度輪廓的高度水平。此外，位於莊士敦道以南「住宅(甲類)」地帶的主水平基準上 110 米的建築物高度限制，以及位於莊士敦道以北「商業」地帶的主水平基準上 135 米的建築物高度限制已大致提供了高度變化</p> <p>(ii) 至於申述人就樓層高度提出的關注，是工程項目倡議人在顧及所有相關考慮因素(包括分區計劃大綱圖的發展限制)後所作出的設計選擇</p> <p><u>城市設計及視覺方面</u></p> <p>(iii) 一如城規會文件第 10415 號有關分</p>
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	<p>望點造成不良視覺影響</p> <p><u>申述人的建議</u></p> <ul style="list-style-type: none"> 在灣仔西部採用梯級式建築物高度概念，項目 A 和 C 之間的「住宅（甲類）」地帶的建築物高度限制由主水平基準上 110 米放寬至主水平基準上 135 米（即繪圖 H-3 及圖 H-6 所標示的範圍） 	<p>區計劃大綱圖的現時修訂所述，由於灣仔北（規劃區 H25）以及該處北部（即莊士敦道／軒尼詩道以北）目前高樓大廈林立，而莊士敦道／灣仔道以南的內陸地區建有發展密度及建築物高度相對較低的住宅樓宇，故難以實現由海港逐漸向內陸上升的梯級式建築物高度輪廓</p> <p>(iv) 至於項目 A 及 C 之間的「住宅（甲類）」地帶，考慮到屬典型「住宅（甲類）」的商住混合樓宇的估計建築物高度（即 90 米至 96 米）、建築物後移及建築物間距的規定，以及現時地盤水平約為主水平基準上 4 米至主水平基準上 7 米，建築物高度限制訂為主水平基準上 110 米，實屬合適</p> <p>(v) 正如上文(i)就假設項目 E1(皇后大道東以南的「住宅(甲類)」地帶)的建築物高度限制所提出的理由，沒有理據支持進一步放寬項目 E1 的建築物高度限制，以營造梯級式的建築物</p>
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		<p>高度輪廓</p> <p>(vi) 當局進行了視覺評估，以作為現時分區計劃大綱圖的建築物高度檢討的一部分(城規會文件第 10415 號附件 F2)，並採用了《香港規劃標準與準則》有關城市設計指引的概括城市設計原則進行有關評估，當中包括建築物高度輪廓與周邊環境是否協調，以及保存由策略性瞭望點／重要公眾觀景點望向山脊線／山巒及海港的景觀</p> <p><u>申述人的建議</u></p> <p>(vii) 為「住宅(甲類)」地帶訂定主水平基準上 110 米的建築物高度限制適當。沒有有力理據支持進一步放寬「住宅(甲類)」地帶的建築物高度限制至高於典型商住混合樓宇的基本建築物高度輪廓的高度水平。因此，沒有理據支持把項目 E1 的建築物高度限制由主水平基準上 110 米進一步放寬至 135 米</p> <p>(viii) 就申述指出的地點，並不牽涉現時分</p>
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		區計劃大綱圖所收納的修訂。城規會沒有理據考慮上述人該部分的建議
<p>R5 (香港地產商建設商會)</p>	<ul style="list-style-type: none"> • 支持修訂項目 A 的「商業」地帶的建築物高度限制及修訂項目 E3 位於萬茂臺的「住宅(乙類)」地帶的建築物高度限制 • 支持有關刪除多個地點的非建築用地和建築物間距要求的項目 F1、F2、G1、G2 及 G3 • 反對項目 B 把「商業(4)」地帶的建築物高度限制修訂為主水平基準上 110 米及就圖則《註釋》作出的修訂項目(a)刪除「商業(4)」地帶的非建築用地要求 • 反對修訂項目 C、D、E1、E2 及 E4 的「商業(6)」、「其他指定用途」註明「混合用途」地帶、「住宅(甲類)」地帶及「住宅(甲類)5」地帶的建築物高度限制，因為建築物高度限制放寬的幅度不足 	<p>備悉</p> <p>備悉</p>

	<p>• 申述的理由可撮錄如下：</p> <p>(a) <u>檢討建築物高度限制的方式</u></p> <p>當局設定灣仔的整體高度輪廓時，應平衡多項考慮因素，並應顧及所訂定的建築物高度限制足以容納許可的總樓面面積寬免，並可提供視覺調劑、創造有趣的天際線，以及保存主要的認可瞭望點的景觀</p> <p>(b) <u>訂定建築物高度限制時的假設</u></p> <p>(i) 考慮到《可持續建築設計指引》的要求，一些用地的建築物高度是過於規限。「設計方式及／或較遜色的建築設計（例如較矮的樓底高度）須應用於日後的發展項目。因此，沒有理由不能放寬建築物高度限制，以實現合理且現代化的建築設計。建築物高度限制應能配合《建築物條例》下所容許的總樓面面積寬免，亦能兼顧有趣的建築設計、符合建築設</p>	<p><u>檢討建築物高度限制的方法</u></p> <p>(i) 對建築物高度作出管制，主要旨在實施更妥善的規劃管制，為發展項目提供指引，避免出現過高或格格不入的發展及對生活環境（包括空氣流通）的質素造成負面影響。基於法庭就分區計劃大綱圖司法覆核作出的裁決，當局對分區計劃大綱圖的建築物高度及發展限制進行了檢討。現時的分區計劃大綱草圖所收納的修訂已妥為顧及所有相關的規劃考慮因素、《可持續建築設計指引》的要求、城市設計指引、2018年進行的空氣流通專家評估，以及准許發展密度。申述用地現時的建築物高度限制恰當，設計上具有靈活性，以便在地面及平台層加入《可持續建築設計指引》的要求（包括綠化元素及／或設計特色），改善生活及行人步行環境</p>
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	<p>計標準、反映准許建築圖則的建築物高度，以及平衡可能對私有產權造成的影響</p> <p>(ii) 現今的樓底高度為 5 米(平台)、4.5 米(標準商業樓層)和 3.15 米(標準住宅樓層)。地產發展業界認為優質商業發展項目的地面樓層的樓底須有 6 米高。現時很多商業樓宇兼具辦公室、零售和服務活動的用途，當局應給予日後的商業樓宇設計上的彈性。此外，分區計劃大綱圖應顯示已獲批准建築圖則中的建築物高度限制</p> <p>(c) <u>城市設計及視覺方面</u></p> <p>(i) 灣仔這個黃金地段極具潛力發展更多甲級商業／辦公室。有關的建築物高度限制未有考慮到公共交通四通八達的灣仔位處黃金地段這一點。介乎杜老誌道／軒尼詩道／波斯富街／打士道的「商業」地帶，其</p>	<p><u>訂定建築物高度限制時的假設</u></p> <p>(ii) 規劃署所採用的假設載於城規會文件第 10415 號附件 D2 和 D3 及 E1 至 E5。根據基本的建築物輪廓，把商業用地的建築物高度限制訂為主水平基準上 135 米，可容納《建築物(規劃)規例》的准許總樓面面積，當中包括 25% 的總樓面面積寬免(包括非住用樓宇平均 15% 的「不計算的總樓面面積(例如停車場以外的強制性設施、機房等)」);以及《認可人士、註冊結構工程師及註冊岩土工程師作業備考》APP-151 所訂明適用於環保／適意設施及非強制性／非必要的機電設備／設施合共的 10% 總樓面面積寬免整體上限)。由於這建築物高度限制可配合所有用地(不分地盤類別)的准許總樓面面積，一些用地可視乎其所屬類別，採用較高的樓底高度(視乎其地盤水平，一些乙類地盤及丙類地盤的部分普通樓層，以及按《可持續建築設計指引》把建築物後移但無須設置建築物間距的用地，均可採用較高的樓底高度)。相關的</p>
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	<p>建築物高度限制訂為主水平基準上 110 米，遠低於這一區的標準高度。當局基於視覺影響的考慮把這些「商業」地帶的建築物高度限制維持在主水平基準上 110 米，缺乏充分的理據支持。倘把建築物高度限制修訂為主水平基準上 135 米，從司徒拔道瞭望處眺望，對視覺方面並無重大影響，故不會影響公眾利益</p> <p>(iii) 規劃署的電腦合成照片並無考慮建築物的使用率，亦忽略了有不少重建項目即使在建後也會建至准許的最高高度的情況</p> <p>(d) <u>提供休憩用地以加強通風</u></p> <p>灣仔是一個人煙稠密的市區，休憩用地嚴重不足。政府應物色更多土地發展休憩用地，以加強通風。把前灣仔已婚警察宿舍用地由「商業</p>	<p>不同假設(包括樓層高度)，完全是工程項目倡議人在顧及所有相關考慮因素(包括分區計劃大綱圖的發展限制)後所作出的設計選擇。在 2010 年施加建築物高度限制前經建築事務監督批准的建築圖，或可循《建築物條例》的規定而進行</p> <p>(iii) 根據《建築物條例》，灣仔「商業」地帶的最高地積比率限為 15 倍。有別於其他「商業」地帶，分區計劃大綱圖把「商業(4)」用地的最高地積比率訂為 12 倍。因此，將建築物高度限制訂為主水平基準上 110 米而非主水平基準上 135 米，足夠容納最高 12 倍的地積比率，亦符合典型商業樓宇的基本建築物高度輪廓及該處約為主水平基準上 4 米的地盤高度水平，以遵照《可持續建築設計指引》的要求</p> <p>(iv) 至於軒尼斯道以南的「其他指定用途」註明「混合用途」地帶，考慮到典型商業發展的估計建築物高度約為 118 至 130 米的規定，並須加入</p>
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	<p>(4)「地帶改劃為「休憩用地」地帶是一個有效的方法</p> <p>(e) <u>不應以略為放寬限制作為訂定低矮建築物高度限制的理據</u></p> <p>應訂定合理的建築物高度限制，不應以略為放寬限制作為在分區計劃大綱圖上施加低矮建築物高度限制的理據。倘城規會以略為放寬限制的條款作為基礎而訂定不合理地低的建築物高度限制，便有違終審法院就希慎個案作出的裁決，屬違法行為</p> <p>(f) <u>後移規定</u></p> <p>分區計劃大綱圖的修訂忽略了申述編號 R34(就上一份分區計劃大綱圖編號 S/H5/26 所提出的)反對施加後移規定的意見。後移規定會導致私人土地被無償徵收。施加後移規定是為了闢設風道，而非為了擴闊道路(可由其他相關條例涵蓋，例如《建築物條例》及《道路(工程、</p>	<p>《可持續建築設計指引》的要求，以及現時約為主水平基準上 8 米的地面高度水平，主水平基準上 135 米的建築物高度限制合理。此外，考慮到典型「住宅(甲類)」地帶，商住混合樓宇的估計建築物高度約 90 至 96 米，並須加入《可持續建築設計指引》的要求，該地帶的主水平基準上 135 米建築物高度限制，亦足夠容納此類發展。</p> <p>(v)</p> <p>至於莊士敦道和灣仔道以南的住宅用途地帶，以及皇后大道東兩旁的住宅用地，考慮到屬典型「住宅(甲類)」的商住混合樓宇的估計建築物高度(即 90 米至 96 米)、建築物後移及建築物間距的規定，以及現時地盤水平約為主水平基準上 4 米至主水平基準上 7 米，建築物高度限制訂為主水平基準上 110 米，實屬合適。至於堅尼地道的「住宅(甲類)」地帶，考慮到該用地現時的高度水平約為主水平基準上 51.5 米，以及要容納一幢典型的綜合用途樓宇，把建築物高度限制訂為主水平基準上 140</p>
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使用及補償)條例》)。分區計劃大綱圖的《註釋》或《說明書》並無條文訂明，根據一貫做法，為履行後移規定而徵用私人土地或可當作額外總樓面面積論

(8) 保留「商業／住宅」地帶

分區計劃大綱圖的修訂亦忽略了申述編號 R34(就上一份分區計劃大綱圖編號 S/H5/26 所提出的)提出保留「商業／住宅」地帶或更廣泛地劃設「其他指定用途」註明「混合用途」地帶的建議。R34 認為應保留「商業／住宅」地帶，否則應證明「其他指定用途」註明「混合用途」地帶的靈活性，可作廣泛用途，例如摩利臣山道西面及灣仔道南面沿路一帶的「住宅(甲類)」地區，以及史釗域道與波斯富街之間的地區或可劃作「其他指定用途」註明「混合用途」地帶。此外，應放寬「商業」地帶及「其他指定用途」註明「混合用途」地帶的限制，又或者就這兩個地帶實行類似城

米，做法恰當。至於堅尼地道的「住宅(乙類)」地帶(在圖 H-6 所標示的範圍)，考慮到其最大的地盤高度水平約為主水平基準上 37 米，以及估計建築物高度應訂為主水平基準上 86 米，以配合根據《建築物(規劃)規例》所規定的純住宅發展項目的准許總樓面面積，把建築物高度限制訂為主水平基準上 120 米亦是恰當的

城市設計及視覺方面

(vi) 當局進行了視覺評估，以作為現時分區計劃大綱圖的建築物高度檢討的一部分(城規會文件第 10415 號附件 F2)，並採用了《香港規劃標準與準則》有關城市設計指引的概括城市設計原則進行有關評估，當中包括建築物高度輪廓與周邊環境是否協調，以及保存由策略性瞭望點／重要公眾景點望向山脊線／山巒及海港的景觀。在合成照片上已因應很可能進行重建的建築物(即樓齡 30 年或以上及高度為 15 層或以下的建築物)的地盤類別或發展的類別作出假設，以

	<p>規會就尖沙咀分區計劃大綱圖所採取的鼓勵計劃，鼓勵合併細小的用地，以發展／重建成為優質且設計完善的商業／辦公室樓宇</p> <p>(h) <u>程序事項</u></p> <p>(i) 商會在申述 R34 提出的事宜並非一概獲得考慮，而城規會考慮修訂有關分區計劃大綱圖時沒有邀請商會參與，更沒有按照法庭命令的規定，重新正式聆聽 R34 的申述。城規會邀請公眾(包括原申述人)就新的分區計劃大綱草圖作出申述，並沒有妥當或合規地履行法庭的具體命令。分區計劃大綱圖所作的修訂沒有涵蓋原申述 R34 所反對的全部事項，而 R34 本須按照法庭命令由城規會重新聆聽。若城規會所考慮的意見，只限於那些獲接納作分區計劃大綱圖修訂事項提出的意見，商會認為那是沒</p>	<p>說明在不同情況下修訂建築物高度限制可能對視覺造成的影響</p> <p>(vii) 介乎杜老誌道／軒尼詩道／波斯富街／告士打道之間的「商業」用地的建築物高度限制訂為主水平基準上 110 米，並不是現時分區計劃大綱圖所收納的修訂。城規會沒有理據考慮申述人擬議放寬該範圍內建築物高度限制由主水平基準上 110 米放寬至主水平基準上 135 米的建議。然而，該範圍內建築物高度限制主水平基準上 110 米，是考慮到以盡量減少對視覺造成的影響，尤其是由司徒拔道眺望向海港的景觀，務求在發展權及公眾利益之間取得平衡。圖 H-12 顯示放寬有關街段的建築物高度限制至主水平基準上 135 米的視覺影響</p>
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	<p>有遵循原訟法庭所指示的方 向行事</p> <p>(ii)</p> <p>考慮過上文所述，商會準備採取務實的方式，並已就分區計劃大綱圖編號 S/H5/28 及 S/H526 提出申述。商會要求城規會採納務實的方 式，並要求他們確認會全面考慮商會在 R34 就分區計劃大綱圖編號 S/H5/26 提出但遭城規會反對的修訂項目，而作為第 7 條申述過程的一部分，分區計劃大綱圖編號 S/H5/28 的修訂未有全面回應商會所提出的修訂項目。商會亦要求城規會考慮分區計劃大綱圖編號 S/H5/28 涉及上述項目的任何修訂，並根據條例第 6B(8)條或第 7 條就該等修訂刊憲</p>	<p><u>提供休憩用地以加強通風</u></p> <p>(viii)</p> <p>現時分區計劃大綱圖的修訂項目只涉及修訂建築物高度限制及刪除「商業(4)」地帶內兩邊的非建築用地要求。有關用地的土地用途地帶(即「商業(4)」地帶)不會改變，與修訂項目無關。根據 2018 年進行最新的空氣流通評估顯示，位於該「商業(4)」用地內的非建築用地相當狹窄，部分範圍被阻擋，因此未必能用作該區的風道。但如採取《可持續建築設計指引》所訂的建築設計措施，同樣亦能達致促進區內的空氣流通的效果。至於 R5 提出把「商業(4)」用地改劃為「休憩用地」的建議，應留意灣仔區整體的休憩用地供應足夠達到該區規劃人口的要求。因此，沒有規劃理據支持把荒置的政府用地轉為公眾休憩用地。就《灣仔分區計劃大綱草圖編號 S/H5/26》的修訂項目提出反對意見的申述(R34)亦提出了類似的建議。規劃署的回應載於城規會文件第 10415 號的附</p>
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	<p><u>申述人的建議</u></p> <ul style="list-style-type: none"> • 軒尼詩道以北的地方(即圖 H-4 所標示的範圍)的建築物高度限制由主水平基準上 110 米放寬至主水平基準上 135 米。軒尼詩道以南的「商業」地帶、「商業(6)」地帶支區(b)(即項目 C)和「其他指定用途」註明「混合用途」地帶(即項目 D)的建築物高度限制由主水平基準上 135 米放寬至主水平基準上 150 米 • 莊士敦道和灣仔道以南的住宅用途地帶，以及皇后大道東兩旁的住宅用地(即圖 H-6 所標示的範圍)的建築物高度限制由主水平基準上 110 米放寬至主水平基準上 130 米。毗鄰堅尼地道西面的住宅用途地帶(包括項目 E2 所涉及的「住宅(甲類)」地帶，以及圖 H-6 所標示的「住宅(乙類)」地帶)的建築物高度限制由主水平基準上 120 米及主水平基準上 140 米放寬至主水平基準上 150 米 	<p>件 H1</p> <p><u>不應以略為放寬規定作為訂定低矮建築物高度限制的理據</u></p> <p>(ix) 目前的建築物高度限制已容許設計彈性，以加入《可持續建築設計指引》的要求，包括在地面及平台層加入綠化元素及／或設計特色，以改善生活及行人環境，而無須倚靠略為放寬建築物高度限制來達致此目的</p> <p><u>後移規定</u></p> <p>(x) 當局已在 2018 年進行最新的空氣流通專家評估，以檢討非建築用地、建築物間距和後移規定。建議保留與皇后大道東成直角的狹窄街道的後移規定，以改善通風</p> <p>(xi) 在分區計劃大綱圖訂明後移規定，不會徵用作發展用途的私人土地。後移規定範圍的相關土地，仍可納入作計算地積比率／總樓面面積之</p>
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	<p>• 「商業(4)」地帶改劃為「休憩用地」</p>	<p>用。對於在分區計劃大綱圖的《註釋》內就該後移規定提供額外的總樓面面積，實在沒有必要，因為分區計劃大綱圖的「住宅(甲類)」地帶並無地積比率限制。在該地帶內的發展／重建計劃須符合《建築物(規劃)規例》下的准許地積比率，如要求批出額外地積比率，可循《建築物條例》所訂的既定機制提出。表示反對《灣仔分區計劃大綱草圖編號 S/H 5/26》修訂項目的申述(R34)曾在其反對意見中提出類似的事宜，規劃署的回應載於城規會文件第 10415 號的附件 H1</p> <p><u>保留「商業／住宅」地帶</u></p> <p>(xii) 現時分區計劃大綱圖的修訂項目只涉及修訂「其他指定用途」註明「混合用途」地帶的建築物高度限制(即由主水平基準上 110 米修訂為主水平基準上 135 米)。有關用地的土地用途地帶(即「其他指定用途」註明「混合用途」地帶)不會改變，故與修訂項目無關。為使</p>
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基礎設施規劃更具效益，土地用途管理更為完善，當局已就先前所劃的「商業／住宅」地帶進行檢討。至於沒有列明主要土地用途的土地，建議可改劃為「其他指定用途」註明「混合用途」地帶，作為商業和住宅地區之間的過渡緩衝區。關於檢討該「其他指定用途」註明「混合用途」地帶，現階段該地帶的規劃情況並無改變。表示反對《灣仔分區計劃大綱草圖編號S/H5/26》修訂項目的申述(R34)曾在其反對意見中提出類似的問題，規劃署的回應載於城規會文件第10415號的附件H1

程序事宜

(xiii) 基於法庭就分區計劃大綱圖司法覆核作出的裁決，當局對分區計劃大綱圖的建築物高度及發展限制進行了檢討。現時的分區計劃大綱草圖所收納的修訂已妥為顧及所有相關的規劃考慮因素、《可持續建築設計指引》的要求、各項城市設計指

		<p>引、空氣流通專家評估，以及准許發展密度。在這輪分區計劃大綱圖的修訂中，已妥為回應表示反對分區計劃大綱草圖編號 S/H5/26 修訂項目的申述 R34 及 R97，並已在城規會文件第 10415 號的附件 H1 及 H2 內說明。城規會於 2018 年 4 月 13 日同意分區計劃大綱圖的擬議修訂適宜根據《城市規劃條例》展示，政府隨後於 2018 年 4 月 27 日去信通知商會有關城規會的決定及邀請商會就擬議修訂根據刊憲提交申述和意見。在法定圖則的展示期內，商會提交了一份申述(R5)，內容包含了其就分區計劃大綱圖編號 S/H5/26 提交申述 R34 時所反對，但認為現行分區計劃大綱圖(編號 S/H5/28)的修訂未有妥為回應的修訂項目。Lee Theatre Realty Limited 及 Leighton Property Company Limited 亦就現行分區計劃大綱圖提交了申述(分別為 R2 及 R3)，並修訂先前 R97 所提出的建議，把涵蓋利舞臺廣場用地及禮頓中心用地的地方的建築物高度限制</p>
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		<p>放寬至主水平基準上 200 米。R3 就禮頓中心用地所提出的建議不變，但 R2 現建議把禮頓中心用地的建築物高度限制放寬至主水平基準上 165 米</p> <p>(xiv) 商會、Lee Theatre Realty Limited 及 Leighton Property Company Limited 提出的所有事項已納入本文件供城規會考慮，以便城規會在考慮現有申述 R2、R3 及 R5 時，妥為重新考慮商會先前就分區計劃大綱圖編號 S/H 5/26 提交的申述 R34，以及 Lee Theatre Realty Limited 及 Leighton Property Company Limited 就同一份圖則聯合提交的 R97。倘城規會在考慮各項申述(包括 R2、R3 及 R5)後，認為有需要對分區計劃大綱圖編號 S/H 5/28 作出修訂，便會根據條例下合適的條文把該等修訂刊憲</p>
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		<p><u>申述人的建議</u></p> <p>(xv) 「商業」地帶、「商業(4)」地帶、「商業(6)」地帶的支區(b)、「其他指定用途」註明「混合用途」地帶、「住宅(甲類)」地帶及「住宅(乙類)」地帶的建築物高度限制適當。沒有理據或技術評估支持進一步放寬這些地帶的建築物高度限制</p> <p>(xvi) 灣仔區整體的休憩用地供應足夠。因此，沒有規劃理據支持把荒置的政府用地改作公眾休憩用地</p> <p>(xvii) 就申述指出的地點，並不牽涉現時分區計劃大綱圖所收納的修訂。城規會沒有理據考慮申述人該部分的建議</p>
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<p>R6(灣仔區議會轄下的發展、規劃及交通委員會)</p> <p>R7(灣仔區議員楊雪盈)</p> <p>R8(個別人士)</p> <p>R9至R48(個別人士)</p> <p>R49(個別人士)</p> <p>R50(環保觸覺)</p> <p>R52(個別人士)</p>	<ul style="list-style-type: none"> • R6至R48反對所有項目 • R49反對E1以外的所有項目 • R50反對G1至G3以外的所有項目 • R52反對項目A • 申述理由概述如下: <p>(a) <u>加快重建和推高物業價格</u></p>	<p><u>加快重建和推高物業價格</u></p>
	<p>(i) 有關建議會加劇城市擴張和加快樓宇的收購和重建，因而導致該區士紳化和物業價格急速上升。有關建議只會有助發展商牟利而非讓市民大眾受惠(R6、R7、R9至R28、R31至R45、R47、R48及R50)</p> <p>(ii) 「其他指定用途」註明「混合用途」地帶內的舊式住宅樓宇重建已迫使現有居民遷</p>	<p>(i) 分區計劃大綱圖的修訂主要關乎檢討分區計劃大綱圖的發展限制(包括建築物高度限制，以及非建築用地、建築物間距和建築物後移的規定。修訂建築物高度限制主要是讓商業及住宅發展在設計上具有彈性，以加入《可持續建築設計指引》的要求。基本上，「商業」地帶(「商業(1)」，「商業(2)」及「商業(4)」地帶除外)、「住宅(甲類)」地帶(及其支區)、「住宅(乙類)」地帶和「其他指定用途」</p>

	<p>離，導致商業和住宅發展失衡，令不同使用者之間出現矛盾(R7、R9、R11至R27、R29至R31及R34至R48、R50及R52)</p> <p>(b) <u>交通和行人</u></p> <p>灣仔的建築物密度極高，運輸／交通設施、泊車位、車路和行人路不足。灣仔的現有發展密度仍未獲充分善用。放寬建築物高度限制會鼓勵重建和增加本已擠迫的灣仔區的發展密度(例如地積比率和樓面面積)，導致行人和交通流量進一步增加，對區內環境和居民造成影響(R6、R7、R8、R9至R28、R31至R45、R47、R48、R49及R50)</p> <p>(c) <u>視覺、通風和居住環境</u></p> <p>(i) 放寬建築物高度限制會導致高樓大廈的數量上升，對視覺和通風造成負面影響(R6</p>	<p>註明「混合用途」地帶並無地積比率/建築樓面面積限制。這些地帶的發展密度須遵循《建築物條例》的有關條文的規定。由於容許的發展密度並無改變，指稱放寬建築物高度限制會加快重建和推高物業價格的說法未必有充分理據支持。另應留意的是，在「其他指定用途」註明「混合用途」地帶，住宅發展亦是准許的用途。在此地帶進行重建，所建樓宇的類型將由市場主導，並由工程項目倡議人酌情決定</p> <p><u>交通和行人</u></p> <p>(ii) 由於修訂建築物高度限制不涉及增加地積比率，運輸署認為，交通和行人流量預料不會大增。此外，運輸署會在所有發展／重建項目提交建築圖則的階段，考慮有關項目內泊車設施(包括附屬私家車泊車位)的標準及要求。無論如何，運輸署會繼續監察區內的交通及泊車情況，並會因應情況檢討對交通設施、道路改善工程和交通管理措施</p>
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	<p>及 R7)</p> <p>(ii) 分區計劃大綱圖的建築物高度限制的修訂只強調，從所揀選的瞭望點望去，山脊線和山巒的景觀會受到的影響，但對於天空開闊度(即從街道水平往上望)所受到的影響，卻未加以考慮；此外，高樓建築會阻擋日照的滲透，導致附近地方受建築物的陰影遮蔽所影響，令生活環境變差(R7、R10至R19、R21至R23、R25至R29、R31、R32、R34、R35、R37至R48及R50)</p> <p>(iii) 天際和山巒的景觀會受到影響，並會犧牲梯級式的建築物高度概念，此概念可盡量擴大海港景觀，讓居民和在商業樓宇內工作的員工受惠。屏風效應會令很多位處較後位置的樓宇無法觀賞到</p>	<p>的需要。運輸署亦認為，根據《可持續建築設計指引》在街道水平設置後移範圍，可把騰空的地方用作關設行人路，從而改善行人流通</p> <p><u>視覺、通風和生活環境</u></p> <p>(iii) 2018年進行的空氣流通專家評估顯示，放寬建築物高度限制不會令通風變差。隨着依循《可持續建築設計指引》重建的樓宇逐漸增加，長遠來說，該區的整體通風環境預計會有所改善。由於單靠《可持續建築設計指引》不足以確保在區域層面維持良好的通風，因此有必要在分區計劃大綱圖上的策略性位置實施通風措施。現時的分區計劃大綱圖保留了與皇后大道東成直角的狹窄街道的後移規定，以及位於愛群道與德仁街交界處的非建築用地</p> <p>(iv) 就反對刪除非建築用地及建築物間距的申述而言，應留意的是，劃設於前灣仔警署用地和前灣仔已婚警察宿舍用地的東面和西面邊界的非</p>
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	<p>海港景致，以及剝奪整個社區的福祉(R8)</p> <p>(iv) 刪除在前灣仔警署用地和前灣仔已婚警察宿舍用地兩旁的非建築用地，會減少公共空間，影響通風和減少日照的滲透(R6、R7、R10至R23、R25至R27、R29至R31、R33至R35、R37至R45、R47及R50)</p> <p>(v) 廣泛興建高的平台，是影響良好通風的主要因素(R8)</p> <p>(d) <u>提供休憩用地</u></p> <p>增加商業和住宅用地的建築物高度會吸引更多的居民和就業人士流入該區。然而，分區計劃大綱圖卻未有為這個休憩用地嚴重不足的地區加入增闢休憩用地的條文。此外，當局遲遲沒有在香港會議展覽中心附近發展地區休憩用地，而地區休憩用地的位置太遙遠，不易前往，</p>	<p>建築用地，以及就駱克道市政大廈用地東西邊界、軒尼詩道官立小學用地東西邊界及律敦治醫院北面所訂的建築物間距，均相當狹窄，而且該等風道的入風口有部分被北面現有的高樓大廈(例如華潤大廈和灣景中心)阻擋。據2018年的空氣流通專家評估指，該些非建築用地及建築物間距或不能發揮地區風道的功能，而《可持續建築設計指引》所載的其他樓宇設計措施(例如如有通風的公用花園)，可在區內發揮類似的通風效果。因此，當局把該些規定從分區計劃大綱圖刪除</p> <p>(v)</p> <p>當局進行的視覺評估，屬現時分區計劃大綱圖建築物高度檢討的一部分(城規會文件第10415號附件F2)，並採用了《香港規劃標準與準則》有關城市設計指引的概括城市設計原則。所選的瞭望點是城市設計指引所示位處策略位置的觀景點，又或是市民大眾認為屬重要公眾觀景點的地方。在重建項目加入《可持續建築設計指引》的要求</p>
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	<p>除了作為旅遊景點外，難以發揮其他作用(R8)</p> <p>(e) <u>分區計劃大綱圖所作修訂涉及的公眾利益</u></p> <p>(i) 修訂建議提出的改劃違背2010年所作修訂的背後理據(例如避免出現不協調的發展，以及訂定劃設非建築用地、建築物後移和建築物間距的規定以加強通風)。分區計劃大綱圖的修訂是純粹從發展商的利益出發。規劃署假借法庭的裁決增加建築物高度，但建築物高度並非訴訟所涉事項。有關裁決是關於程序問題，而無強制規定把建築物高度放寬至某個限度(即增加5至40%)。物業擁有人的權利並不是絕對的，整體社會的權利亦須獲得尊重。此外，即使在放寬建築物高度限制後，亦不排除發展商會透過申請「略為</p>	<p>(例如建築物後移範圍、建築物間距、綠化元素和推廣不設平台的設計)，或可為街道增添若干視覺調劑</p> <p>(vi) 有申述人就放寬建築物高度限制可能對環境造成負面影響表示關注。建議對分區計劃大綱圖所作的修訂不會影響發展密度，加上分區計劃大綱圖修訂項目所涉地點的用途本質上不會造成污染。環境保護署署長表示，預計有關修訂不會對環境造成負面影響，包括空氣污染和噪音污染。此外，放寬建築物高度限制可讓設計更有彈性，亦使發展項目有空間加入《可持續建築設計指引》的措施及／或設計特色，以改善步行環境和進行綠化</p> <p>(vii) 放寬建築物高度限制旨在讓日後的發展在設計上更有彈性，以達到《可持續建築設計指引》的要求，從而整體改善建築物的通透度和步行環境的景觀。建議的建築物高度限制，是當局考慮過在人煙稠密如</p>
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	<p>放寬建築物高度限制」來額外增加建築物高度(R8)</p> <p>(ii) 修訂建築物高度限制以及刪除有關劃設非建築用地和建築物間距的規定，並不符合公眾利益。修訂「商業(4)」地帶的建築物高度限制，尤其不符合公眾利益，除非發展商同意向政府額外補地價，則作別論；刪除非建築用地／建築物間距亦有違公眾利益，因為非建築用地／建築物間距既可讓市民步行通過，亦可保護前灣仔警署這幢歷史建築物；以及容許略為放寬建築物高度限制，即意味着商業地帶內發展項目的建築物高度雖以主水平基準上135米為限，卻可建至主水平基準上140米(R49)</p> <p>(f) <u>訂定建築物高度限制時的假設</u></p>
<p>灣仔的地方該如何取捨不同的城市設計考慮因素後提出的。另外，預期地段面積和發展規模的差別，以及設計風格和考慮的不同，亦會導致區內的建築物高度不一，景貌多樣。整體而言，建議放寬建築物高度限制將不會對視覺造成無法接受的影響</p> <p>(viii) 根據「就規劃申請向城市規劃委員會提交視覺影響評估資料的城市規劃委員會規劃指引編號41」，住宅樓宇或商業樓宇私人享有的景觀並不在考慮之列，因為香港發展密度高，如要保護私人享有的景觀，而又不窒礙發展，是不切實際的，所以必須平衡其他相關的考慮因素。為照顧公眾利益，保護公眾從主要策略性地點和重要公眾觀景點所看到的景觀更為重要。</p> <p><u>提供休憩用地</u></p> <p>(ix) 建議對分區計劃大綱圖所作的修訂不會影響分區計劃大綱圖准許的發</p>	

	<p>在釐定附件 D2 及 D3 的商業及綜合用途樓宇的標準建築物高度方面，所採用的假設令人存疑。儘管《香港規劃標準與準則》容許逾 61 米的商業樓宇的上蓋面積可較訂明標準超出 60%，但這並不代表該 15 米高平台應佔盡整個地盤上蓋範圍(R8)</p> <p>(g) <u>活化前灣仔警署</u></p> <p>申述人對於活化前灣仔警署並同時進行商業發展表示關注。前灣仔警署用地可另外用於解決現時休憩用地及政府、機構或社區設施不足的公問題。有關修訂會剝奪公眾使用公共空間的權利，而保育文物的成效亦存疑(R6、R7、R9、R11 至 R27、R29、R30、R32 至 R45、R47、R48 及 R50)</p> <p><u>申述人的建議</u></p> <p>• 無</p>	<p>展密度，因此，不會吸引更多居民和就業人士流入該區。灣仔區的休憩用地和政府、機構或社區設施整體供應足夠，符合該區規劃人口的要求。因此，並無規劃理據支持把荒置的政府土地轉作公眾休憩用地</p> <p><u>分區計劃大綱圖所作修訂涉及的公眾利益</u></p> <p>(x)</p> <p>灣仔區面對很大的重建壓力，項目倡議人傾向建議發展高廈以享有更多海景。2010 年在灣仔分區計劃大綱圖訂明建築物高度限制，主要是為了實施更妥善的規劃管制，為發展項目／重建項目提供指引，以免出現過高或格格不入的發展，對該區的景觀質素造成負面影響。當局在進行目前的建築物高度檢討時，已充分考慮《可持續建築設計指引》及其他規劃和設計規定。目前分區計劃大綱圖修訂項目所納入的經修訂建築物高度限制，已在公眾利益、私人發展權和法庭就司法覆核作出的裁決之間取得平衡</p>
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訂定建築物高度限制時的假設

(xi)

規劃署所採用的假設是以基本建築物輪廓為依據，評估若納入《可持續建築設計指引》對不同類型發展（即住宅和商廈）的規定所需的建築物高度。有關的假設與《建築物（規劃）規例》的規定相符，包括准許上蓋面積的規定

活化前灣仔警署

(xii)

分區計劃大綱圖的修訂涉及刪除前灣仔警署的非建築用地。有關的士地用途地帶沒有進行檢討。2010年，《灣仔分區計劃大綱草圖編號S/H5/26》把前灣仔警署用地由「政府、機構或社區」地帶改劃為「其他指定用途」地帶。規劃署亦已把該草圖呈交灣仔區議會進行諮詢。2011年4月26日，城規會聆聽有關《灣仔分區計劃大綱草圖編號S/H5/26》的申述和意見。所涉的「其他指定用途」地帶的規劃意向，主要是保存和活化前灣仔警署

		這幢建築，並把前灣仔警署與謝斐道對出的灣仔已婚警察宿舍以綜合項目形式作酒店、商業、社區及／或文化用途。前灣仔警署是二級歷史建築，不會清拆
R51 (個別人士)	<ul style="list-style-type: none"> 反對項目 A，因為堅尼地道的合和中心二期商業發展項目的建築物高度限制訂為主水平基準上 210 米，較項目 A 所涉的商業用地的經修訂建築物高度限制(即主水平基準上 135 米)為高 反對項目 E1，因為規劃申請把位於皇后大道東 155 至 167 號的商業發展項目的擬議建築物高度訂為主水平基準上 90 米。申述人亦建議把項目 E1 下的建築物高度限制擴展至適用於位處山坡臺、南固臺和妙鏡臺的地方，該地方正申請改劃用途地帶 <p><u>申述人的建議</u></p> <ul style="list-style-type: none"> 擬建於堅尼地道的合和中心二期採 	<p>(i) R51 所涉的申述用地包括合和中心二期(劃為「其他指定用途」註明「綜合重建區」地帶)；山坡臺、南固臺和妙鏡臺(劃為「休憩用地」、「住宅(丙類)」及「政府、機構或社區」地帶)；以及皇后大道東 155 至 167 號(在項目 E1 下劃為「住宅(甲類)地帶」)。合和中心二期發展項目的用途地帶和建築物高度限制，以及山坡臺、南固臺和妙鏡臺用地的用途地帶，均不屬於現時分區計劃大綱圖修訂項目。應注意的是，根據分區計劃大綱圖，所指的「其他指定用途」地帶訂有主水平基準上 210 米的建築物高度限制</p> <p>(ii) 關於項目 E1 劃為「住宅(甲類)地帶」的皇后大道東 155 至 167 號</p>

	<p>用主水平基準上 207 米的建築物高度限制</p> <ul style="list-style-type: none"> 項目 E1 下皇后大道東 155 至 167 號採用主水平基準上 90 米的建築物高度限制 把項目 E1 的建築物高度限制(即主水平基準上 110 米的建築物高度限制)擴展至適用於山坡臺、南固臺和妙鏡臺 	<p>用地，考慮到典型商住混合樓宇的基本建築物高度輪廓，以及該區的地盤水平約為主水平基準上 6 米至主水平基準上 19 米，故把「住宅(甲類)」地帶的建築物高度限制訂為主水平基準上 110 米，以符合《可持續建築設計指引》的要求，而該建築物高度限制視之為合適。把該用地的建築物高度限制訂為主水平基準上 90 米根本無據可依</p> <p><u>申述人的建議</u></p> <p>(iii) 為「住宅(甲類)」地帶訂定主水平基準上 110 米的建築物高度限制適當。沒有有力理據支持進一步放寬「住宅(甲類)」地帶的建築物高度限制至高於典型商住混合樓宇的基本建築物高度輪廓的高度水平。把該用地的建築物高度限制訂為主水平基準上 90 米根本無據可依</p> <p>(iv) 就申述指出的地點，並不牽涉現時分區計劃大綱圖所收納的修訂。城規會沒有理據考慮申述人該部分的</p>
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		建議
<p>R53 (個別人士)</p>	<ul style="list-style-type: none"> 反對項目 B，主要理由是項目 B 所涉及的「商業(4)」地帶的建築物高度限制應為主水平基準上 135 米，以便與項目 A、C 和 D 的建築物高度一致 <p><u>申述人的建議</u></p> <ul style="list-style-type: none"> 整個灣仔區採用主水平基準上 135 米的建築物高度限制 	<p>(i)</p> <p>根據《建築物條例》，灣仔「商業」地帶的最高地積比率限為 15 倍。有別於灣仔其他「商業」地帶，分區計劃大綱圖把「商業(4)」用地的最高地積比率訂為 12 倍。因此，將建築物高度限制訂為主水平基準上 110 米而非主水平基準上 135 米，足夠容納最高 12 倍的地積比率，亦符合典型商業樓宇的基本建築物高度輪廓及該處約為主水平基準上 4 米的地盤高度水平，以遵照《可持續建築設計指引》的要求</p> <p><u>申述人的建議</u></p> <p>(ii)</p> <p>為「住宅(甲類)」地帶訂定主水平基準上 110 米的建築物高度限制適當。沒有有力理據支持進一步放寬「住宅(甲類)」地帶的建築物高度限制至高於典型商住混合樓宇的基本建築物高度輪廓的高度水平。沒有理據支持進一步放寬建築物高度</p>

		<p>限制至主水平基準上 135 米</p> <p>(iii) 「商業」地帶、「商業(6)」地帶的支區(b)、「其他指定用途」註明「混合用途」地帶、「住宅(甲類)」地帶及「住宅(乙類)」地帶的建築物高度限制適當。沒有理據或技術評估支持進一步放寬這些地帶的建築物高度限制</p> <p>(iv) 就申述指出的地點，並不牽涉現時分區計劃大綱圖所收納的修訂。城規會沒有理據考慮申述人該部分的建議</p>
<p>R54 至 R75 (個別人士)</p>	<ul style="list-style-type: none"> 反對項目 E1 反對項目 E1 修訂皇后大道東以南的「住宅(甲類)」地帶的建築物高度限制，理由主要是擬議的建築物高度與周圍環境及附近的歷史建築物不協調；有關修訂建議令土地價格上升；令樓宇單位面積縮小；生活環境擠迫及市區溫度升 	<p>(i) 皇后大道東以南的地方主要是住宅發展項目，新舊樓宇交集，既有低矮建築，亦有高樓大廈，而高樓大廈的較低層會用作商業用途。此外，皇后大道東的中段有高密度的商業發展項目，包括胡忠大廈、合和中心和合和中心二期(興建中)。該區在分區計劃大綱圖上劃為「住宅(甲類)」地帶，其規劃意向主要</p>

	<p>高；對通風、空氣質素、環境、交通擠塞情況、行人環境、生活環境、社區、視覺和採光造成不良影響；以及應增闢休憩用地和公共設施</p> <p><u>申述人的建議</u></p> <ul style="list-style-type: none"> 項目 E1 涵蓋的地區的建築物高度限制維持不變即建築物高度限制為主水平基準上 100 米 (R54 至 R57、R59 至 R62、R68 至 R71 及 R75) 	<p>是作高密度住宅發展</p> <p>(ii) 考慮到「住宅(甲類)」典型商住混合樓宇的基本建築物高度輪廓，以及該區的地盤水平約為主水平基準上 6 米至主水平基準上 19 米，故把「住宅(甲類)」地帶的建築物高度限制訂為主水平基準上 110 米，以符合《可持續建築設計指引》的要求(即該區日後重建的高度介乎 90 至 93 米不等，建築物將須後移，但不設建築物間距的規定)。沒有有力理據支持進一步放寬「住宅(甲類)」地帶的建築物高度限制至高於典型商住混合樓宇的基本建築物高度輪廓的高度水平</p> <p>(iii) 有關注指修訂建議令土地價格上升；令樓宇單位面積縮小；生活環境擠迫及市區溫度升高；對通風、空氣質素、環境、交通擠塞情況、行人環境、生活環境、社區、視覺和採光造成不良影響；應增闢休憩用地和公共設施，請參閱規劃署在上文「加快重建和推高物業價</p>
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		<p>格」、「交通和行人」、「視覺、通風和居住環境」和「提供休憩用地」內對 R6、R7、R8、R9 至 R48、R49、R50 及 R52 的回應</p> <p>(iv) 政府對保育歷史建築，有其文物保育政策。舉例來說，區內的歷史建築「藍屋」(一級歷史建築)和「黃屋」(二級歷史建築)均被市區重建局(下稱「市建局」)的石水渠街／慶雲街／景星街發展計劃圖編號 S/H5/URA2/2 涵蓋，屬「其他指定用途」註明「休憩用地及保留歷史建築物作文化、社區及商業用途」地帶，與目前分區計劃大綱圖的修訂無關。如有需要，古物諮詢委員會會考慮現有建築的文物價值和評級</p> <p><u>申述人的建議</u></p> <p>(v) 為「住宅(甲類)」地帶訂定主水平基準上 110 米的建築物高度限制適當。沒有有力理據支持修訂「住宅(甲類)」地帶的建築物高度限制至</p>
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		<p>高於典型商住混合樓宇的基本建築物高度輪廓的高度水平，以便在設計上更有彈性，以納入《可持續建築設計指引》的要求。沒有理據支持把建築物高度限制維持在水平基準上 100 米 (R54、R55、R56、R57、R59、R60、R61、R62、R68、R69、R70、R71 及 R75)</p>
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關於《灣仔分區計劃大綱草圖編號 S/H5/28》
就申述提出的意見及規劃署的回應摘要

意見編號 (TPB/R/S/H5/28-)	相關申述／修訂項目	意見摘要	對意見的回應
C1 (個別人士) (亦為 R1)	支持 R1	<ul style="list-style-type: none"> 支持分區計劃大綱圖，因為分區計劃大綱草圖的修訂項目已考慮到對該區的整體影響和該區的發展 	備悉
C2 及 C3 (個別人士)	支持 R2 及 R3	<ul style="list-style-type: none"> 支持項目 A，並建議應進一步放寬利舞臺廣場用地的建築物高度限制(由主水平基準上 135 米放寬至主水平基準上 165 米)和禮頓中心用地的建築物高度限制(由主水平基準上 135 米放寬至主水平基準上 200 米)，以便發展優質的建築(C3) 	請參閱上文 R2 及 R3 的回應
C4 及 C5 (個別人士)	支持 R4 及 R5	<ul style="list-style-type: none"> 支持放寬建築物高度限制至主水平基準上 135 米(C4 及 C5) 反對項目 E1，並基於城市設計原因要求把建築物高度限制由主水平基準上 110 米進一步放 	請參閱上文 R4 及 R5 的回應

意見編號 (TPB/R/S/H5/28-)	相關申述／修訂項目	意見摘要	對意見的回應
		<p>寬至主水平基準上 135 米(C4 及 C5)</p> <ul style="list-style-type: none"> 支持 R5 有關提供更多休憩用地以改善通風的意見(C4) 	
C6 (個別人士)	反對 R49	<ul style="list-style-type: none"> 反對放寬項目 A 至 D、E1* 及 E3 的建築物高度限制沒有充分理由支持，原因是放寬建築物高度限制的同時並沒有一同增加地積比率。因此，總樓面面積不會有所增加，也不會增加對交通的影響(*E1 並非 R49 在申述中提出的反對事項) 	請參閱上文 R49 的回應
C7 (灣仔區議員楊雪盈) (亦為 R7)	<p>同意 R1、R5(部分)、R6 至 R43、R49、R50 及 R54 至 R75</p> <p>反對／不同意 R2、R3、R4、R5(部分)及 R53</p>	<ul style="list-style-type: none"> 支持該等申述提出的意見，認為有關修訂會加快區內舊建築物的收購和重建、導致該區士紳化，以及影響空氣流通和遮擋採光；有關修訂應平衡社區和經濟發展；關注以私有化形式保育前灣仔警署；以及支持 R5 提出把「商業(4)」地帶改 	<p>請參閱上文對 R1、R2、R3、R4、R5、R6 至 R43、R49、R50、R53 及 R54 至 R75 的回應</p>

意見編號 (TPB/R/S/H5/28-)	相關申述／修訂項目	意見摘要	對意見的回應
		<p>劃為「休憩用地」地帶的建議</p> <ul style="list-style-type: none"> 反對要求進一步放寬建築物高度限制的申述的意見／理據，主要原因是放寬建築物高度限制只會有助發展商牟利而非讓市民大眾受惠 	
C8 (壹環業主委員會)	支持 R6 至 R48	<ul style="list-style-type: none"> 反對所有項目，因為放寬建築物高度限制會令區內交通情況惡化，影響生活環境和街道環境 	請參閱上文 R6、R7、R8、R9 至 R28、R31 至 45、R47、R48、R50 有關「交通和行人」的回應
C9 (個別人士) (亦為 R8)	沒有指明	<ul style="list-style-type: none"> 法庭的裁決着眼於過程和程序。產權亦應受到限制 	請參閱上文 R8 有關「公眾利益」的回應

**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