

TOWN PLANNING BOARD

TPB Paper No. 10773

**For Consideration by the
Town Planning Board on 17.9.2021**

**PROPOSED AMENDMENTS TO
THE DRAFT YAU MA TEI OUTLINE ZONING PLAN NO. S/K2/22**

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1. Introduction

- 1.1 This paper is to seek Members' agreement that:
- (a) the proposed amendments to the draft Yau Ma Tei (YMT) Outline Zoning Plan (OZP) No. S/K2/22 (OZP 22) as shown on the draft YMT OZP No. S/K2/22A (**Annex A1**) (to be renumbered as No. S/K2/23 upon exhibition) and its Notes (**Annex A2**) are suitable for exhibition for public inspection under section 7 of the Town Planning Ordinance (the Ordinance); and
 - (b) the revised Explanatory Statement (ES) of the OZP (**Annex A3**) is an expression of the planning intentions and objectives of the Town Planning Board (the Board) for the various land use zonings of the draft OZP No. S/K2/22A and is suitable for exhibition together with the draft OZP.
- 1.2 In this connection, this paper will brief Members on the review of building height restrictions (BHRs) and air ventilation measures (i.e. non-building area (NBA) and setback) for the YMT Area (the Area) (**Plans 1A and 1B**) in association with the Sustainable Building Design Guidelines (SBDG) as a follow up to the Court's ruling on Real Estate Developers Association of Hong Kong (REDA)'s Judicial Review (JR) in relation to the draft YMT OZP No. S/K2/21 (OZP 21) as set out in paragraph 3 below, while taking heed that its findings and recommendations have been incorporated into the relevant proposed amendments, among others.
- 1.3 While the Court has handed down judgement on the other JR lodged by The Methodist Church Hong Kong (MCHK) on OZP 21, this paper will also brief Members on the updated planning circumstances of MCHK's sites and the review of the community needs in the Area, and that there should be no amendment to OZP 22 to meet MCHK's representation insofar as MCHK's sites are concerned as set out in paragraph 4 below.¹

2. Background

- 2.1 On 21.10.2008, the Chief Executive in Council (CE in C) referred the approved YMT OZP No. S/K2/20 (OZP 20) to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. Two rounds of OZP amendments were then made as detailed in the following paragraphs.

¹ A similar review of community needs was conducted in respect of the Wan Chai OZP in relation to MCHK's JR. On 18.8.2021, Members were briefed on the review and agreed that no amendment should be made to the Wan Chai OZP.

Imposition of BHRs and Air Ventilation Measures

- 2.2 In 2010, with a view to achieving good urban form and preventing excessively tall and out-of-context developments, a comprehensive review on the building height (BH) of OZP 20 was conducted (**Plan 2**). Having considered the findings of the review, the Metro Planning Committee (the Committee) of the Town Planning Board (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 “Other Specified Uses” (“OU”) zones on the OZP. Apart from BHRs, NBA and setback requirements were also designated on the OZP to facilitate air ventilation along air corridors and create air paths, with the associated provisions for minor relaxation of these development restrictions under the Notes of the OZP (**Plan 3**). OZP 21 was exhibited for public inspection under section 5 of the Ordinance on 29.10.2010 (**Annexes B1a and B1b**).
- 2.3 During the statutory exhibition period of OZP 21, nine representations and 702 comments were received. After giving consideration to the representations and comments on 13.5.2011, the Board decided to partially meet one representation² and not to uphold the remaining representations, including Representation **R8** made by REDA regarding imposition of BHRs, NBA and setbacks on various zonings on the OZP and Representation **R9** made by MCHK regarding BHRs on the four “G/IC” sites owned by MCHK, including, (i) Ward Memorial Methodist Church and Yang Memorial Methodist Social Service Centre at 54 Waterloo Road (the Ward Church site); (ii) former Chinese Methodist School at 40 Gascoigne Road (the Former School site); (iii) Chinese Methodist Church Kowloon at 40 Gascoigne Road (the Kowloon Church site); and (iv) Methodist College at 50 Gascoigne Road (the College site) (**Plans 13A and 13B**).

OZP Amendment to the Ward Church Site

- 2.4 Although the Board did not uphold MCHK’s representation related to BHRs of the four “G/IC” sites, the Board requested the Planning Department (PlanD) to follow-up with MCHK on their proposals relating to their sites. MCHK had come up with a redevelopment proposal of the “G/IC” site at 54 Waterloo Road (i.e. the Ward Church site) in order to expand the services to meet the needs of the church and the community. Since June 2011, PlanD had several meetings with MCHK to discuss the redevelopment proposal of the Ward Church site. Given that the redevelopment proposal obtained relevant policy support and/or no objection from relevant bureaux/ departments (B/Ds) and the redevelopment proposal would have no significant adverse impacts, PlanD then proposed and the Committee agreed the “G/IC” site be rezoned to “G/IC(2)” with BHR relaxed from five storeys to 57mPD, together with a requirement of minimum setback of 3m from the lot boundary abutting Waterloo Road, as proposed by MCHK (**Annexes B2a and B2b**) to allow for streetscape improvement and amenity

² The Board decided to partially meet Representation R1 submitted by the CLP Power Hong Kong Limited by relaxing the BHR for the “G/IC” zone covering Hamilton Street Electricity Sub-station from one storey to two storeys. The proposed amendment to OZP 21 was published under section 6C(2) of the Ordinance on 3.6.2011. As no further representation was received, the Board on 29.7.2011 agreed that the plan should be amended by the proposed amendment.

planting. OZP 22 was exhibited for public inspection under section 7 of the Ordinance on 16.5.2014. During the two-month public inspection period, no representation was received.

Judicial Reviews

- 2.5 REDA³ and MCHK⁴ each lodged on 25.7.2011 and 12.8.2011 respectively a JR application against the Board's decisions of not upholding their representations. The Court granted leave to REDA on 27.7.2011 and MCHK on 15.8.2011, and subsequently ordered to stay the submission of OZP 21 to CE in C for approval pending the result of the JRs.
- 2.6 On 3.2.2015, the Court of First Instance (CFI) allowed REDA's JR and ordered that the Board's decisions on REDA's representations in respect of OZP 21 and the three OZPs for other planning areas³ be quashed and that the decisions be remitted to the Board for reconsideration. CFI ruled that with reference to the Court of Appeal (CA)'s judgment on the appeals arising from the previous JRs lodged by the Hysan Group Companies, the Board did not take into account the potential combined effect of SBDG and the restrictions under the four OZPs on the development potential of the sites⁵. Both the Board and REDA lodged appeals against CFI's judgment. The Court subsequently allowed REDA to withdraw its appeal and dismissed the Board's appeal on 12.4.2018 by consent of the parties.
- 2.7 Pursuant to the Court's order on REDA's JR, **R8** submitted by REDA will be re-examined in the context of the review on the potential combined effect of SBDG and the restrictions stipulated under relevant zonings of OZP 22⁶.
- 2.8 On 19.4.2021, CFI allowed the remaining JR⁷ lodged by MCHK. CFI concluded in the judgment that the Board failed to consider or adequately consider the social welfare, community and religious need of the community (the community needs) in coming to the decision of not upholding MCHK's representation. Although CFI quashed the Board's decision, CFI did not order the Board to reconsider the representation, having considered that circumstances have changed and that new draft OZP (i.e. OZP 22) have been prepared and exhibited after the commencement of the subject JR proceedings.

³ REDA submitted similar representations in respect of the Wan Chai, Ngau Tau Kok & Kowloon Bay and Mong Kok OZPs, and lodged a JR against the Board's decisions of not upholding its representations in respect of those OZPs.

⁴ MCHK submitted a similar representation in respect of the Wan Chan OZP and also lodged a JR against the Board's decision of not upholding its representation in respect of the Wan Chai OZP on 25.7.2011.

⁵ REDA's JR was also allowed on other grounds related to procedural unfairness, taking minor relaxation into account in rejecting the representations, and breach of Tameside duty in respect of the air ventilation and BH profile issues.

⁶ To follow up on the Court's order/judgment on REDA's JR, PlanD submitted the review of the development restrictions under the Causeway Bay OZP on 17.11.2017 and 5.1.2018, the Wan Chai OZP on 9.3.2018, the Ngau Tau Kok & Kowloon Bay OZP on 13.4.2018, and the Mong Kok OZP on 22.6.2018 to the Board for consideration. All the above-mentioned OZPs, except the Wan Chai OZP, have already been approved by CE in C.

⁷ CFI heard the JR together with MCHK's JR in respect of the draft Wan Chai OZP, which was also allowed on the same ground.

3. Review of BHRs and Air Ventilation Measures for the Area

General Context of the Area

- 3.1 The Area, about 122 hectares, is characterised by a mix of commercial/residential uses with major open spaces, recreation facilities and government, institution and community (GIC) facilities located in its eastern part (**Plans 1A and 1B**). It is located in the inner part of Kowloon Peninsula and bounded by Jordan Road and Gascoigne Road to the south, the Mass Transit Railway (MTR) East Rail Line along Princess Margaret Road and Wylie Road to the east, Dundas Street to the north, and Ferry Street and Man Cheong Street to the west (**Plans 1A and 1B**). It is surrounded by Tsim Sha Tsui to its south, Hung Hom and Ho Man Tin to its east, West Kowloon to its west and Mong Kok to its north. Mountain ranges of Beacon Hill and Lion Rock are located to the further north of the Area, separated by Sham Shui Po and Shek Kip Mei, which are also high density residential areas.
- 3.2 The Area is one of the oldest urban areas in Hong Kong. Many residential buildings are low to medium-rise. Intermixed with these buildings are more recent high-rise developments mainly for mixed commercial/residential uses. With the improved accessibility brought by the MTR lines, commercial developments, in the form of office buildings with shops on the lower floors, have taken place along Nathan Road and in areas in proximity to MTR YMT, Jordan and Austin Stations (**Plans 1A and 1B**).
- 3.3 Nathan Road is a major arterial and commercial spine running north-south through the centre of the Area. The topography of the area to the west of Nathan Road is generally flat with elevation ranging from about 3.5mPD to about 5mPD (**Plan 2**). To the east of Nathan Road is King's Park characterised by a small green knoll (up to about 62mPD) in the north and descending towards the north (about 5.6mPD at Waterloo Road) and the south (about 6mPD at Gascoigne Road).
- 3.4 The streets in the Area generally follow a north-south and east-west grid pattern. Major streets include Nathan Road, Waterloo Road, Gascoigne Road, Ferry Street and Jordan Road. However, there are also some narrow streets in the Area, such as Saigon Street, Ning Po Street and Nanking Street⁸ (**Plans 1A, 1B and 2**).
- 3.5 The street blocks in the Area are generally carved into small narrow lots commensurate with the low-rise tenement blocks except for those commercial developments along Nathan Road, which have been amalgamated for their present development. The majority of the existing buildings are either low-rise or medium-rise developments less than 16 storeys on small lots, with building age generally more than 30 years. As the Area is a popular and convenient district comprising many old buildings, many parts of the Area are ripe for redevelopment.

⁸ The width of narrow streets in the Area is generally less than 15m.

Implication of SBDG on Building Profile

- 3.6 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 gross floor area (GFA) concessions for green/amenity features and non-mandatory/non-essential plant rooms and services by the Building Authority (**Annexes C1 and C2**). Such requirement would also be included in the lease conditions of new land sale sites or lease modifications/land exchange.
- 3.7 SBDG and OZP are two different regimes. The former is mainly concerned with detailed building design, while OZP is to illustrate broad land use zonings and planning principles to guide developments and redevelopments. For OZPs, in general, restriction on plot ratio (PR), BH and/or SC will be stipulated where appropriate in order to control the development intensity having regard to the local settings and other relevant planning considerations including air ventilation. Stipulation of BHRs on OZP is an important means to prevent excessively tall and out-of-context developments. OZP is more concerned with the general building bulk/mass, public space and major air paths in a wider district context. Hence, the implications of SBDG on the building profile, particularly BH, and air ventilation of an area would be the focus in the review of development restrictions on OZP.
- 3.8 Since the specific and relevant building design requirements under SBDG can only be determined at detailed building design stage and there are different options or alternative approaches to meet the requirements, it would be difficult to ascertain at early planning stage precisely the implications on individual development. The extent of implications of SBDG on the building profile can only be estimated in general terms by adopting typical assumptions.
- 3.9 In brief, amongst the three key building design elements under SBDG, SC of greenery requirement is unlikely to have significant implication on 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 GFA so displaced has to be accommodated at the tower portion of the building, which would result in an increase in the number of storeys and thus BH. Details are set out in **Annexes D, D1a and D1b**.
- 3.10 With the assumption set⁹ out in **Annexes E1, E2a and E2b**, the BH requirements for the following types of building are set out below:

⁹ Including the types of building (domestic, non-domestic or composite building), site classification and corresponding permissible PR and SC under the Building (Planning) Regulations (B(P)R), possible GFA concessions, podium height up to 15m, floor-to-floor height, provision of carpark at basement level and refuge floor requirement.

- (a) a typical commercial building within the “C” zone with PR restriction of 12.0 will have a BH ranging from 91m to 99m for incorporating building setback requirement and from 95m to 103m for incorporating both building setback and building separation requirements, where applicable, depending on the site classification under the Buildings Ordinance;
- (b) a composite commercial/residential building within “R(A)” and “R(A)2” zones (with the lowest three floors for non-residential use and upper portion for residential use) with total PR of 9.0 and domestic PR not more than 7.5 will have a BH ranging from 78m to 90m for incorporating building setback requirement and from 81m to 93m for incorporating both building setback and building separation requirements, where applicable; and
- (c) for a composite building within “R(A)” and “R(A)2” zones to maximise the residential use by fully utilising the maximum domestic PR of 7.5 as permitted under OZP, then it will have a BH ranging from 78m to 85m for incorporating building setback requirement and from 81m to 88m for incorporating both building setback and building separation requirements, where applicable.

Scope of Review of BHRs and Air Ventilation Measures

- 3.11 BHRs imposed on the current OZP (i.e. OZP 22) are shown on **Plan 4**. To follow up on the Court’s rulings, a review of the development restrictions including BHRs and requirements of NBA and setback has been conducted for all “C”, “R(A)”, “R(A)1”, “R(A)2”, “R(B)”, “OU” and “G/IC” zones on OZP 22 (**Plan 5**).

BH Concept on OZP 22

- 3.12 Set against the background of relatively high percentage of old buildings in the Area and the development trend for high-rise construction, the main purpose of BHRs is to provide better planning control on the BH of developments/redevelopments and to avoid excessively tall and out-of-context developments which will adversely affect the visual quality of the Area.
- 3.13 The current BHRs were formulated based on the overall BH concept and other relevant considerations with a view to striking a balance between public aspirations for a better living environment and private development right. Considerations include existing topography, site formation levels, local character, surrounding townscape, existing and intended BH profile, local wind environment and measures suggested for ventilation improvements, permissible development intensity under OZP, recommendations of the Air Ventilation Assessment (AVA) (Expert Evaluation) conducted in 2010 (AVA 2010) and the broad urban design principles set out in Chapter 11 of the Hong Kong Planning Standards and Guidelines (HKPSG) on Urban Design Guidelines (UDG).
- 3.14 The major principles for the current BHRs are to preserve the view to the ridgelines and mountain backdrops from the strategic vantage points at Viewing Deck of Pier 7 in Central and Sun Yat Sen Memorial Park in Sai Ying Pun. Moreover, a stepped BH concept is generally adopted with BH profiles of

100mPD and 80mPD achieving a gradation in BH profile stepping down from Nathan Road towards the eastern and western parts of the Area. Such BH height profile is sympathetic and compatible in scale and in proportion with the surrounding developments while being able to accommodate the permissible development intensity under OZP. The following general height bands that are commensurate with the planning intention of the various land use zones as well as reflecting the majority of the existing buildings are adopted and reflected through the current BHRs (**Plan 4**):

- (a) the “C” sites on the two sides of Nathan Road enjoy the best accessibility with access to various public transport modes, in particular MTR YMT and Jordan Stations. Generally, a maximum BHR of **100mPD** is imposed on the “C” sites along Nathan Road. From there, they form the higher BH bands of the Area descending to the east and the west. The higher BH of the “C” sites would facilitate downwash effect improving the local air ventilation performance and also help avoid monotonous BH along Nathan Road;
- (b) further away from Nathan Road are the “R(A)” sites with maximum BHR of **80mPD**. To cater for amalgamation of smaller sites for achieving better urban design, a two-tier BH concept is currently adopted, i.e. **100mPD** is allowed for larger sites with an area of 400m² or more;
- (c) for the “R(B)” sites located mainly at King’s Park on a higher ground, namely The Regalia, King’s Park Villa and Wylie Court, a maximum BHR of **90mPD** is applied to maintain the medium density residential character of that area;
- (d) lower BHR of **80mPD** (without the 20m increase for larger site) has been assigned to “R(A)2”, namely Man Wah Sun Chuen, as it is located in windward direction at the waterfront. Some BHRs are imposed to reflect the BHs of the existing buildings, including **80mPD**, **85mPD**, **130mPD** and **132mPD** for “R(A)1”, “R(B)1”, “R(B)2” and “OU(Residential Development with Historical Building Preserved)” sites respectively; and
- (e) various BHRs are also imposed on “G/IC” sites and other “OU” sites to reflect the existing BHs and planned/ committed developments to meet the functional requirements of the developments therein, e.g. schools and sports/recreation facilities.

Proposed Revisions to BHRs

- 3.15 Having considered the principles/concept of the current BHRs as set out in paragraphs 3.13 to 3.14 above as well as the implications of the SBDG requirements and the updated working assumptions as mentioned in paragraphs 3.6 to 3.10 above, proposed amendments to the following BHRs are set out below (**Plans 6A and 7**):

Maximum BHR of 100mPD for “C” sites to be relaxed to 110mPD (Plan 6A)

- 3.16 The “C” sites are subject to a maximum PR restriction of 12.0. As set out in paragraph 3.10(a) above, the estimated BH requirement for a typical commercial

development of PR 12.0 is about 91m to 103m with the incorporation of SBDG requirements. Taking into account the existing site level of around 5mPD, it is proposed to relax the BHR of the “C” sites on the two sides of Nathan Road currently with a BHR of 100mPD to **110mPD**.

Maximum BHR of 80mPD/100mPD under two-tier height control for “R(A)” sites and maximum BHR of 80mPD for “R(A)2” site to be relaxed to 100mPD (Plan 6A)

- 3.17 Both the “R(A)” (sandwiched between Nathan Road and Ferry Street) and “R(A)2” (along Ming Shing Street) zones are subject to maximum PR restriction of 9.0 with domestic PR of not more than 7.5. As set out in paragraphs 3.10(b) and (c) above, a BH of not more than 93m would be required to incorporate the SBDG requirements. Taking into account the site levels (around 5mPD), it is proposed to relax the BHR for the “R(A)” and “R(A)2” sites from 80mPD or 100mPD (for site with an area of 400m² or more) to **100mPD**. In this regard, the designation of “R(A)2” sub-zone will not be required and thus “R(A)2” zone will be rezoned to “R(A)” with same development restrictions on the OZP.
- 3.18 Opportunity has also been taken to review the need for the two-tier BH system for “R(A)” zone as stated in paragraph 3.14(b) above. The higher BH allowance under the two-tier system was intended to cater for site amalgamation of small lots for more design/layout flexibility, such as to accommodate on-site parking and loading/unloading and other supporting facilities, or to incorporate good design features. As mentioned above, after incorporation of SBDG, BHR of 100mPD is required. Therefore, it is considered the two-tier BH system is no longer required.
- 3.19 The BHRs for the following sites are recommended to remain unchanged for the following reasons:
- (a) the existing high-rise development (namely 8 Waterloo) at the “OU(Residential Development with Historical Building Preserved)” site is relatively new and completed before the first imposition of BHRs for the Area¹⁰. Its existing BH has been reflected in its current BHR of 132mPD;
 - (b) Prosperous Garden at the “R(A)1” site is a comprehensive development with provision of GIC facilities and public open space. It has a relatively large site area of about 1.5 ha, which would allow more flexibility to incorporate SBDG requirements into future redevelopment;
 - (c) the “R(B)” sites, namely The Regalia, King’s Park Villa and Wylie Court, are subject to BHR of 90mPD. Meanwhile, the “R(B)1” and “R(B)2” sites, which cover King’s Park Hill and Parc Palais respectively, are subject to BHR restrictions of 85mPD and 130mPD respectively. The existing BHRs on the “R(B)”, “R(B)1” and “R(B)2” sites would generally not hinder future redevelopments in complying with the SBDG;
 - (d) the developments at the “G/IC” and “OU” sites (except “OU(Residential Development with Historical Building Preserved)”) would have special

¹⁰ Occupation Permit for the development was issued in June 2004 by the Building Authority.

functional and design requirements with a great variation in floor-to-floor height or open air design to suit operational needs. As such, their current BHRs have mainly reflected their existing BHs unless there is known committed redevelopment proposal with policy support. Since there has been no substantial change in the planning circumstances regarding these sites since 2010, it is recommended that BHRs for the “G/IC” and “OU” sites should remain unchanged.

Review of Air Ventilation Measures

- 3.20 The air ventilation measures, including NBA and setback requirements on OZP 22 were formulated during the course of the comprehensive BH review in 2010 before SBDG was put in place. An updated AVA (Expert Evaluation) has been undertaken in 2018 and completed in 2019 (AVA 2018) to assess the air ventilation implications should the proposed revisions to BHRs as mentioned in paragraphs 3.16 to 3.18 above be incorporated into the OZP in complying with SBDG. A copy of AVA 2018 is at **Annex F**¹¹.
- 3.21 AVA 2018 concluded that the revised BHRs are unlikely to have any significant difference¹² in air ventilation aspects as compared to the existing BHRs under OZP 22. To facilitate air ventilation performance in the Area, it is recommended that the design principles as set out in HKPSG should be followed in future developments/redevelopments at the detailed design stage. Site amalgamation should also be encouraged to increase the implementation potential of the building separation requirements in SBDG.
- 3.22 As the Area is one of the most densely built-up areas in Hong Kong, the potential improvement on air ventilation caused by sites adopting setback requirements as promulgated by SBDG could be significant. However, relying on SBDG alone 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. Hence, other air ventilation measures (such as NBA and setback requirements) at different strategic locations across the Area are also important to increase urban permeability for air movements within the existing street canyons and facilitate wind flow into the Area. As such, NBA and setback requirements were also incorporated into OZP 21 in 2010. A review of these requirements is set out below.

¹¹ Upon commencement of the AVA, a section16 application for minor relaxation of BH from two storeys to three storeys for a permitted sports and recreation club at 8 Wylie Road (Application No. A/K2/217) was approved by Metro Planning Committee of the Board on 31.5.2019. The approved scheme has not been reflected in both baseline and initial schemes of the AVA. Nevertheless, since the proposed relaxation of BH would not alter the low rise nature of the site, it is anticipated that the potential impact of the proposal to the surrounding wind environment and breezeway is not significant. Based on the above, the assessments and conclusions in the AVA would generally remain valid.

¹² For the newly approved building plans in Mong Kok and YMT areas in the past 5 years, about half of them have site areas of 400m² or more. In this connection, an assumption that the proportion of sites with areas larger than 400m² is 50% and greater has been adopted in assessing the potential impacts of the revised BHRs on air ventilation in the YMT Area.

Building Setbacks (Plans 3A to 3C, 3E to 3G)

- (a) The effectiveness of the air path along the existing Kansu Street is constrained by bottleneck of around 13m wide between two commercial areas along Nathan Road. Other than this bottleneck location, Kansu Street has a general effective width of not less than 19m. Taking into account the recommendations of AVA 2010, a setback of 6m at 15m above mean street level abutting the northern curb of Kansu Street was imposed on the “C” site so that the minimum width of the air path can be increased to 19m (**Plans 3A**). As stated in AVA 2018, when wind comes from the southeast, it enters the Area along Gascoigne Road. The setback of 6m will widen the road and facilitate air movement to flow further into the western half of YMT area. Hence, the setback of 6m is recommended to be retained.
- (b) Regarding the set back of buildings by 3m at 15m above mean street level (podium level) from both sides of Portland Street, Arthur Street, Woosung Street (between Kansu Street and Saigon Street) and Parkes Street imposed on OZP 21 in 2010 (**Plan 3B**), AVA 2018 set out that high values of height/width (H/W) ratio may reduce the downwash of the prevailing wind. The setback will increase the width of the air paths to about 15m to 22m upon redevelopment. The H/W ratios would be reduced from 6.5:1 to 5:1 at Portland Street, Woosung Street and Parkes Street and from 11:1 to 6.5:1 at Arthur Street with the setbacks introduced upon redevelopment. As such, the current setback requirements under OZP along all the aforesaid four streets are recommended to be retained.
- (c) The requirement of provision of a minimum setback of 3m from the lot boundary abutting Waterloo Road for the “G/IC(2)” subzone was incorporated on OZP 22 in May 2014 as proposed by MCHK to allow for streetscape improvement and amenity planting purpose (**Plan 3C**). In view that the “G/IC(2)” site does not fall within the existing air path as identified in AVA 2018, the 3m setback is recommended to be deleted to allow design flexibility for the future redevelopment of community facilities, similar to other “G/IC” sites not falling within air path.

NBA (Plans 3D and 3H)

- (d) There is one NBA on the OZP which is located at the junction of Portland Street and Man Ming Lane and currently occupied by Portland Street/Man Ming Lane Sitting-out Area and Yunnan Lane.¹³ This NBA was designated as part of the “OU(Residential Development with Historical Building Preserved)” and developed as the said public open space and public road. This provision would ameliorate the impact of the residential tower of 8 Waterloo on the wind environment by allowing penetration of

¹³ The development at the site was zoned “Comprehensive Development Area” under the Land Development Corporation Waterloo Road/ Yunnan Lane Development Scheme Plan No. S/K2/LDC/1 in 1995. It is the subject of various approved applications for a commercial/ office development cum government/ institution/ community facilities and open space (Nos. A/K2/103, 112, 118, 126, 130, 136, 149, 154 and 159). According to the latest approved scheme (No. A/K2/159), open space of 1,650m² shall be provided within the site. The development was completed in 2004 and the open space is now managed and maintained by the Leisure and Cultural Services Department.

the southerly wind along Temple Street entering Portland Street after taking a turn in the public open space (**Plan 3D**). As such, the NBA is recommended for retention.

3.23 Based on the above findings, it is acknowledged that the NBA and setback requirements are all good features for air ventilation and beneficial to the wind environment in the context of the Area. However, public aspirations for a better living environment have to be balanced against the undue constraints imposed on the design flexibility of future development. The recommendations on these setback and NBA requirements are summarised as follows (**Plan 6B**):

- (a) to retain the setback of 6m at 15m above mean street level on the northern side of the section of Kansu Street between Temple Street and Nathan Road;
- (b) to retain the setback of 3m at 15m above mean street level on the two sides of Parkes Street; the section of Woosung Street between Kansu Street and Saigon Street; and on the two sides of Portland Street and Arthur Street;
- (c) to delete the setback of “G/IC(2)” site; and
- (d) to retain NBA to the south of 8 Waterloo.

Urban Design and Visual Considerations

3.24 In formulating the proposed BHRs, as mentioned in paragraph 3.13 above, the broad urban design principles set out in the UDG under the HKPSG have been taken into account. These include compatibility of the BH profile with the surroundings and preserving the views to ridgelines/mountain backdrops from the strategic vantage points. As demonstrated in the Visual Appraisal (**Annex G**), with the relaxed BHRs, the resultant BH profile would not affect the ridgelines and mountain backdrops of Beacon Hill and Lion Rock. Views of the future redevelopments even with the relaxed BHRs would be mostly screened by the existing/planned developments closer to the harbour. In broad terms, the relaxed BHRs are not considered incompatible in scale with the surrounding context characterised by compact high-rise developments of varying BHs.

3.25 In the long term, the BH profile of the Area will mainly follow the relaxed BHRs on OZP, except for those existing and committed developments (such as approved building plans) already exceeding the respective BHRs. In assessing the propensity for redevelopments, it is assumed that existing development with fewer storeys and therefore smaller number of units would more likely undergo ownership assembly and older buildings would have a greater opportunity for redevelopment (especially for sites that have not been fully developed to their maximum development potential). As such, developments with a building age of 30 years or over and with a BH of 15 storeys or below are assumed to have higher redevelopment propensity. Hence, to illustrate the possible maximum impact on the skyline or townscape of the Area, sites which have higher redevelopment propensity are assumed to be redeveloped up to the relaxed BH limit in the photomontages shown in **Plans 9, 9A to 9F**.

- 3.26 Similarly, promulgation of SBDG under the building regime is to promote better building design. The relaxed BHRs would allow flexibility for large and small lots alike to incorporate SBDG and/or other good design measures upon their redevelopment so as to achieve better urban design and local area improvements.
- 3.27 Furthermore, subject to the use, size, configuration and classification of individual sites and building design considerations, redevelopments may not necessarily be built up to the maximum relaxed BH limit. In this regard, a further set of photomontages has been prepared to illustrate the possible visual impact of the proposed BHR relaxation if the developments are built according to the BHs (i.e. rather than a unified BHR for all sites) required for accommodating the SBDG requirement and the permissible intensity based on their site classification/considerations (**Plans 10A to 10F**). Comparing with the scenario with developments built up to the maximum relaxed BH limit (**Plans 9A to 9F**), the intensity of some developments will be reduced after taking into account the site classification and the SBDG requirement (**Plans 10A to 10F**). Moreover, schematic illustrations showing possible improvements to the pedestrian environment upon redevelopment in the Area are at **Plans 11A and 11B**.
- 3.28 In general, the relaxed BHRs will not result in unacceptable visual impact.

Responses to Representation R8

- 3.29 To follow up on the Court's order on REDA's JR, **R8** (submitted by REDA) has been re-examined with reference to the proposals as set out in paragraphs 3.16 to 3.23 above.
- 3.30 **R8** is a general representation mainly against the imposition of BHRs, NBA and setback requirements (**Plan 12**). The specific proposals raised by the representer include (a) to relax the BHRs by 20m to 40m in general, and a more generous BHRs of up to 120mPD to 180mPD for sites at or near transport nodes to encourage innovative design and built form; and (b) to delete the NBA and setback requirements from YMT OZP. A full set of the representation is at **Annex H**.
- 3.31 Under the current OZP proposals, the BHRs for most commercial and residential sites will generally be relaxed. A summary of the representer's specific proposals and the current OZP proposals are tabulated below:

Representation No.	Representers' Specific Proposal	Current OZP Proposal
R8 (REDA) (Plan 12)	<ul style="list-style-type: none"> Relax the BHRs by 20m to 40m, and a more generous BHRs of up to 120mPD to 180mPD for sites at or near transport nodes to encourage innovative design and built form Delete the NBA and 	<p><u>BHR of 110mPD</u></p> <ul style="list-style-type: none"> "C" sites on the two sides of Nathan (relaxed from 100mPD) <p><u>BHR of 100mPD</u></p> <ul style="list-style-type: none"> "R(A)", and "R(A)2" sites (relaxed from two-tier BH of 80/100mPD based on the site area) <p><u>NBA and setback requirements</u></p> <ul style="list-style-type: none"> Other than the setback

Representation No.	Representers' Specific Proposal	Current OZP Proposal
	SB requirements from the Plan	requirement in "G/IC(2)" site, the NBA and SB requirements to be retained

- 3.32 In relation to BHRs, a review taken into account the SBDG requirements and permissible development intensity has been conducted as illustrated in the above paragraphs and associated relaxation has been proposed as detailed in paragraphs 3.16 to 3.19 above. There is no strong justification for further relaxing the BHRs up to 180mPD as recommended by R8 because it would result in proliferation of excessively tall buildings.
- 3.33 In relation to air ventilation measures, it has been explained in paragraphs 3.22(a) to 3.22(d) above that the current NBA and setback requirements are considered to have beneficial effects on air ventilation. By making reference to AVA 2018, and having considered the public aspirations for a better living environment and the constraints imposed on the design flexibility of future development, apart from the setback requirement in the "G/IC(2)" site, all other NBA and setback requirements are proposed to be retained as set out in paragraphs 3.23(a), (b) and (d) above.
- 3.34 A summary of the representation grounds, including those related to issues other than BHRs and air ventilation measures, and PlanD's responses in consultation with relevant government departments is at **Annex I**.
- 3.35 During the publication of the representations in respect of OZP 21 in 2011, 705 comments were received. Amongst the 705 comments, one of them (**C1**) opposing to **R8**. However, it does not contain any view on the specific matters raised in that representation. The comment is at **Annex J**.
- 3.36 Should the Board agree to the proposed amendments to OZP as detailed in paragraphs 6 and 7 below, Representer **R8** and Commenter **C1** will be informed accordingly. Representer **R8** may submit representation on the OZP for the Board's consideration under section 6 of the Ordinance if they so wish.

4. MCHK Sites and Community Needs

- 4.1 As set out in paragraph 2.8 above, CFI concluded in the judgment allowing MCHK's JR that the Board failed to consider or adequately consider the social welfare, community and religious need of the community in coming to the decision of not upholding MCHK's representation. The Representation **R9** (submitted by MCHK) was against the BHRs on the four "G/IC" sites of MCHK in YMT introduced under OZP 21 (**Annex K**). In this connection, an updated planning circumstances in respect of the provision of GIC facilities and open space in the Area as well as MCHK's sites are set out in the following paragraphs.

Provision of GIC Facilities

- 4.2 The planned population of the Area would be about 84,000 persons. A table summarising the provision of major community facilities and open space in the Area is at **Annex L**. Based on the amended HKPSG requirements, the planned provision for various community facilities in the Area is generally sufficient to meet the demand except for Child Care Centre (-188 places), Community Care Services Facilities (-277 places), Residential Care Homes for the Elderly (-423 beds) and Sports Centre (-1). The provision of sport centre would be met for the Yau Tsim Mong District as a whole.

Government's Initiatives to Strengthen Provision of Welfare Facilities

- 4.3 To address the shortfall in the provision of GIC facilities in Hong Kong, including the YMT area, several policy initiatives/ approaches have been adopted since the gazettal of OZP 21 on 29.10.2010.

'Single Site, Multiple Use' Model

- 4.4 With a view to consolidating and providing more GIC facilities to make optimal use of the limited land resources, Policy Address 2017 announced new policy initiative on implementation of a 'single site, multiple use' model in multi-storey development on government land. To optimise the use of "G/IC" sites, the Government is reviewing a considerable number of "G/IC" sites currently earmarked for standalone public facility, and will put forward concrete proposals for sites with no development plan, including developing multi-purpose public facility buildings under the 'single site, multiple use' model, developing residential projects and public facilities under a mixed development mode, or retaining them for specific government facilities. Priorities are given to review sites with greater potential of joint user development, including those reserved for schools/education, social welfare, public transport interchange, cultural and recreational facilities.
- 4.5 Relevant government departments will adopt the 'single site, multiple use' model in reviewing the existing "G/IC" sites in the Area when opportunity arises.

Multi-pronged Approach for the Provision of Welfare Services

- 4.6 There is an increasing demand for welfare facilities as a result of the ageing population, and at the same time there are keen community demand for child care services, as well as the need for more population-based or district-based welfare facilities. In response to changing social needs, new and enhanced service requirements have been announced. The Government has all along adopted a multi-pronged approach, including reserving appropriate land for the provision of welfare services and facilities in the planning process, to address the demand (including any shortfall of welfare services). The long, medium and short term strategies to provide more welfare services to meet community needs are as follows:

Long Term Strategy

Revisions to the Population-based Planning Standards of Elderly Facilities in HKPSG

- 4.7 The Government promulgated the amended HKPSG on 28.12.2018, which stipulates the population-based planning standards in respect of community care services, district elderly community centres, neighbourhood elderly centres and residential care homes for the elderly. The amended HKPSG provides long-term targets for the provision of these facilities in Hong Kong including the YMT area.

Medium Term Strategy

Identify Suitable Sites and Make Use of Vacant Government Premises for Social Welfare Facilities

- 4.8 As regards the medium term strategy, the relevant departments, including PlanD, the Social Welfare Department (SWD) and the Housing Department (HD), have maintained a close contact to identify suitable sites in the development or redevelopment of public housing estates for providing welfare facilities. HD has coordinated with PlanD, SWD and relevant departments during the formulation of planning brief of the public housing development to enhance the provision of relevant facilities by exempting them from GFA calculation where feasible from the planning and technical perspective. Also, vacant government sites or vacant GIC premises, including vacant school premises and non-domestic vacant premises in public housing estates, are closely monitored by SWD for providing social welfare facilities.
- 4.9 While there is no public housing development in the Area, relevant government departments will explore provision of GIC facilities in suitable housing sites/ vacant premises in the Area when opportunity arises.

Land Sale Sites

- 4.10 The Government also takes the initiative to include in the land sale conditions requiring private developers to construct welfare facilities specified by the Government in suitable land sale sites. The land sale conditions require the private developer to design and construct bare-shell premises for proposed welfare facilities according to the specifications of SWD. Upon completion of the construction works, SWD will take over the facilities and select a suitable service operator through competitive bidding.
- 4.11 While there is so far no land sale site with the requirement for provision of welfare facilities in the Area since 2011, a future land sale site at Sai Yee Street in the Mong Kok area for commercial development will incorporate land sale conditions requiring the private developer to construct GIC facilities including a community hall, a Day Care Centre for the Elderly, a Neighbourhood Elderly Centre, an Integrated Children and Youth Services Centre and an Integrated Community Centre for the Mental Wellness.

Special Scheme on Privately Owned Sites for Welfare Use (the Special Scheme)

- 4.12 According to Policy Address 2013, the Government would seek to use the Lotteries Fund more flexibly, and make better use of the land owned by non-governmental organisations (NGOs) through redevelopment or expansion to provide diversified subvented and self-financing facilities. The Labour and Welfare Bureau /SWD subsequently launched the Special Scheme on Privately Owned Sites for Welfare Uses (Phase One) in September 2013. NGO applicants have to provide or increase on their own sites, through expansion, redevelopment or new development, those welfare facilities considered by the Administration as being in acute demand, in particular elderly and rehabilitation service facilities. NGOs may apply for the Lotteries Fund to fund the technical feasibility studies for the projects under the Special Scheme, and to pay for the construction and fitting-out costs. The Administration launched Phase Two of the Special Scheme in April 2019, under which targeted assistance is provided for participating NGOs during the planning or development process.
- 4.13 There is so far no application under the Special Scheme in the Area.

Facilitation Scheme for Redevelopment of Sites held by NGOs for Multiple Uses by the Urban Renewal Authority (URA) (the Facilitation Scheme)

- 4.14 According to Policy Address 2019, to assist NGOs to optimise their under-utilised sites, the Government will facilitate the redevelopment of the low-rise buildings on these sites by providing support and introducing mixed residential, education and welfare uses. This will not only provide modernised facilities, but also increase the supply of various types of housing, including elderly housing, youth hostels or transitional housing, etc. Subsequently, the Facilitation Scheme by URA was launched on 1.1.2021 to facilitate NGOs to optimise their under-utilised sites. Through redevelopment, the URA will assist the NGOs to maximize the development potential of their existing sites by introducing mixed residential, commercial and community uses, while at the same time modernising the NGO facilities. The Facilitation Scheme will be implemented by the Urban Redevelopment Facilitating Services Company Limited, a URA subsidiary, to provide services to facilitate redevelopment in two stages.
- 4.15 There is so far no application under the Facilitation Scheme within the Area.

Short Term Strategy

Purchase of Premises for Provision of Welfare Facilities

- 4.16 To push in tandem with the long and medium term strategies to secure and identify sites/premises for provision of welfare facilities, SWD together with the Government Property Agency, have taken forward the initiative of purchasing premises in the private property market as a short-term measure, as announced in the 2019-20 Budget, to help meet the imminent need for premises for the earlier provision of welfare facilities. As approved by the Finance Committee of the Legislative Council on 30.6.2020, \$20 billion has been allocated for the Government to purchase private premises for the provision of welfare facilities (purchasing scheme).

- 4.17 SWD has proposed a list of welfare facilities to be accommodated in the purchasing scheme for the 18 districts. For the Yau Tsim Mong District, suitable premises will be purchased by SWD to provide welfare facilities including 1 Child Care Centre, 1 Co-parenting Support Centre, 1 Integrated Family Service Centre, 1 Day Care Centre for the Elderly, 5 Neighbourhood Elderly Centres, 2 District Elderly Community Centres, 1 Special Child Care Centre, 1 On-site Pre-school Rehabilitation Services and 1 District Support Centres for Persons with Disabilities.¹⁴

The Four Sites of MCHK

- 4.18 Details of the four sites of MCHK are as follows:

The Ward Church Site

- 4.18.1 The Ward Church site (about 1,214m²) is located at 54 Waterloo Road and currently occupied by the Ward Memorial Methodist Church (WMMC) and Yang Memorial Methodist Social Service Centre (YMMSSC) (**Plans 13A, 13B and 13D**). WMMC mainly accommodates a sanctuary and various church facilities, while YMMSSC includes a social service centre, a dental clinic and various social welfare facilities¹⁵.

- 4.18.2 The site is governed by the lease of KIL 9093 for a term of 75 years commencing from 1.9.1965 for a six-storey building¹⁶ comprising a church for ecclesiastical purposes only and a welfare centre for such purposes as may be approved by the Director of Social Welfare (DSW) together with pastor's quarters and such other domestic quarters and offices as the Director of Lands (D of Lands) and the DSW may consider reasonable. The lot is also subject to the following lease conditions:

- (a) a maximum BH of 300 feet (91.4m) above principal datum;
- (b) a 10 feet NBA on south-western boundary;
- (c) provision of 10 spaces for parking of motor vehicles; and
- (d) no vehicular access from or to Waterloo Road.

- 4.18.3 As mentioned in paragraph 2.4 above, after the publication of OZP 21 in 2010, MCHK had put forward its redevelopment proposal for the site for concerned B/Ds' consideration. The site has been rezoned from "G/IC" to "G/IC(2)" in 2014 and BHR has been amended from five storeys to 57mPD. The requirement of the provision of a minimum setback of 3m from the lot boundary abutting Waterloo Road for the new "G/IC(2)" subzone, as proposed by MCHK, has also incorporated into OZP 22. The redevelopment scheme of the site has not been implemented so far.

¹⁴ The information was quoted from Discussion Paper No. 49/2020 of Community Building Committee of Yau Tsim Mong District Council for meeting on 11.11.2020.

¹⁵ Social welfare facilities include day activity centre for severe and moderately mentally handicapped, family health education centre and counselling centre, learning support and development centre, Yau Tsim Mong Family Education and support centre.

¹⁶ Lease modification was completed on 9.11.1989 for increasing the BHR from five storeys to six storeys.

The Former School Site and the Kowloon Church Site

- 4.18.4 The Former School site and the Kowloon Church site (about 2,002m² in total) are located at 40 Gascoigne Road and currently occupied by the extension of Methodist College¹⁷ and Chinese Methodist Church Kowloon respectively¹⁸ (**Plans 13A to 13C (Photo 2)**). The sites are zoned “G/IC” and surrounded by various GIC facilities, namely Methodist College to its west, Pui Ching Education Centre and Lands Tribunal and Labour Tribunal to its east and south, as well as Queen Elizabeth Hospital to its further east.
- 4.18.5 The sites are governed by the lease of KIL 6090 for a term of 75 years commencing from 7.6.1950, and subject to design, disposition and height (DDH) clause and tree preservation clause under the lease. The sites are restricted under the lease for a building or buildings comprising a church, a school, a social welfare centre and a single self-contained flat for use as a staff quarter.
- 4.18.6 Under OZP 21, a BHR of four storeys has been imposed on the Kowloon Church site to reflect the existing BH of the church. Meanwhile, a BHR of eight storeys has been imposed on the Former School site to meet the general requirements and operational needs for a standard school, which is higher than the existing six storeys of the school. Since the consideration of MCHK’s representation related to OZP 21 by the Board in May 2011, MCHK so far has not submitted any redevelopment proposal for the Former School and Kowloon Church sites.

The College Site

- 4.18.7 The site (about 4,970m²) is located at 50 Gascoigne Road and currently occupied by the Methodist College (**Plans 13A to 13C (Photo 1)**). The site is zoned “G/IC” surrounded by various GIC facilities including the Former School site and Pui Ching Education Centre to its east and southeast, as well as Lands Tribunal and Labour Tribunal and Queen Elizabeth Hospital to its further east and southeast respectively.
- 4.18.8 The site is governed by the lease of KIL 7068 for a term of 75 years commencing from 23.5.1957, and subject to DDH clause and tree preservation clause under the lease. The site is restricted under the lease for a non-profit making school.
- 4.18.9 A BHR of 8 storeys has been imposed on the College site to meet the general requirements and operational needs for a standard school and thus it is higher than the existing seven storeys of the school. Similar to the Former School and Kowloon Church sites, MCHK so far has not submitted any redevelopment proposal for the College site since 2011.

¹⁷ The Chinese Methodist School has been relocated to 12 Wylie Road. The buildings at the School site are currently used as part of the Methodist College.

¹⁸ The Chinese Methodist Church Kowloon is a proposed Grade 3 historic building.

Community Needs

- 4.19 As mentioned in paragraphs 4.2 to 4.17 above, the planned provision for GIC facilities in the Area is generally adequate to meet the demand of the planned population. The Government has adopted a multi-pronged approach to address the shortfall in the provision of GIC facilities in Hong Kong, including the Area. Meanwhile, the provision of social welfare facilities have been and will be made through purchasing scheme in the Area to help meet the imminent need for premises for the earlier provision of welfare facilities. In addition, as mentioned in paragraph 4.4 above, under the “single site, multiple use” model adopted by the government, there would be opportunity for the existing “G/IC” sites to accommodate more social welfare facilities upon redevelopment.
- 4.20 Besides, the Notes of OZP 22 also provide adequate flexibility for the private sector (including NGOs) to make provision of social welfare facilities. Apart from the “G/IC” zone, ‘Social Welfare Facility’ use is always permitted within the “R(A)” and “C” zones on OZP 22. The total land area of these zones (including “G/IC” zone) is about 50.92 ha.
- 4.21 Similarly, for religious use, ‘Religious Institution’ is always permitted within the “G/IC” and “C” zones on OZP 22, which cover a total of 37.2 ha of land. Premises within these zones can be used to meet the religious needs of the community.
- 4.22 In view of the above, apart from the Ward Church, Former School, Kowloon Church and College sites, there would still be possibility that more social welfare facilities to meet the community need can be catered for in the Area.
- 4.23 It is acknowledged that MCHK is providing various services to meet the community needs and the community needs are not only limited to the list of social welfare and community facilities covered under HKPSG. However, given the Ward Church, Former School, Kowloon Church and College sites are privately owned, it would be up to MCHK to make any provision of community/religious facilities within their sites as MCHK thinks fit and/or to address the deficit of those facilities as highlighted in paragraph 4.2 above. Hence, in the absence of a concrete proposal from the owner of a particular privately owned site, it would be difficult to pre-determine specific social welfare and community facilities that should be provided at a privately owned site and the BH required for accommodating the facilities.
- 4.24 For the Ward Church site, as mentioned in paragraph 2.4 above, BHR of the site has already been amended in 2014 to facilitate the proposal submitted by MCHK to redevelop the two existing buildings on site into a single building for re-provisioning the existing church and social welfare facilities with expanded floor areas as well as a new hostel for severely and moderately mentally and physically handicapped. Opportunity has also taken to expand the spaces for the pre-school and some church and social welfare facilities (including elderly support centre, day activity centre for severe and moderate mentally handicapped, family health education and counselling centre, and learning support and development centre). The community needs to be met at the Ward Church site as proposed by MCHK have been duly considered in determining the BHR of the site (i.e. 57mPD). MCHK also did not make any representation in respect of the

rezoning of the site and associated BHR when OZP 22 was gazetted in 2014. No further amendment to the BHR is considered necessary.

- 4.25 The current BHR of eight storeys of the Former School site meet the general requirements and operational needs for a standard school. A BHR of four storeys has also been imposed on the Kowloon Church site to reflect the BH of the existing church. Since 2011, MCHK has not made known that they have any intention to expand the provision of services in the Former School site and the Kowloon Church site. In the absence of a concrete redevelopment proposal, it is difficult to predetermine any alternative appropriate BHR for the sites. In this regard, if MCHK in future comes up with any redevelopment proposal with special design requirements (e.g. higher floor-to-floor height) for the Former School and Kowloon Church sites with policy support from the relevant bureau, and has no significant adverse impacts, the same approach in the previous exercise of reviewing and amending the BHR of the Ward Church site can be adopted.
- 4.26 For the College site, the BHR of eight storeys has been imposed on the OZP to meet the general requirements and operational needs for a standard school. Similarly, MCHK has not made known that they have any intention to expand the provision of services in the College site since 2011. In the absence of a concrete redevelopment proposal, there is no basis to amend the current BHR. It is recommended that the same approach for the Ward Church site could be adopted for the College site.
- 4.27 As outline in paragraphs 4.12 to 4.14 above, the Government has recently introduced special schemes to facilities the NGOs to redevelop their own sites. MCHK might consider whether to participate in the special schemes in respect of the redevelopment of the Former School, Kowloon Church and College sites and/or any other sites they owned where appropriate. In any event, various sites in the YMT OZP may be used for provision of social welfare facilities and religious institutions to meet the community needs.

Recommendations

- 4.28 Based on the above assessment of the current position of the four sites of MCHK and the review of the community needs for these sites, there should be no amendment to OZP 22 insofar as MCHK's sites are concerned to meet MCHK's representation. PlanD will follow-up with MCHK should there be concrete redevelopment proposals submitted by MCHK in future. The review and amendment of BHRs and/or setbacks requirement stipulated on the Former School, Kowloon Church and College sites could be dealt with by the same approach as adopted for the Ward Church site.

5. Technical Amendments

To incorporate the revised Master Schedule of Notes to Statutory Plans agreed by the Board on 28.12.2018, the following technical amendments will be made to the Notes to reflect 'Market' as a use subsumed under 'Shop and Services' under the Broad Use Terms and Definition of Terms used in Statutory Plans:

- (a) delete 'Market' from Column 1 use in "C" zone;
- (b) delete 'Market' from Column 2 use in "R(B)" and Schedule I of "OU(Residential Development with Historical Building Preserved)" zones; and
- (c) revising 'Shop and Services' to 'Shop and Services (not elsewhere specified)' in Column 2 of "R(A)" and "G/IC" zones.

6. **Proposed Amendments to the Matters shown on the Plan**

- 6.1 Based on paragraphs 3 to 5 above, the following amendments to the matters shown on the draft Yau Ma Tei OZP No. S/K2/22A are proposed:

Item A – Revision of BHR for the "C" zones on the two sides of Nathan Road from 100mPD to 110mPD;

Item B1 – Revision of BHR for the "R(A)" zones from 80mPD to 100mPD; and

Item B2 – Rezoning of "R(A)2" zone to "R(A)" zone and revision of BHR from 80mPD to 100mPD;

- 6.2 The alignment of MTR Kwun Tong Line Extension and Shatin to Central Link railway scheme, as authorised by CE in C under the Railways Ordinance (Chapter 519) on 30.11.2010 and 27.3.2012 respectively, have been incorporated into the Plan for information (**Annex A1**).

7. **Proposed Amendments to the Notes of the OZP**

- 7.1 The following amendments to the Notes of the OZP are proposed:

- (a) deletion of the Remarks of the Notes for the "R(A)" zone relating to the two-tier BH system and "R(A)2" zone;
- (b) deletion of 'Market' from Column 1 use in "C" zone;
- (c) deletion of 'Market' from Column 2 use in "R(B)" and Schedule I of "OU(Residential Development with Historical Building Preserved)" zones;
- (d) revising 'Shop and Services' to 'Shop and Services (not elsewhere specified)' in Column 2 of "R(A)" and "G/IC" zones; and
- (e) deletion of the 3m setback requirement from the Remarks of the Notes for the "G/IC(2)" zone.

- 7.2 The proposed amendments to the Notes of the OZP (with additions in ***bold and italics*** and deletion in ~~'crossed-out'~~) are at **Annex A2** for Members' consideration.

8. Revision to the Explanatory Statement of the OZP

The ES of the OZP is proposed to be revised taking into account the proposed amendments as mentioned in the above paragraphs. Opportunity has been taken to update the general information for various land use zones to reflect the latest status, planning circumstances and recommendations in AVA 2018, including the removal of BG requirement. Copy of the revised ES (with additions in ***bold and italic*** and deletions in '~~crossed-out~~') is at **Annex A3** for Members' consideration.

9. Plan Number

Upon exhibition for public inspection, the Plan will be renumbered as S/K2/23.

10. Consultation

Departmental Consultation

- 10.1 The proposed amendments to OZP 22 have been circulated to relevant B/Ds for comment. Representation **R8** has also been circulated to relevant B/Ds for re-examination.
- 10.2 Comments of the Executive Secretary (Antiquities and Monuments) of Antiquities and Monuments and the Chief Town Planner/Urban Design and Landscape of PlanD have been incorporated in the above paragraphs and **Annex A3** where appropriate.
- 10.3 The following B/Ds have no objection to or no adverse comment on the proposed amendments and representations:
- (a) Planning Unit, Development Bureau;
 - (b) Lands Unit, Development Bureau;
 - (c) Secretary for Transport and Housing;
 - (d) District Lands Officer/Kowloon West, Lands Department;
 - (e) Chief Building Surveyor/Kowloon, Buildings Department;
 - (f) Chief Architect/Central Management Division 2, Architectural Services Department;
 - (g) Commissioner for Transport;
 - (h) Chief Highways Engineer/Kowloon, Highways Department;
 - (i) Chief Engineer/ Railway Development Division 2-2, Railway Development Office, Highways Department
 - (j) Commissioner of Police;
 - (k) Director of Environmental Protection;
 - (l) Chief Engineer/Mainland South, Drainage Services Department;
 - (m) Chief Engineer/Development(2), Water Supplies Department;
 - (n) Chief Engineer/Construction, Water Supplies Department;
 - (o) Chief Engineer/Kowloon, Water Supplies Department;
 - (p) Chief Engineer/South(2), Civil Engineering and Development Department;
 - (q) Director of Social Welfare;
 - (r) Director of Fire Services;
 - (s) Director of Electrical and Mechanical Services;

- (t) Director of Leisure and Cultural Services;
- (u) Director of Agriculture, Fisheries and Conservation;
- (v) Director of Food and Environmental Hygiene;
- (w) Director of Health; and
- (x) District Officer (Yau Tsim Mong)

Consultation with Yau Tsim Mong District Council (YTMDC) and Public Consultation

10.4 The proposed amendments to the OZP mainly include a follow up consequential to the Court's rulings on the JRs and related appeals in respect of OZP 21 and other technical amendments. Subject to agreement of the proposed amendments by the Board for gazetting under section 7 of the Ordinance, the YTMDC will be consulted during the two-month statutory plan exhibition period. Members of the public can submit representations on the OZP to the Board during the same statutory plan exhibition period.

11. Decision Sought

11.1 Members are invited to:

- (a) agree to the proposed amendments to OZP 22 and that the draft YMT OZP No. S/K2/22A (**Annex A1**) (to be renumbered as S/K2/23 upon exhibition) and its Notes (**Annex A2**) are suitable for exhibition under section 7 of the Ordinance;
- (b) adopt the revised ES at **Annex A3** for the draft YMT OZP No. S/K2/22A as an expression of the planning intentions and objectives of the Board for the various land use zonings of the OZP and the revised ES will be published together with the draft OZP; and
- (c) note the updated planning circumstances of MCHK's sites and the review of community needs in the Area, and agree that there should be no amendment to OZP 22 to meet MCHK's representation insofar as MCHK's sites are concerned.

11.2 Subject to the agreement of the Board on (a) and (b) above, Representer **R8** and Commenter **C1** will be informed accordingly and will be invited submit representation on the draft YMT OZP No. S/K2/23 for the Board's consideration under section 6 of the Ordinance if they so wish.

12. Attachments

Annex A1	Draft Yau Ma Tei OZP No. S/K2/22A
Annex A2	Revised Notes for the draft Yau Ma Tei OZP No. S/K2/22A
Annex A3	Revised Explanatory Statement for the draft Yau Ma Tei OZP No. S/K2/22A
Annexes B1a & B1b	Draft Yau Ma Tei OZP No. S/K2/21 (reduced to A3 size) together with Schedule of Amendments to the draft Yau Ma Tei OZP No. S/K2/20
Annexes B2a & B2b	Draft Yau Ma Tei OZP No. S/K2/22 (reduced to A3 size)

	together with Schedule of Amendments to the draft Yau Ma Tei OZP No. S/K2/21
Annex C1	APP-151 “Building Design to Foster a Quality and Sustainable Built Environment”
Annex C2	APP-152 “Sustainable Building Design Guidelines”
Annexes D, D1a & D1b	Implications of SBDG
Annex E1	Assessment of Building Height – Commercial Building
Annexes E2a & E2b	Assessment of Building Height – Composite Building
Annex F	Air Ventilation Assessment by Expert Evaluation (2018)
Annex G	Visual Appraisal
Annex H	Representation R8
Annex I	Summary of Representations and Responses to Representation R8
Annex J	Comment C1
Annex K	Representation R9
Annex L	Provision of Major Community Facilities and Open Space in Yau Ma Tei Area
Plan 1A	Aerial Photo of Yau Ma Tei Planning Scheme Area
Plan 1B	Plan of Yau Ma Tei Planning Scheme Area
Plan 2	Building Height Restrictions imposed in 2010
Plans 3, 3A to 3H	Current Non-Building Area and Setback Requirements – Location Plan, Site Plans and Site Photos
Plan 4	Current Building Height Restrictions
Plan 5	Sites with Building Height Restrictions under Review
Plan 6A	Proposed Building Height Restrictions
Plan 6B	Non-Building Area and Setback Requirements to be Retained
Plan 7	Increase in Building Height Restrictions
Plan 8	Consolidated Building Height Restrictions
Plans 9, 9A to 9F	Viewing Points and Photomontages of Building Height Profile Based on Maximum Building Height Limit
Plans 10A to 10F	Photomontages of Building Height Profile Based on Site Classification
Plans 11A and 11B	Photomontages of Potential Development at Ning Po Street
Plan 12	Representation R8 – Location Plan
Plans 13A to 13D	Location Plan, Site Plan and Site Photos of the Four Sites of MCHK