

**Minutes of 368th Meeting of the
Metro Planning Committee held on 22.2.2008**

Agenda Item 9

[Closed Meeting]

Proposed Amendments to the
Approved Hung Hom Outline Zoning Plan No. S/K9/20
(MPC Paper No. 12/08)

1. The Secretary reported that the following Members had declared interests in this item :

- Ms. Starry W.K. Lee - her spouse having a property which was a subject of one of the proposed amendments under consideration; and
- Mr. James Merritt - being the representative of Lands Department, and there were two potential sale sites (5-23 Lee Kung Street and the ex-Ko Shan Road Customs & Excise Service Married Quarters site) which was each a subject of one of the proposed amendments under consideration.

2. The Committee noted that Mr. James Merritt had already left the meeting.

[Ms. Starry W.K. Lee left the meeting at this point.]

3. Mr. Eric C.K. Yue, District Planning Officer/Kowloon (DPO/K), Mr. C.C. Lau, Senior Town Planner/Kowloon (STP/K), and Mr. Derek P.K. Tse, Town Planner/Kowloon (TP/K), of the Planning Department (PlanD), as well as Miss R. Chao and Miss Y.N. Wang, Air Ventilation Assessment (AVA) Consultants, were invited to the meeting at this point.

4. Mr. C.C. Lau said that replacement pages 33, 35 and 36 of the Paper as well as Plan A showing the building height (BH) restrictions for the Hung Hom area and the surrounding areas had been tabled at the meeting. With the aid of a Powerpoint presentation, Mr. Lau then briefed Members on the item as detailed in the Paper and covered the following main points:

Building Height Review

Background

- (a) with the removal of the ex-Kai Tak Airport, the Hung Hom area had been subject to redevelopment pressure. Apart from the Hung Hom Bay Reclamation Area and part of the waterfront area, BH restrictions were yet to be incorporated into the approved Hung Hom Outline Zoning Plan (OZP) No. S/K9/20. To prevent out-of-context tall buildings, a comprehensive BH review covering the existing BH restrictions and those development zones currently with no BH restrictions stipulated on the OZP was undertaken;

Existing Profile of the Area

- (b) in general, the Hung Hom area could be divided into five sub-areas as shown in Plan 4 of the Paper, namely the Hung Hom Waterfront Residential Area, Hung Hom South Commercial/Residential Area, Hung Hom Business Area, Hung Hom North Commercial/Residential Area and Hung Hom Bay Reclamation Area. Their local context and existing height profile were highlighted as per paragraph 4.3 of the Paper;

Local Wind Environment

- (c) an AVA by expert evaluation had been undertaken to assess the implications of the proposed BH restrictions on pedestrian wind environment in the area. The major findings and recommendations of the AVA were as follows :
- (i) the prevailing annual wind of the Hung Hom area came from the east whereas the prevailing summer wind came from the south;
 - (ii) as the Whampoa Garden and Laguna Verde were the major wind entrance to the inland area under the prevailing easterly wind

direction, their BHs should be kept as low as possible. To ensure the prevailing easterly wind would not be blocked, the “Government, Institution or Community” (“G/IC”) site covering a sewage treatment plant at the waterfront should not be rezoned to other development zonings;

- (iii) Hung Hom South Road and Hung Lok Road were the main wind corridors. As such, the open space designations along these two roads should be retained;
- (iv) to create an effective wind corridor, the proposed BH for the residential developments at Wuhu Street, Bulkeley Street and Baker Street should be kept as low as possible. Buildings should also be setback from roads to allow deeper wind penetration; and
- (v) the buildable area of the buildings at Hok Yuen Street, Bailey Street and Fat Kwong Street should be reduced to enhance wind penetration. Buildings along both sides of these streets should also be setback for better wind ventilation;

Urban Design Principles

- (d) taking into consideration the planning intention, topography, existing environment, BH restrictions imposed on the OZP for the surrounding areas including Ho Man Tin and Ma Tau Kok and the broad urban design guidelines as set out in the Hong Kong Planning Standards and Guidelines, the following major principles had been adopted :
 - (i) the proposed height profile should be sympathetic and compatible in scale and proportion with the surrounding developments, which had a general stepped height profile with lower developments along the waterfront/park areas and higher developments in the inland area;
 - (ii) the proposed height profile should be congruous with the general

height of the existing developments. Out-of-context developments must be avoided whereas views to the ridgelines, which provided a backdrop to the area, should be preserved;

- (iii) developments in the “G/IC” and “Other Specified” (“OU”) sites should be maintained as low-rise to provide spatial and visual relief to the urban environment; and
- (iv) the proposed BH should be ensure that the urban design principles would not be negated while still accommodating the development intensity as provided under the current OZP with allowance for building design flexibility;

Proposed BH Restrictions

- (e) the proposed BH restrictions for the residential and commercial developments in the Area were highlighted as per paragraph 4.6 of the Paper, in particular :
 - (i) a BH restriction of 52mPD was proposed for the “Comprehensive Development Area” (“CDA”) site covering the Whampoa Garden which reflected the existing dominant height and could help wind penetration to the inland area;
 - (ii) a BH restriction of 100mPD was proposed for the “Residential (Group A)” (“R(A)”) site covering the Harbourfront Landmark, taking into account its prominent waterfront and main wind entrance location. The existing BH of the Harbourfront Landmark at about 212.4mPD to 228.4mPD was excessive and out-of-context with the surrounding developments. As such, it was proposed that redevelopment of the site up to the existing height should not be allowed. Alternatively, the Committee could consider incorporating appropriate Remarks in the Notes if it was considered appropriate to make provision for application for allowing the

height of the future redevelopment of the site to exceed the proposed BH restriction of 100mPD for special design merits. To effect the restrictions, it was proposed to rezone the site to “R(A)3”;

- (iii) for the “Residential (Group B)2” (“R(B)2”) site covering the Laguna Verde, 18 of the 25 existing residential blocks were below 80mPD. Taking into account its prominent waterfront and main wind entrance location as well as its current dominant height, it was proposed to revise the BH restriction from 114mPD to 80mPD. To ensure that the current dominant height would continue to prevail, redevelopment of the site up to the existing BH should not be allowed. As the site was relatively large, there should be scope to reduce the height to 80mPD upon redevelopment. The existing development on site consisted of general residential buildings without any special design significance. Thus, similar provision for redevelopment of the site to exceed the proposed BH restriction based on special design merits was not recommended;
- (iv) a two-tier BH restriction of 80mPD for the “R(A)” sites to the immediate west of the Whampoa area was proposed, which could be increased to 100mPD for sites with an area of 400m² or more. However, further relaxation of the BH restriction of 100mPD through the minor relaxation clause would not be applicable. To effect the restrictions, it was proposed to rezone these sites to “R(A)4”;
- (v) for the “R(A)” site at the junction of Chatham Road North and Pak Kung Street in the inland area, a BH restriction of 150mPD was proposed which reflected the height limit as permitted under lease. As the proposed BH restriction was already higher than that of the adjacent area, there would be no provision for application for minor relaxation of BH. To effect the restriction, it was proposed to rezone the site to “R(A)6”; and

- (vi) some sites in the Hung Hom Bay Reclamation Area, including the “R(A)1” site covering the Harbour Place, “R(B)1” site covering the Royal Peninsula and two “G/IC” sites covering the Hong Kong Community College and the Hong Kong Polytechnic University Student Hostel, had been completed with the existing height lower than the current BH restriction stipulated on the OZP. It was proposed to lower the BH restrictions of these sites as detailed in paragraphs 4.6.5(e) and (f) of the Paper to better reflect the height of the completed developments and to provide a varying height profile to help air ventilation in the area;
- (f) the other “G/IC” sites would be subject to a height limit ranging from 1 to 11 storeys to contain their development scale and/or reflect their existing heights as detailed in paragraph 4.7 of the Paper;
- (g) the other “OU” sites for the Zung Fu Car Park Building, two piers, a sewage treatment plant and the funeral depot/parlours would be subject to a height limit of 13 storeys, 2 storeys, 3 storeys and 51.5mPD respectively which reflected either their existing predominant height or existing height restriction under lease as detailed in paragraph 4.8 of the Paper;
- (h) a height limit of 1 storey was proposed for the “Undetermined” zone covering Kowloon Permanent Pier No. 90 to reflect the existing height and to provide a guide for future application for redevelopment of the site under section 16 application as detailed in paragraph 4.9 of the Paper;

Rezoning Proposals

- (i) opportunity had been taken to review the zoning of the following sites and to stipulate appropriate development restrictions :
 - (i) rezoning of a site at Tsing Chau Street and Lee Kung Street from “G/IC” to “R(A)5” subject to a maximum domestic plot ratio of 7.5 and a maximum BH of 100mPD for the reasons as detailed in

paragraph 5.1 of the Paper; and

- (ii) rezoning of the ex-Ko Shan Road Customs & Excise Service Married Quarters site from “R(A)” to “R(A)5” subject to a maximum domestic plot ratio of 7.5 and a maximum BH of 120mPD for the reasons as detailed in paragraph 5.2 of the Paper;

Proposed Amendments for “CDA” and “R(A)2” zones at Hung Luen Road

- (j) to take forward the recommendations of the Hung Hom District Study, the Committee had considered and agreed to the proposed amendments to the OZP with regard to the “CDA” and “R(A)2” sites at Hung Luen Road on 18.1.2008. At the meeting, concerns over the excessive podium size of the proposed developments on the two sites were raised. To address Members’ concerns, the following additional restrictions were proposed :
 - (i) a maximum site coverage restriction of 80% (excluding basement(s)) for the proposed “CDA(1)” zone which covered the eastern portion of the existing “CDA” zone as detailed in paragraph 5.3.3 of the Paper;
 - (ii) a maximum site coverage restriction of 60% (excluding basement(s)) for the proposed “CDA(2)” zone which covered the western portion of the existing “CDA” zone as detailed in paragraph 5.3.4 of the Paper; and
 - (iii) a maximum site coverage restriction of 60% (excluding basement(s)) for the non-domestic use and a 5m wide non-building area along the north-eastern boundary of the “R(A)2” zone as detailed in paragraph 5.3.5 of the Paper;

Proposed Amendments to the OZP

- (k) amendments to the OZP, its Notes and Explanatory Statement as detailed in Attachments I, II and III of the Paper respectively were proposed to reflect the above proposed amendments. Opportunity was also taken to

incorporate some technical amendments and to reflect the latest planning circumstances in the Notes and ES of the OZP respectively;

Departmental Comments

- (l) the District Lands Officer/Kowloon West advised that the proposed BH restrictions would have implication on Government's revenue upon lease modification to effect development as the premium payable would have to reflect the less design flexibility, building orientation, etc.;
- (m) in response to the above comments, PlanD considered that the proposed restrictions were necessary to prevent the proliferation of out-of-context developments. Imposing BH restrictions on the OZP would allow certainty and transparency in the planning control system; and

Public Consultation

- (n) prior public consultation was not appropriate since pre-mature release of the intention to impose the restrictions might lead to people rushing in to submit building plans, which would defeat the purpose of incorporating the control. The public could provide their views on the proposed amendments upon exhibition of the amendments under section 5 of the Town Planning Ordinance. The Kowloon City District Council would also be consulted during the exhibition period.

5. With the aid of a fly-through animation and a model, Mr. C.C. Lau and Mr. Eric C.K. Yue respectively illustrated the BH profile of the Hung Hom area under the proposed amendments.

6. Members then had a lengthy discussion on the proposed amendments and the following was a summary of the discussion and views expressed by individual Members :

Pedestrian Level Wind Environment

- (a) a Member said that the overall BH concept of having a stepped height profile descending from the inland area to the waterfront for the Hung Hom area was generally agreed. Notwithstanding, imposing height restrictions without changing the plot ratio restrictions might result in lower buildings with extended building frontage. This in turn might cause wall effect and impede air flow at pedestrian or close to pedestrian level;

- (b) in reply, Mr. Eric C.K. Yue said that review of the current plot ratio restrictions, where necessary, would be undertaken in the further review of the OZP. According to the findings of the AVA, tall buildings with narrow streets were common in the Hung Hom area, with some taller buildings located on the windward side. With the aid of a diagram, he went on to explain that the downwashing effect under such circumstances would become very weak and hence height restrictions would unlikely make noticeable difference to the pedestrian level wind environment. To improve the air ventilation, the AVA had recommended other mitigation measures such as keeping buildings at the wind entrances/corridors as low as possible and provision of building setback. The former had been taken into account in formulating the proposed BH restrictions. Opportunity would also be taken, where appropriate, to incorporate building setback in the relevant outline development plan;

Proposed “R(A)3” Site Covering the Harbourfront Landmark

- (c) a Member opined that the existing height of the Harbourfront Landmark at about 212.4mPD to 228.4mPD was very excessive and totally out-of-context with the surrounding developments. It was subject to strong public criticism. It was considered a bad example of waterfront landmark building, particularly having regard to its prominent waterfront and wind entrance location. Regardless of whether it would be redeveloped as a landmark or whether there would be special design merits, provision for future redevelopment of the site to exceed the proposed BH restriction upon application to the Town Planning Board (TPB) should not be allowed;

- (d) the same Member said that it was a general practice of the TPB to make provision for minor relaxation of BH restriction to cater for design flexibility. The Harbourfront Landmark had been built to over 200mPD in height, more than double the proposed BH restriction. Making provision for relaxation of the BH for special design merits upon application without stipulating the extent of relaxation would in effect allow for “unlimited” relaxation of the BH, though not explicitly set out in the Notes. It would convey a bad message that the currently proposed BH restriction could be substantially exceeded upon redevelopment, thus contravening the intended height and defeating the purpose of stipulating height control for the site. If provision for relaxation of BH for special design merits was to be allowed at the site, there was also concern that other waterfront sites might follow suit and seek for the same treatment;

- (e) another Member asked whether the development intensity as permitted under the current OZP could still be accommodated under the proposed BH restriction of 100mPD. Mr. Eric C.K. Yue replied in the affirmative. He added that the proposed BH restriction of 100mPD was in line with the other “R(A)” sites along the waterfront under the draft Ma Tau Kok OZP No. S/K10/19;

- (f) the Secretary said that to meet the Chief Executive’s pledge for a quality city environment in the 2007-08 Policy Address, the OZP of various districts were being reviewed progressively with a view to responding to calls from the community for lower development intensity. While the out-of-context tall buildings such as the Harbourfront Landmark were incongruous with the surrounding developments and contravened the intended height, Members should also consider whether due regard should be given to respecting the development right in determining the appropriate BH restrictions. If Members considered that the development right of the Harbourfront Landmark including its existing height had to be respected upon redevelopment, PlanD could further refine the wordings of the Notes to better reflect the Members’ views. A Member said that as the plot ratio

as permitted under the current OZP could still be accommodated under the proposed BH restriction of 100mPD, there should not be infringement of development right per se;

- (g) the Chairperson remarked that in reality, redevelopment of the Harbourfront Landmark was unlikely in the foreseeable future as it was a relatively new building. If Members considered that there was no need to make provision for relaxation of the BH upon redevelopment for special design merits in the OZP, a section 12A application for amendment of the OZP could still be submitted by the developer/owners of the site in future for allowing redevelopment of the site to exceed the BH restriction. The public could submit comments during processing of the application. If the section 12A application was to be agreed by the TPB, the amendments to the OZP would be gazetted and subject to representation hearing process under the provisions of the Town Planning Ordinance;
- (h) a Member considered that tall and narrow buildings might create wider ventilation corridors and might not necessarily be undesirable from air ventilation perspective. In response, the Chairperson said that BH was not the only determining factor. Air ventilation at pedestrian level was impeded more by podium structures with full or large ground coverage which should be avoided where practicable. As the design of individual buildings was governed by the Buildings Ordinance, it would be more appropriate for the Buildings Department to examine possible measures to discourage the use of large podium structures under the Buildings Ordinance;
- (i) after discussions, Members generally considered that the existing height of the Harbourfront Landmark was excessive. The proposed BH restriction of 100mPD for the site was considered acceptable and in line with the public interest/aspiration that excessive tall buildings at the waterfront should not be allowed. Designating a BH restriction of 100mPD without the claim for existing BH might affect the design flexibility of the future redevelopment. However, this would convey a clear message to the

public regarding the intended BH for the site. There were also channels for the concerned developer/owners of the site to substantiate their claim for provision for redevelopment up to the existing height either during the plan-making process or by way of a section 12A application. Balancing all relevant considerations, Members agreed that the Harbourfront Landmark site should be subject to a maximum BH of 100mPD with provision for application for minor relaxation of the BH restriction. However, the provision for application for future redevelopment of the site to exceed the proposed BH restriction for special design merits should not be allowed;

“R(B)2” Site Covering the Laguna Verde

- (j) a Member enquired how many residential blocks in Laguna Verde had exceeded the proposed BH restriction of 80mPD and their location. In reply, Mr. Eric C.K. Yue said that out of the 25 existing residential blocks, 3 blocks were 84mPD in height, 1 block was 101mPD and 3 blocks were 104mPD. The four blocks with a height of over 100mPD were at the most forefront location of the waterfront;

- (k) unlike the Harbourfront Landmark which was excessively tall and subject to public criticisms, a Member said that only a few residential blocks in the Laguna Verde had exceeded the proposed BH restriction of 80mPD by about 4 to 24mPD only. Taking this into account, another Member asked if provision for allowing redevelopment up to the existing height or increasing the proposed BH restriction to 100mPD as in some residential sites in the area could be considered for this site. A Member, however, pointed out that the site was also located at the waterfront and at the wind entrance. The same principle adopted for the Harbourfront Landmark site would be applicable to this site. Mr. Eric C.K. Yue said that the residential sites subject to a proposed BH restriction of 100mPD in the area were zoned “R(A)” whereas Laguna Verde was under “R(B)2” zone. After discussions, Members agreed that the provision for future redevelopment of the site up to the existing height should not be allowed,

but the provision for minor relaxation should be given;

Other Waterfront Sites

- (l) the Chairperson said that for the other waterfront sites, consideration should be given to not allowing redevelopment up to the existing height if that was greater than the intended BH profile. This represented a consistent approach in formulating BH restrictions for the waterfront sites;

- (m) a Member suggested that the past practice of allowing redevelopment up to the existing height might be considered, so long as the existing height was not unreasonably excessive as in the case of the Harbourfront Landmark. Another Member suggested to adopt a mechanism of allowing redevelopment up to the existing height if that height was within a certain percentage of the proposed BH restriction. A Member, however, pointed out the difficulty in determining what would be regarded as “excessive” existing height or setting the appropriate percentage. That Member and some other Members supported the Chairperson’s suggested approach in formulating the BH restrictions for waterfront sites. Otherwise, the intended BH could not be realised even in the long term;

- (n) after discussions, Members agreed that as a matter of principle, for waterfront sites with existing height not conforming to the intended height profile, redevelopment up to the existing height would not be allowed. A departure from such principle would require strong justifications, for instance, in cases where the plot ratio/gross floor area restrictions as currently permitted under the OZP or the development/redevelopment incentive would be affected. On the other hand, the general practice of the TPB to respect the existing development right and allow redevelopment up to the existing BH in the inland areas should continue. For consistency, the Secretary said that other waterfront sites already incorporated with BH restrictions in other OZPs, such as the “R(A)1” site covering the Grand Waterfront, would need to be amended in the future review of the relevant OZPs. The Secretary further added that the above agreed principle should

not be applicable to the existing/planned high-rise nodes such as Tsim Sha Tsui and Central district where the ridgelines had been or would be breached as identified under the Study on the Urban Design Guidelines for Hong Kong. Members agreed;

“C(4)” Site Covering the Harbourfront and the Harbour Plaza

- (o) a Member asked for explanation on the rationale for the BH restriction for the “C(4)” site covering the Harbourfront and the Harbour Plaza. Mr. Eric C.K. Yue said that the existing height of that “C(4)” site was 68.6mPD. A BH restriction of 116mPD had already been stipulated on the current OZP to reflect the height of a proposed hotel extension scheme under Application No. A/K9/141 approved by the Committee on 28.1.2000. Although the approved scheme had not yet been materialised, building plans for the approved scheme with a BH of 115.365mPD had already been approved on 10.4.2001. As such, it was proposed to maintain the current BH restriction for the site. In view of its prominent waterfront and main wind entrance location, Members agreed that the BH restriction for the “C(4)” site should be amended to 100mPD, subject to the provision for minor relaxation of the BH restriction, to tally with the BH restriction for the adjoining Harbourfront Landmark development. However, provision for future redevelopment of the site up to the existing height would not be allowed;

Provision for Minor Relaxation

- (p) noting that there would be provision for minor relaxation of BH for most of the sites in the area, a Member enquired what would constitute “minor” relaxation. Mr. Eric C.K. Yue said that this was essentially a matter of fact and degree based on the setting of particular circumstances. The Secretary supplemented that while there was no absolute guidelines on the extent of minor relaxation that would normally be accepted, the impacts of the proposed relaxation would be a material consideration; and

Implications on Existing Buildings

(q) in response to a Member's enquiry, Mr. Eric C.K. Yue said that the existing buildings even with a height exceeding the proposed height limits would not be affected by the proposed BH restrictions. Claim for the existing BH upon redevelopment would also be allowed, except the Harbourfront Landmark, Laguna Verde, Harbourfront and Harbour Plaza at the waterfront as discussed earlier.

7. Members had no further questions on the proposed amendments.

8. After deliberation, the Committee decided to agree that :

(a) provision for application for redevelopment in the proposed "R(A)3" site covering the Harbourfront Landmark to exceed the BH restriction as stipulated on the OZP based on special design merits should not be allowed as agreed in paragraph 6(i) above;

(b) subject to the amendments on the proposed restrictions relating to the "C(4)" site covering the Harbourfront and the Harbour Plaza as agreed in paragraph 6(o) above, the draft Hung Hom OZP No. S/K9/20B (to be renumbered as S/K9/21 upon exhibition) and its Notes at Attachments I and II of the Paper respectively were suitable for exhibition under section 5 of the Ordinance; and

(c) subject to the amendments on the proposed restrictions relating to the "C(4)" site covering the Harbourfront and the Harbour Plaza as agreed in paragraph 6(o) above, the revised Explanatory Statement at Attachment III of the Paper should be adopted as an expression of the planning intentions and objectives of the Town Planning Board for the various land use zonings of the OZP and the revised Explanatory Statement would be published together with the OZP under the name of the Town Planning Board.

[The Chairperson thanked Mr. Eric C.K. Yue, Mr. C.C. Lau, Mr. Derek P.K. Tse, Miss R. Chao and Miss Y.N. Wang for attending the meeting. They all left the meeting at this point.]