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**Minutes of 404th Meeting of the
Metro Planning Committee held on 18.9.2009**

[Ms. Brenda K.Y. Au, District Planning Officer/Hong Kong (DPO/HK), and Ms. Phoebe Y.M. Chan, Senior Town Planner/Hong Kong (STP/HK), were invited to the meeting at this point.]

Agenda Item 15

[Closed Meeting]

Proposed Amendments to the Draft Quarry Bay Outline Zoning Plan No. S/H21/26
(MPC Paper No. 28/09)

1. The Secretary said that some proposed amendment items under consideration were related to the residential/commercial developments owned by the Swire Pacific Ltd. (SP) or its subsidiaries. Mr. Raymond Y.M. Chan, having current business dealings with SP, had declared an interest in the item. The Committee noted that Mr. Chan had already left the meeting.

2. Ms. Phoebe Y.M. Chan, STP/HK, said that the date of approving the set of building plans for a proposed 19-storey extension to the existing office building at Cityplaza One with a proposed building height (BH) of 191mPD in the first sentence of paragraph 5.1.5 of the Paper should be July 2007. Another set of building plans with a lower BH of 186.45mPD was approved by the Building Authority in February 2000.

3. With the aid of a Powerpoint presentation, Ms. Phoebe Y.M. Chan then presented the proposed amendments to the draft Quarry Bay Outline Zoning Plan (OZP) No. S/H21/26 as detailed in the Paper and covered the following main points :

Background

- (a) before 22.8.2003, all the “Commercial” (“C”) sites on the Quarry Bay OZP

were not subject to plot ratio (PR) restriction. In early 2003, a set of building plans for a 69-storey office development (now developed as One Island East) which straddled a “C” site and an existing open space was received. While the whole site (including the open space) was used for PR and site coverage calculations, the building footprint of the proposed office development was confined to the portion of the site zoned “C” which had no PR restriction. As such, the proposed office development could not be regarded as contravening the OZP and the building plans were approved, resulting in an excessively tall development with a BH of 301mPD which was out of context with the surrounding developments;

- (b) as a stopgap measure to avoid transfer of plot ratio from non-development zone to development zone, a maximum non-domestic PR restriction of 15 or the non-domestic PR of the existing building, whichever was the greater, were imposed on all “C” sites on the OZP on 22.8.2003. The maximum non-domestic PR of 15 was basically the maximum PR permissible for a non-domestic building under the Buildings Ordinance;
- (c) when the PR restriction was imposed in 2003, the Master Development Plan (MDP) for Taikoo Shing had not yet been finalized. The said MDP was finalized in May 2008 which was taken as the basis for drawing up the optimal BH restrictions for Taikoo Shing. The draft Quarry Bay OZP No. S/H21/25 incorporated with the above BH restrictions and other amendments was gazetted on 25.7.2008. In considering the objections to the OZP on 15.5.2009, the TPB noted that there was a need to review the PR restriction for the “C” sites to be commensurate with the BH restrictions;
- (d) the Planning Department had undertaken a review on the “C” sites (including its sub-areas) which were currently subject to PR and BH restrictions on the OZP. The review covered a total of 17 sites which could be categorised into the following four clusters according to their locations and local characteristics;

North Point/Quarry Bay Commercial Belt Cluster

- (e) there were one “C(1)” and two “C(2)” sites in the North Point/Quarry Bay Commercial Belt cluster. As they formed part of the linear commercial belt along Java Road evolving as an office node in North Point, it was recommended to retain the maximum PR of 15 for these sites, including the “C(1)” site occupied by an existing industrial building (i.e. the Eastern Harbour Centre) which was subject to a PR of about 9.5 under lease in recognition of the long-term planning intention of the area for office use. The two “C(2)” sites were occupied by the Hong Kong and China Gas Co. Ltd. and an office development under construction at the former Hong Kong Tobacco Co. Ltd. site. The former site was restricted to gas holder and distribution depot purposes with no gross floor area (GFA) restriction under lease whereas the newly executed lease for the latter site permitted commercial/office development up to a PR of 15;

Taikoo Place Cluster

- (f) in the Taikoo Place cluster, there were six “C”, one “C(3)” and one “C(4)” sites that were occupied by seven office developments, five industrial developments and six residential developments. The five residential developments along Tong Chong Street, Pan Hoi Street and Westlands Road (i.e. Hoi Wan Building, Sea View Building, Chung Hing Mansion, Kam Hoi Mansion and Kam Shan Building) had building age of over 30 years and were surrounded mainly by commercial/office developments. The other residential development at Shipyard Lane (i.e. Splendid Place) was completed in 2004 and the subject of previously approved planning applications. The existing industrial and residential developments were put under the “C” zoning to reflect the intention to encourage their redevelopment into office use in the longer term. Upon redevelopment, they would form part of the established secondary office node in Taikoo Place. In recognition of the secondary office node in Taikoo Place and the virtually unrestricted or non-industrial lease permitting commercial/office developments to a PR of 15, it was recommended to retain the maximum PR of 15 for all “C” sites in this cluster;

Taikoo Shing Cluster

- (g) the whole Taikoo Shing development was subject to a maximum total GFA restriction (equivalent to a PR of 5.88) and separate GFA restrictions for individual sites under the approved MDP. To reflect the original planning intention for a medium-density development in Taikoo Shing, it was proposed to rezone three “C” sites in the Taikoo Shing cluster to “C(5)” to “C(7)” with imposition of specific GFA restrictions on the OZP based on the approved MDP. Accordingly, Cityplaza Three and Cityplaza Four, both occupied by an office building, were proposed for rezoning to “C(5)” with a non-domestic GFA restriction of 41,594m² (equivalent to PR of 13.27) and for rezoning to “C(6)” with a non-domestic GFA restriction of 51,694m² (equivalent to PR of 13.29) respectively. Cityplaza (a retail mall), Cityplaza One (an office building) and Cityplaza Two (a hotel development under construction) which fell within a single “C” site on the OZP were proposed for rezoning to “C(7)” with a total non-domestic GFA restriction of 123,129m² (equivalent to PR of 9.07);
- (h) the remaining “C” site in the Taikoo Shing cluster was occupied by the Horizon Gardens on top of 4 levels of shopping mall and 2 basement levels of carpark. To reflect the existing development which was mainly residential in nature, it was proposed to rezone this site to “Residential (Group A)1” (“R(A)1”) under which commercial uses would be permitted on the lowest four floors of a building;

Kornhill Cluster

- (i) in the Kornhill cluster, there were two “C” sites covering the Kornhill Plaza North and Kornhill Plaza South. To reflect the original planning intention for a medium-density development at Kornhill, it was proposed to rezone these two sites to “C(8)” with a maximum non-domestic GFA restriction of 99,380m² (equivalent to PR of 5.98) based on the as-built situation;

Proposed Amendments

- (j) the proposed amendments to the OZP included the rezoning of various “C” sites in the Taikoo Shing and Kornhill clusters to “C(5)” to “C(8)” and

“R(A)1”. Opportunity was also taken to rationalise the zoning boundaries along Hong On Street and Kornhill Road to tally with the lot boundary of Kornhill Plaza South and existing pavements as detailed in paragraphs 6.7 and 6.8 of the Paper;

- (k) it was proposed to revise the Remarks in the Notes for the “C” zone to incorporate the GFA restrictions for the proposed “C(5)” to “C(8)” sub-zones and a minor relaxation clause for the GFA restrictions;
- (l) it was proposed to revise the Notes for the “R(A)” zone to allow commercial uses on the lowest four floors of a building under the proposed “R(A)1” sub-zone;
- (m) opportunity was taken to revise the Explanatory Statement of the OZP as detailed in Attachment III of the Paper to take account of the proposed amendments and to reflect the latest planning circumstances of the OZP;

Consultation

- (n) most Government departments consulted had no comments on or no objection to the proposed amendments. The proposed GFA restrictions had taken into account the comments of the District Lands Officer/Hong Kong East, Lands Department, where appropriate; and
- (o) the proposed amendments involved a review of the PR restriction for the “C” sites and hence it was considered not appropriate to carry out prior public consultation. The proposed amendments to the OZP would be published for public inspection under section 7 of the pre-amended Town Planning Ordinance. The Eastern District Council would be consulted on the amendments during the exhibition period of the draft OZP.

4. In response to a Member’s question on the development intensity permitted under lease and under the subject review for the Eastern Harbour Centre site, Ms. Brenda K.Y. Au, DPO/HK, said that the Eastern Harbour Centre site was subject to a PR of about 9.5 under an industrial lease restricted to godown purpose. Upon future redevelopment, the Eastern

Harbour Centre site could be redeveloped for commercial/office uses up to a maximum PR of 15 as recommended under the subject review and a maximum BH of 100mPD as currently allowed under the OZP. The Secretary asked if the maximum permissible PR of 15 could be achievable under the BH restriction of 100mPD. Ms. Brenda K.Y. Au replied in the affirmative and added that flexibility had been built in to allow for application for minor relaxation of the BH restriction through the section 16 planning application system.

5. Members noted that the Eastern Harbour Centre site was subject to a PR of about 9.5 under lease, but it was proposed to retain the maximum PR restriction of 15 currently stipulated on the OZP. On the other hand, the various “C” sites in the Taikoo Shing cluster, also currently subject to a maximum PR restriction of 15 on the OZP, were however proposed for rezoning with imposition of specific GFA restrictions based on the approved MDP under lease which was equivalent to a PR ranging from 9.07 to 13.29. Members asked for the justifications underlying the above differences.

6. Ms. Brenda K.Y. Au said that the linear belt along Java Road had gradually been transformed from the previous industrial area into an office node with the completion of commercial/office developments along the belt. The Eastern Harbour Centre site formed part of this linear commercial belt extended from the North Point area as shown in Plan 3b of the Paper. The site was thus put under the “C” zoning on the OZP to encourage the redevelopment of the existing industrial building into commercial/office uses in the longer term. Taking into account the above planning intention, it was thus considered acceptable to retain the maximum PR of 15 as currently stipulated on the OZP.

7. As regards the various “C” sites in the Taikoo Shing cluster, Ms. Brenda K.Y. Au said that the original planning intention for the Taikoo Shing development was for a medium-density development. As presented earlier at the meeting, when the maximum PR restriction of 15 was imposed on all “C” sites on the OZP as a stopgap measure to avoid transfer of plot ratio in 2003, the same PR restriction was imposed on the “C” sites in Taikoo Shing as the concerned MDP had not yet been finalized at that time. The MDP subsequently approved in 2008 was taken as the basis for formulating the BH restrictions for Taikoo Shing. A Member asked if the maximum permissible PR of 15 could be achievable at the concerned “C” sites in Taikoo Shing under the existing BH restrictions as stipulated on the OZP. Ms. Brenda K.Y. Au replied in the negative and said that the concerned “C” sites

were restricted to PR ranging from 9.07 to 13.29 under the MDP as shown in the table under paragraph 5.1.4 of the Paper. In considering the objections to the OZP on 15.5.2009, the TPB noted that there was a need to review the PR restriction for the “C” sites to be commensurate with the BH restrictions.

8. Members recalled that the formulation of the BH restrictions for Taikoo Shing in 2008 had generally followed a stepped height profile from the inland to the waterfront area. The existing height of the Cityplaza at 45mPD was retained to provide an open vista and a visual relief for the surrounding developments while a BH restriction of 135mPD was proposed for the eastern and western parts of the same “C” site covering Cityplaza One and Cityplaza Two respectively.

9. Ms. Brenda K.Y. Au said that with the recent completion of the hotel development at Cityplaza Two, the permitted GFA under the approved MDP had almost been fully utilized. A set of building plans for a proposed 19-storey extension to the existing office building (currently with a BH of 106mPD and 28 storeys with one basement floor) at Cityplaza One with a proposed BH of 191mPD was approved by the Building Authority in July 2007 before the imposition of the BH restriction on the OZP. This site was currently restricted to a maximum BH of 135mPD under the OZP which was set at a level commensurate with the permissible development intensity under the MDP while allowing a reasonable floor-to-floor height upon future redevelopment to meet modern day standard as compared with the existing floor-to-floor height of about 3.4m. Under the approved building plans with a BH of 191mPD, the PR of the proposed extension of the office development at Cityplaza One was about 12. If Cityplaza One was to be redeveloped up to a higher PR of 15, this would result in an even more excessively tall development.

10. Ms. Brenda K.Y. Au said that as the existing GFA potential under the lease in Taikoo Shing had almost been fully utilized, the proposed office extension at Cityplaza One would require amendments to the MDP through lease modification. The concerned developer had submitted an application to the Lands Department for lease modification. In response to the Chairperson’s question, Ms. Olga Lam, the Assistant Director/Kowloon, Lands Department, said that she had no information about the progress or details of the said lease modification in hand. Generally speaking, if the proposed development intensity of any development/redevelopment exceeded the permitted development intensity under lease,

lease modification would be required.

11. Members generally considered it not appropriate to retain the maximum PR restriction of 15 for the concerned “C” sites in Taikoo Shing cluster, taking into account the planning intention for a medium-density development in the Taikoo Shing area. Now that the MDP had been approved, it was considered appropriate to rezone the concerned “C” sites in Taikoo Shing to “C(5)” to “C(7)” with imposition of specific GFA restrictions based on the approved MDP under lease.

12. Members noted that the Eastern Harbour Centre site was located at the waterfront with no other development site in front of it. It was subject to a PR of about 9.5 only under lease and a maximum BH restriction of 100mPD on the OZP. Given its waterfront location, a lower and slimmer building bulk would be more desirable. Members also considered it more appropriate to impose a PR restriction based on the lease, similar to the treatment for the various Taikoo Shing sites on the same OZP. The adjustment of the PR could not be regarded as depriving its development right because the relevant lease was for industrial use and a PR of 9.5. After discussion, Members agreed to impose a PR restriction of 9.5 for the Eastern Harbour Centre site.

13. The Chairperson said that the office developments of Cityplaza Three and Cityplaza Four had been completed and asked if the proposed GFA restrictions for these two sites were based on the approved MDP. Ms. Brenda K.Y. Au replied in the affirmative and added that the as-built GFA of these two office developments were very close to their GFA restrictions under lease.

14. Members had no questions on the other proposed amendments.

15. After further deliberation, the Committee decided to:

- (a) subject to the amendment relating to the Eastern Harbour Centre site as stated in paragraph 12 above, agree to the proposed amendments to the draft Quarry Bay OZP No. S/H21/26 and that the draft Quarry Bay OZP No. S/H21/26A (to be renumbered as S/H21/27 upon exhibition) and its Notes at Attachments I and II of the Paper respectively were suitable for

exhibition for public inspection under section 7 of the pre-amended Town Planning Ordinance; and

- (b) subject to the amendment relating to the Eastern Harbour Centre site as stated in paragraph 12 above, agree to adopt the revised Explanatory Statement at Attachment III of the Paper as an expression of the planning intentions and objectives of the TPB for the various land use zonings of the OZP and that the revised Explanatory Statement was suitable for exhibition together with the OZP under the name of the TPB.

[The Chairperson thanked Ms. Brenda K.Y. Au, DPO/HK, and Ms. Phoebe Y.M. Chan, STP/HK, for their attendance to answer Members' enquiries. They left the meeting at this point.]