CB(1)232/08-09(10)

For discussion
on 25 November 2008

LEGISLATIVE COUNCIL
PANEL ON DEVELOPMENT

Measures to prevent new developments from creating a wall effect and reduce development intensity in developed areas

PURPOSE

The Administration informed Members vide Panel Paper CB(1)605/07-08(04) for the special meeting on 21 February 2008, of the measures that had been implemented to address the "wall effect" in developments. This paper aims to update Members of the progress in the implementation of various measures, in particular the review of the approved schemes of above-station property development projects at the Nam Cheong Station and the Yuen Long Station along the West Rail (WR), and the review of the outline zoning plans (OZPs). It also addresses the various items raised in the letter from the Clerk to Panel dated 31 October 2008.

REVIEW OF PROPERTY DEVELOPMENTS AT WR NAM CHEONG AND YUEN LONG STATIONS

2. In the 2007-08 Policy Address, as an initiative to promote a quality city, environment and reduce development density where appropriate, the Chief Executive announced that we would review the OZPs of various districts in a step-by-step manner and, where justified, revise the relevant planning parameters to lower the development density. We would also review the approved schemes of above-station property development projects at the Nam Cheong Station and the Yuen Long Station along the West Rail, with a view to lowering their development densities. The Development Bureau, with the support of the Planning Department (PlanD), has been working closely with the MTR Corporation Limited (MTRCL) to review these two approved schemes at the WR Nam Cheong and Yuen Long Stations, with a view to lowering their development densities.

The Approved Schemes

3. The property development at the WR Nam Cheong Station site is zoned "Comprehensive Development Area (CDA)" on the draft South West Kowloon OZP No. S/K20/21 (see the site plan at **Annex 1**). The latest Master Layout Plan (MLP) (Application No. A/K20/82) was approved by the Town Planning Board (TPB) on 15 October 2004 (the approved scheme). The approved scheme consists of a row of ten high-rise residential blocks (at 179.7mPD to 196.5mPD) and one office tower (at 188.2mPD) at the northern part of the site, and another row of nine low-rise residential blocks (at 67.5mPD) at the southern part of the site, both sitting on a 5-level podium comprising a railway station, public transport interchange (PTI), car park and commercial uses (see plan of the approved scheme at **Annex 2**). The approved scheme has a total Gross Floor Area (GFA) of 369,600m^2, accommodating 4,247 flats, with a total plot ratio (PR) of 8.0.

4. The property development at the WR Yuen Long Station site is zoned "CDA" on the Approved Yuen Long Outline Zoning Plan No. S/YL/18 (see the site plan at **Annex 3**.) The latest MLP (Application No. A/YL/125) was approved by the TPB on 28 January 2005 (the approved scheme). The approved scheme consists of two portions, the northern and southern sites, with a total of nine residential blocks. Five residential blocks will be built at the northern site atop the existing Yuen Long Station concourse with a building height of 110.05mPD to 149.25mPD; while four residential blocks will be built at the southern site above a 3-level podium comprising commercial uses, car park and a PTI with a building height of 160.5mPD to 174.5mPD (see plan of the approved scheme in **Annex 4**). The approved scheme has a total GFA of 160,842m^2, accommodating 2,214 flats, with a total PR of 4.64.

Essential Factors Considered in the Review

5. A comprehensive review has been undertaken by MTRCL in collaboration with PlanD and other relevant government bureaux and departments to improve the development schemes, with a view to achieving the following key objectives -

(a) Reduce the overall development bulk, introduce breezeways/visual corridors and adjust the building disposition so that air ventilation

and visual permeability will be enhanced for the surrounding developments;

(b) Introduce open space and other urban design measures such as recessed/stepped podium and urban window to improve the quality of the living environment;

(c) Maintain a reasonable amount of housing supply above railway stations to meet the community demand and encourage travel by rail, thereby relieving road traffic congestion and reducing environmental pollution, contributing to the strategic planning objective of sustainable development; and

(d) Strike a balance between reduction in development densities and optimum utilization of scarce land resource.

6. Scheme improvement options were developed with the aim to achieve the above-mentioned objectives having regard to a multitude of factors including specific site characteristics, technical feasibility and property enabling works already constructed. Opportunities for enhancement were investigated against various technical constraints to develop the recommended revised schemes.

Proposed Revised Scheme at WR Nam Cheong Station

7. Having regard to the objectives and factors as explained in paragraphs 5 and 6 above, we propose to delete one residential and one office tower in the approved scheme, thus reducing the total GFA by 66,493m^2 (see the plan of the proposed revised scheme at **Annex 2**). The major improvements of the proposed revised scheme are summarized as follows -

(a) Reduced GFA and plot ratio: The total GFA is reduced by 18% from 369,600m^2 to 303,107m^2; and the plot ratio is reduced from 8 to about 6.6. The number of residential units is reduced by 926 units (from 4,247 to 3,321) or 22% as compared with the approved scheme;

(b) Enhanced breezeway/visual corridor: With the deletion of two towers, two breezeways/visual corridors of about 28m (between T1 and T3)

and 30m (between T6 and T8) would be provided between the residential towers. The row of high-rise towers would be broken into three groups to help improve air ventilation and visual penetration especially for the nearby residential developments (see indicative image of proposed revised scheme at **Annex 5**);

(c) Lowered building height: The building height of the high-rise residential blocks would be reduced from 179.7mPD - 196.5mPD to 169.7mPD - 181.7mPD. Such reduction of about 10m to 14.8m would help mitigate the visual impact of the development;

(d) Reduced podium level: The podium bulk is reduced from 5-level to 3-level by the relocation of the proposed covered PTI in the approved scheme to combine with the existing temporary open-air PTI at the adjacent CDA Site 6 (see the site plan at **Annex 1**) and the accommodation of most of the parking spaces at the newly proposed 2-level basement carpark. Stepping down towards Sham Mong Road, the podium edge would be lowered by a significant 12m, thereby enhancing air circulation at street level and visual experience of pedestrians;

(e) Enhanced air ventilation: According to the air ventilation assessments conducted by MTRCL, introduction of breezeways and lowered podium would contribute to the improvement of wind performance in terms of velocity ratio at Fu Cheong Estate and Nam Cheong Estate by about 20% and 10% respectively as compared with the approved scheme; and

(f) Improved urban design: Introduction of a landscaped open plaza of about 1,000m^2 on ground level and stepped podium setback from Sham Mong Road will break the building mass of the podium and add community life at street level (see indicative image of the open plaza at **Annex 6**).

Proposed Revised Scheme at WR Yuen Long Station

8. As regards the Yuen Long development, having regard to the objectives and factors as explained in paragraphs 5 and 6 above, we propose to delete two residential blocks which are closest to the Sun Yuen Long

Centre (SYLC) in the approved scheme, one each at the northern and southern sites, thereby reducing the GFA by 24,480m^2 (see the plan of the proposed revised scheme at **Annex 4**). Major improvements of the proposed revised scheme are summarized as follows -

(a) Reduced GFA and plot ratio: The total GFA is reduced by 15% from 160,842m^2 to 136,362m^2; and the plot ratio is reduced from 4.64 to about 3.93. The number of residential units is reduced by 456 units (from 2,214 to 1,758) or about 21% as compared with the approved scheme;

(b) Enhanced breezeway/visual corridor: With the deletion of two residential towers, a breezeway/visual corridor of about 130m at the northern site (between T3 and T5) and two corridors of about 30m (between T6 and T8) and 18m (between T8 and T9) between the three towers at the southern site would be provided. These would help reduce the enclosing effect on SYLC (see indicative image of proposed revised scheme at **Annex 7**);

(c) Lowered building height: The building height would be reduced from 110.05mPD – 149.25mPD to 106.85mPD – 142.85mPD at the northern site, and from 160.5mPD – 174.5mPD to 158.5mPD – 167mPD at the southern site. Such reduction of about 3 to 10.9m would help mitigate the visual impact of the development;

(d) Reduced podium level: The southern podium has been lowered to about 11m below the podium of SYLC by taking out the entire parking floor in the approved scheme and replacing it by two levels of basement parking. The relocation of the PTI originally planned on the ground floor at the southern site would also help to lower the podium height and also spare space for an open plaza and community facilities;

(e) Enhanced air ventilation: According to the air ventilation assessments conducted by MTRCL, introduction of breezeways and lowered podium at the southern site would contribute to the improvement of wind performance in terms of velocity ratio at SYLC podium by 13% as compared with the approved scheme;

(f) Improved urban design: Introduction of an open plaza of about 1,200m^2 and an urban window of about 30m wide on ground level of the southern site would help improve air ventilation and landscape amenities (see indicative image of the open plaza at **Annex 8**); and

(g) Provision of G/IC facilities: About 1,600m^2 of GFA at the ground level of the southern podium would be reserved for community use. The actual use is subject to further discussion with relevant government departments.

9. Both the Administration and MTRCL have undertaken extensive and in-depth work in devising these alternative schemes. We believe a right balance has been struck taking account of the various objectives. It should be noted that residential developments above rail stations are an attractive and efficient source of housing supply, especially at the mass housing end of the property market. A total of 1,382 flats have already been forgone in the revised schemes.

The Next Step

10. The Government and MTRCL would proceed to consult the Sham Shui Po District Council and the Yuen Long District Council. After going through the consultation process, MTRCL will finalize the schemes and prepare the necessary documents for formal submission to the TPB, targeted in the first half of 2009. For the property development at WR Nam Cheong Station, it is anticipated that construction works will commence in around 2010 with full completion in around 2016. For the property development at WR Yuen Long Station, it is anticipated that construction works will commence in around 2011 with full completion in around 2016. These are tentative programmes which will be adjusted in light of the significance to stablise the property market as underlined by the Chief Executive in his 2008-09 Policy Address.

REVIEW OF OZPS

11. To deliver the policy objective of reducing development density where appropriate, PlanD has been reviewing the OZPs of various districts in a progressive manner and, where justified, revise the relevant planning

parameters to lower the development density. As reported in the Panel Paper CB(1)605/07-08(04), priority is given to areas with potential land sale sites, areas subject to high development or redevelopment pressure and areas of special setting and character (e.g. areas around Victoria Harbour and within view corridors to important ridgelines) which warrant particular attention.

12. To date, in contribution to this objective, PlanD has completed the review of 11 OZPs and part of two other OZPs, and incorporated building height and other development restrictions in appropriate land use zones. These OZPs cover the following areas: Yuen Long, North Point, Ho Man Tin, Ma Tau Kok, Wong Nai Chung, Hung Hom, Mid-Levels West, Tsim Sha Tsui, Quarry Bay, Tsz Wan Shan/Diamond Hill/San Po Kong, Shau Kei Wan, Cha Kwo Ling/Yau Tong/Lei Yue Mun (part), and Tseung Kwan O) (part). The review of 30 other OZPs will be undertaken to incorporate appropriate building height and other development restrictions progressively.

13. The focus of the above review of OZPs is confined mainly to the imposition of building height restrictions. A comprehensive review of the plot ratio control on OZPs has to be based on detailed assessment of the infrastructural capacity, particularly in respect of the impact on traffic, in addition to planning and urban design considerations. In view of the complexity of the task involved, it will be done at a later stage. PlanD would also review some of the land use zonings from time to time to meet changing circumstances.

14. In determining the development restrictions to be imposed on any OZP, the TPB will take into account all relevant planning considerations, including the existing topography, the general character of the area, the existing and planned building height profile, urban design, air ventilation, infrastructure capacity, private development rights, public aspirations, and the overall public interest. The OZP review is a time-consuming exercise as a number of statutory procedures have to apply and significant manpower resources are required to handle the representations and public comments. The exercise has generated diverse responses within the community. Each time when an OZP incorporating building height restrictions is published, a large number of representations, both objecting and supporting, are received from different sectors of the community. The divergent views mainly reflect the different aspirations and interests held by various stakeholders. The

general public, Legislative Council Members, District Council members, local residents and environmental concern groups who support building height restrictions express the need to protect the environment, preserve the existing local character and minimize the adverse visual and air ventilation impacts generated by excessively tall buildings. Some of them even request for more stringent building height controls and a reduction in plot ratio to achieve better results. On the other hand, there are views, mainly from developers and landowners, that it would adversely affect the redevelopment potential of their property and deprive them of their development rights. They contend that the imposition of height limits has introduced an element of uncertainty into the development process. It will also dampen landowners' willingness to invest in property development projects, and this could be detrimental to the economy particularly during the current economic downturn.

REVIEW OF DEVELOPMENT DENSITY IN LAND SALE SITES

15. Whilst the OZP review exercise governs land use of all sites regardless of ownership, we have made extra efforts in ensuring that Government sites for sale will not give rise to undue concern about their development density. Land sale sites included in the Application List have to comply with the land use zonings, planning intentions, development restrictions and other provisions (hereinafter called the requirements) as stipulated on the relevant OZP. When the 2008-09 Application List was announced on 29 February this year, we stressed that the Government had examined each site to be sold carefully and had specified (or would specify) in the Conditions for Sale appropriate development parameters like building height limits and maximum GFA or plot ratio. For some of the sites, where applicable, site coverage limits or non-building areas would also be prescribed. For instance, the slope areas of the 3-5 Ede Road site in Kowloon Tong have been excluded in the calculation of the permissible GFA, which helps to lower the development density substantially.

16. The Administration has also observed the Technical Circular on air ventilation assessment (AVA) issued in July 2006 in deciding whether to undertake AVA for individual land sale sites from the 2007-08 Application List onwards. Where necessary, we will conduct an AVA to assess the impact of the development on the pedestrian wind environment and include

the relevant restrictions in the Conditions of Sale of the land sale site to ensure that air ventilation in the surrounding area would not be adversely affected (see also paragraphs 27 to 29 below on AVA).

17. To date, PlanD had conducted or is conducting AVA in respect of 9 land sale sites in accordance with the above-mentioned Technical Circular on AVA and any appropriate development restrictions arising from such assessments would be incorporated in the Conditions of Sale. For example, based on the recommendations of the Hung Hom District Study, on which the local and public at large had been widely consulted, development intensities for the land sale sites zoned "CDA(1)", "CDA(2)" and "R(A)2" at Hung Luen Road, Hung Hom were reduced. These measures would help to ensure that the future development of land sale sites would not cause adverse visual and air ventilation impacts on the surrounding areas.

18. The Conditions of Sale of the land sale sites in the Application List, when available, are uploaded onto the Lands Department (LandsD)'s website. To help address the community's rising concerns over development density and promote a quality living environment, the above-mentioned practice would continue in respect of the 2009-10 and future Application Lists.

REDEVELOPMENT OF PRIVATE LOTS

19. Redevelopment of private lots has to comply with the requirements of the relevant OZP or planning approvals given by the TPB. In cases where lease modifications/land exchanges are necessary to accommodate the redevelopment proposal, lease modifications/land exchanges are considered on a case-by-case basis and are subject to Government approval.

20. In processing applications for lease modifications/land exchanges, the Lands Department (LandsD) will circulate the application to PlanD and other relevant departments for comments. Departments concerned will review the site particulars to ensure that the proposed lease modifications/land exchanges will comply with the requirements of the relevant OZP or planning approvals given by the TPB. Appropriate development parameters, such as maximum GFA or plot ratio, building height, site coverage, non-building areas, etc. will be included, as appropriate, in the modified or new lease to reflect the planning intentions for the sites

concerned.

21. Where the land lease contains no development restrictions, e.g. old lease which is virtually unrestricted, the development density of such site would still be subject to the requirements of the relevant OZP, say any plot ratio restrictions stipulated therein. Even if the OZP concerned does not at present contain control on development restrictions, development on private land is in any event subject to the First Schedule to the Buildings (Planning) Regulations of the Building Ordinance which specifies the maximum plot ratios and site coverage permitted for domestic and non-domestic buildings in relation to building heights.

HARBOURFRONT SITES AND RAILWAY PROPERTY DEVELOPMENT SITES

22. Regarding the harbourfront sites, building height and other development restrictions have been incorporated into the OZPs, which cover the urban areas on both sides of the harbour, including North Point, Quarry Bay, Tsim Sha Tsui, Hung Hom, and Cha Kwo Ling/Yau Tong & Lei Yue Mun, Kai Tak, Kowloon Bay, Kwun Tong (South), South West Kowloon and Shau Kei Wan.

23. Railway development schemes are required to meet the statutory requirements applicable to private developments including the development restrictions imposed by the relevant OZPs or planning approvals given by the TPB. Railway developments are also required to comply with the lease conditions and provisions of the Buildings Ordinance.

24. For existing projects with approved planning schemes, they should be allowed to proceed. Projects without approved planning schemes (including new railway extensions) will be planned and designed following the latest planning standards and design guidelines, including the undertaking of air ventilation assessments where required.

25. All amendments to the OZPs including the imposition of development restrictions would be exhibited for public inspection under Town Planning Ordinance (TPO). The public comments received will be processed by the TPB in accordance with the TPO. All stakeholders have

the chance to express their views on the proposed development restrictions.

26. For significant sites and comprehensive development sites, e.g. the ex-Government Supplies Depot at Oil Street, North Point and property development above railway stations, planning briefs are prepared to guide the future development. Depending on the zoning on the OZPs, TPB approval of the proposed development schemes may be required under the TPO. For these development schemes or other applications for planning approval, the public would have the opportunity to make comments on the development schemes submitted. Their views will be submitted together with the development schemes to the TPB for consideration.

AIR VENTILATION ASSESSMENT

27. The types of projects requiring AVA are set out in the Technical Circular on AVA promulgated in July 2006 to demonstrate the Administration's initiative to take the lead in undertaking AVAs in the planning of major projects. The Technical Circular can be accessed on the webpage of DevB (http://www.devb-plb.gov.hk/eng/circulars/index.htm).

28. Government departments/bureaux responsible for major government projects, planning studies for new development areas and comprehensive redevelopment areas, preparation of new town plans and major revision to town plans will conduct AVA where necessary according to the Technical Circular. AVAs are also conducted for individual sale sites in accordance with the requirements set out in the Technical Circular. We also encourage quasi-government organizations, such as URA, and the private sector to apply AVA to their projects. For sites zoned CDA, AVA may be imposed as a requirement as part of the MLP submission subject to approval by the TPB. For other sites where planning permission is required, AVA may be required as an approval condition.

29. We understand that Members are also concerned about the formulation of air ventilation standards. The formulation of wind standards for urban air ventilation in Hong Kong and refinement of the AVA system are being examined as part of the on-going Feasibility Study on Urban Climatic Map and Standards for Wind Environment (the Study) managed by PlanD. Technical studies including field studies, part of the benchmarking studies of

different wind environment in Hong Kong, urban thermal comfort user survey studies, draft urban climatic analysis map, etc. have been completed. These will provide a scientific and objective basis for the further work on the formulation of the pedestrian wind standard and refinement of the AVA system.

SUSTAINABLE BUILT ENVIRONMENT

30. As mentioned by the Secretary for Development on initiatives of DevB in this year's Policy Address and Policy Agenda on 22 October 2008 (vide the Panel Paper CB(1)55/08-09(01)), we will soon consult the public on measures to foster a quality and sustainable built environment. We are committed to addressing public concerns over building bulk and height on one hand and the benefits of having green and sustainable building features, building design and building standard on the other. The Government departments concerned have reviewed in detail the present arrangements for the provision of green building features as well as the need for a cap on the gross floor area (GFA) concessions granted under the Buildings Ordinance. We have conducted a number of surveys and studies to assess the effectiveness of the existing GFA concessions and to gauge public views on policies on green features. We have also commissioned a consultancy study to advise on sustainable building design features that would enhance the urban living space environment.

31. As the subjects are complex and have wide ranging implications on Hong Kong's built environment, we consider it necessary to engage the public before introducing any changes. The Council for Sustainable Development Council has agreed to collaborate with us to conduct a public engagement process to identify the preferred options. We are working with the Council on the preparatory work with a view to launching the territory-wide engagement in early 2009. We shall keep the Panel informed of our progress.

32. As a preliminary outline, the engagement exercise would cover the following fundamental questions –

(a) how can we resolve the apparent contradiction between extra GFA as incentives for provision of essential, green and amenity features in

buildings and public concerns about building height and bulk giving risk to environmental and visual problems?

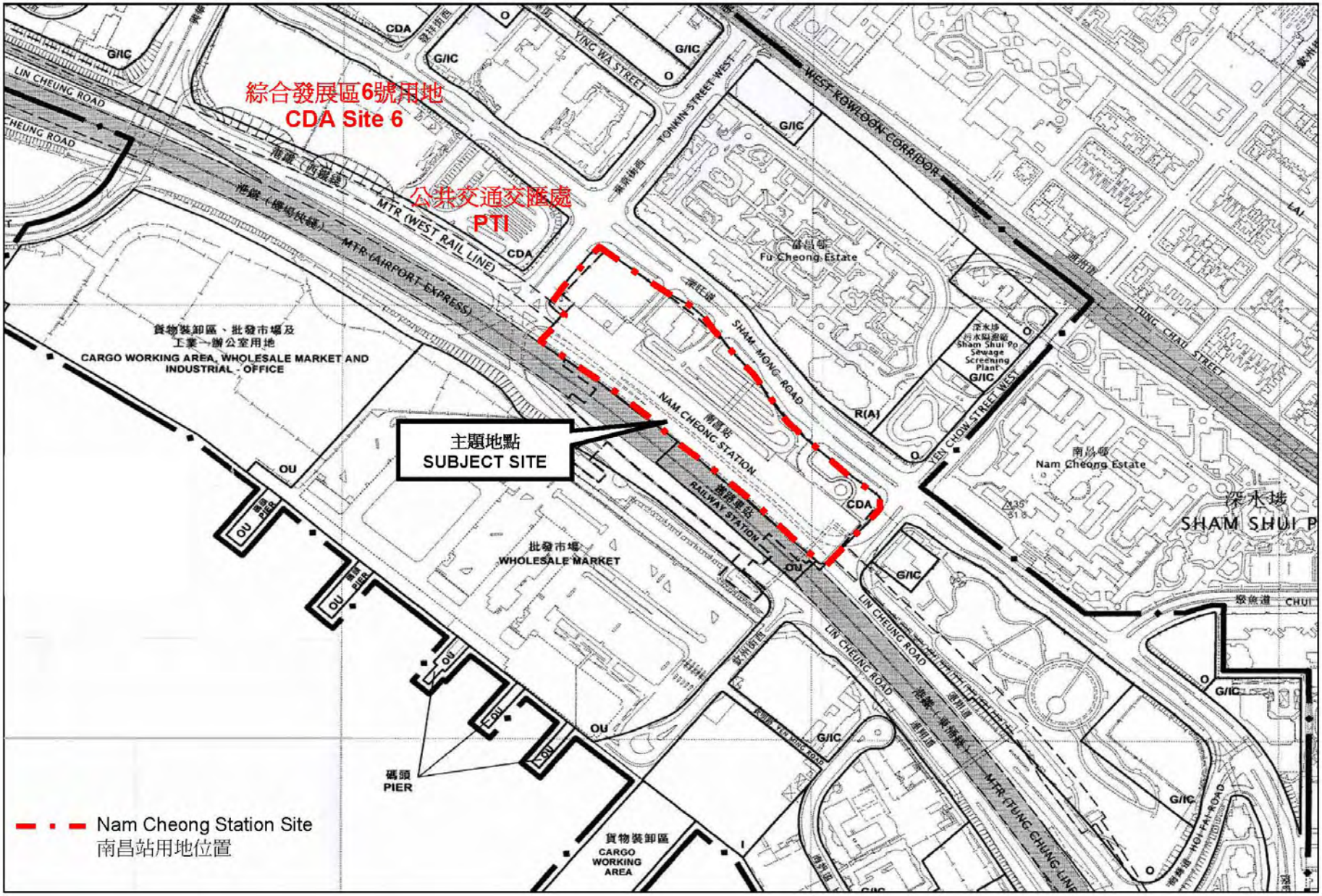
(b) should enhanced standards for green, sustainable and energy efficient buildings be made mandatory requirements? If yes, how could these be applied to new and existing buildings? If not, what measures or incentives should be adopted to promote the adoption of such standards?

(c) while greater sustainability in buildings may mean a higher capital cost, how can wider appreciation and support for such buildings be promoted in the building industry and among the general public?

ADVICE SOUGHT

33. Members are invited to give views on this paper.

Development Bureau
November 2008



南昌站用地位置圖

(取自西南九龍分區計劃大綱草圖編號S/K20/21)
(Extracted from Draft South West Kowloon OZP No. S/K20/21)

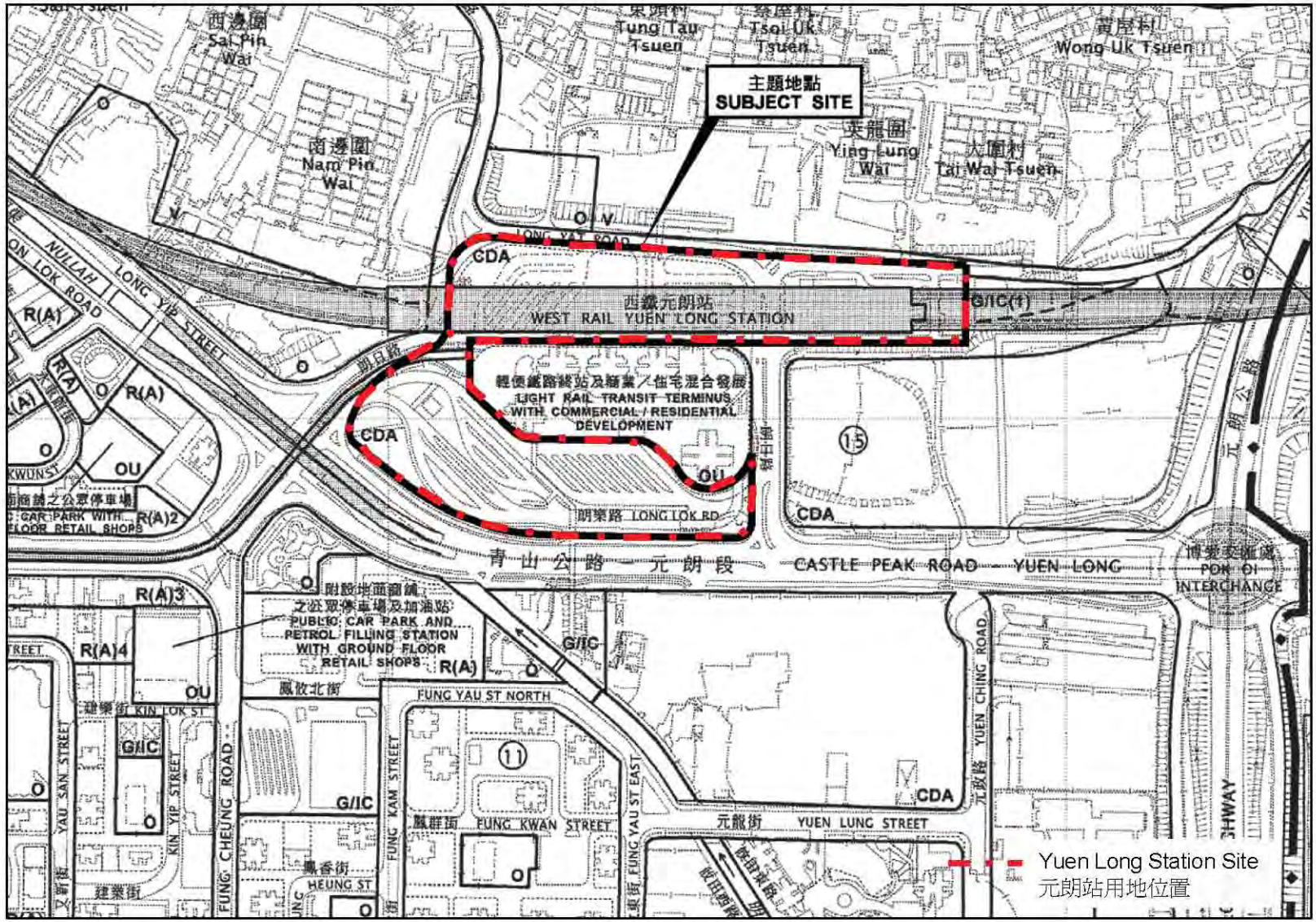
Nam Cheong Station Site – Site Plan

已批核方案 Approved Scheme

建議修訂方案 Proposed Revised Scheme

南昌站用地已批核方案與建議修訂方案

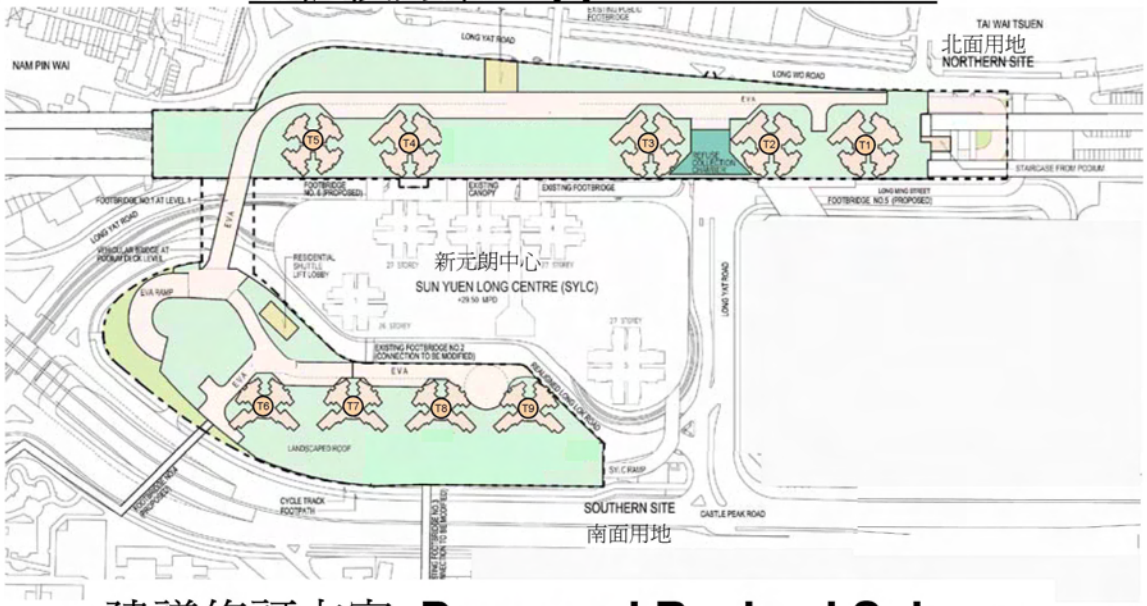
Nam Cheong Station Site – Approved Scheme and Proposed Revised Scheme



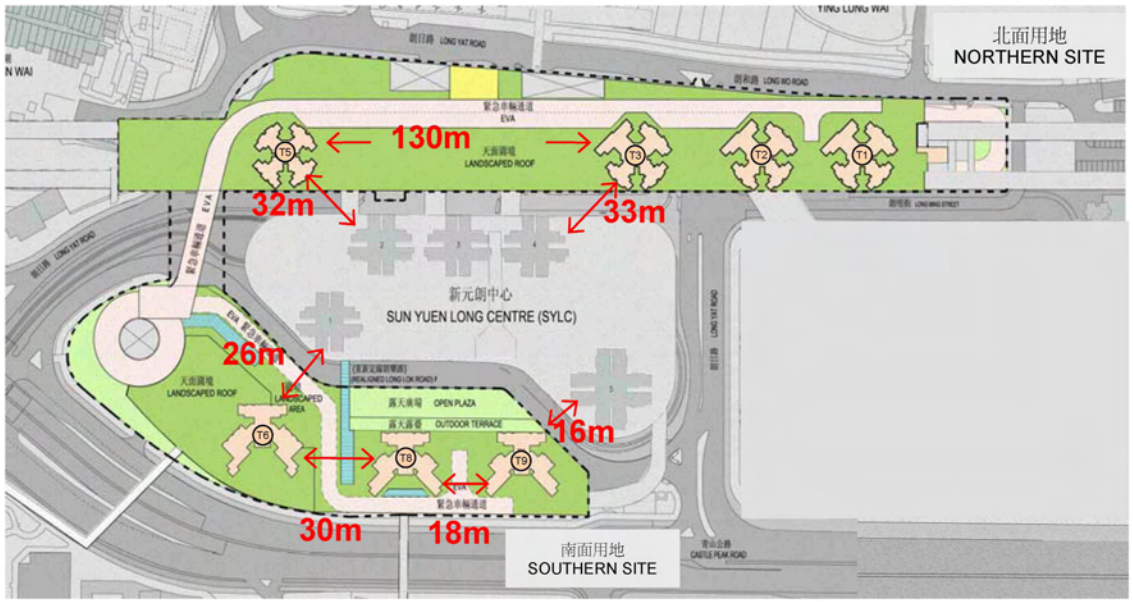
(取自元朗分區計劃大綱核准圖編號S/YL/18)
(Extracted from Approved Yuen Long OZP No. S/YL/18)

元朗站用地位置圖
Yuen Long Station Site – Site Plan

已批核方案 **Approved Scheme**



建議修訂方案 **Proposed Revised Scheme**



元朗站用地已批核方案與建議修訂方案

Yuen Long Station Site – Approved Scheme and Proposed Revised Scheme

南昌站用地建議修訂方案示意圖

Nam Cheong Station Site – Indicative Image of Proposed Revised Scheme

已批核方案
Approved Scheme

建議修訂方案
Proposed Revised Scheme

南昌站用地建議修訂方案的露天廣場示意圖 (從深旺道望)
Nam Cheong Station Site – Indicative Image of the Open Plaza in the Proposed Revised Scheme (Viewed from Sham Mong Road)

北面用地 Northern Site

已批核樓宇高度
Approved Building Height

南面用地 Southern Site

元朗站用地建議修訂方案示意圖

Yuen Long Station Site – Indicative Image of Proposed Revised Scheme

已批核方案
Approved Scheme

建議修訂方案
Proposed Revised Scheme

元朗站用地建議修訂方案中南面用地內的露天廣場示意圖
Yuen Long Station Site – Indicative Image of Open Plaza on Southern Site in the Proposed Revised Scheme