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HKIA	
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23 January 2009

By Fax & PostFax No. 25196011/
25193364Ms. Anna Kwong
President
The Hong Kong Institute of Architects
19th Floor, One Hysan Avenue
Causeway Bay
Hong KongDear *Anna*,**A Position Paper by the HKIA on the Current Building Height Control Mechanism imposed by the recent Amendment of OZP**

Thank you for sharing with me, in your letter of 13 November 2008, HKIA's concern on the building height control imposed in the recent amendments of the OZP.

The main objective of imposing building height restrictions on the OZPs is to regulate the height profile of our built environment with a view to improving the townscape of our city. It meets the public aspirations for a better living environment, while providing clarity and certainty to professionals and developers on the development parameters.

The building height reviews have taken due consideration of relevant urban design principles set out in the Urban Design Guidelines in the Hong Kong Planning Standards and Guidelines and the Harbour Planning Principles/Guidelines which have been subject to extensive public consultation. Relevant planning and design analysis including air ventilation assessment and 3D visualization techniques have been employed in formulating the building height restrictions. There is provision in the OZPs for application for minor relaxation of building height restriction for development/redevelopment with design merits/ planning gains. The criteria for consideration of such relaxation to allow flexibility are set out in the Explanatory Statement of the relevant OZPs. Details of our response are set out in the attached annex.

我們的理想：「透過規劃工作，使香港成為世界知名的國際都市。」

Our Vision: "We plan to make Hong Kong an international city of world prominence."



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I trust HKIA will share our common objective of improving our townscape, and the quality of the built environment. I will be happy to meet with you or your representatives to further discuss the matter.

Wishing you and your Members a healthy and prosperous year of the Ox.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ava S.Y. Ng', written in a cursive style.

(Mrs. Ava S.Y. Ng)
Director of Planning

**Response to Key Points raised in HKIA's Position Paper on the
Current Building Height Control Mechanism imposed by the
Recent Amendment of OZP**

- 1. Our present building height control policy as manifested by the recent OZP amendments initiated by the Government is convoluted with administrative considerations. The current policy to amend building height limit without any corresponding review on building density as well as other balancing factors is not conducive to wholesome urban solutions and hampering our Government's vision to develop Hong Kong into a world class city of the 21st century.**

Although the current OZP review exercise focuses mainly on imposing building height restrictions, Planning Department (PlanD) has also taken the opportunity to review some of the land use zonings covered by the OZPs and, if considered necessary, proposed the addition of development restrictions to some of the land use zones to meet the needs of the different districts. A comprehensive review on plot ratio control has to be based on detailed assessment of the infrastructural capacity, particularly the traffic aspect, in addition to various planning and urban design considerations. In view of the magnitude of the tasks involved, it has to be done at a later stage for OZPs without plot ratio restrictions.

- 2. Lowering/restricting building height limits without a comprehensive urban design review and assessment of the urban area in particular on density. Such kind of singular consideration focused solely on building height could result in more "Wall Effect", or even "Jungle Effect", at pedestrian and low levels.**

All building height reviews have taken due consideration of relevant urban design principles and the resultant impacts on townscape by reference to the Urban Design Guidelines in Hong Kong Planning Standards and Guidelines (HKPSG), the Harbour Planning Principles

and Guidelines and testing of building heights using 3D visualization techniques. As a matter of principle, the reviews have ensured that the building heights will not result in loss of existing plot ratios. Wall effect is not necessarily due to tall or low buildings, it is the appearance of congestion created by the design and spacing of buildings. Factors contributing to wall effect could also be site geometry, building geometry, building width, building coverage, underground utility constraints, exposure to traffic noise or pollutant sources, choice of views, etc. Low plot ratio and low building height can still create wall buildings, as it is a common trend to align buildings to maximize the best views to certain direction for higher property values. A 15m high and 100% site covered podium permissible normally under Building (Planning) Regulation (B(P)R) can give wall effect when viewed at pedestrian level irrespective of whether there is any plot ratio control or building height control for the site.

- 3. It was a shock to the professionals to learn the PlanD's concept presented that lower building heights is equivalent to sustainable design.**

PlanD has not equated lower building heights to sustainable design nor made any statement that taller buildings make bad microclimate. The air ventilation effects of buildings are more related to building volumes and have to be tested three-dimensionally rather than based on building height alone, having regard to wind information, surrounding building conditions, openness and topography. For better understanding of these effects, PlanD has employed consultants to carry out Air Ventilation Assessments (AVAs) in a number of building height reviews. "Tall" or "low" are relative concept, it has to be assessed in the context where a building stands, having regard to the surrounding developments and redevelopments as sustainability has to take care of the future generation.

- 4. Lack of detailed scientific and analytical assessment on the setting of arbitrary height restrictions in the recent OZP amendments.**

The VIA and the vantage points chosen for consideration of the ridgeline preservations are totally arbitrary at present.

AVAs and 3D visualization techniques have been employed to assist building height reviews. The vantage points adopted in the analysis of building heights for ridgeline preservation are not arbitrary. The rationale for selection and locations were extensively discussed and well supported during the public consultation of the Study on Urban Design Guidelines for Hong Kong. The vantage points are documented in the Urban Design Guidelines in Chapter 11 of the HKPSG promulgated to the public in November 2003. In essence, vantage points were selected primarily based on their popularity, public accessibility, potential for integration with existing or planned public open spaces or promenade, visibility and availability of views to ridgelines or harbour worthy to be preserved, etc. We agreed that urban design issues are value laden and that was why we had undertaken a lengthy consultation process on the Urban Design Guidelines.

5. Stepped city skyline: TPB/PlanD are literally repeating the Tsim Sha Tsui East phenomena all over Hong Kong.

The urban design concepts of stepping building heights from waterfront to inland areas for greater visual permeability of preserving views to ridgelines and harbour have not been applied and implemented rigidly. They have taken into account permissible plot ratios, land uses, neighbourhood character, local topography, heritage, open spaces, distances to sea and ridgelines, breezeways, visual corridors, existing, committed and planned developments, etc. The citing of Tsim Sha Tsui East as an example of monotonous building form is not valid. The existing height profile of Tsim Sha Tsui is largely a result of the previous airport height restrictions based on aviation safety, rather than based on stepping urban design concepts. The emergency of some excessively tall buildings or sore thumb developments which are subjects of severe public criticism after expiry of airport height restrictions in Kowloon is a result of lack of building height controls on OZP.

It is indeed also our belief that an interesting townscape is created by an orchestration of varying building masses with visual punctuations, rhythms, highlights, district identifications and provision of view corridors. On the Wong Nai Chung OZP, for example, PlanD has recognized the unique local character of low- and medium-rise residential buildings and strong expression of a residential neighbourhood in imposing the building height restrictions. Consideration of the local topography and setting are particularly important in areas of undulating terrain, such as the Mid-levels West where various height bands have been imposed.

Apart from the stepped height concept, other mechanisms have been introduced to allow variation in the height profile. One of these is the two-tier system which has been applied on some "R(A)" sites in areas such as Shau Kei Wan, Tsz Wan Shan/Diamond Hill/San Po Kong, Ma Tau Kok and Hung Hom. Under the two-tier system, the building height restriction is relaxed for sites with an area of 400m² or more to cater for site amalgamation and the need to accommodate on-site parking facilities, thus allowing for variation even within the same height band.

The building heights on OZPs are only the maximum and there are still flexibilities for the architects to vary the building heights below the maximum. The provision to allow planning application for minor relaxation of building height also provides flexibility and incentive for development with design merits/planning gains.

6. The current revised OZP amendments have deprived the G/IC Stakeholders for any possible improvement, alterations and addition and/or redevelopment in their GIC Sites.

There is a need to generally retain the existing heights of the "G/IC" zones which function as breathing space in the densely built-up area and to ensure their compatibility with the local character. Lower building heights of G/IC zones would not only allow visual breaks between the taller buildings but also mark their own civic and neighbourhood identity. The development potential of G/IC zones

should not be maximized to the full as in the case of commercial development as the G/IC zones are not intended for commercially driven uses but to meet the genuine demand of the planned population for various designated G/IC uses.

The current approach is generally to impose building height restrictions for "G/IC" sites to reflect their existing building heights on the OZP. Consideration has also been given to the redevelopment proposals known to and supported by relevant bureaux and departments, and the functional floor space requirements of the intended uses, and planning and urban design considerations. In considering the building height restrictions for the DBS and KGV schools in Ho Man Tin, for example, the TPB, after taking into account the redevelopment proposals presented by the representers, decided to partially uphold the representations and make amendments to the draft OZP to relax the building height restrictions for the two schools.

For those "G/IC" sites without known redevelopment proposals for the time being, the concerned parties may, in future, apply for relaxation of building height restrictions through s.16 or s.12A of the Town Planning Ordinance (TPO) to meet their redevelopment need. If there is policy support for the proposed G/IC uses, PlanD may also propose the necessary amendment to the OZP for agreement by the TPB and publish the amendment under s.7 of the TPO for public inspection.

- 7. The suggested administration procedures to modify the regimental height control and through applications to TPB is conceptually questionable and not realistic – It would be equally arbitrary for each application if there is no established principles.**

A minor relaxation clause of building height restrictions has been incorporated into the Notes of the OZPs to provide flexibility for development/redevelopment with design merits/planning gains. There are statutory procedures allowing an applicant to submit a planning application for minor relaxation of building height

restriction under s.16 of the TPO. Each application will be considered on its own merits by the TPB within two months, and the relevant criteria for consideration of such relaxation are set out in the Explanatory Statement of the relevant OZP, including amalgamation of small sites for achieving better urban design and local area improvement; providing better streetscape/good quality street level public urban space; providing separation between buildings to enhance air ventilation and visual permeability; providing a pronounced height profile in areas of sloping sites, etc. Application for amendment to the OZP under s.12A of the TPO could also be made to meet development/redevelopment need could also be made.

8. With the promotion of "World-class City", there is need for Hong Kong to appreciate and promote respective world-class quality city living with quality urban space, which involves the following aspects:

- **Less incentive for footpath, open space dedicated to public and causing poorer urban spatial quality on pedestrian levels**

PlanD does not see building height control should have any effect on the said incentives which are still permissible under Buildings Ordinance and minor building height relaxation for such incentives have been favourably approved in many cases in the past. PlanD's assumptions in working out the building heights for OZP control have actually made allowance for additional GFA which can possibly be gained by concession. Without abolishing the 100% ground floor podium, street level setback and improvement are not guaranteed even when there is no statutory height control. Conversely, with good site planning, the architects can still achieve good quality street level space with statutory height control. Setbacks have been introduced recently in some amended OZPs to achieve a better pedestrian environment.

- **Need for flexibility in floor to floor height control vs. unnecessary irrelevant control on floor to floor heights by PlanD**

In undertaking the building height review, PlanD has exercised much flexibility in the assumptions of floor to floor height. A range of floor heights, which are much more than the existing B(P)R requiring only 2.5m for office or habitation, are adopted by PlanD in working out the notional building heights for OZP. Variation of the floor height assumption has also been adopted to take into account the local characteristics of individual areas. For instance, for low-density high-class residential developments where flats are more spacious, a taller floor height would be appropriate, whereas for residential development in densely built up areas where flats are very small, a tall floor height will be out of proportion to the small flat unit size. In general, PlanD's concern is mainly on the overall building height rather than the floor to floor height.