Building Height Restrictions for Wong Chuk Hang Business Area
Public Consultation Report
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Appendix A1 List of Public Forum Invitees
Appendix A2 Attendance List of Public Forum
Appendix B List of Written Submissions
Appendix C Summary of Comments and Responses
1. INTRODUCTION

1.1 At present, the Wong Chuk Hang Business Area (WCHBA) is predominantly industrial in nature. Subsequent to the rezoning of the Wong Chuk Hang Industrial Area from “Industrial” to “Other Specified Uses” annotated “Business” (“OU(Business)”) in 2001, the area is undergoing gradual transformation towards less polluted and cleaner business uses.

1.2 Up to March 2006, there are a total of 10 hotel projects approved by the Town Planning Board (TPB) in WCHBA. The considerable development pressure in Wong Chuk Hang for high-rise hotel and commercial uses is evident. There is a need to formulate building height control to ensure that the transformation would not result in negative impacts on the visual quality of the area.

1.3 In mid-2005, Planning Department (PlanD) completed the “Study on Building Height Restrictions for the WCHBA” (the Study) and the findings were submitted to the TPB for consideration. On 24 June 2005, after examining the findings of the Study, TPB agreed to impose building height restrictions in WCHBA and requested PlanD to carry out public consultation to gauge public views on the proposed height restrictions prior to their incorporation into the Aberdeen & Ap Lei Chau OZP. A set of Town Planning Board Guidelines for interim building height restrictions was promulgated on the same day to provide guidance for consideration of developments before amendments are made to the OZP.

1.4 The public consultation exercise for the proposed building height restrictions was undertaken from 15 September 2005 to 15 November 2005. This document summarizes the views expressed by the public at the consultation meetings, public forum and written submissions together with our responses.

Plan 1 Recommended Building Height Restrictions for Wong Chuk Hang Business Area
2. PUBLIC CONSULTATION

2.1 Public Consultation Digest

In the bilingual Public Consultation Digest issued in September 2005, the general principles in setting the height restrictions, main features of the building height concept and the proposed building height restrictions for the WCHBA were outlined. 800 copies of the Digest were made available to the public. In addition, PlanD had also prepared two 3-dimensional “fly-through” assessment computer models at both bird-eye and street level views to illustrate the possible building height profile in the WCHBA and its surrounding area upon the imposition of the proposed building height restrictions. Both the Public Consultation Digest and the “fly-through” assessments were available for the public to view (for both digest and “fly-through” assessment) and download (for digest only) through the website of PlanD.

2.2 Public Forum

2.2.1 On 15 October 2005, a public forum (conducted in Cantonese with simultaneous interpretation in English) was held from 9:30 a.m. to 12:00 p.m. at the function room of Hong Kong Academy of Medicine in Wong Chuk Hang. The forum was chaired by the Assistant Director of Planning/Metro & Urban Renewal with the District Planning Officer/Hong Kong and Chief Town Planner /Urban Design and Landscape of the PlanD to answer questions raised by the participants of the forum.

2.2.2 Extensive invitations for attending the public forum were sent to the concerned parties, including the Legislative Council Members (Geographical Constituency – Hong Kong Island & Functional Constituency – Architectural, Surveying and Planning), Town Planning Board Members, Southern District Council Members, professional institutions, academics, local organizations, green groups, relevant owners’ committees, owners’ corporations and local stakeholders of the WCHBA. The invitation list is attached at Appendix A1. In addition, notice for
the public forum was published in three Chinese newspapers (Ming Pao, Hong Kong Economic Times and Hong Kong Economic Journal) and one local English newspaper (The Standards) on 14 October 2005.

2.2.3 20 people attended the public forum, including the pre-registered and walk-in participants (The attendance list is attached at Appendix A2). The attendants were arranged to present their views on the proposed building height restrictions for the WCHBA.

2.3 Consultation with Advisory Bodies

The proposed building height restrictions for the WCHBA were also presented to the following advisory bodies for consultation:

- Southern District Council (SDC) (15.9.2005)
- Wong Chuk Hang and Stanley Area Committee (WCHAC) (16.9.2005)
- Planning Sub-committee of the Land and Building Advisory Committee (PSC of LBAC) (26.10.2005)

2.4 Written Submissions

A total of 19 written submissions were received during the consultation period. A list of these submissions is at Appendix II. They could be broadly classified into the following categories:

<table>
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<th>Categories</th>
<th>No. of Submissions</th>
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<tbody>
<tr>
<td>Professional Institutions</td>
<td>4</td>
</tr>
<tr>
<td>Academics</td>
<td>1</td>
</tr>
<tr>
<td>Developers and Related Business Associations</td>
<td>8</td>
</tr>
<tr>
<td>Individuals</td>
<td>5</td>
</tr>
<tr>
<td>Local Groups</td>
<td>1</td>
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<td><strong>Total</strong></td>
<td><strong>19</strong></td>
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2.5 Overall Public Responses

Apart from the public forum held on 15 October 2005, PlanD made presentation to the SDC, WCHAC and PSC of LBAC during the public consultation period. The public consultation exercise also received wide media coverage, including 10 press reports after a set of guidelines for interim building height control in the WCHBA was promulgated by the TPB on 24 June 2005. In addition, a dedicated website for the public consultation was set up. There were more than 4254 “hits” over the consultation period. In this consultation exercise, a lot of constructive and valuable views and comments were received.

3. SUMMARY OF PUBLIC COMMENTS AND GOVERNMENT’S RESPONSES

3.1 Need of statutory building height control

Public Comments

3.1.1 The public views received are diverse. The advisory bodies represented by SDC, WCHAC, the professional institutes supported in-principle the imposition of statutory building height control in the WCHBA so as to reduce visual impacts especially when viewed from the Aberdeen Country Park and the Aberdeen Harbour, to reinforce the intrinsic character and natural attributes of the wider district of Wong Chuk Hang and Aberdeen as a whole, to enhance urban design, and to avoid attracting taller and taller buildings. In the local context, most of the individual members of the general public are in support of the proposed building height control in WCHBA. Some of them consider that a more stringent restriction should be imposed to further reduce the building height of this area.

3.1.2 On the other hand, comments from the landowners/property developers and other stakeholders are generally against the imposition of building height restrictions in the WCHBA. Most of them consider that the existing mechanism through planning application and lease modification is an effective measure in controlling the building height of the potential redevelopment, and there is no need to impose the building height
control. In addition, there are comments that the WCHBA is far away from Victoria Harbour and there is no ridgeline to protect. Some of them also comment that view from Aberdeen Country Park may not be obstructed at vantage points other than those used in the study.

**Government’s Responses**

3.1.3 Most of the land in WCHBA has been rezoned to “OU(Business)” since 2001. The rezoning is intended to promote a facelift of the physical fabric of the area through transformation towards a more business oriented character in response to pressure for maximizing development potential. Up to March 2006, there are a total of 10 hotel projects approved by the TPB in WCHBA. The considerable development pressure in Wong Chuk Hang for high-rise hotel and commercial uses is evident. There is a need to formulate building height control to ensure that such transformation would not result in negative impact on the visual quality of the area, taking into account its local character.

3.1.4 The WCHBA is located to the immediate south of the Aberdeen Country Park which provides a green & natural hillside backdrop to the area. It is necessary to preserve public view to the peaks & mountain backdrops against building encroachments.

3.1.5 The principal objective for height control in WCHBA is to reinforce the intrinsic character and natural attributes of the Wong Chuk Hang and Aberdeen as a whole while allowing design flexibility for a commercial building without depriving development potential.

3.1.6 Past experience has proven that it is unsatisfactory to rely solely on administrative measures to control building heights, the stipulation of height limits on OZP is largely considered as a more effective measure to regulate the height profile of our built-environment. Without the building height control, high buildings may proliferate at random locations and be out of context in the locality, resulting in negative visual impacts on the visual quality of the area.
3.2 Impacts of Building Height Restrictions

Public Comments
3.2.1 Building height restrictions will give rise to the following problems:

(a) encourage higher site coverage in order to fully utilize the maximum site coverage thus leaving no public space at ground floor for amenity or landscape purposes;

(b) will result in monotonous, lower and wider built-form of identical height in the Wong Chuk Hang area;

(c) building closely packed together with little or no breathing space, leading to poor air quality pollution problem with no ventilation gap at street level. Height increase in both sides of Wong Chuk Hang Road would lead to high building height and street width ratio;

(d) accentuate a wall effect and creating a canyon along Wong Chuk Hang Road, thereby obscuring views and natural lighting and breezeways for ventilation;

(e) reduce opportunities of green features and podium atriums;

(f) undermine development potential, given that most of the sites in WCHBA are small and the need to fulfill parking and loading requirements; and

(g) curtail design flexibility.

3.2.2 Some consultees indicate that the 120mPD to 140mPD is too relaxed and are not adequate to protect the views from Aberdeen Country Park and Jumbo Floating Restaurant. Some consultees suggest adopting a more stringent restrictions (say 100mPD or below) to tie in with the existing height profile in the area. Nevertheless, there are also other suggestions to relax the height bands 145mPD and 170mPD respectively making reference to the maximum height of 145mPD for the adjoining sale site at Welfare Road, the height of the mountain backdrop at
Bennet’s Hill (about 214mPD) and the heights of several hotel proposals in WCHBA that have already exceeded 120mPD or 140mPD.

3.2.3 There is a general support to more stringent building height limits for G/IC & utility sites within the WCHBA for provision of visual relief and breathing space. However, some consultees have doubts in the effectiveness of improving the overall environment of the area by reducing the building height at these small sites. They are also concerned whether such low building height could provide sufficient floor areas for G/IC uses in future redevelopment.

Government’s Responses

3.2.4 Site coverage is a function of many variables including typical floor use, functional layout area, site area, location, configuration, and street frontage etc. Building height is only one of these variables. In general, regardless of whether there is building height restriction, non-domestic buildings will mostly be built up to the permitted site coverage under the Buildings Ordinance (60% or 65% for a non-domestic buildings of height over 61m) because from a building design point of view, lower site coverage may lead to inefficient use of floor spaces.

3.2.5 There are different views on the building height restrictions for WCHBA in the public consultation period. These views are largely a reflection of the affected parties’ interests and are sometimes conflicting. However, it should be noted that the proposed height bands have balanced a number of considerations including development entitlement, land uses, committed developments, discernible townscape, local setting, topography, visual impact, etc. Further relaxing the building height limit beyond 140mPD would adversely affect the visual impacts especially when viewed from the selected vantage points at the Aberdeen Channel and the Aberdeen Country Park. On the other hand, the proposed development may not be able to achieve the permissible non-domestic plot ratio under the Building (Planning) Regulations if the building height limit is further reduced to 100mPD or below. A building height of 120mPD provides a reasonable benchmark for considering the minimum building height necessary for a commercial building without depriving the development potential. Having said that, the applications for minor relaxation of the proposed building height restrictions for
individual developments with merits could be considered by the TPB.

3.2.6 The TPB considered that the two height bands proposed should provide a more interesting townscape in the area. Besides, the provision for minor relaxation of the building height restrictions in the Notes of the OZP based on individual merits would help encourage the developers to put forward proposals to justify the planning and design merits. Hence, there would be variation in the overall building height profile for the area in future.

3.2.7 More stringent building height restrictions on the G/IC and utility sites are recommended to maintain visual relief and provide breathing space within the high-density environment of WCHBA while meeting their operational needs. The height restrictions will also enhance the variation on the overall building height profile. Regarding the concerns that the building height limit imposed may hinder future redevelopment of the G/IC sites, minor relaxation of the building height restrictions for the G/IC and utility sites would be considered at individual merits on application to the TPB, should there be a change in their operational requirements.

3.2.8 For some developments in WCHBA, a setback requirement of 3.5m from Wong Chuk Hang Road and a 3m from Heung Yip Road and Yip Kan Street were already in place, which could help improve the local streetscape in WCHBA. In addition, the setback requirement from site boundary is also one of the planning conditions imposed when granting planning approval for hotel schemes in WCHBA recently.

3.3 Stepped Height Profile

Public Comments

3.3.1 Majority of the consultees have no objection to the proposed stepped height profile for the area. However, some express that the 20m difference in the height control as only separated by one street may not be visible from different viewpoints and also not able to form a distinguishable stepped height profile.

3.3.2 In order to preserve the green, visual and ventilation corridor running
across the western part of the WCHBA, some suggest setting the stepped height profile descending from east to west along Wong Chuk Hang Road instead of north to south from hillside towards waterfront.

Government’s Responses

3.3.3 At the meeting on 24 June 2005, the TPB agreed that two height bands of 140mPD and 120mPD should be recommended for the areas to the north and south of Wong Chuk Hang Road respectively so as to achieve a stepped height profile and a more discernible townscape. Given that the public views towards building height restrictions are polarized, it is considered that there is no strong justification to depart from the intention of introducing two height bands of 120mPD and 140mPD for WCHBA.

3.3.4 Regarding the suggestion on the setting of the stepped height profile descending from east to west along Wong Chuk Hang Road instead of from north to south as currently proposed, it should be noted that several hotel proposals with building heights ranging from 121mPD to 139mPD at the western edge of the WCHBA have already obtained planning approval and similar suggestion has been considered by the Committee on 24 June 2005. It may not be meaningful to impose a lower building height restriction on the western side of WCHBA.

3.4 Comprehensive Planning and Urban Design for WCHBA and Its Wider Context

Public Comments

3.4.1 While most of the consultees are in broad agreement with the intention of applying building height limit, some of them considered that height is only one of the urban design considerations. To formulate appropriate height limits, it is necessary to conduct a comprehensive study including the assessment of physical design, visual and building design issues, development rights, environmental issues, such as air ventilation/light penetration, infrastructure provision, etc. at district level. In addition, the relevance of Wong Chuk Hang area in complement to the redevelopment in Ocean Park and other tourism development in Aberdeen as well as the improvement in the traffic condition of the locality etc. should also be assessed instead of imposing a height restriction which is based solely
on the visual impacts.

3.4.2 Some suggest that there should be a balance between visual impacts and urban design considerations such as massing, public realm, streetscape, permeability and legibility. There should also be opportunity to relax the restrictions based on the merits of individual proposals.

Government’s Responses
3.4.3 To formulate height limits for the area, a urban design study on the building height restrictions for WCHBA was conducted with a view to reinforcing the intrinsic character and natural attributes of the wider district of Wong Chuk Hang and Aberdeen as a whole, while enabling flexibility in building design for the private lots to achieve the permissible plot ratio under the Building (Planning) Regulations. A wide range of various inter-related considerations have already been deliberated in formulating the proposed height bands, including development entitlement, land uses, committed developments, discernible townscape, local setting, topography, visual impact, etc. The proposed height bands aim to cater for and balance these considerations at both macro and micro levels. The importance of preserving the Aberdeen Harbour as a popular tourism node in the Southern District has also been taken into consideration. The public views for comprehensive planning for a wider context is generally supported. By controlling the building heights in WCHBA, it can ensure that redevelopments in WCHBA would avoid creating negative impact on the nearby tourism developments along the two sides of Aberdeen Harbour and Ocean Park in Wong Chuk Hang.

3.4.4 The imposition of building height restrictions alone would not be able to achieve a comprehensive improvement to the WCHBA as the area is an existing built-up area with a number of inherent design constraints such as existing road layout and design, multiple ownership, and high development intensity. To help address some of these constraints, an area-wide set back proposal in WCHBA has been set out in the Wong Chuk Hang & Po Chong Wan Outline Development Plan (ODP) to require the setting back of buildings along Wong Chuk Hang Road, Heung Yip Road and Yip Kan Street for footpath widening upon their redevelopment, so as to improve pedestrian circulation in the area.
Effort has also been made to improve the overall environment and greening of the area by imposing planning conditions for the submission and implementation of landscaping proposal for development schemes that require approval of the Board.

3.4.5 To enhance the urban design considerations, under the existing mechanism, subject to no adverse comments and supported by relevant departments, bonus plot ratio may be granted by the Building Authority for setting back of developments along Wong Chuk Hang Road, Heung Yip Road and Yip Kan Street to provide space for road/pavement widening purpose. Also, provision of green and innovative features can also be considered for GFA and SC exemptions under the Joint Practice Notes issued by Buildings Department, Lands Department and PlanD.

3.4.6 Minor relaxation of the building height restrictions could be considered by the TPB through the planning permission system to provide incentive for developments/redevelopment proposals with design merits/planning gains for the area through the planning application system. Each application will be considered on its own merits and the relevant criteria for consideration of such relaxation set out below will be included in the Explanatory Statement of the Aberdeen & Ap Lei Chau OZP:

(a) accommodating the bonus plot ratio granted under the Buildings Ordinance in relation to surrender/dedication of land/area for use as public passage/street widening;

(b) providing better streetscape/good quality street level public urban space; and

(c) achieving green and innovation design.

3.5 Extending Building Height Restrictions to the whole Wong Chuk Hang area

Public Comments

3.5.1 Many consultees have pointed out the need to examine the potential redevelopment in a wider context, e.g. Ocean Park Redevelopment Plans, Wong Chuk Hang Estate Redevelopment, sale site at Welfare Road etc.
as these redevelopment proposals present an opportunity for the Administration to perform an active and positive planning and design role in supporting these neighbouring developments.

3.5.2 Some consultees have raised concerns on a particular site at Welfare Road (AIL451) currently on the Land Application List with a permitted height of 145mPD. They commented that the site, which is located immediate to WCHBA, is evidently in breach of the proposed height bands in WCHBA as 120mPD and 140mPD. They considered that the proposed height band should not be lower than 145mPD.

3.5.3 To truly preserve the district character of Wong Chuk Hang and to avoid the accusation of “double standard” in the treatment of Government sites and private sites, the Government should reconsider the proposed height bands for WCHBA and extend the study area to take into account other future developments in the surrounding area.

3.5.4 In addition, some consultees mention that the study has excluded other significant developments in the area which are higher than the proposed height limit, such as Shek Pai Wan Estate at 153mPD and Shum Wan Towers at 167mPD. It is suggested that a consistent approach should be taken.

Government’s Responses

3.5.5 Regarding the public comment to extend the building height restrictions to the whole Wong Chuk Hang area, particularly for the area to the south of WCHBA which include Wong Chuk Hang Estate and the sale site at Welfare Road, it should be noted that the scope of the current review focuses primarily on WCHBA. PlanD will conduct a review of the building height control on the area surrounding WCHBA after the building height restrictions for WCHBA are agreed by the TPB after the public consultation exercise.

3.5.6 Up to March 2006, there are 10 hotel development proposals approved by the TPB. In formulating the building height restrictions in the area, committed developments were also taken into consideration. To respect the development rights of the applicants which have obtained the planning permission, previously approved planning applications will not
be affected, unless major amendments including increase in building height to the approved schemes are proposed.

3.6 Other Miscellaneous Comments

Public Comments

3.6.1 In addition to the comments on the proposed height restrictions in the WCHBA, there are some public comments on the Consultation Digest. For example, some consultees commented that some photomontages shown in the Public Consultation Digest have not reflected possible scenarios on the form of development bulk due to the changes in site coverage with respect to the height. In addition, the photomontages only provide bird’s eye view in which the visual effect of the view from street level was not presented. Some also considered that a 3-dimensional physical model should be provided in addition to the presence of the 3-D computer model to demonstrate the visual impacts.

3.6.2 There are queries about the process of public consultation. Some commented that the proposed building height restrictions were already imposed on planning applications by promulgating a set of Town Planning Board Guidelines No. 37 prior to the commencement of the consultation exercise. The current practice of public consultation undermines the legitimacy of the consultation exercise.

3.6.3 Some consultees also consider that it is unfair to exempt all the approved hotel projects in the WCHBA from the proposed height restrictions.

Government’s Responses

3.6.4 The photomontages in the Consultation Digest were prepared to demonstrate the likely development profile when viewed from the selected viewpoints. To facilitate the public consultation process, two 3-dimensional “fly-through” assessment computer models from both bird-eye view and street level view were prepared with an intention to enable the general public to visualize the possible development profile of the WCHBA after the imposition of the proposed building heights. In particular, one of the “fly-through” assessments was simulating the view of passing through Wong Chuk Hang Road.
3.6.5 At present, there are no height restrictions stipulated in the “OU(B)” zoning under the OZP. In view of the time gap between the public consultation exercise and the further submission to the Board on the result of the public consultation together with the subsequent OZP amendments, the TPB on 24 June 2005 supported the promulgation of interim height control guidelines as reference in the processing of s.16 applications and lease modification applications prior to the incorporation of the building height control into the Aberdeen & Ap Lei Chau OZP. This is similar to the practice adopted earlier for the Kwun Tong and Kowloon Bay OZPs.

3.6.6 In formulating the building height restrictions in WCHBA, the building heights of committed developments were taken into consideration. To respect the development rights of the applicants which have obtained the planning permission, previously approved schemes will not be affected, unless major amendments including increase in building height to the approved schemes are proposed.

4. RECORD OF PUBLIC CONSULTATION

4.1 The record of public views expressed in the forum held on 15 October 2005 and the extracts of minutes of meetings with advisory bodies as mentioned in paragraph 2.3 above are available for public inspection at Planning Department Enquiry Counters, 17/F North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories.

4.2 Inspection of the individual written submissions can also be arranged by PlanD subject to the agreement of the person who made the submission.

5. CONCLUSION

5.1 To ensure the redevelopments in Wong Chuk Hang area would not result in negative impacts on the visual quality of the area, height control for WCHBA is proposed. It aims at providing a framework to guide the
transformation of the area towards less polluted and ‘cleaner’ business-oriented area with appropriate height control. While preservation of views from the Aberdeen Channel and Aberdeen Country Park is one of the primary considerations, local area context has also been taken into account when the building height proposals for WCHBA are formulated.

5.2 Through the public forum and consultation sessions as well as the written submissions received, the views of various sectors of the community have been collected. Most of the consultees including professional institution, advisory bodies as well as the general public support the imposition of statutory building height restrictions for the WCHBA while land owners and other stakeholders are generally opposing it.

5.3 Regarding the building height limits, there are different views on the height bands (e.g. too tall, too low, greater variation, etc.). To encourage improvements to the urban design and local environment, it is suggested that minor relaxation should be subject to the recommendations by the TPB through the planning permission system. Each application will be considered on its own merits against a set of criteria in relation to providing design merits/planning gains to the area.

5.4 There is a popular view that a more comprehensive study covering a wider area, such as the area to the south of the WCHBA, and a wider context including the assessment of physical design, development rights, environmental issue, infrastructure provision, traffic condition, etc. should be carried out. In this connection, it is suggested that a review of the building height control for the area surrounding WCHBA, including Wong Chuk Hang Estate and the sale site at Welfare Road should be conducted at the later stage.

5.5 This document briefly summarizes all views/concerns expressed during the public consultation exercise, which will be considered by the TPB in finalizing the building height restriction proposal. The proposal, after agreed by the TPB, will be incorporated into the Aberdeen & Ap Lei Chau OZP for gazetting under the Town Planning Ordinance.
Recommended Building Height Restrictions for Wong Chuk Hang Business Area

Legend
- Wong Chuk Hang Business Area
- Maximum Building Height (above Principal Datum)
  - 10 Meters
  - 25 Meters
  - 45 Meters
  - 120 Meters
  - 140 Meters

Planning Department
M/H15/06/40
Plan 1