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For Consideration by
the Town Planning Board on 6.3.2015

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CONSIDERATION OF REPRESENTATIONS AND COMMENT
IN RESPECT OF THE DRAFT SHEK KIP MEI
OUTLINE ZONING PLAN NO. S/K4/28
(GROUP 2)

《石硤尾分區計劃大綱草圖編號 S/K4/28》
考慮申述及意見
(第二組)

**CONSIDERATION OF REPRESENTATIONS AND COMMENT
IN RESPECT OF THE DRAFT SHEK KIP MEI
OUTLINE ZONING PLAN NO. S/K4/28
(Group 2)**

Subject of Representation/ Representation Site	Representers (No. TPB/R/S/K4/28-)	
<u>Amendment Item C</u> Rezoning of a site to the north of Yin Ping Road from “Green Belt” (“GB”) to “Residential (Group C)13” (“R(C)13”)	<u>Total: 5,109</u>	
	<u>Oppose Item C</u> R3 to R12, R14 to R18, R23 to 25, R27-317, R320 to R326, R328 to R350, R352, R355 to R405, R407 to R4929, R4931 to R5102, R5104 to R5110:	Individuals
	R2, R13, R19 to 22:	Sham Shui Po District Council Members
	R318:	Owners’ Committee of Dynasty Heights
	R4930:	Incorporated Owners of Beacon Heights
	R26:	Green Sense
	R319:	Conservancy Association
	R327:	Kadoorie Farm & Botanic Garden Co,
	R351:	World Wide Fund for Nature HK
	R353:	Designing Hong Kong Ltd.
	R354:	Hong Kong Bird Watching Society

	R4922: R5103: <u>Without Indication to Support or Oppose Item C</u> R5112:	大窩坪居民關注組自發組成關注組 大窩坪保綠地關注組 (enclosing 706 signatures with email addresses) Individual
	Commenter (No. TPB/R/S/K4/28-)	
	<u>Total: 1</u> <u>Support representations opposing Item C</u> C1:	Green Sense

Note: A CD-ROM containing names of all representers and commenter as well as their submissions is enclosed at **Annex XI** [for Town Planning Board Members only]. The names of all representers and commenter can be found at the Town Planning Board's website at http://www.info.gov.hk/tpb/en/plan_making/S_K4_28.html.

1. Introduction

- 1.1 On 18.7.2014, the draft Shek Kip Mei Outline Zoning Plan (OZP) No. S/K4/28 (the Plan) (**Annex I**) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments are set out in the Schedule of Amendments at **Annex II**. During the two-month exhibition period, a total of 5,111 representations were submitted. On 14.11.2014, the Town Planning Board (the Board) published the representations for three weeks for public comments. One comment was received.
- 1.2 The amendments mainly involve amendments to building height (BH) restrictions on two sites at Pak Tin Street covered by Shek Kip Mei Estate Redevelopment Phases 3 (part) and 7 from 30mPD to 55mPD and 60mPD respectively (**Amendment Items A and B**), and rezoning of a site to the north of Yin Ping Road from "Green Belt" ("GB") to "Residential (Group C) 13" ("R(C)13") (**Amendment Item C**) (**Annex I**).
- 1.3 Amongst the 5,111 representations submitted, two are related to the proposed public housing sites under Amendment Items A and B. One representation (**R1**) from the Hong Kong and China Gas Co. Ltd. has no objection to Amendment Items A and B but concerns that the future developer should conduct a risk assessment and consult their company in the design stage and closely coordinate with the company during the construction stage and provide protective measures. Another representation (**R5111**) from an individual opposes Amendment Item B on the grounds that the amendment

will distract the natural air ventilation for school and public housing estate behind the subject site under Amendment Item B.

- 1.4 The remaining 5,109 representations are related to the private housing site under Amendment Item C. Most of the representations (5,108, namely **R2 to R405** and **R407 to R5110**) object to the rezoning of “GB” for the site on a wide range of grounds.
- 1.5 The comment (**C1**) on the representations supports the representations against the rezoning of the “GB” site north of Yin Ping Road for residential development.
- 1.6 On 23.1.2015, the Board agreed to consider the representations and comment collectively in two groups as follows:
 - (a) Group 1: collective hearing for two representations (**R1** and **R5111**) in respect of Amendment Items A and B; and
 - (b) Group 2: collective hearing for 5,109 representations and the related comment in respect of Amendment Item C (**Annex II** and **Plan H-1**).
- 1.7 This paper is to provide the Board with information for the consideration of Group 2 and a summary of representations and comment for this group is attached at **Annex IX**. The representation site is shown at **Annex I** and **Plan H-1**. The remaining representations in Group 1 will be considered by the Board under a separate paper.
- 1.8 The representers and commenter have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. **Background**

- 2.1 It was stated in the 2013 Policy Address that the Government would adopt a multi-pronged approach to build up land reserve with a view to meeting housing and other development needs. It was reaffirmed in the 2014 and 2015 Policy Address that the Government would continue to review various land uses and rezone sites as appropriate for residential use. The Government has taken steps to review the “Green Belt” (“GB”) sites in two stages. The Stage 1 review mainly focused on the “GB” sites which had been devegetated, deserted or formed and did not require extensive tree felling or slope cutting. The Stage 2 review covered the remaining “GB” sites which are located on the fringe of urban or new development areas with a relatively lower buffer or conservation value, including those sites which are close to existing developed areas or public roads. The latter sites will have good potential for residential use as they are close to transport infrastructure and supporting facilities such as water supply and sewerage.
- 2.2 In considering if the “GB” sites are suitable for development, concerned Government departments examine whether the development would bring about significant adverse impacts to the surroundings. Relevant considerations including transport and infrastructure capacity, provision of community facilities and open space, appropriate development restrictions, local character and existing development intensity, potential environmental, visual and air ventilation impacts, etc., have been taken into account in the “GB” review.

- 2.3 Based on the “GB” review, a ‘GB’ site north of Yin Ping Road (the Site) in Shek Kip Mei, which was previously part of a squatter area, is identified suitable rezoning for housing development. Having regard to the need for optimizing limited land resource, local characteristics, existing development intensity and various possible impacts of the proposed development on the surrounding areas, an indicative scheme for the private residential development was formulated (originally with a site area of 2.84 ha and a maximum gross floor area (GFA) of 81,792m²). Relevant Government departments were consulted to ascertain the technical feasibility of the proposed residential development at the Site. It was confirmed that the proposed residential development would not cause insurmountable problems on traffic, sewerage, drainage, water supply and environmental aspects. The site area and maximum GFA were subsequently reduced from 2.84 ha to 2.04 ha and 81,792m² to 58,750m² (equivalent to a plot ratio (PR) of 2.88 based on gross site area) respectively so as to address the concerns of the local residents (paragraphs 3.1 to 3.3 below refers).
- 2.4 The proposed amendment together with the views of the Sham Shui Po District Council (SSPDC) were submitted to the Metro Planning Committee (MPC) of the Board for consideration on 27.6.2014 and the OZP, incorporating the above amendment, was exhibited under section 5 of the Ordinance on 18.7.2014 (**Annexes I and II**). A plan showing a comparison of the previous and current zonings is attached at **Plan H-6**.

3. Local Consultation

- 3.1 On 4.3.2014, PlanD consulted the SSPDC on the proposed rezoning of the Site from “GB” to “R(B)1” on the OZP based on an originally larger site area of 2.84 ha (with a maximum GFA of 81,792m² and maximum building height (BH) of 210mPD). After discussion, the SSPDC passed a motion that while it supported the Government to proactively increase land supply and understood the need to balance the housing needs among different social strata and the request for stabilizing property prices, the Government should provide more detailed information on the planning proposal and the views of stakeholders to facilitate the SSPDC to consider the case comprehensively. An extract of the minutes of the meeting is attached for Members’ reference (**Annex V**).
- 3.2 On 15.4.2014, the Development Bureau (DEVB), PlanD and relevant Government departments had meetings with the Incorporated Owners of Beacon Heights, and Owner Committee of Dynasty Heights, Concern Group on Anti-Rezoning of Green Belt of Dynasty Heights and residents of Dynasty Heights. The residents’ organizations / residents objected to the proposed rezoning. They considered that the rezoning proposal was put forward to them in a rush without consultation with stakeholders and provision of impact assessments on such aspects as ecology, traffic, environment, slope safety, air ventilation, etc. Rezoning of “GB” site for residential development also deviated from the established planning principles and procedures. They were particularly concerned about the traffic impacts on the road network and environment in the surrounding areas during the construction period and after population intake. Residents of Dynasty Heights also expressed concern on the potential impact on slope safety to their development and the loss of a natural environment nearby.

- 3.3 After collecting views of stakeholders and consolidating relevant information on technical assessments, DEVB, PlanD and relevant Government departments on 29.4.2014 consulted the SSPDC again on the proposed rezoning with a reduced site area of 2.04 ha (to avoid encroaching upon natural streams and adjoining the artificial slopes north of Dynasty Heights) with a maximum GFA of 58,750m² and maximum BH of 210mPD. The SSPDC meeting on 29.4.2014 was adjourned due to disruption in the conference room and continued on 19.5.2014. After discussion at the meeting held on 19.5.2014, the SSPDC passed two motions. The first motion stated that while supporting the Government to proactively increase land supply to meet the housing demand of population, the SSPDC expressed regret on the insufficient information provided on the various aspects of the proposed development to address local concerns and requested the Government not to submit the rezoning proposal to the Board before the SSPDC has comprehensively considered the proposal with sufficient details of the proposal and assessment reports provided and adequate consultation with the affected residents completed. The second motion also requested that the Government, without adequate information, should not submit the rezoning proposal on the Site to the Board for consideration (extract of the minutes of the meeting at **Annex VI** refer). The SSPDC's views and the motions passed were conveyed to the MPC when the proposed amendment was submitted to the MPC for consideration on 27.6.2014.
- 3.4 After gazetting of the OZP, the SSPDC was further consulted at its meeting held on 2.9.2014 on the gazette amendment. Upon discussion, the SSPDC passed two motions objecting to (one of them strongly objected) the rezoning of the "GB" site for residential use as the Government had not provided objective data and detailed report regarding the environment and traffic assessments of the rezoning to address the concerns of the SSPDC and the locals. The SSPDC indicated that while it supported the Government's initiative to increase land supply, they resented the Government of not responding to SSPDC. They considered that PlanD and other relevant departments should earnestly consider members' views and respect the two motions passed. The concerned Government departments responded that their respective assessments showed that the proposed residential development would not have insurmountable problems to the surrounding areas. An extract of minutes of the meeting is attached for Members' reference (**Annex VII**).

4. The Representations

Subject of Representations (Plan H-1)

- 4.1 A total of 5,109 representations relating to Amendment Item C (**Annex II**) were submitted and will be considered under this Group. 4,535 of them are in various types of standard formats. Representations made by some SSPDC members, Owners' Committee of Dynasty Heights, Incorporated Owners of Beacon Heights, concerned green groups / organizations, and extracts of submissions from individuals (including standard submissions) are attached at **Annex III**. A full set of hard copy is deposited at the Secretariat of the Board for Members' and public inspection.

Adverse Representations

- 4.2 5,108 representations (**R2 to R405 and R407 to 5110**) object the rezoning of the “GB” zone for residential development under Amendment Item C. The objections are mainly on the grounds of green belt policy, adverse impacts on the ecology, environment and traffic of the area, slope safety concern, loss of landscape and recreation outlet, housing demand and alternative land supply, inadequate development and infrastructure capacity, insufficient information/technical assessments, lack of proper public consultation, etc.

The representations are summarized at **Annex IX**.

4.3 Major Grounds of Representations

The major grounds of the adverse representations as mentioned in paragraph 4.2 above are summarized below:

Green Belt Policy and Practice

- (a) The rezoning is not in line with criteria of the “GB” review. For Stage 1 review, it is not 'devegetated, deserted or formed green belts'. For Stage 2 review, the Site is not adequately supported by existing infrastructures and facilities and is of high buffering and conservation value. The Site is still vegetated and performs green belt functions.
- (b) The Site is close to the Lion Rock Country Park and Eagle Nest's Nature Trail. It constitutes an integral part of the belt of green areas along the hill slopes of north Kowloon and acts as a buffer between the urban area and the country park. The rezoning is not in line with the planning intention of “GB” which is primarily for conservation of the existing natural environment amid the built-up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlet for passive recreational activities, with presumption against development. Rezoning of the Site for housing development also contravenes the Convention on Biological Diversity which stipulates ‘promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to further protection of these areas.
- (c) The Board has been cautious in considering rezoning applications of “GB” sites for residential development. The current rezoning sets an undesirable precedent for rezoning applications of “GB” sites for residential development and encourages major developers and private landowners to follow suit.
- (d) The development with a PR of 2.88 is excessive. It is not in line with TPB's Guidelines on application for development within "GB" zone, which stipulates that ‘an application for new development in a “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds... a plot ratio of up to 0.4 for residential development may be permitted’. The development is incompatible with the existing low-density, low-rise residential developments nearby.
- (e) Most land in Hong Kong in the past had been squatter areas due to a lack of

proper housing programme. Being once a squatter area does not automatically mean that the subject green belt site can be rezoned.

- (f) The Government has extensively rezoned "GB" sites all over Hong Kong, which is an important directional change in Hong Kong's town planning policy. Nonetheless, no in-depth comprehensive consultation has been conducted. At present, the issue is dealt with on a piecemeal basis at District Council level, which is contrary to procedural justice. The pros and cons of developing "GB" zones should be reconsidered. Land use planning and public consultation should be carried out.

Ecological Impacts

- (g) The Site is well covered with vegetation regenerated through over 20 years of natural succession after squatter clearance in 1980s. The development would result in loss of one of the few green belt areas that are well-vegetated in Sham Shui Po (SSP) and a natural habitat for birds (e.g. black kites) and mammals (e.g. monkeys and wild boars). The existing mechanism for tree removal and transplantation could not re-create an equivalent ecological value of a habitat. Moreover, the affected wild animals may move closer to the existing nearby housing estates and disturb or threaten the health of the residents and general public including hikers in the area.
- (h) The Site is connected to the surrounding areas (which are close to the Lion Rock Country Park) as corridor and ecological network to allow terrestrial species to move across different parts of the area for food or refuge. The proposed development would disrupt or block movement of the wildlife in the area.
- (i) The Site and its vicinity are of important ecological value which has been underestimated. The rezoning has not considered other ecological attributes (i.e. natural streams, aquatic fauna, avifauna, mammals, and insects) aside from trees. A comprehensive ecological survey/assessment for the wildlife components and natural habitats within the Site and its surroundings should be conducted.
- (j) There is a seasonal stream across the Site and a pool nearby with rare species (including Lesser Spiny Frog and Big-headed Frog, and Mountain Crab) as well as a wide variety of other species (including butterfly and dragonfly) found. The seasonal stream is the breeding ground of many aquatic organisms. The proposed development would cause irreversible ecological loss of this natural habitat.

Environmental Impacts

- (k) Green belt can act as 'green lung', improve air and landscape quality and mitigate urban heat island effect. The proposed development resulting in a loss of green belt would bring negative impacts on living environment, quality of life and health of local residents and population in SSP where the air quality has already been poor. Instead, the Government should provide more green belt sites and improve air quality.
- (l) As the Site comprises steep slopes, additional areas outside the Site will be affected for site formation and slope stabilization works. There will be further

loss of trees and reduced distance of the proposed development from the nearby country park, resulting in greater environmental impacts.

- (m) Broken pieces of asbestos shingles were found within the Site and its surroundings. There is concern that these asbestos materials and any contaminated materials would be haphazardly disposed or untreated and this may significantly affect both the Site and its surroundings.
- (n) There will be adverse environmental impacts and nuisances (noise, dirt, surface runoff, ecological, pest etc.) to the surrounding areas during the construction period.

Traffic Impacts

- (o) The existing traffic capacity of the road network in Tai Wo Ping particularly at the two critical junctions of Nam Cheong Street/Cornwall Street and Yin Ping Road/Lung Ping Road are close to saturation. The local residents have already been suffering from traffic congestions. The proposed development with substantial increase in flat number and population will further aggravate the traffic conditions and is thus unacceptable. It would also have traffic impacts on other roads / junctions such as Lung Ping Road exiting Lung Cheung Road and junction at Cornwall Street/Tat Chee Avenue.
- (p) The proposed development and concurrent housing developments in the surrounding areas (including two housing sites north of Lung Cheung Road and Pak Tin Estate Redevelopment) would have cumulative adverse traffic impacts.
- (q) The proposed development will increase traffic flows along Lung Ping Road exiting to Lung Cheung Road. This defeats the purpose of providing infrastructure works for the two housing sites north of Lung Cheung Road to avoid additional traffic passing through the Beacon Heights neighbourhood and thus implies a waste of public money.
- (r) The traffic data provided by the Government (e.g. reserved capacity and design flow capacity) are misleading and incomplete. The assumptions and methodology adopted in the assessment by the Government are unrealistic (e.g. parking space provision, traffic demand) or incomprehensive (e.g. no assessment based on level of service).

Slope Safety

- (s) There are many boulders on the slopes of Tai Wo Ping and there were previous incidents of collapses at the slope behind Dynasty Heights. Slope instability and proximity of the Site to housing estates nearby pose possible risks to life and property of the existing residents there and technical difficulties in construction. Extensive slope works at the Site would also affect the slopes behind Dynasty Heights the additional maintenance cost of which will be borne by the Dynasty Heights residents.
- (t) Safety of the resident is at stake by relying the future developer instead of the Government to provide mitigation measures and address the technical problems

on the slope safety issue.

Loss of Landscape and Recreation Outlet

- (u) The proposed development would affect many trees and involve loss of greenery. This is contrary to the Government's policy to promote greening in Hong Kong.
- (v) The proposed development would result in a loss of a recreational outlet for local residents and a hiking place for the public. However, it would not bring any benefits to the residents nearby.

Housing Demand and Supply

- (w) The shortage of housing supply may not be a long-term phenomenon. There is no urgent need to rezone the green belt site for increasing housing supply.
- (x) The proposed residential development will entail high development costs and is likely for luxurious housing instead of affordable housing and hence unable to ease the pressure on housing supply for the general public.
- (y) The Government should use other means to increase housing land supply, e.g. better utilization of developed sites and brownfield sites, redevelopment of industrial buildings, rezoning of abandoned farmland, urban renewal, utilization of vacant public housing units, limited reclamation, etc., as well as search for other housing sites in other districts. Alternative housing sites in SSP such as Tai Hang Sai Estate, Chak On Estate, Shek Kip Mei Estate, the vacant Sam Shui Natives Association Tong Yun Kai School and St. Francis of Assisi's Caritas School sites, the Cheung Sha Wan Temporary Wholesale Poultry Market, etc. should be considered.

Development and Infrastructure Capacity

- (z) The SSP district is overcrowded and its population will further increase substantially with the completion of various housing developments in the district (e.g. North West Kowloon Reclamation Sites 2 and 6, development above Nam Cheong Station, urban renewal projects) in future. The district has approached its development limit, with inadequate facilities and infrastructure capacity. The Government should avoid further deprive SSP of scarce green space.
- (aa) There is inadequate infrastructure to support the proposed housing development.

Insufficient Information/Assessment

- (bb) The information released on various technical assessments (traffic, ecological, environmental, geotechnical, air ventilation, landscape, etc.) was incomprehensive and incomplete. Many important considerations (e.g. living organisms within the Site and traffic flow/data, etc.) have not been mentioned. Reliance on the future developer to conduct detailed technical assessments and recommend mitigation measures is not proper. The Government should submit detailed impact assessments, including ecological, environmental and traffic

aspects as well as tree preservation proposal to the Board.

Public Consultation Procedures

- (cc) Public consultation has not been conducted under normal procedures. The Government put the Site into Land Sale List 2014/15 without any public consultation. Subsequent consultations were carried out in haste without providing adequate information. The practice of rezoning the Site first without actual assessments and then proposing the measures required to mitigate the impacts of the rezoning is taking the branch for the root and sets a bad precedent.
- (dd) In taking forward the rezoning as an amendment to the OZP, the Government has not respected the opinion of the SSPDC that the Government cannot submit the rezoning proposal for the Board's consideration without sufficient information provided and the SSPDC's motions of opposing the rezoning.

4.4 Representers' Proposals

The representers' proposals relating to the OZP on Amendment Item C are summarized as follows:

- (a) Preserve the former "GB" zone and provide enhancement such as developing it into a large park and improving it and the adjoining stream as a place for hiking / recreation for the public. (R307-R311, R315, R317-R318, R324-R326, R330, R351-R352, R354, R366, R368-R369, R371, R374, R375-R377, R380-R383, R385-R394, R396, R398-R405, R407, R411-R414, R416, R420, R422, R424, R426-R663, R665-R670, R672-R702, R1785-R1866, R4198, R4297, R4303-R4306, R4311, R4313, R4315-R4316, R4318-R4323, R4325-R4392, R4394-R4399, R4830-R4833, R4839-R4850, R4862-R4885, R4929-R4930, R4934-R4938, R4945, R4950, R4952-R4957, R4959-R4961, R4963-R5083, R5100, R5102, R5105-R5109)
- (b) To rezone the Site to "Country Park". (R5090)

5. Comment on Representations

Comment C1 supports the adverse representations (Annex IV). The grounds raised are summarized as below:

- (a) The large amount of representations objecting to Amendment Item C indicates that people do not agree to rezone "GB" site for housing development.
- (b) The SSPDC has expressed concern on the inadequacy of information and passed motions objecting to the rezoning.
- (c) The grounds submitted by the different representers are sufficient, covering aspects on

environmental (tree preservation and buffer for country park), planning consistency, public living space, use of alternative land for housing supply.

- (d) The Board should reject the Amendment Item C to force the Government to reflect on the planning policy.

6. Planning Considerations and Assessment

6.1 The Representation Site and its Surroundings

- (a) The Site (about 2.04 ha) is a piece of Government land located north of Yin Ping Road at Tai Wo Ping in northwest Shek Kip Mei (**Plan H-1**). It comprises mainly vegetated slopes. The surrounding areas are also characterized by slopes covered with vegetation under “GB” zone, with steeper terrain in particular to the west, north and south (**Plans H-2a and H-3a**). To the southeast is a stream running southwards, the lower segment of which has been partly disturbed near the northern end of Yin Ping Road before discharging into the box culvert. To the southeast of the site is Yin Ping Road and the open-air mini-bus terminal and taxi stand. Further beyond is the low-density residential development of Dynasty Heights (with its artificial slopes) and Beacon Heights. Further away to the west, north and northeast are Eagle’s Nest, Beacon Hill and the Lion Rock Country Park (**Plans H-2a and H-3a**). Further to the southwest is another knoll (Crow’s Nest) sloping gradually southwards to Lung Cheung Road. The Site is accessible via Yin Ping Road.
- (b) Together with the area currently occupied by Dynasty Heights and Yin Ping Road, the Site was formerly part of the Tai Wo Ping squatter area with huts and squatter workshops constructed on a series of platforms with loosely dumped fill material. Following completion of clearance of the squatters in 1987, while the southern part of the area has been developed as Dynasty Heights and Yin Ping Road, the Site remains undeveloped and left vacant. Over the years, it has become vegetated amidst remnants of squatter structures.
- (c) According to the tree survey conducted by the Lands Department (LandsD), there are about 680 trees at the Site. All tree species are commonly found in Hong Kong such as *Macaranga tanarius* (血桐), *Mallotus paniculatus* (白楸), *Cetlis sinensis* (朴樹), *Ficus variegata* (青果榕), *Sterculia lanceolata* (假蘋婆) and *Microcos nervosa* (布渣葉), etc. No rare specimens or Registered Old and Valuable Tree and no trees of particular value for preservation were recorded.
- (d) The Site is rezoned from “GB” to “R(C)13” subject to a maximum GFA of 58,750m² (equivalent to a PR of 2.88 based on gross site area) and a maximum height of 210mPD. It is estimated that the Site could provide about 980 flats.

6.2 Planning Intention

The “R(C)” zone is intended primarily for low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

6.3 Responses to Grounds of Adverse Representations

Green Belt Policy and Practice

- 6.3.1 Planning is an on-going process and the Government will continue to review zonings of different sites from time to time so as to provide land to meet the economic and development needs of Hong Kong. The Site was a former squatter area which was cleared by 1987. The existing vegetation on-site is not of high value.
- 6.3.2 The Site is accessible and well served by infrastructure and near existing residential development. The Site only occupied 4.4% and 2.4% of the “GB” zone north of Lung Cheung Road/Tai Po Road in the previous version of OZP (before rezoning) and the SSP District respectively (**Plan H-7**). It is about 70m to the south of the Lion Rock Country Park from the nearest point and not connected to any walking trails. The proposed residential development would not cause insurmountable impacts on ecological and other aspects. The Agriculture, Fisheries and Conservation Department (AFCD) advises that the Convention on Biological Diversity (the Convention) Article 8 (e) on In-situ Conservation is that ‘Each Contracting Party shall, as far as possible and as appropriate, promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas’. The Convention has been extended to Hong Kong since 9.5.2011. Hong Kong's existing nature conservation policy and measures are generally in line with the objectives of the Convention. If the zoning amendment has duly taken into account the protection of important habitats and species of conservation importance, it is deemed to be in line with the objectives of the Convention in general. Given that the developer of the Site would be required to carry out appropriate mitigation measures, including preservation or transplanting of existing trees with conservation value, or compensatory planting in accordance with the existing guidelines and tree preservation mechanism, the development proposal which comply with the relevant requirements would not be considered as contravening the objectives of the Convention. Significant adverse impacts on biodiversity are not anticipated.
- 6.3.3 Rezoning of “GB” sites is one of the measures of the multi-pronged approach to meet housing and other development needs. As the Site is adjacent to developed area at urban fringe and considered suitable and technically feasible for housing development, it is considered appropriate to rezone the Site for residential use to meet the housing needs of the community. According to the tree survey, the trees found in the Site are of common species. The Government would minimize the impacts on the environment by requiring the developer to carry out appropriate mitigation measures or compensatory planting in accordance with the existing guidelines and tree preservation mechanism. In view of the above, the subject rezoning would not set an undesirable precedent for rezoning applications of “GB” sites for residential development.
- 6.3.4 The Site is rezoned for residential development with appropriate intensity, taking into account various planning, environmental and technical

considerations. The development intensity of the Site i.e. a maximum GFA of 58,750m² (equivalent to a PR of 2.88) and maximum BH of 210mPD has been formulated having regard to the need for optimizing limited land resource, local characteristics possible impacts of the proposed development on the surrounding areas and technical feasibility. As such, it is inappropriate to apply the TPB's Guidelines on application for development within "GB" zone (e.g. the maximum PR for residential development within a "GB" zone that may be permitted upon application is only up to 0.4) to assess the development intensity of the Site.

- 6.3.5 The Site together with the area currently occupied by Dynasty Heights and Yin Ping Road was a former squatter area. Upon clearance of the squatters in 1987, the southern part of the area was subsequently developed as the Dynasty Heights and Yin Ping Road, while the northern part covering the Site has not been designated for development. It is identified as suitable for rezoning for residential development during the second stage of "GB" review which considered those vegetated "GB" sites with a relatively lower buffer or conservation value and adjacent to existing transport and infrastructure facilities.
- 6.3.6 In processing the subject zoning amendment, PlanD has followed the established procedures including departmental consultation, District Council (DC) consultation, TPB submission, and gazetting under the Ordinance. Prior to the submission to MPC of the Board, the SSPDC was consulted on the subject rezoning proposal on 4.3.2014, 29.4.2014 and 19.5.2014. The views collected were incorporated into the MPC paper to facilitate MPC's consideration of the rezoning proposal on 27.6.2014. The draft OZP incorporating the amendment was published for exhibition on 18.7.2014 for two months until 18.9.2014. After the gazetting, the SSPDC was further consulted at its meeting held on 2.9.2014 on the gazette amendment.
- 6.3.7 The public have been consulted on the subject rezoning proposal in accordance with the provisions of the Ordinance. The exhibition of OZP for public inspection and the provisions for submission of representations and comments on representations form part of the statutory public consultation process under the Ordinance. The public and stakeholders have been given the opportunity to provide their views and counter-proposals to the zoning amendment. Besides, all representers/ commenter have been invited to the hearing to present their views under section 6B(3) of the Ordinance. The statutory and administrative procedures in consulting the public on the zoning amendment have been duly followed.

Ecological Impacts

- 6.3.8 The Site is adjacent to developed area at urban fringe. It is a disturbed area and the trees found there are largely of common species which have regenerated from the former squatter cleared in the 1980s. According to the tree survey conducted by Lands Department, there are about 680 trees on site mainly of common species. No rare specimens or Registered Old and Valuable Tree and no trees of particular value for preservation were recorded. The rezoning of the Site would not result in significant ecological impacts.

- 6.3.9 The Site is a disturbed area and situated in the context of surrounding “GB” area and the Lion Rock Country Park. It is close to existing residential development and adjoins Yin Ping Road. The surrounding woodland areas zoned “GB” in Sham Shui Po north of Lung Cheung Road / Tai Po Road (of an area of 82 ha) (**Plan H-7**) and the nearby Lion Rock Country Park could still serve as suitable habitats for wildlife, the proposed residential development would unlikely disrupt or block movement of the wildlife in the area.
- 6.3.10 In formulation of the rezoning proposal, the site area was subsequently reduced from 2.84 ha to 2.04 ha so as to address the concerns on the potential impacts on the natural streams and the artificial slopes north of Dynasty Heights nearby. The natural streams have been excluded from the Site, thereby minimizing the disturbance to natural habitat. The ‘seasonal stream’ as reported by some representers is in fact a small ephemeral water course (**Plan H-8**), and no water course was observed during the dry season. There is no evidence that the ‘seasonal stream’ is an important habitat. As such, a comprehensive ecological survey/assessment for the wildlife components and natural habitats would not be essential.
- 6.3.11 AFCD advises that the reported Lesser Spiny Frog is listed as “Vulnerable” under the International Union for Conservation of Nature (IUCN) Red List; while the Big-headed Frog and Mountain Crab are listed as “Least Concern”. The two frog species, which are commonly found in several protected areas, are found in the reported ‘seasonal stream’ on site. Verification of the presence of species of conservation interest within the Site and translocation of such species (if identified) under the supervision of AFCD will be arranged before the commencement of the site formation works. Furthermore, the Site is close to existing residential development and adjoins Yin Ping Road, the surrounding woodland areas and streams within “GB” zone and the nearby Lion Rock Country Park could still serve as suitable habitats for wildlife. The rezoning of the Site would unlikely result in significant ecological impacts.

Environmental Impacts

- 6.3.12 The Site occupied 4.4% of the “GB” zones north of Lung Cheung Road on the OZP before rezoning. LandsD has conducted a tree survey to ascertain the number of trees (about 680 trees) and those required to be preserved. The Government will require the developer to preserve, transplant or replant trees according to established greening guidelines and tree preservation mechanisms to minimize the impact to the natural environment.
- 6.3.13 It is not necessary for the slope/site formation works involved in the proposed development to be extended outside the Site and encroaching upon the surrounding areas. Based on a revised development scheme worked out by the PlanD in consultation with relevant departments, the associated slope/site formation works can be contained within the Site as far as practicable and the proposed residential development would not cause further loss of trees (**Plan H-8**). Tree preservation and landscaping provisions will be stipulated in the

land sale conditions for the Site to mitigate impacts.

- 6.3.14 In response to the potential land contamination issues raised by some SSPDC Members and a representer (**R327**), the Environmental Protection Department (EPD) advises that contamination assessment is required to be carried out later to ascertain any land contamination issues and any required decontamination works shall be completed before commencement of any building works. As for the handling and removal of asbestos containing materials, they are subject to control under the Air Pollution Control Ordinance.
- 6.3.15 EPD advises that the short-term environmental impacts such as dust, construction noise and construction site runoff, etc. arising during the construction period of the development are subject to control under various pollution control ordinances including the Air Pollution Control Ordinance, Noise Control Ordinance and Water Pollution Control Ordinance, etc. The future developer shall ensure that proper pollution control measures are implemented to control the construction phase environmental impacts of the development within the established standards and criteria.

Traffic Impacts

- 6.3.16 Transport Department (TD) advises that the proposed development will not have insurmountable traffic problems. The traffic capacities at the two major junctions in vicinity of the Site (i.e. junction at Yin Ping Road and Lung Ping Road and junction at Nam Cheong Street and Cornwall Street have not been saturated at present (**Plan H-1**). For the junction of Yin Ping Road and Lung Ping Road, the existing traffic flows are about 26% (am) and 11% (pm) of the design flows. For the junction at Nam Cheong Street and Cornwall Street, the reserved capacities are 11% (am) and 28% (pm). By 2029, the junction of Yin Ping Road and Lung Ping Road will still be capable to meet the traffic demand. Similarly, the traffic capacity of junction of Nam Cheong Street and Cornwall Street will be able to meet the traffic demand up to 2029 with improvement works tentatively planned to be implemented prior to the completion of the Pak Tin Estate Redevelopment.
- 6.3.17 Based on an assumed flat number of 980, about 115 parking spaces are required in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). The additional traffic flow of the proposed development will be about 98 passenger car units/hour (pcu/h) in 2-way at peak hours. The trip generation and attraction would have insignificant impact on the existing road network, even taking into account the concurrent developments in the area such as the two housing sites north of Lung Cheung Road and redevelopment of Pak Tin Estate. Road improvement works/ traffic arrangement specifically to cater for the proposed private development would not be necessary..
- 6.3.18 Regarding concern on the potential increase in traffic flows along Lung Ping Road exiting to Lung Cheung Road, TD advises that the traffic flow will be along Yin Ping Road which is the most direct and convenient route to Lung Cheung Road for the proposed development. For the two housing sites north of Lung Cheung Road, CEDD advises that the proposed road scheme under the

approved Public Works Sub-committee Paper (PWSC(2012-13)50) 'Infrastructure Works for Housing Sites adjacent to Lung Ping Road at Tai Wo Ping, Shek Kip Mei' will provide direct and convenient access to Lung Cheung Road for these housing sites, thereby saving travelling time in addition to minimizing the traffic and environmental impacts on the nearby residential areas including Beacon Heights.

- 6.3.19 On the issues on the traffic assessment, TD considers that the traffic assessment carried out for the concerned junctions is adequate in reflecting the actual and future traffic situation in the concerned area.

Slope Safety

- 6.3.20 The Geotechnical Engineering Office (GEO), CEDD advises that since the Site does not adjoin the artificial slopes behind Dynasty Heights, and its slope works can be contained within the Site (**Plan H-8**), the proposed residential development will not affect Dynasty Heights or its artificial slopes maintained by them. Moreover, In view of the existing engineering technology, GEO, CEDD advises that the possible landslide mitigation measures and site formation works involved in the proposed development are technically feasible.

- 6.3.21 The Buildings Ordinance and related legislation stipulate that, before works commencement, the developer is required to submit the natural terrain hazard mitigation measures and the design of site formation works associated with the proposed development for the approval of the Building Authority and comply with all statutory requirements, safety and other relevant standards, so that adjoining slopes and structures will not be adversely affected. The Buildings Department advises that under Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-128, geotechnical assessment should be conducted at an early stage by the developer to identify any fundamental geotechnical constraints and to adequately assess the geotechnical feasibility of the project.

Loss of Landscape and Recreational Outlet

- 6.3.22 The Government will require the developer to preserve, transplant or replant trees according to established greening guidelines and tree preservation mechanisms to minimize the impact to the natural environment. If tree preservation cannot be fully possible, the developer will be required to adopt proper greening measures such as theme planting, vertical planting, rooftop planting, etc. to compensate for the original greening effect.
- 6.3.23 As the Site is without footpath or hiking trail, and natural streams have been excluded from the Site as far as possible, the proposed residential development would not result in a loss of a recreational outlet for local residents or a hiking place for the public.

Housing Demand and Supply

- 6.3.24 As announced in the Long Term Housing Strategy December 2014 and 2015

Policy Address, based on the latest projections, the Government has adopted a total housing supply target of 480,000 units for the ten-year period from 2015/16 to 2024/25, with a 60:40 public-private split in new housing production. To achieve this, the Government will continue to adopt a multi-pronged approach to increase land supply in the short, medium and long term, through the continued and systematic implementation of a series of measures, including the optimal use of developed land as far as practicable and identification of new land for development.

- 6.3.25 In the 60:40 public-private split in new housing production, private residential sites with different density zones should be identified to meet the various demands. The Site with a maximum GFA of 58,750m² can help meet the demand for low density private residential housing by providing about 980 flats.
- 6.3.26 The Government will continue to adopt a multi-pronged approach to meet housing demand. The identification of suitable “GB” site for housing development is one of the measures of the multi-pronged approach. The alternative housing sites suggested by the representers are either existing/planned housing developments/redevelopments or sites with planned uses (e.g. Cheung Sha Wan Temporary Wholesale Poultry Market is planned for open space and school use after relocation). The Education Bureau (EDB) advises that the ex-Sam Shui Natives Association Tong Yun Kai School premises and ex-St. Francis of Assissi’s Caritas School premises have already been planned for other uses, therefore these two sites are not available for residential housing development. In sum, the rezoning of the site for residential development contributes to meeting the pressing housing demand.

Development and Infrastructure Capacity

- 6.3.27 The proposed residential development would not result in any adverse impacts on infrastructural capacity and provision of open space and Government, institution and community (GIC) facilities in the area. Concerned departments including TD, Water Supplies Department (WSD) and CEDD have no adverse comments on the proposed development. The Drainage Services Department (DSD) advises that the requirement of a drainage impact assessment could be incorporated in the relevant land /lease conditions for the Site.
- 6.3.28 For the provision of public open space, a total of about 19.74 ha of open space is required in Shek Kip Mei for the planned population in accordance with HKPSG (**Annex VIII**). Total planned open space provision in the area is about 38.87 ha. Thus there is sufficient existing and planned open space provision in the area to meet the requirements as stipulated in the HKPSG.
- 6.3.29 Regarding GIC facilities, except 19 primary school classrooms and 570 hospital beds, there is no other deficit in major community facilities in the Shek Kip Mei area (**Annex VIII**). As provision of hospital beds is on a regional basis, there is no need to provide these GIC facilities at the Site. The shortfall in primary school classrooms is minor and the EDB has no comment on the rezoning amendment.

Insufficient Information / Assessment

6.3.30 The relevant Government departments, including AFCD, TD, EPD, WSD, CEDD, DSD, etc. have examined and evaluated the possible impacts of the proposed residential development at the Site and conclude that no significant and insurmountable impacts will be resulted. A summary of their evaluation on the impacts of the rezoning of the Site is attached at **Annex X**. Their analyses have been incorporated in the paper as appropriate.

Public Consultation Procedure

6.3.31 In processing the subject zoning amendment, PlanD has followed the established procedures including departmental consultation, DC consultation, Board submission, and gazetting under the Ordinance. Prior to the submission to MPC of the Board, the SSPDC was consulted on 4.3.2014, 29.4.2014 and 19.5.2014. The views collected have been incorporated into the MPC paper to facilitate MPC's consideration of the rezoning proposal on 27.6.2014. The zoning amendment was published for exhibition on 18.7.2014 for two months until 18.9.2014. After gazetting, the SSPDC was further consulted at its meeting held on 2.9.2014 on the gazetted amendment.

6.3.32 The public have been consulted on the rezoning proposal in accordance with the provisions of the Ordinance. The exhibition of OZP for public inspection and the provisions for submission of representations and comments on representations form part of the statutory public consultation process under the Ordinance. The public and stakeholders have been given the opportunity to provide their views and counter-proposals to the zoning amendment. Besides, all representers/ commenter have been invited to the meeting to present their views under section 6B(3) of the Ordinance. The statutory and administrative procedures in consulting the public on the zoning amendment have been duly followed.

6.4 Responses to Representers' Proposals

6.4.1 Rezoning of the Site for residential use is considered suitable in view of the pressing need for increasing housing supply, relatively less buffering effect and lower conservation value and proximity to existing urbanized development and infrastructure, no insurmountable adverse impacts of the housing development, etc. as stated in the responses to the representations above.

6.4.2 As there is surplus existing and planned open space provision in Shek Kip Mei (14.09 ha district open space (DO) and 5.04 ha local open space (LO) respectively) and SSP (11.5 ha DO and 8.74 ha LO respectively)(**Annex VIII**), replacement of the proposed residential development by a large park is not justified.

6.4.3 On the representer' proposal to rezone the former "GB" site to Country Park (**R5090**), designation of Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board. AFCD advises that there is no plan to designate the Site as Country Park.

6.5 Responses to Grounds of Comment and Commenter's Proposals

As the views of the commenter are very similar to those of the adverse representations, the responses to the respective representations made in the above paragraphs are relevant. In particular, the rezoning of the Site for residential use is considered suitable in view of the pressing need for increasing housing supply, relatively less buffering effect and lower conservation value and proximity to existing urbanized development and infrastructure of the Site, no insurmountable adverse impacts of the housing development, etc. as stated in the responses to the representations above. In processing the zoning amendment, the Government has followed the established procedures and in accordance with the provisions of the Ordinance.

6 Departmental Consultation

7.1 The following Government departments have been consulted and their comments have been incorporated in the above paragraphs, where appropriate:

- (a) Secretary for Education;
- (b) Director of Agriculture, Fisheries and Conservation;
- (c) Director of Environmental Protection;
- (d) Commissioner for Transport;
- (e) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (f) District Lands Officer/Kowloon West, Lands Department;
- (g) Chief Engineer/Mainland South, Drainage Services Department;
- (h) Chief Engineer/Development (2), Water Supplies Department;
- (i) Project Manager/Kowloon, Civil Engineering and Development Department;
- (j) Chief Building Surveyor/Kowloon, Buildings Department;
- (k) Director of Food and Environmental Hygiene;
- (l) Director of Housing; and
- (m) Chief Town Planner/Urban Design and Landscape, Planning Department.

7.2 The following departments have no comment on the representations/comment:

- (a) Chief Highway Engineer/Kowloon, Highways Department;
- (b) Director of Fire Services;
- (c) Commissioner of Police;
- (d) Director of Leisure and Cultural Services;
- (e) Director of Social Welfare;
- (f) Director of Electrical and Mechanical Services;
- (g) Director of Architectural Services;
- (h) Government Property Agency; and
- (n) District Officer (Sham Sui Po), Home Affairs Department.

8 Planning Department's Views

8.1 Based on the assessment in paragraph 6 above and for the following reasons, PlanD does not support R2 to R405, R407 to 5110, and R5112 (Annex IX) and considers that the Plan should not be amended to meet the representations:

- (a) Land suitable for development in Hong Kong is scarce and there is a need for optimizing the use of land available to meet the pressing demand for housing land. Rezoning of “GB” sites is one of the measures of the multi-pronged approach to meet housing and other development needs. Planning is an on-going process and the Government will continue to review land uses and rezone sites as appropriate for residential uses.
- (b) The Site is located at the fringe of developed area and is easily accessible. It is considered suitable for residential development and compatible with surrounding developments. The zoning amendment of the Site will contribute to the Government’s effort in meeting the need for housing and supply.
- (c) The proposed residential development under the zoning amendment would not generate unacceptable impacts in terms of traffic, ecological, environment, landscape, infrastructure, air ventilation and visual impacts on the surrounding areas.
- (d) The Site is adjacent to developed area at urban fringe. The delineation of the site boundary has avoided natural streams. The Site is a disturbed area and trees found within the Site are of common species. The rezoning of the Site would not result in significant ecological impact.
- (e) The slope/site formation works of the Site can be contained within the site boundary as far as practicable so as not to cause further loss of trees. Verification of the presence of species of conservation interest within the Site and translocation of such species (if identified) under the supervision of AFCD will be arranged before the commencement of the site formation works.
- (f) There are no trees under the Register of Old and Valuable Trees within the Site. Tree preservation and compensatory planting proposals will be provided for the future housing development. Tree preservation and landscaping provisions will be imposed under the land sale conditions of the Site as appropriate.
- (g) The planned provision of open space and major GIC facilities in the Sham Shui Po District is generally sufficient to meet the demand of the future population as well as additional demand from the new housing site.
- (h) The statutory and administrative procedures in consulting the public on the proposed zoning amendments have been duly followed. The exhibition of OZP for public inspection and the provisions for submission of representations/comments form part of the statutory consultation process under the Ordinance.

Additional rejection reason on specific grounds and proposals

- (i) Designation of Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Town Planning Board. There is no plan to designate the Site as Country Park. **(R5090)**

9 **Decision Sought**

The Board is invited to give consideration to the representations and the related comment and decide whether to propose/not to propose any amendment to the Plan to meet/partially meet the representations.

10 **Attachments**

Annex I	Draft Shek Kip Mei Outline Zoning Plan No. S/K4/28 (reduced size)
Annex II	Schedule of Amendments to the Approved Shek Kip Mei Outline Zoning Plan No. S/K4/27
Annex III	Extracts of Submissions made by the Representers
Annex IV	Submission made by the Commenter
Annex V	Extract of Minutes of SSPDC meeting held on 4.3.2014
Annex VI	Extract of Minutes of SSPDC meeting held on 19.5.2014
Annex VII	Extract of Minutes of SSPDC meeting held on 2.9.2014
Annex VIII	Provision of GIC Facilities and Open Space in Shek Kip Mei and Sham Shui Po District
Annex IX	Summary of Representations and Comment and PlanD's Responses
Annex X	Summary of Government Departments' Evaluation on Impacts of the Rezoning of Site North of Yin Ping Road from "Green Belt" to "Residential (Group C)13" under Amendment Item C
Annex XI	CD-Rom of all representations and comment [TPB Members only]
Plan H-1	Location Plan of the Representation Site
Plans H-2a	Site Plan of the Representation Site
Plan H-2b	Site Plan as of 1985
Plan H-2c	Site Plan as of 1988
Plan H-3a	Aerial Photo as of 2014
Plan H-3b	Aerial Photo as of 1975
Plan H-3c	Aerial Photo as of 1986
Plan H-3d	Aerial Photo as of 1978
Plan H-3e	Aerial Photo as of 1997
Plans H-4a & H-4b	Site Photos of Representation Site
Plans H-5a & H-5b	Photomontages
Plan H-6	Comparison Between Previous and Current Zonings
Plan H-7	"Green Belt" zone North of Lung Cheung Road/Tai Po Road in Sham Shui Po
Plan H-8	Development Constraints to the Representation Site