

TOWN PLANNING BOARD

TPB Paper No. 10168
For Consideration by
the Town Planning Board on 23.9.2016

城市規劃委員會文件第10168號
考慮日期：2016年9月23日

CONSIDERATION OF REPRESENTATIONS AND COMMENTS
IN RESPECT OF THE DRAFT CHEUNG SHA WAN
OUTLINE ZONING PLAN NO. S/K5/36

《長沙灣分區計劃大綱草圖編號S/K5/36》
考慮申述及意見

**CONSIDERATION OF REPRESENTATIONS AND COMMENTS
IN RESPECT OF THE DRAFT CHEUNG SHA WAN
OUTLINE ZONING PLAN NO. S/K5/36**

Subject of Representation / Representation Site	Representers (Total : 26) (No. TPB/R/S/K5/36-)	Commenters (Total : 2) (No. TPB/R/S/K5/36-)
<p><u>Amendment Item A</u></p> <p>Rezoning of a site at junction of Yu Chau West Street and Wing Hong Street from “Government, Institution or Community” (“G/IC”) to “Other Specified Uses” annotated “Business 5” (“OU(B)5”) with stipulation of building height (BH) restriction</p>	<p><u>Total: 10</u></p> <p><u>Support (2)</u></p> <p>R1: Chairman of Incorporated Owners of Lai Po Garden</p> <p>R3(part): 深水埗區議會議員 覃德誠 (Sham Shui Po District Councillor Mr. Chum Tak-shing)</p> <p><u>Oppose (8)</u></p> <p>R6(part): Central and Western Concern Group</p> <p>R7(part), R20(part) to R25(part): Individuals</p>	<p><u>Total: 2</u></p> <p><u>Support R20 opposing Items A and B (1):</u></p> <p>C1 : 立法會議員毛孟靜 (Legislative Councillor The Hon. Claudia Mo)</p> <p><u>Support R19 opposing Item B (1)</u></p> <p>C2 : Individual</p>
<p><u>Amendment Item B</u></p> <p>Rezoning of a site at Cheung Shun Street near Lai Chi Kok Road from “G/IC” to “Commercial (6)” (“C(6)”) with stipulation of BH restriction and designation of a non-building area (NBA)</p>	<p><u>Total: 24</u></p> <p><u>Oppose (24)</u></p> <p>R3(part): 深水埗區議會議員 覃德誠 (Sham Shui Po District Councillor Mr. Chum Tak-shing)</p> <p>R4: 深水埗區議會議員袁海文 (Sham Shui Po District Councillor Mr. Yuen Hoi-man)</p> <p>R5: 立法會議員梁美芬 (Legislative Councillor Dr. Hon. Priscilla M.F. Leung)</p>	

	R6(part): Central and Western Concern Group R7(part), R8 to R19, R20(part) to R25(part), R26: Individuals	
<u>Amendments to Notes of OZP Item (d)</u> Incorporation of ‘Art Studio (excluding those involving direct provision of services or goods)’ as Column 1 use in Schedule II of the “OU(B) and “Residential (Group E)” zones, with corresponding amendment to replace ‘Place of Recreation, Sports or Culture’ use under Column 2 by ‘Place of Recreation, Sports or Culture (not elsewhere specified)’	<u>Total: 1</u> <u>Support (1)</u> R2: Individual	

1. Introduction

- 1.1 On 11.3.2016, the Draft Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/36 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance) (**Annex Ia**). The Schedule of Amendments setting out the amendments incorporated into the Plan is at **Annex Ib**. The amendments mainly involve the rezoning of a site at the junction of Yu Chau West Street and Wing Hong Street from “Government, Institution or Community” (“G/IC”) to “Other Specified Uses” annotated “Business 5” (“OU(B)5”) with stipulation of building height (BH) restriction (Item A), and the rezoning of a site at Cheung Shun Street near Lai Chi Kok Road from “G/IC” to “Commercial (6)” (“C(6)”) with stipulation of BH restriction and designation of a non-building area (NBA) (Item B), with corresponding amendments to the Notes of the OZP. The location of the amendment items (Items A and B) are shown on **Plan H-1**.
- 1.2 During the two-month exhibition period, a total of 26 representations were received. On 27.5.2016, the representations were published for three weeks for public comments, and two comments were received.
- 1.3 On 5.8.2016, the Town Planning Board (the Board) decided to consider all the representations and comments (**R1 to R26**) and the comments (**C1 and C2**) in one group.
- 1.4 This paper is to provide the Board with information for the consideration of the 26 representations and the two comments on the amendments. The overall planning considerations and assessments on the representations/comments are provided in paragraph 5 of this paper. Detailed responses to individual representations and

comments are provided at **Annex V**.

- 1.5 The representers and commenters have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. **Background**

- 2.1 The Government is committed to expanding land resources for Hong Kong through a multi-pronged approach to build up land reserve, with a view to meeting housing, social and economic developments. Among various measures, consideration has been given to reviewing “G/IC” sites (mainly those that are considered underutilized or having no designated Government use) which have potential for other alternative uses. Upon review, concerned bureaux/departments agreed that two “G/IC” sites at junction of Yu Chau West Street and Wing Hong Street, and Cheung Shun Street near Lai Chi Kok Road (**Plan H-1**) were no longer required and could be released for private development.

Item A: Rezoning of a site at junction of Yu Chau West Street and Wing Hong Street (Site A) from “G/IC” to “OU(B)5” with stipulation of BH restriction (Plans H-1, H-2a, H-3a and H-4a to H-4c)

- 2.2 Site A is located at the northeastern fringe of the Cheung Sha Wan Industrial/Business Area, predominantly surrounded by high to medium-rise industrial, industrial-office and commercial buildings which are zoned “OU(B)” on the OZP (**Plans H-1 and H-2a**).
- 2.3 With an area of about 0.29 ha, Site A is partly occupied by Yu Chau West Street Cooked Food Hawker Bazaar (CFHB), Wing Hong Street Temporary Refuse Collection Point (RCP) and a temporary works area (**Plans H-2a, H-3a, and H-4a to H-4c**). Taking into account its low utilization rate and the availability of eateries nearby to meet the need of workers in the area, the Food and Environmental Hygiene Department (FEHD) confirms that there is no need to maintain the operation of CFHB, and has no objection to the release of the CFHB site for other uses. However, as the Wing Hong Street Temporary RCP is currently handling a large volume of municipal waste, and there is no alternative site available within the catchment area for reprovisioning, FEHD has requested for a permanent RCP to be included in the future development of the site.
- 2.4 Site A is thus proposed to be rezoned from “G/IC” to “OU(B)5” with a maximum plot ratio (PR) of 12, and a maximum BH restriction of 130mPD. The requirement for the provision of a Government RCP is also stipulated in the Notes for the “OU(B)5” zone. It is estimated that there would be about 34,800m² non-domestic GFA.

Item B: Rezoning of a site at Cheung Shun Street near Lai Chi Kok Road (Site B) from “G/IC” to “C(6)” with stipulation of BH restriction and designation of a non-building area (NBA) (Plans H-1, H-2b, H-3b, H-4d and H-4e)

- 2.5 Bounded by Lai Chi Kok Road in the south and west, Site B is situated at the southwestern fringe of the Cheung Sha Wan Industrial/Business Area. With an area of about 0.423 ha, it is currently occupied by a temporary open-air fee-paying public car park. To the northeast are mainly medium to high-rise industrial / industrial-office and commercial buildings, whereas to the south and southeast lies a number of GIC uses and

residential developments.

- 2.6 Due to the traffic noise from Lai Chi Kok Road and its proximity to the industrial buildings of the Cheung Sha Wan Industrial/Business Area, Site B is not suitable for residential development. Moreover, as area to the south across Lai Chi Kok Road have been developed for residential uses, rezoning of the site to “OU(B)” which may allow industrial or commercial development is also considered not suitable. Thus, in order to meet the economic needs of the territory, Site B is proposed to be rezoned to “C(6)”. The planning intention is primarily for commercial developments, which may include office, shop, services, place of entertainment, eating place and hotel etc. to serve as a district commercial/shopping centre and employment node.
- 2.7 Taking into account the PR and BH restrictions of the surrounding “OU(B)” and “C(4)” sites south of Cheung Sha Wan Road, a PR restriction of 12 and BH restriction of 120mPD are stipulated for the site. To facilitate better air ventilation in the surrounding area, as recommended in the Air Ventilation Assessment (AVA) Initial Study commissioned for the proposed commercial development (**Annex VI**), a NBA of 15m wide is designated along the eastern boundary of the site on the OZP (**Plan H-1**), and a minimum setback of 4m from the boundary of the site abutting Cheung Shun Street is stipulated in the Notes of the OZP (as indicatively marked on **Plan H-2b**). To meet the parking demand of the area, the provision of a public car park with a minimum of 85 public parking spaces for private cars/light goods vehicles is also stipulated in the Notes of the OZP.

Amendments to Notes of OZP Item (d)

- 2.8 Opportunity is also taken to incorporate ‘Art Studio (excluding those involving direct provision of services or goods)’ as a Column 1 use in Schedule II of the “OU(B)” and “Residential (Group E)” (“R(E)”) zones, with corresponding amendment made to replace ‘Place of Recreation, Sports or Culture’ under Column 2 by ‘Place of Recreation, Sports or Culture (not elsewhere specified)’.

Consideration by the Metro Planning Committee

- 2.9 The said amendments to the OZP were considered and agreed by the Metro Planning Committee (MPC) of the Board on 19.2.2016. The relevant MPC Paper No. 2/16 and the minutes of the MPC meeting are deposited at the Board’s Secretariat for Members’ inspection. The MPC Paper and the minutes are also available at the Board’s website.

Public Consultation

Amendment Item A

- 2.10 The Sham Shui Po DC (SSPDC) was first consulted on the proposed rezoning of Site A from “G/IC” to “OU(B)5” on 23.6.2015. Majority of the DC members supported or had no in-principle objection to the rezoning proposal. There were concerns about the co-location of proposed RCP with the business development and closure of the CFHB. The Government was requested to ensure that the operation capacity of the future RCP would be large enough to help relieve the overloading situation of the existing RCPs in the vicinity, particularly Cheung Wah Street RCP within Lai Bo Garden at Shun Ning Road. Several SSPDC members raised objection to the proposed business use mainly on

the grounds that the site would be more suitable for residential development and there were concerns about the possible adverse visual (including light pollution) and traffic impacts on the surrounding areas (**Annex IIa**).

- 2.11 Subsequently, some DC members submitted a discussion paper which was discussed at the SSPDC meeting on 25.8.2015. The SSPDC passed a motion supporting the rezoning of the site from “G/IC” to “OU(B)5” with the request to use the site of Wing Hong Street Temporary RCP and its adjacent sites to build a new and modern RCP capable of alleviating the burden of or replacing the Cheung Wah Street RCP (at Lai Po Garden) in view of community needs (**Annex IIb**).
- 2.12 On 2.2.2016, PlanD and FEHD consulted the SSPDC again on the rezoning proposal. Most of the DC members reiterated the nuisance and hygiene problems brought by Cheung Wah Street RCP to the residents of Lai Bo Garden, and opined that Site A should accommodate a larger RCP so as to facilitate the closure of Cheung Wah Street RCP. Some SSPDC members expressed concerns on the compensation/resettlement arrangement for the licencees of the CFBH, the loss of available site for provision of community and welfare facilities, and the possible light pollution, traffic and landscape impact caused by the proposed development. After deliberation, the SSPDC passed a motion stating that considering that the proposed Amendment Item A involved the operation and development of Wing Hong Street RCP and the SSPDC had in the past raised much concern about relocating Cheung Wah Street RCP, and that the site where Wing Hong Street Temporary RCP situated constituted one of the potential receiving sites, the SSPDC requested PlanD and FEHD to promise and undertake for early diversion of the wastes from Cheung Wah Street RCP to Wing Hong Street RCP or other RCPs, in order to achieve the permanent closure of Cheung Wah Street RCP (**Annex IIc**).
- 2.13 After the gazettal of the draft OZP No. S/K5/36 on 11.3.2016, the amendments were again presented to the SSPDC on 12.4.2016. On Amendment Item A, some SSPDC members reiterated the need for the proposed RCP at the site with large handling capacity to replace the Cheung Wah Street RCP and the concern on the CFBH. An extract of the minutes of the meeting is at **Annex IId**.

Amendment Item B

- 2.14 On 2.2.2016, PlanD consulted the SSPDC on the proposed rezoning of Site B from “G/IC” to “C(6)”. Many SSPDC members raised objection to the proposal, expressing serious concerns on the loss of available site for the provision of community and welfare facilities given the current deficiency and increasing population in the Sham Shui Po District. In light of the deficiency of housing supply and welfare facilities, they questioned the need for releasing land for further commercial development within the district. They were also concerned about the possible adverse impacts on air ventilation, light pollution, traffic and parking spaces provision brought by the proposed development. They considered that the information provided on these aspects of the proposed development was insufficient to address local concerns. They criticized that the rezoning proposal was put forward to them in a rush without consultation with the locals, particularly on the needs for community and welfare facilities. After deliberation, the SSPDC passed a motion stating that regarding the proposed Amendment B, the SSPDC was concerned about the possible impacts on air ventilation, parking space provision, light pollution, traffic as well as community and public

facilities brought by the proposed amendment to the nearby residents and stakeholders, and therefore requested the Government to withdraw the proposed amendment and to conduct a comprehensive consultation exercise with the stakeholders in the society (**Annex IIc**).

- 2.15 After the SSPDC meeting on 2.2.2016, written comments were received from the concerned SSPDC Member Mr. Yuen Hoi Man, owner committees, incorporated owners and residents of nearby residential developments (i.e. Aquamarine, One West Kowloon, Liberte, The Pacifica, Banyan Garden). They objected to the proposed rezoning and expressed concerns on the impacts of the proposed commercial development on the environment (including noise, air quality, air ventilation, light pollution, etc.) and traffic (including local traffic condition, car parking spaces, etc.) of the surrounding areas. They considered that there was enough commercial development nearby and Site B should be reserved for GIC development to serve the locals (e.g. social welfare / community facilities (including those for children, youth and elderly), library, sports centre, public car park, market). They also commented that the rezoning proposal was put forward to them in a rush. Similar views were expressed at two local forums organized by concerned SSPDC members on 6.4.2016 and 9.4.2016.
- 2.16 After the gazettal of the draft OZP No. S/K5/36 on 11.3.2016, the amendments were again presented to SSPDC on 12.4.2016. On Amendment Item B, concerned SSPDC members reiterated their previous concerns. It was proposed that Site B should be used for the reprovisioning of the Cheung Sha Wan Temporary Cooked Food Market (CSWTCFM) to the north which is zoned “Open Space” (“O”) on the OZP (**Annex IId**).

3. **The Representations**

3.1 **Subject of Representations**

A total of 26 representations were received comprising:

- (a) 10 representations are related to Item A. Two representations (**R1** and **R3**) from the Chairman of the Incorporated Owners of Lai Bo Garden and a SSPDC member respectively support Item A. Eight representations (**R6, R7, R20 to R25**) from the Central and Western Concern Group (CWCG) and private individuals oppose Item A.
- (b) 24 representations (**R3 to R26**) from a Legislative Councillor, two SSPDC members, CWCG, local residents nearby and individuals are related to Item B. All of them oppose Item B.
- (c) One representation (**R2**) from an individual supports amendments to the Notes of the OZP Item (d) in respect of ‘Arts Studio (excluding those involving direct provision of services or goods)’ and ‘Place of Recreation, Sports or Culture’ uses in the “OU(B)” and “R(E)” zones.
- (d) A full set of the representations is at **Annex III**.

3.2 Major Grounds of the Representations

Item A:

Supportive Representations

- 3.2.1 **R1 and R3(part)** support the amendment mainly on grounds that the new RCP with large handling capacity at Site A will gradually replace the existing Cheung Wah Street RCP at Lai Po Garden. It is also proposed to use one floor of the new development for Government use for eating place or cooked food centre (CFC) so that the affected licensed hawkers of the existing CFC at the site can continue their business.

Adverse Representations

- 3.2.2 **R6, R7, R20 to R25** oppose the amendments in relation to Site A (including Amendments to Notes of OZP Item (c)) on the following grounds:
- (a) There are existing trees within the site and vegetated slopes along part of the northern and eastern boundaries of the site. The site is ideal for low-rise active recreational use for enjoyment of occupiers of both residential and commercial developments. It helps to mitigate the wall effect faced by the buildings to its south and provides visual and spatial relief to the area;
 - (b) The proposed building of 130mPD high would cast a shadow on the adjacent rest garden and have wall effect on this amenity;
 - (c) There is a lack of Government, institution or community (GIC) land and facilities in the district. In view of future population increase in the area, further reduction in land for GIC use will aggravate the problem;
 - (d) There is a shortfall of district open space and local open space by 13.04 ha and 5.29 ha (in Cheung Sha Wan) respectively. There should be more consideration on providing recreational spaces instead;
 - (e) To relocate the RCP from Site A to Site B;
 - (f) Not to accept the amendment and come up with alternative proposals including low-rise active outdoor recreational facility;
 - (g) The amendment will aggravate the problem of light pollution; and
 - (h) There will be adverse impact on air ventilation.

Item B:***Adverse Representations***

3.2.3 **R3(part) to R26** oppose the amendments in relation to Site B (including Amendments to Notes of the OZP Items (a) and (b)) on the following grounds:

Air Ventilation

- (i) The previous air ventilation assessment (AVA) conducted in 2010 (AVR/G/55) suggested, amongst others, that the maximum BH for developments along Cheung Shun Street should be 60mPD and Cheung Sha Wan Police Station and the adjoining site should be maintained as “G/IC” land. The current rezoning for commercial development with a BH of 120mPD deviates from these suggestions. It will adversely affect the air ventilation in the area;
- (j) At present, the RCP and public toilet in Cheung Shun Street opposite to the site do not pose an odour problem to the community due to the existing air ventilation situation. According to AVA report conducted (in 2015/2016) for the site (AVR/G/104), the conditions of the two development scenarios are worse than the baseline condition. Assessments on the wind environment (e.g. with special test points) should be conducted to confirm that the proposed development would not result in local accumulation of odour before proceeding with the rezoning;

Noise Impact

- (k) The proposed building of 120mPD high will deflect the traffic noise of the heavily trafficked West Kowloon Corridor / Lai Chi Kok Road to the nearby residential developments. As it is difficult for these completed residential developments to install mitigation measures, the noise impact is insurmountable;

Light Pollution

- (l) Long term exposure to light may cause serious health problems, impacting on the quality of life. Recent redevelopments giving rise to more commercial towers in the area have already caused disturbance to nearby residents (especially those residing in One West Kowloon, Banyan Garden, Liberte and The Pacifica) due to their strong lights and sign boards at night. The reflective materials used in these buildings also reflect sunlight onto the street, causing discomfort to pedestrians. There is a lack of regulation on light pollution and the Charter on External Lighting cannot resolve the problem;
- (m) There should be regulations to prohibit any designs or potential source for light pollution such as the use of light at nighttime and material use for commercial buildings. The land sale conditions should specify measures to mitigate light pollution such as compulsory switching off of unnecessary lightings at non-business hours, installation of gadgets to

avoid strong reflection of lights and forbidding the use of flickering or hue-changing lighting installations on the side facing residential building;

Blockade of Sky Light

- (n) The proposed commercial building of 120mPD high will face directly to Tower 2 of One West Kowloon with Lai Chi Kok Road in between. It will impose complete blockade of sky light along Lai Chi Kok Road. It will also affect the day lighting for the relatively low-rise buildings nearby;

Privacy

- (o) The building with BH of 120mPD high will infringe on the privacy of residents of One West Kowloon from day to night;

Telecommunication System at Cheung Sha Wan Police Station

- (p) There is a high-powered radio base station at the adjoining Cheung Sha Wan Police Station. It is not certain whether the proposed building will interfere the telecommunication system of the police station or the strong radio signals will pose health hazard to the future users of the building;
- (q) The land sale conditions should require the proposed development to follow the Sustainable Building Design Guidelines proposed by the Council for Sustainable Development;

GIC Facilities

- (r) There is a lack of GIC facilities such as wet market, sports centre, library, youth centre in the district. There is a growing number of young and new families in the area especially at the four major residential estates south of the site. The community facilities in the district are far away from these residential estates. In view of future population increase in the area, further reduction in land for GIC use will aggravate the problem;
- (s) To develop a community service building at the site to incorporate community facilities such as child care centres, elderly care centres, open space, etc;
- (t) The rezoning would affect the opportunity to relocate the Cheung Sha Wan Temporary Cooked Food Market (CSWTCFM) within the “Open Space” (“O”) zone north of the site to a nearby location. Relocation of the CSWTCFM to the site in order to release land in the “O” zone for its intended development or swapping the “O” zone with the site for the proposed commercial development should be considered;

Relocation of RCP

- (u) To relocate the RCP at Site A to Site B;

Open Space

- (v) There is a shortfall of district and local open space by 13.04 ha and 5.29 ha (in Cheung Sha Wan) respectively. There should be more consideration on providing recreational spaces instead;

Parking Space

- (w) Parking space is very limited in the area. As exemplified by the high usage rate of the current temporary open air car park, the demand for parking space remains very high. The additional requirement on Amendments to Notes of OZP Item (a), which reads that “to provide a minimum of 85 public car parking spaces”, is still insufficient to meet to huge demand in the area. There are suggestions to raise the number to 300-500 car parking spaces;

Assessment on Demand for Commercial Floor Space

- (x) Evaluation on the demand on commercial land may not be accurate. It is possible that there may be an over-estimation of the need for commercial land. Within the area, old and dilapidated industrial buildings are gradually being transformed into commercial buildings. The Government has not provided figures to show how much commercial floor space is left vacant or is in shortage to back up the plan to increase commercial space. Besides, increase in commercial floor space will affect the property / rental value of the other existing / planned commercial developments in the area;

Procedural

- (y) The rezoning has been put forward to the SSPDC in a rush. In taking forward the rezoning as an amendment to the OZP, the Government has ignored the request of the SSPDC to withdraw the proposed amendment and conduct a comprehensive consultation exercise with stakeholders in the local community.

Amendment to Notes of OZP Item (d):

Supportive Representation

3.2.4 **R2** supports amendments to the Notes of the OZP in respect of ‘Arts Studio (excluding those involving direct provision of services or goods)’ and ‘Place of Recreation, Sports or Culture’ uses in the “OU(B)” and “R(E)” zones. It requires clarifications on the following:

- (a) Detailed definition of ‘Arts Studio (excluding those involving direct provision of services or goods)’ shall be provided; and
- (b) Painting, design, stage arts, stage production, opera and opera rehearsal, dance training, calligraphy, etc. should be permitted under Column 1 of Schedule II for the “OU(B)” and “R(E)” zones.

Representers' Proposals

3.2.5 **Item A: R21 to R25** propose to retain the site as “G/IC” zone.

3.2.6 **Item B: R5, R11, R14 to R25** propose to retain the site as “G/IC” zone. **R11** also proposes to restrict the maximum BH of the site to 60mPD.

4. Comments on Representations

Subject of Comments on Representations

A total of 2 comments on representations were received comprising:

- (a) One comment (**C1**) is from a Legislative Councillor who opposes Items A and B on grounds of adverse impact on provision of community facilities.
- (b) Another comments (**C2**) is from an individual who opposes Item B on similar grounds as put forward by those adverse representations.

5. Planning Considerations and Assessments

5.1 The Representation Sites and their Surrounding Areas

Item A (Plans H-1, H-2a, H-3a and H-4a to H-4c):

- 5.1.1 Site A is located at the northeastern fringe of the Cheung Sha Wan Industrial/Business Area. With an area of about 0.29 ha, it is currently occupied by the one-storey Yu Chau West Street CFHB, Wing Hong Street Temporary RCP and a temporary works area. There are vegetated slopes along part of the northern and eastern boundaries of the site.
- 5.1.2 The site is mainly surrounded by high to medium-rise industrial, industrial-office (e.g. Peninsula Tower) and commercial buildings (e.g. CEO Tower), which are zoned “OU(B)”. To the immediate east of the site is Wing Hong Street Rest Garden (zoned “O”). To the further northeast are some GIC facilities including Nam Wah Catholic Secondary School and Caritas Medical Centre (zoned “G/IC”).

Item B (Plans H-1, H-2b, H-3b, H-4d and H-4e):

- 5.1.3 Site B is situated at the southwestern fringe of the Cheung Sha Wan Industrial/Business Area. With an area of 0.423 ha, it is currently occupied by a temporary open-air fee-paying public car park.
- 5.1.4 To the immediate north is a site zoned “O”, presently occupied by Cheung Sha Wan Road / Cheung Shun Street Playground and CSWTCFM. To the immediate east are Sham Shui Po District Headquarters and Cheung Sha Wan Police Station. To the north and east of Site B are predominately medium to

high-rise industrial/industrial-office buildings, with some recently-redeveloped high-rise commercial buildings scattered thereat. To the south and southeast of the site across Lai Chi Kok Road are Sham Mong Road Electricity Substation, Feoso Building (zoned for residential use to facilitate redevelopment), and four high-rise residential developments, namely One West Kowloon, Banyan Garden, Liberte and The Pacifica.

5.2 Planning Intention

5.2.1 **Item A:** the “OU(B)5” zone is intended primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings. Less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial or industrial-office buildings.

5.2.2 **Item B:** the “C(6)” zone is intended primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as a district commercial/shopping centre. The areas under this zoning are major employment nodes.

5.3 Responses to Grounds of Representations and Representers’ Proposals

Supportive Representations

5.3.1 The supporting views of **R1** and **R3** to **Item A** are noted. Responses to the views expressed are at **Annex V**.

5.3.2 The supporting view of **R2** to amendment to the Notes of the OZP regarding ‘Arts Studio’ is noted. Responses to the views expressed are at **Annex V**.

Adverse Representations

5.3.3 **Item A:** the responses to the grounds of adverse representations (**R6, R7, R20 to R25**) are as follows:

Tree Preservation and Recreation Use

- (a) According to the pre-land sale tree surveys conducted by the Lands Department, there are 40 trees on the site. No significant trees have been identified, nor is there any of the existing trees being listed in the Register of Old & Valuable Trees. Most of the trees are common species, such as *Macaranga tannariorum* var. *tomentosa* (血桐), *Aleurites moluccana* (石栗) etc. CTP/UD&L, PlanD opines that for any type of development, the existing trees within the site and vegetated slopes shall be preserved as far as practicable according to land lease condition. Should any trees be affected by the development, application to relevant departments for approval is required (e.g. under the Lands Administration Office Practice Note No. 7/2007 and 7/2007A - Tree Preservation and Tree Removal Application for Building Development in Private Project).

Shadow Impact on Adjacent Rest Garden

- (b) The site is located to the west of the Wing Hong Street Rest Garden (WHSRG). The proposed building may cast shadow on the west side of the WHSRG in the afternoon. However this is not unusual for a rest garden in urban area, with building/buildings developed right next to open space. Moreover, as there is a slope separating the rest garden and the building, significant and direct effect on the WHSRG is not envisaged.

Provision of GIC Facilities

- (c) A table on the provision of open space and major community facilities in the Cheung Sha Wan area is at **Annex VII**. Based on the HKPSG requirements and planned population for the area, except for one sports centre and 130 secondary school classrooms, there is no deficit of GIC provision in the OZP area. With an area of about 0.29 ha, Site A is too small for sports centre or secondary school development. The facilities in deficit are to be assessed on a wider district basis by the relevant departments and any shortfalls could be addressed by the provision in the adjoining areas. Concerned Government departments have no objection to the rezoning amendment.

Provision of Open Space

- (d) As an early developed urban district with limited vacant land for open space development, there has been some shortfall of open space in Cheung Sha Wan. However, the Sham Shui Po District as a whole would have a surplus of about 9.09 ha of district open space and 10.5 ha of local open space as per the HKPSG requirements (**Annex VII**).
- (e) The site is located within an industrial / business area away from residential developments. As the WHSRG located to the immediate east of the site will continue to serve as recreational space in the area, developing the site for open space purpose is considered not necessary. LCSD has not raised any objection to the rezoning amendment.

Relocation of RCP at Site A to Site B

- (f) Relocation of the RCP at Site A to Site B is not desirable as it will only serve a catchment area different from that of the one at the current site (i.e. Wing Hong Street Temporary RCP). Being further away from the catchment of Cheung Wah Street RCP at Lai Bo Garden, an RCP at Site B would not be able to help relieve the waste loading on the Cheung Wah Street RCP.

Light Pollution

- (g) As the surrounding areas are mainly of industrial / business uses, light pollution should not be a major concern. The Government will continue to take positive actions to handle complaints against external lighting installations. Upon receipt of complaints, the Environmental Protection Department (EPD) would relay the complainants' concerns and requests to the persons responsible for the lighting installations in question, and advise them to refer to the Guidelines on Industry Best Practices for External Lighting Installations and take appropriate measures to minimise the impacts of the lighting installations on the residents in the vicinity. The Environment Bureau (ENB) will also invite the responsible persons to sign up to the Charter on External Lighting and pledge to switch-off external lighting of decorative, promotional and advertising.

Air Ventilation

- (h) According to the Air Ventilation Assessment Expert Evaluation (AVA EE) for the Cheung Sha Wan Area (2010), the subject site does not fall within any key wind corridors. Also, the proposal does not fall into the categories in which an AVA is required in accordance with the joint Housing, Planning and Lands Bureau/Environment, Transport and Works Bureau Technical Circular No. 1/06 on AVA. As such, no significant adverse air ventilation impact induced by the rezoning is anticipated

5.3.4 **Item B:** the responses to the grounds of adverse representations (**R3** to **R26**) are as follows:

Air Ventilation

- (a) According to the Technical Guide for Air Ventilation Assessment for Developments in Hong Kong, an Expert Evaluation (EE) is a qualitative assessment which is particularly useful for large site and/or sites with specific and unique wind features, issues, concerns and problems; whereas an AVA Initial Study (AVA IS) will refine and substantiate the EE.
- (b) Based on the AVA EE for the Cheung Sha Wan Area (2010), Cheung Shun Street (adjacent to Site B) and Cheung Yee Street are air paths in the Cheung Sha Wan Industrial / Business Area. It is recommended to maintain the "O" and "G/IC" sites at Lai Chi Kok Road. It is also suggested that if developments along Cheung Shun Street could not be restricted to the recommended maximum BH of 60mPD, the adverse air ventilation could be reduced by widening the road spacing of this street. Air ventilation can also be improved if podia are made permeable.
- (c) Taking the above into account and to assess the potential impact of the rezoning, the Planning Department (PlanD) has commissioned an AVA IS using computational fluid dynamics (CFD), which was completed in March 2016. Under the AVA IS, a proposed scenario is formulated

based on a commercial development with a building setback of about 4m along the northern boundary of the site to allow for wider road spacing along Cheung Shun Street and incorporating a 15m NBA along the eastern boundary to facilitate the wind flow into Cheung Shun Street. The proposed scenario has been assessed against the baseline scenario. According to the study, the annual and summer prevailing winds are mainly coming from northeast and east directions, and east, east-southeast, south-southwest and southwest directions respectively. The study concluded that the proposed commercial development at the site would not significantly affect the overall wind performance. Moreover, under the annual wind condition, the site spatial average velocity ratio and local spatial average velocity ratio under the proposed scenario would be higher than those of the baseline scenario.

- (d) Regarding the potential odour problem arising from the existing RCP and public toilet at Cheung Shun Street opposite to the site, FEHD advises that currently ventilation and odour control systems have been installed in the subject RCP and the adjacent public toilet, with appropriate measures at the RCP and toilet all along been taken to prevent causing odour nuisance to the public. On the impact of the rezoning, it is noted from the AVA IS completed in March 2016 that the test points closest to the Cheung Shun Street RCP and public toilet are O36 to O38. Results of the AVA IS indicate that under both the annual and summer wind conditions, the ventilation performance of these test points are similar in the proposed scenario and the baseline scenario. It is not anticipated that any significant adverse impact on the localized ventilation performance at this particular area would be caused by the proposed development.

Noise Impact

- (e) From the noise planning perspective, as the subject development is not directly opposite to Banyan Garden and One West Kowloon, significant increase in noise level due to reflection from the development of the subject site is not anticipated.

Light Pollution

- (f) The subject development located at Lai Chi Kok Road is not directly fronting the residential developments to the south of this road.
- (g) Nevertheless, the Government will continue to take positive actions to handle complaints against external lighting installations. Upon receipt of complaints, EPD would relay the complainants' concerns and requests to the persons responsible for the lighting installations in question, and advise them to refer to the Guidelines on Industry Best Practices for External Lighting Installations and take appropriate measures to minimise the impacts of the lighting installations on the residents in the vicinity. ENB will also invite the responsible persons to sign up to the Charter on External Lighting and pledge to switch-off external lighting of decorative, promotional and advertising purposes affecting the outdoor environment

during the preset times. The Government supports measures to minimise the problems of energy wastage and light nuisance arising from external lighting, as set out in the Guidelines on Industry Best Practices for External Lighting Installations.

- (h) According to LandsD, in general the land sales conditions would only reflect the planned development parameters, instead of the daily operation and building installation of the proposed development .

Blockade of Sky Light

- (i) The subject development located at Lai Chi Kok Road is mainly surrounded by non-residential uses. The site is separated from One West Kowloon by Lai Chi Kok Road (which is about 37m wide). With a distance of about 50m away, it is not directly fronting onto One West Kowloon. It is considered that the blockage of sunlight along Lai Chi Kok Road and visual impact of the proposed commercial development of 120mPD high would not be significant.

Privacy

- (j) The subject development located at Lai Chi Kok Road is mainly surrounded by non-residential uses. The site is separated from One West Kowloon by Lai Chi Kok Road. With a distance of about 50m away, it is not directly fronting onto the One West Kowloon and significant impact on privacy is not envisaged.

Telecommunication system at Cheung Sha Wan Police Station

- (k) Regarding the potential impact of the proposed building on their telecommunication system at Cheung Sha Wan Police Station, the Commissioner of Police has no adverse comment on the rezoning amendment.. There is no evidence that there will be health hazard caused by the telecommunication system of the police station to future users of the proposed development.

Sustainable Building Design

- (l) Buildings Department's PNAP APP-151 on Building Design to Foster a Quality and Sustainable Built Environment and PNAP APP-152 on Sustainable Building Design Guidelines are applicable to the subject site. Moreover, in general, depending on the applicability of the site, relevant provisions on building separation, building setback and coverage of greenery provision may be stipulated in land sale conditions of the site where appropriate.

Provision of GIC Facilities and Community Service Building

- (m) A table on the provision of open space and major community facilities in the Cheung Sha Wan area is at **Annex VII**. Based on the HKPSG

requirements and planned population for the area, except for one sports centre and 130 secondary school classrooms, there is no deficit of GIC provision in the OZP area. Sports centre facilities will be provided in the planned Government complex within the comprehensive public housing development at Northwest Kowloon Reclamation Site 6 in Sham Shui Po near the residential areas south of Site B. The facilities in deficit are to be assessed on a wider district basis by the relevant departments and the shortfalls could be addressed by the provision in the adjoining areas. The proposed development would also incorporate a child care centre and a neighbourhood elderly centre subject to availability of funding. Concerned departments have no objection to the rezoning amendment.

- (n) A Government complex to accommodate a sports centre and public library facilities will be provided within the housing site at Northwest Kowloon Reclamation Site 6 in Sham Shui Po District to meet the demand. As for the wet market, FEHD would take into consideration the HKPSG, the actual situation of the area, views of the stakeholders, as well as other relevant factors to consider whether a new wet market should be developed, so as to ensure value for money in spending public resources.

Relocation of CSDTCM to the site or swapping of the site with the “O” zone to its north

- (o) There is no requirement for retention of the site as “G/IC” zone to reprovision / provide facilities such as cooked food centre, RCP, wet market, etc. and relevant Government departments have no objection to rezoning amendment.
- (p) The “O” zone to the north of the site is currently occupied by Cheung Sha Wan Road / Cheung Shun Street Playground, CSWTCFM, and Cheung Shun Street RCP / Public Toilet (**Plans H2b**). Moreover, Site B is fronting and adjoining Lai Chi Kok Road near the West Kowloon Corridor. As such, it is not desirable to provide an open space in the site in view of noise and nuisances caused by the heavy traffic nearby.

Relocation of the RCP at Site A to Site B

- (q) Relocation of the RCP at Site A to Site B is not desirable as the proposed RCP could not serve the intended catchment area of the one at Site A.

Open Space

- (r) As an early developed urban district with limited vacant land for open space development, there has been some shortfall of open space in Cheung Sha Wan. However, the Sham Shui Po District as a whole would have a surplus of about 9.09 ha of district open space and 10.25 ha of local open space as per the HKPSG requirements (**Annex VII**).
- (s) Site B is fronting and adjoining Lai Chi Kok Road near the West Kowloon Corridor. It is not desirable to provide an open space in the site in view

of noise and nuisances arising from the heavy traffic nearby. LCSD has no objection to rezoning amendment.

Traffic Impact and Parking Spaces

- (t) According to TD, in view of the relatively small scale of the proposed development and the existing road network nearby, the traffic impacts will be minimal. The demand and supply of car parking spaces in the area has been closely monitored by TD. The proposed development is required to provide 85 public parking spaces for private cars and light goods vehicles, apart from providing adequate parking spaces to serve its own need according to the HKPSG. During the construction period, temporary parking will also be provided at vacant land nearby.

Assessment on Demand for Commercial Floor Space

- (u) There is continued demand for more space for economic activities including land/space for commercial facilities to sustain Hong Kong's economic development and to provide new employment opportunities. Based on the statistics from the Rating and Valuation Department, over the past decade, the total internal floor area of private commercial and private office stock had only recorded a modest increase of 15%, while Hong Kong's GDP had risen by about 40% in real terms. Between 2005 and 2015, the vacancy rate of private commercial stock has also continued to decline from 10.3% to 7.7%. During the same period, the annual rental and price indices of private offices stock had increased significantly from 96.4 to 226.7 and from 133.0 to 448.9 respectively. All these reflect a strong demand for commercial and office space.
- (v) The Government adopts a multi-pronged approach to ensure that land supply in the short, medium and long term not only satisfies the needs of housing, infrastructure and supporting community facilities, but also caters for economic developments. As regards commercial land and floor space, the Government will continue to take forward various measures for increasing supply.

Procedural

- (w) In processing the zoning amendments, PlanD has followed the established procedures including departmental consultation, DC consultation, TPB submission, and gazetting under the Ordinance. Prior to the submission of the proposed zoning amendments to the MPC, the SSPDC was consulted on the recommendation on the zoning amendments on 2.2.2016. The views collected were incorporated into the MPC paper to facilitate MPC's consideration of the rezoning proposal. The draft Cheung Sha Wan OZP No. S/K5/36 incorporating the zoning amendments was published for exhibition on 11.3.2016 for two months until 11.5.2016. After gazetting, the SSPDC was again consulted on the OZP amendments at its meeting held on 12.4.2016.

- (x) The public have been consulted on the rezoning proposal in accordance with the statutory provisions under the Ordinance, including the exhibition of the OZP for public inspection. During the two month gazetting period, the public could submit their representations and comments on the zoning amendments to the Board for consideration. Besides, all representers / commenters 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 amendments have been duly followed.

Representers' Proposals

5.3.5 **Item A:** the responses to proposal of **R21 to R25** are as follows:

- (a) Rezoning of the Site A for "OU(B)" use is considered appropriate in view of better utilization of land resources, compatibility with the surrounding land uses (which are dominated by industrial, industrial-office and commercial uses), and no insurmountable adverse impacts of the development as stated in the responses to the representations above.

5.3.6 **Item B:** the responses to proposals of **R5, R11, R14 to R25** are as follows:

- (b) PlanD would from time to time undertake review on the land use planning of the OZPs with a view to optimising the use of precious land resource. Taking into account its locality and site characteristics, the site at Cheung Shun Street is proposed to be rezoned from "G/IC" to "C(6)" with a maximum BH of 120mPD, with a view to satisfying the demand for commercial land and provision of employment opportunities. There are no insurmountable adverse impacts of the proposed development as stated in the responses to the representations above.
- (c) The proposed BH of 120mPD for the site is in keeping with the BH of the surrounding industrial / business developments. It would not have adverse visual, air ventilation and other impacts on the surrounding areas.

5.4 Responses to Grounds of Comments

As the views of the commenters (**C1** and **C2**) are similar to those of the adverse representations, the responses to the respective grounds of representations made in the above paragraphs are relevant.

6. Consultation

6.1 The following Government bureaux/departments have been consulted on the representations and comments, and their comments have been incorporated in the above paragraphs where appropriate:

- (a) Secretary for Development;
- (b) Secretary for Education;

- (c) Secretary for Environment;
- (d) Director of Environmental Protection;
- (e) Commissioner for Transport;
- (f) Chief Architect/Central Management Division 2, Architectural Services Department;
- (g) Chief Town Planner/Urban Design and Landscape, Planning Department;
- (h) Director of Food and Environmental Hygiene;
- (i) Director of Leisure and Cultural Services;
- (j) Director Social Welfare;
- (k) Director of Electrical and Mechanical Services;
- (l) District Lands Officer/Kowloon West, Lands Department;
- (m) Chief Building Surveyor/New Territories West, Buildings Department; and
- (n) District Officer (Sham Shui Po), Home Affairs Department.

6.2 The following departments have no comment on the representations and comments.

- (a) Commissioner of Police;
- (b) Chief Highway Engineer/Kowloon, Highways Department;
- (c) Chief Engineer/Mainland South, Drainage Services Department;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Project Manager/Kowloon, Civil Engineering and Development Department;
- (f) Director of Fire Services; and
- (g) Government Property Administrator.

7. **Planning Department's View**

7.1 The supportive views of **R1** and **R3 (part)** to **Item A**, and supportive views of **R2** to Amendments to the Notes of the OZP Item (d) in respect of 'Arts Studio' are noted. Their views and suggestions are also noted and the responses in paragraphs 5.3.1 and 5.3.2 above are relevant.

7.2 Based on the assessments in paragraph 5 above and for the following reasons, PlanD does not support the remaining part of **R3** and **R4 to R26** and considers that the OZP should not be amended to meet the representations:

- (a) Land suitable for development in Hong Kong is scarce and there is pressing need for increasing land for development. Rezoning of "G/IC" sites is one of the multi-pronged approaches to meet development needs. As Sites A and B are suitable for business and commercial developments respectively which are compatible with the surrounding land uses, it is considered appropriate to rezone the sites for such uses to meet market demand.
- (b) The zoning amendments would not generate unacceptable impacts in terms of environment, air ventilation, visual, traffic and infrastructure to the surrounding areas.
- (c) Sufficient land has been reserved for the provision of open space and GIC facilities in Cheung Sha Wan / Sham Shui Po. There is no need to retain the sites for open space and GIC development.

- (d) 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 reasons on specific grounds and proposals

Items A and B

- (e) Relocation of the proposed RCP at Site A to Site B is considered not desirable, as it will only serve a catchment area different from that of the one located at the current site and would not be able to help relieve the waste loading on the Cheung Wah Street RCP at Lai Bo Garden. **(R20 to R25)**
- (f) There are established mechanisms and guidelines such as the Guidelines on Industry Best Practices for External Lighting Installations, the Charter on External Lighting, etc. to minimise the impacts of the lighting installations on the residents in the vicinity. **(R4, R5, R7, R8, R11, R12, R14 to R19, R25, R26)**

Item B

- (g) To meet the parking demand of the area, there will be a total of 85 public car parking spaces to be provided within the proposed development at the subject site. During the construction period, temporary parking spaces will also be provided at nearby vacant sites. **(R3 to R5, R9, R14 to R18)**
- (h) The proposed maximum BH of 120mPD for the site is considered appropriate, in keeping with the BH of the surrounding industrial / business developments. It would not cause any adverse visual, air ventilation and other impacts on the surrounding areas. **(R11)**

8. Decision Sought

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

Attachments

Annex Ia	Draft Cheung Sha Wan OZP No. S/K5/36
Annex Ib	Schedule of Amendments to the approved Cheung Sha Wan OZP No. S/K5/35
Annex IIa	Extract of Minutes of Sham Shui Po District Council Meeting on 23.6.2015
Annex IIb	Extract of Minutes of SSPDC Meeting on 25.8.2015 (with Motion Passed)

Annex IIc	Extract of Minutes of Sham Shui Po District Council Meeting on 2.2.2016 (with Motions Passed)
Annex IId	Extract of Minutes of Sham Shui Po District Council Meeting on 12.4.2016
Annex III	Submissions of the Representers (R1 to R26)
Annex IV	Submission of the Commenters (C1 and C2)
Annex V	Major Points of Representations / Comments and Responses in respect of the Draft Cheung Sha Wan OZP No. S/K5/36
Annex VI	Executive Summary of the Final Report of the Air Ventilation Assessment Initial Study
Annex VII	Provision of Open Space and Major GIC Facilities in Cheung Sha Wan and Sham Shui Po
Plan H-1	Location Plan of Amendment Items A and B
Plan H-2a	Site Plan of Amendment Item A
Plan H-2b	Site Plan of Amendment Item B
Plan H-3a	Aerial Photo of Amendment Item A
Plan H-3b	Aerial Photo of Amendment Item B
Plan H-4a to 4c	Site Photos of Amendment Item A
Plan H-4d and 4e	Site Photos of Amendment Item B
Plan H-5	Comparison of the approved Cheung Sha Wan OZP No. S/K5/35 and the draft OZP No. S/K5/36

PLANNING DEPARTMENT
SEPTEMBER 2016