

**DRAFT TSING YI OUTLINE ZONING PLAN NO. S/TY/31
CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/TY/31-R1 TO R5277
AND COMMENTS NO. TPB/R/S/TY/31-C1 TO C1627**

Subject of Representations	Representers	Commenters
<u>Item A:</u> Rezonning of a site to the west of Tsing Yi Road West from “Green Belt” (“GB”) to “Residential (Group A) 5” (“R(A)5”) with incorporation of development restrictions on plot ratio (PR) and building height (BH)	<u>Total: 5,277</u>	<u>Total: 1,627</u>
	<u>Support and Providing Views (Total: 106)</u> R1 to R76, R78, R79, R81 to R88, R2992 to R2995, R3001 to R3005, R3007 to R3010, R3076, R3077, R3079, R4155, R5265, R5273 and R5276: Individuals	-
	<u>Oppose (Total: 5,155)</u> <u>Green/Concern Groups (7)</u> R89 : The Conservancy Association R90 : Hong Kong Bird Watch Association R91 : Kadoorie Farm & Botanic Garden Corporation R92 : Green Sense HK Ltd. R93 : World Wide Fund for Nature Hong Kong R94 : Designing Hong Kong Limited R95 : Land Justice League <u>Kwai Tsing District Council (K&TDC) Members and Local Groups (5)</u> R96 : Mr. TSUI Hiu-kit, K&TDC Member R97 : Ms. LO Yuen-ting, K&TDC Member R98 : Ms. LEUNG Kar-ming, K&TDC Member R99 : Tsing Yi Rural Committee R100 : 潘志成, member of Kwai Tsing Branch of Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) <u>Owners’ Committee (OC) / Incorporated Owners (IO) (2)</u> R101 : Mount Haven OC R102 : The IO of Ching Wah Court	<u>Oppose (Total 1,627)</u> <u>Green/Concern Groups (2)</u> C1 (also R94): Designing Hong Kong Ltd. C2 (also R89): The Conservancy Association

	<i>Individuals (5,141)</i> R103 to R2991, R2996 to R3000, R3006, R3011 to R3075, R3078, R3080, R3082 to R4154, R4156 to R5260, R5277	<i>Individuals (1,624 among which 907 are also representers)</i> C4 to C1627: Individuals
	<u>No View Expressly Indicated (with signature only or expressing no view) (16)</u> R77, R80, R3081, R5261 to R5264, R5266 to R5272, R5274, R5275	

Note: The names of all representers and commenters are attached at **Annex III**. A set of soft copy of their submissions is sent to the Town Planning Board (the Board) Members via electronic means, and available for public inspection at the Board's website at https://www.info.gov.hk/tpb/en/plan_making/S_TY_31.html. A set of hard copy is deposited at the Board's Secretariat for Members' inspection, and is also available for public inspection at the Planning Enquiry Counters of the Planning Department in North Point and Sha Tin.

1. **INTRODUCTION**

- 1.1 On 2.7.2021, the draft Tsing Yi Outline Zoning Plan (OZP) No. S/TY/31 (**Annex I**) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The Schedule of Amendments setting out the amendments is at **Annex II** and the location of the amendment item is shown on **Plan H-1**.
- 1.2 During the two-month statutory exhibition period, a total of 5,277 valid representations were received¹. On 16.11.2021, the representations were published for three weeks for public comments. Upon expiry of the three-week exhibition period, a total of 1,627 valid comment on the representations were received.
- 1.3 On 25.2.2022, the Town Planning Board (the Board) agreed to consider all the representations and comments collectively in one group.
- 1.4 This Paper is to provide the Board with information for consideration of the representations and comments. A list of representers and commenters is at **Annex III**. The representation site (the Site) is shown on **Plan H-1**. The representers and commenters have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. **BACKGROUND**

- 2.1 According to the 2013 Policy Address, the Government would adopt a multi-pronged approach to build up land reserve with a view to meeting housing and other

¹ A total of 5,599 representations were received during the two-month statutory exhibition period and a total of 1,635 comments were received during the three-week public inspection period. On 25.2.2022, the Board agreed to disregard 322 representations with the required identity information missing pursuant to sections 6(2) and 6(3) of the Ordinance, and eight comments with the required identity information missing pursuant to sections 6A(2) and 6A(3) of the Ordinance.

development needs. It was reaffirmed in the 2014 Policy Address that the Government would continue to review various land uses and rezone sites as appropriate for residential use. To meet and expedite housing land supply in the short and medium terms, the Government has been carrying out various land use reviews on an on-going basis, including the review on the Government land currently vacant, under Short Term Tenancies or different short-term or government uses, as well as the review on “GB” sites (the GB Review), with a view to identifying more suitable sites for residential development.

- 2.2 As indicated in the GB Review, the Site, located to the west of Tsing Yi Road West (**Plan H-1**), is considered suitable for public housing development. An Engineering Feasibility Study (EFS) on the proposed development has been conducted by the Civil Engineering and Development Department (CEDD) and concluded that there is no insurmountable technical problem for the proposed development.
- 2.3 On 11.6.2021, the Metro Planning Committee (MPC) considered the proposed amendments to the approved Tsing Yi OZP No. S/TY/30 (the approved OZP) and agreed that the proposed amendments were suitable for exhibition under section 5 of the Ordinance for public inspection. The MPC Paper No. 5/21 for the proposed amendments to the approved OZP is available at the Board’s website (http://www.info.gov.hk/tpb/en/papers/MPC/673-mpc_5-21.pdf) and minutes of the said MPC meeting is at **Annex VII**. Accordingly, the draft Tsing Yi OZP No. S/TY/31 was gazetted on 2.7.2021.

3. **LOCAL CONSULTATION**

- 3.1 Prior to submission of the proposed amendments to the approved OZP for consideration by MPC, Planning Department (PlanD), CEDD and the Housing Department (HD) jointly consulted K&TDC on 11.5.2021 regarding the findings of EFS for the proposed public housing development at the Site and the proposed amendments to the approved OZP. K&TDC passed a motion that the proposed development should be suspended or an alternative site be identified unless the proposal had been suitably refined on the planning, environment, traffic and greening aspects, etc. They also requested the concerned Government departments to provide the detailed reports of various technical assessments for inspection and to conduct further local consultation with a detailed programme. The detailed views and comments received are summarized in the minutes of the said meeting at **Annex V** and had also been incorporated in MPC Paper No. 5/21. In response to the K&TDC’s motion, the Secretary for Development (SDEV) issued a letter to K&TDC on 4.6.2021 providing responses to their concerns (**Annex VI**).
- 3.2 During the consultation with K&TDC, a letter from the OC of Mount Haven dated 10.5.2021 expressing objection to the public housing development was also received. Subsequently on 28.8.2021, PlanD, CEDD and HD jointly attended the residents’ meeting hosted by the OC. The residents expressed grave concerns on various aspects, including the suitability of the Site for public housing development, adverse impacts of the proposed development on the traffic, air ventilation, visual, ecology, daylight penetration aspects, etc. and insufficient local consultation.
- 3.3 The three representations (**R96 to R98**) submitted by K&TDC’s members and the representation (**R101**) and comment (**C3**) submitted by the Mount Haven OC have

generally incorporated their respective main concerns expressed in the aforesaid meetings.

4. **THE REPRESENTATION SITE AND ITS SURROUNDING AREA**

4.1 **The Representation Site and its Surrounding Area**

4.1.1 The Site (about 2.73 ha) is a Government land with a sloping terrain ranging from about 20 metres above the Principal Datum (mPD) to about 66mPD in height. The Site is mainly surrounded by a number of public housing developments within areas zoned “R(A)”, namely Cheung Hang Estate and Cheung Wang Estate to the north (with an existing BH up to about 190mPD and 196mPD respectively), as well as Cheung Hong Estate and Ching Wah Court located to the east and southeast of the Site across Tsing Yi Road West (with an existing BH up to about 155mPD and 175mPD respectively) (**Plans H-2 and H-4a to H-5**). There are also a private housing development zoned “R(B)”, namely Mount Haven (with an existing BH up to about 103mPD), and Liu To Village, which is not a recognised village falling within an area zoned “GB”, to the northwest. The above-mentioned residential developments are not subject to any BH restriction under the OZP. A secondary school and a primary school are located to the east of the Site (**Plan H-2**). There are also a number of existing open spaces in the surroundings, including Liu To Road Garden and Tsing Yi Road West Park to the northeast; Tsing Wah Playground and Tsing Wah Garden to the southeast (**Plan H-2**). Tsing Yi Nature Trails are located in the hillside to the northwest with the peak at about 214mPD (**Plan H-1**).

Proposed Housing Development at the Site

4.1.2 The Site is zoned “R(A)5” for public housing development. The major development parameters are as follows and the conceptual layout plans of the proposed housing development at **Annex IX**:

Gross Site Area	About 2.73 ha
Maximum PR	6.7
• Domestic PR:	6.5
• Non- domestic PR:	0.2
Maximum BH	220mPD
Number of Building Blocks	3
Estimated No. of Domestic Units	About 3,800
Estimated Population	About 10,300
Non-domestic Facilities⁽¹⁾	<ul style="list-style-type: none"> • A kindergarten with 8 classrooms • Retail facilities
Government, Institution and Community (GIC) Facilities, Open Space Provision and Transport Facilities⁽¹⁾ :	
(i) Social Welfare Facilities ⁽²⁾	Not less than 5% of the domestic gross floor area (GFA) to be reserved for the provision of social welfare facilities, including elderly, child care and rehabilitation facilities
(ii) Local Open Space and Recreational Facilities	<ul style="list-style-type: none"> • Local open space of not less than 10,300m² to be provided in accordance with the Hong Kong Planning Standards

	<p>and Guidelines (HKPSG) (i.e. 1m² per person)</p> <ul style="list-style-type: none"> • Recreational facilities and children's play area to be provided
(iii) Transport and Pedestrian Facilities	<ul style="list-style-type: none"> • A covered Public Transport Interchange (PTI)⁽²⁾ • A pedestrian footbridge across Tsing Yi Road West
(iv) Parking Facilities	Ancillary car parking spaces and loading/unloading bays to be provided in accordance with HKPSG

Notes:

- (1) The actual provision of the above facilities will be subject to confirmation by relevant Government departments at the detailed design stage.
- (2) The proposed social welfare facilities and PTI as required by the Government which have been included for assessment under the EFS will be exempted from GFA calculation.

4.1.3 The proposed public housing development at the Site will be accessible via Tsing Yi Road West (**Plan H-2**). To cater for additional public transport demand from the proposed development and to better serve the wider district, a covered PTI has been proposed within the Site to facilitate the future public transport services to be determined by the Transport Department (TD). A pedestrian footbridge is also proposed to connect the Site with the adjacent areas across Tsing Yi Road West to enhance the pedestrian connectivity in the area (**Annex IX**).

4.2 **Planning Intentions**

The planning intentions of the land use zones in relation to the Site are as follows:

- (a) The Site was previously zoned "GB". The planning intention of this zone is primarily for the 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 outlets for passive recreational activities. There is a general presumption against development within the zone.
- (b) The current "R(A)5" zone of the Site is intended primarily for high-density residential development. Commercial uses are always permitted on the lowest three floors of a building.

5. **THE REPRESENTATIONS**

5.1 **Subject of Representations (Plan H-2)**

5.1.1 Among the 5,277 representations, 106 are supportive with views/suggestions regarding Item A; 5,155 are adverse in nature with proposal to retain the Site as "GB" zone; and 16 have not expressed any view.

5.1.2 Out of 5,155 adverse representations, seven representations are submitted by the green/concern groups (**R89 to R95**), three by the K&TDC members (**R96 to R98**), one by the Tsing Yi Rural Committee (**R99**), one by the member of DAB (**R100**),

two by the respective OC and IO of Mount Haven and Ching Wah Court (**R101** and **R102**), and the remaining 5,141 from individual members of the public.

5.1.3 The major grounds and views of representations as well as the proposal, and PlanD's responses, in consultation with the relevant Government bureaux/departments (B/Ds), are at **Annex IV** and summarised in paragraphs 5.2.2 to 5.2.10 below.

5.2 Major Grounds, Views and Proposal of Representations

Supportive Representations (106)

5.2.1 The major views of the 106 supporting representations (**R1 to R76, R78, R79, R81 to R88, R2992 to R2995, R3001 to R3005, R3007 to R3010, R3076, R3077, R3079, R4155, R5265, R5273 and R5276**) are summarised below.

Major Grounds	
(1)	There is a still acute shortage of public housing and the Site is considered suitable for public housing development. The Government should also improve the provision of the supporting facilities and services including retail facilities, market, public transport services, clinics and out-patient services, car parking, recreational facilities, etc.
Response	
(a)	The supportive views are noted. Detailed provisions of GIC and supporting facilities and services will be determined at the detailed design stage.

Adverse Representations (5,155)

5.2.2 5,155 adverse representations are related to the Site for the proposed public housing development, of which **R103 to R754, R755 to R2977 and R3614 to R3899** (a total of 3,161) are largely based on three main types of standard letters (samples at **Annex X**). Their major grounds of adverse representations and proposal and PlanD's responses, in consultation with relevant B/Ds, are summarised in paragraphs 5.2.3 to 5.2.10 below:

5.2.3 **Development Options for Increasing Housing Supply**

Major Grounds	
(1)	Rezoning of the Site for public housing development is not in line with the planning intention of "GB" zone. It will contravene the planning intention of "GB" zone and affect its existing function serving as physical buffer. In particular, the subject "GB" zone serves as a natural barrier of the residential area to the oil depots in the southern and western parts of Tsing Yi. The proposed development will set an undesirable precedent for further urban developments in the "GB" zones in Tsing Yi and other areas of Hong Kong.
(2)	Rezoning of the Site is against the principle/criteria of the GB Review, which should focus on the review of government land and sites with lower gradient and closer to built-up areas.

(3)	The Government should adopt different policies and accord to the principle of developing the brownfield and idle Government sites first to resolve the shortage of housing supply. The proposed amendment is not in line with the recommendations by Task Force on Land Supply (TFLS) relating to land supply strategy and eight land supply options worthy of priority studies and implementation.
(4)	Alternative sites/locations on Tsing Yi Island or other areas in Kwai Tsing district should be considered for public housing development.
Proposal	
(5)	The Site should be retained as “GB”.
Responses	
	In response to (1) to (5) above:
(a)	The Government has been adopting a multi-pronged approach to increase land supply progressively based on the eight priority land supply options recommended by TFLS, including developing brownfield sites in the short to medium term and the New Development Areas and reclamation outside Victoria Harbour in the medium to long-term. To expedite housing land supply in the short-to-medium term, various land use reviews including the GB Review as well as that on Government sites that are vacant, under Short Term Tenancies or different short-term or government uses are conducted.
(b)	The GB Review has been conducted since 2012 in two stages. In the first stage of GB Review, PlanD mainly identified and reviewed areas zoned “GB” that are devegetated, deserted or formed. For the second stage of GB Review, it covered “GB” zones in the fringe of built-up areas close to existing urban areas and new towns, and those vegetated “GB” sites with relatively less buffering effect and lower conservation value. The Site has been identified for development of public housing and associated GIC facilities in the second stage of GB Review. The Site is located at the fringe of the existing built-up areas in Tsing Yi, in close proximity to the clusters of public housing developments, and has a relatively lower conservation value. In general, the Site has met the site selection criteria for the second stage of “GB” Review and is considered suitable for residential development. As such, it is considered suitable for rezoning from “GB” to “R(A)5” subject to maximum domestic and non-domestic PRs of 6.5 and 0.2 respectively.
(c)	The findings of EFS have confirmed that the proposed public housing development is technically feasible with no insurmountable technical problems. PlanD’s responses to the representers’ concerns on various technical impacts of the proposed development, including the aspects on traffic, environment, ecology, landscape, geotechnical engineering, visual quality and air ventilation, etc. as well as the potential risk in association with the oil depots, namely Shell Tsing Yi Installation, to the southwest of the Site are provided under paragraphs 5.2.5 to 5.2.8 below.

(d)	Concerted efforts by the Government to identify suitable land for housing development will persist. Should there be any other potential site considered suitable for public housing development, the relevant B/Ds would proceed to review its feasibility and suitability as appropriate with a view to increasing the housing land supply. Notwithstanding this, the Site itself is still suitable for public housing development in terms of site selection criteria, land use compatibility and technical feasibility.
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5.2.4 Development Intensity

Major Grounds	
(1)	Mount Haven, which is located in a valley and has similar site conditions of the Site, has a much lower PR than the proposed public housing development at the Site. According to the Metroplan and Kowloon Density Study Reviews, Tsuen Wan / Kwai Tsing should adopt a maximum PR of 5.
Responses	
(a)	According to Chapter 2 of HKPSG, the maximum domestic PR for new development area within Density Zone R1 for Tsuen Wan, Kwai Chung and Tsing Yi Island is normally 5, which would be raised generally by about 20% (i.e. PR 5 to 6) as appropriate for housing sites (except for the north of Hong Kong Island and Kowloon Peninsula) as announced in the 2014 Policy Address. A further increase of domestic PR of 10% (i.e. PR 6 to 6.5) for public housing sites, where technically feasible, was agreed by the Executive Council in December 2018. Taking into account the finding of EFS, the domestic PR restriction of 6.5 for the Site is in line with the relevant policies. Furthermore, as the existing domestic and non-domestic PRs of surrounding high-density residential developments are up to about 5.6 and about 0.7 respectively, the current maximum domestic and non-domestic PR restrictions of 6.5 and 0.2 respectively for the Site is considered appropriate and not incompatible with the surroundings. As regards Mount Haven, it is zoned “Residential (Group B)” and intended primarily for medium-density residential developments with a maximum total PR of 2.1.

5.2.5 Traffic and Transport Aspect

Major Grounds	
(1)	The proposed development will increase the traffic flow and worsen the traffic conditions of the area, such as overloading the two major access roads to the Site, i.e. Ching Hong Road and Tsing Yi Road West, and also Tsing Tsuen Bridge and Cheung Tsing Bridge/Tsing Yi Bridge connecting to the Tsuen Wan and Kwai Chung areas respectively (Plan H-5).
(2)	With further increase of population at the Site, the current heavily loaded bus and MTR services in Tsing Yi resulting in long waiting time will be worsened.
(3)	The Preliminary Traffic and Transportation Impact Assessment (PTTIA) has not fully taken into account the existing and future developments in Tsing Yi, such as Ching Fu Court, the Grand Marine and the Met. Azure

	(Plans H-1 and H-5) which will provide a total of 4,000 flats. Besides, there are discrepancies between the findings of the PTTIA and the previous TIA conducted in 2016 for the rezoning of Tsing Hung Road site for public housing development (currently known as Ching Fu Court) regarding the usage of Tsing Yi Road West and Ching Hong Road.
(4)	The proposed construction of sewerage pipes beneath Ching Hong Road will adversely affect the traffic condition.
Responses	
	In response to (1) to (3) above:
(a)	PTTIA for the proposed public housing development at the Site has concluded that there will not be significant adverse traffic impact on the critical road junctions (including Tam Kon Shan Interchange, Tsing Yi Interchange, etc.) and road links (including Tsing Yi Road West, Fung Shue Wo Road, Ching Hong Road, etc.) in the vicinity in the design year of 2037 after occupation of the development. No major road improvement works/mitigation measures will be required for the proposed development. The proposed development is not anticipated to induce insurmountable problem to the traffic network. TD has no adverse comment on the finding of PTTIA.
(b)	The TIA previously conducted for Ching Fu Court in 2015 covered different road networks as compared with that in the subject PTTIA. The former did not cover Tsing Yi Road West and the critical section of Ching Hong Road (section near Tsing Yi Road West). Moreover, the TIA for Ching Fu Court was carried out based on the originally estimated flat number of about 4,000 flats, which is higher than the actual flat number of about 2,900 flats for the completed development as adopted in the PTTIA. As such, the findings of the two assessments cannot be compared directly.
(c)	Table 3.4 of the Interim Report for Rezoning (attached to MPC Paper No. 5/21) regarding the road link performance has demonstrated that all assessed road links, including Tsing Yi Road West and Ching Hong Road will have spare capacities after taking into account the proposed development.
(d)	Under the current transport policy for making use of railway as the backbone of the public transport system, MTR Tsing Yi Station has been designated as a major transport hub to enable the railway to perform as the trunk carrier. TD will closely monitor the progress of the public housing development and introduce/strengthen the public transport services as appropriate in a timely manner so as to meet the commuting demand from the new population intake. A PTI has been proposed at the development to facilitate such services. Residents in the vicinity will also benefit from the enhanced public transport services. TD has been closely monitoring the traffic condition of the road network in the vicinity of Tsing Yi Station and would take appropriate actions to alleviate the congested traffic condition.

(e)	<p>In response to (4) above:</p> <p>In order to cater for the sewage generated from the proposed public housing development, a gravity pipe is proposed along Tsing Yi Road West and Ching Hong Road (Drawings H-1a to H-c). Based on preliminary assessment under the EFS, the construction of sewerage pipe beneath Ching Hong Road will not lead to exceedance of traffic capacity of road. The contractor will implement suitable temporary traffic management measures on site as approved by relevant government departments during the construction in order to minimize the traffic impact arising from the proposed sewerage works.</p>
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5.2.6 Environmental, Ecological and Landscape Aspects

Major Grounds	
(1)	<p>The proposed development including the diversion of natural stream will lead to an irreversible loss of the natural stream (i.e. 寮肚坑) and the primary/secondary forest of the valley at the Site, which is the largest in Tsing Yi with abundant water supply and high ecological significance. The proposed diverted stream is merely an engineered, channelized watercourse. It will also lead to a loss of 1,260 trees and directly impact on important plant species regulated by relevant ordinances (e.g. <i>Aquilaria sinensis</i> (土沉香), <i>Cibotium barometz</i> (金狗毛蕨)) and species of ecological significance (e.g. <i>Cryptopotamon anacoluthon</i> (鰓刺溪蟹) and <i>Nanhaipotamon hongkongense</i> (香港南海溪蟹)).</p>
(2)	<p>The environmental review report has not provided detailed information on the ecological baseline and has under-estimated the ecological value of the Site. There is a lack of information regarding the amphibian, reptile and bird species identified within the Site, e.g. <i>Crested goshawk</i> (<i>Accipiter trivirgatus</i>) (鳳頭鷹), <i>Common emerald dove</i> (<i>Chalcophaps indica</i>) (綠翅金鳩) and <i>Common Kingfisher</i> (<i>Alcedo atthiswere</i>) (白胸翡翠), as well as 13 snake species (including <i>Cobras</i> (眼鏡蛇) and <i>Python bivittatus</i> (蟒蛇)).</p>
(3)	<p>The proposed development will affect the Tsing Yi Nature Trails (Plans H-2 to H-3) which will be detrimental to the wellbeing of local residents as they would not be able to enjoy the natural environment offered by the existing trails.</p>
Responses	
(a)	<p>In response to (1) above:</p> <p>With a view to mitigating the impact on the existing watercourse arising from the proposed housing development, a new section of watercourse located to the west of the site has been proposed to substitute the affected section to maintain the south to north flow (Annex IX). Ecological elements (e.g. rock pools, riffles, structures maintaining ecological connectivity) will be included in the new section of watercourse to increase the ecological function as habitats of aquatic fauna.</p>

(b)	Woodland has been found in the ecological survey. Ecological value of woodland affected by the proposed development is considered as low to moderate. Potential impact of loss of woodland is ranked as minor to moderate due to the low to moderate ecological value of affected woodland, low diversity and low abundance of fauna supported. For the proposed measures to mitigate the potential ecological impacts, it includes (i) transplanting of directly affected species of conservation importance; (ii) compensation planting to mitigate impacts due to loss of vegetation; (iii) planting of native bird-attracting and butterfly-attracting shrubs, etc. (detailed responses at Item D(1) of Annex IV). About 302 to 342 new trees are proposed to be planted, including 215 to 255 trees within the Site and 87 trees at the modified slope adjacent to the Site. For the compensatory planting proposal including off-site planting, it will be explored at the detailed design stage in accordance with the Development Bureau (DEVB) Technical Circular (Works) No. 4/2020 (DEVB TC(W) No. 4/2020) and the latest Guidelines on Tree Preservation by the Greening, Landscape and Tree Management Section (GLTMS) of DEVB.
(c)	<p>In response to (2) above:</p> <p>Agriculture, Fisheries and Conservation Department (AFCD) advises that according to the Preliminary Environmental Assessment (PEA) under EFS, the ecological surveys have already included habitat mapping, vegetation, mammals, birds, herpetofauna, butterflies and dragonflies and freshwater communities with a coverage of six months in wet season. <i>Cibotium barometz</i> is common and widely distributed in Hong Kong, and the animals named in the representations are mobile and widely distributed in Hong Kong. The consultant of CEDD also advises that the existing woodland surrounding the Site would also provide alternative habitats for these bird and snake species. AFCD has no adverse comment on the PEA.</p>
(d)	<p>In response to (3) above:</p> <p>Only a section of Tsing Yi Nature Trails of about 250m affected by the proposed development will be diverted (Plans H-2 to H-3). The permanent access to Liu To Village via Tsing Sum Street and Tsing Yi Road West will be maintained. A new section of trail connecting to the existing stretches of Tsing Yi Nature Trails will be provided to the west of the Site with connection to the footpath along Tsing Yi Road West (Drawing H-4). AFCD has no adverse comment on this new section of the nature trail from nature conservation perspective.</p>

5.2.7 Visual and Air Ventilation Aspects

Major Grounds	
(1)	The proposed BH of 220mPD will be taller than the ridgeline of the adjacent hillside and will create adverse visual impact, daylight impact and “wall effect” particularly to Liu To Village and Mount Haven which are located at site levels lower than the proposed development.

(2)	There would be adverse air ventilation impacts arising from the proposed development. The air ventilation brought by the wind-blown from the southwest in the summer will be adversely affected by the proposed public housing development at the upstream direction on a higher site level.
Responses	
	<p>In response to (1) and (2) above:</p> <p>(a) While the Site is situated at a higher location of the hilly terrain of Tsing Yi Island with the future ground floor level of about 60mPD, the proposed public housing development subject to a maximum BHR of 220mPD or with an absolute BH of about 160m would unavoidably result in changes in the visual character of the site and loss of visual permeability and openness to the selected viewpoints (Drawings H-2a to H-2l). According to the Preliminary Landscape and Visual Impact Assessment (PLVIA), the visual impacts for the selected viewpoints will range from “slightly to moderately adverse” to “significantly adverse”. Notwithstanding this, the proposed development can be generally perceived as an extension of the surrounding high-rise residential clusters. Mitigation measures are also proposed to alleviate the potential visual impact, including the provision of amenity planting/landscape treatment, building separation of not less than 15m wide between the building blocks, as well as adoption of sensible building design with use of finishing materials/colour/façade which is compatible with the surrounding public housing developments.</p> <p>(b) Besides, separation of building mass has been considered so that visual penetration of approximately 120m between the building edge of Mount Haven/56m of Liu To Village with the proposed housing development (building edge) would be preserved and maximized.</p> <p>(c) According to the Air Ventilation Assessment (AVA) in the form of Expert Evaluation in EFS, disposition of building blocks away from the western boundary of the Site is provided to facilitate the summer prevailing winds penetration from the southwest directions winds (i.e. S and SSW winds) through the Site and reach its downstream area at areas near Mount Haven. Hence, it will inevitably block a portion of the incoming winds and create a wake area/potential affected area at its downstream as compared to the existing condition. To mitigate the potential air ventilation impact induced, the proposed public housing development has incorporated mitigation measures, including the provision of building separation of not less than 15m wide, building setback of 10m from Tsing Yi Road West and 30m from the northern boundary, and a podium garden of 4m high (Drawing H-3).</p> <p>(d) HD advises that the proposed public housing development is at the preliminary design stage. Upon further review at the detailed design stage, HD will carry out environmental studies in accordance with relevant guidelines, including but not limited to study on daylight impacts of the proposed public housing developments to the surrounding areas such as Liu To Village and Mount Haven.</p>

5.2.8 Other Aspects

Major Grounds	
(1)	While the Site falls within the 1,000m buffer zone of the oil depot to the southwest, the Government has neither submitted any risk assessment/strong justifications to support the rezoning of the site, nor proposed any mitigation measures. Rezoning of the Site for residential development will affect the safety of the public.
(2)	Felling a large number of trees will weaken/adversely impact on the safety/stability of slopes.
(3)	There will be substantial adverse air and noise impact during the construction stage period.
(4)	The Site is located at a valley and long construction period will be anticipated. Development of the Site is difficult and will not be cost-effective with regard to the construction cost and time required.
Responses	
(a)	<p>In response to (1) above:</p> <p>According to the findings of Hazard Assessment under EFS, the proposed development is technically feasible on hazard aspect. The southern part of the Site falls within the 1000m Consultation Zone of a PHI (i.e. Shell Tsing Yi Installation) located to the further southwest of the Site (Plan H-5). The Hazard Assessment has assessed the impact to the risk level induced by the increase of population arising from the proposed development. It concludes that the individual risk criteria complies with the Risk Guidelines as outlined in HKPSG whereas the societal risks is within the level of “As Low As Reasonably Practicable”. EPD advises that the Hazard Assessment is in accordance with the prevailing risk management policy and the potential risks have been assessed to be in compliance with the Risk Guidelines. Other relevant Government departments including the Electrical and Mechanical Services Department, the Fire Services Department, etc. have no in-principle objection to the findings of the Hazard Assessment.</p>
(b)	<p>In response to (2) above:</p> <p>CEDD advises that according to the Preliminary Geotechnical Assessment (PGA) under EFS which has been carried out to ensure the stability of the affected slopes, no insurmountable issue with respect to geotechnical engineering is anticipated for the proposed development. Geotechnical Engineering Office (GEO) of CEDD noted that detailed site investigation and natural terrain hazard study will be conducted to formulate details of the necessary terrain mitigation works for the proposed development and has no adverse geotechnical comment in this regard.</p>

(c)	<p>In response to (3) above:</p> <p>The construction works of the proposed public housing development will be carried out in accordance with relevant statutory requirements for air pollution control and noise control. Proper mitigation measures will be carried out in accordance with relevant regulations and guidelines to minimise the air and noise impacts, including regular watering over the exposed area for air impact, use of temporary noise barriers/enclosures for noise impact and etc.</p>
(d)	<p><u>In response to (4) above:</u></p> <p>In view of the site topography, longer time for site formation works for the public housing development is required. CEDD and HD will closely coordinate on the extent and levels of the site formation works to rationalize the overall construction cost and time.</p>

5.2.9 Provision of Government, Institution or Community, Open Space, Retail and Supporting Facilities

Major Grounds	
(1)	There are insufficient provisions of supporting facilities (including carparking, retail and market, etc.); and GIC facilities such as social welfare, education, healthcare (including hospital beds, clinic and night-time consultation), etc., in the district.
(2)	There is a lack of large open space, recreational, sports facilities and library in the vicinity of the Site to serve the neighbourhood. It is inconvenient for residents to take public transport to other areas in Tsing Yi to make use of these facilities, especially for the elderly.
(3)	The facilities which are usually provided within the public housing developments (such as kindergarten, retail and social welfare facilities) are not useful to the residents nearby. In fact, such facilities are already provided in Cheung Hang Estate and Cheung Fat Estate.
Responses	
	In response to (1) to (3) above:
(a)	The proposed public housing development will provide retail facilities and a 8-classroom kindergarten, and has reserved another GFA equivalent to not less than 5% of the domestic GFA for the provision of social welfare facilities including those for elderly, child and rehabilitation.
(b)	Based on HKPSG, the existing and planned provision of GIC facilities are generally adequate to meet the demand of the overall planned population in the Tsing Yi Planning Area (including the proposed development), except for residential care homes for the elderly, community care services facilities and child care centres (Annex VIII). In applying the standards, the distribution of facilities, supply in different districts, service demand as a result of the population growth and demographic changes as well as the provision of

	different welfare facilities will be considered. As the HKPSG requirements for these facilities are a long-term goal, the actual provision would be subject to consideration of the Social Welfare Department (SWD) in the planning and development process as appropriate.
(c)	The assessment of the overall provision of hospital beds is based on a hospital cluster ² . Although the provision of hospital beds will be in deficit (Annex VIII) for the planned population in the Tsing Yi Planning Area, a number of hospital redevelopment projects are planned in the Kowloon West Cluster under the First and Second Ten-year Hospital Development Plans, including the redevelopment of Kwai Chung Hospital, expansion of Lai King Building in Princess Margaret Hospital (PMH), redevelopment of PMH, expansion of Yan Chai Hospital, etc. The Hospital Authority will also monitor the service utilisation and update the service demand projection regularly for the service planning with reference to the latest population projection and development plan of the Government.
(d)	Regarding the provision of the open space, there is a surplus of planned district and local open spaces of about 0.75 ha and 29.07 ha respectively in the Tsing Yi Planning Area. While a number of local open spaces are located in the vicinity of the Site, such as Liu To Road Garden and Tsing Wah Playground, the major district open spaces located near the town centre at the northeastern part of Tsing Yi, namely Tsing Yi Park and Tsing Yi Northeast Park, are also accessible by public transportation.

5.2.10 Public Consultation

Major Grounds	
(1)	There is a lack of public consultation and public comments have been ignored. There is a lack of detailed information and technical assessment in the study reports. Notwithstanding that the K&TDC has passed a motion that the proposed development should be suspended unless detailed information has been provided for further consultation, the Government has ignored the request raised in the motion and subsequently submitted the OZP amendments to the Board for consideration.
Responses	
(a)	<p>In response to (1) above:</p> <p>The statutory procedures in consulting the public for plan-making have been duly followed. The draft OZP incorporating the proposed amendments in relation to the Site were published for two months pursuant to section 5 of the Ordinance. Representations and comments regarding the amendments have been received during the respective statutory publication periods. All the valid representations and comments will be considered by the Board at this meeting and persons who made the representations and comments have been invited to attend the meeting to present their views to the Board.</p>

² The Kowloon West Cluster provides public healthcare services for residents in Kwai Tsing, Sham Shui Po, Tsuen Wan and Lantau Island.

(b)	Apart from the statutory public consultation procedures, as detailed in paragraph 3.1 above, K&TDC was consulted on the proposed amendments to the OZP jointly by PlanD, HD and CEDD. DEVB also provided written reply to the DC in response to DC members' views and comments, and the motion passed by the DC. The views and comments received and DEVB's reply were duly relayed to MPC upon submission of the proposed amendments to the OZP. The findings of the EFS for the proposed public housing development at the Site was attached to MPC Paper No. 5/21, which is available at the Board's website.
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6. COMMENTS ON REPRESENTATIONS

- 6.1 Amongst the 1,627 valid comments received, all of them oppose to Item A and object to the supportive representations. The comments are submitted by two green groups (C1 and C2), the OC of Mount Haven (C3) and individuals (1,624). Amongst the 1,627 comments, about 907 of them are also representers.
- 6.2 A detailed summary of the major grounds of the comments on representations and PlanD's responses, in consultation with relevant B/Ds, are at **Annex IV**. The major concerns raised in the comments are largely similar in nature to the grounds of objections as detailed in paragraph 5.2 above. Other major comments not mentioned in the representations are summarised below:

Other Major Grounds of Comments Opposing Item A	
(1)	In the period of 1990 to 2021, eight of planning applications for rezoning "GB" to "R(A)" in Hong Kong as a whole were rejected. The subject rezoning will set an undesirable precedent for the future similar rezoning applications under s.12A of the Ordinance (s.12A application).
(2)	According to the Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (APP-152), greenery coverage of not less than 30% of the site area shall be provided for site larger than two hectare. In MPC Paper No. 5/21, it is stated that public housing can enjoy a relaxation that greenery coverage of no less than 20% of the site area.
Responses	
(a)	<p>In response to (1) above:</p> <p>No s.12A application for rezoning "GB" to "R(A)" within the Tsing Yi Planning Area has been considered by the Board.</p> <p>S.12A application and the current plan-making exercise are different processes under the Ordinance. Any person may apply to the Board for consideration of a proposed amendment to OZP pursuant to section 12A of the Ordinance. The Board will consider such application on its own individual merits. As such, the current rezoning of the Site should not be considered as precedent for s.12A application.</p>

	In response to (2) above:
(b)	<p>According to the planning guidelines on greening under Chapter 4 of HKPSG, public housing development should achieve an overall target of 30% green coverage. Subject to individual site characteristics and constraints, a lower percentage of green coverage could be considered on a case by case basis. Green coverage of at least 20% should be considered as a minimum unless constrained by special circumstances. HD will strive to achieve an overall target of 30% and the provision of at least 20% greenery coverage for the Site is a minimum (Drawing No. H-5). The provision of greenery including vertical greening, etc. is limited by the design / arrangement of the access road to the PTI within the Site and the design of the podium structure with social welfare facilities underneath, etc. HD will review the issue at detailed design stage with a view to increasing provision of greenery coverage as far as practicable. Reference would also be made to the relevant provisions in the “Sustainable Building Design Guidelines” (Buildings Department – Practice Note for Authorised Person, Registered Structural Engineers and Registered Geotechnical Engineers APP-152) on site coverage of greenery, DEVB TC(W) No. 4/2020 and the latest Guidelines on Tree Preservation by the GLTMS of DEVB.</p>

7. DEPARTMENTAL CONSULTATION

7.1 The following Government B/Ds have been consulted and their responses have been incorporated in the above paragraphs and/or the responses in **Annex IV**, where appropriate:

- (a) SDEV;
- (b) Secretary for Transport and Housing;
- (c) Commissioner for Transport;
- (d) Chief Architect/Central Management Division 2, Architectural Services Department;
- (e) Chief Engineer/Construction, Water Supplies Department;
- (f) Chief Engineer/Mainland South, Drainage Services Department;
- (g) Chief Highway Engineer/New Territories West, Highways Department;
- (h) Chief Town Planner/Urban Design & Landscape, PlanD;
- (i) Director of Agriculture, Fisheries & Conservation;
- (j) Director of Electrical and Mechanical Services;
- (k) Director of Environmental Protection;
- (l) Director of Fire Services;
- (m) Director of Food and Environmental Hygiene;
- (n) Director of Housing;
- (o) Director of Leisure and Cultural Services;
- (p) Director-General of Civil Aviation;
- (q) Government Property Administrator;
- (r) Head of GEO, CEDD;
- (s) Head of Civil Engineering Office, CEDD; and
- (t) Director of Social Welfare.

7.2 The following government B/Ds have no comment on the representation/comments:

- (a) Secretary for Education;

- (b) Commissioner of Police;
- (c) District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department; and
- (d) District Officer (Kwai & Tsing), Home Affairs Department.

8. PLANNING DEPARTMENT'S VIEWS

- 8.1 The supportive views of **R1 to R76, R78, R79, R81 to R88, R2992 to R2995, R3001 to R3005, R3007 to R3010, R3076, R3077, R3079, R4155, R5265, R5273 and R5276** are noted.
- 8.2 Based on the assessment in paragraph 5.2 above, PlanD does not support **R89 to R2991, R2996 to R3000, R3006, R3011 to R3075, R3078, R3082 to R4154, R4156 to R5260, R5277** and considers that the Plan should not be amended to meet the representations for the following reasons (the relevant representations of the respective reasons are listed in **Annex XI**):
- (a) the Government has been adopting a multi-pronged approach to increase housing land supply, including carrying out various land use reviews on an on-going basis. The “Green Belt” site proposed for public housing development is located at the fringe of the existing built-up areas in Tsing Yi and is in close proximity to existing roads. Taking into account that there is no insurmountable technical problem identified for the proposed public housing development, it is considered suitable for rezoning the representation site to “Residential (Group A) 5” on the subject Outline Zoning Plan (OZP) for increasing the housing land supply;
 - (b) an Engineering Feasibility Study comprising technical assessments on the traffic and transport, environmental, ecology, landscape, geotechnical, drainage, sewerage, visual and air ventilation aspects, etc., have been conducted which confirmed that there is no insurmountable technical problem in developing the representation site for public housing development, with supporting government institution or community facilities;
 - (c) the development intensity and building height of the proposed development are considered appropriate taking into consideration the planning context of the area and the findings of the relevant technical assessments;
 - (d) the overall provision of government institution or community facilities and open space are generally sufficient to serve the population in Tsing Yi. As for the elderly services and facilities and child care centres, the Social Welfare Department will consider their provision in the planning and development process as appropriate, with a view to meeting the demand as long-term goal; and
 - (e) the statutory and administrative procedures in consulting the public on the zoning amendment have been duly followed. The views received were duly considered and responded by concerned Government bureaux/departments. The exhibition of the Outline Zoning Plan for public inspection and the provisions for submission of representations and comments form part of the statutory consultation process under the Town Planning Ordinance.

9. DECISION SOUGHT

- 9.1 The Board is invited to give consideration to the representations and the related comments and consider whether to propose/not to propose any amendments to the OZP to meet/partially meet the representations.
- 9.2 Should the Board decide that no amendment should be made to the draft OZP to meet the representations, Members are also invited to agree that the draft OZP, together with their respective Notes and updated Explanatory Statement, are suitable for submission under section 8 of the Ordinance to the Chief Executive in Council for approval.

10. ATTACHMENTS

Annex I	Draft Tsing Yi OZP No. S/TY/31 (reduced size)
Annex II	Schedule of Amendments to the Draft Tsing Yi OZP No. S/TY/31
Annex III	List of Representers and Commenters in respect of the Draft Tsing Yi OZP No. S/TY/31
Annex IV	Summary of Representations and Comments and PlanD's Responses
Annex V	Extract of Minutes of K&TDC Meeting held on 11.5.2021
Annex VI	Reply to K&TDC's Motion (Chinese Version Only)
Annex VII	Extract of the Minutes of Meeting of MPC held on 11.6.2021 (English Version Only)
Annex VIII	Provision of Major Community Facilities and Open Space in Tsing Yi Area
Annex IX	Indicative Development Scheme
Annex X	Samples of Standard Letters
Annex XI	List of Relevant Representations of Respective Reasons with Rejection
Drawings H-1a to H-1c	Proposed Sewage Layout Plan
Drawings H-2a to H-2l	Viewpoints and Photomontages
Drawing H-3	Air Ventilation
Drawing H-4	Proposed Diversion of Watercourse and Hiking Trails
Drawing H-5	Conceptual Landscape Plan
Plan H-1	Location Plan of the Representation Site
Plan H-2	Site Plan of the Representation Site
Plan H-3	Aerial Photos of the Representation Site
Plans H-4a to H-4b	Site Photos
Plan H-5	Existing Residential Building Height for the Surrounding Area

MAY 2022

PLANNING DEPARTMENT