

1. The meeting was resumed at 9:05 a.m. on 10.3.2015.
2. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Professor K.C. Chau

Mr H.W. Cheung

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Assistant Director of Lands (Regional 1)

Lands Department

Ms Doris M.Y. Chow

Principal Environmental Protection Officer (Strategic Assessment)

Environmental Protection Department

Mr Victor W.T. Yeung

Principal Assistant Secretary (Transport 3)
Transport and Housing Bureau
Miss Winnie M.W. Wong

Chief Engineer (Works), Home Affairs Department
Mr Martin W.C. Kwan

Director of Planning
Mr. K.K. Ling

Agenda Item 3 (cont'd)

Consideration of Representations and Comment in respect of the Draft Shek Kip Mei Outline Zoning Plan No. S/K4/28
(TPB Paper No. 9855)

[The meeting was conducted in Cantonese]

Hearing for Group 2 (Representations No. R2 to R405, R407 to R5110, R5112 and C1)

Presentation and Question Sessions

[Open Meeting]

3. The following representatives of the Government, representers and representers' representatives were invited to the meeting at this point:

Mr Lawrence Y.C. Chau	District Planning Officer/Tseun Wan & Kowloon West, Planning Department (DPO/TKW, PlanD)
Mr Philip Y.L. Chum	Senior Town Planner/Sham Sui Po (STP/SSP), PlanD
Mr M.S. Ng	Town Planner/Sham Shui Po (TP/SSP), PlanD
Mr Cary P.H. Ho	Senior Nature Conservation Officer (South), Agriculture, Fisheries and Conservation Department (SNCO(S), AFCD)
Mr Marco Y.W. Pang	Geotechnical Engineer/Geotechnical Projects, Civil Engineering and Development Department (GE/GP, CEDD)

Mr Marco H.Y. Tai

Engineer/Sham Shui Po, Transport
Department (E/SSP, TD)

R70 – Chan Sau Ha, Windy

R318 – The Owners’ Committee of Dynasty Heights

R465 – Kaifatco Trading Co. Ltd.

R491 – Am-Kong Self Storage Ltd.

R505 – Law Pik Yuk

R506 – Chan Tak Kwong, Samson

R519 – Lui Shui Chun, Grace

R583 – Wai Suk Ling

R4200 – Wong Sze Wing

R4202 – Law Yee Man Stephanie

R4203 – Lo Wai Kwong

R4204 – Luk Yee Shun

R4206 – Joseph Liu

R4207 - 許友沛

R4208 - 關子尹

R4209 – Lau Kwok Wah

R4211 - 葉潔蓮

R4215 – Ngan Wing Kin Kelvin

R4216 - 張淑儀

R4217 - 許麗美英

R4218 – Au Man Ming

R4219 - 羅少卿

R4221 – Cheung Po Ching

R4325 – Sunny Chan

R4351 – Sharp Touch Textiles Ltd.

R4352 – Tang Lai Ming

R4989 – Chan Hei Loi

R5008 – Chong Suet Ha

R5030 – Chan Yam Por

R5031 – Chan Koon Hong

R5039 – Chan Tak Ming, Peter

R5059 – Wong Chung Ling

R5061 – Chan Hei Loi

The Chinese University of Hong Kong (CUHK)

Dr Lee Wai Ying, Joanna]	
Mr Law Kee Leung, Peter]	Representers' representatives
Mr Sung Yeung Kwong]	
Miss Chan Pui Chun]	

R166 – Kwok Hei Ching

R167 - Kwong Fung Yin

R378 - Shum Ding Ping, John

R379 - Chan Kit Wah, Eva

R547 - Kwok Hei Ming

R548 – Masriah

R549 - Kwok Yuk Shum

R1766 - Rowena C. Mangustra

R1767 - Annabels Mandia

R1768 - Patricia Nicholas

R1769 - Teresita Aguat

R1770 - Leida Cajutly

R1772 - Liberty Manalastes

R3734 -鍾卓謙

R4411 - Joanna Siu

R4440 -何潔貞

R4441 -岑本華

R4445 -岑松磊

R4454 -黃瑞加

R4455 - Leung Ka Lok

R4456 -陳成傑

R4461 -關漢聰

R4462 - King Lam Lau

R4463 - Ng Siu Ching

R4465 - Cherry Mo

R4467 -黃德琳

R4470 - Wong Suk Ling

R4473 - Lucy WC Shum

R4475 - Severino Garces

R4476 - 李麗霞

R4482 - Lam Jimmy

R4499 - Manfred Ng

R4507 - Sum Poon Kwan

R4508 - 岑本訢

R4539 - 岑統

R4620 - Leung Sui Ping

R4621 - 岑練英

R4622 - Sum Poon Kay

R4667 - Sum Wing Sze

R4699 - Chan Sau Ching, Jane

R4805 - To Wan Fun Teresa

R4815 - 鄭瑞娟

Ms Chan Kit Wah, Eva

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Representer and Representers'
representative

R371 - Jaya Chand

R395 - Victoria Yip

R459 - Cheung Kin Wai

R632 - Luk Chung Yee

R633 - Leung Mei Fung, Winnie

R2254 - Chung Wai Yee

R4349 - Chan Wai Lan, Belinda

R4706 - Wong Siu Fai

R4709 - Kong Suet Lai

R4710 - Wan Yuen Kam

R4711 - Chan Mei Fong

Ms Tse Shing Chi, Rainbow

-

Representers' representative

R4834 - Lo Ka Yu

R4861 - 祁梅娟

Mr Wong Jean Wah

-

Representers' representative

4. The Chairman extended a welcome and explained the procedure of the hearing. He said that the meeting would be conducted in accordance with the "Guidance Notes on Attending the Meeting for Consideration of the Representations and Comments in respect of the Draft Shek Kip Mei Outline Zoning Plan No. S/K4/28 (Guidance Notes) which had been provided to all representers prior to the meeting. In particular, he highlighted the following main points:

- (a) in view of the large number of representations and comments received and the number of representers/commenters who had indicated that they would either attend in person or send authorised representatives, it was necessary to limit the time for making the oral submissions;
- (b) each representer/commenter would be allotted a 10-minute speaking time. However, to provide flexibility to representers/commenters to suit their circumstances, there were arrangements to allow cumulative speaking time for authorised representatives, swapping of allotted time with other representers/commenters and/or requesting for extension of time for making the oral submission;
- (c) the oral submission should be confined to the grounds of representation/comment in the written representations/comments already submitted to the Town Planning Board (the Board) during the exhibition period of the OZP/publication period of the representations; and
- (d) to ensure a smooth and efficient conduct of the meeting, the Chairman might request the representer/commenter not to repeat unnecessarily long the same points of arguments which had already been presented by others at the same meeting. Representers/commenters should avoid reading out or repeating statements contained in the written representations/comments already submitted, as the written submissions had already been provided to

Members for their consideration.

5. The Chairman said that each presentation, except with time extension allowed, should be within 10 minutes and there was a timer device to alert the representers/commenters and their representatives 2 minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up.

6. The Chairman said that the representers/authorized representatives would be invited to make oral submissions. After the oral submissions, there would be a question and answer (Q & A) session at which Members could direct question(s) to any attendees of the meeting. There would be one short break in the morning.

7. The representers and representers' representatives indicated that they had heard about the presentation by DPO/TWK in the other hearing sessions, and presentation by DPO/TKW at the meeting was not required. The Chairman then invited the representers and representers' representatives to elaborate on their representations.

R70 – Chan Sau Ha, Windy

R318 – The Owners' Committee of Dynasty Heights

R465 – Kaifatco Trading Co. Ltd.

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R5030 – Chan Yam Por

R5031 – Chan Koon Hong

R5039 – Chan Tak Ming, Peter

R5059 – Wong Chung Ling

R5061 – Chan Hei Loi

8. With the aid of a Powerpoint presentation, Mr Sung Yeung Kwong, Dr Lee Wai Ying, Joanna and Mr Law Kee Leung, Peter made the following main points:

The existing conditions of the “Green Belt” (“GB”) zone to the north of Yin Ping Road

- (a) the “Residential (Group C)13” (“R(C)13”) site to the north of Yin Ping Road (the Site) was unique in geographical location due to its close proximity to the country park. It was part of Beacon Hill;

[Mr Peter K.T. Yuen returned to join the meeting at this point.]

An important buffer area to the adjacent country park

- (i) the Site was in the vicinity of the Eagle’s Nest, the Lion’s Rock Country Park and Kam Shan Country Park. Its value of being a buffer area was by no means lower than the two sites to the west of

Alice Ho Miu Ling Nethersole Hospital and Fung Yuen in Tai Po, which were proposed for reverting back to “GB” zone by the Board;

[Mr Patrick H.T. Lau returned to join the meeting at this point.]

- (ii) it was also an integral part of the “GB” zone to protect the country park to its north. It would be irreplaceable by any compensation area elsewhere. If the Site was allowed for residential development, the country park would be infringed upon gradually. The concern was recognized by the Metro Planning Committee on 27.6.2014 when amendments to the OZP were considered;

Mature woodland with high ecological value

- (iii) there were diversified species of trees and a stream providing habitats for animals and frogs within the Site;

Important landscape conservation and enhancement area

- (iv) the Site was identified as an important landscape conservation and enhancement area and as part of the ridgeline from Beacon Hill to Kowloon Peak for view preservation under the urban design and landscape guidelines and building height guidelines of the Stage II Study on Review of Metroplan and the Related Kowloon Density Study Review;

Restoration of the “GB” zone

- (v) on the four versions of OZP published in 1972, 1980, 1987 and 2014, the whole of the Site was zoned “GB” except for the first two versions on which part of the Site fell outside the planning scheme boundaries. PlanD should have conducted comprehensive studies before the zoning was designated. Unlike Dynasty Heights, which had all along been zoned “Residential”, the planning intention of the

Site had always been for “GB”. Designating the Site as “GB” was to restore the natural vegetation on the slope from its past destruction by illegal squatter use. It had been mentioned in the previous hearing sessions that the Site was zoned “GB” some twenty years ago on grounds that it was at a high altitude and it was difficult to develop the Site. The condition of the Site had not been changed over the years except that it had been restored from the past squatter activities. There was no strong reason to rezone the Site for residential development;

The nature of representations and justifications

- (b) Unlike planning applications under section 16 of the Town Planning Ordinance (the Ordinance), rezoning involving change of land use should be subject to a two-stage assessment. The first stage should focus on whether the functions and characteristics of the current zoning had been lost while the second stage should assess the appropriateness of the proposed zoning. Only if the purposes of the current zoning had lost should the second stage assessment be necessary.

The Site still served the purposes and had the characteristics of a “GB” zone

- (c) on the following four aspects, the Site still served the purposes and had the characteristics of a “GB” zone:

Irreplaceable conservation, recreation and buffer functions

- (i) it was set out in Town Planning Board Guidelines No. 10 that the three main purposes of the “GB” zone were to conserve the existing landscape features, areas of scenic value and areas of recognised “fung shui” importance; to define the outer limits of urbanized districts and to serve as a buffer between and within urban areas; and to provide additional outlets for passive recreational uses;

- (ii) the Site was situated at Beacon Hill to protect the country park to its north. It had been restored to a mature woodland serving as habitats for animals after clearance of squatters;
- (iii) it also formed part of a continuous “GB” zone deterring further urban development into the country park and served as a buffer to mitigate against visual impacts of urban development on the country park;
- (iv) it was a favourable spot for hiking attracting hikers from different parts of Hong Kong. The three main purposes of “GB” zone could still be found in the Site;

[Ms Doris M.Y. Chow arrived to join the meeting at this point.]

Contravening the “Convention on Biological Diversity”(CBD) and underestimating the buffer value

- (v) under Article 8(e) of the CBD, the contracting party should promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to further protecting the areas. The Site was only 66 m away from the country park which was a protected area. Allowing residential development on the Site would cause more damages to the protected area;
- (vi) it was contradictory for the Government to engage in the second stage of “GB” review on the one hand and to consult the public in 2013 on the formulation of the Biodiversity Strategy and Action Plans (BSAPs) for Hong Kong on the other hand. It was considered inappropriate to set aside a large extent of areas zoned “GB” for residential use before formulation of the BSAPs;

Not in line with the criteria of the “GB” review

- (vii) according to the criteria of the “GB” review, the Stage 1 review was mainly on identifying “GB” sites which had been devegetated, deserted or formed and did not require extensive tree felling or slope cutting, whilst the Stage 2 review covered areas with a relatively lower buffer or conservation value, including those sites which were close to the existing developed areas or public roads. The Site was at the fringe of a country park with natural trees and vegetated slopes of high conservation and buffer value, serving as habitats for various species of flora and fauna, and with insufficient infrastructure for a residential development of 980 units. It did not comply with both the Stages 1 and 2 criteria;

Setting an undesirable precedent

- (viii) from 1997 to 2014, there were 37 applications for rezoning “GB” sites to residential uses, of which over 80% were rejected by the Board. The three main reasons for rejections were setting undesirable precedent, insufficient information and being not in line with the planning intention. As for the Site, it was previously zoned “GB” with a presumption against development. The Town Planning Board (the Board)’s agreement to rezone the Site for residential use would set an undesirable precedent for similar rezoning proposals. The Board might recall that it had reverted the zoning of the two sites to the west of Alice Ho Miu Ling Nethersole Hospital and Fung Yuen in Tai Po from residential development to “GB”;

Comments on the Government’s responses to representations

- (ix) whether the Site was formerly a squatter area was not important since the Site had been restored. The small area of the Site or the low development intensity should not be material considerations

for rezoning the Site to another use as long as the Site was still serving “GB” functions. The CBD was to conserve biological diversity and not to disturb areas which had been restored, and rezoning the Site which was adjacent to the Lion Rock Country Park of high conservation value would set an undesirable precedent. Besides, there was no comprehensive public consultation. All in all, rezoning the Site to residential use did not comply with the Stage 1 or 2 criteria of the “GB” review;

Rezoning the Site to residential use was not appropriate and would cause adverse impacts

- (d) rezoning the Site to residential use would bring about the following adverse impacts:

unacceptable ecological impacts

- (i) the Site had been restored from the past disruption caused by squatter activities and was currently covered by thick vegetation. Allowing residential development was tantamount to a second disruption;
- (ii) given time, the Site could be developed into a secondary woodland of higher ecological value. The trees and streams within the Site had become habitats for various species of frogs, butterflies, dragonflies, birds, mammals and reptiles;
- (iii) the Site forming part of the larger “GB” zone was to protect the country park in its vicinity from urban encroachment. Article 8(f) of the CBD stated that the contracting party should rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, inter alia, through the development and implementation of plans or other management strategies. Rezoning the Site for residential use was in contravention of the

CBD;

Safety threats

- (iv) the Site was at the toe of a steep slope with boulders and rocks. There had been signs of landslide after heavy downpour. Slope safety was a concern but there was insufficient assessment on slope stability. Blasting during construction was also a potential threat to the nearby residents;
- (v) the Site was too close to habitats of wildlife, giving rise to concern on threats and inconvenience caused by proximity of the wildlife to future residents;

Comments on Government's responses to slope stability

- (vi) the Government's responses to slope stability were not cogent. Man-made slope for site formation works might still be adopted by the developer to tackle the steep terrain issue of the Site. A comprehensive terrain hazard assessment should have been completed before rezoning;

Available alternative sites

- (vii) there were other land resources, such as the brownfield sites, vacant government land and industrial buildings suitable for housing development. Professor Yiu Chung Yim, Edward, an associate director of the Institute of Future Cities of CUHK had once said that in the long term, the Government should seriously plan and develop the brownfield sites and industrial buildings, which would provide 450,000 domestic units, to meet the long-term housing need. Mr Allan Hay, an ex-Assistant Director of the Lands Department, had also indicated that the time required for development of the brownfield sites would not be longer than

rezoning the “GB” sites, while the World Wide Fund for Nature Hong Kong (WWF) had mentioned that the Government should explore the feasibility of developing the brownfield sites and industrial buildings instead of the “GB”;

Unacceptable environmental impacts

- (viii) the rezoning involving felling of trees would further aggravate the air quality of Sham Shui Po as trees would effectively lower the amount of PM2.5 in the air. Waste water and residues generated from the construction site would also contaminate the stream within the Site;

Site area affected

- (ix) taking into account the area and conditions of the Site, as well as the level requirement for an emergency vehicular access, it was estimated that retaining walls, with the tallest of about 20 to 30m high on the north-eastern part of the Site, had to be built if no slope cutting work outside the boundary of the Site was allowed. Retaining walls of 7 to 10 storeys tall blocking most of the views of the residents, together with the slope stability issue caused by boulders and big rocks on slopes would be good excuses for the future developer to persuade the Lands Department (LandsD) to accept slope stabilization work outside the Site, causing adverse ecological impacts on the adjoining “GB” zone and the country park;

[Mr Patrick H.T. Lau left the meeting temporarily at this point.]

Unacceptable traffic impact

- (x) the junction of Nam Cheong Street/Cornwall Street would be most affected by the rezoning of the Site. According to a research

conducted by an overseas university, if the reserve capacity of a junction was lower than 15%, the service level of the junction was at Level D resulting in long waiting queue. As such, with an estimated reserve capacity of 0.46% at the junction of Nam Cheong Street/Cornwall Street in the morning peak in 2029, the traffic condition would be very bad. According to the Development Bureau, other than the subject rezoning, there were still four other residential developments in the area, rendering the traffic conditions of the area very critical;

- (xi) although the validity of the traffic data provided by the Government was not challenged, the proposed 115 car parks for 980 units in the Site was low taking into account the car park ratios in Dynasty Heights and Beacon Heights which were closer to public transport facilities, which were 1:1 and 1:1.05 respectively. The low car parking ratio for the Site, coupled with the anticipated heavy reliance on school bus and taxi would increase traffic flow and aggravate the traffic condition, particularly that at the junction of Nam Cheong Street/Cornwall Street;

[Ms Anita W.T. Ma left the meeting temporarily, while Professor K.C. Chau and Mr Patrick H.T. Lau returned to join the meeting at this point.]

Comments on the Government's responses to the traffic impacts

- (xii) the reserve capacity of the junction of Nam Cheong Street/Cornwall Street of 0.46% and 8.33% for the morning peak and the afternoon peak respectively could not handle additional traffic. There was no information on how the increase in traffic at the said junction could be coped with;

Lack of consultation and objections from the District Council and residents

- (xiii) there was no comprehensive and pro-active local consultation.

Although there were repeated requests by the Owners' Committee of Dynasty Heights for information on the traffic, environmental, visual and slope stability assessments from March to September 2014, there were no substantive reports or information provided;

- (xiv) the consultation paper for the Sham Shui Po District Council (SSPDC) was only two and a half pages. SSPDC's requests on 4.3.2012 and 19.5.2014 for the Government to provide more information on the proposed amendments and not to submit the rezoning proposal to the Board for consideration before sufficient information was made available to SSPDC were to no avail. On 2.9.2014, SSPDC passed a motion with majority vote objecting to the rezoning of the Site for housing use as no detailed assessment reports had been provided to address the concerns of SSPDC and the residents;
- (xv) the agenda for consideration of the proposed amendments to the OZP was made known to the public on 26.6.2014, just a day prior to the consideration of the OZP on 27.6.2014;

Comments on the Government's responses to insufficient consultation

- (xvi) the affected residents were not consulted. Although SSPDC was consulted, SSPDC was not provided with sufficient information. The consultation was not sincere;

Survey on residents' views

- (e) as there was no comprehensive consultation, a survey had been conducted by CUHK to collect the views of residents on the purposes of "GB" and residential use of the Site;
- (f) the result of the survey revealed that majority of the respondents did not agree to the use of the "GB" zone for residential development. Over 90%

considered that the slopes in Tai Wo Ping should be conserved and over 80% did not agree that the slope of Tai Wo Ping should be sold for private residential development;

- (g) in an in-depth interview with the relevant stakeholders, most of the stakeholders had concerns on the long-term and direct impacts of the rezoning on the characteristics and purposes of the “GB” zone, as well as on the traffic, ecology, environmental quality, slope stability and community facilities; and
- (h) in 2012, Hong Kong was selected the best city to live in due particularly to its good scores in green space. Green space of Hong Kong should be preserved and the Site should be reverted to “GB” so that it, as part of the larger “GB” zone, would continue to serve its conservation, buffer and passive recreational purposes.

[Actual speaking time : 80 minutes]

[Ms Doris M.Y. Chow left the meeting and Mr H.W. Cheung left the meeting temporarily at this point.]

R166 – Kwok Hei Ching

R167 - Kwong Fung Yin

R378 - Shum Ding Ping, John

R379 - Chan Kit Wah, Eva

R547 - Kwok Hei Ming

R548 – Masriah

R549 - Kwok Yuk Shum

R1766 - Rowena C. Mangustra

R1767 - Annabels Mandia

R1768 - Patricia Nicholas

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R4667 - Sum Wing Sze

R4699 - Chan Sau Ching, Jane

R4805 - To Wan Fun Teresa

R4815 - 鄭瑞娟

9. Ms Chan Kit Wah, Eva, with photographs on the visualizer, made the following main points:

- (a) she was an architect and had been an owner of the Dynasty Heights for about 15 years and had made a lot of friends in the area as well as in the SSPDC;
- (b) she made a lot of her friends during her hiking in the area. The greenery of the area was a source of spiritual rejuvenation. The stream in the Site was worthy of conservation as it was a happy memory to many people. The “GB” area was habitats to birds, such as blue magpie, and many other species of wild life;
- (c) human being was not just a composite of cells plus DNA. People needed an outlet for mental health and objects for aesthetic appreciation. The book named “Limits to Growth” written by Dennis Meadows had discussed many issues regarding long-term planning and development. She doubted how Hong Kong could sustain if it continued to rely solely on real estate property development without considering the cost to the future generations;
- (d) although it might be technically feasible to divert streams within the Site and build high retaining walls, people should think carefully whether the proposal was really beneficial. As there was presumption against development in the “GB” zone, Mr Roger Nissim had said in an article that “GB” should not be used for development;
- (e) Hong Kong should show its sincerity to undertake its legal responsibility in upholding the objectives of the CBD, which were not just to protect the protected areas but also to rehabilitate and restore the degraded ecosystems; and
- (f) the Hong Kong Government should find out whether there were any asbestos shingles left in the Site as pointed out by Mr Roger Nissim in his article.

R371 - Jaya Chand

R395 - Victoria Yip

R459 - Cheung Kin Wai

R632 - Luk Chung Yee

R633 - Leung Mei Fung, Winnie

R2254 - Chung Wai Yee

R4349 - Chan Wai Lan, Belinda

R4706 - Wong Siu Fai

R4709 - Kong Suet Lai

R4710 - Wan Yuen Kam

R4711 - Chan Mei Fong

10. Ms Tse Shing Chi, Rainbow made the following main points:

- (a) she represented 11 representers from different parts of Hong Kong objecting to the rezoning of the Site. Some of them lived in Sham Shui Po and some in East Kowloon, who went hiking in the area;
- (b) people objected to the rezoning of the Site from “GB” mainly on the ground of insufficient consultation and information on the amendment. Hong Kong people should be proud of the environment of Hong Kong. It would be shameful if the environment was ruined due to the lack of long-term planning;
- (c) representer R371, an Indian working in Hong Kong, had written an article and an extract of the article was read and summarized as below:
 - (i) damage to the environment was irreversible. Members should pause and think who would really benefit;
 - (ii) children were educated about global warming, pollution, destroyed ecosystem, extinct animal species, and poisoned oceans and air in schools. If the older generation could not take the lead to realize the change that the children were encouraged to bring about and if

humanity would continue to live on an ecologically crippled planet, the use of education was doubtful;

- (iii) leaders should say ‘no’ to development which came at the price of the environment and say ‘yes’ to preservation and conservation;
- (iv) a modern and dynamic economy should step back from an act that might bring money but would destroy the precious green in a world that was rapidly, frighteningly, alarmingly turning black;
- (v) people should say ‘yes’ to the environment and to the future of the planet and the children.

[Actual speaking time: 8 minutes]

R4834 - Lo Ka Yu

R4861 - 祁梅娟

11. Mr Wong Jean Wah made the following main points:

- (a) he was a representer and would make his own oral submission on 16.3.2015. In the current session, he represented R4861 and R4834 and would read out their submissions. Their submissions were summarized as follows:

[Mr Patrick H.T. Lau left the meeting temporarily at this point.]

R4861’s submission

- (i) SSPDC had been consulted many times on rezoning the Site at Beacon Hill from “GB” to residential use. SSPDC had pointed out the inadequacy of and the problems that would be caused by the rezoning but no reasonable responses from the Government had been given. It was hoped that the Board would consider the views of SSPDC thoroughly;

- (ii) in response to questions raised by a DC member, PlanD said that the Site was a piece of abandoned land after squatter clearance in the 1980's. It was misleading to say that the Site zoned "GB" was abandoned. The 8 ha of area zoned "GB" at the ex-quarry site in Lamma Island, amounting to 40% of the total area of the site, could not be regarded as abandoned. In response to the remarks made by Hon Frederick Fung Kin-kee that the Site was the only "GB" site in West Kowloon, PlanD said that it was imperative for the Government to search all potential sites for residential use to meet the 10-year housing demand. It was perplexing that the Government reserved a large amount of land in Lamma Island for "GB" use on the one hand and stripped West Kowloon of its last "GB" site on the other;
- (iii) the car parking ratio of the proposed residential development was unreasonable as compared to the parking ratios of Dynasty Heights and Beacon Heights. Traffic generated from the proposed development would aggravate the traffic condition of the area, give rise to pedestrian safety concerns at the junction of Yin Ping Road and Lung Ping Road and cause nuisance to residents of Beacon Heights due to illegal parking at the shopping mall;
- (iv) the Site was very close to the hiking trails and would have direct impact on the users. Natural resources destroyed were irreversible and the rezoning had defeated what PlanD had promoted all along about creating a sustainable environment;
- (v) over half of the monitoring stations of an air quality test commissioned by SSPDC had recorded readings of PM2.5 higher than the suggested standard of the World Health Organization by 20% to 90%. It was very important to keep trees as 100 km² of trees would reduce 90 tonnes of PM10;

- (vi) according to a survey conducted by CUHK, over 70% of the Hong Kong residents did not agree to rezoning “GB” sites for housing development. Greenery for the population was already insufficient. Once the “GB” sites were gone, they might be gone forever. There was a presumption against development in the “GB” zone. If the “GB” zone could not deter urban sprawl, it would be useless;

R4834’s submission

- (vii) it was ridiculous for the Government to rezone the “GB” site and ignore the well-grounded objections from the residents. The rezoning would not only cause adverse impacts on the living conditions of the residents, but would also upset the natural ecology and sustainable development;
- (viii) although there was sufficient land reserve in the short-term, and 400 ha of vacant government land and 800 ha of brownfield sites were available respectively for medium-term and long-term developments, the Government chose to get rid of 207 ha of “GB” sites covered with vegetation for development, ignoring the adverse environmental impacts caused by bulldozing the greenery;

[Mr Patrick H.T. Lau returned to join the meeting at this point.]

Past efforts in forestation

- (ix) the present country parks and “GB” sites in Hong Kong were the results of the efforts made by the Government over a hundred years. The Government had tried its best to preserve the “GB”. Over 80% of the applications for rezoning the “GB” zone in the last seven years had been rejected mainly for reasons that approving the applications would set an undesirable precedent for similar applications and defeat the planning intention of the “GB” zone;

- (x) for the 15 years from 1997 to 2012, the Government had never considered using the “GB” zone for housing development. On the contrary, there had been an increase of 440 km² of land covered by country parks and the Government considered that reducing development intensity would improve landscape and air ventilation;
- (xi) scholars had pointed out that the heat-island effect had already caused serious impacts on Hong Kong. In the past 50 years, two thirds of the breezeways in the urban areas had been blocked and the average wind speed had been reduced from 2 to 3 m per second in 1966 to less than 1 m per second nowadays. The result was a rise of 30% in energy consumption in the summer months, expanding the carbon footprint;
- (xii) instead of rehabilitating the disturbed “GB” sites, the Government would rezone 207 ha of “GB” sites for various housing uses without paying due regard to develop the 400 ha of vacant government land and 800 ha of brownfield sites in the New Territories first. The Government had not calculated the social cost that would incur with the loss of 207 ha of woodland within the “GB” zone;
- (xiii) the air purification function of a healthy woodland could not be effectively replaced by thematic planting or vertical greening. The concrete jungle of Hong Kong had made dispersion of polluted air difficult. According to a research done by the University of Hong Kong, air pollutants, such as sulphur dioxides, nitrogen oxide, PM2.5 and PM10, would cause cardiovascular health and respiratory disease and hinder the normal development of the respiratory system of children;

Global warming

- (xiv) global warming had caused various changes, such as the occurrence of more severe typhoons, increase in outbreak of diseases relating to flooding and rise of sea level. Major cities of the world had been challenged by the consequences of deforestation. New York was hard hit by Hurricane Sandy in 2012, Paris by heat wave and Tokyo by a sudden downpour resulted from the heat-island effect. Those cities had learned from the past and began to change their development pattern by reintegrating the metropolis with nature. New York had reinstated a large industrial brownfield site back to its original state. Sporadic man-made “GB” sites were connected up by an ecological corridor in Paris and abandoned paddy fields were reactivated in Tokyo for biological diversity;

- (xv) being green had been a new trend of development in the world cities. Urban dwellers in Paris and New York would be delighted when they saw bees in their garden and eagles hovering over the city sky. Woodland was currently within reach in Tai Wo Ping. It would not be desirable if the woodland would have to give way to development;

- (xvi) the Government had been promoting biological diversity on the one hand and destroying 207 ha of “GB” sites on the other hand. The 2014 version of the “Living Planet Report” of WWF had pointed out that the number of mammals, birds, reptiles and fishes had decreased by 52%. It should be time for the Government to reconsider the ecological value of the 207 ha of “GB” sites, the social costs which would be brought about by the loss, and how the 400 ha of vacant government land and 800 ha of brownfield sites could be better utilized. The Government should provide the Board, residents, scholars and the LegCo concrete, objective and persuasive justifications for rezoning the “GB” sites;

- (xvii) it was the duties of the Board to safeguard the “GB” sites, to protect the natural environment, and to prepare for the challenges to be brought about by global warming. The Board was accountable to the future generations.

[Actual speaking time: 19 minutes]

[The meeting was adjourned for a short break of 10 minutes.]

[Mr Patrick H.T. Lau left the meeting temporarily at this point.]

12. As the presentation from the representer and representers’ representatives had been completed, the Chairman invited questions from Members.

[Mr H.W. Cheung returned to join the meeting at this point.]

13. The Vice-chairman raised the following questions:
- (a) amongst the six “GB” sites rezoned for residential development on the draft Tai Po OZP No. S/TP/25, the Board proposed amendments to two of them, namely, a site to the west of Nethersole Hospital and another site near Fung Yuen due to their buffer values during consideration of the representations. As representers of the current case considered that the Site was of even higher buffer value than the two sites in Tai Po, DPO/TWK was invited to give an account of how the Site had been identified as suitable for residential development in the site search exercise;
 - (b) some representers claimed that the Site was previously not identified as suitable for residential development due to steep slopes and technical considerations. The representative of CEDD was requested to explain if the situation had changed rendering development on the Site feasible; and
 - (c) it was stated in the traffic impact assessment report that the reserve capacity of Lung Ping Road and Yin Ping Road was 35% and 14% for the morning

peak and afternoon peak respectively in 2029. The representative of TD was requested to explain whether such reserve capacity was satisfactory and how long vehicles would need to wait in terms of cycle times to cross the junction.

14. The Chairman also invited the government representatives to advise if the slopes around the Site were safe; how the safety concerns of Dynasty Heights would be addressed and whether future traffic conditions in the area had taken into account other new developments in the pipeline.

15. In response, Mr Lawrence Y.C. Chau, DPO/TWK, showed photographs and plans on the visualizer and said that the Site was once a squatter area which had been cleared in 1987. Trees started to grow in the Site in the natural process after the squatter clearance. A tree survey conducted for the Site revealed that most of the 680 trees were common species, such as *Macaranga tanarius*, *Celtis sinensis* and *Mallotus paniculatus*, in fair conditions. The ecological and buffer value of the Site was found comparatively low. The Site, which rose from 130 mPD at Yin Ping Road/the Dynasty Heights in the south to 180 mPD in the north, was partially shielded by the surrounding high slopes and the impacts of the proposed development on the surrounding environment would as a result be mitigated. Since there were no hiking trails cutting through the Site, the proposed development would not have adverse impacts on the hiking trails.

16. As regards site formation works and slope stability, Mr Marco Y.W. Pang, CE/GP, CEDD, said that in order not to affect the slopes outside the Site, the use of vertical retaining walls of up to 20 m high was required and was found technically feasible. The requirement of no cutting works on the adjoining slopes without prior approval from LandsD would be stipulated in the land sales conditions. On slope safety, CEDD had considered a preliminary natural terrain hazard study conducted for the Site. Taking into account the nature of the proposed development, the distance of the Site from the slopes as well as their conditions and history, it was concluded that the risk of landslide was at acceptable level if mitigation measures, such as the construction of rigid barriers, were carried out. The future developer would also be required to carry out a detailed assessment on risk of landslide and propose suitable mitigation measures, if required, in obtaining building plan approval from the Building Authority before commencement of works.

17. On the traffic issue, Mr Marco H.Y. Tai, E/SSP, TD, said that the junction of Yin Ping Road and Lung Ping Road was a T-junction whilst that of Nam Cheong Street and Cornwall Street was a traffic light controlled junction. The performance of the junction of Yin Ping Road and Lung Ping Road with a design flow capacity of 35% for the morning peak in 2029 was regarded as good. As for the junction of Nam Cheong Street and Cornwall Street, the reserve capacity, taking into account all proposed developments in the area, would still be in the positive in 2029, which implied that most of the vehicles could pass the junction within one cycle time. Unlike some other countries, Hong Kong used cycle time instead of level of service to indicate junction performance.

[Professor Eddie C.M. Hui left the meeting temporarily at this point.]

18. Upon request by the Vice-chairman, Mr Law Kee Leung, Peter, said that he had no dispute against the data provided by TD regarding the current performance of the junctions concerned. However, the estimates for the long-term traffic flow might be too low. The additional traffic in the junctions would be higher than what the Government had estimated. The critical junction was at Nam Cheong Street and Cornwall Street. The current reserve capacity of the junction was 11%. It was common that vehicles had to wait for more than one cycle time to pass the junction during the morning peak. The situation would be aggravated further when the reserve capacity of the junction was reduced to 0.46% in 2029. He was also aware that the Hong Kong Government did not use level of service to indicate junction performance. In response to the Chairman's question on whether he had prepared another set of traffic data that was different from that of TD, Mr Law said that he did not as it would be beyond his ability to conduct detailed study. He reiterated that the future traffic flow would be much higher than the Government's estimates. In response to the Chairman's question on the implications and difference of the design and reserve capacities, Mr Macro H.Y. Tai of TD said that if traffic flow had used up more than 85% of the design capacity, traffic improvement works might be required and if the reserve capacity was higher than 0, traffic had not yet been saturated and the traffic condition was acceptable.

19. In response to a Member's question on which party would be responsible for the construction of the proposed rigid barriers as mentioned in the executive summary of the preliminary natural terrain hazard study, and whether the barriers would be provided within the Site, and the Chairman's question on how the risk caused by boulders outside the Site

would be handled, Mr Marco Y.W. Pang of CEDD said that rigid barriers would be designed and provided by the future developer within the Site based on the detailed natural terrain hazard study to be conducted by the developer in accordance with the requirements of relevant Ordinance and land sales conditions. The construction of rigid barriers was one of the methods to prevent possible damages caused by landslide and rock from falling onto the Site. Other methods included holding or stabilizing boulders with netting or a concrete base respectively. Slope-cutting outside the Site would not be allowed unless with the prior approval from LandsD.

20. A Member asked about the visual impact of retaining walls of 20 m high on the proposed development where residential blocks would be of about 30 m high. Using a plan which showed the notional layout of the proposed development, Mr Macro Y.W. Pang said that slope cutting was not preferred for site formation as it would adversely affect the greenery. As an alternative, vertical retaining walls of 20 m high on a level of 180 mPD were required for the Site with the adjoining areas stood at 200 mPD. In response to a question by the Chairman, Mr Pang said that the notional layout plan of the proposed development was only indicative. The actual alignment of the internal road and the locations of the residential towers would be subject to detailed design.

21. Another Member said that the future developer would be required to carry out detailed geotechnical studies before commencement of works. As there were big boulders on the adjoining slopes, the Member asked if the developer might base on safety reasons recommended cutting slopes some 50 to 100 m to the north of the Site such as those for Dynasty Heights instead of constructing retaining walls. In response, Mr Macro Y.W. Pang said that the future developer had to handle two geotechnical issues, namely site formation and slope stability. On site formation, vertical retaining walls would be used to avoid encroaching upon the adjoining greenery. On slope stability, building rigid barrier would be one option and removing the potentially dangerous boulders or stabilizing the boulders on site would be another. On protecting the surrounding greenery, Mr Lawrence Y.C. Chau, DPO/TWK supplemented that unlike the Site which had been disturbed in the 1970's, the surrounding slopes were more or less undisturbed and had remained in their original state. Mr Macro Y.W. Pang emphasised that slope works, other than small-scale in-situ stabilization works on boulders, outside the Site was not necessary and any works beyond the boundaries of the Site required approval from LandsD.

22. Regarding the implementation of the proposed retaining walls, a Member asked whether it would be made compulsory in the land sales conditions the use of retaining walls as the only method for site formation; and how the interface issue of the retaining walls and non-building area (NBA), which was to protect a stream within the Site, be handled. In response, Mr Macro Y.W. Pang reiterated that any slope works outside the Site would require prior approval from LandsD. In response to the Chairman's enquiry, Mr Pang said that departmental comments would be sought on any proposed slope work outside the Site. LandsD would take into account comments of relevant departments, including those of the Agriculture, Fisheries and Conservation Department (AFCD), if tree felling was involved, in making a decision. With respect to the interface issue of retaining walls and NBA, Mr Lawrence Y.C. Chau, DPO/TWK, said that the NBA was a small area intended to protect a seasonal stream in its original state. The requirement of an NBA would be stipulated in the land sales conditions and it was technically feasible to have retaining walls around the NBA.

23. A Member asked whether the safety requirement of the natural terrain hazard assessment would be different under the 'with development' and 'without development' scenarios at the Site; and whether the rigid barriers would be built outside the Site since there were already retaining walls proposed at the peripheries of the Site. In response, Mr Macro Y.W. Pang said that the preliminary natural terrain hazard study conducted for the Site had already taken into account the risk of landslide on the proposed residential development, and measures were proposed to mitigate the possible impacts. As regards the question on whether the proposed rigid barriers would have to be provided outside the Site, with a sketch shown on the visulaizer, Mr Pang illustrated how the construction of rigid barriers on top of the retaining walls was feasible. No structures would be allowed outside the Site to avoid encroachment onto the natural greenery. The Member asked if it could be guaranteed that no slope works would be carried out outside the Site and whether the boulders on slopes would be handled when the proposed residential development was in place. In response, Mr Pang said that it would be indicated in the land sales conditions that approval from LandsD for works outside the Site would be required. The preliminary natural terrain hazard study report had shown that rigid barriers at the peripheries of the Site would mitigate the risk of falling boulders. On individual cases, in-situ stabilization works on boulders could be carried out. According to the prevailing policy, developers were held responsible for undertaking natural terrain hazard assessment and implementing the mitigation measures identified where appropriate.

24. The Chairman asked Mr Law Kee Leung, Peter whether he was aware of any precedent of slope works encroaching upon the country park. In response, Mr Law said that he understood that works in the country park was governed by the relevant Ordinance. By showing site photos of boulders on the visualizer, Mr Law said that the Government might have underestimated the risk posed by the boulders. To mitigate the risk, slope works outside the Site at the fringe of the country park might be necessary.

25. The Chairman asked the government representatives to clarify: (a) whether Hong Kong had already formulated its BSAPs; (b) whether handling of asbestos was governed by relevant Ordinance; (c) the land area of “GB” sites rezoned to residential use under the “GB” review and whether the rezoning had caused significant impacts on carbon footprint and heat-island effect as commented by some representers; and (d) whether the 400 ha of vacant land and brownfield sites were available for development. The Chairman also clarified that consultation on amendments to plan by the Board was to be carried out in accordance with the Ordinance. Consultation with district councils was not part of the statutory procedures laid down in the Ordinance, but the work of PlanD. In response to the Chairman’s questions (b) to (d), Mr Lawrence Y.C. Chau, DPO/TWK said that handling of asbestos was subject to control under the Air Pollution Control Ordinance. A total of 70 sites with a total area of about 150 ha had been identified in the “GB” zone for housing development under the “GB” review. The area represented about 1% of the total area of the “GB” zones, which was about 15,000 ha. The impact arising from a reduction of 1% of the “GB” area would be insignificant in terms of carbon footprint and heat-island effect. Besides, compensatory planting was required for development at the Site. Regarding the use of vacant land and brownfield sites, the Government had adopted a multi-pronged approach to increase land supply for meeting housing and other development needs. Many brownfield sites had been included in the new development areas under study. In response to the question relating to the Convention on Biological Diversity, Mr Cary P.H. Ho of AFCD said that the BSAPs of Hong Kong was still under formulation.

26. Mr Law Kee Leung, Peter supplemented his earlier presentation with plans and photographs shown on computer that the retaining walls might be higher than 20 m as it was shown on the indicative layout plan of the Site that a slope adjoining the north-eastern corner of the Site at a level of some 170 mPD was 200 mPD high. Besides, the boulders stacked up on the steep slopes were heavier than 100 tonnes. The risk of the boulders on the

proposed residential development should not be underestimated and might not be able to be mitigated by simple measures.

27. A Member asked if it would be a massive structure if the retaining wall was higher than 20 m, save for the rigid barriers that might need to be constructed on top of it. In response, Mr Macro Y.W. Pang of CEDD said that the height of the slope adjacent to the part of the Site at 170 mPD level was 190 mPD. The retaining wall would still be 20 m high. Mr Lawrence Y.C. Chau, DPO/TWK supplemented that the levels shown on the layout plan were only indicative. The retaining walls were estimated to have a maximum height of 20 m. As regards the risk of the boulders, Mr Pang said that as identified in the preliminary natural terrain hazard study, the risk could be mitigated by stabilizing the boulders in-situ. A Member noted that with a retaining wall of 20 m high, the view of the lower 6th to 8th floors of a 10-story high building would be completely blocked by the structure. As such, the Member wondered if it was possible for the future developer to prove that the slopes at the northern part of the Site was unstable to justify proposals to carry out slope cutting works outside the Site. Mr Macro Y.W. Pang said that although slope cutting was technically feasible to stabilize slopes, due to its impacts on the natural greenery, it was not supported. Stabilizing boulders in-situ was a well-proven option that had been practised. In response to the Chairman's question on whether the future developer could carry out engineering works outside the Site, Mr Lawrence Y.C. Chau, DPO/TWK said that it would depend on the types and nature of engineering works to be carried out, but all such would be subject to the prior approval of LandsD.

28. As Members did not have any further questions, the Chairman thanked the representers and their representatives and the representatives of the government for attending the hearing session. They all left the meeting at this point.

A.O.B.

[Closed Meeting]

29. This item was recorded under confidential cover.

30. The meeting was adjourned for lunch break at 1:35 p.m.