



香港城市設計學會
Hong Kong Institute of Urban Design

11 September 2018

By Email: tfls@devb.gov.hk

The Secretariat

Task Force on Land Supply

17/F, West Wing, Central Government Offices,

2 Tim Mei Avenue, Tamar, Hong Kong

Dear Sir / Madam,

Re: Comments of the Hong Kong Institute of Urban Design in response to the Public Engagement of the Task Force on Land Supply

On behalf of the Hong Kong Institute of Urban Design, we would like to provide comments on the Public Engagement of the Task Force on Land Supply

Attached please find our comments for your reference. If it would be helpful, we are pleased to meet to explain the content of our Paper. Should further information be required, please kindly contact me or Ms. Cherry Lau, our Administrative Officer at 2235 9057.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'PY Tam', written in a cursive style.

Mr. PY Tam

Chairman, Public Affairs Committee

Hong Kong Institute of Urban Design Limited

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Comments of the Hong Kong Institute of Urban Design in response to the Public Engagement of the Task Force on Land Supply

- Part 1 General comments
Part 2 More detailed comments on specific Options
Part 3 Other potential sites
Part 4 Other comments about the public engagement exercise

PART 1

General comments on the basis for the Study carried out by the Task Force:

1. **Need** : We concur with the view that there is a general shortage of land in Hong Kong to meet the needs for different types of development. Although it may be argued how directly this, among economic and other possible factors has led to the "pricy", "tiny" and "cramped" housing conditions, forces of demand and supply remain a significant factor. Controlling the forces of demand including speculations through taxation and increasing the cost of transaction have been tried. Efforts to increase housing supply by the Government works only as far as public housing is concerned. For the supply of private housing, even if there is such land available for development, the question is how to ensure that such affordable housing units would be made available timely on the market. In any case, the Government would have no leverage if it does not even have a sufficiently large stock and stream of supply of land on hand to start with.
2. Whilst we recognise the benefits and our "achievements" so far of building Hong Kong as a compact city, we as urban designers, also look forward to enhancements to the **quality** of our urban environment, increasing of the **spatial standards** of the provision of open spaces and GIC facilities as envisioned in the strategic planning vision of "HK 2030+", as well as opportunities for improvements to our per person living space standards.
3. **Land Reserve is a rightful landuse**: When supply and demand are no longer balanced in the free market, it would call for the provision of additional supply from land reserves held by the Government. In fact, in the process of city development, it would be unrealistic to expect that every inch of land is used up at any one point in time without any room to turn around. On our Outline Zoning Plans, all the zones are expected to be given a "planning intention". Annotation as "Unspecified" use was no longer accepted since many years ago. This is a fundamental error. It deterred the Government from producing more land for

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future use. “Land Reserve” or “Land Bank” should from now on be duly recognised and be made a proper “Planning Intention” as of right per se. We must not ignore that in the private market, in effect the land stocked up by private land owners for various reasons and not yet developed is de facto a kind of private “land bank”, but the Government has no mandate to unleash its potential as and when it so wishes. At present there are only a few sites zoned as “Undetermined” on the OZPs, namely, the breakwater and its adjoining Area 27, in Sam Shing Wan, Tuen Mun; the site at Planning Area 46 to the NW of the TM-CLK Link Toll Plaza; and a 25 ha. site in San Tin. Except for the one in Sam Shing Wan, the latter two are either a left-over area, or mainly for protecting the Spur Line and Northern Link of the West Rail systems respectively. No “land banks” have been reserved under the statutory planning system.

4. There are currently some controversial talks circulating in social media about the involvement of private agricultural land. Some spread fears about possible collusion with specific land owners while some advocate the resumption of so called “brownfield sites” and any (or even all) private land using the “Land Resumption Ordinance” (Cap.124). We think that both are too extreme and unjustified.
5. Whilst s.3 of the **Land Resumption Ordinance** stipulates that “Whenever the CE in C decides that the resumption of any land is required for a public purpose, the CE may order the resumption thereof under this Ordinance”, s.2 defines 4 situations what “public purpose” means – (a) and (b) refer mainly to resumption of land with insanitary property and public health conditions, (c) refers to military purposes, while only (d) refers to the resumption for any purpose of whatsoever descriptions that the CE in C may decide to be a “public purpose”. Although this last one appears to be all powerful, it should be seen as a reserved power like those in other ordinances, that are seldom and should only be used sparingly and very cautiously, since the right of property ownership is protected by the Basic Law. This also leads to a fundamental issue – i.e. there is no such definition of “New Towns” in our current legislation. It is arguable that the CE in Council may point to any area and say this is a New Town and therefore it is a “public purpose” without risking its basis being contested in court. It is considered that before designating any more new NDAs, Government should legislate for a “New Towns Ordinance” and define what does it mean by a “New Town” – which contains commercial and other private housing development sites, etc. apart from public rental housing, GIC uses and open spaces. To forestall possible challenges, a New Towns Ordinance is needed to complement the vast vacuum left vulnerable in the present “Town Planning Ordinance”. The NDA areas currently covered by OZPs have however to be accepted, as fait

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accompli, although undesirable.

6. The vulnerability is due to the lack of a proper, statutory and implementation oriented and enforceable strategic planning instrument or framework. “HK2030+” is an administrative document. Designation of Strategic Growth Areas or NDAs in a certain area in the NT are not based on any legislation. The proposed developments in it must be translated into OZPs and go through the Town Planning Ordinance procedures, essentially to be endorsed as a fait accompli. It is arguable why some areas /private sites are included or not included in the NDA as well as why some sites so involved are ascribed a certain development density different from that of others. The “ideal” solutions as some people suggested, of applying the absolute power under Cap.124 as suggested in some social media are not necessarily helpful. Land Resumption Ordinance has been used in the 1970s in building of New Towns then, but there were other complementary measures (like land exchange letters and a lot more Government land in hand produced through excavations and reclamations) – but it may possibly not work in the coming years because apart from the said possible legal challenges, Government has no land reserve for exchange purposes if it does not first produce more new land.

PART - 2

More detailed comments on specific Options:

(* S/M denotes Short to Medium Term; M/L denotes Medium to Long term; Con denotes Conceptual Options in the Public Engagement leaflet)

7. (S/M 1) **Brownfield sites:**

- (a) There appears to be a lot of mis-conception in various social media what “brownfield sites” such as container storage or building machine park centres are and whether they are nuisances and must be got rid of. It has ignored the economic contributions that the informal sector can make to Hong Kong and the social impact by uprooting those operators and their families. It has also to be recognised that some operations cannot be easily located into new and multi-storeyed buildings, while some operators cannot afford the higher costs. As a concept, those which are a public health hazard may indeed require clearance but a detailed study must be carried out and the stakeholders properly consulted. The target of this study should identify types of brownfield sites and their true contribution to the urban socio-economic fabric. Isolated and scattered “brownfield” sites may not be useful since by resuming them and building public

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housings there could not achieve comprehensive and balanced communities, without other necessary facilities and job opportunities.

- (b) Moreover, those who advocate the use of “brownfield sites” for development have ignored the huge cost, time and technical implications of de-contamination works required before the sites are made safe and suitable for development.

8. (S/M 2) **Tapping into Private Agricultural Land Reserve in the NT**

- (a) The Consultation Pamphlet raised 4 factors for consideration for **PPP** models. No.1 and No.2 concerned the relative contributions by the Government and by the private land owner while No.3 and No.4 refer to the procedures and perceived fairness.
- (b) **No.1 model (infrastructure to be provided by the Government)** – This model is not favoured. It would be seen as using public money to subsidise certain private developers. It is particularly unacceptable if Government needs to resume land from some other owners for providing the infrastructure.
- (c) **No.2 model (Government to provide infrastructure and developer to give back a number of affordable housing units to Government by using the developer’s expertise in architecture and marketing skills)**. This is good if the site is large enough to be self-contained and it does not require government to resume other landowner’s land. If it involves land of other owners, this “**PPP**” may be carried out with a “**land re-adjustment**” approach. In this modified method, Government would co-ordinate a satisfactory layout to ensure an equitable share for all concerned parties and demand the provision of a number of affordable housing units in return. In this way, it is also possible to achieve a better layout meeting good urban design principles.
- (d) **A modification to Model 2** could be to require the developer to provide the infrastructure as well apart from providing a number of affordable housing units to Government. This would ensure that the timing of the infrastructure would tally with the housing development, instead of carrying out by Government separately within the queue of projects under the PWP.
- (e) **For sites outside NDAs** – Areas near to NDAs /new towns are preferred in site selection since they could more easily tap into the established infrastructure networks. For sites very far off, the land required and cost for provision of the infrastructure may render the

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scheme non-viable. Besides, it would likely involve more land from other land-owners making the scheme more complicated, even by using the above mentioned “land re-adjustment” modified “PPP” approach. From an urban design point of view, isolated groups of massive developments would be incompatible with a rural setting. Therefore, for schemes outside NDAs and in remote locations, the intensity should not be too high. This would in turn affect their viability.

(f) **For sites within NDAs** –

Government has informed LegCo Development Panel in 2013 that after several rounds of public consultation, it would adopt a **ECNTA (Enhanced Conventional New Town Approach)** for developing the NENT NDA. In essence, land exchange would be considered for sites of not less than 4,000 sq. meters in size and under single ownership, but “stricter conditions” would be imposed to ensure early production of flats, failing which the Government would resume such land. Other private land would be resumed using the Conventional New Town Approach.

<http://www.legco.gov.hk/yr12-13/english/panels/dev/papers/dev0715cb1-1461-1-e.pdf>

In such circumstances, until it is contested in court, the approach could be followed for other remaining NDAs, but we have already raised doubts in paras.5 and 6 above on the designation of NDAs, and have also suggested modified PPP approaches involving land-readjustment for areas outside NDAs as possible alternative approaches. This might perhaps be adapted to NDAs, and a “**mixed approach**” should also be explored, i.e. to further “enhance” the “ECNTA” by requiring the landowner to provide a certain proportion of “land” (instead of just a number of housing units) in the exchange, so that Government could exchange with the other owners, if so required.

9. (M/L 6; Con 2) **Fringe of Country Parks** :

- (a) It is acknowledged that the original delineation of the boundaries of some Country Parks might be arbitrary. However, regarding the proposed review of sites at the fringe of country parks, there should not be any presumption that a site or sites must be found within the study areas. Although by looking at the profile and existing site conditions of the Tai Lam and Shui Chuen O sites preliminarily, it is doubtful that suitable and sizable housing sites could be identified. The important thing is the study must apply comprehensive and scientific criteria in evaluation and assessment. Even if some sites could be so identified, it should not necessarily imply that all fringe areas of country parks are suitable for development. Each case has to be judged on its merits. Besides, after such studies, unless the area is de-gazetted from the country

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park by going through the due procedures, the sites within country parks cannot be developed for housing.

- (b) High density and high rise developments are not suitable in these areas as there is a need for some buffers between the Country Parks and the urbanised areas. Even if some of these areas were to be developed at all, low density institutional uses like old people's homes could be one possible use.
- (c) The study should also be tasked to recommend compensatory areas and possible extensions to existing country parks.

10. (S/M 3, 4) **Sites under Private Recreational Leases and the Fanling Golf Course**

- (a) In general, facilities for and promotion of competitive sports and training of players should deserve important policy considerations in modern cities. Recreational activities and sports contribute to wholesome personal development and health of the community as well as in promotion of civic pride, as can be witnessed in the successes of local athlete teams in the recent Asian Games. The present arrangement of opening facilities of sports clubs under private recreational leases for public use may be insufficient and not properly monitored. The rules should be reviewed to provide more opportunities for enjoyment by the public. Recreation and sports facilities with relatively lower intensity and heights of development may also have the merit of serving as breathing spaces in the congested city fabric. In general, a review should be made on the planning standards for private as well as public recreational facilities. .
- (b) As far as the present land search is concerned, if large private recreational club sites are considered suitable for housing development, before they are resumed and rezoned, they should preferably be first relocated to sites less urgently demanded for urban development, for example, near to the fringe of country parks so that the training of players will not be disrupted.
- (c) Regarding the **Fanling Golf Course** – If the eastern part (32 ha) is to be developed for housing purposes, it can be considered as a logical extension to the FL/SS new town in view of its proximity to the Sheung Shui Railway Station. There are many mature trees of high amenity and even ecological value (subject to detailed study) in the western part (140 ha). It is not acceptable to bulldoze the site and develop for public housing. If the review of private recreational leases eventually recommends to terminate the current lease, it is

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suggested that an alternative site be identified for its relocation and the groups of trees should be conserved and the site turned into a park for public enjoyment.

11. **(M/L 1) Reclamations:**

- (a) Having regard to the Harbour Protection Ordinance and restrictions to reclaim in the Victoria Harbour, there is a good case for reclamation at strategic locations outside Victoria Harbour for producing more land, whilst certainly environmental and ecological factors must be taken into consideration in doing so. The sites to be picked for reclamation should also be relatively easily connected to the main city network without invoking undue external social and environmental disbenefits.
- (b) In the past, Hong Kong has incurred great expenses to manage its construction wastes and fill materials, including costs of exporting them to the city of Taishan in the PRD for its reclamation use. As Taishan no longer requires the materials, Hong Kong still needs to find means to dispose of its construction wastes such as by reclamations. Reclamation is thus considered one of the land formation methods that we have to explore.
- (c) However, innovative methods of reclamation such as those used in Singapore or in Monaco should be explored, to ensure efficiency and minimal disturbance to the environment.
- (d) **“East Lantau Metropolis”** - Please see more specific comments on ELM in paras.12(a) to (e) below.

12. **(M/L 2) East Lantau Metropolis (ELM) –**

- (a) We note and concur with “HK2030+”’s proposal of making use of the Waters to the east of Lantau to be one of the Strategic Growth Areas with potential for becoming Hong Kong’s Third CBD. Whilst we support reclamations outside Victoria Harbour and generally have no objection to the proposal of HK2030+, we have the following comments.
- (b) Although the Task Force’s mission is to search for more land for housing development, a Strategic Growth Area such as ELM should be considered in a wider perspective. We do not exclude any types of housing development in this SGA, but consider that quality, variety and opportunity for innovative designs

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- are justified in a new development at this location and at such scale, and recognise its potential for relieving the pressure on the existing congested urban areas.
- (c) The success of ELM as a sub-centre of the city would depend very much on its connections by strategic road and/or rail links with the rest of the city and to the Greater Bay Area via Chek Lap Kok and Tuen Mun to Shenzhen. Problems are however envisaged in connecting with Hong Kong Island at Kennedy Town due to potential disturbance to Victoria Harbour. The procedures are foreseen to be prolonged in overcoming the constraints under the Protection of Harbour Ordinance.
- (d) More innovative methods of reclamations and construction of seawalls (such as creation of eco-shorelines) should be explored. It is worthwhile to develop a number of smaller islands by phases instead of reclaiming some 1000 ha. in one go. As such, this could possibly deliver quick-win results and also provide for more varieties and interest of water related features in urban and landscape design.
- (e) Advantage should also be taken of the long water frontages to support water sports training and local and international competitions. Besides the potential to provide for marina facilities, other water related activities that could contribute to Hong Kong's economy may include an international centre for pleasure crafts shows and festivals, marine related fun-parks and marine science research institutions and related industries, etc.
13. (M/L 3) **Caverns and underground spaces** –
We concur with the precautions raised in the public consultation leaflet that development of caverns and underground spaces would be costly and time consuming and the spaces created generally are not suitable for residential use. Nevertheless, there is no objection to carry out searches and studies as a medium to long term option, since relocation of utility facilities into such caverns could help to release certain sites in the urban area for housing or other developments.
14. (M/L 4) **More New Development Areas (NDAs) in the NT** –
It is desirable to develop comprehensive new towns or NDAs complete with the necessary GIC facilities and local employment opportunities to make the development a self-contained community instead of just developing patches of public and/or private housing estates sporadically. However, in reality this is often not the case. In a free market economy, there is no effective mechanism

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to address the mis-match between location of residence and work. While people in the NT still rely heavily on commuting to work in the main urban area, to put more housing “far out” in the NT needs to be complemented by the availability of affordable public transport services. It is regrettable to note that our Comprehensive Transport Study (CTS-3) was done in 1997 and has a horizon up to 2016 whilst we are already in the middle of 2018, while so much has changed in hardware and softwares and more innovative transport modes are up coming. The designation of Strategic Growth Areas involves more a top-down process with a long-term planning horizon while the trawling exercise in search for land for housing is more a bottom-up process involving considerable local concerns. The two processes ideally should meet somewhere in the middle, but it would be difficult if the basis for assessment is very outdated. One of the key issues to be reviewed with priority ought to be the impact on job distribution and Hong Kong’s role in the Greater Bay Area under the Belt-Road Initiatives.

15. (M/L 5) **Tuen Mun RTT:**

This site appears to have good development potential. However, to develop it, the potentially hazardous installations to its west (including the aviation fuel storage tanks and Eco-park, etc.) should be relocated, or else a man-made hill should be made to the west side to act as a buffer (like the hillock in Chek Lap Kok Airport Island). The waterfront has great potential to make the area a good quality housing site, and at the same time, more land could be produced if the embayed water areas are also reclaimed. Further expansion could also be considered if a bridge is provided to deck over the Tuen Mun-Chek Lap Kok Link northern landfall and some reclamation is carried out in the waterbody to the east – provided that mooring and warehousing facilities are not unduly affected and no encroachment would be caused to the Butterfly Beach park.

16. (Con 1) **Tuen Mun RTT and surrounding area:**

If the polluting / hazardous facilities can be relocated to Lung Kwu Tan, the general vicinity together with the RTT (65ha) would have good potential for development. A spur line could be extended from the LRT to serve this new area.

17. (Con 3) **Increasing Development Intensity of “VTD” Zones –**

It is noted that the Task Force has placed this one in the Conceptual Options category. Indeed it is difficult to see a quick way out. However, if the Small House Policy is still effective, it is considered undesirable to simply increase the intensity of VTD development as the quality of the environment and townscape are likely to deteriorate. As pointed out in the leaflet, the amount of

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Government land remaining in VTD zones is very small. Comprehensive redevelopment involving amalgamation of sites and re-adjustment (hopefully releasing some open spaces for improving the environment) should be initiated by the villagers instead of by Government. If the additional units so produced only cater for indigenous villagers, the contribution to the supplies in the housing market may be minimal.

18. (Con 4) **Topside Development of Existing Transport Infrastructure** –

In some situations, this could be feasible and would be in line with the principle of maximising the use of public transport and reduce the use of private vehicles and thus their emissions. In some situations existing transport facilities, like major PTTs plus the associated rails, stations and flyovers segregated one part of the community from another, probably due to lack of thought when they were built in the past. If the air space is to be developed, opportunity could be taken to provide bridges and decks at the same time to link up the segregated pieces of the community and make the city more walkable and accessible. However, massive in-fill developments might aggravate the heat island effects and obstruct certain visual corridors. Besides, transport terminals and railway stations are often elongated in shape, resulting in “wall effects”. This type of developments needs to be judged on a case by case basis, subject to TIA, EIA and VIA studies.

19. (Con 5) **Utilising the Development Potential of Public Utility Sites** –

It would only be equitable to the community if Government would take back the sites from public utility companies when the facilities are no longer justified. For those sites where the use is still needed, consideration might be given to re-locating the facility to be integrated with another nearby and larger site upon its development and thereby release the original site back to Government.

20. (Con 6) **Relocation of Kwai Tsing Container Terminals** –

If the Container Terminals are removed from Kwai Tsing, the environment and traffic conditions in the district would likely be much improved. However, a question has to be asked first of all – do we still need 380 ha. or even more in future ? Secondly, if we do have such a large site, whether it should be simply developed for housing instead of undertaking the re-location, bearing in mind that substantial scale of new road links have to be built to connect to the relocation site. Such relocation site may also be difficult to identify noting the need for deep water frontages. If we could afford to wait at all – for finding and preparing the alternative site, re-locate the existing container terminals and then redevelop the site thus released, we could restructure the urban fabric to



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achieve substantial benefits. However, this appears to be ideal rather than practicable. It cannot solve the imminent housing shortage problem.

21. (Con 7) **Topside Development of Kwai Tsing Container Terminals** – Foreseeable constraints and technical problems would include: environmental impacts on the housing development, addition of more traffic and potential fire and other security risks, etc. to both the project and its adjoining areas during and after the construction. The proposal thus appears prima facie a very expensive project which in turn would make the housing above too expensive to be affordable.
22. (Con 8) **Filling of Plover Cove Reservoir** : In the aggravating extreme climatic conditions, it is important to have access to freshwater capacities and it should also be evaluated against the implications of possible energy consumption if water desalination facilities are to be implemented in the future. There is also a hazard not mentioned in the report. Daya Bay Nuclear Power Station is some 20 km to the east. (ref. <https://www.dbcp.gov.hk/eng/info/index.htm>) Although we may be assured of safety from its explosion and direct radiation hazards and that off-site radiological consequences is very small, the contingency plan aims at possible situations of radioactive plume exposures and essentially as a precautionary measure, residents in Ping Chau, visitors to Ping Chau and vessels in the water of Mirs Bay within 20 km from Daya Bay may have to be evacuated. Risks assumptions were based on the current and planned population levels known at the time of the DBCP was formulated. However, to increase the number of population substantially such as building a new town within this area would greatly increase the potential risks. Therefore, in general the north eastern part of NT is not a suitable strategic urban growth area. This proposal should be discarded.

PART – 3

23. Other potential sites:

- (a) **Disneyland Phase II** The patronage of HK Disneyland is not as high as expected. The Phase II reserved site is lying vacant. Government should consider taking the site back for more valuable development including housing, or relocation of land extensive uses (e.g. some of the recreation clubs) in the urban area – to release the latter for housing development. Since this site is situated in a very prominent location, it is highly visible. It also has very limited

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accessibility. Thus, a detailed feasibility study has to be carried out if this site is to be so developed.

- (b) Government should not rule out the feasibility of leasing land in Shenzhen or other locations within the Greater Bay Area, preferably within reach of the High Speed Rail, for housing development for purchase by Hong Kong people.

PART - 4

24. Other comments about the public engagement exercise

- (a) Method of public engagement : The method of summarising the public views is controversial. A greater number of similar views does not necessarily imply a more justified choice as against a quality and professional comment.
- (b) Lack of detailed information and technical data : There are in general a lack of technical information for most Options. The preference expressed by the public as well as the Task Force's evaluation of public comments so collected would thus not be as logical as it should be.

ENDS

**Hong Kong Institute of Urban Design
10 September 2018**

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