

The Hong Kong Countryside Foundation

On land for public low cost housing and elderly accommodation

For Policy Address

SUMMARY

The Hong Kong Countryside Foundation (HKCF) recognizes the Policy Objective to find suitable land for public low-cost housing and elderly accommodation. The Government's approach to achieving this objective must follow existing policies, best practice and principled governance. The approach to selecting land for such purposes in Hong Kong should be based on a hierarchy of land categories in which Country Parks ("CP") and Special Areas designated under the Country Parks Ordinance should be **the option of last resort**.

INTRODUCTION

- 1) **Sensible and established process.** The Government should conduct its search for land for housing development in a holistic manner, keeping in view the full range of society needs, using established procedures and professionals in the Planning Department and with the participation of the NGO community (Area 4 of the Biodiversity Strategy and Action Plan 2016) and Government's **Multi-Pronged approach** to finding land resources (paras 117 and 121 of the 2017 Policy Address).

PRINCIPLES

- 2) **The processes to be followed should be transparent, professional, consultative, statutory and fair.** To use Hong Kong Housing Society, a quasi-Government property agency, to develop housing projects on a pre-determined site circumvents established processes, deviates from principled governance and thus is wrong in principle. It would be seen by the public as collusion driven by vested interests for a land grab by a body conflicted by its own interest in a pro-development outcome because of having interests and objectives for building development.
- 3) **The Government has committed to "Maintain and enhance Protected Areas"** (Action 1 of the BSAP). CP is Protected Area (PA). Logical and normal planning principles and existing policies require Protected Areas of various sorts to be considered for building development **only after all other alternatives have been assessed and exhausted**. The Government, or indeed any developer, should be required to demonstrate an overriding public need before CP and PA types of land is to be excised.
- 4) **Sensible and principled governance requires prior examination of better land options or other alternative solutions** for low cost housing and elderly accommodation. All those land categories of less value to the public should be examined first before any CP land is stripped of protection for building development. **It is neither good planning nor principled governance to only look at using CP land when objectively this is the worst option.**
- 5) **Good planning is best achieved by following existing Government Policies for planning, conservation and land use** including *inter alia*: -
 - a) HK's Nature Conservation Policy, the Biodiversity Strategy and Action Plan (which implements the Convention on Biological Diversity and other international standards and principles, and which contributes to China's National BSAP; see BSAP 2016 4.2).

- b) the Sustainable Development Policy, which in this application means the Sustainable use of Natural Resources again based on international best practice, and
- c) Planning Department's own principles and criteria as set out in the HK Planning Standards and Guidelines and Town Planning Ordinance.

PRACTICAL CONSIDERATIONS

- 6) **Land suitable for public housing requires convenient access to mass transport such as MTR, facilities to manage high volumes of sewage and waste disposal, and other infrastructure support for urban life.** CP landscapes are typically hilly. Site formation and stabilization in hilly areas increases the site footprint, development costs, time and environmental impacts. Road access to areas hitherto protected by their remoteness would lead to degradation and trashing. When such abuses arise, resources will be needed to ensure effective enforcement actions by relevant departments. This will add to the costs of unsuitable places being selected. **Pursuing the CP option is no quick fix.**
- 7) **Sites suitable for the elderly require nearby medical facilities, hospitals, social services and an enhanced need for emergency vehicular access,** which are not typical characteristics of CP land. Improperly selecting sites in CP land would add to the isolation and the risk to a particularly vulnerable sector of the community.

PROCESSES

- 8) **The EIA process must be used** to ensure a professional, transparent, independent, and unbiased assessment is made in the public interest. The assessment must include the impacts of the project, the cumulative impacts, and consider alternative development options other than the developer's preferred option to avoid and reduce impacts. This assessment must also consider other sites (e.g. brownfield sites) as alternatives to avoid the impacts. **ACE must participate** in evaluating development proposals against objective criteria. ACE and AFCD have important roles in implementing BSAP which is Hong Kong's duty to the Nation.
- 9) **The Country and Marine Parks Board** must assess and rigorously perform its duties to protect the CP according to the objectives of the Country Parks Ordinance. It should assess and **require corresponding compensation via extensions of CP** to offset the losses of area and ecological and recreational functions caused by individual developments impacting CPs and their periphery.
- 10) **The assessment must, in all cases, go through the Town Planning Board** with the Board following principles, policies, and factual and expert evidence. The Board should be neutral and unbiased in its decision making process.

HIERARCHY FOR SELECTING LAND

- 11) **A number of options exist for Government without creating new land, including:**
 - a) **Review the current utilization of Hong Kong's existing housing stock.**
 - b) **Review of planned uses of existing Government land banks and reclamations.** Planned uses should be re-assessed *vis-a-vis* low-cost housing and elderly accommodation. Notably, land sold to developers for private luxury housing does not yield low-cost housing while the **expansion of Disneyland cannot reasonably claim higher priority than low-cost housing on the existing designated reclamation land.**
 - c) **Re-purposed industrial areas and buildings.** Experience has shown that old factory buildings can be repurposed for a variety of uses reflecting the city's changing needs. Alternatively, clusters of such buildings could be re-developed through holistic planning to

serve the specific needs of our ageing population, with retirement villages, hospitals, day care centres and recreational facilities.

12) **The priority for selecting land for public low cost housing and elderly accommodation in Hong Kong should be based on a hierarchy of categories of land in which Country Parks and Special Areas designated under the Country Parks Ordinance should only be the option of last resort.** The following paragraphs set out the hierarchy in descending order of priority.

- a) **New Development Areas, New Town Extension Projects and Comprehensive Development Areas** The 2017 Policy Address paras 117 and 121 state that the priority is to develop areas concentrated with brownfield sites. The developments in Hung Shui Kiu, Yuen Long South and Kwu Tung North/Fanling NDA's currently underway cover 380 hectares of brownfield sites. We support this as a part of the strategy.
- b) **Brownfield Sites.** The area of brownfield sites has been estimated to be more than 1,000 hectares by a civil society team. The results of Planning Department's 2017 Brownfield Site Survey should be made available to the public and assist in the release of brownfield land for low-cost housing and elderly accommodation as a priority. While there is no official definition of brownfield site, however, in order of degradation/ownership we suggest it includes the following categories, which could overlap: -
 - (1) Quasi-industrial land, open storage, and unauthorised existing uses, also on urban fringes. Most of the land is highly degraded, and mostly private land.
 - (2) Govt Land and Private Land such as empty schools and potential podiums above infrastructure, utilities, highways, railways, and roadside areas.
 - (3) Degraded or idle Government Land, such as worksites, old schools, temporary carparks and others.
- c) **Only when the above categories have been considered and exhausted should the following categories be considered, in descending order of priority.**
 - (1) Degraded farmland of low ecological value and with poor potential for restoration to productive agriculture. About 850 hectares exist for assessment. Some 850 hectares of such farmland is located in the proximity of roads or railways and/or on the periphery of existing towns and so have potential for housing development at relatively lower costs and in shorter time-scale.
 - (2) Unprotected Countryside, mostly Govt Land, a high percentage of Hong Kong.
 - (3) Active or good quality Farmland.
 - (4) Conservation zonings of various types including GB, CA, SSSI; Priority Sites under the 2004 New Nature Conservation Policy and CP Enclaves; Reservoirs and catchments and Country Parks and Special Areas.

13) Whenever land with recreation, ecological or heritage values are considered for housing development due process should be followed in assessing the impacts and corresponding compensation measures. Recognizing the public's growing concern and effectiveness in blocking or delaying development projects in areas of high recreation, ecological and heritage values, all assessments should follow global best practice and principles including the following:

- a) **Ratcliffe Criteria**, 1977, originally for SSSI and partly used in EIAO TM, as refined for Hong Kong by Barretto and Kendrick 2007. (summary extract below)

- b) **EIAO TM Criteria** at Annex 8 Criteria for Evaluating Ecological Impact, Annex 16 Guidelines for Ecological Assessment, which requires Avoidance, Minimizing and Compensation for impacts.
- c) **Principles applicable to Hong Kong, as confirmed in relevant court cases**, include *inter alia* “holistic conservation” which requires protecting a watershed or landscape as a whole and cumulative impact assessment. Such criteria assist in replacing vague terms like “relatively low ecological and public enjoyment value” in Policy Address para 117.
- d) **Compensation, with No net loss of Country Park or ecological function.** For every piecemeal loss caused by each specific development project, especially at the periphery of CP and other ecologically significant areas, there must be **immediate and correspondingly compensation, enhancement and restoration.** Compensation for loss at the periphery of CP is part of the Government Policy Address 2017 para 117. Compensation should be made for losses of ecologically and recreationally valuable countryside outside CP also because loss of buffer (especially Green Belt) can cause major ecological damage in the long term.
- e) **Public Enjoyment of Country Parks is the paramount reason against encroaching.** CP delivers **Quality of Life** through the provision of essential recreation for Hong Kong’s hard-working population, such as relaxation, hiking, picnic, physical exercise, enjoying the natural scenery and fresh air, nature photography, observations of trees, birds and wildlife, , see BSAP 2016 generally. **These benefits and values are enjoyed by at least 11.4 million visitors a year** (AFCD figures for Country Parks 2014), and innumerable morning exercise practitioners all over Hong Kong. Studies show our aging population increasingly rely on good environment for maintaining their quality of life.
- f) **Other ecosystem services from the Countryside** to be valued include *inter alia*:
 - i) **Water Resources (particularly water catchment areas),**
 - ii) **Reducing urban heat island effects,**
 - iii) **Health protection and Traditional Chinese Medicine sources,**
 (See BSAP 2016 pages 4-7 and BSAP Action 17 Identify Ecosystem services.)

14) The Countryside now at risk is about half of the Hong Kong Countryside. 80% of Hong Kong used to be green or Countryside. Half of this is protected as CP (40% of HK land area), but the other half of the Countryside is NOT. The Unprotected Countryside which is now being lost every day by piecemeal developments and abusive uses. Thus the 80% green is declining to between 75-80%. **The actual losses of Countryside, being planned or on-going, must be assessed and the public informed.**

15) Taking a **National perspective** Hong Kong’s protected areas network (PAN) is a *de facto* National Park in southern China. It represents a significant contribution to the fulfilment of the Central Government’s Plan for the Development of the Bay Area of the Pearl River Estuary (Plan) as a “green and healthy living environment”. Having building developments in such areas would undermine the capacity of our PAN to fulfil this function. Hong Kong must not appear to be reaping the benefits of the Plan, while at the same time undermining its intentions.

CONCLUSIONS

16) **HKCF** proposes that Government can achieve the Policy Objective to find land for public low-cost housing and elderly accommodation by **following existing policies, best practice and**

principled governance and adhering to processes which are transparent, professional, statutory, fair and therefore welcomed by the public, so as to achieve sustainable use of natural resources, in particular our precious Countryside.

- 17) The approach to selecting land for such purposes in Hong Kong should be based on a **hierarchy of categories in which Country Parks and Special Areas designated under the Country Parks Ordinance should be the option of last resort. HKCF proposes this approach to be adopted in Hong Kong for selecting land for development in future.** This would mainstream sustainability and conservation principles into planning and land use (which is a key part of the BSAP policy, Action 9). Good governance based on these policy solutions helps value and protect our countryside, with sensible choices for the future based on sound principles.

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Abbreviations

BSAP	Biodiversity Strategy and Action Plan, December 2016
CA	Conservation Area
CP	Country Park and Special Area
EIAO TM	,Environmental Impact Assessment Ordinance Technical Memorandum
GB	Green Belt
SSSI	Site of Special Scientific Interest.

Notes

The parts of the **Ratcliffe Criteria** (1977) essential to considering encroachments into Country Parks include the loss of buffer functions, the green corridor or ecological function and connectivity values of any periphery being considered for housing. Fragmentation impact will be accelerated. Landscapes are easily lost. All the criteria are relevant and were updated for use in Hong Kong, and extracted from Barretto and Kendrick 2007, *Proceedings of the First South East Asian Lepidoptera Symposium 2006*, page 93, as follows:

- a. Size
- b. Diversity, including wildlife Abundance/richness, species Assemblages, regional Comparison
- c. Rarity, including Uniqueness and endemism
- d. Recorded history, including Age and Recreatability
- e. Fragility, including Recreatability, Nursery/Breeding ground
- f. Typicalness
- g. Naturalness
- h. Position in Ecological Unit, including Fragmentation and Ecological Linkage, (See BSAP Action 4 Maintain habitat connectivity for wildlife).
- i. Intrinsic Appeal, including Natural Landscape Beauty
- j. Potential value