

**Minutes of 1252<sup>nd</sup> Meeting of the  
Town Planning Board held on 18.8.2021**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Ms Bernadette H.H. Linn

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Mr Y. S. Wong

Chief Traffic Engineer (New Territories East),  
Transport Department  
Mr W.H. Poon

Chief Engineer (Works)  
Home Affairs Department  
Mr Gavin C.T. Tse

Assistant Director (Environmental Assessment)  
Environmental Protection Department  
Mr Terence S.W. Tsang

Assistant Director (Regional 3)  
Lands Department  
Mr Alan K.L. Lo

Director of Planning  
Mr Ivan M.K. Chung

Deputy Director of Planning/District  
Miss Fiona S.Y. Lung

Secretary

**Absent with Apologies**

Mr Thomas O.S. Ho

Mr Stanley T.S. Choi

Dr Conrad T.C. Wong

**In Attendance**

Assistant Director of Planning/Board  
Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board  
Ms Johanna W.Y. Cheng

Senior Town Planner/Town Planning Board  
Ms Christine C.M. Cheung

## **Opening Remarks**

1. The Chairperson said that the meeting would be conducted with video conferencing arrangement.

## **Agenda Item 1**

[Open Meeting]

### Confirmation of Minutes of the 1249<sup>th</sup> Meeting held on 7.7.2021, 8.7.2021 and 12.7.2021

[The item was conducted in Cantonese.]

2. The draft minutes of the 1249<sup>th</sup> meeting held on 7.7.2021, 8.7.2021 and 12.7.2021 were confirmed without amendments.

## **Agenda Item 2**

[Closed Meeting (Deliberation only)]

Consideration of Representations and Comments on the Draft Ma On Shan Outline Zoning Plan

No. S/MOS/23

(TPB Paper No. 10746)

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[The item was conducted in Cantonese.]

## **Deliberation Session**

3. The Secretary reported that Amendment Items A, B1 and D involved public housing developments to be developed by the Hong Kong Housing Authority (HKHA) and the Housing Department (HD) was the executive arm of HKHA. An Engineering Feasibility Study (EFS) for the above-mentioned amendment items was conducted by the Civil Engineering and Development Department (CEDD) with Black & Veatch Hong Kong Limited (B&V), MVA Hong Kong Limited (MVA) and Urbis Limited (Urbis) as the study consultants. Representations and comments had been submitted by Kadoorie Farm and Botanic Garden (KFBG) (R44), World Wide Fund For Nature Hong Kong (WWFHK) (R46), Hong Kong Bird

Watching Society (HKBWS) (R47/C3), the Conservancy Association (CA) (R49/C5), Greeners Action (GA) (R1640), Centre for Community and Place Governance (CCPG), Institute of Future Cities (IOFC) of Chinese University of Hong Kong (CUHK) (R52), Hong Kong and China Gas Company Limited (Towngas) (R5697), which was a subsidiary of Henderson Land Development Company Limited (HLD), and Ms Mary Mulvihill (R92/C16). The following Members had declared interests on the item:

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| Mr Gavin C.T. Tse<br><i>(as Chief Engineer (Works),<br/>Home Affairs Department)</i> | - being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and Subsidized Housing Committee of HKHA;                                    |
| Dr Conrad T.C. Wong  | - having current business dealings with HKHA and CUHK;   |
| Mr K.K. Cheung   | - his firm having current business dealings with HKHA, B&V, KFBG, GA, Towngas and HLD, past business dealings with CA, and hiring Ms Mary Mulvihill on a contract basis from time to time; |
| Mr Alex H.T. Lai   | - his former firm having business dealings with HKHA, B&V, KFBG, GA, Towngas and HLD, past business dealings with CA, and hiring Ms Mary Mulvihill on a contract basis from time to time;  |
| Mr Thomas O.S. Ho  | - having current business dealings with HKHA, MVA and Urbis;   |
| Dr C.H. Hau  | - conducting contract research projects with CEDD, being a member of HKBWS and a life member of CA and his spouse being the  |

Vice-chairman of the Board of Directors of CA, being a former member of the Conservation Advisory Committee of WWFHK, being an employee of the University of Hong Kong (HKU) which had received a donation from a family member of the Chairman of HLD before, and having past business dealings with HLD;

Mr Franklin Yu

- being a member of the Building Committee of HKHA and his firm having current business dealings with CUHK;

Mr Y.S. Wong

- being a member of Funds Management Sub-Committee of the HKHA;

Mr L.T. Kwok

- his serving organisation operated a social service team which was supported by HKHA and openly bid funding from HKHA;

Mr Daniel K.S. Lau

- being a member and an ex-employee of Hong Kong Housing Society which had discussed with HD on housing development issues;

Dr Lawrence K.C Li

- being the Deputy Chairman of the Council of the Hong Kong Polytechnic University (PolyU) which had obtained sponsorship from HLD before;

Mr Stephen L.H. Liu

- being a member of the Council of PolyU which had obtained sponsorship from HLD before;

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|------------------------|---|
| Mr Peter K.T. Yuen     | - being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from an Executive Director of HLD before; |
| Mr K.W. Leung          | - being a member of the Executive Committee of HKBWS and the Chairman of the Crested Bulbul Club Committee of HKBWS;                            |
| Dr Lawrence W.C. Poon  | - renting one and owning one residential unit in Ma On Shan; and his spouse being an employee of HD but not involved in planning work; and      |
| Professor John C.Y. Ng | - being a Fellow of IOFC, CUHK.   |

4. Members noted that Dr Conrad T.C. Wong and Mr Thomas O.S. Ho had tendered apologies for being unable to join the meeting, and Dr Lawrence W.C. Poon, Messrs Franklin Yu, Y.S. Wong and Gavin C.T. Tse had not yet arrived to join the meeting. Members agreed that as the interests of Messrs Stephen L.H. Liu, Peter K.T. Yuen and L.T. Kwok and Dr Lawrence K.C. Li were indirect, Messrs K.K. Cheung, Alex T.H. Lai and K.W. Leung, Dr C.H. Hau and Professor John C.Y. Ng had no involvement in the submission of representations and comments and Mr Daniel K.S. Lau had no involvement in the public housing development, they could stay in the meeting.

5. The Chairperson said that the hearing sessions for the consideration of representations and comments on representations (comments) on the draft Ma On Shan Outline Zoning Plan No. S/MOS/23 (the OZP) were held on 7.7.2021, 8.7.2021 and 12.7.2021 and the minutes of the hearing sessions, which were issued to Members on 16.8.2021, were confirmed under Agenda Item 1. Today's meeting was to proceed with the deliberation of the representations and comments on the OZP. The Chairperson then invited the Secretary to briefly recapitulate the major points made by the representers and commenters in their written

and oral submissions and the responses of relevant government departments.

6. With the aid of a PowerPoint presentation, the Secretary recapitulated the following major points covered in the hearing sessions:

- (a) the amendments involved rezoning a total of 10.56 ha of land zoned “Green Belt” (“GB”) for housing developments and their supporting facilities. The Sites under the amendment items were mainly in two clusters – sites near Cheung Muk Tau Village and Symphony Bay Villa Rhapsody and sites along Ma On Shan Tsuen Road (MOST Road). Opportunity was also taken to rezone a strip of land along Mui Tsz Lam Road near Chevalier Garden to reflect the planned sewage treatment works;
- (b) during the exhibition periods, 5,699 representations and 1,587 comments were received, which predominantly opposed the amendments;
- (c) Amendment Items A, B1 and B2 (Sites A, B1 and B2 near Cheung Muk Tau Village and Symphony Bay Villa Rhapsody):
  - (i) Sites A and B1 were zoned “Residential (Group A)11” (“R(A)11”), with maximum plot ratio (PR) of 6.8 and maximum building height (BH) of 165mPD, for public housing developments with about 3,480 flats. Site B2 was rezoned to an area shown as ‘Road’ to reflect the existing footpath and roadside amenity along Ma On Shan (MOS) Bypass;

*Major Concerns of Representers and Commenters*

- (ii) the proposed development intensity with PR of 6.8 and building height restriction (BHR) of 165mPD was not compatible with the adjacent residential developments including Cheung Muk Tau Village (3-storey houses) and Symphony Bay (PR 1.5);
- (iii) the proposed public housing developments were not in line with the



Town Planning Board (TPB) Guidelines for Application for Development within “GB” Zone;

- (iv) the proposed public housing developments would enclose and impose visual intrusion to and affect air ventilation and natural lighting of adjacent residential developments including Symphony Bay and Cheung Muk Tau Village;
- (v) the increased traffic flows on Nin Fung Road generated by the proposed public housing developments would affect the vehicular access and pedestrian safety for residents of Symphony Bay and Cheung Muk Tau Village;
- (vi) the proposed public housing developments would cause noise impacts on Symphony Bay and Cheung Muk Tau Village;
- (vii) the ecological value of habitats within the works limit of Amendment Items A and B1 was regarded as “Moderate” while the orchard, marshland and woodland possessed potential ecological value for wildlife;
- (viii) the proposed public housing developments would block access from Cheung Muk Tau Village to the permitted burial ground;
- (ix) a substantial number of trees would be felled for the proposed public housing developments and associated infrastructural works;

*Representers’ Major Proposals*

- (x) Sites A, B1 and/or B2 should be reverted back to “GB” zone;
- (xi) Sites A and B1 should be used for low-rise residential developments;

*Responses from Government Departments*

- (xii) the proposed public housing developments at Sites A and B1 were close to the high-density core of MOS New Town and not incompatible with those neighbouring developments;
- (xiii) EFS on these sites with technical assessments on various aspects had been conducted by CEDD. EFS had concluded that there were no insurmountable technical problems for the proposed housing developments and their supporting infrastructure facilities with the adoption of appropriate mitigation measures;
- (xiv) it was not practical to protect private views without stifling development opportunities and balancing other relevant considerations. The proposed developments would not incur adverse air ventilation impacts on the surrounding environment. Design measures including building separation and building setback would be proposed for better visual permeability and promoting wind penetration. Sun-shadowing analysis and solar radiation analysis for the new public housing development would also be carried out to minimise the adverse impacts on natural lighting;
- (xv) the Preliminary Traffic and Transportation Impact Assessment (PTTIA) recommended a new access road to serve Sites A and B1 that would be connected to Nin Fung Road near Cheung Muk Tau Village. According to the results of the PTTIA, with improvement works proposed, Nin Fung Road and the access road to Cheung Muk Tau Village would operate within their capacities;
- (xvi) the existing sensitive receivers would not be subject to any noise level exceeding the limits specified under the Technical Memorandum (TM) of the Environmental Impact Assessment Ordinance (EIAO) and no mitigation measure was required;

- (xvii) the ecological value of the orchard near Site A and the marshland near Site B1 was “low” and “moderate” respectively. The proposed access road had avoided the majority of the marshland;
- (xviii) the proposed developments had avoided the permitted burial grounds;
- (xix) the submission and implementation of tree preservation and removal proposal would be required for the public housing sites; and
- (xx) the responses above were relevant to the representers’ major proposals above;

(d) Amendment Items C to G (Sites C to G along MOST Road)

- (i) Site D was zoned “R(A)11”, with a maximum PR of 6.8 and maximum BH of 225mPD, for a public housing development with about 2,700 flats. Site G was zoned “Residential (Group B)6”, with a maximum PR of 3.6 and maximum BH of 250mPD, for a private housing development with about 1,040 flats. The other sites were zoned as “Government, Institution or Community” (“G/IC”) to provide the supporting facilities, including Site C for a water pumping station, Site E for a 30-classroom primary school and Site F for fresh water and salt water service reservoirs;

*Major Concerns of Representers and Commenters*

- (ii) the Ma On Shan Iron Mine (the Mine) had significant historic and cultural importance representing the mining history of Hong Kong. A “point-line-plane” approach should be adopted to preserve the Mine (covering Sites C to G). There was a concern on the impact of the proposed housing developments and the associated infrastructure works on a pier of the Mineral Preparation Plant (Grade 3 historic building) and some other historical structures identified but yet to be considered for grading;

- (iii) Sites C to G were very close to the MOS Country Park (MOSCP) and rezoning these “GB” sites, particularly Site G, would set an undesirable precedent encouraging developments at the periphery of country parks;
- (iv) MOST Road could not cope with the increased traffic flow generated by the proposed developments along the road and it would be difficult to upgrade MOST Road to a gradient of 11% or less;
- (v) an alternative alignment for the widening of MOST Road that did not affect the Mid-Level District was agreed among the developer of a proposed private residential development at Wan Village, MOST villagers and the Government;
- (vi) the Government had not conducted a detailed geotechnical investigation for Sites C to G, which were considered not suitable for housing development in view of the landslides recorded, the potential existence of faults and the previous mining excavations and tunnel structures;
- (vii) additional “GB” areas would be affected for road works and slope maintenance works in support of the proposed developments;
- (viii) the proposed high-rise developments would have adverse visual impact on the MOS ridgeline when viewed from the waterfront promenade at Tolo Harbour and the Chinese University of Hong Kong;

*Specific Comments on Site D*

- (ix) Site D was too close to and would affect the graded historic buildings, especially the 110ML Portal and Shun Yee Sun Tsuen;

*Specific Comments on Site G*

- (x) the development intensity (PR of 3.6) of the private housing development was excessive and incompatible with the surrounding country park;
- (xi) the proposed development with a BH restriction (BHR) of 250mPD would have significant visual impact;
- (xii) the proposed development at Site G would lead to destruction of the integrity of the mining settlement, the Chiu Chow settlement at Mid-level District and the potential historic buildings/structures of the community;
- (xiii) the Government was colluding with the private developer as the proposed road improvement for Site G would facilitate the implementation of the private development to its further southeast at Wan Village (under approved planning application No. A/MOS/65);

*Specific Comments on Sites C, E and F*

- (xiv) the need for the primary school at Site E was doubtful, apart from only serving the proposed development at Site D;
- (xv) the need for the pumping station at Site C and the service reservoirs at Site F was doubtful, apart from only serving the proposed housing developments at Sites D and G;

*Representers' Major Proposals*

- (xvi) Sites C to G should be reverted back to "GB" zone;
- (xvii) Sites C to G and areas covered by the Mine should be rezoned for heritage and tourism uses;

- (xviii) Site E should be rezoned to “Other Specified Uses” (“OU”) annotated “School cum Conservation Areas” to integrate the heritage structures into the design of the school site, enriching the learning environment of the students and allowing the heritage structures to perpetuate the values of the Mine landscape as a common inheritance of Hong Kong;

*Responses from Government Departments*

- (xix) comprehensive heritage impact assessment would be conducted at the detailed design and investigation stage. Mitigation measures to alleviate any adverse heritage impact including impact on the graded pier would be proposed. The development site would not encroach onto any graded historic buildings/structures;
- (xx) Sites C to G were outside the boundary of MOSCP and the Site of Special Scientific Interest (SSSI) ;
- (xxi) a section of MOST Road would be re-aligned and upgraded to support the proposed developments. Temporary access would also be provided to the villagers during the widening of MOST Road;
- (xxii) a gradient not exceeding 10% could be achieved for the upgraded MOST Road and the design of the upgrading works would be further developed in the detailed design stage;
- (xxiii) the road scheme previously discussed among the developer, MOST villagers and the Government was not authorised due to land title issues of the proposed development;
- (xxiv) a preliminary geotechnical appraisal (GA) based on a review of past records had been conducted under the EFS. According to the GA, landslides within the study area in the past 80 years were small in scale. The proposed site formation and infrastructure works were considered geotechnically feasible, and no insurmountable issue was

anticipated from the geotechnical aspect;

- (xxv) the extent of slope works would be subject to further geological investigation and would be minimised as far as practicable by suitable design;
- (xxvi) the proposed housing developments with mitigation measures would not impose significant adverse visual and air ventilation impacts;

*Site D*

- (xxvii) mitigation measures to alleviate adverse heritage impact including the impact on the graded pier, if any, would be proposed for the proposed public housing development at Site D;

*Site G*

- (xxviii) the development intensity of the proposed private development at Site G had made reference to the medium-density private housing development in MOS town area and taken into account the relatively flat topography, previously disturbed site condition, and accessibility via MOST Road;
- (xxix) the proposed housing development at Site G was generally in line with the stepped BH concept of MOS New Town by keeping taller buildings on the hillside and lower buildings towards the waterfront;
- (xxx) no graded historic building or new item pending grading assessment by the Antiquities Advisory Board was found within Site G;
- (xxxi) it was normal for infrastructural projects prompted by new developments to bring convenience to a wider area served by an inter-connected infrastructural network. Such positive impact should not be viewed as collusion;

*Amendment Items C, E and F*

- (xxxii) the 30-classroom primary school at Site E was to serve the housing developments at Sites A, B1, D and G;
- (xxxiii) the pumping station and reservoirs at Sites C and F were required to support the proposed housing developments at Sites D and G; and
- (xxxiv) the above responses were relevant to the representers' major proposals. With regard to the proposed "OU" zoning for Site E, the proposal to integrate heritage conservation into the school development could be conveyed to the Education Bureau (EDB) and it was not necessary to make amendment to the "G/IC" zone;

(e) Other Concerns

*Major Concerns of Representers and Commenters*

- (i) the amendments to the OZP did not meet the criteria of the second stage "GB" review;
- (ii) the provision of Government, institution and community (GIC) facilities (including health care facilities) and recreational facilities/open space in MOS was inadequate;
- (iii) the publication of the OZP amendments did not follow the established procedure and violated procedural propriety;
- (iv) critical road links/junctions from MOS to urban areas were already saturated and congestion would worsen. The proposed traffic improvements were unable to address the district-wide traffic problems;
- (v) the PTTIA could not reflect the actual traffic conditions and was



flawed. It was doubtful if committed developments in MOS and Shap Sze Heung had been included in the assessment;

- (vi) the ecological baseline survey was flawed, the study covering 500m from the works limit of the proposed developments was based on literature review and field surveys of multiple species and tree surveys were completed at seven sites on the same days;
- (vii) about 3,500 trees would be affected by the proposed developments and associated infrastructural works;
- (viii) the rezoning of Amendment Item H was doubtful and the use would have odour impact;

*Responses from Government Departments*

- (ix) the second stage “GB” review covered those vegetated “GB” sites with relatively lower buffer or conservation value and adjacent to existing transport and infrastructure facilities. Sites A and B1 were close to the existing built-up area of MOS, Sites C to G were located at the fringe of MOS town area and were accessible by MOST Road. The Sites had relatively lower buffer/conservation value;
- (x) the existing and planned provision of GIC facilities and open space was generally adequate to meet the demand of the overall planned population in MOS in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). GIC or social welfare facilities would be provided within Sites A, B1, D and G;
- (xi) the statutory and administrative procedures in consulting the public on the zoning amendments and for gazettal of the OZP had been duly followed;
- (xii) all critical road links and junctions within the Area of Influence

would be within capacity with improvement works proposed (except T6 Bridge with improvement measures to be further investigated separately);

- (xiii) additional traffic generated by planned/committed developments had been taken into account in the traffic forecasts and the findings of the PTTIA were considered acceptable by the Transport Department;
- (xiv) the methodology adopted in the ecological survey largely followed the requirements of TM of the EIAO and the results were reviewed by the Agriculture, Fisheries and Conservation Department (AFCD) through on-site verification. The preliminary tree survey was a broad-brush tree survey with an aim to identify all tree groups within the Study Area for the purpose of landscape assessment. The survey methodology of the vegetation survey was widely employed in different environmental impact studies and the AFCD had no adverse comments; and
- (xv) the preliminary tree survey indicated no Old and Valuable Trees identified in the Sites. There were 3,560 existing trees identified within the works limit and 2,780 of them would be felled. Tree preservation and removal proposal would be worked out for the public housing sites. Tree treatment and compensation would be conducted in accordance with relevant government Technical Circulars. Woodland compensation would also be implemented.

7. The Chairperson suggested Members to make reference to the TPB Paper No. 10746 (the Paper) and the confirmed minutes of the meeting held on 7.7.2021, 8.7.2021 and 12.7.2021 for information guiding the Board's deliberation. The Chairperson added that whilst considering the large number of representations/comments received, Members should also have regard to the pressing need for housing developments in Hong Kong, including the fact that those suffering in poor living environment and might benefit from the proposed public housing projects would also expect to be taken care of. She said that a balance should be struck between heeding the views of the representers and commenters and addressing the

housing needs of the general public. Amendment Items A to F were to facilitate three proposed public housing developments (Sites A, B1 and D) with about 6,000 flats and the provision of GIC facilities for supporting the needs of the future residents. The objecting views were mainly on the grounds of visual and traffic concerns, which were not uncommon in the rezoning of other “GB” sites for residential developments. The government representatives had explained that graded historical structures were excluded from the boundaries of Sites C to F. Though no graded historical buildings/structures were found in Site G, there was a concern from the representers/commenters that the proposed private housing development would cause irreversible impacts by uprooting the existing settlement with descendants of the original miners and disrupting the integrity of the mining history in the area. She then invited Members to express their views on the Amendment Items.

#### Amendment Items A, B1, B2 and D

8. Some Members supported Amendment Items A, B1 and D for the proposed public housing developments. They considered that the Sites were suitable for the proposed public housing developments as they were close to major transport links and the MOS town centre and Heng On Estate, which had been well-developed, and had lower buffer and ecological values, which were in line with the criteria of the Stage 2 “GB” Review. The technical assessments conducted under EFS had also been confirmed by the government departments that there would be no insurmountable technical problems for the proposed housing developments with suitable mitigation measures proposed. The concerns on visual and traffic impacts raised by the representers and commenters could be addressed by building design and road improvement measures proposed. The maximum PR and BHs for Sites A and B1 were similar to the private residential developments recently completed in MOS.

9. Some Members did not object to Amendment Items A, B1 and D in view of the imminent needs for more land for public housing though they were of the view that those sites might not be the most ideal for the proposed developments, taking into account the rural setting and the surrounding low-rise and medium-rise residential developments at Cheung Muk Tau Village and Symphony Bay Villa Rhapsody; the possible adverse impact of the proposed developments on the marshland in between Sites A and B1; and the relatively small scale of those sites which might pose limitations for well-designed, comprehensive public housing developments.

10. A Member opined that priority should be accorded to the planning and implementation of New Development Areas.

11. While Members generally supported or had no objection to Items A, B1 and D, they had the following views/suggestions:

*Site Specific Matters*

- (a) the BH and massing of the buildings and podium of the proposed public housing developments at Sites A, B1 and D should be refined so as to minimise the visual impacts on the local residents in the immediate vicinity and the surrounding country park environment including the mountainous view of MOS;
- (b) as the proposed public housing developments at Sites A and B1 were close to Cheung Muk Tau Village, relevant government departments should liaise with the local villages residents to relieve their concerns on the fung shui aspect and any impact on the permitted burial grounds. For example, sufficient buffer should be maintained between the village and the proposed public housing developments;
- (c) the proposed developments at Sites A and B1 and the associated road works should minimise impact on the marshland;
- (d) the future design of the proposed public housing development at Site D should feature and complement the nearby heritage elements of the Mine and be compatible in design with the surrounding historical setting;

*District-wide Matters*

- (e) the population of MOS would be increased substantially in view of the proposed public housing developments and other planned developments such as the comprehensive private residential development at Shap Sze Heung. These developments would create immense pressure on the transport network

in the district, which was a major concern of the representers/commenters. As such, the Government should critically consider whether the proposed traffic improvement measures could be implemented in advance of the completion of the proposed public housing developments at Sites A, B1 and D to ensure that the traffic problem in the district would not be aggravated;

- (f) there was a need to consider long-term transport options to significantly improve the traffic situation in the district, e.g. a more direct underpass to connect MOS to the Science Park area, and water transport etc.;
- (g) the tree compensation measures should be reviewed so as to minimise the adverse impacts of felling of a substantial number of trees; and
- (h) the overall development intensities of MOS should be comprehensively reviewed in due course to avoid infill of high-rise and high density developments in the peripheral area in an ad hoc manner.

12. Members generally had no comment on Amendment Item B2 which was to reflect existing footpath and roadside amenities along MOS Bypass.

#### Amendment Item G

13. A few Members supported or did not object to the proposed private housing development on Site G as there was a need to meet the demand for private housing and to balance the public and private property markets, and that the site was just close to but not within the country park. There could be requirement for an integral design that would reflect the heritage of the Mine.

14. The majority of Members did not support Amendment Item G, for the following major considerations:

- (a) the Mine represented the unique mining history of Hong Kong. The proposed amendments to the OZP had not given due consideration to the heritage value of the Site, the need to clear the village settlement of Mid-level

District and the consequential social impact. Although there were no graded historical buildings/structures on Site G, the site with its history of mining settlement formed an integral part of the Mine. Evangelical Lutheran Christian Hong Kong (Grace Youth Camp) had devoted much time and efforts in preserving and showcasing the history of the Mine. The proposed development would damage the heritage value of the Mine and uproot the village settlement relating to the mining heritage in Mid-level District (i.e. Chiu Chow Village). Instead of clearing Site G for development, the Government should consider providing more resources to help conserve the heritage there;

- (b) the proposed private housing development was not an organic extension of the MOS new town, it was too remote from the developed part of MOS and very close to MOSCP, which was one of the popular and well-visited country parks in Hong Kong. The proposed high-rise development was incompatible with the surrounding natural and green environment in the uphill area. The rezoning for residential development would affect the integrity and the buffer function of the entire stretch of “GB” zone adjacent to this popular country park. A stream within the Site would also be affected. The proposed upgrading of MOST Road, which was to facilitate the proposed development, would also have adverse impact on that particular stretch of “GB” zone; and
- (c) the development intensity and BHR of the proposed development located in the midst of a hill were excessive and would destroy the overall landscape of the area, in particular the MOS Ridgeline. The MOS Ridgeline had long been a unique identity to the local residents in Sha Tin and Tai Po districts, which could be viewed clearly along Tolo Highway. Most of the high-rise developments were currently located at the foothills without affecting the ridgeline. The ridgeline should be preserved as a landmark in the district.

15. Members noted that Site G was proposed to be rezoned for private housing development for reasons that it had been subject to human disturbance and the conservation value was considered to be lower. The condition of Site G, however, was similar to the case in Tai Po OZP when a “GB” site near Fung Yuen, which was proposed to be rezoned for

residential development, was reverted back to the “GB” zone after the Board had considered the representations and comments and concluded that rezoning that site would affect the integrity of the “GB” zone. Whilst the proposal to include a residential care home for the elderly (RCHE) in Site G was noted, it was unsure whether the RCHE at the uphill location and within a private development would be affordable and able to serve the elderly in the district.

16. Some Members suggested that the Antiquities and Monuments Office (AMO) should carry out detailed study on the heritage value of the Mine and how to preserve the mining heritage in accordance with “The Dublin Principle”. The Hong Kong Tourism Board could also explore the possibility of promoting heritage tourism in the area. The Countryside Conservation Office (CCO) could also explore the possibility of revitalising the area with reference to the case of Lai Chi Wo. In response, the Chairperson said that the Government had in recent years established a dedicated fund of \$1 billion for encouraging gainful use of vacant government land, including vacant built premises thereon, by Non-government Organisations (NGOs). The Government could liaise with relevant organisations in promoting heritage conservation in the area.

#### Amendment Items C, E and F

17. Members generally had no major comments on Amendment Items C, E and F. A Member indicated that as Sites C, D, E and F were close to some historic elements (such as the 110ML portal and Shun Yee San Tsuen), the future development at these sites there should integrate with heritage conservation through sensitive design and layout to bring out the heritage value of the Mine.

18. Two Members raised doubts on the need for a 30-classroom primary school at Site E, as the projected demand to justify the need was not provided, the school needed not be very close to the proposed development sites, school related traffic would add burden on MOST Road and there would be additional demand for public transport. In that regard, the Chairperson said that the government representatives had explained that based on the requirements in HKPSG, there was a need for reserving that primary school site to serve the future population in Sites A, B1 and D, if not Site G as well. A few Members agreed with the view of **R52** that the design of the school at Site E should integrate with the graded structures nearby so that it could become a learning ground for the community and students. Members

agreed that such view could be conveyed to EDB for its consideration when implementing the school in future but there was no need to amend the “G/IC” zoning as suggested by a representer.

19. A Member asked whether the facilities at Sites C and F would still be needed if Site G would no longer be rezoned for housing development. The Chairperson referred Members to paragraph 68 of the confirmed Minutes for the hearing session held on 12.7.2021, during which the government representative advised the Board that the water pumping station at Site C and the service reservoirs at Site F had to be developed in parallel to support mainly the public housing development at Site D. In response to a Member's question on the implications of the upgrading works required on MOST Road if Site G reverted to “GB” zone, the Secretary said that the lower section of MOST Road would still need to be upgraded up to the proposed roundabout between Sites D and E and access to Site F could be via the existing MOST Road with no need for upgrading.

#### Amendment Item H

20. Members generally had no comment on the proposed amendment which was to facilitate the provision of sewage treatment/screening plant.

#### Other Matters

21. The following general observations were made by individual Members:

- (a) a Member considered that the Government could have done more to give greater assurance to representers expressing concerns over the environmental and ecological impact of the rezoning of sites which were in close proximity to the country park. On the present occasion, the ecological survey only covered areas near the development footprint, instead of 500m from the site boundary or the area likely to be impacted by the project. The consultant was only required to conduct a literature review of the area within 500m from works limit. In future, regardless of whether the proposed developments were designated projects under EIAO, for sites in close proximity to country parks, the Government should consider requesting the consultant to conduct the ecological impact assessment on par with the requirements under EIAO so



as to provide more detailed assessments to justify the feasibility of the proposed development;

- (b) the same Member shared with the meeting his observations on designating woodland compensation areas. The proposed woodland compensation areas for Sites A and B were already well covered by forests, and were not suitable for woodland compensation. Similarly, the proposed woodland compensation area for Sites C, D and E was already covered by mature plantations. Whilst it was good to improve the plantations by replacing exotic trees with native ones, it could not compensate for the loss of the forest functions due to developments in Sites C, D and E. Instead, a more suitable woodland compensation area would be the area to the southwest of Site G which was hillside with trees burnt down in recent years. The site was large enough to compensate for woodland loss in Sites A to E. The current requirement of planting suitable trees in-situ or nearby in compensation for the affected trees were not effective in compensating the loss of the forest function. While adequate landscaping should continue to be provided within project sites, there should be change in the concept for woodland compensation in that more suitable and sizable off-site tree compensation areas should be identified in different districts for compensating the trees affected by government projects;
- (c) the interface between low-rise/medium-rise residential developments and new high-rise developments with massive podiums should be addressed when rezoning of “GB” sites in rural areas was pursued; and
- (d) the representations and hearing process had provided useful information, including that concerning the unique heritage value of the Mine as well as the village settlements related to the mining history at Site G, to facilitate the Board’s consideration of the amendments made to the OZP.

22. The Chairperson thanked Members for their general observations which would be conveyed to relevant bureaux/departments for reference. The meeting agreed that the specific suggestion regarding the choice of woodland compensation area should be shared with the

relevant department for appropriate follow up action.

23. The Chairperson concluded that Members had no comment on Amendment Items B2 and H. As regards Amendment Items A, B1, C, D, E and F, all Members either supported or did not object to the proposed public housing developments and the associated supporting facilities. Members were of the view that the future design of the proposed development should duly consider the impact on the surroundings. The feasibility to implement traffic improvement measures in advance of completion of the proposed housing developments should be considered and the Government should explore long-term traffic and public transport improvement measures to address the district-wide traffic concerns. The mining history of MOS should be respected and signified in the future design of the proposed developments, in particular the public housing development at Site D and the school at Site E. Regarding Item G, the majority of the Members did not support the amendment item for a number of reasons as aforementioned (paragraph 14 above). The meeting agreed to invite AMO and/or CCO to carry out further studies on how to preserve the mining history of the area and to enhance the rural living environment for the villagers.

24. Members generally considered that other grounds and proposals of the representations and comments had been addressed by the departmental responses as detailed in TPB Paper No. 10746, and the presentations and responses made by the government representatives at the hearing session held on 7.7.2021, 8.7.2021 and 12.7.2021.

25. After deliberation, the Town Planning Board (the Board) noted the views of the Representations No. **R1 to R38, R39(part) to R42(part), R90, R2674, R2675, R2686 to 2688, R2742, R2775, R2787, R5697 to R5699.**

26. The Board also decided to uphold/partially uphold Representations No. **R39(part) to R42(part), R43 to R78, R84 to R89, R92 to R2673, R2676 to R2685, R2689 to R2741, R2743 to R2764, R2780 to R2786, R2792, R3122, R3126, R3130 to R3899, R3903 to R5696,** and to propose amendment to the draft OZP by reverting the zoning of the site under Amendment Item G from “Residential (Group B)6” to “Green Belt” (“GB”). The proposed amendment to the OZP would be published for further representation under section 6C(2) of the Town Planning Ordinance (the Ordinance) for three weeks and the Board would consider the further representations, if any, in accordance with the provisions of the Ordinance.

27. The Board decided not to uphold remaining part of Representations No. **R39(part) to R42(Part), R43 to R78, R84 to R89, R92 to R120, R122 to R171, R173 to R189, R191 to R288, R290 to R1446, R1520, R1544 to R1727, R1730 to R2307, R2309 to R2673, R2676 to R2685, R2689 to R2741, R2743 to R2764, R2780 to R2786, R2792, R3122, R3126, R3130 to R3186, R3188 to R3899, R3907** and Representations No. **R79 to R83, R91, R2765 to R2774, R2776 to R2779, R2788 to R2791, R2793 to R3121, R3123 to R3125, R3127 to R3129, R3900 to R3902** and considered that the OZP should not be amended to meet the representations for the following reasons:

*“Amendment Items A, B1, C to F*

Development Options for Increasing Housing Supply

- (a) the Government has been adopting a multi-pronged approach to increase housing land supply to meet the acute demand on housing. In order to build up land reserve to meet housing and other development needs, land use review on sites under “Green Belt” (“GB”) zone has been carrying out since 2012 in two stages. Under the “GB” sites review, a number of “GB” sites at the fringe of Ma On Shan New Town have been identified as suitable for housing developments and their associated supporting government, institution and community (GIC) facilities. Engineering Feasibility Study with technical assessments on the potential traffic, infrastructural, environmental, landscape, heritage, geotechnical, drainage, sewerage, visual and air ventilation impacts etc. has been conducted and confirmed that there is no insurmountable technical problem in developing the representation sites for housing developments and their associated supporting GIC facilities;
- (b) the zonings, development intensities and building heights for the proposed housing developments and GIC facilities are considered appropriate and technically feasible. It is considered appropriate to retain these sites for residential use and the associated GIC use to meet the pressing housing demand;

### Traffic and Transport Considerations

- (c) traffic impact assessment concludes that road network in the area will be able to cope with the future traffic demand from the proposed developments. With the proposed road improvement works on critical junctions, no insurmountable problem to the nearby road network is envisaged;
- (d) regarding the public transport services, the Transport Department will closely monitor the construction progress and introduce bus routes and other public transport services in a timely manner so as to meet the commuting demand from the new population intake. As regards rail services, traffic impact assessment has confirmed that the proposed housing developments will not result in significant increase in patronage on the East Rail Line and Tuen Ma Line;
- (e) parking provision of the proposed housing developments will be provided according to the prevailing Hong Kong Planning Standards and Guidelines (HKPSG) and agreed with the relevant departments. On the parking provision in Ma On Shan, the Government will continue to optimize the use of land resources to provide public car-parking spaces in suitable GIC facilities and public open space projects;

### Environmental, Ecological and Landscape Aspects

- (f) environmental assessments conducted on the aspects of air quality, noise, water quality, ecology, waste management and land contamination for the proposed developments at both the construction and operation stages have concluded that with the adoption of the proposed mitigation measures, no insurmountable environmental impacts are envisaged;
- (g) the proposed housing developments and their associated infrastructure and facilities fall outside Ma On Shan Country Park (MOSCP) and there is no direct impact on MOSCP. The ecological impact assessment conducted has confirmed that the overall ecological impact, including both direct and

indirect impact on habitats and species of conservation interest, will be acceptable after implementation of the mitigation measures. Further environmental review will be conducted in the detailed investigation stage to confirm the ecological impact and propose necessary mitigation measures;

- (h) preliminary tree survey has been conducted and there is no Old and Valuable Tree identified within the representation sites. The submission and implementation of tree preservation and removal proposal would be required for the public housing sites. Tree treatment will be in accordance with relevant government Technical Circulars;
- (i) landscape assessment conducted has confirmed that the overall residual landscape impacts of the proposed housing development are acceptable with mitigations during the construction and operation phases. Amenity planting, greening and sensitive design in relation to the local context will help integrate the proposed developments into the surrounding “GB” zone and no significant impact on MOSCP is envisaged;

#### Geotechnical and Construction Aspects and Risk Assessment

- (j) preliminary geotechnical appraisal conducted has confirmed that the proposed site formation and infrastructure works for the development sites are geotechnically feasible, and no insurmountable issue is anticipated from the geotechnical aspect. Detailed site investigation and natural terrain hazard study will be conducted to formulate the detailed design for the site formation works and the necessary natural terrain hazard mitigation works for the proposed developments;
- (k) the risk assessment on the Ma On Shan Water Treatment Works conducted has confirmed that the proposed developments at Sites A and B1 will not lead to unacceptable overall risk;
- (l) the risk assessment associated with the operation of high pressure town gas pipeline conducted has confirmed that the proposed developments at Sites B1

and D would not result in unacceptable risks;

#### Visual and Air Ventilation Aspects

- (m) according to the Visual Impact Assessment and the Air Ventilation Assessment, the proposed housing developments with mitigation measures would not impose significant adverse visual and air ventilation impacts. Further mitigation measures will be considered at the detailed design stage to minimise the impacts;

#### Heritage Aspect on Former Ma On Shan Iron Mine

- (n) the proposed developments and their associated infrastructure and facilities will not encroach onto any graded historic buildings/structures associated with the former Ma On Shan Iron Mine (except a pier of the Mineral Preparation Plant). Comprehensive heritage impact assessment will be conducted at the detailed design and investigation stage. Mitigation measures to alleviate any adverse heritage impact including the impact on the graded pier will be proposed;

#### Compensation and Relhousing Arrangement

- (o) compensation and rehousing arrangements, land clearance and related land matters are outside the scope of the OZP, which is to show the broad land use framework and planning intention for the amendment sites. The Government will follow the established procedures for processing ex-gratia allowance and/or rehousing arrangements to the eligible residents, business operators and genuine farmers affected by clearance in accordance with the prevailing policies;

#### Provision of GIC Facilities, Recreational Facilities/Open Space and Other Supporting Facilities

- (p) the district and local open space and a range of GIC facilities are generally

sufficient to meet the demand of the planned population in Ma On Shan in accordance with HKPSG. The provision of hospital beds/clinics/child care centre/residential care home for the elderly/community care services facility will be monitored by the relevant government bureaux/departments;

#### Public Consultation

- (q) the statutory and administrative procedures in consulting the public on the zoning amendments have been duly followed. The views received are duly considered and responded to by the concerned government bureaux/departments in the process. The exhibition of the Outline Zoning Plan for public inspection and the provisions for submission of representations and comments form part of the statutory consultation process under the Town Planning Ordinance. Relevant information on the technical feasibility of the amendment sites has been made available in the public consultation;

#### Proposals for Alternative Sites

- (r) the alternative sites for the proposed housing developments and GIC facilities are not supported as technical feasibility of these proposals are yet to be ascertained;

#### ***Amendment Item B2***

- (s) the amendment of Item B2 is technical in nature to reflect the as-built land use; and

#### ***Amendment Item H***

- (t) the amendment of Item H is technical in nature to rationalise the zoning boundary for the Sha Tin Cavern Sewage Treatment Works (STCSTW). An Environmental Permit was granted by the Director of Environmental Protection for the construction and operation of the STCSTW Project in 2017,

and the concerned landscape and environmental impacts have been duly addressed in the Environmental Impact Assessment.

[Dr Frankie W.C. Yeung and Miss Winnie W.M. Ng joined the meeting and Mr Alex T.H. Lai left the meeting during the deliberation.]

[Mr Lincoln L.H. Huang, Mr Daniel K.S. Lau, Professor John C.Y. Ng, Professor Jonathan W.C. Wong and Dr Jeanne C.Y. Ng left the meeting and Dr Lawrence W.C. Poon, Messrs Franklin Yu, Y.S. Wong and Gavin C.T. Tse joined the meeting at this point.]



**Agenda Item 3**

[Open Meeting]

Review of the Draft Wan Chai Outline Zoning Plans No. S/H5/26, 27 & 28 and Submission of the Draft Wan Chai Outline Zoning Plan No. S/H5/28A under Section 8 of the Town Planning Ordinance to the Chief Executive in Council for Approval

(TPB Paper No. 10762)

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[The item was conducted in Cantonese.]

28. The Secretary reported that the review of the draft Wan Chai Outline Zoning Plan (WCOZP) was mainly related to three sites of Methodist Church Hong Kong (MCHK). The following Members had declared interests on the item:

Miss Winnie W.M. Ng - her company owning an office in Wan Chai;  
and

Ms Lilian S.K. Law - her spouse serving an honorary post at  
Ruttonjee Hospital

29. As the interest of Ms Lilian S.K. Law was indirect and the office owned by the company of Miss Winnie W.M. Ng had no direct view of the three sites of MCHK, Members agreed that they could stay in the meeting.

30. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point:

Mr Louis K.H. Kau - District Planning Officer/Hong Kong  
(DPO/HK)

Miss Chillie T.L. So - Town Planner/Hong Kong

31. The Chairperson extended a welcome and invited PlanD's representatives to brief Members on the TPB Paper.

32. With the aid of a PowerPoint presentation, Mr Louis K.H. Kau, DPO/HK, PlanD briefed Members on the background, the latest planning circumstances, the three sites of MCHK, the community needs of Wan Chai area, and the recommendation including the submission of the WCOZP to Chief Executive in Council (CE in C) as detailed in the TPB Paper No. 10762 (the Paper). Mr Kau also drew Members' attention that there was an editorial error on page 10 of the Paper. The last sentence of paragraph 5.3 should read as "the total land area of these zones (including "G/IC" zone) is about 49.57ha".

[Mr Wilson Y.W. Fung and Ms Sandy H.Y. Wong left the meeting during the presentation of DPO/HK.]

33. The Chairperson remarked that, as stated in paragraph 7 of the Paper, there was a need to submit the WCOZP to the CE in C for approval under section 8 of the Town Planning Ordinance (the Ordinance) as soon as possible so as to avoid further delay to other amendments to the OZP and disposing of the affected land sale sites. She further said that the Court of First Instance (CFI) had allowed the judicial review (JR) relating to the three sites of MCHK on grounds that the Board failed to consider or adequately consider the social welfare, community and religious need of the community in coming to the decision of not upholding MCHK's representation. Although the CFI had quashed the Board's decision, it did not order the Board to reconsider the representation, having considered that circumstances had changed and that new draft OZPs had been prepared and exhibited after the commencement of the subject JR proceedings. If MCHK and owners of other "Government, Institution or Community" ("G/IC") sites in the district had any concrete redevelopment proposal for their sites in future with policy support from the relevant bureau and could demonstrate that there was no significant adverse impacts, PlanD would review the building height restrictions (BHRs) of those sites where appropriate. That was similar to the approach adopted for the Methodist International Church (MIC) site. The purpose of the Paper was to set out the latest planning circumstances and to seek the Board's agreement that the WCOZP should be submitted to the CE in C for approval. She then invited questions from Members.

34. A Member asked whether the Board was only required to consider the appropriateness of the BHRs imposed on the other two MCHK's sites (i.e. the Methodist House

(MH) site and the Wesley site), noting that amendments of BHR of some “G/IC” sites and development restrictions on some other sites in Wan Chai had been incorporated in the WCOZP No. S/H5/27 (WCOZP 27) and 28 (WCOZP 28) respectively. In response, Mr Louis K.H. Kau, DPO/HK, PlanD, indicated that although the Board did not uphold the representations related to BHR of “G/IC” sites on WCOZP 26, the Board requested PlanD to follow-up with the relevant representers including MCHK on their redevelopment proposals. As such, amendments were made to the BHRs for some “G/IC” sites with concrete redevelopment proposals, including MIC at Queen’s Road East and Wan Chai Church (WCC) at Spring Garden Lane, to facilitate their redevelopment proposals and the amended BHRs were incorporated on WCOZP 27. In response to the judgment on the JRs filed by the Real Estate Developers Association of Hong Kong (REDA) and Leighton Property Company Limited and Lee Theatre Realty Limited (LLT), development restrictions, including BHRs, of some development zones on the WCOZP were reviewed taking into account the implications of the Sustainable Building Design Guidelines and the amendments were incorporated into WCOZP 28. Regarding the MH and the Wesley sites, as MCHK had so far not submitted any redevelopment proposal to the Government, the current BHRs reflecting the existing BHs would be maintained and would be reviewed upon receipt of concrete redevelopment proposals.

35. The Chairperson added that the previous three versions of the WCOZP (i.e. WCOZP 26, 27 and 28) had not yet been approved by the CE in C as the submission of the draft OZP to CE in C was subject to the Court’s order of stay in relation to the JR application filed by MCHK. As the Court had made decisions for all JRs related to WCOZP 26, all interim stay orders had ceased. The draft OZP was ready to be submitted to the CE in C for approval under section 9 of the Ordinance.

36. In response to two Members’ questions, Mr Louis K.H. Kau, DPO/HK, PlanD, said the MCHK had not communicated with PlanD after the CFI made the decision on the JR. The Chairperson said that the agenda item was conducted in open meeting and the Paper was available for public inspection. In addition, PlanD would review and amend the BHRs of the concerned “G/IC” sites where appropriate, similar to the approach adopted in the MIC site, upon receipt of concrete redevelopment proposals.

37. In response to a Member’s question on the rationale for the BHRs on the MH site and the Wesley sites, Mr Louis K.H. Kau, DPO/HK, PlanD said that the MH site (with BHR of

95mPD) was surrounded by areas zoned “C” to its north and east and areas zoned “R(A)” to its south and west with BHRs of 135mPD and 110mPD respectively, while the Wesley site (with a BHR of 75mPD) was mainly surrounded by commercial buildings within “R(A)” zone with BHR of 110mPD. He said that different land uses would have different BH requirements and BHRs of surrounding sites for residential or commercial uses were not a direct reference for “G/IC” sites. The current BHRs of the two sites mainly reflected their BHs of existing developments.

38. In response to a Member’s enquiry, Mr Louis K.H. Kau, DPO/HK, PlanD, said that the government, institution and community (GIC) table shown on his Powerpoint presentation was to demonstrate that the provision of GIC facilities in Wan Chai area was generally adequate to meet the demand of the planned population, except for a number of facilities including Day Care Centres/Unit for the Elderly, Residential Care Homes for the Elderly, Leisure Centre and swimming pool (leisure). The Government would adopt various means as mentioned in the Paper to address the shortfall in provision of GIC facilities. He also said that Leisure Centres were intended as venues for recreational facilities for family leisure and were different from community halls which were provided by the Home Affairs Department based on the local needs and there was not a population-based standard under the Hong Kong Planning Standards and Guidelines for community hall. Currently, there was one existing Community Hall in Leighton Hill and an all-purpose centre was under construction in Tin Hau.

39. After deliberation, the Board:

- (a) noted the latest planning circumstances of the Wan Chai area and their implications on the three sites owned by Methodist Church Hong Kong (MCHK) and agreed that there was no issue which required clarifications from MCHK and there should be no amendment to the extant draft Wan Chai Outline Zoning Plan (OZP);
- (b) agreed that the draft Wan Chai OZP No. S/H5/28A and its Notes at Annex II of the Paper were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council (CE in C) for approval;
- (c) endorsed the updated Explanatory Statement (ES) for the draft Wan Chai OZP

No. S/H5/28A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and issued under the name of the Board; and

- (d) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

40. There being no other business, the meeting was closed at 12:20 p.m.