

RURAL AND NEW TOWN PLANNING COMMITTEE OF THE TOWN PLANNING BOARD

~~CONFIDENTIAL~~

Meeting re-scheduled for
11.9.2023

Downgraded on
15.9.2023

RNTPC Paper No. 6/23

For Consideration by

The Rural and New Town Planning Committee on 8.9.2023

**PROPOSED AMENDMENTS TO THE
APPROVED MA ON SHAN OUTLINE ZONING PLAN NO. S/MOS/26**

CONFIDENTIAL

RNTPC Paper No. 6/23
For Consideration by the
Rural and New Town
Planning Committee
On 8.9.2023

**PROPOSED AMENDMENTS TO THE
APPROVED MA ON SHAN OUTLINE ZONING PLAN NO. S/MOS/26**

1. Introduction

The purpose of this paper is to:

- (a) seek Members' agreement that the proposed amendments to the approved Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/26 (**Attachment I**) as shown on the draft Ma On Shan OZP No. S/MOS/26A (**Attachment II**) and its Notes (**Attachment III**) are suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
- (b) seek Members' agreement that the revised Explanatory Statement (ES) of the OZP (**Attachment IV**) should be adopted as an expression of the planning intention and objectives of the Town Planning Board (the Board) for various land use zonings of the OZP, and is suitable for publication together with the draft OZP and its Notes; and
- (c) invite Members to note that the draft Ma On Shan OZP No. S/MOS/27 will be exhibited for public inspection under section 5 of the Ordinance on 15.9.2023.

2. Status of the Current OZP

- 2.1 On 5.9.2023, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Ma On Shan OZP No. S/MOS/25, which was subsequently renumbered as S/MOS/26. On 8.9.2023, the approved Ma On Shan No. S/MOS/26 was exhibited for public inspection under section 9(5) of the Ordinance¹.
- 2.2 The Town Planning (Amendment) Ordinance 2023 (the amended Ordinance) came into force on 1.9.2023. Upon reference back of the approved Ma On Shan OZP No. S/MOS/26 for amendment by the Secretary for Development (SDEV) under section 12(1A)(a)(ii) of the Ordinance, the reference back of the OZP will be notified in the Gazette under section 12(2) of the Ordinance.

¹ While the Ordinance was amended by the Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2023 with effect on 1 September 2023, the references to section 9(1)(a) and section 9(5) in this paragraph 2.1 are references to those provisions in section 9 of the Ordinance as in force immediately before 1 September 2023, which applied pursuant to the transitional and saving provisions in sections 29(1) and 29(6) of the Ordinance.

3. **Background**

- 3.1 In recent years, the proliferation of landfilling and other land uses causing environmental damage to rural areas has become a rising concern. Some of these areas with ecological values are subject to development pressure and risk of environmental degradation. To strengthen the enforcement power under the Ordinance, the Legislative Council passed the Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Bill 2022 (the Bill) incorporating amendments to the Ordinance, among others, on 13.7.2023 to empower the Secretary for Development to designate any rural area in the New Territories which has been included in an OZP but has not been designated as an “development permission area” (“DPA”) to be a “regulated area” so as to enable the Planning Authority to take enforcement and prosecution actions against unauthorized developments for the purposes of nature conservation and/or protecting certain areas from environmental degradation. With implementation of the amended Ordinance on 1.9.2023, about 33 ha of land located to the south of Chevalier Garden along Mui Tsz Lam (MTL) Road and near MTL Village is proposed to be designated as Mui Tsz Lam Regulated Area (MTLRA) No. RA/MOS/MTL/1 (**Attachment V**) such that the Planning Authority is empowered to take enforcement action against unauthorized developments in the area concerned.
- 3.2 MTLRA covers part of the MTL and Mau Ping Priority Site for Enhanced Conservation ² identified under the New Nature Conservation Policy promulgated in 2004 for enhanced conservation, and areas along both sides of MTL Road leading to MTL Village. It is an environmentally and ecologically sensitive area, which comprises native woodland, fung shui wood, agricultural land and a natural stream and surrounded by Ma On Shan Country Park (the Country Park). Highly diverse flora and fauna species ecologically connected with those in the Country Park are recorded.
- 3.3 Apart from the corresponding amendments to the Plan and the Notes in connection with the designation of MTLRA, technical amendments to other parts of the Notes of the OZP are proposed to incorporate the latest revision of the Master Schedule of Notes (MSN) to Statutory Plans.

4. **Proposed Amendment to the OZP**

Amendment Item A – Proposed incorporation of areas into the Planning Scheme Area and zoning them as “GB” (Plans 1 to 4c)

- 4.1 In considering the designation of MTLRA, it was observed that some vegetated areas to the south of Chevalier Garden along MTL Road and near MTL Village are neither covered by the OZP nor the Country Park. In order to provide necessary statutory planning control to conserve their rural character and the natural landscape resources and habitats, a directive was granted by SDEV under the power delegated by the CE on 8.8.2023, pursuant to section 3(1)(a)

² MTL and Mau Ping Priority Site for Enhanced Conservation comprises areas falling within the “GB” and “Village Type Development” zones on the Ma On Shan OZP, and an area mainly zoned “Conservation Area” on the Mau Ping OZP. MTLRA covers the area falling within the same “GB” zone within the Ma On Shan OZP only.

of the Ordinance, to include these areas (about 1.94 ha) into the planning scheme area of the Ma On Shan OZP. The concerned areas which will form parts of MTLRA have been incorporated into the planning scheme area of the OZP and are proposed to be zoned “GB”, thereby forming part of the larger “GB” zone in the adjoining area (**Item A on Plans 1 to 4c**).

- 4.2 The concerned extended areas under Amendment Item A adjoining the Country Park are natural in character, densely vegetated and ecologically connected with the Country Park.

5. Provision of Government, Institution or Community (GIC) Facilities and Open Space

The aforementioned amendment to the OZP will have no implication on population and the planned provision of Government, institution or community (GIC) facilities and open space.

6. Proposed Amendment to Matters Shown on the Plan

The proposed amendment as shown on the draft Ma On Shan OZP No. S/MOS/26A (**Attachment II**) is as follows:

Amendment Item A (about 1.94 ha) (**Plans 1 to 4c**)

Incorporation of strips of land located to the south of Chevalier Garden along MTL Road and near MTL Village into the planning scheme area and zoning them as “GB”.

7. Proposed Amendments to the Notes of the OZP

The proposed amendments to the Notes of the OZP (with additions in ***bold and italics*** and deletions in ‘~~crossed-out~~’) are at **Attachment III** for Members’ consideration. The proposed amendments are summarized below:

Covering Notes

- (a) In relation to paragraph 3.1 above regarding the designation of MTLRA No. RA/MOS/MTL/1 after the implementation of the amended Ordinance, a “two-part” covering Notes system will be introduced to accommodate the different provisions for (i) land falling within the boundaries of the OZP which are not within the boundaries of “regulated area” (i.e. “Part A”) and (ii) land falling within the boundaries of the OZP and the boundaries of “regulated area” (i.e. “Part B”). The covering Notes of the extant OZP are proposed to be amended to illustrate the provisions of “Part A”, while a new section for “Part B” is proposed to be included in the revised covering Notes of the OZP. “Part A” sets out the general provisions of the OZP with reference to the urban covering Notes, with suitable amendments to allow rural uses; whereas “Part B” was drawn up based on the rural covering Notes, with enforcement provisions provided.

“Government, Institution or Community” (“G/IC”) and “GB” zones

- (b) Since ‘rebuilding of New Territories Exempted House (NTEH)’ and ‘replacement of an existing domestic building by a NTEH’ are always permitted on land falling within the boundaries of the OZP in both “Part A” and “Part B” of the covering Notes of the draft OZP, ‘House’ under Column 2 for “G/IC” and “GB” zones are revised as ‘House (other than rebuilding NTEH or replacement of existing domestic building by NTEH permitted under covering Notes)’.

“Village Type Development” (“V”) zone

- (c) Since refuse collection points and public toilets operated by Government are common in village areas serving the needs of villagers and visitors, opportunity is taken to remove ‘Government Refuse Collection Point’ and ‘Public Convenience’ from Column 2 and to add these uses in Column 1 in the Notes for “V” zone, with a view to incorporating such amendments in future MSN review.

Technical Amendments

- (d) To incorporate the revised Master Schedule of Notes to Statutory Plans agreed by the Board on 6.8.2021, the following technical amendments will be made to the Notes:
- exclusion of ‘Plant Nursery’ from the permitted ‘Agricultural Use’ under Column 1 of “Conservation Area” (“CA”) zone;
 - inclusion of a remark requiring planning permission for diversion of streams, filling of land/pond or excavation of land (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works) under the “GB” zone; and
 - addition of ‘(except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works)’ into the remarks of “CA” and “Site of Special Scientific Interest” zones to exempt the filling or excavation of land caused by such works from planning permission.

8. Revision to the ES of the OZP

The ES of the OZP has been revised to take into account the proposed amendments as mentioned in the above paragraphs. Opportunity has also been taken to update the general information for various land use zones to reflect the latest status and planning circumstances of the OZP. The proposed amendments to the ES (with additions in ***bold and italics*** and deletions in ‘~~crossed-out~~’) is at **Attachment IV** for Members’ consideration.

9. Plan Number

Upon exhibition for public inspection, the Plan will be renumbered as S/MOS/27.

10. Consultation

Departmental Consultation

10.1 The proposed amendments have been circulated to relevant bureaux/departments (B/Ds) for comment. Comments from the relevant B/Ds, have been incorporated into the draft OZP, the Notes or ES, where appropriate.

10.2 The following B/Ds have no objection to/no adverse comments on the proposed amendments to the OZP:

- (a) SDEV;
- (b) Director of Agriculture, Fisheries and Conservation;
- (c) Director of Environmental Protection;
- (d) Chief Engineer/Mainland South, Drainage Services Department;
- (e) Chief Engineer/Construction, Water Supplies Department;
- (f) District Lands Officer/Shau Tin, Lands Department;
- (g) District Office (Shau Tin), Home Affairs Department;
- (h) Director of Leisure and Cultural Services;
- (i) Commissioner for Transport;
- (j) Chief Highway Engineer/New Territories East, Highways Department;
- (k) Chief Building Surveyor/New Territories 2 & Railway, Buildings Department;
- (l) Chief Technical Advisor/Central Management Division 1, Architectural Services Department;
- (m) Chief Town Planner/Urban Design and Landscape, Planning Department;
- (n) Commissioner of Police;
- (o) Director of Fire Services; and
- (p) Director of Food and Environmental Hygiene

Public Consultation

10.3 The Development, Housing, Environment and Health Committee (DHEHC) of the Sha Tin District Council (STDC) and Sha Tin Rural Committee (STRC) have not been consulted on the draft OZP due to the confidential nature of the amendments in connection with the designation of MTLRA. The STDC and STRC will be consulted on the amendments during the exhibition period of the draft OZP.

10.4 If the proposed amendments are agreed by the Committee, the draft OZP (to be renumbered to S/MOS/27 upon exhibition) and its Notes will be exhibited under section 5 of the Ordinance for public inspection on 15.9.2023. Members of the public can submit representations on the OZP to the Board during the two-month statutory public inspection period.

11. Decision Sought

Members are invited to:

- (a) agree to the proposed amendments to the approved Ma On Shan OZP No. S/MOS/26 as shown on the draft Ma On Shan OZP No. S/MOS/26A at **Attachment II** (to be renumbered as S/MOS/27 upon exhibition) and its Notes at **Attachment III** are suitable for exhibition for public inspection under section 5 of the Ordinance, subject to the reference back of the approved OZP and designation of MTLRA ; and
- (b) adopt the revised ES at **Attachment IV** for the draft Ma On Shan OZP No. S/MOS/26A (to be renumbered as S/MOS/27) as an expression of the planning intentions and objectives of the Board for various land use zonings of the OZP; and the revised ES will be published together with the OZP; and
- (c) note that the draft Ma On Shan OZP No. S/MOS/27 will be exhibited for public inspection under section 5 of the Ordinance on 15.9.2023.

12. Attachments

Attachment I	Approved Ma On Shan OZP No. S/MOS/26 (reduced scale)
Attachment II	Draft Ma On Shan OZP No. S/MOS/26A
Attachment III	Revised Notes of Draft Ma On Shan OZP No. S/MOS/26A
Attachment IV	Revised ES of Draft Ma On Shan OZP No. S/MOS/26A
Attachment V	Mui Tsz Lam Regulated Area Plan No. RA/MOS/MTL/1
Plan 1	Comparison of Existing and Proposed Zonings on the OZP
Plan 2	Site Plan for Amendment Item A
Plan 3	Aerial Photo for Amendment Item A
Plans 4a to 4c	Site Photos for Amendment Item A

PLANNING DEPARTMENT
SEPTEMBER 2023