

TOWN PLANNING BOARD

**TPB PAPER NO. 9939
FOR CONSIDERATION BY
THE TOWN PLANNING BOARD ON 12.6.2015**

**CONSIDERATION OF FURTHER REPRESENTATIONS
ON PROPOSED AMENDMENTS TO THE
DRAFT TAI PO OUTLINE ZONING PLAN NO. S/TP/25
ARISING FROM CONSIDERATION OF REPRESENTATIONS AND COMMENTS
ON THE DRAFT TAI PO OUTLINE ZONING PLAN NO. S/TP/25**

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Subject of Further Representations	Further Representers
<u>Supports</u> the Amendment Items B1 and B2 of rezoning two sites near Fung Yuen from “Residential (Group C)10” (“R(C)10”) to “Government, Institution or Community” (“G/IC”) and “Green Belt” (“GB”)	Tai Po Fung Yuen Village Office represented by Mr. Ip Chi Kang (F1)
<u>Oppose</u> to Amendment Item B2 : The site near Fung Yuen currently reverted to “GB” zoning should be rezoned to “Conservation Area” (“CA”)	Two individuals (F2 and F3)

1. INTRODUCTION

- 1.1 On 11.4.2014, the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/25 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 6,322 representations were received. On 5.8.2014, the Town Planning Board (the Board) published the representations for three weeks for public comment. Upon expiry of the publication period on 26.8.2014, 439 valid comments were received.
- 1.2 After considering the representations and comments under section 6B(1) of the Ordinance on 27.11.2014, 11.12.2014, 18.12.2014 and 14.1.2015, the Board on 13.2.2015 decided to uphold and partially uphold some of the representations (**R6(Part)** to **R1273(Part)**, **R1324(Part)**, **R1325(Part)**, **R1326(Part)**, **R1327(Part)**, **1328** to **R1624**, **R1625(Part)**, **R1626** to **R1628** and **R6322(Part)**) by rezoning a site to the west of Nethersole Hospital from “Residential (Group A)10” to “GB” (**Proposed Amendment Item A**) and two sites near Fung Yuen from “R(C)10” to “G/IC” (**Proposed Amendment Item B1**) and “GB” (**Proposed Amendment Item B2**). The relevant Town Planning Board Paper and minutes of meeting are at **Enclosures I and II** respectively.
- 1.3 On 13.3.2015, the proposed amendments to the draft OZP were exhibited for public inspection under section 6C(2) of the Ordinance. A copy each of the Gazette Notice, the Schedule of Proposed Amendments, the Amendment Plan No. R/S/TP/25-A1 and proposed amendments to the Notes and Explanatory Statement of the Plan is attached at **Enclosure III**. Upon expiry of the three-week exhibition period, four further representations were received.

- 1.4 Of the four further representations, **F1** indicates support to **Amendment Items B1** and **B2** to rezone two sites near Fung Yuen from “R(C)10” to “G/IC” and “GB”. **F2** and **F3** consider that the original “GB” zoning on the draft OZP should be maintained, except for the sites at Fung Yuen and Kon Hang (Amendment Items D2 and H respectively on **Plan FH-1**) which should be rezoned to “CA”.
- 1.5 **F4** objects to the draft OZP and suggests solutions to the housing shortage problem, but is not related to the subject of proposed amendments. On 15.5.2015, the Board decided that **F4** was invalid and should be treated as not having been made under section 6D(3) of the Ordinance as it was not related to the subject of proposed amendments. The Board also decided to hear the valid further representations collectively in one group. This Paper is to provide the Board with information for the consideration of the three valid further representations (**F1** to **F3**).
- 1.6 In accordance with section 6F(3) of the Ordinance, the further representers (**F1** to **F3**), and all the concerned representers and related commenters have been invited to attend the meeting.

2. FURTHER REPRESENTATIONS

- 2.1 Of the three valid further representations, **F1** in support of **Amendment Items B1** and **B2** is submitted by Tai Po Fung Yuen Village Office whilst **F2** and **F3** are submitted by individuals. The submissions of the valid further representations are at **Enclosure V** and the location of the valid further representations is shown on **Plan FH-2**. A summary of the valid further representations with the Planning Department (PlanD)’s responses is at **Enclosure IV**.

Further representations supporting the proposed amendments

- 2.2 **F1** supports **Amendment Items B1 and B2** to the site near Fung Yuen as the existing trees and shrine at the site would not be affected, and that air pollution and traffic congestion would be reduced.
- 2.3 **F2** and **F3** consider that the original “GB” zoning for the site to the west of Nethersole Hospital should be maintained. It should be noted that the site is the subject of **Amendment Item A** of the current proposed amendments of reverting to the “GB” zoning.

Further representations opposing the proposed amendment to the Site near Fung Yuen (Amendment Item B2)

- 2.4 **F2** and **F3**, submitted by individuals with the same content, consider that the proposed zoning amendments on the draft OZP No. S/TP/25 should be withdrawn and that the site at Fung Yuen currently reverted to “GB” (**Amendment Item B2** at **Enclosure III**) should be rezoned to “CA”. Besides, they opine that a holistic development and preservation plan should be prepared and implemented before any rezoning is undertaken in the future.

Other views not directly related to the proposed amendments

- 2.5 There are other views in further representations **F2** and **F3** not directly related to the proposed amendments, including the views that the original “GB” zoning on the draft OZP (**Plan FH-1**) should be maintained, and that the site at Kon Hang (Item H on **Plan FH-1**) should be rezoned to “CA”. These sites are not the subject of the current proposed amendments to the draft Tai Po OZP under section 6C(2), except for the site to the west of Nethersole Hospital, which has already been reverted to its original “GB” zoning.

3. PLANNING CONSIDERATIONS AND ASSESSMENT

The Subject Site and Its Surrounding Areas

The Site near Fung Yuen (Plans FH-2, FH-3 and FH-4)

- 3.1 The site with an area of 4.78 ha located at the eastern part of Fung Yuen Valley at the sub-urban fringe of Tai Po New Town. The southern portion of the site along Ting Kok Road is flat and is being used by the Society of Horticulture (Hong Kong) Limited under a short term tenancy. The northeastern portion of the site is a gentle sloping area and largely a plantation woodland. According to Lands Department’s tree survey record, there are about 1,260 trees including both native and exotic species within the plantation woodland. The most abundant species are *Acacia confuse* (台灣相思) (about 70%) and *Eucalyptus spp.* (桉屬)(about 5%). There are a few *Pyrenaria spectabilis* (石筆木), *Rhodoleia championii* (紅花荷) and *Aquilaria sinensis* (土沉香) within the site but no Old and Valuable Tree (OVT) is recorded in this survey (**Plan FH-5**).
- 3.2 Adjoining the site to the west is an access road leading to Sha Lo Tung. To the east are Ha Hang Government Quarters and Ha Hang Village. To the south across Ting Kok Road is the Tai Po Industrial Estate. To the north are hillslopes and a service reservoir. To the west at Fung Yuen Valley, Fung Yuen Villages including Lo Tsuen, Mak Uk and Tin Sam and the Fung Yuen Comprehensive Development Area development are found.

Planning Intentions

- 3.3 The further representation site near Fung Yuen along Ting Kok Road (**Amendment Item B1**) has been reverted to its original “G/IC” zoning. This zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory.
- 3.4 The further representation site near Fung Yuen extending to the north (**Amendment Item B2**) has been reverted to its original “GB” zoning. This zone is intended primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

- 3.5 The “CA” zone is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Site of Special Scientific Interest or Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

Responses to Grounds of Further Representations and Further Representers’ Proposals

- 3.6 The supportive views of F1 as presented in paragraph 2.2 are noted.
- 3.7 On the proposal of F2 and F3 to rezone the site near Fung Yuen (Amendment Item B2) to “CA”, the further representers have not provided any justification for the proposed rezoning. The Director of Agriculture, Fisheries and Conservation advises that although some individuals of protected species [namely *Aquilaria sinensis* (土沉香), *Rhodoleia championii* (紅花荷) and *Pyrenaria spectabilis* (石筆木)] were found within the site, the site is mainly a plantation area dominated by exotic species, which have simpler structure and low plant and fauna diversity. Whilst the site together with the adjoining “GB” zone provides a landscape buffer among developments in the area, its overall ecological value for conservation is considered low. In this regard, there is no strong justification to rezone the site from “GB” to “CA”.
- 3.8 As for F2 and F3’s other views to maintain the original “GB” zoning on the OZP and to rezone the site at Kon Hang from “GB” to “CA”, they are considered invalid as the sites involved are not the subject of the current proposed amendments.

4 CONSULTATION

- 4.1 The Director of Agriculture, Fisheries and Conservation has been consulted on the further representations and his comments have been taken into account in the above paragraphs, where appropriate.
- 4.2 The following government bureaux and departments have no major comment on the further representations:
- (a) Secretary for Education;
 - (b) District Lands Officer/Tai Po, Lands Department;
 - (c) Commissioner of Transport;
 - (d) Chief Engineer/Development(2), Water Supplies Department;
 - (e) Chief Engineer/Mainland North, Drainage Services Department;
 - (f) Chief Highway Engineer/New Territories East, Highways Department;
 - (g) Chief Building Surveyor/New Territories West, Buildings Department;
 - (h) Director of Fire Services;
 - (i) Director of Food and Environmental Hygiene;
 - (j) Director of Leisure and Cultural Services;
 - (k) Antiquities and Monuments Office, Leisure and Cultural Services Department;

- (l) Director of Social Welfare;
- (m) Director of Electrical and Mechanical Services;
- (n) District Officer/Tai Po, Home Affairs Department;
- (o) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (p) Project Manager/New Territories East, Civil Engineering and Development Department; and
- (q) Chief Town Planner/Urban Design and Landscape, Planning Department.

5. PLANNING DEPARTMENT'S VIEWS

5.1 The Further Representation **F1**'s support to the rezoning of the site near Fung Yuen (Amendment Items B1 and B2) is noted.

5.2 Based on the assessment in paragraph 3 above, PlanD does not support the further representations **F2** and **F3** and considers that the Plan should be amended by the proposed amendments for the following reasons:

The site near Fung Yuen together with the adjoining "GB" zone provides a landscape buffer among developments in the area. There is no strong justification to rezone the site to "CA".

5.3 For reason given in paragraph 3.8 above, **F2** and **F3** should be advised that part of their representations related to maintaining the original "GB" zoning on the OZP and rezoning of the site at Kon Hang from "GB" to "CA" are considered invalid as they are not the subject of the current proposed amendments, whilst the site to the west of Nethersole Hospital has already been reverted to its original "GB" zoning.

6. DECISION SOUGHT

The Board is invited to give consideration to the further representations taking into consideration the points raised in the hearing, and decide whether to amend the Plan by the proposed amendments or by the proposed amendments as further varied during the hearing.

7. FOLLOW-UP ACTION

7.1 Should the Board decide to amend the Plan by the proposed amendments or the proposed amendments as further varied, such amendments shall form part of the draft Tai Po OZP No. S/TP/25. In accordance with section 6H of the Ordinance, the Plan shall thereafter be read as including the amendments. The amendments shall be made available for public inspection until the Chief Executive in Council has made a decision in respect of the draft plan in question under section 9 of the Ordinance.

7.2 Administratively, the Building Authority and relevant Government departments will be informed of the decision of the Board and will be provided with a copy/copies of the amendments.

ATTACHMENTS

Plan FH-1	Draft Tai Po OZP No. S/TP/25
Plan FH-2	Site plan
Plan FH-3	Aerial photo
Plan FH-4	Site photo
Plan FH-5	Location Plan of Protected Tree Species at Fung Yuen
Enclosure I	TPB Paper No. 9797 for consideration of representations and comments in respect of the draft Tai Po OZP No. S/TP/25
Enclosure II	Extract of the minutes of the TPB meeting held on 13.2.2015
Enclosure III	Gazette Notice, Schedule of Proposed Amendments, Amendment Plan, Proposed Amendments to the Notes and Explanatory Statement of the Plan
Enclosure IV	Summary of valid further representations
Enclosure V	Submissions of valid further representations

**PLANNING DEPARTMENT
JUNE 2015**