

**CONSIDERATION OF FURTHER REPRESENTATIONS
NO. F1 TO F5 ON PROPOSED AMENDMENT TO THE
DRAFT MA ON SHAN OUTLINE ZONING PLAN NO. S/MOS/23
ARISING FROM THE CONSIDERATION OF REPRESENTATIONS AND COMMENTS
ON THE DRAFT OUTLINE ZONING PLAN**

Subject of Further Representation	Further Representatives
<u>Item A</u> Rezoning of a site at the upper part and on the western side of Ma On Shan Tsuen Road from “Residential (Group B)6” to “Green Belt” with corresponding deletion of building height restriction	F4 and F5: Individuals

Note: The names of all further representatives are attached at **Annex II**. Soft copy of their submissions (**Annex III**) is sent to the Town Planning Board (the Board/TPB) Members via electronic means; and is also available for public inspection at the TPB’s website at https://www.info.gov.hk/tpb/en/plan_making/S_MOS_23.html. A set of hard copy is deposited at the TPB Secretariat for Members’ inspection and the Planning Enquiry Counters of Planning Department in North Point and Sha Tin for public inspection.

1. Introduction

- 1.1 On 16.10.2020, the draft Ma On Shan OZP No. S/MOS/23 (the draft OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments mainly involve the rezoning of a site to the east of Cheung Muk Tau Village, a site to the west of Cheung Muk Tau Village and a site at the lower end and on the eastern side of Ma On Shan Tsuen Road (MOST) from “Green Belt” (“GB”) to “Residential (Group A)11” (“R(A)11”) with stipulation of building height restriction; a site at the upper part and on the western side of MOST Road from “GB” to “Residential (Group B)6” (“R(B)6”) with stipulation of building height restriction; a site at lower and northern end of MOST Road, a site at lower end and on the western side of MOST Road and a site at upper end and on the eastern side of MOST Road from “GB” to “Government, Institution or Community” (“G/IC”) with stipulation of building height restrictions for water pumping stations, school and service reservoirs respectively; a strip of land abutting Ma On Shan Bypass and to the further west of Cheung Muk Tau Village from “GB” to an area shown as ‘Road’; and a site near Chevalier Garden from ‘GB’ to “Other Specified Uses” annotated “Sewage Treatment Works”. Opportunity is also taken to amend the Notes and Explanatory Statement (ES) of the OZP to reflect the above amendments and to update the general information of

various land use zonings, where appropriate. During the two-month public exhibition period, a total of 5,699 valid representations were received. On 29.1.2021, the representations were published for three weeks for public comments. During the three-week public inspection period, a total of 1,587 valid comments on the representations were received.

- 1.2 After considering the representations and comments, the Town Planning Board (the Board/TPB) decided on 18.8.2021 to uphold/partially uphold 5,287 representations (**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**) by reverting the zoning of the site at the upper part and on the western side of MOST Road from “R(B)6” back to “GB”.
- 1.3 On 10.9.2021, the proposed amendment to the draft OZP was exhibited for public inspection under section 6C(2) of the Ordinance. A set of the Schedule of Proposed Amendment, Amendment Plan No. R/S/MOS/23-A1, and Proposed Amendments to the Notes and ES of the draft OZP is attached at **Annex I**. Upon expiry of the three-week exhibition period that ended on 2.10.2021, a total of five further representations (FRs) were received. A list of the five further representers is at **Annex II**. One FR was received after the three-week exhibition period.
- 1.4 On 10.9.2021, the Chief Executive, under section 8(2) of the Ordinance, agreed to extend the statutory time limit for the Board to submit the draft Ma On Shan OZP to the Chief Executive in Council (CE in C) for approval for a period of six months from 16.9.2021 to 16.3.2022.

2. The Further Representations

- 2.1 Pursuant to section 6D(1) of the Ordinance, any person, other than that who has made any representation or comment and after consideration of which the proposed amendments have been made, may make FR to the Board in respect of the proposed amendment.
- 2.2 Among the five FRs received during the three-week exhibition period, three (**F1** to **F3**) were submitted by the original representers (**R64** (also **C8**), **R1536** and **R1621**). Their representations, among others, were considered by the Board on 18.8.2021, and the Board decided to propose amendment to the draft OZP to meet/partially meet their representations. Therefore, **F1** to **F3** are considered as invalid and should be treated as not having been made in accordance with section 6D(1) of the Ordinance.
- 2.3 The remaining FRs submitted by **F4** and **F5** are considered valid. While raising some opposing views on other matters, **F4** and **F5** are in fact not in opposition to the proposed amendment. **F4** submitted that in addition to the site subject to proposed amendment, all other amendment sites along MOST Road should also be reverted to “GB”. **F4** also provided views on the minutes of TPB meetings for consideration of the representations

and comments, and expressed concerns on the traffic impacts of other housing projects in Sha Tin district, which are not against/not related to the proposed amendment. Therefore, apart from the part of not objecting to the proposed amendment, the remaining part of **F4** is considered as invalid and should be treated as not having been made in accordance with section 6D(3) of the Ordinance. **F5** considered that any development on the site would only cause adverse environmental impact. Since the proposed amendment is to revert the site from “R(B)6” back to the original “GB” zoning, the view of **F5** is not in opposition to the proposed amendment.

- 2.4 The FR received after the three-week exhibition period was submitted by an individual. In accordance with section 6D(3)(a) of the Ordinance, where a further representation is made to the Board after the expiration of the three-week exhibition period of the proposed amendment, it shall be treated as not having been made.

3. Planning Department’s Views

There is no adverse FR received which is in opposition to the proposed amendment. In accordance with section 6F(9) of the Ordinance, where no further representation indicates that it is made in opposition to the proposed amendment, requirements under section 6F(3) and 6F(4) of the Ordinance for hearing of the further representations shall not apply, and the Board shall upon consideration of such further representations amend the draft plan in question by the proposed amendment.

4. Decision Sought

4.1 The Board is invited to :

- (a) note that pursuant to section 6D(3)(a), the out-of-time further representation as mentioned in para. 2.4 above should be treated as not having been made;
- (b) consider whether **F1** to **F3**, which are submitted by the original representers, and **F4 (part)**, which provides views/comments not related to the proposed amendment item, are considered invalid and should be treated as not having been made under sections 6D(1) and 6D(3) of the Ordinance as stated in paragraphs 2.2 and 2.3 above respectively; and
- (c) consider whether **F4 (part)** and **F5** are not in opposition to the proposed amendment, and agree to amend the draft OZP by the proposed amendment in accordance with section 6F(9) of the Ordinance.

4.2 The Board is also invited to agree that the draft OZP (amended by the Proposed Amendment) (**Annex IV**), together with their respective Notes and ES, are suitable for submission under section 8 of the Ordinance to the CE in C for approval.

5. Follow-up Action

5.1 Should the Board decide to amend the draft OZP by the proposed amendment, such amendment made by the Board shall form part of the draft OZP. In accordance with section 6H of the Ordinance, the extant OZP shall thereafter be read as including the amendment. The amendment shall be made available for public inspection until the CE in C has made a decision in respect of the draft plan in question under section 9 of the Ordinance.

5.2 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 amendment, as appropriate.

Attachments

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| Annex I | Schedule of Proposed Amendment, Amendment Plan and Proposed Amendment to the Notes and Explanatory Statement of the draft Ma On Shan OZP No. S/MOS/23 |
| Annex II | List of All Further Representers |
| Annex III | Further Representations Received during the Exhibition Period |
| Annex IV | Draft Ma On Shan OZP No. S/MOS/23A (Reduced Size) |

**PLANNING DEPARTMENT
OCTOBER 2021**

**TPB Paper No. 10779
For Consideration by the
Town Planning Board on 22.10.2021**

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