

TPB Paper No. 10790

**For Consideration by
the Town Planning Board on 17.12.2021**

**DRAFT LAU FAU SHAN AND TSIM BEI TSUI OUTLINE ZONING PLAN NO. S/YL-LFS/10
CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/YL-LFS/10-R1 TO R3
AND COMMENTS NO. TPB/R/S/YL-LFS/10-C1 TO C4**

AND

**DRAFT TIN SHUI WAI OUTLINE ZONING PLAN NO. S/TSW/15
CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/TSW/15-R1 TO R3
AND COMMENTS NO. TPB/R/S/TSW/15-C1 TO C4**

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DRAFT TIN SHUI WAI OUTLINE ZONING PLAN NO. S/TSW/15
CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/TSW/15-R1 TO R3
AND COMMENTS NO. TPB/R/S/TSW/15-C1 TO C4**

Subject of Representations/ Representation Sites	Representers	Commenters
<p>Draft Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/10 (LFS OZP)</p> <p><u>Item A:</u> Rezoning of a site at the junction of Tin Wah Road and Man Tak Road from “Residential (Group C)” (“R(C)”) and “Green Belt” (“GB”) to “Residential (Group A)” (“R(A)”) ”</p> <p><u>Amendments to the Notes:</u></p> <ul style="list-style-type: none"> Revision of the Remarks for conservation-related zones on filling of land/pond and excavation of land 	<p><u>Total: 3</u></p> <p><u>Support (1)</u> <u>Item A</u> R1: Individual</p> <p><u>Oppose (1)</u> <u>Amendments to the Notes</u> R3: Individual</p> <p><u>Providing Views (1)</u> <u>Item A</u> R2: Individual</p>	<p><u>Total: 4</u></p> <p><u>Oppose R1 (1)</u> C1: Ping Shan Rural Committee</p> <p><u>Support R3 (1)</u> C3: Hong Kong Bird Watching Society</p> <p><u>Oppose Item A (1)</u> C2: Village Representatives of Sha Kong Wai (with signatures of villagers of Sha Kong Wai)</p> <p><u>Providing Views (1)</u> C4 (also R2): Individual</p>
<p>Draft Tin Shui Wai Outline Zoning Plan No. S/TSW/15 (TSW OZP)</p> <p><u>Item A:</u> Rezoning of a site at the junction of Tin Wah Road and Tin Ying Road from “Government, Institution or Community” (“G/IC”) and an area shown as ‘Road’ to “Residential (Group A) 1” (“R(A)1”) ”</p>	<p><u>Total: 3</u></p> <p><u>Oppose (2)</u> <u>Item A and/or Amendments to the Notes</u> R1 and R3: Individuals</p> <p><u>Providing Views/Oppose (1)</u> <u>Items, A, B, C1 and C2</u> R2: Individual</p>	<p><u>Total: 4</u></p> <p><u>Support R1 (1)</u> C1: Ping Shan Rural Committee</p> <p><u>Support R3 (1)</u> C3: Hong Kong Bird Watching Society</p> <p><u>Oppose Item A (1)</u> C2: Village Representatives of Sha Kong Wai (with signatures of villagers of Sha Kong Wai)</p>

<p><u>Item B:</u> Rezoning of a site at the junction of Tin Wing Road and Tin Yan Road from “Undetermined” (“U”) to “Residential (Group B) 2” (“R(B)2”)</p> <p><u>Item C1:</u> Rezoning of a strip of land to the north of Tin Yip Road from an area shown as ‘Road’ to “G/IC”</p> <p><u>Item C2:</u> Rezoning of a strip of land to the south of Tin Yip Road from “G/IC” to an area shown as ‘Road’</p> <p><u>Amendments to the Notes:</u></p> <ul style="list-style-type: none"> • Deleting ‘Market’ and subsuming under ‘Shop and Services’ in various zones • Revision of the Remarks for conservation-related zones on filling of land/pond and excavation of land 		<p><u>Providing Views (1)</u> C4 (also R2): Individual</p>
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1. **INTRODUCTION**

- 1.1 On 7.5.2021, the draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/10 (LFS OZP) (**Annex Ia**) and the draft Tin Shui Wai OZP No. S/TSW/15 (TSW OZP) (**Annex Ib**) were exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The Schedule of Amendments setting out the amendments to LFS OZP and TSW OZP are at **Annexes IIa** and **IIb** respectively and the locations of the amendment items on LFS OZP and TSW OZP are shown on **Plans H-1** and **H-2** respectively.
- 1.2 During the two-month statutory exhibition period, a total of 3 valid representations were received for each OZP. On 16.7.2021, the representations were published for 3 weeks for public comments. Upon expiry of the publication period, a total of 4 valid comments on the representations were received for each OZP¹.

¹ On 5.11.2021, the Board noted that one out-of-time representation for LFS OZP, as well as one representation and two comments for TSW OZP with the required identity information missing should be treated as not having been made pursuant to sections 6(2) and 6(3) as well as sections 6(A)2 and 6(A)3 of the Ordinance. As a result, there are 3 valid representations and 4 valid comments for each OZP.

- 1.3 On 5.11.2021, the Town Planning Board (the Board) agreed to consider all the representations and comments of LFS OZP and TSW OZP collectively in one group.
- 1.4 This Paper is to provide the Board with information for consideration of the representations and comments. The lists of representers and commenters of LFS OZP and TSW OZP are at **Annexes IIIa** and **IIIb** respectively. The representations and comments in respect of LFS OZP are at **Annexes IVa and IVb** and those of TSW OZP are at **Annexes Va and Vb** respectively. The representers and commenters have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. BACKGROUND

Proposed Public Housing Development at Tin Wah Road (Item A of LFS OZP & TSW OZP)

- 2.1 According to the 2013 Policy Address, the Government would adopt a multi-pronged approach to build up land reserve with a view to meeting housing and other development needs. It was reaffirmed in the 2014 Policy Address that the Government would continue to review various land uses and rezone sites as appropriate for residential use. In this regard, some 150 potential housing sites, including a site near Tin Wah Road which was mainly zoned “R(C)” and partly zoned “GB” on LFS OZP, were identified for public housing development.
- 2.2 Under the original plan, a site adjacent to the identified site, which was zoned “G/IC” on TSW OZP, had been reserved for the Hospital Authority (HA)’s supporting services centre. Subsequently, the Food and Health Bureau (FHB) confirmed in November 2018 that the subject “G/IC” site was no longer required and could be released for other purposes. To achieve better land utilisation, the site for public housing development had been extended to include the subject “G/IC” site.
- 2.3 An Engineering Feasibility Study (EFS) on the proposed public housing site with technical assessments on the traffic, environmental, water supply, drainage, sewerage, air ventilation, landscape, visual and other aspects has been conducted by the Civil Engineering and Development Department (CEDD). The EFS concluded that there is no insurmountable technical problem for the proposed public housing development. It is estimated that the proposed public housing development would provide about 3,990 units to accommodate about 11,170 people.

Reflecting Completed Development and As-built Conditions (Items B, C1 and C2 of TSW OZP)

- 2.4 Opportunity was taken to amend the TSW OZP to reflect the existing private residential development of Central Park Towers completed in 2010 by rezoning from “Undetermined” (“U”) to “Residential (Group B) 2” (“R(B)2”) with stipulation of development restrictions (Item B of TSW OZP), as well as to rationalise the boundaries of the “G/IC” zone² and the area shown as ‘Road’ at Tin Yip Road in Tin Shui Wai Area 109 to reflect the existing alignment of Tin Yip Road (Items C1 and C2 of TSW OZP).

² The “G/IC” zone to the northeast and southeast of Tin Yip Road in Tin Shui Wai Area 109 is reserved for the proposed Leisure and Cultural Complex to be implemented by the Leisure and Cultural Services Department.

Amendments to the Notes of LFS OZP and TSW OZP

- 2.5 Opportunity was also taken to revise the Notes of LFS OZP and TSW OZP to incorporate the amendments of the Revised Master Schedule of Notes to Statutory Plans (MSN) agreed by the Board in 2018, i.e. deleting ‘Market’ use and subsuming it under ‘Shop and Services’ use. Also, with a view to streamlining the planning application process/mechanism, technical amendments were made to the Remarks of the Notes to extend the clause exempting the land/pond filling and land excavation works pertaining to public works co-ordinated or implemented by Government and minor works (i.e. maintenance, repair and rebuilding works) from the requirement of planning permission (the ‘Exemption Clause’) to conservation-related zones (i.e. “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” (“OU(CDWEA)”), “Conservation Area” (“CA”), “Coastal Protection Area” (“CPA”) and “Site of Special Scientific Interest” (“SSSI”) of LFS OZP, as well as “CA” zone of TSW OZP).

Proposed Amendments to LFS OZP and TSW OZP

- 2.6 On 16.4.2021, the Rural and New Town Planning Committee (RNTPC) agreed that the proposed amendments to the approved LFS OZP No. S/YL-LFS/9 and the approved TSW OZP No. S/TSW/14 were suitable for exhibition under section 5 of the Ordinance for public inspection. The relevant RNTPC Paper No. 4/21 is available at the Board’s website and the Secretariat for Members’ inspection, while the extract of the minutes of the RNTPC meeting is at **Annex VI**.

3. LOCAL CONSULTATIONS

Prior to the submission of the proposed amendments to the approved OZPs for consideration by RNTPC, the Planning Department (PlanD), CEDD and the Housing Department (HD) consulted the Housing, Town Planning and Development Committee (HTPDC) of the Yuen Long District Council (YLDC) on 17.3.2021, and the Ping Shan Rural Committee (PSRC) on 9.4.2021 for the proposed public housing development at Tin Wah Road (Item A of LFS OZP and TSW OZP). The HTPDC members have some reservations on the proposed public housing development mainly due to the concerns on compensation and rehousing, traffic impact on road network, provision of public transport and cycle track as well as provision of market, retail facilities and social welfare facilities. The PSRC strongly objected to the proposed public housing development and raised concerns mainly on grounds of fung shui, displacement of venue for holding ritual events, land use compatibility with Sha Kong Wai Village, air ventilation and traffic impact on road network. The PSRC counter-proposed to develop public housing at Fung Lok Wai. The detailed views and comments of HTPDC of YLDC and PSRC, as well as the responses of PlanD/CEDD/HD are recorded in the minutes of the said meetings at **Annexes VIIa and VIIb** respectively.

4. THE REPRESENTATION SITES AND THEIR SURROUNDING AREAS

4.1 The Representation Sites and their Surrounding Areas

Representation Sites under Item A of LFS OZP and TSW OZP

4.1.1 Item A of LFS OZP and TSW OZP (with a total area of about 3.95 ha), being at the western fringe of the Tin Shui Wai New Town and adjacent to the Hung Shui Kiu/Ha Tsuen New Development Area, is located to the north of Tin Wah Road, west of Tin Ying Road and east of Sha Kong Wai (**Plans H-3a to H-3d**). The site comprises Government land at the east (about 2.4 ha) and private lots at the west (about 1.55 ha). The site is relatively flat with levels ranging between 3.9mPD and 4.8mPD. Eastern part of the site is currently covered by a Temporary Government Land Allocation No. GLA-TYL-3471 allocated to CEDD for works area for site formation and infrastructure works in relation to public housing development at Wang Chau while northern and western parts of the site are being used for temporary vehicle parks. Remaining part of the site is largely covered with vegetation. The site is accessible from New Sha Kong Wai Road branching off Tin Wah Road, and New Sha Kong Wai Road runs through the centre of the site in southwest-northeast direction.

Proposed Public Housing Development

4.1.2 Item A is zoned “R(A)” on LFS OZP and “R(A)1” on TSW OZP for proposed public housing development, which will be implemented in two phases³. The major development parameters are as follows and the indicative development scheme is at **Drawing H-1**:

	Phase 1	Phase 2	Total
Amendment Item	A (on TSW OZP)	A (on LFS OZP)	--
Zoning	“R(A)1”	“R(A)”	--
Rezoning Area	About 1.13 ha	About 2.82 ha	About 3.95 ha
Site Area for Housing Development⁴	About 0.95 ha	About 1.96 ha	About 2.91 ha
Maximum Plot Ratio	6.9	6.9	6.9
Maximum Building Height	165mPD	165mPD	165mPD
Estimated No. of Flat	About 1,300	About 2,690	About 3,990
Estimated Population	About 3,640	About 7,530	About 11,170
Proposed No. of Residential Blocks	2	3	5
Tentative Population Intake	2030	2032	--

³ Phase 1 development falls mainly within TSW OZP while Phase 2 development falls mainly within LFS OZP.

⁴ Excluding area for road and drainage reserve.

Supporting Facilities	<ul style="list-style-type: none"> - Kindergarten(s) - Retail facilities - A multi-storey ancillary facilities/ carpark building (subject to further investigation) - Other social welfare facilities⁵
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- 4.1.3 To support the proposed public housing development, the section of New Sha Kong Wai Road currently running through the site will be upgraded to a standard single two-way carriageway. An access road with roundabout at Man Tak Road is also proposed to provide alternative site access (**Drawing H-1**). In addition, to enhance the pedestrian linkages between the site and the public transport facilities at Tin Shui Wai (e.g. Chung Fu Light Rail Stop), at-grade pedestrian crossing across Tin Ying Road will be provided at the junction of Tin Wah Road/Tin Ying Road (**Drawing H-2**).

Representation Site under Item B of TSW OZP

- 4.1.4 Item B of TSW OZP is located at Tin Shui Wai Area 33 south of Tin Wah Road. It is bounded by Tin Wing Road at its northwest, Tin Yan Road at its northeast, the Tin Shui Wai Public Transport Interchange to its southeast across Ka Yan Street, and the Tin Shui Wai Park and Chestwood Court at its southwest (**Plans H-5a to H-5c**). It is occupied by an existing residential development of Central Park Towers completed in 2010, which comprises 8 residential towers with a domestic gross floor area (GFA) of about 159,206m², a non-domestic GFA of about 9,044m² for public vehicle park, and a building height of about 159mPD.

Representation Site under Items C1 and C2 of TSW OZP

- 4.1.5 Items C1 and C2 of TSW OZP are located at the eastern end of Tin Yip Road, which is located at Tin Shui Wai Area 109 north of Tin Wah Road (**Plans H-6a to H-6c**). Item C1 forms part of an existing open-air public vehicle park under Short Term Tenancy No. 2991, and the planned Leisure and Cultural Complex. Item C2 forms section of Tin Yip Road serving the existing open-air carpark at Tin Yip Road Park.

4.2 Planning Intentions

- 4.2.1 The planning intentions of the zones in relation to the above representation sites are as follows:
- (a) The “R(A)” zone on LFS OZP and “R(A)1” zone on TSW OZP under Item A of both OZPs are intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
 - (b) The “R(B)2” zone on TSW OZP under Item B of TSW OZP is intended

⁵ According to the 2020 Policy Address, the Hong Kong Housing Authority, together with the Development Bureau, will explore to set aside about 5% of the gross floor area of future public housing projects for the provision of social welfare facilities, as far as practicable. HD, in consultation with the Social Welfare Department (SWD), will further consider the type of social welfare facilities to be provided at the proposed development at the detailed design stage.

primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

- (c) The “G/IC” zone on TSW OZP under Item C1 of TSW OZP 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. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

5. **THE REPRESENTATIONS**

5.1 **Subject of Representations**

5.1.1 There are 3 representations for each OZP (6 in total). All the representations were submitted by individuals. **R2 and R3 of LFS OZP** are submitted by the respective same persons with the same content as those of TSW OZP. Amongst the representations, 1 representation (**R1 of LFS OZP**) supports Item A on LFS OZP while the remaining 5 representations (**R1 of TSW OZP** and **R2 and R3** of both OZPs) oppose/provide views on the amendment items, including 1 representation (**R1 of TSW OZP**) opposes Item A and the amendments to the Notes of TSW OZP in deleting ‘Market’ use and subsuming it under ‘Shop and Services’ use; 2 representations (**R2** of both OZPs) provide comments on Item A of LFS OZP and TSW OZP and Items C1 and C2 of TSW OZP, as well as oppose Item B of TSW OZP; and 2 representations (**R3** of both OZPs) oppose the amendments to the remarks of the Notes of LFS OZP and TSW OZP regarding the extension of the ‘Exemption Clause’ to conservation-related zones.

5.1.2 The major grounds of representations and PlanD’s response, in consultation with the relevant Government bureaux/ departments (B/Ds), are summarised in paragraph 5.2 below.

5.2 **Major Grounds and Views of Representations**

Representations in respect of Item A of LFS OZP and TSW OZP for the proposed public housing development at Tin Wah Road

Supportive Representation (1 for LFS OZP)

5.2.1 The major grounds and views of the supporting representation (**R1 of LFS OZP**) are summarised below.

Major Grounds	
(1)	The proposed development helps address the housing needs of the society. Some subsidised housing should be provided.
Responses	
(a)	The supportive view is noted. Director of Housing (D of Housing) advised

	that interchangeability between Public Rental Housing, Green Form Subsidised Home Ownership Scheme and other subsidised sale flat schemes would be allowed to better respond to changes in market situation and the community's housing needs.
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Adverse Representations (1 for LFS OZP and 2 for TSW OZP)

5.2.2 The major grounds and views of the 3 adverse representations are summarised below.

5.2.3 Traffic and Transportation

Major Grounds		Rep. No.
(1)	The site is bisected by a wide road as proposed under the EFS. There is concern that Phase 1 of the proposed public housing development is isolated from Phase 2 where the ancillary facilities would be located. There is also concern that whether the wide road would carry heavy traffic, and whether street-level pedestrian crossings would be provided. There is query on why not providing an underground road instead.	R2
(2)	There is concern on how the future residents get access to the cycling track along Tin Shui Path.	R2
(3)	There is objection to the deletion of road in Tin Shui Wai.	R1 of TSW OZP
Response		
(a)	<p>In response to (1):</p> <p>As advised by the Chief Engineer/Housing Projects 2, CEDD (CE/HP2 of CEDD), the 'wide road' indeed refers to the existing New Sha Kong Wai Road. It is proposed to modify and upgrade New Sha Kong Wai Road into a standard local distributor road (minimum width of 7.3m carriageway) with footpath and roadside greening area. As regards the concern over separation/isolation of the two phases of the proposed development, at-grade pedestrian crossings can be provided to facilitate pedestrian circulation between the two phases. As advised by CE/HP2 of CEDD, in view of the above, the suggestion for underground road is technically not justifiable. The construction and maintenance cost of the underground road option is also high.</p>	
(b)	<p>In response to (2):</p> <p>As advised by CE/HP2 of CEDD, it is proposed under the EFS that a footpath would be provided along the northern side of Tin Wah Road connecting the site to the junction of Tin Ying Road/Tin Wah Road. An at-grade pedestrian crossing at the north side of Tin Ying Road/Tin Wah Road junction is also proposed for crossing Tin Ying Road. Future residents of the proposed development can hence access Tin Shui Path from the site with these proposed pedestrian facilities (Drawing H-1). Alternatively, future residents can utilise the existing footpath and cycle track along the southern side of Tin Wah Road (via an existing cautionary crossing), which will be connected to the existing subway crossing Tin Ying Road, and then to Tin Shui Path (Drawing H-1 and</p>	

	Plan H-3a).
(c)	<p>In response to (3):</p> <p>The rezoning of an area shown as 'Road' to "R(A)1" on TSW OZP is to rationalise the site boundary and it will not lead to deletion of any road within TSW OZP.</p>

5.2.4 *Landscape and Recreational Facilities*

Major Grounds		Rep. No.
(1)	There is query on the provision of active recreational facilities in the proposed development, given the large population intake. There is no outlet for active recreational uses in the proposed development as shown in the indicative development scheme.	R2
(2)	Some 445 trees are to be felled. The feasibility of the proposed landscape mitigation measure, i.e. 179 nos. off-site compensatory planting is doubtful. Off-site compensatory planting brings no benefit to the future residents.	R2
(3)	In lieu of artificial road traffic noise mitigation features currently proposed, trees shall be retained to serve as natural noise barrier.	R2
Responses		
(a)	<p>In response to (1):</p> <p>As advised by CE/HP2 of CEDD, the proposed development scheme (with landscape planting at-grade and on the roof of the multi-storey ancillary facilities/carpark) under the EFS is indicative only for assessing the feasibility of the proposed development. D of Housing advised that the active/passive recreational facilities of the proposed development (e.g. children's play area) will be provided in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) considering the planned population at the detailed design stage.</p>	
(b)	<p>In response to (2) and (3):</p> <p>As advised by CE/HP2 of CEDD, the proposed felling of trees is required for the proposed site formation works for the proposed public housing development. A detailed tree survey will be carried out in the detailed design stage to avoid unnecessary tree felling. According to the broad brush tree survey under the EFS, although there are about 724 trees falling within the site and the associated infrastructure works area, they are all common species and no Old and Valuable Trees (OVTs) are identified. Amongst the surveyed trees, 92 will be transplanted, 187 will be retained, and 445 will be fell due to unavoidable conflicts with the development. A compensatory planting ratio of a minimum of 1:1 in terms of number will be provided as far as possible in accordance with the Development Bureau Technical Circular (Works) No. 4/2020. Approximately 175 and 179 trees (totalling 354 trees) will be planted within the housing site and works limit respectively. Off-site compensatory</p>	

	planting on other vacant Government land will be further explored in the detailed investigation and design stage. The greenery area will not be less than 20% of the site area with reference to “Sustainable Building Design Guidelines” (Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers No. APP-152).
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5.2.5 *Provision of GIC Facilities*

Major Grounds		Rep. No.
(1)	There is objection to the reduction of GIC site in Tin Shui Wai.	R1 of TSW OZP
(2)	With no details provided, the commitment to provide GIC facilities to meet the shortfalls is doubtful. This is less than desirable given the ageing population.	R2
(3)	Many “G/IC” sites were rezoned on mistaken assumption that there is no deficit in community service. The current solution to the shortfall is to provide GIC facilities in leftover spaces instead of well-planned independent premises, the latter of which would foster better quality of life for especially those with impaired movement.	R2
(4)	Addressing shortfall in GIC facilities in LFS OZP by the Tin Shui Wai New Town and wider Yuen Long District is not acceptable. GIC facilities should be of top priority and located close to residents given the ageing population and recurring pandemic.	R2
Response		
(a)	<p>In response to (1) to (4):</p> <p>The site is located at the western fringe of and in close proximity to the Tin Shui Wai New Town. Taking into account the planned population for Tin Shui Wai area (including the subject proposed public housing development), the planned provision of GIC facilities in TSW OZP is generally adequate in accordance with the requirement of HKPSG (Annex VIIIb). Although most of the GIC facilities do not meet the provision requirement under HKPSG in LFS OZP (Annex VIIIa), the planned provision of such GIC facilities in the whole Yuen Long district and adjoining Tin Shui Wai New Town is generally adequate, some even with surplus (e.g. secondary, primary and kindergarten/nursery classrooms), which could supplement the need of the planned population in LFS OZP.</p> <p>As the provision of hospital bed is determined in a regional context, the Hospital Authority and the FHB will comprehensively review the overall demand and provision of hospital facilities in the territory and determine whether there is a need of site reservation for hospital to meet the demand.</p> <p>As mentioned in paragraph 2.2 above, the former “G/IC” site rezoned for the proposed development was originally reserved for HA’s supporting facilities. Nonetheless, FHB confirmed in November 2018 that the “G/IC” site was no longer required and could be released for other purposes. To achieve better land utilisation, the “G/IC” site is hence included for rezoning for the proposed</p>	

	<p>public housing development.</p> <p>The latest HKPSG requirements for child care centres, residential care homes for the elderly and community care services facilities are a long-term goal. The actual provision would be subject to the consideration of the Social Welfare Department (SWD) and relevant departments concerned in the planning and development process as appropriate. SWD has adopted a multi-pronged approach to identify suitable premises for provision of social welfare facilities. PlanD and SWD will work closely together to ensure that additional GIC facilities will be included in new and redevelopment proposals from both public and private sectors. Suitable private premises could also be purchased for provision of welfare facilities as a short term measure if required and so justify.</p> <p>According to the 2020 Policy Address, about 5% of the gross floor area of future public housing projects could be set aside for the provision of social welfare facilities as far as practicable. The incorporation of social welfare facilities (such as child care centre and community care services facilities), as well as other GIC facilities in the proposed public housing development would be further considered in consultation with the relevant Government departments in the detailed design stage.</p>
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5.2.6 *Others*

Major Grounds		Rep. No.
(1)	The “G/IC” portion of the site shall be retained, unless the site at Tin Shui Wai Area 107 currently zoned “Open Space” (“O”) and occupied by Tin Shau Bazaar be rezoned as “G/IC” for provision of markets and other GIC facilities.	R1 of TSW OZP
Response		
(a)	<p>Regarding the suggestion to retain the “G/IC” zoning of the site, the third paragraph of response (a) under paragraph 5.2.5 above is relevant.</p> <p>There is a temporary public market (i.e. FEHD Skylight Market) and 3 privately-operated markets (i.e. Tin Yan Market, T Town Market and Tin Chak Market) in the Tin Shui Wai area north of Tin Wah Road (Plan H-7). As advised by the Director of Food and Environmental Hygiene (DFEH), there is another public market near Tin Shui Wai MTR Station under planning and there is currently no plan for providing additional public market in Area 107. The current “O” zoning of the site occupied by Tin Sau Bazaar is considered appropriate.</p>	

Representation in respect of Item B of TSW OZP for the existing residential development of Central Park Towers

Adverse Representation (1 for TSW OZP)

5.2.7 The major ground and view of the adverse representation are summarised below.

5.2.8 *Development Intensity*

Major Ground		Rep. No.
(1)	There would be strong objection if the development restrictions of the “R(B)2” zone allow greater development intensity than the as-built condition.	R2
Response		
(a)	The amendment is to reflect the as-built condition of the existing residential development of Central Park Towers completed in 2010. The development restrictions are in compliance with those stipulated under the lease conditions of the land grant.	

Representation in respect of Items C1 and C2 of TSW OZP for reflecting the existing alignment of Tin Yip Road in Tin Shui Wai Area 109

Adverse Representation (1 for TSW OZP)

5.2.9 The major ground and view of the adverse representation are summarised below.

5.2.10 *Provision of GIC Facilities*

Major Ground		Rep. No.
(1)	With larger road area in exchange for smaller “G/IC” site, the provision of community facilities is diminished.	R2
Response		
(a)	It is a technical amendment to reflect the existing alignment of Tin Yip Road in Tin Shui Wai Area 109. There will not be any change to the existing Tin Yip Road, and the GIC facilities to be provided at both sides of Tin Yip Road will not be affected.	

Representation in respect of the Amendments to the Notes of TSW OZP for deleting ‘Market’ use and subsuming it under ‘Shop and Services’ use in various zones

Adverse Representation (1 for TSW OZP)

5.2.11 The major ground and view of the adverse representation are summarised below.

Major Ground		Rep. No.
(1)	There is objection to the reduction of market sites in Tin Shui Wai, and the shirking of responsibility in providing market facilities.	R1 of TSW OZP
Response		
(a)	The amendment is to follow the revised MSN agreed by the Board on 28.12.2018 by subsuming ‘Market’ use under ‘Shop and Services’ use, which is merely technical in nature. Not only will the amendment not reduce market sites (for both public and private markets), it will indeed allow greater	

	flexibility for provision of market in various land use zones.
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Representations in respect of the Amendments to the Notes of LFS OZP and TSW OZP for extending the ‘Exemption Clause’ to conservation-related zones

Adverse Representations (1 for LFS OZP and 1 for TSW OZP)

5.2.12 The major grounds and views of the 2 adverse representations are summarised below.

Major Grounds		Rep. No.
(1)	The amendment undermines the statutory gatekeeping role of the Board in controlling and the statutory rights of the public under the Ordinance in knowing and commenting Government works involving land/pond filling and excavation operations in conservation zones.	R3
(2)	The intention of the amendment, which is indeed a significant policy change, is unclear.	R3
(3)	There is doubt that the amendment made to individual OZPs instead of the MSN is to blind the public from noticing until it is too late to reverse course.	R3
Response		
(a)	<p>In response to (1) to (3):</p> <p>The extension of the ‘Exemption Clause’, i.e. exempting the land/pond filling and land excavation works pertaining to public works co-ordinated or implemented by Government and maintenance, repair and rebuilding works from the requirement of planning permission, to conservation-related zones on LFS OZP and TSW OZP is in line with the latest revision of MSN, which was agreed by the Board on 6.8.2021 and subsequently promulgated on 24.8.2021.</p> <p>The objective of extending the ‘Exemption Clause’ to conservation-related zones is to streamline the planning application process/mechanism. Public works co-ordinated or implemented by Government are under an established monitoring mechanism where proposed works have to be agreed by B/Ds concerned and in compliance with the relevant government requirements. Maintenance and repair works are small in scale and do not involve new development. Rebuilding works are also small in scale which are regarded as a respect of the rebuilding right of the owner/occupier of an existing permitted building/structure (e.g. on-farm domestic structures). In gist, the ‘Exemption Clause’ is only applicable to public works and minor works which no major adverse impacts are anticipated. It should also be noted that such works exempted from planning permission still have to conform to any other relevant legislation, the conditions of the government lease concerned, and other government requirements, as may be applicable.</p> <p>Besides, the ‘Exemption Clause’ only applies to the land/pond filling and land excavation works. If a ‘use’ requires planning permission from the Board in terms of the Notes (e.g. a Column 2 use), the use itself still requires planning</p>	

	permission and its associated land/pond filling and/or land excavation works would form part of the proposal. Planning permission for filling of land/pond and excavation of land is also required for a permitted use/development (i.e. a Column 1 use or a use specified in the Covering Notes) if the works are not exempted in the Remarks of the Notes. In this regard, statutory control over the developments in the conservation-related zones have not been undermined under the Ordinance.
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6. COMMENTS ON REPRESENTATIONS

- 6.1 The 4 comments for LFS OZP are the same as the 4 for TSW OZP in terms of content, which are submitted by the Ping Shan Rural Committee (C1), the Village Representatives of Sha Kong Wai (with signatures of the villagers of Sha Kong Wai) (C2), the Hong Kong Bird Watching Society (C3) and an individual (C4). C4 is also the representer of R2 of both OZPs. Details of the comments received are set out below.

Comments on representations in respect of Item A of LFS OZP and TSW OZP for the proposed public housing development at Tin Wah Road

- 6.1.1 The major concerns raised in the comments, which have not been mentioned in the representations, are summarised below:

6.1.2 *Impact on Sha Kong Wai village and surrounding villages (Plan H-1)*

Major Comments Opposing to the Rezoning		Comment No.
(1)	The proposed development is too close to the Sha Kong Wai village, and sits right in front of the village entrance gate (圍門), posing severe adverse impact on the fung shui of the village.	C1
(2)	The proposed development will displace the venue for holding the 'Tai Ping Ching Chiu' ritual event once every six years (Plan H-8). There is no alternative space for holding the event.	C1
(3)	Infilling high-density public housing development on all the vacant land of the villages of Sha Kong Wai, San Hing Tsuen and Ngau Hom (Plan H-1) will lead to loss of relief/activity space for the villagers.	C1 and C2
(4)	The immense population growth brought by the proposed public housing development would pose adverse impact on the security, noise and environmental hygiene aspects to the villagers.	C1 and C2
(5)	The proposed public housing development with 5 wind-shielding towers at 165mPD would suffocate the villagers of Sha Kong Wai, San Hing Tsuen and Ngau Hom.	C2
Response		
(a)	In response to (1):	

	<p>As advised by the Lands Department (LandsD), there is no information showing that the vicinity of the site is a “Fung Shui Area”. Also, the site is at least 120m away from the village entrance gate of Sha Kong Wai. Notwithstanding, further mitigation measures such as building setback from the site boundary, as well as screening and softening of building edge by greening recommended under the EFS would be further considered during the detailed design stage.</p>
(b)	<p>In response to (2):</p> <p>Located close to the Tin Shui Wai New Town with supporting infrastructural facilities, the site is considered suitable for public housing development. The Tai Ping Ching Chiu ritual event of Sha Kong Wai held once every 6 years should not undermine the long-term potential of the site in addressing the acute demand for public housing in the short to medium term. Moreover, there were indeed previous occasions that the ritual event was held at other locations near the village in 2007 and 2013. Hence, the organization and transmission of the Tai Ping Ching Chiu of Sha Kong Wai would not be affected by the proposed public housing development.</p>
(c)	<p>In response to (3):</p> <p>The proposed public housing development will not encroach onto the “V” zone and the ‘village environs’ of Sha Kong Wai (Plan H-3a and Drawing H-1). Local open space would be provided at the proposed public housing development in accordance with HKPSG to improve visual amenity.</p>
(d)	<p>In response to (4):</p> <p>Residential development at the site is not incompatible with its surrounding village development, and should not cause environmental nuisance to the adjoining villagers. In fact, various technical assessments, including those on environment and sewerage, have been conducted under the EFS, which concluded that there is no insurmountable technical problem for the proposed public housing development at the site. Property management services would be provided to control and maintain the environmental hygiene condition and security of the public housing development. The Commissioner of Police has no comment on the proposed public housing development from law and order perspective.</p>
(e)	<p>In response to (5):</p> <p>An Air Ventilation Assessment (Expert Evaluation) was conducted under the EFS to assess the wind performance of the proposed development. Subject to the incorporation of the recommended mitigation measures, including building block disposition aligning with the prevailing wind direction, building separations between residential towers and building setback, the proposed development would not have significant adverse ventilation impact to the surrounding environment.</p>

6.1.3 *Development Intensity and Compatibility*

Major Comments Opposing to the Rezoning		Comment No.
(1)	The proposed high density public housing development is not compatible with the adjoining villages of low-density.	C1
Response		
(a)	Response (d) under paragraph 6.1.2 above is relevant. The proposed development will be perceived as an extension of the Tin Shui Wai New Town and the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). Nine key public viewpoints were assessed in the Preliminary Landscape and Visual Impact Assessment (LVIA) under the EFS. Plans H-4a to H-4e show five viewpoints and the photomontages of the proposed development. Due to the undeveloped nature of the site, the overall residual impact is considered to be moderately adverse. However, the maximum building height (BH) of 165mPD has taken into account the existing BH of the residential developments at Tin Shui Wai New Town to its east across the Tin Shui Wai Nullah ranging from 110mPD to 160mPD, and the proposed BH of the residential development in the HSK/HT NDA to its south ranging from 90mPD to 160mPD. Building separations of at least 15m between the building blocks are recommended. Other mitigation measures, including planting, greening, building form and disposition, façade treatment and stepped building heights, will be further considered at the detailed design stage to mitigate residual visual impacts.	

6.1.4 *Traffic Impact*

Major Comments Opposing to the Rezoning		Comment No.
(1)	The traffic generated by the proposed public housing development would exacerbate the already congested junctions of Tin Wah Road/Man Tak Road and Tin Wah Road/Lau Fau Shan Road.	C2
Response		
(a)	A preliminary Traffic and Transport Impact Assessment (TTIA) has been conducted under the EFS to assess the impact of the proposed development on, inter alia, the capacity of all key road links and junctions within the Area of Influence, including the junctions of Tin Wah Road/Man Tak Road and Tin Wah Road/Ping Ha Road/Lau Fau Shan Road concerned. The TTIA recommended to (i) modify and upgrade New Sha Kong Wai Road to latest design standard, and form a proper priority junction to connect with Tin Wah Road; (ii) widen the section of Tin Wah Road between its junction with Tin Ying Road and Lau Fau Shan Road from a single carriageway to a dual-2 lane carriageway; and (iii) convert the existing priority junction of Tin Wah Road/Lau Fau Shan Road into a 2-lane roundabout (Drawings H-1 to H-3). With the full implementation of the recommended road improvement works, the nearby road links and junctions can accommodate the traffic demand arising from the proposed development and will be operating within acceptable capacity. Hence, the proposed public housing development would not have insurmountable traffic impact.	

6.1.5 Others

Major Comments Opposing to the Rezoning		Comment No.
(1)	For sake of fairness, reasonableness and public interest, part of the private land portions of the proposed development should be allocated to landowner for private development.	C1
(2)	Public housing should instead be proposed at the fringe area with large tracts of land, such as Fung Lok Wai.	C1
Response		
(a)	<p>In response to (1) and (2):</p> <p>The Government has been adopting a multi-pronged approach to make available sufficient supply of housing land progressively to meet the acute demand on housing. To expedite housing land supply in the short to medium term, various land use reviews were conducted to make more optimal use of the developed areas and nearby land. The site, which is located close to the Tin Shui Wai New Town with existing public roads and supporting infrastructural facilities, is considered suitable for public housing development. The Government will continue to conduct land use reviews to identify potential housing sites at other suitable locations.</p> <p>The Government has been and will continue resuming private land for public purposes, including various public housing projects. The suggestion of allocating portion of the site for private development would inevitably pose constraints on comprehensive planning of the site and result in loss of public housing units, which is undesirable in light of the current acute demand for public housing.</p>	

Comments on representation in respect of the Amendments to the Notes of LFS OZP and TSW OZP for extending the 'Exemption Clause' to conservation-related zones

6.1.6 The major concerns raised in the comments are similar to the grounds of the adverse representations (i.e. **R3**) detailed in paragraph 5.2.12 above. The additional concerns that have not been mentioned in the representations are summarised below:

Major Comments Opposing to the Amendment		Comment No.
(1)	The planning intentions of the "SSSI", "CPA", "CA", "OU(CDWEA)" zones on LFS OZP and TSW OZP are to conserve and protect the natural environment. The amendment contradict the planning intentions.	C3
(2)	The "SSSI", "CPA", "CA", "OU(CDWEA)" zones in LFS OZP and TSW OZP are mostly adjoining/within the Mai Po Inner Deep Bay Ramsar Site designated under the Ramsar Convention and the Inner Deep Bay and Shenzhen River catchment Important Bird Area by the BirdLife International. The potential adverse impacts of the exemption clause on migratory/residents birds,	C3

	ardeids and their habitats cannot be overlooked.	
Response		
(a)	In response to (1) and (2): Response (a) under paragraph 5.2.12 above is relevant.	

General Comment

6.1.7 The additional general concerns that have not been mentioned in the representations are summarised below:

Major Comment		Comment No.
(1)	There is concern on the small number of representations received. Steps should be taken to encourage wider public participation in order to solicit valuable insights and avoid overlooking adverse impacts.	C4
Response		
(a)	As mentioned in paragraph 3 above, YLDC and PSRC were consulted prior to the consideration of the proposed amendments by the RNTPC. LFS OZP and TSW OZP were exhibited for public inspection in May 2021. Representations and comments for both OZPs have been invited in accordance with the provisions of the Ordinance.	

7. DEPARTMENTAL CONSULTATION

7.1 The following Government bureaux/departments have been consulted and their comments have been incorporated in the above paragraphs, where appropriate:

- (a) District Lands Officer/Yuen Long, Lands Department (LandsD);
- (b) Director of Housing;
- (c) Project Manager (West), CEDD;
- (d) Chief Engineer/Housing Projects 2, CEDD;
- (e) Chief Town Planner/Urban Design & Landscape, PlanD;
- (f) Chief Engineer/Construction, Water Supplies Department;
- (g) Director of Architectural Services;
- (h) Director of Food and Environmental Hygiene;
- (i) Director of Leisure and Cultural Services;
- (j) Director of Social Welfare;
- (k) Commissioner of Police; and
- (l) District Officer (Yuen Long), Home Affairs Department.

7.2 The following Government bureaux/departments have no major comment on the representations/comments:

- (a) Secretary for Development;
- (b) Secretary for Transport and Housing;
- (c) Secretary for Education;
- (d) Secretary for Food and Health;
- (e) Antiquities and Monument Office, Development Bureau;

- (f) Chief Building Surveyor/New Territories West, Buildings Department;
- (g) Director of Agriculture, Fisheries and Conservation;
- (h) Principal Land Executive/Yuen Long Projects (Acquisition Section), LandsD;
- (i) Commissioner for Transport;
- (j) Chief Highway Engineer/New Territories West, Highways Department;
- (k) Director of Environmental Protection;
- (l) Chief Engineer/Mainland North, Drainage Services Department;
- (m) Director of Electrical and Mechanical Services;
- (n) Head of the Geotechnical Engineering Office, CEDD;
- (o) Director of Fire Services; and
- (p) Director of Health.

8. **PLANNING DEPARTMENT'S VIEWS**

- 8.1 The supportive views of **R1 of LFS OZP** are noted.
- 8.2 Based on the assessments in paragraph 5.2 above, PlanD does not support **R2 and R3 of LFS OZP** and **R1 to R3 of TSW OZP**, and considered that LFS OZP and TSW OZP should not be amended to meet the representations for the following reasons:

Item A of LFS OZP and TSW OZP

- (a) the Government has been adopting a multi-pronged approach to increase housing land supply, including carrying out various land use reviews on an on-going basis. The site is located at the fringe of and in close proximity to the Tin Shui Wai New Town with existing public roads and supporting infrastructural facilities. The site is no longer required for “G/IC” uses. Taking into account that there is no insurmountable technical problem identified for the proposed public housing developments, it is considered suitable for rezoning the site for residential use with a view to increasing housing land supply (**R1 of TSW OZP**);
- (b) an Engineering Feasibility Study with technical assessments on the potential impacts on various aspects, including traffic, environmental and landscape, has been conducted and confirmed that there is no insurmountable technical problem in developing the site for public housing development. Design and provision of local open space and recreational facilities, location of compensatory tree planting and pedestrian accessibility will be further considered at the detailed design stage (**R2 of LFS OZP and TSW OZP**);
- (c) the planned GIC facilities are generally sufficient to meet the demand of the planned population in the district in accordance with the HKPSG. Appropriate community facilities will be provided in the proposed public housing development to serve the residents and locals. The provision of community facilities will be closely monitored by the relevant Government bureaux/departments (**R1 of TSW OZP, and R2 of LFS OZP and TSW OZP**);

Item B of TSW OZP

- (d) the amendment is to reflect the completed residential development. The development restrictions are the same as those stipulated under the lease conditions of the land grant (**R2 of TSW OZP**);

Items C1 and C2 of TSW OZP

- (e) the amendments are to reflect the existing road alignment. The GIC facilities to be provided at both sides of the road will not be affected (**R2 of TSW OZP**);

Amendment to the Notes of LFS OZP and TSW OZP in relation to 'Market' use

- (f) the amendment to the Notes to delete 'Market' use from various zones is to reflect the Master Schedule of Notes to Statutory Plans adopted by the Town Planning Board. 'Market' use has been subsumed under 'Shop and Services' use which is permitted within various zones (**R1 of TSW OZP**); and

Amendment to the Notes of LFS OZP and TSW OZP for extending the exemption clause to the conservation-related zone(s)

- (g) the amendment to the Notes to extend the exemption clause for filling of land/pond and excavation of land in relation to conservation-related zones is to streamline the planning application process/mechanism. The amendment is in line with the latest revision of the Master Schedule of Notes to Statutory Plans (**R3 of LFS OZP and TSW OZP**).

9. DECISION SOUGHT

- 9.1 The Board is invited to give consideration to the representations and comments taking into consideration the points raised in the hearing session, and decide whether to propose/not to propose any amendments to LFS OZP and TSW OZP to meet/partially meet the representations.
- 9.2 Should the Board decide that no amendments should be made to LFS OZP and TSW OZP to meet the representations, Members are also invited to agree that LFS OZP and TSW OZP, together with their respective Notes and updated Explanatory Statements, are suitable for submission under section 8 of the Ordinance to the CE in C for approval.

10. ATTACHMENTS

Annex Ia	Draft Lau Fau Shan and Tsim Bei Tsui (LFS) OZP No. S/YL-LFS/10
Annex Ib	Draft Tin Shui Wai (TSW) OZP No. S/TSW/15
Annex IIa	Schedule of Amendments to the approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/9
Annex IIb	Schedule of Amendments to the approved Tin Shui Wai OZP No. S/TSW/14
Annex IIIa	List of Representers and Commenters in respect of LFS OZP
Annex IIIb	List of Representers and Commenters in respect of TSW OZP
Annexes IVa and IVb	Submissions of representations and comments in respect of LFS OZP
Annexes Va and Vb	Submissions of representations and comments in respect of TSW OZP

Annex VI	Extract of the Minutes of Meeting of Rural and New Town Planning Committee of the Town Planning Board held on 16.4.2021
Annex VIIa	Extract of Minutes of HTPDC of YLDC Meeting held on 17.3.2021
Annex VIIb	Extract of Minutes of PSRC Meeting held on 9.4.2021 (Chinese version only)
Annex VIIIa	Provision of Major GIC Facilities and Open Space in Lau Fau Shan and Tsim Bei Tsui
Annex VIIIb	Provision of Major GIC Facilities and Open Space in Tin Shui Wai
Drawing H-1	Conceptual Layout of Proposed Public Housing development at Tin Wah Road
Drawing H-2	Pedestrian Access from the Proposed Public Housing Development at Tin Wah Road to Tin Shui Path
Drawing H-3	Recommended Road Improvement Works
Plan H-1	Location Plan of the Representation Sites on LFS OZP
Plan H-2	Location Plan of the Representation Sites on TSW OZP
Plans H-3a to H-3d	Site Plan, Aerial Photo and Site Photos of Item A on LFS OZP and TSW OZP
Plans H-4a to H-4e	Photomontages of the Proposed Public Housing Development at Tin Wah Road
Plans H-5a to H-5c	Site Plan, Aerial Photo and Site Photos of Item B on TSW OZP
Plans H-6a to H-6c	Site Plan, Aerial Photo and Site Photos of Items C1 and C2 on TSW OZP
Plan H-7	Location of existing/planned markets in Tin Shui Wai
Plan H-8	Location of Holding Tai Ping Ching Chiu Ritual Event in 2019

**PLANNING DEPARTMENT
DECEMBER 2021**