

# **TOWN PLANNING BOARD**

**TPB Paper No. 10763**

**For Consideration by  
the Town Planning Board on 20.8.2021**

**Application to the Chief Executive  
under Section 8(2) of the Town Planning Ordinance  
for Extension of Time Limit for Submission of  
the Draft Ma On Shan Outline Zoning Plan No. S/MOS/23  
to the Chief Executive in Council for Approval**

**APPLICATION TO THE CHIEF EXECUTIVE  
UNDER SECTION 8(2) OF THE TOWN PLANNING ORDINANCE  
FOR EXTENSION OF TIME LIMIT FOR SUBMISSION OF THE  
DRAFT MA ON SHAN OUTLINE ZONING PLAN NO. S/MOS/23  
TO THE CHIEF EXECUTIVE IN COUNCIL FOR APPROVAL**

**1. Introduction**

The purpose of this paper is to seek Members' agreement to apply to the Chief Executive (CE), under section 8(2) of the Town Planning Ordinance (the Ordinance), for an extension of time limit for submission of the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/23 to the Chief Executive in Council (CE in C) for approval. The time limit for submission of the draft OZP is required to be extended for a period of six months from 16.9.2021 to 16.3.2022.

**2. Background**

- 2.1 On 16.10.2020, the draft Ma On Shan OZP No. S/MOS/23 (**Annex I**) was exhibited for public inspection under section 5 of the Ordinance. The Schedule of Amendments is at **Annex II**. The amendments mainly involve rezoning of nine sites zoned "Green Belt" ("GB") broadly clustered (1) near Cheung Muk Tau Village; (2) along Ma On Shan Tsuen Road (MOST Road); and (3) near Chevalier Garden. Two sites to the east and west of the Cheung Muk Tau Village (Items A and B1) and a site at the lower part of MOST Road (Item D) are rezoned to "Residential (Group A)11" for proposed public housing developments. A site at the upper part of the MOST Road is rezoned to "Residential (Group B)6" ("R(B)6") for proposed private housing development (Item G). To support the proposed housing developments, two other sites at the lower part of MOST Road (Items C and E) and another site at the upper part of MOST Road (Item F) are rezoned to "Government, Institution or Community" for a proposed fresh water and salt water pumping station, a proposed primary school as well as a proposed fresh water service reservoir and a proposed salt water service reservoir respectively. The remaining two sites involve technical amendments, namely rezoning of a site to the further west of Cheung Muk Tau Village to an area shown as 'Road' (Item B2) to reflect the as-built condition and a site near Chevalier Garden to "Other Specified Uses" annotated "Sewage Treatment Works" (Item H) to rationalize the zoning boundary of the Sha Tin Caverns Sewage Treatment Works.
- 2.2 During the two-month statutory exhibition period, a total of 5,699 valid representations were received. On 29.1.2021, the representations were published for 3 weeks for

public comments. Upon expiry of the three-week exhibition period, a total of 1,587 valid comments on the representations were received.<sup>1</sup>

- 2.3 On 7.7.2021, 8.7.2021 and 12.7.2021, the Town Planning Board (the Board) conducted the hearing of the representations and comments. On 18.8.2021, after deliberation, the Board decided to propose amendment(s) to meet/partially meet 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 by reverting the zoning of the site at the upper part of MOST Road (Item G) from “R(B)6” to “GB”.

### **3. Need for Extension of the Statutory 9-month Time Limit**

- 3.1 In accordance with sections 8(1) and 8(1A) of the Ordinance, the Board shall submit the draft plan, together with a schedule of the representations (if any), comments on representations (if any), further representations (if any) and amendments (if any) to the CE in C for approval. Such submission, as stipulated in section 8(2) of the Ordinance, shall be made within nine months of the expiration of the plan-exhibition period, or on application by the Board, for such further period, being not more than six months, as the CE may allow. Based on the statutory nine-month time limit, the draft OZP No. S/MOS/23 should be submitted to CE in C on or before 16.9.2021.
- 3.2 As the exhibition of proposed amendment(s) by the Board to the draft OZP and the consideration of further representation(s), if any, can only be arranged in the fourth quarter of 2021 at the earliest, it is not possible for the whole plan-making process including submission of the draft OZP to the CE in C for approval to be completed within the nine-month statutory time limit (i.e. on or before 16.9.2021). In this regard, it is necessary to seek CE’s agreement under section 8(2) of the Ordinance for an extension of the statutory time limit for a period of six months from 16.9.2021 to 16.3.2022 to allow sufficient time to complete the plan-making process to the draft OZP.

### **4. Decision Sought**

Members are invited to agree that the CE’s agreement should be sought under section 8(2) of the Ordinance to extend the time limit for submission of the draft Ma On Shan OZP No. S/MOS/23 to the CE in C for a period of six months from 16.9.2021 to 16.3.2022.

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<sup>1</sup> A total of 7,658 representations were received during the two-month statutory exhibition period and two representations were received outside the statutory exhibition period. A total of 1,713 comments on representation were received during the 3-week public inspection period and one comment was received after this public inspection period. On 23.4.2021, the Board agreed to disregard 1,959 representations with the required identity information missing and 2 out-of-time representations as well as 126 comments with the required identity information missing and one out-of-time comment. As a result, the total valid representations and comments on representation are 5,699 and 1,587 respectively.

**5. Attachments**

**Annex I** Draft Ma On Shan OZP No. S/MOS/23 (reduced size)

**Annex II** Schedule of Amendments to the Approved Ma On Shan OZP No. S/MOS/22

**PLANNING DEPARTMENT  
AUGUST 2021**