

TOWN PLANNING BOARD

**TPB Paper No. 10898
For Consideration by the
Town Planning Board on 12.5.2023**

**APPLICATION TO THE CHIEF EXECUTIVE
UNDER SECTION 8(2) OF THE TOWN PLANNING ORDINANCE
FOR EXTENSION OF TIME LIMIT FOR SUBMISSION OF
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 FANLING/SHEUNG SHUI EXTENSION AREA
OUTLINE ZONING PLAN NO. S/FSSE/1
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 Fanling/Sheung Shui Extension Area Outline Zoning Plan (OZP) No. S/FSSE/1 (the draft OZP) 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 30.5.2023 to 30.11.2023.

2. Background

- 2.1 On 30.6.2022, the draft OZP (**Annex I**) was exhibited for public inspection under section 5 of the Ordinance. The new draft OZP, covering the eastern part of Fanling Golf Course (FGC) with an area of 32 hectares east of Fan Kam Road, is located to the immediate south of Fanling/Sheung Shui New Town. It was prepared with reference to the Technical Study on Partial Development of Fanling Golf Course Site - Feasibility Study (the Study) conducted by the Civil Engineering and Development Department (CEDD), including an environmental impact assessment (EIA). The general planning intention of the area is to develop its northern-most portion for public housing development with supporting community and social welfare facilities, as well as to conserve the existing natural landscape and ecological features of the remaining southern portion and to provide space for recreational uses.
- 2.2 During the two-month exhibition period, 6,788 valid representations were received. On 30.9.2022, the representations were published for three weeks for public comments. Upon expiry of the three-week exhibition period, 51 valid comments on the representations were received.
- 2.3 In accordance with the EIA Ordinance, the EIA report of the Study was exhibited for public comment from 20.5.2022 to 18.6.2022. The Advisory Council on the Environment (ACE) considered the EIA report on 8.8.2022 and 19.8.2022, and conveyed their views to the Director of Environmental Protection (DEP) on 24.8.2022. Taking into account ACE's view, DEP on 31.8.2022 wrote to the project proponent (i.e. CEDD) to request for additional information on the EIA report. On 3.5.2023, ACE considered the additional information submitted by

CEDD on 18.4.2023. After reporting to ACE, CEDD submitted the additional information to DEP on 4.5.2023. On 11.5.2023, DEP approved the EIA report with conditions. As stated in Development Bureau's press release on the same day, the statutory procedures for hearing of the representations/comments in respect of the draft OZP would proceed upon approval of the EIA report, and the Planning Department will seek the agreement of the Town Planning Board (the Board) to apply to the CE for an extension of the statutory time limit for submission of the draft OZP to the CE in C.

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 should be submitted to CE in C on or before 30.5.2023.
- 3.2 The findings of the EIA report, amongst other assessments, have formed an important basis in formulating the land use proposals on the draft OZP, and the environmental and ecological impacts of the proposals are amongst the major concerns raised in the representations and comments received. The Board will only be in an informed position to consider the environmental and ecological issues, and hear the representations and comments after DEP has made a decision on the EIA report. While the EIA report was approved on 11.5.2023, time was required to proceed with the statutory procedures for processing the representations/comments in respect of the draft OZP. As such, it is anticipated that there will not be sufficient time to complete the plan-making process including submission of the draft OZP to the CE in C for approval within the nine-month statutory time limit (i.e. on or before 30.5.2023). 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 30.5.2023 to 30.11.2023 to allow sufficient time to complete the plan-making process of 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 OZP to the CE in C for a period of six months from 30.5.2023 to 30.11.2023.

5. Attachment

Annex I	Draft Fanling/Sheung Shui Extension Area Outline Zoning Plan No. S/FSSE/1 (reduced size)
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**PLANNING DEPARTMENT
MAY 2023**