

TOWN PLANNING BOARD

TPB Paper No. 10928

**For Consideration by
the Town Planning Board on 3, 5 & 6.10.2023**

**CONSIDERATION OF FURTHER REPRESENTATIONS
NO. TPB/R/S/FSSE/1-F1 TO F1907 ON PROPOSED AMENDMENT TO THE
DRAFT FANLING/SHEUNG SHUI EXTENSION AREA
OUTLINE ZONING PLAN NO. S/FSSE/1
ARISING FROM CONSIDERATION OF REPRESENTATIONS AND COMMENTS
ON THE DRAFT OUTLINE ZONING PLAN**

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Subject of Further Representations	Further Representers (No. TPB/R/S/FSSE/1-)
<p><u>Amendment Item A (Item A):</u> Rezoning a site in Sub-Area 1 at the northernmost portion of the Plan from “Residential (Group A)” (“R(A)”) to “Undetermined” (“U”)</p> <p>Revision to the covering Notes to incorporate development restrictions for “U” zone</p>	<p>Total: 1,903</p> <p><u>Support Item A and/or Revision to the Covering Notes (23)</u></p> <p>F1 to F19, F502, F596, F615 and F961: Individuals</p> <p><u>Support Item A and Oppose Revision to the Covering Notes (5)</u></p> <p>F20 to F23 and F501: Individuals</p> <p><u>Oppose Item A and Support Revision to the Covering Notes (3)</u></p> <p>F24, F25 and F1032: Individuals</p> <p><u>Oppose Item A and/or Revision to the Covering Notes (1,872)</u></p> <p><i><u>Golf/Sports-related Organisation (2)</u></i> F26: The Hong Kong Golf Club F33: 中國香港新興運動協會</p> <p><i><u>Statutory Body (1)</u></i> F27: Heung Yee Kuk New Territories</p> <p><i><u>Individuals or Companies (1,869)</u></i> F28 to F32: Companies F34 to F151, F153 to F179, F183 to F500, F503 to F595, F597 to F614, F616 to F960, F962 to F1031 and F1033 to F1907: Individuals</p>

Note: The names of all further representers are attached at **Annex III**. Soft copy of their submissions is sent to

Town Planning Board (the TPB/Board) Members via electronic means; and is also available for public inspection at the Board's website at https://www.tpb.gov.hk/en/plan_making/S_FSSE_1.html and the Planning Enquiry Counters of the Planning Department (PlanD) in North Point and Sha Tin. A set of hard copy is deposited at the Board's Secretariat for Members' inspection.

1. Introduction

- 1.1 On 30.6.2022, the draft Fanling/Sheung Shui Extension Area Outline Zoning Plan (the draft OZP) No. S/FSSE/1 (**Annex I**) (covering an area previously occupied by the eastern part of the Fanling Golf Course (FGC) (the Area)) was exhibited for public inspection under section 5 of the pre-amended Town Planning Ordinance (the pre-amended Ordinance¹).
- 1.2 During the two-month exhibition period, a total of 6,787 valid representations were received. On 30.9.2022, the representations were published for three weeks for public comments. Upon expiry of the publication period, a total of 51 valid comments on the representations were received.
- 1.3 On 20.5.2023, the Chief Executive (CE) under section 8(2) of the pre-amended Ordinance approved an extension of the statutory time limit for the Board to submit the draft OZP to the Chief Executive in Council (CE in C) for approval for a period of six months from 30.5.2023 to 30.11.2023.
- 1.4 After consideration of representations and comments in the five hearing sessions conducted on 12, 14, 19, 26 and 29.6.2023, the Board decided on 24.7.2023 to partially uphold 78 representations (**R568, R1478, R1498, R1507, R1574, R1723, R2362, R2366, R2480, R2656, R2680, R2687, R2751, R2842, R3618 to R3620, R4024, R4026, R4034 to R4036, R4057, R4058, R4065, R4078, R4096, R4097, R4105, R4107, R4112, R4124, R4130, R4131, R4135 to R4138, R4148 to R4150, R4152, R4154 to R4156, R4164 to R4169, R4174 to R4177, R4188, R4189, R4200, R4214, R4215, R5191, R5194, R5197, R5208, R5234, R5291, R5406, R5588, R6069, R6074, R6081, R6386, R6393, R6394, R6424, R6557, R6656 and R6657**) by proposing an amendment to the draft OZP to rezone the majority of Sub-Area 1 (the Site) of the draft OZP from "R(A)" to "U" with revisions to the corresponding parts in the Notes of the draft OZP (the Proposed Amendments), and decided not to uphold the remaining adverse representations. The Board agreed that the "Other Specified Uses" annotated "Conservation cum Recreation" ("OU(CR)") zone was appropriate for the remaining part of the Area. Members generally considered that the grounds and proposals of the representations and comments had been addressed by the departmental responses as detailed in TPB Paper No. 10902, and the presentations and responses made by the government representatives in the hearing sessions. The TPB Paper No. 10902 and the minutes of the aforesaid TPB meetings are deposited at the TPB's Secretariat for Members' inspection. They are also

¹ The "pre-amended Ordinance" refers to the Town Planning Ordinance as in force immediately before 1.9.2023. Pursuant to sections 29(1), 29(3) and 29(4) of the Town Planning Ordinance currently in force (the Ordinance), sections 6 and 6A to 6H of the pre-amended Ordinance applies to the draft OZP.

available at the TPB's website.²

- 1.5 On 4.8.2023, the Proposed Amendments to the draft OZP were exhibited for public inspection under section 6C(2) of the pre-amended Ordinance. A set of the Schedule of Proposed Amendment, Amendment Plan No. R/S/FSSE/1-A1 and corresponding proposed amendments to the Notes (including covering Notes) and the Explanatory Statement (ES) of the draft OZP are at **Annex II**. Upon expiry of the three-week exhibition period on 25.8.2023, a total of 1,903³ valid further representations (FRs) (**F1 to F151, F153 to F179 and F183 to F1907**) were received. On 5.9.2023, the Board agreed by circulation to consider all the FRs itself collectively in one group.
- 1.6 This Paper is to provide the Board with information for consideration of the FRs. The list of further representers and a summary of the FRs with the responses of the Planning Department (PlanD) are at **Annexes III and IV** respectively. The Site is shown on **Plan FH-1**.
- 1.7 In accordance with section 6F(3) of the pre-amended Ordinance, the original representers/commenters who have made representations/comments after consideration of which the Proposed Amendments have been made (i.e. the 78 representations mentioned in paragraph 1.4, with no comments in respect of them), and the further representers (i.e. **F1 to F151, F153 to F179, F183 to F1907**) have been invited to the meeting.

2. **Background**

- 2.1 In early 2019, the Government endorsed the recommendation of the Task Force on Land Supply (TFLS), including the partial development of the FGC for housing development with emphasis on public housing. To take forward the TFLS' recommendations, the Civil Engineering and Development Department (CEDD) commissioned the "Technical Study on Partial Development of Fanling Golf Course Site – Feasibility Study" (the Technical Study), including an Environmental Impact Assessment (EIA), to ascertain the highest flat yield attainable in the Area in the short to medium term. The Technical Study covers the Area, i.e. an area of 32 hectares (ha) previously occupied by the part of FGC to the east of Fan Kam Road with the former holes 1 to 8 of the Old Course of FGC, which is Government land. Based on the Technical Study's recommendation, the northernmost portion of 9.5 ha covering the former first three holes of the Old Course (i.e. the Site) was proposed to be zoned as "R(A)" for public housing development with about 12,000 units and a special school, while the remaining southern portion of 21.6 ha covering the next five holes was proposed to be zoned as "OU(CR)". The draft OZP with the above zonings was exhibited for public inspection as detailed in paragraph 1 above.

- 2.2 The EIA report of the Technical Study was exhibited for public comments under the

² TPB Paper No. 10902 and the minutes of the relevant TPB meetings are available at the TPB's website at https://www.tpb.gov.hk/en/meetings/TPB/Agenda/1296_tpb_agenda.html and https://www.tpb.gov.hk/en/meetings/TPB/Minutes/m1296tpb_e6.pdf respectively.

³ Four FRs, including **F152** and **F180 to F182**, were treated as not having been made after verification as agreed by the Board on 21.9.2023 by circulation.

EIA Ordinance (EIAO) on 20.5.2022. On 11.5.2023, after considering the public comments, views from the Advisory Council on the Environment (ACE) and additional information from CEDD, the Director of Environmental Protection (DEP) approved the EIA report subject to a list of approval conditions (the Decision)⁴. The EIA approval conditions require CEDD as the project proponent to follow up on a range of issues that may necessitate changes to the layout and key parameters such as plot ratio (PR) and building height (BH) of the housing development. Once upon the completion of the town planning procedures as required under the Ordinance in end November 2023, the CEDD will immediately commence the review, which is estimated to take about 12 months.

- 2.3 After consideration of the representations and comments, majority of the Members during the deliberation on 24.7.2023 agreed that the 9.5 ha of land, i.e. the Site, was suitable for public housing development taking into account (i) with the Site being located at the fringe of the Fanling/Sheung Shui (FSS) New Town and in the proximity to Sheung Shui MTR Station and several public housing estates in the North District, the proposed public housing development was compatible with the surrounding areas and could benefit from the existing transport and community facilities; (ii) albeit that CEDD was required to review the layout design, BH and development intensity to satisfy the conditions attached to the Decision, the overall technical assessments of the proposed housing development at the site had largely confirmed the overall technical feasibility of the proposed housing development at the Site; and (iii) while the original target of population intake in 2029 would be affected, the proposed public housing was still an important source of housing supply in the next decade. Unlike the projects which would involve resumption of private land and rehousing/compensation for the current occupiers, the proposed public housing development on this 9.5 ha of Government land remains time-competitive for no resumption, clearance or rehousing issues would be involved.
- 2.4 Nevertheless, the Board decided to propose amendment to the draft OZP to partially uphold 78 representations with concerns on the layout design and/or visual aspects of the proposed public housing development by rezoning the Site from “R(A)” to “U”, that would also serve as a stopgap arrangement to provide a buffer period to allow the CEDD and relevant government departments to follow up on reviewing the appropriate layout and development parameters in order to address the conditions set out in the Decision. At the same time, the Board considered that the “OU(CR)” zone appropriate. A press release was issued by the Board on 24.7.2023 to explain the above considerations and decision on the representations and comments.
- 2.5 The detailed background for preparation of the draft OZP and the Proposed Amendments as well as the EIAO procedures have been covered in paragraph 2 of the TPB Paper No. 10902. The updated circumstances in relation to the Proposed Amendments are appended below:

EIAO Matters and Judicial Review (JR)

- 2.6 On 21.7.2023, the Hong Kong Golf Club (HKGC) applied for JR in respect of the

⁴ The Decision is available at the Environmental Protection Department's website: <https://www.epd.gov.hk/eia/register/report/conditions/aeiar2822022.pdf>

Decision. The Court of First Instance (CFI) granted the leave to apply for JR on 25.7.2023 and the substantive application is fixed to be heard in May 2024. On 24.8.2023, the CFI decided to grant an interim stay on the Decision⁵ as applied by HKGC pending the determination of the JR, but made it clear that CEDD can go ahead with the review to ascertain the impact of the revised scheme on various aspects including visual, landscape, air ventilation, air quality, noise, traffic, etc., which are required to support not only the revised scheme to be resubmitted to the DEP, but also the subsequent rezoning submission to the Board (i.e. the “carve-out” from the effect of the interim stay as referred to in the CFI’s judgment).

- 2.7 While paragraph 108 of the CFI’s judgment acknowledged that rezoning matters dealt with by the Board fall under a separate statutory regime, independent of the parties to the JR proceedings, paragraph 110 stated that, it is important to disabuse the Board (and others) of any assumption that the Decision is sacrosanct and not potentially subject to being quashed, and that while what the Board (and others) may make of that information is a matter for them, with the grant of the interim stay, the Board should be cautious in anchoring any decision-making on the reliance that the Decision is valid and correct and will continue to be regarded as such.

Statutory Planning Procedures

- 2.8 After taking into account legal advice, the Government considers that the effect of the interim stay is that the Decision would not have any legal effect during the period of stay, but the Board is not legally prevented from proceeding with the statutory planning procedures, including hearing of FRs and continued submission of the draft OZP to the CE in C for approval. Essentially, the CFI’s judgment on the interim stay is not meant to quash the Decision or invalidate the findings of the EIA report, but to stay the effect of the Decision pending the determination of the JR. Nonetheless, according to the judgment, the Board should be cautious in anchoring any decision-making on the reliance of the Decision being valid as detailed in paragraph 2.7 above.
- 2.9 Noting the CFI’s judgment, the Development Bureau (DEVB) reaffirmed in a press release issued on 24.8.2023 that the Area would be reverted to the Government on 1.9.2023 as scheduled, and the Board will proceed with the ongoing statutory planning procedures. The judgment was circulated to the Members on 6.9.2023 and was reported at the Board’s meeting on 7.9.2023.

Current Site Condition

- 2.10 The former lease of the whole FGC expired in August 2020. To allow time for carrying out the Technical Study and subsequent preparation work for development, the Government made a special three-year hold-over arrangement for the Area by way of a Short Term Tenancy (STT) up to 31.8.2023. On 1.9.2023, the Area was reverted to the Government, and is now under the management of the Leisure and Cultural Services Department (LCSD), including the Site until such is handed over to CEDD for commencement of works subject to the outcomes of CEDD’s review and the JR proceedings. Starting from 4.9.2023, Sub-Area 1 has been open for

⁵ The CFI’s decision on Interim Stay:
https://legalref.judiciary.hk/lrs/common/ju/loadPdf.jsp?url=https://legalref.judiciary.hk/doc/judg/word/vetted/other/en/2023/HCAL001258A_2023.doc&mobile=N

public use as a park (the public park) with various facilities including an inclusive park for pets (open from 7 am to 6 pm), a walking trail (open from 7 am to 9 pm), a fee-charging public carpark, two 5-a-side hard-surface soccer pitches (under maintenance and renovation as the surface is damaged and under undesirable condition). The remaining part of the Area will be open in phases at later stages.

- 2.11 To facilitate the hosting of two international golf tournaments at the FGC, namely the Aramco Team Series and the Hong Kong Open (HKO), the public park is temporarily closed between 11.9.2023 and 15.11.2023 and lent to HKGC together with the remaining part of the Area in form of a STT with rents. During this period, the fee-charging public carpark will not be open for public use from 2 to 9.10.2023 and 6 to 13.11.2023 during the course of the tournaments.

3. The Site and its Surrounding Areas

3.1 The Site and its Surrounding Areas (Plans FH-1 to FH-2d and FH-3 to FH-4d)

- 3.1.1 The Site is Government land. With total area of about 9.5 ha, it covers the majority of Sub-Area 1 at the northernmost portion of the Area.
- 3.1.2 The Site is located to the southwest of the FSS New Town. It is surrounded by Ping Kong Road and Po Kin Road to its north (**Plan FH-2b**), Fan Kam Road to its west and Ping Kong Village to its southeast. To the east across Ping Kong Road are public housing estates (Cheung Lung Wai Estate and Ching Ho Estate) and schools (Tung Wah Group of Hospitals Ma Kam Chan Memorial Primary School, Heung Hoi Ching Kok Lin Association Buddhist Wisdom Primary School and Elegancia College). To the northeast across Po Kin Road is the North District Hospital and its extension (**Plan FH-2b**). To the south is the remaining area of the Area which is zoned “OU(CR)” on the draft OZP and to the west is the FGC.
- 3.1.3 The Site covers the northern part of an area previously occupied by part of the Old Course of FGC, comprising the former first three holes of the Old Course, an open-air fee-charging public carpark, soccer pitches, and the ex-senior staff houses of the HKGC (**Plans FH-2b and FH-3 to FH-4b**). It is currently used as a public park, subject to the short-term arrangements in paragraph 2.11 above. All the existing on-site buildings are 1 to 2-storey high. There are tree-groups scattered within and along the perimeter of the Site, with a 0.39 ha of tree cluster located at the centre of the Site (**Plan FH-2a**). The non-graded ex-senior staff houses of HKGC are located at the northern tip of the Site. A clan grave of Qing Dynasty is found near the 0.39 ha woodland (**Plan FH-2a**).

3.2 “U” Zone

- 3.2.1 The “U” zone is an interim zoning with planning control measures pending the determination of uses and development parameters of permanent development that will be dependent on the outcomes of CEDD’s review (and the JR proceedings). To ensure adequate control during the interim period,

according to the covering Notes of the draft OZP, all uses or development within the “U” zone require planning permission from the Board, except some public works implemented or coordinated by the Government and some compatible recreational/supporting uses. For the latter, since the Site will be used for recreational uses by LCSD in the interim period, some recreational uses and related supporting facilities compatible with the setting of the Area, including golf course, place of recreation, sports or culture, public convenience and public vehicle park (except container vehicle), are always permitted in the “U” zone.

4. The Further Representations

4.1 Subject of Further Representations

- 4.1.1 Among the 1,903 FRs received, 23 submitted by individuals (**F1 to F19, F502, F596, F615 and F961**) support **Item A** and/or the revision to the covering Notes; five submitted by individuals (**F20 to F23 and F501**) support **Item A** but oppose the revision to the covering Notes; three submitted by individuals (**F24, F25 and F1032**) support the proposed revision to the covering Notes but oppose **Item A**; and 1,872 submitted by two sports-related organizations (**F26 (HKGC) and F33**), Heung Yee Kuk New Territories (**F27**), five companies (**F28 to F32**), and individuals (**F34 to F151, F153 to F179, F183 to F500, F503 to F595, F597 to F614, F616 to F960, F962 to F1031 and F1033 to F1907**) oppose **Item A** and/or the revision to the covering Notes.
- 4.1.2 The major grounds of the FRs as well as their proposals, and PlanD’s responses, in consultation with the relevant government departments, are at **Annex IV** and summarised in paragraphs 4.2 and 4.3 below.

4.2 Major Grounds and Responses to FRs with Supportive Views

- 4.2.1 Among the 23 supportive FRs and eight partially supportive FRs received, nine (**F1, F3, F6, F14, F15, F18, F21 (part), F22 (part) and F615**) support public housing development; seven (**F9, F10, F13, F20 (part), F501 (part), F961 and F1032 (part)**) are of the view that the Site should be retained as golf course or used for park; three (**F8, F25 (part) and F596**) provide views on the “U” zone; and 12 (**F2, F4, F5, F7, F11, F12, F16, F17, F19, F23 (part), F24 (part) and F502**) support **Item A** and/or the revision to covering Notes without any ground. The major views are summarised as below.

4.2.2 Land and Housing Development

Major Grounds	
(1)	There is a huge housing need in Hong Kong, in particular for the young people. The housing supply should be increased to ease Hong Kong’s housing shortage. Besides, there is a development need in the North District.
(2)	The proposal can well utilise the land resources, which is beneficial

	to the Hong Kong society in general. Besides, the Government, as the landlord, has the right to determine the land use of Government land.
(3)	While housing development is supported, the development intensity can be reduced, such as reduction in the number of blocks or reservation of half of the Site for conservation purpose. More study from conservation perspective is required.
Responses	
(a)	In response to (1) and (2): The supportive views are noted.
(b)	In responses to (3): As mentioned in paragraphs 2.2 to 2.9 above, CEDD will conduct review on the layout and key parameters of the proposed public housing development at the Site. Upon completion of CEDD's review and the JR proceedings, suitable proposal for rezoning the "U" site will be submitted to the Board for consideration.

4.2.3 Future Use

Major Grounds	
(1)	In view of the high historical and ecological values, the Site should not be developed. It should be retained as golf course/used as a park to avoid destruction on the environment.
(2)	The golf course should be taken back and open to the public.
Responses	
(a)	In response to (1): For the heritage and ecological issues, responses in paragraphs 4.3.5(a) and 4.3.6(a) below are relevant.
(b)	In response to (2): As mentioned in paragraph 2.10 above, the Site was reverted to the Government on 1.9.2023, and starting from 4.9.2023, the Site has been open for public use as a park under the management of the LCSD until such is handed over to CEDD for commencement of works subject to the outcomes of CEDD's review and the JR proceedings.

4.2.4 Traffic

Major Grounds	
(1)	Raised concern on the traffic capacity in North District.
Responses	
(a)	For the traffic impact, responses in paragraph 4.3.11 below are relevant.

4.2.5 Other Views

Major Grounds	
(1)	More land use options should be allowed in Hong Kong to facilitate different types of development. Land use planning should be carried out in a precise manner.
Responses	
(a)	The supportive views are noted.

4.3 Major Grounds and Proposals of and Responses to FRs with Opposing Views

4.3.1 A total of 1,872 opposing FRs (**F26 to F151, F153 to F179, F183 to F500, F503 to F595, F597 to F614, F616 to F960, F962 to F1031 and F1033 to F1907**) and eight partially opposing FRs (**F20 (part) to F25 (part), F501 (part) and F1032 (part)**) oppose or provide views on **Item A** and/or the revision to the covering Notes.

4.3.2 It should be noted that the Proposed Amendments concern about the rezoning of the Site from “R(A)” to “U”, not to a residential zoning, and the issue requiring the Board’s decision is whether to rezone the Site to “U”. Of greater relevance to this consideration are hence grounds in the FRs that are related to the appropriateness of the “U” zone such as those presented under the following headings of “Statutory Planning Procedures and EIA Status” and “Proposed “U” Zone”. Yet, for completeness, all major grounds/alternative proposals in these adverse FRs are summarised in the following paragraphs, though majority of them are similar to the grounds raised during the representation stage mainly against the proposed public housing development, which have been responded to in the TPB Paper No. 10902 and considered by the Board in the five hearing sessions in June 2023 and the deliberation session on 24.7.2023.

4.3.3 Statutory Planning Procedures and EIA Status

Major Grounds	
(1)	The Board relied on approval conditions of the EIA report to rezone the Site from “R(A)” to “U”. As the Decision is now subject to a JR and an interim stay on the Decision has been granted, the Board should reconsider whether to proceed with the statutory planning

	<p>procedures. In the event that the court quashes the Decision upon determination of the JR, the Board's decision of approving the proposed "U" zone in reliance on the EIA approval conditions will become unlawful. HKGC (F26) attaches the judgment on the interim stay in their submission.</p>
Responses	
(a)	<p>The Government is fully aware and the Board is informed of CFI's judgment on the interim stay, as well as the fact that the Decision is under challenge and the validity of the Decision is subject to the outcome of the JR. As stated in paragraphs 2.6 to 2.9 above, the effect of the interim stay is that the Decision would not have any legal effect during the period of stay, and as stated explicitly in the judgment, CEDD is allowed to go ahead with the review. The Government after taking into account legal advice takes the view that the Board is not legally prevented from proceeding with the statutory planning procedures, including hearing of FRs and the continued submission of the draft OZP to the CE in C for approval. Furthermore, as mentioned in paragraph 2.7 above, while pointing out that the Board should take into account the uncertainty in the status of the Decision in its rezoning decisions, the judgment also stated what the Board may make of that information is a matter for the Board.</p> <p>The above notwithstanding, in considering the FRs, the Board should take note of the observations in the judgment as mentioned in paragraph 2.7 above, i.e. it should not be assumed that the Decision is sacrosanct and not potentially subject to being quashed, and the Board should be cautious in anchoring any decision-making on the reliance that the Decision is valid and correct. The Board should also recognize that the JR application on the Decision might have implication on the appropriate long-term use and zoning for the Site.</p> <p>Taking into account the need for CEDD to conduct the review (which is explicitly allowed in the judgment), as well as the uncertainty in the status of the Decision due to the on-going JR proceedings, the "U" zone is considered appropriate for the Site. This is because the "U" zone is an interim zoning which does not determine nor reflect the permanent zoning/development for the Site at this juncture. It could provide appropriate planning control on the Site and allow time for CEDD to conduct review as explicitly allowed in the judgment with room to take into account the outcome of the JR. It has the flexibility to cater properly for the range of possible scenarios that may arise upon the determination of the JR. If the Decision is eventually upheld in court and subject to DEP's acceptance of CEDD's review, the Government will rezone the Site from "U" to an appropriate residential zoning in accordance with the Ordinance. In this regard, the rezoning proposal for the permanent use of the Site, taking into account the outcomes of CEDD's review and the JR proceedings and supported by necessary justifications and technical</p>

	assessments will be submitted to the Board for consideration. Any further rezoning of the Site in future will be subject to the Board's scrutiny and processed in accordance with the Ordinance with opportunity for public representation. Should the Decision be quashed in court, the Government would not continue on the basis of the Decision but is obliged to conduct separate review/study to determine the appropriate use/zoning of the Site and then rezone the Site from "U" to the zoning so recommended.
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4.3.4 Proposed "U" Zone

Major Grounds	
(1)	According to the proposed revision to the covering Notes, geotechnical works, local public works, road works, sewerage works, drainage works etc. and such other public works co-ordinated or implemented by Government are always permitted. The proposed revisions to the covering Notes do not prevent developments and uses, including pre-construction works of public housing development, which do not require planning permission from the Board. The Government could immediately commence the housing development even prior to the review and the subsequent rezoning for public housing development. Undesirable precedent will be set.
(2)	The "U" zone, though being an interim zoning but with general planning intention for public housing development, would imply a permission for public housing development. The Board's decision will be pre-empted to approve the subsequent zoning amendments for public housing. In addition, as stated explicitly in the revision to the ES that the "U" zone is to provide interim planning control before the review to be conducted by CEDD and DEP's corresponding decision on layout, visual and landscape of the future public housing development, the Board will not be in a position to consider any other matters outside of "layout, visual and landscape" for the subsequent zoning amendments, i.e. submission of other crucial technical assessments, such as traffic impact assessment, will not be required to ascertain the technical feasibility of the public housing development.
(3)	It is unprecedented that the Board proposed amendments to an OZP to rezone a site from "R(A)" to a completely unknown and rarely used "U".
(4)	Given too much uncertainty in the proposed "U" zone, the Site may be left vacant for a long time. The land use zoning for the Site should be decided with clear intention.
Proposal	
(i)	Since "U" zone does not protect the Site from developments, the Site should be rezoned to "OU(CR)", which is in line with Sub-Areas 2

	to 4.
(ii)	Should the Board decide not to rezone the Site to “OU(CR)” as stated in (i) above, it is proposed to revise the covering Notes in respect of the “U” zone, such that all uses or development except maintenance or repair of watercourse and grave, golf course, public convenience and public vehicle park (except container vehicle) require planning permission from the Board (Annex V). In addition, it is proposed to delete all wording in the ES which includes presumption that the Site will eventually be developed for public housing. At the same time, it is proposed to add that the Site is of paramount heritage, ecological and social values worthy to be protected in perpetuity, and there are needs for a Conservation Management Plan (CMP) and a comprehensive planning review by the Board upon receipt of revised proposal from CEDD.
Responses	
(a)	<p>In response to (1):</p> <p>For the proposed provision in the covering Notes to allow some public works in the “U” zone, this is a standard provision for all OZPs based on the Master Schedule of Notes approved by the Board. It is mainly to cater for minor/local works on road and infrastructure to support the Area, but not for the construction work for the proposed housing development at the Site. Such provision is applicable to the other zone of the OZP (i.e. “OU(CR)”), not just the “U” zone. As openly committed by the Government, no construction works for the proposed housing development will be carried out before the long-term zoning for the Site is confirmed. This is noted and recorded in the CFI’s judgment.</p>
(b)	<p>In response to (2), (4), (i) and (ii):</p> <p>It remains the Government’s intention to provide public housing at the Site to address the acute housing problem, subject to the outcomes of CEDD’s review and the JR proceedings. Having said that, to cater for the conduct of CEDD’s review as explicitly allowed in the judgment, as well as the uncertainty in the status of the Decision due to the on-going JR proceedings, as mentioned in paragraph 4.3.3(a) above, rezoning the Site to “U” is considered appropriate at this juncture. If the Decision is eventually upheld in court and subject to the outcome of CEDD’s review, suitable proposal for rezoning the Site will be submitted to the Board for consideration. The future zoning of the Site will be determined by the Board taking into account relevant assessments conducted by the Government with all due respect to the outcome of the JR proceedings. The Board’s future decision will not be pre-empted by the “U” zoning, nor is the Board bound to approve the proposal from the Government. The wording in the ES is suggested to be amended to reflect the above situation (Annex VI). For details, the</p>

	<p>overall assessment at paragraph 5 below is relevant.</p> <p>“U” zone is an interim zoning for the Site. Its long-term use will be determined by the Board after taking into account the outcomes of CEDD’s review and the JR proceedings. Pending the determination of the long-term use, it is not appropriate to state the Site “worthy to be protected in perpetuity” and stipulate the requirement for CMP in the ES for the “U” zone.</p> <p>Planning control is available under the “U” zone with planning permission mandated for all uses and developments save a few stated uses involving some public works coordinated or implemented by Government, as well as some recreational uses and related supporting facilities compatible with the setting of the Area, including golf course, place of recreation, sports or culture, public convenience and public vehicle park (except container vehicle). The proposed changes to the list of always permitted uses (i.e. deletion of public works implemented or coordinated by Government and place of recreation, sports or culture) are not supported because the former is covered by the permissible public works while the latter is needed as the Site is put to recreational uses by LCSD in the interim period.</p>
(c)	<p>In response to (3):</p> <p>Over the years, the Board has designated “U” zone on different OZPs for reason that the long-term uses and/or development parameters are pending further study/assessments, as similar to the subject case. Besides, it is not unprecedented for the Board to rezone a site from “R(A)” to “U”⁶.</p>

Grounds of FRs Related to EIA

4.3.5 Environmental, Landscape and Ecological Perspectives

Major Grounds	
(1)	<p>There are many errors in the EIA report, which does not fully comply with the Study Brief and EIAO Technical Memorandum (TM). The EIA contains numerous significant errors and omissions in the baseline survey. Numerous significant errors, omissions, and deficiencies in the assessment methodology mean if the baseline survey and assessment had been conducted correctly and objectively in accordance with the methodology set out in the Study Brief and EIAO TM, the assessment should have identified a lot more adverse impacts of substantial significance.</p>

⁶ For example, Cha Kwo Ling Tsuen was rezoned from “R(A)4” to “U” in 2014 which is only an interim zoning subject to further study on appropriate use, development intensity and implementation mechanism. The site was rezoned for high-density public housing development subsequently in 2021.

(2)	Trees of Particular Interest (TPIs) can only be registered as Old and Valuable Trees (OVTs) in government unleased land. There are a number of TPIs in the Site, which may be qualified as OVTs upon reversion of the Area back to the Government. Since removal of living OVTs is prohibited under DEVB Technical Circular (Works) No. 5/2020, the presence of the OVTs will preclude the public housing development in the Site.
(3)	There is no quantitative assessment of the permeability and groundwater flows in the EIA conducted by CEDD. The impact of the compensatory tree planting of about 5 ha in Sub-Areas 2 and 3 on the critically endangered <i>Chinese Swamp Cypress</i> in Sub-Area 4 is unknown. Precautionary Principle should apply. Besides, the proposed compensatory planting would result in destruction of grassland and woodland in Sub-Areas 2 and 3, thereby reducing the biodiversity of ecological habitats, and destroying the existing landscape character of the Area.
(4)	The landscape of FGC is unique and irreplaceable in Hong Kong, which the EIA has omitted and not considered. The protection and preservation of the unique environmental resources is one of the prime purposes of the EIAO and the EIA fails to address this. This unique and irreplaceable landscape should not be destroyed.
(5)	The ecological value of Sub-Area 1 in the EIA conducted was underestimated, and extensive tree removal, including those potential OVTs, will be required to make way for the proposed public housing development. Besides, the Site is the home place of abundant number of wildlife, and some are critically endangered. The proposed public housing development is disastrous to the existing flora and fauna, and would destroy the biodiversity in the Area.
(6)	The tree preservation and compensation proposal is unrealistic and may bring further adverse landscape impact. The tree retention proposal in the EIA fails to consider the actual trees present on site, which if the potential TPIs are to be retained, as committed by the Government in the EIA, the housing layout requires radical alteration.
(7)	The proposed public housing development will bring adverse air quality, noise, landscape impacts to the surrounding developments. According to the Landscape Value Mapping Study, the FGC has been rated as a landscape of high value and significance to Hong Kong.
(8)	Since Environmental Permit (EP) will not be required for the proposed housing development under the EIAO, there is no mechanism to guarantee that the EIA approval conditions will be complied with.

Responses	
(a)	It should be noted that the Proposed Amendments concern about the rezoning of the Site from “R(A)” to “U”, not to a residential zoning. The issue requiring the Board’s decision is whether to rezone the Site to “U” taking into account latest developments and public views received. The above grounds are against the EIA report and proposed public housing development at the Site and were raised, responded to and considered during the previous consideration of representations and comments by the Board. Detailed Government’s responses to these issues have previously been provided in TPB Paper No. 10902 and recorded in the minutes of TPB’s meetings as summarized in Annex VII . Meanwhile, leave to apply for JR of the Decision in respect of the EIA report has been granted on 25.7.2023 and the substantive application is fixed to be heard in May 2024. It is considered appropriate to rezone the Site to “U” at this stage pending the completion of CEDD’s review and determination of the JR. Full account of the outcomes of CEDD’s review and the JR would be taken when rezoning the Site from “U” to other appropriate zoning in future.

4.3.6 Heritage and Cultural Conservation Perspectives

Major Grounds	
(1)	The proposed public housing development would result in the loss of a living heritage of more than 110 years. Losing of the Area will make the Old Course permanently incomplete.
(2)	In 2018, the Antiquities Advisory Board (AAB) voted to evaluate the cultural heritage value of the whole of the FGC as one site and the heritage grading of the FGC is still in process, which ACE members have requested that the assessment of the heritage value of FGC as a whole to be expedited. The “U” zone, which is intended for public housing, would obstruct AAB in determining whether the FGC or the Old Course could be declared as monument.
(3)	It is not correct to say that there is no policy to conserve cultural landscape in Hong Kong as section 3(1) of the Antiquities and Monuments Ordinance clearly specifies that any place and site could be declared to be a monument, historical building or archaeological or palaeontological site/structure by reason of its historical archaeological or palaeontological significance. In addition, since the Area would be reverted to the Government, as unleased Government land, it will be subject to the Government’s general “Heritage Conservation Policy” promulgated in 2007, and the Board is required to protect, conserve and revitalize as appropriate the Area as a historical and heritage site, at least on an interim basis, pending the further detailed study mentioned in the EIA report and pending AAB’s heritage grading.

(4)	The existing graves, in particular the Ming and Qing Dynasty graves, within the FGC will be destroyed and feng shui will be affected by the development.
Responses	
(a)	<p>In response to (1) to (3):</p> <p>The above grounds were raised, responded to and considered during the previous consideration of representations and comments by the Board. Detailed Government's responses to these issues have previously been provided in TPB Paper No. 10902 and recorded in the minutes of TPB's meetings as summarized in Annex VII. As mentioned in paragraph 4.3.5(a) above, it is considered appropriate to rezone the Site to "U" at this stage pending the completion of CEDD's review and determination of the JR.</p> <p>FGC is neither a building nor a structure. Since the existing historical grading system generally applies to buildings and structures, more detailed research by the Antiquities and Monuments Office (AMO) is required to explore whether and how the existing assessment mechanism and the assessment criteria could be applied in the assessment of the heritage value of the FGC site. AMO has been studying the information provided by HKGC and conducting relevant researches and the process is still underway without concrete programme. That said, the graded historic buildings (the Fanling Lodge, the Clubhouse and the Halfway-House) are outside the proposed development area.</p> <p>While there is no concrete programme in assessing the heritage value of the FGC, town planning procedures under the Ordinance and grading exercise are separate regimes that could operate independently.</p>
(b)	<p>In response to (4):</p> <p>A clan grave of Qing Dynasty is located in Sub-Area 1 (Plan FH-2a) with possible conflict with the layout of the proposed public housing development. It is near the 0.39 ha woodland proposed to be preserved under the Decision. CEDD will examine in its review whether the grave can be preserved together with the woodland. If relocation cannot be avoided, the prevailing policy and the established procedures under the Land Acquisition (Possessory Title) Ordinance (Cap. 130) will be followed.</p> <p>Apart from the Qing Dynasty clan grave in Sub-Area 1, other clan graves including the oldest ones built in Ming Dynasty within Sub-Areas 2 and 3 are outside the Site and will be preserved.</p>

4.3.7 Visual Perspective

Major Grounds	
(1)	The proposed high-rise public housing development is incompatible with the surrounding rural setting and the remaining 140 ha FGC, thereby resulting in adverse visual impact.
Responses	
(a)	The above grounds were raised, responded to and considered during the previous consideration of representations and comments by the Board. Detailed Government's responses to these issues have previously been provided in TPB Paper No. 10902 and recorded in the minutes of TPB's meetings as summarized in Annex VII . As mentioned in paragraph 4.3.5(a) above, it is considered appropriate to rezone the Site to "U" at this stage pending the completion of CEDD's review and determination of the JR.

Grounds of FRs Unrelated to EIA

4.3.8 Golf / Sports / Recreational Perspectives

Major Grounds	
(1)	The FGC has a high international significance and recognition, and contributes to enhancing Hong Kong's regional and global importance as Asia's World City. The reduction of the FGC area will alter its position to promote Hong Kong and affect Hong Kong's reputation on the international stage through hosting international tournament and golf tourism, which is contradictory to the Government's policy of "Tell Good Stories of Hong Kong". The Site should maintain its status quo as a golf course.
(2)	The FGC is the only venue for hosting large scale international golf tournaments (including but not limited to HKO and Hong Kong Ladies Open) in Hong Kong. The decision of holding the HKO is not decided by HKGC but by the related international golf associations. While HKGC strived for more golf tournaments to be hosted in Hong Kong, including World City Championship held in March 2023, Aramco Team Series to be held in October 2023, and LIV Golf League Tournament, Hong Kong risks losing the chances to host these international tournaments with their scales and investments much larger than those of HKO. In fact, FGC has long been well managed by HKGC, and the golf course should continue to be managed and maintained by HKGC.
(3)	The proposed public housing development will discourage golf/sports development in Hong Kong, given that over 80% of Hong Kong National Team's training is conducted in FGC. Besides, there are inadequate golf facilities in Hong Kong. The reduction of golf holes will affect the training of Hong Kong National Team as well as

	other non-members, which is not in line with the Government's sports development policy.
(4)	The FGC is a major venue for not only golf but also other non-golf events, such as cross country run, football, tree climbing, nature interpretation tours, evening walks etc., as well as charity events. About 40% of the annual total number of rounds were played by non-members which exceeds Government's open-up requirement of 30%. The reduction of the FGC area will be a loss to the community and charities.
(5)	The Old Course was currently opened for public in weekends. As open space/recreational space, in particular pet-friendly environment, is rare in New Territories and in Hong Kong, the Old Course should be remained as a pet-friendly public recreational space.
Proposals	
(i)	The status quo of the Site as a golf course should be maintained.
(ii)	The "U" zone should be deleted or replaced by the "OU(CR)" zone or other zones supporting conservation.
Responses	
(a)	<p>In response to (1) to (5):</p> <p>The above grounds were raised, responded to and considered during the previous consideration of representations and comments by the Board. Detailed Government's responses to these issues have previously been provided in TPB Paper No. 10902 and recorded in the minutes of TPB's meetings as summarized in Annex VII. As mentioned in paragraph 4.3.3(a) above, it is considered appropriate to rezone the Site to "U" at this stage pending the completion of CEDD's review and determination of the JR.</p>
(b)	<p>In response to (i) and (ii):</p> <p>As mentioned in paragraph 4.3.3(a) above, the "U" zone is considered appropriate for the Site.</p> <p>The Area is Government land, and the Government will determine its use that could best serve the public. As stated on various occasions, the Government has no intention to use the Area as a golf course, and the Area is open for public use as a park in phases.</p>

4.3.9 Housing and Land Supply

Major Grounds	
(1)	The FGC was wrongly picked as a short to medium-term land supply

	option. There will be a number of follow-up works (e.g. additional archaeological survey, land decontamination etc.) before the northernmost portion is ready for development. Not to mention the review as required under EIA approval conditions, if not quashed by the court in the JR, the proposed public housing could not be completed within short to medium-term. Therefore it is not a short to medium-term option.
(2)	Instead of taking forward the partial development of the FGC, priority should be accorded to other land supply options, including brownfields, artificial islands in Kau Yi Chau, vacant Government lands/premises, boundary areas, wetland, fringe areas of country parks, redevelopment of urban areas, reclamation, vacant Industrial Buildings, green belt, agricultural sites, Tai Lung Experimental Farm and increasing development intensity, etc.
(3)	In view of the Northern Metropolis Development Strategy (NMDS), the Government should review the need for partial development in the FGC in the context of overall development of the northern region of the New Territories, which should be planned as a whole whereas the FGC could serve as “high-quality outdoor eco-recreation/tourism outlets” with “proactive conservation” measures adopted. The OZP has failed to take the NMDS into consideration.
(4)	Increasing public housing supply at the Site cannot solve the housing problem in Hong Kong, as there will be sufficient public housing supply to meet the estimated public housing demand. Instead, the Government should learn from the success of public housing market in Singapore, and control the number of new immigrants to restrain the overall housing demand. As in the Board’s hearing meetings in June 2023, the Government officers stated that sufficient land for provision of 360,000 public housing units had been identified, which has exceeded the housing supply target of 301,000 flats as required under the Long Term Housing Strategy (LTHS). In particular, if the Decision is not quashed by the court, it is likely that the number of flats will be reduced upon review to fulfill the EIA approval conditions. The Government should not treat FGC as a land bank, sacrificing the long-term benefits for a short term-goal.
(5)	To balance the housing and conservation needs, the number of blocks of the public housing should be reduced and half of the Site shall be used as park.
(6)	In recent years, there are a lot of planned public housing developments in the North District. Together with the existing public housing developments, the population will be too dense in the area.
Responses	
(a)	In response to (1), (2), (4) and (6):

	<p>The above grounds were raised, responded and considered during the previous consideration of representations and comments by the Board. Detailed Government's responses to these issues have previously been provided TPB Paper No. 10902 and recorded in the minutes of TPB's meetings as summarized in Annex VII. As mentioned in paragraph 4.3.3(a) above, it is considered appropriate to rezone the Site to "U" at this stage pending the completion of CEDD's review and determination of the JR.</p>
(b)	<p>In response to (3):</p> <p>Provision of sufficient housing land is also one of the strategic objectives of NMDS. In respect of conservation objective, the southern portion (21.65 ha) of the Area (about 69%) has been zoned "OU(CR)" to conserve existing natural landscape and ecological features. The "OU(CR)" zone is also intended for the provision of space for passive recreational uses which are compatible with the conservation intention and which serve the general public. The proposal strikes a balance between development and conservation objectives, which is in line with the development objectives of NMDS.</p>
(c)	<p>In response to (5):</p> <p>In accordance with the approval conditions of the Decision, CEDD will review the layout and development parameters of the proposed housing development.</p>

4.3.10 Air Ventilation Perspective

Major Grounds	
(1)	<p>The proposed public housing development will lead to wall effect and create adverse air ventilation. In fact, FGC is a rare large piece of open space within a built-up area which could mitigate the temperature. Heat island effects will be created from the extensive site clearance and tree felling, which would undermine the temperature regulating function by the existing tree clusters.</p>
Responses	
(a)	<p>The above ground was raised, responded to and considered during the previous consideration of representations and comments by the Board. Detailed Government's responses to this issue have previously been provided in TPB Paper No. 10902 and recorded in the minutes of TPB's meetings as summarized in Annex VII. As mentioned in paragraph 4.3.3(a) above, it is considered appropriate to rezone the Site to "U" at this stage pending the completion of CEDD's review and determination of the JR.</p> <p>In the review of the Site, CEDD will update/review the AVA(EE) as</p>

	appropriate to support the revised scheme and the subsequent rezoning proposal.
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4.3.11 Traffic and Transportation Perspectives

Major Grounds	
(1)	The Traffic and Transport Impact Assessment (TTIA) has underestimated the background traffic based on false assumptions, and has failed to include trip generation from the public transport interchange and other proposed retail and government, institution or community (GIC) facilities within the proposed development. Taking into account a number of omissions in TTIA, the capacity of the critical junctions will be overloaded.
(2)	The public housing development would result in adverse traffic impact, and affect the access of emergency vehicles to the North District Hospital by blocking the Po Kin Road entrance. Besides, since the proposed public housing development has not been considered in the traffic impact assessment of the Expansion of the North District Hospital, the additional population of 33,000 people immediately next to the North District Hospital is of concern. Should public housing development proceeds, the Board should ensure that Fan Kam Road, Tai Tau Leng Roundabout and So Kwun Po Roundabout will operate at design flow to capacity (DFC) ratios below 0.85. Besides, to protect the normal operation of the North District Hospital, the public housing development should not use Po Kin Road for vehicular access.
(3)	Supporting transport facilities, including parking spaces, are insufficient to support the FGC use and hosting international tournaments.
(4)	In response to the NMDS, a comprehensive traffic review in the North District is required to resolve the existing congestion problem and the additional traffic flow induced by the planned developments in the North District.
Responses	
(a)	<p>The above grounds were raised, responded to and considered during the previous consideration of representations and comments by the Board. Detailed Government's responses to these issues have previously been provided TPB Paper No. 10902 and recorded in the minutes of TPB's meetings as summarized in Annex VII. As mentioned in para 4.3.3(a) above, it is considered appropriate to rezone the Site to "U" at this stage pending the completion of CEDD's review and determination of the JR.</p> <p>In the review of the Site, CEDD will update/review the TTIA as appropriate to support the revised scheme and the subsequent</p>

	rezoning proposal.
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4.3.12 Other Technical Perspectives

Major Grounds	
(1)	Ping Kong has all along encountered serious flooding problem, especially during the rainy season. The proposed public housing would induce further flooding problems. In fact, one of the EIA approval conditions requires the project proponent to develop Sub-Area 1 with sponge city concept with a view to preserving the hydraulic performance of the site to avoid adverse drainage impact on the groundwater level, minimising flooding risk of the site during heavy rainstorms and identifying necessary measures to avoid the storm water runoff which could contaminate the surrounding rural environment, in particular, the important swampy woodland in Sub-Area 4.
(2)	The proposed development will induce adverse geotechnical, sewerage, water supply etc. impacts.
Responses	
(a)	<p>In response to (1) and (2):</p> <p>The above grounds were raised, responded to and considered during the previous consideration of representations and comments by the Board. Detailed Government's responses to these issues have previously been provided TPB Paper No. 10902 and recorded in the minutes of TPB's meetings as summarized in Annex VII. As mentioned in paragraph 4.3.3(a) above, it is considered appropriate to rezone the Site to "U" at this stage pending the completion of CEDD's review and determination of the JR.</p> <p>In the review of the Site, CEDD will update/review the above assessments to support the revised scheme and the subsequent rezoning proposal. In particular, the application of the sponge city concept mentioned in the EIA approval conditions will be considered.</p>

4.3.13 Provision of GIC and Supporting Facilities

Major Grounds	
(1)	The GIC and supporting facilities are insufficient to meet the needs of additional population.
Responses	
(a)	The above ground was raised, responded to and considered during the previous consideration of representations and comments by the Board. Detailed Government's responses to this issues have previously been provided TPB Paper No. 10902 and recorded in the minutes of TPB's

	meetings as summarized in Annex VII . As mentioned in paragraph 4.3.3(a) above, it is considered appropriate to rezone the Site to “U” at this stage pending the completion of CEDD’s review and determination of the JR.
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4.3.14 Job Loss

Major Grounds	
(1)	The FGC provides job opportunities to the nearby villagers. Nearly 70% of the FGC’s employees are from the nearby villages and communities. The proposed development will lead to loss of job opportunities.
Responses	
(a)	The above ground was raised, responded to and considered during the previous consideration of representations and comments by the Board. Detailed Government’s responses to this issue have previously been provided TPB Paper No. 10902. As mentioned in paragraph 4.3.3(a) above, it is considered appropriate to rezone the Site to “U” at this stage pending the completion of CEDD’s review and determination of the JR.

4.3.15 Public Consultation

Major Grounds	
(1)	There is inadequate public consultation on the proposed development. Affected parties, including members of the HKGC, golf players in Hong Kong and individuals who are interested in golf activities and heritage preservation, were not consulted.
(2)	Majority of the public opposed to the proposed public housing development, the Government should respond to the public opinion and retain the Area as golf course.
(3)	The Area was reverted back to the Government for public housing development. The Proposed Amendments to rezone the Site from “R(A)” to “U” are a waste of previous public consultation and disappointment to those waiting for public housing.
Responses	
(a)	<p>In response to (1) and (2):</p> <p>The partial development option together with other land supply options were formulated by TFLS after an extensive public engagement exercise.</p> <p>The statutory and administrative procedures in consulting the public on the draft OZP have been duly followed. Prior to the submission</p>

	of the draft OZP for consideration of the Board, the North District Council, Fanling District Rural Committee and Sheung Shui District Rural Committee were consulted. Also, the exhibition of OZP for public inspection and the provisions for submission of representations, comments and further representations form part of the statutory consultation process under the Ordinance. While a large number of adverse representations were received, the Board had considered the major grounds and views submitted and expressed by representers and commenters in making the decision.
(b)	<p>In response to (3):</p> <p>Although the Site is proposed to be rezoned from “R(A)” to “U”, it remains Government’s intention to develop public housing at the Site to address the acute housing problem, subject to outcomes of CEDD’s review and the JR proceedings. Appropriate rezoning proposal would be proposed to the Board for consideration in due course.</p>

4.3.16 Other Views

Major Grounds	
(1)	Rezoning Sub-Areas 2 to 4 to “OU(CR)” zone leads to discontinuation of golf course. There is no strong reason for the Government to resume the Area if the public housing development in Sub-Area 1 cannot be proceeded.
Responses	
(a)	After consideration of the representations and comments, the Board agreed on 24.7.2023 that the “OU(CR)” zone was appropriate for Sub-Areas 2 to 4, and decided not to uphold representations against the zone. The “OU(CR)” zone does not form part of the Proposed Amendments for FRs.

5. Overall Assessment

- 5.1 The majority of the grounds in the FRs were raised, responded to and considered during the previous consideration of the representations and comments by the Board. As to the new grounds related to the interim stay of the Decision and the ongoing JR application, the effect of the interim stay is that the Decision would not have a legal effect pending the determination of JR, yet CEDD is explicitly allowed to go ahead with the review in accordance with the “carve-out” arrangement in the judgment. In considering the FRs, the Board should take note of the observations in the judgment as mentioned in paragraph 2.7 above, i.e. it should not be assumed that the Decision is sacrosanct and not potentially subject to being quashed, and the Board should be cautious in anchoring any decision-making on the reliance that the Decision is valid and correct.

- 5.2 As explained in paragraph 4.3.3(a) above, the “U” zoning is considered appropriate for the Site. It does not commit the Site to any particular land use at this stage while allowing the Site to be rezoned to its long-term use after taking into account the outcomes of the CEDD’s review and the JR proceedings. It allows time for CEDD to conduct review with room to take into account the outcome of the JR. It has the flexibility to cater properly for the range of possible scenarios that may arise upon the determination of the JR, regardless of whether the Decision is upheld or quashed. It responds positively to CFI’s kind reminder that the Board should not proceed on the assumption that the Decision is sacrosanct. Despite being an interim zoning, the “U” zoning is accompanied with adequate planning controls to regulate developments at the Site in order not to constrain long-term uses that may be considered upon the completion of CEDD’s review and the JR proceedings.
- 5.3 To reflect the above position, suitable amendments to the ES of the OZP are proposed at **Annex VI** (with addition in ***bold, italics and highlighted in grey*** and deletions in ~~‘crossed out and highlighted in grey’~~) to reflect that the Area has been reverted to the Government since 1.9.2023; to clearly state the actual long-term uses and development parameters are subject to further review by CEDD and the Decision is subject to a JR application; and to update the latest planning intention and circumstances.

6. Departmental Consultation

- 6.1 The following Government B/Ds have been consulted and their comments have been incorporated in the above paragraphs or **Annex IV**, where appropriate.
- (a) Secretary for Development;
 - (b) Secretary for Culture, Sports and Tourism;
 - (c) Executive Secretary (Antiquities & Monuments), AMO, DEVB;
 - (d) Project Manager/North, CEDD;
 - (e) Director of Housing;
 - (f) Director of Agriculture, Fisheries and Conservation;
 - (g) DEP;
 - (h) District Land Officer/North, Lands Department;
 - (i) C for T;
 - (j) Chief Highway Engineer/New Territories East, Highways Department;
 - (k) CE(MN), DSD;
 - (l) CE(C), WSD; and
 - (m) Chief Town Planner/Urban Design & Landscape, PlanD.
- 6.2 The following B/Ds have no comment on the representations and comments:
- (a) Secretary for Education;
 - (b) Chief Building Surveyor/New Territories West, Buildings Department;
 - (c) Director of Fire Services;
 - (d) H(GEO), CEDD;
 - (e) Director of Electrical and Mechanical Services;
 - (f) Director of Leisure and Cultural Services;
 - (g) Director of Social Welfare;

- (h) District Officer (North), Home Affairs Department;
- (i) Government Property Administrator; and
- (j) Commissioner of Police.

7. Planning Department's Views

- 7.1 The supportive views provided in **F1 to F19, F20 (part) to F25 (part), F501 (part), F502, F596, F615, F961 and F1032 (part)** are noted.
- 7.2 Based on the assessments in paragraphs 4 and 5 above, and for the following reasons, PlanD does not support **F20 (part) to F25 (part), F26 to F151, F153 to F179, F183 to F500, F501 (part), F503 to F595, F597 to F614, F616 to F960, F962 to F1031, F1032 (part) and F1033 to F1907** and considers that draft OZP should be amended by the Proposed Amendments:
- (a) although the findings of the Technical Study suggest that Sub-Area 1 is suitable for public housing development to address the acute housing demand, it is recognised that the Decision is subject to a JR application. While an interim stay on the Decision has been granted, CEDD is explicitly allowed to conduct the review to revise the scheme and to conduct assessments on various aspects including visual, landscape, air ventilation, air quality, noise, traffic, etc., as appropriate to support the revised scheme and subsequent rezoning submission to the Board;
 - (b) while it remains the Government's intention to provide public housing at the Site, it is recognised that the JR application on the Decision might have implication on the appropriate long-term use and zoning for the Site. In this regard, it is appropriate to rezone the Site to "U" as an interim zoning at this juncture to allow CEDD to conduct the review and cater properly for the range of scenarios that may arise upon the determination of the JR, regardless of whether the Decision is upheld or quashed. Taking into account the outcomes of CEDD's review as well as the JR proceedings, the rezoning proposal for the long-term use of the Site supported by necessary justifications and technical assessments will be submitted to the Board for consideration. Any further rezoning of the Site in future will be subject to the Board's scrutiny and processed in accordance with the Ordinance with opportunity for public representation. Under the covering Notes of the OZP, except a few stated uses, all developments in "U" zone require planning permission. Relevant paragraphs in the ES are amended to reflect the latest planning intention and circumstances; and
 - (c) other grounds of further representations including hosting of international golf tournaments, air ventilation, traffic and transportation, drainage, geotechnical, sewerage, water supply, and other technical aspects, provision of GIC facilities, heritage value of the Site, job opportunities and public consultation which are largely related to the public housing development rather than "U" zone have been considered and responded to during the previous consideration of representations and comments by the Board. As set out in (a) and (b) above, the "U" zoning is considered appropriate.

- 7.3 Taking into account paragraph 5 above, the grounds of the FRs and the ongoing JR in respect of the Decision, the revision to the ES as set in **Annex VI** is proposed to reflect the latest planning intention and circumstances.

8. Decision Sought

- 8.1 The Board is invited to give consideration to the FRs taking into consideration the points raised in the hearing, and decide whether to amend the draft OZP by the Proposed Amendments or by the proposed amendment(s) as further varied during the hearing.
- 8.2 The Board is also invited to agree that the draft OZP (amended by the Proposed Amendments or the proposed amendment(s) as further varied), together with their respective Notes and updated ES, are suitable for submission under sections 8(1)(a) and 29(8) of the Ordinance to the CE in C for approval.

9. Follow-up Action

- 9.1 Should the Board decide to amend the draft OZP by the Proposed Amendments or the proposed amendment(s) as further varied, such amendments made by the Board shall form part of the draft OZP No. S/FSSE/1. In accordance with section 6H of the pre-amended Ordinance, the OZP shall thereafter be read as including the amendment(s). The amendment(s) shall be made available for public inspection until the CE in C has made a decision in respect of the draft OZP in question under sections 9 and 29(8) of the Ordinance.
- 9.2 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(s), as appropriate.

10. Attachments

Annex I	Draft Fanling/Sheung Shui Extension Area OZP No. S/FSSE/1 (reduced size)
Annex II	Schedule of the Proposed Amendments, proposed amendments to the ES and the Amendment Plan of the draft OZP
Annex III	List of Further Representers
Annex IV	Summary of Further Representers and PlanD's Responses
Annex V	Proposal from the HKGC (F26)
Annex VI	Proposed Amendments to the ES
Annex VII	Detailed Responses Extracted from Minutes of the Hearing Sessions
Plan FH-1	Location Plan of the Further Representation Site
Plan FH-2a	Key Plan of the Area Showing the Sub-Areas and the

	Surrounding Existing Land Uses
Plan FH-2b	Site Plan
Plan FH-2c	Habitat Map and Locations of Flora Species of Conservation Importance
Plan FH-2d	Summary of Tree Treatment
Plan FH-3	Aerial Photo
Plan FH-4a	Drone Photos of Sub-Area 1
Plans FH-4b to H-4d	Site Photos
Plan FH-5	Existing Natural Landscape, Habitats and Land Uses
Plans FH-6a and FH-6b	Junction Improvement Measures
Plan FH-7	Plot Ratio, Building Height and Number of Storeys of Surrounding Existing/Planned Developments
Plan FH-8	Notional Layout of the Proposed Development in Sub-Area 1
Plan FH-9	Conceptual Landscape and Mitigation Plan

**PLANNING DEPARTMENT
OCTOBER 2023**