

TOWN PLANNING BOARD

TPB Paper No. 10896
For Consideration by the
Town Planning Board on 12.5.2023

DRAFT MA ON SHAN OUTLINE ZONING PLAN NO. S/MOS/25

CONSIDERATION OF REPRESENTATION NO. TPB/R/S/MOS/25-R1
AND COMMENT NO. TPB/R/S/MOS/25-C1

**DRAFT MA ON SHAN OUTLINE ZONING PLAN NO. S/MOS/25
 CONSIDERATION OF REPRESENTATION NO. R1
 AND COMMENT NO. C1**

Subject of Representation (Amendment Items)	Representer	Commenter
<p><u>Amendment Item (Item) A:</u> Rezoning of a site on On Chun Street from “Other Specified Uses” annotated “Hotel” (“OU(Hotel)”) to “Residential (Group A)12” (“R(A)12”) with incorporation of plot ratio (PR) and building height (BH) restrictions.</p> <p><u>Item B:</u> Rezoning of a site in the southwestern part of Whitehead headland from “Comprehensive Development Area (2)” (“CDA(2)”) to “Residential (Group C)4” (“R(C)4”) with incorporation of gross floor area (GFA) and BH restrictions.</p> <p><u>Item C:</u> Rezoning of a site in the southeastern part of Whitehead headland from “Comprehensive Development Area (3)” (“CDA(3)”) to “Residential (Group C)5” (“R(C)5”) with incorporation of GFA and BH restrictions.</p> <p><u>Item D:</u> Rezoning of an area on Ma On Shan Road from “Other Specified Uses” annotated “Pedestrian Link with Retail Facilities” (“OU(Pedestrian Link with Retail Facilities)”) to an area shown as ‘Road’.</p>	<p><u>Total: One</u></p> <p><u>Opposes Item A and provides views on Items B to D:</u> R1: Individual</p>	<p><u>Total: One</u></p> <p><u>Provides views on Item A:</u> C1 (also R1): Individual</p>

Note: The names of the representer and commenter are attached at **Annex III**. Soft copy of the submissions is sent to Town Planning Board (the Board) Members via electronic means; and is also available for public inspection at the Board’s website at https://www.info.gov.hk/tpb/en/plan_making/S_MOS_25.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 30.12.2022, the draft Ma On Shan Outline Zoning Plan No. S/MOS/25 (the draft OZP) (**Annex I**) was exhibited for public inspection under section 5 (s.5) of the Town Planning Ordinance (the Ordinance). The Schedule of Amendments setting out the amendments is at **Annex II** and the locations of the amendment items are shown on **Plans H-1a to H-1c**.
- 1.2 During the two-month statutory exhibition period, one valid representation was received. On 10.3.2023, the representation was published for three weeks for public comments. Upon expiry of the three-week exhibition period, one valid comment on the representation was received.
- 1.3 On 14.4.2023, the Town Planning Board (the Board) agreed to consider the representation and comment collectively in one group.
- 1.4 This Paper is to provide the Board with information for consideration of the representation and comment. The list of representer and commenter is at **Annex III**. The representation and comment are at **Annexes IVa and IVb** respectively. The representer/commenter has been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. **Background**

- 2.1 On 9.12.2022, the Committee agreed that the following amendments to the approved Ma On Shan OZP No. S/MOS/24 were suitable for exhibition under s.5 of the Ordinance for public inspection.
- 2.2 **Item A – Rezoning a site at 29 On Chun Street from “OU(Hotel)” to “R(A)12” to take forward an agreed Section 12A (s.12A) Application**
 - 2.2.1 On 26.2.2021, the Rural and New Town Planning Committee (the Committee) of the Board agreed to a s.12A application (No. Y/MOS/6) for rezoning a site at 29 On Chun Street from “OU(Hotel)” to “R(A)12” subject to a maximum PR of 7.0 and a maximum BH of 50mPD. Item A is to reflect the decision of the Committee on the s.12A application¹.

Items B and C – Rezoning two sites in Whitehead headland from “CDA(2)” to “R(C)4” and from “CDA(3)” to “R(C)5” respectively to reflect completed developments

- 2.2.2 On 28.5.2021, in considering the RNTPC Paper “Review of Sites Designated “CDA” on Statutory Plans in the New Territories for the Years 2019/2021”, the Committee agreed to rezone two “CDA” sites in Whitehead headland to residential zonings to reflect the completed developments:

¹ Relevant RNTPC Paper and minutes of the RNTPC meeting are available at the Board’s website at:
https://www.info.gov.hk/tpb/tc/meetings/RNTPC/Agenda/666_rnt_agenda.html
https://www.info.gov.hk/tpb/en/meetings/RNTPC/Minutes/m666rnt_e.pdf

- (a) Item B was rezoned from “CDA(2)” to “R(C)4”, subject to a maximum GFA of 40,000m² and a maximum BH of 50mPD, to reflect the completed development called ‘St. Barths’; and
- (b) Item C was rezoned from “CDA(3)” to “R(C)5”, subject to a maximum GFA of 36,000m² and a maximum BH of 58mPD for majority of the site and 2 storeys for the 15m-wide strip of land respectively, to reflect the completed development called ‘Altissimo’.

Item D – Rezoning an area from “OU(Pedestrian Link with Retail Facilities)” to an area shown as ‘Road’ on Ma On Shan Road to reflect the removal of an obsolete footbridge alignment

- 2.2.3 As the pedestrian link zoned “OU(Pedestrian Link with Retail Facilities)” straddling Ma On Shan Road, which was intended to provide connection between Yan On Estate and its extension and Kam Chun Court, was found obsolete after the completion of an alternative footbridge to serve the housing developments, the area was rezoned to an area shown as ‘Road’.
- 2.3 The relevant RNTPC Paper No. 8/22 is available at the Board’s website (<https://www.info.gov.hk/tpb/en/papers/papers.html#2022>) and the extract of minutes of the RNTPC meeting is at **Annex V**. The draft Ma On Shan OZP, renumbered as No. S/MOS/25, was gazetted under s.5 of the Ordinance for public inspection on 30.12.2022.

3. Local Consultation

Prior to Submission of the Proposed Amendments to the Committee

- 3.1 Prior to submission of the proposed OZP amendments for consideration by the Committee, the Planning Department (PlanD) consulted the Development, Housing, Environment and Health Committee (DHEHC) of the Sha Tin District Council (STDC) on the proposed amendments on 15.11.2022. DHEHC members expressed concerns on the technical feasibility and implementation programme of the development; land premium difference between hotel and residential uses; issue of car parking spaces in Ma On Shan under Item A, and provided comments on Items B and C. Detailed views and comments of DHEHC together with PlanD’s responses were recorded in the minutes of the DHEHC meeting at **Annex VI** and summarized in RNTPC Paper No. 8/22 considered by the Committee on 9.12.2022.

Upon Gazettal of the Draft OZP

- 3.2 On 30.12.2022, the draft OZP was gazetted for public inspection under s.5 of the Ordinance for two months. STDC members were notified on the same date that members of the public could submit representations on the amendments in writing to the Secretary of the Board during the exhibition period of the draft OZP. No representation from members of STDC was received.

4. The Representation Sites and the Surrounding Areas

4.1 Item A (Plans H-1a, H-2a, H-3a, H-4a, H-4b and H-5)

- 4.1.1 Item A site, with a total area of about 0.8 ha, has been rezoned to “R(A)12” subject to a maximum PR of 7 and a maximum BH of 50mPD to take forward the agreed s.12A application (No. Y/MOS/6). The site is currently occupied by an existing hotel named Horizon Suite Hotel, providing a total of 831 hotel rooms.
- 4.1.2 Accessible via On Chun Street, the site is situated within an established residential-cum-Government, institution and community (GIC) cluster, with Ma On Shan Promenade to its north, Ma On Shan Swimming Pool to its northeast, Ma On Shan Park to its further east, and two primary schools across On Chun Street to its southeast. To the further south of the site are existing “R(A)” residential developments such as Marbella and Bayshore Towers (**Plan H-1a**).
- 4.1.3 Two indicative schemes, namely the “Residential cum Hotel Scheme” with 637 flats and 194 hotel rooms and the “Full Residential Scheme” with 758 flats, for a population of about 2,013 and 2,396 respectively, were submitted by the applicant under the agreed s.12A application in support of the proposed conversion of the existing hotel for residential use. Both schemes would not exceed 50mPD. Supporting commercial and recreational facilities were also proposed for both schemes. Under the Notes of the “R(A)12” zone, ‘Flat’ is a Column 1 use which is always permitted, while ‘Hotel’ is a Column 2 use subject to planning permission. In this regard, while ‘Flat’ use is always permitted under the “R(A)12” zone, redevelopment of the site for ‘hotel’ use would require planning permission. Extracts of the major development parameters for both schemes are at **Annex VII**.

4.2 Items B and C (Plans H-1b, H-2b, H-3b, H-4c and H-4d)

- 4.2.1 Item B site (about 3.77 ha) has been rezoned to “R(C)4”, subject to a maximum GFA of 40,000m² and a maximum BH of 50mPD, to reflect the as-built conditions of St. Barths completed in 2019.
- 4.2.2 Item C site (about 2.35 ha) has been rezoned to “R(C)5”, subject to a maximum GFA of 36,000m² and a maximum BH of 58mPD with a 15m-wide strip of land within the site restricted to a maximum BH of 2 storeys, to reflect the as-built conditions of Altissimo completed in 2020.
- 4.2.3 Located in the southern part of Whitehead headland, both sites are located within the same residential cluster comprising Silversands to their east and Double Cove together with Seanorama to their south (**Plan H-1b**).

4.3 Item D (Plans H-1c, H-2c, H-3c and H-4e)

- 4.3.1 Item D site (about 0.12 ha) straddling Ma On Shan Road has been rezoned to an area shown as ‘Road’ to reflect the removal of the obsolete footbridge

alignment. An alternative footbridge has been built to serve the public housing developments on both sides of Ma On Shan Road including the existing Yan On Estate and its extension and Kam Chun Court.

4.4 **Planning Intention**

4.4.1 The planning intentions of the zones in relation to the above representation sites are as follows:

- (a) The “R(A)12” zone under Item A is 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(C)4” and “R(C)5” zones under Items B and C are intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- (c) Area shown as ‘Road’ under Item D mainly depicts the road network or area reserved for road purpose.

5. **The Representation**

5.1 **Subject of Representation**

5.1.1 Representation No. **R1**, lodged by an individual, opposes Item A and provides views on Items B to D.

5.1.2 Major grounds of the representation and PlanD’s responses in consultation with relevant government bureaux/departments (B/Ds), are summarized in paragraph 5.2 below.

5.2 **Adverse Representation on Item A**

5.2.1 Hotel Provision

Major Grounds	
(1)	Hotel is an essential facility to provide accommodation for tourists and visiting family members, and to provide catering and meeting facilities. The district would have no hotel to accommodate both visitors and short-term residents. There are six hotels in Sha Tin and Ma on Shan but five of them are in Sha Tin. This harbourfront location could be transformed into an iconic and landmark focal point for the community. The site with a prime harbourfront location is suitable for a hotel development to meet the needs of visitors and locals for staycation, and the hotel zoning should remain.
Responses	
(a)	The site is within a residential neighbourhood with various community facilities (e.g. swimming pool, public library, sports centre and primary

	<p>schools) and open space (e.g. Ma On Shan Park, promenade), and well served by various public transport modes (e.g. railway, roads). Residential development is compatible with the surrounding areas and the “R(A)12” zoning is suitable for the site.</p> <p>Item A is to take forward the Committee’s agreement to a s.12A planning application (No. Y/MOS/6) for rezoning the site from “OU(Hotel)” to “R(A)12” to facilitate residential use. In agreeing to the s.12A application, the Board had taken into account a number of factors including land use compatibility of residential development as stated above, the applicant’s intention for residential use with due consideration of latest market condition and housing policy, technical feasibility, departmental views and public comments.</p> <p>C for Tourism has advised that Hong Kong’s tourism outlook this year will remain positive and shall defer to the Board to decide if retaining hotel specific zoning is an effective planning measure to ensure adequate supply of hotel rooms. In this regard, flexibility has been allowed in the Notes for Sha Tin and Ma On Shan OZPs to cater for hotel development under various zonings, i.e. hotel is always permitted within the “Commercial” and “Commercial/Residential” zones, and may be permitted upon application to the Board in some other zones, e.g. “CDA”, “Industrial(1)”, “OU(Business)”, “Recreation”, and the “R(A)” zone covering the Item A site.</p>
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5.2.2 Provision of local employment opportunities

Major Grounds	
(1)	Ma On Shan is grossly deficient in local employment opportunities and requires more commercial activities. The ‘hotel’ zoning would encourage job creation and provide more job opportunities compared to residential development.
Responses	
(a)	<p>While hotel use may provide more job opportunities, the site is considered suitable for rezoning to “R(A)12” based on the assessments as stated above.</p> <p>Ma On Shan is primarily a high-density residential area with supporting commercial, GIC, and recreational uses. Different job opportunities are available in various commercial, retail as well as GIC developments in Ma On Shan. It is also conveniently connected to Sha Tin and the Hong Kong Science and Technology Park in Pak Shek Kok with job opportunities in various commercial, industrial, and Information and Technology developments.</p>

5.2.3 Objections to s.12A planning application ignored

Major Grounds	
(1)	During the statutory publication periods of the agreed s.12A application No. Y/MOS/6, 158 objections or adverse comments from the Sha Tin Rural Committee, residents of Marbella (88 in standard format with additional comments) and individuals were received. Those objections were ignored.
Responses	
(a)	All the public comments received for the s.12A application No. Y/MOS/6 and the assessments of the relevant government departments, together with the application, were submitted to the Committee for consideration. The public comments had been duly assessed and responded by relevant bureaux / departments and considered by the Board in accordance with the Ordinance and established procedures.

5.3 **Representation providing Views on Items B to D**

5.3.1 The representer indicates that Items B to D, which reflect the as-built conditions of St. Barths and Altissimo and the deletion of obsolete footbridge alignment, are housekeeping matters. The representer's views are noted.

6. **Comment on Representation**

6.1 There is one comment submitted by an individual (C1) providing views on Item A. C1 is also the representer (i.e. R1) opposing Item A.

6.1.1 Provision of diverse range of amenities

Major Views	
(1)	Hong Kong will soon face a declining property market. Developer can no longer tout the need for additional residential units to legitimize rezoning. The overall development of the city and the need for the provision of a diverse range of amenities should be considered.
Responses	
(a)	Regarding the suitability of the site for residential use, please refer to the responses in paragraph 5.2.1(a) above. Appropriate zonings have been incorporated into the Ma On Shan OZP for a diverse range of facilities to cater for the need of the residents and the development needs of the district.

7. Departmental Consultation

7.1 The following B/Ds have been consulted, and their comments have been incorporated into the above paragraphs where appropriate:

- (a) Secretary for Development;
- (b) Commissioner for Transport;
- (c) Commissioner for Tourism;
- (d) District Lands Officer/Shu Tin, Lands Department;
- (e) Director of Environmental Protection;
- (f) Director of Food and Environmental Hygiene;
- (g) Director of Social Welfare;
- (h) Commissioner of Police;
- (i) Chief Building Surveyor/ New Territories West, Buildings Department;
- (j) Chief Engineer/Construction, Water Supplies Department;
- (k) Chief Engineer/Mainland North, Drainage Services Department;
- (l) Chief Highway Engineer/New Territories East, Highways Department;
- (m) Director of Fire Services;
- (n) Chief Town Planner/Urban Design and Landscape, Planning Department; and
- (o) District Officer (Shu Tin), Home Affairs Department

8. Planning Department's Views

8.1 The views of **R1** on Items B to D are noted.

8.2 Based on the assessments in para. 5.2 above, PlanD does not support R1 related to Item A and considers that the OZP should not be amended to meet the representation **R1** for the following reason:

Item A site is within a residential neighbourhood with various community facilities and open space, and well served by various public transport modes. Residential development is compatible with the surrounding areas and the "R(A)12" zoning is suitable for the site.

9. Decision Sought

9.1 The Board is invited to give consideration to the representation and the comment taking into consideration the points raised in the hearing session, and decide whether to propose/not to propose any amendments to the OZP to meet/partially meet the representation.

9.2 Should the Board decide that no amendment should be made to the draft OZP to meet the representation, Members are also invited to agree that the draft OZP, together with its respective Notes and updated Explanatory Statement, are suitable for submission under section 8 of the Ordinance to the Chief Executive in Council for approval.

10. Attachments

Annex I	Draft Ma On Shan OZP No. S/MOS/25 (reduced size)
Annex II	Schedule of Amendments to the Approved Ma On Shan OZP No. S/MOS/24
Annex III	List of Representer and Commenter
Annexes IVa & IVb	Submissions of Representer and Commenter
Annex V	Extract of Minutes of RNTPC Meeting held on 9.12.2022
Annex VI	Extract of Minutes of STDC Meeting held on 15.11.2022 (in Chinese)
Annex VII	Extract of Development Parameters under approved s.12A Application No. Y/MOS/6
Annex VIII	Provision of Major Community Facilities and Open Space in Ma On Shan OZP
Plans H-1a to H-1c	Location Plans of Amendment Items A to D
Plans H-2a to H-2c	Site Plan of Amendment Items A to D
Plans H-3a to H-3c	Aerial Photo of Amendment Items A to D
Plans H-4a to H-4e	Site Photos of Amendment Items A to D
Plan H-5	Indicative Section Plans under approved s.12A Application No. Y/MOS/6

**PLANNING DEPARTMENT
MAY 2023**