

TOWN PLANNING BOARD

TPB Paper No. 10825

**For Consideration by
the Town Planning Board on 29.4.2022**

DRAFT SHA TIN OUTLINE ZONING PLAN NO. S/ST/35

**INFORMATION NOTE AND HEARING ARRANGEMENT
FOR CONSIDERATION OF REPRESENTATIONS AND COMMENT**

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**INFORMATION NOTE AND HEARING ARRANGEMENTS
FOR CONSIDERATION OF REPRESENTATIONS AND COMMENT**

1. Introduction

- 1.1 On 3.12.2021, the draft Sha Tin Outline Zoning Plan No. S/ST/35 (the draft OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The amendments mainly involve :
- (a) rezoning of Sui Fai Factory Estate (SFFE), Fo Tan from “Industrial” to “Residential (Group A)8” (“R(A)8”) (**Item A**) to facilitate a proposed public housing development;
 - (b) rezoning of a site to the south of Fo Tan Village from “Village Type Development” (“V”) and “Green Belt” to “Other Specified Uses” annotated “Columbarium (1)” (**Item B**) in accordance with an approved s.12A application;
 - (c) rezoning of a site to the south of Che Kung Miu Road and to the west of Lee Uk Village from “V” to “Government, Institution or Community” (**Item C**) in accordance with an approved s.12A application; and
 - (d) rezoning of a site at the junction of Che Kung Miu Road and Lion Rock Tunnel Road from “Comprehensive Development Area (1)” to “R(A)7” (**Items D**) to reflect an existing development.
- 1.2 The Schedule of Amendments setting out the amendments incorporated into the draft OZP is at **Annex I** and the locations of the amendment items are shown on **Plans P-1a and 1b**.
- 1.3 During the two-month exhibition period, a total of 340 representations were received. 335 representations were made in accordance with the Ordinance and the requirements set out in the Town Planning Board Guidelines No. 29B (TPB PG-No. 29B)¹, while the remaining five representations were made with identity information missing and should be treated as not having been made pursuant to sections 6(2)(b) and 6(3)(b) of the Ordinance.

¹ According to TPB PG-No. 29B on Submission and Publication of Representations, Comments on Representations and Further Representations under the Ordinance, which has taken effect since 1.1.2019, representers/ commenters/further representers and their authorised agents are required to provide their full names as shown on the HKID card/passport and their HKID card/passport number (only the first four alphanumeric characters are required) in the submission. For submission with no full name, incomplete and/or illegible name or no HKID card/passport number, the representation/comment/further representation concerned may be treated as not having been made.

- 1.4 On 8.3.2022, the representations were published for public comments for three weeks until 29.3.2022. During the three-week public inspection period, one valid comment was received.
- 1.5 The lists of representers and commenter are at **Annexes II** and **III** respectively for Members' reference. The locations of the representation sites are shown on **Plans P-2a** and **2b**.

2. The Representations and Comment

- 2.1 Amongst the 335 valid representations, 155 were made in respect of Item A only, 165 on Item B only, 12 on Item C only, two on Items A and B, and one on Items A, B and C.

Representations in respect of Item A (158)

- 2.2 All the 158 representations oppose the amendment item, and were submitted by Green Sense (**R178**), a current Sha Tin District Council (STDC) member (**R179**), two former STDC members (**R180** to **R181**) and individuals (the remaining 154 from **R182** to **R335**). The major grounds of objection are as follows:
 - (i) SFFE is currently providing job opportunities in the industrial, cultural, creative and arts industries with occupancy rate close to 100%. Redevelopment of SFFE would suppress the development of these industries, and result in unemployment;
 - (ii) there are inadequate consultation, compensation and decanting arrangements for the affected tenants of SFFE;
 - (iii) the subject site is located in the vicinity of existing industrial buildings. There would be adverse traffic, environmental, visual, and air ventilation impacts arising from the proposed development;
 - (iv) provision of government, institution and community (GIC) facilities is inadequate to serve the local residents; and
 - (v) the structure of SFFE is properly maintained and complies with relevant statutory requirements. The demolition of SFFE would generate substantial construction wastes, and is not environmentally friendly and cost effective.

Representations in respect of Item B (168)

- 2.3 Their grounds are summarised below:

Supporting representations (165)

- (i) **R1** to **R165** submitted by individuals in the form of a standard letter, support the amendment item on the grounds that niches of their ancestors have already been interred at the subject columbarium; and it is the subject of a rezoning application

(No. Y/ST/47) to regularise the existing columbarium use previously agreed by the Rural and New Town Planning Committee of the Town Planning Board.

Opposing representations (3)

- (ii) **R333** to **R335** submitted by individuals oppose the amendment item mainly on the grounds of land use incompatibility with the surrounding industrial and residential land uses, and potential traffic impact on local villagers.

Representations in respect of Item C (13)

2.4 Their grounds are summarised below:

Supporting representations (12)

- (i) **R166** to **R177** submitted by individuals support the amendment item on the grounds that the subject columbarium cum religious institution has been contributing to the niches supply for the local community; no adverse traffic impact to local residents; and not incompatible with the surrounding land uses mainly comprising GIC facilities.

Opposing representation (1)

- (ii) **R335** submitted by an individual opposes to the amendment item on the grounds of land use incompatibility with the existing village setting; and strong local objections received from the villagers.

Comment on Representations (1)

2.5 There is one comment submitted by an individual (**C1**) who opposes Item A on the grounds of economic and employment impacts on the existing tenants and workers. C1 is also a representer (i.e. **R335**) opposing Items A to C.

3. Arrangements for Consideration of Representations and Comment

- 3.1 Under section 2A of the Ordinance, the Town Planning Board (the Board) is empowered to appoint a Representation Hearing Committee (RHC) from among its members to consider representations and comments, propose amendments to the Plan to meet representations, consider further representations in respect of the proposed amendments, and consider whether to vary the proposed amendments upon consideration of any adverse further representations. Since only 335 representations and one comment were received, it is considered more efficient for the full Board to hear the representations and comment without resorting to the appointment of a RHC. The hearing could be accommodated in the Board's regular meeting and a separate hearing session would not be necessary. The arrangement would not delay the completion of the representation consideration process.
- 3.2 Under section 6(B) of the Ordinance, the Board may determine whether the representations and the related comments shall be considered at the same meeting and whether they shall be considered individually or collectively. As the concerns of the

representers and commenter and the issues involved are of similar nature, the hearing of all representations and comment is suggested to be considered collectively in one group.

- 3.3 To ensure the efficiency of the hearing, it is recommended to allot a maximum of 10 minutes presentation time to each representer/commenter in the hearing session.
- 3.4 Consideration of the representations and comment by the full Board under section 6B of the Ordinance is tentatively scheduled for July 2022.

4. Decision Sought

- 4.1 The Board is invited to note that pursuant to sections 6(2)(b) and 6(3)(b) of the Ordinance, five representations with the required identity information missing as mentioned in paragraph 1.3 above should be treated as not having been made.
- 4.2 The Board is invited to consider whether to appoint a RHC for consideration of the representations and comment; and whether the representations and comment should be considered in the manner as proposed in paragraph 3 above.

5. Attachments

Annex I	Schedule of Amendments to the Approved Sha Tin OZP No. S/ST/34
Annex II	List of Representers
Annex III	List of Commenter
Plans P-1a and 1b	Amendments Incorporated into the Draft Sha Tin OZP No. S/ST/35
Plans P-2a and 2b	Location Plan of Representation and Comment Sites

**PLANNING DEPARTMENT
APRIL 2022**