

**TPB Paper No. 9746
For Consideration by the
Town Planning Board on 8.10.2014**

**DRAFT KWU TUNG NORTH OUTLINE ZONING PLAN NO. S/KTN/1
CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/KTN/1-16, 17, 93 AND 94
AND
DRAFT FANLING NORTH OUTLINE ZONING PLAN NO. S/FLN/1
CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/FLN/1-16, 17, 541 AND 542
(Group Two)**

**DRAFT KWU TUNG NORTH OUTLINE ZONING PLAN NO. S/KTN/1
 CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/KTN/1-16, 17, 93 AND 94
 AND
 DRAFT FANLING NORTH OUTLINE ZONING PLAN NO. S/FLN/1
 CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/FLN/1-16, 17, 541 AND 542
 (Group Two – 8 Representations)**

Subject of Representations/Representation Sites	Representers (Annex I)
Representations relating to both the draft Kwu Tung North Outline Zoning Plan No. S/KTN/1 (KTN OZP) and the draft Fanling North Outline Zoning Plan No. S/FLN/1 (FLN OZP)	
Generally <u>object</u> to the KTN OZP and FLN OZP, for reasons including the importance of retaining agricultural land in Hong Kong, lack of impact assessment, and segregation of the development areas by roads.	R93 of KTN OZP and R541 of FLN OZP : Designing Hong Kong
Representations relating to the KTN OZP	
<i>Representations relating to the Zonings around Ma Tso Lung (MTL) Stream</i>	
<u>Request</u> for rezoning the MTL Stream and its marsh from “Green Belt” (“GB”) zone to “Conservation Area” (“CA”) or conservation zonings	R16 of KTN OZP: WWF-Hong Kong R17 of KTN OZP: HK Bird Watching Society R93 of KTN OZP: Designing Hong Kong R94 of KTN OZP: Conservancy Association
<u>Oppose</u> to the Rural Road R1 and <u>request</u> for rezoning the concerned area to “CA”	R16 of KTN OZP: WWF-Hong Kong R94 of KTN OZP: Conservancy Association

Subject of Representations/Representation Sites	Representers (Annex I)
<i>Representations relating to the Zonings near Long Valley Nature Park (LVNP)</i>	
<p><u>Request</u> for rezoning –</p> <p>(a) the area to the north of Long Valley (LV) from “Agriculture (1)” (“AGR(1)”) to “Other Specified Uses” (“OU”) annotated “Nature Park” or “CA” ; and</p> <p>(b) the area to the south of LV from “Agriculture” (“AGR”) to “CA” or “GB”</p>	<p>R16 of KTN OZP: WWF-Hong Kong</p> <p>R17 of KTN OZP: HK Bird Watching Society</p> <p>R93 of KTN OZP: Designing Hong Kong</p> <p>R94 of KTN OZP: Conservancy Association</p>
<p><u>Comment</u> on the planning intention of the “OU” annotated “Nature Park” which fails to acknowledge the importance of habitat diversity and agricultural practice</p>	<p>R94 of KTN OZP: Conservancy Association</p>
<p><u>Request</u> for rezoning KTN Planning Areas 32, 33, 34 and 36 from “OU” annotated “Business and Technology Park” / “Village Type Development (1)” (“V(1)”) to “CA” or “GB”</p>	<p>R17 of KTN OZP: HK Bird Watching Society</p>
<p><u>Oppose</u> the artificial landmark at KTN Planning Area 33 and commercial elements at KTN Planning Area 34 and the areas surrounding LVNP</p>	<p>R94 of KTN OZP: Conservancy Association</p>
<p><u>Request</u> for strengthening control on the “OU” annotated “Business and Technology Park” to safeguard the LVNP</p>	<p>R17 of KTN OZP: HK Bird Watching Society</p>
<i>Representation relating to the Fung Shui woodlands</i>	
<p><u>Request</u> for rezoning the Fung Shui woodlands at KTN Planning Area 16 to “CA”</p>	<p>R17 of KTN OZP: HK Bird Watching Society</p>
<i>Representations relating to the contaminated soil identified</i>	
<p><u>Concern</u> on the contaminated soil identified in KTN NDA</p>	<p>R93 of KTN OZP: Designing Hong Kong</p>
Representations relating to the FLN OZP	
<i>Representations relating to the meanders at Ng Tung River</i>	
<p><u>Comment</u> on the planning/zoning control of Ng Tung River meanders and/or <u>request</u> for rezoning the two meanders in FLN Planning Area 6 from “Open Space” (“O”) to “CA”; and all the other affected meanders as “Undetermined” (“U”) or “CA”.</p>	<p>R16 of FLN OZP: WWF-Hong Kong</p> <p>R541 of FLN OZP: Designing Hong Kong</p>
<p><u>Support</u> the “CA” zones in both Fu Tei Au and near Wa Shan</p>	<p>R542 of FLN OZP: Conservancy Association</p>

Subject of Representations/Representation Sites	Representers (Annex I)
<i>Representations relating to the Man Kam To Road Egretty</i>	
<u>Request</u> for retaining the Man Kam To Road egretty and zoned it as “CA”	R16 of FLN OZP: WWF-Hong Kong R17 of FLN OZP: HK Bird Watching Society
<i>Representations relating to the agricultural land/farmland/villages in FLN</i>	
<u>Request</u> for retaining the agricultural land of FLN and/or rezone the land to “OU” annotated “Agriculture Priority Area” or “GB”.	R17 of FLN OZP: HK Bird Watching Society R542 of FLN OZP: Conservancy Association
<u>Comment</u> on the planning of the existing villages and farmland	R541 of FLN OZP: Designing Hong Kong
<i>Representation relating to green public area</i>	
<u>Comment</u> on the adequacy of public green area	R541 of FLN OZP: Designing Hong Kong

Note: ¹ No comment in relation to the subject eight representations has been received.

² A CD-ROM containing names of all the representers and commenters¹ as well as their submissions is enclosed at **Annex IX of TPB Paper No. 9748** (for TPB Members only).

1. **Introduction**

- 1.1 On 20.12.2013, the draft Kwu Tung North Outline Zoning Plan (KTN OZP) No. S/KTN/1 and the draft Fanling North Outline Zoning Plan (FLN OZP) No. S/FLN/1 were exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 42,006 representations were received, among which, 20,778 representations were for KTN OZP and 21,228 representations were for FLN OZP. On 15.4.2014, the representations were published for three weeks for public comments. A total of 11,608 comments were received, among which, 5,598 comments were related to the KTN OZP and 6,010 comments were related to the FLN OZP. However, 3 representers of each OZP subsequently wrote to the Town Planning Board (the Board) withdrawing their representations, 82 and 83 representers of the KTN OZP and FLN OZP respectively indicating that they had not submitted the representations, and 25 representations of each OZP were duplicated. The total number of valid representations submitted to the Board for consideration should be 20,668 and 21,117 for KTN OZP and FLN OZP respectively. Besides, 1 commenter of the KTN OZP and 2 commenters of the FLN OZP wrote to the Board indicating that they had not submitted the comments and 1 comment of each OZP was duplicated. The total number of valid comments submitted

¹ The names of all representers and commenters can be found at the Board’s website at http://www.info.gov.hk/tpb/en/plan_making/submission_insp.html#fsy

to the Board for consideration should be 5,596 and 6,007 for KTN OZP and FLN OZP respectively. A summary table listing out the representations and comments of each OZP that had been taken out is at **Annex VI**.

1.2 The representations and comments² would be considered in four groups:

Group One

(a) Collective hearing of 26 representations (**R11-R14, R24, R27, R31, R32 and R73 of KTN OZP and R10-R14, R30-R33, R41, R44-R45, R53, R57, R78, R80, R88 of FLN OZP**) and 18 comments (**C5550, C5597 of KTN OZP and C5564-C5565, C5622, C5975-C5985, C6009-C6010 of FLN OZP**) related to proposals on rail, road infrastructure or traffic issues in respect of the OZPs.³

Group Two

(b) Collective hearing of 8 representations (**R16-R17, R93-R94 of KTN OZP and R16-R17, R541-R542 of FLN OZP**)⁴ regarding the comments and proposals related to specific conservation issues in respect the OZPs.

Group Three

(c) Collective hearing of 460 representations (**R5-R10, R51, R20728 of KTN OZP and R4-R9, R28, R35-R38, R46, R79, R100-R538 of FLN OZP**) and 410 comments (**C5595 of KTN OZP and C5566-C5621, C5623-C5974, C5997 of FLN OZP**) related to the comments and proposals in respect of land use zonings or alternate land use proposals for the OZPs.

Group Four

(d) Collective hearing of 41,512 representations (**R1-R4, R15, R18-R23, R25-R26, R28-R30, R33-R50, R52-R72, R74-R92, R95-R165, R167-R20727, R20729-R20779 of KTN OZP and R1-R3, R15, R18-R27, R29, R34, R39-R40, R42-R43, R47-R52, R54-R56, R58-R77, R81-R87, R89-R99, R539-R540, R543-R612, R614-R21229 of FLN OZP**) and 11,180 comments (**C1-C5549, C5551-C5594, C5596, C5598 of KTN OZP and C1-C5563, C5986-C5996, C5998-C6008 of FLN OZP**) in respect of the comments and proposals in general related to the OZPs.

1.3 This paper is to provide the Board with information for the consideration of **Group Two**. The overall planning consideration and assessments on the representations are provided in this paper. A full set of the representations is attached at **Annex I**. A summary of the representations with the Planning Department's (PlanD) responses and major points of representations are at **Annexes II-1 and II-2** respectively.

1.4 The representers have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

² Exclude the 221 representations and 5 comments as listed in **Annex VI**, which were withdrawn, duplicated or had indicated no submission.

³ Representation nos. R27, R31, R32 and R73 of KTN OZP have been moved to Group One to facilitate more focused discussion.

⁴ Representation nos. R166 of KTN OZP and R613 of FLN OZP are duplicated entries of R94 of KTN OZP and R542 of FLN OZP respectively and have been skipped.

2. Background

- 2.1 The North East New Territories New Development Areas Planning and Engineering Study (the NENT NDAs Study) was commissioned jointly by the Civil Engineering and Development Department (CEDD) and PlanD with a view to formulating a planning and development framework for the New Development Areas (NDAs) to meet medium and long-term housing, economic and environmental needs of Hong Kong. The recommendations of the NENT NDAs Study were promulgated on 4.7.2013. Briefings and meetings with relevant bodies, including the Legislative Council Panel on Development, Land Development Advisory Committee, North District Council (NDC) and relevant rural committees, local concerns groups and other stakeholders had been held.
- 2.2 On 26.7.2013, Members were briefed on the Recommended Outline Development Plans (RODPs) formulated for the KTN and FLN NDAs and the arrangements for implementing the proposals prepared under the NENT NDAs Study, including the implementation approach for development proposals and the compensation and rehousing arrangements for the affected households and farmers.
- 2.3 Detailed technical assessments (including transport and traffic, drainage and sewerage, ecology, environment, engineering, sustainability, and air ventilation assessments) have been carried out to confirm the feasibility of the proposals under the RODPs.
- 2.4 An Environmental Impact Assessment (EIA) prepared under the Environmental Impact Assessment Ordinance (EIAO) had been conducted to confirm that the proposed KTN and FLN NDAs development was environmentally acceptable. On 9.9.2013, the Advisory Council on the Environment (ACE) considered and endorsed the NENT NDAs Study EIA Report (the EIA Report) with conditions and recommendations. Approval of the EIA Report was given by the Director of Environmental Protection (DEP) on 18.10.2013.
- 2.5 Taking into account ACE's conditions of endorsement and recommendations in its consideration of the EIA Report, the Outline Development Plans for the KTN and FLN NDAs had been prepared and two new draft KTN and FLN OZPs were prepared to take forward the recommendations of the NENT NDAs Study. The OZPs provide the statutory land use framework for the NDAs. On 6.12.2013, the Board agreed that the KTN and FLN OZPs were suitable for exhibition for public inspection under section 5 of the Ordinance.

Public Consultation

- 2.6 The two draft OZPs were presented to the NDC on 12.12.2013. An extract of the minutes of the concerned meeting is attached at **Annex III**. Major views / concerns of the NDC and Government responses made at the meeting are summarized as follows:

2.6.1 Major views / concerns of NDC

NDC generally had no objection to the OZPs in respect of the NENT NDAs but considered that their following views / concerns should be addressed:

- (a) The "Village Type Development" ("V") zones and the village environs

(‘VE’) of affected villages in Sheung Shui should be reviewed and properly expanded.

- (b) Green and agricultural lands should be preserved in the NDAs as far as possible and the development intensity for the “Residential (Group C)” (“R(C)”) areas should be lowered in order not to affect the views to ridgelines.
- (c) The Government was urged to consider improving the connection of cycle tracks and re-planning the road network of Shek Wu Hui and Luen Wo Hui. The proposed Northern Link (NOL) should also be constructed as soon as possible as both the existing MTR East Rail Line and the existing road network in Fanling/Sheung Shui had reached their capacities and could not cope with demand arising from the proposed NENT NDAs development. Opportunity should also be taken to provide more community facilities in North District as the demand for community facilities of Hong Kong people living in the Mainland should also be taken into account.
- (d) The proposed NENT NDAs development should take into consideration the needs of local industries and promote the development of local economy. The proposed science and research centre at Lok Ma Chau Loop was not in line with the existing industrial developments of North District. Appropriate sites should be identified for relocation of the affected factories.
- (e) There was strong objection to the proposed expansion of the sewage treatment works near Sheung Shui Heung as it was hazardous to environmental hygiene and the local residents’ health.
- (f) The existing elderly homes at Dills Corner Garden, Kwu Tung should be retained so that their residents could continue to enjoy their twilight years comfortably.
- (g) Various policy bureaux were examining the issue of compensation and rehousing arrangements taking account the needs of affected residents and stakeholders. The Government would provide necessary assistance to those people affected by the NDAs development.

2.6.2 *Major Responses of the Government*

- (a) The Small House Policy was under review by the Government and the “V” zone and ‘VE’ were thus subject to review pending further policy directive.
- (b) In addition to retaining agricultural land at LV, Kwu Tung, the Government was also exploring the potential for agricultural rehabilitation in Kwu Tung South to allow farming activities to continue. With regard to the development density of “R(C)” zones, it should be noted that ridgeline protection was one of the key considerations in the urban design concept for the proposed NDAs development and appropriate stepped building

height and non-building areas would be provided to preserve the views to ridgelines.

- (c) The proposed NDAs development was intended to integrate with the existing Fanling/Sheung Shui new towns, including the provision of infrastructure, G/IC and transport facilities as well as the connection of roads and cycle tracks, and thus the facilities in the NDAs would serve the residents of both the new and old areas. According to the traffic impact assessment, upon completion of the improvement works to the road network in NDAs and Sheung Shui Town Centre, the road capacities in the Fanling/Sheung Shui/Kwu Tung would be able to meet the transport demand. In addition, a study to review and update the Railway Development Strategy 2000 (RDS-2 Review) was being undertaken to enhance the capacity of the railway lines. As for additional community facilities such as medical services, they would be provided in both KTN and FLN at appropriate locations for easy access by the public.
- (d) In the process of implementing the NDAs development, some existing rural industries would inevitably be affected. The Government would provide assistance to the affected business operators in accordance with existing policy.
- (e) In response to the public view, the proposed sewage treatment works had been relocated beside the existing sewage treatment works. New technology would also be adopted to reduce the area requirement for the sewage treatment works and the existing facilities would be upgraded by providing a cover and enhancing the deodorising functions to minimize potential environmental nuisance to nearby residents.
- (f) Development Bureau (DEVB) together with the Labour and Welfare Bureau will continue to liaise with the operators of the Elderly Homes at Dills Corner Garden, Kwu Tung and proper arrangements would be made to minimize impact on the residents.
- (g) Various policy bureaux were examining the issue of compensation and rehousing arrangements taking account the needs of affected residents and stakeholders. The Government would provide necessary assistance to those people affected by the NDAs development.

3. The Representations

3.1 Subject of Representations (Plan KTN-1 and Plan FLN-1)

- 3.1.1 Among 42,006 representations, there are eight representations (**R16, R17, R93 and R94 of KTN OZP & R16, R17, R541 and R542 of FLN OZP**) related to specific conservation issues. The eight representations are attached at **Annex I**.
- 3.1.2 4 representations (**R16, R17, R93 and R94 of KTN OZP**) are in respect of the KTN OZP, which are submitted by WWF-Hong Kong, Hong Kong Bird Watching Society, Designing Hong Kong and Conservancy Association. The

four representations mainly submitted comments and proposals related to specific conservation issues such as safeguarding the LV and preservation of the MTL Stream (**Plan KTN-2a**).

3.1.3 4 representations (**R16, R17, R541 and R542 of FLN OZP**) are in respect of the FLN OZP, which are submitted by the same representers of the KTN OZP (i.e. WWF-Hong Kong, Hong Kong Bird Watching Society, Designing Hong Kong and Conservancy Association). The four representations mainly submitted comments and proposals related to specific conservation issues such as the protection of the meanders at Ng Tung River and Rose Bitterling thereat, the retaining of the Man Kam To Road egret, the concerns on the loss of agricultural land/farmland in the area, and the concerns on the adequacy of green public area (**Plan FLN-2a**).

3.1.4 The grounds of representations and the representers' proposals are summarized in paragraphs 3.2 to 3.4 below.

3.2 Major Grounds of Representations and Representers' Proposals relating to both the KTN and FLN OZPs

Oppose the OZPs due to the importance of agriculture in Hong Kong, lack of impact assessment, and segregation of the development areas by roads

3.2.1 **R93 of KTN OZP and R541 of FLN OZP** (both submitted by Designing Hong Kong) generally objects to the OZPs (**Plans KTN-2a and FLN-2a**). Their main grounds of the representations are briefly summarized below:

Importance of Agriculture in Hong Kong (G1)

- (a) According to the Policy Address 2014, government promises to provide 'devising policy and measures to sustain and upgrade the development of local agricultural and fisheries sectors'. Agriculture offers an opportunity for diversification of culture and lifestyles, and contributes to food safety and security for Hong Kong. Current planning policy is unfavourable for agricultural industries. Potential farmland is diminishing due to Small House and storage developments. A strict and positive policy should be sought to preserve agricultural land through protective zoning. Existing farmland should be highly valued, preserved and enhanced for sustainable farming and fisheries uses.

Lack of Impact Assessments (G2)

- (b) The existing destructive rural industrial uses, including open storage, would be cleared and pushed to other areas of the New Territories. There is no measure or policy for relocation of the existing industries. The land resumption for NDAs development will break the existing economic and social network and affect existing life styles. There is no analysis and information on the number of residents, business operators, and employees to be affected.

Segregation of Development Areas by Roads (G3)

- (c) Land in the NDAs are segregated by roads which adversely affect the vibrancy and connectivity of the development areas. There is a lack of comprehensive cycling and pedestrian plan.

3.3 Major Grounds of Representations and Representers' Proposals relating to the KTN OZP

Representations relating to the Zonings around MTL Stream

- 3.3.1 **R16, R17, R93 and R94 of KTN OZP** oppose the zonings around MTL Stream (**Plan KTN-2a**). Their main grounds / proposals of the representations are briefly summarized below:

Zoning of MTL Stream and its Marsh (G-K1)

- (a) According to the EIA Report, Three-banded Box Terrapin, a globally-threatened species, has been found in MTL Stream. The proposed "GB" zoning of MTL Stream and its marsh in KTN Planning Areas 2 and 8 (**Annex IV(a)**) is not sufficient to protect Three-banded Box Terrapin and other associated wildlife (**Drawing KTN-3b**).
- (b) While **R94 of KTN OZP** supports the "GB" zoning for the riparian zone on the western side of MTL stream, the eastern side of the stream would be adversely affect by Rural Road R1.

Proposals

- (c) The proposals of **R16, R17, R93 and R94 of KTN OZP** with regard to the zoning of the MTL Stream and its surrounding are summarized as follows (**Plan KTN-2b**):
 - (i) the MTL Stream and marsh (i.e. KTN Planning Areas 2 and 8) (**Annex IV(a)**) should be zoned as "CA" (**Drawing KTN-2d**) to avoid ecological impacts from development to the Three-banded Box Terrapin and other fauna (**P-K1**).
 - (ii) The Rural Road R1 will be connected to the proposed Lok Ma Chau Eastern Connection Road (ECR) via Hoo Hok Wai to Lok Ma Chau Loop Development Area. However, the proposed ECR has been excluded from the EIA report of Lok Ma Chau Loop due to its potential ecological impact and traffic need. The Road R1 should therefore also be taken out from the draft OZP and be assessed together in future EIA report. To improve the accessibility of the existing MTL village areas, improvement to the existing road network such as Ma Tso Lung Road could serve the same purpose as Road R1. The proposed Rural Road R1 should be taken out and the concerned area should be zoned as "CA" to serve as a buffer zone for the MTL Stream (**P-K2**).

Representations relating to the Zonings near LVNP

3.3.2 **R16, R17, R93 and R94 of KTN OZP** oppose / have concerns on the zonings and controls around LVNP (**Plan KTN-2a**). Their main grounds / proposals of the representations are briefly summarized below:

Zoning of LVNP and its Surrounding Areas (G-K2)

- (a) LV and Ho Sheung Heung (HSH), that are dominantly agricultural land, form an intact network of freshwater wetland suitable habitats for a diverse population of birds. The EIA Report ranks LV and HSH as of high-to-very high and high ecological value respectively.
- (b) The area to the north of LV, which is zoned “Agriculture (1)” (“AGR(1)”) is of significant ecologically importance (**Drawing KTN-1**). This area is the mosaic of wet agricultural land, marsh, ponds and seasonally wet grassland which are utilized by wetland dependent birds, particularly the egrets. This area, which is included in the boundary of ‘Long Valley and Ho Sheung Heung Priority Site for Enhanced Conversation’ under the 2004 New Nature Conservation Policy, also serves as an ecological corridor connecting the habitats of LV and Frontier Closed Areas (**Drawings KTN-2a to 2c**). The proposed “AGR(1)” zone does not reflect the ecological importance of this area.
- (c) The zoning to the north (zoned “AGR(1)”) and south (zoned “AGR”) of LVNP are incompatible with the land use at LVNP. Besides, small house development may be permitted on application to the Board, which may cause significant adverse impacts to the farmland and its ecological habitats in LVNP that require adequate sunshine and quality water.
- (d) While **R16 of KTN OZP** supports the option of land resumption to conserve wetland and agricultural land, the planning intention of the “OU” annotated “Nature Park” zone should be revised to acknowledge the importance of maintaining habitat diversity and agricultural practice (**Annex V**).

Residential Development and Business and Technology Park (G-K3)

- (e) Development layout and land use of the Business and Technology Park area and residential development in KTN Planning Areas 32, 33, 34 and 36 (**Annex IV(a)**) are not appropriate and should be reconsidered given their proximity to LVNP and their current conditions being dominated by natural habitats. No commercial elements for tourism, in particular hotel should be proposed in KTN Planning Areas 33 and 34. Moreover, any artificial and concrete landmark being proposed in KTN Planning Area 33 or the areas around is not necessary as LV itself has served as a real landmark of the KTN OZP.

Building Height of Business and Technology Park (G-K4)

- (f) The proposed building height restrictions of 40mPD in Area 34 to 55mPD

in Area 33 respectively for the Business and Technology Park near LVNP would have light disturbance and discourage birds from landing in LVNP. The effectiveness of a 30m buffer at the eastern side of KTN Planning Area 33 (**Annex IV(a)**) formed by a 18m wide Non-building Area (NBA) and “OU” annotated “Amenity Area” is doubtful (**Drawing KTN-3a**) since Road P2, one of the primary road arteries in KTN, would align within this “OU” annotated “Amenity Area”.

Administrative Measures on the Business and Technology Park (G-K5)

- (g) Given their close proximity to LVNP, the development controls on the Business and Technology Park should be strengthened. An administrative measure that urban design plan to be submitted by the project proponent as mentioned in the Explanatory Statement (ES) of the OZP should be adopted not only for KTN Planning Area 33 (**Annex IV(a)**), but also for KTN Planning Areas 32, 34 and 36. Moreover, the urban design plan together with the development layout should require the approval from the Director of Planning, the DEP and the Director of Agriculture, Fisheries and Conservation (DAFC). An Ecological Impact Assessments should also be undertaken to identify any potential impacts to birds of LVNP.

Proposals

- (h) The proposals of **R16, R17, R93 and R94 of KTN OZP** with regard to the zoning and controls around LVNP are summarized as follows (**Plan KTN-2b**):
 - (i) The statutory control on the areas to the north and south of LVNP, which are zoned “AGR” and “AGR(1)” is not sufficient to protect the area. The area should be rezoned to “OU” annotated “Nature Park”, “CA” or “GB” (**P-K3**).
 - (ii) KTN Planning Areas 32, 33, 34 and 36 (**Annex IV(a)**) should be rezoned from “OU” annotated “Business and Technology Park” / “V(1)” to “CA” or “GB” (**Drawings KTN-2c to 2d**) to discourage development in these areas so that the existing natural habitats would be retained as far as practicable (**P-K4**).
 - (iii) A more stringent building height restriction should be imposed on the Business and Technology Park especially in KTN Planning Area 33, similar to that of the adjacent village type development (**P-K5**).

Representations relating to the Fung Shui woodlands

- 3.3.3 **R17 of KTN OZP** opposes the zoning of the Fung Shui woodlands (**Plan KTN-2a**). The main grounds / proposals of the representation are briefly summarized below:

Zoning of the Fung Shui woodlands (G-K6)

- (a) Given the ecological value of the Fung Shui woodland, its zoning should be reconsidered. The Government has recently proposed to rezone some “GB” sites for residential developments in 2013 and 2014 Policy Addresses to address the housing demand. The proposed “GB” zone for the Fung Shui woodlands in KTN Planning Area 16 (**Annex IV(a)**) may not be able to safeguard the existing ecological value.

Proposals

- (b) The proposal of **R17 of KTN OZP** with regard to the zoning of the Fung Shui woodlands is summarized as follows (**Plan KTN-2b**):
 - (i) The Fung Shui woodlands in KTN Planning Area 16 (**Annex IV(a)**) should be rezoned to “CA” (**Drawing KTN-2d**) to safeguard the ecological value (**P-K6**).

Representations relating to the Contaminated Soil Identified (G-K7)

3.3.4 **R93 of KTN OZP** concerns on the contaminated soil identified in the KTN NDA (**Plan KTN-2a**). According to the EIA Report, contaminated soil has been identified in the NDA areas, which should be resolved before finalizing the KTN OZP. However, investigation has not been finished due to land ownership issues.

3.4 Major Grounds of Representations and Representers’ Proposals relating to the FLN OZP

Representations relating to the meanders at Ng Tung River

Supportive Representation (S-F1)

3.4.1 **R542 of FLN OZP** supports the “CA” zones in both Fu Tei Au and area near Wa Shan to reflect the ecological importance of these meanders (**Plan FLN-2a**).

Adverse Representations

3.4.2 **R16 and R541 of FLN OZP** oppose the zonings around the meanders at Ng Tung River (**Plan FLN-2a**). Their main grounds / proposals of the representations are briefly summarized below:

Planning and Zoning Approach (G-F4)

- (a) Rose Bitterling, an ecological valuable and rarely seen freshwater fish, has been spotted along Ng Tung River meander within FLN. A proactive planning and zoning should be implemented to protect that habitat.

Meanders and their Riparian of Ng Tung River in FLN Planning Area 6 (G-F1)

- (b) According to the FLN OZP, there are two meanders within the “O” zone in FLN Planning Area 6 (**Annex IV(b)**). However, only one of these two

meanders (earmarked as ‘retained meander’) is shown on the ODP (**Drawing FLN-1**). There is grave concern that the ‘omitted meander’ has been proposed for development. It is strongly requested that it should be retained due to the presence of Rose Bitterling and its landscape value.

- (c) For the meanders in FLN Planning Area 6 (**Annex IV(b)**), the “O” zoning which is intend for ‘the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public’ will introduce adverse human disturbance to the meanders.

All Other Affected Meanders (G-F2)

- (d) Relocation of Rose Bitterling from the meanders at Ng Tung River to that at Sheung Yue River has been proposed as a mitigation measure. However, detailed relocation plan is not available at the current stage. Information such as target number of population, methodologies, habitat suitability of receiving sites, risk assessment, management plan and monitoring programme are not available as well. As Rose Bitterling requires muddy bed habitat and its associated swan mussels are highly sensitive to environmental change, there is grave concern that the meanders at Sheung Yue River may not be suitable for Rose Bitterling upon relocation.

Measures to Prevent Disturbance to the Meanders (G-F3)

- (e) Some of the retained meanders are located near open space accessible by the public (e.g. the meanders in FLN Planning Area 6 (**Annex IV(b)**)). Given the ecological sensitivity of the meanders and Rose Bitterling, it is recommended that all the retained meanders should be fenced off to prevent any human disturbance and access. Besides, use of chemicals for landscaping should be restricted to prevent any contamination which will cause significant ecological impacts to Rose Bitterling and other species in the meanders.

Proposals

- (f) While **R541 of FLN OZP** has only offered comments on the planning and zoning approach in protecting Rose Bitterling, **R16 of FLN OZP** has submitted proposals regarding the zonings around the meanders at Ng Tung River which are summarized as follows (**Plan FLN-2b**):
 - (i) The meanders and their riparian in FLN Planning Area 6 should be zoned as “CA” to reflect their ecological value and offer adequate protection against development and human disturbance (**P-F1**).
 - (ii) All other affected meanders should be zoned as “U” before the proposed relocation of Rose Bitterling is proven effective. If the trial is proven unsuccessful, these affected meanders and their associated riparian zones should be retained and zoned as “CA” to protect the habitats of Rose Bitterling and safeguard their population (**P-F2**).

Representations relating to the Man Kam To Road egretty

- 3.4.3 **R16 and R17 of FLN OZP** oppose to / have concerns on the zoning / planning of the Man Kam To Road egretty (**Plan FLN-2a**). Their main grounds / proposals of the representations are briefly summarized below:

Proposed Relocation of the Man Kam To Road Egretty (G-F5)

- (a) Man Kam To Road egretty should be preserved. According to an approval condition of the EIA Report, the proposed relocation of the Man Kam To Road egretty to Fu Tei Au due to the construction of new road junction has to be proven success prior to the commencement of works. However, there is not yet any scientific evidence to prove that the proposed relocation would be successful. Given that the choice of nesting locations for egrets depends on the availability of food source and level of disturbances nearby, there is no guarantee that the mitigation egretty to be provided in the “CA” zone will be used by egrets in the future. There is view that the Man Kam To Road egretty could be preserved by reviewing the design of new roundabout or moving it further northward.

Proposals

- (b) The proposals of **R16 and R17 of FLN OZP** with regard to the zoning of the Man Kam To Road egretty are summarized as follows (**Plan FLN-2b**):
- (i) In view of paragraph 3.4.3(a) above, the Man Kam To Road egretty should be retained and zoned “CA” (**P-F3**).

Representations relating to the agricultural land/farmland/villages in FLN

- 3.4.4 **R17, R541 and R542 of FLN OZP** oppose to / have concerns on the zonings / planning of the agricultural land/farmland/villages in the area (**Plan FLN-2a**). Their main grounds / proposals of the representations are briefly summarized below:

Loss of agricultural land in FLN (G-F6)

Resume land for agricultural purpose (G-F7)

- (a) The existing agricultural land at Ma Shi Po would be lost as the concerned area would be used for residential development under the FLN OZP. Although agricultural zoning has been proposed at Fu Tei Au, there is concern that this area would not serve the intended use for agricultural use as (i) parts of the area is developed land with existing infrastructure; and (ii) a number of ponds and a mitigation wetland exist there would require filling for agricultural use (**Drawing FLN-2**). Filling of land/pond of 1.2m or more in thickness would require planning permission from the Board which could be a disincentive for farmers to convert these water bodies into arable land. In view of this, it is uncertain whether the proposed “AGR” zone would be used for farming purpose (**Annex V**). According to the NENT NDAs Information Digest, “12 ha of land will be designated as “AGR” zone, in which existing farming practice could be

continued”. It is an over-estimation that 12 ha of agricultural land would be preserved. The Board is urged to retain the existing agricultural land of FLN as much as possible, especially the large patch of farmland at Ma Shi Po (**G-F6**).

- (b) In general, agricultural land with good quality and high potential for rehabilitation should be resumed by the Government and then leased to tenants through new planning and management scheme, similar to the arrangement of LVNP. Particularly, the following areas require attention from the Board (**G-F7**)(**Drawing FLN-3**):
- (i) Agricultural area, especially that at Ma Shi Po, has existed for at least 100 years, and once formed close linkage with the adjacent Lung Yeuk Tau and Luen Wo Market. The agricultural land in the subject area is worthwhile for conservation. It is suggested that all agricultural land at Ma Shi Po should be resumed, co-ordinated and managed by the Government as farmers often cannot secure long-term lease for agricultural purpose from private owners and developers.
 - (ii) The “O” site in FLN Planning Area 12 (**Annex IV(b)**) can used for both recreational and agricultural purposes, instead of being an urban park which is similar to other new towns and urban areas. Although the site was an abandoned agricultural land with limited ecological value, the concerned area could be restored for agricultural use through land resumption and appropriate management measures, similar to the LVNP.
 - (iii) The existing agricultural activities at FLN Planning Area 7 (**Annex IV(b)**) should be preserved. There are concerns that the road alignment, “OU” annotated “Amenity Area”, and “OU” annotated “Sewage Pumping Station” would encroach onto the existing agricultural land.

Enhancement Plan (G-F8)

- (c) There is a comment that the existing villages and farmland should be fully integrated and supported with an ‘area enhancement plan’ including improvement of infrastructure and facilities.

Proposals

- (d) While **R17** and **R541 of FLN OZP** have only offered comments on the planning of the agricultural land/farmland/villages in the area, **R542 of FLN OZP** has suggested proposals regarding the zonings of the agricultural land which are summarized as follows (**Plan FLN-2b**):
- (i) The agricultural land at Ma Shi Po, the “O” zone in FLN Planning Area 12 and the agricultural land adjacent to the mitigation meander between FLN Planning Areas 13 and 15 should be zoned as a new “OU” annotated “Agricultural Priority Area” zone which intends primarily to secure land for sustainable agriculture and

education, and to provide alternative public space to serve the needs of local residents and public. In general, new development should be prohibited unless it is required to support agriculture use **(P-F4)**.

- (ii) The agricultural land in FLN Planning Area 7 should be designated as “GB” or “OU” annotated “Agricultural Priority Area” zone, etc. which is intended primarily for preserving land for agriculture **(P-F5)**.

Representation relating to public green area

Green public area (G-F9)

3.4.5 **R541 of FLN OZP** has commented that there is inadequate public green area and no area under “GB” zoning in the FLN OZP. There is only one small open space at the southern area and one narrow open space along Ng Tung River. In view of the small area and irregular shape, it is doubtful whether the concerned areas could be used effectiveness for open space purpose. **R541** proposed to provide more open space in the FLN NDA. **(Plan FLN-2a)**.

4. Comments on Representations

4.1 Comments on Representations of the KTN OZP

No specific public comment was received in relation to **R16, R17, R93 and R94 of KTN OZP**.

4.2 Comments on Representations of the FLN OZP

No specific public comment was received in relation to **R16, R17, R541 and R542 of FLN OZP**.

5. Planning Consideration and Assessment

5.1 Overall Planning of the KTN and FLN NDAs

5.1.1 The KTN and FLN NDAs are major sources of land supply to meet the medium- to long-term housing, as well as other social and economic development needs of Hong Kong. In planning of NDAs, ‘Green New Town’ concept has been adopted with a view to integrating the existing natural resources such as Ng Tung River, River Beas, LV, etc., together with the new town development. The NENT NDAs Study has been carried out to formulate the development proposals for the areas based the following guiding principles:

- (i) Strategic Roles of NDAs: to reserve land in the NDAs for the industries where Hong Kong enjoys clear advantages to promote the economic development of Hong Kong;
- (ii) People-oriented Communities: to respect the existing and surrounding

communities; adopt a balanced mix of public and private housing; ensure timely provision of community facilities and diversified employment opportunities to establish balanced, harmonious communities;

- (iii) Sustainable Living Environment: to respect, preserve and optimize the use of the existing valuable natural and cultural resources as well as adopt green and energy-saving initiatives; and
- (iv) Implementation Mechanism: to adopt appropriate development approach to ensure timely provision of infrastructures and completion of developments and explore appropriate arrangements to rehouse the affected residents.

5.1.2 One of the guiding principles of the KTN and FLN NDAs is to establish sustainable living environment in order to respect, preserve and optimize the use of the existing valuable and cultural resources. Ecological surveys and studies were conducted to identify the conservation areas from the ecological conservation point of view. The developable area has been minimized to preserve the natural environment.

5.1.3 Taken into consideration the ecological values and recommendations of the EIA Report, areas with high ecological value including the meanders in FLN Planning Areas 2 and 7 are zoned “CA” (about 2.2 ha). In addition to “CA”, 125 ha of land (about 20% of the overall area) are designated as “GB” and about 58 ha of land as “AGR” which are undisturbed by the development. Mitigation meanders along Sheung Yue and Ng Tung Rivers are retained as far as practicable. On the other hand, the NENT NDAs Study recommended that the core part of the LV to be conserved as “Nature Park” (about 37 ha) which will become an integral part of the NDAs. This will enhance the ecological value and functions of LV wetland, and also provide a natural green lung to the residents of the NDAs. The setting up of LVNP and the conservation of agricultural land in the middle of Sheung Shui and Kwu Tung has integrated urban development with the rural landscape.

5.1.4 EIA has been carried out under the NENT NDAs Study to ascertain the development of NDAs is environmentally acceptable. On 18.10.2013, the EIA Report for the KTN and FLN NDAs (which includes appropriate mitigation measures to avoid and reduce the ecological impact of the NDAs) was approved by DEP subject to conditions, including the submission of regular progress reports to the Environmental Protection Department (EPD) regarding the fulfillment of the approval conditions and requirements of the Environmental Monitoring & Audit (EM&A) Manual. According to the DEP, the approved NENT NDAs EIA Report has carefully considered the potential ecological impacts of the proposed developments and devised appropriate mitigation measures.

5.2 The Major Planning Theme and Key Features of the KTN OZP (Plan KTN-1)

Planning Scheme Area

5.2.1 The Planning Scheme Area of the KTN OZP covering about 447 hectares (ha), is bounded by Shek Sheung River in the east, Castle Peak Road and Fanling

Highway in the south, Tit Hang in the west and Tai Shek Mo (Crest Hill) in the north.

Planning Theme and Key Features

5.2.2 The KTN NDA would be developed as a 'Mixed Development Node' comprising residential, commercial, Research & Development and agricultural uses as well as retail and services, community and government facilities and land for natural and ecological conservation.

5.2.3 The key features of the KTN NDA are as follows:

- (a) Rail-based transit oriented development - high-density residential development, commercial and GIC facilities would be developed around the proposed railway station where more than 80% of the population would reside within its 500m catchment area.
- (b) Balanced and socially integrated community – a balanced mix of housing land for public/subsidized housing and private housing developments is planned to provide a wide range of housing choices for different social sectors.
- (c) Environmental-friendly design – a compact city form with the majority of the new population concentrating around the town centre would minimize road traffic. Comprehensive pedestrian and cycle track network has been planned to ensure good connectivity between major activity nodes and the new and existing developments.
- (d) Town plaza and green spine - a 1.2km long east-west running town plaza is an important public open space of Kwu Tung North NDA. Pedestrian shopping street on both sides of the town plaza will add vibrancy to the town centre. A north-south running green spine will connect the town centre with the existing local communities in Kwu Tung South.
- (e) Respecting nature and integrating urban and rural uses – natural and landscape features including the LV, Sheung Yue River, fung shui woodland would be preserved to reduce disturbances to environment and provide a diversified townscape.
- (f) Robust economic and employment clusters – the Business and Technology Park at the southeastern part of the NDA and land earmarked for research and development uses are important economic and employment nodes.

5.2.4 The planning intention for various land use zonings of the KTN OZP are outlined in **Annex V**.

5.3 The Major Planning Theme and Key Features of the FLN OZP (Plan FLN-1)

Planning Scheme Area

5.3.1 The Planning Scheme Area of the FLN OZP covering about 165 ha, is bounded by Wa Shan and Cham Shan in the north, Ma Wat River in the east, Ma Sik Road

in the south, Ng Tung River to the south-west, and Sheung Yue River in the west.

Planning Theme and Key Features

5.3.2 The FLN NDA would be developed into a ‘Riverside Community’ making the best use of its beautiful riverside scenery and hilly backdrop to provide a quality living environment with a mix of residential, commercial and agricultural uses as well as retail and services, community and government facilities.

5.3.3 The key features of the FLN NDA are as follows:

- (a) District nodes around public transport interchanges (PTIs) – two district nodes with a mix of high-density residential development, commercial and GIC facilities would be developed around the two proposed PTIs at the eastern and western portions of the NDA. Feeder services would be provided from the NDA to the Fanling and Sheung Shui railway stations.
- (b) Balanced and socially integrated communities – a balanced mix of housing land for public/subsidized housing and private housing developments is planned to provide a wide range of housing choices for different social sectors.
- (c) Environmental-friendly design – a compact city form with majority of the new population concentrating around the PTIs to minimize road traffic. Comprehensive pedestrian and cycle track network along east-west running riverside promenade and north-south running green spines has been planned to ensure good connectivity between major activity nodes and the new and existing developments.
- (d) Green civic and recreation cores - the Central Park and the riverside promenade serve as green civic and recreation cores linking up the residential areas. The cruciform open space spine in the town centre will serve as the major public open space in the NDA. The mitigated meanders in the western part of the NDA would be retained and integrated into the design of the regional open space as important landscape features.
- (e) Integration of new and old communities – four green spines are provided extending from the riverside promenade to the Fanling/Sheung Shui New Town to enhance the connectivity and integration of the NDA with the existing new town

5.3.4 The planning intention for various land use zonings of the FLN OZP are outlined in **Annex V**.

5.4 Responses to Grounds of Representations and Representers' Proposal relating to both the KTN and FLN OZPs (Annexes II-1 and II-2)

Oppose the OZPs due to the importance of agriculture in Hong Kong, lack of impact assessment, and segregation of the development areas by roads

Importance of Agriculture in Hong Kong (G1)
(R93 of KTN OZP and R541 of FLN OZP)

- 5.4.1 In planning the NDAs, 'Green New Town' concept has been adopted with a view to integrating the existing natural resources such as the LV, Sheung Yue River, fung shui woodland to the west of HSH together with the new town development.
- 5.4.2 With a view to promoting urban-rural integration and recognizing the importance of agriculture to Hong Kong, agricultural land has been retained within the two NDAs to allow continuation of farming practices in the areas. In the KTN and FLN OZPs, a total of 95 ha of land including about 58 ha of land zoned as "AGR" and "AGR(1)" and 37 ha of land reserved for LVNP will allow continuation of current farming activities.
- 5.4.3 To take forward the NDAs development to meet Hong Kong's housing, economic and environmental needs, it is unavoidable that some existing farmland would be affected. It is estimated that about 4 ha of active agricultural land in the KTN NDA and about 24 ha in FLN NDA will be affected, i.e. about 28 ha in total, which accounts for less than 4% of total active agricultural land in Hong Kong.
- 5.4.4 The farmers affected by the proposed NDAs development could purchase or rent farmland at suitable locations to continue farming. To facilitate agricultural resite / rehabilitation for affected farmers, the agricultural land in Kwu Tung South (about 103 ha) has been surveyed, of which about 34 ha (including about 5 ha of Government land) are fallow agricultural land that have potentials for agricultural resite/ rehabilitation. The Government would endeavour to assist the affected farmers to rehabilitate farming and to offer them with reasonable arrangements and compensation under the prevailing policy.
- 5.4.5 To further assist and facilitate relocation of affected farmers, a special agricultural land rehabilitation scheme will be introduced. Priority assistance will be offered by the Government to match with those landowners who are willing to lease out/sell out their land to the farmers affected by the NDAs development. Suitable government land falling within these areas can also be offered to the affected farmers on short-term tenancy basis as part and parcel of this special scheme.

Lack of Impact Assessments (G2)
(R93 of KTN OZP and R541 of FLN OZP)

- 5.4.6 Under the NENT NDA Study, the characteristics of the existing developments, local economic activities, the potential impacts arising from the NDAs development and proposed mitigation measures, have been examined. There are about 51 ha of rural industrial and open storage sites in the KTN and FLN

NDA. Most of them are located in the central part of the KTN NDA and along Man Kam To Road in the FLN NDA. There are also some rural industries in Shek Tsai Leng and some scattered in Fung Kong in KTN NDA. These rural industrial uses will not be compatible with the future NDAs development.

- 5.4.7 The implementation of the NDAs development would unavoidably affect some existing rural industries / businesses in the area. Apart from providing residential sites to meet the housing demand, the NDA would also provide land to enhance the economic development of Hong Kong. Taking advantage of its strategic location near the Lo Wu and Lok Ma Chau Boundary Control Points, Lok Ma Chau Loop, Fanling Highway and the proposed railway station, about 17.5ha of land is zoned as “OU” annotated “Business and Technology Park” and “Research and Development” (R&D) in the KTN NDA to provide land for business, office and R&D uses. These sites would provide land for those industries where Hong Kong enjoys clear advantages, such as innovative and high-technology industries and cultural/creative industries, which would generate employment opportunities for both existing and future residents in the areas.
- 5.4.8 However, it is recognised that the rural industrial uses and open storage/port back-up activities have an important role in the economic development of Hong Kong. Sufficient land at appropriate locations such as those in proximity to the cross boundary points and strategic road links have been designated as “Industrial (Group D)”, “Open Storage” (“OS”) and “OU” annotated “Port Back-up Uses” zones on respective statutory town plans to meet the demand for such uses.
- 5.4.9 For the existing rural industries, businesses and workshops to be affected by the NDAs development, the Government will continue to communicate with the stakeholders to further explore feasible solutions to cater for their needs in a fair and reasonable manner, balancing the public interest and proper use of public resources. Notwithstanding this, compensation and re-provision of affected business are matters outside the scope of the subject OZPs.

Segregation of Development Areas by Roads (G3)
(R93 of KTN OZP and R541 of FLN OZP)

- 5.4.10 A comprehensive road network has been planned for the KTN and FLN NDAs to connect them with the surrounding areas and also to connect the various areas within the NDAs. In enhancing connectivity for the NDAs, various green measures have been adopted for creating a quality walking environment. Under the KTN and FLN OZPs, primary and main distributors are planned at the periphery of the town centre of the NDAs to minimize the air and noise pollution. High-density residential and commercial developments are clustered within 500m catchment of the proposed railway station at KTN or in close proximity to the PTIs. Comprehensive open space, pedestrian walkway and cycle track systems are provided to link up the residential areas with the proposed railway station or PTI and major activity nodes within the NDAs as well as the Fanling/Sheung Shui New Town and the nearby villages. The proposed pedestrian connections, cycle track network and transport network of the KTN and FLN NDAs are indicated in **Plans KTN-5 to KTN-7** and **FLN-5 to FLN-7**.

5.4.11 The areas designated for 'Road' use has only taken up about 10% and 17% of the total land area of the KTN and FLN NDAs respectively, which are similar to other new towns such as Yuen Long (15%), Tin Shui Wai (24%) and Tseun Wan (11%).

5.5 Responses to Grounds of Representations and Representers' Proposal relating to the KTN OZP (Annexes II-1 and II-2)

Representations relating to the Zonings around MTL Stream

5.5.1 The responses to the grounds of representations and representers' proposals of **R16, R17, R93 and R94 of KTN OZP** regarding the zonings around MTL Stream are as follows:

Zoning of MTL Stream and its Marsh (G-K1)

- (a) According to the Ecological Impact Assessment of the EIA Report, the upper and middle sections of MTL Stream is of high ecological value because of the presence of Three-banded Box Terrapin, whereas the lower section of the stream is of moderate to high ecological value because of the presence of several species of conservation significance and importance of the riparian corridor. In view of the above, the land area along MTL Stream in KTN Planning Areas 2 and 8 (**Annex IV(a)**) are designated as "GB" to protect the habitats for wildlife associated with the MTL Stream.
- (b) The proposed "GB" zoning should have adequate planning protection as there is a general presumption against development within the "GB" zone. It is the statutory requirement under the Notes of the OZP that any diversion of stream, filling of land/pond or excavation of land shall not be undertaken without the permission from the Board (**Annex V**). The (DAFC) considers that the proposed "GB" zoning has provided sufficient planning control on the concerned area.
- (c) In order to minimize its impact on the lower section of the MTL Stream, the proposed Rural Road R1 will cross the stream on viaduct and a buffer zone of 15-30m has been allowed on both sides of MTL Stream. In addition, a 1.2m high permanent solid faunal barrier will be built along the at-grade portion of proposed Rural Road R1 to minimize mortality impacts of terrestrial meso-fauna. According to the EIA Report, the above measures are sufficient to protect the MTL Stream from the proposed Rural Road R1. The EIA Report has also concluded that the proposed "GB" zoning with implementation of proposed mitigation measures would be environmentally acceptable.

Proposals

- (d) With regard to the proposals raised by **R16, R17, R93 and R94 of KTN OZP**, the responses are as follows (**Plan KTN-2b**):
 - (i) For the proposal of rezoning the MTL Stream and its marsh to "CA",

the responses in paragraphs 5.5.1(a) and (b) above are relevant (**P-K1**).

- (ii) For the proposal of abandoning the proposed Rural Road R1 and rezoning the concerned area to “CA”, the proposed Rural Road R1 is essential for providing access to the Lok Ma Chau Loop Area and the proposed sports ground/sports complex, research and development use and sewerage pumping station at the north-western tip of the KTN NDA. The Rural Road R1 can also improve the connectivity of the existing rural settlement in MTL area with the town centre of the KTN NDA. In formulating the alignment of the proposed Rural Road R1, a series of factors have been taken into consideration, including the highway standards, road safety, environmental and ecological impacts (**P-K2**).

Representations relating to the Zonings near LVNP

5.5.2 The responses to the grounds of representations and representers’ proposals of **R16, R17, R93 and R94 of KTN OZP** regarding the zonings near LVNP and its surrounding areas are as follows:

Zoning of LVNP and its Surrounding Areas (G-K2)

- (a) The Long Valley is currently zoned “OU(Nature Park)”, which is intended primarily for the development of a nature park to protect and enhance existing wetland habitats. The “OU” zoning has recognized the high ecological value of the area. As the ecological value of the area is closely related to the existing farming practice, the Nature Park may allow such practice based on guidelines and requirements to be prescribed by the Government.
- (b) According to EIA, the areas to the north and south of LVNP are not of the same ecological value. The area to the north of LVNP, which includes a significant proportion of wet agricultural land, has been assessed as being of high ecological value in the EIA Report. For the area to the south of LVNP, it is largely a mosaic of plantation, orchard, grassland, dry agriculture and domestic structures, which are of low ecological value in general. The current “AGR(1)” and “AGR” zonings of the farmlands to the north and south of LVNP respectively have reflected the existing agricultural use, characters and ecological values of the areas. Under both “AGR” and “AGR(1)” zonings, any filling of pond/land require planning permission from the Board. Besides, development including the construction of New Territories Exempted Houses (NTEHs), in the area would be subject to planning approval of the Board. The impact of any new development would be duly considered through the planning process. Agriculture, Fisheries and Conservation Department (AFCD) considers that the “AGR” and “AGR(1)” zones are sufficient to protect the different ecological values of the concerned area.
- (c) The area to the south of LVNP is zoned “AGR”. The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable

land with good potential for rehabilitation for cultivation and other agricultural purposes (**Annex V**). The proposed “AGR” zone would allow the continuation of the existing farming practices and serve as a buffer for the LVNP at its north.

- (d) The area to the north of LVNP is zoned as “AGR(1)”. The planning intention of the “AGR(1)” zone is primarily to retain and safeguard the existing agricultural land/farm/fish ponds for agricultural purposes, which are at present predominately under active agricultural use, and to serve as a buffer to give added protection to the proposed LVNP (**Annex V**). It is also intended to protect the area under the flight path of birds between HSH egretty and LV. The ecological concerns of the farmland in the area have been explicitly spelt out in the Notes and ES of the KTN OZP. Moreover, to ensure that the ecological importance of the area to the north of LVNP will be maintained by existing wet agricultural activities, more stringent planning control has been imposed. Only uses related to agricultural uses and rural facilities serving the local community are permitted as of right. Selective uses serving the need of the area may be permitted on application to the Board. As filling of pond/land would have adverse environmental impacts on the area, planning permission from the Board is required for such activities including the filling of land up to 1.2m which is normally permitted in “AGR” zone. The proposed “AGR(1)” zone would provide sufficient planning control over the area.
- (e) The proposed “AGR” and “AGR(1)” zones respect the existing right of the private land owners as agricultural use is always permitted. They are encouraged to continue the current farming activities.

Residential Development and Business and Technology Park (G-K3)

- (f) A sustainable and balanced community would require provision of land for different uses including housing, employment, education, recreation, social and community services. The “OU” annotated “Business and Technology Park” together with the “OU” annotated “Research and Development” zones in the KTN NDA will provide about 17.5 ha of land to meet the economic needs of Hong Kong. These sites would provide for those industries where Hong Kong enjoys clear advantages, such as innovative and high-technology industries and cultural/creative industries, which would generate employment opportunities for both existing and future residents in the areas.
- (g) The cluster of sites zoned “OU” annotated “Business and Technology Park” in KTN Planning Areas 32, 33 and 34 (**Annex IV(a)**) would have easy access to the Fanling Highway and the proposed Kwu Tung Station. The concerned areas are mainly formed land currently occupied by open storage use, workshops and squatters and has no significant ecological and conservation value. It is envisaged that the new developments along Fanling Highway would form a major gateway to the NDA.
- (h) An EIA including ecological impact assessment had been conducted under the NENT NDA Study to assess the potential ecological and environmental impacts arising from development of the proposed

Business and Technology Park. According the EIA Report, the proposed development in the proposed Business and Technology Park is considered environmentally acceptable and with all the proposed measures in place, no significant adverse impacts on LVNP and fauna are predicted. Mitigation measures including building design guidelines as well as erection of noise/visual barrier during construction stage to minimize mortality and light and glare impacts and wetland compensation in LVNP, have been proposed and specified in the Environmental Monitoring and Audit Manual that the project proponents have to follow. As agreed by AFCD, the proposed administrative measures are considered adequate for protecting the LVNP for any future development in the Business and Technology Park.

- (i) For the “V(1)” zone in KTN Planning Area 36, the site is in close proximity to the Ho Sheung Heung and is partly formed. The site would provide land for reprovisioning the affected village houses under the Village Removal Terms due to the NDAs development. The proposed low-rise and low-density village type development (subject to a maximum building height of 3 storeys), which is separated from the western side of Long Valley by the Sheung Yue River (about 60m width) would have no significant adverse ecological impacts on the LVNP.

Stepped Building Height of Business and Technology Park (G-K4)

- (j) In formulating the building height restrictions for the KTN and FLN NDAs, due considerations have been given to AVA of NENT NDAs study, HKPSG, development intensity permissible under the OZPs. The overall building height profile of the KTN OZP is planned to step down towards the periphery and riverside to enhance a variation in building height and massing of new developments and to ensure a better integration with the adjacent rural settings. For KTN Planning Areas 31 to 34 (**Annex IV(a)**), different height restrictions are imposed to establish a stepped building height profile from 60mPD to 40mPD decreasing towards Sheung Yue River and LVNP. It also allows visual relief between the area and the existing low-rise developments in the Kwu Tung South area. A lower building height restriction of 40mPD is specifically imposed on the Business and Technology Park site at KTN Planning Area 34. Given that LVNP covers an area of about 37ha and is about 70m away, such building height is considered appropriate for better integration with the ecologically/visually important areas such as LVNP. According to the EIA Report, with the recommended mitigation measures in place, the proposed building heights of the sites zoned “OU” annotated “Business and Technology Park” would have no significant impact on the flight path of the birds.
- (k) KTN Planning Area 34 (**Annex IV(a)**) is close to LVNP. There is an opportunity to provide hotel development for business visitors and tourists. The proposed development at the Business and Technology Park would be guided by an urban design plan to ensure the adoption of innovative building design and special landscape treatment. Due consideration would be given to minimize any adverse impacts on LVNP.

(Annex IV(a))

- (1) As for KTN Planning Area 33, green buffers have been provided along the western side of LVNP to further mitigate possible impacts from the Business and Technology Park. These include a 30m green buffer (i.e. the non-building area along the eastern side of KTN Planning Area 33 together with the adjacent “OU” annotated “Amenity Area” strip) (**Annex IV(a)**) to further set back the building from the LVNP. In addition to the proposed Road P2 and “OU” annotated “Amenity Area” strips on its two sides, there is 70m distance in total between the nature park and the building block in the concerned site. Similarly, a 15m setback with planting of trees and mounding along northern and north-eastern boundaries of the District Open Space in Area 37 shall be provided. Given the above, the building height of 55mPD in KTN Planning Area 33 should not have adverse impact to the LVNP.

Urban Design and Landscape Framework for the Business and Technology Park (G-K5)

- (m) In order to create a pleasant park-like environment for this business and technology cluster, an urban design and landscape framework will be formulated to guide the future development for all the Business and Technology Park sites in KTN Planning Areas 31, 32, 33 and 34 (Planning Area 36 comprises “O” and “V(1)” zones only). In addition, development on individual site within the Business and Technology Park should be guided by a master layout plan to ensure an integrated and compatible layout. However, given its proximity to LVNP, proponent for the site at KTN Planning Area 33 will also need to submit an urban design plan to ensure the building disposition and façade treatment of the development would not have adverse impacts to the nearby Nature Park. Adoption of innovative building design and special landscape treatment will help define the KTN Planning Area 33 as gateway of the NDA. Relevant departments including DEP and DAFC will be consulted in formulating the urban design plan for KTN Planning Area 33.

Proposals

- (n) With regard to the proposals raised by **R16, R17, R93 and R94 of KTN OZP**, the responses are as follows (**Plan KTN-2b**):
 - (i) With regard to the proposal to rezone the areas to the north and south of LVNP to “OU” annotated “Nature Park”, “CA” or “GB”, the responses in paragraphs 5.5.2(a) to (e) above are relevant. In sum, it is appropriate to retain the “AGR” and “AGR(1)” zones for the areas to the north and south of LVNP respectively to reflect their current agricultural use while protecting their ecological values (**P-K3**).
 - (ii) For the proposal of rezoning KTN Planning Areas 32, 33, 34 and 36 (**Annex IV(a)**) from “OU” annotated “Business and Technology Park” / “V(1)” to “CA” or “GB”, the response in paragraphs 5.5.2(f)

and (i) above are relevant. In sum, the concerned area has no significant ecological and conservation values. The current “OU” annotated “Business and Technology Park” and “V(1)” zonings are appropriate. The EIA Study has confirmed the environmental acceptability of the proposed development (**P-K4**).

- (iii) With regard to the proposal to strengthen the building height restrictions of the Business and Technology Park, the responses in paragraphs 5.5.2(j) to (m) above are relevant. In sum, the currently proposed controls are considered appropriate (**P-K5**).

Representations relating to the Fung Shui woodlands (G-K6 and P-K6)

- 5.5.3 With regard to the concern and proposal of **R17** that zoning of the Fung Shui woodland may not be able to safeguard the existing ecological value, it should be noted that according to the EIA Report, the concerned fung shui woodland has no significant ecological value. Under the “GB” zoning, there is a general presumption against development. Any diversion of stream, filling of land/pond or excavation of land shall not be undertaken without the permission from the Board (**Annex V**). The proposed “GB” should have provided the necessary planning protection.

Representations relating to the Contaminated Soil Identified (G-K7)

- 5.5.4 With regard to the concern of **R93 of KTN OZP** on the contaminated soil identified in the KTN NDA, the EIA Report of the NENT NDA Study concluded that high level of Arsenic (i.e. ranged from 24 mg/kg to 430 mg/kg) had been identified at three government sites in KTN and was naturally occurring. A detailed Health Risk Assessment (HRA) on Arsenic has been conducted in the EIA to determine the acceptable level of Arsenic and devise appropriate and feasible treatment methods for soil with higher Arsenic level. Based on the ground investigations conducted during the EIA study, the extent of potential contamination are relatively localised, contaminants are generic and easily remediated, remediation methods available in the market are well established and nature of the possible contaminants can be dealt with by sufficient local remediation experience. The exact amount of soil that requires treatment would be ascertained when the respective sites are resumed and handed over to the project proponent prior to the construction phase. The requirements for conducting the detailed survey and submission of detailed Arsenic management plan have been included as one of the approval conditions of the EIA Report.

5.6 Responses to Grounds of Representations and Representers’ Proposal relating to the FLN OZP (**Annexes II-1 and II-2**)

Representations relating to the meanders at Ng Tung River

Supportive Representation (S-F1)

- 5.6.1 The supportive view of **R542 of FLN OZP** regarding the “CA” zoning for the areas at Fu Tei Au and near Wa Shan to reflect the ecological importance of these meanders is noted.

Adverse Representations

5.6.2 The responses to the grounds of representations and representers' proposals of **R16** and **R541 of FLN OZP** regarding the zonings around the meanders at Ng Tung River are as follows:

Planning and Zoning Approach (G-F4)

Meanders and their Riparian of Ng Tung River in FLN Planning Area 6 (G-F1)

All Other Affected Meanders (G-F2)

- (a) Detailed surveys of all meanders conducted in 2013 showed the presence of Rose Bitterling in only four retained meanders of Ng Tung Rivers (namely one each in FLN Planning Areas 2, 7, 10 and a 'double' meander in FLN Planning Area 6) in the FLN NDA. According to the EIA Report, these meanders are of low to moderate ecological value as they are small areas of semi-natural habitat which are highly disturbed by people and are used by small numbers of fauna of conservation significance. As required under an approval condition of the EIA Report, two meanders at Ng Tung River (i.e. in Fu Tei Au and Sheung Shui Wa Shan) in FLN Planning Areas 2 and 7 shall be retained as habitats for Rose Bitterling. The two meanders are zoned "CA" with the planning intention to protect and retain the existing natural landscape, ecological, or topographical features of the area for conservation, educational and research purposes, and to separate sensitive natural environment from the adverse effects of development. A detailed proposal will be submitted on the relocation plan of the Rose Bitterling and subsequent monitoring to demonstrate that the mitigation measures proposed are effective prior to commencement of construction works. (**Annex V**).
- (b) As advised by DEP, the said requirements have been included in the respective environmental permits, and it is a statutory requirement under the EIAO that the permit holder(s) should have to implement the mitigation measures and monitoring programme as described in the submitted plans. Also, as required under an approval condition of the EIA Report, regular progress reports have to be submitted to the EPD regarding the fulfilment of the approval conditions and requirements of the EM&A manual.
- (c) The 'double' meander in FLN Planning Area 6 form part of the riverside promenade and are located in close proximity to the residential cluster in the area. It is appropriate to zone the meanders and the riverside promenade as "O" zone to provide a regional open space for the enjoyment of the residents and the general public. The meanders thereat would be retained and integrated into the design of the regional open space as important landscape features (**Plan FLN-2a** and **Drawing FLN-1**). Such requirement has been stipulated in the ES of the FLN OZP.
- (d) The remaining meander in FLN Planning Area 10 is zoned "O", "Residential (Group B)" and "Government, Institution or Community" under the FLN OZP. As this small meander is of low ecological value, there is no strong justification to rezone the concerned areas into "CA"

zone.

Measures to Prevent Disturbance to the Meanders (G-F3)

- (e) The OZP is to show the broad land use zonings. The exact measures to minimize human disturbances to the meanders would be determined at detailed design stage and may include, for examples, separation by level changes, planting and fencing. For the meanders in FLN Planning Area 6, which are zoned “O”, the proposed restriction on the use of chemicals for landscaping purposes could be considered at the detailed design / management and maintenance of the proposed open space.

Proposals

- (f) With regard to the proposals raised by **R16 of FLN OZP**, the responses are as follows (**Plan FLN-2b**):
 - (i) For the proposal of rezoning the meanders in FLN Planning Area 6 and their riparian zones to “CA” zone, the responses in paragraphs 5.6.2(a) to (d) above are relevant. In sum, it is considered that the proposed “CA” zoning is not appropriate (**P-F1**).
 - (ii) The proposed rezoning of all other affected meanders (except in FLN Planning Area 6 where **R16** proposes to rezone it to “CA” zone, paragraph 3.4.2(f)(i) above refers) to “U” before the proposed relocation of Rose Bitterling is proven effective, and rezoning of all these meanders to “CA” if the relocation plan is proven unsuccessful is considered not appropriate, the responses in paragraphs 5.6.2(a) to (d) above are relevant (**P-F2**).

Representations relating to the Man Kam To Road egretry

- 5.6.3 The responses to the grounds of representations and representers’ proposals of **R16** and **R17 of FLN OZP** regarding the zoning / planning of the Man Kam To Road egretry are as follows:

Proposed Relocation of the Man Kam To Road Egretty (G-F5)

- (a) According to the EIA Report, the loss of the Man Kam To Road egretty will be compensated by the creation of egretty nest site habitat (with appropriate tree and bamboo species) in two mitigation meanders to be retained on the northern side of Ng Tung River in FLN Planning Areas 2 and 7. Both mitigation meanders are zoned “CA” on the FLN OZP. Under the “CA” zone, there is a general presumption against development. The adjoining areas of these two meanders are zoned “AGR” / “GB” on the OZP which is intended primarily for agricultural activities / to provide an ecological buffer for the adjacent meander. There is also a general presumption against development within the “GB” zone.
- (b) To enhance the effectiveness of the proposed relocation of the Man Kam To Road egretty, a detailed Egretty Habitat Creation and Management Plan will be submitted on the establishment of alternative egretty sites and a

monitoring programme to assess and confirm the effectiveness of the relevant mitigation measures, prior to commencement of the construction of the relevant works.

- (c) According to the approved EIA Report, the mitigation measures will be undertaken sufficiently in advance of clearance of the current egret site such that the trees and shrubs will be suitable for nesting prior to site clearance. Besides, to minimize disturbance and mortality on breeding ardeids, no work shall be carried out at the current egret location at Man Kam To Road during the breeding season. The approval condition of the EIA Report also requires that practicable steps will be taken to enhance the existing egret site at HSH and/or its vicinity to compensate for the loss of the egret site by planting appropriate tree species in its surroundings. According to DEP, the above measures have been included in the respective environmental permits and it is a statutory requirement under the EIAO that the permit holder(s) have to implement the mitigation measures and monitoring programme as described in the submitted plans. Also, regular progress reports have to be submitted to the EPD regarding the fulfilment of the approval conditions and requirements of the EM&A manual.

Alternative Option of the Proposed Man Kam Road Roundabout

- (d) Taking into account the site constraints such as Ng Tung River and Hung Kiu San Tsuen, two location options for the proposed Man Kam To Roundabout have been examined in the NENT NDAs Study and have been presented in the EIA Report. Option 1 (i.e. the FLN OZP adopted option) is to locate the proposed roundabout on Man Kam To Road and Option 2 is to locate the proposed roundabout to the west of Man Kam To Road.
- (e) For Option 1, although it would affect the existing Man Kam To Road egret, its loss could be mitigated by provision of an alternative egret location. However, Option 2 would require additional land resumption due to the shifting of the existing Man Kam To Road and the proposed roundabout westward. This would affect the existing residents and is considered not desirable. Besides, even for Option 2, the egret will be surrounded by the proposed roundabout and subject to adverse impact. As such, Option 2 was considered not feasible.
- (f) To avoid disturbing the existing residents / existing community at Fu Tei Au, Option 1 is considered as the only viable option and hence is adopted in the FLN OZP. The current design and mitigation measures proposed in the EIA Report will ensure that the residual environmental impact will be insignificant and acceptable.
- (g) In view of the above, it is considered that re-designing the proposed roundabout is not desirable. The EIA report has confirmed that compensation by provision of alternative egret location is a feasible mitigation measure. In this regard, the meanders in FLN Planning Areas 2 and 7 are zoned "CA" for provision of habitat suitable for relocation of

the Man Kam To Road egretry. Other measures as mentioned in paragraph 5.6.3(c) above will also be adopted to enhance the effectiveness of such mitigation proposal.

Proposals

- (h) With regard to the proposals raised by **R16** and **R17 of FLN OZP**, the responses are as follows (**Plan FLN-2b**):
 - (i) For the proposal to retain the Man Kam To Road egretry and zoned it as “CA”, it would adversely affect the proposed Fanling Bypass. The proposal is not a practical option. Alternative option was considered but was found to be impractical due to engineering constraints and requirements. According to the EIA Report, the current Man Kam To Road Roundabout with the proposed mitigation measures is environmentally acceptable (**P-F3**).

Representations relating to the agricultural land/farmland/villages in FLN

5.6.4 The responses to the grounds of representations and representers’ proposals of **R17, R541** and **R542 of FLN OZP** regarding the zonings / planning of the agricultural land/farmland/villages in the area are as follows:

Loss of agricultural land in FLN (G-F6)

Resume land for agricultural purpose (G-F7)

- (a) With a view to promoting urban-rural integration and recognizing the importance of agriculture to Hong Kong, agricultural land has been retained within the two NDAs to allow continuation of farming practices in the areas. In the KTN and FLN OZPs, a total of 95 ha of land including about 58 ha of land zoned as “AGR” and “AGR(1)” and 37 ha of land reserved for LVNP will allow continuation of current farming activities.
- (b) To take forward the NDAs development to meet Hong Kong’s housing, economic and environmental needs, it is unavoidable that some existing farmland would be affected. It is estimated that about 4 ha of active agricultural land in the KTN NDA and about 24 ha in the FLN NDA will be affected i.e. about 28 ha in total, which accounts less than 4% of total active agricultural land in Hong Kong.
- (c) The farmers affected by the proposed NDAs development could purchase or rent farmland at suitable locations to continue farming. To facilitate agricultural resite / rehabilitation for affected farmers, the agricultural land in Kwu Tung South (about 103 ha) has been surveyed, of which about 34 ha (including about 5 ha of Government land) are fallow agricultural land that have potentials for agricultural resite/ rehabilitation. The Government would endeavour to assist the affected farmers to rehabilitate farming and to offer them with reasonable arrangements and compensation under the prevailing policy.
- (d) To further assist and facilitate relocation of affected farmers, a special

agricultural land rehabilitation scheme will be introduced. Priority assistance will be offered by the Government to match with those landowners who are willing to lease out/sell out their land to the farmers affected by the NDAs development. Suitable government land falling within these areas can also be offered to the affected farmers on short-term tenancy basis as part and parcel of this special scheme under the prevailing policy.

- (e) In FLN OZP, about 12 ha of land at Fu Tei Au are retained as “AGR” zone to allow for continuation of the existing farming practices. Agricultural use is always permitted under this zoning. There is no need for the Government to reserve the land for agricultural purpose. With regard to the concern about the requirement of planning permission for pond filling and land filling of 1.2m or more in thickness within the “AGR” zone, such restriction is to prevent unauthorized land/pond filling works in agricultural land. According to the Remarks of the Notes for the “AGR” zone, filling of land specifically required for the purposes of genuine agricultural practice including laying of soil not exceeding 1.2m in thickness for cultivation, and construction of agricultural structure with prior written approval from the Lands Department is exempted from the control.
- (f) The proposed FLN NDA is a natural extension of the Fanling/Sheung Shui New Town. Planning Areas 13, 15, 16 and 17 at Ma Shi Po area, which is immediately adjoining the Fanling town, will be the town centre of the FLN NDA. The concerned area is planned for medium to high density residential development. It is estimated that 24 ha of active agricultural land will be affected. Private land will be resumed for the NDAs development according to current lands policy.
- (g) Regarding the agricultural areas in FLN Planning Areas 12, the concerned area is proposed to be developed into a Central Park with recreational facilities. It is easily accessible by most of the future population in FLN NDA and located in the vicinity of social welfare and other public facilities, forming a civic and recreational core of FLN for the enjoyment of new and existing communities. For the land in FLN Planning Area 7, it is reserved for the provision of GIC facilities necessary to serve the future NDAs development.

Enhancement Plan (G-F8)

- (h) With regard to the representation that the existing villages and farmland should be fully integrated and supported with an ‘area enhancement plan’, it should be noted that one of the planning principles of the NDAs development is to integrate the NDAs development with the surrounding rural areas through enhanced linkage with and synthesizing development of villages so that the villagers living in the NDAs or neighbouring villages can use the facilities of the NDAs. They can also enjoy the enhanced external transportation as a result of the road network provided in the NDAs.

Proposals

- (i) With regard to the proposals raised by **R542 of FLN OZP**, the responses are as follows (**Plan FLN-2b**):
 - (i) For the proposed rezoning of the agricultural area at Ma Shi Po, the “O” site in FLN Planning Area 12 and the agricultural land between FLN Planning Areas 13 and 15 to a new zoning of “OU” annotated “Agriculture Priority Area” for agricultural uses, the assessments in paragraphs 5.6.4(f) to (g) above are relevant. In sum, it is considered that the proposed rezoning is not appropriate (**P-F4**).
 - (ii) With regard to the proposed zoning of the agricultural land in FLN Planning Area 7 to preserve land for agricultural activities, such as “GB” and a new zoning of “OU” annotated “Agriculture Priority Area” zones, the assessments in paragraphs 5.6.4(f) to (g) above are relevant. In sum, it is considered that the proposed rezoning is not appropriate (**P-F5**).

Representation relating to public green area

Green public area (G-F9)

5.6.5 The responses to the grounds of representation of **R541 of FLN OZP** regarding shared green public area in the FLN OZP are as follows:

- (a) The FLN NDA would be developed into a ‘Riverside Community’ making the best use of its beautiful riverside scenery and hilly backdrop to provide a quality living environment. A total of 24.89 ha of land have been zoned “O” on the FLN OZP for the provision of a network of interconnected public open spaces of different sizes and functions, namely regional, district and local open spaces. Besides, there are a total of 2.44 ha of land under “GB” zoning which is intended primarily for defining the limits of urban and sub-urban development areas by natural features as well as to provide an ecological buffer for adjacent meander. A comprehensive provision of public green area has been provided under the FLN OZP.
- (b) The open space strip along Ng Tung River in FLN Planning Area 3 to the southwest of Sheung Shui Wa Shan is for the enjoyment of the nearby villagers in Fu Tei Au. The small open space at the southern area of the FLN OZP (in FLN Planning Area 19) is a local open space to be provided to serve the local community of northeast Fanling New Town at On Kui Street.

6. Consultation

6.1 The following government departments have been consulted and their comments have been incorporated in the above paragraphs, where appropriate:

- (a) Director of Environmental Protection;

- (b) Commissioner for Transports;
- (c) Director of Agriculture, Fisheries and Conservation;
- (d) Chief Town Planner/Strategic Planning, PlanD;
- (e) Chief Town Planner/Urban Design & Landscape, PlanD; and
- (f) Chief Town Planner/Studies & Research, PlanD.

6.2 The following government bureaux and departments have been consulted and they have no major comment on the representations:

- (a) Chief Engineer/Railway Development 2-2, Railway Development Office, Highway Department,
- (b) Project Manager/New Territories East, CEDD;
- (c) Head of Geotechnical Engineering Office, CEDD;
- (d) Chief Engineer/Development (2), Water Supplies Department;
- (e) Chief Engineer/Mainland North, Drainage Services Department;
- (f) Secretary for Education;
- (g) Chief Building Surveyor/New Territories West, Buildings Department;
- (h) Chief Highway Engineer/New Territories East, Highways Department;
- (i) Director of Fire Services;
- (j) Director of Food and Environmental Hygiene;
- (k) Director of Leisure and Cultural Services (Antiquities and Monuments Office);
- (l) Director of Leisure and Cultural Services;
- (m) Chief Architect, CMD2, Architectural Services Department
- (n) Director of Housing;
- (o) Director of Electrical and Mechanical Services;
- (p) Government Property Administrator;
- (q) Commissioner of Police;
- (r) District Officer (North), Home Affairs Department;
- (s) District Lands Officer/North, Lands Department;
- (t) Director-General of Communications ;
- (u) Secretary for Transport and Housing;
- (v) Director of Social Welfare; and
- (w) Secretary for Development.

7. Planning Department's Views

7.1 Based on the assessment in paragraph 5 and for the following reasons, PlanD does not support the representation **R16, R17, R93 and R94 of KTN OZP & R16, R17, R541 and R542 of FLN OZP**, and considers that the OZPs should not be amended to meet the representations:

General

Overall

(R16, R17, R93 and R94 of KTN OZP & R16, R17, R541 and R542 of FLN OZP)

- (a) In preparing the KTN and FLN OZPs, the Board has taken account of all relevant planning considerations including the conservation matters. The two OZPs are to facilitate the KTN and FLN NDAs which are major sources of land supply to meet the medium- to long-term housing, social and economic development needs of Hong Kong. According to the EIA Report, the

development of the NDAs is environmentally acceptable.

Agriculture

(R93 of KTN OZP & R17, R541 and R542 of FLN OZP)

- (b) Land has been reserved in the KTN and FLN OZPs as “AGR” zone, in which existing farming practice could continue.

Economic

(R93 of KTN OZP and R541 of FLN OZP)

- (c) Under the KTN OZP, land has been reserved as “OU” annotated “Business and Technology Park” zone and “OU” annotated “Research and Development” zone, which will help promoting the local economy and providing certain amount of job opportunities for the population in future.
- (d) Sufficient land at appropriate locations have been designated as “Industrial (Group D)”, “Open Storage” (“OS”) and “OU” annotated “Port Back-up Uses” zones on respective statutory town plans to meet the demand for such uses.

Segregation of Development Areas by Roads

(R93 of KTN OZP and R541 of FLN OZP)

- (e) Under the KTN and FLN NDAs, comprehensive pedestrian walkway and cycle track network will be provided to connect the proposed residential areas, railway station, PTI and major activity nodes within the NDAs as well as the Fanling/Sheung Shui New Town and nearby villages.

The KTN OZP

Representations relating to the Zonings around MTL Stream

(R16, R17, R93 and R94 of KTN OZP)

- (a) The land area where MTL Stream is located is designated as “GB”. There is a general presumption against development within the “GB” zone. There is no planning justification for rezoning the MTL Stream to “CA” and deleting the Rural Road R1.

Representations relating to the Zonings of LVNP and its surrounding

(R16, R17, R93 and R94 of KTN OZP)

- (b) The current “AGR(1)” and “AGR” zonings of the farmland to the north and south of the LVNP respectively are sufficient to protect the different ecological values of the concerned area. There is no planning justification for rezoning the concerned areas to “OU” annotated “Nature Park”, “CA” or “GB”.
- (c) The “OU” annotated “Business and Technology Park” zone at the south-eastern entrance of the KTN NDA from Fanling Highway is to provide job opportunities and to provide land to meet various strategic land use requirements. The concerned area has no significant ecological and conservation value.

- (d) According to the EIA Report and with the recommended mitigation measures in place, the building heights of the “OU” annotated “Business and Technology Park” sites together with the hotel use at these sites would have no significant adverse ecological impact on LVNP. There is no planning justification for rezoning the KTN Planning Areas 32, 33, 34 and 34 to “CA” or “GB” and for strengthening their building height restrictions.
- (e) The “V(1)” zone in close proximity to the Ho Sheung Heung would have no significant adverse ecological impact on LVNP. There is no planning justification for rezoning the “V(1)” in KTN Planning Area 36 to “CA” or “GB”.

Representations relating to the Fung Shui woodlands
(R17 of KTN OZP)

- (f) The Fung Shui woodlands at KTN Planning Area 16 is zoned “GB”. There is a presumption against development within “GB” zone. Any diversion of stream, filing of land/pond or excavation of land shall not be undertaken without the planning permission from the Board. There is no planning justification for rezoning the Fung Shui woodlands to “CA”.

Representations relating to the Contaminated Soil Identified
(R93 of KTN OZP)

- (g) According to the EIA Report, there is no insurmountable contamination issue within the KTN NDA.

The FLN OZP

Representations relating to the Meanders at Ng Tung River
(R16 and R541 of FLN OZP)

- (a) According to the EIA Report, appropriate measures would be taken to enhance the effectiveness of the relocation proposal of Rose Bitterling. In addition, based on the EIA Report, the meanders are evaluated as of low to moderate ecological value. There is no planning justification for rezoning the meanders to “CA” and/or “U”.

Representations relating to the Man Kam To Road Egretty
(R16 and R17 of FLN OZP)

- (b) The Man Kam To Road egretty will inevitably be affected by the proposed Fanling Bypass. Alternatives to avoid potential impacts on the Man Kam To Road egretty have been found to be impractical due to engineering constraints and requirements. According to the EIA Report, compensation by provision of alternative egretty location is proposed and appropriate measures would be taken to enhance the effectiveness of the relocation proposal. There is no planning justification for retaining the Man Kam To Road egretty and for rezoning it as “CA”.

Representations relating to the Agricultural Land/Farmland/Villages in FLN
(R17, R541 and R542 of FLN OZP)

- (c) Land has been retained as “AGR” zone on the FLN OZP to allow continuous of the existing farming practices. However, the agricultural land at Ma Shi Po, “O” site in FLN Planning Area 12, between FLN Planning Areas 13 and 15, and in FLN Planning Area 7 are designated for various development zones to facilitate the FLN NDA development. There is no planning justification for using the concerned sites for agricultural purpose and/or rezoning them to “OU” annotated “Agriculture Priority Area” / “GB”.

Representation relating to Green Public Area
(R541 of FLN OZP)

- (d) Under the FLN OZP, a comprehensive provision of public green area has been provided with a view of achieving a ‘Riverside Community’.

8. Decision Sought

The Board is invited to give consideration to the representations and decide whether to propose/not to propose any amendment to the Plan to meet/partially meet the representations.

9. Attachments

Annex I	Representations related to conservation issues
Annex II-1	Summary Representations in Group 2 and PlanD’s Responses
Annex II-2	Major Points of Representations
Annex III	Extract of Minutes for the 13 th Meeting of the NDC on 12.12.2013
Annex IV(a)	Planning Areas within the KTN OZP
Annex IV(b)	Planning Areas within the FLN OZP
Annex V	The Intention for various land use zonings of the KTN and FLN OZPs
Annex VI	Summary Table of the Representations and Comments of the draft KTN and FLN OZPs that had been taken out
Drawing KTN-1	Drawing submitted by R16 of KTN OZP
Drawing KTN-2a	Drawing submitted by R17 of KTN OZP
Drawing KTN-2b	Drawing submitted by R17 of KTN OZP
Drawing KTN-2c	Drawing submitted by R17 of KTN OZP
Drawing KTN-2d	Drawing submitted by R17 of KTN OZP
Drawing KTN-3a	Drawing submitted by R94 of KTN OZP
Drawing KTN-3b	Drawing submitted by R94 of KTN OZP
Drawing FLN-1	Drawing submitted by R16 of FLN OZP
Drawing FLN-2	Drawing submitted by R17 of FLN OZP
Drawing FLN-3	Drawing submitted by R542 of FLN OZP
Plan KTN-1	Location Plan of the KTN NDA
Plan KTN-2a	Location of the subject of the Representations in respect of the KTN OZP
Plan KTN-2b	Proposals of the Representations in respect of the KTN OZP
Plan KTN-3	Urban Design and Landscape Framework of the KTN NDA

Plan KTN-4	Aerial Photo of the KTN NDA
Plan KTN-5	Pedestrian Connections of the KTN NDA
Plan KTN-6	Cycle Track Network of the KTN NDA
Plan KTN-7	Transport Network of the KTN NDA
Plan FLN-1	Location Plan of the FLN NDA
Plan FLN-2a	Location of the subject of the Representations in respect of the FLN OZP
Plan FLN-2b	Proposals of the Representations in respect of the FLN OZP
Plan FLN-3	Urban Design and Landscape Framework of the FLN NDA
Plan FLN-4	Aerial Photo of the FLN NDA
Plan FLN-5	Pedestrian Connections of the FLN NDA
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Plan FLN-7	Transport Network of the FLN NDA

**PLANNING DEPARTMENT
OCTOBER 2014**