

Representation Number:

TPB/R/S/MOS/27- R1

Submission Number:

TPB/R/S/MOS/27- S4

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KFBG's representation relating to draft plan S/MOS/27

14/11/2023 22:33

From:

To:

File Ref:

"tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>

1 attachment



231114 KFBG's Representation relating to S-MOS-27.pdf

Dear Sir/ Madam,

Attached please see our representation regarding the captioned. There is one pdf file attached to this email; if you cannot see/ download/ open this file, please notify us through email.

Representer: Kadoorie Farm and Botanic Garden

Representer's representative: Mr. NIP Hin Ming

HKID of Representer's representative: [REDACTED]

Please hide the above personal data and our email address in any documents open to the public. Thank you.

Thank You and Best Regards,

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

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嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

14th November 2023.

By email only

Dear Sir/ Madam,

Representation Relating to
Draft Ma On Shan OZP No. S/MOS/27

1. We refer to the captioned.
2. Mui Tsz Lam is one of the 12 Priority Sites for Enhanced Conservation under the New Nature Conservation Policy¹. We in general support the recommendation to include parts of the Mui Tsz Lam area into the captioned OZP for their better protection. We are considering making a representation to highlight the ecological importance of the Mui Tsz Lam area, to support the amendments and to present our views, at the relevant Town Planning Board hearing.
3. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

¹ https://www.afcd.gov.hk/english/conservation/con_nnep/con_nnep_list/files/06_MuiTszLam_Public_18_E.pdf



Representation Number:
TPB/R/S/MOS/27- R2

Submission Number:
TPB/R/S/MOS/27- S6

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DHK's representation on S/MOS/27

15/11/2023 15:09

From:

To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>

File Ref:

1 attachment



20231115 S_MOS_27 Draft Ma On Shan Outline Zoning Plan.pdf

Dear Sir/Madam,

Our comment on the following OZP is attached:

1. S/MOS/27

Thank you for your attention.

Yours faithfully,

For and on behalf of Designing Hong Kong Limited

Samuel Wong | Project Officer



創建 Designing Hong Kong 香港 .com

15 November 2023
Chairman and Members
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point
Hong Kong
Fax: 2877 0245;
Email: tpbpd@pland.gov.hk

**Re: Draft Ma On Shan Outline Zoning Plan No. S/MOS/27
(Amendments to the Approved Ma On Shan Outline Zoning Plan No. S/MOS/26)**

Dear Chairman and Members,

Designing Hong Kong supports amendment item A in the rezoning proposal for the following reasons:

- Mui Tsz Lam area has a high environmental and ecological value. The importance of its conservation value has been shown by its status as one of the 12 Priority Sites for Enhanced Conservation listed by the Government. The area is surrounded by the Ma On Shan Country Park on three sides and is an important part of the eco-system of the area.
- The area suffered from high development pressure where a large-scale development was once submitted to the Town Planning Board for approval in 2005, and several suspected unauthorised activities were spotted and reported in the area in the last few years. It is believed more planning control should be applied in the area to ensure the area is being protected.
- We agree that including the vegetated areas which previously neither covered by the Outline Zoning Plan nor the Country Park can ensure there is necessary statutory planning control to conserve the rural character and the natural landscape resources and habitats and connect with the existing "Green Belt" to its surroundings.

Here we submit our concerns for your consideration.

Yours,
Designing Hong Kong Limited



Representation Number:

TPB/R/S/MOS/27- R3

Submission Number:

TPB/R/S/MOS/27- S001

就圖則作出申述

Representation Relating to Plan

參考編號

Reference Number:

231015-215129-24262

提交限期

Deadline for submission:

15/11/2023

提交日期及時間

Date and time of submission:

15/10/2023 21:51:29

「申述人」全名

Full Name of "Representer":

先生 Mr. Fung Hin Tai Howard

「獲授權代理人」全名

Full Name of "Authorized Agent":

與申述相關的圖則

Plan to which the representation relates:

S/MOS/27

申述的性質及理由

Nature of and reasons for the representation:

有關事項 Subject Matters	性質 Nature	理由 Reason
Item A - Incorporation of strips of land located to the south of Chevalier Garden along Mui Tsz Lam (MTL) Road and near MTL Village into the planning scheme area and zoning them as "Green Belt" ("GB")	支持 Support	The proposed land use is compatible with the neighbouring "GB" zone as it is a natural expansion of "GB" zone. It may effectively control the urban sprawl and prevent inappropriate housing developments or else which may bring adverse environmental and landscape impacts to our local neighbourhood and Ma On Shan Country Park, in particular the area is a gateway for both local residents and hikers to stay close with nature in Mui Tsz Lam and the further hiking trails in the country park. Meanwhile, it offers greater flexibilities for the provision of different types of passive recreational outlets for us to engage in leisure activities in the urban fringe.
The amendment to the covering notes about "regulated area"	支持 Support	Since Mui Tsz Lam and the vicinity provide diverse natural habitats including virgin woodlands, fengshui forests and freshwater streams thriving the growth of various species, it has a high ecological value for the preservation. However, the area is a country park enclave which might be threatened by the potential developments. The proposed stipulation of "regulated area" provides the power to the Planning Department to enforce against unauthorised development under the Town Planning Ordinance happened in the "regulated area" in order to protect the area from environmental degradation and conserve our natural environment not being destructed, which allows us to continuously enjoy the nature in Mui Tsz Lam.

對圖則的建議修訂(如有的話)

Proposed Amendments to Plan(if any):

Representation Number:

TPB/R/S/MOS/27- R4

Submission Number:

TPB/R/S/MOS/27- S002

就圖則作出申述

Representation Relating to Plan

參考編號

Reference Number:

231016-221616-66832

提交限期

Deadline for submission:

15/11/2023

提交日期及時間

Date and time of submission:

16/10/2023 22:16:16

「申述人」全名

Full Name of "Representer":

女士 Ms. Wong Ka Wing

「獲授權代理人」全名

Full Name of "Authorized Agent":

與申述相關的圖則

Plan to which the representation relates:

S/MOS/27

申述的性質及理由

Nature of and reasons for the representation:

有關事項 Subject Matters	性質 Nature	理由 Reason
Item I(A) the amendments have proposed the zoning the areas 1.94 hectares of land south from Chevalier Garden, along Mui Tsz Lam (MTL) road and near MTL village into Greenbelt zone(GB).	支持 Support	The designated areas of the proposed amendments are parts of the MTL area with unique ecological values as it has large volume of local Fung Shui woods and local streams in MTL which accommodates many plant and animal species as suggested by Agriculture, Fisheries and Conservation Department (AFCD), which also aligns with the goals of New Nature Conservation Policy of protecting local environment and biodiversity. There have been active human activities with local residents and tourists such as camping, hiking and cycling happening around the area. However, the activities of local residents and tourists such as transport and other basic utilities and lead to many unauthorized developments in the MTL area with possible damages to the valuable areas due to active human activities, which has happened repeatedly in previous years (i.e. unauthorized road or bridge constructions).
Agricultural use in Column 1 of GB and Village type development zone	反對 Oppose	As MTL has special ecological values and different from other regular areas in Greenbelt zone, there needs to be additional remarks for controlling the column 1 agricultural use to specify the nature, size or other related criteria of agricultural activities as the agricultural activities nowadays can create pollution to the land, water and the ecosystem.
Lack of acknowledgment of the needs of visitors on deciding Col		Such as field study, education centre should not be in column 2 but column 1 for future activities with clear remarks for limiting the size and height.

Column 1 or 2 uses

對圖則的建議修訂(如有的話)

Proposed Amendments to Plan(if any):

While the society can agree on preserving a precious area like MTL, the Development Bureau, Planning Department and the Town Planning Board and related government departments need to workout a mechanism that can balance the protection of the environment and the facilitation of local needs and transform it into OZP or plans.

Representation Number:

TPB/R/S/MOS/27- R5

Submission Number:

TPB/R/S/MOS/27- S003

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Fwd: PROPOSED AMENDMENTS TO MA ON SHAN OZP NO. S/MOS/26
14/11/2023 02:33

From:

To: tpbpd <tpbpd@pland.gov.hk>

File Ref:

1 attachment



LCQ15_ Green belts and the periphery of country parks.html

From:

To: tpbpd <tpbpd@pland.gov.hk>

Date: Tuesday, 14 November 2023 2:27 AM HKT

Subject: PROPOSED AMENDMENTS TO MA ON SHAN OZP NO. S/MOS/26

PROPOSED AMENDMENTS TO MA ON SHAN OZP NO. S/MOS/26

Item A (about 1.94 ha) Incorporation of strips of land located to the south of Chevalier Garden along MTL Road and near MTL Village into the planning scheme area and zoning them as "GB"

Object. "GB" zoning offers no protection what so ever as has been demonstrated in the dozens of rezonings approved by the board in recent years. See attached Legco data. Tens of thousands of trees have been chopped and dozens of slopes bulldozed. This despite strong opposition from the community and clear evidence of eco vandalism.

To now trot out statements like *"In recent years, the proliferation of landfilling and other land uses causing environmental damage to rural areas has become a rising concern. Some of these areas with ecological values are subject to development pressure and risk of environmental degradation"* when the clear and present danger to natural habitat is in fact government policy is sheer hypocrisy.

If the administration should decide that it suits its agenda to build a large PH there, or flog the land to developers, then the MTL area will be rezoned like many others regardless of the description of an *"environmentally and ecologically sensitive area, which comprises native woodland, fung shui wood, agricultural land and a natural stream and surrounded by Ma On Shan Country Park. Highly diverse flora and fauna species ecologically connected with those in the Country Park are recorded."* This description is similar to that of many "GB" sites that the Board has approved for rezoning to residential.

The previous Ma On Shan OZP is a good example: ALL ITEMS APPROVED

APART FROM ONE PRIVATE RESIDENTIAL SITE

SCHEDULE OF AMENDMENTS TO THE APPROVED MA ON SHAN OUTLINE ZONING PLAN NO. S/MOS/22

Item A – Rezoning of a site to the east of Cheung Muk Tau Village from “**Green Belt**” (“**GB**”) to “Residential (Group A)11” (“**R(A)11**”) with stipulation of building height restriction.

1.46ha 165mpd 1,8200 PH Units

Item B1 – Rezoning of a site to the west of Cheung Muk Tau Village from “**GB**” to “**R(A)11**” with stipulation of building height restriction. 1.38ha. 165mPD 1,660 PH Units

Item B2 – Rezoning of a strip of land abutting Ma On Shan Bypass and to the further west of Cheung Muk Tau Village from “**GB**” to an area shown as ‘Road’.

Item C – Rezoning of a site at the lower and northern end of Ma On Shan Tsuen Road from “**GB**” to “Government, Institution or Community” (“**G/IC**”) with stipulation of building height restriction.

Item D – Rezoning of a site at the lower end and on the eastern side of Ma On Shan Tsuen Road from “**GB**” to “**R(A)11**” with stipulation of building height restriction. 2.26ha. 225mPD 2,700 Units

Item E – Rezoning of a site at the lower end and on the western side of Ma On Shan Tsuen Road from “**GB**” to “**G/IC**” with stipulation of building height restriction.

Item F – Rezoning of a site at the upper end and on the eastern side of Ma On Shan Tsuen Road from “**GB**” to “**G/IC**” with stipulation of building height restriction.

Item G – Rezoning of a site at the upper end and on the western side of Ma On Shan Tsuen Road from “**GB**” to “Residential (Group B)6” (“**R(B)6**”) with stipulation of building height restriction. 2.73ha 2.50mPD Private Res

Item H – Rezoning of a site to the south-east of Chevalier Garden from “**GB**” to “Other Specified Uses” annotated “Sewage Treatment Works”.

While incorporating those pockets of land on the village side of the road to MTL village could be viewed as housekeeping, the other sections bordering the country park should be incorporated into the CA zoning.

Amendments to the Notes of the Plan

(a) Revision to the covering Notes for introduction of a “two-part” covering Notes system to accommodate different provisions for (i) land falling within the

boundaries of the OZP which are not within the boundaries of "regulated area" (i.e. "Part A") and (ii) land falling within the boundaries of the OZP and the boundaries of "regulated area" (i.e. "Part B").

WOULD SUPPORT IF IT PROVIDED BETTER PROTECTION TO ECOLOGICAL SENSITIVE AREAS BUT DOUBT ITS VALUE

(b) Revision of 'House' to 'House (other than rebuilding NTEH or replacement of existing domestic building by NTEH permitted under covering Notes)' under Column 2 of "Government, Institution or Community" ("G/IC") and "GB" zones.

SUPPORT – SURELY THIS IS COMMON TO ALL RURAL OZP?

(c) Incorporation of a remark requiring planning permission for diversion of streams, filling of land/pond or excavation of land (**except public works co-ordinated or implemented by Government**, and maintenance, repair or rebuilding works) into "GB" zone.

OBJECTION. AGAIN THE ADMINISTRATION EXEMPTING ITSELF FROM ANY CONTROL OVER ITS ACTIVITIES. CLIMATE CHANGE INDICATES THAT THERE SHOULD BE MORE STRINGENT CONTROL ON WATER COURSES NOT LESS. THE LANDSLIDE NEAR YIU TUNG ESTATE IN SHAU KEI WAN IS AN EXAMPLE OF HOW EXCAVATION OF LAND HAS RESULTED IN VERY DANGEROUS CONDITIONS

(d) Revision of 'Agricultural Use' to 'Agricultural Use (other than Plant Nursery)' under Column 1 of "Conservation Zone" ("CA").

OBJECT **ALL** AGRICULTURAL USE IN 'CA' SHOULD BE COL 2

(e) Revision to the Remarks for "CA" and "Site of Special Scientific Interest" ("SSSI") to incorporate '**except public works co-ordinated or implemented by Government**, and maintenance, repair or rebuilding works'.

STRONG OBJECTIONS. AGAIN ALLOWS THE ADMINISTRATION TO DO WHATEVER IT PLEASES, ALARMING WHEN THERE IS NO ACCOUNTABILITY


(f) Removal of 'Government Refuse Collection Point' and 'Public Convenience' from Column 2 and addition of these uses under Column 1 of "Village Type Development" ("V") zone.

OBJECT. COL 2 ENSURES THAT THE UTILITY IS SUBJECT TO PUBLIC SCRUTINY AND THAT LOCATION AND DESIGN ARE NOT INTRUSIVE, TOO BULKY OR AN EYE SORE

Mary Mulvihill



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LCQ15: Green belts and the periphery of country parks ▼

GO

LCQ15: Green belts and the periphery of country parks

Following is a question by the Hon Stanley Ng and a written reply by the Secretary for Development, Ms Bernadette Linn, in the Legislative Council today (November 2):

Question:

Regarding "Green Belt" (GB) sites and land on the periphery of country parks, will the Government inform this Council:

- (1) of the total area of GB sites in each District Council (DC) district and its year-on-year change, in each of the past five years;
- (2) of the area of GB sites rezoned for other uses in the past five years, with a breakdown by land use; the number of units that can be provided on those sites that were rezoned for residential use, with a breakdown by type of housing (i.e. public rental housing, subsidised sale housing and private housing);
- (3) as the Chief Executive has indicated in the 2022 Policy Address that feasibility studies will be conducted for about 255 hectares of GB sites identified for housing development in the new round of GB review, of the number of sites concerned and the area involved, with a breakdown by DC district;
- (4) given that in the past, some members of the community objected to the rezoning of GB sites for other uses, whether the authorities, when reviewing the land uses, have put in place measures to ensure that the views of community stakeholders have been properly collected and that the rezoning of GB sites and the relevant development planning will not cause unacceptable impacts on the districts concerned; if so, of the details (including the assessment mechanism and the criteria adopted); and
- (5) given that there are divergent views in the community on the ecological value of GB sites and land on the periphery of country parks, whether the relevant government departments, such as the Agriculture, Fisheries and Conservation Department and the Planning Department, will work together to study in detail the ecological value of such sites and review the coverage and boundary of country parks, so as to release lands which are of low ecological value but are suitable for development; if so, of the details; if not, the reasons for that?

Reply:

President,

(1) The areas zoned "Green Belt" (GB) in the outline zoning plans (OZPs) of various districts in end-2021, broken down by District Council (DC) district, are as follows:

District	Areas zoned GB in OZPs in end-2021 (hectare)(approximate)
----------	--

Central and Western	244
Wan Chai	252
Eastern	325
Southern	985
Kowloon City	47
Kwun Tong	153
Sham Shui Po	111
Yau Tsim Mong	2
Wong Tai Sin	200
Kwai Tsing	682
Tsuen Wan	1 239
Islands	2 610
North	3 036
Sai Kung	1 319
Sha Tin	1 332
Tai Po	1 836
Tuen Mun	1 176
Yuen Long	1 235
Total	16 784

The above represents an increase of 441 ha as compared to the 16 343 ha in end-2017. Such increase mainly comes from five OZPs (Siu Ho Wan, Mui Wo North, Pui O Au, Sha Lo Wan and San Tau and Sham Wat and San Shek Wan) published in gazette during the period from 2018 to 2021. As it takes time to retrieve the historical figures of each district, such figures are not shown in the above table.

(2) A breakdown of the area of GB rezoned for other uses in the past five years (i.e. 2017 to 2021) is as follows:

Land use after rezoning	Area (ha) (approximate)
Residential	86.5
Government, Institution or Community	36.8
Road	27.1
Other Specified Uses (Note)	18.6
Open Space	15.0
Industrial	10.3
Commercial	7.1
Open Storage	1.6
Village Type Development	0.6
Total	203.6

Note: Including "Other Specified Uses" annotated "Sewage Treatment Works", "Sewage Pumping Station", "District Cooling System", "Port Back-up, Storage and Workshop Uses", "Storage and Workshop Uses", "Logistics Facility", "Enterprise and Technology Park", "Parking and Operational Facilities for Environmentally Friendly Transport Services", "Electricity Substation", "Columbarium and Garden of Remembrance", "Columbarium" and "Cemetery".

Of the GB area to be rezoned to "residential" (some are situated in new development areas), it is expected that approximately 93 200 public housing and 9 200 private housing units can be provided.

(3) As announced in the Chief Executive's Policy Address this year, in the new round of GB study, the Government has shortlisted about 255 ha of area zoned GB with potential for housing development, which can provide approximately 70 000 units. The rezoning of the first batch will commence by 2024. The GB areas with development potential involve eight land parcels, and their locations and areas are as follows:

Potential GB land parcels	Area (ha)	DC district
1. Ha Tsuen Fringe	12.3	Yuen Long
2. Wang Chau	12.1	Yuen Long
3. Fu Yung Shan	5.5	Tsuen Wan
4. Near Ng Tung River	9.6	North District
5. Near Queen's Hill	31.4	North District
6. South of Ki Lun Shan	49	Yuen Long
7. Ngau Tam Mei	27.3	Yuen Long
8. Tuen Mun East	107.3	Tuen Mun
Total	About 255	—

(4) The relevant departments will make rezoning proposals of GB areas according to the established mechanism and criteria. They will consider in detail the specific condition of each area and conduct relevant technical assessments to ensure that the development is compatible with the land use of the neighbouring areas and will not bring adverse impacts in respect of environment, traffic, landscape and air ventilation.

Amendments to the relevant OZPs will be exhibited in accordance with the Town Planning Ordinance, and the public may express their views to the Town Planning Board (TPB) according to the relevant statutory procedures. In addition, before commencement of the statutory procedures, the relevant departments will conduct district consultations regarding the rezoning proposals in a timely manner, including consulting the district councils and rural committees concerned and relaying the views collected to the TPB.

(5) Of the approximately 16 000 ha of land zoned GB in Hong Kong, over half are subject to clear development constraints and 1 200 ha have been included in various development projects. Having shortlisted about 255 ha of GB areas in the new round of study, the Planning Department will complete the review of the development potential of all the remaining GB areas next year. In assessing the development potential of individual sites, factors such as site condition, ecology, landscape, infrastructural capacity and land use compatibility have to be taken into consideration.

The Government does not rule out the possibility of developing the land on the periphery of individual country parks but has to prioritise different land supply options when planning resources permit. We will explore the feasibility of developing the land on the periphery of individual country parks in due course.

Ends/Wednesday, November 2, 2022

Issued at HKT 16:45

NNNN

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**llewelyn
davies**

ARCHITECTS PLANNERS DESIGNERS
Llewelyn-Davies Hong Kong Ltd

Representation Number:

TPB/R/S/MOS/27- R6

Submission Number:

TPB/R/S/MOS/27- S5

15 November 2023

The Secretary
Town Planning Board
c/o Planning Department
15/F North Point Government Offices
333 Java Road
Hong Kong

By Hand

Dear Sir/Madam,

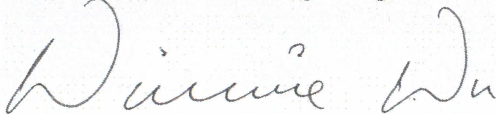
Representation Under Section 6(1) of the Town Planning Ordinance (Cap. 131) for Proposed Amendments to the Approved Ma On Shan Outline Zoning Plan No. S/MOS/26

Reference is made to the captioned proposed amendments, which was gazette by the Town Planning Board on 15 September 2023.

We act on behalf of Smart Wish Development Limited (the Representer) to submit herewith a copy of representation statement, together with the submission form, to the Board for consideration.

Thank you for your kind attention. Should there be any queries, please do not hesitate to contact the undersigned at [REDACTED] or our Mr Edison Law at [REDACTED]

Yours faithfully
for Llewelyn-Davies Hong Kong Ltd



Winnie Wu
Planning Director

WW/el
Encl

[REDACTED]

[REDACTED]

For Official Use Only 請勿填寫此欄	Reference No. 檔案編號	
	Date Received 收到日期	

- The representation should be made to the Town Planning Board (the Board) before the expiry of the specified plan exhibition period. The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board, 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.
申述必須於指定的圖則展示期限屆滿前向城市規劃委員會(下稱「委員會」)提出, 填妥的表格及支持有關申述的文件(倘有), 必須送交香港北角渣華道 333 號北角政府合署 15 樓城市規劃委員會秘書收。
- Please read the "Town Planning Board Guidelines on Submission and Processing of Representations and Further Representations" before you fill in this form. The Guidelines can be obtained from the Secretariat of the Board (15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong - Tel.: 2231 4810 or 2231 4835) and the Planning Enquiry Counters (PECs) of the Planning Department (Hotline: 2231 5000) (17/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F., Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories), or downloaded from the Board's website at <http://www.tpb.gov.hk/>.
填寫此表格之前, 請先細閱有關「根據城市規劃條例提交及處理申述及進一步申述」的城市規劃委員會規劃指引。這份指引可向委員會秘書處(香港北角渣華道 333 號北角政府合署 15 樓 - 電話: 2231 4810 或 2231 4835 及規劃署的規劃資料查詢處(熱線: 2231 5000)(香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輦路 1 號沙田政府合署 14 樓)索取, 亦可從委員會的網頁下載(網址: <http://www.tpb.gov.hk/>)。
- This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the PECs of the Planning Department. The form should be typed or completed in block letters, preferably in both English and Chinese. The representation may be treated as not having been made if the required information is not provided.
此表格可從委員會的網頁下載, 亦可向委員會秘書處及規劃署的規劃資料查詢處索取。提出申述的人士須以打印方式或以正楷填寫表格, 填寫的資料宜中英文兼備。倘若未能提供所需資料, 則委員會可把有關申述視為不曾提出論。
- In accordance with the Town Planning Ordinance (the Ordinance), the Board will make available all representations received for public inspection as soon as reasonably practicable at the Board's website and the PECs. The representations will be available for public inspection until the Chief Executive in Council has made a decision on the plan in question under section 9 of the Ordinance.
根據《城市規劃條例》(下稱「條例」), 委員會會在合理地切實可行的情況下, 盡快將所有收到的申述上載至委員會的網頁及存放於規劃資料查詢處供公眾查閱, 直至行政長官會同行政會議根據條例第 9 條就有關圖則作出決定為止。

1. Person Making this Representation (known as "Representer" hereafter)

提出此宗申述的人士 (下稱「申述人」)

Full Name 姓名 / 名稱 (~~Mr./Ms./Company/Organization~~* 先生/女士/公司/機構*)

Smart Wish Development Limited

(Note: for submission by person, full name shown on Hong Kong Identity card/Passport must be provided)
(注意: 若個人提交, 須填上與香港身份證/護照所載的全名)



2. Authorized Agent (if applicable) 獲授權代理人(如適用)

Full Name 姓名 / 名稱 (~~Mr./Ms./Company/Organization~~* 先生/女士/公司/機構*)

Llewelyn-Davies Hong Kong Limited

(Note: for submission by person, full name shown on Hong Kong Identity card/Passport must be provided)
(注意: 若個人提交, 須填上與香港身份證/護照所載的全名)

* Delete as appropriate 請刪去不適用者

Please fill in "NA" for not applicable item 請在不適用的項目填寫「不適用」

3. Details of the Representation (use separate sheet if necessary)#

申述詳情(如有需要,請另頁說明)#

The plan to which the representation relates (please specify the name and number of the plan) 與申述相關的圖則(請註明圖則名稱及編號)		Draft Ma On Shan Outline Zoning Plan No. S/MOS/27
Nature of and reasons for the representation 申述的性質及理由		
Subject matters 有關事項@	Are you supporting or opposing the subject matter? 你支持還是反對有關事項?	Reasons 理由^
Amendment Item II(a)	<input checked="" type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對 (Providing Comments)	(Please refer to the supplementary attachment)
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	
Any proposed amendments to the plan? If yes, please specify the details. 對圖則是否有任何擬議修訂? 如有的話,請註明詳情。		

If the representation contains more than 20 pages, or any page larger than A4 size, 4 hard copies and 1 soft copy are required to be provided for the submission. Provision of email address is also required.
若申述超過 20 頁或有任何一頁大小超過 A4, 則須提交硬複本一式四份和一份軟複本。另須提供電郵地址。

@ Please describe the particular matter in the plan to which the representation relates. Where the representation relates to an amendment to a plan, please specify the amendment item number provided in the Schedule of Proposed Amendments. 請形容圖則內與申述有關的指定事項, 如申述與圖則的修訂有關, 請註明在修訂項目附表內的修訂項目編號。

^ Please also note that section 6(3A) of the Ordinance provides that any representation received under section 6(1) **may be treated as not having been made** if, in the opinion of the Board that, the reason for the representation is a reason concerning compensation or assistance relating to, or arising from resumption/acquisition/clearance/obtaining vacant possession of any land by the Government. The above matters should be dealt with in accordance with the relevant statutory provisions on compensation and/or promulgated policy on compensation. Should you have any views on compensation or assistance matters, you may separately raise your views to the Director of Lands or the relevant authority. 請注意, 條例第 6(3A)條訂明, 如委員會認為根據第 6(1)條收到的任何申述所提出的理由是與政府收回/徵用/清理/取得任何土地的空置管有權而引起的補償或援助有關, 則有關申述可被視為不曾提出。上述事項應該按照相關補償的法律條文和/或已公布的補償政策處理。如對補償或援助事宜有意見, 可另行向地政總署署長或有關當局提出。

Please fill "NA" for not applicable item 請在不適用的項目填寫「不適用」

at the appropriate box 請在適當的方格內加上 號

Supplementary Attachment

Background

1. It is noted that the Government has designated an area located to the south of Chevalier Garden along Mui Tsz Lam (MTL) Road and surrounding MTL Village to be the "Mui Tsz Lam Regulated Area" ("MTLRA"). We herewith provide **comments** for the planning authority to consider, specifically in relation to Amendment Item II(a) subject of the Draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/27 viz.:

"Revision to the covering Notes for introduction of a "two-part" covering Notes system to accommodate different provisions for (i) land falling within the boundaries of the OZP which are not within the boundaries of "regulated area" (i.e. "Part A") and (ii) land falling within the boundaries of the OZP and the boundaries of "regulated area" (i.e. "Part B")."

(A) Overlapping of Statutory Controls

2. Except for the *fragmented, minor strips of land* being newly incorporated into the planning scheme area and zoned as "Green Belt" in this round of statutory town plan amendment, the area now covered by the MTLRA has **already been covered by OZP, which gives statutory power to the Town Planning Board to ensure proper development control** in accordance with the respective zonings and development restrictions as stipulated on the OZP.
3. Whilst, in designating the said area as a "regulated area", the Explanatory Statement of the Draft Ma On Shan OZP No. S/MOS/27 specifies the following intentions of the MTLRA:

"In recent years, haphazard and uncontrolled developments are found in MTL involving dumping of construction materials as well as excavation and land filling activities that may adversely affect the rural and natural character of the area... (The MTLRA is designated) to enable the Planning Authority to instigate enforcement actions against any unauthorized developments."
4. In this context, it is relevant to note that any illegal land filling and fly-tipping (illegal depositing of construction waste) are **already regulated by various pieces of legislation**, in addition to the planning regime under the Town Planning Ordinance, including:
 - Waste Disposal Ordinance (Cap. 354)
 - Air Pollution Control Ordinance (Cap. 311)
 - Water Pollution Control Ordinance (Cap. 358)
 - Land (Miscellaneous Provisions) Ordinance (Cap. 28)
 - Public Health and Municipal Services Ordinance (Cap. 132)
 - Public Cleansing and Prevention of Nuisances Regulation (Cap. 132BK)
 - Land Drainage Ordinance (Cap. 446)
5. With the number of enforcement and controls currently in force, it appears to be *not necessary* from development control point of view to adopt an *additional* control,

particularly noting that its purposes overlap with the miscellaneous pieces of legislation already enforced by various Government departments under their respective purview with multiple layers of controls, let alone numerous Government administrative measures (e.g. surveillance system, proactive inspection, use of GPS / trip ticket system on construction waste collection vehicles, etc.) which have also been deployed.

(B) Pre-empt any Genuine Need for Temporary Works

6. There is an existing village in the area, whilst the "Village Environ" is also being included in the MTLRA. The designation of the MTLRA will **greatly curb the flexibility for the locals to carry out local works in future, even if temporary in nature, in a rigid manner**. Originally, temporary uses of 5 years or less were always permitted in the condition that they comply with any other relevant legislation (including those mentioned in para. 4 above), the conditions of the Government lease concerned and any other Government requirements, otherwise enforcement by relevant Government departments would still result. After the current OZP amendment, only a few specific temporary uses that are 2 months or less will now be always permitted with the same pre-requisites applied. It becomes *unreasonably and unnecessarily stringent for the locals*, given that other relevant legislation/ regulations/ requirements and Government leases have already governed the possible temporary uses. The reduction of "allowable" period for temporary uses from 5 years to 2 months also appears to be arbitrary.
7. For instance, any upgrading/improvement works for the underground utilities, waterworks, drainage works and environmental improvement works alike particularly within the numerous *private lots* in the area (i.e. not apparently within the scope of para. 8 of Part B of the OZP Covering Notes) may only be undertaken after the Town Planning Board's permission under section 16 of the Town Planning Ordinance. The efficiency of any potential essential or emergency works of this nature in the local context becomes in doubt.

(C) Set Monotonous Constraints for Future Land Uses

8. The MTLRA mainly covers an area zoned "Green Belt" ("GB") on the OZP. As also mentioned in the Chief Executive's 2023 Policy Address, the Government has been proactively reviewing the development potential of various GB sites in Hong Kong with an aim to optimising the use of suitable lands for, inter alia, recreational, housing, eco-tourism and/or other developments, as long as the subject sites could be demonstrated via comprehensive technical assessments that there are no insurmountable problems with appropriate mitigation measures implemented and that there are adequate infrastructural capacities. The designation of MTLRA, which is in fact located in very close proximity to the Ma On Shan New Town core area (even abutting Chevalier Garden and pumping station), will nonetheless impose monotonous constraints to any appropriate and less-sensitive sites within the whole elongated area in future.
9. In fact, according to the "Guide to Application for Pilot Conservation Proposals under Private-Private Partnership (PPP)" issued by the then Environment, Transport and Works Bureau (now coordinated by the Countryside Conservation Office under the Environmental Protection Department) under the Nature Conservation Policy,

“developments of an agreed scale and plan will be allowed at the less ecologically sensitive portion of a site (Developable Portion) within the 12 Priority Sites for Enhanced Conservation (including Mui Tsz Lam and Mau Ping), provided that the proponent will provide a lump sum contribution to the Environmental and Conservation Fund sufficient to generate recurrent income to support the long-term conservation work for the ecologically more sensitive portion of the site (Conservation Portion)”.¹

10. With this OZP amendment, it is generally the scenario that merely remedial types of works (e.g. “maintenance or repair of road”) are always permitted in the MTLRA but not even only minor provision or upgrading works. The planning direction in this OZP amendment item has geared towards setting up significant constraints to the *entire* site and hence does not appear to be consistent with the original intention to advocate aforementioned innovative PPP projects which facilitates the use of less ecologically portion to fund and commit proactive conservation works to the Conservation Portion of the sites as a conservation incentive², not to say the less-sensitive sites in GB *out of* the scope of Priority Site for Enhanced Conservation now with more stringent requirements than other GB zones in the territory. The authority’s consideration in this perspective with respect to the relevant policies will be appreciated.

Concluding Remarks

11. In short, we would like to express our concern that the designation of MTLRA would impose unnecessary and unreasonable constraints to any local works (even if only temporary in nature) in the area, whilst multiple layers of statutory and administrative controls against nuisance and illegal activities have in fact been already in place. The authority shall also take into account the specific context under the relevant policies and avoid any blanket application of excessive constraints over a long site in the context of planning for the future.

¹ Agriculture, Fisheries and Conservation Department’s website:
https://www.afcd.gov.hk/english/conservation/con_nncp/con_nncp_new/con_nncp_new.html

² The original intention could be portrayed by the inclusion of less ecologically sensitive area to the site.