

# TOWN PLANNING BOARD

**TPB Paper No. 10640  
For Consideration by the  
Town Planning Board on 13.3.2020**

**CONSIDERATION OF FURTHER REPRESENTATIONS  
NO. F1 TO F6 ON PROPOSED AMENDMENT TO THE  
DRAFT HEBE HAVEN OUTLINE ZONING PLAN NO. S/SK-HH/7  
ARISING FROM THE CONSIDERATION OF REPRESENTATIONS AND COMMENTS  
ON THE DRAFT OUTLINE ZONING PLAN  
AND  
SUBMISSION OF THE DRAFT HEBE HAVEN OUTLINE ZONING PLAN  
NO. S/SK-HH/7A UNDER SECTION 8 OF THE TOWN PLANNING ORDINANCE  
TO THE CHIEF EXECUTIVE IN COUNCIL FOR APPROVAL**

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**1. Introduction**

The purpose of this paper is to seek Members' agreement that:

- (a) the further representations (FRs) received in respect of the proposed amendment to the draft Hebe Haven Outline Zoning Plan (OZP) No. S/SK-HH/7 be considered as invalid; and
- (b) the draft OZP together with its Notes and Explanatory Statement (ES) are suitable for submission to the Chief Executive in Council (CE in C) for approval under section 8 of the Town Planning Ordinance (the Ordinance).

**2. Background**

2.1 On 21.6.2019, the draft Hebe Haven OZP No. S/SK-HH/7 was exhibited for public inspection under section 5 of the Ordinance. The amendments mainly involve the rezoning of a site near the junction of Hiram's Highway and Heung Chung Road from "Government, Institution or Community" ("G/IC") to "Residential (Group C)4" ("R(C)4") for private housing development; a strip of land at Heung Chung Road from "G/IC" to area shown as 'Road'; a site to the south of Nam Wai from "Green Belt" ("GB") to "Residential (Group C)5" ("R(C)5") for private housing development; and a site occupied by Colour By The River to the south of Nam Wai from "GB" to "Residential (Group C)6" ("R(C)6"). Opportunity is also taken to amend the Notes and ES of the OZP to reflect the above amendments and to update the general information of various land use zonings, where appropriate. During the two-month public exhibition period, a total of 505 valid representations were received. On 4.10.2019, the representations were published for three weeks for public comments. During the three-week public inspection period, a total of six valid comments on the representations were received.

- 2.2 After considering the representations and comments on 20.12.2019, the Town Planning Board (the Board) decided to uphold/partially uphold 504 representations (**R1** to **R296** (part), **R298** to **R354** (part), **R356** to **R367** (part), **R369** to **R415** (part), **R417** to **R478** (part), **R480** to **R504** (part), **R505** to **R508** and **R509** (part)) by reverting the zoning of the site south of Nam Wai from “R(C)5” back to “GB” with corresponding deletion of Remarks for the “R(C)5” sub-zone under the Notes of the OZP.
- 2.3 On 17.1.2020, the proposed amendment to the draft OZP was exhibited for public inspection under section 6C(2) of the Ordinance. A set of the Schedule of Proposed Amendment, Amendment Plan No. R/S/SK-HH/7-A1, and Proposed Amendments to the Notes and ES of the draft OZP is attached at **Annex I**. Upon expiry of the three-week exhibition period that ended on 7.2.2020, a total of 11 submissions were received. Amongst them, five were made with identify information missing/incomplete<sup>1</sup> and should be treated as not having been made. A list of the remaining six further representers is at **Annex II**.

### **3. The Further Representations**

Pursuant to section 6D(1) of the Ordinance, any person, other than that who has made any representation or comment and after consideration of which the proposed amendments have been made, may make further representation (FR) to the Board in respect of the proposed amendment. Among the six FRs received during the three-week exhibition period, four (**F1** to **F4**) are submitted by the original representers (**R5**, **R25**, **R63** and **R474**). Their representations, among others, were considered by the Board on 20.12.2019, and the Board decided to propose amendment to the draft OZP to partially meet their representations. One FR (**F5**) raises objection to the original Amendment Item A<sup>2</sup>, and the remaining FR (**F6**) indicates objection to all amendment items but the comments stated in the submission are on traffic impact of the proposed residential development. They are not related to the proposed amendment to the draft OZP exhibited on 17.1.2020. Therefore, **F1** to **F6** (**Annex III**) are considered as invalid and should be treated as not having been made in accordance with section 6D of the Ordinance. There are no valid FRs received during the exhibition period.

### **4. Submission to the Chief Executive in Council**

- 4.1 As no valid FR is received, in accordance with section 6G of the Ordinance, the draft OZP shall be amended by the proposed amendment.

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

<sup>2</sup> Amendment Item A on the draft Hebe Haven OZP No. S/SK-HH/7 exhibited on 21.6.2019 involves rezoning of a site near the junction of Hiram’s Highway and Heung Chung Road from “G/IC” to “R(C)4” for private housing development.

- 4.2 In accordance with section 8 of the Ordinance, the Board shall submit the draft OZP, together with a schedule of the representations, the comments on representations, the further representations (if any) and the amendments (if any) made by the Board to the CE in C for approval within nine months of the expiration of the plan-exhibition period. Subject to the Board's consideration of the FRs as mentioned in paragraph 3 above, the representation consideration process has been completed. The OZP is now ready for submission to the CE in C for approval.
- 4.3 For submission to the CE in C, the draft Hebe Haven OZP No. S/SK-HH/7 has been renumbered as S/SK-HH/7A (**Annex IV**). Opportunity will also be taken to update the Notes and ES (**Annex VI**) to reflect the latest position of the OZP. For easy reference, the amendments are highlighted in *bold and italics* or ~~strike-out~~ form.
- 4.4 Upon the approval of the draft Hebe Haven OZP No. S/SK-HH/7A by the CE in C, the approved OZP will be renumbered as S/SK-HH/8.

## 5. Decision Sought

5.1 The Board is invited to:

- (a) note, pursuant to sections 6D(2)(b) and 6D(3)(b) of the Ordinance, the five submissions with the required identify information missing/incomplete as mentioned in paragraph 2.3 are considered as invalid and hence disregarded;
- (b) consider whether **F1** to **F4**, which are submitted by the original representers, and **F5** and **F6** which are not related to the proposed amendment, are considered invalid and should be treated as not having been made under section 6D of the Ordinance as stated in paragraph 3 above;

subject to the Board's agreement on (b):

- (c) note that no valid FR to the draft OZP is received and the draft OZP shall be amended by the proposed amendment in accordance with section 6G of the Ordinance;
- (d) agree that the draft Hebe Haven OZP No. S/SK-HH/7A and its Notes at **Annexes IV** and **V** respectively are suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (e) endorse the updated ES for the draft Hebe Haven OZP No. S/SK-HH/7A at **Annex VI** as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and to be issued under the name of the Board; and

- (f) agree that the updated ES is suitable for submission to the CE in C together with the draft OZP.
- 5.2 Subject to the Board's agreement on paragraph 5.1 (b) above, the amendment made by the Board shall form part of the draft Hebe Haven OZP No. S/SK-HH/7. In accordance with section 6H of the Ordinance, the extant OZP shall thereafter be read as including the amendment. The amendment shall be made available for public inspection until the CE in C has made a decision in respect of the draft plan in question under section 9 of the Ordinance.
- 5.3 Administratively, the Building Authority and relevant government departments will be informed of the decision of the Board and will be provided with a copy/copies of the amendment, as appropriate.

**Attachments**

<b>Annex I</b>	Schedule of Proposed Amendment, Amendment Plan and Proposed Amendment to the Notes and Explanatory Statement of the draft Hebe Haven OZP No. S/SK-HH/7
<b>Annex II</b>	List of All Further Representers
<b>Annex III</b>	Further Representations Considered to be Invalid
<b>Annex IV</b>	Draft Hebe Haven OZP No. S/SK-HH/7A
<b>Annex V</b>	Notes of the draft Hebe Haven OZP No. S/SK-HH/7A
<b>Annex VI</b>	Explanatory Statement of the draft Hebe Haven OZP No. S/SK-HH/7A

**PLANNING DEPARTMENT  
MARCH 2020**