

TOWN PLANNING BOARD

**TPB Paper No. 10597
For Consideration by the
Town Planning Board on 22.11.2019**

**DRAFT HEBE HAVEN OUTLINE ZONING PLAN NO. S/SK-HH/7
INFORMATION NOTE AND HEARING ARRANGEMENT
FOR CONSIDERATION OF REPRESENTATIONS AND COMMENTS**

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INFORMATION NOTE AND HEARING ARRANGEMENT FOR CONSIDERATION OF REPRESENTATIONS AND COMMENTS

1. Introduction

- 1.1 On 21.6.2019, the draft Hebe Haven Outline Zoning Plan No. S/SK-HH/7 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (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") (Amendment Item A) for private housing development; a strip of land at Heung Chung Road from "G/IC" to area shown as 'Road' (Amendment Item B); a site to the south of Nam Wai from "Green Belt" ("GB") to "Residential (Group C)5" ("R(C)5") (Amendment Item C) 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") (Amendment Item D). Opportunity is also taken to amend the Notes and Explanatory Statement of the OZP to reflect the above amendments and to update the general information of various land use zonings, where appropriate. The Schedule of Amendments setting out the amendments incorporated into the OZP is at **Annex I** and the locations of the amendment items are shown on **Plan P-1**.
- 1.2 During the two-month plan exhibition period, a total of 521 representations were received. Amongst them, 500 representations were made in accordance with the revised requirements set out in the Town Planning Board Guidelines No. 29B (TPB PG-No. 29B)¹ by providing the full name as shown on the Hong Kong Identity (HKID) card/passport and the first four alphanumeric characters of HKID card/passport number. The remaining 21 submissions were made with identity information missing or incomplete.
- 1.3 Considering that this is the first batch of amended OZPs subject to the revised submission requirements under TPB PG-No. 29B, the Town Planning Board (the Board)

¹ According to TPB PG-No. 29B on Submission and Publication 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.

agreed to allow the representers with the identity information missing or incomplete in their submissions a further opportunity to submit the required information and that if such representers failed or refused to provide such identity proof, the representations would be treated as not having been made. On 2.9.2019, the Secretariat sent out letters to the concerned parties (except two representers without any contact information provided) but only 10 representers subsequently submitted the required information. The remaining 9 representers, which had no response, together with the 2 representers with no contact information provided, should be considered as invalid and treated as not having been made pursuant to sections 6(2)(b) and 6(3)(b) of the Ordinance.

- 1.4 There is an out-of-time representation submitted by an individual after the plan exhibition period. In accordance with section 6(3)(a) of the Ordinance, where a representation is made to the Board after the expiration of the two-month plan exhibition period, it shall be treated as not having been made. As such, the submission is disregarded. Also, 5 representations (**R297**, **R355**, **R368**, **R416** and **R479**) were subsequently found to be duplicated and these representations were taken out. As a result, there are in total 505 valid representations.
- 1.5 On 4.10.2019, the valid representations were published for public comments and, in the first three weeks of the publication period, 8 comments were received. One comment was made with identity information missing and no contact information was provided for further clarification purpose. Another comment (**Annex VI**) is neither related to any of the representations nor amendments to the Plan, as such, these should be considered as invalid pursuant to sections 6A(2) and 6A(3)(b) of the Ordinance. As a result, there are in total 6 valid comments.
- 1.6 The lists of valid representers and commenters and the summaries of the representations and comments are shown at **Annexes II, III, IV** and **V** respectively for Members' reference. The location of the representation sites are shown on **Plan P-2**.

2. The Representations and Comments

- 2.1 Among the 505 valid representations, 504 are adverse representations including 480 representations (**R1** to **R485** except the 5 duplications **R297**, **R355**, **R368**, **R416** and **R479**) objecting to all Amendment Items; 16 representations (**R486** to **R501**) objecting to Amendment Items A and C; 3 representations (**R502** to **R504**) objecting to Amendment Items C and D; 4 representations (**R505** to **R508**) objecting to Amendment Item C; and 1 representation (**R509**) objecting to Amendment Item A. One representation by The Hong Kong and China Gas Co Ltd. (**R510**) provides views on the amendments. The adverse representations are submitted by Heung Yee Kuk (**R505**); Sai Kung District Council (SKDC) (**R1**); 3 SKDC members (Mr. HIEW Moo-siew (**R2**), Mr. LI Ka Leung Philip (**R4**) and Ms. FONG Kwok-shan Christine (**R486**)); The Incorporated Owners of Marina Cove (**R487**); Green Sense (**R502**); Sai Kung Planning Concern Front (**R5**); Sai Kung Commons (**R7**) with 472 individuals (**R8** to **R484**) attached to the letter from Sai Kung Commons; 4 groups (**R496** with 2,666 signatures enclosed; **R497** with 9 signatures enclosed; **R498** with 368 signatures enclosed; and **R499** with 60 signatures enclosed); and 19 individuals.
- 2.2 Major grounds of objection include (i) adverse traffic, environmental, ecological, landscape, visual and air ventilation impacts arising from the proposed housing developments; (ii) no traffic impact assessment has been conducted in support of the

proposed amendments; (iii) there are insufficient social welfare facilities in Hebe Haven and Sai Kung and the additional population will worsen the current situation; (iv) the proposed rezoning is not in line with the planning intention of the “GB” zone, which is to serve as a buffer area between residential area and ecologically sensitive area; and (v) the proposed development involves clearance of existing living quarters at the site but there is a lack of public consultation and some affected residents have not been well informed.

- 2.3 The 6 valid comments on representations are submitted by **R6, R485, R496, R497, R498** and **R499**. **C1** (i.e. **R6**) shares the concern on deficit of community facilities such as elderly care services. **C2** (i.e. **R485**), **C3** (i.e. **R496**), **C4** (i.e. **R497**), **C5** (i.e. **R498**) and **C6** (i.e. **R499**) provide further comments/information related to traffic issue of Sai Kung in support of one of the grounds of their representations.

3. Arrangement for consideration of representations and comments

- 3.1 Under section 2A of the Ordinance, the Board is empowered to appoint a Representation Hearing Committee (RHC) from among its members to consider representations and comments, propose amendments to the Plan to meet representations, consider further representations in respect of the proposed amendments, and consider whether to vary the proposed amendments upon consideration of any adverse further representations. Since the amendments incorporated in the Plan have attracted general local concerns with a number of representations received, it is recommended that the representations and comments should be considered by the full Board without resorting to the appointment of a RHC. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session would not be necessary. The arrangement would not delay the completion of the representation consideration process.
- 3.2 Under section 6B(6) of the Ordinance, the Board may determine whether the representations and the related comments shall be considered at the same meeting and whether they shall be considered individually or collectively. As the concerns of the representers and commenters (who are also representers) are generally on the proposed housing developments and the issues involved are similar, the hearing of all representations and comments is suggested to be considered collectively in one group.
- 3.3 In view of the large number of representations and comments received and to ensure efficiency of the hearing, it is recommended to allot a maximum of 10 minutes presentation time to each representer/commenter in the hearing session, subject to confirmation of the number of representers and commenters attending the hearing and the aggregated presentation time required.
- 3.4 Consideration of the representations and comments by the full Board under section 6B is tentatively scheduled for December 2019.

4. Decision Sought

- 4.1 The Board is invited to note pursuant to sections 6(2)(b) and 6A(2) of the Ordinance that the 11 representations and one comment with the required identity information missing, and one representation submitted out-of-time as mentioned in paragraphs 1.3, 1.4 and 1.5 above are considered as invalid and hence disregarded.

4.2 The Board is also invited to consider whether:

- (a) the comment at **Annex VI** as mentioned in paragraph 1.5 above is invalid under sections 6A(2) and 6A(3)(b) of the Ordinance;
- (b) to appoint a RHC for the consideration of the representations and comments; and
- (c) the representations and comments should be considered in the manner as proposed in paragraph 3 above.

5. Attachments

Annex I	Schedule of Amendments to the Approved Hebe Haven Outline Zoning Plan (OZP) No. S/SK-HH/6
Annex II	List of Representers
Annex III	List of Commenters
Annex IV	Summary of Representations
Annex V	Summary of Comments
Annex VI	Comment on Representations for consideration
Plan P-1	Amendments incorporated in the draft Hebe Haven OZP No. S/SK-HH/7
Plan P-2	Location Plan of the Representation Sites

**PLANNING DEPARTMENT
NOVEMBER 2019**