

LEGISLATIVE COUNCIL BRIEF

Town Planning Ordinance
(Chapter 131)

APPROVED MA ON SHAN OUTLINE ZONING PLAN NO. S/MOS/28

INTRODUCTION

A At the meeting of the Executive Council on 14 May 2024, the Council ADVISED and the Chief Executive ORDERED that the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/27A should be approved under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The Plan is now renumbered as S/MOS/28 at Annex A.

AMENDMENTS TO THE APPROVED MA ON SHAN OZP NO. S/MOS/26 SINCE ITS REFERENCE BACK

2. Since the reference back of the approved Ma On Shan OZP No. S/MOS/26 on 8 September 2023, the draft Ma On Shan OZP No. S/MOS/27 (the draft OZP) incorporating the amendments was exhibited on 15 September 2023 for public inspection under section 5 of the Ordinance. The amendment item involved 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") (Amendment Item A).

3. Corresponding amendments and technical amendments in accordance with the latest version of the Master Schedule of Notes to Statutory Plans were also made to the Notes and Explanatory Statement (ES) of the draft OZP. The major amendments in the Notes of the draft OZP include –

- (a) revision to the covering Notes of the approved OZP to form 'Part A' of the covering Notes of the draft OZP and incorporating a new set of 'Part B' of the covering Notes of the draft OZP such that 'Part A' is applicable to land not within the boundaries of Mui Tsz Lam Regulated Area (MTLRA) and 'Part B' is applicable to land within MTLRA;
- (b) revision of 'House' to 'House (other than rebuilding New Territories Exempted House (NTEH) or replacement of existing domestic building by NTEH permitted under covering Notes)' under Column 2 of the "Government, Institution or Community" ("G/IC") and "GB" zones;
- (c) moving of 'Government Refuse Collection Point' and 'Public

Convenience' from Column 2 to Column 1 in the Notes of the "Village Type Development" ("V") zone;

- (d) revision of 'Agricultural Use' to 'Agricultural Use (other than Plant Nursery)' under Column 1 of the "Conservation Area" ("CA") zone;
- (e) 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; and
- (f) 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)'.

REPRESENTATIONS

4. During the exhibition of the draft OZP, six valid representations were received. The representations were considered by the Town Planning Board (the Board) at its meeting held on 2 February 2024.

Supportive Representations / Representations Providing Views

5. Four supportive representations which were submitted by green groups (R1 and R2) and individuals (R3 and R4) supported Amendment Item A, while R3 and R5 (part) also supported the incorporation of a new set of Part B of the covering Notes for the area covered by MTLRA and R5 (part) supported the revision to the Notes for "G/IC" and "GB" zones. Two representations (R4 and R6) which were submitted by an individual and a company provided views on the amendments.

6. The major grounds of the supportive representations were that (i) Amendment Item A could ensure necessary statutory planning control to conserve the rural character and the natural landscape resources and habitats, (ii) the area was compatible with the neighbouring "GB" zone and would allow greater flexibility for different types of passive recreational activities in the urban fringe, and (iii) incorporation of a new set of Part B of the covering Notes for the area covered by MTLRA could provide power to the Authority to take enforcement actions against unauthorized development.

7. The representations providing views were mainly related to the restrictiveness of the works and temporary uses that would be permitted in MTLRA and the need for a mechanism to balance environmental protection and local needs to be achieved on the OZP.

Adverse Representation

8. One adverse representation which was submitted by an individual (R5 (part)) objected to the amendments. The major grounds and views were summarised below –

Amendment Item A

- (a) “GB” zoning offered no protection as demonstrated in the many rezoning cases approved by the Board in recent years. MTL area would be rezoned if the Administration decided that it suited its agenda for large public housing developments. The land strips bordering the Country Park should be zoned “CA” instead;

Amendments to the Notes of Various Zones

- (b) objected to all agricultural uses in the “CA” zone, which should be put under Column 2;
- (c) objected to the exemption of public works co-ordinated or implemented by Government from the planning permission requirement for diversion of stream, filling of land/pond or excavation of land under the “GB” zone;
- (d) objected to the exemption of public works co-ordinated or implemented by Government from the planning permission requirement for filling or excavation of land under the “CA” and “SSSI” zones; and
- (e) objected to moving ‘Government Refuse Collection Point’ and ‘Public Convenience’ from Column 2 to Column 1 of the “V” zone, as the right of the public to make comments on planning applications would be deprived.

The Board’s Decision

9. After giving consideration to the representations, the Board noted the (supportive) views of R1 to R4, R5 (part) and R6, decided not to uphold R5 (part), and agreed that the draft OZP should not be amended to meet the representation for the following reasons –

Amendment Item A

- (a) the “GB” zoning for areas under Amendment Item A which was similar in character with the adjoining “GB” zone was considered appropriate to ensure development control to conserve the natural landscape resources and habitats of the area;

Amendment to the Notes of Various Zones

- (b) agricultural use was not incompatible with the planning intention of the "CA" zone. Amendments to the Notes for "GB", "CA", and "SSSI" zones were in line with the latest Master Schedule of Notes agreed by the Board. The exemption clause for public works co-ordinated or implemented by Government could help streamline minor government works with no major adverse impact; and
- (c) including 'Government Refuse Collection Point' and 'Public Convenience' under Column 1 of the "V" zone would streamline the provision of these common and essential facilities in village areas and such provisions would have to follow relevant design guidelines.

IMPLICATIONS OF THE PROPOSAL

10. The approval of the draft OZP itself had no civil service, economic, financial, family and gender implications. The environmental and sustainability implications are set out below.

11. On environmental implications, the amendments would bring positive environmental impacts as they provide necessary statutory planning control to conserve the rural character and natural landscape resources and habitats.

12. As far as sustainability implications are concerned, the amendments could bring about ecological and environmental benefits on the local area

PUBLIC CONSULTATION

13. The Development, Housing, Environment and Health Committee (DHEHC) of the Sha Tin District Council (STDC) and Sha Tin Rural Committee (STRC) were consulted on 19 September 2023 and 28 September 2023 respectively. Both DHEHC of STDC and STRC had no adverse comments on the proposed amendments. No representation from members of STDC and STRC was received.

PUBLICITY

14. The approved Ma On Shan OZP No. S/MOS/28 will be printed and exhibited in accordance with section 9D(2) of the Ordinance. A press release will be issued on the day of exhibition. A spokesman will be available for answering media enquiries.

A 15. The approved Ma On Shan OZP No. S/MOS/28 is at Annex A for Members' reference. A set of Notes listing out the uses which are always

A-I permitted and those which may be permitted on application to the Board is at
A-II Enclosure I to Annex A. An ES in respect of the Ma On Shan OZP No. S/MOS/28 is at Enclosure II to Annex A.

ENQUIRY

16. Any enquiry on this brief can be addressed to Ms Caroline Tang, Assistant Director of Planning/Board, Planning Department (Tel. No. 2231 4606).

PLANNING DEPARTMENT
May 2024

APPROVED MA ON SHAN OUTLINE ZONING PLAN
NO. S/MOS/28

Annex A Approved Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/28

Enclosure I : Notes to the Approved Ma On Shan OZP No.
S/MOS/28

Enclosure II : Explanatory Statement of the Approved Ma On
Shan OZP No. S/MOS/28



圖例 NOTATION				土地用途及面積一覽表 SCHEDULE OF USES AND AREAS			
ZONES	地帶	COMMUNICATIONS	交通	USES	大約面積及百分比 APPROXIMATE AREA & % 公頃 HECTARES	% 百分比	用途
COMMERCIAL	C	RAILWAY AND STATION (ELEVATED)	鐵路及車站 (高架)	COMMERCIAL	0.50	0.06	商業
COMPREHENSIVE DEVELOPMENT AREA	CDA	MAJOR ROAD AND JUNCTION	主要道路及路口	COMPREHENSIVE DEVELOPMENT AREA	12.74	1.56	綜合發展區
RESIDENTIAL (GROUP A)	RA(A)	ELEVATED ROAD	高架道路	RESIDENTIAL (GROUP A)	90.57	11.11	住宅 (甲類)
RESIDENTIAL (GROUP B)	RA(B)			RESIDENTIAL (GROUP B)	20.77	2.55	住宅 (乙類)
RESIDENTIAL (GROUP C)	RA(C)			RESIDENTIAL (GROUP C)	17.17	2.11	住宅 (丙類)
VILLAGE TYPE DEVELOPMENT	V	MISCELLANEOUS	其他	VILLAGE TYPE DEVELOPMENT	30.88	3.79	鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	GIC	BOUNDARY OF PLANNING SCHEME	規劃區邊界線	GOVERNMENT, INSTITUTION OR COMMUNITY	65.61	8.06	政府、機構或社區
OPEN SPACE	O	PLANNING AREA NUMBER	規劃區編號	OPEN SPACE	38.71	4.75	休憩用地
RECREATION	REC	BUILDING HEIGHT CONTROL (LINE SKYLINING)	建築物高度控制區界線	RECREATION	14.95	1.83	康樂
OTHER SPECIFIED USES	OU	MAXIMUM BUILDING HEIGHT (IN METRES ABOVE PRINCIPAL DATUM)	最高建築物高度 (在主水平基準上若干米)	OTHER SPECIFIED USES	12.56	1.54	其他指定用途
GREEN BELT	GB	MAXIMUM BUILDING HEIGHT (IN NUMBER OF STOREYS)	最高建築物高度 (樓層數目)	GREEN BELT	268.63	48.88	綠化地帶
CONSERVATION AREA	CA	PETROL FILLING STATION	加油站	CONSERVATION AREA	11.86	1.45	自然保育區
SITE OF SPECIAL SCIENTIFIC INTEREST	SSSI	NON-BUILDING AREA	非建築用地	SITE OF SPECIAL SCIENTIFIC INTEREST	2.48	0.30	具特殊科學價值地點
COUNTRY PARK	CP			COUNTRY PARK	0.60	0.07	郊野公園
				RIVER CHANNEL	1.12	0.14	河道
				MAJOR ROAD ETC.	96.30	11.81	主要道路等
				TOTAL PLANNING SCHEME AREA	815.45	100.00	規劃範圍總面積

夾附的《註釋》屬這份圖則的一部分
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN

APPROVED MA ON SHAN OUTLINE ZONING PLAN NO. S/MOS/28

(Being an Approved Plan for the Purposes of the Town Planning Ordinance)

NOTES

(N.B. These form part of the Plan)

PART A (This Part A applies to land within the boundaries of the Plan which are not within the boundaries of “regulated area” as defined in section 1A of the Town Planning Ordinance (hereafter referred to as “Regulated Area”))

- (1) These Notes show the uses or developments on land falling within the boundaries of the Plan which are always permitted and which may be permitted by the Town Planning Board, with or without conditions, on application. Where permission from the Town Planning Board for a use or development is required, the application for such permission should be made in a prescribed form. The application shall be addressed to the Secretary of the Town Planning Board, from whom the prescribed application form may be obtained.
- (2) Any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.
- (3)
 - (a) No action is required to make the existing use of any land or building conform to this Plan until there is a material change of use or the building is redeveloped.
 - (b) Any material change of use or any other development (except minor alteration and/or modification to the development of the land or building in respect of the existing use which is always permitted) or redevelopment must be always permitted in terms of the Plan or, if permission is required, in accordance with the permission granted by the Town Planning Board.
 - (c) For the purposes of subparagraph (a) above, “existing use of any land or building” means-
 - (i) before the publication in the Gazette of the notice of the first statutory plan covering the land or building (hereafter referred to as ‘the first plan’),
 - a use in existence before the publication of the first plan which has continued since it came into existence; or
 - a use or a change of use approved under the Buildings Ordinance which relates to an existing building; and
 - (ii) after the publication of the first plan,
 - a use permitted under a plan which was effected during the effective period of that plan and has continued since it was effected; or

- a use or a change of use approved under the Buildings Ordinance which relates to an existing building and permitted under a plan prevailing at the time when the use or change of use was approved.
- (4) Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board, all permissions granted by the Town Planning Board in respect of the site of the use or material change of use or development or redevelopment shall lapse.
- (5) Road junctions, alignments of roads and railway tracks, and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.
- (6) Temporary uses (expected to be 5 years or less) of any land or building are always permitted as long as they comply with any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, and there is no need for these to conform to the zoned use or these Notes. For temporary uses expected to be over 5 years, the uses must conform to the zoned use or these Notes.
- (7) The following uses or developments are always permitted on land falling within the boundaries of the Plan except (a) where the uses or developments are specified in Column 2 of the Notes of individual zones or (b) in areas zoned “Site of Special Scientific Interest” or “Conservation Area”:
- (a) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, road, bus/public light bus stop or lay-by, cycle track, Mass Transit Railway entrance, Mass Transit Railway structure below ground level, taxi rank, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;
 - (b) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government;
 - (c) maintenance or repair of watercourse and grave;
 - (d) rebuilding of New Territories Exempted House; and
 - (e) replacement of an existing domestic building i.e. a domestic building which was in existence on the date of the publication of the first plan, by a New Territories Exempted House.
- (8) In areas zoned “Site of Special Scientific Interest” or “Conservation Area”,
- (a) the following uses or developments are always permitted:
 - (i) maintenance or repair of plant nursery, amenity planting, sitting out area, rain shelter, refreshment kiosk, road, watercourse, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, shrine and grave;

- (ii) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; and
 - (iii) provision of amenity planting by Government; and
- (b) the following uses or developments require permission from the Town Planning Board:

provision of plant nursery, amenity planting (other than by Government), sitting out area, rain shelter, refreshment kiosk, footpath, public utility pipeline, electricity mast, lamp pole, telephone booth and shrine.
- (9) In any area shown as 'Road', all uses or developments except those specified in paragraph (7) above in this Part A and those specified below require permission from the Town Planning Board:

toll plaza, on-street vehicle park and railway track.
- (10) Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate permission is required.
- (11) In these Notes,
 - (a) unless the context otherwise requires or unless as expressly provided in this paragraph (11), terms used in the Notes shall have the meanings as assigned under section 1A of the Town Planning Ordinance.
 - (b) "existing building" means a building, including a structure, which is physically existing and is in compliance with any relevant legislation, and the conditions of the Government lease concerned.
 - (c) "New Territories Exempted House" means a domestic building other than a guesthouse or a hotel; or a building primarily used for habitation, other than a guesthouse or a hotel, the ground floor of which may be used as 'Shop and Services' or 'Eating Place', the building works in respect of which are exempted by a certificate of exemption under Part III of the Buildings Ordinance (Application to the New Territories) Ordinance.

PART B (This Part B applies to land falling within the boundaries of the Plan and the boundaries of “regulated area” as defined in section 1A of the Town Planning Ordinance (hereafter referred to as “Regulated Area”))

- (1) These Notes show the uses or developments on land falling within the boundaries of the Plan which are always permitted and which may be permitted by the Town Planning Board, with or without conditions, on application. Where permission from the Town Planning Board for a use or development is required, the application for such permission should be made in a prescribed form. The application shall be addressed to the Secretary of the Town Planning Board, from whom the prescribed application form may be obtained.
- (2) Any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.
- (3) No action is required to make the use of any land or building within a Regulated Area conform to this Plan, if the use of such land or building was in existence immediately before the first publication in the Gazette of the notice of the Ma On Shan Outline Zoning Plan (hereafter referred to as ‘the first plan’) and the use has continued since it came into existence. Any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or in accordance with the permission granted by the Town Planning Board.
- (4) A use or development of any land or building within a Regulated Area, which has been permitted under an earlier draft or approved plan for the area and effected or undertaken during the effective period of that plan, is always permitted under this Plan. A use or a change of use relating to an existing building, which was approved under the Buildings Ordinance before the first publication in the Gazette of the notice of the first plan, is always permitted under this Plan. A use or a change of use relating to an existing building, which was approved under the Buildings Ordinance and permitted under a plan or plans prevailing at the time when such use or change of use was approved under the Buildings Ordinance, is also always permitted under this Plan. Any material change of such use or any other development (except minor alteration and/or modification to the completed development of the land or building which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.
- (5) Except to the extent that paragraph (3) or (4) above in this Part B applies, any use or development of any land or building within a Regulated Area, unless always permitted in terms of the Plan, shall not be undertaken or continued, without permission from the Town Planning Board.
- (6) Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board, all permissions granted by the Town Planning Board in respect of the site of the use or material change of use or development or redevelopment shall lapse.

- (7) Road junctions, alignments of roads, and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.
- (8) The following uses or developments are always permitted on land falling within the boundaries of the Plan except where the uses or developments are specified in Column 2 of the Notes of individual zones:
 - (a) maintenance, repair or demolition of a building;
 - (b) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, footpath, bus/public light bus stop or lay-by, cycle track, taxi rank, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;
 - (c) maintenance or repair of road, watercourse, nullah, sewer and drain;
 - (d) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities and waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government;
 - (e) rebuilding of New Territories Exempted House;
 - (f) replacement of an existing domestic building i.e. a domestic building which was in existence on the date of the publication of the first plan, by a New Territories Exempted House; and
 - (g) provision, maintenance or repair of a grave of an indigenous New Territories villager or a locally based fisherman and his family members for which permission has been obtained from Government.
- (9)
 - (a) Temporary use or development of any land or building not exceeding a period of two months is always permitted provided that no site formation (filling or excavation) is carried out and that the use or development is a use or development specified below:

structures for carnivals, fairs, film shooting on locations, festival celebrations, religious functions or sports events.
 - (b) Except as otherwise provided in paragraph (9)(a) in this Part B, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.
 - (c) Temporary use or development of land or building exceeding three years requires permission from the Town Planning Board in accordance with the terms of the Plan.

- (10) Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate permission is required.
- (11) In these Notes:
 - (a) unless the context otherwise requires or unless as expressly provided below, terms used in the Notes shall have the meanings as assigned under section 1A of the Town Planning Ordinance.
 - (b) “existing building” means a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government lease concerned.
 - (c) “New Territories Exempted House” means a domestic building other than a guesthouse or a hotel; or a building primarily used for habitation, other than a guesthouse or a hotel, the ground floor of which may be used as ‘Shop and Services’ or ‘Eating Place’, the building works in respect of which are exempted by a certificate of exemption under Part III of the Buildings Ordinance (Application to the New Territories) Ordinance.

APPROVED MA ON SHAN OUTLINE ZONING PLAN NO. S/MOS/28

Schedule of Uses

This Schedule of Uses forms part of the Notes and should be read in conjunction with Part A or Part B of the Notes.

	Page
COMMERCIAL	1
COMPREHENSIVE DEVELOPMENT AREA (1)	3
RESIDENTIAL (GROUP A)	6
RESIDENTIAL (GROUP B)	12
RESIDENTIAL (GROUP C)	14
VILLAGE TYPE DEVELOPMENT	16
GOVERNMENT, INSTITUTION OR COMMUNITY	18
RECREATION	20
OPEN SPACE	21
OTHER SPECIFIED USES	22
GREEN BELT	28
CONSERVATION AREA	30
SITE OF SPECIAL SCIENTIFIC INTEREST	32
COUNTRY PARK	33

COMMERCIAL

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Ambulance Depot	Broadcasting, Television and/or Film Studio
Commercial Bathhouse/ Massage Establishment	Flat
Eating Place	Government Refuse Collection Point
Educational Institution	Hospital
Exhibition or Convention Hall	House
Government Use (not elsewhere specified)	Petrol Filling Station
Hotel	Residential Institution
Information Technology and Telecommunications Industries	
Institutional Use (not elsewhere specified)	
Library	
Off-course Betting Centre	
Office	
Place of Entertainment	
Place of Recreation, Sports or Culture	
Private Club	
Public Clinic	
Public Convenience	
Public Transport Terminus or Station	
Public Utility Installation	
Public Vehicle Park (excluding container vehicle)	
Recyclable Collection Centre	
Religious Institution	
School	
Shop and Services	
Social Welfare Facility	
Training Centre	
Utility Installation for Private Project	

Planning Intention

This zone is intended primarily for commercial developments, which may include shop, services, place of entertainment and eating place, functioning mainly as local shopping centre serving the immediate neighbourhood.

(Please see next page)

COMMERCIAL (Cont'd)

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum building height in terms of metres above Principal Datum as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (b) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 3.0 or the plot ratio of the existing building, whichever is the greater.
- (c) In determining the maximum plot ratio for the purposes of paragraph (b) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker's office, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (d) Where the permitted plot ratio as defined in Building (Planning) Regulations is permitted to be exceeded in circumstances as set out in Regulation 22(1) or (2) of the said Regulations, the plot ratio for the building on land to which paragraph (b) applies may be increased by the additional plot ratio by which the permitted plot ratio is permitted to be exceeded under and in accordance with the said Regulation 22(1) or (2), notwithstanding that the relevant maximum plot ratio specified in paragraph (b) above may thereby be exceeded.
- (e) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height and/or plot ratio restrictions stated in paragraphs (a) and (b) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (f) Under exceptional circumstances, for developments and/or redevelopments, minor relaxation of the non-building area restrictions as shown on the Plan may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

COMPREHENSIVE DEVELOPMENT AREA (1)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
	Ambulance Depot Broadcasting, Television and/or Film Studio Commercial Bathhouse/ Massage Establishment Eating Place Educational Institution Exhibition or Convention Hall Field Study/Education/Visitor Centre Flat Government Refuse Collection Point Government Use (not elsewhere specified) Hotel House Institutional Use (not elsewhere specified) Library Off-course Betting Centre Office Petrol Filling Station Pier Place of Entertainment Place of Recreation, Sports or Culture Private Club Public Clinic Public Convenience Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Recyclable Collection Centre Religious Institution Residential Institution School Shop and Services Social Welfare Facility Training Centre Utility Installation for Private Project

(Please see next page)

COMPREHENSIVE DEVELOPMENT AREA (1) (Cont'd)

Planning Intention

This zone is intended for comprehensive development/redevelopment of the area for recreational, residential and/or commercial uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

Remarks

- (a) Pursuant to Section 4A(2) of the Town Planning Ordinance, and except as otherwise expressly provided that it is not required by the Town Planning Board, an applicant for permission for development on land designated "Comprehensive Development Area" shall prepare a Master Layout Plan for the approval of the Town Planning Board and include therein the following information:
- (i) the area of the proposed land uses, the nature, position, dimensions, and heights of all buildings to be erected in the area;
 - (ii) the proposed total site area and gross floor area (GFA) for various uses, total number of flats and flat size, where applicable;
 - (iii) the details and extent of Government, institution or community (GIC) and recreational facilities, public transport and parking facilities, and open space to be provided within the area;
 - (iv) the alignment, widths and levels of any roads proposed to be constructed within the area;
 - (v) the urban design, landscaping and tree preservation proposals within the area;
 - (vi) programmes of development in detail;
 - (vii) an environmental assessment report including an ecological assessment to examine any possible environmental problems that may be caused to or by the proposed development during and after construction and the proposed mitigation measures to tackle them;
 - (viii) a drainage and sewerage impact assessment report to examine any possible drainage and sewerage problems that may be caused by the proposed development and the proposed mitigation measures to tackle them;
 - (ix) a traffic impact assessment report to examine any possible traffic problems that may be caused by the proposed development and the proposed mitigation measures to tackle them;

(Please see next page)

COMPREHENSIVE DEVELOPMENT AREA (1) (Cont'd)

Remarks (Cont'd)

- (x) a visual impact assessment report to examine any possible visual impacts that may be caused by the proposed development and the proposed mitigation measures to tackle them;
 - (xi) an air ventilation assessment report to examine any possible air ventilation problems that may be caused by the proposed development and the proposed mitigation measures to tackle them; and
 - (xii) such other information as may be required by the Town Planning Board.
- (b) The Master Layout Plan should be supported by an explanatory statement which contains an adequate explanation of the development proposal, including such information as land tenure, relevant lease conditions, existing conditions of the site, the character of the site in relation to the surrounding areas, principles of layout design, major development parameters, design population, types of GIC facilities, and recreational and open space facilities.
- (c) No new development, or addition, alteration and/or modification to or redevelopment of an existing building in Area (a) shall result in a total development and/or redevelopment in excess of a maximum domestic plot ratio of 3, a maximum non-domestic GFA of 10,000m², and a maximum building height in terms of number of storeys or metres above Principal Datum as stipulated on the Plan, or the plot ratio and height of the existing building, whichever is the greater. No building development is permitted in Area (b). A “stepped height” building profile descending from the southern part to the northern part of the site is required.
- (d) In determining the maximum plot ratio/GFA for the purposes of paragraph (c) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker’s office, or caretaker’s quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded. Any floor space that is constructed or intended for use solely as school or GIC facilities, as required by the Government, may also be disregarded.
- (e) In determining the maximum domestic plot ratio for the purposes of paragraph (c) above, area of any part of Area (a) that is occupied or intended to be occupied by free-standing purpose-designed schools as may be required by the Government, and Area (b) shall be deducted in calculating the relevant site area.
- (f) In determining the maximum number of storeys for the purposes of paragraph (c) above, any basement floor(s) may be disregarded.
- (g) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio/GFA/building height restrictions stated in paragraph (c) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

RESIDENTIAL (GROUP A)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Ambulance Depot	Commercial Bathhouse/ Massage Establishment
Flat	Eating Place
Government Use (not elsewhere specified)	Educational Institution
House	Exhibition or Convention Hall
Library	Government Refuse Collection Point
Market	Hospital
Place of Recreation, Sports or Culture	Hotel
Public Clinic	Institutional Use (not elsewhere specified)
Public Transport Terminus or Station (excluding open-air terminus or station)	Office
Public Vehicle Park (excluding container vehicle) (on land designated "R(A)11" only)	Petrol Filling Station
Residential Institution	Place of Entertainment
School (in free-standing purpose-designed building only)	Private Club
Social Welfare Facility	Public Convenience
Utility Installation for Private Project	Public Transport Terminus or Station (not elsewhere specified)
	Public Utility Installation
	Public Vehicle Park (excluding container vehicle) (not elsewhere specified)
	Religious Institution
	School (not elsewhere specified)
	Shop and Services (not elsewhere specified)
	Training Centre

(Please see next page)

RESIDENTIAL (GROUP A) (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
<p>In addition, the following uses are always permitted (a) on the lowest three floors of a building, taken to include basements; or (b) in the purpose-designed non-residential portion of an existing building, both excluding floors containing wholly or mainly car parking, loading/unloading bays and/or plant room:</p> <p>Eating Place Educational Institution Institutional Use (not elsewhere specified) Off-course Betting Centre Office Place of Entertainment Private Club Public Convenience Recyclable Collection Centre School Shop and Services Training Centre</p>	

Planning Intention

This zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum building height in terms of number of storeys or metres above Principal Datum as stipulated on the Plan, or the height of the existing building, whichever is the greater.

(Please see next page)

RESIDENTIAL (GROUP A) (Cont'd)

Remarks (Cont'd)

- (b) On land designated “R(A)”, no new development of or redevelopment to a domestic or non-domestic building shall result in a total development and/or redevelopment in excess of a maximum domestic plot ratio of 5, or a maximum non-domestic plot ratio of 9.5, as the case may be. For new development of or redevelopment to a building that is partly domestic and partly non-domestic, the plot ratio for the domestic part of the building shall not exceed the product of the difference between the maximum non-domestic plot ratio of 9.5 and the actual non-domestic plot ratio proposed for the building and the maximum domestic plot ratio of 5 divided by the maximum non-domestic plot ratio of 9.5.
- (c) On land designated “R(A)”, no addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the relevant maximum domestic and/or non-domestic plot ratio(s) stated in paragraph (b) above, or the domestic and/or non-domestic plot ratio(s) of the existing building, whichever is the greater, subject to, as applicable –
 - (i) the plot ratio(s) of the existing building shall apply only if any addition, alteration and/or modification to or redevelopment of an existing building is for the same type of building as the existing building, i.e. domestic, non-domestic, or partly domestic and partly non-domestic building; or
 - (ii) the maximum domestic and/or non-domestic plot ratio(s) stated in paragraph (b) above shall apply if any addition, alteration and/or modification to or redevelopment of an existing building is not for the same type of building as the existing building, i.e. domestic, non-domestic, or partly domestic and partly non-domestic building.
- (d) On land designated “R(A)1”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 3, or the plot ratio of the existing building, whichever is the greater.
- (e) On land designated “R(A)2”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 3.8, or the plot ratio of the existing building, whichever is the greater.
- (f) On land designated “R(A)3”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 4.6, or the plot ratio of the existing building, whichever is the greater.

(Please see next page)

RESIDENTIAL (GROUP A) (Cont'd)

Remarks (Cont'd)

- (g) On land designated “R(A)4”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum domestic gross floor area (GFA) of 54,544m² and a maximum non-domestic GFA of 7,620m², or the GFA of the existing building, whichever is the greater.
- (h) On land designated “R(A)5”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum domestic GFA of 57,300m² and a maximum non-domestic GFA of 30,000m², or the GFA of the existing building, whichever is the greater.
- (i) On land designated “R(A)6”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum domestic GFA of 40,400m² and a maximum non-domestic GFA of 5,650m², or the GFA of the existing building, whichever is the greater.
- (j) On land designated “R(A)7”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum domestic GFA of 114,618m² and a maximum non-domestic GFA of 50,240m², or the GFA of the existing building, whichever is the greater.
- (k) On land designated “R(A)8”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum domestic plot ratio of 6 and a maximum non-domestic plot ratio of 0.5, or the plot ratio of the existing building, whichever is the greater.
- (l) On land designated “R(A)9”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum domestic plot ratio of 5.5 and a maximum non-domestic plot ratio of 0.3, or the plot ratio of the existing building, whichever is the greater.
- (m) On land designated “R(A)10”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 6, or the plot ratio of the existing building, whichever is the greater.

(Please see next page)

RESIDENTIAL (GROUP A) (Cont'd)

Remarks (Cont'd)

- (n) On land designated “R(A)11”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 6.8, or the plot ratio of the existing building, whichever is the greater.
- (o) On land designated “R(A)12”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 7.0, or the plot ratio of the existing building, whichever is the greater.
- (p) In determining the maximum plot ratio for the purposes of paragraphs (b) to (f) and (k) to (n) above, the area of any part of the site that is occupied or intended to be occupied by free-standing purpose-designed buildings (including both developed on ground and on podium level) solely for accommodating Government, institution or community (GIC) facilities including school(s) as may be required by Government shall be deducted from calculation of the site area.
- (q) In determining the maximum plot ratio/GFA for the purposes of paragraphs (b) to (o) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker’s office, or caretaker’s quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (r) In determining the maximum plot ratio for the purposes of paragraph (n) above, any floor space that is constructed or intended for use solely as public vehicle park and GIC facilities, as required by the Government may be disregarded.
- (s) Where the permitted plot ratio/GFA as defined in Building (Planning) Regulations is permitted to be exceeded in circumstances as set out in Regulation 22(1) or (2) of the said Regulations, the plot ratio/GFA for the building on land to which paragraphs (b) to (o) above applies may be increased by the additional plot ratio by which the permitted plot ratio is permitted to be exceeded under and in accordance with the said Regulation 22(1) or (2), notwithstanding that the relevant maximum plot ratio/GFA specified in paragraphs (b) to (o) above may thereby be exceeded.
- (t) In determining the maximum number of storeys for the purposes of paragraph (a) above, any basement floor(s) may be disregarded.
- (u) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height and/or plot ratio/GFA restrictions stated in paragraphs (a) to (o) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

(Please see next page)

RESIDENTIAL (GROUP A) (Cont'd)

Remarks (Cont'd)

- (v) Under exceptional circumstances, for developments and/or redevelopments, minor relaxation of the non-building area restrictions as shown on the Plan may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

RESIDENTIAL (GROUP B)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Flat	Ambulance Depot
Government Use (Police Reporting Centre, Post Office only)	Eating Place
House	Educational Institution
Library	Government Refuse Collection Point
Residential Institution	Government Use (not elsewhere specified)
School (in free-standing purpose-designed building only)	Hospital
Utility Installation for Private Project	Hotel
	Institutional Use (not elsewhere specified)
	Off-course Betting Centre
	Office
	Petrol Filling Station
	Place of Entertainment
	Place of Recreation, Sports or Culture
	Private Club
	Public Clinic
	Public Convenience
	Public Transport Terminus or Station
	Public Utility Installation
	Public Vehicle Park (excluding container vehicle)
	Recyclable Collection Centre
	Religious Institution
	School (not elsewhere specified)
	Shop and Services
	Social Welfare Facility
	Training Centre

Planning Intention

This zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board.

(Please see next page)

RESIDENTIAL (GROUP B) (Cont'd)

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum building height in terms of metres above Principal Datum as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (b) On land designated "R(B)1", no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 3, or the plot ratio of the existing building, whichever is the greater.
- (c) On land designated "R(B)2", no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 5, or the plot ratio of the existing building, whichever is the greater.
- (d) On land designated "R(B)3", no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum gross floor area (GFA) of 8,910m², or the GFA of the existing building, whichever is the greater.
- (e) On land designated "R(B)4", no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum GFA of 15,500m², or the GFA of the existing building, whichever is the greater.
- (f) On land designated "R(B)5", no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 3.6, or the plot ratio of the existing building, whichever is the greater.
- (g) In determining the maximum plot ratio/GFA for the purposes of paragraphs (b) to (f) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker's office, or caretaker's quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (h) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height and/or plot ratio/GFA restrictions stated in paragraphs (a) to (f) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

RESIDENTIAL (GROUP C)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Flat	Ambulance Depot
Government Use (Police Reporting Centre, Post Office only)	Eating Place
House	Educational Institution
Utility Installation for Private Project	Government Refuse Collection Point
	Government Use (not elsewhere specified)
	Hospital
	Hotel
	Institutional Use (not elsewhere specified)
	Library
	Petrol Filling Station
	Place of Recreation, Sports or Culture
	Private Club
	Public Clinic
	Public Convenience
	Public Transport Terminus or Station
	Public Utility Installation
	Public Vehicle Park
	(excluding container vehicle)
	Recyclable Collection Centre
	Religious Institution
	Residential Institution
	School
	Shop and Services
	Social Welfare Facility
	Training Centre

Planning Intention

This zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board.

(Please see next page)

RESIDENTIAL (GROUP C) (Cont'd)

Remarks

- (a) On land designated “Residential (Group C)1”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 1.0 and a maximum building height of 36mPD, or the plot ratio and height of the existing building, whichever is the greater.
- (b) On land designated “Residential (Group C)2”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 1.5 and a maximum building height of 55mPD, or the plot ratio and height of the existing building, whichever is the greater.
- (c) On land designated “Residential (Group C)3”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 2.4 and a maximum building height of 40mPD, or the plot ratio and height of the existing building, whichever is the greater.
- (d) On land designated “Residential (Group C)4”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum gross floor area (GFA) of 40,000m² and a maximum building height in terms of mPD as stipulated on the Plan, or the GFA and height of the existing building, whichever is the greater.
- (e) On land designated “Residential (Group C)5”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum GFA of 36,000m² and a maximum building height in terms of mPD as stipulated on the Plan, or the GFA and height of the existing building, whichever is the greater.
- (f) In determining the maximum plot ratio for the purposes of paragraphs (a) to (e) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker’s office, or caretaker’s quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (g) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio/GFA/building height restrictions stated in paragraphs (a) to (e) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

VILLAGE TYPE DEVELOPMENT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use	Eating Place
Government Refuse Collection Point	Flat
Government Use (Police Reporting Centre, Post Office only)	Government Use (not elsewhere specified)#
House (New Territories Exempted House only)	House (not elsewhere specified)
On-Farm Domestic Structure	Institutional Use (not elsewhere specified)#
Public Convenience	Petrol Filling Station
Religious Institution (Ancestral Hall only)	Place of Recreation, Sports or Culture
Rural Committee/Village Office	Private Club
	Public Clinic
	Public Transport Terminus or Station
	Public Utility Installation#
	Public Vehicle Park (excluding container vehicle)
	Religious Institution (not elsewhere specified)#
	Residential Institution#
	School#
	Shop and Services
	Social Welfare Facility#
	Utility Installation for Private Project

In addition, the following uses are always permitted on the ground floor of a New Territories Exempted House:

Eating Place
Library
School
Shop and Services

(Please see next page)

VILLAGE TYPE DEVELOPMENT (Cont'd)

Planning Intention

The planning intention of this zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building (except development or redevelopment to those annotated with #) shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the existing building, whichever is the greater.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

GOVERNMENT, INSTITUTION OR COMMUNITY

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Ambulance Depot	Animal Boarding Establishment
Animal Quarantine Centre (in Government building only)	Animal Quarantine Centre (not elsewhere specified)
Broadcasting, Television and/or Film Studio	Columbarium
Cable Car Route and Terminal Building	Correctional Institution
Eating Place (Canteen, Cooked Food Centre only)	Crematorium
Educational Institution	Driving School
Exhibition or Convention Hall	Eating Place (not elsewhere specified)
Field Study/Education/Visitor Centre	Flat
Government Refuse Collection Point	Funeral Facility
Government Use (not elsewhere specified)	Helicopter Landing Pad
Hospital	Holiday Camp
Institutional Use (not elsewhere specified)	Hotel
Library	House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes)
Market	Marine Fuelling Station
Pier	Off-course Betting Centre
Place of Recreation, Sports or Culture	Office
Public Clinic	Petrol Filling Station
Public Convenience	Place of Entertainment
Public Transport Terminus or Station	Private Club
Public Utility Installation	Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation
Public Vehicle Park (excluding container vehicle)	Refuse Disposal Installation (Refuse Transfer Station only)
Recyclable Collection Centre	Residential Institution
Religious Institution	Sewage Treatment/Screening Plant
Research, Design and Development Centre	Shop and Services (not elsewhere specified)
Rural Committee/Village Office	Utility Installation for Private Project
School	Zoo
Service Reservoir	
Social Welfare Facility	
Training Centre	
Wholesale Trade	

(Please see next page)

GOVERNMENT, INSTITUTION OR COMMUNITY (Cont'd)

Planning Intention

This zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum building height in terms of number of storeys or metres above Principal Datum as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (b) In determining the maximum number of storeys for the purposes of paragraph (a) above, any basement floor(s) may be disregarded.
- (c) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restrictions stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

RECREATION

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use	Animal Boarding Establishment
Barbecue Spot	Broadcasting, Television and/or Film Studio
Field Study/Education/Visitor Centre	Cable Car Route and Terminal Building
Government Use (Police Reporting Centre only)	Eating Place
Holiday Camp	Golf Course
On-Farm Domestic Structure	Government Refuse Collection Point
Picnic Area	Government Use (not elsewhere specified)
Public Convenience	Helicopter Landing Pad
Tent Camping Ground	Hotel
	Marina
	Pier
	Place of Recreation, Sports or Culture
	Place of Entertainment
	Private Club
	Public Utility Installation
	Public Vehicle Park (excluding container vehicle)
	Religious Institution
	Residential Institution
	Shop and Services
	Theme Park
	Utility Installation for Private Project
	Zoo

Planning Intention

This zone is intended primarily for comprehensive recreational developments for the use of the general public. It encourages the development of sports, active and/or passive recreation and tourism/eco-tourism. Major recreational/sports facilities and uses in support of the recreational developments may be permitted subject to planning permission.

Remarks

- (a) No development shall result in a total development in excess of a maximum building height in terms of number of storeys or metres above Principal Datum as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restrictions stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

OPEN SPACE

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Aviary Barbecue Spot Bathing Beach Field Study/Education/Visitor Centre Park and Garden Pavilion Pedestrian Area Picnic Area Playground/Playing Field Promenade Public Convenience Sitting Out Area Zoo	Cable Car Route and Terminal Building Eating Place Government Refuse Collection Point Government Use (not elsewhere specified) Holiday Camp Pier Place of Entertainment Place of Recreation, Sports or Culture Private Club Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Religious Institution Service Reservoir Shop and Services Tenting Camping Ground Utility Installation for Private Project

Planning Intention

This zone is intended primarily 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.

OTHER SPECIFIED USES

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
-----------------------------------	---

For “Pier” only

Government Use
Pier

Eating Place
Marine Fuelling Station
Office
Shop and Services (not elsewhere specified)

Planning Intention

This zone is primarily to provide land for pier use.

Remarks

- (a) Kiosks not greater than 10m² each in area and not more than 10 in number for use as shop and services are considered as ancillary to “Pier” use.
- (b) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum building height in terms of number of storeys as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (c) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restrictions mentioned in paragraph (b) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

(Please see next page)

OTHER SPECIFIED USES (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
<u>For “Railway Station and Public Transport Interchange with Commercial/Residential Development” only</u>	
Ambulance Depot	Broadcasting, Television and/or Film Studio
Eating Place	Commercial Bathhouse/ Massage Establishment
Educational Institution (in a commercial building or in the purpose-designed non-residential portion [@] of an existing building only)	Educational Institution (not elsewhere specified)
Exhibition or Convention Hall	Government Refuse Collection Point
Flat	Institutional Use (not elsewhere specified)
Government Use (not elsewhere specified)	Petrol Filling Station
Information Technology and Telecommunications Industries (in a commercial building or in the purpose-designed non-residential portion [@] of an existing building only)	Recyclable Collection Centre
Library	School (not elsewhere specified)
Off-course Betting Centre	
Office	
Place of Entertainment	
Place of Recreation, Sports or Culture	
Private Club	
Public Clinic	
Public Convenience	
Public Transport Terminus or Station	
Public Utility Installation	
Public Vehicle Park (excluding container vehicle)	
Railway Station	
Religious Institution	
Residential Institution	
School (in free-standing purpose-designed school building, in a commercial building or in the purpose-designed non-residential portion [@] of an existing building only)	
Shop and Services	
Social Welfare Facility	
Training Centre	
Utility Installation for Private Project	
Wholesale Trade	

[@] Excluding floors containing wholly or mainly car parking, loading/unloading bay and/or plant room

(Please see next page)

OTHER SPECIFIED USES (Cont'd)

For “Railway Station and Public Transport Interchange with
Commercial/Residential Development” only (Cont'd)

Planning Intention

This zone is primarily to provide land for railway station and a public transport interchange with commercial/residential development.

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum building height in terms of metres above Principal Datum as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (b) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum domestic gross floor area (GFA) of 168,650m², a maximum non-domestic GFA of 4,000m² and a maximum GFA of 15,066m² for the public transport interchange, or the GFA of the existing building, whichever is the greater.
- (c) In determining the maximum GFA for the purposes of paragraph (b) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker's office, or caretaker's quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded. Any floorspace that is constructed or intended for use solely as railway station development, as required by the Government, may also be disregarded.
- (d) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height and/or GFA restrictions stated in paragraphs (a) and (b) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

(Please see next page)

OTHER SPECIFIED USES (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
<u>For “Educational and Recreational Development” only</u>	
Field Study/Education/Visitor Centre	Government Use (not elsewhere specified)
Government Use (Police Reporting Centre only)	Pier
Park and Garden	Place of Recreation, Sports or Culture
Picnic Area	Public Utility Installation
Playground/Playing Field	Public Vehicle Park (excluding container vehicle)
Public Convenience	Religious Institution
	School
	Utility Installation for Private Project

Planning Intention

This zone is primarily to provide land for educational and recreational development.

Remarks

- (a) An applicant for permission for development on land designated “Other Specified Uses” annotated “Educational and Recreational Development” shall prepare a layout plan for the approval of the Town Planning Board and include therein the following information:
- (i) the area of the proposed land uses, the nature, positions, dimensions and heights of all buildings to be erected in the area;
 - (ii) the proposed total site area and gross floor area for various uses;
 - (iii) the details and extent of Government, institution or community and recreational facilities, public transport and parking facilities, and open space to be provided within the area;
 - (iv) the alignments, widths and levels of any roads and pedestrian linkages proposed to be constructed within the area;
 - (v) the landscaping and urban design proposals within the area;
 - (vi) programmes of development in detail; and
 - (vii) any other information as required by the Town Planning Board.

(Please see next page)

OTHER SPECIFIED USES (Cont'd)

For “Educational and Recreational Development” only (Cont'd)

Remarks (Cont'd)

- (b) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum gross floor area of 17,800m² and a maximum building height of seven storeys.
- (c) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the gross floor area/building height restrictions stated in paragraph (b) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

(Please see next page)

OTHER SPECIFIED USES (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
-----------------------------------	---

For All Other Sites (Not Listed Above)

As Specified on the Plan

Government Use
Public Utility Installation
Utility Installation for Private Project

Planning Intention

This zone is primarily to provide/reserve land for specific purposes and uses.

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum building height in terms of number of storey(s) as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (b) In determining the relevant maximum number of storey(s) for the purposes of paragraph (a) above, any basement floor(s) may be disregarded.
- (c) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restrictions stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

GREEN BELT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use	Animal Boarding Establishment
Barbecue Spot	Broadcasting, Television and/or Film Studio
Country Park*	Burial Ground
Government Use (Police Reporting Centre only)	Cable Car Route and Terminal Building
Nature Reserve	Columbarium (within a Religious Institution or extension of existing Columbarium only)
Nature Trail	Crematorium (within a Religious Institution or extension of existing Crematorium only)
On-Farm Domestic Structure	Field Study/Education/Visitor Centre
Picnic Area	Flat
Public Convenience	Golf Course
Tent Camping Ground	Government Refuse Collection Point
Wild Animals Protection Area	Government Use (not elsewhere specified)
	Helicopter Landing Pad
	Holiday Camp
	House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes)
	Marine Fuelling Station
	Petrol Filling Station
	Pier
	Place of Recreation, Sports or Culture
	Public Transport Terminus or Station
	Public Utility Installation
	Public Vehicle Park (excluding container vehicle)
	Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation
	Religious Institution
	Residential Institution
	School
	Service Reservoir
	Social Welfare Facility
	Utility Installation for Private Project
	Zoo

* Country Park means a country park or special area as designated under the Country Parks Ordinance (Cap. 208). All uses and developments require consent from the Country and Marine Parks Authority and approval from the Town Planning Board is not required.

(Please see next page)

GREEN BELT (Cont'd)

Planning Intention

The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

Remarks

Any diversion of stream, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the publication in the Gazette of the notice of the draft Ma On Shan OZP No. S/MOS/27 without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

CONSERVATION AREA

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use (other than Plant Nursery)	Barbecue Spot
Country Park*	Field Study/Education/Visitor Centre
Nature Reserve	Government Refuse Collection Point
Nature Trail	Government Use (not elsewhere specified)
On-Farm Domestic Structure	Holiday Camp
Picnic Area	House (Redevelopment only)
Wild Animals Protection Area	Pier
	Public Convenience
	Public Utility Installation
	Radar, Telecommunications Electronic
	Microwave Repeater, Television and/or
	Radio Transmitter Installation
	Tent Camping Ground
	Utility Installation for Private Project

- * Country Park means a country park or special area as designated under the Country Parks Ordinance (Cap. 208). All uses and developments require consent from the Country and Marine Parks Authority and approval from the Town Planning Board is not required.

Planning Intention

This zoning is intended to protect and retain the existing natural landscape, ecological, topographical or archaeological features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Site of Special Scientific Interest from the adverse effects of development.

There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

(Please see next page)

CONSERVATION AREA (Cont'd)

Remarks

- (a) No redevelopment, including alteration and/or modification to an existing house, shall result in a total redevelopment in excess of the plot ratio, site coverage and building height of the house which was in existence on the date of the publication in the Gazette of the notice of the draft Ma On Shan Outline Zoning Plan No. S/MOS/11.
- (b) Any filling or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the publication in the Gazette of the notice of the draft Ma On Shan Outline Zoning Plan No. S/MOS/12 without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

SITE OF SPECIAL SCIENTIFIC INTEREST

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Country Park* Wild Animals Protection Area	Agricultural Use Field Study/Education/Visitor Centre Government Use Nature Reserve Nature Trail On-Farm Domestic Structure Picnic Area Public Convenience Public Utility Installation Utility Installation for Private Project

- * Country Park means a country park or special area as designated under the Country Parks Ordinance (Cap. 208). All uses and developments require consent from the Country and Marine Parks Authority and approval from the Town Planning Board is not required.

Planning Intention

The planning intention of this zone is to conserve and protect the features of special geological interest which are designated as Site of Special Scientific Interest (SSSI). It intends to deter human activities or developments within the SSSI.

There is a general presumption against development in this zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes.

Remarks

Any filling or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the publication in the Gazette of the notice of the draft Ma On Shan Outline Zoning Plan No. S/MOS/12 without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

COUNTRY PARK

Country Park means a country park or special area as designated under the Country Parks Ordinance (Cap. 208). All uses and developments require consent from the Country and Marine Parks Authority and approval from the Town Planning Board is not required.

APPROVED MA ON SHAN OUTLINE ZONING PLAN NO. S/MOS/28

EXPLANATORY STATEMENT

APPROVED MA ON SHAN OUTLINE ZONING PLAN NO. S/MOS/28

EXPLANATORY STATEMENT

<u>CONTENTS</u>	<u>Page</u>
1. INTRODUCTION	1
2. AUTHORITY FOR THE PLAN	1
3. OBJECT OF THE PLAN	3
4. NOTES OF THE PLAN	4
5. THE PLANNING SCHEME AREA	4
6. POPULATION	5
7. BUILDING HEIGHT RESTRICTIONS IN THE AREA	5
8. NON-BUILDING AREAS	6
9. LAND-USE ZONINGS	
9.1 Commercial	8
9.2 Comprehensive Development Area (1)	8
9.3 Residential (Group A)	9
9.4 Residential (Group B)	12
9.5 Residential (Group C)	13
9.6 Village Type Development	13
9.7 Government, Institution or Community	14
9.8 Recreation	15
9.9 Open Space	16
9.10 Other Specified Uses	16
9.11 Green Belt	17
9.12 Conservation Area	18
9.13 Site of Special Scientific Interest	18
9.14 Country Park	19
10. COMMUNICATIONS	19
11. UTILITY SERVICES	20
12. CULTURAL HERITAGE	20
13. IMPLEMENTATION	21
14. PLANNING CONTROL	21

APPROVED MA ON SHAN OUTLINE ZONING PLAN NO. S/MOS/28

(Being an Approved Plan for the Purposes of the Town Planning Ordinance)

EXPLANATORY STATEMENT

Note : For the purposes of the Town Planning Ordinance, this statement shall not be deemed to constitute a part of the Plan.

1. INTRODUCTION

This Explanatory Statement is intended to assist an understanding of the approved Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/28. It reflects the planning intention and objectives of the Town Planning Board (the Board) for various land-use zonings of the Plan.

2. AUTHORITY FOR THE PLAN

- 2.1 Under the power delegated by the then Governor, the then Secretary for Lands and Works, directed the Board on 10 July 1987, under section 3(1)(a) of the Town Planning Ordinance (the Ordinance), to prepare an outline zoning plan for the Ma On Shan area. Since the exhibition of the draft Ma On Shan OZP No. S/MOS/1 on 22 March 1991, the OZP had been amended three times to reflect the changing circumstances.
- 2.2 On 7 October 1997, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Ma On Shan OZP, which was subsequently renumbered as S/MOS/5. On 17 October 1997, the approved Ma On Shan OZP No. S/MOS/5 was exhibited for public inspection under section 9(5) of the Ordinance. On 26 October 1999, the CE in C referred the approved Ma On Shan OZP No. S/MOS/5 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The OZP was subsequently amended twice to reflect the changing circumstances.
- 2.3 On 21 November 2000, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Ma On Shan OZP, which was subsequently renumbered as S/MOS/8. On 1 December 2000, the approved Ma On Shan OZP No. S/MOS/8 was exhibited for public inspection under section 9(5) of the Ordinance. On 25 September 2001, the CE in C referred the approved Ma On Shan OZP No. S/MOS/8 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The OZP was subsequently amended four times to reflect changing circumstances.
- 2.4 On 5 October 2004, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Ma On Shan OZP, which was subsequently renumbered as S/MOS/13. On 15 October 2004, the approved Ma On Shan OZP No. S/MOS/13 was exhibited for public inspection under section 9(5) of the Ordinance. On 19 February 2008, the CE in C referred the approved Ma On Shan OZP No. S/MOS/13 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The OZP was subsequently amended two times to reflect changing circumstances.

- 2.5 On 1 June 2010, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Ma On Shan OZP, which was subsequently renumbered as S/MOS/16. On 11 June 2010, the approved Ma On Shan OZP No. S/MOS/16 was exhibited for public inspection under section 9(5) of the Ordinance. On 8 November 2011, the CE in C referred the approved Ma On Shan OZP No. S/MOS/16 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The OZP was subsequently amended once to reflect changing circumstances.
- 2.6 On 30 July 2013, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Ma On Shan OZP, which was subsequently renumbered as S/MOS/18. On 9 August 2013, the approved Ma On Shan OZP No. S/MOS/18 was exhibited for public inspection under section 9(5) of the Ordinance. On 8 October 2013, the CE in C referred the approved Ma On Shan OZP No. S/MOS/18 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The OZP was subsequently amended once to reflect changing circumstances.
- 2.7 On 2 December 2014, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Ma On Shan OZP, which was subsequently renumbered as S/MOS/20. On 12 December 2014, the approved Ma On Shan OZP No. S/MOS/20 was exhibited for public inspection under section 9(5) of the Ordinance. On 3 February 2015, the CE in C referred the approved Ma On Shan OZP No. S/MOS/20 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The OZP was subsequently amended and exhibited for public inspection under section 5 of the Ordinance.
- 2.8 On 5 January 2016, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Ma On Shan OZP, which was subsequently renumbered as S/MOS/22. On 15 January 2016, the approved Ma On Shan OZP No. S/MOS/22 was exhibited for public inspection under section 9(5) of the Ordinance. On 12 February 2019, the CE in C referred the approved Ma On Shan OZP No. S/MOS/22 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The OZP was subsequently amended and exhibited for public inspection under section 5 of the Ordinance.
- 2.9 On 4 January 2022, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Ma On Shan OZP, which was subsequently renumbered as S/MOS/24. On 14 January 2022, the approved Ma On Shan OZP No. S/MOS/24 was exhibited for public inspection under section 9(5) of the Ordinance. On 12 April 2022, the CE in C referred the approved Ma On Shan OZP No. S/MOS/24 to the Board for amendment under section 12(1)(b)(ii) of the Ordinance. The OZP was subsequently amended and exhibited for public inspection under section 5 of the Ordinance.
- 2.10 On 8 August 2023, SDEV under the delegated authority of the Chief Executive, directed the Board under section 3(1)(a) of the Ordinance to extend the planning scheme boundary of the Ma On Shan OZP to include vegetated areas to the south of Chevalier Garden along Mui Tsz Lam (MTL) Road and near MTL Village not covered by Ma On Shan Country Park.

- 2.11 On 5 September 2023, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Ma On Shan OZP, which was subsequently renumbered as S/MOS/26. On 8 September 2023, the approved Ma On Shan OZP No. S/MOS/26 was exhibited for public inspection under section 9(5) of the Ordinance¹. On 8 September 2023, the Secretary for Development (SDEV) referred the approved Ma On Shan OZP No. S/MOS/26 to the Board for amendment under section 12(1A)(a)(ii) of the Ordinance.
- 2.12 On 15 September 2023, the draft Ma On Shan OZP No. S/MOS/27, incorporating areas to the south of Chevalier Garden along MTL Road and near MTL Village into the planning scheme area and zoning these areas as “Green Belt” (“GB”), was exhibited for public inspection under section 5 of the Ordinance. On the same day, SDEV, under section 21A(3) of the Ordinance, notified in the Gazette the designation of MTL Regulated Area (hereafter referred to as “MTLRA”). The boundary of the MTLRA is shown on Plan No. RA/MOS/MTL/1. During the two-month plan exhibition period, six valid representations were received. After giving consideration to the representations on 2 February 2024, the Board decided not to uphold the representation and that no amendment should be made to the draft OZP to meet the representation.
- 2.13 On 14 May 2024, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Ma On Shan OZP, which was subsequently renumbered as S/MOS/28. On 24 May 2024, the approved Ma On Shan OZP No. S/MOS/28 (the Plan) was exhibited for public inspection under section 9D(2) of the Ordinance.

3. OBJECT OF THE PLAN

- 3.1 The object of the Plan is to indicate the broad land-use zones and major transport networks for Ma On Shan so that development and redevelopment within Ma On Shan can be put under statutory planning control. It also provides the planning framework for preparing more detailed non-statutory plans which form the basis for public works planning and site reservation for various uses.
- 3.2 The Plan is to illustrate the broad principles of development and planning control only. It is a small-scale plan and the transport alignments and boundaries between the land-use zones may be subject to minor adjustments as detailed planning proceeds.
- 3.3 Since the Plan is to show broad land use zonings, there would be situations in which small strips of land not intended for building development purposes and carry no development right under the lease, such as the areas restricted as non-building area (NBA) or for garden, slope maintenance and access road purposes, are included in the residential zones. The general principle is that such areas should not be taken into account in plot ratio and site coverage calculation. Development within residential zones should be restricted to building lots carrying development right in order to maintain the character and amenity of the Ma On Shan area and not to overload the road network in this area.

¹ While the Ordinance was amended by the Development (Town Planning, Lands and Works) (Miscellaneous Amendments) Ordinance 2023 with effect on 1 September 2023, the references to section 9(1)(a) and section 9(5) in this paragraph 2.11 are references to those provisions in section 9 of the Ordinance as in force immediately before 1 September 2023, which applied pursuant to the transitional and saving provisions in sections 29(1) and 29(6) of the Ordinance.

4. NOTES OF THE PLAN

- 4.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Area and in particular zones and which may be permitted by the Board, with or without conditions, on application. The provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land use planning and control of development to meet changing needs.
- 4.2 For the guidance of the general public, a set of definitions that explains some of the terms used in the Notes may be obtained from the Technical Services Division of the Planning Department (PlanD) and can be downloaded from the Board's website at <http://www.tpb.gov.hk/>.

5. THE PLANNING SCHEME AREA

- 5.1 Ma On Shan area, being part of Sha Tin New Town, is located in the eastern New Territories along the southern shore of Tolo Harbour. The Planning Scheme Area (the Area), about 816 hectares (ha) in size, adjoins Sha Tin in the west, and extends as far as Kwun Hang in the east. To the south and east, it is bounded by Ma On Shan Country Park, whilst to the north and west, by Tolo Harbour and Sha Tin Hoi (Tide Cove) respectively.
- 5.2 Most of the existing and proposed developments between Tai Shui Hang and Wu Kai Sha are of relatively high intensity. They include housing developments as well as sites used for commercial and community facilities. The development concept of the Area is to achieve a descending building height profile from the highest part in the town centre, petering out towards the peripheries. East of Whitehead, a few villages are found scattered in a green and serene setting overlooking Tolo Harbour. Along the coast of Nai Chung is a strip of land identified as a "Site of Special Scientific Interest" ("SSSI") abutting some heavily vegetated knolls. Any development, which would significantly change the character of this part of the Area, should be avoided. Recreational as well as low-density residential or Government, Institution and Community (GIC) uses are considered to be most suitable.
- 5.3 The boundary of the Area is shown by a heavy broken line on the Plan. For planning and reference purposes, the Area is sub-divided into a number of smaller planning areas as shown on the Plan.
- 5.4 MTLRA covers part of the MTL and Mau Ping Priority Site for Enhanced Conservation identified under the New Nature Conservation Policy promulgated by the Government in 2004 for enhanced conservation. 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. To better protect the natural and landscape character of MTL area and to guard against disturbance to the natural environment, about 33 ha of land located to the south of Chevalier Garden along MTL Road and near MTL Village has been designated as MTLRA by SDEV (**Plan No. RA/MOS/MTL/1**) to enable the Planning Authority to instigate enforcement actions against any unauthorized developments. A "two-part" covering Notes system is introduced to accommodate the different

provisions for (i) land falling within the boundaries of the OZP which are not within the boundaries of the RA (i.e. “Part A”) and (ii) land falling within the boundaries of the OZP and boundaries of the RA (i.e. “Part B”).

- 5.5 MTLRA is in close proximity to MTL Village, which is one of the eight recognized villages in Ma On Shan. It is accessible via MTL Road, which connects to Sha Tin and Ma On Shan via A Kung Kok Street and Hang Shun Street. The MTLRA is an environmentally and ecologically sensitive area connected to the adjoining Ma On Shan Country Park. It comprises native woodland, fung shui wood, agricultural land and a natural stream, with highly diverse flora and fauna species ecologically connected with Ma On Shan Country Park.

6. POPULATION

According to the 2021 population census, the population of the Area was estimated by PlanD as about 210,300 persons, comprising 112,950 in public housing (including public rental housing estates, Subsidised Sale Flats (SSF) and Private Sector Participation Scheme (PSPS)) and 97,350 in private housing including village type development. It is estimated that the total planned population would be about 249,600.

7. BUILDING HEIGHT RESTRICTIONS IN THE AREA

- 7.1 In order to provide better planning control on the development intensity and building height upon development/redevelopment, to address public demand for greater certainty and transparency in the statutory planning system, and to meet the growing community aspiration for a better living environment, a review of the Ma On Shan OZP has been taken with a view to incorporating appropriate building height restrictions for various development zones to guide future development/redevelopment. In the absence of building height control, tall buildings may proliferate at random locations and the scale may be out-of-context in the locality, resulting in negative impacts on the visual quality of the Area, and may sometimes obstruct air ventilation. In order to prevent excessively tall or out-of-context buildings, to preserve some key urban design attributes (e.g. stepped building height from the waterfront and preservation of public views to the ridgelines) and to provide better control on the building height of developments in the Area, building height restrictions are imposed for the development zones on the Plan.
- 7.2 The stepped building height concept recommended in the Urban Design Guidelines with lower buildings on the waterfront/near major open spaces has been adopted, taking into account the local area context, the local wind environment, and the need to maintain visually compatible building masses in the wider setting. In view of the topography of the Area, there are different height bands generally increasing progressively from the waterfront to inland area and decreasing progressively from the town centre and the western and eastern gateway nodes to respect the distinct urban form of the new town. The proposed building height bands help preserve public views to the ridgelines, achieve a stepped height profile, and maintain visual permeability and wind penetration and circulation as far as possible.

- 7.3 Specific building height restrictions for the “Government, Institution or Community” and “OU” zones in terms of number of storeys or metres above Principal Datum (mPD), where appropriate, which mainly reflect the existing and planned building heights of developments, have been incorporated into the Plan to provide visual and spatial relief to the high density environment of the Area.
- 7.4 For any site which covers a relatively large area, the development should be designed with a view to providing a variation in the height profile within the site, whilst not exceeding the maximum building height specified on the Plan.
- 7.5 An Expert Evaluation on Air Ventilation Assessment (AVA) has been undertaken to assess the existing wind environment and the likely impact of the proposed building heights of the development sites within the Area on the pedestrian wind environment. The building height restrictions shown on the Plan have taken the findings of the AVA into consideration.
- 7.6 In general, a minor relaxation clause in respect of building height restrictions is incorporated into the Notes of the Plan in order to provide incentive for developments/redevelopments with planning and design merits. Each planning application under section 16 of the Ordinance will be considered on its own merits and the relevant criteria for consideration of such application are as follows:
- (a) amalgamating smaller sites for achieving better urban design and local area improvements;
 - (b) accommodating the bonus plot ratio granted under the Buildings Ordinance in relation to surrender/dedication of land/area for use as a public passage/street widening;
 - (c) providing better streetscape/good quality street level public urban space;
 - (d) providing separation between buildings to enhance air and visual permeability; and
 - (e) other factors such as site constraints, need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, provided that no adverse landscape and visual impacts would be resulted from the innovative building design.
- 7.7 However, for any existing building with building height already exceeding the building height restrictions in terms of mPD and/or number of storeys as shown on the Notes of the Plan and/or stipulated on the Plan, there is a general presumption against such application for minor relaxation except under exceptional circumstances.

8. NON-BUILDING AREAS

- 8.1 According to the findings of the AVA, the major prevailing annual winds come from the east and north-east direction. In the summer, the south-west background prevailing wind flows from Shing Mun River Channel unobstructed into the south-western part of the Area. This summer wind is very important for urban thermal comfort and air ventilation. The waterbody of Tolo Harbour can create

some “southeast-northwest” land and sea breeze with a slight east-west thermally driven air movement across the Area. In terms of air ventilation, the layout of the Area performs well in that the road and open space networks provide an extensive network of airpaths for necessary air ventilation. There is no major air ventilation issue for the Area. However, to further improve the airpath network, the AVA recommends a few strips of non-building/low building areas for better air ventilation of the Area.

8.2 Taking into account the findings of the AVA and other relevant factors, such as site constraints and impacts on development/redevelopment potential, three strips of NBAs are proposed on the Plan as follows:

- (a) a 25m-wide strip of land across the northern part of Kam Fung Court/Chung On Estate. The NBA passes through the existing landscaped area of the public housing site and will help improve the effectiveness of the Hang Hong Street airpath and improve the air ventilation of the area. The NBA should be taken into account upon future redevelopment of the estate;
- (b) a 25m-wide strip of land across the south-western part of Lee On Estate. The NBA passes through the existing landscaped area and slope area and will improve the effectiveness of the Kam Ying Road airpath. The NBA should be taken into account upon future redevelopment of the estate; and
- (c) a 15m-wide strip of land along the northern boundary of the “Commercial” (“C”) site in Area 77. The NBA requirement will form part of the sale conditions of the “C” site. The NBA will improve the effectiveness of southeast and northwest airpaths in the area between Ocean View and STTL 548.

The NBA requirements will not apply to underground development. Moreover, a minor relaxation clause has been incorporated in the Notes of the relevant zones to allow minor relaxation of the stated NBA restrictions as shown on the Plan under exceptional circumstance.

8.3 Furthermore, in accordance with the recommendation of the AVA, 2-storey building height restrictions are imposed for three strips of land as follows:

- (a) a 16m-wide strip of land across Heng On Estate/Kam On Court with a width similar to that of Hang Tai Road. The strip of land passes through the existing open space, landscaped area and portion of a shopping centre of Heng On Estate and will improve the effectiveness of Ma On Shan Road breezeway towards Ma On Shan Sports Ground. The 2-storey building height restriction should be taken into account upon future redevelopment of the estate; and
- (b) two strips of land (15m wide each) within the “CDA(1)” zone at Lok Wo Sha. The two strips of land are in line with the view corridors incorporated in the approved Master Layout Plan (MLP) for the Lok Wo Sha Development. The land strips are subject to a building height restriction of 2 storeys to cater for the height of a podium structure of the Lok Wo Sha Development under the approved MLP.

As the 2-storey building height restriction is stipulated for better air ventilation of the area, basement floor may be disregarded when determining the maximum number of storeys.

- 8.4 As for the town centre, the AVA recommended that the area bounded by Ma On Shan Bypass and the waterfront should be free of building or as permeable as possible (for example, include large voids in podium) upon redevelopment, if any. It is important to continue to intensify the greenery as much as possible in this area. Although the sites around the town centre have already been fully developed, this recommendation should be taken into account for planning consideration of any redevelopment of the area in future.

9. LAND-USE ZONINGS

9.1 Commercial (“C”) : Total Area 0.50 ha

- 9.1.1 This zone is intended primarily for commercial developments, which may include shop, services, place of entertainment and eating place, functioning mainly as local shopping centre serving the immediate neighbourhood.
- 9.1.2 In order to control the building density and avoid over-development, the site zoned “C” located on the northern side of Sai Sha Road in Planning Area 77 is restricted to a maximum non-domestic plot ratio of 3. Development and redevelopment within this zone is subject to maximum building height restriction as stipulated on the Plan, or the height of the existing building, whichever is the greater. Minor relaxation of the building height and/or plot ratio restrictions may be considered by the Board on application under section 16 of the Ordinance. The criteria given in paragraph 7.6 above would be relevant for assessment for minor relaxation of building height restrictions. Each application for minor relaxation of building height and/or plot ratio restrictions will be considered on its own merits.
- 9.1.3 However, for any existing building with plot ratio already exceeding the plot ratio restriction as shown on the Notes of the Plan, there is a general presumption against such application for minor relaxation except under exceptional circumstances.

9.2 Comprehensive Development Area (1) (“CDA(1)”) : Total Area 12.74 ha

- 9.2.1 This zone is intended for comprehensive development/redevelopment of the area for recreational, residential and/or commercial uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.
- 9.2.2 Pursuant to section 4A(1) of the Ordinance, any development in this zone would require approval of the Board by way of a planning application under section 16 of the Ordinance. A MLP should be submitted in accordance with the requirements as specified in the Notes of the Plan for

the approval of the Board pursuant to section 4A(2) of the Ordinance. A copy of the approved MLP will be made available for public inspection pursuant to section 4A(3) of the Ordinance.

- 9.2.3 This zone covers a site near Lok Wo Sha. The site covers two wooded areas in the western part of the site. A major part of a known archaeological site (i.e. the Wu Kai Sha Site of Archaeological Interest) also falls within the area.
- 9.2.4 The site is intended for medium-density residential and commercial development to be developed in a comprehensive manner. A 24-hour pedestrian walkway is provided within the zone to connect with the Tuen Ma Line Wu Kai Sha Station to its south and a covered footbridge provided by the Government to its north leading to the “R(C)4” zone. This would serve the residents and visitors travelling between the railway station to its south and the recreational facilities at the Whitehead headland. As the southern side of the site is subject to road traffic noise from Sai Sha Road, adequate noise mitigation measures should be provided.
- 9.2.5 The site is divided into two sub-areas. Area (a), which comprises the central part of the site, is intended for medium-density residential development and is subject to a maximum domestic plot ratio of 3 and a maximum non-domestic gross floor area (GFA) of 10,000m², and a maximum building height in terms of number of storeys or mPD as stipulated on the Plan. A “stepped height” building profile descending from the southern part to the northern part of the site is required. Compatible GIC uses will be provided within this area. Existing trees within the area should be preserved as far as practicable. Area (b) includes two sites on the western side of the site which are designated as a NBA for tree preservation and replanting purposes and would not be accountable for site area calculation. Minor boundary adjustment of Areas (a) and (b) may be permitted at the MLP submission stage provided that the total NBA not accountable for site area calculation remains unchanged.
- 9.2.6 Minor relaxation of the building height and/or plot ratio/GFA restrictions may be considered by the Board on application under section 16 of the Ordinance. The criteria given in paragraph 7.6 above would be relevant for assessment for minor relaxation of building height restrictions. Each application for minor relaxation of building height and/or plot ratio/GFA restrictions will be considered on its own merits.
- 9.2.7 However, for any existing building with plot ratio/GFA already exceeding the plot ratio/GFA restrictions as shown on the Notes of the Plan, there is a general presumption against such application for minor relaxation except under exceptional circumstances.

9.3 Residential (Group A) (“R(A)”) : Total Area 90.57 ha

- 9.3.1 This zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing

building. The lowest three floors of a building include basements but exclude any floor used wholly or mainly for ancillary car parking, loading/unloading bay and/or plant room. Commercial uses on any floor above the lowest three floors will require planning permission from the Board.

- 9.3.2 Sites in Planning Areas 75, 77, 86, 90, 90B, 92, 100, 103 and 108 zoned for this purpose are intended for public housing development including public rental estates, SSF as well as PSPS. Within these developments, local open spaces and neighbourhood shopping and community facilities are provided to serve the needs of the residents.
- 9.3.3 Existing public rental estates include Yan On Estate and Heng On Estate in Planning Area 86, Chung On Estate in Planning Area 90, Yiu On Estate in Planning Area 92 and Lee On Estate in Planning Area 108. Eight SSF developments include Kam Tai Court in Planning Area 77, Kam Chun Court in Planning Area 81, Kam On Court in Planning Area 86, Kam Fai Court and Kam Fung Court in Planning Area 90, Kam Hay Court in Planning Area 92, Kam Ying Court in Planning Area 103 and Kam Lung Court in Planning Area 108. Two major PSPS developments include Chevalier Garden in Planning Area 75 and Saddle Ridge Garden in Planning Area 103. Fok On Garden and Fu Fai Garden in Planning Area 100 are two smaller scale PSPS developments.
- 9.3.4 Developments or redevelopments in areas zoned “R(A)” are subject to a maximum domestic plot ratio of 5 or a maximum non-domestic plot ratio of 9.5, or the plot ratio of the existing building, whichever is the greater. They are also subject to the maximum building height restrictions as stipulated on the Plan, or the height of the existing building, whichever is the greater. The stipulated plot ratio restriction is the maximum only. All public housing estates are also governed by planning briefs. Any increase in GFA/plot ratio must be supported by relevant assessments on the infrastructural implications e.g. Traffic Impact Assessment (TIA), Drainage Impact Assessment and Sewerage Impact Assessment (SIA).
- 9.3.5 The three sites occupied by Chevalier Garden, Kam On Court and Kam Ying Court are zoned “R(A)1”, “R(A)2” and “R(A)3” respectively. They are subject to maximum plot ratio restrictions or the plot ratio of the existing building, whichever is the greater. Their plot ratio restrictions are as follows:

Site	Zoning	Maximum Total Plot Ratio
Chevalier Garden	“R(A)1”	3
Kam On Court	“R(A)2”	3.8
Kam Ying Court	“R(A)3”	4.6

They are also subject to the maximum building height restrictions as stipulated on the Plan, or the height of the existing building, whichever is the greater.

- 9.3.6 The four sites occupied by Ma On Shan Centre, Bayshore Towers, Sunshine City Phase V (The Tolo Place) and Sunshine City Phase IV are zoned “R(A)4”, “R(A)5”, “R(A)6” and “R(A)7” respectively. They are

subject to maximum GFA restrictions or the GFA of the existing building, whichever is the greater. In order to ensure that essential commercial floorspace would be provided to serve the function of the town centre, non-domestic GFA restriction is specified. Their GFA restrictions are as follows:

Site	Zoning	Maximum Domestic GFA (m ²)	Maximum Non-domestic GFA (m ²)
Ma On Shan Centre	"R(A)4"	54,544	7,620
Bayshore Towers	"R(A)5"	57,300	30,000
Sunshine City Phase V (The Tolo Place)	"R(A)6"	40,400	5,650
Sunshine City Phase IV	"R(A)7"	114,618	50,240

The above sites are also subject to the maximum building height restrictions as stipulated on the Plan, or the height of the existing building, whichever is the greater.

- 9.3.7 Yan On Estate and its extension (Kam Pak Court which is a SSF development) in Planning Area 86 is zoned "R(A)8" for public housing development and Kam Chun Court opposite to Yan On Estate across Ma On Shan Road is zoned "R(A)9" for SSF development. Both sites are subject to maximum plot ratio restrictions or the plot ratio of the existing building, whichever is the greater. Their plot ratio restrictions are as follows:

Site	Zoning	Maximum Domestic Plot Ratio	Maximum Non-domestic Plot Ratio
Yan On Estate and its extension (Kam Pak Court)	"R(A)8"	6	0.5
Kam Chun Court	"R(A)9"	5.5	0.3

They are also subject to the maximum building height restrictions as stipulated on the Plan, or the height of the existing building, whichever is the greater.

- 9.3.8 Kam Fai Court at Hang Kin Street in Area 90B is zoned "R(A)10" for SSF development subject to a maximum plot ratio of 6 or the plot ratio of the existing building, whichever is the greater. It is also subject to a maximum building height restriction as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- 9.3.9 Three sites, one to the east and the other to the west of Cheung Muk Tau Village, and one at the lower end of Ma On Shan Tsuen Road are zoned "R(A)11" for public housing developments subject to a maximum plot ratio of 6.8 or the plot ratio of the existing building, whichever is the greater. It is also subject to a maximum building height restriction as stipulated on the Plan, or the height of the existing building, whichever is the greater.

- 9.3.10 At the detailed design stage, quantitative air ventilation studies will need to be conducted for the housing developments within the “R(A)11” sites to further refine the development layout and the relevant mitigation measures from the air ventilation perspectives.
- 9.3.11 A site located on On Chun Street in Area 100 is zoned “R(A)12” subject to a maximum plot ratio of 7.0 or the plot ratio of the existing building, whichever is the greater. It is also subject to a maximum building height restriction as stipulated on the Plan, or the height of the existing building, whichever is the greater. The requirements of relevant technical assessments (including TIA, Noise Impact Assessment and SIA, etc.) should be incorporated into the lease.
- 9.3.12 Planning brief(s) setting out the development parameters, design requirements and the relevant technical assessments to be conducted for individual public housing site(s) will be provided to guide the future development of the site(s).
- 9.3.13 Minor relaxation of the building height and/or plot ratio/GFA restrictions may be considered by the Board on application under section 16 of the Ordinance. The criteria given in paragraph 7.6 above would be relevant for assessment for minor relaxation of building height restrictions. Each application for minor relaxation of building height and/or plot ratio/GFA restrictions will be considered on its own merits.
- 9.3.14 However, for any existing building with plot ratio/GFA already exceeding the plot ratio/GFA restrictions as shown on the Notes of the Plan, there is a general presumption against such application for minor relaxation except under exceptional circumstances.

9.4 Residential (Group B) (“R(B)”) : Total Area 20.77 ha

- 9.4.1 This zone is intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 9.4.2 This zone includes areas in the northern part of Planning Area 77, the southern part of Planning Area 90, the eastern part of Planning Area 92 and Planning Area 108, a site at Hang Kwong Street in Planning Area 92, a site at Ma Kam Street in Planning Area 103, a site to the south of the existing Wu Kai Sha Youth Village in Planning Area 110 and a site at Lok Wo Sha Lane in Planning Area 111.
- 9.4.3 The “R(B)” zone is sub-divided into a number of sub-areas. These sub-areas have different restrictions on the development intensity and these restrictions are specified in the Remarks in the Notes of the Plan. They are also subject to the maximum building height restrictions as stipulated on the Plan, or the height of the existing building, whichever is the greater. These restrictions are required to provide a variety of housing mix. Minor relaxation of the building height and/or plot ratio/GFA restrictions may be considered by the Board on application under section 16 of the Ordinance. The criteria given in paragraph 7.6 above would be relevant for assessment for minor relaxation of building height

restrictions. Each application for minor relaxation of building height and/or plot ratio/GFA restrictions will be considered on its own merits.

- 9.4.4 However, for any existing building with plot ratio already exceeding the plot ratio/GFA restriction as shown in the Notes of the Plan, there is a general presumption against such application for minor relaxation except under exceptional circumstances.

9.5 Residential (Group C) (“R(C)”) : Total Area 17.17 ha

- 9.5.1 This zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 9.5.2 Two sites at Cheung Muk Tau and three sites in Whitehead in Planning Area 111 are zoned for this use. Plot ratio and building height restrictions are imposed in the Notes of the Plan for residential developments within this zoning. The zoning is further sub-divided into five sub-areas, each with its own specific plot ratio/GFA and building height restrictions. In “R(C)5” zone, a 15m-wide visual/air ventilation corridor is restricted to 2 storeys. All these restrictions are necessary for preserving the general amenity and the rural character of Planning Area 111 as well as ensuring that the development intensities will not overload the road network. In addition, these restrictions can ensure that the future development within this zone will be compatible with the nearby institution/community and recreational uses as well as the surrounding rural setting; and help to maintain the ridgeline of Ma On Shan as the backdrop of the Area as viewed from the other side of Tolo Harbour.
- 9.5.3 Minor relaxation of the building height and/or plot ratio/GFA restrictions may be considered by the Board on application under section 16 of the Ordinance. The criteria given in paragraph 7.6 above would be relevant for assessment for minor relaxation of building height restrictions. Each application for minor relaxation of building height and/or plot ratio/GFA restrictions will be considered on its own merits.
- 9.5.4 However, for any existing building with plot ratio/GFA already exceeding the plot ratio/GFA restrictions as shown on the Notes of the Plan, there is a general presumption against such application for minor relaxation except under exceptional circumstances.

9.6 Village Type Development (“V”) : Total Area 30.88 ha

- 9.6.1 The planning intention of this zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on

application to the Board. In order to ensure that any future development or redevelopment within these villages would retain the village character, a restriction of a maximum building height of 3 storeys (8.23m) or the height of the existing buildings, whichever is the greater, is imposed under this zoning.

- 9.6.2 Within the Area, there are altogether eight recognized villages covered by this zoning. They are Tai Shui Hang, MTL, Ma On Shan Tsuen, Wu Kai Sha (comprising the areas of Cheung Kang, Wu Kai Sha New Village, Kwai Po Lau and Lok Wo Sha), Cheung Muk Tau, Sai O, Nai Chung and Kwun Hang.
- 9.6.3 In the delineation of the boundaries of the proposed “V” zones, consideration has been given to the Small House demand forecast, the village ‘environs’ and geographical constraints.
- 9.6.4 As MTL and Ma On Shan Tsuen are located at the hillslopes of Ma On Shan, building works for village housing and associated road access could result in excessive cutting of hillslopes and subsequent visual impact. Particular attention should therefore be paid to avoid adverse visual impact caused by any proposed developments at these areas. The two villages also lie within the upper indirect water gathering grounds and in the vicinity of streams. As such, it would be necessary to ensure control on effluents from proposed developments at these areas.
- 9.6.5 According to the Territorial Land Drainage and Flood Control Strategy Study Phase I, Cheung Muk Tau is located within a flood plain which is subject to overland flow and inundation during heavy rainfall. Any development at this village should therefore be strictly controlled. To avoid aggravating flood risk in the area, proper drainage mitigation measures should be identified for implementation in conjunction with proposed developments at this village.

9.7 Government, Institution or Community (“G/IC”) : Total Area 65.61 ha

- 9.7.1 This zone is intended primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.
- 9.7.2 Existing GIC facilities serving a wider community include Wu Kai Sha Youth Village in Planning Area 110, Li Po Chun United World College and a holiday centre for the elderly in Planning Area 111, and a regional police headquarters in Planning Area 103.
- 9.7.3 Existing/planned GIC facilities serving mainly the local community include a swimming pool complex, an indoor recreation centre cum library, a sub-divisional fire station, an ambulance depot cum training school, and a sports complex in Planning Area 92, a health and welfare building in Planning Area 90, a sewage pumping station and an electricity sub-station in Planning Area 86, a site for social welfare facilities and other GIC facilities in Area 100, the indoor recreation centre cum

community hall and other facilities at Area 103, and the indoor recreation centre at Lok Wo Sha Lane.

- 9.7.4 The “G/IC” sites in the area near the eastern end of Planning Area 81 have been developed as a service reservoir. Another “G/IC” site in the area is planned for the development of another service reservoir. The “G/IC” site in Planning Area 81 near Kam Ying Court has been developed as Ma On Shan Service Reservoir and Ma On Shan Salt Water Reservoir. The “G/IC” site near To Tau is planned for the development of a sewage pumping station.
- 9.7.5 The three “G/IC” sites along Ma On Shan Tsuen Road are reserved for a primary school, a pumping station, and a fresh water service reservoir and a salt water service reservoir to support the planned housing developments.
- 9.7.6 A number of primary and secondary schools have been provided and planned within the Area. Also included under this zoning are sites for churches and telephone exchanges.
- 9.7.7 When detailed planning and development for the Area proceeds, local community facilities such as kindergartens and neighbourhood centres will be provided within the public housing estates and the large private residential developments.
- 9.7.8 Development and redevelopment within the “G/IC” zone is subject to building height restrictions as stipulated on the Plan or the height of the existing building, whichever is the greater. Minor relaxation of the building height restrictions may be considered by the Board on application under section 16 of the Ordinance. Each application for minor relaxation of building height restriction will be considered on its own merits, taking into account the relevant criteria as set out in paragraph 7.6 above.

9.8 Recreation (“REC”) : Total Area 14.95 ha

- 9.8.1 The site comprises a large piece of flat land at the northern part of the Whitehead headland. The planning intention of this zone is primarily for comprehensive recreational developments for the use of the general public. It encourages the development of sports, active and/or passive recreation and tourism/eco-tourism. Given its waterfront location, it may also be suitable for water-related recreational uses and the natural shoreline should be preserved as far as possible. Major recreational/sports facilities and uses in support of the recreational developments may be permitted subject to planning permission. The site is subject to a maximum building height in terms of number of storeys or mPD as stipulated on the Plan. Consideration should be given to keep the building height at the waterfront to a minimum to avoid potential visual impact.
- 9.8.2 Minor relaxation of the building height restriction may be considered by the Board on application under section 16 of the Ordinance. The criteria given in paragraph 7.6 above would be relevant for assessment for minor

relaxation of building height restriction. Each application for minor relaxation of building height restriction will be considered on its own merits. Given its waterfront location, podium structures should be avoided.

9.9 Open Space (“O”) : Total Area 38.71 ha

- 9.9.1 This zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of the local residents as well as the general public.
- 9.9.2 Open space provision in the Area is planned in the form of a continuous network. The open spaces are designed to link Ma On Shan Country Park to the shoreline of Tide Cove/Tolo Harbour. The main feature is the district open space on the waterfront in Planning Area 100, which has been developed as Ma On Shan Park to serve the Area. A waterfront promenade running from Tai Shui Hang in the south up to Ma On Shan Park in the north has been completed.
- 9.9.3 In response to the “green finger” concept adopted in the overall planning of the Area, three strips of open spaces running in an east-west direction will be developed in the Area. They serve as green visual corridors separating the high-density developments. They are located to the south and to the north of Heng On Estate and to the north of Yiu On Estate.
- 9.9.4 In addition to the major open spaces as indicated on the Plan, local open spaces will also be provided within the public housing estates and the large private residential developments for the enjoyment of local residents.

9.10 Other Specified Uses (“OU”) : Total Area 12.59 ha

- 9.10.1 This zone is intended for specific development(s) and/or uses, which is/are specified in the annotation of the zone.
- 9.10.2 A site in the north-eastern part of Planning Area 108 has been developed for a railway station and a public transport interchange with a commercial/residential development. The Ma On Shan Rail terminates at this point and is provided with pedestrian linkages and bus feeder services to serve the surrounding areas. Developments or redevelopments in this “OU” site are subject to a maximum domestic GFA of 168,650m², a maximum non-domestic GFA of 4,000m² and a maximum GFA of 15,066m² for the public transport interchange, or the GFA of the existing building, whichever is the greater. The GFA of the railway station may be exempted from GFA calculation.
- 9.10.3 Ma On Shan Water Treatment Works at Kwun Hang in Planning Area 81 serves to provide chlorinated water to the Area.
- 9.10.4 Three existing petrol filling stations in Planning Areas 86 and 92 are also covered by this zoning.

- 9.10.5 The existing pier for Wu Kai Sha Youth Village in Planning Area 110 and a proposed pier in Planning Area 100 are also covered by this zoning.
- 9.10.6 A site at Nai Chung is designated for educational and recreational development. Recreational uses compatible with the overall setting of the area are permitted as of right. The development of a school in this zone requires planning permission from the Board in order to ensure adequate planning control on the proposed use through the submission of layout plan. Moreover, development or redevelopment within the zone is subject to a maximum GFA of 17,800m² and a maximum building height of seven storeys. Minor relaxation of the stated restrictions may be considered by the Board on application under section 16 of the Ordinance. Each proposal will be considered on its own merits. For any development on this site, special attention should be made to ensure no adverse impact on the surrounding environment (particularly the Nai Chung SSSI).
- 9.10.7 A site to the south-east of Chevalier Garden in Planning Area 75 is designated as “OU” annotated “Sewage Treatment Works” to facilitate the relocation of the Sha Tin Sewage Treatment Works to cavern.
- 9.10.8 Developments or redevelopments in the “OU” sites are subject to maximum building heights in terms of mPD or number of storeys as stipulated on the Plan or at the Notes of the Plan. Minor relaxation of the building height and/or plot ratio/GFA restrictions may be considered by the Board on application under section 16 of the Ordinance. The criteria given in paragraph 7.6 above would be relevant for assessment for minor relaxation of building height restrictions. Each application for minor relaxation of building height and/or GFA restrictions will be considered on its own merits.
- 9.10.9 However, for any existing building with plot ratio/GFA already exceeding the plot ratio/GFA restrictions as shown on the Notes of the Plan, there is a general presumption against such application for minor relaxation except under exceptional circumstances.
- 9.11 Green Belt (“GB”) : Total Area 398.63 ha
- 9.11.1 The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. The “GB” zone also provides a buffer between the developments in the Area and the adjacent Ma On Shan Country Park. There is a general presumption against development within this zone.
- 9.11.2 The land within this zoning comprises mainly the hill slopes to the south of Ma On Shan Bypass. MTLRA, the existing wooded knoll near Starfish Bay and the area to the southwest of Li Po Chun United World College are also under this zoning.
- 9.11.3 As diversion of stream, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse

impacts on the natural environment, permission from the Board is required for such activities.

9.12 Conservation Area (“CA”) : Total Area 11.86 ha

- 9.12.1 This zoning is intended to protect and retain the existing natural landscape, ecological, topographical or archaeological features of the Area for conservation, educational and research purposes and to separate sensitive natural environment such as the SSSI from the adverse impacts of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the Area or the development is an essential infrastructure project with overriding public interest may be permitted. The coastal areas in the eastern and western parts of the Whitehead headland and along Starfish Bay and To Tau are zoned “CA” in recognition of their ecological and archaeological values.
- 9.12.2 The eastern and western coastal areas of the Whitehead headland include patches of dense, undisturbed and mature plantations which support a number of bird species. Starfish Bay has long been recognized as a site of ecological interest for academic investigation of inter-tidal habitats and the associated fauna. It is important both as a natural resource asset and because of its educational and scientific values. The “CA” zone at Starfish Bay together with the Nai Chung SSSI would form a continuous conservation belt along the coastline. In addition, the “CA” zone at To Tau covers a mature coastal woodland and a prehistoric archaeological site identified on the raised beach south of To Tau, which are of ecological and archaeological values respectively.
- 9.12.3 Uses in support of the conservation purposes such as nature reserve, field study centre, education centre and visitor centre are permitted as of right. New developments which are not necessary to support the conservation objectives are not permitted in this zone. Only a selective range of uses such as public convenience and refreshment kiosk which would have insignificant impact on the ecology, environment and infrastructural provision of the area may be permitted with or without conditions on application to the Board.
- 9.12.4 As filling or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

9.13 Site of Special Scientific Interest (“SSSI”) : Total Area 2.48 ha

- 9.13.1 The planning intention of this zone is to conserve and protect the features of special geological interest which are designated as SSSI. It intends to deter human activities or developments within the SSSI. There is a general presumption against development in this zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes.

9.13.2 The Nai Chung SSSI, which is of geological interest, was designated on 24 September 1982. It extends about 0.9 km along the coast of Nai Chung near Li Po Chun United World College. Within this SSSI, good contact of granite with sediments and traces of black carbonaceous shales are found. These are all rare geological features in Hong Kong.

9.13.3 As filling or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

9.14 Country Park ("CP") : Total Area 0.60 ha

9.14.1 Country Park means a country park or special area as designated under the Country Parks Ordinance (Cap. 208). All uses and developments require consent from the Country and Marine Parks Authority and approval from the Board is not required.

9.14.2 The only site in the Area covered by this zoning is Nai Chung Barbecue Site located along Sai Sha Road in Planning Area 81. This site forms part of Ma On Shan Country Park.

10. COMMUNICATIONS

10.1 A comprehensive transportation system comprising roads, pedestrian ways and cycle tracks has been planned for the Area. Only the major road networks (including trunk roads, primary and district distributors) are indicated on the Plan.

10.2 External road links are provided in three directions. Road T6 (comprising a bridge and road interchanges) links the Area with Tolo Highway for access to the northern New Territories. To the south-west, Ma On Shan Road provides connection to Tate's Cairn Tunnel which links up with East Kowloon. Sai Sha Road in the east gives direct access to Sai Kung. Internally, Ma On Shan Bypass, which connects Ma On Shan Road to Sai Sha Road, skirts the south-east of the main development area of the Area. A hierarchy of distributor roads has been planned to provide safe and convenient access to the various planning areas.

10.3 Extensive pedestrian and cycle track networks have been planned to link up the residential developments with open spaces, community facilities, and the Town Centre as far as possible. They are, wherever possible, segregated from the road network.

10.4 Public transport is mainly provided by buses and green minibuses. Tuen Ma Line provides a convenient passenger link connecting Ma On Shan and Tuen Mun with interchange facilities with East Rail in Tai Wai. Four stations fall within Ma On Shan (Tai Shui Hang, Heng On, Ma On Shan and Wu Kai Sha).

10.5 A new ferry pier is proposed near Ma On Shan Park in Planning Area 100 to cater for possible ferry services, public vessels and pleasure boats.

11. UTILITY SERVICES

11.1 Water Supply

Fresh water supply and sea water supply for flushing are generally available to low-lying area in the Area. Fresh water supply is provided by Ma On Shan Water Treatment Works via Ma On Shan Fresh Water Primary and Secondary Service Reservoirs. Sea water supply is provided by Sha Tin Seafront Salt Water Pumping Station via Ma On Shan Salt Water Service Reservoir.

11.2 Sewage Treatment

The sewage in the Area will be pumped via rising mains to the Sha Tin Sewage Treatment Works in Planning Area 47 in Sha Tin which will be relocated to cavern at Nui Po Shan in Planning Area 65 in Sha Tin. There is at present no sewer serving the area to the north of Lok Wo Sha in Area 111. The proposed development at Whitehead and the area near Lok Wo Sha will tie in with the upgrading of the sewerage system in the Ma On Shan area.

11.3 Public Utilities

Close liaison and consultation with the various utility companies have been maintained in the planning and development of the Area. Adequate provision has been made for utility networks and for installations such as telephone exchanges and electric sub-stations.

12. CULTURAL HERITAGE

12.1 Three sites of archaeological interest are located within the Area, namely Pak Kong – MTL Trackway (partial), Wu Kai Sha Site of Archaeological Interest, and Che Ha Site of Archaeological Interest (partial). There are seven graded historic buildings in the Area, namely Cheung Village House at No. 6 Tai Shui Hang (Grade 3), Cheung Village Houses at Nos. 16-18 Tai Shui Hang (Grade 3), Exterior walls of 240ML and 110ML, Ma On Shan Iron Mine (Grade 2), Mineral Preparation Plant, Ma On Shan Iron Mine (Grade 3), Site Structures at Mining Settlement, Ma On Shan Iron Mine (Grade 3), Lutheran Yan Kwong Church (Grade 3) and St. Joseph's Church (Grade 2).

12.2 On 19 March 2009, the Antiquities Advisory Board (AAB) released the list of 1,444 historic buildings, in which the building/structures within the Area have been accorded gradings. The AAB also released a number of new items in addition to the list of 1,444 historic buildings. These items are subject to the grading assessment by AAB. Details of the list of 1,444 historic buildings and its new items have been uploaded onto the official website of AAB at <http://www.aab.gov.hk>.

12.3 Prior consultation with the Antiquities and Monuments Office (AMO) should be made if any development, redevelopment or rezoning proposals might affect the above sites/historic buildings, new items and their immediate environs.

12.4 If disturbance of the sites of archaeological interest is unavoidable, a detailed Archaeological Impact Assessment (AIA) conducted by a qualified archaeologist

is required for development works within the sites. The archaeologist shall apply for a license to conduct the AIA under the Antiquities and Monuments Ordinance (Cap. 53). A proposal of the AIA shall be submitted to AMO for agreement prior to applying for a license.

13. IMPLEMENTATION

13.1 The Plan provides a broad land-use framework within which more detailed non-statutory plans for the Area are prepared by PlanD. These detailed plans are used within the Government as the basis for public works planning and site reservation. Disposal of sites is undertaken by the Lands Department. Public works projects are co-ordinated by the Civil Engineering and Development Department in conjunction with the client departments and works departments, such as the Architectural Services Department and the Highways Department. In the course of implementation of the Plan, the Sha Tin District Council would be consulted as appropriate.

14. PLANNING CONTROL

14.1 The types of permitted developments and uses on land within the Area are listed in the Notes to the Plan. Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted developments and uses within the same zone are always permitted and no separate permission is required.

14.2 For any land or building falling within the boundaries of this Plan and also falling within the boundaries of the RA-

(a) uses of land or building as defined under paragraph (3) in Part B of the covering Notes and which are not in compliance with the terms of the Plan may have adverse impact on the environment, drainage and traffic of the Area. Although no action is required to make such use conform to this Plan, any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or, if permission is required, in accordance with a permission granted by the Board. The Board will consider these applications on their individual merits. Those alteration and/or modification works which may lead to an environmental improvement or upgrading to the Area may be considered favourably by the Board;

(b) any development, other than those defined in paragraph (3) in Part B of the covering Notes or in conformity with this Plan or with the permission of the Board, undertaken or continued on or after the material date² on land within the boundary of the RA, may be subject to enforcement proceedings under the Ordinance.

14.3 For any land or building falling within the boundaries of this Plan but not falling within the RA, no action is required to make the existing use of such land or

² Material date means 9 December 2022 as defined in section 1A of the Ordinance.

building conform to this Plan, until there is a material change of use or the building is redeveloped. Any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or, if permission is required, in accordance with a permission granted by the Board. The Board has published a set of guidelines for the interpretation of existing use in the urban and new town areas. Any person who intends to claim an 'existing use right' should refer to the guidelines and will need to provide sufficient evidence to support his claim. The enforcement of the zoning control mainly rests with the Buildings Department, the Lands Department and the various licensing authorities.

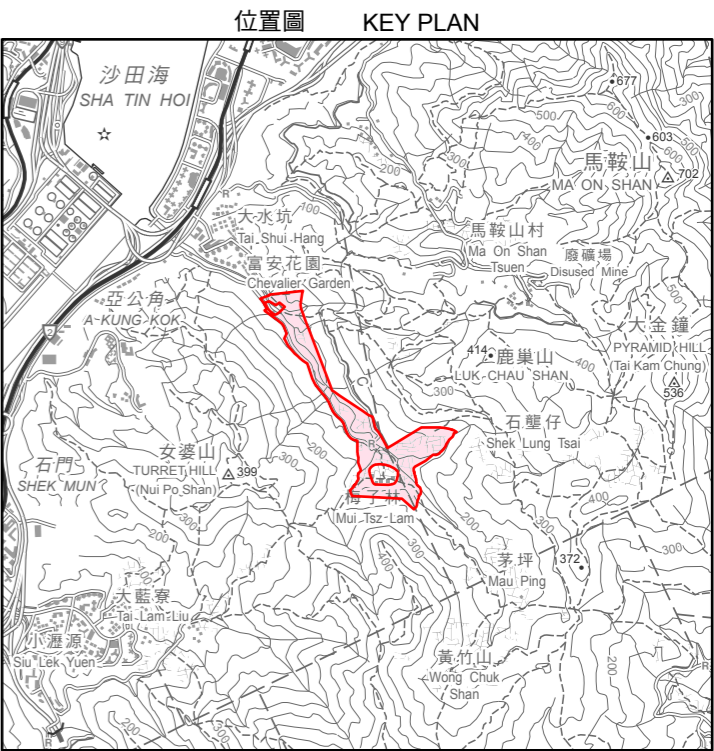
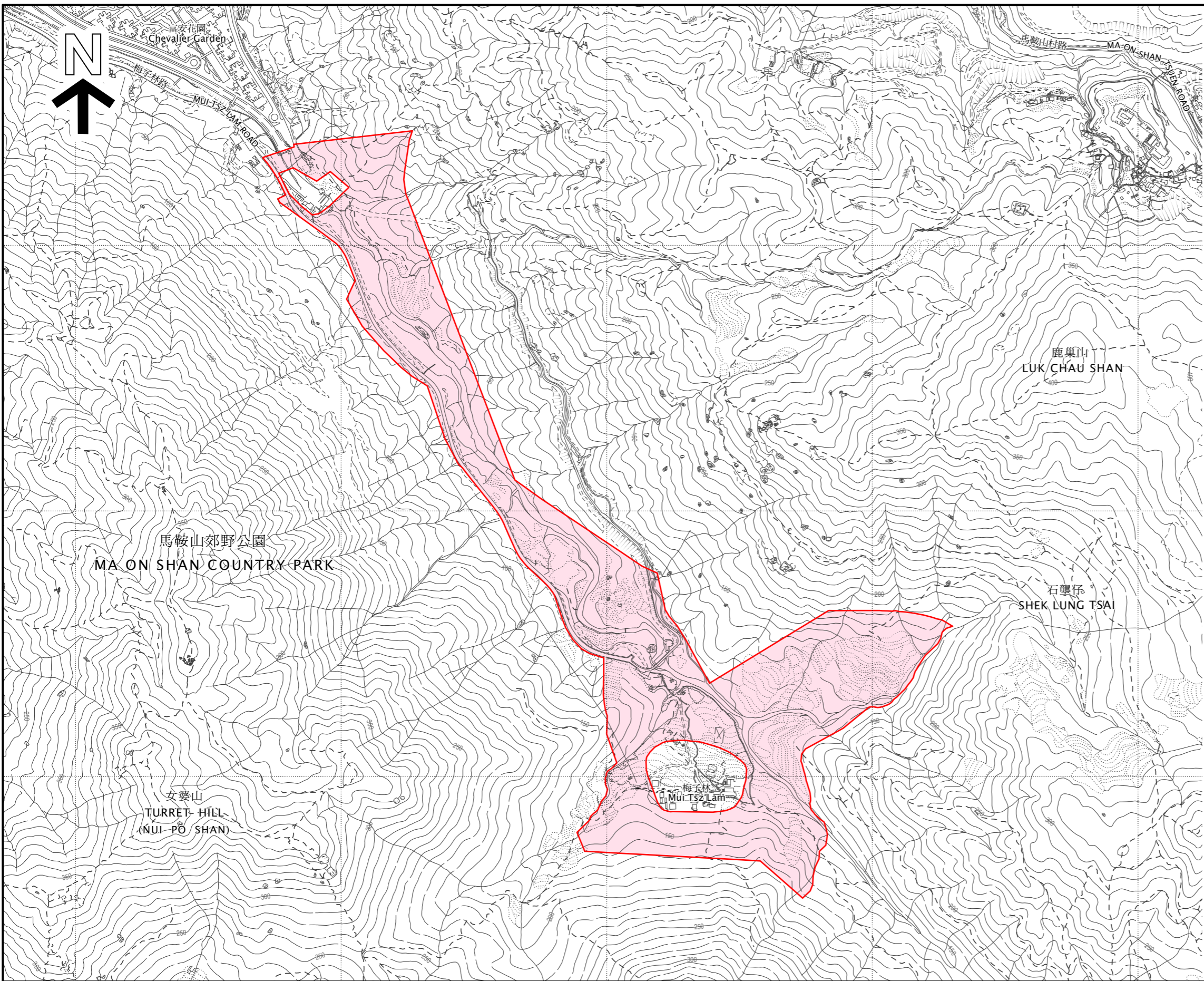
- 14.4 Planning applications to the Board will be assessed on individual merits. In general, the Board, in considering planning applications, will take into account all relevant planning considerations which may include the departmental outline development plans and layout plans for the Area, and Guidelines published by the Board. The outline development plans and layout plans are available for public inspection at PlanD. Guidelines published by the Board are available from the Board's website, the Secretariat of the Board and the Technical Services Division of PlanD. Application forms and guidance notes for planning applications can be downloaded from the Board's website and are available from the Secretariat of the Board, and the Technical Services Division and the relevant District Planning Office of PlanD. Applications should be supported by such materials as the Board thinks appropriate to enable it to consider the applications.

Index of Plan

Plan No. RA/MOS/MTL/1 – MTLRA designated under the Ordinance

TOWN PLANNING BOARD

May 2024



比例 1 : 50 000 SCALE

圖例 NOTATION

受規管地區
REGULATED AREA

2023年9月15日按照城市規劃條例第21B條擬備的圖則
PLAN PREPARED UNDER SECTION 21B OF THE TOWN PLANNING
ORDINANCE ON 15 SEPTEMBER 2023

Signed Ms Bernadette LINN 甯漢豪女士 簽署
SECRETARY FOR DEVELOPMENT 發展局局長

依據城市規劃條例指定
梅子林受規管地區
MUI TSZ LAM REGULATED AREA
DESIGNATED UNDER THE TOWN PLANNING ORDINANCE

比例尺 1 : 7 500 SCALE
米 METRES 200 0 200 400 600 METRES 米

圖則編號
PLAN No. RA/MOS/MTL/1