

**Minutes of 1250th Meeting of the
Town Planning Board held on 16.7.2021**

Present

Permanent Secretary for Development
(Planning and Lands)
Ms Bernadette H.H. Linn

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Dr C.H. Hau

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Dr Conrad T.C. Wong

Mr Y.S. Wong

Principal Assistant Secretary (Transport 3)
Transport and Housing Bureau
Mr Andy S.H. Lam

Chief Engineer (Works)
Home Affairs Department
Mr Gavin C.T. Tse

Assistant Director (Environmental Assessment)
Environmental Protection Department
Mr Terence S.W. Tsang

Director of Lands
Mr Andrew C.W. Lai

Director of Planning
Mr Ivan M.K. Chung

Deputy Director of Planning/District
Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Mr K.K. Cheung

Mr Thomas O.S. Ho

In Attendance

Assistant Director of Planning/Board

Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board

Ms Johanna W.Y. Cheng

Senior Town Planner/Town Planning Board

Ms Carmen S.Y. Chan

Opening Remarks

1. The Chairperson said that the meeting would be conducted with video conferencing arrangement.

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1248th Meeting held on 2.7.2021

[The item was conducted in Cantonese.]

2. The minutes of the 1248th Meeting held on 2.7.2021 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

3. The Chairperson said that there were no matters arising.

Sha Tin, Tai Po & North District

Agenda Item 3

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TK/699

Proposed Temporary Private Car Park for a Period of 3 Years in “Recreation” Zone, Lot 1604 S.G RP in D.D. 17, Lo Tsz Tin Village, Tai Po
(TPB Paper No. 10747)

[The item was conducted in Cantonese.]

4. The Secretary reported that Dr Lawrence W.C. Poon had declared an interest on the item for co-owning with spouse a house in Lung Mei Tsuen, Ting Kok. Members agreed that as the property of Dr Poon did not have direct view of the application site (the Site), he could stay in the meeting.

Presentation and Question Sessions

5. The following government’s representatives and the applicant’s representatives were invited to the meeting at this point:

Planning Department (PlanD)

Ms Jessica H.F. Chu - District Planning Officer/Shan Tin, Tai Po & North (DPO/STN)

Mr Tony Y.C. Wu - Senior Town Planning/Country Park Enclaves (STP/CPE)

Drainage Services Department (DSD)

Mr M.C. Boedihardjo - Senior Engineer/Tai Po (SE/TP)

10. Mr Wong Yuen Yau, the applicant's representative, made the following main points:

- (a) he was the brother of Ms Wong Lap Tai and a resident in the same area. The Site was owned by the applicant and the car park was only for the applicant's self-use. A large piece of land in front of his house had been paved for commercial car parking and eating place uses, which were not suitable uses within the "Recreation" ("REC") zone and had adversely affected their living environment; and
- (b) only a few car parking spaces were provided within the Site for self-use. It was unnecessary and unreasonable to require them to spend over an estimated sum of HK\$100,000 to implement the drainage facilities.

[Dr Conrad T.C. Wong and Miss Winnie W.M. Ng joined the meeting during the presentation of the applicant's representatives.]

11. As the presentations of PlanD's representative and the applicant's representatives had been completed, the Chairperson invited questions from Members.

Planning control and approval conditions on drainage proposal

12. The Chairperson and some Members raised the following questions:

- (a) when the Site was zoned "REC" and its planning intention;
- (b) whether a car park for self-use required planning permission within the "REC" zone;
- (c) noting that there were two similar approved planning applications for temporary car park use in the vicinity of the Site, whether the same approval conditions on drainage proposals were imposed and the progress on the compliance with such conditions;

- (d) whether provision of drainage facilities would be required for uses that were always permitted within “REC” zone; and
- (e) reasons for requiring provision of drainage proposals if there was no flooding record in the vicinity.

13. In response, Ms Jessica H.F. Chu, DPO/STN, made the following points:

- (a) the Site fell within an area which had been zoned “REC” since the gazettal of the first Ting Kok Outline Zoning Plan (OZP) in 1994. This “REC” zone in the Ting Kok/Tai Mei Tuk area was intended primarily for recreational developments for use of the general public;
- (b) according to the Notes of the “REC” zone, car park use was not a Column 1 nor Column 2 use. The Notes also stated that temporary use not exceeding a period of three years required planning permission from the Board notwithstanding that the use or development was not provided for in terms of the OZP;
- (c) two pieces of land for temporary public vehicle park (private cars only) use within the same “REC” zone covered by planning applications No. A/NE-TK/684 and 688 each for a period of 3 years were approved by the Board on 1.9.2020 and 6.11.2020 respectively. The applicant of application No. A/NE-TK/688 had submitted a drainage proposal which was not yet approved by DSD whereas the applicant of application No. A/NE-TK/684 had not yet submitted the drainage proposal. Both applicants had applied for extension of time for submission and/or implementation of the drainage proposal. Other than the two similar approved applications within the same “REC” zone, approval conditions on the submission/implementation of drainage proposal or maintenance of existing drainage facilities were also imposed for two other approved applications No. A/NE-TK/652 and 675, both for shop and services use, within the same “REC” zone. The said approval conditions for these two applications had been complied with;

- (d) various recreation uses were Column 1 uses which were always permitted in the “REC” zone. To effect new uses in the “REC” zone, even if they were Column 1 uses under the OZP, the land owner/operator would still need to comply with other government requirements such as the applications for short term tenancy/waiver or building approval. Suitable conditions might be imposed in the grant of those approvals upon advice from relevant government departments to ensure no adverse impacts would be caused; and
- (e) a number of planning applications for car parking, shop and services and eating place uses were approved by the Board in the same “REC” zone in recent years. In addition, Lung Mei Beach, which was located to the south of the subject “REC” zone across Ting Kok Road, was newly opened for public use which might encourage more planning applications for similar uses in the “REC” zone. Although the area covering the Site was not prone to flooding according to DSD’s record, it is a precautionary approach to require all new developments in the area to install sufficient drainage facilities within their sites. Otherwise, the cumulative drainage impacts to be caused by developments in the area could be significant.

14. In response to a Member’s question, Mr M.C. Boedihardjo, SE/TP, said that it was the responsibility of the applicant to demonstrate that the development site would not cause adverse drainage impact to the adjacent areas. The applicant should provide stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site. There was no comprehensive public stormwater drainage network in the vicinity of the Site and there were no gullies nor equivalent runoff discharge facilities at the Site and the adjoining short track leading to Ting Kok Road via a local road, which were all located at a lower elevation than the Site. Hence, all runoff from the Site, if not properly collected within it, would drain away freely and might cause flooding in the adjacent areas. In order to ensure that the proposed use would not generate adverse drainage impact on the nearby residents, pedestrians and road users, approval conditions on the submission and implementation of drainage proposal were required regardless of the scale of the proposed use/development.

15. Some Members also asked whether the Site could be used for temporary car park with the approval conditions yet to be complied with and the consequence if the applicant eventually did not comply with the approval conditions. Ms Jessica H.F. Chu, DPO/STN, responded that the Site could be used for the approved car parking use upon obtaining planning permission. However, in accordance with the approval conditions imposed by the RNTPC, the applicant needed to submit a drainage proposal within 6 months from the date of planning approval, i.e. 12.9.2021. Subject to the acceptance of the drainage proposal by DSD, the applicant should implement the proposed drainage works within another 3 months, i.e. 12.12.2021. If the applicant did not comply with any of the approval conditions within the specified time limit, the planning permission would be revoked. If parking of vehicles was found in the Site after revocation of the planning permission, enforcement action would be taken by the Planning Authority. Ms Jessica H.F. Chu, DPO/STN, further said that planning enforcement action had previously been taken against parking of vehicles at the Site in 2020, before planning approval under the current application was granted. The car parking use was once discontinued in compliance with the previous planning enforcement action.

Site conditions and drainage facilities in the vicinity

16. The Chairperson and some Members raised the following questions:

- (a) how the surface water collected within the Site could be discharged and how the applicant could fulfil DSD's requirements; and
- (b) whether the Government had any plan to provide public stormwater drains to address the drainage impact of developments in the "REC" zone.

17. In response, Mr M.C. Boedihardjo, SE/TP, made the following main points:

- (a) DSD had promulgated a Technical Note to provide step-by-step guidelines to help applicants to prepare drainage proposal relating to applications for temporary change of land use under s.16 planning application. Such information had been provided to the applicant on 8.4.2021 for reference and the same information could also be found at the DSD's website. As indicated in the Appendix of the said Technical Note, a drainage layout plan

for a typical site showed that a surface channel at the periphery of the site should be constructed to intercept the stormwater and the collected stormwater should then be conveyed to a proper discharge point. The applicant was required to show in the drainage proposal how to collect, convey and discharge the stormwater. There were no existing DSD maintained public drains available for connection in the vicinity of the Site. The closest discharge point could be the existing streamcourse located about 20m west of the Site, and the applicant was required to construct the drainage facilities to the discharge point. It was the applicant's responsibility to obtain consent and agreement from relevant government departments and/or relevant private lot owners for any drainage works to be implemented outside the Site; and

- (b) there was no plan for DSD to provide public drainage system in the vicinity of the Site at the moment. As the application was for a private development, the applicant was required to demonstrate that the proposed development would not impose adverse drainage impact on the surroundings. DSD all along had adopted a consistent approach in assessing all the planning applications and considered that imposing approval conditions on the submission and implementation of drainage proposal was required for the subject case.

18. Ms Jessica H.F. Chu, DPO/STN supplemented that for application No. S/NE-TK/652 involving an approved shop and services use, the applicant provided U-channels around the boundary of the site and the stormwater collected was discharged to a nearby streamcourse via an underground pipe passing through the private land outside the site. That applicant had obtained consent from the concerned land owners to lay the pipe via their lots.

19. In response to a Member's question regarding the topographic levels of the Site and the immediate surroundings, Ms Jessica H.F. Chu, DPO/STN, said that the Site was about 8.3mPD while that of application No. A/NE-TK/684 (located to the immediate east of the Site) was 7.7mPD and that of application No. A/NE-TK/688 (located further east) was in a range from 8.4mPD to 12mPD.

20. The Chairperson asked whether the Site had been filled by the applicant. With the aid of aerial photos, Ms Jessica H.F. Chu, DPO/STN, said that there was vegetation clearance found on the Site around 2000 and paving of land in 2004. Car parking use was first observed around 2005. However, she had no information on the party responsible for filling the land. Mr Wong Yuen Yau, the applicant's representative, replied that they had filled the Site, which was previously farmland, to a higher level when they built their houses in the adjoining area, and no flooding problem had ever occurred. Ms Wong Lap Tai, the applicant's representative, supplemented that part of the Site had been surrendered to the Government for construction of manhole and sewer pipes so there should be no need to provide further drainage facilities. It was unfair to require the applicant who used the Site for parking only five private vehicles to provide drainage facilities like the large-scale car parks. There was no flooding at their place and flooding would only be caused by the large-scale car parking lots further away. Mr M.C. Boedihardjo, SE/TP, clarified that the stormwater and wastewater were collected by two separate systems. The manhole located to the north of the Site was for collection of wastewater, and the stormwater collected at the Site should not be connected to the sewer manhole.

21. The Chairperson and a Member asked about the estimated cost of the drainage works that could meet DSD's requirement. In response, Ms Wong Lap Tai, the applicant's representative, said that the Site was only used for parking five private vehicles but the estimated cost for the drainage works was about HK\$140,000. She was told that if the drainage works were implemented jointly with that of the adjacent site, the cost would be about HK\$40,000 to \$50,000. Mr M.C. Boedihardjo, SE/TP, supplemented that the cost would mainly depend on the size of the site and the length of the drainage facilities to be provided, a rough estimated cost for the provision of drainage facilities within the Site was several ten thousand dollars.

22. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant and his representatives and inform the applicant of the Board's decision in due course. The Chairperson thanked the government representatives and the applicant's representatives for attending the meeting. They left the meeting at this point.

[Dr Frankie W.C. Yeung and Mr Franklin Yu joined the meeting during the Q&A session.]

Deliberation Session

23. The Chairperson remarked that under the current practice, when planning applications were submitted to the Board, relevant departments would provide comments and recommend suitable approval conditions to ensure that the proposed development/use would not generate adverse impacts on the surroundings. The application was approved by RNTPC and the review application was on whether approval conditions (e) and (f) should be imposed.

24. A Member said that considering that there was no record of flooding at the Site and its immediate vicinity, the Site was already paved and had surface run-off even if it was not used for car parking and the planning permission sought was only temporary in nature for three years, sympathetic consideration might be given to deleting the two approval conditions on the submission and implementation of drainage proposal but the approval period might be shortened to monitor the flooding risks.

25. Other Members generally considered that the principle of imposing approval conditions in relation to the submission and implementation of drainage proposal to ensure no adverse drainage impact on the surrounding areas was reasonable and should not be waived as requested by the applicant. Although the subject car park use was comparatively small in scale and was temporary in nature, provision of drainage facilities was necessary to prevent and reduce flooding risks. It was necessary for the applicant to provide drainage facilities at the Site as requested by DSD.

26. Members also noted that there would likely be other new developments in the area after the opening of the Lung Mei Beach nearby. Members suggested that DSD should consider to review and enhance the drainage network in the area, where appropriate.

27. Members noted that the applicant's representatives had repeatedly claimed that there was no flooding at their Site even though it had been filled. A few Members expressed that the applicant's representatives did not seem to understand that the purpose of imposing the approval conditions was to address the concern that the run-off from the Site might have adverse drainage impact and cause flooding to the surrounding areas. The applicant also seemed

reluctant to provide drainage facilities within the Site as some drainage works might need to be implemented outside the Site. In that regard, some Members suggested that DSD could be requested to further explain to the applicant the necessity and importance of the provision of drainage facilities and to facilitate the applicant to comply with the approval conditions on drainage facilities as far as practicable.

28. The Chairperson concluded that the majority of Members considered that the imposition of approval conditions in relation to the submission and implementation of drainage proposal to ensure no adverse drainage impact on the surrounding areas was reasonable and such approval conditions on drainage facilities should be kept. Besides, same as other similar applications, it was the responsibility of the applicant to comply with the approval conditions. Whilst noting that DSD had already provided guidelines to the applicant for the provision of drainage facilities within the Site, DSD should be required to help explain the technical requirements to the applicant to facilitate the compliance with the approval conditions. DSD should also consider reviewing the need to enhance the drainage network in the area, where appropriate. Members agreed.

29. After deliberation, the Board decided to reject the application for deletion of approval conditions (e) and (f) on review and maintained the RNTPC's decision on 12.3.2021 to approve the application on a temporary basis for a period of 3 years until 12.3.2024 on the terms of the application as submitted to the Town Planning Board and subject to the same approval conditions and advisory clauses for the following reason:

“the applicant fails to demonstrate in the submission that the imposition of approval conditions (e) and (f) are not necessary to ensure that no adverse drainage impact on the surrounding areas will be caused by the proposed development.”

Fanling, Sheung Shui & Yuen Long East District

Agenda Item 4

[Open meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-NTM/399

Proposed Public Utility Installation (Solar Photovoltaic System) in “Green Belt” Zone, Lots 978 (Part), 979 (Part), 1043 and 1047 in D.D. 102, Siu Hum Tsuen, San Tin, Yuen Long (TPB Paper No. 10749)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

30. The representatives of the Planning Department (PlanD) and the applicant’s representative were invited to the meeting at this point:

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|---------------------|--|
| Mr Anthony K.O. Luk | - District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FS&YLE) |
| Ms Cherry C.H. Yuen | - Town Planner/Yuen Long East (TP/YLE) |
| Mr Ngai Hon Shun | - Applicant’s representative |

31. The Chairperson extended a welcome. The Secretary said that on 24.6.2021, the applicant wrote to the Secretary and requested the Town Planning Board (the Board) to defer making a decision on the review application for the fourth time. The Secretary said that the Board would consider the applicant’s request for deferment first and should the Board decide not to accede to the deferral request, the application would be considered by the Board at the meeting. The Chairperson then invited DPO/FS&YLE to brief Members on the request for deferment.

Deferral Request

32. With the aid of a PowerPoint presentation, Ms Cherry C.H. Yuen, TP/YLE, briefed Members on the grounds given by the applicant for the deferral request and PlanD's views as detailed in TPB Paper No. 10749 (the Paper).

33. The Chairperson then invited the applicant's representative to elaborate on the request for deferment.

34. Mr Ngai Hon Shun, the applicant's representative, said that it was the fourth time they requested deferment of the review application as more time was needed to obtain documentation from the China Light and Power Hong Kong Limited (CLP) on their application for joining the Feed-in Tariff (FiT) Scheme and liaise with the relevant government departments. The application site (the Site) fell within an area zoned "Green Belt" ("GB") with some village settlements, active farmland and vacant land. While it had taken their company almost three years to take forward the proposed scheme, the applicant was mindful to follow the proper procedures to obtain planning permission before implementation of the project. They intended to showcase their scheme, if approved, to others on how to lawfully implement a solar photovoltaic (SPV) system. Unlike those who had adopted the 'destroy first, build later' approach, their company had not started any construction on the Site.

35. In response to a Member's question on the estimated time frame for obtaining CLP's 'Acknowledgement Letter' to join the FiT Scheme, Mr Anthony K.O. Luk, DPO/FS&YLE, said that it would depend on the availability of electricity network at or near the concerned sites. If there was readily available electricity network, the time for obtaining the letter might be shorter, and planning approval was not a prerequisite for application to CLP for joining the FiT Scheme. For the similar planning applications for public utility installations involving SPV panels approved by the Board after adoption of the relevant assessment criteria, the applicants had all obtained CLP's Acknowledgment Letter to join the FiT Scheme.

36. There was no further question from Members. After deliberation, the Board decided not to accede to the request for deferment and to proceed to consider the review application at the meeting.

Review Application

37. The Chairperson invited PlanD's representative to brief Members on the review application.

38. With the aid of a PowerPoint Presentation, Ms Cherry C.H. Yuen, TP/YLE, briefed Members on the background of the review application including the consideration of the application by Rural and New Town Planning Committee (RNTPC), departmental and public comments, and planning considerations and assessments as detailed in the Paper.

39. The Chairperson then invited the applicant's representative to elaborate on the review application.

40. Mr Ngai Hon Shun, the applicant's representative, made the following main points:

- (a) the subject s.16 planning application was rejected on one of the grounds that the proposal was not in line with the planning intention of the "GB" zone, which was to define the limits of urban and sub-urban development areas by natural features. While the said planning intention was recognised, the Site fell within an area already with some village settlements and agricultural activities. The residents there supported the project;
- (b) the approval of the subject application would set a desirable precedent for other similar applications rather than an undesirable one, given the law abiding efforts made by the applicant to obtain planning permission first before development. Although making a profit was the top priority for running a business and he wished to commence the proposed development as soon as possible, he supported the cause of environmental protection and hence, would follow proper procedures to obtain planning permission before implementation of the proposed development in the "GB" zone;
- (c) development of renewable energy was an important policy strongly supported by the Environmental Protection Department. There had been

some government projects for installing SPV panels in reservoirs, remote areas or within “GB” zones. Approving the application would be in line with the Government’s policy to promote renewable energy;

- (d) one of the rejection reasons was related to the applicant’s failure to obtain the Acknowledgement Letter from CLP. However, this was a ‘chicken and egg’ situation. Without the Board’s approval on the proposed SPV development, the applicant would not take the risk to install an electric meter in order to join the FiT Scheme, as it would cost over HK\$200,000. However, if the electric meter was not installed, CLP would not approve their FiT Scheme application;
- (e) despite the fact that the applicant had not yet received the Acknowledgement Letter from CLP, the applicant had made a lot of efforts to liaise with CLP and had obtained consents from all of the land owners whose land would be affected by the works of the proposed development, except one living overseas;
- (f) the Site was situated in a valley and the visual impact of the proposed development would not be significant, nevertheless, the applicant would consider reducing the number of SPV panels from 774 to about 500 and arrange green vegetation around the Site if the Board considered it necessary to address the potential impact;
- (g) regarding the Board’s concern on setting an undesirable precedent, there was a similar application for installation of SPV panels in “GB” zone approved by the Board. To alleviate any concerns, the Board could consider approving the application on a temporary basis, such as for three years, and the Board could then consider whether to renew the application based on the circumstance at that time; and
- (h) in general, the rooftop of a village house could only accommodate about 22 SPV panels with limited electricity generation. He considered the proposal under application, with considerable number of SPV panels, to be more

effective to help achieve the government's overall target of 5% of electricity to be produced from renewable energy in the territory.

[Miss Winnie W.M. Ng, Dr Jeanne C.Y. Ng and Mr Alex T.H. Lai left the meeting at this point.]

41. As the presentation of PlanD's representatives and the applicant's representative had been completed, the Chairperson invited questions from Members.

The Planning Context

42. The Chairperson and some Members raised the following questions:

- (a) whether the agricultural land within the Site was a permitted use under the "GB" zone;
- (b) noting that the Site was surrounded by developments and might be less effective in promoting conservation of the natural environment, what the function of the subject "GB" zone was;
- (c) the existing site conditions of the subject "GB" zone;
- (d) given the proposed San Tin/Lok Ma Chau Development Node (STLMC DN) which was currently under study, the implications of the study proposals on the proposed use at the Site;
- (e) whether there were similar applications for SPV within "GB" zone approved by the Board; and
- (f) whether specific locations suitable for the installation of SPV system had been identified by the government.

43. In response, with the aid of PowerPoint slides and a visualiser, Mr Anthony K.O. Luk, DPO/FS&YLE, made the following main points:

- (a) before publication of the first draft Ngau Tam Mei Outline Zoning Plan (OZP), there were an on-farm domestic structures and a poultry farm adjoining the Site. If those uses were maintained with the same scale, they could be regarded as existing uses tolerated under the OZP;
- (b) the subject “GB” zone was a buffer between areas zoned “Village Type Development”, “Open Storage” (“OS”) and “Comprehensive Development Area”, with San Tin Highway in the north and the mountains including the Saddle Pass (Ki Lun Shan Au) to its east and south. The “GB” zone covered an extensive area of 316 hectares spanning from east to west around San Tin Barracks. The smaller “GB” zones within a wider area zoned “OS” covered some knolls;
- (c) the subject “GB” zone was generally rural in character, within which small village settlements, namely Siu Hum Tsuen and Shek Wu Wai San Tsuen were located. San Tin Barracks was situated between the subject “GB” and the mountains to the south;
- (d) the Site fell within the study area of the Feasibility Study on Phase One Development of New Territories North – San Tin/Lok Ma Chau Development Node (the Study). The current land use and planning intention of the Site and its vicinity would be subject to a holistic review according to the study findings. The preliminary land use concept of the Study indicated that the Site would be proposed for mixed commercial/residential development. The subject application should be considered based on the planning intention of the “GB” zone on the extant OZP;
- (e) there was no previous application for installation of SPV system within “GB” zones approved by the Board; and
- (f) according to paragraph 5 of the Assessment Criteria for Considering Applications for Solar Photovoltaic System made under Section 16 of the Town Planning Ordinance (the Assessment Criteria), the installation of SPV system as a stand-alone facility on vacant land for the FiT Scheme would be

regarded as 'Public Utility Installation' ('PUI'), which was always permitted in "Commercial", "Government, Institution or Community", "Industrial", "Industrial (Group D)", "OS", "Other Specified Uses" ("OU") annotated "Business" and "OU" annotated "Industrial Estate" zones. Planning application was required for stand-alone SPV system for FiT scheme in areas where 'PUI' was a Column 2 use under the statutory plan concerned. There were previous planning applications for 'PUI' for SPV system in "Open Space", "Recreation" and "Agriculture" zones approved by the Board or RNTPC based on the individual merits of each case.

44. In response to the Chairperson's question on whether the applicant was aware of the proposed STLMC DN which was available in the public domain, Mr Ngai Hon Shun, the applicant's representative, said that he was not aware of such information before the meeting. He enquired on the development programme of the proposed STLMC DN. In response, the Chairperson supplemented that the project had come to the detailed planning and engineering investigation stage with a target to commence the construction works by 2025. Mr Ngai further said that with the new planning information, the applicant would re-assess the cost and benefit of the proposal. Given the greater development potential of a high density development at the Site proposed under the Study, he considered that the land owner might no longer lease the Site for the proposed SPV system. While there might be a risk of shortening the duration of the proposed development due to implementation of the proposed STLMC DN, he still urged the Board to consider approving the application in view of the justifications provided in his presentation. The proposed SPV system that involved very little daily operations and activities had much less impact on the environment compared to uses such as open storage. There were successful overseas examples of solar farms such as those in Taiwan.

CLP's FiT Scheme

45. The Chairperson and some Members raised the following questions:

- (a) as claimed in the public comment, whether the intention of the FiT Scheme was only to encourage solar panels on roof top of village houses or buildings instead of development of solar farms; and

- (b) the relation between granting planning approval and obtaining documentation from CLP for the FiT Scheme.

46. In response, with the aid of PowerPoint slides, Mr Anthony K.O. Luk, DPO/FS&YLE, made the following main points:

- (a) the FiT Scheme was applicable to any renewable energy system on premises successfully connected to the CLP electricity grid. It included the installation of SPV system on rooftop of village houses, solar farms or on land of a larger scale; and
- (b) there were two different types of documentation from CLP. An 'Acknowledgement Letter' would be provided if there was sufficient existing capacity for CLP to connect to the applicant's proposed renewable energy system. A 'CLP Network Reinforcement Condition Letter' would be issued if the network did not have sufficient capacity and reinforcement work had to be carried out. Under the latter scenario, the applicant would be requested by CLP to pay a deposit for the reinforcement work. With reference to similar applications for 'PUI' for solar energy submitted after the promulgation of the Assessment Criteria, there were applicants who had obtained CLP's Acknowledgement Letter before the Board's consideration. Thus, obtaining planning permission had no direct implication on obtaining the CLP's documentation for the proposed development.

47. In response to a Member's question on whether the Site was served by electricity supply facilities, Mr Ngai Hon Shun, the applicant's representative, confirmed that an existing electric meter was installed for the domestic use of a household only. In support of the proposed development, the installation of more powerful electric meters would be required.

The Proposal

48. The Chairperson and some Members raised the following questions:

- (a) the impact of the proposed planting of vegetation around the Site on power

generation;

- (b) the payback period of the proposed development; and
- (c) the comments received from CLP on the proposal throughout the period.

49. In response, Mr Ngai Hon Shun, the applicant's representative, made the following main points:

- (a) as vegetation would shade the SPV panels from direct sunlight, the number of SPV panels would be reduced if planting around the Site was proposed;
- (b) the maximum period of earning FiT payment was about 15 years. They had already spent three years on the planning application stage and another two to three years were required for the set up of the SPV system if planning permission was granted. As the payback period for the SPV system installations was about 6 years, the period of making profit would be about three to four years; and
- (c) the applicant was liaising with CLP for the Network Reinforcement Condition Letter. A large lump-sum payment including a non-refundable deposit of about HK\$150,000 to CLP for the reinforcement work and an additional HK\$200,000 for installing electric meter were required. While granting planning permission had no direct implication on obtaining CLP's documentation for the proposed development, the applicant had reservation on making such a large sum of payment to CLP before securing planning permission. Since the early stage of the liaison, CLP had expressed supporting view on the proposal given that it could be a showcase in the sector.

[Mr Andrew C.W. Lai left the meeting during the Q&A session.]

50. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application in the absence of the applicant's representative and would inform the

applicant of the Board's decision in due course. The Chairperson thanked PlanD's representatives and the applicant's representative for attending the meeting. They left the meeting at this point.

Deliberation Session

51. The Chairperson recapitulated that the application was rejected by the RNTPC for the reasons that the proposed development was not in line with (a) the planning intention of the "GB" zone, (b) the Board's Guidelines for application for development within the "GB" zone, and (c) the Assessment Criteria. With regard to the Assessment Criteria, the need to obtain CLP's 'Acknowledgement Letter' for such applications was a prerequisite, which had been duly followed in the consideration of similar applications. Members should consider whether there were grounds that warranted a departure from RNTPC's decisions.

52. Members generally agreed that since the applicant failed to obtain CLP's 'Acknowledge Letter', the concerned assessment criterion had not been complied with and the application could not be supported.

53. For the remaining rejection reasons related to the "GB" zone, a Member said that the Site was a piece of idle rural land and there were developments in the surrounding areas. It was not typical of other "GB" sites which covered mainly slopes and hillsides, naturally vegetated. Another Member was of the view that even though there were some farmland and village settlements within the Site, it was generally rural in nature and the application was considered not in line with the planning intention and relevant Guidelines of the "GB" zone and should be rejected.

54. The Chairperson remarked that the land use concept of the STLMC DN was useful information for the applicant to consider the way forward of the proposal. At the invitation of the Chairperson, Mr Ivan M.K. Chung, the Director of Planning, supplemented that for considering the s.17 review application, the provisions of the Notes of the "GB" zone under the extant OZP and the Assessment Criteria should be taken into account and thus the rejection reasons (a) and (b) related to the "GB" zone and (c) related to the Assessment Criteria were still relevant. The initial land use concept of STLMC DN needed to undergo a further study with public consultation and might be subject to change, hence, it could be regarded as background

information but should not be a material planning consideration for the application at this juncture.

55. A Member said that developing renewable energy was an important green initiative promoted by the Government, however, the criterion (j) of the Assessment Criteria which stated that planning applications for installations of SPV system within the “GB” zone would not normally be supported unless with strong justifications might be rather restrictive. Whilst it was agreed that the Board needed to be more prudent when considering applications within the “GB” zone to avoid the proliferation of SPV systems in areas with landscape characters and resources, a few Members considered that some proposals with good intention to promote renewable energy without compromising the quality of the natural environment might still be considered acceptable even if the site fell within “GB” zone. In this connection, based on the experience of considering similar applications and overseas examples of installing SPV panels in sub-urban areas, the Chairperson suggested and Members agreed that the Secretariat should collect some information about solar farm projects in rural setting, and to explore whether criterion (j) regarding installations of SPV system within “GB” zones needed to be fine-tuned and reported to the Board in due course.

56. After deliberation, the Board decided to reject the application on review for the following reasons:

- “(a) the development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is to define 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. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the development is not in line with the Town Planning Board Guidelines for ‘Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance’ in that the proposed development is incompatible with the surrounding area and would affect the existing natural landscape and cause adverse visual impact on the surrounding environment; and

- (c) the proposed use is not in line with the assessment criteria for considering applications for solar photovoltaic system in that the applicant has yet to obtain China Light and Power Hong Kong Limited's acknowledgement letter, there are adverse comments from relevant government departments on visual and landscape aspects, and the applicant fails to demonstrate that the proposed use would not adversely affect the landscape character/resources of the "GB" zone and jeopardise the integrity of the zone as a buffer."

Procedural Matters

Agenda Item 5

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments on the Draft Kwu Tung South Outline Zoning Plan No. S/NE-KTS/17
(TPB Paper No. 10748)

[The item will be conducted in Cantonese.]

57. The Secretary reported that the amendments to the draft Kwu Tung South Outline Zoning Plan No. S/NE-KTS/17 (the draft OZP) were mainly to take forward the decisions of the Rural and New Town Planning Committee (RNTPC) on two s.12A applications No. Y/NE-KTS/12 and Y/NE-KTS/14. Application No. Y/NE-KTS/12 (relating to Amendment Item A1) was submitted by Base One Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK), and Llewelyn-Davies Hong Kong Limited (LD), Black & Veatch Hong Kong Limited (B&V), CYS Associates (Hong Kong) Limited (CYS), MVA Hong Kong Limited (MVA) were four of the consultants of the applicant of that application. The Hong Kong Golf Club (HKGC) was located in the vicinity of the two s.12A application sites. Representations/comments had been submitted by Base One Limited (R1) which was represented by LD, Hong Kong and China Gas Company Limited (Towngas) (R4) (a subsidiary of Henderson Land Development Co. Limited (HLD)) and Ms Mary Mulvihill (R3/C3). The following Members had declared interests on the item:

- Mr Thomas O.S. Ho - having current business dealings with SHK and MVA and past business dealings with LD; and being a member of the HKGC
- Dr Conrad T.C. Wong - his firm having current business dealings with SHK
- Mr K.K. Cheung - his firm having current business dealings with SHK, B&V, CYS, HLD and Towngas, and hiring Mary Mulvihill on a contract basis from time to time
- Mr Alex H.T. Lai - his former firm having current business dealings with SHK, B&V, CYS, HLD and Towngas, and hiring Mary Mulvihill on a contract basis from time to time
- Miss Winnie W.M. Ng - being a Director of the Kowloon Motor Bus Co. (1933) Ltd. with SHK as one of the shareholders
- Mr Franklin Yu - his spouse was an employee of SHK
- Mr Ricky W.Y. Yu - having past business dealings with LD
- Mr Stephen L.H. Liu - being a member of the Council of Hong Kong Polytechnic University (PolyU) which had obtained sponsorship from HLD before
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from an Executive Director of HLD before

- Dr C.H. Hau - being an employee of the University of Hong Kong which had received a donation from a family member of the Chairman of HLD before
- Dr Lawrence K.C. Li - being a member of the HKGC and the Deputy Chairman of the Council of PolyU which had obtained sponsorship from HLD before
- Ms Lilian S.K. Law - being an ex-Executive Director and committee member of The Boys' & Girls' Clubs Association of Hong Kong which had received sponsorship from SHK

58. As the item was procedural in nature, Members agreed that the above Members who had declared interests could stay in the meeting. Members noted that Messrs K. K. Cheung and Thomas O.S. Ho had tendered apologies for not being able to attend the meeting, and Mr Alex T.H. Lai and Miss Winnie W.M. Ng had already left the meeting.

59. The Secretary briefly introduced the TPB Paper No. 10748. On 5.3.2021, the draft OZP was exhibited for public inspection under s.5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of four valid representations were received. The valid representations were subsequently published for three weeks and three valid comments were received.

60. In view of the similar nature of the representations and comments, the hearing of the representations and comments was recommended to be considered by the full Town Planning Board (the Board) collectively in one group. To ensure efficiency of the hearing, a maximum of 10 minutes presentation time would be allotted to each representer/commenter in the hearing session. Consideration of the representations and comments by the full Board was tentatively scheduled for September 2021.

61. After deliberation, the Board agreed that :

- (a) the valid representations and comments should be considered collectively in one group by the Board; and
- (b) a 10-minute presentation time would be allotted to each representer/commenter.

Agenda Item 6

[Open Meeting]

Any Other Business

62. There being no other business, the meeting was closed at 11:40 a.m.