

1. The meeting was resumed at 9:15 a.m. on 5.10.2023.
2. The following Members and the Secretary were present at the resumed meeting:

Permanent Secretary for Development
(Planning and Lands)
Ms Doris P.L. Ho

Chairperson

Mr Wilson Y.W. Fung

Dr C.H. Hau

Ms Sandy H.Y. Wong

Mr Stanley T.S. Choi

Mr K.W. Leung

Mr Vincent K.Y. Ho

Mr Timothy K.W. Ma

Professor Bernadette W.S. Tsui

Chief Traffic Engineer/New Territories East
Transport Department
Mr K.L. Wong

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

Director of Planning
Mr Ivan M.K. Chung

Fanling, Sheung Shui & Yuen Long East District

Agenda Item 1 (continued)

[Open meeting (Presentation and Question Sessions only)]

Consideration of Further Representations on the Proposed Amendment arising from the Consideration of Representations and Comments on the Draft Fanling/Sheung Shui Extension Area Outline Zoning Plan No. S/FSSE/1

(TPB Paper No. 10928)

[The item was conducted in Cantonese and English.]

3. The Chairperson said that the meeting was to continue the hearing of further representations in respect of the proposed amendment (the Proposed Amendment) arising from the consideration of representations and comments on the draft Fanling/Sheung Shui Extension Outline Zoning Plan No. S/FSSE/1 (the draft OZP).

4. The meeting noted that the presentation to brief Members on the further representations, including the background of the Proposed Amendment, the grounds/views/proposals of the further representers, planning assessments and Planning Department (PlanD)'s views on the further representations, was made by the PlanD's representative in the morning session on 3.10.2023. The PowerPoint and the presentation given by PlanD's representative had been uploaded to the Town Planning Board (the Board/TPB)'s website for viewing. Members' declaration of interests had been made in the same session of the meeting and was recorded in the minutes of the respective meeting accordingly.

5. Members noted that the interests of Messrs Andrew C.W. Lai, Paul Y.K. Au and Franklin Yu, Dr Conrad T.C. Wong and Professor John C.Y. Ng were direct, and they had tendered apologies for not attending the meeting. For those Members who had no direct interests or involvement in the proposed public housing development and/or the submissions of the representations, comments and/or further representations, Members agreed that they should be allowed to join the meeting.

Presentation and Question Sessions

6. The following government representatives, further representers and their representative were invited to the meeting at this point:

Government Representatives

PlanD

Mr Anthony K.O. Luk	-	District Planning Officer/ Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE)
Mr Patrick M.Y. Fung	-	Senior Town Planner/Fanling, Sheung Shui and Yuen Long East
Ms Lily H. Lau	-	Town Planner/Fanling, Sheung Shui and Yuen Long East

Civil Engineering and Development Department (CEDD)

Mr Gavin C.P. Wong	-	Chief Engineer/North
Mr Daniel T.L. Lau	-	Senior Engineer/North

Agriculture, Fisheries and Conservation Department

Mr Boris S.P. Kwan	-	Senior Nature Conservation Officer (North)
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WSP (Asia) Limited

Mr Emeric W.K. Wan	-	Consultant
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Ecosystems Limited

Mr Ken T.W. Mok	-	Consultant
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Further Representers and their Representative

F46 – Paul James Leader

F1501 – Tong Sue Sue

F1779 – Kan Choy Fun

F1895 – Lau Ping Cheung Kaizer

Mr Lau Ping Cheung Kaizer - Further Representer and
Further Representers'
Representative

F63 – Ian Bjarne Ingerslev Petersen

Mr Ian Bjarne Ingerslev Petersen - Further Representer

F247 – Lu Hing Yiu Bryant

Mr Lu Hing Yiu Bryant - Further Representer

F261 – Lai Ka Ho

Mr Lai Ka Ho - Further Representer

F275 – Francis Allan Hay

Mr Francis Allan Hay - Further Representer

F288 – Sze-to Chi Shing Thomas

Mr Sze-to Chi Shing Thomas - Further Representer

F289 – Alexander James Mc Innes Marshall

Mr Alexander James Mc Innes Marshall - Further Representer

F707 – Kan Souk Ting Tina

Ms Kan Souk Ting Tina - Further Representer

F739 – Chan Ping Cheung

Mr Chan Ping Cheung - Further Representer

F1894 – Wong Shuk Wing Sharon

Ms Wong Shuk Wing Sharon - Further Representer

F1900 – Melanie Eva C. De Lacy Staunton

Ms Melanie Eva C. De Lacy Staunton - Further Representer

F1907 – Fung Kam Lam

Mr Fung Kam Lam - Further Representer

7. The Chairperson extended a welcome and briefly explained the procedures of the hearing. To ensure efficient operation of the hearing, each further representer and/or their representative would be allotted 10 minutes for making presentation. There was a timer device to alert the further representers and/or their representative two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held for each morning and afternoon session after the further representers and/or their representative had completed their oral submissions in the respective session on the day. Members could direct their questions to the government representatives and/or the further representers and/or their representative. After the Q&A session, the government representatives, further representers and their representative would be invited to leave the meeting. After the hearing of all the oral submissions from the further representers, related representers and their representatives, the Board would deliberate on the further representations in closed meeting and would inform the further representers and related representers of the Board's decision in due course.

8. The Chairperson also reminded Members, government representatives, further representers and their representative that the hearing was arranged for the Board's consideration of the further representations in respect of the Proposed Amendment, i.e. the proposed rezoning of the majority of Sub-Area 1 (the Site) from

“Residential (Group A)” (“R(A)”) to “Undetermined” (“U”). Unlike the TPB hearing in June 2023, the presentations and discussions in the meeting should focus on the proposed “U” zoning, instead of the suitability of the Site for residential use under the “R(A)” zoning.

9. The Secretary reported that some further representers had left further information to the Board after attending the meeting session on 3.10.2023 or had sent such information to individual Members after the session. The Secretary advised that according to the Town Planning Ordinance (the Ordinance), further representations in relation to proposed amendments to the draft OZP proposed under section 6B(8) had to be made within the first three weeks after the proposed amendments were made available for public inspection. For the draft OZP which was exhibited under section 5 of the Ordinance before 1.9.2023 (i.e. the date when the Ordinance as amended in 2023 came into effect), the further representers and related representers had been invited to attend the meeting and elaborate on their views. Members would hear their views made in the meeting which would also be properly recorded in the minutes that would be circulated to all Members for consideration and confirmation before the Board’s deliberation on the further representations. In accordance with the Ordinance, the further information provided by further representers after the session on 3.10.2023, that were provided after the expiry of the said three-week period, should be treated as not having been made and should not be considered by the Board. Any such submissions received by individual Members should be forwarded to the Secretariat to handle.

10. The Chairperson invited the further representers and their representative to elaborate on the further representations.

F46 – Paul James Leader

F1501 – Tong Sue Sue

F1779 – Kan Choy Fun

F1895 – Lau Ping Cheung Kaizer

11. Mr Lau Ping Cheung Kaizer made the following main points:

- (a) populism would only do harm to Hong Kong in the long term. We should not lose sight of the bigger picture, especially the importance of maintaining the international ties of the city in the current complicated geopolitical environment. In that regard, the Fanling Golf Course (FGC), which hosted various international golf tournaments, would help Hong Kong to retain its international ties. The continued use of the 32 hectares (ha) of land of FGC to the east of Fan Kam Road covering Holes 1 to 8 of the Old Course (the Area) as golf course should not be alleged as denying some people the opportunity to improve their housing condition. He supported building more public housing and there were many alternative land supply sites, such as those in the Northern Metropolis (NM), which were more readily available. The proposal to develop public housing at the Site was made by populist advocates and would impair the international status of the city. It was against the long-term interests of Hong Kong;
- (b) Mr Taichi Kho, with limited assistance provided by the Government, won a gold medal and led the Hong Kong male's team to win a bronze medal in the golf events in the Asian Games 2023. Miss Tiffany Chan also led the women's team to do well in the golf events of the Asian Games 2023. Notwithstanding those achievements, golf athletes in Hong Kong did not receive support from the Hong Kong Sports Institute. On the other hand, the Hong Kong Golf Club (HKGC) provided them with a lot of support, including use of the golf course and funding. After the Asian Games, the Government should increase the support to golf athletes, rather than taking away the Area from the athletes for their training. However, it was a pity that the Government was still intent on developing the Site for housing;
- (c) the proposal for housing development in the Area was in fact

overtaken by events. In 2012, the proposal of taking back FGC for housing development as a replacement option for development of North East New Territories New Development Areas (NDAs) was raised by pan-democrats but was considered not practicable by the Government. However, in the previous term of the Government, efforts had been made to pacify the pan-democrats and the Task Force on Land Supply (TFLS) was set up in 2017 to examine the sources to increase land supply. When preparing its recommendations, TFLS conducted public engagement activities to collect views but the methodology adopted in the exercise was oversimplified. The recommendations of TFLS, including studying the Area as one of the short to medium-term land supply options, were released at the end of 2018 and accepted by the Government in 2019. The Technical Study on Partial Development of Fanling Golf Course Site – Feasibility Study (the Technical Study) was then undertaken, which had taken much time. According to the latest information, housing development at the Site could only be completed beyond 2031. The assumption that the Area could serve as a land supply option in the short to medium term was no longer valid;

- (d) HKGC had pointed out that the accuracy of the findings of the Technical Study conducted by CEDD was questionable. The Technical Study failed to properly assess the impacts on the hydrology, ecology, environment, cultural heritage, etc. The Environmental Impact Assessment (EIA) report of the Technical Study was approved by the Director of Environmental Protection (DEP) subject to a list of approval conditions earlier in 2023. Given the flaws in the EIA report, a judicial review (JR) application had been lodged against the approval decision of DEP (the Decision);

- (e) the decision of the previous term Government to use the Area for housing land supply was made mainly to please the populism advocates without careful deliberation. Although the Site was proposed to be rezoned to “U”, the intention was still to develop the Site for public housing development. It appeared that the current-term Government was forcing itself to take forward that problematic decision, which was also not supported by some pro-establishment stakeholders. A review would be needed; and

- (f) it was unreasonable for the Government to allow all kinds of sports, except golf in the Area. Given that there were many golf tournaments held in FGC in a year, it was more reasonable to use the Area for golf activities all year round, rather than only during golf tournaments. The Government should consider allowing golfing in the Area, say during half of its opening hours in a day.

[Professor Bernadette W.S. Tsui joined the meeting during the presentation of F46, F1501, F1779 and F1895’s representative.]

F63 – Ian Bjarne Ingerslev Petersen

12. Mr Ian Bjarne Ingerslev Petersen made the following main points:

- (a) he represented himself and the Golf Society of the Hong Kong Football Club which had some 600 members who were not members of HKGC but relied on access to FGC for golfing. He also represented R77, R467 and R6477;

- (b) he and the persons he represented treasured access to the FGC, where 40% of the golf rounds was played by non-members. FGC was a well-maintained recreational facility available to the public and amateur golf players. He strongly objected to any reduction of golf facilities in Hong Kong, including changing the land use of

the Area and the housing development at the Site proposed by the Government. It would exacerbate the current shortage of golfing facilities and result in unmet recreation needs. There were not many merits to take away the well-used golf facilities in the Area;

- (c) it was the Government's intention to promote sports and the Chief Executive (CE) had set out the five goals for sports development, i.e. promoting sports in the community, supporting elite sports, making Hong Kong into a centre for major international sports events, promoting sports professionalism and developing sports as an industry. In that regard, FGC could help the Government achieve the goals, including nurturing young golf athletes (e.g. Mr Taichi Kho and Miss Tiffany Chan) and hosting international tournaments (e.g. Aramco Team Series Championship (ARAMCO), Hong Kong Open (HKO) and LIV Golf League Tournament (LIV Golf)). No other golf facility could contribute in a manner comparable to FGC. As such, for a world city like Hong Kong, FGC being a world-class facility should be allowed to continue its operation as a golf course. FGC was managed and maintained by HKGC without using public money. If destroyed, FGC could not be replaced;

- (d) to allow housing development at the Site would not respect the ecology, cultural heritage and community value of FGC and go against the spirit of the Environmental Impact Assessment Ordinance. It would send a very bad message to the world that Hong Kong was no longer a good place to host world class events. As stated in the Hong Kong Planning Standards and Guidelines (HKPSG), "pressure for land is extreme in Hong Kong and it must be recognised that there are competing demands for land. However, Government acknowledges that recreation stems from a basic human need for activities which are essential to the mental and physical well-being of the individual and the community as a

whole. It therefore encourages participation in recreational pursuits and seeks to ensure that appropriate opportunities are available to meet the needs of the people of Hong Kong. Recreation is accepted as an essential activity for which land must be allocated". Given the said statements in the HKPSG, the Government should provide more quality recreation facilities and should not develop the land in FGC for housing. Instead, the poorly utilised brownfield sites should be used for housing. The NM development could provide a large number of housing units;

- (e) housing development at the Site would cause various technical issues, such as traffic, sewerage, etc. The future residents would also reside at a distance from employment centres. On the other hand, retention of FGC would preserve jobs for local residents; and
- (f) the Old Course, being a more than 100 years heritage should be valued as the gem of Hong Kong, and there was no reason to change its golf course use. As expressed by a writer of an article recently published in the South China Morning Post, should FGC's attractiveness to international sporting events be diminished, Hong Kong would be the ultimate loser and China would lose its oldest golf course. Such a loss was not in line with the objective for the NM nor that of the conservation policy of Hong Kong. It was important to conserve the heritage for the future generation.

F247 – Lu Hing Yiu Bryant

13. Mr Lu Hing Yiu Bryant made the following main points:

- (a) his submission represented his own views;
- (b) during the plan-making process of the draft OZP, the Government had continued to change its position on the zoning for the Site,

from “R(A)” to “U”, and further to amend the Explanatory Statement (ES) of the draft OZP, but insisted that the Area should not be used for golfing. While the Government claimed that it supported the sports development, it took away the Area from FGC even though that was an important training ground for athletes and venue for holding international golf event such as ARAMCO being held at FGC on the day. Such international events would attract visitors and bring economic benefits. There was no reason to allow various recreational activities, but prohibit golfing in the Area; and

- (c) as indicated in the decision of Hon Coleman J, the Judge of the Court of First Instance (CFI), on the application for interim stay of the Decision (the Judgment), Hon Coleman J recognised the heritage value of the Old Course. The Government should consider, as an interim measure, to make the land uses permitted under the “U” zoning more restrictive to conserve the cultural heritage of the Site and the Area and to allow golf activities. When the long-term proposal was available after CEDD finished the review of the layout design, building height and development intensity of the public housing development (CEDD’s Review) to satisfy the conditions attached to the Decision and JR proceedings, the Board might review the zoning and start another round of plan-making process.

F261 – Lai Ka Ho

14. Mr Lai Ka Ho made the following main points:

- (a) he represented the views of himself and also fellow golfers in Hong Kong;
- (b) golf was a very good sport for all ages and a popular sport locally

and worldwide. There was a lack of golf facilities in Hong Kong for recreational golfers. HKGC was instrumental to promote golfing at FGC;

- (c) the golf Holes 1 to 8 in the Area were an integral part of FGC history, which could attract international golf tournaments (e.g. ARAMCO) to Hong Kong and bring businesses and other economic benefits to the city; and
- (d) the achievements of Hong Kong golf athletes in the 19th Asian Games were impressive, making history for the city and would inspire the future generations. However, the golf athletes did not have adequate support, e.g. lack of golf facilities for their training. In that regard, the long-term housing development proposal and the temporary pet park made no sense. The Government and the Board should allow our future generations the opportunity to play golf in FGC.

F275 – Francis Allan Hay

15. Mr Francis Allan Hay made the following main points:

- (a) during the TPB hearing in June 2023, many representers and commenters provided good arguments for their objections to the proposed housing development at the Site. However, most representations were generally not upheld based on invalid and non-justifiable reasons;
- (b) sports should not be mixed with politics. The perception of elitism of golf sports was not relevant from the land administration and planning perspectives, and the housing proposal should never be proposed. There were many alternative sites for housing development, and it was not appropriate to assume that the Site

could be a quick fix for the housing problem. It was already five years after TFLS made its recommendation but the planning process was not yet completed and it was still years away from starting the development as CEDD's Review needed to be conducted to address the conditions attached to the Decision. As a matter of fact, the proposal would only destroy a beautiful heritage for little gain to the community. There was no ground to do so from the land administration and planning perspectives, given many alternative sites, e.g. NM, NDAs (like Kwu Tung North and Wang Chau), brownfield sites, etc. Members should regret if the Board agreed to destroy FGC for housing development;

- (c) public housing development at the Site would also be in conflict with the sponge city concept which was necessary to help Hong Kong adapt to climate change; and
- (d) unofficial Members of the Board should not be affected by the official Members and should make their own judgments for the better good of the community.

F288 – Sze-to Chi Shing Thomas

16. Mr Sze-to Chi Shing Thomas made the following main points:

- (a) he strongly objected to the Proposed Amendment to rezone the Site from “R(A)” to “U”;
- (b) while the Government currently proposed to rezone the Site to “U”, the Board should still bear in mind that with reference to paragraph 110 of the Judgment, if the Decision was quashed, the plan-making process would need to be restarted as it had proceeded on the basis that the Decision was valid and correct. The Board should not confirm the “U” zoning at the present stage, particularly when it

was still indicated that the Government's intention was to develop the Site for public housing development;

- (c) the Board should take account of the fact that more than 90% of the further representations objected to the Proposed Amendment. The Board should give sufficient weightings to the public views, and not just treat public consultation as a gesture;
- (d) the CE had repeatedly pledged that the Government would allow HKGC to use the Area temporarily for hosting tournaments. However, if the housing proposal was implemented in future, it would not be possible for FGC to host those tournaments anymore. That would adversely affect the economy and competitiveness of Hong Kong as a financial centre. The government representatives had indicated in the TPB hearing in June 2023 that they had not taken into account the adverse economic impacts if Hong Kong could no longer host international golfing events; and
- (e) while the Government pledged to support sports development in Hong Kong, it was a pity that they had taken away part of the Old Course that was a precious facility for nurturing our young golfers.

F289 – Alexander James Mc Innes Marshall

17. Mr Alexander James Mc Innes Marshall made the following main points:

- (a) there were more than a thousand further representations opposing the proposed "U" zoning and a vast majority of them proposed to rezone the Site to "Other Specified Uses" annotated "Conservation cum Recreation" ("OU(CR)");
- (b) the interim stay of the Decision granted by the CFI indicated that the EIA study undertaken by CEDD was potentially flawed;

- (c) the traffic and transport impact assessment (TTIA) undertaken by CEDD was also strongly contested by many as being flawed. The roads in the vicinity of the Site were currently already saturated and would not be able to support the proposed public housing development. Access to the North District Hospital (NDH) might be blocked;
- (d) despite the more than 100 years of history of FGC, the Government had failed to recognise its heritage value only because the golf course was not a building. Being the oldest championship golf course in Asia, the heritage value of FGC was indisputable and had to be conserved. In fact, its heritage value was comparable to the St Andrews Links in Scotland;
- (e) the Government indicated that the Area would be used as a pet park but would not be used as a golf course. The view that there was no need to open the Area for golfing was wrong and lacked justifications. It would only hold back the development of young golf athletes;
- (f) the housing proposal for the Site originated from TFLS's recommendations based on the public engagement exercise in 2017 and 2018. However, the quality of the engagement exercise and views collected was doubtful. The objections received in relation to the draft OZP and the Proposed Amendment, which were more recent and of better quality, should be given more weight;
- (g) heritage like FGC was highly valued around the world in which cities built on their history and heritage to compete and attract talents and manpower. Hong Kong needed to conserve FGC to retain its competitive edge; and

- (h) in view of the JR and CEDD's Review, the Site would not be a land supply option in the short to medium term. The CEDD's Review would only be a waste of money. The Site should be simply rezoned to "OU(CR)".

F739 – Chan Ping Cheung

18. Mr Chan Ping Cheung made the following main points:

- (a) taking back the Area by the Government was not a sensible action as it had created unnecessary conflict at a time when Hong Kong desperately needed to focus on revitalisation of its economy. The public housing proposal would destroy the integrity of FGC which had a history of more than 100 years. It only harmed a part of the community to benefit another but would not benefit Hong Kong as a whole; and
- (b) the proposed "U" zone did not rule out housing development in the long term. The Site was not suitable for residential use because there would not be adequate separation between the Site and NDH. Pollutants and germs from the hospital might be blown to the Site and cause a health concern to the future residents. The mixing of patients to NDH and the future residents at that locality was also not desirable.

F1907 – Fung Kam Lam

19. With the aid of a PowerPoint presentation, Mr Fung Kam Lam made the following main points:

- (a) according to paragraph (9) of the proposed covering Notes of the

OZP, all uses or developments except those specified therein required planning permission. However, it was unclear whether temporary uses (expected to be five years or less) as permitted under paragraph (6) would be always permitted within the “U” zone. If the Board’s permission was needed, the land use control of the “U” zone would be more stringent than the “OU(CR)” zone; and

- (b) shortly before the TPB hearing in June 2023, PlanD proposed to rezone the Site from “R(A)” to “U” to partially meet some representations of which the written submissions were only in one or two sentences and related to trees. Few of the concerned representers attended that TPB hearing. As observed in that TPB hearing, only one representer had expressed his support to the “U” zone. In the process, there was little information showing any representation proposing the “U” zoning, how the relevant representations were being partially upheld through the proposed “U” zone, and why some other representations which provided detailed arguments and discussions in relation to tree preservation, etc. were not upheld. It seemed that the Board or PlanD had just made use of individual representations to legitimise the proposed “U” zone without taking into account nor reflecting the real intention of the concerned representers.

[The meeting was adjourned for a 10-minute break.]

F1900 – Melanie Eva C. De Lacy Staunton

20. Ms Melanie Eva C. De Lacy Staunton made the following main points:

- (a) various arguments for conserving the Old Course had been put forward by representers and commenters in the TPB hearing in June 2023, including the villagers living around the Old Course.

Their views should be heard;

- (b) FGC was a huge asset to Hong Kong. It was clear that the Old Course was not a viable site for housing development given the environmental, ecological, social and geological impacts as presented by the representers and commenters in the TPB hearing in June 2023. The housing development would only hurt the community;
- (c) Penny's Bay was a better site for housing development. The Old Course should not be developed for housing;
- (d) retaining the Old Course could help develop the sports industry in Hong Kong and conserve the heritage golf course. Generally, sports facilities in Hong Kong were sub-standard but the Old Course was a very good venue for the training and practising of young golfers. FGC also provided the necessary resources to golfers. She knew the importance of such support as she previously represented Hong Kong as an athlete in three types of sports, including golf;
- (e) the Government was making efforts to promote sports and develop the sports industry in Hong Kong. Hosting international golf tournaments with the participation of Hong Kong golfers would help achieve such objectives. In that regard, FGC was the only facility in Hong Kong capable of holding three international golf tournaments in the coming few months. Currently, the Old Course was being used for a tournament joined by some top-ranked female golfers and the event had attracted much attention and many visitors. To achieve the goals of the sports policy, the Old Course should continue to be used as a golf course; and
- (f) good leaders should know how to correct wrong courses. The

Board should prove itself to be a fantastic leader by working together with HKGC and the community to better utilise the Old Course for advancing the golf sports while also allowing more access.

21. As the presentations of the further representers and/or their representative in this session had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the further representers, their representative and/or the government representatives to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board or for cross-examination between parties. The Chairperson then invited questions from Members.

Proposed “U” Zone

22. Some Members had the following questions:

- (a) the reasons for proposing the “U” zone;
- (b) whether as suggested by F288 that based on paragraph 110 of the Judgment, the whole plan-making process would have to re-start if the CFI eventually quashed the Decision;
- (c) noting the query of F1907, the basis on which PlanD had recommended that the Proposed Amendment (i.e. rezoning the Site from “R(A)” to “U”) was to partially meet the concerned representations;
- (d) whether, as indicated by F275, the reasons for not upholding the representations in June 2023 were invalid and unjustifiable and how the representations were handled during the process; and
- (e) during the representation hearing, whether the Board had made its

decision solely based on the Decision without inquiring into the representations and comments, including those criticised the findings of the EIA report.

23. In response, Mr Anthony K.O. Luk, DPO/FSYLE, PlanD, made the following main points:

- (a) taking into account the need for CEDD's Review, as well as the ongoing JR proceedings in respect of the Decision, the "U" zone was considered appropriate for the Site at this juncture as it was an interim zoning pending determination of the long-term use and zoning. It could provide appropriate planning control on the Site whilst allowing time for CEDD's Review with room to take into account the outcome of the JR;
- (b) according to paragraph 2.7 of the Paper, paragraph 110 of the Judgment stated that it was important to disabuse the Board (and others) of any assumption that the Decision was sacrosanct and not potentially subject to being quashed, and that while what the Board (and others) might make of that information was a matter for them, with the grant of the interim stay, the Board should be cautious in anchoring any decision-making on the reliance that the Decision was valid and correct and would continue to be regarded as such. Unlike what F288 argued, the "U" zoning was an appropriate and prudent zoning option as it did not rely on the Decision and did not determine the permanent zoning/development at the juncture. It would allow flexibility to cater for various scenarios that might arise upon the determination of the JR, regardless of whether the Decision was upheld or quashed, based on which CEDD's Review would be conducted;
- (c) amongst the some 6,000 representations received by the Board, 78 adverse representations opposing the "R(A)" zone were on the

landscape and/or visual aspects. On 11.5.2023, DEP approved the EIA report subject to conditions requiring CEDD's Review of the design of the housing development in respect of the building height and the landscape and visual impacts. As the proposed "U" zone would allow flexibility for CEDD to carry out the necessary follow-up work for the layout design, building height and development intensity of the Site, some concerns of those 78 representations were considered to be partially met. Those representations were not considered to be fully met with the proposed "U" zoning in view of their objection to the proposed housing development. Therefore, the 78 representers were recommended to be "partially upheld" in respect of their landscape and/or visual concerns;

- (d) before the TPB hearing in June 2023, the original submissions of all representations and comments were available for Members' inspection, and PlanD had examined those submissions in preparing the hearing paper, including PlanD's responses to the submissions. All representers and commenters were also invited to attend the TPB hearing. In the process, the Board had carefully considered all written submissions and oral presentations of the representers and commenters before making the decision. It could not be agreed that the reasons given by the Board for not upholding the representations were invalid and unjustifiable; and
- (e) during the TPB hearing, Members noted queries raised by some representers about the findings of the Technical Study, including the EIA report, and raised questions regarding those queries. The government representatives had also responded in the hearing on the EIA report and other impact assessments under the Technical Study. In the process, Members had heard the arguments put forth by the representers and commenters, as well as the Government's views, before making its decision.

Planning Control in “U” Zone

24. Some Members had the following questions:
- (a) what the statutory planning control under the “U” zone was;
 - (b) whether golf course use would be allowed under the “U” zoning;
and
 - (c) as suggested by F247, whether there was scope to impose more stringent land use control in the “U” zone, say primarily for golf course use.
25. In response, Mr Anthony K.O. Luk, DPO/FSYLE, PlanD, with the aid of some PowerPoint slides, made the following main points:
- (a) according to paragraph (9) of the proposed covering Notes of the OZP, other than uses such as golf course, place of recreation, sports or culture, public convenience and public vehicle park (excluding container vehicle) and those permitted in paragraph (7) of the covering Notes, all land uses and developments within the proposed “U” zone required planning permission from the Board;
 - (b) golf course was proposed to be always permitted under the proposed “U” zoning. However, the Government, as the land owner, had indicated that it had no intention to run a public golf course thereat; and
 - (c) as mentioned in (a) above, under the proposed “U” zoning, the land use control was already stringent enough. As the permanent use of the Site could not be determined at the current stage, it was not appropriate to limit the use to conservation with no development

or golf course only.

Temporary Uses Intended for the Area

26. Members had the following questions to PlanD and F247:
- (a) the reasons for not using the Area as a golf course;
 - (b) noting that some further representers had said that it was unreasonable to preclude golf course use at the Site and the Old Course could provide opportunity to students and athletes for golf training, whether the Area could be used as a public golf course as recorded to be a possible option in the minutes of the TPB hearing in June 2023;
 - (c) how the Leisure and Cultural Services Department (LCSD) had participated in the management of the Area;
 - (d) what use LCSD planned for the Area after ARAMCO and HKO finished and the Area was handed back to the Government again in mid-November 2023; and
 - (e) whether the Site was still used as a car park for visitors to FGC.
27. In response, Mr Anthony K.O. Luk, DPO/FSYLE, PlanD, made the following main points:
- (a) while golf course was always permitted under the proposed “U” zoning, whether the Site or the Area would actually be used as a golf course was not determined by the “U” zoning. At the current moment, the Government, as the land owner, had decided to use the Area as a park, together with soccer pitches and a fee-charging car park, under the management of LCSD. The Culture, Sports

and Tourism Bureau and LCSD considered that during the interim period, using the Area for various recreation uses by the public, rather than as a public golf course, was in the public interest and would best meet public expectation. LCSD had managed the Area as a park in early September and some 4,000 visitors were recorded. While the Area was lent temporarily to HKGC for holding golf tournaments, LCSD would continue to use the Area as a park and for non-golf events after the Area was returned to Government after the tournaments; and

- (b) the return of the land in the Area to the Government on 1.9.2023 did not affect the other 46 holes covering 140 ha of land in FGC. Training for young and professional athletes on these 140 ha should not be affected. As explained previously, the golf rounds of international tournaments were played on a composite course from selected holes of the New Course and Eden Course. It was observed that the Area was mainly used for car parking, reception and promotion activities, rather than for golfing, when international tournaments were previously hosted. That said, the Government had pledged to maintain communication with HKGC and lease the Area to HKGC for holding international tournaments when needed.

28. In response, Mr Lu Hing Yiu Bryant (F247) made the following points:

- (a) before the Area was temporarily leased to HKGC in September for golf tournaments, LCSD had managed the Area for about 11 days;
- (b) after handing back the Area to the Government in November 2023, HKGC would discuss with the Government for another short-term leasing of the Area for the LIV Golf in end 2023/early 2024. It was envisaged that similar liaison and leasing would be needed from time to time; and

- (c) LCSD was managing the car park in the Area and HKGC had rented and would continue to rent some of the parking spaces for its members.

29. The Chairperson remarked that the Area would be used for a forthcoming golf event as mentioned by HKGC in the hearing session on 3.10.2023. From the planning perspective, as far as the zoning was concerned, there was no restriction for golf course use at the Area. However, at this juncture, the Government, as the landlord, had clearly indicated that the Area would be used as a park but would be temporarily lent to HKGC for golf tournaments until mid-November 2023. LCSD would decide how the Area should be opened for public enjoyment after the Area was returned to the Government after the tournaments. It was recalled that in the TPB hearing in June 2023, to use the Area as a public golf course was raised by a Member as a possible option but the government representatives had responded that the Government had planned to use the Area as a park for the public.

30. Regarding DPO/FSYLE's response that the Old Course was mainly used for car parking and other ancillary functions during tournaments, Mr Lu Hing Yiu Bryant (F247) clarified that the Old Course was also used for golf games in some events, such as a game between golfers from Singapore and Hong Kong played after the black rainstorm in September 2023, as the New Course was flooded but the Old Course was drained and suitable for golfing after heavy rain. In that regard, HKGC was considering to host more games like the Hong Kong Ladies Open at the Old Course, especially in the wet summer seasons. That said, larger scale tournaments would usually run at the composite course, i.e. the New Course and Eden Course, with the Old Course serving ancillary functions essential to those tournaments.

Value of the Old Course

31. Some Members had the following questions to F247 and F289:

- (a) how the Old Course was comparable with St Andrews Links, which was continuously brought up in the hearing, and the land

ownership of St Andrews Links;

- (b) the value of the Old Course when compared to courses like the Jockey Club Kau Sai Chau Public Golf Course (KSCGC);
- (c) the need to preserve the Area from the perspective of an athlete golfer/sports person; and
- (d) whether it was a fact that the New Course and Eden Course were used more often than the Old Course for golf tournaments, and whether the Old Course was not up to the design standard for golf events at the top level.

32. In response, Mr Alexander James Mc Innes Marshall (F289) made the following points:

- (a) St Andrews Links was the oldest golf course in the world with the unique design of that era. He had no information on its land ownership. For the Old Course, it was like the St Andrews Links in Asia as it was the oldest championship golf course in the continent and shared similar design characteristics. The Old Course was precious for its heritage value;
- (b) from a heritage perspective, the Old Course with its long history was considered more valuable than KSCGC; and
- (c) the holes in the Old Course were unlike those in modern day design. They were precious from an athlete golfer's perspective as golfers needed to practise at as many differently designed holes as possible so that they could refine their skills under different course conditions to help them compete at the international stage. The affected 8 holes in the Area were very different from the remaining 10 holes in the Old Course. Besides, those affected facilities

were not only for professional golfers but also provided good training grounds for junior golfers. The Government should not take away those 8 holes from the Old Course and destroy the Asia's oldest championship golf course.

33. Regarding the land ownership of St Andrews Links, the Member raising the question said that according to the information available on the Wikipedia, the golf course was held by a public trust. It seemed that St Andrews Links operated quite differently from FGC.

34. In response to question (d) in paragraph 31 above, Mr Lu Hing Yiu Bryant (F247) indicated that all three golf courses were designed to the standard of championship golf courses. The organisers, rather than HKGC, would select the course they considered best fit for holding their golf events.

35. In response to a follow-up question from the same Member, Mr Lu Hing Yiu Bryant (F247) confirmed that ARAMCO and LIV Golf had selected the New Course and Eden Course for the tournaments. That said, a game was previously held at the Old Course after the black rainstorm as the water in the Old Course could be drained faster. In any event, the course selection decisions made by the event organisations were based on a host of factors and the decisions did not imply which course was better.

Contribution of FGC to Golf Development in Hong Kong

36. Some Members had the following questions:

- (a) what kind of support HKGC had provided to golf athletes of Hong Kong, as mentioned by some representers and further representers;
- (b) while 8 holes in the Area would be affected, whether HKGC could continue to offer the same support to young and professional athletes so that they would be less affected; and

- (c) noting that the Government charged HKGC only a nominal fee for the remaining land in FGC, what social responsibility HKGC had for supporting golf athletes. For example, whether it was possible to reduce the tee time for members of HKGC to maintain the training and practice time for young and professional golfers.

37. In response, Mr Lu Hing Yiu Bryant (F247) made the following points:

- (a) HKGC had supported the Hong Kong Golf Association (HKGA) in providing junior and professional training, including allotting playing time on weekdays to junior and athletes of Hong Kong free of charge, equivalent to subsidies of some \$10 million. HKGC would continue to do so. The result of such support was evident in the recent achievements of Hong Kong golfers in the 19th Asian Games. However, if such training was held at KSCGC instead, it would be charged. Not only had the Government not provided any venues to those golfers for their training, the Area was currently taken away which would deprive the opportunities for golfers to practise there. It was estimated that the reduction of the training/playing time would be some 20%, and that would have serious impacts on junior golfers. In addition, by hosting golf tournaments in FGC, HKGC could arrange pre-qualified junior golfers to participate in the tournaments for them to learn from top-ranked golfers. Some of those tournaments were financed by HKGC;
- (b) young and professional golfers were allowed to play in FGC during daytime. HKGC would continue to support young and professional golfers, but FGC would be less capable of doing so as the loss of the 8 holes in the Area would reduce the total capacity of the FGC. LCSD's decision not to allow golfing in the Area was not reasonable and was a waste of valuable golf facility

resources. That was in conflict with the sports policy. In that regard, the Board was requested to amend the land use control so that golfing would be given priority in the Area; and

- (c) HKGC had already done its best to support young and professional golfers before the Government took back the Area. In addition, some young golfers were students who could only train for a few hours after school. Given that there were fewer golf holes, the capacity of FGC would be reduced and the playing time of the golfers would inevitably be reduced. Less tee time for HKGC members, mostly during the daytime, would not solve the overall capacity problem. The reduction of the time available to young and professional athletes would still be some 20%.

38. In response to a follow-up question of a Member, Mr Lu Hing Yiu Bryant (F247) said that he had no information at hand on the number of young golfers of HKGA training or practising in FGC and the time they took up, particularly for those using the Area.

39. Regarding some responses made by F247 above, the Chairperson made the following points:

- (a) there was no conflict between the government policy and planning control under the “U” zone. As the landlord, the Government would have full discretion to decide how the land should best be used temporarily and permanently after balancing different factors. For the temporary use, as pledged by CE, the Government was prepared to support HKGC to host various tournaments and allowed golfing within the Area, including the Site, during tournaments; and
- (b) for FGC, the Government only took back 32 ha from a total of 172 ha of land. On the remaining 140 ha of land, the two existing golf

courses with 18 holes each and also the remaining 10 holes of the Old Course would not be affected. Those unaffected facilities could be used for golfing events and training. Besides, the Government provided support to KSCGC and the facility was open to the public. As required under the Private Recreational Leases granted to the golf courses in Deep Water Bay and Clear Water Bay, those two facilities were also required to be open to the public, including making the facilities accessible to eligible outside bodies for training. In addition, the Government had provided financial support to the Hong Kong Sports Institute through the Elite Athletes Development Fund for supporting golf athletes, and to HKGA through the Arts and Sport Development Fund (Sports Portion) and funding under the “M” Mark System. It was clear that the Government had been providing venue and financial support to golf sports development.

40. Mr Lu Hing Yiu Bryant (F247) said that while noting the support provided by the Government to golf sports, such support was relatively small when compared to other sports. More support should be available given that there were good rising young golf athletes.

Other

41. Regarding a query raised by F739, a Member asked whether there was any planning standard or guideline on not allowing residential use in the vicinity of a hospital, noting that many existing hospitals like Queen Elizabeth Hospital and Kwong Wah Hospital were adjacent to residential uses.

42. In response, Mr Anthony K.O. Luk, DPO/FSYLE, PlanD, with the aid of some PowerPoint slides, made the following points:

- (a) some existing hospitals were also adjacent to residential developments, e.g. Tseung Kwan O Hospital, United Christian

Hospital and Queen Elizabeth Hospital; and

- (b) there was no planning standard/guideline of not allowing residential developments beside hospitals.

43. As Members had no further question to raise, the Chairperson said that this session of the hearing was completed. She thanked the further representers, their representative and the government representatives for attending the meeting. The Board would deliberate on the further representations in closed meeting after all the hearing sessions were completed and would inform the further representers and related representers of the Board's decision in due course. The further representers, their representative and the government representatives left the meeting at this point.

44. This session of the meeting was adjourned at 12:25 p.m.