

**Minutes of 1303<sup>rd</sup> Meeting of the  
Town Planning Board held on 20.10.2023**

**Present**

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

Chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Ms Sandy H.Y. Wong

Mr Daniel K.S. Lau

Mr K.W. Leung

Mr Ricky W.Y. Yu

Dr Venus Y.H. Lun

Mrs Vivian K.F. Cheung

Mr Vincent K.Y. Ho

Mr Timothy K.W. Ma

Professor Bernadette W.S. Tsui

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

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

Director of Planning  
Mr Ivan M.K. Chung

Deputy Director of Planning/District  
Mr C.K. Yip

Secretary

**Absent with Apologies**

Mr Lincoln L.H. Huang

Vice-chairperson

Dr C.H. Hau

Mr Stanley T.S. Choi

Miss Winnie W.M. Ng

Mr Franklin Yu

Ms Lilian S.K. Law

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Professor Roger C.K. Chan

Dr Conrad T.C. Wong

Mr Ben S.S. Lui

Mr K.L. Wong

Director of Lands  
Mr Andrew C.W. Lai

Chief Engineer (Works)  
Home Affairs Department  
Mr Paul Y.K. Au

**In Attendance**

Assistant Director of Planning/Town Planning Board  
Ms Caroline T.Y. Tang

Chief Town Planner/Town Planning Board  
Ms Josephine Y.M. Lo

Senior Town Planner/Town Planning Board  
Ms Karen F.Y. Lam

1. The meeting was resumed at 12:20 p.m. on 20.10.2023.

### **Opening Remarks**

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

### **Fanling, Sheung Shui & Yuen Long East District**

#### **Agenda Item 1**

[Open Meeting]

#### **Confirmation of Minutes of the 1303<sup>rd</sup> Meeting held on 3.10.2023, 5.10.2023 and 6.10.2023**

[The item was conducted in Cantonese.]

3. The draft minutes of the 1303<sup>rd</sup> meeting held on 3.10.2023, 5.10.2023 and 6.10.2023 were confirmed without amendment.

#### **Agenda Item 2**

[Closed Meeting]

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)

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[The item was conducted in Cantonese.]

#### **Deliberation Session**

4. The Secretary reported that Members' declaration of interests was reported at the Further Representation (FR) hearing sessions and recorded in the relevant minutes of the meeting held on 3.10.2023, 5.10.2023 and 6.10.2023. No further declaration of interests had

been received from Members since then. 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; and Messrs Lincoln L.H. Huang, Stanley T.S. Choi, Ben S.S. Lui and K.L. Wong, Dr C.H. Hau, Miss Winnie W.M. Ng, Ms Lilian S.K. Law, Professor Jonathan W.C. Wong and Professor Roger Chan had tendered apologies for being unable to attend 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 FRs, Members agreed that they should be allowed to join the meeting. The Secretary also said that all Members attending the subject deliberation session had joined all or part of the three-day hearing sessions, and Members should apprise themselves of the views expressed during the three-day hearing, particularly the part they did not attend, through reading the minutes circulated to Members before the meeting.

5. The Secretary reported that a further representer (F1086) had submitted further information to the Town Planning Board (TPB/the Board) on 19.10.2023 after attending the hearing session on 6.10.2023. According to section 6D(1) of the Town Planning Ordinance (the Ordinance), FRs in respect of proposed amendments to a draft plan proposed under section 6B(8) of the Ordinance had to be made within the first three weeks of the period during which the proposed amendments were available for public inspection. As the submission of further information by the further representer (F1086) was made on 19.10.2023, i.e. after the expiry of the three-week period of the Proposed Amendment, it should be treated as not having been made under section 6D(3)(a) of the Ordinance and should not be considered by the Board. Notwithstanding that, the further representers and the related representers, including F1086, had been provided with opportunities to make oral submission to the Board and their views had been properly recorded in the minutes circulated to Members for consideration and confirmation before the deliberation on the FRs.

6. The Chairperson said that hearing sessions for the consideration of FRs were held on 3.10.2023, 5.10.2023 and 6.10.2023 and relevant minutes of the meeting were confirmed under Agenda Item 1. The meeting would now proceed to the deliberation of the FRs. The Chairperson then invited the Secretary to briefly recapitulate the background of the draft Fanling/Sheung Shui Extension Area Outline Zoning Plan No. S/FSSE/1 (the draft OZP), the Proposed Amendment arising from the consideration of representations and comments on the draft OZP, major views and grounds of the further representers in their written and oral

submissions, the responses of relevant government departments (including the Planning Department (PlanD)), and PlanD's recommendations.

7. With the aid of a PowerPoint presentation, the Secretary recapitulated the following main points covered in the FR hearing:

*Background*

- (a) on 30.6.2022, the draft OZP (covering an area of 32 hectares (ha) previously occupied by the eastern part of the Fanling Golf Course (FGC) to the east of Fan Kam Road (the Area)), which was prepared with reference to the recommendations of the Technical Study on Partial Development of Fanling Golf Course Site – Feasibility Study (the Technical Study) (which included an Environmental Impact Assessment (EIA) report) conducted by the Civil Engineering and Development Department (CEDD), was exhibited for public inspection;
- (b) the Area comprised (i) a site of about 9.54 ha in the northernmost portion covering the major part of Sub-Area 1 (the Site) which was zoned “Residential (Group A)” (“R(A)”) under the draft OZP for mainly a public housing development with about 12,000 flats; and (ii) an area of about 21.65 ha in Sub-Areas 2 to 4 and a minor portion of Sub-Area 1 which was zoned “Other Specified Uses” annotated “Conservation cum Recreation” (“OU(CR)”) intended for conserving the existing natural landscape and ecological features, and for provision of space for passive recreational uses which were compatible with the conservation intention;
- (c) 6,787 representations and 51 comments in respect of the draft OZP were received, which predominantly opposed the draft OZP;
- (d) on 11.5.2023, the Director of Environmental Protection (DEP) approved the EIA report subject to a list of approval conditions (the Decision), and on 21.7.2023, the Hong Kong Golf Club (HKGCC) applied for Judicial Review (JR) in respect of the Decision;

- (e) on 24.7.2023, the Board decided to propose an amendment to the draft OZP to partially uphold 78 representations with concerns on the layout design and/or visual aspects of the proposed public housing development by rezoning the Site from “R(A)” to “Undetermined” (“U”) (i.e. the Proposed Amendment), which would also serve as a stopgap arrangement to provide a buffer period for CEDD to review the appropriate layout and development parameters of the proposed public housing development to comply with the conditions set out in the Decision;
  
- (f) on 24.8.2023, the Court of First Instance (CFI) decided to grant an interim stay on the Decision as applied by HKGC pending the determination of the JR, but made it clear that CEDD could go ahead with the review as required under the Decision. The CFI’s judgment acknowledged that while the matters dealt with by the Board fell under a separate statutory regime, independent of the parties to the JR proceedings, it was important to disabuse the Board (and others) of any assumption that the Decision was sacrosanct and not potentially subject to being quashed. Also, what the Board (and others) might make of that information was a matter for them, but 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. The Government, after taking into account legal advice, took the view that the Board was not legally prevented from proceeding with the statutory planning procedures including hearing of FRs and submission of the draft OZP to the Chief Executive in Council (CE in C) for consideration;
  
- (g) on 1.9.2023, the Area was reverted to the Government and under the management of the Leisure and Cultural Services Department (LCSD). Sub-Area 1 was open for public use as a park (the public park) from 4.9.2023 to 10.9.2023, and the remaining part of the Area would be opened in phases at later stages for passive recreational uses compatible with the conservation intention. To facilitate the hosting of two international golf tournaments at FGC, the public park was temporarily closed and lent to HKGC together with the remaining part of the Area from 11.9.2023 to 15.11.2023;

*Proposed Amendment and FRs Received*

- (h) the “U” zoning for the Site was an interim arrangement without committing the Site to any long-term use or development at this juncture which could allow time for CEDD to conduct the review with flexibility to cater for possible outcomes of the JR;
- (i) to ensure adequate planning control during the interim period, the covering Notes of the draft OZP specified that all uses or development within the “U” zone required planning permission from the Board, except some public works implemented or coordinated by the Government and some existing and possible recreational/supporting uses compatible with the setting of the Area, including golf course, place of recreation, sports or culture, public convenience and public vehicle park (except container vehicle), which were always permitted;
- (j) on 4.8.2023, the Proposed Amendment was exhibited for public inspection and a total of 1,903 FRs were received. Amongst which, 23 supported Item A (i.e. rezoning of the Site from “R(A)” to “U”) and/or the revision to the covering Notes; five supported Item A but opposed the revision to the covering Notes; three supported the revision to the covering Notes but opposed Item A; and 1,872 opposed Item A and/or the revision to the covering Notes. Most of the objecting grounds were related to the proposed public housing development, which had already been raised and discussed in the previous five-day hearing of representations and comments in June 2023, rather than the subject matter of the Proposed Amendment (i.e. the “U” zoning);
- (k) hearing of the FRs was held on 3.10.2023, 5.10.2023 and 6.10.2023. While the consideration of FRs should focus on the Proposed Amendment and the rationales behind, a substantial amount of views in the oral submissions by the further representers and related representers were largely related to the proposed public housing development, with only some relevant to the



proposed “U” zoning;

*Supportive FRs*

- (l) the major grounds were that:
  - (i) the housing supply should be increased to address Hong Kong’s housing shortage. The proposed public housing development could well utilise the land resources, which would be beneficial to Hong Kong in general. More land use options should be allowed to facilitate different types of development in Hong Kong;
  - (ii) development intensity of the proposed public housing development could be reduced;
  - (iii) in view of high historical and ecological values, the Site should be retained as a golf course/used as a park for the public to avoid damage to the environment; and
  - (iv) there were concerns about the traffic capacity in the North District;
- (m) the main responses from relevant government departments were as follows:
  - (i) the supportive views were noted;
  - (ii) the Area was reverted to the Government on 1.9.2023. Sub-Area 1 had been open for public use as a park under the management of LCSD before being lent to HKGC for hosting international golf tournaments from 11.9.2023 to 15.11.2023 as mentioned in paragraph 7(g) above; and
  - (iii) according to the Traffic and Transport Impact Assessment (TTIA) conducted under the Technical Study, with incorporation of the recommended mitigation measures, significant adverse traffic impacts

generated by the proposed public housing development on the surrounding areas were not anticipated. The Commissioner for Transport (C for T) had accepted the TTIA;

*Opposing FRs/Related Representations*

Judicial Review Implication

- (n) the major grounds were that:
  - (i) the interim stay granted by the CFI represented a green light for preserving the status quo of the Area, including its landscape and environment as well as golf course function;
  - (ii) the Board should not assume that the Decision was sacrosanct and not potentially subject to being quashed; and
  - (iii) the EIA report should not serve as the basis for rezoning and the proposed public housing development;
- (o) the main responses from relevant government departments were as follows:
  - (i) the “U” zoning was an interim arrangement which was considered appropriate and cautious as it did not rely on the Decision nor determine the long-term use or development for the Site at this juncture; and
  - (ii) the “U” zoning 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;

Planning Control of “U” Zone

- (p) the major grounds were that:

- (i) according to the covering Notes of the draft OZP, public works coordinated or implemented by the Government and temporary uses for a period of five years or less were always permitted without the need for planning permission from the Board on land falling within the boundary of the draft OZP, including the subject “U” zone;
  - (ii) the Site should be rezoned from “U” to “OU(CR)” for the purpose of cultural heritage conservation;
  - (iii) the covering Notes for the “U” zone was inadequate for conservation purpose; and
  - (iv) the Explanatory Statement (ES) of the draft OZP still stated that the general planning intention of the “U” zone was to develop the northernmost portion of the Area for public housing development. The ES should state that the Area was of paramount heritage, ecological and social values worthy to be protected in perpetuity;
- (q) the main responses from relevant government departments were as follows:
- (i) the Government had already committed on various occasions that no construction works for the proposed public housing development would be undertaken at the Site during the interim period;
  - (ii) the “U” zoning was an interim arrangement with appropriate planning control pending the determination of long-term uses and development for the Site;
  - (iii) public works coordinated or implemented by Government being always permitted was a standard provision applicable to most zonings under the covering Notes of OZPs;
  - (iv) temporary uses, though always permitted, should comply with any other relevant legislation, the conditions of the Government lease

concerned, and any other requirements by the Government; and

- (v) it remained the Government's intention to provide public housing at the Site, subject to the outcomes of CEDD's review and the JR proceedings. Any further rezoning of the Site in future will be subject to the Board's scrutiny and processed in accordance with the Ordinance with opportunity for public representation;

#### Golf Sport Development

- (r) the major grounds were that:
  - (i) FGC was the only venue for hosting international golf tournaments (e.g. Aramco Team Series Championship (ARAMCO) and LIV Golf League Tournament), and hosting of such mega sports events could enhance Hong Kong's image, attract visitors from other countries and maintain international ties; and
  - (ii) the 8 holes in the Old Course (i.e. the Area) were vital to golf sport development in Hong Kong. It was the only venue suitable for large-scale golf tournaments in summer and was important as a solution space in case Eden Course or New Course was unsuitable for hosting tournaments due to bad weather. It also provided space for supporting facilities and training of elite golf athletes;
- (s) the main responses from relevant government departments were as follows:
  - (i) reversion of the Area to the Government did not affect the other 46 holes covering 140 ha of land in FGC. With 140 ha of land, it was considered that training of young and elite golf athletes should not be affected; and
  - (ii) the Government would maintain communication with HKGC and offer assistance to HKGC for hosting international tournaments as

appropriate when needed;

### Heritage Conservation

- (t) the major grounds were that:
  - (i) the Antiquities and Monuments Ordinance clearly specified that any place or site could be declared to be a monument, historical building or archaeological or palaeontological site/structure by reason of its historical, archaeological or palaeontological significance; and
  - (ii) the Antiquities Advisory Board voted to evaluate the cultural heritage value of the whole FGC as one site in 2018, and the evaluation was still in process without a concrete programme. It was unjustifiable that a heritage assessment could not be completed after five years;
- (u) the main responses from relevant government departments were as follows:
  - (i) FGC was neither a building nor a structure. Since the existing historical grading system generally applied to buildings and structures, more detailed research by the Antiquities and Monuments Office (AMO) was required to explore whether and how the existing assessment mechanism and criteria could be applied in assessing the heritage value of FGC. AMO was still assessing the case; and
  - (ii) the graded historic buildings within FGC were located to the west to Fan Kam Road, i.e. outside the Area, and would not be affected;

### Old and Valuable Trees (OVTs)

- (v) the major grounds were that:
  - (i) a total of 222 trees of 24 species in the Area had been nominated for listing in the Register of OVTs (the Register); and

- (ii) with the listing of those potential OVTs in the Register, the associated tree protection zones and the 0.39 ha of woodland in the centre of Sub-Area 1 retained in accordance with the EIA approval condition, it was apparent that the Site was not suitable for public housing development;
- (w) the main responses from relevant government departments were as follows:
- (i) the Tree Management Office of the Development Bureau and LCSD were assessing whether the nominated trees were qualified for listing as OVTs in the Register; and
  - (ii) the latest progress of the assessment of the potential OVTs and retention of the 0.39 ha of woodland would be taken into account in CEDD's review;

#### Traffic Aspect

- (x) the major grounds were that:
- (i) the TTIA had underestimated the baseline traffic conditions and the potential traffic impact of the proposed public housing development;
  - (ii) traffic conditions of existing roads and roundabouts would be further worsened due to the proposed public housing development; and
  - (iii) the access of emergency vehicles to the North District Hospital (NDH) would be affected;
- (y) the main responses from relevant government departments were as follows:
- (i) the TTIA was accepted by C for T, taking into account appropriate access arrangement for NDH and its expansion;

(ii) no major traffic problems due to the holding of events at FGC were identified in the past; and

(iii) the TTIA would be reviewed and updated in CEDD's review as appropriate;

#### Drainage Aspect

(z) the major grounds were that:

(i) the existing drainage channels along Fan Kam Road were very narrow with dilapidated drains and often blocked by construction wastes generated by nearby new residential sites, which led to serious flooding during storms;

(ii) if the proposed public housing development was to be materialised, the flooding problem would be worsened due to the loss of grassland in the Area for retaining rainwater from surface runoff; and

(iii) the sponge city concept should be adopted for the proposed public housing development with a view to preserving the hydraulic performance of the Site;

(aa) the main responses from relevant government departments were as follows:

(i) improvement to the drainage network under the proposed public housing development would help alleviate the flooding problem in the locality; and

(ii) the sponge city concept would be considered in CEDD's review;

#### Villagers' Rights

(bb) the major grounds were that:

- (i) villagers' rights in respect of the Area, e.g. gaining access, playing golf and grave sweeping, should not be compromised;
  - (ii) clan graves within the Site (at least 10) should not be affected; and
  - (iii) there was no contact information regarding the responsible parties for grave sweeping arrangement;
- (cc) the main responses from relevant government departments were as follows:
- (i) while pedestrian access and grave sweeping were always permitted in the "U" zone under the draft OZP, arrangement for such was a management issue outside the Board's purview and would be followed up by concerned government departments, e.g. LCSD;
  - (ii) the villagers' right to play golf in FGC was the agreement between HKGC and the concerned villagers. The Government was not involved in such agreement;
  - (iii) based on the grave survey conducted under the Technical Study, one clan grave of the Qing Dynasty was identified within the Site, while the others located in the remaining part of the Area would not be affected;
  - (iv) if relocation of graves was unavoidable, the Government would handle the matter in accordance with the prevailing policy and established procedures in the resumption process; and
  - (v) for grave sweeping matters, villagers could approach HKGC from mid-September to mid-November 2023 since the Area was lent to HKGC for hosting international golf tournaments during the period and liaise with the North District Office after mid-November 2023 when the Area was handed back to LCSD; and



*PlanD's Recommendations*

- (dd) having taken into account the supportive and adverse views of the further representers and related representers, as well as the views and responses from relevant government departments, PlanD recommended the Board:
  - (i) to note the supportive views;
  - (ii) not to uphold the remaining FRs and that the draft OZP should be amended by the Proposed Amendment; and
  - (iii) to agree that the draft OZP with the revised Notes and ES were suitable for submission to CE in C for approval.

8. For information of the Board, the Secretary also reported clarifications from concerned departments on two management issues in relation to the Area as raised by villagers during the FR hearing. The Secretary said and Members noted that those management issues were not related to the Proposed Amendment, nor the Board's consideration of the Proposed Amendment.

*Grave Sweeping with the Area*

- (a) LCSD advised that they had early on raised with HKGC regarding the arrangements for grave sweeping in the Area by the villagers during the period when the Area was lent to HKGC and it was agreed that HKGC would coordinate with the villagers on the matter within the interim period (mid-September to mid-November 2023) covering the Chung Yeung Festival. Notwithstanding that, noting the villagers' view of having difficulties in reaching out with appropriate parties for grave sweeping arrangement as expressed at the FR hearing, LCSD had contacted the relevant villagers' representatives (including those attending the FR hearing) and contact persons of the concerned graves to facilitate the liaison between them and HKGC. After the expiry of the short-term arrangement with HKGC in mid-November 2023, LCSD would contact the relevant villagers' representatives

or the contact persons for villagers' future worshipping/memorial activities and associated arrangement (e.g. car parking) during the Ching Ming and Chung Yeung Festivals; and

*Pedestrian Access Through the Area*

- (b) after the Area was reverted to the Government in early September 2023, LCSD advised that sufficient access points to and footpaths within the Area were opened for the nearby villagers to commute from their villages to Fan Kam Road through the Area during park opening hours. Subsequently, in mid-September 2023, all the access points to the Area were opened for villagers and even the golfers for commuting purpose. Therefore, the video showing the difficulties of the villagers in commuting to/from Fan Kam Road through the Area as played by a further representer at the FR hearing might not reflect the situation after mid-September 2023.

[Mr Vincent K.Y. Ho joined the meeting at this point.]

9. As the presentation by the Secretary was completed, the Chairperson invited views from Members.

*General*

10. Members expressed that they had thoroughly considered the relevant views provided in the written and/or oral submissions of FRs/related representations as well as the responses of the relevant government departments, and balanced the relevant issues and concerns presented to them. Members generally considered that except for a few new grounds, such as implications of the JR, planning control on the "U" zone, Hong Kong National Team's achievement in the 19<sup>th</sup> Asian Games, more detailed figures on traffic flow and the flooding issues in the district due to recent extreme weather conditions, the majority of the grounds of the FRs and related representations had already been raised and considered by the Board during the hearing of the representations and comments in respect of the draft OZP in June 2023. A Member also pointed out that the Board was not legally prevented from proceeding with the statutory planning procedures under the CFI's judgment on the interim stay under the JR, and

it was the Board's statutory duties and functions under the Ordinance to decide on the most suitable land use zoning for the Site.

*“U” Zoning*

11. Most Members agreed that the Board's previous decision to amend the zoning of the Site from “R(A)” to “U” zone should be maintained. They considered the “U” zoning appropriate as it did not commit the Site to any particular long-term use or development at this juncture. It would not pre-empt the long-term planning of the Site while allowing time for CEDD to conduct the review in compliance with the conditions set out in the Decision and follow up on some technical issues/concerns on traffic, drainage, etc. as raised in the FR hearing. It could also cater for the range of scenarios that might arise upon the determination of the JR, regardless of whether the Decision was upheld or quashed.

12. Some Members considered that the “U” zoning could provide adequate planning control for the Site in the interim. They pointed out that the clause in the covering Notes of the draft OZP that would allow suitable works or development would not cause irreversible damage to the existing conditions of the Site. Most importantly, the Government had openly committed that no construction works for the proposed public housing development would be carried at the Site before the long-term use/zoning was confirmed. Any further rezoning of the Site in future will be subject to the Board's scrutiny and processed in accordance with the Ordinance with opportunity for public representation. Hence, there was no need to amend the covering Notes of the draft OZP.

13. Some Members remarked that the ‘golf course’ use was permitted in the “U” zone under the covering Notes of the draft OZP. In that regard, it was noted that HKGC had successfully hosted the recent international golf tournament, ARAMCO, under the “U” zone after the Site was reverted to the Government on 1.9.2023.

14. Regarding the ES of the draft OZP, a Member had the following observations and comments:

- (a) Mr Kenneth To Lap Kee (F26's representative) proposed in the FR hearing that unlike other 13 existing “U” zones on OZPs, the Site with high

conservation and heritage values pending the assessment of AMO should warrant special attention, and suggested that the ES of the “U” zone should be revised to state that the Site was part of the Old Course of FGC with paramount heritage, ecological and social values worthy of protection. However, in upholding the same principle of not pre-empting the long-term planning of the Site, the ES should not be revised before the relevant proposition was substantiated and agreed by relevant authority; and

- (b) Mr Wan Man Yee (F206) said in the FR hearing that he was confused whether the statement about the Government’s intention to develop the Site for public housing in the ES reflected a collective decision of the Board or simply a Government’s decision. In fact, the ES had stated clearly that the actual long-term uses and development parameters were subject to further review by CEDD and the JR proceedings. Hence, revision to the ES in that regard was considered not necessary.

15. Some Members remarked that while a development process could be very lengthy and demanded substantial and perseverant efforts and resources from relevant bureaux/departments, upon the completion of CEDD’s review and the JR proceedings, the Government should promptly determine the appropriate zoning for the Site, be it for public housing or other uses. They emphasised the need to expedite the subsequent rezoning and development process for public housing or other uses. A Member also reminded that the quality of turfgrass should be maintained to a standard that would allow the Area to be suitable for hosting international golf tournament as before during the interim period.

#### *Proposed Public Housing Development*

16. Members noted that issues in relation to the proposed public housing development at the Site as raised by many further representers had already been discussed and considered in the hearing conducted in June 2023. At this juncture, such proposal would be pending the outcomes of CEDD’s review and JR proceedings, and subsequent statutory OZP amendment procedures for further rezoning the Site.

17. Notwithstanding the above and their support to the “U” zoning, the majority of the

Members expressed their view of supporting the proposed housing development at the Site as follows:

General

- (a) the housing shortage problem in Hong Kong was acute, and many underprivileged had been suffering from various housing problems, such as insufficient affordable housing;
- (b) concerning the overall estimated housing supply in the territory, the projection of sufficient land identified for the provision of public housing might change over time given the variables and uncertainties involved as many identified sites had yet to go through various statutory procedures. Besides, the availability of alternative housing sites was not considered a justifiable reason for not pursuing public housing development at the Site. In light of the above, the intention to pursue public housing development at the Site should not be given up lightly;
- (c) the Government, as the landlord of the Site, should have the right to determine the best use of this piece of government land to address the basic needs of society;

The Site

- (d) the Site, in terms of location, was considered suitable for public housing development being on the fringe of Fanling/Sheung Shui New Town and in close proximity to several existing high-rise public housing estates, supporting facilities and MTR station;
- (e) the proposed public housing development was compatible with the surrounding well-developed areas, and such locality would not be easily replaced by other alternative sites;
- (f) given the need to preserve the woodland in Sub-Area 1 and optimise the

delivery of public housing units, CEDD was invited to consider, in conducting the review, excluding any non-location-sensitive facilities, such as the proposed special school, at the Site to allow more space for public housing development and minimise disturbance to the existing trees at the Site. Such views had been raised during the deliberation session of hearing in July 2023;

#### Technical Aspect

- (g) as the Government would further review the traffic aspect and implement appropriate junction and road improvement works, the proposed development at the Site would be acceptable in terms of traffic impact;
- (h) CEDD's review should be carried out in an objective, in-depth and meticulous manner in tackling various technical issues, in particular the traffic capacity of the road network and roundabouts, as raised by some further representers;
- (i) CEDD's review would be a crucial component to ascertain the technical feasibility of the proposed public housing development at the Site. The findings of the review would enable the Board to make informed and objective decisions on the appropriate long-term uses of the Site in proceeding with subsequent statutory OZP amendment procedures for further rezoning the Site. Without a thorough and meticulous assessment, the future land use proposal for the Site would be subject to challenges in the rezoning and even the implementation stages;
- (j) although some 200 trees within the Site had been nominated to be listed in the Register, it would be premature at the current stage to decide whether developable land available for the proposed public housing development would be reduced, as raised by some further representers, as the assessment was still in process by relevant bureaux/departments; and
- (k) the flooding issue arising from the recent extreme weather conditions as raised by some further representers was not related to the proposed "U" zone

or the proposed public housing development as the Site was yet to be developed.

*Golf Sport Development and Hosting of International Golf Tournaments*

18. Three Members had reservation on pursuing public housing development at the Site and considered it more appropriate for retaining the Site to support golf sport development. Their views were:

- (a) although the public might still hold the impression that golf sport was primarily for the privileged, golf sport should indeed be promoted as a widely popular sport, and the Government should endeavour to make golf sport accessible for all ages and all skill levels. While access to golf courses in Hong Kong was still very limited, keeping the Old Course intact would provide more venues for the public to enjoy golf sport;
- (b) FGC was a vital training venue in nurturing elite golfers, and with Mr Taichi Kho, a home-grown golfer, winning Hong Kong's first gold medal in the 19th Asian Games, aspiration for promoting golf sport was activated;
- (c) FGC was important for hosting world-class international golf tournaments in Hong Kong and that was beneficial to the local golf development as well as the image, reputation and economy of Hong Kong. The recent successfully held international golf tournament, ARAMCO, was a good example. There was no strong justification for sacrificing a well-established sports venue that had been heavily invested and meticulously taken care of for over 100 years for some public housing units. While different cities possessed different competitive edges in hosting world-class events, FGC with its cultural heritage value was one of the valuable assets of Hong Kong which should not be taken away; and
- (d) the Site, being part of the Old Course of FGC, was not suitable for housing development after balancing the housing need and the destruction caused to the Old Course.

19. On the other hand, some Members were of the view that as a major part of FGC was not affected and could continuously be used for hosting international golf tournaments which was demonstrated in the recent ARAMCO tournament after the return of the Area to the Government on 1.9.2023. Besides, training for elite golfers could be arranged in the remaining part of FGC which would not be affected by the Proposed Amendment or the draft OZP. Whether to promote golf sport out of other types of sports in Hong Kong was outside the ambit of the Board.

20. A Members further remarked that it should be the Government's duty to balance the diverging views between addressing the pressing housing need with the proposed public housing development at the Site, and maintaining the golf course functions of the Site and the Area for promoting golf sport and international tournaments in Hong Kong. Another Member opined that without the Government's policy on whether promoting golf sport and fostering Hong Kong as a centre of major international golf events, it would be difficult for the Board to balance the different social needs. A clear stance on Government's policy on golf sport development would facilitate the Board's discussion on the long-term use of the Site in the subsequent rezoning exercise.

#### *Future Use and Management of the Area*

21. A Member considered that a further representer's suggestion of using the Area as a golf course in the morning and a public park in the afternoon would be appealing as it could effectively address the needs of various stakeholders. Consideration could also be given to zone the Site as "OU(CR)", together with the southern portion of the Area, for passive recreational uses that were compatible with the conservation intention. With regard to the Member's view, the Chairperson clarified that today's deliberation was on the Proposed Amendment, i.e. rezoning of the Site from "R(A)" to "U", and Members had expressed their views on the "U" zoning. The "OU(CR)" zoning for the southern portion of the Area had already been agreed by the Board in July 2023 and did not form part of the Proposed Amendment.

#### *Villagers' Rights in respect of the Area*

22. Some Members considered that the rights claimed by the villagers in respect of the



Area, including playing golf, grave sweeping and pedestrian access etc., upon reversion of the Site to the Government were not related to the Proposed Amendment. Those issues were outside the ambit of the Board and should be resolved with the relevant parties through the established mechanism. While LCSD, who was currently responsible for managing the Area, was advised to actively liaise with the villagers regarding those issues, particularly for grave sweeping, HKGC, which had taken over the Area under the short-term arrangement, also had a responsibility to liaise with the villagers during the interim period.

### *Conclusion*

23. As Members had no further views, the Chairperson thanked Members for their dedication in attending the long hearing sessions with reasonable and balanced views offered and thoroughly discussed relevant points to facilitate the decision-making process. She summarised that the majority of Members agreed to amend the draft OZP by the Proposed Amendment, i.e. rezoning of the Site from “R(A)” to “U”, at this juncture to allow CEDD to conduct the review and cater for the range of scenarios that might arise upon the determination of the JR, regardless of whether the Decision was upheld or quashed. While awaiting the outcomes of the JR proceedings, CEDD would follow up on reviewing the appropriate layout and development parameters in order to address the conditions set out in the Decision as well as addressing various issues (e.g. traffic) raised in the FR hearing. The Board’s decision of amending the draft OZP by the proposed “U” zone had not been relied on the Decision and was reasonable in the circumstance including taking into account CFI’s decision in granting an interim stay. Once the town planning procedures for the draft OZP, as required under the Ordinance, were completed, CEDD would commence the review which was estimated to take about 12 months. Besides, with regard to Members’ concern on the relocation of a special school as raised during the deliberation session of hearing in July 2023, further liaison had been carried out with the Education Bureau, and an alternative site would likely be identified for the special school so as to make available more space at Sub-Area 1 for achieving a better layout with the 0.39 ha of woodland preserved and optimising the land usage.

24. The Chairperson concluded that the majority of the Members supported amending the draft OZP by the Proposed Amendment and not upholding the remaining adverse FRs. Members generally considered that other grounds and proposals of the further representations had been addressed by the departmental responses as detailed in TPB Paper No. 10928 (the

Paper), and the presentation and responses made by the government representatives in the FR hearing. The Board also agreed that the draft OZP as amended by the Proposed Amendment together with the Notes and updated ES, as recommended in the Paper, were suitable for submission to the CE in C under sections 8(1)(a) and 29(8) of the Ordinance for approval.

[Mr K.L. Wong, Chief Traffic Engineer/New Territories East, Transport Department joined the meeting during the early part of the deliberation. Mrs Vivian K.F. Cheung, Professor Bernadette W.S. Tsui and Dr Venus Y.H. Lun left the meeting during the latter part of the deliberation.]

25. After deliberation, the Board noted the supportive views of **F1 to F19, F20 (part) to F25 (part), F501 (part), F502, F596, F615, F961 and F1032 (part)**.

26. The Board decided not to uphold **F20 (part) to F25 (part), F26 to F151, F153 to F179, F183 to F500, F501 (part), F503 to F595, F597 to F614, F616 to F960, F962 to F1031, F1032 (part) and F1033 to F1907** and considered that the draft OZP should be amended by the Proposed Amendment for the following reasons:

- “(a) although the findings of the Technical Study on Partial Development of Fanling Golf Course Site – Feasibility Study (the Technical Study) suggest that Sub-Area 1 is suitable for public housing development to address the acute housing demand, it is recognised that the Director of Environmental Protection’s decision to approve the related Environmental Impact Assessment (EIA) report (the Decision) is subject to a judicial review (JR) application. While an interim stay on the Decision has been granted, the Civil Engineering and Development Department (CEDD) is explicitly allowed by the court to conduct the review to revise the scheme and to conduct assessments on various aspects including visual, landscape, air ventilation, air quality, noise, traffic, etc., as appropriate to support the revised scheme and subsequent rezoning submission to the Town Planning Board (the Board);
- (b) while it remains the Government’s intention to provide public housing at the 9-hectare site (the Site) in the northernmost portion of the Planning Scheme Area, it is recognised that the JR application on the Decision might have implication on the appropriate long-term use and zoning for the Site. In this

regard, it is appropriate to rezone the Site to “Undetermined” (“U”) as an interim zoning at this juncture to allow CEDD to conduct the review and cater properly for the range of scenarios that may arise upon the determination of the JR, regardless of whether the Decision is upheld or quashed. Taking into account the outcomes of CEDD’s review as well as the JR proceedings, the rezoning proposal for the long-term use of the Site supported by necessary justifications and technical assessments will be submitted to the Board for consideration. Any further rezoning of the Site in future will be subject to the Board’s scrutiny and processed in accordance with the Town Planning Ordinance with opportunity for public representation. Under the covering Notes of the draft Fanling/Sheung Shui Extension Area Outline Zoning Plan No. S/FSSE/1, except a few stated uses, all developments in “U” zone require planning permission. Relevant paragraphs in the Explanatory Statement are amended to reflect the latest planning intention and circumstances; and

- (c) other grounds of further representations including hosting of international golf tournaments, air ventilation, traffic and transportation, drainage, geotechnical, sewerage, water supply and other technical aspects, provision of government, institution and community facilities, heritage value of the Site, job opportunities and public consultation which are largely related to the public housing development rather than “U” zone have been considered and responded to during the previous consideration of representations and comments by the Board. As set out in (a) and (b) above, the “U” zoning is considered appropriate.”

27. The Chairperson suggested and Members agreed that a press release to inform the public of the Board’s decisions and major considerations would be issued after the meeting.

28. The Board also agreed that the draft Fanling/Sheung Shui Extension Area OZP (amended by the Proposed Amendment), together with its Notes and updated Explanatory Statement, were suitable for submission under sections 8(1)(a) and 29(8) of the Town Planning Ordinance to the Chief Executive in Council for approval.

29. There being no other business, the meeting was closed at 1:50 p.m.