

**Minutes of 1205th Meeting of the
Town Planning Board held on 26.7.2019**

Present

Permanent Secretary for Development
(Planning and Lands)

Ms Bernadette H.H. Linn

Mr Lincoln L.H. Huang

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Stephen H.B. Yau

Mr David Y.T. Lui

Dr Frankie W.C. Yeung

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Professor T.S. Liu

Miss Winnie W.M. Ng

Chairperson

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Director of Lands

Mr Thomas C.C. Chan

Deputy Director of Environmental Protection (1)

Mr Elvis W.K. Au

Chief Engineer (Works), Home Affairs Department

Mr Martin W.C. Kwan

Principal Assistant Secretary for Transport and Housing (Transport) 3,
Transport and Housing Bureau

Mr Andy S.H. Lam

Director of Planning

Mr Raymond K.W. Lee

Deputy Director of Planning/District

Miss Fiona S.Y. Lung

Secretary

Absent with Apologies

Professor S.C. Wong

Vice-Chairperson

Dr F.C. Chan

Mr Peter K.T. Yuen

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Mr Stanley T.S. Choi

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

In Attendance

Assistant Director of Planning/Board

Ms April K.Y. Kun

Chief Town Planner/Town Planning Board

Mr Kevin C.P. Ng

Senior Town Planner/Town Planning Board

Mr Alex C.Y. Kiu

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1204th Meeting held on 12.7.2019

[The item was conducted in Cantonese.]

1. The Chairperson said that the draft minutes of the 1204th Meeting held on 12.7.2019 were sent to Members before the meeting and tabled at the meeting. Subject to no proposed amendment by Members on or before 29.7.2019, the minutes would be confirmed without amendment.

[Post-meeting Note: The minutes were confirmed on 29.7.2019 without amendment.]

Agenda Item 2

Matters Arising

(i) **Approval of Draft Development Scheme Plan**

[Open Meeting] [The item was conducted in Cantonese.]

2. The Secretary reported that on 9.7.2019, the Chief Executive in Council approved the draft Urban Renewal Authority Queen's Road West/In Ku Lane Development Scheme Plan (renumbered as No. S/H3/URA3/2) under section 9(1)(a) of the Town Planning Ordinance. The approval of the draft plan was notified in the Gazette on 19.7.2019.

(ii) **Reference Back of Approved Outline Zoning Plans**

[Open Meeting] [The item was conducted in Cantonese.]

3. The Secretary reported that on 9.7.2019, the Chief Executive in Council referred the following Outline Zoning Plans (OZPs) to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance :

(a) Approved Pok Fu Lam OZP No. S/H10/17;

- (b) Approved Tong Yan San Tsuen OZP No. S/YL-TYST/12;
- (c) Approved Tai Tong OZP No. S/YL-TT/16; and
- (d) Approved Ping Shan OZP No. S/YL-PS/18.

4. The reference back of the said OZPs was notified in the Gazette on 19.7.2019.

- (iii) Application for Appeal against Judgment on a Leave Application for Judicial Review against the Town Planning Board, the Chief Executive in Council and Others in respect of the Tai Po Outline Zoning Plan No. S/TP/25
[Open Meeting] [The item was conducted in Cantonese.]

5. The Secretary reported that the following Members had declared interests in this item :

Mr H.W. Cheung - owning a flat at Po Heung Street

Dr Frankie Yeung - his company owning a flat at On Chee Road

Mr Daniel K.S. Lau - owning a property at Ma Wo Road, Tai Po

6. As the item was to report an application for appeal against a judgment of the Court of First Instance (CFI) in a leave application for judicial review (JR), the above Members were allowed to stay in the meeting.

7. The Secretary reported that on 14.6.2019, Members were briefed on CFI's dismissal of a leave application filed out of time by Mr Wong Yu Cho for JR against the Town Planning Board (the Board), the Chief Executive in Council (CE in C) and others on 27.5.2019.

8. The JR was against the previous rezoning of a site at 4770 Tai Po Road, Kon Hang, Tai Po (the Site) from "Green Belt" ("GB") to "Residential (Group C) 8" ("R(C)8") on the draft Tai Po Outline Zoning Plan No. S/TP/25 (the OZP) which was subsequently approved by the CE in C on 8.9.2015.

9. On 10.6.2019, Mr Wong filed an application to CFI seeking leave for appeal against CFI's dismissal of his JR application. The hearing for the application was scheduled for 24.9.2019.

10. The Board noted Mr Wong's application to CFI seeking leave for appeal against CFI's dismissal of his JR application, and that the Secretary would act on behalf of the Board in handling Mr Wong's appeal in the usual manner.

Sha Tin, Tai Po & North District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Review of application No. A/ST/952

Minor Relaxation of Gross Floor Area and Site Coverage Restrictions for Permitted Columbarium Use in "Other Specified Uses" annotated "Columbarium" Zone, The Western Part of No.1 Pau Tau Street, Sha Tin
(TPB Paper No. 10563)

[The item was conducted in English and Cantonese.]

Presentation and Question Sessions

11. The Secretary reported that the application was for columbarium use at Po Fook Hill, Sha Tin and Masterplan Limited (Masterplan) and Dennis Lau and Ng Chun Man Architects and Engineers (HK) Limited (DLN) were two of the applicant's consultants. The following Members had declared interests on this item :

Mr Lincoln L.H. Huang] being a member of the Private Columbaria Appeal
Mr Sunny L.K. Ho] Board (PCAB);

- Mr H.W. Cheung - being a member of the Private Columbaria Licensing Board (PCLB);
- Mr Ivan C.S. Fu - being a member of the PCAB; having current business dealings with Masterplan; and family member's urn being placed in Po Fook Hill;
- Mr K.K. Cheung - his firm being the legal advisor of the PCLB;
- Mr Alex T.H. Lai - being a past member of the PCAB, and his firm being the legal advisor of the PCLB;
- Mr Thomas O.S. Ho] having past business dealings with DLN;
- Mr Stephen L.H. Liu]
- Dr Frankie W.C. Yeung - co-owning a flat with spouse in Sha Tin;
- Dr Lawrence W.C. Poon - family members living in Sha Tin;
- Mr Stanley T.S. Choi - owning a flat in Tai Wai;
- Professor John C.Y. Ng - owning a flat in Sha Tin; and
- Mr David Y.T. Lui - owning a number of niches for his family at Po Fook Hill;
- Miss Fiona S.Y. Lung - parents' urns being placed in Po Fook Hill.
(Secretary)

12. It was noted that Messrs Thomas O.S. Ho, Alex T.H. Lai and Stanley T.S. Choi had tendered apologies for not being able to attend the meeting. The meeting noted that the interests of Messrs Lincoln L.H. Huang, H. W. Cheung, Ivan C.S. Fu, Sunny L.K. Ho, David Y.T. Lui, Mr K.K. Cheung, Stephen L.H. Liu and Miss Fiona S.Y. Lung (as the Secretary) were not direct, and they were allowed to stay in the meeting.

13. As the properties/residence of Dr Frankie W.C. Yeung, Dr Lawrence W.C. Poon's family and Professor John C.Y. Ng did not have a direct view of the application site (the Site), the said Members were allowed to stay at the meeting.

14. The Government's and the applicant's representatives were invited to the meeting :

Planning Department (PlanD)'s Representatives

Mr C.H. Lau - Senior Town Planner/Shatin (STP/ST)

Mr Dino W.L. Tang - Town Planner/Shatin 2 (TP/ST2)

Transport Department (TD)'s Representative

Mr W. H. Poon - Senior Engineer/Shatin 1 (SE/ST1)

Applicant and Applicant's representative

Up-grade Development Ltd. - Applicant

Mr F.W. Leung] Applicant's representatives

Ms Sambe Ng]

Mr Thomas Lai]

Mr Y.C. Sy]

Mr P.S. Lee]

Mr C.K. Wong]

Mr T.F. Mak]

Mr W.C. Yiu]

Masterplan Ltd.] Applicant's representatives

Mr Ian Brownlee]

Ms Cynthia Chan]

DLN Architects & Engineers (HK) Ltd.] Applicant's representatives

Mr Arthur Au]

Mr Jackie Chiu]

<i>CTA Consultant Ltd.</i>]	Applicant's representatives
Mr Horace Mak]	
Ms Catherina Chu]	

15. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited STP/ST, PlanD to brief Members on the review application.

[Ms Winnie W.M. Ng, Ms Sandy H.Y. Wong and Mr Lincoln L.H. Huang arrived at the meeting at this point.]

16. With the aid of a PowerPoint presentation, Mr C.H. Lau, STP/ST, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), justifications provided by the applicant, departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10563 (the Paper).

17. The Chairperson then invited the applicant's representatives to elaborate on the review application.

18. With the aid of a PowerPoint presentation, Ms Cynthia Chan, the applicant's representative, made the following points in support of the review application :

- (a) the application was for minor relaxation of gross floor area and site coverage by about 14% and 13% respectively for an increase by less than 20% of niches. The proposed increase in niches was manageable and not unreasonable;
- (b) the annual demand for niches was forecasted to increase to 68,500 in 2035 whereas the Government could only provide on average about 28,000 niches annually for the period of 2012 to 2022. There was also about 8 years' backlog currently reflecting an imbalance in demand and supply of niches;

- (c) the columbarium use at Po Fook Hill was compatible with the surroundings which were predominantly religious institutions and burial grounds. It was a well-established columbarium with good track record and experience in managing the worshippers during the peak grave-sweeping period. It would be better to intensify the existing columbarium development than to identify a new location for columbarium development which would bring new impacts on another area; and
- (d) the s.16 application was rejected on traffic grounds only, but all other concerned departments had no objection to the application.

19. With the aid of a PowerPoint presentation, Mr Horace Mak, the applicant's representative, made the following points in support of the review application :

- (a) the Site was conveniently served by public transport in view of its proximity to the Mass Transit Railway (MTR) Sha Tin Station and the adjoining bus/green minibus (GMB) termini (5-minute walking distance). The existing public transport services had sufficient capacity to cater for the proposed new niches;
- (b) the applicant's survey indicated that only about 5% of the worshippers of Po Fook Hill accessed the Site by private cars. That was the result of the applicant's efforts in issuing reminders (sample circulated to Members at the meeting) to its customers over the past years to encourage worshippers to access the Site by public transport;
- (c) there were traffic diversion arrangements and crowd control by the Police for Po Fook Hill during the peak grave-sweeping periods (the Ching Ming and Chung Yeung Festivals and the 1st and 2nd weekends before and after those festivals). In addition, Po Fook Hill had a big holding area and would arrange additional manpower for crowd management during the peak period;
- (d) the applicant had proposed management measures to address TD's traffic concerns including physically separating the proposed new niches from the

existing niches with a gate, which would be locked during peak grave-sweeping periods, and contractually banning the buyers of the proposed new niches from visiting during the said periods;

- (e) according to the applicant's traffic surveys conducted for the peak grave-sweeping periods, the four critical road junctions near the Site were forecasted to be operating satisfactorily in 2027 and no traffic congestion was observed around the Site and the nearby Sha Tin Government Offices (STGO) during the peak hours. There were still over 1,000 car parking spaces available within 500m of the Site during the peak hours to cater for the increase in parking demand due to the proposed new niches. Some worshippers would be willing to utilize the carparks farther away in view of the dining/shopping opportunities in Sha Tin;
- (f) the applicant proposed to fund the construction of an additional elevated walkway and staircase to connect the MTR Sha Tin Station to Pai Tau Village to alleviate the pedestrian congestion problem at the ramp leading to the MTR Sha Tin Station; and
- (g) there were five loading/unloading (L/UL) bays in Po Fook Hill, but no L/UL activities would be carried out during the peak grave-sweeping periods.

20. With the aid of a PowerPoint presentation, Mr Ian Brownlee, the applicant's representative, made the following points in support of the review application :

- (a) there was no fundamental reason to reject the application, and TD's objection was based on observation;
- (b) reference should be made to the Town Planning Appeal Board (TPAB)'s decision on Town Planning Appeal No. 6 of 2015 where the proposed new columbarium development in the said Appeal had far greater traffic concerns. However, TPAB allowed the Appeal and considered that the traffic concerns could be addressed by way of approval conditions, including the submission of a revised traffic impact assessment (TIA). TPAB also accepted the

proposed traffic management measures similar to those proposed under the current application as acceptable mitigation measures;

- (c) the proposed columbarium extension would need to obtain a licence from PCLB, for which the applicant was required to submit a management plan to demonstrate that suitable measures on traffic and public transport arrangement/management would be adopted to minimise the possible traffic impacts; and
- (d) the applicant was experienced in crowd management and had worked with the Police during the peak grave-sweeping periods. In fact, the Commissioner of Police pointed out in paragraph 5.2.2 (a) of the Paper that there had not been any significant crowd management issue in the vicinity during grave-sweeping periods in the past.

21. As the presentations from STP/ST, PlanD and the applicant's representatives had been completed, the Chairperson invited questions from Members.

22. The Chairperson and some Members had the following questions :

- (a) the total number of niches in Sha Tin, and whether the columbarium use had caused any adverse impact to Sha Tin residents' daily life; and
- (b) the number of uninterred and unsold niches in Po Fook Hill.

23. Mr C.H. Lau, STP/ST advised that there was no available information on the total number of niches in Sha Tin. According to the Food and Environmental Hygiene Department (FEHD), there were about 130,000 niches in the Pai Tau cluster area that had already been sold as at 30.6.2017.

24. Ms Cynthia Chan, the applicant's representative responded that there were 93,732 niches in Po Fook Hill. There were 37,429 uninterred niches, including 2,000 unsold niches.

Traffic Impacts

25. In response to a Member's enquiry regarding the grounds for TD's objection to the application, Mr W. H. Poon, SE/ST1 explained that :

- (a) TD advised that the applicant had not yet properly assessed the traffic impacts due to the proposed development in the TIA, and had doubts on whether some of the proposed measures in the TIA could be implemented. In particular, there was no effective monitoring and enforcing mechanism to control visitors to the new niches during the festive periods. In case of non-compliance, it would cause adverse traffic impacts and substantially increase the Police's crowd management workload in the vicinity of the Site;
- (b) the submitted TIA was also flawed to include all parking spaces within 500m of the Site as available public car parking spaces when some of those parking spaces were private parking spaces hence not available for public use; and
- (c) TD's comments had been relayed to the applicant, but the applicant failed to directly respond to the queries raised.

26. The Chairperson and some Members had the following questions :

- (a) traffic conditions around the Sha Tin Town Centre during and outside the peak grave-sweeping periods;
- (b) whether the TIA had assessed whether and to what extent the traffic capacity of the area was affected by the pedestrian/vehicular conflicts along Pai Tau Street/Sheung Wo Che Road;
- (c) the number of car parking spaces within Po Fook Hill;
- (d) justifications for assuming that worshippers would be willing to park within 500m of Po Fook Hill bearing in mind that some of those car parks required a 20 minutes' walk;

- (e) the meaning of the applicant's assumed 5% modal split in terms of traffic flow;
- (f) whether there was any estimate on the number of additional niches that could be accommodated within Po Fook Hill given there was a large amount of uninterred niches and the current traffic congestion problem;
- (g) monthly statistics on the number of worshippers of Po Fook Hill;
- (h) the current pedestrian bottleneck in the area, the width of the pedestrian walkway and the scope of widening, if any; and
- (i) the effectiveness of the applicant's proposed elevated walkway and staircase in easing the pedestrian bottleneck.

27. In response, Mr W. H. Poon, SE/ST1 made the following points :

- (a) there were queueing outside the L/UL bays on both sides of Sheung Wo Che Road and the carpark entrance of Grand Central Plaza during non-peak grave sweeping weekends and peak hours on weekdays. Sometimes, the queue would tail back to Pai Tau Street outside the GMB terminus, and the impact of any additional traffic due to the proposed new niches on these hours/days had not been properly assessed in the TIA;
- (b) the current pedestrian bottleneck in the area was the ramp, which had a width of about 3.5m, leading to the MTR Sha Tin Station. The ramp was very congested during the peak grave-sweeping periods, and there was queueing back into the MTR station. There was little scope of widening the ramp, and hence the applicant had proposed an elevated walkway above the ramp with a staircase as a bypass; and
- (c) if implemented, the proposed elevated walkway and staircase might ease the pedestrian bottleneck. That said, the associated land, future maintenance and management issues had yet to be resolved. It was also noted that similar

proposals were strongly objected to by the villagers due to their proximity to the nearby village houses. Therefore, TD had reservation on the applicant's proposal; and

- (d) TD had no statistics on pedestrian traffic in the area, but serious pedestrian congestion on the ramp was observed.

28. Mr Horace Mak, the applicant's representative made the following points :

- (a) the queueing observed on Pai Tau Street was due to illegal parking/double-parking along Sheung Wo Che Road;
- (b) vehicular traffic from Sha Tin Rural Committee Road entering Pai Tau Street was signalized, and hence any pedestrian/vehicular conflict was considered minimal;
- (c) only worshippers leaving Po Fook Hill would need to cross Sheung Wo Che Road as they would be directed to head north;
- (d) the applicant was willing to make further assessment on pedestrian movements and proposed necessary improvement measures in response to Members' concerns;
- (e) there was no car parking space within Po Fook Hill;
- (f) the applicant had not carried out a survey on the preferred car parking location since most worshippers were using public transport to access Po Fook Hill. Worshippers with other purposes e.g. shopping/dinning might be willing to park farther away;
- (g) the assumed 5% modal split translated into a peak traffic flow was about 74 passenger car units/hour;

- (h) the applicant had conducted an assessment on the traffic impact of the proposed 18,000 new niches, and the TIA concluded that the associated traffic could be accommodated with the proposed mitigation measure to restrict visitors' access to the new niches during peak grave-sweeping periods;
- (i) the Police no longer needed the soccer pitch of Pai Tau Village as a crowd holding area during the peak grave-sweeping periods in recent years, reflecting a decrease in the number of worshippers; and
- (j) the applicant did not maintain any monthly statistics on the number of worshippers. With reference to the information on the number of worshippers during the peak grave-sweeping periods from 2013 to 2019 shown on the overhead projector, the number of worshippers showed a general downward trend over these years, other than an increase in 2016 which was due to the completion of a new niche hall.

29. Mr Ian Brownlee, the applicant's representative supplemented that TD had neither questioned the methodology of the TIA, nor provided any data/assessment to challenge the findings of the TIA. TD's objection was purely based on general observation of traffic on the road and queues outside carparks in the area, the phenomenon of the latter happened everywhere in Hong Kong.

30. In response to the questions raised by the Chairperson, Mr Raymond K.W. Lee, the Director of Planning and a Member on the assumptions adopted in the TIA, Mr Horace Mak, the applicant's representative said that the gradual occupation of the 37,000 uninterred niches had been reflected in the 1.14% annual vehicular traffic growth rate and the pedestrian traffic assessment for the non-peak grave-sweeping periods. The TIA had also assessed the traffic conditions during the non-peak period, i.e. the 3rd weekend before and after the Ching Ming and Chung Yeung Festivals.

31. Mr W. H. Poon, SE/ST1 made the following points :

- (a) there was no assessment in the TIA on the traffic conditions during the peak grave-sweeping periods in case the proposed mitigation measure of restricting visitors' access to the new niches during those periods failed;
- (b) although the applicant's TIA concluded that the critical junctions in the vicinity of the Site would be operating satisfactorily on the 3rd weekend before and after the Ching Ming and Chung Yeung Festivals, the assumption of only 5% of the overall visitors using private cars to access Po Fook Hill during the non-peak period was questionable as the 5% modal split was derived based on the traffic pattern during the peak grave-sweeping periods when special traffic control measures were put in place. In particular, pick-up/drop-off was not allowed on Sheung Wo Che Road during the peak grave-sweeping period; and
- (c) the TIA had not yet provided a comprehensive assessment on the increasing traffic volume when about 37,000 uninterred niches would eventually be interred with ashes. Specifically, while the pedestrian traffic assessments had taken into account the additional pedestrian flow to be generated by the niches currently uninterred, in respect of vehicular traffic the applicant had only adopted an annual vehicular growth factor of 1.14% (for 8 years) in the TIA and claimed that the growth factor had already taken into account the potential traffic to be generated by the niches currently uninterred. From TD's point of view, the annual vehicular traffic growth factor had only taken into account the general traffic growth within the district without considering the additional vehicular traffic to be generated by the uninterred niches when they were eventually being interred over the years. There was insufficient information in the TIA to demonstrate how the potential traffic to be generated by the niches currently uninterred had indeed been taken into account as claimed. It was doubtful that an annual growth factor of 1.14% could reflect the potential traffic to be generated when the significant number of niches currently uninterred were filled up.

Proposed Measure to Restrict Visitors' Access to the New Niches During the Peak Grave-sweeping Periods

32. The Chairperson and some Members had the following questions :
- (a) whether the applicant would consider extending the access restrictions to say, 4 weekends before and after the peak grave-sweeping periods;
 - (b) the locations of the proposed gates for the new niches;
 - (c) whether the cost for constructing the elevated walkway would push up the price of the new niches;
 - (d) noting the Chinese tradition and the fairly high sales prices of the niches at Po Fook Hill, the reasons why the proposed restriction on worshippers' access to the new niches during the peak grave-sweeping periods was considered by the applicant as reasonable and practicable;
 - (e) whether all relatives of the niche purchasers would be informed of the access restriction for the new niches;
 - (f) whether the contractual terms on the proposed access restriction could be enforced on the relatives of the purchasers, and details on the enforcement measures of the proposed access restriction, in particular, what the 'punishment' or consequence would be if worshippers of these new niches visited Po Fook Hill during the peak grave-sweeping periods; and
 - (g) management measures on worshippers who were not allowed access to the new niches, ended up worshipping their ancestors in the common areas of Po Fook Hill.
33. In response, Mr F.W. Leung and Ms Cynthia Chan, the applicant's representatives made the following points :

- (a) for commercial reasons, the applicant would not consider further extension of the restricted access period;
- (b) in view of the proposed access restriction, the sales price of the proposed new niches would be set at levels lower than normal prices;
- (c) the proposed new niches would be located at platforms some 2.5m to 3m below the lowest existing niches, and would only be accessible via two gated staircases. Both the gates and the proposed new niche halls would be locked during the peak grave-sweeping periods;
- (d) it would not be possible for the applicant to screen worshippers at the main gate of Po Fook Hill. Reminders would be issued to buyers of the proposed new niches before the festive seasons and posted on Po Fook Hill's website;
- (e) other than refused entry, there would be no consequence or 'punishment' if worshippers accessed Po Fook Hill during the peak grave-sweeping periods;
- (f) the younger generation would generally avoid the peak grave-sweeping periods;
and
- (g) the applicant would still be required to submit a management plan in order to obtain a licence from PCLB for the columbarium extension if the planning application was approved.

34. Mr Ian Brownlee, the applicant's representative supplemented that the prices of niches were market driven, especially affected by the shortage of supply, rather than the proposed elevated walkway. In any case, prices of niches should not be a consideration of the Board. When worshippers found the gates to the proposed new niches locked, they would unlikely come back during the peak grave-sweeping periods in subsequent years.

35. A Member enquired whether any similar application had been approved purely on the basis of proposed access restriction management measures the feasibility and practicality of

which were yet to be established. Mr C.H. Lau, STP/ST responded that according to his knowledge, there was no such case.

Proposed Elevated Walkway and Staircase between MTR Sha Tin Station and Pai Tau Village

36. Some Members had the following questions :

- (a) funding of the construction and future management and maintenance of the proposed elevated walkway and staircase;
- (b) ownership of the land involved in the proposed elevated walkway and staircase;
- (c) accessibility issue of the proposed elevated walkway and staircase; and
- (d) noting that previous proposals to build a footbridge in the locality had been shelved due to villagers' strong objections, whether the applicant had conducted any local consultation on its proposed elevated walkway and staircase.

37. In response, Mr Ian Brownlee, the applicant's representative made the following points :

- (a) the applicant offered to fund the construction of the proposed elevated walkway and staircase. It would be handed back to the Government for future management and maintenance;
- (b) the proposed elevated walkway and staircase would be entirely on government land (GL);
- (c) the proposed elevated walkway and staircase would be an alternative route to the existing ramp; and
- (d) the applicant had not conducted any local consultation on the proposed elevated walkway and staircase, but the planning application had been published which offered a channel for the locals to express their views on the proposal.

[Mr Franklin Yu arrived at and Professor T.S. Liu left the meeting during the Question-and-Answer (Q&A) session.]

38. As Members had no further question to raise, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application. The Chairperson thanked the representatives from the Government and the applicant for attending the meeting, and they left the meeting at this point.

[Ms. Sandy H.Y. Wong left the meeting at this point.]

[The meeting was adjourned for a 5-minute break.]

[Dr Frankie W.C. Yeung arrived at the meeting during the break. He was advised to refrain from participating in the discussion on this item.]

Deliberation Session

39. The Chairperson summarised that TD was concerned about the traffic conditions in the area both during and outside the peak grave-sweeping periods. Despite TD's advice, the applicant focused its assessment and proposed mitigation measures only on situations during the peak grave-sweeping periods. There were also doubts on the practicability of the proposed access restriction for the new niches during the festive periods and on how such restriction could be properly enforced. She invited Members' views as to whether there were any reasons to depart from the RNTPC's decision.

Supply of Niches and Landuse Compatibility

40. Members noted that the territory was in short supply of niches, and the Government had a policy to encourage private columbarium development to meet such shortfall. Some Members considered the area suitable in general for columbarium use given the many religious institutions and similar columbarium uses therein. A Member pointed out that this part of Sha Tin was probably the single largest conglomeration of columbarium niches. However, the traffic capacity of the area was a major concern.

Existing Traffic Conditions and The Applicant's TIA

41. Some Members remarked that, from their personal experience, this part of Sha Tin was packed with people over weekends and illegal pick-up/drop-off activities were commonly seen.

42. Another Member pointed out that Pai Tau Street and Sheung Wo Che Road were a dead-end loop with very little scope for road widening/improvement. Likewise, the ramp leading to MTR Sha Tin Station was a heavily congested pedestrian traffic bottleneck that had little scope for improvement. The vehicular and pedestrian traffic conditions would be beyond imagination if the 37,429 uninterred niches were fully occupied, not to mention the proposed addition of 18,000 new niches. The associated traffic problem would be a social cost.

43. Mr Andy S.H. Lam, Principal Assistant Secretary for Transport and Housing (Transport) 3 noted that there were fundamental flaws in the applicant's TIA in terms of the inappropriate modal split adopted and the lump sum traffic growth rate applied, as explained by TD during the Q&A session.

Revised TIA

44. Referring to the appeal the applicant used as an example, the applicant argued that the Board could impose an approval condition requiring the submission of a revised TIA. However, the Chairperson and some Members considered traffic impact of such a large scale columbarium extension was a fundamental issue, and the Board should only impose an approval condition on the submission of a revised TIA when it had been ascertained that there was no insurmountable traffic problem. If the Board was not yet convinced, giving approval with conditions would be irresponsible as this would be tantamount to passing the burden to other approving authorities. It would also convey a misleading message that the Board was generally content that the adverse traffic impacts would be manageable.

45. Another Member supplemented that while the Board/RNTPC had imposed various conditions on granting approvals, the imposed conditions usually had a reasonable prospect of

being complied with by the applicant. In the present review application however, compliance of the approval condition on restricting access during festive seasons would be highly uncertain relying upon the applicant's willingness to comply with the condition, and the co-operation of some 18,000 niche buyers and their families. There was reasonable doubt on whether the applicant would be able to refuse the demand of thousands of worshippers to lift the restriction.

Access Restrictions

46. Some Members opined that the access restriction put forth by the applicant was not practical and it would be very difficult to enforce. The proposed access restriction was also not in line with the Chinese tradition. The Chairperson remarked that even if the worshippers were denied access to the new niches upon arrival to Po Fook Hill, additional traffic had already been generated for the area.

The Proposed Elevated Walkway And Staircase

47. Some Members pointed out that the feasibility of the proposed elevated walkway and staircase was in doubt given the uncertainty on the future management and maintenance responsibilities, and the village interests involved.

48. After deliberation, the Board decided to reject the application on review for the following reason :

“the applicant fails to demonstrate that the application would not pose adverse traffic impact on the surrounding areas.”

[Professor Jonathan W.C. Wong left the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Review of application No. A/NE-LT/660

Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lots 348 S.A ss.1 RP, 348 S.A ss.2 RP and 353 RP in D.D. 19, Hang Ha Po Tsuen, Tai Po
(TPB Paper No. 10564)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

49. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point:

Mr Tony Y.C. Wu - District Planning Officer/Shu Tin, Tai Po & North District (DPO/STN)

Ms Kathy C.L. Chan - Senior Town Planner/Tai Po (STP/TP)

50. The Chairperson extended a welcome and informed Members that the applicant had indicated not to attend the meeting. She then invited PlanD’s representatives to brief Members on the review application.

51. With the aid of a PowerPoint presentation, Ms Kathy C.L. Chan, STP/TP, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in TPB Paper No. 10564 (the Paper).

52. As the presentation from STP/TP, PlanD had been completed, the Chairperson invited questions from Members.

53. As Members had no question on the application, the Chairperson said that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application. The Chairperson thanked PlanD's representatives for attending the meeting, and they left the meeting at this point.

Deliberation Session

54. The meeting noted that no new justification had been put forward by the applicant to support the review application. After deliberation, the Board decided to reject the application on review for the following reasons :

- “ (a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no information in the submission to demonstrate that the proposed development would not have adverse drainage impact on the surrounding area; and
- (c) land is still available within the “Village Type Development” (“V”) zone of Hang Ha Po, San Uk Pai and Kau Liu Ha which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

[Mr Stephen L.H. Liu, Mr Ivan C.S. Fu and Miss Winnie W.M. Ng left the meeting at this point.]

General Matters

Agenda Item 5

[Open Meeting]

Council for Sustainable Development's Public Engagement on Long-term Decarbonisation Strategy

(TPB Paper No. 10565)

[The item was conducted in Cantonese.]

55. The Secretary reported that the Public Engagement (PE) on Long-term Decarbonisation Strategy was conducted by the Council for Sustainable Development (SDC) with the Policy for Sustainability Lab, Centre for Civil Society and Governance, the University of Hong Kong (HKU) as the Programme Director. The following Members had declared interests in the item for having current business dealings with HKU and being a member of SDC :

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|------------------------|---|
| Professor S.C. Wong | - being a Chair Professor and an Associate Dean of HKU; |
| Dr F.C. Chan |] being an Adjunct Professor of HKU; |
| Professor John C.Y. Ng |] |
| Mr Wilson Y.W. Fung | - being the Chairman of the Accounting Advisory Board of School of Business, HKU; |
| Dr C.H. Hau | - being an Honorary Associate Professor and Principal Lecturer of HKU, spouse also being a Principal Lecturer of HKU; |
| Ms Lilian S.K. Law | - being an Adjunct Associate Professor of HKU, and an ex-member of SDC; |

Mr L.T. Kwok] being a member of SDC; and
Professor Jonathan W.C. Wong]

Mr K.K. Cheung] their firm having current business dealings with
Mr Alex T.H. Lai] HKU.

56. The meeting noted that Professor S.C. Wong, Dr F.C. Chan, Dr C.H. Hau and Mr Alex T.H. Lai had tendered apologies for not being able to attend the meeting, and Professor Jonathan W.C. Wong had already left the meeting. As the item was a briefing to Members as part of the PE, Members who had declared interests on the item were allowed to stay at the meeting.

57. The representatives of SDC and HKU were invited to the meeting :

Council for Sustainable Development

Mr D.C. Cheung - Secretary, SDC

Ms Channy C. Yang - Senior Town Planner (Sustainable Development)

Ms Irene N.C. Man - Town Planner (Sustainable Development)

Policy for Sustainability Lab, Centre for Civil Society and Governance, University of Hong Kong

Ms. Joyce Chow - Senior Project Manager

Mr. Darwin Leung - Associate Project Manager

Independent Analysis and Reporting Agency of PE on Long-term Decarbonisation Strategy

Ms Ada M.L. Chung - Note-taker

58. The Chairperson extended a welcome and invited the representatives of SDC and HKU to brief Members on the PE.

59. Mr D.C. Cheung, Secretary, SDC, made the following introductory points :

- (a) in 2016, China adopted the Paris Agreement (PA), which was an agreement within the United Nations (UN) Framework Convention on Climate Change;
- (b) as part of China, the Hong Kong Special Administrative Region (HKSAR) had to submit its long-term decarbonisation strategy to the central Government for inclusion into the national long-term decarbonisation strategy for onward submission to UN;
- (c) to help HKSAR fulfil its commitments under the PA, the Government had invited SDC to conduct a territory-wide PE to facilitate the formulation of the territory's long-term decarbonisation strategy. SDC had appointed the Policy for Sustainability Lab, Centre for Civil Society and Governance, HKU as the Programme Director; and
- (d) the PE adopted a bottom-up approach, and the PE document at Annex A of TPB Paper No. 10565 (the Paper) was compiled with views from various stakeholders.

60. With the aid of a PowerPoint presentation, Ms Joyce Chow, Senior Project Manager, Policy for Sustainability Lab, made the following points :

- (a) the PE had three objectives :
 - (i) to raise awareness of the impact of carbon emissions and the serious consequences of inadequate actions to reduce carbon emissions;
 - (ii) to seek public views on mitigation actions relating to reduction of carbon emissions bearing in mind the additional cost and behavioural changes required, and to promote community actions including changes in lifestyle and consumption behaviour to mitigate climate change; and

- (iii) to identify the roles of different stakeholders and foster collaboration opportunities among them and gauge their views on mitigation actions against climate change.
- (b) the PE followed a stakeholder-led approach in which the various stakeholders advised the PE team on the direction of discussion to be adopted in the PE document;
- (c) the 3-month PE commenced in June 2019, the main focus of which was detailed in Chapter 3 of the PE document, in particular, on how climate change impacted our daily lives and the territory's economy;
- (d) the PA's target of holding the increase in global average temperature to well below 2 degrees Celsius above pre-industrial levels translated roughly to a reduction of global carbon emissions by 40-70% in 2050;
- (e) Hong Kong (HK) already had a decarbonisation target of 26-36% for 2030 arising mainly from the gradual phasing down of coal as a fuel for electricity generation. However, to fulfil its minimum commitments under the PA, HK would need to reduce at least another 30% of its carbon emissions by 2050. In other words, HK's per capita carbon emissions would need to be reduced from 5.7 tonnes in 2016 to about 2.0 tonnes in 2050. More reduction in carbon emissions was needed to achieve the more aggressive 2100 target under the PA;
- (f) the existing legislative and administrative measures on reduction of energy use could reduce the territorial carbon emissions by about 4% per annum. Further legislative amendments, green building/town planning/urban design policies/measures/incentives would be needed for deeper decarbonisation;
- (g) international experience on decarbonisation centred mainly around five areas: (i) deep decarbonisation in the energy sector, (ii) promoting green transport, (iii) enhancing building energy efficiency, (iv) enhancing education and publicity, and (v) exploring different economic opportunities and financing mechanisms.

These were detailed in the PE document. The PE document would also deliberate on lifestyle changes to reduce carbon emissions;

- (h) about two thirds of HK's carbon emissions came from electricity generation, 90% of which was consumed by buildings. Coal currently accounted for about one fourth of the territory's electricity generation, which would continue to be replaced by the cleaner but not carbon-free natural gas towards 2030. To comply with the PA, it was estimated that about 80% of our electricity would need to come from zero carbon energy sources by 2050. The territory would need to prioritise between reliability, security and availability, affordability and environmental performance of its various fuel sources in determining its long-term fuel mix;
- (i) transportation accounted for about 18% of HK's carbon emissions, while handling of wastes and industrial activities etc. accounted for the remaining 15%. The Government had adopted a multi-pronged approach to reduce energy consumption due to transportation, and had been extending the territory's rail network. Many stakeholders pointed out that there were insufficient supporting facilities in the existing buildings to facilitate the wider adoption of electric cars, and regulations/incentives were needed in this regard. Other stakeholders advocated a need for policy changes to facilitate walkability and low-carbon transport modes, and a timeframe for legislative bans on fossil fuel vehicles;
- (j) the key messages of the PE were that :
 - (i) to meet the PA's decarbonisation target, the whole society needed to step up efforts to further reduce carbon emissions;
 - (ii) we needed to transition towards low-carbon lifestyles, and in the long run, we needed to increase the proportion of zero carbon energy in our fuel mix. There was no single solution to combat climate change;

- (k) the PE aimed to seek public views on prioritisation of the various decarbonisation options;
- (l) no specific proposal had been put forward in the PE document at this stage. Rather, views and ideas from the Board was sought to facilitate SDC's preparation of recommendations to the Government on the formulation of a long-term decarbonisation strategy for the territory; and
- (m) SDC aimed to submit the recommendations to the Government in the fourth quarter of 2019.

61. As the presentation from the representatives of SDC and HKU had been completed, the Chairperson invited questions from Members.

Role of Urban Planning/Design in Decarbonisation

62. While expressing support for decarbonisation, some Members noted that there was not much discussion in the PE document on the role of urban planning/urban design in decarbonisation. A Member pointed out that there were many large scale infrastructure developments in the coming two decades, and if these infrastructures and our city layout could be properly planned and designed in such ways that they would result in a cooler urban environment, adopting passive design, urban ecology (e.g. through planting), better water and waste management, less energy consumption, and lesser air-conditioning requirements, etc., HK could combat climate change better. This Member also enquired about the interface of the decarbonisation strategy with UN's Sustainable Development Goals (SDG), specifically Goals 11 and 13 of the SDG Report on 'Sustainable Cities and Communities' and 'Climate Action'.

63. Ms Joyce Chow, Senior Project Manager, Policy for Sustainability Lab, responded that concepts like Smart City and behaviour changes in UN's SDG, would be included in the recommendations report. Similar briefings would be given to organisations such as the Hong Kong Institute of Planners and the Green Building Council, and the stakeholders' views on the interface with land use planning and infrastructure design would be incorporated into the recommendations report as well.

64. A Member opined that HK should be planned in a more walkable and bicycle-friendly manner. Many parts of our waterfront promenades, for example, were still quite fragmented.

Building Design and Retrofitting of Existing Buildings

65. Noting that existing buildings would pose constraints on decarbonisation, a Member opined that suitable incentives should be given to encourage retrofitting of existing buildings to help reduce energy consumption. The Member further remarked that better utilisation of water, natural lighting etc., at the district level or even on the city scale, might assist in deeper decarbonisation.

66. Another Member expressed worries on the increase in electricity consumption (e.g. for lifts and pumps) associated with HK's high-rise buildings. Experience indicated that there should be building height restrictions to address natural lighting, visual impact concerns, etc.

Zero Carbon Energy

67. A Member advocated more intensive use of solar power as HK was lagging behind in the use of renewable energy. There should be a more objective assessment of the pros and cons of solar power in view of the criticisms on the environmental pollution associated with the manufacturing of solar panels.

68. A Member pointed out that HK might need to rely more on nuclear power if it were to meet the PA's decarbonisation target. Another Member concurred that nuclear power might be the way to go for HK if it were to fulfil the PA. There were researches regarding nuclear fusion power generation, though it would be a mega facility that a single city might not be able to afford. Hence, regional or international co-operation might provide the decarbonisation solution the territory had been looking for. As a side issue, this Member pointed out that since HK was buying nuclear power from the Mainland, HK should also bear part of the responsibility of the associated nuclear waste treatment.

69. Another Member noted that Hong Kong Electric Company, Limited (HK Electric) was working with the city of London on the use of Hydrogen as a fuel source, and enquired whether similar studies were being carried out in HK.

70. Ms Joyce Chow, Senior Project Manager, Policy for Sustainability Lab, responded that there were researches, notably in New Zealand, to harvest geothermal power and converted it into compressed hydrogen fuel cells. The PE team was open-minded on the available fuel options.

Behaviour Change, Education/Publicity and Other Suggestions

71. The Chairperson and some Members considered that the complicated concepts in the PE document were fairly difficult to grasp/digest, and a simpler pamphlet could facilitate the public's understanding of the issues involved/options available.

72. Some Members considered behaviour change very important in decarbonisation, and if we all changed our habits in small ways like turning off electric appliances when not in use, consumed less packaged drinks, or walked/cycled more, substantial reduction in carbon emission could be achieved. However, another Member cautioned that even a fairly substantial behaviour change of 30% reduction in electricity consumption at the territory level would only result in about 18% reduction of HK's carbon emissions.

73. Some Members pointed out the importance of fostering behaviour changes through education, starting from the kindergarten/primary level to prevent our future generations from developing high carbon emissions living habits.

74. A Member suggested policy changes like limiting car ownership growth as a means to decarbonise.

Further Consultation

75. The Chairperson noted that the briefing was mainly envisioning. Against this understanding, she enquired whether there would be further consultation after SDC's recommendations report was submitted to the Government. In response, Mr D.C. Cheung,

Secretary, SDC, advised that the accepted recommendations would then be passed on to the relevant government bureau/departments for implementation.

76. Noting Members' concerns on how urban planning/urban design/building design could contribute to decarbonisation as well as the behaviour/lifestyle changes necessary for decarbonisation, Mr D.C. Cheung, Secretary, SDC, drew Members' attention to the followings :

- (a) the Environmental Protection Department (EPD) had compiled and promulgated quite a lot of information on decarbonisation over the years, e.g. by switching to inverter air-conditioners, the electricity consumption would be halved;
- (b) EPD had developed a 'Low-carbon Living Calculator' to facilitate students to learn how to decarbonise in their daily lives;
- (c) there were elaborated discussions on the pros and cons of various fuel types in the PE document, in particular, renewable energy sources were intermittent in nature and required support from the stable fuel sources; and
- (d) views of Members would definitely be taken into account in the formulation of the recommendations.

77. The Chairperson invited the PE team to consider the comments/views expressed by Members in the meeting, and update any planning related recommendations of the PE to the Board in due course. She thanked SDC's and HKU's representatives for attending the meeting to brief Members on the PE. They left the meeting at this point.

[Dr Lawrence K.C. Li, Messrs Wilson Y.W. Fung, Stephen H.B. Yau, Andy S.H. Lam, and K.K. Cheung left the meeting during the briefing.]

Procedural Matters

Agenda Item 6

[Open Meeting]

Any Other Business

78. There being no other business, the meeting was closed at 1:05 p.m.