

**Minutes of 1226th Meeting of the
Town Planning Board held on 3.7.2020**

Present

Permanent Secretary for Development
(Planning and Lands)

Chairperson

Ms Bernadette H.H. Linn

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Dr C.H. Hau

Mr Thomas O.S. Ho

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Professor T.S. Liu

Miss Winnie W.M. Ng

Ms Sandy H.Y. Wong

Mr Stanley T.S. Choi

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Professor John C.Y. Ng

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

Dr Roger C.K. Chan

Dr Venus Y.H. Lun

Mr C.H. Tse

Mr Conrad T.C. Wong

Chief Traffic Engineer (Hong Kong)
Transport Department
Mr M.K. Cheung

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

Deputy Director of Environmental Protection (1)
Environmental Protection Department
Mr Elvis W.K. Au

Director of Lands
Ms Karen P.Y. Chan

Director of Planning
Mr Raymond K.W. Lee

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

Secretary

Absent with Apologies

Mr Franklin Yu

Mr K.W. Leung

Professor Jonathan W.C. Wong

Mr Y.S. Wong

In Attendance

Assistant Director of Planning/Board
Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board
Ms Caroline T.Y. Tang

Senior Town Planner/Town Planning Board
Mr Eric C.Y. Chiu

Agenda Item 1A

[Open Meeting]

Confirmation of Minutes of the 1223rd Meeting held on 3.6.2020

[The item was conducted in Cantonese.]

1. The draft minutes of the 1223rd meeting held on 3.6.2020 were sent to Members before the meeting and tabled at the meeting. Subject to any proposed amendments by Members on or before 6.7.2020, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 6.7.2020 without amendments.]

Agenda Item 1B

[Open Meeting]

Confirmation of Minutes of the 1225th Meeting held on 19.6.2020

[The item was conducted in Cantonese.]

2. The draft minutes of the 1225th meeting held on 19.6.2020 were tabled at the meeting. Subject to any proposed amendments by Members on or before 6.7.2020, the minutes would be confirmed.

[Post-meeting Note: The minutes were confirmed on 6.7.2020 without amendments.]

Agenda Item 2

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

[Confidential Item] [Closed Meeting]

3. The item was recorded under confidential cover.

Hong Kong District

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/H3/441

Proposed Office, Shop and Services/Eating Place in “Residential (Group A)” Zone, 3-6 Glenealy, Central, Hong Kong

(TPB Paper No. 10658)

[The item was conducted in Cantonese.]

4. The Secretary reported that the application site (the Site) fell within the draft Sai Ying Pun & Sheung Wan Outline Zoning Plan (OZP) No. S/H3/33 and the applicant was the subsidiary of a company majority-owned by PCCW Limited (PCCW), and Kenneth To & Associates Limited (KTA) and Siu Yin Wai & Associates Limited (SYW) were two of the consultants of the applicant. The following Members had declared interests on the item:

Mr Daniel K.S. Lau	- being an ex-Director (Development and Marketing) of Hong Kong Housing Society which had current business dealings with KTA;
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- Mr K.K. Cheung - his firm having current business dealings with PCCW & SYW;
- Mr Alex T.H. Lai - his former firm having current business dealings with PCCW and SYW;
- Mr L.T. Kwok - his institution provided services in the district;
- Mr Stephen L.H. Liu - his company owning an office unit at Queen's Road Central;
- Mr Conrad T.S. Wong - being a director of companies owning properties at Jervois Street, Western Street and Pok Fu Lam Road; and
- Dr Roger C.K. Chan - spouse owning a flat at Des Voeux Road West.

5. Members agreed that as the interest of Mr L.T. Kwok was indirect and Messrs Daniel K.S. Lau, K.K. Cheung and Alex T.H. Lai had no involvement in the application, and the properties of Mr Stephen L.H. Liu's company, Mr Conrad T.C. Wong's companies and Dr Roger C.K. Chan's spouse had no direct view of the Site, they could stay in the meeting.

Presentation and Question Sessions

6. The following representatives of Planning Department (PlanD) and the applicant's representatives were invited to the meeting at this point:

- Mr Louis K.H. Kau - District Planning Officer/Hong Kong (DPO/HK), PlanD
- Ms Karmin Tong - Senior Town Planner/Hong Kong (STP/HK), PlanD

Partner Link Investments

Limited -

Mr Patrick C.K. Cheung]

Mr Derek Y.C. Kwan]

Mr Simon S.M. Kan]

Mr Kent K.L. Yeung]

]

KTA -]

Mr Kenneth L.K. To] Applicant's Representatives

Ms Gladys S.N. Ng]

Mr Kim K.M. Chin]

Mr Ted Lam]

Mr Wesley P.F. Poon]

Mr Raymond M.K. Tang]

7. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited PlanD's representatives to brief Members on the review application.

8. With the aid of a PowerPoint presentation, Ms Karmin Tong, STP/HK, briefed Members on the background of the review application including the consideration of the application by the Metro Planning Committee (MPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in the TPB Paper No. 10658 (the Paper).

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

10. With the aid of a Powerpoint presentation, Mr Kenneth L.K. To, the applicant's representative, made the following main points:

- (a) the Site was situated in a 'triangular' street block bounded by Wyndham Street, Arbuthnot Road and Glenealy, which was zoned "Residential (Group A)" ("R(A)") on the draft Sai Ying Pun & Sheung Wan OZP. The area was a transitional area between the central business district (CBD) and the residential neighbourhood along Caine Road;
- (b) the Town Planning Board Guidelines No. 5 (TPB PG-No. 5) clearly stated that there had been an increasing demand for office units outside the CBD and it was the Board's intention to meet part of the increasing demand through permitting the redevelopment of residential buildings within the "R(A)" zone for office use in districts where there was a demonstrated demand;
- (c) the proposed development was compatible with the surrounding environment and relevant departments had no adverse comment on the application. The Transport Department (TD) had no further comment on the Traffic Impact Assessment (TIA) submitted by the applicant;
- (d) the applicant had proposed a pedestrian enhancement scheme (PES) with two options to improve the walking environment between Glenealy and Arbuthnot Road by providing a 24-hour public passageway via the proposed development. A Traffic Improvement Proposal (TIP) at Arbuthnot Road was also put forward to improve pedestrian and traffic safety. It was proposed to widen the bottleneck at Arbuthnot Road to a width of 8m and provide footpaths of at least 1.5m wide on both sides of the road;
- (e) the road improvement works (RIW) proposal gazetted by the Government in 1991, which had yet to be implemented, involved resumption of part of Inland Lot 4092 RP i.e. Fortune Court. In contrast, the PES proposed by the applicant would not affect any land within Fortune Court as the PES would be implemented entirely on Government land. However, the existing stonewall tree at the scavenger lane facing Fortune Court would need to be removed;

- (f) the only option to preserve the stonewall tree while carrying out the RIW was for the Government to resume land within Fortune Court and the applicant to place future means of escape (MOE) of the Site further away from Arbuthnot Road;
- (g) there was no sign that the Government would implement the RIW in the foreseeable future. Therefore, the proposal presented by the applicant was the last practical opportunity to address the bottleneck at Arbuthnot Road and improve the nearby walking environment; and
- (h) the proposed enhanced access and the open landscape area to be made available to the public should be considered as planning gain in support of the proposed development.

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

12. The Chairperson, Vice-chairperson and some Members raised the following questions to PlanD's representatives:

Background of the Site and Land Use Compatibility

- (a) the plot ratio (PR) of the existing residential buildings at the Site and the maximum permitted PR of the Site upon redevelopment;
- (b) the building height (BH) of the proposed commercial development; and whether there was scope to reduce the site coverage if the Site was used for residential development;
- (c) the percentage of land area occupied by the Site within the "R(A)" zone in the same street block; and whether there were other commercial developments within the same "R(A)" zone;

- (d) noting that there was a commercial building, Glenealy Tower, within the same “R(A)” zone, the background for its development; and why it was not zoned as “Commercial” (“C”);
- (e) noting that the Site was surrounded by residential development, if the application for a commercial development was approved, whether there would be any compatibility/interface issue;

Traffic and RIW

- (f) whether the bottleneck at Arbuthnot Road was a traffic accident black spot; and whether there had been complaints in that regard;
- (g) whether there was plan for the Government to implement the RIW gazetted back in 1991; the reason for the delay in implementation; and how the Government prioritised various RIW projects;

Others

- (h) whether there was assessment on the conservation value and the health of the stonewall tree at the scavenger lane facing Fortune Court;
- (i) the Site was situated on a slope and the scavenger lane connecting to Arbuthnot Road was very narrow. If there was a rainstorm, that lane could become quite slippery and present a safety hazard if the occupants of the Site had to exit via that lane in an emergency. In that regard, whether there were requirements/restrictions governing emergency exit arrangements under adverse weather conditions;
- (j) whether the proposed diversion of MOE of Fortune Court onto land owned by the applicant was appropriate; and whether the scavenger lane had sufficient width to be used as an MOE; and

- (k) whether the commercial development and its ‘planning gain’ proposed by the applicant was welcomed by the public/local community; and assuming the technical issue associated with the stonewall tree could be resolved, whether the proposal by the applicant had sufficient planning merit to warrant a departure from the planning intention of the “R(A)” zone.

13. In response, Mr Louis K.H. Kau, DPO/HK, made the following main points with the aid of some PowerPoint slides and the visualiser:

Background of the Site and Land Use Compatibility

- (a) based on the information provided by the applicant, the PR of the existing buildings at the Site was about 6. The Site was a Class A site under the Building (Planning) Regulations (B(P)R) and could be developed up to a maximum PR of 8 for residential development and 15 for a commercial development;
- (b) the proposed BH of 150mPD was in line with the BH restriction stipulated on the OZP. If the Site was used for residential instead of commercial development, which would be subject to a lower permitted PR under the B(P)R, there might be scope to reduce the site coverage of the development;
- (c) the Site occupied about 25% of land of the subject “R(A)” zone. Other than two commercial developments, namely Glenealy Tower and Ovolo Central Hotel, all buildings in the “R(A)” zone were residential developments;
- (d) Glenealy Tower was completed in 1975. Before 2010, the area was zoned “Commercial/Residential” (“C/R”) within which both commercial and residential uses were always permitted. In 2010, the Site, together with the surrounding area that was predominantly occupied by residential buildings, were rezoned to “R(A)” with the planning intention to maintain the residential character of the area. On the other hand, the adjacent area

along Wyndham Street, which was predominately occupied by commercial buildings, was rezoned to “C”;

- (e) in the planning context of Hong Kong, it was not uncommon for commercial development and residential buildings to locate adjacent to each other. The proposed commercial development was considered not incompatible with the surrounding residential buildings and interface issue was not anticipated;

Traffic and RIW

- (f) while he had no figures on traffic accident at Arbuthnot Road in hand, Arbuthnot Road was not a traffic accident blackspot identified by TD. He was not aware of any complaint regarding traffic issue at Arbuthnot Road;
- (g) the RIW gazetted by the Government in 1991 involved resumption of portion of land currently occupied by Fortune Court. Implementation programme of the RIW would depend on the priority accorded by relevant departments and availability of resources. At the moment, TD and the Highways Department (HyD) had no programme for implementation of the RIW for Arbuthnot Road. According to the advice of TD, Arbuthnot Road currently had sufficient traffic capacity and there was no immediate need to carry out the RIW;

Others

- (h) the stonewall tree was maintained by HyD and there was no plan to remove the tree at the juncture. HyD had not indicated that the stonewall tree would pose a safety hazard and advised that the applicant should endeavour to preserve the tree;
- (i) there were no particular restrictions on emergency exit routes under the Buildings Ordinance (BO) during adverse weather conditions e.g. rainstorm

but the design of MOE would need to comply with the requirements under BO;

- (j) it was acceptable for a MOE to exit onto an adjacent private lot, provided that consent from the concerned property owners was obtained and the MOE could meet the requirements stipulated under BO. Based on the applicant's submission, the MOE in the proposed development would open to the scavenger lane and the lane should have sufficient width to serve as an emergency passageway; and
- (k) for the current review application, there were 31 opposing comments received from a concern group, owners' committees of nearby residential buildings and individuals, mostly expressing concerns on potential traffic impact of the proposed development. Regarding planning merit of the proposed development, the feasibility of implementing the PES was yet to be fully demonstrated. Putting aside this question of feasibility, there was no strong justification or special circumstances to warrant a departure from the planning intention of the "R(A)" zone or favorable consideration by the Board.

14. Some Members raised the following questions to the applicant's representatives:

- (a) whether the owners of Fortune Court had agreed to the applicant's proposal which involved modification to their existing emergency exit route; whether the MOE was currently used by residents of Fortune Court; and the current users of the scavenger lane;
- (b) whether there was scope to provide an MOE on the south-western boundary of the future development directly connecting to Arbuthnot Road near the existing electricity substation (ESS) so as to avoid affecting the stonewall tree;

- (c) whether there was scope to implement the PES and TIP in the applicant's proposal or improvement to the MOE of Fortune Court if the Site was used for residential development;
- (d) whether there was scope to set back the Site on the south-western boundary fronting Glenealy Mansion, so as to provide additional space for road/footpath widening and avoid affecting the stonewall tree, and whether removal of the tree, as proposed by the applicant, was necessary; and
- (e) whether there was any figure on traffic to be generated by the proposed development.

15. In response, Mr Kenneth L.K. To and Mr Kim K.M. Chin, the applicant's representatives, made the following main points:

- (a) the applicant had been in liaison with the owners' committee of Fortune Court. The MOE connected the basement carpark of Fortune Court to the scavenger lane which was sometimes used by cleaning workers of Fortune Court, while the scavenger lane was occasionally used by users from other nearby buildings, e.g. Mandarin Court. The PES at the scavenger land as proposed by the applicant would not affect land within Fortune Court and the MOE of Fortune Court would still lead to an adjacent strip of government land, similar to the current arrangement. Only minor alteration to the escape route of Fortune Court was required and it was unlikely to cause any material impact on their residents. The stonewall tree was in the way of the emergency exit route of the existing buildings at the Site and the applicant's proposal would present an improvement over the current situation;
- (b) the area between Arbuthnot Road and the Site was occupied by an existing staircase leading to Glenealy Mansion and an ESS and fell outside the Site. The ownership status of the staircase was unclear. There was practical difficulty for the applicant to propose a MOE that trespassed private land owned by others and occupied by the ESS;

- (c) the proposed commercial development with provision of an open space accessible by the public together with the PES and TIP represented substantial planning gains for the community. In that regard, TD considered that the current proposal by the applicant would enhance the safety of the road users at Arbuthnot Road and the pedestrian connectivity and environment in the vicinity. If the Site was used for permitted residential development, it was not practical for the developer to provide an open space to the public due to security and privacy considerations. In order to avoid clashing with the RIW proposal gazetted by the Government, the future development would need to make special arrangement to place the MOE further away from Arbuthnot Road, otherwise the RIW would not be implementable in the future. However, given the absence of implementation programme for the RIW from the Government, the developer would unlikely make provision for such special MOE arrangement if the Site was used for residential development, as it would reduce the amount of floor space achievable. Furthermore, except to incorporate the PES as part of the proposed commercial development under application, there was no practical means for the applicant to require Fortune Court to modify/improve its existing MOE and the current situation at the scavenger lane would not be improved;
- (d) the stonewall tree was leaning towards the ESS to the west of the Site. Even if the applicant would set back the building from its south-western boundary, without felling the stonewall tree, the width of the passageway on either side of the tree would only be about 0.4m to 0.5m and would not meet TD's minimum requirement of 1.5m. In summary, the PES proposed by the applicant could not be implemented unless the stonewall tree was removed to provide a continuous passageway with a minimum width of 1.5m; and
- (e) a TIA had been conducted and the findings were accepted by TD. It was anticipated that the proposed development would generate 67 passenger car units (pcu) and 41 pcu during the morning peak and afternoon peak

respectively. Projection on pedestrian traffic generation was not required as part of the TIA but the applicant had carried out a pedestrian routing analysis.

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

Deliberation Session

17. The Chairperson remarked that the application was for a commercial development within an area zoned "R(A)" and one of the major considerations of the MPC in rejecting the application was that there was no strong justification to warrant a departure from the planning intention of the "R(A)" zone. In that regard, a Member considered that the PES, the technical feasibility of which was still uncertain, and the TIP proposed by the applicant could not be considered as a planning gain because in reality most pedestrians in the area would not make use of the scavenger lane. There were other existing routes in the area connecting Arbuthnot Road to Wyndham Street and Caine Road that were more convenient and more popular among the residents. Furthermore, the road widening works proposed in the TIP was unlikely to improve traffic capacity in any significant manner. In any case, the Member was disappointed that similar improvement works, i.e. the PES and TIP, would not be pursued by the applicant for a residential development at the Site. Three Members echoed and considered that the proposal of the applicant mainly focused on maximising commercial viability and the potential planning gain, if any, would be minimal. Based on the current proposal, there was no strong reason nor sufficient planning merits to warrant a departure from the planning intention of the "R(A)" zone. Members unanimously agreed that the review application should not be approved.

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

- “(a) the planning intention of the “Residential (Group A)” (“R(A)”) zone is for high-density residential developments. The applicant fails to demonstrate strong justifications to deviate from the planning intention of the “R(A)” zone; and
- (b) approval of the application will set an undesirable precedent for similar applications in the same “R(A)” zone. The cumulative effect of approving such similar applications will aggravate the shortfall in the supply of housing land.”

[Miss Winnie W.M. Ng and Dr Jeanne C.Y. Ng left the meeting at this point.]

[The meeting was adjourned for a short break of 10 minutes.]

General

Agenda Item 4

[Open Meeting]

Further Consideration of Assessment Criteria for Considering Applications for Solar Photovoltaic System made under Section 16 of the Town Planning Ordinance

(TPB Paper No. 10657)

[The item was conducted in Cantonese.]

19. The following government representatives were invited to the meeting at this point:

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| Mr Kevin C.P. Ng | - | Chief Town Planner/Town Planning Board
(Specialist), Planning Department
(CTP/TPB(S), PlanD) |
| Ms Anita M.Y. Wong | - | Town Planner/Ordinance Review, PlanD
(TP/OR, PlanD) |

- Miss Ellen Y.T. Chow - Assistant Secretary for the Environment (Electricity Reviews)2, Environment Bureau (AS for the Env (Electricity Reviews)2, ENB)
- Dr Jim C.W. Chu - Senior Fisheries Officer (Aquaculture Fisheries), Agriculture, Fisheries and Conservation Department (SFO(AF), AFCD)
- Ms Alice C.W. Chu - Agricultural Officer (Plant Protection), AFCD (AO(PP), AFCD)

20. The Chairperson extended a welcome and invited the representatives of PlanD to brief Members on the refined proposed assessment criteria for considering applications for solar photovoltaic (SPV) system made under section 16 of the Town Planning Ordinance (the Refined Criteria).

21. With the aid of a PowerPoint Presentation, Mr Kevin C.P. Ng, CTP/TPB(S), briefed Members on the background and the Refined Criteria as detailed in TPB Paper No. 10657.

[Mr Alex T.H. Lai left the meeting during PlanD's presentation.]

22. As the presentation of PlanD's representative was completed, the Chairperson invited questions from Members.

Visual Impact

23. In response to the query from the Vice-chairperson on paragraph 6(h) of the Refined Criteria and concern on glare, Mr Kevin C.P. Ng, CTP/TPB(S), said that based on overseas research, the reflectivity of SPV panels was generally low and comparable to that of grass. Therefore, significant nuisance due to glare reflected from SPV panels was not expected. Notwithstanding that, for applications at locations that had particular concern on glare nuisance, comments from relevant departments would be sought. Noting that glare might be one of the

possible impacts generated by SPV panels, the Vice-chairperson suggested and the Chairperson concurred that paragraph 6(d) could be suitably amended to reflect the concern.

Requirement for Planning Permission

24. The Chairperson said that according to paragraph 6(i) of the Refined Criteria, planning application for SPV system in the “Agriculture” (“AGR”) zone was generally not supported except those on land with no active farming activities and low agricultural rehabilitation potential. To avoid confusion, it might be desirable to state clearly that SPV system as an ancillary use for agricultural purposes within “AGR” zone did not require planning permission from the Town Planning Board (the Board). In response, Mr Kevin C.P. Ng, CTP/TPB(S), explained that it was stipulated in Footnote 2 of paragraph 4 of the Refined Criteria that installation of SPV system for a permitted use in “AGR” zone mainly for the purpose of agricultural production without generation of excessive amount of electricity was regarded as an ancillary use and no planning permission was required. The Chairperson said that consideration should be given to also draw the reference of Footnote 2 in paragraph 6(i).

25. A Member raised concern on whether allowing installation of SPV system in private garden of New Territories Exempted Houses (NTEHs) as an ancillary use was appropriate, since NTEH usually occupied the whole land lot, and private garden, if any, would fall outside the lot. Another Member also expressed concern that SPV panels installed in private garden of NTEH might become a canopy with car parking space underneath. In that regard, Mr Kevin C.P. Ng, CTP/TPB(S), said that it was not uncommon for owners of NTEHs in “V” zone to use the open area within their lot as private gardens. If the SPV system was installed in a private garden within the same “V” zone and was commensurate in scale with the NTEH, it would be considered as an ancillary use. However, if the private garden fell outside “V” zone, it would require planning permission and the SPV system in the private garden should form part of the application to be submitted to the Board for consideration. On the concern of potential abuse, guidelines on installation of SPV systems had been promulgated by the Electrical and Mechanical Services Department. Furthermore, if SPV systems with structures other than those considered as exempted building works or minor works under the Buildings Ordinance, submission of general building plans to the Buildings Department was required. To address Members’ concern on the specific reference to ‘private garden’ in Footnote 2 of the Refined Criteria and better align with the facilitating measures promulgated by relevant government departments for installation of

SPV panels in NTEHs, the Chairperson suggested that such reference could be deleted and the paragraph be suitably amended to the effect that SPV panels installed in connection with NTEH was regarded as an ancillary use.

26. A Member asked if a SPV system was initially installed as an ancillary use to a permitted greenhouse in the “AGR” zone but subsequently the greenhouse ceased to operate, whether the installed SPV system would require planning permission to continue its operation; and whether there was any monitoring mechanism by AFCD. Ms Alice C.W. Chu, AO(PP), said that construction of agricultural structure on farm land was under the purview of the Lands Department and no licence from AFCD was required for agricultural uses such as cultivation, horticulture and plant nursery. Mr Kevin C.P. Ng, CTP/TPB(S), supplemented that if the greenhouse had ceased to operate and the site was not used for agricultural purpose, the SPV system would no longer be considered as an ancillary use. Instead, the SPV system would be considered as a ‘Public Utility Installation’ (‘PUI’) and planning permission from the Board was required in the “AGR” zone.

27. In response to a Member’s enquiry on whether SPV systems installed in the communal area of a village serving the nearby village houses would require planning permission, Mr Kevin C.P. Ng, CTP/TPB(S), said that such stand-alone installation would be considered as a ‘PUI’ and if ‘PUI’ was a Column 2 use in the relevant Notes of the Outline Zoning Plan (OZP), planning permission from the Board was required. The Secretary supplemented that according to the Definition of Terms used in Statutory Plan promulgated by the Board, small-scale electricity installation within a specified dimension in “V” zone was always permitted and no planning permission was required. The Chairperson concluded that it was the general consensus of Members that installations of SPV system mainly serving a permitted use would not require planning permission, whereas the Refined Criteria were applicable to those stand-alone SPV installations requiring planning applications.

Details of the Refined Criteria

28. A Member referred to Footnote 2 of the Refined Criteria and asked whether there were objective standards to determine whether a SPV system was generating ‘excessive’ amount of electricity for a permitted use such as a greenhouse/farm in the “AGR” zone. The Member considered it impractical for the Board to determine whether the electricity generated by a SPV

system was excessive for a specific use/development. In that regard, Ms Alice C.W. Chu, AO(PP), said that from AFCD's perspective, for SPV systems to be considered as an ancillary use, the electricity generated should be used solely for the operation of the related greenhouse/farm. The electricity requirement for a greenhouse/farm could be estimated based on the facilities and farming activities proposed and if excessive electricity was generated, AFCD might not support the SPV system as an ancillary use. Mr Kevin C.P. Ng, CTP/TPB(S), supplemented that the excess electricity generated by the SPV system under the Feed-in Tariff (FiT) scheme would be credited to the account of the greenhouse/farm to offset their electricity bill, therefore ultimately the electricity generated by the SPV system would still be used for the operation of the permitted greenhouse/farm.

29. Mr Raymond K.W. Lee, Director of Planning, said that the assessment criteria were formulated mainly to provide guidance for the Board to consider applications for stand-alone SPV systems that aimed primarily to join the FiT scheme to generate electricity in areas where 'Public Utility Pipeline' use was a Column 2 use under the concerned OZP. Whether other departments such as AFCD have additional consideration in lending their support for installation of SPV system in accordance with their own policy were outside the purview of the Board and the scope of the Refined Criteria. When the Board considered the first version of the assessment criteria on 27.3.2020, Members generally supported the use of renewable energy including SPV system but expressed concerns regarding the terms of approval, the approval period, the potential landscape and visual impacts, and the impacts on agricultural development. In order to address those concerns, PlanD had prepared the Refined Criteria for Members' further consideration.

30. A Member enquired whether paragraph 6(k) of the Refined Criteria would discourage the use of renewable energy and SPV systems in stand-alone public buildings in remote areas such as public toilets or tourist centres in "Conservation Area" zone. Mr Kevin C.P. Ng, CTP/TPB(S), said that while government buildings would unlikely to join the FiT Scheme, installation of SPV systems directly related and ancillary to a permitted use was always permitted.

31. In light of Members' comments and discussion summarised in paragraphs 23 to 30 above, the Board agreed to make the following **revisions** to the Refined Criteria:

Footnote 2 of Paragraph 4

- (a) “Installation of SPV system for generating electricity for a permitted use, such as that for a farm, green house/farm structures in the “Agriculture” zone **mainly for generating electricity for agricultural purposes**, or that installed in **connection with** NTEH in “Village Type Development” zone, are also regarded as an ancillary use”;

Paragraph 5

- (b) “**Only** temporary approval would be considered where there may be potential impact generated by the proposed SPV system which needs to be closely monitored or that the long-term planning intention of the zone may be frustrated by the proposed use”;

Paragraph 6(d)

- (c) “it has to be demonstrated to the satisfaction of the relevant government departments that the SPV system will not have significant adverse impacts, including **but not limited to** those relating to the environment, drainage, sewerage, traffic, geotechnical safety, landscape and visual and, where needed, appropriate measures are to be adopted to mitigate the impacts”;

Paragraph 6(i)

- (d) “the planning intention of “Agriculture” (“AGR”) zone is to retain and safeguard good quality agricultural farm land/fish ponds for agricultural purposes. **SPV system ancillary to agricultural use would not require planning permission (as explained in Footnote 2 under Paragraph 4).** Planning application **for stand-alone SPV systems as ‘PU’ use** in the “AGR” zone is generally not supported except those on land with no active farming activities and low agricultural rehabilitation potential. For application on fish ponds in the “AGR” zone, the applicant has to demonstrate that the SPV system will not hinder the use of the site for

fisheries purposes”.

32. The Board also agreed that the Refined Criteria, subject to the incorporation of the textual revisions stated in paragraph 31, above was suitable for promulgation. A press release would be issued in parallel to inform the public.

[Messrs Thomas O.S. Ho and Ricky W.Y. Yu left the meeting at this point.]

Agenda Item 5

[Open Meeting]

Application to the Chief Executive under Section 8(2) of the Town Planning Ordinance for Extension of Time Limit for Submission of the Draft Pok Fu Lam Outline Zoning Plan No. S/H10/18 to the Chief Executive in Council for Approval
(TPB Paper No. 10659)

[The item was conducted in Cantonese.]

33. The Secretary reported that the proposed amendment items were related to Cyberport. The Hong Kong Cyberport Management Company Limited (HKCMCL) (R6/C1), Hong Kong United Youth Science and Technology Association (R7), the Mass Transit Railway Corporation Limited (MTRCL) (R21), Hong Kong New Generation Cultural Association (HKNGCA) (R29), the Island South Property Management Limited (ISPML) (R105) and Ms Mary Mulvihill (R161/C32) had submitted representations/comments, and Urbis Limited (Urbis) was HKCMCL’s consultant for the Cyberport expansion project. The following Members had declared interests on the item:

Mr Peter K.T. Yuen - being a Member of the Board of Governors of the Arts Centre, which had collaborated with the MTRCL on a number of arts projects;

Mr K.K. Cheung - his firm having current business dealings

with HKCMCL, MTRCL, HKNGCA, ISPML and Urbis, and hiring Ms Mary Mulvihill on a contract basis from time to time;

Mr Thomas O.S. Ho - his firm having current business dealings with MTRCL and Urbis;

Mr Alex T.H. Lai - his former firm having current business dealings with HKCMCL, MTRCL, HKNGCA, ISPML and Urbis, and hiring Ms Mary Mulvihill on a contract basis from time to time;

Professor T.S. Liu - having current education programme with the Caritas Pokfulam Community Development Project Centre at Pok Fu Lam Village;

Ms Sandy H.Y. Wong - being a personal friend of the Chief Executive Officer of HKCMCL;

Mr Stanley T.S. Choi - being a Director of the Hong Kong United Youth Association Limited which was the parent association of the Hong Kong United Youth Science and Technology Association;

Mr Stephen L.H. Liu - co-owning with spouse flats at Fulham Garden and Chi Fu Fa Yuen; and

Professor Jonathan W.C. Wong]
] family member(s) living in Wah Fu Estate.

Mr C.H. Tse]

34. Members noted that Professor Jonathan W.C. Wong had tendered an apology for being unable to attend the meeting and Messer Thomas O.S. Ho and Alex T.H. Lai had left the meeting, and agreed that as the item was procedural in nature, all other Members could stay in the meeting.

35. The Secretary briefly introduced the TPB Paper No. 10659. On 27.9.2019, the draft Pok Fu Lam Outline Zoning Plan (OZP) No. S/H10/18 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the exhibition periods, a total of 780 representations and 32 comments were received. On 5.6.2020, the Town Planning Board (the Board) conducted hearing of the representations and comments and decided to propose amendment to the Notes of the draft OZP to partially meet Representations No. R102 to R104, R106 to R776 and R778 to R780 by including a requirement for submission of layout plan for the “Other Specified Uses” annotated “Cyber-Port(1)” zone to the Board. On 26.6.2020, the proposed amendments to the draft OZP were exhibited for public inspection under section 6C(2) of the Ordinance. Further representation could be made to the Board in the first three weeks of the publication period until 17.7.2020. The consideration of further representation(s), if any, could only be arranged in October 2020 at the earliest.

36. According to the statutory time limit, the draft OZP should be submitted to the Chief Executive in Council (CE in C) for approval on or before 27.8.2020. There was a need to apply to the Chief Executive (CE) for an extension of the statutory time limit for six months (i.e. to 27.2.2021) to complete the plan-making process.

37. After deliberation, the Board agreed that the CE’s agreement should be sought under section 8(2) of the Ordinance to extend the time limit for submission of the draft OZP to the CE in C for a period of six months from 27.8.2020 to 27.2.2021.

Agenda Item 6

[Open Meeting]

Any Other Business

[The item was conducted in Cantonese.]

38. There being no other business, the meeting was closed at 12:15 pm.