

**Minutes of 1219th Meeting of the
Town Planning Board held on 27.3.2020**

Present

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

Chairperson

Professor S.C. Wong

Vice-chairperson

Mr Lincoln L.H. Huang

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Stephen H.B. Yau

Dr F.C. Chan

Mr David Y.T. Lui

Dr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Mr K.K. Cheung

Mr Wilson Y.W. Fung

Mr Thomas O.S. Ho

Professor T.S. Liu

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

Mr Ricky W.Y. Yu

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

Director of Lands
Ms Karen P.Y. Chan

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

Principal Assistant Secretary (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

Dr C.H. Hau

Mr Alex T.H. Lai

Dr Lawrence K.C. Li

Mr Stephen L.H. Liu

Miss Winnie W.M. Ng

Mr Stanley T.S. Choi

Dr Jeanne C.Y. Ng

In Attendance

Assistant Director of Planning/Board

Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board

Ms April K.Y. Kun

Senior Town Planner/Town Planning Board

Miss Annie H.Y. Wong

Agenda Item 1A

[Open Meeting]

Confirmation of Minutes of the 1217th Meeting held on 3.3.2020

[The item was conducted in Cantonese.]

1. The minutes of the 1217th Meeting held on 3.3.2020 were confirmed without amendments.

Agenda Item 1B

[Open Meeting]

Confirmation of Minutes of the 1218th Meeting held on 13.3.2020

[The item was conducted in Cantonese.]

2. The draft minutes of the 1218th Meeting held on 13.3.2020 were sent to Members before the meeting and tabled at the meeting. The Secretary drew Members' attentions to paragraph 45 of the draft minutes where approval conditions (b) and (c) were added to request the applicant to submit and implement a landscape proposal and a proposal to minimise the hard-paved area, in accordance with Members' decision on Agenda Item 4. Subject to any proposed amendments by Members on or before 30.3.2020, the minutes would be confirmed.

[Post-meeting Note: The minutes, incorporating an amendment to paragraph 21 proposed by a Member, were confirmed on 30.3.2020.]

Agenda Item 2

Matters Arising

[The item was conducted in Cantonese.]

- (i) **Report on Agenda of TPB Meeting and Adjournment of Consideration of Review Application**

[Open Meeting]

3. The Secretary reported that in view of the situation of COVID-19 and the latest work arrangement to reduce social contacts announced by the Government on 21.3.2020, the agenda for the 1219th TPB Meeting (this meeting) had been arranged to discuss only those items which would not involve attendance of members of the public. Members agreed on 24.3.2020 by circulation to adjourn the consideration of the review application No. A/SK-SKT/21 which was originally scheduled for consideration at this meeting. The applicant had been informed of the Board's decision and a meeting date would be fixed later to consider the review application.

(ii) Town Planning Appeal Decision Received

Town Planning Appeal No. 6 of 2018

Proposed Religious Institution (Temple) and Columbarium (within a Religious Institution) in "Green Belt" zone, Lot No.4 (Part) in D.D. Cheung Chau,

Cheung Chau

Application No. A/I-CC/22

[Open Meeting]

4. The Secretary reported that the subject appeal was against the Town Planning Board (the Board)'s decision to reject on review an application (No. A/I-CC/22) for a proposed religious institution (temple) and columbarium (within a religious institution) at the site zoned "Green Belt" ("GB") on the approved Cheung Chau Outline Zoning Plan (OZP).

5. The appeal was heard by the Town Planning Appeal Board (TPAB) on 30.10.2019, 31.10.2019 and 14.1.2020. On 18.3.2020, the appeal was dismissed by the TPAB for the reasons that the Appellant had not discharged its onus of showing strong planning grounds to displace the general presumption against development on the appeal site in the "GB" zone; the Appellant had not shown that the proposed development was essential; and the Board was not erred in considering that approval of the proposed development would set an undesirable precedent for similar applications within the "GB" zone, given the impact of approving similar applications.

(iii) Updated Appeal Statistics

[Open Meeting]

6. The Secretary reported that as at 24.3.2020, twelve appeals were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	36
Dismissed	162
Abandoned/Withdrawn/Invalid	203
Yet to be Heard	12
Decision Outstanding	1
<hr/> Total	<hr/> 414

(iv) Approval of the Draft Outline Zoning Plans

[Open Meeting]

7. The Secretary reported that on 3.3.2020, the Chief Executive in Council approved the draft Wang Tau Hom and Tung Tau Outline Zoning Plan (OZP) (renumbered as S/K8/23) and the draft Tsing Yi OZP (renumbered as S/TY/30) under section 9(1)(a) of the Town Planning Ordinance. The approval of the above OZPs was notified in the Gazette on 13.3.2020.

[Ms Sandy H.Y. Wong and Mr Franklin Yu arrived to join the meeting at this point.]

(v) & (vi) [Confidential Item] [Closed Meeting]

8. The two items were recorded under confidential cover.

[Dr Frankie W.C. Yeung arrived to join the meeting at this point.]

[Mr Wilson Y.W. Fung left the meeting temporarily at this point.]

[The meeting was adjourned for a short break of 5 minutes.]

General

Agenda Item 3

[Open Meeting]

Proposed Revisions to the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance
(TPB Paper No. 10642)

[The item was conducted in Cantonese.]

9. The following representative of the Planning Department (PlanD) was invited to the meeting at this point:

Mr Tom C.K. Yip - Assistant Director of Planning/New Territories
(AD/NT)

10. The Chairperson extended a welcome and invited the representative of PlanD to brief Members on the proposed revisions to the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (the Ordinance).

11. With the aid of a PowerPoint Presentation, Mr Tom C.K. Yip, AD/NT, briefed Members on the background of the review and proposed revisions to TPB PG-No. 13E as detailed in TPB Paper No. 10642.

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

Site Classification

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

(a) the principles in designation of sites under Categories 1 to 4;

- (b) what the unclassified areas outside Categories 1 to 4 were;
 - (c) the rationales of the site re-classification proposals, taking the area at Ha Tsuen Fringe proposed to be re-classified as Category 2 as an example;
 - (d) whether the land available for open storage and port back-up uses were only put under Categories 1 and 2;
 - (e) the increase in the land area under Category 2;
 - (f) whether enforcement actions would be reduced upon more sites being re-classified to Category 2;
 - (g) the details of re-classification of Category 4;
 - (h) impacts on the existing open storage and port back-up operations at sites re-classified to Category 4; and
 - (i) similar to the arrangement for the brownfield sites affected by the implementation of New Development Areas (NDAs), whether assistance would be provided to the affected operators at sites re-classified to Category 4 in the relocation of their business.
14. In response, Mr Tom C.K. Yip, AD/NT made the following main points:
- (a) the designation of sites under various categories was mainly based on the respective locational assessment criteria. Category 1 sites referred to areas considered suitable for open storage and port back-up uses which covered mainly areas zoned “Open Storage”, “Other Specified Uses” (“OU”) annotated “Port Back-up Uses”, “Industrial” and “Industrial (Group D)”; while Category 4 sites were generally considered not suitable for open storage and port back-up uses by virtue of their being located within or close to environmentally or ecologically sensitive areas such as “Green Belt” (“GB”) zone or areas for residential purpose and village settlements such as “Village Type

Development” zone. Category 2 sites were basically designated with regard to the existing site conditions including areas within or close to clusters of open storage and port back-up sites which were mostly “existing uses” tolerated under the Ordinance or with planning permissions from the Town Planning Board, hence applications for open storage and port back-up uses could be favourably considered if there were no adverse comments for the cases in question. Category 3 sites were areas outside the Category 1, 2 and 4 areas, and were largely rural areas in which open storage and port back-up uses would not normally be favourably considered. Over half of Category 3 sites were zoned “Agricultural” (“AGR”) on the Outline Zoning Plans (OZPs). Notwithstanding the above, the boundaries of these Categories did not strictly follow the boundaries of the land use zonings on the OZPs;

- (b) the unclassified areas outside Categories 1 to 4 basically referred to environmentally or ecologically sensitive areas within which open storage and port back-up uses were prohibited under the OZPs. Such areas included “Conservation Area”, “Coastal Protection Area” (“CPA”), “Site of Special Scientific Interest”, “OU(Comprehensive Development and Wetland Protection Area)” and “OU(Comprehensive Development and Wetland Enhancement Area)” zones;
- (c) the area at Ha Tsuen Fringe was proposed to be re-classified from Category 3 to Category 2 because it was generally occupied by open storage and port back-up uses which were regarded as the “existing uses” under the Ordinance. In the vicinity of the site, there were Category 3 and Category 4 sites largely zoned “AGR” and “GB” respectively on the OZPs. The area zoned “CPA” to its west was unclassified since open storage and port back-up uses were prohibited under the zone;
- (d) applications for temporary open storage and port back-up uses could be made for areas under Categories 1 to 4. In general, applications in areas under Categories 1 and 2 would be favourably considered, if the proposed use had no adverse impacts; while those under Categories 3 and 4 would normally not be favourably considered unless the sites were with previous planning approvals

or under exceptional circumstances. In short, as general guidelines for reference by the Town Planning Board (the Board), Category 1 and 2 areas were considered suitable for consolidation of open storage and port back-up uses;

- (e) the increase of 148ha of land under Category 2 covered sites mainly occupied by brownfield uses as revealed in the “Study on Existing Profile and Operations of Brownfield Sites in the New Territories – Feasibility” (the Brownfield Survey). Being occupied by uses which were mostly “existing uses” under the Ordinance or having obtained planning permission, those sites generally complied with the designation criteria for Category 2 area, and provided room for accommodation of brownfield uses displaced by development projects;
- (f) the re-classification of sites to Category 2 under the revised Guidelines was mainly to reflect the prevailing occupation by brownfield uses which were “existing uses” or covered by planning permissions and thus those uses were not subject to enforcement action under the Ordinance. Notwithstanding the revision to the Guidelines and irrespective of which classification a site would fall into, enforcement action would continue to be conducted in accordance with the established practice where the uses on site (which might or might not be brownfield uses) were unauthorised;
- (g) there had been 42 new rural OZPs exhibited to provide statutory planning control for different parts of the New Territories over the years. It was proposed to extend the coverage of the Guidelines to include all areas covered by those new OZPs. The increase in land area of Category 4 in the revised Guidelines mainly resulted from the extended coverage. Besides, there were sites re-classified from Category 2 or Category 3 to Category 4 mainly to reflect the zoning amendments and completed developments;
- (h) there were generally no open storage and port back-up uses in the sites re-classified to Category 4. Nevertheless, even if there were such cases, for so long as the concerned operation was an “existing use” under the Ordinance or

with a valid planning approval, the operation could continue after the re-classification. Otherwise, it might be subject to enforcement action. Upon the promulgation of the revised Guidelines, the renewal of the planning approval obtained by the existing operation would be subject to the assessment criteria under the revised site classification; and

- (i) for open storage and port back-up operations permissible under the planning regime but affected by the resumption and clearance work carried out by the Government, if the operators submitted planning applications for relocating the affected uses to other sites (except those involving land in Category 4 area), it was proposed that sympathetic consideration could be given provided that policy support was obtained from the relevant bureaux and there were no adverse departmental comments and local objections. That said, the proposed classification of sites under the Guidelines, including the reclassification of sites to Category 4 to reflect completed developments and amended land use zones, was intended to guide the Board's consideration of planning applications involving open storage and port back-up uses. Rejection of individual planning applications would not and should not put the Board into any obligatory position towards the applicants.

15. The Chairperson supplemented that the Guidelines were formulated to set out the criteria for assessing planning applications for open storage and port back-up uses. In the revised Guidelines, the general approach had been set out for assessing planning applications for such uses in NDAs during the interim period before the sites were required for NDA development. In general, sympathetic consideration might be given to applications for continued operation of open storage and port back-up uses during the interim period.

Open Storage and Port Back-up Operations in NDAs

16. Members raised the following questions:

- (a) whether applications for reprovisioning of brownfield uses within NDAs would be initiated before the resumption and clearance programme was in place;

- (b) whether the brownfield sites in NDAs vacated by previous brownfield operations would be allowed for open storage and port back-up uses again if the sites were yet to be required for NDA development according to the development programme;
 - (c) the number of brownfield sites in NDAs to be reprovisioned; and whether there would be sufficient land under the re-classification proposals for decanting the brownfield operations affected by NDA implementation;
 - (d) the land suitable for relocation of the brownfield operations affected by the NDA development, particularly those that could not be accommodated in multi-storey buildings (MSBs); and
 - (e) whether the revised Guidelines would assist in speeding up the development programmes for NDAs.
17. In response, Mr Tom C.K. Yip, AD/NT made the following main points:
- (a) under the revised Guidelines, sympathetic consideration would be given to applications for relocating open storage and port back-up operations affected by Government projects and with the policy support from the relevant bureaux. In tendering the support, the relevant bureaux would be mindful to examine each application taking into consideration the actual implementation programme/timing of the Government projects, whether there was any change in the nature and operation of the affected use, the genuine need and justifications for the relocation, etc;
 - (b) the application for continuation of existing uses in NDAs would be allowed (irrespective of whether the application was submitted by the same applicant of the previous approval or a different applicant) until the concerned site was required for implementation of NDA development provided that there were no adverse impacts. Notwithstanding that, new brownfield developments extending to other non-brownfield areas within the NDA would not be encouraged;

- (c) the Guidelines were reviewed and updated with regard to the latest planning circumstances and the Brownfield Survey with a view to channelling the open storage and port back-up uses to the more appropriate locations and to provide land for accommodating such uses, which might be displaced from other areas including NDAs. While it was revealed in the Brownfield Survey that there were currently about 1,500 ha of brownfield sites in the New Territories and more than half would be affected by development projects, the actual number of operations that needed to be relocated to the appropriate re-classified areas could not be accurately estimated due to a number of factors such as land ownership, business decisions of individual operators and landowners, and rental level in the market; and
- (d) there was about 569 ha of land designated for permanent open storage and port back-up uses on OZPs including 384 ha zoned as “OS”, which could cater for operations unable to be accommodated in MSBs, and 63 ha within Hung Shui Kiu/Ha Tsuen (HSK/HT) NDA zoned as “OU(Logistics Facility)” and “OU(Port Back-up, Storage and Workshop Uses)” which were considered suitable for MSBs and other types of accommodation for different types of brownfield uses. It would provide land to accommodate the displaced brownfield operations.

18. The Chairperson remarked that the revised Guidelines would provide assessment criteria to assist the Board’s consideration of the related planning applications, including those submitted to assist the relocation of operations affected by Government’s development clearances. Regarding the compensation to brownfield operators affected by Government projects, the Chairperson said that the compensation regime for businesses affected by Government’s development clearances was cash-based and there was no policy for “one-on-one” reprovisioning arrangement. Eligible business operators would be offered ex-gratia allowances in accordance with the prevailing compensation policy in order to facilitate their making of suitable business plans. Notwithstanding that, the Government recognized that the open storage and port back-up uses had a role to play in Hong Kong’s economy, and from a macro point of view there was a need to provide land or floor area inside built premises to accommodate such uses. Out of the total 1,500 ha of brownfield land,

about 51% were covered by NDAs/Potential Development Areas (PDAs) projects, government projects or development projects initiated by the private sector. On the other hand, land had been reserved for logistics, port back-up, storage and workshop uses in both MSBs and open-air setting in HSK/HT and Yuen Long South NDAs. The Government would also identify large land parcels with good accessibility and infrastructure in future studies on major development projects including the ex-Lam Tei Quarry and near-shore reclamation at Lung Kwu Tan for consolidation of brownfield operations. The challenges would be to ensure that these new sources of land supporting the relevant operations would be available in a timely manner and that the MSBs to be developed would provide a viable alternative for the operations displaced from open air brownfields.

19. Mr Raymond K.W. Lee, Director of Planning, supplemented that the review of TPB PG-No. 13E with regard to the latest planning circumstances was to facilitate consolidation of such brownfield uses at appropriate locations on a temporary basis and as an interim measure for accommodating displaced brownfield operations.

Promoting Agricultural Use

20. Some Members raised the following questions:

- (a) noting that the Agriculture, Fisheries and Conservation Department (AFCD) normally did not support applications for brownfield operations at sites within the “AGR” zone with agricultural rehabilitation potential, whether there were any measures to promote agricultural rehabilitation at those sites; and
- (b) whether it was possible to proactively restrict non-agricultural uses in the “AGR” zones in order to promote agricultural development.

21. In response, Mr Tom C.K. Yip, AD/NT made the following main points:

- (a) regarding the promotion of agricultural activities in the New Territories including agricultural land with potential for agricultural rehabilitation, a consultancy study on Agricultural Priority Areas (APA) commissioned by AFCD was being conducted. Subject to the findings of the study, suitable

policies and measures would be formulated by the Government to provide incentives to support and promote local agricultural development; and

- (b) a substantial amount of land in the New Territories was under “AGR” zone and some of them were not in active agricultural uses. While the planning intention of the “AGR” zone was primarily for agricultural purpose, the planning permission system provided flexibility for other uses that might be considered suitable in the “AGR” zone subject to the Board’s scrutiny on a case by case basis on the individual merits of the proposals.

22. The Chairperson said that the Government’s initiatives to support local agriculture and strengthen its foundation for further development had been announced in the concerned Policy Address. The study on APA covering about 4,000 ha of agricultural land including 700 ha active agricultural land was one of the initiatives to formulate suitable incentives. The relevant policy bureau would formulate long term strategy on sustainable development of local agriculture based on the study’s findings though it was expected that the study would take some time for completion.

23. After deliberation, Members agreed to the TPB PG-No. 13F for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance at Appendix III of the Paper and the revised Guidelines should take immediate effect upon promulgation.

24. Members noted that, as a general practice, the Secretariat would undertake detailed checking and refinement of the proposed revisions before their publication. Any major revision would be submitted for the Board’s consideration.

25. The Chairperson thanked Mr Tom C.K. Yip, AD/NT, for attending the meeting. He left the meeting at this point.

[Ms Karen P.Y. Chan, Director of Lands and Mr Thomas O.S. Ho left, and Mr Wilson Y.W. Fung returned to join, the meeting during the Q&A session.]

Agenda Item 4

[Open Meeting]

Proposed Assessment Criteria for Considering Applications for Solar Photovoltaic System made under Section 16 of the Town Planning Ordinance
(TPB Paper No. 10643)

[The item was conducted in Cantonese.]

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

- | | | |
|----------------------|---|--|
| Mr Stephen K.S. Lee | - | Senior Town Planner/ Ordinance Review,
Planning Department (STP/OR, PlanD) |
| Ms Anita M.Y. Wong | - | Town Planner/Ordinance Review, PlanD |
| Ms Ellen S.M. Chan | - | Assistant Secretary for the Environment
(Electricity Reviews) ² , Environment Bureau
(AS for the Env (Electricity Reviews) ² ,
ENB) |
| Miss Ellen Y.T. Chow | - | AS for the Env (Electricity Reviews) ² , ENB
(designate) |

27. The Chairperson extended a welcome and invited the representative of PlanD to brief Members on the proposed assessment criteria for considering applications for solar Photovoltaic (PV) system made under section 16 of the Town Planning Ordinance (the Ordinance).

28. With the aid of a PowerPoint Presentation, Mr Stephen K.S. Lee, STP/OR, briefed Members on the background and the proposed assessment criteria as detailed in TPB Paper No. 10643.

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

Statutory Planning Provision for Solar PV System

30. Noting that installation of solar PV system as a stand-alone facility on vacant land for the FiT Scheme was regarded as a ‘Public Utility Installation’ (‘PUI’), the Chairperson and some Members raised the following questions:

- (a) the land use zones in which ‘PUI’ was a Column 2 use;
- (b) whether the use granted under planning approval for a stand-alone solar PV system would be ‘PUI’ or specifically ‘PUI’ for FiT Scheme;
- (c) if the use for solar PV system subject to planning permission was terminated by the applicant, whether there was a need to cancel the planning permission; and if the use was then replaced by another use, whether enforcement action would be taken;
- (d) the handling of the equipment of solar PV system on sites upon termination of the use;
- (e) whether granting planning permissions for solar PV system on a permanent basis would pre-empt upgrading of the renewable energy system to keep pace with technology advancement; and
- (f) whether land filling would be a consideration in assessing application for solar PV system.

31. In response, Mr Stephen K.S. Lee, STP/OR, made the following main points:

- (a) ‘PUI’ was a Column 1 use within areas zoned “Commercial”, “Government, Institution or Community”, “Residential (Group E)” (Schedule II), “Industrial”, “Industrial (Group D)”, “Open Storage”, “Other Specified Uses” (“OU”) annotated “Business”, “OU (Industrial Estate)” and “OU (Mixed Use)” (Schedules I and III). ‘PUI’ was a Column 2 use in other land use zones

including “Agriculture” (“AGR”) and “Green Belt” (“GB”). In “OU (Sports and Recreation Club)” zone, ‘PUI’ was neither a Column 1 nor Column 2 use, but temporary permission up to a maximum of 3 years could be granted under rural Outline Zoning Plans (OZPs);

- (b) planning permission was given on the terms of the application as submitted to the Town Planning Board (the Board). For an application specified for solar PV system, the planning permission, if granted, would only cover the solar PV system rather than for a general public utility installation;
- (c) cancellation of planning permission was not required for termination of the applied use. If the use for solar PV system under planning permission was terminated and subsequently replaced by a use not permitted under the relevant zone of the OZP or without planning permission, it would be subject to enforcement action taken by the Planning Authority;
- (d) for solar PV panels no longer in use, ENB would make reference to international trends and practices to formulate suitable solution for disposal or recycling of solar PV panels in a timely manner;
- (e) granting planning permission for solar PV system on a permanent basis would not discourage the adoption of new technology as it was the use itself and not the technology involved that was granted with planning permission ; and
- (f) for a proposal involving land filling, depending on the site condition, the impact generated by land filling would be a consideration in assessing the application.

32. Mr Raymond K.W. Lee, Director of Planning, pointed out that planning permissions were granted on a scheme basis. If a solar PV system for FiT Scheme was specified under a planning application, the permission granted would cover the solar PV system for FiT Scheme. He also said that whether an approved use would be implemented was subject to the applicant’s decision and the applicant could terminate the use at any time. Nevertheless, for areas where the Planning Authority had authority to take enforcement action, any use not

conforming to the provisions under the OZP concerned, or not covered by a planning permission, would be subject to enforcement action.

33. The Secretary supplemented that if the application site was subject to the control related to land/pond filling and/or excavation of land under the OZP, the filling/excavation works would also be subject to the Board's permission and such details in addition to the applied use should be included in the application for the Board's consideration.

Applications in "Agriculture" ("AGR") Zone

34. Members raised the following questions:

- (a) regarding the criterion (i) that the solar PV system should be compatible and proportionate to the agricultural or fisheries operation, there was doubt on how it could be applicable to applications on idle agricultural land without such operation;
- (b) using fish farming as an example, how to determine that the proposed solar PV system was proportionate to such operation; and
- (c) whether planning permission was required for solar PV system to support agricultural use in "AGR" zone.

35. In response, Mr Stephen K.S. Lee, STP/OR, made the following main points:

- (a) the Agriculture, Fisheries and Conservation Department (AFCD) would assess the impacts of solar PV system within "AGR" zone from the agricultural point of view. For idle agricultural land, AFCD would make assessment on whether the proposal would affect the agricultural rehabilitation potential of future agricultural use on the site;
- (b) planning applications were assessed on individual merits. Subject to the circumstances of individual scheme including the size of the pond under fish farming, the proposed area to be covered by the solar PV panels, and the

impacts on the ecosystem, AFCD would give advice from the fish farming perspective; and

- (c) for installation of solar PV system incidental to, directly related and ancillary to and commensurate in scale with an agricultural use in “AGR” zone, it would be regarded as an ancillary use for supplementing power supply to the agricultural use and no planning permission was required.

36. A Member was of view that flexibility should be given to allow solar PV system to co-exist with agricultural use in “AGR” zone. This would promote the use of renewable energy (RE) whilst not defeating the planning intention of “AGR” zone. Another Member expressed doubt that if planning permission was required for agricultural activities with solar PV panels to generate electricity for the use, it would discourage farmers from using RE and hence defeating the Government policy of promoting RE. The Member said that the circumstances under which planning permission would be required for solar PV system should be clearly stated. Mr Stephen K.S. Lee, STP/OR, explained that solar PV system used to supplement power supply to agricultural activities was considered as ancillary use not requiring planning permission from the Board. He further said that criterion (c) was to address optimisation of the use of land. Favourable consideration might be given if viability of co-existence of the proposed solar PV system and uses that were in line with the long-term planning intention of the land use zoning of the application site could be satisfactorily demonstrated.

37. The Chairperson remarked that the assessment criteria were formulated to facilitate assessment of the applications for stand-alone solar PV system for the FiT Scheme, and were not meant to create hurdles for agricultural use with solar PV panels as an ancillary use. She said that paragraph 4 of the assessment criteria could be refined to clearly reflect that the intention.

38. Mr Raymond K.W. Lee, Director of Planning, pointed out that for solar PV system supplementing power supply to the agricultural use in “AGR” zone, the system would be regarded as an ancillary use to the permitted use in “AGR” zone and no planning permission was required. Planning application was required for stand-alone solar PV system in areas where ‘PUI’ use was a Column 2 use under the OZP concerned, including stand-alone solar

PV system on vacant agricultural land in “AGR” zone. The assessment criteria were proposed to facilitate assessment of applications involving stand-alone solar PV system joining the FiT Scheme.

Impacts

39. Some Members raised the following questions:

- (a) whether the glare impact on residents living near the solar PV system should be a consideration in assessing application for solar PV system; and
- (b) whether the assessment criteria related to landscape and visual aspects could be elaborated more.

40. In response, Mr Stephen K.S. Lee, STP/OR, made the following main points:

- (a) according to the power companies, solar PV panels could be coated with anti-reflective materials to address the glare issue. Approval conditions regarding mitigation measures to address glare impact could be imposed as appropriate; and
- (b) the relevant government departments including the Urban Design and Landscape Section of PlanD would provide comments on the applications from landscape planning and urban design perspectives, based on the specific circumstances of individual schemes. In addition to the proposed criterion (d) related to technical aspect, criterion (b) also required the proposed solar PV system to be in keeping with the surrounding area/developments and commensurate with the functions it performed.

Others

41. A Member pointed out that development of renewable energy was an important part of the Government’s efforts in reducing carbon emissions in Hong Kong. The introduction of the FiT Scheme was to provide incentives for individuals and organisations to invest in

renewable energy. The capital cost of setting up solar PV system was considerably high and it was therefore reasonable to grant a planning approval at least for the payback period. The Member recalled that the Rural and New Town Planning Committee (the Committee) had approved an application for solar energy PV system on a temporary basis of 5 years, and upon the consideration of another application, the Committee was of the view that assessment criteria should be formulated to facilitate assessment of future applications.

42. A Member expressed his support to the use of RE and had no strong view on the assessment criteria. However, given the scarce land supply in Hong Kong, there was concern about the large scale conversion of abandoned agricultural land for installation of solar PV system, resembling the proliferation of brownfield operations in the New Territories over the years.

43. The Chairperson concluded the discussion. Members generally supported the use of RE and agreed that a set of assessment criteria should be formulated to facilitate assessment of planning application of solar PV system for the FiT Scheme. With regard to Members' concerns on the proposed assessment criteria in relation to the terms of approval, the approval period, the landscape and visual impacts and the impacts on agricultural development, the Chairperson suggested and Members agreed that PlanD would take account of Members' comments in refining the assessment criteria.

44. Members noted that the proposed assessment criteria for considering applications for solar VP system made under section 16 of the Ordinance at Annex I of the Paper would be refined for the Board's further consideration.

45. The Chairperson thanked the government representatives for attending the meeting. They left the meeting at this point.

Agenda Item 5

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

46. Since this meeting was the last meeting of the Town Planning Board for the term 2018-20, the Chairperson extended a vote of thanks to Members for their contribution over the past two years.

47. There being no other business, the meeting was closed at 1:15 p.m.