

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-SK/250

<u>Applicant</u>	: Awareness Spiritual Growth Centre Limited represented by Lawson David & Sung Surveyors Limited
<u>Site</u>	: Lots 1556 (Part) and 1558 in D.D. 114, Shek Kong, Yuen Long
<u>Site Area</u>	: About 5,059 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	: “Conservation Area” (“CA”)
<u>Application</u>	: Renewal of Planning Approval for Temporary “Camping Ground for Meditation Use” for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary camping ground for meditation use for a period of 3 years. The Site is currently used for the applied use with valid planning permission.
- 1.2 The Site is the subject of six previous applications (No. A/YL-SK/161, 165, 176, 197, 206 and 213) for the same applied use, which were all approved with conditions by the Rural and New Town Planning Committee (the Committee) from 2010 to 2016. The last application No. A/YL-SK/213 for the same applied use and submitted by the same applicant as the current application was approved with conditions by the Committee on 22.4.2016 for a period of 3 years. All approval conditions of it have been complied with. The validity of the planning permission is until 22.4.2019.
- 1.3 According to the information provided by the applicant, the development parameters of the current application are the same as that of the last application No. A/YL-SK/213 in terms of site area, layout, number of fixtures, occupied area

and height of fixtures. The Site is used as a camping ground for secondary school and university students to practice meditation for educational purpose. There are 14 fixtures with a total occupied area of about 217.6 m² and heights ranging from 0.37 m to 2.5 m placed/set up within the Site. The fixtures include 11 wooden boards that serve as sitting places for the meditation participants and three concrete-based/wooden board fixtures with Buddhist meditation decorations atop (occupying about 4.3% of the Site).

1.4 There will be less than 10 meditation events held at the Site each year and there will be about 40 to 50 participants for each event. The events will normally be conducted during weekends and the duration will be about 1 to 2 days. Some meditation participants will tent overnight using canvas hiking tents and the tents will only be set up during the events and will be removed afterwards. The participants will not eat or cook at the Site and there will be no open burning on the Site. They will only eat at the nearby public barbecue areas where rubbish bins and toilets are available. No loudspeaker will be used and the participants will occasionally chat during the events. Compensatory planting of 70 seedling trees are provided on the Site. The participants will take public transport, alight at Route Twisk and then walk to the Site. Plans showing the site layout and access leading to the Site submitted by the applicant are at **Drawings A-1 to A-2**.

1.5 In support of the application, the applicant has submitted the following documents:

Application form with supplementary planning statement and plans received on 21.2.2019 **(Appendix I)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement in **Appendix I**. They can be summarized as follows:

- (a) The applied use is temporary in nature and no permanent buildings/structures will be erected on the Site. The Site is not identified as a site of ecological importance. The development is in line with the planning intention of the “CA” zone.
- (b) With the implementation of the compensatory planting in addition to the existing natural landscape resources conserved by the applicant, it is not considered incompatible with the rural and tranquil character of its surrounding woodland environment. Furthermore, the proposed development will help maintaining a harmonious rural environment by preserving and reinforcing the natural landscape of the area.
- (c) The applied use was approved by the Board with six previous planning approvals at the same Site. It indicates that temporary camping ground use is considered acceptable at the Site. Since the applicant had complied with all the approval conditions of the previous applications, the applicant will continue using the Site in accordance with the terms and conditions as imposed by the Board and therefore a renewal of approval would be granted by the Board.

- (d) Owing to the nature of the development, no adverse traffic, environmental and sewerage impacts are anticipated on the surrounding areas.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

5. Background

The Site is not the subject of any active enforcement case.

6. Previous Applications

6.1 The Site is involved in six previous applications (No. A/YL-SK/161, 165, 176, 197, 206 and 213) for the same use at the Site submitted by the same applicant. Details of the applications are summarized in **Appendix III** while their locations are shown on **Plan A-1**.

6.2 Application No. A/YL-SK/161 for temporary camping ground for meditation use was approved with conditions by the Committee on 26.11.2010 for a period of 1 year to monitor the situation on the site, instead of the period of 3 years sought, on the consideration that the site was at an inconspicuous location being screened off from the surrounding areas by dense vegetation; the development did not involve tangible buildings or site formation but only wooden platforms or concrete fixtures mostly being placed on ground and did not contravene the planning intention of the “CA” zone for protecting and retaining the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes; with the existing natural landscape resources within the site being conserved and the meditation events being held infrequently, it was not incompatible with the rural and tranquil character of its surrounding woodland environment and would not generate significant environmental impact on the surrounding areas; since the site was not identified as a site of ecological importance, and there was no felling of trees and the interference to the existing landscape character was minimal, both Director of Agriculture, Fisheries and Conservation (DAFC) and Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had no objection to the application

from the nature conservation and landscape planning perspectives; and the Government departments consulted had no objection to the application generally.

- 6.3 Four applications (No. A/YL-SK/165, 176, 197 and 206) for the renewal of planning approval for the same applied use at the site were approved with conditions by the Committee or the Board on review on 18.11.2011, 9.11.2012, 28.3.2014 and 27.3.2015 respectively for a period of 1 year each on similar considerations as Application No. A/YL-SK/161 (as detailed in paragraph 6.2 above) and that the applications were generally in line with the Town Planning Board Guidelines No. 34B on “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34B) in that there had been no material change in planning circumstances since the granting of the previous temporary approval and the conditions of the previous approval had been complied with; the development had relatively less adverse environmental impact; Government departments consulted generally had no objection to the application or the departmental concerns could be addressed by the imposition of relevant approval conditions; the 1-year approval period sought is of the same timeframe as the previous approvals; and the situation of the site could be closely monitored by the Board by granting a shorter approval period of 1 year.
- 6.4 The last application No. A/YL-SK/213 for the same applied use at the site was approved with conditions by the Committee on 22.4.2016 for a period of 3 years on similar considerations as mentioned in paragraph 6.2 above and that the Site was the subject of five previous approved applications for the same applied use; there had been no major change in planning circumstances since the granting of the first approval in 2010; and concerned government departments have no adverse comment on the application. All the approval conditions of the last application have been complied with and the planning permission will lapse on 22.4.2019. The current application is the same as the last application (No. A/YL-SK/213) in terms of site area, layout, number of fixtures, occupied area and height of fixtures.

7. Similar Application

There is no similar application within the same “CA” zone on the OZP.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

8.1 The Site is:

- (a) a piece of relatively flat land located at the mid-hill level;
- (b) accessible via a vehicular road next to the catchwater, followed by a paved footpath and a natural trail leading from Route Twisk and Lui Kung Tin to its north;

- (c) covered by trees and grass with some scattered wooden boards and concrete fixtures; and
 - (d) currently used for the applied use with valid planning permission.
- 8.2 The surrounding areas are predominantly rural in character with densely-vegetated woodlands:
- (a) to its south uphill is Tai Lam Country Park;
 - (b) to its north is a catchwater, by the side of which is a vehicular road and some public barbecue areas. To the further north is the residential dwellings of Lui Kung Tin;
 - (c) to its east is a section of Kap Lung Ancient Trail which runs uphill from Lui Kung Tin; and
 - (d) to its south and west are unused lands and Tai Lam Country Park.

9. Planning Intention

- 9.1 The planning intention of the “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential project with overriding public interest may be permitted.
- 9.2 According to the Explanatory Statement of the OZP, the slopes at the southern part of the Planning Scheme Area of the OZP are zoned “CA” (covering the subject “CA” zone) for the purpose of giving added protection to the adjoining Tai Lam Country Park and Tai Mo Shan Country Park.

10. Comments from Relevant Government Departments

- 10.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

- 10.1.1 Comments of the District Lands Officer, Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval

of the Government.

- (b) The Site is accessible from Route Twisk via Government Land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (c) Lot No. 1558 in D.D. 114 is covered by Short Term Waiver (STW) No. 4489 to permit structures erected thereon for the purpose of “Temporary Camping Ground for Meditation Use”.
- (d) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within the SKAHRA.
- (e) Should planning approval be given to the planning application, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on Site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by Lands Department acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the Lands Department.

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

Considering that there is neither parking provision nor vehicular access to the lot and the induced traffic is minimal, he has no comment on the application.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) His department does not and will not maintain the access connecting the Site and Route Twisk.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Nature Conservation

10.1.4 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) In view of the nature of the use on the Site and presumably renewal of the application would unlikely incur irreversible change to the environment, he has no strong view against the renewal application from nature conservation perspective provided that the conditions under the previous approval No. A/YL-SK/213 be retained.
- (b) Nonetheless, in case the renewal application be approved, the applicant shall be reminded that open burning shall not be conducted on the Site, while the trees and plantings on the Site shall be properly maintained during the planning approval period.

Environment

10.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) There is no environmental complaint received by DEP in the past three years.
- (b) It is noted that the Site is the subject of six previous applications for the same use which were approved by the Committee or by the Board on review since 2010. The current application is the same as the last application No. A/YL-SK/213 approved by the Committee on 22.4.2016 and will not involve any new access roads, sewers, sewage treatment facilities, earthworks, building works, etc.
- (c) It is considered that the temporary camping ground for meditation use, if properly managed, would unlikely cause adverse environmental impact.

Landscape

10.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) He has no objection to the application from the landscape planning point of view.

- (b) The Site is the subject of six previous planning applications (No. A/YL-SK/161, 165, 176, 197, 206 and 213) for the same use. All these applications were approved with conditions by the Board between 2010 and 2016. He had no objection to the last application No. A/YL-SK/213 from the landscape planning perspective.
- (c) Referring to the aerial photo dated 13.3.2018, the Site is situated in an area of rural landscape character comprising natural woodland. The applied use is not incompatible to the surrounding environment.
- (d) With reference to the site visit dated 14.3.2019, the Site is in operation as camping ground for meditation use. Existing trees are in good condition within the Site. There is no significant change to the surrounding landscape setting since the application was last approved. Further adverse landscape impact due to the applied use is not anticipated.
- (e) Should the application be approved, an approval condition for maintenance of existing trees within the Site satisfactorily at all times during the approval period is recommended.

Water Supplies

10.1.7 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD):

- (a) He has no objection to the application.
- (b) The applicant shall not use the catchwater access road as vehicular access to the Site unless with WSD's prior approval.
- (c) The applicant shall comply with the "Conditions of Working within Water Gathering Ground" (**Appendix IV**) as enclosed.
- (d) No chemicals including fertilizers and pesticides are allowed to be used or stored in the Site.
- (e) Should the above conditions are not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Drainage

10.1.8 Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

He has no objection in principle to the development from the public drainage point of view. However, the applicant is reminded to provide and maintain his own drainage facilities to collect the runoff generated from the Site or passing through the Site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant is also reminded to consult DLO/YL of LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works.

Building Matters

10.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) He has no in-principle objection under the Buildings Ordinance (BO) to the application for the site to be used as a temporary camping ground for meditation use.
- (b) If it is proposed to erect any temporary structures not exempted under the provisions of the BO, formal building plans should be submitted for his approval.

District Officer's Comments

10.1.10 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

He has not received any comments from locals upon close of consultation and he has no particular comments on the application.

10.2 The following Government departments have no comment on the application:

- (a) Director of Leisure and Cultural Services (DLCS);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Director of Fire Services (D of FS);
- (d) Director of Electrical and Mechanical Services (DEMS); and
- (e) Commissioner of Police (C of P).

11. Public Comments Received During the Statutory Publication Period

On 1.3.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 22.3.2019, two public comments were received from the village representative of Lui Kung Tin Tsuen and Pat Heung rural committee members (**Appendices V-1 to V-2**). The commenters object to the application mainly on the grounds that the applied use causes adverse traffic impact on the surrounding area and the outlook of the meditators creates adverse psychological impact on local villagers.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of the planning permission for temporary “camping ground for meditation use” for a period of 3 years in the “CA” zone. The planning intention of the “CA” zone is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in “CA” zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential infrastructure project with overriding public interest may be permitted. In view that the applied use for temporary camping ground for meditation use does not involve tangible buildings or site formation but only wooden platforms or concrete fixtures mostly being placed on ground (occupying about 4.3% of the Site), it is considered that a temporary planning permission for 3 years would not frustrate the long-term planning intention of the “CA” zone.
- 12.2 The development is considered not incompatible with the surrounding areas which are predominantly rural in character with densely-vegetated woodlands. The Site is also situated at an inconspicuous location, being screened off from the surrounding areas by dense vegetation. It is considered that the development would not generate significant environmental impact on the surrounding areas. No environmental complaint was received by DEP in the past three years. To prevent the addition of new fixtures/structures and any form of interference to the trees including felling/topping which could deteriorate the current natural site condition, relevant approval conditions are recommended in paragraph 13.2(a) and (b) below.
- 12.3 The current application is for the renewal of the planning permission under application No. A/YL-SK/213 for the same use for a further period of 3 years. The renewal is in line with TPB PG-No. 34B in that since the last approval, there has been no major change in planning circumstances; adverse planning implications arising from the renewal of the planning approval are not expected; concerned Government departments have no objection to or no adverse comment on the application; and all the approval conditions under the previous approval have been complied with.

- 12.4 Relevant Government departments consulted including C for T, DEP, CE/MN of DSD, D of FS, CTP/UD&L of PlanD and DAFC, have no objection to or no adverse comment on the application. As the Site is located near Tai Lam Country Park and a catchwater (**Plan A-2**), CE/Construction of WSD considers that no chemicals including fertilizers and pesticides are allowed to be used or stored within the Site for protecting the Country Park and the water gathering ground. Relevant approval conditions, which are the same as those in Application No. A/YL-SK/213 including prohibiting the use of fertilizers and pesticides, are recommended in paragraphs 13.2(c) to (f) below for protecting the naturalness and tranquility of the surrounding environment. Non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority.
- 12.5 The Site is the subject of six previous approved applications (No. A/YL-SK/161, 165, 176, 197, 206 and 213) for the same applied use. There has been no major change in planning circumstances since the granting of the first approval in 2010. The last Application No. A/YL-SK/213 submitted by the same applicant for the same applied use was approved by the Committee on 22.4.2016 for a period of 3 years. All approval conditions have been complied with. Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 Two public comments were received during the statutory publication period raising objection to the application mainly on the grounds of possible adverse traffic and psychological impacts as set out in paragraph 11 above. In this regard, concerned departments including C for T, DEP and C of P have no adverse comment on the application.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments as mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years, and be renewed from 23.4.2019 until 22.4.2022. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no new fixture or structure is allowed to be placed/built on the Site during the planning approval period;
- (b) no trees within the Site are allowed to be interfered with by any means, felled or topped at any time during the planning approval period;

- (c) no open burning, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no chemicals, including fertilizers and pesticides, are allowed to be used or stored on the Site at any time during the planning approval period;
- (e) no public announcement system, portable loudspeaker or any form of audio amplification system, as proposed by the applicant, is allowed to be used on the Site at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the Site shall be maintained at all times during the planning approval period;
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

[The above approval conditions are the same as those under the last approved application No. A/YL-SK/213.]

Advisory clauses

The recommended advisory clauses are attached at **Appendix VI**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the development is not in line with the planning intention of the "CA" zone, which is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. No strong justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form with Supplementary Planning Statement received on 21.2.2019
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Condition for Temporary Use or Development (TPB PG-No. 34B)
Appendix III	Previous applications covering the Site
Appendix IV	Conditions of working within water gathering ground
Appendices V-1 to V-2	Public comments received during statutory publication period
Appendix VI	Advisory clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Access to the site
Plan A-1	Location Plan with similar applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2019**