

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/NE-LCW/3

<u>Applicant</u>	The Hong Kong Countryside Foundation Limited (HKCFL)
<u>Site</u>	Lots 91 (Part), 92 (Part), 93 (Part), 94 (Part), 100, 205, 218, 229 (Part), 236 (Part), 240 & Ext Thereto (Part), 271 (Part), 272, 281, 2201 (Part), Taxlord Lot 286 S.A and Taxlord Lot 286 S.B (Part) in D.D. 145, Lai Chi Wo, Sha Tau Kok, New Territories
<u>Site Area</u>	About 445.65m ²
<u>Lease</u>	Lots 91 (Part), 92 (Part), 93 (Part), 94 (Part), 100, 205, 218, 229 (Part), 236 (Part), 240 & Ext Thereto (Part), 271 (Part), 272, 281, Taxlord Lot 286 S.A in D.D. 145 - Block Government Lease (demised for house use) Lot 2201(Part) in D.D.145 – New Grant Lot (demised for house use) Taxlord Lot 286 S.B (Part) in D.D.145 – Block Government Lease (demised for both house and agricultural use)
<u>Plan</u>	Approved Lai Chi Wo, Siu Tan and Sam A Tsuen Outline Zoning Plan (OZP) No. S/NE-LCW/2
<u>Zoning</u>	“Village Type Development” (“V”)
<u>Application</u>	Proposed Hotel (Holiday House) Use

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed hotel (holiday house) use at the application site (the Site) (**Plans A-1 and A-2**) in support of the village revitalization project, Hakka Life Experience Village@Lai Chi Wo Project (the HLEV@LCW Project). The Site falls within an area zoned “V” on the approved Lai Chi Wo, Siu Tan and Sam A Tsuen OZP No. S/NE-LCW/2. According to the Notes of the approved OZP, ‘Hotel (Holiday House only)’ is a Column 2 use within the “V” zone requiring planning permission from the Town Planning Board (the Board).
- 1.2 The applicant, HKCFL, is a charitable organization which aims to conserve and restore the countryside, habitats, natural landscape and biological diversity of Hong Kong. It has been granted a fund by the Hong Kong Jockey Club (HKJC) under the Chief Executive’s Community Project List 2016 for the HLEV@LCW

Project to conserve and renew a group of village houses for the operation of experiential learning programmes and to provide accommodation for programme participants.

- 1.3 The first phase of the HLEV@LCW Project is the subject of an application (No.A A/NE-LCW/2) approved by the Committee on 11.8.2017 (See **Drawing A-1** and **Plan A-2a**). The current application is the second and final phase of the HLEV@LCW Project, which includes 14 existing vacant houses (in different states of disrepair) to be restored to provide Hakka styled heritage accommodation services to visitors (schools, universities, local groups including youth and environmental groups, families, individuals etc) of the experiential learning programmes such as guided tours, workshops and events, etc for experiencing Hakka lifestyle and culture. The applicant will generally restore the houses with reference to their existing building footprint and original height. Back-of-house facilities (such as laundry and storage) will be provided in houses at Lot 263-265, which are under planning approval for phase 1. Reception for guests will be provided in form of 24-hour means of contact and help within 20 minutes in compliance with the requirement by the Licensing Authority of Home Affairs Department.
- 1.4 The location of the proposed holiday houses, Master Layout Plan, Notional Scheme, photomontages and Artist's Impression of the proposal submitted by the applicant are provided at **Drawings A-1 to A-9**. The major development parameters of the current application are as follows:

Site Area	About 445.65m ²
Number of Village Houses	14 (each housing maximum 4 persons)
Number of Storeys and Building Height	1 storey(height from about 5 to 8m)
Gross Floor Area (GFA)	About 445.65 m ² (non-domestic)
Total Site Coverage	About 100%
Anticipated Maximum Guest Population	56

- 1.5 The applicant indicates that the houses to be restored will take due regard to the existing characters of the village as a whole, including village layout, house dimensions and traditional/vernacular Hakka styled architecture. New facilities will be installed to fit the current hygiene and fire safety requirements.
- 1.6 The applicant offers the owners of the subject houses 20-year leasing agreements at a nominal rent. It will use the HKJC's fund to restore the houses and oversees the incubation of a social enterprise founded by villagers that shall eventually take over and manage the holiday house accommodation facilities, as well as the organization of experiential learning programmes. The houses will be operated as an integral entity and profit (if any) will be applied to the maintenance of them. At

the end of the leasing period, the owners may choose to continue the use as holiday house or resume the house use as private residence.

- 1.7 The applicant will provide complimentary round-trip ferry services to Lai Chi Wo, upon operational needs, for the guests of the proposed holiday houses.
- 1.8 The applicant will install septic tanks and soakaway system (STS) for sewerage and grey water treatment for the restored houses (**Drawing A-1**). The design and specifications of the system will follow the requirements in the Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC PN) 5/93 on Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations to ensure that no effluent or leachate from the project will contaminate or pollute the surrounding farmland, stream course, wetland and area outside the current village environment.
- 1.9 The applicant indicates that the restoration activities would involve minor works only and would follow EPD's guidelines and relevant ordinances to ensure minimal impact on the village. The construction and demolition wastes from the restoration activities would be salvaged and reused as far as practicable and proper waste management strategies will be implemented. The applicant anticipates no potential land contamination issue for the proposed development.
- 1.10 In support of the application, the applicant has submitted the following documents:
 - (a) Letter and application form received on 11.12.2018 (**Appendix I**);
 - (b) Supplementary Planning Statement received on 11.12.2018 (**Appendix Ia**);
 - (c) Supplementary Information received on 13.12.2018 (**Appendix Ib**);
 - (d) Further Information (FI) received on 17.1.2019 (**Appendix Ic**); and
 - (e) FI received on 21.1.2019 (**Appendix Id**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement and FI (**Appendix Ia - Id**). They can be summarized as follows:

- (a) The proposed development does not deviate from the planning intention of the "V" zone on the OZP. The objective of the project is to conserve the characters of the houses and the village as a whole and it will arrest further dilapidation of the houses and revitalize the village to make it better utilized by injecting new lives. The owners of the houses have expressed their intention to join the scheme. Under the 20-year leasing agreements to be made with the applicant, the owners could resume their houses for private uses when the agreements expire. In the long run, the proposal does not deprive the owners of their right of residency at their houses. There is no Small House application at the Application Sites.

- (b) The proposal is compatible with the existing and surrounding context. It will conserve the Hakka styled architectural characteristics including the style, character, form, general design and configuration of the houses, and create a hub for the public to cherish and promote conservation awareness.
- (c) The proposal would not result in any adverse impact on pedestrian capacity, environmental and sewerage aspects with a total maximum daily guest population of 104 persons brought in by the project upon the completion of both phases 1 and 2.
- (d) The Government calls for adopting a flexible approach in supporting and promoting the conservation of rural areas of great conservation, ecological, visual and traditional value through harnessing community efforts in the Policy Address 2015 and 2017. The current project serves as a response to the initiative and serves as a showcase of an innovative approach of village revitalization through utilizing the existing architectural heritage to create a viable local economy and lively resident community to attract local villagers to return and for tourists to visit Lai Chi Wo.
- (e) According to the “Study on the Enhancement of the Sha Tau Kok Rural Township and Surrounding Areas – Feasibility Study” (the STK Study), Lai Chi Wo has a great potential of tourism development due to the ecological and cultural/historic value. The restoration of houses will revitalize the village and promote proper conservation of natural and cultural resources of the area. It will enhance and realize the tourism potential of Lai Chi Wo, which is in line with the conclusion of the aforementioned study.
- (f) The current application will restore 14 village houses and the values of the traditional construction and aesthetics of the Hakka houses will be conserved and displayed to the future visitors. Lai Chi Wo village as a well-preserved Hakka walled village has high cultural, historical and ecological importance and is illustrative of the development of the rural Hong Kong.
- (g) The proposal is supported by various community representative and stakeholders, including Heung Yee Kuk New Territories (HYKNT), Sha Tau Kok District Rural Committee (STKDRC), Village Representatives and villagers of Lai Chi Wo Village.
- (h) The applicant had attempted to do the best consultation and engagement with all stakeholders since the launch of the project in 2017 by means of specific website, facebook pages, regular briefings, telephone and e-email communications, etc. To publicize the recruitment of phase 2 programme, a meeting was organized with villagers, with facebook live broadcast at a time and venue convenient to them, and newspaper advertisements were arranged locally as well as overseas. The villagers’ responses to the recruitment were good. As a not-for-profit organization and charitable organization, the applicant aims to conserve the countryside for the long-term benefit of Hong Kong.

- (i) Subsequent to the approval of the similar application, the applicant has been taking steps to implement the project, including liaising with the relevant Government departments (including District Lands Office of Lands Department, Drainage Services Department and Fire Services Department) for discharging the approval conditions imposed by the Board. Site clearance works were completed for most of the houses under the approved scheme and restoration for two houses has almost been completed. The applicant targets that the operation of the holiday houses, with both phases 1 and 2 completed, will start in the fourth quarter of 2020.

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

The applicant is not the “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice within the Site and sending notice to the HYKNT and STKDRC by local registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The HLEV@LCW Project is a Chief Executive (CE)’s Community Project sponsored by the Hong Kong Jockey Club (HKJC) under the policy support of Environment Bureau (ENB) to revitalise the ecological, architectural and cultural environment in Lai Chi Wo as mentioned in the Policy Address 2017. Under the Project, the applicant will select at least 25 village houses for the proposed restoration work and develop a long term plan to promote cultural heritage, geoconservation and ecotourism through engagement of the local community in Lai Chi Wo. A Cultural Heritage Publicity Programme (the Programme) promoting public awareness of the cultural heritage at Lai Chi Wo will be developed and guided tours and workshops will be provided under the Programme.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

- 6.1 There is one similar application (No. A/NE-LCW/2) for ‘Hotel (Holiday House only)’ use within the same “V” zone and within the Lai Chi Wo Village approved by the Committee on 11.8.2017 (i.e. the first phase of the project) mainly on the grounds that the proposal will not jeopardize the planning intention of “V” zone, can showcase an innovative approach of village revitalization and will not cause any adverse impacts. Details of the similar application are summarized at **Appendix II** and the locations of the subject houses are shown on **Plan A-2a**. The

major development parameters of the similar application are summarized below, with comparison with the current application:

	Similar Application No. A/NE-LCW/2	Current Application No. A/NE-LCW/3
Site Area	About 524m ²	About 445.65m ²
Number of village houses	12 (2-person houses: 3 4-person houses: 6 6-person houses: 3)	14 (all 4-person houses)
Number of storeys and building height	1 storey (height from about 5 to 8m)	1 storey (height from about 5 to 8m)
Gross Floor Area	About 510 m ² (non-domestic)	About 445.65 m ² (non-domestic)
Total site coverage	About 97%	About 100%
Anticipated maximum guest population	48	56

7. **The Site and Its Surrounding Areas** (Plans A-1 and A-2, aerial/helicopter photos on Plans A-3a and A-3b and site photos on Plans A-4a to A-4f)

7.1 The Site:

- (a) comprises 16 private lots with 14 existing vacant houses/structures in various stages of disrepair such as collapse of roofs and wall damages (Plans A-2, A-4a to A-4f);
- (b) is located in the village cluster of Lai Chi Wo Village, which is a typical Hakka walled village comprising about 210 houses with the majority of the traditional style (one to two storeys with pitched roof) (Plan A-3b), but now are largely abandoned; and
- (c) is accessible via a concrete paved footpath (of about 1.3m to 2m wide) within a walking distance of around 600m from the pier to its northeast (Plans A-1 and A-4g).

7.2 The surrounding areas have the following characteristics:

- (a) mainly rural and natural in character and are rich of natural, cultural heritage and recreation/tourism-related resources, which render the Lai Chi Wo area a popular destination for hikers and tourists;
- (b) near the entrance of the village, there is a number of recreation/tourism-related facilities/resources including the Hip Tin Temple and Hok Shan Monastery, a geoheritage-cum-ecological education centre under conversion and the Lai Chi Wo Nature Trail linking up with the coastal area to the east and the mature (fung shui) woodland to the west (**Plan A-3a**). There are also a variety of activities available for visitors such as walk along Lai Chi Wo Nature Trail, guided tours on culture, ecology and geology, Lai Chi Wo Farmers' Market, etc in the Lai Chi Wo area. With the recent implementation of the “Living Water & Community Revitalization” Programme (永續荔枝窩－農業復耕及鄉村社區營造計劃)¹, agricultural activities have been revitalized, resulting in some active agricultural land, which also provides various training and education opportunities;
- (c) in a wider context, the Lai Chi Wo area is surrounded by the Plover Cove Country Park (which also partly falls within the Hong Kong UNESCO Global Geopark) except where it fronts on the Yan Chau Tong Marine Park and the Lai Chi Wo Beach Site of Special Scientific Interest (SSSI) to the east and adjoins the Lai Chi Wo Special Area near the western fringe (**Plan A-3a**); and
- (d) the Lai Chi Wo area is only accessible by boat via a small pier to its northeast, and by hiking the country trails leading from Wu Kau Tang and Luk Keng. The public ferry from Ma Liu Shui provides a round trip service on Sundays and public holidays.

8. Planning Intention

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

¹ A multi-year rural community development and revitalization programme in Lai Chi Wo including active agricultural and habitat management activities, which in return provide a wide range of training and education opportunities in Lai Chi Wo and the nearby areas. This programme is initiated and led by the Kadoorie Institute of The University of Hong Kong in collaboration with the applicant, Produce Green Foundation, the Conservancy Association and Lai Chi Wo Villagers (i.e. Cultural Development Society of Lai Chi Wo).

9. Comments from Relevant Government Departments

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

Policy Aspect

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

- (a) the application is the second phase of the Hakka Life Experience Village @ Lai Chi Wo, which is a Chief Executive's Community Project sponsored by the Hong Kong Jockey Club under the policy support of ENB to revitalise the ecological, architectural and cultural environment in Lai Chi Wo as mentioned in the Policy Address 2017;
- (b) he provides in-principle support to the application on the grounds that the Project will promote village revitalisation and preserve the cultural heritage of Lai Chi Wo; and
- (c) while it is one of the duties of Environmental Protection Department (the Countryside Conservation Office) to carry out minor improvement works in Lai Chi Wo, the matters related to the sewage treatment works is still under study at this stage without confirmation of its feasibility.

Tourism Aspect

9.1.2 Comments of the Commissioner for Tourism:

Having considered that the proposed Hakka village may exhibit good potential for developing distinctive geo-tourism, eco-tourism and cultural tourism in Lai Chi Wo, the Tourism Commission supports the application provided that it is also agreeable to all relevant bureaux/departments as well as other stakeholders, and that the applicant is able to meet all requirements laid down by the relevant bureaux/departments.

Studies and Research Aspect

9.1.3 Comments of the Chief Town Planner/Studies and Research, Planning Department (CTP/SR, PlanD):

The Study on the Enhancement of the Sha Tau Kok Rural Township and Surrounding Areas - Feasibility Study (the STK Study) which aimed at formulating improvement proposals to enhance the physical environment of the Sha Tau Kok Town and its surrounding areas was completed in

2013. The STK Study covered two areas: the Study Area and the Linkage Area. Lai Chi Wo was one of the Linkage Areas in the Study and was recognised as a popular area for eco-tourism well-known for its ecology, natural resources, and rural and cultural heritage. To promote its tourism potential, Lai Chi Wo Ecological Centre as well as some supporting facilities, such as public toilet and information board, were proposed in the Study. The proposed restoration of the traditional Hakka village houses in Lai Chi Wo and their preservation in the application can enhance the tourism potential of Lai Chi Wo and is considered as complementary to the proposals in the Study. He has no adverse comments on the planning statement and no objection to the application.

Land Administration

9.1.4 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) he has no specific comment on the proposed restoration of the village houses under the application from land lease point of view, in case demolition and/or rebuilding of the existing houses are required, the lot owners should seek prior approval from his office;
- (b) the registered owners have to apply for rebuilding in writing and seek his approval before any rebuilding works is commenced. Regarding restoration of the existing houses on site, provided the restoration works satisfies the NTEH requirement under Cap. 121, there is no comment from his office;
- (c) if the proposed septic tanks are on unleased Government land, the lot owners should comply with the prevailing legislations and requirements of the concerned department(s) and seek prior approval from his office;
- (d) except Lot 2201 which is a New Grant Lot by way of exchange for erection of a NTEH of 550 sq. ft, the remaining application lots are Old Schedule Lots held under Block Government Lease of areas ranging from 0.01 to 0.04 acre. Except Taxlord Lot 286 S.B which is demised for both house and agricultural use, the remaining Old Schedule Lots are demised for house use;
- (e) the application site is not covered by any MOT/ building licence; and
- (f) the Site falls entirely within the village ‘environs’ (‘VE’) of the Lai Chi Wo Village. There is no outstanding Small House applications of Lai Chi Wo Village and the latest 10-year forecast of Small House demand of the village provided by the concerned Indigenous Inhabitant Representatives is 55 (2015-2024). Given that no

applications for Small House grant have been received from the lot owners, it is not known whether they are eligible for Small House grant or not.

Nature Conservation

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

- (a) the subject application is the second batch of application subsequent to the approved Planning Application No. A/NE-LCW/2 and involved restoration of 14 existing village houses scattered within the Lai Chi Wo Village. As the proposed development is within the “V” zone which is not considered as ecologically sensitive in itself, he has no in principle objection to the subject application from nature conservation point of view;
- (b) the subject application involves a sustainable operation that engages with the local community to conserve and promote the cultural heritage of Lai Chi Wo and is in line with the concept of UNESCO Global Geoparks, he is supportive to the subject application from geopark point of view;
- (c) some ditches are running around the village houses, and two watercourses are located at the north and southeast of the Lai Chi Wo Village which eventually leads to the Lai Chi Wo Beach SSSI and Yan Chau Tong Marine Park. Should the application be approved, the applicant should be reminded to perform good site practice and prevent any surface run-off during construction stage from polluting the watercourses nearby and the ecological sensitive Lai Chi Wo Beach SSSI and Yan Chau Tong Marine Park;
- (d) Lai Chi Wo Village located adjacent to the Lai Chi Wo Special Area (SA) and encircled by the Plover Cove Country Park (PCCP) is only accessible by hiking trails and a footpath (leading to Lai Chi Wo Pier) within country park. Should the subject application be approved, the applicant should be reminded to avoid causing any adverse impacts on the abovementioned protected areas and the visitor facilities therein. For instance, stockpiling of construction materials within SA and CP should be avoided and good site practices throughout the construction stage should be implemented. Access within country park should be properly maintained particularly during the works period. The consent of the Country and Marine Parks Authority must first be sought if any works, including storage of construction materials, are to be taken place within country park and/or the special area; and

- (e) the applicant should note the importance of the following throughout the project:
 - i. transparency to a wider group of stakeholders;
 - ii. knowledge sharing to obtain constructive views for continual refinement of the project;
 - iii. detailed documentation to ensure transferability; and
 - iv. on-going local engagement to ensure continued support.

Heritage

9.1.6 Comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (AMO):

Although the 14 village houses covered in the application and the Lai Chi Wo Village are neither graded/proposed to be graded historic buildings nor new items pending heritage assessment, they are in vicinity of Hip Tin Temple and Hok Shan Monastery, both of which are Grade 3 historic buildings. Furthermore, Lai Chi Wo Village is rather intact with its historic ambience well preserved. The proposed works and uses should, therefore, fully respect the graded buildings as well as the historic village and its environs should the proposed work be approved by the Town Planning Board.

Urban Design and Landscape Aspects

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

- (a) judging from the photomontages (e.g. **Drawings A-6 to A-7**), the proposal would restore the existing village houses to its original form and maintain its Hakka styled character without major changes to the overall building bulk. As such, adverse visual impact is not anticipated and she has no adverse comment on the application from the urban design and visual impact perspectives;
- (b) she has no particular comment in regard to the Hakka architectural style; and
- (c) as the application only involves alteration of land use and it does not fall within any sensitive area, there is no significant landscape impact envisaged and no scope for landscape proposal.

9.1.8 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

The proposed development mainly involves the restoration and rebuilt of existing village houses. It has no visual impact to the vicinity. As such, he has no particular comment from the visual impact point of view in this submission.

Traffic

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

- (a) he has no comment from the traffic engineering point of view;
- (b) it is noted that no land transport can be provided to the subject site and the site can only be reached by hiking trails from Bride's Pool Road; and
- (c) the proposed development is located in remote area. The existing kaito service plying between Ma Liu Shui and Lai Chi Wo only have scheduled service on Sundays / PH, while on weekdays and Saturdays there's no fixed timetable. The applicant is required to provide transport service(s) to cater for the passenger demand generated between the proposed development and the external area, such as Ma Liu Shui. The transport service should be with capacity and frequencies sufficient for catering the demand generated from the operation of the proposed development. The applicant is required to ensure that the provision of such transport service shall comply with the legal requirements.

Sewerage and Environment

9.1.10 Comments of the DEP:

There is no existing or planned public sewerage for Lai Chi Wo area at this stage and the Site falls within "V" zone. As the proposal only involves minor works and the applicant has proposed relevant mitigation measures, he has no objection to the application. The applicant is reminded that the design, construction and operation of the STS system shall follow the requirements of the Practice Note for Professional Person (ProPECC) PN5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" including clearance distances, percolation tests certification by Authorized Person. Statutory requirements in the relevant pollution control ordinances including Noise Control Ordinance, Air Pollution Control Ordinance, Water Pollution Control Ordinance and Waste Disposal Ordinance shall be strictly adhered to.

Drainage

9.1.11 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he has no objection to the application from the public drainage viewpoint;
- (b) he has no comments on the proposed septic tank system. The Site is in an area where no public sewerage connection is available. EPD should be consulted regarding the sewage treatment/disposal facilities for the proposal; and
- (c) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area.

Water Supply

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

- (a) he has no objection to the application;
- (b) for provision of water supply to the proposal, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (c) water mains in the vicinity of the Site cannot provide the standard pedestal hydrant.

9.1.13 Comments of the Chief Engineer/New Territories East, Water Supplies Department (CE/NTE, WSD):

The applicant should liaise with her regarding the details of the septic tanks and seek her agreement before proceeding with the septic tank construction works.

Fire Safety

9.1.14 Comments of the Director of Fire Services (DFS):

- (a) he has no specific comment on the proposal subject to the fire service installations and water supplies for firefighting being provided to the satisfaction of his Department and to the satisfaction of HAD from licensing point of view; and
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. In addition, the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department.

Licensing Aspect

9.1.15 Comments of the Chief Officer (Licensing Authority), Office of the Licensing Authority:

- (a) he has no objection in principle to the application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO); and
- (b) in the absence of detailed information, he has the following comments from the hotel and guesthouse licensing point of view:
 - (i) approval from the Buildings Department must be obtained for building work subject to the control of the Buildings Ordinance, unless otherwise exempted;
 - (ii) the fire services installation provisions should comply with the Code of Practice for Minimum Fire Services Installation and Equipment;
 - (iii) the licensing requirements will be formulated after inspections by their Building Safety Unit and Fire Safety Team upon receipt of an application under the HAGAO; and
- (c) ancillary uses including reception, office and back of house facilities are common facilities for hotel/guesthouse.

Building Matters

9.1.16 Comments of the Buildings Department (BD):

- (a) there is no record of approval by the Building Authority for the buildings/structures existing at the Site and the Buildings Department is not in a position to offer comments on their suitability for the use related to the application;

- (b) if the existing buildings are NTEHs under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121), DLO/N, LandsD should be in a better position to comment on the application; and
- (c) in case the DLO/N, LandsD decides not to issue the Certificates of Exemption for the restored village houses, such proposed restoration works may require prior approval and consent under the Buildings Ordinance (BO). In the circumstance, an Authorized Person (AP) should be appointed as the coordinator for the proposed building works and the advisory comments under the BO at **Appendix V** will be applicable.

District Officer's Comments

9.1.17 Comments of the District Officer (North), HAD (DO(N), HAD):

- (a) DO(N), HAD consulted the locals from 31.12.2018 to 14.1.2019. In gist, the Chairman of Sha Tau Kok District Rural Committee (STKDRC), the Indigenous Inhabitant Representative (IRR) and the Resident Representative of Lai Chi Wo support the proposal;
- (b) the incumbent North District Councilor did not indicate his view, but provided suggestions to set up an independent unit to monitor the conflict of interest and increase the transparency of the project, hold biannual residents' meeting to report on the project progress and ask the applicant to enhance the infrastructures at their cost; and
- (c) he has received five objection letters from Lai Chi Wo villagers against the application.

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

- (a) Marine Department;
- (b) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (c) Project Manager (North), North Development Office, Civil Engineering and Development Department; and
- (d) Director of Electrical and Mechanical Services.

10. Public Comments Received During Statutory Publication Period

- 10.1 On 18.12.2018, the application was published for public inspection. During the first three weeks of the statutory inspection period which ended on 8.1.2019, 419

public comments were received. Of the 419 commenters, 74 support and 342 object to the application, two only raise concerns on the application and one indicates no comment. Extract of the public comments are at **Appendix IV**. The full set of public comments is at a CD-ROM at **Appendix V** for Members' reference.

- 10.2 74 commenters, including Heung Yee Kuk, Sha Tau Kok District Rural Committee, the former and incumbent Indigenous Inhabitant Representatives of the Lai Chi Wo Village, some Lai Chi Wo villagers and individuals, support the application mainly on the grounds that it will help preserve the cultural heritage of Hakka village, protect the natural environment, promote rural and eco-tourism, provide education opportunities, revitalize the village and allow its sustainable development.
- 10.3 341 commenters (with 294 of them making similar standard submissions), including 荔枝窩原居民關注組, some Lai Chi Wo villagers and individuals object to the application mainly on the grounds that it would commercialize the village and damage its history, heritage and traditions, cause adverse ecological, landscape, environmental, Fung Shui and cumulative impacts, imposes risks on the safety and security aspects, affect the privacy and daily living of the villagers. there is a lack of consultation and no consensus among the villagers about the proposal, and the project would only benefit a certain group of people.
- 10.4 Some commenters, e.g. Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and an individual also raised suggestions to enhance the project in various aspects such as the ways to mitigate the environmental and ecological impacts and to avoid commercialization of the project, etc.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed hotel (holiday house) use in the "V" zone on the approved OZP No. S/NE-LCW/2 (**Plans A-1 and A-2**). The current application is phase 2 of the HLEV@LCW Project, and will restore 14 existing houses/structures in different states of disrepair in the Site with the total gross floor area of 445.65 m², the building height of 1 storey ranging from about 5m to 8m to provide Hakka styled heritage accommodation services to participants of the experiential learning programmes for experiencing Hakka lifestyle and culture (**Drawings A-1 to A-9**).
- 11.2 The applicant is a charitable organization granted with a fund under the Chief Executive's Community Project List 2016 for the HLEV@LCW Project, which is also one of the projects mentioned in the Policy Address 2017 to adopt a flexible approach in supporting and promoting the conservation of rural areas through harnessing community efforts. It will showcase an innovative approach of village revitalization that will conserve the architectural, cultural, natural and scenic values through collaboration with local villagers and promote sustainable development in the Lai Chi Wo Village. ENB has provided policy support to the

HLEV@LCW Project, and Tourism Commission in general supports the application.

- 11.3 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The application is to restore the existing vacant houses/structures in different states of disrepair for adaptive reuse, which will revitalize the village and will not jeopardize the planning intention of “V” zone. In the long run, the proposal will not deprive the landowners’ right of residency in the restored houses, in that the owners can still retain their rights to use the lots for always permitted uses or the approved use. In fact, according to the Notes of the “V” zone, selected commercial and community uses such as ‘Shop and Services’ and ‘Eating Place’ in support of the village development are always permitted on the ground floor of a NTEH.
- 11.4 The Lai Chi Wo area is rich of natural, cultural heritage and recreation/tourism-related resources, which render it a popular destination for hikers and tourists. It is recognized as having great potential of tourism development under the STK Study. On the aspect of the STK Study, CTP/SR of PlanD has no objection to the application. There are a number of recreation/tourism-related facilities/resources in and near the village cluster including a conversion of the former Siu Ying School to a geoheritage-cum-ecological education centre and a variety of activities available for visitors such as walk along Lai Chi Wo Nature Trail, guided tours and Lai Chi Wo Farmers’ Market, etc. With the recent implementation of the “Living Water & Community Revitalization” Programme, the agricultural activities in the Lai Chi Wo area have been revitalized, which provide a wide range of training and education opportunities. The proposed holiday house use would provide complementary accommodation service in such a remote location with diversified attractions and activities.
- 11.5 According to the DLO/N, LandsD’s latest information, there is no outstanding Small House application in Lai Chi Wo Village and its 10-year Small House demand forecast is 55 (2015-2024). Based on the latest estimate by the PlanD, about 1.04 ha (equivalent to about 42 Small House sites) of land is available within the “V” zone of Lai Chi Wo (**Plan A-2b**). Although the land available cannot fully meet the future Small House demand of about 1.38 ha (or equivalent to about 55 Small House sites), there is no outstanding Small House grant application in the Site and the village. DLO/N, LandsD has no comment on the application.
- 11.6 The Site is located within the village cluster of Lai Chi Wo Village. The proposal will restore the existing houses/structures in the Site, conserve the Hakka styled architectural characteristics and provide accommodation services, and hence is compatible with the surrounding environment, which is a typical Hakka walled village. The 14 village houses under application and the Lai Chi Wo Village are

neither graded/proposed to be graded historic buildings nor new items pending heritage assessment. CTP/UD&L, PlanD and ArchSD have no adverse comment on the application from the urban design and visual impact perspectives. DAFC has no in principle objection to the application from the nature conservation point of view.

- 11.7 The applicant claims that the proposal would not exceed the existing traffic and sewage capacity nor cause adverse environmental impacts to the surrounding areas. The proposal is minimal in scale. The applicant has proposed to adopt STS system for wastewater treatment. Given that the proposal is within “V” zone and only involves minor works with proposed relevant mitigation measures and potential land contamination issue is not anticipated, EPD has no objection to the application. It is also noted that the applicant would provide ferry service to support the operation of the proposed development and the number of trips generated would be minimal. C for T has no comment to the application on condition that transport service(s) would be provided by the applicant to cater for the passenger demand generated from the operation of the proposed development.
- 11.8 On the licensing aspect, OLA, HAD has no in-principle objection to the application and the proposed holiday houses will be subject to licensing control under the HAGAO. Other Government departments consulted, including, CE/MN of DSD, CE/C of WSD, DFS, H(GEO) of CEDD have no objection or no comment to the application.
- 11.9 The Committee has approved a similar application (No. A/NE-LCW/2) (Phase 1 of the HLEV@LCW Project). There are no changes in the planning circumstances since the approval of that application. The applicant has taken steps for implementation of the approved proposal and fulfilling the approval conditions.
- 11.10 Regarding the adverse public comments, which were mainly concerns on adverse heritage, ecological, landscape, environmental, Fung Shui and cumulative impacts, risks in safety and security, disturbance to privacy and daily living of villagers etc, the comments of Government departments and planning assessments above are relevant. Regarding the concerns on the lack of consultation with stakeholders, it is noted that the applicant has undertaken various means to communicate with the villagers. The applicant should be advised to continue to liaise with the villagers to explain the proposed development.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 1.2.2023, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is

commenced or the permission is renewed. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the Town Planning Board;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (d) the provision of the transport service(s) to cater for the passenger demand generated from the operation of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

Advisory Clauses

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

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

The proposed holiday houses are not in line with the planning intention of the "Village Type Development" ("V") zone which is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intention of "V" zone.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 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 date when the validity of the permission should expire.
- 13.3 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.

14. Attachments

Appendix I	Letter and application form received on 11.12.2018
Appendix Ia	Supplementary Planning Statement received on 11.12.2018
Appendix Ib	Supplementary Information received on 13.12.2018
Appendix Ic	Further Information received on 17.2019
Appendix Id	Further Information received on 21.1.2019
Appendix II	Similar Case
Appendix III	Public Comments (Extract)
Appendix IV	Full set of public comments (CD-ROM)
Appendix V	Recommended Advisory Clauses
Drawing A-1	Lot Index Plan
Drawing A-2	Notional Scheme for House Lots
Drawing A-3	Notional Scheme for House Lots
Drawing A-4	Notional Scheme for House Lots
Drawing A-5	Proposed Master Layout Plan
Drawing A-6	Photomontage of House Lot 200 After Restoration
Drawing A-7	Photomontage of House Lot 286 S.B After Restoration
Drawing A-8	Photomontage of Lai Chi Wo Village Layout (Aerial View After Restoration)
Drawing A-9	Artist's Impression - 3D Model Perspective of House Lot 228 A & C
Plan A-1	Location Plan
Plan A-2a	Site Plan
Plan A-2b	Estimated Amount of Land Available within the "V" Zone of Lai Chi Wo Village for Small House Development
Plan A-3a	Aerial Photo (Natural, Cultural Heritage and Recreation/Tourism-Related Resources)
Plan A-3b	Helicopter Photo (Overview of the Village Cluster in Lai Chi Wo)
Plans A-4a to A-4g	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2019**