

**REVIEW OF APPLICATION NO. A/SLC/161  
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed Holiday Camp (Caravan Holiday Camp and Tent Camping Ground)  
in “Coastal Protection Area” zone,  
Lots 2366 in D.D. 316L, Pui O, Lantau Island**

**1. Background**

- 1.1 On 17.7.2020, the applicant, Ms. AU YEUNG Kam Ping, sought planning permission for holiday camp (caravan holiday camp and tent camping ground) at the Application Site (the Site) under s.16 of the Town Planning Ordinance. The Site falls within the “Coastal Protection Area” (“CPA”) zone on the approved South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/21 (**Plan R-1**).
- 1.2 On 4.9.2020, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
- (a) the application was not in line with the planning intention of the “Coastal Protection Area” (“CPA”) zone which was to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It was also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. There was a general presumption against development in this zone. There was no strong planning justification in the submission for a departure from such planning intention;
  - (b) the applicant failed to demonstrate that the proposed development would not have adverse ecological, water quality and sewerage impacts on the surrounding areas; and
  - (c) approval of the application would set an undesirable precedent for similar applications within the “CPA” zone which failed to demonstrate that there was no adverse impact on the natural environment. The cumulative effect of approving such similar applications would lead to a general degradation of the natural environment of the area.
- 1.3 For Members’ reference, the following documents are attached:
- (a) RNTPC Paper No. A/SLC/161 (Annex A)
  - (b) Extract of minutes of the RNTPC meeting held on 4.9.2020 (Annex B)

(c) Secretary of Town Planning Board's letter dated 18.9.2020 (**Annex C**)

2. **Application for Review**

On 25.9.2020, the applicant applied, under s.17(1) of the Ordinance, for review of the RNTPC's decision to reject the application (**Annex D**).

3. **Justifications from the Applicant**

The applicant has not put forth any justification to support the review application.

4. **The Section 16 Application**

*The Site and the Surrounding Area* (**Plans R-1 to R-6**)

4.1 The situation of the Site and the surrounding area at the time of the consideration of the s.16 application by the RNTPC was described in paragraphs 6.1 and 6.2 of **Annex A**.

4.2 The Site has the following characteristics:

- (a) part of the Site abutting the road has been formed and paved and occupied by containers while the remaining part of the Site is cleared and occupied by construction materials. A brick wall has been erected around the Site (**Plans R-4a and R-4b**);
- (b) located to the immediate west of a local road leading to South Lantau Road via Chi Ma Wan Road;
- (c) forms part of the Pui O wetland and falls within the Pui O Site of Archaeological Interest;
- (d) the Site was entirely covered by vegetation in 2002 while land filling activity at the eastern part of the Site was observed in 2003 (**Plan R-6**). On 26.3.2004, revised Master Schedule of Notes with land filling, excavation and diversion of stream restrictions were incorporated in the remarks of the Notes for the "CPA" zone; and
- (e) in 2017 when the previous application (paragraph 4.7) was being processed, the Site was largely covered by grass with the eastern part formed in 2003 occupied by structure/ containers. Since then, the western part of the Site has been gradually filled with soil and gravel with a brick wall constructed around this part of the Site. Some materials and machinery as well as containers could be found at the Site during the site inspections in January, June, October and November 2020. A gate has been erected abutting the road. (Site photos taken from 2017 to 2020 on **Plans R-4a to R-4b and R-5a to R-5c**)

- 4.3 The surrounding areas have the following characteristics:
- (a) predominantly rural in character with abandoned farmland and marshes to the immediate surrounding where buffaloes could be found;
  - (b) a tent camping ground without planning permission is located to the immediate east across the local road (**Plans R-2 and R-4c**);
  - (c) a natural stream, Pui O Beach and Pui O Campsite are situated about 10m, 50m and 170m to the south of the Site respectively; and
  - (d) rural developments including the South Lantao Rural Committee Office and recreational facilities such as South Lantao Community Centre, Pui O Playground and Pui O Children's Playground are located about 100m to the further north of the Site.

#### Planning Intention

- 4.4 There has been no change of the planning intention of the "CPA" zone, which is mentioned in paragraph 7 of **Annex A**.
- 4.5 The "CPA" zone is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantao Coast. 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 are essential infrastructure projects with overriding public interest may be permitted. These scenic and ecologically sensitive coastal areas should also be protected against land filling, land excavation or stream diversion and encroachment by developments.

#### Previous Application

- 4.6 The previous application at the time of the consideration of the s.16 application is mentioned in paragraph 4 of **Annex A**.
- 4.7 The Site is the subject of a previous Application No. A/SLC/148 by the same applicant for proposed filling of land (1.2m) for permitted agricultural use which was rejected by the Rural and New Town Planning Committee (Committee) of the Board on 26.1.2018 mainly on the grounds that there was insufficient information to justify the need for 1.2m land filling for permitted agricultural use; adverse ecological and landscape impacts on the surrounding area; and setting an undesirable precedent for similar applications within the "CPA" zone.

#### Similar Applications

- 4.8 The similar applications at the time of the consideration of the s.16 application are mentioned in paragraph 5 of **Annex A**. Since then, no additional similar application is involved.

- 4.9 There are five similar applications (No. A/SLT/28, 29, 47 and A/SLC/88 and 155) for proposed holiday camp with four involving largely the same site within the same “CPA” zone and the remaining involving another site (**Plan R-1**).
- 4.10 Application No. A/SLT/28 for a proposed holiday camp involving the upgrading of an existing go-cart racing course and development of other new recreational facilities was rejected by the Committee on 24.1.1992 mainly on the grounds that the go-cart racing activity would cause excessive noise nuisance and the motor oil and petrol contamination would cause environmental pollution to nearby water course and Pui O Beach.
- 4.11 Application No. A/SLT/29 for a similar holiday camp development with the deletion of the go-cart racing course was approved with conditions by the Committee on 22.5.1992 mainly on the grounds that the application was in line with the then planning intention of the area which was identified suitable for low-density recreational developments under the consultancy study ‘South Lantau Planning and Development Study’ in 1989; the proposed development would add and provide a variety of recreational facilities compatible with surrounding development and would enhance Pui O as an attractive holiday resort in South Lantau and the environmental problems caused by the existing go-cart racing activities would be relinquished.
- 4.12 Application No. A/SLT/47 involved a similar holiday camp development with change in configuration and boundary of site, an increase of development intensity and an addition of a restaurant as compared with Application No. A/SLT/29. On 12.7.1996, the Committee approved the application with conditions mainly in view of the improved building design and the inclusion of a restaurant would not be incompatible with the proposed holiday camp development.
- 4.13 Application No. A/SLC/88 for the same holiday camp development was submitted due to the lapse of the previous planning permission under Application No. A/SLT/47 and more time was required for the land exchange process. The application was approved with conditions by the Committee on 6.6.2008 mainly on the grounds that there were no significant changes in the planning circumstances; the development was not incompatible with the surrounding areas; and the development was in line with the recommendation of the ‘Revised Concept Plan for Lantau’ in 2007 in which Pui O was recommended to be developed into a family-oriented recreation hub; and the sewage concerns could be addressed by an approval condition on sewage treatment facilities. An Occupation Permit for a 3-storey holiday camp building (Hong Kong Victoria Resort) was issued by Building Authority on 6.11.2015.
- 4.14 On 20.12.2019, Application No. A/SLC/155 for proposed temporary holiday camp (caravan holiday camp) for a period of five years and excavation of land for sewerage and drainage facilities was approved with conditions upon review by the Board on a temporary basis for a period of three years. The application was approved mainly on the grounds that the proposed development was an environmental improvement and was in line with the planning intention for South Lantau in the Sustainable Lantau Blueprint (the Blueprint) to encourage conservation with sustainable leisure and recreational uses.

- 4.15 Details of the similar applications are summarized at Appendix III of **Annex A** and their locations are shown on **Plan R-1**.

## **5. Comments from Relevant Government Departments**

- 5.1 Comments on the s.16 application made by relevant government departments are stated in paragraph 8 of **Annex A**.
- 5.2 For the review application, the following government departments have been further consulted and their views on the review application are summarized as follows:

### **Land Administration**

- 5.2.1 Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):

- (a) the lot is demised for agricultural purposes under the Block Government Lease. Under the lease conditions, no structure(s) shall be erected on the Lot without LandsD's prior approval. If any structure(s) is/are to be erected, prior approval must be obtained from LandsD;
- (b) a warning letter against the unauthorised structures on the Lot was issued on 17.10.2016. As the breach had not been purged upon expiry of the grace period stated in the warning letter, the warning letter was registered in the Land Registry on 19.1.2017 as an encumbrance of the Lot. Subsequently, the breach was found purged during a site inspection on 14.2.2018. A 'cancellation letter' was then issued to the owner of the Lot and registered in the Land Registry on 28.5.2018. Further site inspection were conducted on 25.7.2019 and 2.9.2020 respectively. No breach of lease conditions was detected;
- (c) from land administration point of view, there is no adverse comment. However, please note the following:
  - (i) it is noted that the proposed development will provide lodging accommodation and other related facilities to customers. Presumably, the proposed development is a profit making undertaking. In this regard, the proposed use carries commercial element; and
  - (ii) if planning approval is given and structure(s) is/are to be erected for the proposed development, the owner of the Lot has to submit an application to seek his office's approval for the structure(s). His office will process such application in the capacity of the landlord. However, there is no guarantee that such approval will be given by LandsD. If the application under lease is finally approved, the approval will be subject to such terms and

conditions (including payment of fees) imposed by LandsD.

### **Drainage**

5.2.2 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD):

- (a) he does not support the application as there is no satisfactory stormwater drainage and site formation proposals in the submission to demonstrate that there would be adequate measures provided at the resources of the applicant to avoid the Site from being eroded and flooded and to ensure flooding susceptibility of the adjoining areas would not be adversely affected by the proposed development;
- (b) no current / planned DSD projects nor DSD facilities would be affected by the application based on his latest record; and
- (c) adequate stormwater drainage collection and disposal facilities shall be provided to deal with the surface runoff of the Site or the same flowing onto the Site from the adjacent areas. The applicant shall check and ensure that the proposed drainage works and their downstream drainage systems have adequate capacity and are in good conditions to accommodate the surface runoff collected from the Site and its upstream catchments. The applicant shall effect any subsequent upgrading of these proposed works and the downstream drainage systems whenever necessary.

5.3 The following government departments have no further comments on the review application and maintain their previous views on the s.16 application as stated in paragraph 8 in **Annex A** which are recapitulated below:

### **Lantau Development**

5.3.1 Comments of the Head of Sustainable Lantau Office, Civil Engineering and Development Department (H(SLO), CEDD):

- (a) the Site is a subject of environmental vandalism case reported to his office and other relevant departments by green groups and concerned parties repeatedly in 2017, 2018 and 2019;
- (b) according to aerial photos, a small portion of the Site was formed in 2003 and a structure was built on the formed land in 2013. According to site inspections, the development on site has intensified gradually since late 2017. Currently, the whole site has been filled with construction and demolition wastes / materials, fence wall has been erected, and part of the Site is occupied by converted containers;
- (c) according to the remarks of the “CPA” zone of the OZP, any

filling of land or excavation of land even for those permitted uses / developments (except maintenance or repair works) after the gazettal of the draft SLC OZP No. S/SLC/13 (i.e. March 2004) requires permission from the Town Planning Board. It appears that there is no planning approval granted to the land filling / site formation works for the development at the Site;

- (d) it should be carefully considered whether the approval of the application may encourage the practice of 'Destroy First, Develop Later' or set the precedent in the area, taking into account that non-conforming land uses or activities in South Lantau are not enforceable by the Planning Authority, and there are many environmental vandalism cases reported in South Lantau, in particularly in Pui O wetland which has been proposed for conservation under the Blueprint promulgated by the Government in 2017. The potential cumulative impact of approving the application should also be considered;
- (e) the applicant claims in the FI under s.16 application (Appendix Ic of **Annex A**) that 'the proposal includes education, tree plantation and promotion of resource recycling system' ('因此本人會從最普遍的改善方式着手，包括宣傳教育、植樹、推動資源循環系統等'), yet there is no detail in the submission even from this general aspect. There is insufficient information on whether the habitat of Pui O wetland might be improved; and
- (f) his office has no on-going or planned project which has interface with the application site.

### **Nature Conservation**

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

- (a) he has reservation on the application as the proposed development would have potential adverse impact to the wetland habitats and the fauna therein;
- (b) it is noted that there was submission to Environmental Protection Department (EPD) under the Waste Disposal Ordinance (WDO) at the Site. The Site is situated on roadside, partly paved and occupied with an existing structure. The Site and its surrounding abandoned farmland form part of the Pui O wetland, a home to a diversity of wetland dependent wild fauna as well as the feral buffaloes;
- (c) considering that part of the Site is undisturbed and forms part of the Pui O wetland, it is sceptical if land filling or site formation is genuinely not required for placing the caravans and camping tents as claimed in FI submitted in the s.16 application; and

- (d) the FI submitted in the s.16 application fails to provide detailed information related to drainage treatment and to demonstrate how the drainage and sewage would not affect the vulnerable surrounding wetland habitats.

### **Environment and Sewerage**

#### 5.3.3 Comments of the Director of Environmental Protection (DEP):

- (a) he has reservation on the application;
- (b) while the Site is located within 100m from the gazetted Pui O Beach, he considers the applicant could not demonstrate the current proposed handling method of wastewater and treatment system would not result in adverse impacts on the water quality of the surrounding areas based on the following:
  - (i) for the proposed handling method of wastewater arising from the holiday camp activities, the applicant has not provided any management measure to be implemented to ensure the visitors would properly dispose of wastewater at the designated collection tanks for subsequent treatment and reuse;
  - (ii) it is expected that the wastewater would contain oil and grease arising from the proposed holiday camp activities, the wastewater is expected to contain very high nutrient, organic and microbiological loads which could only be effectively treated by a proper wastewater treatment system to ensure no adverse impacts on the water quality of the surrounding areas;
  - (iii) the applicant has stated that the sewage would be purified by means of 'biological treatment process', there is however no information provided to substantiate the performance, practicability and operability of the proposed system for treating sewage;
  - (iv) the applicant should also pay attention that according to Section 5.3.2 of the Hong Kong Planning Standards and Guidelines (HKPSG), no new discharge outlet, either storm or foul drain, nor any soakaway pit for effluent disposal should be located within 100m of the boundaries of any gazetted beach in any direction, including rivers and streams;
- (c) the proposed holiday camp itself is an air sensitive use, sufficient buffer distance for road and chimney emission in Table 3.1 of HKPSG should be provided. Prior agreement with Transport Department on the type of road for the determination of the buffer distance required for roads should be sought and



documented. However, there is no information in the submission in identifying the type of road for the determination of the buffer distance required for roads;

- (d) the applicant is reminded to observe and comply with the prevailing guidelines and legislative requirements on waste management issues arising from the proposed development;
- (e) should the Board approve the application, approval conditions on the submission and implementation of sewage and wastewater treatment/ disposal proposal to the satisfaction of DEP or of the Board are recommended; and
- (f) there were 11 complaints in the past three years for the application site. All 11 complaints were related to the landfilling activities carried out on part of the Site.

### **Landscape**

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

- (a) she has reservation on the application from landscape planning perspective;
- (b) according to the aerial photo of 2019 and the site photos (**Plans R-3, R-4a to R-4b**), the Site is partly concrete paved and partly covered with grass. Containers and storage of materials are observed within the Site. The Site is situated in an area of rural and natural landscape character predominated by tree groups and grassland with Pui O Beach located to the south and Pui O Playground at the further north of the Site. The proposed development is not entirely incompatible with the landscape character of the surrounding area;
- (c) with reference to the aerial photos from 2002 to 2019 (**Plans R-3 and R-6**), vegetation removal, concrete paving of the Site and construction of temporary structure were observed within the Site over the years. Significant landscape impact has been taken place. There is a concern that approval of the application would set an undesirable precedent to encourage similar applications to undertake vegetation clearance and development prior to obtaining planning permission. The cumulative impact of which would result in a general degradation of the landscape quality of the surrounding natural environment within the “CPA” zone; and
- (d) in view that the Site is located at an area of high landscape value, should the application be approved by the Board, the following approval condition is recommended:

the submission and implementation of a landscape proposal to

the satisfaction of the Director of Planning or of the Board.

### **Urban Design and Visual**

#### 5.3.5 Comments of CTP/UD&L, PlanD:

the Site is located to the north of Pui O Beach and accessible from South Lantau Road and Chi Ma Wan Road. The Site and its surroundings are predominantly vacant with some vegetation scattering to the south of the Site. As the proposed holiday camp is small in scale with 4 caravans (4.8m (W) x 2m (L) x 3m (H)) and areas of tent camping ground (expected capacity of 4 tents), it is considered compatible with the surrounding environment and no significant visual impact is anticipated.

### **Traffic**

#### 5.3.6 Comments of the Commissioner for Transport (C for T):

- (a) he has no in-principle objection to the application from traffic engineering point of view; and
- (b) the existing access roads in the vicinity of the Site are not managed by the Transport Department.

### **Building Matters**

#### 5.3.7 Comments of the Chief Building Surveyor/New Territories East 1 & Licence (CBS/NTE1&L), Buildings Department (BD):

- (a) if the proposed development involves building works, prior approval and consent should be obtained from the Building Authority (BA). In this connection, the following should be observed:
- (b) if there are existing structures which had been erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under this application;
- (c) for unauthorised building works (UBW) erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
- (d) if the proposed use under application is subject to the issue of a licence, please be reminded that the building safety and other relevant requirements as may be imposed by the licensing authority would need to be complied with; and

- (e) in connection with the drainage/sewage proposal, the applicant's attention is drawn to the provisions of the Building (Standards of Sanitary Fittings, Plumbing, Drainage Works and Latrines) Regulations, in particular its Regulations 40 and 41.

5.3.8 Comments of the Chief Building Surveyor/Section A, Existing Building Division 1 (CBS/A), BD:

based on the available information, no enforcement action would be taken by BD as the associated building works fall within the exemption criteria set out in Part 2 of the Schedule to the Buildings Ordinance (Application to the New Territories) (Cap.121).

**Fire Safety**

5.3.9 Comments of the Director of Fire Services (D of FS):

- (a) he has no specific comment on the proposal;
- (b) as there is no information related to the provision of fire service installations (FSI), comment on the aspect of FSI cannot be made at the moment. Licensing requirements will be imposed upon receipt of formal licence application;
- (c) the applicant is advised to observe the following guidelines and conditions which are available on the website of the Office of the Licensing Authority of Homes Affairs Department:
  - (i) A Layman's Guide to Licence Applications under the Hotel and Guesthouse Accommodation Ordinance;
  - (ii) A Guide to Licence Applications for Guesthouse (Holiday Camp) – Caravan Camp Site under the Hotel and Guesthouse Accommodation Ordinance; and
  - (iii) General Licensing Conditions for Caravan Camp Site providing short-term sleeping accommodation.
- (d) should the Board approve the application, the following approval condition is recommended:

the provision of fire service installations and water supplies for firefighting and access for fire services appliances and personnel to the satisfaction of the D of FS or of the Board.

**Water Supply**

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

as the existing water supply system at South Lantau is a small system

with limited capacity, and considering that there are other proposed residential developments in South Lantau that will also increase water demand, the water supply system in South Lantau may not be able to accommodate any further additional water demand. The applicant should advise whether a government water supply would be required.

### **Licensing**

5.3.11 Comments of the Chief Officer (Licensing Authority), Office of the Licensing Authority, HAD (CO(LA), HAD):

- (a) for the proposed caravan holiday camp with provision of short-term sleeping accommodation at a fee, if their mode of operation falls within the definition of 'hotel' or 'guesthouse' under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (the 'HAGAO'), a licence under the HAGAO must be obtained before operation;
- (b) the applicant is strongly advised to observe the 'General Licensing Conditions for Caravan Camp Site providing short-term sleeping accommodation' and 'A Guide to Licence Applications for Guesthouse (Holiday Camp) – Caravan Camp Site under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349)' (the Guide) available in the website of the Office of Licensing Authority. Particular attention should be drawn to the requirements of site location as set out in the Guide;
- (c) for any structure which constitutes as 'building works' or 'building' under the Buildings Ordinance to be included into the licence, the applicant should submit a copy of either an occupation permit issued by the Building Authority (BA) or a Certificate of Compliance issued by LandsD when making an application under the HAGAO; and
- (d) detailed licensing requirements will be formulated upon receipt of application under HAGAO.

### **Archaeological Interest**

5.3.12 Comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(AM), AMO), Development Bureau:

he has no objection to the application from cultural heritage viewpoint in view of the condition of the Site as well as the location and scope of the proposed development. Nevertheless, the applicant is required to inform AMO the construction schedule for his site inspection and inform AMO immediately if antiquities or supposed antiquities are discovered within the Site.

**Others**

5.3.13 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) he has no adverse comment on the proposed holiday camp from district management perspective subject to the applicant's strictly compliance to the following conditions:
  - (i) to ensure that no sewage would be released to Pui O Beach; and
  - (ii) to provide necessary facilities (e.g. toilets, changing rooms, showering facilities and etc.) for their campers that they would not heavily rely on the auxiliary facilities provided by Leisure and Cultural Services Department; and
- (b) he has no comment on the application from tree preservation perspective given that there is no roadside tree maintained by his department at the Site and in the vicinity.

**District Officer**

5.3.14 Comments of the District Officer (Islands), Home Affairs Department (DO/Is, HAD):

- (a) no specific comment on the application from local works perspective as the proposed development will not affect the current or impending works of his office in the vicinity; and
- (b) the issues of suspected illegal developments, constructions and operations of caravan holiday camp, tent camping ground and holiday bungalow in Pui O and other "CPA" zone in South Lantau have been frequently raised by Save Lantau Alliance this year. Therefore, it is envisaged that the application would arouse similar concern from the said association and even other concerned groups or the like.

5.4 The following government departments have been further consulted and maintain their previous views of having no comment on / no objection to the review application:

- (a) Chief Highway Engineer/NT East, Highways Department (CHE/NTE, HyD);
- (b) Director of Electrical and Mechanical Services (DEMS); and
- (c) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD).

## **6. Public Comments on the Review Application Received During Statutory Publication Periods**

- 6.1 On 9.10.2020, the review application was published for public inspection. During the three-week statutory public inspection periods which ended on 30.10.2020, 342 public comments from the Kadoorie Farm & Botanic Garden Corporation, the Hong Kong Bird Watching Society, the Conservancy Association, the Living Islands Movement, the Save Lantau Alliance, the World Wild Fund Hong Kong and individuals (including 224 standard letters in two forms (**Annex E-a and E-b**) were received. Amongst the public comments received, 341 raising objection to and/or concerns on the application and there is one supportive comment on the application (**Annex E-c**)<sup>1</sup>. The main grounds of objection and concerns include that the proposed development is not in line with the planning intention of the “CPA” zone and the Blueprint; not an infrastructure; unnecessary holiday camp development; ‘Destroy First, Build Later’ case; adverse impacts to the natural habitat of wildlife and buffaloes in Pui O wetland; adverse impacts on ecological, landscape, sewerage, traffic and water quality aspects; concerns on waste management; lack of essential infrastructure to support additional visitors; and setting of undesirable precedent. The supportive comment was given on the grounds that it provides special tourist attraction and better utilise vacant land.
- 6.2 At the stage of s.16 application, 5,767 public comments on the application from 香港野生雀鳥保育關注組, the Kadoorie Farm & Botanic Garden Corporation, the Living Islands Movement, the Save Lantau Alliance, the Designing Hong Kong Limited, the Conservancy Association, the World Wide Fund Hong Kong, the Hong Kong Bird Watching Society and individuals were received raising objection to and/or concerns on the application. Details of the comments are in paragraph 9 and Appendix III of **Annex A**.

## **7. Planning Consideration and Assessments**

- 7.1 The application is for a review of RNTPC’s decision on 4.9.2020 to reject the subject application for a proposed holiday camp (caravan holiday camp and tent camping ground) within the “CPA” zone. The subject application was rejected by the RNTPC mainly on the grounds that the proposed development is not in line with the planning intention of the “CPA” zone; no information has been provided to demonstrate that the proposed development would not have adverse ecological, water quality and sewerage impacts; and approval of the application would set an undesirable precedent for similar applications within the “CPA” zone.
- 7.2 The applicant has not submitted written response to substantiate the review application and there is no change to the planning circumstances. Planning consideration and assessments on the review application are appended below.
- 7.3 The planning intention of the “CPA” zone is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including

---

<sup>1</sup> The full set of public comments received by the Board is deposited at the meeting for inspection and attached to the electronic copy.

attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. 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 infrastructure project with overriding public interest may be permitted. However, the proposed development is not in line with the planning intention to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment and to safeguard the beaches and their immediate hinterland. There is no strong planning justification in the submission for a departure from such planning intention.

- 7.4 The Site is located within Pui O wetland surrounded by abandoned farmland and marshes which is rich in biodiversity of wetland plants and macro-invertebrates. The applicant claims in the s.16 application that the proposed holiday camp is in line with the 'Lantau Tomorrow Vision' and the policy direction of 'Development in the North, Conservation for the South' as no massive infrastructure is required and the environmental impact by the proposed development is low. H(SLO) of CEDD advises that the Pui O wetland has been proposed for conservation under the Blueprint. The applicant fails to demonstrate in the submission that the proposed development would not result in adverse impact to the wetland habitat or could enhance the ecology of the Pui O wetland. DAFC also has reservation on the application as the proposed development would have potential adverse impact to the wetland habitats and the fauna therein.
- 7.5 The existing landscape character of the Site is a rural and natural area with tree groups and grassland scattered along the coast at the southern side of the Site. While the CTP/UD&L of PlanD advises that the proposed holiday camp is considered compatible with the surrounding environment from visual impact point of view and no significant visual impact is anticipated, she has reservation on the application from landscape planning perspective as with reference to the aerial photos from 2002 to 2019 (**Plans R-3 and R-6**), vegetation removal, concrete paving of the Site and construction of temporary structure were observed within the Site over the years. Significant landscape impact has been taken place. Approval of the application would set an undesirable precedent to encourage similar applications to undertake vegetation clearance and development prior to obtaining planning permission.
- 7.6 There is currently no public sewerage system to serve the Site and the Site is located within the Pui O wetland. A stream and the Pui O Beach are located to its south. The applicant proposes in the s.16 application that sewage collected in dry toilets and containers to be provided next to the proposed caravans could be reused for irrigation and cleaning purposes after treatment by purification. However, DEP has reservation on the application as the applicant fails to demonstrate that the proposed handling method of wastewater and treatment system would not have adverse impacts on the water quality of the surrounding areas. There is no submission of stormwater drainage and site formation proposals in the submission. CE/HK&I of DSD does not support the application as the applicant fails to demonstrate that there would be adequate measures

provided to avoid the Site from being eroded and flooded and to ensure flooding susceptibility of the adjoining areas would not be adversely affected by the proposed development. DAFC also considers the applicant fails to provide detailed information related to drainage treatment and to demonstrate how the drainage and sewage would not affect the surrounding vulnerable wetland habitats.

- 7.7 The Site was the subject of a previous application No. A/SLC/148 for proposed filling of land (1.2m) for permitted agricultural use which was rejected by the Committee in 2018 for the grounds of insufficient information to justify the need for 1.2m land filling for permitted agricultural use; adverse ecological and landscape impacts on the surrounding area; and setting an undesirable precedent. When the previous application was submitted in December 2017, only a relatively small portion at the eastern part of the Site was filled and occupied by structures and construction materials (**Plans R-5a to R-5c**). During the processing of the previous application in late 2017 and early 2018, it was observed that the western part of the Site had been gradually filled without planning permission and a brick wall had been constructed along the site boundary in the west (**Plans R-5a to R-5c**). However, filling of land does not form part of the current application as the applicant claims that land filling is not required for the proposed development. DAFC queries if filling of land or site formation is genuinely not required for placing the caravans and camping tents. DEP has advised that there were 11 environmental complaints received in the past three years in relation to landfilling activities at part of the Site. H(SLO) of CEDD has also received reports on environmental vandalism at the Site by green groups and concerned parties repeatedly from 2017 to 2019 and considers that approval of the application may encourage the practice of ‘Destroy First, Develop Later’.
- 7.8 The similar application (No. A/SLT/29 and 47 and A/SLC/88) for holiday camp use to the north of the Site was first approved by the Board in 1992 mainly on the ground that the proposed holiday camp was in line with the recommendation of the then “South Lantau Planning and Development Study” in 1989 that Pui O was identified suitable for low-density recreational development. In view of the latest planning context depicted in the Blueprint promulgated in 2017, the predominant part of Lantau, in particular the South Lantau, is proposed for conservation with sustainable leisure and recreational uses. A recent planning application No. A/SLC/155 was approved by the Board in 2019 on a temporary basis for a period of three years mainly on the grounds that the proposed development was an environmental improvement and was in line with the planning intention for South Lantau in the Blueprint to encourage conservation with sustainable leisure and recreational uses. For the subject application, the application is permanent in nature and the applicant fails to demonstrate in the submission that the proposed development would not result in adverse impact to the wetland habitat. There are other existing caravan holiday camps within the “CPA” zone in South Lantau Coast area without valid planning permission. Granting of approval to the application would set an undesirable precedent for similar applications within the “CPA” zone which fail to demonstrate that there is no adverse impact on the natural environment in the “CPA zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment and landscape of the area.



- 7.9 There are 342 comments objecting to/raising concerns on the application and one comment indicating support to the application as detailed on paragraphs 6.1. The planning assessment and government departments' comments above are relevant.

## **8. Planning Department's Views**

- 8.1 Based on the assessments made in paragraph 7 and having taken into account the public comments in paragraph 6 and given that there is no change in planning circumstances since the rejection of the application by the RNTPC, PlanD maintains its previous view of not supporting the review application for the following reasons:

- (a) the application is not in line with the planning intention of the "CPA" zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. There is a general presumption against development in this zone. There is no strong planning justification in the submission for a departure from such planning intention;
- (b) the applicant fails to demonstrate that the proposed development would not have adverse ecological, water quality, drainage and sewerage impacts to the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the "CPA" zone which fail to demonstrate that there is no adverse impact on the natural environment. The cumulative effect of approving such applications would lead to a general degradation of the natural environment of the area.

- 8.2 Alternatively, should the Board decide to approve the review application, it is suggested that the permission shall be valid until **11.12.2024**, 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 also suggested for Members' reference:

### Approval Conditions

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services of the Town Planning Board;
- (c) the submission and implementation of sewage and wastewater treatment/disposal proposal to the satisfaction of Director of Environmental

Protection or of the Town Planning Board; and

- (d) the provision of fire service installations and water supplies for firefighting and access for fire services appliances and personnel to the satisfaction of Director of Fire Service or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are attached at **Annex F**.

### **9. Decision Sought**

- 9.1 The Board is invited to consider the application for a review of the RNTPC's decision and decide whether to accede to the application.
- 9.2 Should the Board decide to reject the review application, Members are invited to advise what reasons for rejection should be given to the applicant.
- 9.3 Alternatively, should the Board decide to approve the application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.

### **10. Attachments**

<b>Plan R-1</b>	Location Plan
<b>Plan R-2</b>	Site Plan
<b>Plan R-3</b>	Aerial Photo
<b>Plans R-4a to R-4c</b>	Site Photos
<b>Plan R-5a to R-5c</b>	Site Photos from 2017 to 2020
<b>Plan R-6</b>	Aerial Photos
<b>Annex A</b>	RNTPC Paper No. A/SLC/161
<b>Annex B</b>	Extract of minutes of the RNTPC meeting held on 4.9.2020
<b>Annex C</b>	Secretary of Town Planning Board's letter dated 18.9.2020
<b>Annex D</b>	Letter dated 25.9.2020 from the applicant applying for a review of the RNTPC's decision
<b>Annex E-a</b>	Public Comments – Standard Comment I
<b>Annex E-b</b>	Public Comments – Standard Comment II
<b>Annex E-c</b>	Other Public Comments
<b>Annex F</b>	Recommended Advisory Clauses