

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-CWBN/71

<u>Applicant</u>	:	Seeds of Joy Community Limited represented by Lanbase Surveyors Limited
<u>Site</u>	:	Various Lots ¹ in D.D. 227 and Adjoining Government Land, Pak Shui Wun, Sai Kung, New Territories
<u>Site Area</u>	:	About 10,987.75m ² (including about 132.75m ² of government land)
<u>Land Status</u>	:	(i) Block Government Lease (demised for agricultural use) (about 99% of the Site) (ii) Government Land (about 1% of the Site)
<u>Plan</u>	:	Approved Clear Water Bay Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/6
<u>Zoning</u>	:	“Conservation Area” (“CA”)
<u>Application</u>	:	Proposed Temporary Organic Farmland cum Education Centre for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary organic farmland cum education centre for a period of three years at the application site (the Site), which falls within an area zoned “CA” on the approved Clear Water Bay Peninsula North OZP No. S/SK-CWBN/6 (the OZP) (**Plan A-1**). According to the Notes of the OZP, organic farmland which is regarded as ‘Agricultural Use (other than Plant Nursery)’ is always permitted within the “CA” zone. However, according to the covering Notes of the OZP, temporary education centre not exceeding a period of three years requires permission from the Town Planning Board (the Board). The Site is currently used as an organic farm which is partly

¹ Including Lots 130, 131 S.A, 131 RP, 132, 133, 134 S.A, 134 RP, 135, 136 S.A, 136 S.B, 136 RP, 137 S.A, 137 RP, 138, 139 S.A, 139 RP, 140, 141, 142, 143, 144, 145, 146, 147 (Part), 148, 149, 151, 152, 158, 159, 160 and 161.

occupied by some structures and partly agricultural land under cultivation. The southern portion of the Site was previously covered by a planning permission for filling and excavation of land for agricultural use on a temporary basis of three years, and the permission expired in 2011. The applicant has not applied for filling and excavation of land under the current application.

- 1.2 The application is for a temporary organic farmland cum education centre comprising 17 existing single-storey structures at the Site, which is divided into two parts by a stream and is connected by a wooden bridge. According to the applicant, the proposed education centre, which would provide education programmes and activities related to organic farming and ecological conservation at the existing organic farm, would only serve exclusive members and/or education programme participants upon appointment. It would be open from 9:00am to 6:00pm daily and would accommodate about 30 visitors at a time. The Site is not accessible by vehicles but a walking path from the University Road further uphill to its southwest. The staff and visitors would take public transport to the entrance of the walking path near the Hong Kong University of Science and Technology (HKUST) and walk to the Site. There is a Pak Shui Wun Site of Archaeological Interest (Pak Shui Wun SAI) within the Site and the applicant has submitted archaeological surveys and assessments at **Appendix Ia**. The layout plan and access route plan submitted by the applicant are at **Drawings A-1** and **A-2**. The major development parameters and the proposed uses are shown in the following table:

Site Area	About 10,987.75m ²
Total Floor Area	1,320.015m ² (equivalent to a plot ratio of about 0.12)
Site Coverage	About 12%
No. of Structures	17 (all are existing structures)
Building Height	1 storey (2.5m to 4.5m)
Proposed Uses²	<ul style="list-style-type: none"> • Education Centre (No. 2) • Open Shelter for storage of agricultural products (No. 1) • Animal Shed (No. 3) • Office (No. 4) • Staff kitchen (No. 7) • Open Shelter for staff rest area (No. 8) • Storerooms for agricultural products and farming instruments (No. 5, 6, 9, 10, 12, 13, 15) • Rainproof and shading shed (No. 11) • Staff changing room (No. 14) • Toilets (No. 16 and 17)

² Structure No. 2 is the only structure proposed for the purpose of education centre while the other structures are for agricultural use.

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

- (a) Application Form with planning statement received on 11.1.2023 (**Appendix I**)
- (b) Further Information (FI) received on 17.2.2023[#] (**Appendix Ia**)
- (c) FI received on 16.3.2023* (**Appendix Ib**)
- (d) FI received on 3.4.2023* (**Appendix Ic**)
- (e) FI received on 8.5.2023* (**Appendix Id**)
- (f) FI received on 11.5.2023* (**Appendix Ie**)

[#] *accepted but not exempted from publication and recounting requirements*

* *accepted and exempted from publication and recounting requirements*

1.4 On 31.3.2023, the Rural and New Town Planning Committee (the Committee) agreed to the applicant's request to defer making a decision on the application for two months.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the planning statement and FIs at **Appendices I to Ie**. They can be summarised as follows:

- (a) the application is to reflect the existing agricultural use and to establish a temporary education centre within the Site to promote organic farming, agricultural study research and educational activities, which are in line with the planning intention of the "CA" zone. Approval of the application on a temporary basis would not compromise the future long-term planning of the area;
- (b) the Site has been operated as an organic farm for years. To further promote organic farming and ecological conservation, it is proposed to develop a self-sustainable project with the Sai Kung Community Centre for providing social and community services to local family, youth and students. The farming areas within the Site would be used as data collection and demonstration of farming activities for supporting the delivery of education programmes, which would be in form of seminars, field trips, workshops and demonstration on the farming areas. The members/education programme participants would not be allowed to involve in farming activities or interaction with the animals. Charges on different activities are required but discount will be offered to those in need. The proposed use is supported by the Hang Hau Rural Committee, Tai Po Tsai Village Rural Committee, Pik Shui Sun Tsuen Mutual Aid Committee, Sai Kung and Tseung Kwan O Women's Association Limited and the HKUST;
- (c) structure No. 2 is the only structure proposed for education centre use while other existing structures are for agricultural use (**Drawing A-1**). The existing temporary

structures at the Site are made of containers and/or precast metals and woods and the erection of the concerned structures did not involve excavation and land filling/site formation/ levelling. Since the approval of the previous planning application No. A/SK-CWBN/8, there has been increase in agricultural structures and site area to cater for the gradual development of the existing organic farmland;

- (d) the operation of the proposed education centre would support local employment;
- (e) the proposed use is compatible with the surrounding environment and uses including the beach of Pak Shui Wun Beach and HKUST. No adverse visual, environmental, landscape or traffic impact is anticipated. The existing trees on the Site would be preserved;
- (f) no activities or construction works are proposed at the Pak Shui Wun SAI (**Plan A-2a**). A buffer distance of about 1m surrounding the Pak Shui Wun SAI will be provided as mitigation measures to protect the concerned archaeological area. No adverse cultural heritage impact is anticipated;
- (g) the applicant is continuously communicating with the Lands Department (LandsD) to regularise the existing unauthorised structures at the Site and is willing to rectify/regularise the lease breaches as required by LandsD. Upon obtaining planning permission for the proposed development, the applicant will submit application(s) to LandsD to regularise any irregularities at the Site; and
- (h) the Site would be reinstated to the organic farmland upon expiry of the planning permission. The temporary structures on the Site would not be removed and the education centre (i.e. structure No. 2) would be converted to agricultural use subject to the Government's approval.

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

The applicant is not a “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 obtaining consent of the ‘current land owner’ of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the government land portion, the requirements as set out in the TPB PG-No. 31A are not applicable.

4. **Background**

Majority part of the Site is subject to planning enforcement action (No. E/SK-CWBN/60) (**Plan A-2a**). An Enforcement Notice was issued on 16.3.2022 requiring the discontinuance of unauthorized developments on private lots within the

Site, including uses for place of recreation, sports or culture (including hobby farm), holiday camp, eating place, shop and services and storage. The concerned unauthorized developments have been discontinued with Compliance Notice issued on 31.8.2022. On 10.11.2022, a Reinstatement Notice (RN) was issued requiring the registered land owner to reinstate the concerned land by removing the fill materials (including hard paving and concrete for internal footpaths) and grassing the concerned areas. If the RN is not complied with, prosecution action may be taken.

5. Previous Application

- 5.1 The southern part of the Site is the subject of a previous application (No. A/SK-CWBN/8) for proposed filling and excavation of land for agricultural use (organic farm)³ in the “CA” zone with minor encroachment onto the “Coastal Protection Area” (“CPA”) zone submitted by a different applicant. The application was approved with conditions by the Board upon review on 28.11.2008 on a temporary basis of three years, instead of a permanent basis as applied for, in order to enable close monitoring of the application. The application was approved mainly on the grounds that the extent of ploughing of 30cm top soil and adding of organic materials of 6 to 8cm was a reasonable extent for the proposed organic farm use. The proposed organic farm was implemented, with most of the approval conditions complied with except the one requiring that upon cessation of the organic farm, the site should be reinstated. The planning permission expired on 29.11.2011 and the Site has not been reinstated. The Site is currently not covered by valid planning permission.
- 5.2 Compared with the previous application No. A/SK-CWBN/8, the current application involves increases in site area (from about 7,000m² to about 10,987.75m², or +57%), site coverage (from about 3.8% to about 12%, or +216%) and number of temporary structures (from eight to 17, or +113%). Besides, no filling and excavation of land is included in the current application.
- 5.3 Details of the previous application are summarised at **Appendix II** and the location is shown on **Plan A-2a**.

6. Similar Application

There is a similar application (No. A/SK-CWBN/66) within the “CA” and “CPA” zones in another area on the OZP (**Plan A-1**). The application was for proposed temporary educational field study centre for a period of three years and associated excavation of land and was rejected by the Committee on 24.9.2021 mainly on the grounds that the proposal was not in line with the planning intention of the “CA” and “CPA” zones and

³ The application had a site area of about 7,000m² and involved ploughing of 30cm top soil and adding of organic materials of 6 to 8cm deep for agricultural use. Eight single-storey structures with a total floor area of 266m² to support the operation of the organic farm were proposed.

that the applicant failed to demonstrate that the proposed development would not cause adverse ecological, traffic and sewerage impacts on the site and the surrounding area. Details of the similar application are summarised at **Appendix II** and the location is shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1, A-2a and A-2b, Aerial Photos on Plans A-3a and A-3b and Site Photos on Plans A-4a to A-4c)

7.1 The Site is:

- (a) located in a lower valley of Pak Shui Wun with a stream passing through and leading to the beach of Pak Shui Wun;
- (b) consisting of two portions linked up by a wooden bridge across the stream;
- (c) currently occupied by 17 existing structures, cultivation areas and fallow agricultural land in a fenced-off farm namely Natures Harvest Organic Farm and Leisure Getaway (清新地有機悠閒莊園);
- (d) embedding the Pak Shui Wun SAI identified by the Antiquities and Monuments Office (AMO); and
- (e) currently not accessible by vehicles but a walking path of about 640m leading to the University Road further uphill to its southwest. There is a level difference of about 120m between the Site and the University Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north, west and south of the Site are densely vegetated slopes within the same “CA” zone;
- (b) to the east of the Site are a low-lying area in the “CPA” zone and a sand beach of Pak Shui Wun fronting Ngau Mei Hoi (Port Shelter);
- (c) to the further south and southwest of the Site are the main campus and the staff residences of HKUST; and
- (d) to the further west of the Site are low-rise village houses in Pik Shui Sun Tsuen.

8. Planning Intention

- 8.1** 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.

- 8.2 There is a general presumption against development in the “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 are essential infrastructure projects with overriding public interest may be permitted.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III** and **IV** respectively.
- 9.2 The following government departments have been consulted and their views on the application are summarised as follows:

Lands Administration

9.2.1 Comments of the District Lands Officer/Sai Kung, LandsD (DLO/SK, LandsD):

- (a) the Site falls on 32 lots and three pieces of government land in D.D. 227. The private lots are Old Schedule Agricultural Lots held under the Block Government Lease which contains restriction that no structures are allowed to be erected without prior approval of the Government;
- (b) he has adverse comments on the planning application since there are unauthorized structures on 11 lots (namely Lots No. 131 S.A, 132, 137 S.A, 137 RP, 138, 139 S.A, 139 RP, 140, 145, 151 and 159 in D.D. 227) within the Site which are already subject to lease enforcement action. Moreover, unauthorized structures were also erected on other private lots namely Lots No. 130, 133, 134 S.A, 134 RP, 135, 136 S.A, 136 S.B, 136 RP, 148, 152 and 158 all in D.D. 227 within the Site which will be subject to lease enforcement action to be taken (**Plan A-2b**). The lots owner should rectify/regularise the lease breaches as demanded by LandsD. There is no permission given for occupation of the government land within the Site boundary. Any occupation of government land without the Government’s prior approval is not allowed and will be subject to land control action by LandsD;

- (c) the proposed layout plan indicates a 'walking path' on government land linking the entrance at the southeastern part of the Site. The applicant should note that there is no guarantee to the grant of a right of way over government land to the Site or approval of emergency vehicular access thereto. In case any government land is found to have been unlawfully occupied or excavated, enforcement action in accordance with the Land (Miscellaneous Provisions) Ordinance (Cap. 28) will be taken;
- (d) the access route in the form of a 'walking path' partly falls on Lot No. 846 in D.D. 227 and across a licence granted to the HKUST. The applicant should liaise with the HKUST on the use of the access route falling within the aforementioned areas; and
- (e) the advisory comments are at **Appendix IV**.

Heritage Conservation

9.2.2 Comments of the Executive Secretary (Antiquities and Monuments), AMO (ES(A&M), AMO):

- (a) with reference to the finding of the previous archaeological surveys/assessment, the cultural layers of the Song and Yuan dynasties are identified 30cm to 50cm beneath the ground surface level of the Pak Shui Wun SAI. The assessment concludes that the mitigation measures agreed with AMO should be implemented prior to the commencement of the works like farming activities (which will likely disturb the cultural layers in the SAI) to the satisfaction of AMO under the Antiquities and Monuments Ordinance (Cap. 53);
- (b) the applicant is required to take into consideration the assessment on the archaeological heritage impact with proposed mitigation measures for comment and agreement by AMO before implementation;
- (c) it is noted that the proposed farming area and some of the proposed single-storey structures are located in close vicinity to the Pak Shui Wun SAI. The applicant should inform her office immediately of discovery of any antiquities or supposed antiquities during the course of works and activities; and
- (d) the advisory comments are at **Appendix IV**.

Urban Design and Landscape

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

Urban Design

- (a) the Site is embraced by well-vegetated hillslopes and in close proximity to the beach of Pak Shui Wun and some fallow agricultural land. Apart from the subject development, the “CA” zone where the Site is located has not been disturbed;
- (b) nevertheless, the original vegetation cover of the Site has been cleared since 2007 and the visual character of the “CA” zone in the area has already been affected (**Plans A-3a and A-3b**). Given the low-rise nature (not more than 4.5m high) of the proposed organic farm and education centre, significant visual impact on the area is not anticipated;

Landscape

- (c) the Site is located in an area of settled valleys landscape character predominated by dense woodlands. According to the site photos (**Plans A-4a to A-4c**), the proposed organic farmland is already in operation. Vegetation clearance has been carried out within the Site since 2007 according to aerial photos (**Plans A-3b**). The construction of the 17 structures has already disrupted the landscape resources and posed adverse landscape impact on the natural environment, and is considered incompatible with the landscape character of the surrounding natural environment;
- (d) the applicant confirms that “*no tree felling*”, “*no landscape impact*” and “*the existing trees on site would be well preserved*” and will provide tree care, tree protection and tree maintenance measures to maintain the existing trees at the Site. However, no landscape proposal is provided by the applicant to demonstrate that the proposal would not generate adverse landscape impact on the surrounding natural environment;
- (e) should the application be approved, approval conditions on the submission and implementation of a landscape master plan should be imposed; and
- (f) the advisory comments are at **Appendix IV**.

Nature Conservation

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

- (a) no comment on the subject application from nature conservation perspective in view that the Site has been developed and currently is farmland;
- (b) given the proposed use is entirely land-based and provided that the water quality of any drainage/sewage discharge is acceptable, adverse impact to the nearby stream or coastal habitats is not anticipated; and
- (c) it is noted that some of the structures at the Site are not covered by Letter of Approval (LoA) and Certificates of Exemption (CoE) for agricultural structures.

Environment

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

- (a) no in-principle objection to the application;
- (b) there is no public sewer in the vicinity of the Site. As clarified by the applicant, the sewage from the two toilets will be stored in holding tanks and the wastewater from the staff kitchen will be collected and disposed into the holding tanks as well. The sewage and wastewater stored in the holding tanks will be collected by licensed collector for tanker-away regularly;
- (c) the Site has not been subjected to any substantiated environmental complaint in the past three years;
- (d) given the nature and scale of the proposal, it is anticipated that the proposed development will unlikely result in adverse environmental impact under DEP's ambit;
- (e) the applicant should take appropriate measures including good housekeeping measures for the animal urine / excrement, rubbish, etc. in order to prevent water quality pollution and comply with Water Pollution Control Ordinance. On the other hand, the applicant is advised that the capacity of the sewage holding tanks should be sufficient for the wastewater generated on-site, including effluent from toilets and kitchen, etc., and the sewage should be disposed at a location off-site by licensed collector. Precautionary measures

including alarm system, routine inspection and maintenance should be provided to avoid leakage of sewage from the holding tanks;

- (f) the applicant is advised that all projects including new access road, railways, sewers, sewage treatment facilities, earthworks, dredging works and other building works partly or wholly in a conservation area are designed projects requiring an Environmental Permit for their construction and operation unless the works belong to exception (a) - (j) under Item Q.1 of the Environmental Impact Assessment Ordinance; and

- (g) the advisory comments are at **Appendix IV**.

Drainage

9.2.6 Comments of the Chief Engineer/Mainland South, Drainage Service Department (CE/MS, DSD):

- (a) no objection to the application from drainage viewpoint;
- (b) if the application is approved, conditions requiring the submission and implementation of drainage proposal to ensure that the proposed use will not cause adverse drainage impact on the adjacent area should be imposed; and

- (c) the advisory comments are at **Appendix IV**.

Fire Safety

9.2.7 Comments of the Director of Fire Services:

- (a) no in-principle objection to the application subject to the provision of fire service installations to his satisfaction; and

- (b) the advisory comments are at **Appendix IV**.

10. Public Comments Received During Statutory Publication Periods

During the statutory public inspection periods, a total of six public comments were received (**Appendix V**). A supporting comment is received from the Sai Kung Central Lee Siu Yam Memorial School on the grounds that the proposal would promote organic farming, local agricultural activities and environmental education. Five public comments objecting to the application were received from Kadoorie Farm & Botanic Garden Corporation, The Conservancy Association and an individual, and their grounds of objection are summarised as follows:

- (a) the proposed use is not in line with the planning intention of the “CA” zone;
- (b) the proposed structures will occupy about 12% of the Site. However, no details are provided to illustrate how the land would be recovered after termination of the temporary use;
- (c) the development scale of the current application has substantially increased as compared with the previous application No. A/SK-CWBN/8;
- (d) no information is provided by the applicant regarding the collection, treatment and disposal of sewage and waste. As the Site is within the “CA” zone and located adjacent to a natural stream in Pak Shui Wun, the potential leaking of sewage and waste due to undesirable management at the Site will impose serious environmental impact on the “CPA” zone and the Port Shelter;
- (e) as the applicant has not provided site management and operation plans on aspects such as crowd control, waste management and provision of utilities, and adverse environmental impacts arising from the proposed use are not fully assessed; and
- (f) approval of the application will set an undesirable precedent of “destroy first, build later” activities within the “CA” zone.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary organic farmland cum education centre for a period of three years within an area zoned “CA” on the OZP (**Plan A-1**). While organic farmland is always permitted within the “CA” zone, temporary education centre not exceeding a period of three years requires permission from the Board. 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 the “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 are essential infrastructure projects with overriding public interest may be permitted. Moreover, filling and excavation of land including that to effect a change of use to any of those specified in Columns 1 and 2 of the Notes of the “CA” zone, also require permission from the Board. As shown on the site photos (**Plans A-4a to A-4c**), the construction of the existing structures and wooden bridge linking the two portions of the Site may have involved filling/excavation of land for the site formation works. However, the applicant has not covered such works in the current application.

- 11.2 The applicant claims that the proposed use which involves agricultural study research and educational activities can promote organic farming and ecological conservation. However, according to the applicant, the education centre would only serve exclusive members and/or education programme participants who would not be allowed to involve in the farming activities. The applicant has not provided any details of the education programme and demonstrated how the operation of the proposed education centre can serve the purpose of environmental education to support the conservation of the existing natural landscape or scenic quality of the area; or are essential infrastructure projects with overriding public interest within the “CA” zone. As such, the applicant fails to provide strong justification which warrants a departure from the planning intention of the “CA” zone, even on a temporary basis.
- 11.3 While agricultural use is always permitted within the “CA” zone, the structures on Site, except structure No. 2 which is for education centre, are for agricultural use, the applicant fails to demonstrate that the temporary structures are necessary to support agricultural use and are commensurate with the organic farm operation. DAFC advises that some of the structures at the Site are not covered by LoA and CoE for agricultural structures.
- 11.4 The Site is embraced by well-vegetated hillslopes and in close proximity to the “CPA” zone and the beach of Pak Shui Wun. The “CA” zone where the Site is located has generally not been disturbed. While DAFC has no comment on the application from nature conservation perspective, it is noted that the original vegetation cover at the Site has been cleared since 2007 (**Plans A-3a and A-3b**). As pointed out by CTP/UD&L, PlanD, the construction of the 17 structures has already disrupted the landscape resources and posed adverse landscape impact on the natural environment, and is considered incompatible with the landscape character of the surrounding natural environment. Besides, the applicant has not submitted landscape proposal to demonstrate that the proposal would not generate adverse landscape impact on the surrounding natural environment.
- 11.5 The planning permission under the previous application (No. A/SK-CWBN/8) for proposed filling and excavation of land for agricultural use was granted upon review by the Board for a period of three years only instead of a permanent approval sought, mainly on the consideration that the proposed filling and excavation of land involved a reasonable extent for the proposed organic farm. Nevertheless, upon expiry of the planning permission in 2011, the Site has not been reinstated as required under the relevant approval condition of the planning permission. It is noted that majority part of the Site is subject to active enforcement action as detailed in paragraph 4 above. Whilst the southern part of the Site under the previous planning permission was for proposed filling and excavation of land for agricultural use, the current application involves both an organic farm and an education centre, and there are substantial increases in site area, site coverage and number of temporary structures (from eight to 17, or about 113% increase).

- 11.6 While land administration issues should be dealt with separately, DLO/SK has adverse comments on the application since there are unauthorized structures within the Site. Lease enforcement action has already been/will be taken against the unauthorized structures (**Plan A-2b**). Other relevant government departments, including the Commissioner for Transport, CE/MS, DSD and Chief Engineer/Construction, Water Supplies Department have no objection to or no adverse comment on the application.
- 11.7 There is a similar application (No. A/SK-CWBN/66) for proposed temporary educational field study centre for a period of three years and associated excavation of land within areas zoned “CA” and “CPA” on the OZP. The application was rejected by the Committee on 24.9.2021 mainly on the grounds of being not in line with the planning intentions and causing adverse ecological, traffic and sewerage impacts on the site and the surrounding area. The circumstances of the current application are similar to those of the similar application in that the proposal is not in line with the planning intention of the “CA” zone and the applicant fails to demonstrate that the proposed use would not cause adverse landscape impact on the Site and the surrounding area. Rejection of the current application is consistent with the Committee’s previous decision.
- 11.8 The supporting public comment is noted. Regarding the public comments objecting to the application on the grounds as detailed in paragraph 10 above, the government departments’ comments in paragraph 9 and the planning assessments in paragraphs 11.1 to 11.7 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reasons:
- (a) the proposed use is not in line with the planning intention of the “Conservation Area” (“CA”) zone, which is primarily to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes. There is a general presumption against development in the “CA” zone. The applicant fails to provide strong justification in the submission for a departure from the planning intention of the “CA” zone, even on a temporary basis; and
 - (b) the applicant fails to demonstrate that the proposed use would not generate adverse landscape impact on the application site and the surrounding natural environment.
- 12.2 Alternatively, 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

three years until 19.5.2026. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a landscape master plan within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 19.11.2023;
- (b) in relation to (a) above, the implementation of the landscape master plan within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 19.2.2024;
- (c) the submission of a fire service installations and water supply for firefighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.11.2023;
- (d) in relation to (c) above, the provision of fire service installations and water supply for firefighting proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.2.2024;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 19.11.2023;
- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 19.2.2024;
- (g) if any of the above planning condition (a), (b), (c), (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and shall on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form with planning statement received on 11.1.2023
Appendix Ia	FI received on 17.2.2023
Appendix Ib	FI received on 16.3.2023
Appendix Ic	FI received on 3.4.2023
Appendix Id	FI received on 8.5.2023
Appendix Ie	FI received on 11.5.2023
Appendix II	Previous and Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Layout plan
Drawing A-2	Access Route Plan
Plan A-1	Location plan
Plans A-2a to A-2b	Site plan
Plan A-3a and A-3b	Aerial photos
Plans A-4a to A-4c	Site photos