

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HC/332

<u>Applicants:</u>	Fine Rolling Limited, China Progress Limited and Ms. Cheung Mei Chun represented by DeSPACE (International) Limited
<u>Site:</u>	Lot 115 (Part) in D.D. 247, Ho Chung, Sai Kung, New Territories
<u>Site Area:</u>	About 3,775m ²
<u>Lease:</u>	Old Schedule Agricultural Lot held under Block Government Lease
<u>Plan:</u>	Approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/11
<u>Zoning:</u>	“Recreation” (“REC”)
<u>Application:</u>	Proposed Hotel (Guesthouse) Ancillary to a Permitted Place of Recreation, Sports or Culture (Recreation Centre)

1. The Proposal

- 1.1 The applicants seek planning permission for proposed hotel (guesthouse) ancillary to a permitted place of recreation, sports or culture (recreation centre) at the application site (the Site) zoned “REC” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Hotel’ is a Column 2 use within the “REC” zone which requires planning permission from the Town Planning Board (the Board)¹, whilst a recreation centre can be regarded as ‘Place of Recreation, Sports or Culture’ which is always permitted within the “REC” zone. The Site is currently a piece of unused land overgrown with groundcover and some trees.
- 1.2 According to the submission, the proposed development is a recreation centre that comprises two blocks of buildings, namely the ‘Wellness Retreat’ and the ‘Guesthouse’. The recreational facilities (e.g. fitness room, table tennis room and activity room), reception, office and other essential services (such as transformer room) are housed in the ‘Wellness Retreat’ Block. In addition, ten guestrooms, which are subject to permission by the Board as mentioned in paragraph 1.1 above, are to be provided in the ‘Guesthouse’ Block, which takes up about 36% of the total gross floor area (GFA) of the proposed development (**Drawings A-1 to A-5**). In terms of the mode of operation, the proposed recreation centre with the guesthouse

¹ The Notes of the OZP for the “REC” zone also stipulate that no residential development shall exceed a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m). However, these restrictions are not applicable to the proposed guesthouse.

will be offered to visitors under a bundled reservation, i.e. only those visitors to the 'Wellness Retreat' Block can stay in the 'Guesthouse' Block, and vice versa. The major development parameters of the proposed development are as follows:

	'Wellness Retreat' Block	'Guesthouse' Block	Total
Site Area (about)	-	-	3,775m ²
GFA (about)	1,300m ² (64%)	740m ² (36%)	2,040m ²
Plot Ratio (about)	0.34	0.2	0.54
Site Coverage (about)	21.1%	11.4%	32.5%
Building Height (m/ no. of storeys)	9m/ 2 storeys	6m/ 2 storeys	N.A.
Private car parking spaces	-	-	5
Loading/unloading Bay for Light Goods Vehicles	-	-	1

- 1.3 According to the submission, two building blocks with a wide gap in between is proposed to enhance air and visual permeability. Landscape treatments and greening will be provided across the Site, with a greening ratio of about 40% (**Drawing A-6**). Six trees of common species are currently found within the Site, of which two are proposed to be felled. 16 trees are proposed to be planted on the Site.
- 1.4 The Site is accessible from a local track branching off from Ho Chung Road to the southeast of the Site. According to the applicants' submission, a 6m-wide access road will be provided to connect the northeastern boundary of the Site to Ho Chung Road and the applicants commit to undertaking necessary modification at the access road junction. Five private car parking spaces and one loading/unloading bay will be provided within the Site (**Drawing A-1**). While no shuttle bus service will be provided and visitors will be suggested to use public transport, and those who intend to drive will be required to make prior reservation of parking spaces.
- 1.5 In support of the application, the applicants have submitted an environmental assessment (EA), a sewerage and drainage impact assessment (SDIA) and risk assessment reports in relation to the water gathering grounds (WGG). Since the Site falls within the WGG with no public sewerage in its vicinity, the applicants propose to store the sewage generated by the proposed development with stainless steel holding tanks housed in an underground concrete plant room, which will be cleared and tankered away every three days.
- 1.6 The master layout plan, floor plans, sections, and landscape master plan submitted by the applicants are attached at **Drawings A-1 to A-6**.
- 1.7 In support of the application, the applicants have submitted the following documents:

- (a) Application Form received on 6.9.2021 incorporating (Appendix I) replacement pages via Supplementary Information dated 10.9.2021
- (b) Further Information (FI) providing a consolidated (Appendix Ia) supplementary planning statement which supersedes all previous original and FI submissions² (accepted and exempted from publication and recounting requirements)

1.8 The Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application as requested by the applicants on 29.10.2021 and 18.2.2022 respectively.

2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in Section 5 of the planning statement at **Appendix Ia**. They can be summarised as follows:

- (a) the proposed guesthouse is considered a low-rise accommodation ancillary to and in support of the recreational development, which is in line with the planning intention of the “REC” zone;
- (b) the proposed recreation centre with the guesthouse will offer holiday accommodations which in turn promote green tourism and cater for the latest trends of recreational provisions;
- (c) the proposed uses are passive, low-intensity and non-polluting, which are compatible with the surrounding rural character; and
- (d) the proposed development will not cause adverse air, noise, traffic and visual impacts.

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

The applicants are the sole “current land owners” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Previous Application**

There is no previous application covering the Site.

² Prior to the submission of the consolidated supplementary planning statement, the applicants have previously submitted seven FI submissions (received on 31.12.2021, 14.4.2022, 6.6.2022, 15.7.2022, 29.8.2022, 10.10.2022 and 4.11.2022) to respond to departmental comments and to revise relevant technical assessments. The first six submissions were accepted but not exempted from publication and recounting requirements while the last submission (received on 4.11.2022) was accepted and exempted from publication and recounting requirements.

5. Background

The Site is the subject of a planning enforcement case covering a larger area against unauthorized storage use (**Plan A-2**). Reinstatement Notice was issued on 16.4.2020 requiring the reinstatement of the concerned land. Subsequent site inspections revealed that the Site had been reinstated and Compliance Notice was issued on 3.3.2022.

6. Similar Application

There is no similar application for 'Hotel' within the "REC" zones on the OZP.

7. The Site and its Surrounding Areas (Plans A-1, A-2 and photos on Plans A-3, A-4a to A-4c)

7.1 The Site is:

- (a) a piece of unused land overgrown with groundcover and some trees;
- (b) located entirely within the WGG; and
- (c) accessible from Ho Chung Road via a track to the southeast of the Site.

7.2 The surrounding areas have the following characteristics:

- (a) the western part of Ho Chung Valley is mainly of rural character with cultivated/fallow agricultural land, tree clusters and groundcovers disturbed by temporary uses and open storage yards;
- (b) to the north across Ho Chung Road are mainly a piece of unused land and vegetated slope within the "REC" and "Conservation Area" zones respectively;
- (c) to the east and southeast within the same "REC" zone are existing open storage yards and other temporary uses; and
- (d) to the west within the "Green Belt" zone is land previously involved in unauthorized storage use but has now been largely reinstated and covered by groundcovers.

8. Planning Intention

The planning intention of the "REC" zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

9. Comments from Relevant Government Departments

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

Land Administration

9.1.1 Comments of the District Lands Officer/Sai Kung, Lands Department:

- (a) the private lot affected by the proposed development is an old schedule agricultural lot held under Block Government Lease that no building/structure is permitted and noisome and offensive trades are not allowed. Land exchange for effecting the proposed recreation centre and guesthouse would be needed;
- (b) detailed comments from the land administration point of view are at **Appendix II**; and
- (c) if the subject application is approved by the Board, the applicants may need to submit to his Office a land exchange application for the Site with necessary information to effect the proposed development. However, there is no guarantee that the proposed land exchange will be eventually approved by the Government and proceeded to documentation. Such land exchange application, if eventually approved, will be subject to such terms and conditions including the payment of a premium as the Government considers appropriate at its discretion.

Traffic

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

- (a) no objection to the application. Should the application be approved, it is suggested that the following approval condition be imposed:

the design and provision of the access road connecting between Ho Chung Road and the Site (including vehicular access, pedestrian access and the road junction connecting to Ho Chung Road), car parking and loading/unloading facilities to the satisfaction of C for T or of the Board.; and
- (b) the arrangement for the transportation of tanked sewage is considered tolerable from the traffic engineering perspective. The applicants should be reminded to note the constraints of Ho Chung Road and adopt sufficient safety measures to ensure safe operation of heavy vehicles along Ho Chung Road.

Nature Conservation

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

- (a) no comment on the application; and
- (b) the trees proposed to be felled are common tree species or weedy species.

Urban Design and Landscape

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

Urban Design and Visual

- (a) the proposed guesthouse is low-rise in nature and forms part of the recreational use within the “REC” zone. It is considered compatible with the surrounding environment. Given the context and small scale of development, it is anticipated that the proposed development would not induce significant adverse visual impact to the surrounding;
- (b) nevertheless, the applicants should be advised to incorporate further design treatment on the building façade and provision of buffer planting to blend in well with the surrounding environment;

Landscape

- (c) no comment on the application from the landscape planning perspective;
- (d) according to the submission, 17 existing trees of common species are included in the tree survey, 6 of which fall within the Site. A *Carica papaya* (番木瓜) and a *Leucaena leucocephala* (銀合歡) within the Site are proposed to be felled, and a total of 16 trees will be mainly planted at the landscaped area on ground floor and along the Site boundary; and
- (e) the applicants should be reminded that approval of the application does not imply approval of the tree works such as pruning, transplanting and/or felling. The applicants should be reminded to approach relevant authority/ government department(s) direct to obtain necessary approval on tree works, where appropriate.

Environment

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

- (a) no in-principle objection to the application;
- (b) based on the submission, there is no existing sewerage system in the vicinity of the Site and a sewage holding tank with regular tanker-away arrangement is proposed. Level sensor will be equipped in the sewage holding tank. The trained on-site staff and the operation and maintenance team will carry out routine inspection, maintenance, calibration and replacement of the level sensors and alarm system. With the provision of the sewage holding tank and precautionary measures, it is anticipated that the proposed development will unlikely cause adverse water quality impacts;
- (c) according to the findings of the submitted EA, there is no active

chimney within 200m of the Site boundary and a separation distance of more than 5m is allowed between the nearest road and sensitive uses of the proposed development, which complies with the required buffer distance; and

- (d) it is noted that operation of the recreational facilities will be from 7 a.m. to 8 p.m. and all passive recreational activities will be stopped after 8 p.m. The applicants undertake that no outdoor public address system or outdoor loudspeaker system will be used at the Site to avoid any potential noise impact from the operation.

Water Supply

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

- (a) no objection to the application subject to imposing an approval condition on “the submission of revised risk assessment report(s) in full to prove and demonstrate that there is no material increase in pollution effect resulting from the proposed development and the implementation of the control, mitigation, preventive and contingency measures recommended therein to the satisfaction of the Director of Water Supplies or of the Board”; and
- (b) other detailed comments are at **Appendix II**, and the particular requirements set out therein should be fully addressed in the risk assessment report(s).

Drainage and Sewerage

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

- (a) no in-principle objection to the application;
- (b) the detailed comments on the SDIA are at **Appendix II**; and
- (c) should the application be approved, it is recommended to impose the following approval condition: “the submission of a revised drainage impact assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Board”.

Fire Safety

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

- (a) no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction; and
- (b) the detailed comments are at **Appendix II**.

Building Matters

- 9.1.9 Comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department:

no objection to the application subject to the detailed comments under the Buildings Ordinance at **Appendix II**.

Tourism Aspect

- 9.1.10 Comments of the Commissioner for Tourism (C for Tourism):

the proposed guesthouse will help increase the provision of hotel/guesthouse facilities and broaden the range of accommodations for our visitors. In this regard, she has no objection to the proposed guesthouse at the Site provided that it is agreeable to all relevant government departments.

Licensing Aspect

- 9.1.11 Comments of the Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department:

- (a) no licence application for operation of a guesthouse at the Site was received by the OLA; and
- (b) the detailed comments under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) are at **Appendix II**.

District Officer's Comments

- 9.1.12 Comments of the District Officer (Sai Kung), Home Affairs Department:

- (a) no comment on the application; and
- (b) there is no facility maintained by his Office in the vicinity of the Site.

- 9.2 The following government departments have no objection to/ no comment on the application:

- (a) Chief Highway Engineer/New Territories East, Highways Department;
- (b) Project Manager (East), East Development Office, Civil Engineering and Development Department;
- (c) Head of Geotechnical Engineering Office, Civil Engineering and Development Department; and
- (d) Chief Engineer (Works), Home Affairs Department.

10. Public Comments Received During Statutory Publication Periods

- 10.1 The application and FI were published for public inspection. During the public inspection periods, a total of 673 public comments were received, including 268 supporting and 405 opposing comments. A full set of the public comments is

deposited at the meeting for Members' inspection.

- 10.2 The 268 supporting comments (including 264 standard letters in various formats, samples at **Appendix IIIa**) were submitted by individuals. The major supporting grounds are that the Site is a suitable location for the proposed development; there is a need for the proposed recreation centre and guesthouse to meet the latest trends in tourism and recreation; the proposed guesthouse would cater for demand for overnight accommodation; and no adverse impacts or nuisances are anticipated.
- 10.3 The 405 opposing comments (including 335 standard letters in various formats, samples at **Appendix IIIb**) were submitted by the Sai Kung Rural Committee, 蠔涌村村務委員會, village representatives of villages along Ho Chung Road, Designing Hong Kong Limited and individuals. The main opposing grounds are summarised below:
- (a) the Site is only accessible via the single-lane Ho Chung Road. The proposed development will exacerbate traffic congestion and illegal parking in the area;
 - (b) sewage generated by the proposed development may contaminate the WGG; and
 - (c) adverse ecological and noise impacts are anticipated.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed recreation centre with retreat facilities and a hotel (guesthouse) at the Site falling within the "REC" zone on the OZP. Whilst the 'Wellness Retreat' facilities are always permitted within the "REC" zone, the proposed guesthouse requires planning permission from the Board. Nonetheless, it is noted that the proposed guesthouse forms part and parcel of the applicants' intended mode of operation for the proposed development that features overnight retreats.
- 11.2 The planning intention of the "REC" zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission. C for Tourism considers that the proposed guesthouse can help increase the provision of hotel/guesthouse facilities and broaden the range of accommodations for visitors. The proposed recreation centre with the guesthouse in support of the developments of recreation and tourism are considered generally in line with the planning intention of the "REC" zone.
- 11.3 The Site is situated in an area of rural character with cultivated/fallow agricultural land, tree clusters and groundcovers disturbed by temporary uses and open storage yards. The proposed 2-storey (6 - 9m) building blocks with a total GFA of about 2,040m² is considered small in scale. CTP/UD&L, PlanD has no adverse comment on the application from urban design and visual perspectives. While felling of two trees at the Site is proposed, CTP/UD&L, PlanD and DAFC advise that the concerned trees are of common/ weedy species, and they have no adverse

comments on the application.

- 11.4 The Site is located within the WGG and there is no existing sewerage system in its vicinity. The applicants propose a sewage holding tank with regular tanker-away arrangement for sewage disposal. Taking into account the above measures, DEP considers the proposed development will unlikely cause adverse water quality impacts, while CE/C, WSD has no objection to the application subject to imposing the recommended approval condition in relation to the submission of revised risk assessment report(s) and implementation of various measures identified therein. On traffic aspect, the applicants commit to providing an access road to the Site and undertaking necessary modification at its junction with Ho Chung Road. C for T has no objection to the application and recommends an approval condition to be imposed in relation to these traffic measures. As for the environmental, drainage and fire safety aspects, concerned departments, including DEP, CE/MS, DSD and D of FS, have no adverse comment. Should the application be approved, relevant approval conditions as recommended by the concerned departments should be imposed.
- 11.5 The supporting public comments are noted. Regarding the public comments opposing the application mainly on traffic, environmental and ecological grounds, departmental comments in paragraph 9 and the planning considerations and assessments above are relevant. It should be noted that relevant departments consulted have no objection to the application regarding the above aspects.

12. Planning Department's View

- 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 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 9.12.2026, 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' consideration:

Approval Conditions

- (a) the design and provision of the access road connecting between Ho Chung Road and the application site (including vehicular access, pedestrian access and the road junction connecting to Ho Chung Road), car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission of revised risk assessment report(s) in full to prove and demonstrate that there is no material increase in pollution effect resulting from the proposed development and the implementation of the control, mitigation, preventive and contingency measures recommended therein to the satisfaction of the Director of Water Supplies or of the Town Planning Board;

- (c) the submission of a revised drainage impact assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) 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.

Advisory Clauses

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

12.3 There is no strong reason to recommend rejection of the application.

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 applicants.

14. Attachments

Appendix I	Application Form
Appendix Ia	Consolidated Planning Statement
Appendix II	Detailed Departmental Comments
Appendices IIIa and IIIb	Public Comments – Samples
Appendix IV	Advisory Clauses
Drawing A-1	Master Layout Plan
Drawings A-2 to A-4	Floor Plans
Drawing A-5	Sections
Drawing A-6	Landscape Master Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos